

4 **Members Present:**

5 Tim Finan, Vice Chairman
6 Paul Amato, Member
7 Janet Langdell, Member
8 Pete Basiliere, Alternate Member
9 Susan Robinson, Member
10

Staff:

Kellie Walsh, Planner
Darlene Bouffard, Recording Secretary

11 **Excused:**

12 Doug Knott, Chairman
13 Laura Dudziak, Selectmen's Rep.
14

15 **MEETING PREAMBLE DURING COVID-19 EMERGENCY**

16
17 *Good Evening, as Chairman of the Planning Board, I am declaring that an emergency exists and I am
18 invoking the provisions of RSA 91-A:2, III (b). Federal, State, and Local officials have determined that
19 gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to
20 combat the spear of COVID-19. In concurring with their determination, I also find that this meeting is
21 imperative to the continued operation of Town government and services, which are vital to public safety
22 and confidence during this emergency. As such, this meeting will be conducted without a quorum of this
23 body physically present in the same location.*

24
25 *At this time, I also welcome members of the public accessing this meeting remotely. Even though this
26 meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct
27 and decorum apply.*

28 *Public comments will be limited to three minutes per person. Any person found to be disrupting this
29 meeting will be asked to cease the disruption. If the disruptive behavior continues thereafter, that
30 person will be removed from this meeting.*

31 *Please note that all votes that are taken during this meeting must and will be done by Roll Call Vote.*

32 *Let's start the meeting by taking a Roll Call attendance. When each member states their name, also
33 please state whether there is anyone in the room with you during this meeting, which is required under
34 the Right-to-Know Law.*
35

36 Members and staff were polled individually: T. Finan was in the Community Development Conference Room
37 alone; J. Langdell at her home in the room alone; P. Amato was at his home in the room alone; P. Basiliere
38 was at his home in the room alone; S. Robinson was at her home in the room alone; K. Walsh was in her
39 office alone at Town Hall.
40

41 **1. Call to order:**

42 In the absence of Chairman Knott, Vice Chairman T. Finan called the meeting to order at 6:30 p.m.
43

44 **2. Public Hearing(s):**

- 45
46 **a. TEG Holdings, LLC (owner/applicant)** – Review for acceptance and consideration of final
47 approval for a subdivision plan to subdivide the existing lot of record into three parcels in Milford and
48 one parcel in Brookline. The parcel is located at an unnumbered lot on Osgood Road in the
49 Residence R District, Wetland Conservation and Floodplain Management Overlay Districts. Tax
50 Map 51, Lot 23.
51

52 This parcel is also located on a designated Scenic Road (Osgood Road) which requires a public
53 hearing per NH RSA 231:158. *This item is continued from the September 15, 2020 meeting.*
54
55

56 T. Finan indicated it was determined in September that there was potential regional impact and the town
57 of Brookline was notified. The determination of NRPC was that because it is on the border of two towns
58 they agreed that there was potential regional impact but it was found that there would be no regional
59 impact, the findings are in tonight's packets. P. Basiliere asked if we should accept the NRPC findings?
60 P. Amato said the Planning Board never did that before, we just put it in the record in the file that these
61 were the findings.
62

63 Ken Lehtonen is presenting this application but his engineer is at another meeting and asked if he can join
64 us in a few minutes? K. Walsh said she just admitted John Rohky into the meeting. John explained he is
65 representing TEG holdings for this subdivision plan. John presented the subdivision plan for which there
66 is one section in Milford and another in Brookline. Tonight we are just talking about the part in Milford.
67 There are three lots in the subdivision and each has the required frontage. The middle lot also has a
68 wetland, so in order to have a driveway, the plan is for an access easement across the abutting parcel. The
69 wetland in the middle is a deep ravine with steep slopes. The grading works well for a single family
70 residence with septic and well water. The lots are all over five acres. The local driveway permit would
71 be the only permit needed. No AOT would be required because the disturbance does not reach that level.
72 It is not in a shoreland protection area either. John asked for questions from the Board.
73

