

1 MILFORD PLANNING BOARD MEETING MINUTES ~ DRAFT

2 November 5, 2019 Board of Selectmen's Meeting Room, 6:30 PM

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4 **Members Present:**

5 Doug Knott, Chairman
6 Tim Finan, Vice Chairman
7 Janet Langdell, Member
8 Jacob LaFontaine, Member
9 Susan Robinson, Member
10 Laura Dudziak, Selectmen's Rep.
11 Pete Basiliere, Alternate Member

Staff:

Kellie Shamel, Planner
Darlene Bouffard, Recording Secretary
Nate Addonizio, Videographer
Lincoln Daley, Community Development Director

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13 **EXCUSED:**

14 Paul Amato, Member
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18 **1. Call to order:**

19 Chairman Knott called the meeting to order at 6:30 p.m. Introductions were made of Board members.
20 Chairman Knott indicated that in the absence of P. Amato, who is excused for this application, alternate
21 Planning Board member P. Basiliere will vote in his place.
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23 **2. Public Hearing:**

- 24
25 a. **Leighton A. White, Inc. (applicant) and Spring Creek Sand & Gravel, LLC (owner)** – Review for
26 acceptance and consideration of final approval for a major site plan for the expansion of an existing sand
27 and gravel operation (Spring Creek) along with associated site improvements. The parcel is located at 0
28 Mile Slip Road in the Residence R District. Tax Map 50, Lot 4-4.

29 Waiver request from the Milford Gravel and Earth Removal Regulations, Article VIII: Operational
30 Standards, paragraph 1, which states that no operation of the gravel and earth removal business shall
31 operate outside the hours of 7:00a.m. – 5:00p.m., Monday through Friday. The applicant requests that the
32 Planning Board relax the requirement to allow operation onsite between the hours of 6:00a.m. – 7:00p.m.,
33 Monday through Friday and 7:00a.m. – 12:00p.m. on select Saturday's when work orders exceed
34 weekday production.

35 *Continued from the October 15, 2019 meeting.*

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37 Chairman Knott introduced the application at 0 Mile Slip Road, Map 50 Lot 4-4, for expansion of an
38 existing sand and gravel operation along with associated site improvements. There is a waiver request for
39 the hours of operation, this application is continued from the original meeting on October 15, 2019 when
40 the request for continuation was received from the applicant. T. Finan moved to accept the application
41 for review. J. Langdell seconded. All were in favor. Motion passed. T. Finan moved there is no
42 potential regional impact. J. Langdell seconded. All were in favor. Motion passed.
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44 The abutters list that included 18 abutters was read into the record; the following 8 abutters were present:
45 Steven & Shelly Lasalle, Anthony Petrain, Paul & Nancy Amato, Martin Sample, Spring Creek Sand &
46 Gravel, Leighton White LLC, Granite Engineering, Town of Milford.
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48 Brent Cole, Granite Engineering, representing the applicant, presented the proposed site plan;
49 accompanying him was John Cronin, attorney for Granite Engineering. Brent Cole explained that Spring
50 Creek Sand & Gravel LLC owns the property being discussed, which was previously owned by Mr.
51 Lorden and a gravel operation was run by Tom Lorden. 440 acres were owned by Mr. Lorden and some
52 of the pit was excavated, Mr. Amato, Spring Creek Sand & Gravel LLC wants to expand the excavation
53 to another area of Map 50, Lot 4-4; the area to be expanded into is about ten acres. The rule is to stay
54 away from abutters by 100 feet. The processing of materials on site was brought to the ZBA for a Special
55 Exception which was granted. The reclamation portion of this application is to bring the land back to its

56 original state. Erosion control will be in effect. An Alteration of Terrain (AoT) has been applied for
57 through the State of NH and is pending at this time; the applicant expects to receive comment within the
58 next month on that application.

