

4 **Members Present:**

5 Doug Knott, Chairman
6 Janet Langdell, Vice Chairman
7 Tim Finan, Selectmen’s Rep
8 Pete Basiliere, Member (via Zoom)
9 Elaine Cohen, Member
10 Paul Amato, Member
11 Susan Robinson, Member
12 Susan Smith, Alternate
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Staff:

Camille Pattison, Temporary Planner (NRPC Assistant)
Darlene Bouffard, Recording Secretary
Andrew Kouropoulos, Videographer

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16 **1. Call to order:** Chairman Knott called the meeting to order at 6:30 p.m. indicating that tonight is
17 for the public hearing of three new Planning Board applications and one application that was first
18 heard in June 2022 and was continue. Planning Board members and staff were introduced by D.
19 Knott. D. Knott indicated that Susan Smith is now an Alternate member to the Planning Board
20 and will not vote unless a member chooses to recuse themselves.
21

22 **2. Public Hearings:**
23

24 a. **Case SP2022-08 Sooner Transportation, LLC for the property located at Tax Map 12,**
25 **Lot 11, 754-756 Elm Street.** Public Hearing for a Major Site Plan Application to construct a
26 two-story, 7,200 s.f. auto sales and repair facility with associated parking, stormwater
27 management/drainage, landscaping, and lighting improvements on the subject property located
28 in the Commercial ‘C’ Zoning District and West Elm Overlay District. Request for Waivers
29 from the Development Regulations, Section 6.05.4 to allow a reduction of required off-street
30 parking spaces and from Section 6.08.5(B)1 and 6.08.7(A)1 involving required landscaping
31 along the periphery of the property and parking areas/access. **Continued from 8/16/22 PB**
32 **Meeting.**

33 This item is being continued from the August 16, 2022 Planning Board meeting. A site walk
34 was conducted September 6, 2022. C. Pattison indicated this is the third time the application
35 is before the Planning Board and the applicant has new information to provide. Katie Weiss,
36 representative for the applicant, stated she received a negative response from the DOT about
37 the unloading area being on Route 101 and she has made changes to the plan based on that in
38 formation. In order for the car display spaces, and getting them in and out, Katie has added a
39 14-foot aisle for access and the ability to back in and out the cars. The island has been extended
40 to the property line and the turn radius needs to change. Fire truck access and egress was
41 discussed. The neighbor has not yet been contacted regarding the turn radius. In order for the
42 delivery trucks to fit on the site to unload, there were 3 options presented. The display spaces
43 would need to be in the rear of the building, but the owner wants the display area in the front
44 of the building. Another option is for the building to be moved and allow for 28 display spaces
45 out front. This option might not work for emergency access. The applicant also wants to keep
46 the business open while the building is being built.

47 K. Wiess continued that she wanted to present all three options to the Board and look at
48 delivery and parking of cars out front. Most of the buildings in this area are in the front of the
49 lot; 72’ from the curb line is available. Some of these buildings are located on the back side
50 of the properties. Dunkin is the most recent building and is more in the rear of the lot, but is it
51 in conformance with the West End Overlay District? The sidewalk produced some discussions

52 on the area behind the site and to get rid of the debris and allow some grass to grow out there.
53 K. Weiss said if a bus stop is still desired, it may need to be on DOT property. P. Amato asked
54 if the bus stop would be on the DOT property not on the owner's property, if it is on DOT
55 property, the town needs that in writing. K. Weiss will be submitting a request to DOT; she is
56 not sure when that response will be received. J. Langdell said the bus stop being in the
57 conversation is premature at this point. P. Amato indicated that one option did show a bus
58 stop, but he does not see anything about a fire truck being able to maneuver. The Fire Chief
59 had talked with Katie Weiss and she got the wheel radius of the truck to include on the plan.

60 C. Pattison stated if an emergency vehicle needs to respond when the cars are in the display
61 area, how would that be handled? K. Weiss responded there would be time to move the cars
62 out of the way before emergency trucks arrive. J. Langdell asked what if there was an
63 explosion in the middle of the night? K. Weiss said it is a two-story building and there would
64 not be anyone in the building during the night. C. Pattison asked what is a floating easement?
65 K. Weiss explained that it just states a certain width but not a location and it is tied to the land.
66 P. Amato does not recall ever seeing a floating easement, but asked if the applicant could not
67 park cars where the floating easement is located? K. Weiss said there are some floating
68 easements in Bedford NH.

