

MILFORD PLANNING BOARD PUBLIC HEARING  
December 17, 2013 Board of Selectmen's Meeting Room, 6:30 PM

Present:

**Members:**

Janet Langdell, Chairperson  
Paul Amato  
Steve Duncanson  
Susan Robinson, Alternate member

**Staff:**

Jodie Levandowski, Town Planner  
David Vosquet, Videographer

**Excused:**

Tom Sloan, Vice-Chairman  
Kathy Bauer  
Chris Beer  
Judy Plant

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**OTHER BUSINESS:**

1. **John Samonas / GC CF New England LLC c/o T.M. Crowley, Inc – 583 Nashua St – Map 44, Lot 11;**  
Discussion. *MHF Design Consultants, Inc.*

**PUBLIC HEARING (7:00PM):**

2. The Milford Planning Board will hold a Public Hearing to discuss proposed amendments to the Town of Milford Zoning Ordinance as follows:
  - Revisions to Article IV, *Definitions*, to delete Public Utility.
  - Revisions to Article V, *Zoning Districts and Regulations*, to remove all occurrences of "Public utility uses necessary for public welfare" as it is a duplicate to the addition of 'Utility, public or private' (2011) added in 2011.
  - Revisions to Article VII, Section 7.01.0 *Gravel/Earth Products Removal* (1985) to modify the language to be consistent with revisions made to the Town Of Milford Gravel and Earth Removal Regulation
  - Revisions to Article VII, Section 7.07 *Senior Housing Development*, to remove in its entirety.

**MINUTES:**

3. Approval of minutes from the 11/19/13 meeting.

**NEW BUSINESS:**

4. **Salt Creek Properties LLC/34 Hammond Road LLC – Hammond & Ponemah Hill Roads – Map 43, Lots 69 & 70; Public hearing for a lot line adjustment.**  
*New Application – Monadnock Survey, Inc.*

**OLD BUSINESS:**

5. **Carol Colburn – Osgood Rd & Woodhawk Dr – Map 51, Lot 1;** Major open space subdivision creating twenty-seven (27) new residential lots.  
*Tabled from the 11/19/13 meeting*

Chairperson Langdell called the meeting to order at 6:36PM and took a moment to thank the citizen volunteers who make up the Planning Board for working very hard and diligently throughout the year. Would also like to thank town staff for their camaraderie and for moving Milford forward. She then explained the process for the public hearing and read the agenda.

**MINUTES:**

S. Duncanson made a motion to approve the minutes from the 11/19/13 meeting. P. Amato seconded and all in favor.

**OLD BUSINESS:**

**Carol Colburn – Osgood Rd & Woodhawk Dr – Map 51, Lot 1;** Major open space subdivision creating twenty-seven (27) new residential lots.

*No abutters were present*

P. Amato made a motion to table the application to the January 21<sup>st</sup> meeting, per the applicant's request. S. Duncanson seconded and all in favor.

**WORKSESSION:**

**Discussion on Zoning District Changes, Section 3.010 Districts:** Discussion to change the zoning of the following parcels of land Map 43 Lots 20 and 69

J. Langdell we took this proposal to a joint meeting with the Board of Selectmen last night and there were no issues with it. Originally this land was zoned res A and res B. primarily and strictly residential zoning areas.

P. Amato stated this is an expansion of our commercial zone, while still being sensitive to the areas that are residential on both ends of this and go with the LCB which is more stringent on commercial type properties that can be located on those properties there.

J. Langdell stated in previous discussions that other zones such as ICI and ICI2 were considered which don't allow any residential development and is far more intense in terms of what could be built in relation to the LCB zone. This was a suggestion that was brought forward at our December 3<sup>rd</sup> public worksession and this is more consistent with what the Board has been trying to do over the past year in regards to building better neighborhoods.

J. Langdell described for the viewing audience the layout and location of the properties proposed for rezoning in relation to major roadways.

J. Langdell asked staff if there was any feedback from abutters relative to this rezoning. J. Levandowski stated that an abutter along Ponemah Hill Road came into the office on Friday December 13<sup>th</sup> to voice some concerns with the proposed rezoning and had hoped to make it to tonight's meeting. However, given the unfortunate weather, was unable to attend the meeting this evening. J. Langdell stated that this was not the last time the Planning Board would be talking about this. J. Langdell stated this is just a worksession discussion and the Public Hearing for this proposal will be January 7<sup>th</sup>, 2014 in the Board of Selectmen's Meeting room and will be a formal public hearing.

