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4 **Members Present:**

5 Doug Knott, Chairman
6 Janet Langdell, Vice Chairman
7 Peter Basiliere, Member
8 Susan Robinson, Member
9 Susan Smith, Alternate
10 Tim Finan, Selectman’s Rep

Staff:

Terrey Dolan, Director Comm. Development
Andrew Kouropoulos, Videographer

11
12 **Excused:**

13 Paul Amato, Member
14 Andrew Ciardelli, Member
15 Darlene Bouffard, Recording Secretary
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- 17
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- 19 **1. Call to order:** Chairman Knott called the meeting to order at 6:30 p.m. The Planning Board and
20 staff were introduced, noting that Tim Finan is the liaison for the Board of Selectman to the
21 Planning Board for this application as D. Freel has recused himself from this application. S. Smith,
22 Alternate Planning Board member, will be sitting and voting in place of P. Amato or A. Ciardelli.
23
 - 24 **2. Approval of Meeting Minutes:** The minutes of September 19, 2023 Planning Board were
25 reviewed. J. Langdell moved to approve the minutes as presented. S. Smith seconded. All were
26 in favor with T. Finan abstaining. Motion passed.
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 - 28 **3. Public Hearings:**

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30 **Case SP 2023-02: Continuation from the August 15, and October 3, 2023 Hearings** for the Application
31 for Major Site Plan Consideration for *The “Q” Rental Apartment Community (SP #2023-02), Tax Map*
32 **43, Lot 69-2**, (“0” Ponemah Hill Road). The applicants are TM Bolduc Holdings, LLC. The residential
33 project is proposed for 216 multi-family (rental) apartment units in a community complex, with six
34 residential buildings and a clubhouse. The overall property shall remain partially zoned as Limited
35 Commercial-Business (“LCB”) Zoning District, under Section 5.07.1.H and partially zoned as Commercial
36 (“C”) Zoning District under Section 5.05.1.P of the Town of Milford’s Zoning Ordinance.
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38 D. Knott continued that additionally, Waiver Requests have been proposed to be considered under the
39 Milford Development Regulations Section 5.02.0, specifically 5.07.L Delineation of Wetland or Wetland
40 Buffers, Section 5.07.M Delineation of Slopes in excess of 25% and Section 5.07.N Existing Topography.
41 These waivers are needed for the Planning Board to not require the submission of the information required
42 in the developable area of the site. This area is a +/- 8.5 acre non-developable area.
43

44 Matt Petersen, representing the applicant, is here to review additional information, noting the Waiver
45 Requests that were submitted were not posted for a public hearing so tonight, the hearing is to confirm the
46 Lot Line Adjustment and request the waivers for topography on that portion of the subdivision as that the
47 work will be done when that lot is developed at another time. That parcel has no determination of density
48 and there is no value of doing that at this time. The waiver has not changed since that submission, if the
49 Board has concerns, they can be discussed tonight. T. Finan indicated the subdivision was approved, the
50 waivers had just not been noticed? M. Petersen said that is correct. J. Langdell indicated the subdivision
51 would have had a separate vote than the waiver request and that was the question that was raised at the last
52 meeting. T. Dolan explained the Subdivision was approved at the August 15, 2023 meeting, the Waiver
53 was not discussed at the time, it was a language thing and T. Dolan wants to dot the I’s and cross the T’s,
54 it turned out that this area, had no discussion for the waivers, and is approximately 8.5 acres. That is because
55 of it being wet and the topography, it is part of the open space and not part of the planned development. M.
56 Petersen said the applicant is not proposing anything on that 8.5 acre parcel and it will remain in its natural

57 state. D. Knott asked if it could be developed at some point? M. Petersen responded that it will not, because
58 the density for the apartments is already set for the larger parcel, therefore no further density can be added.
59

