

1 MILFORD PLANNING BOARD MEETING MINUTES ~ **DRAFT**

2 May 28, 2019 Milford Town Banquet Hall, 3rd Floor, 6:30 PM

3
4 **Members Present:**

5 Doug Knott, Chairman
6 Tim Finan, Vice Chairman
7 Susan Robinson, Member
8 Pete Basiliere, Alternate Member
9 Paul Amato, Member
10 Jacob LaFontaine, Member

Staff:

Lincoln Daley, Planning
Darlene Bouffard, Recording Secretary
Videographer, Hazen Soucy

11
12 **Excused:**

13 Laura Dudziak, Selectmen's Rep.
14 Janet Langdell, Member

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16
17
18 **1. Call to order:**

19 Chairman Knott called the meeting to order at 6:30 p.m., introductions were made of Board members; it was
20 noted that Pete Basiliere is an Alternate member and will vote in the absence of Janet Langdell this evening.

21
22 **2. Review/Approval of Meeting Minutes: 5/7/19.** P. Amato moved to approve the minutes of 5/7/19 as
23 presented. J. LaFontaine seconded. All were in favor. Motion passed with D. Knott abstaining.

24
25 **3. Public Hearings:**

26
27 The Board will vote to accept the following applications as complete and a public hearing on the merits of
28 the proposals will follow:

- 29
30 a. **Jessica Hudson for the properties located at Tax Map 43, Lot 24, 64 Tonella Road and Tax Map 43,**
31 **Lot 30, 0 Power Street.** Public Hearing for a Lot Line Adjustment application to modify the property
32 lines between the subject properties for the benefit of Map 43, Lot 24 within the Residential B and
33 Industrial Zoning Districts.

34
35 D. Knott asked for all participants to speak loudly in the Banquet Hall, as there are not a lot of
36 microphones to pick up audio. T. Finan moved to accept the application as complete. J. LaFontaine
37 seconded. All were in favor. Motion passed unanimously. P. Amato moved no potential regional
38 impact. T. Finan seconded. All were in favor. Motion passed unanimously. The abutters list was read;
39 the following abutters were present: The Dubai Group-Doug MacGuire PE and the Town of Milford,

40
41 D. MacGuire of the Dubai Group, representing the applicant, indicated the lot on Powers Street was
42 purchased with the primary purpose of providing a buffer for their property on Tonella Road. The plan is
43 to eventually have some type of commercial activity on the Powers Street lot; a no-cut covenant is being
44 placed on this lot and this Lot Line Adjustment will give a little of that parcel to the Quarry property for
45 access on Powers Street. Everyone knows the hardship of Tonella Road (having no outlet) and think it is
46 in their best interest to acquire that parcel for future access. There are no immediate plans for that
47 commercial piece, but they would still keep that access point. Mr. MacGuire asked for questions.

48
49 P. Amato asked what land is left after the no disturb easement is done? D. MacGuire responded the initial
50 layouts were discussed, he is not sure of that buffer easement, but it would still be to the benefit of that
51 lot. S. Robinson asked if the entire parcel is 3.07 acres? D. MacGuire said yes, it does limit the
52 development of that piece but it is still viable land. P. Amato asked if the lot is industrial, to which L.
53 Daley responded that it is. P. Amato said a buildable parcel must be two acres, that is the owner's issue
54 but it meets the requirements. There is a frontage requirement on industrial land. T. Finan asked where is
55 the easement? D. MacGuire said the Powers Street lot was the full piece, we are creating the Lot Line
56 Adjustment to give 50 feet of frontage on Powers Street to the Tonella Road development. P. Amato said
57 there is the potential of a new road, but not to tie into Powers Street, to be able to keep both Powers and

58 Tonella Roads from being dead ends. Mr. MacGuire said this is for the owners to have access off Powers
59 Street. S. Robinson said the Milford Conservation Commission comments on the non-disturb buffer is
60 what is planned. Mr. MacGuire said that is correct. L. Daley asked that monumentation notes be added
61 to the plan as well as the Planning Board signature block and the Conservation Easement for the language
62 restrictions. L. Daley said it is a buffer easement, but it would be good to have a copy of that in
63 Community Development for enforcement purposes. L. Daley has a comment in his staff
64 recommendation for the plan to reflect the removal of the stone house that has already taken place. P.
65 Amato said one of the homes shows it is very close to the lot line. Mr. MacGuire said that is a surveyed
66 location, it is not a livable structure, it is a garage for storage, it is not heated. The only two livable
67 houses are the structures closest to the quarry. When this plan was first created, the stone house was still
68 there and the house was still there, that needs to be adjusted accordingly. D. Knott opened the hearing to
69 the public. Seeing no questions or comments from the public, D. Knott closed the public hearing.
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71 P. Amato moved to conditionally approve the Lot Line Adjustment, with the conditions listed in the Staff
72 Memo as follows: 1) Confirm the intent of the proposed 50' area labeled Parcel A; 2) Update the existing
73 conditions associated with Map 43/Lot 25-1 and Map 43/Lot 25 to reflect (at a minimum) the relocation
74 of the existing house and removal of the stone cutting structure; 3) Add a note to the plan stating that prior
75 to the signing the plan, all monumentation shall be set and noted on the plan or a security be provided to
76 the Town to cover the cost of monumentation; 4) Amend the plan to include Planning Board and Owner
77 signature blocks; 5) Submit a copy of the "No Disturb Buffer Easement" to the Community Development
78 Office for review and comment. T. Finan seconded the motion. All were in favor. Motion passed
79 unanimously.
80