Joe Pestana, Owner of JP Pest Services and direct abutter stated the change of zoning to a commercial type of zoning is in the best interest of the Town because it does abut Route 101. J. Pestana stated he has a piece of land next to the proposed rezoning and he would like to see it rezoned and would like to grow his business.

J. Langdell stated if there is nothing further on this discussion she would like to move the meeting along to discuss a piece of new business on the agenda.

**NEW BUSINESS:**

**Salt Creek Properties LLC/34 Hammond Road LLC – Hammond & Ponemah Hill Roads – Map 43, Lots 69 & 70;** Public hearing for a lot line adjustment.

*Abutters present:*

*Joe Pestana, 34 Hammond Road, LLC*

Chairperson Langdell recognized:  
Steve Desmarais, Salt Creek Properties, LLC

J. Langdell noted that the application was complete according to the staff memo. S. Duncanson made a motion to accept the application. P. Amato seconded and all in favor. P. Amato made a motion that this application did not present potential regional impact. S. Duncanson seconded and all in favor. J. Levandowski read the abutters into the record.

S. Desmarais presented the plan dated 11/18/13 by Monadnock Survey, Inc. and explained that the sole purpose was to do a lot line adjustment by adding approximately two (2) acres of land to the JP Pest Services site on Hammond Road. S. Desmarais stated the reason we picked that size for the lot line adjustment was because it was what made sense for where the wetlands are on site. S. Desmarais stated JP Pest Services would be intending to use this land to expand the existing business over the coming years.

J. Langdell had a question regarding the extent of the wetlands onto the other side of the lot. S. Desmarais stated it was a small portion and the reason the lot line runs through the wetlands was because of the required building setback and wetlands buffer it will be green space no matter what.

J. Langdell stated there was a staff recommendation that note number 14 be removed relative to the Growth Management and Innovative Land Use Control Ordinance as that regulation is no longer in effect. J. Langdell stated there were no other comments received from department heads other than Conservation.

Chairperson Langdell opened discussion to the public; there being none, the public hearing was closed.

P. Amato made a motion to approve the application for a lot line adjustment of 2.643 acres. S. Duncanson seconded and all in favor.

J. Langdell made notice that the Board will have a discussion that was scheduled for 6:30 and the public hearing that was scheduled for 7:00 will be heard closer to 7:30PM.

**OTHER BUSINESS:**

**John Samonas/GC CF New England LLC – 583 Nashua St – Map 44, Lot 11; Discussion.**

Chairperson Langdell recognized:  
John Smolak, Smolak & Vaughan, LLP  
Chris Tymula, MHF Design Consultants, Inc.  
Jason Plourde, Tighe & Bond

J. Smolak gave introductions and apologized for being late to the meeting. J. Smolak stated he appreciated the opportunity to present an overview of the project. The applicant will be an entity called GC CF New England LLC, which is a preferred developer for Cumberland Farms. J. Smolak provided the Board with a brief background of the applicant and the preferred developer, GC CF New England, LLC.

C. Tymula stated that the site plan has changed slightly since we had originally submitted and provided the Board with a revised plan dated 11/21/2013. C. Tymula then stated that after looking at the plans one of the things we wanted to do was screen the trash enclosure a little bit better so it has been moved to behind the convenience store, further away from 101A and there were some other minor tweaks on the plans. C. Tymula provided an overview of the existing site conditions and stated we are trying to keep our footprint within the existing footprint and there will actually be a significant decrease in the amount of pavement and increase in green space than what is currently out there today. We are proposing a 4,513 SF convenience store with an overhead canopy structure with four dispenser islands with 8 fueling locations, an approximate 30 foot green space area in the front of the site, a proposed pylon sign we're showing 25 parking spaces throughout the site, 15 in front, 8 on side and 2 in the rear. We have relocated the dumpster trash enclosure to the rear. We have shifted the underground double wall fiberglass tanks and we are now proposing two 20,000 gallon split compartment tanks: diesel premium, regular fuel. As well as handicap space and isle in front of the building and one on the side. Additionally, one of the new

things Cumberland Farms has been including in these prototypes is providing a small outdoor seating area, fenced off with three tables and seats affixed to the ground.

C. Tymula provided an overview of the proposed architectural for the Cumberland's building stating it would be very colonial with a pitched roof and faux dormers on the top, which you can see on our architectural plans. The pitched roofline provides a buffer for the mechanicals which are on the back of the building. The building and the architecture has been very well received in all the communities we've been developing. It's a very neutral building with a green band around the top.

