

MILFORD PLANNING BOARD PUBLIC HEARING
July 21, 2015 Board of Selectmen's Meeting Room, 6:30 PM

MINUTES APPROVED ON 8/18/15

Members Present:

Christopher Beer, Chairman
Paul Amato
Steve Duncanson
Judy Plant
Veerall Bharucha, Alternate member
Tim Finan, Alternate member

Staff:

Jodie Levandowski, Town Planner
Shirley Wilson, Recording Secretary
Scott Schaeffer, Videographers

Excused:

Kathy Bauer

Susan Robinson, Alternate member

MINUTES:

1. Approval of minutes from the 6/16/15 meeting.

OTHER BUSINESS

2. **Thomas Lorden/Town of Milford – Osgood Pond and Mason Rd – Map 42, Lot 1;** Review and recommendation for a boundary line agreement.
3. **San-Ken Properties, LLC, et al – Mile Slip, Wolfer and Boynton Hill Roads – Map 45, Lots 3, 17, 18 and Map 40, Lot 104-4;** Compliance Hearing relative to conditions of approval for the Mile Slip & Boynton Hill Road subdivision conditionally approved May 19, 2015.

NEW APPLICATIONS

4. **AAG Holdings, LLC/Butler Bus Transportation – Elm St – Map 7, Lot 11.** Public Hearing for a site plan amendment for approval of a 30' x 60' modular office trailer and self-contained fuel storage tank to accommodate school bus transportation. *(New application-owner)*
5. **Leonard A. Golden, et al / Marilyn J. Piekarski, Trustee – Osgood and Mason Roads – Map 42, Lots 50-1, 50-2, & 55.** Public Hearing for a lot line adjustment involving three (3) residential lots in the Residence R District. *(New application- Monadnock Survey, Inc.)*
6. **223 South St Properties, LLC – South St – Map 29, Lots 95.** Public Hearing for a minor subdivision creating one new lot in the Commercial District and a waiver request from Milford Development Regulations; Article V, Section 5.06, *Submittal Requirements, K, V & X.* *(New application- Meridian Land Services, Inc.)*

OLD BUSINESS

7. **Little Nell Trust – Capron Rd – Map 43, Lot 57.** Minor subdivision to create one new lot. *(Tabled from 6/16/15 - Keach-Nordstrom Associates)*
8. **Little Nell Trust – East Ridge Apartments – Capron Rd – Map 43, Lot 57.** Major site plan to construct sixty (60) new apartment units in two three-story buildings with associated site improvements, and a waiver request from Milford Development Regulations, Article VI, Section 6.05.4, *Table of Off-street Parking.* *(Tabled from 6/16/15 - Keach-Nordstrom Associates)*
9. **TMC New England, LLC/Platinum Holdings, LLC – 321 Nashua St – Map 30, Lot 58.** Minor subdivision and lot consolidation in the Commercial District for the proposed CVS site plan. *(Tabled from 6/16/15 - VHB)*
10. **TMC New England, LLC et al – Clinton & Nashua Streets – Map 30, Lots 58, 59, 60 & 61.** Major site plan to construct a 13,600SF CVS pharmacy with associated site improvements/Waiver requests from the Milford Development Regulations, Article VI, Section 6.05, *Parking Requirements,* and Section 6.08, *Landscaping Requirements/Waiver requests from the Milford Zoning Ordinance, Article VI, Section 6.05.6:C.2, Parking Areas & C:3, Build-to Zone in accordance with 6.05.7, Waiver Provision.* *(Tabled form 6/16/15 - VHB)*

OTHER BUSINESS, cont'd

11. **Monadnock Economic Development Corporation/Town of Milford – Brox Site Industrial Park – Perry Rd – Map 38, Lots 13 & 14.** *Conceptual discussion.*

Chairman Beer called the meeting to order at 6:30PM. He introduced the Board and staff and explained the ground rules for the public hearing. Tim Finan and Veeral Bharucha, alternate members were called to sit.

Chairman Beer also thanked Jodie Levandowski for her service to the Board and wished her well in her future endeavors as she moves on to the City of Manchester. J. Levandowski said it has been a pleasure working with the Board and the entire Town of Milford for the past three years.

MINUTES:

S. Duncanson made a motion to approve the minutes from the 6/16/15 meeting as presented. T. Finan seconded and all in favor. Vote 6-0-0; motion carried.

OTHER BUSINESS:

Thomas Lorden/Town of Milford – Osgood Pond and Mason Rd – Map 42, Lot 1; Review and recommendation for a boundary line agreement.

Chairman Beer recognized:
Attorney William Drescher, Town counsel
Attorney Thomas Quinn

Water Sewer Commissioners; Dale White and Bob Courage
Water Utilities Superintendent; Dave Boucher
Mark Bender, Town Administrator

Conservation Commission;
Audrey Fraizer, Andy Hughes, Kim Rimalover, Hub Seward, Rodney Dellafelice and Chris Costantino

B. Drescher presented the *Proposed Boundary Line Agreement Plan and Locus Plan for Adjoining Properties of Thomas H. Lorden Near Osgood Pond and Mason Road* and draft *Boundary Line Agreement*. He then gave a presentation for both the Planning Board and Conservation Commission that included a history of the properties and the process to obtain a petition to quiet title to clear a defect discovered by the surveys. The Water/Sewer Commission has been involved in water exploration, to find additional sources for public water, for a long time. Two eligible sites have been located, both owned by Tom Lorden, and an agreement to access those properties was reached. A title search was performed and the boundary line on the east side of parcel 42/1 was not clear in any of the deeds. Mr. Lorden's attorney has agreed to go through the process of petition to quiet title and a survey was commissioned. In order to define the boundary line, an agreement has been reached and will need to be recorded. As a result, the Board of Selectmen is required to sign the agreement and hold public hearings; however, the same statute that authorizes the Selectmen to do that, also doesn't allow the Board to hold the first public hearing until a review and recommendation or lack of one is completed by both the Planning Board and the Conservation Commission. A private, third party has already done a boundary line agreement.