59
60 The Conservation Commission met with the engineers last month and they have provided a memo that
61 they have no comments on this application. K. Shamel said the Conservation Commission submitted a
62 memo that they have no comments. Brent Cole said this is a gravel operation that has been going on for
63 many years and they are just looking to continue the work in the gravel pit. This is a very large parcel, it
64 is a great place for a gravel operation. The waiver requesting relief was for the hours of operation. The
65 truck count is based on what is taken out of the pit, it is anticipated there will be an average of 15 trucks
66 per day. That is what is being done now. S. Robinson asked about the hours of operation and the waiver
67 request. Dale White, Leighton White LLC, indicated they have withdrawn that request. S. Robinson also
68 asked about the other requests from the Assessor in the Staff Report. D. Knott reviewed the comments
69 made by the Town Assessor: (responses to concerns in italics)

70 1) Confirm all portions of the original gravel operation have been reclaimed; *Yes they have been*
71 *reclaimed.*

72 2) Confirm how many acres are still active and how many have been reclaimed to date; *the only thing*
73 *not reclaimed yet is the bottom area, it is a gravel road that has stock piles – the reclamation stage is*
74 *when it will be brought to its original state (loamed & seeded) – Brent added that because it has an AoT*
75 *it has higher standards than the town.*

76 3) Should the currently active area be considered Phase 1 and this new expansion Phase 2 & 3; *the*
77 *first Phase is almost at completion and it will continue on to Phase 2 and then Phase 3, the town allows*
78 *ten acres to be open at one time, the State only allows five acres open at one time, that way the applicant*
79 *knows when he must start the reclamation before starting the next Phase. He cannot move on to the next*
80 *Phase until the previous phase reclamation is started.*

81 4) This new expansion area was added by a Lot Line Adjustment (LLA) and is in Current Use and
82 should be removed from Current Use; *the owner is aware of the Current Use status.*

83 5) The disturbed area should not exceed 10 acres, please provide a breakdown of area and expected
84 materials per phase if possible; *the area is five acres for each Phase, it is anticipated a little more than*
85 *300,000 cubic feet of materials per Phase.*

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87 D. Knott asked if there will be an increase in truck traffic? Jeff Merritt, Granite Engineering LLC
88 responded that 15 trucks is the average expected traffic per day. P. Basiliere asked how long will this truck
89 traffic last? B. Cole responded that it is an average of 15 trucks per day for an expected ten years. P.
90 Basiliere asked for the upper limit of trucks (the highest amount per day). Dale White said the truck traffic is
91 based on demand and the weather. In the summer there is a greater demand, some days will have more trucks
92 and some will have less. P. Basiliere said the people along the roads are concerned with the truck traffic. D.
93 White hates to put a number on it because the truck traffic is based on demand. S. Robinson said if there is
94 610,000 cubic yards of material, what is the type of material? Brent said the material is nice sand used for
95 roads and it is good to process. D. Knott asked for a description of the processing of materials. Dale White
96 explained it is mostly screening for this material, the sand that is there is good for septic and for sanding
97 roads. It is screening the sand to remove the larger rocks. D. Knott asked if there will be crushing of rocks?
98 Dale White responded there was relief granted for crushing rocks, it is more sand than rocks out there so it is
99 mostly screening the materials.

100
101 J. Langdell asked if the Heritage Commission has commented on this application? K. Shamel read the
102 October 9, 2019 Heritage meeting minutes stating they found no conflicts. They found the plan to be
103 satisfactory and are curious if there are any stone walls on the site. Brent did not know if there are any stone
104 walls and if there are they will add them to the plan. J. Langdell commented if there are any stone walls they
105 would need to be moved. Paul Amato, owner, said the ten acres to be excavated on this plan have no stone
106 walls.

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108 D. Knott reviewed the comments made by Community Development staff:

109 1) Revise Note 12 to include RSA 155-E Permit, Milford Gravel Removal Permit, Milford Site Plan
110 approval, Milford Stormwater Management Permit, any waiver requests and Special Exception granted
111 10/3/19. *Brent Cole indicated these items will be added to the plan.*

112 2) General comment-has NH Fish & Game provided any comment regarding additional requirements /
113 recommendations for this project? *Brent Cole explained that NH Fish & Game has not provided any*
114 *comments yet but when the AoT is processed that will prompt notification to Fish & Game and then Brent*
115 *will work with them to get the permit.*

116 3) Please provide test pit data logs for all test pits on Sheet 2. *Brent Cole indicated Sheet 1 of 1 shows all*
117 *the test pit data.*

118 4) Sheet 2, explain the details and timeline for each phase and revise the notes to reference the anticipated
119 phases for the operation. *Brent Cole indicated the Phase 1 & 2 timeline has been reviewed and notes will*
120 *be added to the plan in regards to that.*