69 C. Pattison said for the average setback calculations, the goal is to move the buildings to the
70 front of the lot, so to base any decision on those calculations would not be warranted. K. Weiss
71 responded that the pond was changed a little, the sidewalk also, and we are 4' above the water
72 table. Jerry Johnson, owner, used to do environmental work in a previously position. The two
73 waivers requested (parking calculations and West Elm Overlay District). The applicant is
74 requesting relief from the West End Overlay District and the 10-foot setback to park cars. The
75 aisle is proposed to be 14' wide. K. Weiss said what is of concern is the circulation in an
76 emergency. E. Cohen asked if an elevator will be in the building? K. Weiss said the elevator
77 plan will be part of the next meeting. P. Basiliere asked about Sheet 7 and if that is an elevation
78 of what the building will look like? K. Weiss said that is what it will look like but moving the
79 building closer to the road will not work. P. Amato asked how is the new business different
80 from the business that is there now? K. Weiss said cars that are being serviced would be parked
81 in the front of the service bay but it will still be car sales and service.

82 Jerry Johnson, applicant, said in order to create a business, one issue for used cars is having 30
83 parking spaces available. Right now, we have 40 spaces, the need is for the shop to be further
84 out back and display area in the front; this is very important. The intent is to create something
85 that is attractive. He understands why the West End Overlay District is important, but in order
86 to have this business, he needs the display for the business. P. Amato said part of the reason
87 for the Overlay is to prevent what is happening there now with all the debris out back. K.
88 Weiss explained that when the DOT took back their land, the business lost about 30 spaces out
89 front and lost 50% of the business. S. Robinson appreciates that the applicant wants to meet
90 the requirements of the district and keep it attractive. J. Langdell asked how many parking
91 spaces do they currently have? K. Weiss answered they need 40 display spaces and 20 spaces
92 for customers and employees. P. Amato said so the Board is trying to give them a guideline
93 about having the building location in the front or in the back. S. Smith asked if access was
94 looked at through the back of the abutting property? K. Weiss said there would still be an issue
95 with the turns. P. Amato said it could also be wet there. S. Smith said if that were looked at,
96 it might open up some spaces or options. P. Basiliere asked for that to be considered, to open
97 up space for cars.

98 J. Langdell asked if there is any plan to purchase the abutting property? J. Johnson responded
99 that he is trying to work with that neighbor and either lease or purchase the property and will
100 have an answer by the next meeting. He could at least try to negotiate using that area for a turn
101 around and he believes that neighbor will work with him. P. Amato asked if the Board wants
102 to put off a decision on the building location until it knows what is happening with the abutting
103 property? T. Finan said that area needs to be cleaned up and that is why the West End Overlay
104 District was created, to make the lots nicer in the west end of Milford. J. Langdell said if the
105 lot is insufficient for this intensity of use, cannot meet the safety guidelines, and if the lot
106 cannot meet the regulations, it might not be the right location. P. Amato said anything that is
107 done at this location would be an improvement from what is there now. D. Knott said the
108 applicant has a critical issue with the abutter that needs to be resolved.

109 After discussion, P. Amato stated there is not much more the Board can do right now. J.
110 Langdell said another lay out could be done with the property next door, but that is unknown
111 at this time. P. Basiliere asked if the Dunkin Donuts was built after the overlay district was
112 adopted? J. Langdell said it was, to which P. Amato indicated that Dunkin reconfigured their
113 lot and bought another property in order to make it work. P. Basiliere agreed it would be good
114 to table the application for tonight.