T. Quinn further explained the deeds, titles and boundaries in detail for the three parcels that involve the following owners, Not Too Dusty LLC, Thomas H. Lorden, and the Town of Milford and said the basic problem is that one actual boundary is unknown. We know all the other boundaries and they are clear through surveying and review of abutters deeds. We need to legally describe the property and since it is impossible to determine where the Lorden wetlands end and where the Town's wetlands end and we have come up with an agreement to describe that boundary line to petition quiet title. It is particularly appropriate in this case, because assuming we find water and assuming we get the petition to get the title quieted, the town will own both pieces and where the line is will be a moot point. Now we have the survey which connects two found monuments; an iron pipe at the intersection of the Town and Kearn properties and an iron pipe at the boundary of Not Too Dusty, LLC. It's all wetlands and marsh, but one side of the line will be Lorden and one side will be the Town and this will comply with statute requirements.

Planning Board comments:

T. Finan inquired if the proposed line is close to what is shown on the tax map. T. Quinn said the tax map dodges it completely.

S. Duncanson asked about the purpose. B. Drescher said this is so that the Water Department can do exploration for potential wells. P. Amato asked if water is found will the water department purchase and own the land. B. Drescher clarified that only the Town can own property but there will still be separate tracts unless the Selectmen want to merge them.

Conservation Commission comments:

A Fraizer inquired about the increase in size of the Lorden property as the line seems randomly drawn and the Commission would prefer not to have more wet area go onto a private lot. T. Quinn stated that was part of the dilemma, the deeds reference it as both 15 acres and 22 acres. This map shows the Lorden piece as 27 acres, but at the same time, it doesn't show that the town property is being diminished by a given amount of acreage. It's hard to say if there is anything being transferred. The tax card would not be accurate because it's not based on a survey and 27 acres is just a more accurate number. This is not a boundary line adjustment; it is a boundary line agreement because we can't determine the boundary line. A. Fraizer said it would appear that this plan would give access from 42/3 into that back lot, so if the Town didn't buy this property a developer could have access. Also, is there a clear line on the other side of the Pond? T. Quinn said his understanding is that the surveyor and Mr. Lorden have spoken to Mr. Kokko and are in agreement, but doesn't know if they will do a boundary line agreement or not. A. Fraizer said the Commission talked about putting an easement on the property prior to transfer of ownership, but might that already be covered? B. Drescher said the plan is to acquire the piece and have the right to go there. A. Fraizer asked how recently the wetlands were delineated. T. Quinn said he didn't know, but they weren't part of this plan. A. Fraizer asked if this area is part of the Osgood Pond dredging. P. Amato said the dredging is in the pond itself, near the dam at the easterly end.

R. Dellafelice asked if the purchase is contingent upon finding water. B. Drescher replied yes.

Chairman Beer opened the discussion to the public; there being none, the public portion was closed.

P. Amato made a motion that the Planning Board make a recommendation that we agree with this boundary line agreement. J. Plant seconded and all in favor. Vote 6-0-0; motion carried.

A. Fraizer called for a vote from the Conservation Commission, as this has been posted and there is a quorum present.

A. Hughes stated that he was not comfortable voting right now and would like more time for the Commission to discuss the matter. K. Rimalover asked if the recommendation could be tabled to the next commission meeting. R. Dellafelice inquired if there was a need to vote tonight. B. Drescher explained that a petition to quiet title can't be filed in court without the description, which can't be done until we get the boundary line agreement. The Selectmen have already scheduled the two public hearings for that agreement and a recommendation from the Commission is required to hold that first hearing, although it doesn't have to be in favor. A delay in vote could push this out by a month. M. Bender confirmed the Boundary Line Agreement is on the agenda for the 7/27/15 and 8/10/15 meetings. D. White thanked both boards for coming tonight and explained that we would like to buy the land if there is a clear title and if there is good water, but the land will not be purchased yet; that will have to go before the voters in Town. We have to have a clear title in order to do the testing for water quality and capacity so we would appreciate a decision tonight as time is of the essence for the legal aspect and we would like to test before winter.

The Conservation Commission moved their discussion to a different room. Upon their return, a vote was taken. A. Hughes made a motion that the Conservation Commission accepts the Boundary Line Agreement as presented tonight. K. Rimalover seconded. A. Fraizer, A. Hughes, K. Rimalover, H. Seward, and R. Dellafelice voted in the affirmative. Vote 5-0-0; motion carried.

San-Ken Properties, LLC, et al – Mile Slip, Wolfer and Boynton Hill Roads – Map 45, Lots 3, 17, 18 and Map 40, Lot 104-4; Compliance Hearing relative to conditions of approval for the Mile Slip & Boynton Hill Road subdivision conditionally approved May 19, 2015.

Chairman Beer read correspondence from Fieldstone Land Services, PLLC dated 7/17/15 requesting the compliance hearing be continued to the 8/18/15 meeting. No actions were taken and the applicant will come back to the Board at the August meeting.

NEW BUSINESS:

AAG Holdings, LLC/Butler Bus Transportation – Elm St – Map 7, Lot 11. Public Hearing for a site plan amendment for approval of a 30' x 60' modular office trailer and self-contained fuel storage tank to accommodate school bus transportation.

No abutters were present.

Chairman Beer recognized:

Nate Chamberlin, Fieldstone Land Services, PLLC

Bill Gurney, Gurney's Automotive

Bruce Lyskawa, Butler Bus Service Corp.

Chairman Beer read the notice into the record and verified that the application was complete. S. Duncanson made a motion that the application did not pose potential regional impact. P. Amato seconded and all in favor. S. Duncanson made a motion to accept the application. V. Bharucha seconded and all in favor. S. Wilson read the abutters list into the record.