60 S. Smith asked if the minutes for the subdivision were provided to members? T. Dolan responded that they
61 were provided at a previous meeting yes. The subdivision was approved at the August 15, 2023 meeting,
62 that was the first formal vote for the application. T. Finan asked about the May 2023 meeting that Matt
63 referred to? M. Petersen responded that is the date when he submitted the application to the town, the
64 waiver requests were in that in May 2023 submission. M. Petersen read the approval of the subdivision in
65 the August 15, 2023 minutes which do not refer to or mention the waiver request. P. Basiliere asked what
66 is the opinion of T. Dolan? T. Dolan said the waiver request was an omission in the May 19 letter. P.
67 Basiliere clarified his request, asking if T. Dolan agrees with the waiver request, that the information is not
68 necessary and the ordinance does not require it? T. Dolan responded that this +/- 8.5 acre parcel is
69 substantially wetland plus with the topography, he does not think it is worth getting the wetlands or
70 topography done since it is not part of the application in front of the Planning Board, but he did want to
71 formalize the waiver request, it is part of the 43 acre parcel for the calculations. S. Robinson asked if it is
72 Terrey's recommendation that the waiver be approved? T. Dolan responded that is his recommendation.
73

74 Janet Langdell referred to the memo page 2 and should the recommendation be noted on the plan as well?
75 T. Dolan responded that is correct, a note should be on the plan to that affect. D. Knott stated, if that parcel
76 is not buildable, why would that note be on the plan? T. Dolan said because at a minimum just a simple
77 plan note that states the land is not buildable would be helpful. D. Knott said it is not buildable because of
78 density, wetness and slope, so why a note? In the experience of T. Dolan, in both private and public sector,
79 we would require an applicant to note that as open space. M. Petersen agreed with T. Dolan since 20 years
80 from now, any land that's left, will be considered to put additional homes on and if there is a note on the
81 plan that says all of the 44 acres is needed for the density of the 216 units and no further development is
82 allowed on the undeveloped piece because of unit counts, or something clear. J. Langdell said we have
83 seen areas of town that 15-20 years ago were not considered buildable and now those developments have
84 water problems. D. Knott noted that as one condition of approval. The memo was continued to be
85 reviewed.
86

87 M. Petersen continued with the memo, noting another BBQ area was added and a small putting green and
88 dog park were added. Another BBQ area by another building with benches etc., he came up with different
89 ideas for outside locations. The path around the Quarry, made up of a stone dust path which then changes
90 to a gravel path around the buildings. Stoneyard Drive was looked at for curbing or no curbing, there is a
91 3.5-foot gravel apron on Stoneyard Drive which is painted and gets down to Nathaniel Drive. There are
92 other projects that sidewalks could be provided for, Matt is involved in some of the projects on the other
93 parcels. The traffic engineer is here tonight; the attorney has provided the number of .0 children per unit,
94 total number of anticipated children is 18 for the entire complex, that is what the study shows and that is all
95 he can go by. That information was e-mailed to Terrey the day after the last meeting. T. Dolan just saw
96 that information today. Janet said that was information the Board asked for. J. Langdell asked if people
97 actually use the indoor dog washing station? M. Petersen said he is not a dog person so he is not the person
98 to ask. J. Langdell said there are people shaking their heads yes. M. Petersen said since Covid, it seems
99 like people all have dogs now. J. Langdell said she is a dog person but she did not see that as a need, she
100 is just trying to learn and she appreciates the work being done by the applicant to create a neighborhood
101 instead of a random group of boxes where people can come and go from.
102

103 D. Knott continued with the memo review – sidewalks were just talked about any further comments on
104 that? S. Smith asked about the 3-4 houses mentioned, where will they go? Steve Desmarais, Salt Creek
105 Properties, indicated that when talking about the waiver for the wetland Matt mentioned it, there are no
106 other houses. M. Petersen said there is a piece above a proposed gas station that is being looked at for 3-4
107 houses on Nathaniel Drive which could join the sidewalk with South Street. S. Robinson asked if the Board
108 can ask anything about that possibility? T. Dolan said no, there is no application yet for it. D. Knott
109 continued with the memo – Section D Stormwater management, no further staff comments on that. S.
110 Smith asked if these are new comments? T. Dolan said he has re-written the stormwater comment regarding
111 the Medlyn Brook clean up on their property and that the clean up must be confirmed prior to any Building
112 Permits being issued in the complex. The first Phase of the complex is the roadway. P. Basiliere asked if

