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4 **Members Present:**

5 Doug Knott, Chairman  
6 Tim Finan, Vice Chairman  
7 Janet Langdell, Member  
8 Pete Basiliere, Member (arrived 6:51)  
9 Elaine Cohen, Alternate Member  
10 Paul Amato, Member (via zoom)  
11 Susan Robinson, Member (arrived 6:35)  
12 Dave Freel, Selectmen’s Rep (arrived 6:45)

**Staff:**

Jason Cleghorn, Town Planner  
Darlene Bouffard, Recording Secretary

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15 This meeting was conducted pursuant to the State of New Hampshire Emergency Order #12 pursuant to  
16 Executive Order 2020-04. As such, the meeting was conducted in person and on zoom.

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18 **1. Call to order:** Chairman Knott called the meeting to order at 6:30 p.m. indicating that tonight is for the  
19 first public hearing of two Planning Board regulations as well as one application for acceptance and  
20 review. D. Knott asked that E. Cohen vote in the absence of P. Basiliere. Planning Board members and  
21 staff were introduced by D. Knott who noted that Paul Amato is in attendance via Zoom.

22  
23 **2. Public Hearing:**

- 24  
25 a. **Amend Planning Board Rules and Procedures, Adopted July 24, 2018 to revise**  
26 **Section XI, Site Walks, creating a definition, defining the purpose, and creating**  
27 **other clarifying language concerning Site Walks by Planning Board Members and a**  
28 **revision to Section XII, Standards of Conduct concerning the handling of**  
29 **complaints by Planning Board members.**

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31 Jason Cleghorn explained this item is not subject to the Warrant Article requirements;  
32 this amendment creates more definition of a Site Walk, this was presented many times  
33 over the past few months and this is the first public hearing of the proposed changes.  
34 These changes create a process for handling an application in front of the Planning  
35 Board. The Planning Board Chair can add any agenda item to discuss any complaint that  
36 comes forward. It would be an item under “Other Business” at the discretion of the  
37 Chair. D. Knott asked if that item would just be a discussion of that complaint? J.  
38 Cleghorn said yes, this is just to discuss in public the complaint brought forward.  
39 Previously there had been a complaint that came in that should have been handled this  
40 way. P. Amato said if this change passes, we need to comply by it. J. Langdell said this  
41 is not very common. J. Cleghorn said this is not related to any specific complaint. D.  
42 Knott just wants to make sure it is not too broad. J. Cleghorn said the purpose of this is  
43 so that when a person approaches any Planning Board member, that the discussion gets  
44 passed on to staff first and then the Planning Board. J. Langdell asked why the last  
45 sentence was added? The Chair has the right to add any item to the agenda at any time.  
46 Any board member has the right to add any item to the agenda. P. Amato thought that  
47 this was to make sure anything that comes directly to a Board member is brought to the  
48 Planning Board as a whole, that it is not up to any one member as an individual to look  
49 into it.

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51 Consensus of the Board was to strike the last sentence about adding an agenda item. J.  
52 Cleghorn will make that change. The definition of Site Walk has always been in the  
53 Planning Board Rules & Procedures and this is just for clarification. Hearing no further  
54 input from the Planning Board, D. Knott opened the hearing to the public. Seeing no

55 input from the public or on zoom, D. Knott closed the public hearing. J. Langdell moved  
56 to continue this review to the March 15 Planning Board meeting. E. Cohen seconded. J.  
57 Langdell in favor; E. Cohen in favor; T. Finan in favor; P. Amato in favor; D. Knott in  
58 favor. Motion passed. S. Robinson arrived at 6:35 p.m.  
59

- 60 b. **Amend Article X. Administration and Enforcement: Milford Gravel and Earth**  
61 **Regulations, Section C, Renewal regarding the renewal of excavation permits,**  
62 **extending the validity of the permit from one to five years and revising the fee for an**  
63 **excavation permit.**  
64