74 P. Amato asked about the Milford Conservation Commission (MCC) letter. John responded the MCC
75 concern is the wildlife and wetland areas and by not disturbing the wetlands and working with the
76 buildable area outside of wetland this should not be an issue. By just building three single family homes,
77 it will blend in with what already exists. P. Amato asked if the MCC did a site walk? John does not
78 believe that was done. P. Basiliere said the MCC suggested the wetlands be excluded from the newly
79 created lots. They want to protect the wetlands. John responded the wetland boundaries can be put up to
80 mark the wetland but to exclude the wetland off a lot is not a normal thing in NH. P. Amato said there is
81 no rule that requires removal of a wetland from a lot. P. Amato asked if the map shows the wetland
82 buffer? J. Rohky responded that he can make it clearer on the plan to show the wetland buffer. K. Walsh
83 said in the past plans came in with wetland and topography, she has requested a separate sheet that calls
84 out the wetlands and buffers instead of having it all on one sheet. We have also bolded the lines to make
85 it clearer.
86

87 John said having the wetlands uninterrupted the wildlife passage would not be affected. P. Basiliere
88 asked if there can be signage to indicate the wetland buffer, what is the practice in Milford and how far
89 will there be between signs? John responded in other towns, it is a medallion on a post with 50' between
90 posts. P. Amato asked if that is similar to Milford? K. Walsh said that is similar to Milford and was
91 recently done with the Keogh subdivision (Clifford Street). J. Langdell said the MCC has certain
92 language for their plaques. P. Amato said since this is a scenic road, he thought that was all done, but the
93 agenda calls that out. T. Finan agreed, but it was felt another scenic road hearing should be done. The
94 scenic road hearing is one hearing and the subdivision is another hearing. T. Finan asked what was
95 already done on the scenic road?
96

97 K. Lehtonen volunteered to speak to that, the scenic road is for the trees and stone walls inside the town
98 Right of Way (ROW), however there is no vegetation or stone walls in the ROW, it was found that all of
99 the vegetation and stone walls are inside of the lots themselves. T. Finan asked K. Walsh if she concurs?
100 K. Walsh received confirmation on that from DPW for the ROW and there was no impact to trees or stone
101 walls located in the town ROW. With the new driveway proposed, K. Walsh wanted to be sure this was
102 not impacting the scenic road and K. Lehtonen just confirmed that. T. Finan asked if a wildlife inventory
103 was done on these lots? John responded it was not requested. P. Amato asked if that was in the MCC
104 letter? T. Finan asked for the staff comments to be reviewed. John reviewed staff comments; test pits
105 have been done on the site, we can get that information to the town; access easement for the driveway will
106 be provided; we are keeping the wetlands and buffers intact; we will add the note for the scenic road on
107 the plan. A stormwater management note can also be added. Prior to signing of the final plan, the bounds
108 and monumentation can be set. They are looking to have the Milford property line as the property line.
109 S. Robinson asked if the stone walls will be kept on the property? Ken Lehtonen does not believe there
110 will be any impact to the stone walls on the slot. P. Basiliere asked about the notes in the staff memo
111 regarding permit numbers. K. Walsh responded if there was a state subdivision approval, there would be

112 permit numbers in that note, but there is not. John said that a lot of state approvals are required for this
113 subdivision.

114
115 Seeing no further questions or comments from the Planning Board, T. Finan opened the meeting to the
116 public for comments or questions. K. Walsh said she does not see anybody in the waiting room to speak.
117 T. Finan asked again if there is anyone from the public with comments or questions on this application.
118 There was one person, from the Brookline Conservation Commission (Jake) that his comments will not
119 impact this plan, but the BCC has decided that any unfinished road coming from Milford into Brookline
120 will have to be extended from Brookline. T. Finan indicated that only has an impact on the road portion
121 in Brookline. It has no impact on this subdivision plan before the Milford Planning Board tonight.
122 Brookline Conservation Commission member (Jake) said yes and any road would have to be extended
123 from the Brookline side. Seeing no further public comments, T. Finan closed the public hearing.