113 it is Building Permits or Occupancy Permits? T. Dolan answered it is Building Permits, Phase 1 is actually
 114 the roadway and then Phase 2 is a number of buildings. M. Petersen said the roadway and drainage is Phase
 115 1 to stabilize the run off and then they will start with the Pod closest to the road and work the way out. S.
 116 Desmarais noted they will clean up the Brook the first thing. D. Knott said the applicant has said since the
 117 get go that they will do brook the clean-up first. J. Langdell asked about that re-written comment about the
 118 Medlyn Brook clean-up, is that in the packets? T. Dolan thought he had gotten it in there. J. Langdell
 119 would like the minutes to reflect that revised comment about the clean-up of Medlyn Brook on their
 120 property.
 121

122 M. Petersen said he was before the Conservation Commission for the Gas Station Zoning Variance last
 123 Thursday and all his materials were with him and the Conservation Commission told him he does not need
 124 to present anything, their letter is being written and will be provided to Matt. Matt received the letter
 125 yesterday from Conservation with four comments on it from the Conservation Commission. Everything
 126 seems to be moving along, it was on the agenda but they (MCC) asked me not to present anything. J.
 127 Langdell asked if the letter that is coming will be in favor of the application? M. Petersen said the letter is
 128 actually the AoT, we cannot get an AoT without a letter from Conservation, in the letter from the State, it
 129 specifies a letter from ConCom. D. Knott so what would that condition be? J. Langdell said it would be
 130 State permit that is still in progress. M. Petersen noted that the mylars can't be signed unless that permit is
 131 approved
 132

133 D. Knott continued to E – Transportation, T. Dolan had a question for the DOT? Yes, T. Dolan explained
 134 14 months ago, the Town was waiting for a response regarding the off ramp of Route 101 and the consultant
 135 has not received any comment either. Bob Bolenger, Traffic Engineer, said that the comment of Terrey is
 136 correct, the DOT was contacted in September 2022 and now it is over a year with no response, the DOT is
 137 given the opportunity to review and comment in the Urban compact area, however a NH DOT driveway
 138 permit is not required for this project. Bob communicated with DOT two weeks ago and in his experience
 139 it seems municipalities get better communication with DOT than consultants. There has not been any
 140 communication from them, Mr. Bolenger would have loved to come here tonight with something, a letter
 141 stating everything was copacetic but he has not heard and does not have a date certain. This application
 142 does not require a permit from DOT, we simply asked for a review. S. Robinson asked if there has been
 143 any correspondence on any of the properties he is working on with them? Mr. Bolenger responded that he
 144 would like to keep it specific to this application, but anything that is sent to DOT is taking very long for a
 145 response – there is a backlog up there, this project was put on the DOT radar over a year ago after review
 146 comments with Hoyle-Tanner were in. Mr. Bolenger would anticipate comments will come in at some
 147 point.
 148

149 Just to clarify, J. Langdell indicated we are not talking about a driveway permit, so that's not an issue, she
 150 understood that there is a possibility of impact to the on-ramp and off-ramp at Route 101, that was the
 151 question being referred to. T. Dolan agreed, saying it was the west-bound off-ramp. Mr. Bolenger said
 152 specifically the left hand turn, which operates terribly and will be a little worse in the future, this will not
 153 add to that volume, The Q is north of that site, we are not adding to that. J. Langdell said that clearly was
 154 a question on the table and the DOT has not responded to it. J. Langdell asked which department that went
 155 to? Mr. Bolenger responded because it is the Urban Compact area we went to the Bureau of Planning and
 156 Community Assistance, that would be the appropriate Bureau for a section of Urban Compact roadway.
 157 Janet asked who is the contact? Mr. Bolenger said it is Mr. Kevin Wrestle. That is not someone she has
 158 dealt with, she is just curious. D. Knott asked if there are any further comments or questions on the
 159 Transportation portion of the memo?
 160