65 Jason Cleghorn explained the first time this was discussed was just that, a discussion, not  
66 a public hearing. Tonight is the first public hearing on this regulation. J. Cleghorn  
67 indicated with this change, the validity of permit would be five years instead of one year  
68 for excavation permits and the cost of the permit would be \$100 instead of \$50. At the  
69 last discussion, the consensus of the Planning Board was to make that change but there  
70 was no further discussion from the Board. D. Knott opened the public hearing and asked  
71 those that wish to speak to state their name and address for the record.  
72

73 David Palance, 19 Maple St, was on via zoom, and asked if the town has the ability to  
74 place penalties if the owner is not keeping the provisions of the permit in effect? J.  
75 Langdell explained there are clauses within the regulations that cover that. D. Palance  
76 asked what if someone is doing something different that the permit allows? J. Cleghorn  
77 said that would not be in the regulations it would be part of the Site Plan, they would be  
78 out of compliance with the Site Plan. P. Amato said the only power the Planning Board  
79 has is to revoke their permit and make them re-apply (if they are out of compliance). P.  
80 Amato does not remember there ever being a “fine” on a Site Plan, but the Planning  
81 Board can do other things.  
82

83 J. Langdell said there might be a clause in the RSA about penalties, but she does not  
84 think there is. D. Palance had no other comments. D. Knott closed the public portion of  
85 the meeting. J. Langdell moved to continue this to the March 15 Planning Board  
86 meeting. T. Finan seconded. J. Langdell in favor; T. Finan in favor, S. Robinson in  
87 favor; P. Amato in favor; E. Cohen in favor; D. Knott in favor. Motion passed. P.  
88 Basiliere arrived at 6:51 p.m., D. Knott indicated that E. Cohen can stay at the table for  
89 the discussion as an alternate, but cannot vote since P. Basiliere is now seated as a  
90 member.  
91

- 92 c. **Case SD2021-16 B33 Lordens Plaza, LLC – The Dubai Group (owners/applicants).**  
93 Review of a Minor Subdivision designed to divide the parent parcel into two new lots  
94 with the parent parcel remaining. The parcels are located at 586 Nashua St. and are  
95 located within the Commercial “C” zoning district. Tax Map 44 Lot 6.  
96

97 Janet Langdell moved to accept this application for review. T. Finan seconded. J.  
98 Langdell in favor; T. Finan in favor; P. Basiliere in favor; P. Amato in favor; S. Robinson  
99 in favor; D. Knott in favor. Motion passed.  
100

101 Janet Langdell moved no potential regional impact associated with this application. T.  
102 Finan seconded. J. Langdell in favor; T. Finan in favor; P. Basiliere in favor; P. Amato in  
103 favor; S. Robinson in favor; D. Knott in favor. Motion passed.  
104

105 Jason Cleghorn read the abutters list, there were no abutters present or on zoom. Doug  
106 McGuire, The Dubai Group, was in person to present on behalf of the applicant and has  
107 been involved with the other subdivision at this plaza for St. Marty' Bank. Mr. MacGuire  
108 indicated this is part of the overall plan to subdivide additional portions which requires  
109 zoning relief which has already been addressed but explains why this has been delayed.  
110 Tonight's subdivision is to subdivide the remainder of the lot into three parcels: the  
111 Shaw's Plaza; the lot for the portion in the middle and the other piece to the east (where  
112 the video store had been located in the past). The St. Mary's Bank lot and Starbucks' lots  
113 have already been subdivided off as separate parcels from the plaza.  
114

115 Mr. MacGuire continued that the existing property did not meet the open space  
116 requirement and there was relief granted for that by the ZBA in January 2022. Relief was  
117 also granted for zero lot line setback and that is because the existing lot with Shaw's goes  
118 right up to the edge and this is an existing property and there is a reciprocal easement that  
119 governs everything on the site.  
120

121 Attorney McHugh was attending via Zoom representing Bridge33 and was involved in  
122 that easement and can speak to that if needed. The reciprocal easement is very common  
123 for larger properties such as this which have shared amenities, parking, etc. It covers  
124 access, allows a subdivided parcel to act in unison and address any potential issues that  
125 may arise. The reciprocal easement does cover all of that and this is just a further  
126 subdivision of the parcel. The ownership of all parcels is currently the same.  
127