N. Chamberlin presented plans dated 7/01/15 and gave a brief history and an overview of the proposed site changes for lots 7/11 and 7/12. Butler Bus got a five year contract for bus transportation services for Milford, Amherst and Mont Vernon. Mr. Lyskawa was not satisfied with the previous bus lot on Mont Vernon St due to the gravel surface and will relocate the facility to this site. The only trigger for site plan review is the addition of a small manufactured office that will also serve as a dispatch center. We will be adding a self-contained fueling station that will go through all local and state permitting. The site was designed to store 45 busses with access to the service bays at Gurney's. We will add additional shrubs per staff's request and 80% of the time the fueling station will be screened by busses. This is an existing approved vehicle storage site and as it may only be there for five years, we don't want to build a permanent structure. The manufactured building is a good looking building and will be screened with the landscaping; it is a good fit for the area. This whole area is flat and in the floodplain, so there is not a lot you can do with the stormwater. He explained the existing drainage that goes into Tucker Brook and also stated that the heavily vegetated swale works as a bio-retention facility already. He referenced the Environmental Coordinator's comments and recommendation #8 and said you couldn't ask for a better design than what is already going on right now. The grade is so flat and level and the groundwater table is very close to the surface. Re-grading or reconstruction would be a deal killer for the project. It just doesn't support that kind of re-work. All the busses will be new and there is little to no potential for oil dripping, and if there were any spills, it would go onto a hard surface and evaporate before it would ever get to the groundwater. The applicant also has issue with staff recommendation #7. We do not want to restrict the applicant or the owner. If there is significant change, the plan will have to come back to the Board anyway. Mr. Gurney is a good citizen and just wants to do what is right for the town and his business. He dressed up the entrance to the site and around the building considerably, without being asked to. He maintains a well looking site and will do the same with the proposed use. B. Gurney said this would be a good use and we will take great pride on the site, as we have in the past.

S. Duncanson said the plan shows 44 parking spaces for busses but you are asking for 45 spaces. N. Chamberlin answered that there is more parking in the service bay. B. Gurney said as part of the lease they will have access to additional parking by the service bay where Peniel Environmental has some equipment currently. The lease also allows the drivers to park on 7/12 as well.

T. Finan inquired about the bus operation and resulting traffic. B. Lyskawa replied from 6:15AM-7:00AM about 33 busses would be leaving the site at staggered times and a brief discussion on the existing bus service followed.

P. Amato asked how they would get electric to the fuel tank and temporary office and if there would be bathroom facilities. N. Chamberlin said they will jump off the street pole and go underground to service the building. Employees will use the bathroom facilities in the Gurney building. P. Amato said this property is in the West Elm Street Gateway District, and asked if there was any way they could use the existing building for the office instead. This "one lot" plan doesn't show where the 40+ employees will park and doesn't provide bathroom facilities. N. Chamberlin said the Gurney building is fully leased and fully occupied. B. Gurney said Butler Bus has a two-part lease; a 3,000SF piece of the building in addition to the parking lot. There are handicapped accessible men and women's bathrooms in a common area, also accessible from the outside door. In regards to the district, the site is what it is; it's a former car dealership and the landscaping is the nicest in that area. No one asked him to do that and said he can only give you his word. J. Levandowski referenced the DTM Autowerks approval where the Board worked with the applicant to add some additional features to enhance the metal building. Maybe the Board could do that here with landscaping. P. Amato said with three employees in the office, he's not sure of the legality or code compliance of no bathrooms. J. Levandowski said the building official is looking into that; however, it will be addressed at the time of building permit issuance. P. Amato said he doesn't think this office trailer meets the district guidelines and would rather see a bus in front. This is a significant change to the site and they should comply. Is it possible to put the mobile office towards the back? B. Gurney said yes, but power will be a challenge. P. Amato said maybe they could save some money on screening and landscaping and put it towards the power solution. He also added that Mr. Gurney does an excellent job and the place looks good. This is a great place to park busses but I am not in favor of this building being in the front. It will not enhance the area. The stormwater on this site works very well and recommendation #8 should be removed.

V. Bharucha said he agreed with Paul regarding the landscaping and that what has been done is very nice. Recommendation #3 references the screening for the fuel tanks. Will there be landscaping in addition to a bus parked in front? B. Gurney said he could do landscaping, but there will be bollards around it. J. Levandowski clarified that staff was not asking for complete screening only on the side facing Elm St and a vinyl fence would be fine. V. Bharucha said he was fine with anything that would improve the value or enhance the appearance.

J. Plant said she was not comfortable with the office in front; it doesn't meet our regulations. She would prefer it put to the back.

Chairman Beer opened the discussion to the public; there being none, the public portion of the meeting was closed.

P. Amato made a motion to conditionally approve the application, subject to staff recommendations 1-7 and items discussed:

1. The owner's signature is on the plan,
2. The Planning Board Signature Block be revised,
3. The fueling tank be screened from street view,
4. A copy of the lease agreement be provided with final plan at the time of final signature (re: note #18),
5. The office trailer be relocated to the rear of the property,
6. The office trailer meets all necessary State Building and Fire codes for NH,
7. A note be added to the plan stating: Any future significant changes to the site will need to comply with the West Elm Street Gateway District Guidelines,

S. Duncanson seconded and all in favor. Vote 6-0-0; the motion carried.

Leonard A. Golden, et al / Marilyn J. Piekarski, Trustee – Osgood and Mason Roads – Map 42, Lots 50-1, 50-2, & 55. Public Hearing for a lot line adjustment involving three (3) residential lots in the Residence R District.

C. Beer read the notice into the record and then email correspondence from Phil Tuomala dated 7/20/15 requesting a continuance to the August meeting.

S. Duncanson made a motion to table the application for the lot line adjustments to the 8/18/15 public hearing. T. Finan seconded. P. Amato abstained as an abutter and all else voted in favor. Vote 5-0-1; motion carried.

223 South St Properties, LLC – South St – Map 29, Lots 95. Public Hearing for a minor subdivision creating one new lot in the Commercial District and a waiver request from Milford Development Regulations; Article V, Section 5.06, *Submittal Requirements, K, V & X.*

No abutters were present.

Chairman Beer recognized:

Bill King, 223 South Street Properties, LLC

Chairman Beer read the notice into the record and verified that the application was complete. S. Duncanson made a motion to accept the application. P. Amato seconded and all in favor. P. Amato made a motion that the application did not pose potential regional impact. S. Duncanson seconded and all in favor. S. Wilson read the abutters list into the record.

B. King presented plans dated 6/22/15 and gave an overview of the proposed subdivision to split the mixed use property into one residential lot and one commercial property. We received a variance from the ZBA to make two legally conforming lots. There will be no new use on the property but we will have to construct an additional tie in to the sewer and water with necessary easements. Any invisible ownership lines will need to be addressed within the deeds.

J. Levandowski noted that the formal waiver request was received on 7/20/15 and that staff has no issues with issuing the waivers as these items are not really pertinent to this subdivision. C. Beer read the waiver requests into the record and stated that there will be not any changes to this pre-existing site.