J. Smolak added that the Cumberland Farms that have been developed over the past couple of years are now designed with wider aisles and wider lanes. They have gotten rid of the orange and blue and have rebranded themselves. S. Robinson had a question regarding the green space on site. C. Tymula explained the access to the site. It is a signalized intersection with 24 foot two way access there. C. Tymula also explained how the fuel trucks will enter the site, deliver fuel and exit the site.

P. Amato asked if the new store would be taking the place of the existing Cumberland Farms in town. C. Tymula stated no. P. Amato asked if these stores were all corporate owned. J. Smolak stated yes, that is correct.

Discussion arose on the Nashua and Elm Street Overlay District. The Board had a question on the layout of the site and if rotating the building 90 degrees was considered. C. Tymula stated functionally and ecstatically rotating the building doesn't work and it's not an ideal situation from a customer's point of view. J. Plourde added it's the ease of access to the site which drives the site layout; it's about being able to see your opportunities on that site.

S. Robinson had questions on the landscaping on site. C. Tymula stated they would have a full professional landscaping plan for their final submission. All the plants in the front will be low growth low maintenance. C. Tymula stated the site is within the Level 2 Groundwater Protection District and how stormwater runoff, fire suppression and site monitoring will be handled on site.

P. Amato had questions of traffic flow in and out of the site and on to Nashua Street. J. Plourde provided the Board with information on existing and future traffic projections to the site. J. Plourde stated the benefit of the right in and the right out on Nashua Street is the less demand put on the signal and less stops for through traffic on 101A. J. Plourde added the type of trip generation that was projected for the approved 99 site was evaluated as a high volume restaurant which would generate trips at all hours of the day which provides similar results to the Cumberland Farms.

The Board had questions regarding delivery truck movements. P. Amato asked if they had considered a driveway that went all the way around the building. C. Tymula stated I can't say we did but it's not your typical delivery truck movement. J. Langdell stated she had some concerns with the traffic movements in that area given the new McDonalds driveway entrance, not necessarily the amount but the movements may be something to consider.

P. Amato asked about expansion capacity and if there is room to expand at this location. C. Tymula stated typically if they have a higher volume than projected they will just increase their deliveries. S. Duncanson inquired about the sidewalks in this area and if they will be providing sidewalks down the access driveway. C. Tymula stated that this is a very conceptual plan and we will certainly be providing sidewalks and ADA access to the site. S. Robinson asked if there was a pedestrian light at that intersection. J. Langdell stated no, and that may be something to consider as this is a high pedestrian traffic area. J. Langdell added that there is a lot of housing nearby.

C. Tymula added that this is one of the best buildings out there for this type of use. The inside amenities for the customers are unbelievable everything is all customer friendly and they are essentially there to serve you. They also provide the Redbox vending machine which is something more common in these designs. C. Tymula encouraged the Board to take a ride to the Leominster, Massachusetts site. A brief discussion arose on architectural and building design. C. Tymula provided the Board with pictures of their Lewiston, Maine building. J. Langdell thanked the presenters for coming in and presenting the plans.

## **PUBLIC HEARING**

Chairperson Langdell read the notice of hearing into the record.

**Article IV: Amend definitions by deleting Public Utility &**

**Amend Article V: Zoning Districts and Regulations, to remove all occurrences of “Public utility uses necessary for public welfare” as it is a duplicate to the addition of ‘Utility, public or private’ (2011) added in 2011.**

J. Langdell read the proposed revisions from the Staff Memo and explained that these two amendments are duplicative and are administrative in nature and the only occurrences of this type of change are in residence A and residence B districts.

Chairperson Langdell opened the discussion for public comment on the two proposed zoning amendments; there was no comment. She then asked for comments from the Board; there were none.

J. Langdell made a motion to post and publish the proposed amendment, to the March 2014 warrant. S. Duncanson seconded and all in favor.

**Amend Article VII: Supplementary Standards, Article VII, Section 7.01.0 Gravel/Earth Products Removal (1985) to modify the language to be consistent with revisions made to the Town Of Milford Gravel and Earth Removal Regulation**

J. Langdell explained that throughout the last year the Planning Board had completed a considerable amount of work on updating the towns Gravel and Earth Products Removal Regulations to be consistent with revisions made to the State RSA. In addition to those revisions what needs to be done are some language changes in a very small section of the Zoning Ordinance that references those regulations.

