

1 MILFORD PLANNING BOARD MEETING
2 October 24, 2017 Board of Selectmen's Meeting Room, 6:30 PM
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4 **Members Present:**

5 Christopher Beer, Chairman
6 Doug Knott, Vice Chair
7 Tim Finan, Member
8 Paul Amato, Member
9 Janet Langdell, Member
10 Susan Robinson, Member
11 Veeral Bharucha, Alternate member
12 Jacob LaFontaine, Alternate member
13

Staff:

Lincoln Daley, Comm Dev Director
Darlene Bouffard, Recording Secretary
Amy Concannon, Videographer

14 **Excused:**

15 Kevin Federico, BOS rep
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18 **1. Call to order:**

19 Meeting was called to order by Chairman Beer at 6:30, introductions were made of Board members and staff.
20 Chairman Beer announced that a continuance for the application for Raisanen Homes LLC has been requested
21 to November 7, 2017 which will be discussed during that agenda topic, but he wanted the audience to be
22 aware that the application would not be discussed this evening.
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24 **2. Review/Approval of Meeting Minutes:**

25 **August 22, 2017** – P. Amato moved to table the minutes of August 22, 2017 to the next regular meeting when
26 all the blanks should be filled in. J. Langdell seconded. Four were in favor with D. Knott and J. Langdell
27 abstaining since they were not at that meeting. Motion passed to table the minutes to the next regular
28 meeting.
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30 **September 26, 2017** – P. Amato requested one amendment to the September 26, 2017 minutes. P. Amato
31 moved to approve the September 26, 2017 minutes as amended. D. Knott seconded. Four were in favor with
32 T. Finan and J. Langdell abstaining as they were not at that meeting. Motion passed.
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34 **3. Public Hearing(s):**

35 **a. Raisanen Homes, LLC, Tax Map 20, Lot 2, 29 Spaulding Street.** Community Development Director
36 Lincoln Daley explained that he received a request from the applicant to continue this application to the
37 November 7, 2017 Planning Board meeting. Pete Basiliere, abutter, pointed out that tonight's agenda
38 states the continuation will be to November 8, 2017, to which it was noted that was a typographical error
39 and it should be November 7, 2017 as stated in the applicant's letter request. P. Basiliere asked for that
40 date to be continued, since the abutters are all interested in this and came here tonight; the abutters made
41 the effort to come out to this meeting, and were not aware of the continuance to November 7. The date of
42 October 24, 2017 has been on the town website for months. Pete Basiliere stated he will be out of the
43 country on business on November 7. The abutters received notice for tonight and then it is being
44 suggested that it change to November 7 when people are already here. Pete Basiliere requested it be
45 continued to a regular Planning Board meeting on November 28 or postpone it to December. If the Board
46 decides that there will hear it November 7 and not November 28, the abutters ask that the Planning Board
47 agree not to take any votes on November 7 so that abutters can provide our input in writing. If you still
48 hold the meeting November 7, it is requested that you agree to listen to the written letters on that night but
49 not act until the regular November 28 meeting. There were no further comments from the public.
50 Chairman Beer closed the public hearing.
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52 J. Langdell indicated the applicant has said they have a conflict for November 28, and the abutters have a
53 conflict for November 7. Maybe a compromise could be made and hold it on November 14. C. Beer
54 responded that the Planning Board has a public hearing for CIP on November 7, so it is possible to do that
55 but it would make sense to check with the applicant and if he is available November 14. P. Amato stated
56 the applicant has asked for a specific date and the Planning Board never would postpone something to