115 D. Knott opened the meeting to the public asking for those who wish to speak to state their
116 name and address. D. Palance, resident at Maple Street, asked what is the involvement of
117 NRPC on this application, noting the name of Camille Pattison on the paperwork in the packet.
118 J. Langdell explained that Camille Pattison is currently serving as the Milford Town Planner
119 temporarily in that capacity, but works for NRPC. D. Palance asked also about the note on the
120 plan that said the demo will be done by Manchester Rules. Katie Weiss said that has already
121 been corrected. D. Palance clarified that he is acting as a town resident, not as the Heritage
122 Commission Chair. C. Pattison said she will talk with L. Daley about the Heritage Commission
123 comments prior to the next hearing. Seeing no other comments, D. Knott closed the public
124 hearing.

125 P. Amato moved to table this application to the October 18, 2022 Planning Board meeting. T.
126 Finan seconded. P. Basiliere was in favor; T. Finan in favor, J. Langdell in favor, S. Robinson
127 in favor; P. Amato in favor; E. Cohen in favor; D. Knott in favor. Motion passed 7/0.

128 b. **Case SD2022-08 Utopia Revocable Trust / Vita Viatkunas, Trustee for the properties**
129 **located at Tax Map 53, Lots 67-3 and 68-1.** Public hearing for a Lot Line Adjustment
130 application to modify the property lines between the subject properties within the Residential
131 'R' Zoning District. Waiver Request from the Development Regulations, Sections 5.06.K and
132 L to show the delineation of wetland, the associated wetland buffers, and slope exceeding 25%
133 on the submitted plan.

134 T. Finan moved to accept the application for review. P. Amato seconded. P. Basiliere in favor;
135 T. Finan in favor; P. Amato in favor; J. Langdell in favor, E. Cohen in favor; S. Robinson in
136 favor, D. Knott in favor. Motion passed 7/0.

137 J. Langdell moved no potential regional impact associated with this application. E. Cohen
138 seconded. P. Basiliere in favor; T. Finan in favor; P. Amato in favor; J. Langdell in favor, E.
139 Cohen in favor; S. Robinson in favor, D. Knott in favor. Motion passed 7/0.

140 Abutters were read into the record by D. Bouffard.

141 Earl Sandford, representing the applicant, explained there is nothing on the ground changing
142 for this application, this is just housekeeping. The Lot Line Adjustment (LLA) being requested
143 was adjusted incorrectly and tonight is to adjust the lot line so that it is correct and the shed
144 will be on the correct portion of the lot. E. Sandford handed out copies of the LLA plan,
145 explaining the end of the shed is on lot 67-3, that is the purpose of this LLA. The shared
146 driveway is built on more than one lot.

147 Vita Viatkunas (Cooper), owner/applicant, noted the barn will be with the house and the vacant
148 lot is on the opposite side if this LLA is approved. E. Sandford noted the corner of the barn
149 eave is over the setback, but there is question of whether to measure by the foundation or the
150 eave. In his experience, E. Sandford stated he typically would go by the foundation, but it
151 could go either way. C. Pattison said in her experience, a gutter was identified as part of the
152 structure when a mortgage was going through the bank. E. Sandford said this is the zoning
153 ordinance and how it is interpreted. C. Pattison asked for a copy of the Driveway easement
154 for the town records.

155 P. Amato asked if this plan went before the ZBA? E. Sandford responded that it did and he
156 had the wrong setback on the plan, he used the foundation instead of the eave, so that
157 application was withdrawn and a new application was submitted to be heard by the ZBA
158 October 6. P. Amato asked if this application can be approved conditionally until that
159 application is heard? C. Pattison responded that it can.

160 P. Basiliere asked about the abutters on Mountain View Court, why is that? P. Amato said the
161 driveways for those lots are on Mountain View but the lots are directly across from this
162 property. S. Robinson said this is across from the back of those properties. Seeing no further
163 discussion, D. Knott opened the meeting to the public, asking for those speaking to state their
164 name and address. There were no public comments or questions. D. Knott closed the public
165 portion of the hearing.

166 P. Amato moved to conditionally approve the application conditioned on the outcome of the
167 ZBA application for setback relief. J. Langdell seconded. P. Amato asked about the waivers.
168 P. Amato moved to put the motion on hold. J. Langdell seconded. P. Basiliere was in favor;
169 J. Langdell in favor; P. Amato in favor; T. Finan in favor; S. Robinson in favor; E. Cohen in
170 favor. Motion passed. The approval was put on hold momentarily to address the waivers.