124
125 P. Amato moved that for the scenic road, there are no adverse affects along the roadway and he does not
126 see any issues with the scenic road. J. Langdell seconded. A poll was taken: J. Langdell yes; S. Robinson
127 yes; P. Basiliere yes; P. Amato yes; T. Finan yes.

128
129 J. Langdell asked if there is consensus that a Natural Resources Inventory is needed as requested by the
130 MCC. T. Finan agreed. P. Amato said with 5 acre lots and wetlands, it would be good to recognize the
131 wetlands are not being impacted, the back part of the lots on the plan is going to be owned by these
132 people but the wildlife will still have free run of it. John indicated there is no way to get across the ravine
133 to build anything. All members concurred. J. Langdell asked if there is any way to overlap with the
134 Melendy Limited Partnership? John was unsure of this. P. Basiliere asked who would pay for the NRI,
135 since the MCC raised the question. T. Finan asked K. Walsh if staff thinks that would be of value? K.
136 Walsh would defer to the MCC, but there are studies available from the state that cost nothing. The NRI
137 is an assessment, it can be quite involved but it depends on the level of detail desired. S. Robinson asked
138 if we can approve without an answer to this? John said the NRI is to identify what is in the area and to
139 see if the development impacts it. If we identify what is on the site, but do not impact it, it would be
140 information only. S. Robinson is thinking just to satisfy the MCC concern it would be nice. P. Amato
141 said there were over 180 homes built in this area across the street from this and that would have an impact
142 more than these three houses would. This subdivision meets Milford's ordinance and will have none or
143 very minimal impact to vegetation and stone walls so he does not think a NRI would accomplish anything
144 other than costing money.

145
146 T. Finan asked for a motion. P. Amato moved to conditionally approve the subdivision with the subject
147 conditions listed in the staff memo. P. Basiliere seconded. A poll was taken: S. Robinson yes; P. Amato
148 yes; P. Basiliere yes; J. Langdell yes; T. Finan yes. John Rohky and Ken Lehtonen thanked the Planning
149 Board for their time.

150
151
152 **b. ASRT,LLC (owner) and MVC Eye Care (applicant) – Review for acceptance and consideration of**
153 **final approval for a site plan to construct a 5,654 square foot professional office building along with**
154 **associated site improvements for MVC Eye Care. The parcel is located in the Integrated Commercial**
155 **Industrial District. Tax Map 44, Lot 11-1.**

156
157 K. Walsh indicated the application is complete. J. Langdell moved to accept the application as presented.
158 S. Robinson seconded. A poll was taken: S. Robinson yes; P. Basiliere yes; P. Amato yes; J. Langdell
159 yes; T. Finan yes. J. Langdell moved no potential regional impact. P. Basiliere seconded. A poll was
160 taken: S. Robinson yes; P. Basiliere yes; P. Amato yes; J. Langdell yes; T. Finan yes.

161
162 T. Finan indicated there is no statutory requirement to read the abutters into the record, however he felt it
163 would be a good practice to do so. T. Finan read the abutters into the record. Two of the abutters read
164 were present in the zoom meeting. Doug MacGuire, representing the applicant indicated this plan was
165 conceptually reviewed with the Planning Board for a lot without frontage. The layout for tonight's
166 presentation is the same as in the conceptual review, the applicant did go before the ZBA for the wetland
167 crossing and also for a variance that was previously approved but had expired. When the parcel was

168 surveyed, the wetland to cross was a lot smaller than anticipated, that was a pleasant surprise. The
169 applicant is proposing to come off the driveway access to the property and building. One of the concerns
170 in the conceptual discussion was pedestrian continuity. An existing sidewalk will be added to and go to
171 the front of this building, as requested at the previous meetings. A closed drainage system will be used so
172 that storm water will run off and be treated. A 24" culvert will be put in, we were able to confirm that the
173 area draining can be accommodated with a 24" culvert. Landscaping was addressed and they plan to
174 heavily plant in the buffer. Lighting uses pole lights for parking and Wal-packs. Erosion control will be
175 with silt fencing and other measures. It did come out to be a plan very similar to the conceptual that was
176 previously presented to the Planning Board.