57 another month. J. Langdell said we have in the past postponed to a work session date. P. Amato said it is
58 up to the applicant to get here on the date the Planning Board is going to hear the application.
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60 L. Daley stated the dates discussed are November 7 and November 28; the question is whether the
61 applicant is available on November 14 for the hearing. C. Beer would also like to postpone it to a
62 December meeting (December 5). L. Daley said it needs to be continued to a specific date. J. Langdell
63 said if the applicant wants the case heard, they will be here. P. Amato said the applicant is the one that is
64 not ready for tonight, so we need to set a date for the continuance. P. Amato moved to continue the case
65 to November 14 for a regular hearing. T. Finan seconded. J. Langdell has an obligation that night, but
66 will make it work. P. Basiliere stated he is not available November 14. P. Amato withdrew his motion.
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68 After some discussion, J. Langdell moved to continue this application to November 28, 2017. D. Knott
69 seconded. All were in favor. Lincoln said the application is continued to November 28 and he will notify
70 the applicant, there will be no notifications for abutters. After a certain period of time, the applicant
71 needs to request that the Planning Board continue to review the application.
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- 73 **b. Jefferson E. Odhner, Tax Map 13, Lot 5, 589 Elm Street.** J. Langdell moved to accept the application.
74 T. Finan seconded. All were in favor. P. Amato moved no regional impact. J. Langdell seconded. All
75 were in favor. Abutters were read into the record, the following abutters were present: Cindy Nickerson,
76 James & Stephanie Michalowski, Jeff Odhner, Meridian Land Services, Town of Milford. Tim
77 Goldthwaite, representing the applicant, brought forward the plan for a technology and light
78 manufacturing center with leases to individual tenants. The Division of Motor Vehicles (DMV) will be
79 one of the first tenants on a temporary basis. There have been 27 parking spaces noted on the plan and
80 the footprint of the building will be unchanged.
81

82 There are existing environmental monitoring wells on the site; the Department of Environmental Services
83 (DES) has seen the plans for this and has no problem. There is existing town water and sewer on the site.
84 D. Knott asked if there will be additional loam brought in? Tim responded there will be loam brought in
85 for the disturbed areas. D. Knott said sometimes the loam that is spec'ed for turf is from a third screening
86 which is not a problem for turf. Tim said he can provide that. D. Knott does not need to see it, he just
87 wants to know that it is specified correctly. Tim said the proper grading for loam can be part of the plan.
88 J. Langdell asked where is the area for DMV motorcycle testing? J. Odhner said it is in the back of the
89 building and that is why paving is being added for the motorcycle testing. P. Amato asked what door will
90 DMV customers enter? J. Odhner said it is the side door entry for the DMV which is ADA accessible and
91 there is a separate door for employees. S. Robinson asked if DMV is using the whole parcel? J. Odhner
92 responded that the DMV is using 2500sf of the building, the rest of the building is for the small
93 businesses. J. Langdell asked if the small businesses and the DMV will be there at the same time? J.
94 Odhner responded yes they will. L. Daley explained there is mainly office space for small businesses.
95 Parking requirements are 3 spaces per 1000sf.
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97 P. Amato said we know we need 2500sf which is 2.5 spaces. J. Langdell said the parking table does not
98 match the use. If we are running both at the same time (DMV & businesses) she is concerned. J. Odhner
99 said 27 spaces are for the DMV. P. Amato asked about the remainder of the building. L. Daley said the
100 parking was based on the use of the entire 9000sf. C. Beer asked where is the parking for the rest of the
101 building? J. Odhner pointed out the spaces currently utilized will be re-surfaced and re-stripped. S.
102 Robinson asked if there has been discussion of the use of the remainder of the land? J. Odhner responded
103 he is only talking about the plot plan and landscaping tonight for the parcel, not what is going on inside
104 the building or with the rest of the land; the back part of the land is not being discussed tonight. J.
105 Langdell asked if he anticipates making any change to the way the land is being used currently? J.
106 Odhner said no. If any changes will be made, the applicant would need to come back before the Planning
107 Board.
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109 L. Daley showed on the GIS screen where the parking will be around the site and where the motorcycle
110 testing would be done. J. Odhner said Phil's BBQ is on the grassy portion of the site and will continue to
111 lease that site. C. Beer asked how many parking spaces does he need for his business? J. Odhner said the