161 P. Basiliere asked about the comment on the “Complex”, that is regarding this project? T. Dolan said it is.
 162 And the applicant has agreed to draft an easement, said Mr. Basiliere, which will go to perpetuity that
 163 restricts access to emergency vehicles? M. Petersen said it does not restrict, it allows emergency vehicles.
 164 T. Dolan said the easement will allow the town emergency vehicles to have access. D. Knott thought that
 165 would also give residents and employees access in an emergency situation by the Management Company,
 166 J. Langdell also would like that in the access. P. Basiliere asked when the town will see a draft of that? M.
 167 Petersen responded that will be done when the meets & bounds get done, it will go all the way through to
 168 Ponemah Hill Road. P. Basiliere wants to see a draft, for himself, and that it restricts anyone but emergency

169 vehicles or in the case of an emergency downstream that residents and employees can go out that way. M.
 170 Petersen indicated that an emergency gated access point is exactly that, the residents won't use it, only for
 171 an emergency. M. Petersen said that was discussed at the last meeting that this is just an emergency access
 172 easement for emergency vehicles to use in an emergency, nothing is planned to make that a public road.
 173 Normally the easement is a condition of approval, said J. Langdell. S. Smith questions the second bullet
 174 on the memo which seems very restrictive, saying no residents. M. Petersen indicated that a note on the
 175 plan will state no access to Ponemah Hill Road, the easement is a different thing; no construction vehicles
 176 on Ponemah Hill Road would be a note on the plan, for construction vehicles to use Stoneyard and Nathaniel
 177 to access the site, that is a note on the plan.

178
 179 D. Knott continued with the memo, item F1 – that was discussed, regarding the DOT. T. Dolan agreed that
 180 was discussed. Item F2: T. Dolan said we now have the computation, J. Langdell responded that the
 181 gentleman making reference to the tax implications with all the children this complex would now have and
 182 stating this is a premature application. The studies that Janet Langdell has seen from NH Housing Finance
 183 Authority are that the majority of new students coming into the schools are coming from single family
 184 homes and not apartments and that was the additional information the Board asked for and she said she
 185 thinks that was provided. P. Basiliere asked what those numbers were? M. Petersen stated that the study
 186 showed .08 children per unit, the end number being 18 students and that information has been submitted.
 187 The younger kids aren't having kids. J. Langdell asked that T. Dolan send the children information that
 188 was sent to him to the Board members so they have it. S. Smith asked about the other comment on the
 189 memo about the Hoyle-Tanner report and if that has been provided? B. Bolenger indicated he believes that
 190 comment was carried over from the last staff report and that the e-mails have all been copied to T. Dolan
 191 since this began. There is a documented record of that. T. Dolan explained there is no response back from
 192 the DOT, but there has been information provided.

193
 194 Seeing no other comments or questions from the Board. There are the three waivers and then the site plan,
 195 which he would like to vote on separately. If there are comments on the waivers, those should be brought
 196 up now. The hearing was opened to the public. Bob Chisholm, was not sure if it falls under the waivers,
 197 it may be both – the open space conservation ordinance and has that been applied to this? Per the
 198 requirements of the ordinance should it be required? Has that been reviewed? The waiver being requested
 199 is for the wetland and slopes, which could be part of the ordinance. D. Knott is NOT to delineate the
 200 wetlands and slopes. B. Chisholm asked if that were applied, would it affect the math? D. Knott said it
 201 would not because it speaks to the intent to develop within that. B. Chisholm stated there is a subsection c
 202 and d that if you don't meet the requirement, that the Planning Board has the discretion to enact c and d to
 203 apply these requirements to the project which ultimately goes to the Master Plan. Mr. Chisholm
 204 understands this ordinance is to protect the residents of Milford. Has the Board reviewed this? J. Langdell
 205 said traditionally that section of the ordinance was developed for the development of single-family homes,
 206 to protect parts of nature, the environment that were important; that is kind of where that section of the
 207 ordinance came from. It traditionally has not been applied directly to multi-family developments. That
 208 does not mean that the Planning Board, working with the Conservation Commission, does not look at
 209 developments and how they are citing and what they are doing to the land and how they are treating it. The
 210 Board does take that into consideration with this particular development that has come forward with a plan
 211 to address the Quarry that's there and the natural resources that are there.