121 5) The bond amount to cover reclamation of the site shall be \$7,500/per acre x 10.4 acres = \$78,000.
122 *Brent Cole indicated it is exactly 10 acres, therefore the amount of the bond will be \$75,000.*

123
124 D. Knott asked for other comments from the Planning Board. P. Basiliere asked about any structures on
125 the property. Brent Cole indicated there are no structures on the property. P. Basiliere asked how close to
126 abutters will the excavation be done? Brent Cole explained that the note on the plan is correct and the
127 plan (if approved) is the limit of how close the excavation can be; the note on the plan is just making it
128 more restrictive than the RSA. D. Knott said the plan shows that it is more restrictive than the RSA in the
129 note. P. Basiliere asked about note 23 about the excavation permit fee of \$50, noting the permit fee could
130 change over time, so we should not restrict that. Brent Cole stated that is a typical note on the plan, that is
131 the regulation that the applicant is held to. D. Knott said if the regulation changed (from the \$50 fee), the
132 applicant would be required to pay the new fee amount. J. Langdell suggested removing the note. P.
133 Basiliere asked about note 25 for working hours, how are the working hours defined? Dale White,
134 Leighton White LLC, explained the regulations state the hours of operation will be 7:00 a.m. to 5:00 p.m.
135 – therefore we will start at 7:00 and be done by 5:00 p.m. P. Basiliere asked when the first truck leaves
136 the site? D. White answered 7:00 a.m. Dale White again stated that the waiver for the hours of operation
137 has been withdrawn by the applicant. Over the ten year timeframe for the excavation, P. Basiliere asked
138 if the town can cap the number of years at ten or can it go more than ten years? Brent Cole said that
139 estimate is based off the amount of materials estimated to be taken out of the pit. By approving this
140 application, P. Basiliere asked if the Planning Board is understanding that it could be shorter or longer
141 than the ten years? K. Shamel responded that the applicant has to go through a process every year with
142 staff for a renewal of the Gravel permit.

143
144 John Cronin, attorney, said once something gets approved under a set of regulations, the applicant gets
145 locked in to the regulations of the permit which is reviewed every year for renewal so as long as the
146 applicant is within the plan, it can be renewed. K. Shamel said this does not seem abnormal and it is
147 looked at every year for renewal, so if there is anything, it will be brought up then. P. Basiliere was not
148 sure about that because the note is open ended. As long as we all understand this could go for ten years or
149 more. Attorney John Cronin said if a shorter time frame were used, it could cause increased truck traffic
150 to expedite the operation. P. Basiliere asked about Note 13 regarding operation reclamation – what if that
151 is not done by the applicant but is done by the town? If the applicant does not do the reclamation and the
152 town needs to exercise the bond. D. Knott stated if the applicant is not doing the reclamation they will
153 not get a renewal and they will get fined by DES. Brent Cole stated if the reclamation is not done by the
154 applicant, the town would use the bond to do the work. P. Basiliere suggested there needs to be a
155 parenthetical statement to that affect added. Attorney Cronin disagreed, stating said if the reclamation is
156 not completed by the applicant, the town may not take action with the reclamation because there is no
157 health, welfare or safety impact so they may let it be and the town may not want the corresponding
158 liability; by inference, if they don't do the reclamation, the applicant would not get the bond back, but he
159 would not be comfortable with amending the language that way. J. Langdell feels that by references RSA
160 155:E, it would address that concern, she feels there is enough in the standard operating procedures and
161 the RSAs to cover this. All Board members agreed this is covered in the language of the regulations.

162
163 J. Langdell asked if the comments from KV Partners could be covered regarding the water table or is that
164 already resolved? K. Shamel said that comments 1-, 2- and 3- of the KV Partners letter dated October 8,
165 2019 have been addressed. T. Finan asked if the withdrawal of waiver (of hours) needs any further
166 action? K. Shamel said it will be noted in the minutes that the waiver request for hours was withdrawn by
167 the applicant at tonight's meeting. T. Finan said there was a letter withdrawing the waiver but he wasn't