112 DMV will use 2500sf, which leaves 7500sf for the remainder of the businesses. L. Daley can work with
113 the applicant to provide sufficient parking. There might be events or activities in the future that might
114 require parking. J. Langdell said that does get to what we are hearing tonight, for the uses being
115 proposed. J. Odhner said he currently has one tenant, the DMV, and he is working with them to get the
116 specs. This will be a public place where the public comes to register cars, take driving and motorcycle
117 tests and there will also be light manufacturing business offices for rent. The public will not be coming in
118 regularly for the light manufacturing business offices, but there may be events held at some point. C.
119 Beer said the proposed use has a number of parking spaces that are required, to which J. Langdell agreed
120 but when an applicant has a use that requires more parking, we need to use that description to avoid
121 problems in the future. J. Odhner said there are 8.5 acres on the site, so if a lot of people come and it
122 requires more parking, we can expand the parking.

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124 J. Langdell said we need to look at the impact. J. Odhner said as the use formulates, we can expand the
125 parking. P. Amato said we are just asking for parking space delineation and striping on the plan for what
126 it will be used for. J. Langdell asked how many incubator businesses will be brought in? J. Odhner said
127 this is for people who are developing things in their homes and need to move to an office to have more
128 space and share equipment. Currently this building is being demolished inside and the asbestos has been
129 disposed of, as has the mold and lead. The building was built in 1955 and has been empty for about
130 fifteen years, the heater is being replaced and the roof units have been removed. Everything was taken off
131 the roof and the duct work was taken out which will be replaced with new duct work and a new heating
132 system will be installed as well as new electrical and a new roof. All of the insulation on the roof was wet
133 because there were slits in the roof where it was leaking for many years. This will be a good, dry and
134 safe place to work. J. Langdell said that is a great summary of all the work that has been done on this. J.
135 Odhner said there are a number of incubator companies in NH and we will model it after those places,
136 they can share tools, or large machines (that are expensive) and everyone can use them. Amherst has a
137 Makerspace and it is very exciting.

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139 L. Daley indicated that for parking and those regulations, the DMV office is one parking space per 200sf,
140 that would be 12 spaces. J. Odhner said they will be putting in 27 spaces. J. Odhner said the DMV has
141 very specific requirements and they defined the 27 spaces. L. Daley said on the eastern side of the
142 building will be light manufacturing, with each space having 600sf so that would be ten additional spaces.
143 J. Langdell said if they feel they need more than that, they can always expand. The plan will be updated
144 to identify marking the parking spaces on the eastern and western side of the building. L. Daley asked
145 about outside storage. J. Odhner said there is already a shed there in the back that could be used for
146 storage and a trailer; he is not sure yet what they might be used for. L. Daley said there might be outside
147 storage for the manufacturing process. J. Odhner said that could be to store raw metals or something like
148 that, there is no reason to store that inside but there is room for it. C. Beer stated we need it marked on
149 the plan that there is outside storage, also snow storage has to be marked on the plan. J. Odhner said there
150 is not a current plan for outside storage; there might be a need in the future for outside storage however.
151 He said he could come back if there is a need for that. C. Beer stated that needs to be brought to the
152 attention of the Planning Board for approval (outdoor storage). P. Amato stated if he adds additional
153 parking, he will also need to come back to the Planning Board. C. Beer stated the applicant needs to
154 come back to the Planning Board for any changes to the plan for approval.

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156 L. Daley asked if Jeff intends to have an outside dumpster? J. Odhner responded there is one for Phil's
157 BBQ right now and there will be one somewhere else on the site. L. Daley said it will need to be
158 screened and must be included on the plan. J. Odhner presented the landscape plan for the site, which he
159 said meets the requirements for landscaping, there is a lack of trees in the original plan and that has been
160 modified in the new plan presented tonight. We have trees around the parking lot, landscaping around the
161 front and a sign in front made of granite that has not been designed yet. C. Beer suggested to make sure
162 Mr. Odhner works with town staff on the sign plan, to get the required permits and inspections. J. Odhner
163 said all of the trees and plans are identified on the landscaping plan. D. Knott asked for the plan to reflect
164 the correct tree key, currently the key is incorrect. P. Amato asked how much of the landscape plan is
165 new or is existing? J. Odhner responded on the plan some of it is existing and some is new, but no
166 existing trees will be removed. Mostly trees and landscaping will be added.