212
 213 Steve Desmarais, Salt Creek Properties, explained the waiver is to NOT actually survey every two feet of
 214 the topography and where the wetland delineation is because this project is not going anywhere near it or
 215 interfere with it, that's all just gonna be walking trails for everyone to use like they've always done. This
 216 is basically an open space development, if it was being developed residentially with single family homes,
 217 the houses would sprawl all over every inch of buildable land and the drainage from that would affect
 218 everything. M. Petersen indicated the regulations that are being brought up are for open space residential
 219 subdivision, this is a site plan, that's why its five acres for density. The section of the ordinance does not
 220 pertain to this, the zoning requirements were met, that is why it is before the Planning Board now, this is
 221 not the section to be followed for Site Plan, that is a section to be followed for subdivision. Staff has already
 222 reviewed this, this is a Site Plan review, the regulations do not relate to this application and to continue to
 223 discuss them is wrong. Mr. Chisholm asked for clarification and again, was told they do not apply to this
 224 application and if he would like to meet off line to discuss the regulations in more detail, J. Langdell said

225 she would be willing to do that. Mr. Chisholm thanked the Board and does not feel that is necessary. D.
226 Knott commented that was not really about the waiver, that was more Site Plan related. There were no
227 further comments or questions from the public. D. Knott closed the public portion of the meeting.
228

229 The only condition captured by D. Knott for the waiver was the note regarding the non-developable area
230 which Mr. Petersen agreed to add to the plan. J. Langdell moved to approve the waivers for 5.07.L, M and
231 N with the condition added to the plan on the non-developable 8.5+/- acre area. P. Basiliere seconded. All
232 were in favor. Motion passed.
233

234 D. Knott opened the hearing to the public for any Site Plan comments or questions. Scott Kimball, Whitten
235 Road, asked for clarification on the anticipated affect on this property with Climate Change over the next
236 15, 20, 25 years. Mr. Kimball provided information from the Association of Chemical Engineers regarding
237 the changes in the Arctic; this information has not been entered into the Climate Change model which
238 anticipates increased temperatures, Mr. Kimball also brought the UNH 2021 study on climate change
239 effects in which they predict a 7-9% increase for mid-century. Those studies will be provided to the Board
240 to look at and disseminate. The studies will show that in the next 10-15 years there will be more and more
241 families going into these apartments out of necessity, since studies now show first time buyers are being
242 locked out of purchasing their first homes. Mr. Kimball provided the reports to T. Dolan.
243

244 D. Knott recognized S. Fournier's raised hand in the public comments portion of the meeting. S. Fournier,
245 9 Woodward Drive, questioned the calculation of the 216 units, because as she reads the open space
246 conservation district ordinance, she believes it applies to site developments of five dwelling units or more,
247 and the calculation provided in that open space district would be to 62 dwelling units. This may be an
248 appealable error by an interested abutter. Thank you. There were no further comments or questions from
249 the public. D. Knott closed the public portion of the hearing.
250

251 Regarding that last comment by S. Fournier, S. Smith asked if there is anything specific in the open space
252 conservation district, as in language that refers to single family dwellings as opposed to multi-family? J.
253 Langdell said it would not be a site plan if it were single family dwellings. S. Smith felt that does not sound
254 appealable to her then, she just wanted to make sure.
255