177
178 T. Finan asked for questions from the Planning Board members. S. Robinson asked if the staff memo has
179 been addressed. D. MacGuire said we were able to address all of the comments in the staff memo. The
180 applicant was aware of the water-sewer right up to the driveway stop. An E1 line system is required by
181 the town. The water line and gas lines are all out there to be connected. D. MacGuire said the comments
182 in the staff memo have all been addressed on the plan. The drainage system note will be clarified on the
183 plan. P. Amato asked if a copy of the easement is available? D. MacGuire said yes we have the entire
184 file on that and we can supply that to staff. P. Basiliere said the structure location on the lot, where will it
185 actually be located? D. MacGuire provided the first page of the plan that shows where the building is
186 located from the driveway stop. P. Basiliere is asking where it is in relation to the bypass. D. MacGuire
187 showed an aerial view that showed where the building is relative to the bypass. P. Basiliere wants to
188 understand where it is relative to the bypass and are there any signs or lights that could distract drivers on
189 Route 101? D. MacGuire explained there will be no signage or lighting visible from Route 101, the
190 lighting is focused on Route 101A.

191
192 K. Walsh explained the area around Ocean State Job Lots and that it is close to Route 101 but has no
193 property line for 101. P. Amato said the lot that is owned by the Post Office could have future
194 development in that area, is there any thought of keeping the Master Plan going? D. MacGuire said there
195 is an access behind this lot to the west that would require wetland crossing in the case of an expansion. P.
196 Amato said there should be thought given to an interconnection if there were ever an expansion. P.
197 Amato suggested thinking about the USPS lot to be able to access in the Master Plan. D. MacGuire said
198 this layout would work if that ever were to happen. K. Walsh thinks there were some discussions about
199 the potential use of both properties in the future. T. Finan asked how that is handled? J. Langdell asked
200 about the architectural and wanted to look at the MCC comments. D. MacGuire reviewed the MCC
201 comments, which noted the gravel parking would not be conducive to the storm water system. The
202 parking is more than what is required, they are looking for overlap for their customers and employees.

203
204 D. MacGuire said the wetland permit has been submitted and is in process at the state. J. Langdell asked
205 if the material used at the Michael's plaza in Amherst could be looked at for the parking lot. D.
206 MacGuire said he could look at it but that would have a different treatment method. S. Robinson asked if
207 the DPW comments could be reviewed. D. MacGuire said the comments made by Rick Riendeau (DPW)
208 have been incorporated into the plan. The architectural plans were shown. This is a one story building.
209 This meets the building height requirements. P. Amato asked if the signs meet the town ordinance. K.
210 Walsh indicated the sign was approved last week at the ZBA and will use the existing monument sign at
211 Cumberland Farms. D. MacGuire appreciated all the comments made by staff and the comments from
212 KV Partners. Seeing no further questions or comments from the Board, T. Finan opened up the
213 discussion to the public. K. Walsh said there are no people waiting in the waiting room to speak. T.
214 Finan closed the public portion of the meeting.

215
216 P. Amato asked K. Walsh if she is comfortable with the access to the lot to the west? K. Walsh said she
217 is comfortable with that if the Planning Board is comfortable with it. P. Amato asked if there could be
218 language and something on the drawing depicting where that road will be since the Board does not know
219 where it will be because of the wetlands, but if K. Walsh does not think it is done appropriately it will
220 come back to the Planning Board.

221
222 P. Amato moved to grant conditional approval and make sure KV Partners comments as well as staff
223 comments are noted on the plan and the access easement to the Post Office property be written. J.