- 81 **b. KGL Landscape Construction, LLC, Tax Map 8, Lot 73, 211 Mont Vernon Road.** Public Hearing
82 for a Minor Subdivision application to subdivide the existing lot of record into three total parcels within
83 the Residential A Zoning District. T. Finan moved to accept the application as complete. J. LaFontaine
84 seconded. All were in favor. Motion passed unanimously. T. Finan moved no potential regional impact.
85 J. LaFontaine seconded. All were in favor. Motion passed unanimously. The abutters list was read. The
86 following abutters were present: KGL Landscape Construction LLC; Tyrone Forbes; Town of Milford;
87 Fieldstone Land Consultants – Michael Ploof.
88

89 Michael Ploof, Fieldstone Land Consultants representing the applicant, explained this application is to
90 subdivide the parcel into three lots – two residential and one commercial. The commercial lot has 14
91 acres with 450' frontage before subdivision. The open space is 12.9 acres. The former use of this lot was
92 the bus dispatch and parking area. The applicant is proposing two new residential lots; lot 8-73-1 will
93 have 153 feet of frontage and 8-73-2 will have 11 acres with 150 feet of frontage. The Commercial lot
94 currently has a car repair and garage business with 150 feet of frontage. There are two easements being
95 proposed, one utility and one for access. The applicant proposes the access easement for the lot that runs
96 along the right of way. The right of way was created in the 1940's to access one of the lots. The lot
97 configuration is unconventional but we are trying to keep the commercial use and make two residential
98 lots and leave the existing garage on the commercial lot. When driving by the lot, it will be more pleasant
99 to look at. The lot is wooded, none of the grades will be changed. The site drains down to an existing
100 basin which will not change. It flows down to the basin and to the Right of way. The buildings on the
101 plan can be adjusted.
102

103 P. Amato asked about the brown line shown on the plan – what is that? M. Ploof answered he wanted to
104 show where the gravel is located and noted the drainage will improve. S. Robinson asked about the back
105 lot and where the house will be located. M. Ploof said the house will be near the front of that lot and
106 nothing will be on the back because it is wet. P. Amato said the frontage as shown does not meet the
107 spirit of the ordinance and the applicant should get a variance from the ZBA. L. Daley asked P. Amato if
108 the configuration meets the intent? The physical frontage is met but the lay out should be discussed. P.
109 Amato said they have met the ordinance but does it meet the spirit of the ordinance? L. Daley said they
110 tried to orient the lots to avoid conflict, with the 15' it might lead to conflict of property owners as to who
111 owns what in the yards. P. Amato said they are trying to create a back lot and he thinks it should meet the
112 requirements. L. Daley said that would require a variance to seek relief from frontage. P. Amato said the

113 15' is of no value to them, that meets the requirement but it is really a back lot and he thought Milford
114 was getting away from creating back lots. D. Knott said the Planning Board should decide on that right
115 now. M. Ploof stated the plan meets the regulations. P. Amato said it does not meet the intent of the
116 ordinance. M. Ploof said this is a unique situation, there have been other lots that have been approved
117 like this, on Mile Slip Road which has 12' of frontage. We want to stay away from the back part of the
118 lot because it is wet. P. Amato has a problem with the 15' frontage; there is no access from the road. L.
119 Daley said one problem is the number of access points on one driveway. According to this plan, it is also
120 allowing access for the commercial parcel. P. Amato thinks they need to go to the ZBA for a back lot,
121 since the frontage requirement is 50' instead of 150'. M. Ploof said that would create a smaller lot for 8-
122 73-1 by getting a variance. P. Amato said a variance can be requested for any frontage.

