

4 **Members Present:**

5 Doug Knott, Chairman
6 Tim Finan, Vice Chairman
7 Paul Amato, Member
8 Janet Langdell, Member
9 Pete Basiliere, Alternate Member
10 Laura Dudziak, Selectmen's Rep.

Staff:

Kellie Walsh, Planner
Darlene Bouffard, Recording Secretary
Lincoln Daley, Comm Dev Director

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12 **Excused:**

13 Susan Robinson, Member
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18 **MEETING PREAMBLE DURING COVID-19 EMERGENCY**

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

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

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

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

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

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37 Members and staff were polled individually: T. Finan was in the room alone; J. Langdell at her home in the
38 room alone; P. Amato was at his home in the room alone; P. Basiliere was at his home in the room alone; K.
39 Walsh was in Community Development alone.
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41 **1. Call to order:**

42 Chairman Knott called the meeting to order at 6:30 p.m. Introductions were made of Board members and
43 staff,
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45 **2. Public Meeting:**

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47 **a. Robert Kokko and Patch Hill Development LLC – Review and recommendation for a parcel**
48 **without frontage on a Class V road or better, Parcel is located at Milford Tax Map 9, Lot 2 - L.**

49 Daley indicated he is representing Robert Kokko on this application. J. Langdell mentioned that the
50 advertisement in the Cabinet read “the Planning Board will hold a scenic road hearing” and then the rest
51 of the ad was okay, but to have it on the record, it should have said “public hearing” not “scenic road
52 hearing”. J. Langdell understands this was a cut & paste error, but it jumped out to her. D. Knott asked
53 about that hearing. L. Daley said this application is not a hearing, it is a discussion to allow the town to
54 issue a building permit on a road without frontage. It is not a hearing, only the CIP is a hearing tonight.
55 L. Daley does not believe it is an issue, it is just a discussion and it is for a Planning Board

56 recommendation to the BOS only, not a decision. T. Finan said the only issue would be for the public
57 hearing, which is for the second item on tonight's agenda – the Capital Improvements Plan. Was this
58 posted elsewhere, other than the Cabinet? J. Langdell said the way it was posted in the Cabinet, was
59 public hearing for CIP, it was just the title part for "scenic road hearing", we just need to acknowledge the
60 error.

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62 L. Daley acknowledged the error, and stated tonight's first item is for issuance of a building permit for a
63 lot of record without frontage, the Planning Board is required to review the application and provide a
64 recommendation to the Board of Selectmen on issuing a building permit for this property. The property is
65 11 acres at the end of Summer Street just past the cell tower. The parcel has no legal frontage. The
66 application received a variance from the ZBA for less than the required frontage of 150' on a Class V or
67 better road. The application would use a private easement to access a single family home lot. It will be
68 an estate lot and will not be further subdivided. The easement is part of a past subdivision plan. A
69 driveway plan was provided as part of the ZBA application. Officially the recommendation will be to
70 support the issuance of a building permit for the one home. P. Amato asked where is the Patch Hill
71 subdivision located in reference to this parcel and was this lot ever a part of the Patch Hill subdivision?
72 L. Daley answered no, this was part of a subdivision owned by Michachunk that was never developed.

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74 J. Langdell asked when this lot was created? P. Amato said as long as it was not ever deemed
75 unbuildable, he is okay with this. L. Dudziak asked who will be responsible to maintain the easement?
76 L. Daley said the easement of Summer Street will be maintained by the property owner and there will be
77 an indemnification clause created to indemnify the town for any of that maintenance. It is the
78 responsibility of that owner to maintain. T. Finan asked if this lot can be developed further? L. Daley
79 said it cannot. T. Finan asked if there was access from Amherst to this lot, could it be further developed?
80 L. Daley said the property grading is very challenging with no frontage but they would have to come to
81 the Milford Planning Board if they were thinking about further developing it. J. Langdell asked if
82 Michachunk would be able to build on the remaining smaller skinny strip? L. Daley responded that they
83 would need to go through a similar process as Mr. Kokko is going through. P. Amato asked if this owner
84 owns the property in Amherst? L. Daley pulled up the Amherst records to see who owns it, and yes this
85 owner owns the Amherst portion and it is surrounded by open space.