J. Langdell read the proposed revisions and there being no comment from the Board, opened the discussion for public comment on the proposed zoning amendments; Gary Daniels, 127 Whitten Road, first want to say I have no problem with the proposed language the Board is putting in, however I did a little bit of research going back because this issue has been before the Board of Selectmen before and I would just like to say that I’m not here representing the Board of Selectmen but here as an individual and a State Representative. Looking at the proposed revisions, they do not match what is in the statue. While I say I have no problem with what you are proposing to match the Ordinance with the changes made to the regulation. I just want to point out that there are some discrepancies with what is in the regulations and what is in the statue. J. Langdell suggested that the final language be amended to reflect the correct terms used in the Zoning Ordinance; *utility uses vs. utility*.

G. Daniels presented the Board with a handout including the state statue RSA 155-E. G. Daniels noted that the definition of Earth in the statue differs from that of the regulation and made a recommendation to include quarrying in the definition of Earth in the town regulations. And also include the definition of dimension stone. I think it’s important to understand that dimension stone is not included in the definition of excavating. These recommendations are made to further clarify and to be consistent with the state statues.

J. Langdell stated that much of the regulations reference back to the RSA specifically and we were advised by our legal persons not to necessarily reiterate everything that’s in the RSA in the regulations. However, I think we want to take in to consideration the use of dimensional stone. To my understanding when the Board was working on these regulation updates the Board of Selectmen were dealing with a dimensional stone case and I believe they still are dealing with that case which has raised this issue. J. Langdell thanked G. Daniels for bringing the input forward and stated that this is something that would not be related to the current warrant article that we’re talking about but certainly something we can address very first thing in January relative to the regulations.

P. Amato stated that we spent more time than we thought we would going over the Gravel Regulations and we consciously looked at it as excavating and not quarrying because quarries fall under a different statue and we purposely didn’t get in to the quarrying side of it because there are so many different regulations that they are not the same thing. G. Daniels stated that is correct and that quarrying is covered under RSA12-E but if you look under your definition of Earth you are indirectly pointing to RSA12-E. J. Langdell stated that the Board and Staff had completed a lot of research on this and used some model ordinances that are provided through the State of New Hampshire in our work. J. Langdell stated I think we all agree that we need to take a look at this for the regulations. J. Langdell then asked for additional comments from the public; there being none, the public hearing was closed.

S. Duncanson made a motion to post and publish the proposed amendment, to the March 2014 warrant. P. Amato seconded and all in favor. J. Langdell closed the public hearing.

***Amend Article VII, Section 7.07 Senior Housing Development, to remove in its entirety.***

J. Langdell explained that the Board is proposing to repeal the entire Senior Housing section in its entirety and then provided an overview of the work the Board has completed over the last year in regards to housing options in Milford. J. Langdell explained that it was the feeling of the Board that Milford going forward really didn't need to be giving density bonuses for just senior housing developments. J. Langdell stated that so much of the Planning Board's work this year has really been looking at housing options and what things do we want to promote or give bonuses too relative to housing development in the Town of Milford. J. Langdell stated that discussion will continue in the New Year and eliminating this section of the ordinance is the first piece of our process.

P. Amato stated we're looking at what we value and it's not that we don't value senior housing it's just do we value senior housing enough to give developers 3 times a bonus on density than what they would get if they were to do a multifamily unit. P. Amato stated we've had some very nice senior housing developments in town, quite a few of them and we feel that it has out lived its usefulness and we want to look at senior housing in conjunction with all other types of housing.

J. Langdell stated that you have to take in to consideration what's trending in New Hampshire, we are a graying state and we don't have a sufficient quantity of housing that is affordable to the average young person. Because of the job issues and affordability of our housing, young people are not coming back after college and they're not staying in our state. This was part of our discussion and our dialog on what we, as a community need to be doing to meet the long term needs of our town.

S. Duncanson stated that this is something the Board will continue to talk about in the new year and recognized that the Board had changed the age restriction from 62 to 55 three years ago and since that time we have had only one application for senior housing come before the Planning Board and the building that went from 62 to 55 is not at full occupancy.

Chairperson Langdell opened the discussion for public comment on the proposed zoning amendments; J. Langdell welcomed Mark Prolman to sit at the table for comment. M. Prolman stated I still own the piece of land on Wilton Road across from the Pine Valley Business center. We have 8 acres on Wilton Road and 17.5 acres over the railroad tracks along the Souhegan River. I agree with a lot of the things the Board is saying in regards to senior housing but disagree with one aspect of it. I agree that the current density allowance for senior housing is too high at 30 bedrooms per acre. I have 8 acres and I can do 240 bedrooms on 8 acres, that's not a good idea, that's not good land planning and that's not in the best interest of the community. M. Prolman stated that the Pine Valley Mill as it is today with the streetscape and the improvements to the mill is looking really nice and will look even better in the springtime. M. Prolman stated that he had an idea for the 8 acres across the street and that it's not an affordable housing project or an apartment complex. The idea is to take advantage of the fact that I have water and sewer and go with a two bedroom cottage style detached, 55 and older home and not do with 240 bedrooms but maybe 60-70 bedrooms. I'm not really sure yet.