123
124 M. Ploof asked if the Planning Board could be polled. J. LaFontaine agrees with P. Amato. P. Basiliere
125 asked about the south entrance. P. Amato said they can use it but that is just to get to the back lot. The
126 ordinance calls for a certain amount of frontage, by getting 15', it is not meeting the spirit of the
127 ordinance. T. Finan, S. Robinson both agreed with P. Amato. M. Ploof asked if it could be tabled to the
128 next meeting so that they can go to the ZBA. L. Daley explained if there are substantial changes, it would
129 require a new plan. P. Amato asked if this application could be tabled. L. Daley suggested tabling it to
130 the first meeting in July. Seeing no further comments or questions from the Board, D. Knott opened up
131 the public hearing to the abutters and interested parties.

132
133 Tyrone Forbes, of Wilton, is in favor of this project but he has a 30' Right of Way (ROW) and travels
134 back and forth on the right of way. He wants to keep the ROW gravel, as long as this does not change he
135 approve of the plan, the ROW has been there 70 years and he has had a lot of problems. Mr. Forbes
136 wants to make sure the ROW is kept open at all times since it is a permanent Right of Way. For many
137 years, First Student bus company blocked access through this ROW. This ROW was granted through
138 Superior Court. In 1948 the ROW was created, it was re-designed in 1984 because the deed is not clear.
139 M. Ploof explained the ROW and said they are not proposing any change with the ROW. L. Daley said if
140 the Planning Board decides to continue this application, it might be good to put a note on the plan to be
141 sure it is kept clear. P. Amato sees a future issue because Mr. Forbes can drive within 15' of that house
142 on the ROW. L. Daley said this can be resolved. P. Amato responded it might be a site in the future. Mr.
143 Forbes said he is willing to sell the ROW if there is interest. Mr. Forbes said they should buy the ROW
144 or his property and the ROW to clean up the mess. Karen Isabelle said Mr. Forbes has two driveways off
145 Route 13, but the ROW has value to Mr. Forbes. Hearing no other concerns or comments, D. Knott
146 closed the public hearing.

147
148 P. Amato moved to table this application to the July 23, 2019 Planning Board meeting which will give
149 them time to address the items identified by L. Daley in the staff memo and tonight. J. LaFontaine
150 seconded. All were in favor.

- 151
152
153 **c. Family Dental Care of Milford for the property located at Tax Map 19, Lot 13, 150 Elm Street and**
154 **Tax Map 19, Lot 14, 154 Elm Street.** Public Hearing for a Major Site Plan application to construct a
155 5,400 square foot addition to the existing 2,400 square foot dental office and related parking, landscaping,
156 lighting, and drainage improvements within the Commercial District and Nashua-Elm Street Overlay
157 District. Waiver request from Section 6.05.6.A.2 of the Zoning Ordinance seeking relief from the Design
158 Review Process. Waiver Request from Section 6.05.6.C.3 of the Zoning Ordinance seeking relief to
159 construct the building addition approximately 70 feet from the public street right of way. Waiver request
160 from Section 6.05.6.D.2.b of the Zoning Ordinance seeking relief to construct the building entrance in the
161 rear of the building.

162
163 S. Robinson moved to accept the application as complete. P. Amato seconded. All were in favor.
164 Motion passed. T. Finan moved no potential regional impact. P. Amato seconded. All were in favor.
165 Motion passed. Abutters were read into the record. The abutters present included: The Dubay Group-
166 Doug MacGuire and Randy Knowles; Town of Milford; Wilsky Investment Group. L. Daley indicated
167 this proposal is in the Nashua/Elm Street Overlay District. A design review would be the next step but

168 due to the discussion at the conceptual review, the applicant asked to go straight to the final review and
169 skip the design review portion. P. Amato move to grant the waiver from the design review. T. Finan
170 seconded. All were in favor. Motion passed.
171

172 Randy Knowles and Doug MacGuire explained that the Dental Group has purchased the property being
173 discussed tonight on Sheet 4. There are two waivers being requested; one to allow the building addition
174 to be approximately 70 feet from the public street right of way and one for the building entrance to be in
175 the rear of the building. An entry “tower” has been proposed for location of entrance to building. R.
176 Knowles is not sure if an additional waiver is needed. The original driveway access was left on Elm
177 Street. There are 40 parking spaces required, there are 6 total practitioners, and the plan is showing 48
178 spaces. Currently there are 16 spaces on the site. P. Amato thinks 48 spaces should be okay. Marcy ____
179 of Wilsky Investments LLC said that each team member has their own schedule and they do not all work
180 every day. R. Knowles explained the drainage is on page 5 of the plan, landscaping is interwoven with
181 the drainage. D. MacGuire tried to maintain what is there now, but saw no drainage control, we are
182 proposing sheet flow be collected and re-charged through rain gardens in the NE and SE corners of the
183 parcel which are designed to accommodate all the storm events up to a 50 year storm. One of the
184 comments is the drainage design was reviewed by KV Partners and their comment was the seasonal high
185 water. It is well drained soil and Doug went today to do some test pits and with today’s rain, the test pits
186 were very good. It is well drained soil. The rain gardens will work quite well. L. Daley asked about the
187 KV Partners report item 3 about the offsite flow. D. MacGuire said there was not much of an increase
188 and the drainage flow can be expanded to include that drainage flow towards them not away. The plan
189 was conservative on the analysis. The infiltration rate will be much faster than originally thought. A lot
190 of the comments were addressed with the test pits.
191