168 sure if there was any Planning Board action required. Seeing no further comments from the Planning
169 Board, Chairman Knott opened up the hearing to the public, adding that abutters should come up first if
170 they have something to say and due to the amount of people in attendance, to respectfully limit comments
171 to two minutes and if you have further questions, to come back after others have had an opportunity to
172 speak.
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174 A point of order was requested by Greg Danas, 406 Mason Road, who pointed out that he has important
175 information about an easement that the Planning Board needs to be made aware of. He has the property
176 on Mason Road that all the trucks pass by when they first come off Mason Road. He purchased that
177 property from Kenneth Lorden Jr. back in 2001. At that time Kenneth Lorden Jr. mentioned to Mr. Danas
178 that he was running out of gravel on his property, he eventually ran out a few years afterwards, eventually
179 selling it to Mr. Amato. Thereafter, Mr. Amato had property he had purchased from an abutter to
180 Kenneth Lorden that had ten years worth of sand & gravel on it. Mr. Danas has an easement that was
181 signed by Mr. Lorden and his wife when he purchased that home on March 14, 2001 that states “this
182 easement is used and will be used in the foreseeable future to remove earth products from the land of
183 Kenneth A. Lorden.” Mr. Danas continued by saying that doesn’t mean abutters, it doesn’t mean
184 additional folks from additional properties. Mr. Amato has been traveling over his easement that was
185 allowed as an ingress and egress at his discretion over the last ten years without Mr. Danas’ authorization.
186 Mr. Danas expressed his concern about his trucks and has given more than once the suggestion that he
187 should use his access onto Mile Slip Road and this easement does not allow people to drive over his
188 property which is a 50’ roadway of 950’ paved into the sand & gravel pit. Therefore Mr. Danas requested
189 the Board immediately stop all sand and gravel trucks or anything to do with sand and gravel because
190 that easement expired when Kenny Lorden’s property sand and gravel was extinguished. That is Mr.
191 Danas’ request, he was the one that drafted a letter to the town addressing the issue, he was not notified of
192 this meeting because he isn’t an abutter, He learned of it at the meeting two weeks ago at the October 15
193 meeting, Mr. Amato did not let me know, Mr. White did not let me know. Mr. White approached him,
194 two weeks ago hat in hand, before I was notified by my neighbor, that he wanted to be a good neighbor
195 but he never mentioned that he wanted to start at 6 o’clock in the morning and run trucks past his house
196 on Saturdays from 7 to 12. Mr. Amato didn’t take the time to let Mr. Danas know either. They are fine
197 gentlemen, they are good businessmen I’m sure, they don’t have any right to my easement at this time and
198 Mr. Amato should know better and so you should take this under consideration because the traffic will
199 have to be going out on Mile Slip Road and will not pass my home from this point on. Mr. Danas asked
200 if there were any questions.
201

202 Chairman Knott said this is a civil matter and is not our purview. Mr. Danas said it your purview with
203 regard to the Sand & Gravel operation on my property. L. Dudziak asked if anyone has seen this
204 easement, since she has not. J. Langdell has not seen it. Mr. Danas said he has it here for the record and
205 said he could give it to the Board. L. Dudziak said it would have been nice to have copies of the
206 easement prior to this.
207

208 Paul Amato, Mile Slip Road, said he bought the Lorden property in 2004, there was still some sand and
209 gravel on it and we used that. The piece of property he currently has a gravel permit on was abutting this
210 property. A different individual came in to the Town of Milford to get that approved, the Town said they
211 need to continue to use the Hall Road which has been used for the truck traffic ever since then (about
212 2004) so nothing has changed. Obviously Mr. Danas reads the easement differently than Mr. Amato
213 reads it, so it doesn’t affect the Planning Board because the Planning Board does not get involved with
214 civil matters. P. Amato said this is the continuation of a use that has been done for many years. After
215 that, Mr. Amato bought this property from the gentleman that was operating it for maybe five or six years
216 and then he bought the property from him.
217

218 Chairman Knott said it is a civil matter. Mr. Danas just wanted to put that in the record, thank you. D.
219 Knott reminded everyone that he has opened the hearing to the public for abutters to speak first. Martin
220 Sample, 196 Mile Slip Road asked about the processing of materials on site, stating the noise and
221 vibration is noticeable and if it is processed on site it is loud and his house shakes. The hours of operation
222 that were requested, does that include the trucks warming up? Mile Slip is already a noisy area.
223 Chairman Knott noted again that the waiver request for hours of operation was withdrawn.