86
87 P. Basiliere said if Milford goes along with the easement, does that mean the narrow piece is unbuildable?
88 L. Daley said the owner of that parcel would need to go through the same process as Mr. Kokko. P.
89 Basiliere said they could develop it? L. Daley responded yes they could. P. Amato said the driveway
90 easement goes right through the middle of that skinny parcel. L. Daley said based on the location of the
91 driveway for this home, there could be room to develop the lot. P. Amato said they could develop the top
92 portion of the skinny lot. D. Knott said that would need to go through the ZBA, Planning Board and
93 Board of Selectmen because of lack of frontage, just like this application. L. Daley said one requirement
94 is that they need to make the grade work for the driveway to be less than 10%. P. Amato asked how long
95 will the driveway be? L. Daley said it will be more than 300 feet. T. Finan asked is there any issue with
96 the cell tower fall zone? L. Daley responded that the tower is 120' and it does not appear it will interfere
97 with the driveway, adding that when that tower was designed, it was designed to "crumple up" if it falls.
98 D. Knott asked if the "indemnification clause" will cover that as well? L. Daley said that is what an
99 indemnification clause does, it will release the town from any of that. The applicant understands that. D.
100 Knott asked if there were any further questions from the Board? P. Basiliere said it appears that the
101 driveway does not come off the Summer Street but comes off the cell tower driveway. L. Daley said that
102 is incorrect, it comes off Summer Street and the property owner has the right to develop their lot.

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104 P. Amato indicated they have the driveway designed, we just need to make sure they get an Alteration of
105 Terrain based on the amount of disturbance. J. Langdell said this lot predates the Patch Hill subdivision
106 but was it part of the ownership package? L. Daley said he does not have that answer tonight. P. Amato
107 said as long as it was not deemed unbuildable, he is okay with it, the Patch Hill open space was deeded to
108 the town. J. Langdell was just curious about the ownership and history of the lot. P. Basiliere said for the
109 access for emergency vehicles, the town will be indemnified, but are we going to make sure the
110 emergency vehicles can get up there? L. Daley said the criteria is that the driveway must be less than a
111 10% grade. As part of the driveway permit, there is a driveway profile to meet the regulations.

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P. Amato moved that the Planning Board recommendation to the Board of Selectmen is to issue a building permit for this plan. T. Finan seconded. A poll was taken: P. Basiliere yes; P. Amato yes; T. Finan yes; J. Langdell yes; D. Knott yes.

- b. **Capital Improvements Plan (CIP) Public Hearing** - L. Daley provided a brief presentation for the CIP and if the Planning Board wants to talk about additional items we can. Through this process, the CIP Committee determined what to identify as planned projects to be placed on the CIP. Last year, there were a couple of projects that might have scored lower but because of the criteria, which was safety-based, the group felt that it was important to include social service items to offset those projects with no safety benefits. The list establishes the basis of placement of a project. The water and wastewater projects over the next six years are quite costly and primarily paid for by water/sewer users. Because these projects benefit the entire town as a whole, it is felt the cost burden should be considered for more cost sharing.

J. Langdell asked about the emergency service communications system (Garden Street), is that for a town meeting warrant article? L. Daley said the AT&T proposal is separate from the cost in the CIP. P. Amato said it is different, but the projects are intertwined. L. Daley said they are separate, if AT&T were to have an agreement with the Town, it might save some money for the town. T. Finan said they are trying to separate the two projects. P. Amato wants to make sure we put on the CIP what the plan is. L. Daley said the AT&T tower will require Planning Board and ZBA review and approval. The CIP project is to move forward with a dispatch and communication system independent of any AT&T agreement. For the warrant article and for simplicity, they are separating the two actions. P. Amato asked will this be a Milford only communications center? L. Daley said yes, but if other towns want to be customers, they could become customers of Milford's communication center. J. Langdell said when this is presented for the public, the amount listed is not actually the cost, is there another way to add that? L. Daley said yes, there are some Federal Funds for some of these projects. J. Langdell said that should somehow be a part of that spreadsheet. L. Daley said the sidewalk projects were rated second highest for two years in a row and still were voted down. P. Amato said we should show on the printout the water utilities projects affecting the rate payers. L. Daley said they plan to do a rate analysis in 2021 so the information was not available for the CIP Committee for the draft.

P. Basiliere agrees the cost for rate payers should be a part of the presentation. J. Langdell finds it hard to believe that water utilities cannot base it on past usage to come up with a cost for rate payers. L. Daley agreed, because we need to understand how the costs are going to affect taxpayers and rate payers. D. Knott asked if there is any way you can leverage the water commissioners to provide information and an understanding of what is going to be asked of the tax and rate payers in the future years. L. Daley said he can ask for something for the increase to be seen in 2021. P. Amato said the town residents do not like when they are told they have to pay it no matter what. L. Daley said these required upgrades for water utilities, are Federal requirements and if towns do not comply, the town can face fines for non-compliance with a Federal permit. P. Amato said even if it says it will affect the rate by a certain percentage, it will be significant. T. Finan said the Water Commissioners have a rate meeting to discuss the rates. No one ever attends, but at deliberative session, the Water Commissioners are there and they will have to answer to these questions. L. Daley indicated the cost being allocated for 2021 is for public outreach to determine what the requirements are and engage the Commissioners and Board of Selectmen to determine priorities of each project.