Chairman Beer opened discussion, pertaining to the waiver request, to the public; there being none, the public portion of the meeting was closed.

P. Amato made a motion to grant a waiver from Milford Development Regulations, Article V, Section 5.06 *Submittal Requirements K, V & X.* S. Duncanson seconded and all in favor.

J. Levandowski noted that one of the conditions of the ZBA approval was that the Planning Board consider a possible buffer between the parcels. B. King explained that this plan extends the buffer by an additional two ft along the new property line from what the ZBA saw. He has no issue with putting in some vegetation but the ZBA was mainly concerned with access to the back of the garage by the owner of residence for maintenance. P. Amato stated that this property has been like this for a long time and putting the subdivision lines on paper doesn't change anything visually. The buffer is not a subdivision requirement and since the screening will not be visible from South St, this would be more of a private property issue than Planning Board issue. Following discussion on screening and visual delineation of the two lots, there was consensus from the Board that a buffer would not be required.

S. Duncanson brought up parking on the commercial side. P. Amato asked if the Thompsons have an access easement. B. King said yes it is in the deed and an easement will go with the back lot.

T. Finan inquired if the property included any of the rail trail? B. King said it is adjacent to the trail and this subdivision would not affect anything.

Chairman Beer opened the discussion, pertaining to the application, to the public; there being none, the public portion of the meeting was closed.

Chairman Beer reviewed the staff comments and recommendations from the staff memo dated 7/21/15.

P. Amato made a motion to grant conditional approval of the application, subject to staff recommendations:

1. A letter from a licensed surveyor be submitted to the Building Department attesting that all lot monumentation has been set prior to final Planning Board approval or a security be put in place for all property bounds and submitted to the Office of Community Development,
2. Existing and proposed lot areas be added to the plan notes,
3. The locus map be corrected,
4. Zoning districts be corrected;

5. Note #1 be revised to reflect the correct lot number,
6. Note #8 be updated with the proposed width of the utility easement,
7. The proposed access easement wording be revised to reflect the correct lot number,
8. Easement documents be submitted with final plans for recording at the Hillsborough County Registry of Deeds.

J. Plant seconded and all in favor. Vote 6-0-0; the motion carried.

Chairman Beer called for a brief recess.

OLD BUSINESS:

Little Nell Trust – Capron Rd – Map 43, Lot 57. Minor subdivision to create one new lot.

T. Finan made a motion to accept the withdrawal of the application. J. Plant seconded and all in favor. Vote 6-0-0; motion carried.

Little Nell Trust – Capron Rd – Map 43, Lot 57. Major site plan to construct sixty (60) new apartment units in two three-story buildings with associated site improvements, and a waiver request from Milford Development Regulations, Article VI, Section 6.05.4, *Table of Off-street Parking*.

Chairman Beer recognized:

Patrick Colburn, Keach-Nordstrom Associates, Inc.

Heather Monticup, Greenman-Pedersen, Inc.

Steven Burnell, Burnell-Johnson Architects

John Cronin, Cronin, Bisson & Zalinsky, PC

Ashley Scott, Cronin, Bisson & Zalinsky, PC

Ron Dupont, Red Oak Apartment Homes, Inc.

Joia Hughes, Development Manager for Red Oak Apartment Homes, Inc.

J. Cronin presented plans dated 6/15/15 and stated it was clear that the subdivision design, although not prohibited by your regulations, was not something that the Board was particularly in favor of. This plan has been revised and submitted on its own merits as a 60 unit complex; however, the land will still support additional units and density in the future. This plan has been redesigned to the satisfaction of the police and fire departments and shows the fire lane going around the buildings to accommodate turning movements of fire trucks. The applicant acknowledges the referenced sidewalk contribution and is willing to contribute.

Traffic:

J. Cronin acknowledged that Nashua St is a heavily travelled road, and has been for some time. We don't inherit responsibility for any existing problems but do try to be cognizant of any road issues that are necessitated by our development. The main concern for this project is right turn movement heading east on Nashua St. There are no issues and we meet all the warrants for the build year of 2016. Both Mr. Pernaw and our traffic engineer agree with the factual data from that intersection. This new development will generate 13 additional cars at the peak hour. Put in that perspective, it's not perfect but the traffic issues are really nominal. The concern comes with the 10 year projection out to 2026 based on an assumed 1% growth rate. Where does that growth rate come from; is that an objective calculation, a hypothetical number from ITE standards or a practice and policy within the industry? I went back in history for objective data and since 2002 we've had an average cumulative decline in population in Milford of around 1.04%. It is hard to project what will happen in ten years, but statewide the projection numbers are down. Even if we do rely on 1% growth numbers, it still doesn't change the number of turning movements, it changes the range of cars traveling on Nashua St. This is really not a phased development but in the spirit of full disclosure, if and when we come back for more units, we would have to address traffic. We would have to do a traffic study and have actual data. Right now, 13 cars doesn't justify the expense of building or maintaining a slip lane. P. Amato said if the population is going down then why build more apartments. J. Cronin said for people who are downsizing, or who spend part of the year in Florida; the housing market is continually changing. Mr. Dupont is very successful at what he does and he has done his due diligence to make sure this is economically feasible. P. Amato added that there will still be more traffic at a bad

intersection and in the future they will build more apartments; at some point we will have to face the music. C. Beer said the question is – is now that time?

P. Amato said it is good that two traffic engineers reviewed the data and had differing opinions; our job is to bring the common sense. A lengthy discussion on the right turn lane and off-site improvements to Capron Rd ensued. P. Colburn clarified that the right turn lane is off Nashua St for eastbound traffic to turn into Capron Rd, not for exiting cars from Capron Rd onto Nashua St and further explained that in the year 2026, there will be 36 right turns onto Capron Rd but only 13 are in line waiting to make a right turn for this new project. The traffic in the queue is from the traffic light to the east that slows traffic. H. Monticup said the right turn warrant is based on speed, volume of traffic in that direction as well as the volume of right turning traffic, so all that turning lane will do is pull those 36 cars out of the through traffic so they can make a right turn. The right turn lane is not warranted in 2016, it is only warranted for the ten year build out in 2026. Also, Capron Rd itself does not warrant two turning lanes and is noted in Stephen Pernaw's memo. On average, 56 cars will leave Capron Rd in the peak hour; 20 left turns and 33 right turns. That includes what's there today and our proposed project for the 2026 build out numbers. C. Beer said the right turn lane off Nashua St doesn't make sense and was taken off the table.