224 Langdell seconded. A poll was taken: S. Robinson yes; P. Basiliere yes; P. Amato yes; J. Langdell yes;
225 T. Finan yes.
226

227 **c. Marc P. Demontigny Trustee (owner) and PMA Property Group LLC (applicant)** – Review for
228 acceptance and consideration of final approval for a site plan and Conditional Use Permit to construct
229 four 4,600 square foot and one 1,550 square foot self-storage buildings along with associated site
230 improvements. The parcel is located at an unnumbered parcel on Power Street in the Industrial
231 District. Tax Map 43, Lot 30.

232 S. Robinson moved to accept the application for review. J. Langdell seconded. A poll was taken: S.
233 Robinson yes; J. Langdell yes; P. Basiliere yes; P. Amato yes; T. Finan yes.
234

235 P. Amato moved no potential regional impact. J. Langdell seconded. A poll was taken: S. Robinson yes;
236 J. Langdell yes; P. Basiliere yes; P. Amato yes; T. Finan yes.
237

238 D. MacGuire and Justin Demontigny were present to represent the applicant. D. MacGuire explained this
239 is an existing undeveloped lot on Powers Street for which controlled self-storage units that are 10' x 10'
240 are being proposed. Most of this site is under an easement. The proposal is for five single story buildings
241 with access off Powers Street. There is no sales office, this will be done through an on line set up on the
242 computer. There is no water or sewer being used. There is lighting, and a drainage plan is straight
243 forward with a closed drainage system that will also take care of water to be dispatched toward Powers
244 Street. A landscaping package was done to make it look nice. The lighting will be Wall-packs and one
245 light pole at the entrance.
246

247 P. Amato asked where the snow will go or where will snow be piled? D. MacGuire responded the snow
248 will be put against the far fence where it can be stockpiled. The parking has no curbing, which will help
249 with snow storage. In a heavy snow year, the snow might need to be trucked off site. P. Amato asked
250 about the remainder of the lot? D. MacGuire said the buffer and snow plan change that area. J. Langdell
251 asked for architectural drawings. D. MacGuire said they are part of the packet for tonight, it is nothing
252 fancy. P. Amato asked if this will be 200 units? D. MacGuire responded yes approximately 200 and they
253 will be a couple different sizes. P. Amato asked what color the exterior will be. J. Demontigny
254 responded that these will look a lot like the Ciardelli units in west Milford, they will be tan and green. J.
255 Langdell said the Ciardelli units have a pitched roof. J. Demontigny said these might be a lower pitch but
256 meets the requirements for snow weight. J. Langdell said there are a lot of older lots up in this area and
257 she would like to see a little more pitch to the roof. P. Amato asked if the Demontigny's will continue to
258 own this? J. Demontigny said they will be exploring options.
259

260 T. Finan said a Conditional Use Permit (CUP) requires a site plan, he asked that the representative go
261 through the conditions. Jessica O'Neill, The Dubai Group Associate, took over for Doug MacGuire who
262 had to attend another meeting at this point, Jessica reviewed the CUP conditions: 1) Dimensional
263 requirements – this meets the dimensional criteria for zoning and buffering; 2) This meets the ordinance
264 under which this is proposed, self-storage use is allowed in all zones; 3) There will be no adverse effects,
265 the design is not intense, there will be no noise nor impact to health; 4) There is no noise, fumes, lighting
266 will be wall-packs and one light pole at the entrance, this is a low impact use; 5) Groundwater resources
267 are not being affected and this will comply with the requirements in the storm water analysis, NH DES
268 best management practices will be followed.
269

270 Jessica continued that this use meets a public need, there are currently multi-family units that could
271 benefit from self-storage units; 2) this property meets the dimensional requirements and storm water
272 requirements are being fulfilled, this lot borders Industrial uses; 3) this generates low traffic and the single
273 entrance is sufficient; 4) this is compatible with other uses and there will be buffer between abutters; 5)
274 there is adequate landscaping that screens Industrial uses and provides visual mitigation.
275

276 T. Finan asked for questions from Board members. Seeing none, he opened the meeting to the public. T.
277 Finan asked that if anyone in the public has questions or comments to please press *9 to be called on to
278 speak. There were no public comments or questions. T. Finan closed the public portion of the meeting.