171 J. Langdell said there is a waiver request for 5.06 Wetlands and Topography. E. Sandford
172 explained this requirement is for topography and wetland delineation on the plan, which is
173 already on file with the Town from a recent previous plan, he does not feel this should be
174 required for a Lot Line Adjustment.

175 P. Amato moved to approve the waiver request for 5.06 requirements. J. Langdell seconded.
176 P. Basiliere asked if the wetland delineation is in perpetuity or just for this application? C.
177 Pattison said the waiver is only for this application. P. Basiliere was in favor; T. Finan in favor;
178 J. Langdell in favor; S. Robinson in favor; P. Amato in favor; E. Cohen in favor; D. Knott in
179 favor. Motion passed 7/0 for the waiver request.

180 P. Amato moved to approve the application conditioned on the outcome of the ZBA application
181 for setback relief. J. Langdell seconded. P. Basiliere was in favor; J. Langdell in favor; P.
182 Amato in favor; T. Finan in favor; S. Robinson in favor; E. Cohen in favor; D. Knott in favor.
183 Motion passed 7/0.

184 c. **Case SD2022-09 Gary T. Meissner and Barbara Prince-Meissner, owners of the property**
185 **located at Tax Map 41, Lot 38-1, Osgood Road.** Public hearing for a Major Subdivision
186 application to subdivide the subject lot into four lots within the Residential ‘R’ Zoning District.

187 P. Amato recused himself from this discussion as he is an abutter. D. Knott asked that S. Smith
188 vote in the absence of P. Amato. J. Langdell moved to accept the application for review. E.
189 Cohen seconded. P. Basiliere in favor; T. Finan in favor; J. Langdell in favor; S. Robinson in
190 favor; E. Cohen in favor; S. Smith in favor; D. Knott in favor, with P. Amato recusing. Motion
191 passed 7/0/1.

192 J. Langdell moved no potential regional impact associated with this application. E. Cohen
193 seconded. P. Basiliere in favor; J. Langdell in favor; E. Cohen in favor; T. Finan in favor; S.
194 Robinson in favor; S. Smith in favor; D. Knott in favor with P. Amato recusing. Motion passed
195 7/0/1. Abutters were read into the record by D. Bouffard.

196 S. Ingram of Meridian Land Services, representing the applicants Gary Meissner and Barbara
197 Prince-Meissner, explained the subdivision plan and that he is representing the
198 owners/applicants. C. Pattison said that she needs to have a written sign-off that the applicants
199 are having Sam represent them in this hearing. Gary Meissner and Barbara Prince-Meissner
200 were both on the zoom meeting and verbally gave approval that Sam Ingram is representing
201 them in this hearing. C. Pattison noted that for the file, a written authorization is needed for
202 the Town. G. Meissner acknowledged that they will sign an authorization for the town that
203 Sam Ingram is acting on their behalf.

204 S. Ingram continued with the details of the parcel size, indicating that the applicants are
205 building a house on the largest parcel and subdivided 3 additional lots served by well water
206 and septic systems. An approved septic design for lot 41/38-1 has been submitted to the town
207 as part of the construction of their home, which is under way. This property was previously
208 before the Planning Board in 2021 for a conceptual discussion, after which the property was
209 purchased by the Meissner’s. S. Ingram has talked with Leo Lessard, DPW Director, at the
210 site earlier in the season about access to the lots and what was shown on the septic design and
211 the driveway location was agreed to with him. There is 225’ of site distance for the Meisner’s
212 lot and there are some small wetlands on the site, but nothing that will be impacted.