192 S. Robinson asked if soil drainage will be good for ground cover which needs to be put down and
193 irrigated. D. Knott clarified the type of irrigation and asked about snow storage. R. Knowles pointed out
194 where snow storage will be, if it is too much snow, it will be taken off site. D. Knott asked how will the
195 snow get cleared on the site during the day? R. Knowles answered on a snow day or in bad weather,
196 people generally cancel their appointments so there is more space to clear snow. The lights will be on the
197 same side and will not shine on other properties. L. Daley asked hours of operation. Marcy answered
198 they close at 7 p.m. and lights go out by 11 p.m. R. Knowles can add the lighting note on the plan. P.
199 Amato asked if people would be entering in the two-way entrance? R. Knowles answered they are
200 keeping both of the existing entrances, but only one will be two-way and the other will be one way (out).
201 D. Knott asked about sidewalks. L. Daley indicated the closest sidewalk is quite a distance from this
202 property. The sidewalk regulations are looking at “new structures” but this is a use of an existing
203 structure. P. Amato suggested the new building in this district is the Milford Vet which was brought
204 closer to the road. L. Daley said two additional waiver requests need a decision and should be acted on
205 this evening.
206

207 P. Amato moved to grant the waiver request for 6.05.6.C.3. S. Robinson seconded. All were in favor.
208 Motion passed. P. Basiliere asked about the ability for someone walking to access the building without
209 walking in the driveway, is that an issue? D. Knott said if there is someone walking up to the site, there is
210 probably not a high risk or safety issue based on the number of cars entering and exiting. We do not want
211 people to be standing on the side of the road which is a safety risk. L. Daley asked if it could be designed
212 for a sidewalk but not be built? D. MacGuire responded that it is already designed that way, so it could
213 be done in the future. L. Daley asked if that could be noted on the plan as well as a landscaping note with
214 the type of irrigation for landscaping, hours of operation. P. Basiliere was satisfied with that solution
215 since we are encouraging public transport and pedestrian access. Hearing no other comments from the
216 Board, the Chairman asked for public comments or questions. Seeing none, he closed the public hearing.
217 D. Knott called the question.

218 P. Amato moved to conditionally approve the plan as presented and to include the notes for sidewalks to
219 be engineered for the future, but not built; irrigation for landscaping, hours of business, lighting fixtures
220 and hours of operation. P. Basiliere seconded. All were in favor.

221 P. Amato asked about the interconnectivity of the lots as identified in the ordinance. L. Daley said it is a
222 requirement to create interior driveways with abutting properties. The neighboring property has a car
223 parts store on it, so why would that be done? L. Daley it is part of the overlay district to at least consider
224 it. P. Amato indicated it is not appropriate in this location between these parcels as they are very different
225 uses and he would hate to see car part trucks using this parking lot as a cut through with pedestrian traffic.
226 All concurred. L. Daley asked about signage. R. Knowles said a new sign will be used. L. Daley asked
227 if directional signs will be required? R. Knowles said that is being considered, there might be a building
228 mounted sign. L. Daley said the dumpster location should also be on the plan. Three notes on the plan
229 should address police impact fees, groundwater protection district and the Nashua Elm Street Overlay
230 District. A voluntary Lot Line Merger will be needed, which is done through the Assessing office.

231

232 **4. Other Business:** L. Daley indicated the Keogh Site (M/L 23/2 – subdivision) plan will be on the website by
233 June 1. P. Amato requested that all plans have the owner signature on the plan by the time it gets to Planning
234 Board review. It was also requested and agreed that L. Daley will get the plans to Planning Board members
235 by Wednesday prior to the Tuesday meetings.

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237 **5. Adjournment.** The meeting was adjourned at 9:05 p.m. on a motion made by T. Finan and seconded
238 by J. LaFontaine. All were in favor. Motion passed unanimously.

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Date: _____

Signature of the Chairperson/Vice-Chairperson:

MINUTES OF THE 5/28/19 MEETING WERE APPROVED