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J. Langdell asked if anyone else on the Board wants more of a pitch on the roof? T. Finan agrees it need more of a pitch, it adds to the aesthetics with more of a pitch. S. Robinson also agreed. K. Walsh referenced the most recent approved facilities of this type; the Board is looking for something similar to the approved and already built Ciardelli Self-Storage units. J. Demontigny has no problem with that, they want these units to look good as well. K. Walsh asked about hours of operation. J. Demontigny said these units will be accessible 24 hours a day, there is a code for access so people can access when they need to, it is self-serve and open 24 hours a day. P. Amato said we would rather people not live there or run a business out of these. J. Langdell said Milford has found that people run a business from these units. S. Robinson asked if there are people running businesses out of self-storage units in Milford? K. Walsh said no, these are self-storage units and they have a definition that does not include any business being operated out of them or living in them. P. Amato asked if there are problems with other units? K. Walsh has not encountered that since she has worked in Milford, but there have been instances of that use in the past. P. Amato thinks there also may have been problems in the beginning with self-storage units. J. Demontigny stated these are accessed with a code, it would make it difficult to have any kind of business in this type of unit. T. Finan asked if the Board would like to see new elevations with a more pitched roof? P. Amato thinks staff can handle that. S. Robinson asked if the DPW comments can be reviewed. K. Walsh stated that R. Riendeau commented that he can cover the culvert with the driveway application.

Jessica reviewed the staff comments: the retaining wall, it was just the labeling on the plan and that has been changed, P. Amato asked how high is the wall, Jessica indicated it is 6' and the left side has a swale, during the construction period that will come to the town; P. Amato said the comments have been addressed but KV Partners needs to be made aware of them, Jessica responded that they are in process of making all the changes and will notify KV Partners when complete.

P. Amato moved to grant the Conditional Use Permit (CUP) for this use. J. Langdell seconded. A poll was taken: S. Robinson yes; P. Basiliere yes; P. Amato yes; J. Langdell yes; T. Finan yes.

P. Amato moved to conditionally approve the KV Partners memo, staff memo and staff comments with roof pitch to be dealt with on the plan. J. Langdell seconded the motion. S. Robinson yes; P. Basiliere yes; P. Amato yes; J. Langdell yes; T. Finan yes.

T. Finan thanked Justin Demontigny, Doug MacGuire and Jessica O'Reilly for the presentations.

3. Minutes – 8/18/20

P. Basiliere moved to approve the minutes of 8/18/20 as presented. S. Robinson seconded. A poll was taken: S. Robinson yes; P. Basiliere yes; P. Amato yes; J. Langdell yes; T. Finan yes.

4. Other Business: K. Walsh indicated the applicant for the Wheeler Street multi-family plan that came in for a conceptual discussion has requested a continuation, so that application is currently on hold. They will be revising the plans and try to come up with a more feasible plan to bring forward. Right now they have just requested the continuance with the ZBA and have not come forward with a formal application for the Planning Board.

The Work Session scheduled for November 3 has been rescheduled for Thursday November 12 based on the responses received from members, a reminder will be sent.

5. Adjournment. The meeting was adjourned at 9:07 p.m. on a motion made by S. Robinson and seconded by P. Basiliere. All were in favor. A poll was taken: S. Robinson yes; P. Basiliere yes; P. Amato yes; J. Langdell yes; T. Finan yes.

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Date: _____

Signature of the Chairperson/Vice-Chairperson: _____

MINUTES OF THE 10/20/20 MEETING WERE APPROVED _____

DRAFT