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S. Robinson asked about the sign on the plan, it looks huge. J. Odhner responded it is huge but has not been designed yet; it may be granite and have the ability for different names of companies to be inserted. It may also have a water pool and since his company does holograms, Jeff said that might be incorporated into the sign. L. Daley said the left side might have some invasive species already living on the site. J. Odhner agrees but left it because it blocks the ugly steel building right next door. He does not think the plant is invasive but can clean it up and help it look a little better. There are some sumacs on the site and the back of the property has some similar growth that needs pruning.

L. Daley said there is an easement for sewer, so be careful not to plant trees on the sewer easement and just make sure the new trees are away from the easement. L. Daley suggested delineating the DMV versus the other uses (through signage) so that people know where to go when entering the site. J. Odhner agrees the DMV area should be identified clearly with signage on the front. P. Amato asked if an awning could be put over the entrance to the DMV? J. Langdell is sure the DMV can come up with a sign to clearly identify their office. C. Beer asked for anything else from the Board or from staff on this application. C. Beer opened it to the public.

Cindy Nickerson, mobile home park, has concern with the traffic being so close to the drive in theater. It could cause the residents of the mobile home park problems coming out of their driveway. When the drive-in is open, residents cannot get out of the park. There are a lot of people at the DMV, it is a good idea to bring in business in town, but we have issues in the mobile home park and Cindy thinks there is no consideration given for the people in the park. J. Langdell asked if the residents will use the entrance closest to the old Police Station or the drive-in entrance? Cindy responded the one closer to the Police Station. We have problems at the property in the park already, we have problems with septic and electrical in the park. J. Langdell said the drive-in hours are different than the hours for the DMV. Cindy said there are traffic issues there already and this will add to it. Cindy does not understand why the residents are not being considered. She understands the issues with the drive-in but that traffic is different than traffic from the DMV and you also have the issue of 101A being a business route. Cindy said business and residents could live in harmony was what the residents were told but they are not in harmony. The issues with traffic will increase not because of the businesses on that route, but because of the entrance and use. The town is adding business close to the entrance and we will have an issue. We have an issue with septic and electrical already. C. Beer said that is private property and the owner needs to take care of that. J. Langdell said the Planning Board is not the board to address those issues and suggested the speaker contact the Town Administrator.

Stephanie Michalowitz asked what kind of businesses will be going in there, or what are they making and will it affect the soil or anything? C. Beer said the EPA is very involved in this plan on this site, the use cannot happen without DES and EPA approval. There will not be any toxins and it will be very clean. Any new businesses coming into this site has very specific requirements. There is a lot of oversight on that site. OK Tool was around before all the rules were in place. Stephanie asked how many businesses will there be? J. Odhner said Light Manufacturing is the model, it could be one business, it could be a few businesses. Cindy Nickerson asked how many employees will there be? J. Odhner suggested typically there is only one or two per business. D. Knott said the site is set up for 27 parking spaces. C. Beer said it is actually a total of 37 parking spaces, including existing ones. J. Odhner asked if there was a problem with traffic when the police station was there? Cindy Nickerson responded she is not sure. J. Odhner said there will be fewer people coming and going than with the police station. C. Beer closed the public hearing portion of the meeting.

C. Beer said there are five waiver requests. L. Daley explained the items are requirements for submittal. The nature of the waiver requests is minor. J. Langdell said that usually when we have an under-served piece of property, it is a good time to get a complete picture of the site to start fresh. P. Amato is not in support of granting the waivers. Tim Goldthwaite indicated this is an existing piece of property which has had a vacant building for a period of time, we can do the requirements but what is the benefit, the added pavement and drainage is minor in nature. P. Amato feels it is a good point to get a clean slate, these are not that complicated to do. J. Langdell said with all the work that has been done by EPA,