128 Mr. MacGuire indicated that J. Cleghorn had a few items that needed to be added to the  
129 plan, for which he provided copies to Board members; he is asking for a conditional  
130 approval tonight on those notes to be added. Mr. MacGuire also noted that the Water  
131 Utility Department had some issues, but he feels that they were not be aware of the  
132 reciprocal easement that's in place. That agreement covers any of the water issues that  
133 were brought up. J. Langdell asked if the revised notes mention the ZBA decision? Mr.  
134 MacGuire said they do and the reciprocal easement is also being added to the plan. T.  
135 Finan asked about a loading dock that is on the plan and asked if that is a problem  
136 because it crosses the property line. Mr. MacGuire answered because of the reciprocal  
137 easement that is not an issue. J. Langdell asked about the water utilities questions and if  
138 those are covered with the reciprocal easement? J. Cleghorn answered that it does, and  
139 the Water Utilities Director was not aware of the easement for all utilities.  
140

141 P. Amato said the utilities are provided once they are on the property, but the water meter  
142 is in the building and he thought the water department owned the meters? Mr. MacGuire  
143 does not know if there was an easement into the buildings, but if they need lights or  
144 access, they can do that. P. Amato said because this is just a subdivision, we do not see  
145 the water utilities. Mr. MacGuire said this is a recordable plan and utilities are not  
146 typically part of a subdivision plan. To help with finalizing the discussion, we put  
147 together an exhibit for review by staff \and Board members. J. Langdell asked to see that  
148 exhibit. Copies were passed out. P. Amato noted that this is the first time he has ever  
149 seen a subdivision plan where the line goes right through the building. J. Langdell asked  
150 if the Granite Town Plaza has been separated like this? P. Amato said the IGA building  
151 was a different owner. Mr. MacGuire said this would not be allowed and required a  
152 Special Exception and had to meet specific criteria, the Planning Board needs to meet the  
153 merit of the Special Exception; zero setback on the line is only accepted by Special  
154 Exception. D. Knott asked why this is being done? Mr. MacGuire believes that Shaw's  
155 will eventually want to purchase only the portion of the plaza that has Shaw's on it and

156 the other units have separate owners. J. Langdell wonders if that is the current trend. Mr.  
157 MacGuire said the reciprocal easement is done on these types of large plazas to protect  
158 all of the owners, it is very standard in these cases.

159  
160 P. Amato suggested if the reciprocal easement was not well written, no one would want  
161 to buy those lots. Mr. MacGuire agreed and said that the reciprocal easement goes with  
162 the land, any future owners are subject to that agreement. S. Robinson asked if the water  
163 utilities concerns have been addressed? D. Knott said that it has been. D. Knott opened  
164 the public hearing, stating anyone wishing to ask questions or make comments should  
165 state their name and address for the record. There were no public comments or questions  
166 via zoom. D. Knott closed the public hearing.

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168 Tim Finan moved to conditionally approve the application based on the resolution of  
169 items in the staff notes. J. Langdell seconded. T. Finan in favor; J. Langdell in favor; P.  
170 Basiliere in favor; S. Robinson in favor; P. Amato in favor; D. Knott in favor. Motion  
171 passed.

172  
173 **3. Other Business:**

174 **a) Discussion of the Town of Milford Stormwater Management and Erosion Control**  
175 **Regulations.** J. Cleghorn explained that the Town Stormwater Consultant, Mike Vignale  
176 (KV Partners) has worked with the Town on these regulations to update them to the current  
177 standards. M. Vignale said these regulations go back to 1972, this is the next step beyond  
178 those regulations. In 2003, the town was MS-4 permitted; the new permit went into effect in  
179 2018. M. Vignale presented important information on what these requirements are. D. Knott  
180 asked if sodium chloride is being dealt with? M. Vignale said not yet, maybe in a future  
181 update. M. Vignale said the model regulation was accepted by the town. P. Amato said the  
182 Town Stormwater Regulations have to be at least if not better than the model. M. Vignale  
183 said this regulation is for surface water, not groundwater; surface water does not address  
184 wells which are groundwater. Wells are not addressed here because this is addressing only  
185 surface waters. When an applicant comes in, the wetland needs to be located and that is the  
186 point of the measurement.