P. Basiliere said the Warrant is for the Board of Selectmen and the BOS can specify the language; it needs to identify what the cost is for rate payers or for taxpayers. L. Dudziak asked when this will be presented to the BOS? L. Daley said after this Board reviews and accepts the CIP, the BOS will get a presentation. L. Daley said in 2022 the water utilities have about \$6 million of improvements, the 2021 CIP is to identify (through engineering) the projects that are needed. P. Amato said if this was more than \$137,000, would the Planning Board look at it differently? L. Daley understands and will reach out to the water utilities and Water Commissioners. D. Knott said there is a sense from the Planning Board that there needs to be more clarity on the cost. P. Basiliere asked that on the spreadsheet, the Town costs and School costs should be identified for clarity. P. Amato commented that the CIP Committee did a great job. J. Langdell said this is the first time the Planning Board has seen this document, it has been a Covid

168 year, so things have not gone according to plan. L. Daley said this is the completed Draft that has come
169 to the Planning Board. Because this is the first time the CIP has been before the Planning Board and it is
170 the public hearing we are not at number 6, we are at number 2, 4 and 5 of the process. L. Daley indicated
171 this draft has also been provided to the Budget Advisory Committee. L. Daley believes the only changes
172 he expects are to the water and sewer rates that are outstanding, but he does not expect any other
173 substantive changes. P. Amato asked when this can be moved to the BOS since we do not have water
174 utility rates. D. Knott said it has been mentioned that there have been multiple meetings over the last 8
175 weeks and there were a lot of obstacles in order to get that to happen.

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177 T. Finan said all of the comments made tonight are valid, but are they valid for the CIP process this year
178 or future years? P. Amato said nobody votes on the CIP. T. Finan said the sole purpose of the CIP is to
179 provide to the BOS for budget consideration. Will the rates that are not included in this CIP affect the
180 BOS budget considerations? Maybe. L. Daley said the rates for water and sewer will be discussed at
181 deliberative session. L. Daley said the recommendation for the BOS is for the projects that would affect
182 tax and rate payers, for the rate analysis in 2021 it will be important to split out how the projects will be
183 paid for.

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185 P. Amato said the BAC should be asking about the costs to the rate payers. J. Langdell said part of the
186 Planning Board function is to talk about long term costs. D. Knott thinks this was a good discussion
187 tonight, we should accept it with the changes notes and typos to be corrected and lets move forward. P.
188 Amato like the idea of sending the CIP with a letter that the CIP is lacking in certain areas but in order to
189 complete the document, it should be moved forward to the BOS. All concurred.

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191 J. Langdell said this is a public hearing, and the public should be asked if they have any input. D. Knott
192 opened the public hearing for questions or comments. If anyone would like to speak, they can press *9.
193 L. Daley sees there is nobody in the waiting room to speak. D. Knott closed the public portion of the
194 meeting.

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196 L. Dudziak agrees there needs to be further discussion regarding the water utilities presentations and how
197 those projects will be paid for. Last year, the BOS knew there were some expensive water utilities
198 projects coming up. P. Amato expects that the \$137,000 study will be looking at rate payer
199 considerations and how much money they would like the town to pay versus rate payers. P. Amato said
200 the town has a history for large projects that have gone to all tax payers. The issue is the EPA permit that
201 requires upgrading everything, and it is not clear where it gets categorized. P. Amato feels it is a major
202 change and not just a maintenance issue. That will be looked at under that study. P. Basiliere said
203 another element should be that only the rate payers should be able to vote on those items. P. Amato said
204 we would need to look at the RSA for that, he is not sure that can be done.

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206 J. Langdell moved to accept the CIP with the corrections noted, minor language changes and to include a
207 letter stating there are certain areas that are not included at this point. T. Finan seconded. A poll was
208 taken: J. Langdell yes; T. Finan yes; P. Amato yes; P. Basiliere yes; D. Knott yes.

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210 **3. Discussion / Possible action regarding other items of concern:** The next Planning Board meeting is
211 December 15, 2020, with one conceptual discussion and one condominium conversion application. The first
212 January meeting is January 5, 2021 which will be both ZBA and Planning Board. K. Walsh will confirm that
213 those notices are written correctly.

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215 **4. Adjournment.** The meeting was adjourned at 8:15 p.m. on a motion made by T. Finan and seconded
216 by P. Basiliere. All were in favor. Motion passed unanimously.

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219 _____ Date: _____
220 Signature of the Chairperson/Vice-Chairperson:

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222 **MINUTES OF THE 12/01/20 MEETING WERE APPROVED** _____