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Shelley Lasalle received notification of the processing hearing, not that this will go on for another ten years. This past summer has been worse than it has been. The letters she received were that there would be an end to it. She received nothing that it would be for ten years; please take into consideration that this summer was the worst it has been since she had been living there. K. Shamel indicated that the notices were sent out October 4, 2019 to all abutters in accordance with State law. K. Shamel then read the public notice that was published in the newspaper, sent to abutters via certified mail, posted at town hall and on the town website.

Everett and Marlene Gale, 414 Mason Road, said the gravel operation has been there since Mr. Lorden, and then Mr. Amato bought it from Mr. Lorden and now it is very busy. The expansion starting at 6 a.m. and on Saturday as well is an issue. Chairman Knott said that waiver request was withdrawn by the applicant. Everett Gale said the trucks are two wheelers but there are numerous other trucks. The safety of Mason and Whitten roads is a concern with the pit, the roads are very narrow and full of holes, there are school busses as well. There are numerous safety issues that he has to deal with, his concern is if this excavation continues, what does it do for him? He is considering selling his house.

Judy Hohanadel, 401 Mason Road, asked what sized trucks will be coming from the pit? Dale White responded mostly normal truck sizes – tri-axel that are designed to haul gravel. J. Hohanadel said the road is in awful shape, and the road is collapsing in one area. The section from Whitten Road to where the driveway comes down is narrow. This has hindered getting the road fixed and she hopes the Planning Board turns this down.

Jeff McGrath, 342 Mason Road, asked what the bridge ratings are on Mason and Whitten Road; the ES-2 rating is for most bridges. His concern is the bridge weight restrictions and the shoulders on Mason Road. Dale White indicated the tri-axel trucks are legally allowed 80,000 GVW. J. Langdell asked if DPW provided any comments on this application? K. Shamel responded that there were no comments received from DPW.

Tina Vallier, 59 Mile Slip Road, said if the access road to Mason Road is denied or discontinued, would the Mile Slip access be used? T. Finan indicated the Site Plan before the Planning Board uses Hall Road, not Mile Slip for access. The easement is a civil matter. P. Basiliere stated therefore the plan in front of the Planning Board has the Hall Road for access, if the civil matter closes that access down, the town must close it down. T. Vallier said there are trucks coming out onto Mile Slip now (from the pit). P. Amato explained that this was when the Boynton Hill construction company was buying product, so it would be trucked from the pit directly to the Boynton Hill site. P. Basiliere clarified that the loaded trucks would leave the pit to bring the gravel directly to Boynton Hill.

Keith Salisbury, 453 Mason Road, said the truck traffic has increased up to Boynton Hill and also on to Mason Road, there were 10-15 trucks daily.

Suzanne Fournier, 9 Woodward Drive, coordinator of BROX Environmental Citizens Group, requested clarification on the wetlands, it was stated there would be a 25' setback of mapped wetlands, noting there is a wetland, oh we don't have it up on the image anymore, there's a wetland, there's a stream that goes north-south through the property, is that right? So Great Brook also goes west, what is that called north-south? There is a wetland that goes, there is a stream on that property and the Hall Road is called Great Brook Road, so that might be a clue. Locals have told me that it is Great Brook. Great Brook maybe goes east-west? Perhaps it has another name? D. Knott asked if it is a delineated wetland? Brent said it is delineated, but it is not named. S. Fournier said she cannot hear him. D. Knott stated he said it is not named, it's delineated but not named. S. Fournier said ok so it's delineated but not named, okay, so that's why it gets the 25', okay cause if it were the Great Brook, it would require a 50' setback per our ordinance. Okay. So it isn't, even though the road is called Great Brook Road, okay. Second concern is um, clarification regarding the Fish & Game, the Department of Community Development wanted to know the status of requesting comments and I believe I heard the representative say that they received no comments back from Fish & Game but that they are working with, I think he said Melissa Doberofski at Fish & Game, is that correct? Brent answered that is correct. S. Fournier continued that it is a little

280 confusing, I could hardly hear back there, but what I did hear was that you have, cause I've seen it in the
281 records, you have applied, you have requested a report to the National Heritage Bureau and they came
282 back with a hit of two Blandings Turtles, so there are Blandings Turtles that are the concern, that is a
283 State endangered species in NH so that would be why you're working with Fish & Game to see what
284 needs to be done for the protection of that species. S. Fournier asked for clarification, you are working
285 with them but have received no comments back from them at all? D. Knott said they have stated they are
286 working with Fish & Game. S. Fournier asked if there was nothing received back? D. Knott said it was
287 reported that the Blandings Turtles were identified and they are working with Fish & Game. J. Langdell
288 indicated that was indicated that they would be "doing best management practices with Fish & Game",
289 that was in the comments.