222 previous developers, etc. are some of these already documented? J. Odhner asked if there is a particular
223 waiver the town wants to have done? P. Amato would like all of them done; they should all be done for a
224 new project. Tim Goldthwaite said he would have to research the town records to determine the
225 infiltration systems within 200 feet? L. Daley said under 5.04.Q it might be challenging, but it is all
226 public information. It is just to see if it would have any impact on other systems. Tim stated this property
227 is all by itself out there, is there a benefit when it will not benefit the surrounding properties? C. Beer
228 thinks we should have the requirements met. P. Amato moved to approve only 5.04.Q. J. Langdell
229 seconded. L. Daley stated the hardship would be when looking at the surrounding drainage, you will look
230 at if it would affect those surrounding properties, it should not have any impact on the properties so you
231 are asking if that information is onerous and will it affect the surrounding properties. C. Beer responded
232 it is onerous to go through the exercise when it may not affect other properties.
233

234 P. Amato withdrew his motion. J. Langdell seconded. P. Amato moved to deny the request for waivers
235 requested on September 22, 2017. L. Daley asked that the Board specify the grounds on which to deny
236 the waivers. J. Langdell indicated the waivers do not present any undue hardship for the applicant,
237 therefore P. Amato moved to deny the waiver requests. J. Langdell seconded. All were in favor. P.
238 Amato indicated he would like to see the parking designed better on the plan. J. Odhner indicated the
239 DMV wants to move in January 1, 2018, if this is tabled for parking, that would delay the application for
240 the Building Permit and prevent the DMV from moving in January 1. C. Beer asked if the plan could be
241 modified by November 7? P. Amato asked if the applicant could come back November 7 which is in two
242 weeks? C. Beer said the parking design and the dumpster location needs to be shown on the plan.
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244 J. Odhner said this delay will be a show stopper. J. Langdell asked if the engineer can have those items
245 added to the plan by November 7th. Tim responded that he can. J. Odhner responded there are demo
246 people in the building now and this is a very tight schedule and if we have a two week delay it will be a
247 show stopper for the DMV. L. Daley said the applicant can proceed with the demo at their own risk and
248 with the Building Permit process. P. Amato said it is never too early to apply for a building permit, it
249 takes about two week for issuance. L. Daley stated that Jeff can put in a building permit application now,
250 as that will take a couple weeks to process. J. Langdell does not see this as being a show stopper. Adding
251 a dumpster location, screening, parking space identification, trees in the easement, infiltration system
252 location, parking calculations, etc. can be done and staff can help with this change to get it ready for a
253 November 7 review. C. Beer noted with this would make for a complete plan.
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255 P. Amato moved to table to the November 7 work session for the reasons cited. L. Daley said the
256 Building Permit will not be ready before the November 7 meeting, so if Jeff applies for it tomorrow, that
257 can get in the review process. J. Odhner said the reason this was all prepared for tonight was to get the
258 DMV in by January 1 and you can that see parking is available. L. Daley stated adding a few lines to the
259 plan is not a show stopper. C. Beer indicated that is not a show stopper; J. Langdell said if it was one
260 thing we could do a conditional approval, but there is a litany of things. J. Odhner said a few trees and
261 citing the parking should not prevent this from getting approved. J. Langdell said it is not just one thing,
262 it is all of them put together. C. Beer said this is causing a problem for you, but we have an ordinance to
263 follow for when we see a plan that has certain requirements. J. Odhner said he will be back on November
264 7 with a plan that meets the requirements. P. Amato indicated a letter will be sent tomorrow from the
265 town stating what needs to be on the plan. J. Langdell seconded the motion. All were in favor.
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267 **c. Barbara Livoli, Tax Map 30, Lot 131, 212 South Street.** J. Langdell moved to accept the application
268 for review. T. Finan seconded. All were in favor. P. Amato moved no regional impact. J. Langdell
269 seconded. All were in favor. The abutters list was read, no abutters were present with the exception of
270 Barbara Livoli and the Town of Milford. L. Daley indicated the building is mixed use and they want to
271 turn part of the commercial portion into an apartment for her and her husband on a provisional basis and it
272 will go back to commercial space once the owners are gone. Mr. Livoli is disabled at this point so this
273 would help her husband to work at the business and be able to get around the facility. Ms. Livoli has
274 contacted Tim Herlihy, Building Inspector, and Jason Smedick, Fire Captain, and found out what was
275 needed. Captain Smedick is coming to see the unit because the fire code dictates that once there is over a
276 certain number of units, it requires a sprinkler system.