Waiver:

J. Cronin reviewed the waiver request and the parking requirements. J. Levandowski asked for clarification of the number of bedrooms in each unit. P. Colburn listed the apartment counts said there will be 10 one-bedroom units, 12 two-bedroom units and 8 three-bedroom units per building which includes the handicap accessible units. J. Levandowski said was more interested in the three bedroom units. The applicant is asking for 1.5 spaces and the Pine Valley Mill was granted a waiver for 1.3 spaces, so this should be ok. P. Colburn added that Red Oak owns 317 apartments in Milford and they analyzed the actual numbers from each of their buildings for the basis of this waiver request. The average came out as 1.48 and 1.45 cars per unit.

Chairman Beer opened the meeting to the public for comment pertaining to the waiver request; there being none, the public portion of the meeting was closed.

P. Amato made a motion to grant a waiver from Milford Development Regulations, Article VI, Section 6.05.4, *Table of off-street parking* to allow 1.5 parking spaces per unit. T. Finan seconded and all in favor.

Architecturals

J. Cronin said dormers present a lot of problems in terms of maintenance and control, so the option is not to put dormers in, but we have added peaked roofs and some pillars for style. J. Levandowski said the same architect designed a new building for the same use in Bedford with dormers. J. Cronin replied that facility has a different owner with a different management style. Mr. Dupont is one of the leading management companies and has a lot of experience dealing with all types of buildings. Based on our analysis, it does not make good economic sense for this project.

S. Duncanson inquired about the dormers. S. Burnell said these buildings are significantly smaller than the ones in Bedford, in many ways and they do have dormers over the pop-outs. He doesn't see how smaller dormers would have an effect on the building. What we have here proportionately breaks up the roofline the buildings are a ways off from Nashua St. C. Beer referenced the site walk and said the buildings are elevated but the tree line hides most of the buildings. All the trees along Nashua St will be staying. P. Amato noted that these buildings will be further back than Cahill Place and the dormers are appropriate for that size building.

Off-site improvements

J. Levandowski reviewed and distributed the memo prepared by Bill Parker dated 7/16/15. Using the calculation of \$15/linear foot at 225 linear ft, the frontage of the house lot on Nashua St, he came up with a cost of \$3,375 as a fair share contribution to the Nashua St sidewalk Improvements Fund. There is room for sidewalks on Capron Rd and referenced the staff memo. P. Colburn said we've received several requests for offsite improvements; sidewalks along Nashua St, sidewalks along Capron Rd that come with a host of other improvements and also the replacement of an existing culvert at the foot of the hill on Capron Rd. We have agreed and will replace the culvert on Capron Rd and will contribute to the Nashua Street Improvements fund. Contingent upon further requests to develop the property, at that time we would fulfill the commitment to construct the sidewalks on the

full length of Capron Rd on one side all the way to Eastern Trail Apartments, approximately 680 ft. There is considerable cost and earthwork to take the open drainage system and make it closed.

C. Beer said he feels it would be a higher priority to put the sidewalk in on Capron Rd considering, there is none there now and defer or eliminate the contribution to the Nashua St fund. There will be a lot of foot traffic with that many people. P. Amato said it would not be safe to encourage pedestrian traffic without any place to go on Nashua St; there is no crosswalk. P. Amato said he agreed in principal, but this needs to be part of a larger plan and we have one for Nashua St.

S. Duncanson said Red Oak owns most of the property along Capron Rd and agreed with Chris. J. Plant said she can see both sides. There is a benefit to having the sidewalks come down but if we're just dropping them off at a very busy Nashua St, have we accomplished anything? Hopefully we can get the Nashua St sidewalks done quicker. T. Finan said he'd rather see sidewalks on Nashua St. P. Amato agreed and said he'd rather see people walking down the side of Capron Rd than on Nashua St. V. Bharucha said barring the ability to complete the sidewalks on Nashua St and Capron Rd, logically it would be better to complete the Nashua St sidewalk. J. Levandowski said it all works together but the Board should discuss the logistics of phase II and the possibility that it may never happen. If it doesn't happen, we will never get the improvements to Capron Rd which DPW strongly suggests is needed. P. Amato asked why isn't it the town's responsibility to resurface the roads. J. Levandowski answered by saying why isn't it the town's responsibility to construct the sidewalks. P. Amato said we need documentation on this plan that we can refer to. J. Cronin said we can add a note to the plan and will work with staff regarding the proper language to be used as documentation regarding further improvements to Capron Rd. J. Levandowski noted that all improvements to Capron Rd are benefiting one owner with the exception of the post office. P. Amato said there is a lot of things we want done, but we don't want to front-load or back-load it all. We need to find a compromise and list all of things that need to be done. S. Duncanson brought up the existing 96 units, the proposed 60 units and the future 65 units and the impact on Capron St. J. Cronin said the focus needs to be on the impact of this 60 unit building, not on what has already been built or future development.

Chairman Beer reviewed the staff recommendations. J. Levandowski stated that phasing is referenced in regards to contributions, not construction. The Board suggested changing note #6 to be payable at the time of C/O for the first building and remove the "suggested" agreed amount and that the waiver specifics be added to the plan. P. Amato inquired about the culvert. P. Colburn said the site contractor will replace it during the construction.

Chairman Beer opened the hearing to the public for comment; there being none, the public portion of the meeting was closed.

P. Amato made a motion to grant conditional approval, subject to the following, that;

1. A legal agreement shall be drawn up by the Town's and Applicant's attorney to be signed prior to the signing of the site plan regarding the condition that prior to receipt of a CO for Phase II buildings, sidewalks must be constructed along Capron Road and a connection to sidewalks along Nashua Street must be made.
2. An easement plan and deeds be submitted for recording at the Registry of Deeds;
3. A note be added to the plan listing all approved waivers and dates of approval;
4. The applicant shall provide a sketch to the DPW director for replacement of the existing 15-inch CMP culvert under Capron Road as an off-site improvement associated with the development;
5. A monetary contribution to the Nashua Street Improvements Fund be submitted in an agreed amount of \$3375.00.