256 No disrespect Matt, but with some of our larger developments in Milford that do not have lots of access,
257 she was a little concerned about this development at the end of Nathaniel Drive, at the end of Stoneyard
258 Drive, when there is no sort of back loop area. Some of the work that's been done to work with the site,
259 there are still more sites to develop that can improve the situation, but putting that many units at the end of
260 what is actually a dead end, but Fire and Police were okay so who are we to be more concerned than they.
261 Janet Langdell does appreciate the care the team has given to this plan. There were no other comments
262 from Board members. D. Knott asked for a motion, for which Doug has four conditions to note. J. Langdell
263 listed the conditions: 1) note for the 8.5+/- acres that has wetlands and slopes that is non-developable; 2)
264 easement documents for emergency access from Stoneyard to Ponemah Hill; 3) note on plan that no
265 construction vehicles will use Ponemah Hill Road; 4) final State wetland permit from NHDES. S. Smith
266 asked if a note should be on the plan for emergency access on Ponemah Hill Road? 5) D. Knott noted that
267 will be the easements. S. Smith thought that it was suggested to be a note on the plan. M. Petersen added
268 that it would be clearer as a note on the plan. J. Langdell said that Josiah Bartlett Drive (Bartlett Commons)
269 with emergency access to North Street would be an example of that. M. Petersen can work with staff to
270 make sure the language is correct. S. Desmarais thinks Ledgewood was done that way too.
271

272 T. Finan moved to approve Site Plan SP2022-02 for 216 rental apartments at Map 69 Lot 1-1 with the five
273 conditions stated. S. Smith seconded. All in favor. Motion approved.

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275 4. Other Discussions:

276 T. Dolan indicated at the information requested at the last meeting is included in tonight's packet. The
277 recommendation from staff is to keep it as a waive process so that there are fewer potential challenges.
278 The waiver requests would be heard by the Planning Board and considered on a case-by-case basis. T.
279 Dolan indicated that the Town's 30% Open Space is in line with other towns.

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The understanding of S. Smith was that for the two companies looking to reduce the open space requirements, that was to avoid having to come to the Planning Board to request it. J. Langdell said that it was to allow expansion without knowing if a Waiver would be approved, for which the Board should encourage businesses to come forward to have those discussions. If a Warrant Article were to be written, P. Basiliere asked what exactly would be in it? J. Langdell said the Board asked how this could be done and how we could incorporate criteria that could explain an Industrial applicant would like to expand on their property and stay in town, but will not meet the open space requirement, or if they could use more than one of the properties owned by said property owner to meet the open space. Or another area that could be explored would be if that owner wanted to make a contribution to a fund that would add to/improve the area as an example.

P. Basiliere understands what is being requested, but what would a Warrant Article ask for? The language of a Warrant Article might be multi-step, said J. Langdell, to include changing the Zoning Ordinance for the “I” district and adding new language relative to changes in criteria and it would also require a change to the development regulation as well to be consistent. D. Knott believes that by requiring the waiver, that might cause them to come in to talk about options with staff, that would not be a guarantee but having that discussion up front would provide them some sense of, what we would be looking for, it would cause them to at least come in to talk about it. J. Langdell asked if the reduction of the open space would need to be done through the ZBA for a Variance, since that would not meet the ordinance. T. Dolan said if the regulation changes, it would require a town vote. But a variance would require the property owner to request a Variance from the ZBA. Under Hardship, related to a Variance, that would be if a property owner cannot expand without a reduced Open Space requirement. The only way this has been handled in Milford, that T. Dolan has seen is through a waiver process. J. Langdell said that would only be done on a new property/application. But the owner would be making the property non-conforming to the current zoning, Janet Langdell believes that is ZBA.

