

**Town of Milford  
Zoning Board of Adjustment  
July 20, 2017  
Case #2017-19  
Hitchiner Manufacturing Co., Inc.  
Special Exception**

Present:

Michael Thornton  
Joan Dargie  
Wade Scott Campbell, Alternate  
Tracy Steel, Alternate  
Karin Lagro, Alternate  
Robin Lunn, Zoning Administrator

Absent:

Steven Bonczar, Chair  
J. Plourde, Vice Chair  
Rob Costantino  
  
Laura Dudziak, Board of Selectmen Representative

Secretary: Peg Ouellette

**Case #2017-19**

Hitchiner Manufacturing Co., Inc., for property located at 594 Elm Street, Milford, NH, Tax Map 13, Lot 6, in the Commercial district, is seeking a Special Exception of the Milford Zoning Ordinances per Article VI, Section 6.02.5.B.3 to allow the construction of a concrete protective barrier and 6' high fence along the eastern property line within the wetland buffer zone.

**MINUTES APPROVED SEPTEMBER 7, 2017**

Michael Thornton, Acting Chair, opened the meeting and introduced the Board members. Tracy Steel, Wade Scott Campbell and Karin Lagro were seated as alternates by acclamation. M. Thornton introduced the Board members and informed all of the procedures of the Board. Board members agreed to table Approval of Minutes to the next regularly scheduled meeting, since there were not enough members currently present who attended the previous meeting.

M. Thornton asked the applicant to explain what they planned to do.

Anthony Rodrigues, Director of Facilities for Hitchiner Manufacturing came forward. He said they were proposing to erect a fence between the Hitchiner property and MD Trash property. Their site is about 11 acres on 594 Elm Street. Proposed fence would be a jersey barrier on the eastern property line at MD and about 3 ft. away from that. 6 ft high privacy fence. The jersey barrier will leave about 1 ft of spacing between each section to allow for storm water runoff into a swale running along their property line. Purpose of the barrier is to protect the fence which will be about 3 ft. from the barrier. MD was operating a lot of equipment – tractors and large trucks. Purpose of the jersey barrier was to avoid repeated repairs to the fence from being hit. Fence would run from the railroad tracks along Elm toward Old Wilton Rd. Main benefits would be to protect the storm drainage swale from any material that could be collecting in their lot. They walked the swale with town staff recently, and there were things they needed to go through and pick up in the swale. At the same time will improve aesthetics of that area. They approached MD Trash to explain what they were doing and make sure he was okay with access from his property side (to do the work). He was fine with it and offered to help clean up. Hitchiner met with Conservation Comm. and did a walk-through. He didn't think anything came out of that meeting that they had a problem with. They thought this installation would improve. Basically trying to protect the swale, protect the property line, and clean up.

J. Dargie asked if there was more into the land not occupied or all on MD.

A. Rodrigues said it started pretty much at the railroad tracks and MDS and went up to Ed's Auto and around Ed's Auto.

J. Dargie asked if there was much wildlife that went in there.

A. Rodrigues didn't think so. Will leave gap at bottom in order for water to get through.

There were comments from board members regarding offsetting the fence and/or barriers to let deer go through, and where the deer came from

M. Thornton read a letter to the ZBA from the Conservation Commission saying they met with the applicant on July 17 and evaluated the site based on seven criteria in the zoning ordinance for wetlands overlay district. It said the project would be lesser impact than alternative of locating fencing on the west side of the swale leaving the wetland and buffer unprotected. Impact on plants, fish and wildlife would be minimal. Base of the barriers would allow water to move under the barriers and let reduce potential erosion. Privacy fence will have 3 inch gap to allow animals to move. Potential for erosion and sedimentation appeared not to be a factor. Cumulative impact if all parties owning or abutting a portion of the affected wetland complex and/or buffer area were also permitted alterations to the wetland and buffer proportional to the extent of their property rights- applicant was trying to remediate from abutter's property. Proposal will have little impact on surrounding industries. Applicants' actions may be an inspiration to abutters and prod more appropriate behavior. Impact on the total wetland complex - he will put in a manmade swale. Fencing and barriers will protect impacts from the abutting properties. Fencing will be raised above ground level to allow animals to move. Topography is fairly level which will keep flow described channeling under the barriers. The rest of the letter contained recommendations by the Conservation Comm.

M. Thornton asked applicant how he felt about the Conservations Commission's recommendations.

A. Rodrigues said re #3 as far as gaps in the fence, they were not sure how much animal traffic would be going through there. Other than that he had no problem with the observation. Could eliminate bittersweet through quarterly maintenance. Do a survey to make sure everything was on their property.

M. Thornton said, to paraphrase, they had no problem with any except #3 re wildlife.

A. Rodrigues said due to the applicability. When they install the fence it is straight, there are trees along it. Want to protect the trees as much as they can. Not sure how straight the fence will be. Not sure how it will look if they have to have cuts every 50 yards for animals. Not sure they could get through.

W. Campbell said, looking at location, he didn't see need for gaps. Didn't see where there was any wildlife.

R. Lunn said requirement in the questions.

J. Dargie said for this part of the project for the new build?

A. Rodrigues said not really part of it. They added to the building in 2012 and cleaned up part of it at that time to maintain and make it more corporate appealing. Trying to protect land and anything getting into the swale.