T. Finan seconded. P. Amato, T. Finan, C. Beer, and J. Plant voted in the affirmative with S. Duncanson voting in the negative. Vote 5-1-0; motion carried.

TMC New England, LLC/Platinum Holdings, LLC – 321 Nashua St – Map 30, Lot 58.

1. Minor subdivision and lot consolidation in the Commercial District for the proposed CVS site plan.
2. Major site plan to construct a 13,600SF CVS pharmacy with associated site improvements/Waiver requests from the Milford Development Regulations, Article VI, Section 6.05, *Parking Requirements*, Section 6.08, *Landscaping Requirements* and Article VII, Section 7.03 *Sidewalks*/Waiver requests from the Milford Zoning Ordinance, Article VI, Section 6.05.6:C.2, *Parking Areas & C:3, Build-to Zone* in accordance with 6.05.7, *Waiver Provision*

Abutters present:

Bernie Grimard for Susan Jones, Clinton St
Chris Masucci, Birchwood Dr
Lyn Coakley, Nashua St
Aaron Jowders, Clinton St

Chairman Beer recognized:

Dave Fenstermacher, VHB
Gordon Leedy, VHB
Nick Sanders, VHB
Richard Westergren, Poyant Signs
John Sokul, Hinckley, Allen & Snyder, LLP

S. Wilson stated that all abutters, including individual condominium owners, were sent a notice of this meeting for both applications, per the Board's request.

N. Sanders said that the applicants, town staff and respective engineers met with NH DOT on 7/12/15 and it was confirmed that the traffic signal would need to meet DOT approval, per RSA and any financial contribution from the applicant would actually reduce the federal contribution of the earmark project. A signal does not currently meet warrants under existing conditions or proposed project conditions. What leads to the possible warranting of the signal is the combination of the access management improvements from the project and from the access improvements along the Nashua St corridor. Therefore, we are proposing a three phase approach. Phase I will consist of the applicant constructing all on and offsite improvements identified in this application, which includes access management, providing internal connections, and some sidewalk. Phase II will involve the town earmark project moving forward and the construction of those improvements along Nashua St with the accommodation of a signal which could provide access to the site. Phase III would be another town project to install the signal if and when it meets warrants. The applicant is willing to make a financial contribution towards the cost of those signal improvements.

D. Fenstermacher presented plans dated 6/19/15. He said the sight distance has been improved when exiting the drive thru by reworking the striping and bar to allow a free look down the full length of the access. We moved the stop bar and that will control the turning movements on site. There was also concern with the existing parking on the County Stores lot. This plan pulls some of the parking away from Nashua St and we are working with County Stores to improve the sight distance looking west with the added benefit of landscaping. Any future takings for the earmark project would have to be discussed with the owner, but there wouldn't be any more impact.

G. Leedy said we met with the abutters and reviewed their concerns. There are a number of trees on the south edge of the property and we think we can possibly save the fairly large hemlock and 24" maple. We can run the fence on the CVS side of the trees to accommodate that and we reorganized the plantings of arborvitae and viburnum along that side. We have come to a good solution to the headlights issue and will construct a solid barrier in front of the abutter's house that could be used a sign for his business. On the front corner of the site, we adjust the stormwater basin and grading to save the 36" maple tree. That will be a major improvement in maintaining the streetscape.

Parking:

G. Leedy said we are considering this project as a shopping center, even though it's on separate lots. There is some existing parking that will be eliminated as a result of this plan but it is not in high purpose demand areas, so

to bring the entirety of the site into compliance, we're adding spaces to the CVS area. In reality, we don't have control where people park so we will be recording cross access easements allowing free movement between the two sites. We do have issue with creating a condition on the plan that in essence dedicates one person's parking to another; that creates legal issues when County Stores would be redeveloped. We have no intention of restricting parking and respectfully request that the language of that condition be modified in such a way to allow cross access but not require language with respect to parking. J. Sokul asked if the 2nd sentence of note #12 could be removed. Staff was in agreement with the revision. J. Sokul referenced the parking on page 2 and the staff memo saying that the project has been reviewed by the town as a whole with 3.5 spaces per 1,000SF versus 4.0 spaces per 1,000SF and no waiver would be required. He also asked that staff recommendation #8 on the subdivision application be revised with the submitted language from the email dated 7/21/15 and that it be added to both the subdivision and site plan application conditions of approval. Staff is fine with these revisions.

Chairman Beer opened the meeting to the public.

B. Grimard inquired about the fence construction. G. Leedy replied that the 8ft solid wood fence would be placed on top of the higher ground.

Chairman Beer closed the public portion.

P. Amato made a motion to grant conditional approval for the subdivision application based on staff recommendations 1-7 and revisions to #8:

- 1) A letter from a licensed surveyor be submitted to the Building Department attesting that all lot monumentation has been set prior to final Planning Board approval or a security be put in place for all property bounds and submitted to the Office of Community Development;
- 2) A Lot Merger form be submitted to the Hillsborough County Registry of Deeds and a copy provided to Office of Community Development prior to Final Site Plan Approval;
- 3) A note should be added to the Subdivision/Consolidation plan that states: "A Special Exception was granted by the Milford Zoning Board of Adjustment on June 4, 2015, Case #2015-07, to alter the non-conforming use (open space) on Map 30/Lot 58 from 7% of the site to 2% of the site to allow for subdivision and combination of properties to create a new commercial lot.";
- 4) A note be added to the plan stating that new lot 30-59 shall be subject to police and library impact fees;
- 5) A note be added to the plan stating that the subject lots are within the Nashua Elm Streets Overlay District;
- 6) Lots to be renumbered to reflect correct Town of Milford numbering system;
- 7) Flood Hazard Information and Groundwater Protection District Information to be added to the plan notes;
- 8) A note be added to the plan stating "Notwithstanding approval of (i) the minor subdivision and lot consolidation of Lots 30-58, 30-59, 30-60 and 30-61 and (ii) major site plan approval (to construct a CVS Pharmacy) regarding Lots 30-58, 30-59, 30-60 and 30-61, no further Planning Board approvals for site plan amendments regarding the remainder of Lot 30-58 (beyond those contemplated by the aforesaid minor subdivision and consolidation approval and major site plan approval) trigger the requirement of site plan approval. A notice to this effect shall be added to the plan."