213 E. Cohen asked if the owner will develop the other 3 lots or sell them? S. Ingram believes
214 Gary and Barbara will sell the lots as they are not developers. P. Basiliere asked if Leo Lessard
215 had authorized for the driveway to have reduced sight distance? J. Langdell said that DPW
216 issues the driveway permits so yes, he has that authority. P. Basiliere asked if that should be
217 done after the subdivision gets approved? P. Basiliere said he is not comfortable with just
218 meeting the minimum standard sight distance for that driveway. S. Ingram said that Leo
219 Lessard said that is the location for a driveway that is most favorable for that parcel. Further
220 noting that a building permit for lot 41/38-1 has already been submitted. C. Pattison indicated
221 that a written letter stating the approval for the driveway location should get submitted for the
222 Planning File. S. Ingram acknowledged that he will send that and then reviewed the staff
223 comments; saying the road location will be on the plan. S. Ingram agrees with the staff
224 comments and the driveway approved by L. Lessard. S. Ingram continued that any stone walls
225 that are disturbed will re-use the stones to repair any disturbances. He is in agreement with the
226 other staff comments.

227 Seeing no further questions or comments, D. Knott opened the public hearing. Dave Palance,
228 Heritage Commission Chairman, asked that the Stone walls be preserved if at all possible or if
229 disturbed, to use the same stones. A note on the plan might be helpful to track that. D. Palance

230 also asked about the wetlands, noting that wetlands can change when the nearby bridge work
231 gets done. P. Amato, abutter, said the work on that bridge Dave speaks of is downhill of this
232 location and should not have any impact. Note 10, P. Amato has never seen that note before,
233 and he has a problem with it. C. Pattison said she took that note right out of the Stormwater
234 ordinance, she will defer to what is normally done by the Planning Board. C. Pattison wants
235 to be consistent with past practice. S. Ingram does have that the roads are subject to
236 groundwater protection standards.

237 T. Finan moved to approve the application conditioned on a letter received from the owner
238 allowing Sam Ingram to represent them on the application and on a letter being received from
239 Leo Lessard (DPW Director) regarding the driveway location for 38-1 requiring the sight
240 distance reduction. J. Langdell seconded. P. Basiliere is against this approval based on lack
241 of knowledge about the driveway location; T. Finan in favor; J. Langdell in favor; S. Robinson
242 in favor; E. Cohen in favor; S. Smith in favor (voting in lieu of P. Amato); D. Knott in favor;
243 and P. Amato recusing himself. Motion passed with 6 in favor, 1 against and 1 recusing.

244 P. Amato stepped back up to the Board.

245 d. **Case SP2022-09 Bradcore Holdings, LLC, Owner for the property located at Tax Map**
246 **48 Lot 9, 454 NH Route 13, Chappell Tractor, LLC.** Public Hearing for a Major Site Plan
247 application to build a 3,000 sf. service bay addition and storage area within the Integrated
248 Commercial Industrial 'ICI' Zoning District. Waiver Requests from the Development
249 Regulations, Section 6.08 Landscaping Standards, in its entirety, as the existing landscaping
250 will not be altered, as well as Section 5.32.080 Stormwater Management and Erosion Control,
251 in its entirety, as this proposal will not change existing drainage patterns.

252 E. Cohen moved to accept this application for review. T. Finan seconded. P. Basiliere in
253 favor; E. Cohen in favor; T. Finan in favor; S. Robinson in favor; P. Amato in favor; J. Langdell
254 in favor, D. Knott in favor. Motion passed 7/0.

255 J. Langdell moved no potential regional impact associated with this application. T. Finan
256 seconded. P. Basiliere in favor; J. Langdell in favor; T. Finan in favor; S. Robinson in favor;
257 P. Amato in favor; J. Langdell in favor; D. Knott in favor. Motion passed 7/0.

258 Abutters were read in to the record by D. Bouffard.

259 K. Chamberlin, representing the applicants, is here to present the application as well as
260 applicants Corey and Brad Chappell who can answer any specific questions. Corey Chappell
261 indicated they are not going to enclose the area they previously discussed. N. Chamberlin
262 explained the service area of the building is what is being referred to. There is a retaining wall
263 already there that will be continued and used for storage space. J. Langdell asked if the rip-
264 rap is part of the open space calculation? N. Chamberlin said it is just gravel and no, it is not
265 included. There is a 1-1 slope that will be leveled off, and then 3 overhead doors and then 2
266 overhead doors. There is a septic area out back they will abandon and a new septic will be
267 added closer to the front of the facility.