M. Thornton said if you drove parallel to Elm you could see PVC fence and jersey barrier already in place on Elm St. parallel to the railroad tracks.

A. Rodrigues asked, on their property?

M. Thornton said yes.

A. Rodrigues said not that he was aware of. Not over there. They were next to railroad was vinyl slats.

M. Thornton said it didn't look like vinyl slats.

A. Rodrigues said he was working in that part of the property. Plan to erect a fence.

M. Thornton said that was their proposal.

A. Rodrigues this would be PVC privacy fence. Fence along --- would be chain link with PVC.

W. Campbell asked about color.

A. Rodrigues wasn't sure if it would be white or beige – still deciding.

M. Thornton asked if they would pressure wash to keep it clean.

M. Thornton opened the hearing for public comment. No one in the audience. He asked for questions before closing public comment. None. He closed public comment portion of the hearing and proceeded to deliberation by the Board.

J. Dargie said they were talking about how it encroached on the wetland buffer.

K. Lagro asked it if was manmade.

M. Thornton said the swale was.

K. Lagro thought she read that it didn't necessarily apply, as a non-jurisdictional wetland.

J. Dargie agreed. But will subject to our zoning. It was appropriate location. It will protect swale and all that went in it. Won't adversely affect area; will make it look better. No nuisance or hazard to pedestrians. Obviously adequate appropriate facilities – jersey barriers will protect from going through. That was fine. Only question was the suggestion from the Conservation Comm for that opening. One of the things that will make it more expensive you will the end shows and when the end shows.

M. Thornton said overlap.

J. Dargie asked if there were really deer down there. In twenty or thirty years she had never seen any in that section.

Brief discussion followed about presence of deer in the area.

T. Steel asked about 100 ft to have a gap.

M. Thornton said a gap or two in the middle of the fence would probably be adequate. Deer are not going to try to go to the street unless trying to cross to the cornfield. If trying to get on or off Hitchiner property they will go to somewhere they can see an opening, maybe somewhere in the middle.

J. Dargie said she was bringing it up because she wanted to know if they were saying anything conditional upon Conservation Comm comments, or leaving it to their discretion.

M. Thornton said they needed to address wetland and wetland buffer impact on 6.02.6 you need special exception criteria 1 through 7 and 8, which is answered yes. First was need for the project.

R. Lunn said all these were answered in the Conservation Commission's letter.

K. Lagro said the Conservation Comm. letter was really complimentary in the way they were doing this in order to accommodate the wetland and buffer.

M. Thornton said Hitchiner had been a good neighbor in the town.

J. Dargie said with all that criteria if everybody agreed they were addressed by the Conservation Comm.

M. Thornton said they had answered #2. Which is the plan proposal was the least impactful to the wetland, surface water and/or associated buffers.  
K. Lagro said it will help keep the trash out.  
T. Steel said they didn't address quality or quantity of the water. They addressed flooding.  
J. Dargie referred to comment from the Conservation Comm. Thought they were good.  
M. Thornton asked if they were saying they would agree with the Conservation Comm? Were they looking at allowing openings or overlapping a couple, three or none?  
J. Dargie said leave it up to Hitchiner. They were going to take care of everything else. The fencing and gap and the trees – they will do what's best.  
K. Lagro said if they determined where the gaps should be, it could create a problem with the trees. They should let Hitchiner decide.  
M. Thornton asked, answer yes to less impactive? Yes.  
J. Dargie thought they had answered all of them.  
R. Lunn said that was correct.  
M. Thornton asked if feeling was that they answered all of them?  
All agreed.  
M. Thornton called for a vote.

**1. Is the Special Exception allowed by the ordinance?**

J. Dargie – yes; W. Campbell – yes; T. Steel – yes; K. Lagro – yes; M. Thornton - yes

**2. Are all the specified conditions present under which the Special Exception may be granted?**

K. Lagro – yes; J. Dargie – yes; W. Campbell – yes; T. Steel – yes; M. Thornton – yes

M. Thornton asked if they wanted to propose any conditions.  
W. Campbell asked about a condition upon recommendations of the Conservation Commission.  
M. Thornton asked if they had to take that totally.  
J. Dargie suggested taking the conditions of the Conservation Comm as best can be implemented by the applicant.  
M. Thornton asked for motion to approve the condition.  
J. Dargie made motion to approve the condition.  
T. Steel seconded.  
**Vote on conditional approval. All in favor.**  
**Motion for condition approved.**

M. Thornton asked for motion to approve applicants request, as conditioned, for a special exception of the Milford Zoning Ordinances per Article VI, Section 6.02.05.B.3 to allow the construction of a concrete protective barrier and 6' high fence along the eastern property line within the wetland buffer zone.

K. Lagro so moved to approve Case #2017-19  
W. Campbell seconded.

**Final Vote:**

**J. Dargie – yes**

**T. Steel – yes**

**W. Campbell – yes**

**K. Lagro – yes**

**M. Thornton – yes**

**Case #2017-19 approved by 5 to 0 vote.**

M. Thornton informed applicant of unanimous approval and of the 30-day appeal period.

There being no further business, J. Dargie moved to adjourn.  
K. Lagro seconded.

All in favor.  
Meeting adjourned at 9:40 p.m.