J. Plant seconded and all in favor. Vote 6-0-0; motion carried.

Waivers:

Milford Development Regulations, Article VI, Section 6.05 *Parking Requirements*

- Chairman Beer read the waiver request from into the record.
- P. Amato inquired how many spaces will be this size. D. Fenstermacher replied four; they will be 12ft and will share the 5ft middle for unloading.
- Chairman Beer opened the meeting to the public; there being none, the public portion of the hearing was closed.
- S. Duncanson made a motion to grant a waiver from Milford Development Regulations, Article VI, Section 6.05.3 & 6.05.5 *Parking Requirements*. V. Bharucha seconded and all in favor.

Milford Development Regulations, Article VI, Section 6.05.6:D *Landscaping Requirements*

- Chairman Beer read the waiver request from into the record.
- D. Fenstermacher explained that we are just designing for additional room to allow safe access for emergency vehicles from Clinton St. The drive aisle will still be 24ft, the extra distance comes from the radii and means

a wider curb cut. J. Levandowski stated that Captain Smedick reviewed the plans and is fine with the waiver. T. Finan added that it will make the situation better.

- Chairman Beer opened the meeting to the public.
- C. Masucci asked about cars exiting onto Clinton St when emergency vehicles are entering and about winter snow mounds. C. Beer said this waiver is to make the access bigger.
- Chairman Beer closed the public portion of the hearing.
- S. Duncanson made a motion to grant a waiver from Milford Development Regulations, Article VI, Section 6.05.6:D *Landscaping Requirements*. P. Amato seconded and all in favor.

Milford Development Regulations, Article VI, Section 6.08.6 *Landscaping*

- Chairman Beer read the waiver request into the record.
- J. Levandowski verified that the applicant will have more than enough landscaping. P. Amato also commended the applicant's efforts to save the mature trees.
- Chairman Beer opened the meeting to the public; there being none, the public portion of the hearing was closed.
- P. Amato made a motion to grant a waiver from Milford Development Regulations, Article VI, Section 6.08.6 *Landscaping*. S. Duncanson seconded and all in favor.

Milford Development Regulations, Article VI, Section 6.05.6:C.2, *Parking Requirements*

- Chairman Beer read the waiver request into the record.
- There was no discussion from the Board.
- Chairman Beer opened the meeting to the public; there being none, the public portion of the hearing was closed.
- P. Amato made a motion to grant a waiver from Milford Development Regulations, Article VI, Section 6.05.6:C.2, *Parking Requirements*. S. Duncanson seconded and all in favor.

P. Amato asked about the façade. D. Fenstermacher said the final façade will be as it is shown on the plans presented at the 6/16/15 meeting.

S. Duncanson brought up DPW comments on the staff memo. D. Fenstermacher said we will coordinate the with the Nashua St improvements. J. Levandowski noted that the DPW comments are from June's interdepartmental review. The timing for the earmark project is the next highest priority for state/federal funded projects, after South St and we would hope within the next 3-5 years. D. Fenstermacher said the state is looking at two to three years and we are fifteen months out on our project already; we're looking at spring 2016 construction. We will do the widening and overlay for Clinton St, no matter what happens with Nashua St. J. Levandowski said we could make it a condition that staff meets with DPW and obtains DPW approval for the offsite work and referenced the St. Joseph's Hospital improvements. S. Duncanson inquired if anything would need to be reviewed for the abutter's sign. A. Jowders said he did pull a permit for the sign but it was never installed.

Chairman Beer opened discussion to the public.

L. Coakley inquired about the numbers warranting a traffic light. D. Fenstermacher explained that there are many warrants that can be triggered but the one we are barely meeting, the peak hour trips, only gets the conversation going. The minimum warrant for left turning vehicles is 100 during the peak hour; CVS has 20 peak hour left turns trips. With the future improvements from the earmark project, it's likely that the corridor will reach the peak hour minimum. We would look at the numbers again then and that is the signal project we'd be putting the money towards.

M. Fougere referenced his letter dated 6/13/15 that was sent the Board and said his biggest concern and disappointment with the plan is the design of the building which is woefully inadequate. Overall, this project will be a good addition to that center and to our community. It is an improvement, but we are being short changed. Staff sent out the Stratham design which would be much more fitting for this location, this close to our square. The applicant was looking for a lot of waivers from the overlay district and I think we could have done better and can do better.

Chairman Beer closed the public portion of the hearing.

P. Amato made a motion to grant conditional approval subject to staff recommendations 1-14 from the staff memo dated 7/21/15 and items discussed tonight.

- 1) A lot merger document be submitted for recording at the Registry of Deeds,
- 2) Snow storage on County Stores be addressed as discussed,
- 3) An easement plan and deeds be submitted for recording at the Registry of Deeds,
- 4) Notes from sheets C-3 and C-5 should be added to the site plan; sheet C-2,
- 5) A note(s) be added to the plan listing all approved waivers and dates of approval,
- 6) A note be added to the plan stating that all lighting shall be downcast per the Milford Development Regulations,
- 7) A note be added to the plan indicating that: "All water, sewer, road (including parking lot) and drainage work shall be constructed in accordance with the Town of Milford's Water Utilities Department and Public Works Department standards,"
- 8) A note be added to the plan indicating that "As-built plans shall be delivered to the Building Department prior to a Certificate of Occupancy being issued,"
- 9) A note be added to the plan detailing Flood Hazard information in conformance with the requirements of 6.014 SPECIAL FLOOD HAZARD AREAS,
- 10) A note be added to the plan detailing Groundwater Protection District information per 6.010 of the Zoning Ordinance,
- 11) A note be added to the plan referencing any delineations on the plan of all easements, rights-of-way and deeded property restrictions,
- 12) A note be added to the plan stating "Cross access shall be allowed between the two lots 30-58 and 30-59 (County Stores and CVS),"
- 13) A note be added to the plan stating "Notwithstanding approval of (i) the minor subdivision and lot consolidation of Lots 30-58, 30-59, 30-60 and 30-61 and (ii) major site plan approval (to construct a CVS Pharmacy) regarding Lots 30-58, 30-59, 30-60 and 30-61, no further Planning Board approvals for site plan amendments regarding the remainder of Lot 30-58 (beyond those contemplated by the aforesaid minor subdivision and consolidation approval and major site plan approval) trigger the requirement of site plan approval,"
- 14) CVS provide an easement along Nashua Street for future widening,
- 15) A note be added to the plan stating: Applicant shall construct all on and off-site traffic improvements shown on the approved site plan at Applicant's cost and expense. If a traffic signal is approved by NHDOT as part of the Nashua Street Project or otherwise at a location along the Nashua Street corridor that provides access and egress for the CVS traffic, then Applicant shall pay for the cost of the installation of the traffic signal equipment. If a traffic signal is not approved by NHDOT within seven years of the date of this approval then Applicant shall, at that time, make a contribution to the Town to account for a fair share reimbursement of the Nashua Street highway improvement project, which contribution shall in no event exceed the cost of the traffic signal equipment (not to exceed \$175,000),
- 16) DPW approve and sign off the overlay and pavement for off-site work from Nashua St to the intersection of County Stores entrance.