187  
188 P. Amato asked is this the same as an AoT? M. Vignale said it is similar to an AoT. J.  
189 Cleghorn said this just sets up the threshold of what requires a stormwater permit. There are  
190 some engineering requirements with a stormwater permit but it is less burdensome than an  
191 AoT. J. Langdell said this is nothing new to the town. J. Langdell said this is making it less  
192 onerous. M. Vignale said this process is very similar to an AoT. P. Amato suggested an  
193 engineer needs to be hired for this. J. Cleghorn said we already have a stormwater  
194 management plan in place and this needs to be kept up to date. M. Vignale said a lot of what  
195 has changed is to update to current standards. Water quality is a new section in the  
196 regulations. J. Cleghorn said the purpose of MS-4 is to improve, the permit is to improve the  
197 features of the water. M. Vignale said there is a benefit to all of this. P. Amato asked why  
198 do these regulations need to be different from the State? M. Vignale answered they are  
199 similar to the State but not identical.

200  
201 Jason Cleghorn said tonight, this is not a public hearing. A lot of what is in the stormwater  
202 regulations gets out to the public through outreach. J. Langdell asked what is the process for  
203 the town to remind the owner of stormwater inspections? How many properties does this  
204 impact in town? S. Robinson asked do the catch basins in town get monitored? M. Vignale  
205 said yes. J. Langdell said it is the reporting that needs to be done and get sent by Community  
206 Development every year. J. Langdell asked how that will get done? J. Cleghorn said we

207 have not gotten that far yet. D. Knott said if it is a big apartment complex, the cost will be  
208 part of the rent. P. Amato said a large plan will be under an AoT and would not be under  
209 Community Development. M. Vignale said yes it will because there needs to be reporting to  
210 be submitted. M. Vignale said this applies only to new developments. S. Robinson said  
211 when Walmart was first built, there were people monitoring the catch basins. M. Vignale  
212 said every plan has a requirement for the property owner to monitor the catch basins.

213  
214 J. Langdell said it would help to know how many properties the town has that will be  
215 impacted, this is an unfunded mandate for towns. D. Knott asked about open space  
216 developments, do they report? M. Vignale answered this is going forward, not looking back.  
217 Only new developments need to address this. If this is a new permit, how can you go  
218 backwards? This is a new regulation going forward. P. Amato said this is implemented to  
219 enforce. Once the property is sold, the new owner is not going to keep up with it. J.  
220 Langdell said if they expect that the local towns are going to have to capture and track this.  
221 Pete Basiliere asked about public land, how is that done? M. Vignale said within a  
222 timeframe it will tell you to do certain things. D. Knott said if the town cannot get to it  
223 within the set timeframe, what is the outcome? M. Vignale said they can fine the town. J.  
224 Langdell asked if there is a companion document that outlines what has to be done including  
225 the fines? M. Vignale said it is a 65 page permit for New Hampshire. He has never seen  
226 that. J. Cleghorn said the coalition has a blog we can check. J. Langdell asked for the link  
227 for that blog. J. Cleghorn said the town gave the draft to five local engineering firms to  
228 review for these regulation updates. The town received comments from 1-2 firms, M.  
229 Vignale has talked to them. The regulations are from the EPA, some rules are not crystal  
230 clear, we are trying to learn as best we can. J. Cleghorn has been talking with Conservation  
231 to move forward with it.

232  
233 The town has also been interviewing potential interns to hire in March to do some of the  
234 hands on pieces of this to get it into the GIS system. The reporting requirement, we have  
235 also monitored, now we need to report the findings. There might be new outfalls since the  
236 last collection. J. Langdell said it is clear that there will be an intern involved but there will  
237 also be staff involvement. S. Robinson asked if ARPA funds have been used for this? P.  
238 Amato said those funds have already been spent by the Selectmen. J. Langdell said with  
239 stormwater management being amended, we have been doing this for a while but there are  
240 other towns that are just getting involved such as Wilton. D. Knott asked what is driving  
241 this? M. Vignale said it is just for clean water, the biggest impact is getting sewage out of  
242 the water. There are a lot of old pipes that are tied in to the water. The samples and testing  
243 associated is a big deal. D. Knott said waste pipes getting tied into the water pipes is highly  
244 unlikely. M. Vignale said in new developments it is highly unlikely, but in the older  
245 developments, it was done. P. Amato said sometimes stormwater management systems are  
246 under parking lots, there is no way to tell if they are working. M. Vignale said reporting if it  
247 is working or is not only how quickly the flow goes down. P. Amato said there are systems  
248 in place but at this time they do not need to be reported.