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291 S. Fournier asked a question regarding that, is the applicant contemplating any wildlife survey? Has that
292 been discussed because all these years there has been this gravel operation going on and she doesn't
293 believe the record of the Blandings Turtles was known at that time but it is known now. So now that it is
294 known, she is wondering if they are getting a request from Fish & Game at all to conduct a wildlife
295 survey because they may not be the only threatened or endangered species that is on site. So has there
296 been discussion about any survey that either Fish & Game would do or that they would ask you to hire a
297 professional wildlife biologist to go and check on the site? D. Knott indicated what we have at this point
298 is that they are working with them. S. Fournier asked if she could get an answer from the applicant? D.
299 Knott answered that is the official answer, that is what the town was given. S. Fournier stated that's right,
300 but the representative is here and they could possibly answer that part of the question, what's wrong with
301 that, he can deny, or say he doesn't have anything further, why not let him answer? D. Knott said we're
302 good, trust the process. So there are trucks going out on to Mile Slip Road, S. Fournier asked if there has
303 been a permit for ingress or egress on to Mile Slip Road for the operations? It's been said tonight that
304 Mile Slip is being used as an ingress and egress to the site. Ok you don't what to answer, that's fine.

305
306 D. Knott said that is outside the Board's purview. It's not that we don't want to answer, it is outside our
307 purview. S. Fournier said that it was said to night that D. Knott said it is outside the purview. S.
308 Fournier said if it is outside the purview why was it said at all that observations were made by people who
309 live in the area that it's an exit of trucks going by their houses, I think it is very relevant to hearing about
310 it, you may not need to comment on it but I am giving my viewpoint on it. S. Fournier said unauthorized
311 exits and uses of roads should not be allowed; somebody in town should say something about it. S.
312 Fournier continued that from Mason Road the trucks not heading to Boynton will go down Mason Road
313 to Whitten Road by the school, we've heard about the school busses, the trucks continue on Whitten Road
314 out to Savage Road heading to Route 101, that's the way to get to 101 for transport, correct? S. Fournier
315 asked the applicant if that is one of the routes they will use because on the plan it says the route is north to
316 Mason Road, but from there where does it go? D. Knott said this is not a trucking plan.

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318 S. Fournier said it is not a trucking plan? We do have concern about traffic, correct? So where is the
319 traffic going? They are going down Whitten Road and Savage Road to 101 because I have seen Mr.
320 Amato's vehicles, trucking equipment related to his operations traveling that route. For the Brox property
321 the town's gravel operation being run by NE Sand & Gravel, there was a lot of discussion that those
322 trucks cannot use Whitten Road for their trucks because it is too fragile. D. Knott interjected that S.
323 Fournier has been speaking for 7.5 minutes and needs to wrap it up, you have had more time than anyone
324 else and you are not an abutter. Suzanne Fournier thanked the Board, noting that time flies when you're
325 having fun. The question was about Whitten Road and that it was prohibited to be used by NE Sand and
326 Gravel for the town's own sand and gravel operation and the trucks are forced to go out Perry Road out to
327 101 and yet this operation contemplates using that route.

328
329 Mike Buskey, 257 Mason Road, said that road has been paved a couple of times, he is worried about the
330 road and people speeding and the wear & tear and who will repair the roads with the truck traffic and
331 excessive speeds. Seeing no further comments, Chairman Knott closed the public hearing at 8:06 p.m.