M. Prolman indicated that he had completed the Summerfield development in Amherst, NH on RT122 and what he had envisioned would not be Summerfield but something similar with a smaller style unit at around 215,000 dollars so that the people of Milford, Wilton, etc. can move in to a small 1,200 square foot home with water and sewer, have a bus stop there and be safe. M. Prolman stated that with the passage of this warrant article I can no longer come in under a special exception and complete this project.

M. Prolman indicated the possibility of donating the back 17 acres along the river to the Town of Milford. M. Prolman stated that he's not looking for a density bonus. Prolman stated that if you look at a master plan of that gateway of town, an industrial building will not work there.

J. Langdell stated that part of the thing that the Board has been wrestling with since May of this year is Milford's housing. We have made very good progress in the last four months and a big part of that is talking about cottage housing and different types of housing and how to promote those types of housing styles that seem to be in

demand going forward for the 55 plus, retirees and the ones that don't want the McMansion style homes. J. Langdell stated that she can't say that the Board was close to bringing something forward for this town meeting cycle but we are moving in that direction very rapidly.

M. Prolman reiterated that if this warrant is passed he cannot do this cottage style housing. S. Duncanson stated that he could do cottage housing if the Board passes what we are talking about in regards to additional housing options in 2015. M. Prolman stated the thing is, is that I just paid the taxes and they are almost 9,000 dollars and I've been carrying that land now for 5 years and that's almost 50,000 dollars in taxes and I would like to get going on this. M. Prolman suggested the Board take a ride to Mission Hill in Hudson, NH.

P. Amato stated, I think the problem is, is that side of Wilton Road properly zoned and maybe this is a zoning issue and not just a senior housing issue. J. Langdell stated that this is the other part of the conversation that we haven't gotten to yet. Are we properly zoned for what we want. M. Prolman stated that it's interesting and I agree with most of what the Board is saying. However, if the Board approves this my only option is to go for a variance and what's my hardship. M. Prolman stated that he doesn't want to see a commercial or industrial building in that area and that all the abutting properties are residential.

P. Amato stated what we are trying to accomplish by eliminating the senior housing density bonus is just that, to eliminate the bonus. We're not saying that people can't build senior housing; we're just saying we're no longer going to give you a bonus for it.

Much discussion arose on density determinations in the west end of town and in the ICI and ICI-2 Districts. M. Prolman asked if he was to come forward to the Zoning Board what would he propose. J. Langdell stated that is something he will have to discuss with staff and prepare a plan to present. This is not relative to the discussion this evening.

M. Prolman inquired why the Planning Board didn't consider just eliminating the density bonus. J. Langdell stated that the Planning Board doesn't believe that the Town of Milford needs to be offering density bonuses for strictly senior housing. Giving bonuses for just senior housing doesn't seem to be in the Town of Milford's best interest moving forward on a bigger scale. The trends seem to be looking at more multi-generational neighborhoods. P. Amato stated in the ten years that we have done the Senior Housing Ordinance, we put it out there to developers as something different and if you did it you would get a bonus, and it really worked, and we got a lot of it. We got more senior housing in the last 10 years because of that density bonus than we thought we would.

S. Duncanson stated the Planning Board is looking at eliminating the Senior Housing Ordinance as it affects the whole Town and not just sections. The Planning Board is continuing its efforts to discuss housing options and due to time issues, our discussions will continue in January of next year to look at our neighborhoods and determine what the Town values for amenities and housing options.

M. Prolman stated he would like to continue this discussion with the Planning Board in the New Year.

J. Langdell thanked Mr. Prolman for coming in this evening. There being no additional members of the public present, the public hearing was closed.

P. Amato made a motion to post and publish the proposed amendment, to the March 2014 warrant. S. Duncanson seconded and all in favor. J. Langdell closed the public hearing.

**OTHER BUSINESS:**

There was no other business and the meeting was adjourned at 8:15PM.

**THE MINUTES OF THE DECEMBER 17, 2013 MEETING WERE APPROVED JANUARY 21, 2014.**