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250 Janet Langell asked when will we be back to this? J. Cleghorn said as soon as we can, he has  
251 been asking to get on the agenda with Milford Conservation to work with them. We should  
252 bring the draft back to the Planning Board before anything is finalized. J. Langell asked for a  
253 date. J. Cleghorn thinks he can get back to Conservation in April. P. Basiliere would like to  
254 know how many properties this includes for the next meeting.

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**b) 2022 Goals and Objectives and Long Range Plan Implementation**

Jason Cleghorn updated the table in the packets in accordance with comments from the Planning Board, he is looking for Planning Board input. What priority would the Planning Board like to see for Impact Fees and what are the priorities of the other items for 2022? P. Amato had asked if the entire Master Plan will be looked at? J. Cleghorn agrees with some of the discussions of the Planning Board and feels it might be time for an entire refresher of the Master Plan (as a whole). J. Langdell said whether we do it ourselves or hire someone, we need to take a look at it as a whole and not piece meal. P. Amato agrees we have done it in pieces for so long that we need to look at it as a whole. We do not have a lot of cases coming forward right now.

D. Knott asked if we want to use work sessions to review this? J. Langell said there is more outreach needed and input on how to approach it. J. Langdell said when the last one was done there was outreach. D. Knott said the Master Plan and CIP will take a few months each; workload needs to be taken into consideration for the Master Plan. It might be a good time now to look at this since there are not a lot of applications. J. Cleghorn suggested maybe having a consultant as a guide along the process. J. Langdell said we can look at the Impact Fees and knock that one out and that will lead into the Master Plan.

Jason Cleghorn indicated that L. Daley will look into the current Impact Fees and provide data on what is collected and how it gets disbursed for that discussion. J. Cleghorn would like to have a presentation from each department that collects Impact Fees to explain it to the Planning Board. D. Knott would like to get the Impact Fees looked at and identify how we can update as necessary. J. Langdell said Water/Sewer has charges subject to Impact Fees and how any development fits into the future growth of Milford and future planning. P. Amato said to talk to Water Utilities on those fees looking forward for the next 25 years.

Janet Langdell hopes that the Master Plan will be redone again in five years. S. Robinson thinks the Planning Board should have a schedule and goals for these items. J. Langdell said that Milford's future vision should engage the community and identify dates to make it happen. The Recreation Impact Fees were for 3.5 years. Chapter 1 identifies the vision for that. Concepts were identified for each Chapter. E. Cohen said the Oval is not promoted as a walking destination and should be. P. Basiliere said part of the process needs to be for people to look into the future; that might be difficult. J. Cleghorn will look at the Impact Fees and the requirements and identify what type of fees and how it gets tracked. D. Knott said we are behind on reviewing the Impact Fees; we need to get a plan to start working on that. P. Amato said the Planning Board should invite people to the process of updating the Master Plan; we know there is a petition warrant article on the ballot for the Planning Board to be elected instead of appointed, maybe we can bring them into that. S. Robinson aid there are two groups of people and we need to get both involved in the Master Plan process. J. Langdell said we can get more people at the table to be involved as the Planning Board starts to look at the Master Plan. D. Knott said the Planning Board needs a path to get started. J. Langdell said she has some documents that pulled together how to get started. J. Cleghorn will look at the Impact Fees with L. Daley for the next Work Session. J. Langdell indicated the most important duty of the Planning Board is to have a Master Plan.

**4. Meeting Minutes:** November 30, 2021. T. Finan moved to approve the minutes of 11/30/2021 as presented. S. Robinson seconded. All were in favor. Motion passed.

**5. Upcoming Meetings:**

- 3/1/22 –Work Session
- 3/15/22 – Regular Meeting