D. Knott noted that the Board also does not want to encourage the anchor businesses in Milford to leave town because the process is onerous. We would want them to stay, but how can we balance that? That is why there have been discussions of having a conditional process of handling this through the Planning Board, which would take it out of the Variance, but again that would require certain criteria. D. Knott asked how the definition of “hardship” is handled in Zoning? T. Dolan indicated the definition is very vague. D. Knott asked how a business proves hardship? J. Langdell stated she is not a zoning person so she would like to have Andrea or Joan, or folks that have served on ZBA for years to come and speak to this at some point, but she would also think that for an established business in this town, coming in to ask for a Variance is somewhat different than a new company coming and, building a new building and asking for an open space variance, those would be different cases, she would think. Maybe that is a question for Steve Buckley at NHMA. D. Knott agreed and stated we don’t want to drive existing businesses out of town. P. Basiliere said he believes the managers that came to the Planning Board to have this discussion can appreciate that and feel they have a little more flexibility.

T. Dolan feels it also depends on what is abutting the property. S. Robinson asked about the possibility of creating open space within the buildings, like a rooftop garden. T. Dolan has never seen that it would count towards the open space commitment or helping with rain run off, such as rain gardens. But then again. J. Langdell said that could be counted toward criteria, if a reduction is being requested, that type of trade off could be asked for, that is the give and take. S. Robinson saw recently for the first time a “rain chain” where the water comes down in such a way, that it ends up in the correct place. T. Dolan said it does the same thing as a down spout from a roof. D. Knott is seeing more plans that have roof landscaping. If this were to be handled through a waiver process, S. Smith said would we need to spell out some of these conditions in advance? J. Langdell said T. Dolan is under the impression that we can currently do this through a waiver process. T. Dolan believes that can be done, but he would like to get a legal interpretation, possibly from Mr. Buckley and ask about some of the alternatives he mentioned. J. Langdell said also to ask Lincoln Daley, this must have also come up in his time in Community Development. S. Smith asked if there is currently a waiver process for open space? J. Langdell said she does not remember any “after the fact” waiver applications coming in. New development is different, but she does not remember any requests for existing businesses.

336 S. Smith said if the Planning Board can override the zoning conditions in different circumstances. J.
337 Langdell said the Planning Board cannot override the zoning conditions. S. Smith corrected her statement
338 to stay “waive” those conditions. Janet Langdell said in some situations we go to a Conditional Use
339 Permit because that allows the Planning Board to make the decision. T. Finan asked if this waiver of
340 open space was done for Alene Candles? J. Langdell thought that that was done as a new development.
341 S. Smith thinks what the businesses were looking for an easier way than the ZBA variance process. S.
342 Smith asked if the Planning Board would be able to change the Zoning Board’s open space requirement.
343 J. Langdell explained that it is not the Zoning Board’s requirements, it is the Town’s Zoning Ordinance
344 requirement, the Planning Board can propose and have good grounds of why we want to make this change
345 and also why we would ask the public to vote in the affirmative on the change. We want to engage the
346 Zoning Board as well in those discussions and Conservation Commission for major changes in the Zoning
347 Ordinance. S. Smith said it is still an open matter whether the Planning Board would be able to use a
348 Waiver process to reduce the Open Space requirement. J. Langdell indicated that T. Dolan will do some
349 homework for the next meeting.

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351 Janet Langdell said when this first came up for discussion, it was only for the Industrial “I” zone, which is
352 Powers Street and the West end of Milford, we were not talking about ICI-1 and ICI-2 because they are in
353 very different locations.

354
355 **5. Upcoming Meetings:**

- 356 11/07/23 – Planning Board Work Session
- 357 11/21/23 - Planning Board meeting

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359 **6. Adjournment.** The meeting was adjourned on a motion made by J. Langdell and seconded by T. Finan.
360 All were in favor. The motion passed unanimously.

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367 _____ Date: _____

368 Signature of the Chairperson/Vice-Chairperson:

369 The Planning Board minutes of 10-17-23 were approved _____
370