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333 Chairman Knott asked if there were any comments from the Planning Board. T. Finan said the comments
334 about the increase in traffic and noise has been going on for the past couple years. P. Amato, Spring
335 Creek Sand & Gravel, said the traffic last winter and in August of 2019 was due to product being sold to

336 the McClellans so that caused ten loads to travel per day. At the end of that, the empty trucks return all at
337 the same time. This summer, there was a lot of product being transported in August, the processing is
338 only screening sand in the past couple of weeks. A lot of reclamation was done this past year, when we
339 work at the top of the pit, the noise does carry. Dale White, Leighton White LLC, said the pit will cause
340 less noise, the screening is very quiet, it is loaded on a rubber belt so it is more quiet and the wind carries
341 the noise down into the pit but overall decreases the noise away from the houses. S. Robinson asked the
342 applicant to talk about the speed and the roads. D. Knott said he does not have data on the speeds. J.
343 Langdell said the speed is not a new issue, it is a public road.

344
345 D. Knott asked for a motion on the application. Attorney Cronin indicated that the easement issue is a
346 civil matter and the notice does not need to state everything on the application, the notice and what is sent
347 to abutters was done appropriately by the Town, the closest abutter is 570 feet away. The speed is a
348 police matter, the condition of the road is what it is, there is a lot of money being paid by the applicant
349 that could help with the road condition and repair.

350
351 P. Basiliere asked if the Planning Board will wait on information from Fish & Game before making a
352 decision? D. Knott said the information being sought is part of the AoT from the State, we can make that
353 a condition of the approval. J. Langdell asked if there are any other conditions? D. Knott has the
354 identification of any stone walls and Note 23 being removed regarding the \$50 permit fee. Attorney
355 Cronin said the applicant will pay all of the legally required permits and fees. J. Langdell asked if there
356 are curb cuts for the two egress routes that come out on Mile Slip Road? P. Amato responded that there
357 are, they have not made any new curb cuts and are looking at this with the use of Hall Road access and
358 egress, if the civil matter is challenged and they cannot use the easement brought up tonight, P. Amato
359 asked if this plan will need to be brought back to the Planning Board? All members agreed that is correct.
360 P. Amato said he understands.

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362 J. Langdell moved to approve the plan with the change to Note 23 as discussed. T. Finan seconded. All
363 were in favor. Motion passed.

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365 The Planning Board took a brief recess.

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368 **3. Approval of Minutes: October 1, 2019 & October 15, 2019.**

369 P. Amato joined the Planning Board at 8:35 p.m. therefore P. Basiliere will be able to participate in the
370 discussion but not vote for the remainder of this meeting. L. Dudziak moved to approve the minutes of
371 October 1, 2019 as presented. T. Finan seconded. D. Knott, T. Finan, J. Langdell, J. LaFontaine, P. Amato
372 and S. Robinson were in favor with L. Dudziak abstaining. Motion passed 6/0/1. P. Amato moved to
373 approve the minutes of October 15, 2019 as presented. T. Finan seconded. T. Finan, J. Langdell, P. Amato,
374 J. LaFontaine and S. Robinson were in favor with D. Knott and L. Dudziak abstaining. Motion passed 5/0/2.

375
376 **4. Work Session:**

377 **a. Conservation Commission – Natural Resource Inventory.** Chris Costantino, Conservation
378 Coordinator, indicated there is no rush on this item and any discussion can be tabled to another Planning
379 Board meeting. Due to the length of the meeting so far this evening, all concurred that this item be tabled this
380 evening.

381 **b. Conservation Commission – Brox Conservation Easement.** Chris Costantino indicated the
382 Conservation Commission intends to bring this item to the Board of Selectman Tuesday evening, November
383 12, 2019 for action. D. Knott asked if a letter can be drafted for Planning Board signature. C. Costantino said
384 she can get that ready for Tuesday. J. Langdell said this is something that has been done for many year; the
385 easement for the Conservation Commission was also approved for the Brox land and the Beaver Brook
386 eastern portion. The gravel resource area, once completed, will become part of the Conservation land. J.
387 Langdell said the acreage identified for active community use in the plan originally as compared to this is
388 how much? Chris responded it is +/- 75 acres put into conservation. That amount was identified in 2014. P.
389 Amato asked why would we want to put this land into conservation if we plan to use some of that land for
390 town uses? Chris responded because that was part of the AoT. P. Amato said why does the State get to tell
391 the town what to do with their land? L. Daley added it does reduce the overall area for conservation. When

392 the Master Plan was done originally, there was no information on the various species out there. Part of the
393 overall AoT was to set aside 75 acres to provide habitat for the species. D. Knott asked if the original
394 warrant article had something in it for the sand and gravel? Will this easement negatively impact that? L.
395 Daley said this easement is a secondary step in the process that the town has to go through in the process.
396 Chris Costantino remembers that the animals need upland in order to thrive and this is upland. J. Langdell
397 moved to have the Planning Board write a letter to the BOS as defined in the Conservation Commission
398 memo dated October 30, 2019 for a Conservation easement and that the Fish & Game agree to hold the
399 easement. T. Finan seconded. All were in favor.