S. Duncanson seconded and all in favor. Vote 6-0-0; motion carried.

P. Amato made a motion that the meeting continue, after 10:00PM to hear the next two agenda items. J. Plant seconded. S. Duncanson voted in the negative and all else in favor. Vote 5-1-0; motion carried.

OTHER BUSINESS cont'd:

Monadnock Economic Development Corporation/Town of Milford – Brox Site Industrial Park – Perry Rd – Map 38, Lots 13 & 14. Conceptual discussion.

Chairman Beer recognized:

Jack Dugan, Monadnock Economic Development Corporation (MEDC)

Ken Clinton, Meridian Land Services, Inc.

Jay Heavisides, Meridian Land Services, Inc.

J. Dugan gave an overview of the MEDC organization and listed some of their past development. We are interested in purchasing a portion of the Brox property and will be the owner and developer of a 60,000SF manufacturing building. After we obtain a certificate of occupancy, we fully expect Stoneyard, a company from Littleton, MA, to purchase it from us and relocate their operations to Milford. We were introduced to the company by the NH Department of Resources and Economic Development as Stoneyard was doing a site search across the southern tier of the state. They really liked the site and felt it was the most appropriate for them. The 60,000SF building would be the initial phase of a multi-phase development. They currently have a little over 100 employees in Littleton and after they move here we expect that will increase to 150 or so. As they continue to grow, they would like to add a standalone showroom facility, as well as a separate standalone distribution facility on the site; however, this discussion tonight only pertains to the initial phase of development.

K. Clinton presented conceptual plans dated 2/16/15 and explained the existing conditions of the Brox Property. The Brox sand and gravel pit has not been active since the late 1980's. It's largely reforested, but not in quality growth with white pine and birch. There are various wetland pockets interspersed throughout the site as well as a larger complex of wetlands associated with Heron Pond and Birch Brook. There are also numerous cart paths and woods roads there; some are passable and some are growing in. Five tax map parcels are involved in this sale, 38/9, 38/11, 38/12, 38/13, and 38/14; however, only lots 38/13 (15 acres) and 38/14 (63 acres) are actively involved in this application. Those two lots are bisected by an undeveloped paper street or ROW, that was created as part of a conceptual design for industrial lots, in the early 2000's. Fifteen years later, instead of developing multiple properties individually, we are considering this as one single entity to acquire the 93 acres. The proposed development will primarily take place on parcel 38/14 and Planning Board approval will be required to shift that ROW farther west to where a former town ROW had existed. Numerous studies and evaluations have been done over the years since its purchase in 2000, including a study done by PB Environmental on behalf of the Conservation Commission for both the industrial and community portions of the lands which we have for consideration. We are currently in process of collecting topographical and wetland data.

J. Heavisides explained that the majority of the development will be concentrated in the western area of the parcel 38/14 and designed for vehicle traffic. In addition to the 60,000 SF building, there will be provisions for a 30,000 SF and a 15,000 SF addition. He then explained basic details for the building and storage/stockpile areas. There will also be a settling basin constructed for their processing. Because of the size and openness of the facility, there will be multiple stormwater treatment ponds around the site. We are trying to avoid wetlands and to minimize impact all the way around.

P. Amato inquired about parking for 100 employees. K. Clinton replied that parking and access will be determined by internal building design; however, there will be adequate parking for both employees and the limited amount of public for the future showroom facility on the site plan. The relocation of the ROW will bisect the property north to south and there will not be a need to merge any parcels or lose a lot, it will be a lot line adjustment. A reduced size lot 13 will stay to the west and a larger, lot 14 will be to the east of the relocated ROW. P. Amato noted that the telephone easement looked like it was running through the building. K. Clinton stated that was one of the items being addressed. P. Amato said he has been on various Brox Study Committees and this is one of the best things that could happen out there. This size building will bring in over \$65,000 a year in tax revenue and they are going to upgrade the road. P. Amato also thanked Jack Dugan for helping to make this happen.

C. Beer brought up the road heading easterly towards 38/9. K. Clinton said that road is existing but not in an improved sense. The Stoneyard would like to continue its use to access the remainder of their property. C. Beer said this sounds like a good plan moving forward for that area.

S. Duncanson asked if Old Wilton and Perry roads will be upgraded to accommodate the increase in truck traffic. K. Clinton said Perry Rd upgrade is an absolute part of this package but other upgrades have not been discussed.

BOS representation on the Planning Board

Mark Fougere said that Kathy Bauer, the current representative, will be stepping down from her duties. Kevin Frederico said he is the most likely candidate and would like to step up, but has a scheduling conflict on the 3rd Tuesday of the month. We have been tossing around ideas for representation and what we would like to suggest is to change what the Planning Board does at the first and third meetings, by holding public hearings on the 1st Tuesday of the month and keep the 3rd Tuesday for worksessions. C. Beer said one problem is that plan review is reliant on input from other boards that meet earlier in the month. J. Levandowski noted that submission deadlines are a month in advance so that would have to remain consistent. S. Wilson added that the meeting schedule is set for 2015. P. Amato said it would take some retraining for engineers and applicants and a brief discussion followed. M. Fougere said that he would be more readily available as back up on the 1st Tuesday than the 3rd one. P. Amato said it is important to have representation from the Board of Selectman and we value that input. We have had a strong representative for a number of years. C. Beer said the Board will take this under consideration and discuss at next week's worksession.

The meeting was adjourned at 10:50PM.