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J. Langdell asked where is the business located in the building? B. Livoli explained it is the first floor of the building and we will live on the right hand side of the building. The parking spaces that were to be for selling cars are still there, but they are not selling cars anymore. J. Langdell pointed out that those spaces can be parking for guests, and asked if the ZBA requires the plan to revert to commercial space once you move out? L. Daley said Ms. Livoli went before the ZBA because the maximum for multi-family is five units so the sixth unit brings it to a different density. J. Langdell noted that staff was not present when the ZBA decision was made. With a variance, it would stay with the land. J. Langdell asked if the variance was granted? L. Daley said it was. He will clarify on the plan that the variance goes with the resident, not the land. J. Langdell does not want to get into a discussion about the legality of the variance. Knowing the use of the building and knowing the businesses that have been in the property, this seems like a valid request.

C. Beer does not want to imply that he is not in favor of this, but he wants to clarify if the variance goes with the property after the Livoli's move out. L. Daley will follow up on that tomorrow. C. Beer wants it cleared up soon. B. Livoli stated she just wants to be able to live there now. J. Langdell said the four additional parking spaces for guests is a good benefit on this site. P. Amato asked about the green space, there is yard in the front and back. L. Daley said that is all pre-existing, non-conforming. P. Amato said there needs to be a certain percentage of overall green space. C. Beer said if they do not meet the green space, do they need a waiver? L. Daley said it is existing, they are not expanding the footprint, nothing is changing on the property, except it is changing from commercial to residential. J. Langdell said this is something that has come up before. L. Daley indicated if you expand a multi-family, it requires Planning Board review. P. Amato does not know if anyone calculated the green space. B. Livoli said someone did review it because when the used car guy was a tenant, that was discussed. L. Daley can work with the applicant to identify the green space. P. Amato asked if it is 5% or 8%? L. Daley did some measurements using on-line maps and it was determined that there is less than 5000sf of green space.

L. Daley said if she was changing the property, he would recommend a waiver, but she is not changing anything except the interior. C. Beer said in order to review the site plan, we would need to approve the green space requirement, a waiver should be submitted and that needs to be noticed. J. Langdell suggested Milford has had cases like this before where there is a change of use, the pre-existing conditions have come into play, and we have not required changes to the green space. We need to look at where this location is. It is a high traffic road and high density area. D. Knott asked how do we do it the right way? P. Amato said we say it is a change of use not a change of site plan. The sign for the commercial business, is there thought to bringing that into a state that looks a little more appealing? B. Livoli talked to the contractor about cutting it down because it looks crappy. D. Knott said a tree is being requested, can that be done? B. Livoli responded yes towards the street. B. Livoli is meeting with Captain Smedick about the sprinkler system this week. There were no other questions. The hearing was opened to the public for comments. There were none.

L. Daley noted the commercial sign for the car sales is blank. J. Langdell stated if this is going from commercial to residential use, and the sign has not been used for several years, it should be taken down. It would add to the aesthetic appeal to that area. B. Livoli agreed, saying if the approval is conditioned on that sign coming down, yes she will take it down.

J. Langdell asked if a sign is not used for a number of years, it would fall out of being "grandfathered." D. Knott moved to approve the plan with the condition of the removal of the sign on the south side of the property and add landscaping as discussed and modify the note on the plan regarding impact fees. T. Finan seconded. All were in favor.

4. Other Business

L. Daley indicated that the injunction on the Brox property was removed by the courts, so work will resume. An appeal for this action has already been submitted. The Alteration of Terrain for Heron Pond was dismissed early this year.

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5. Adjournment

The meeting was adjourned at 8:48 p.m. on a motion made by P. Amato and seconded by D. Knott.
All were in favor.

Signature of the Chairperson/Vice-Chairman

Date: _____

MINUTES OF THE 10-24-17 MEETING APPROVED ON 11-7-17