400 c. **Discussion – Floodplain Regulations, Commerce Community Overlay, Stormwater Regulations.**
401 Kellie Shamel indicated that she had been contacted by the State reminding the Town of its participation in
402 the National Flood Insurance Program (NFIP) and the requirement to meet the minimum regulation standards
403 for the program. The state has provided an updated model ordinance to assist communities with adopting the
404 minimum required regulations in order to continue participating in the NFIP. K. Shamel would like to update
405 the town floodplain ordinance. The proposed language meets the minimal Federal requirements which
406 includes some changes to terminology and formatting. K. Shamel is working through the formatting with
407 what the town currently has. J. Langdell said if this is for the ballot in March, there are deadlines that must be
408 met. There needs to be two public hearings. P. Amato asked what if we do not do it this year? K. Shamel
409 said we need to make sure the existing ordinance has the minimum requirements. J. Langdell asked what
410 currently does not meet the requirements? P. Basiliere asked if we can get it in a Word format to have one
411 document with the tracking changes to show the comparison. K. Shamel responded that she is in the process
412 of comparing the two but did not finish it for tonight. This meeting was to introduce the updated minimum
413 standards to the Board. She will continue to compare and bring this forward at the next meeting. Two public
414 meetings will be scheduled once the changes are ready to present.

415 L. Daley explained the Commerce Community Overlay was originally developed in 2012 when there was
416 a large scale project coming in that caused this to be created, but now we are finding that smaller projects also
417 fall into this but it is not meant for those activities. The Solar Farm at Brox removes a large portion of this
418 district from being used. L. Daley asked is it still viable for this area of town or does the Planning Board have
419 an alternative for this or should it just be taken out of the regulations entirely? L. Daley said the solar farm
420 will use 30 acres of the town land and another 45 acres will be used on another private property. L. Daley
421 said the town is not seeing the level of interest in the properties out there in the overlay district. The usable
422 area that falls into this overlay district is very fragmented. The solar farm is a private project and it has to go
423 through all of the local approvals. 80% of the property in the overall district is removed with the advent of
424 this solar farm. If the overlay district is removed, would it go back to its original zoning? The West Elm
425 Overlay district could be used in place of the Commerce Community Overlay. We could pick out element of
426 this overlay and keep them. At a minimum the opportunity for large scale projects in the overlay district will
427 be gone if the solar farm goes through.

428 J. Langdell said the Community Commerce Overlay District would be difficult to pull out certain
429 sections; but the West Elm District could be extended instead. It might be better to go back to the original
430 zoning for that area. P. Amato thinks Milford needs to keep the Industrial area for large projects. J. Langdell
431 said it is how we manage the industrial land. P. Amato suggested making it more aesthetically pleasing which
432 has allowed the Planning Board to do that without having another step of overlay district. L. Daley said we
433 are not seeing the large scale projects that were being considered when this district was developed. L. Daley
434 said the West Elm Overlay could be extended further down. D. Knott does not want to be too restrictive. L.
435 Daley said the West elm Overlay District is a less aggressive approach but it gets to the same end point. J.
436 Langdell said let's just take the Commerce Community Overlay document out this year and over the next year
437 talk about options. J. Langdell said it is not up to the Planning Board, it is up to the voters. P. Amato said the
438 overlay could go back to the original ICI-2 and Industrial and residential zones. This discussion will continue
439 at the next Planning Board meeting.

440
441 **5. Adjournment.** The meeting was adjourned at 9:25 p.m. on a motion made by P. Amato and
442 seconded by T. Finan. All were in favor. Motion passed unanimously.
443
444

445 _____ Date: _____
446 Signature of the Chairperson/Vice-Chairperson:
447

448

449

MINUTES OF THE 11-5-19 MEETING WERE APPROVED _____

DRAFT