268 D. Knott stated there are two waiver requests: 1-stormwater management; 2- landscaping. N.
269 Chamberlin noted there is already landscaping on the site in the front and the stormwater will
270 not be affected by this change. J. Langdell asked what will be stored in these units? N.
271 Chamberlin said it will primarily be equipment waiting to be repaired; this is an extension of
272 the building that is already there. C. Pattison talked to Chad Branon, who was previously
273 representing this applicant, about getting a letter to her that a certified engineer has signed off
274 that the stormwater will be compliance with the stormwater regulations of Milford; she asked

275 if Nate Chamberlin has that letter? N. Chamberlin was unaware of that discussion. C. Pattison
276 stated that letter will be a condition of any decision tonight.

277 N. Chamberlin continued on that the lights will be downcast and shielded. Parking needs to
278 be looked at, including handicapped spaces, for fire protection this will continue with what is
279 already in the building. C. Pattison asked if the buildings have sprinklers in the existing
280 buildings? N. Chamberlin responded they are not sprinklered. D. Knott indicated the staff
281 report was sent to the Fire Department and they had no comments. N. Chamberlin said the
282 existing building does not have sprinklers and this would just be an expansion of the existing
283 building. C. Pattison indicated that the town needs to have a letter regarding the stormwater
284 from certified engineer regarding concerns items 5 & 8 on the staff report.

285 P. Amato said he has no issues with the waiver requests. S. Smith asked if the storage area will
286 be paved? N. Chamberlin answered that it will be paved. J. Langdell stated if the letter from
287 a certified engineer who signs off on the plans with paving and that it will not affect the run
288 off, then the town is covered. C. Pattison said that Chad Branon is aware of this issue and said
289 today that a letter would be provided tonight. N. Chamberlin was not aware of that. But the
290 rip-rap versus the pavement will not affect the drainage, it is about the same with the 1-1 slope,
291 it will not go into the ground.

292 P. Amato moved to conditionally approve the waiver for stormwater subject to the town
293 receiving the letter from a certified engineer. T. Finan seconded. P. Basiliere in favor; T.
294 Finan in favor; P. Amato in favor; J. Langdell in favor; E. Cohen in favor, S. Robinson in favor,
295 D. Knott in favor. Motion passed 7/0.

296 P. Amato moved to conditionally approve the waiver for landscaping. T. Finan seconded. P.
297 Basiliere in favor; T. Finan in favor; P. Amato in favor; J. Langdell in favor; E. Cohen in favor,
298 S. Robinson in favor, D. Knott in favor. Motion passed 7/0.

299 P. Amato moved to conditionally approve the Site Plan with consideration to staff comments
300 numbers 4 & 8. T. Finan seconded. P. Basiliere in favor; P. Amato in favor; T. Finan in favor;
301 J. Langdell in favor; S. Robinson in favor; E. Cohen in favor; D. Knott in favor. Motion passed
302 7/0.

303 Corey Chappell asked about the retaining wall, the groundwater is all set but will that hold up
304 the building of the units? P. Amato asked for clarification: can they begin building without
305 the certified engineer signing of on the stormwater? C. Pattison said no they cannot, this
306 decision is conditioned on the town receiving that letter; that is a deal breaker and is needed in
307 order for approval. Corey Chappell just does not want to wait on starting to build. J. Langdell
308 if the letter cannot be processed, you could come back at the next meeting without the paving
309 on the plan.

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311 **3. Other Business:**

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313 **4. Meeting Minutes:**

314 T. Finan moved to approve the minutes of August 16, 2022 as presented. E. Cohen seconded. All
315 were in favor. T. Finan, E. Cohen, S. Robinson, P. Amato, J. Langdell, D. Knott, P. Basiliere were
316 all in favor. Motion passed 7/0.

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318 **5. Upcoming Meetings:**

319 9/27/22 – Planning Board Work Session (Master Plan)

320 10/4/22 – Planning Board Work Session

321 10/18/22 – Planning Board Public Meeting

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6. Adjournment. The meeting was adjourned at 8:45 p.m. on a motion made by J. Langdell and seconded by S. Robinson. All were in favor. Motion passed.

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

The Planning Board minutes of 9-20-22 were approved _____

DRAFT