

MILFORD PLANNING BOARD PUBLIC HEARING
August 23, 2016 Board of Selectmen's Meeting Room, 6:30 PM

Members Present:

Christopher Beer, Chairman
Paul Amato
Tim Finan
Doug Knott
Janet Langdell
Kevin Federico, BOS representative
Veeral Bharucha

Staff:

Lincoln Daley, Comm. Dev. Director
Shirley Wilson, Recording Secretary
David Bosquet, Videographer

Excused:

Susan Robinson
Jacob LaFontaine, Alternate member

MINUTES:

1. Approval of minutes from 7/26/16.

NEW BUSINESS:

2. **Anne K. Bergeron Trust/Industrial Tower and Wireless, LLC – Summer Street - Map 9, Lot.** Public Hearing, pursuant to RSA 675:7 and 12-K:7, for a major site plan to construct a 130 foot (130') personal wireless service facility lattice structure to accommodate antennas, electronic equipment, and cabling, within an 80' x 80' fenced in compound with associated ground based telecommunications equipment. (New application – Fieldstone Land Consultants, PLLC)
3. **The Roland P and Clara Y Ayotte Revocable Living Trust – Savage Road and Woodward Drive – Map 6, Lot 40 & Map 10, Lot 8.** Public Hearing for a common lot line adjustment application. (New application-Fieldstone Land Consultants, PLLC)
4. **Northwoods Family Enterprises, LLC – Mile Slip Road – Map 50, Lot 1.** Public Hearing for a minor subdivision application to create one (1) new residential lot in the Residence R District. (New application-Fieldstone Land Consultants, PLLC)
5. **Matthew & Carolyn Magri – Melendy Road and NH Rte 13 South – Map 52, Lot 18-1.** Public Hearing for a minor subdivision application to create one (1) new residential lot in the Residence R District. (New application-Fieldstone Land Consultants, PLLC)
6. **Eversource Energy (formerly Public Service of NH) and Salt Creek Properties, LLC – Hammond Road and South Street – Map 43, Lot 76 and Map 43, Lot 20-1.** Public Hearing for a common lot line adjustment application. (New application-Monadnock Survey, Inc)
7. **Robert & Wendy Gual – 41-43 David Dr – Map 33, Lot 4-9.** Public Hearing for a minor subdivision application for a two-unit condominium conversion in the Residence A District. (New application – Meridian Land Services, Inc.)

OTHER BUSINESS:

8. **Justin Demontigny – Tonella Road – Map 43, Lots 24 & 25.** Conceptual plan for Milford Quarry Townhomes to construct two 6-unit, multi-family buildings and dedicated open space.
9. **Sunshine Six, LLC – Mont Vernon Road – Map 8, Lot 73.** Conceptual plan to construct a new 22,680 square foot industrial building with associated site improvements.

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.

MINUTES:

K. Federico made a motion to approve the minutes of June 28, 2016. D. Knott seconded. J. Langdell, D. Knott and V. Bharucha abstained and all else in favor. Motion carried by a vote of 4-0-3.

J. Langdell submitted one revision to the July minutes.

K. Federico made a motion to approve the minutes of July 26, 2016, as amended. T. Finan seconded for discussion. J. Langdell referenced the statements made by the Prolmans at the last meeting in reference to there being no regional impact determined with previous plans for Map 6, Lot 14. She referenced her email dated 7/27/16 that was sent to the Board and staff, and said the Planning Board did vote there was regional impact pertaining to the Slattery proposal in May, 2011 and although the Pine Valley Mill redevelopment project had a vote of 4-3 with no potential regional impact, it probably went that way because of timing for the CDBG grant. The Dollar General did not go past conceptual discussion, so no vote was taken. Chairman Beer called for a vote. V. Bharucha abstained and all else in favor; motion carried by a vote of 6-0-1.

Anne K. Bergeron Trust/Industrial Tower and Wireless, LLC – Summer Street - Map 9, Lot. Public Hearing, pursuant to RSA 675:7 and 12-K:7, for a major site plan to construct a 130 foot (130') personal wireless service facility lattice structure to accommodate antennas, electronic equipment, and cabling, within an 80' x 80' fenced in compound with associated ground based telecommunications equipment.

C. Beer read the notice of hearing and stated that the application was complete, per the staff memo. J. Langdell made a motion to accept the application. D. Knott seconded and all in favor; motion carried 7-0-0. P. Amato made a motion that this application did not pose potential regional impact. J. Langdell seconded for discussion. She stated that forty communities and NRPC were noticed. Chairman Beer called for a vote and all in favor; motion carried 7-0-0. S. Wilson read the abutters list into the record.

Abutters present:

Steve Desmarais, Patch Hill Development, LLC

George Murphy, Summer St

David & Constance Kedzierski, Birch Ln

Chairman Beer recognized:

Kevin Fadden, Industrial Tower & Wireless

Kevin Delaney, Industrial Tower & Wireless

Rich Fossy, Industrial Tower & Wireless

K. Fadden presented plans dated 3/31/16 and gave a brief history of the 4.4 acre wooded parcel. The project is to replace the existing 111ft guy wired tower with a 130ft lattice tower. We will extend and improve the existing dirt road to access the 80 x 80 ft compound that will be surrounded by an 8ft chain link fence. The utilities will stay overhead to the existing pole and then underground up to the compound. It will be accessed monthly by technicians.

D. Knott asked if there were any changes from the conceptual plan. K. Fadden replied no.

Chairman Beer opened the public portion of the meeting.

S. Desmarais inquired who the carriers would be. K. Fadden said he is not at liberty to disclose that information tonight. The owner of the tower will be Industrial Electronics and all existing equipment affiliated with the old tower will be relocated onto the new tower. The licensee is Industrial Wireless Technologies, Inc a two-way radio and GPS locating company that provides services to the public and large construction or public safety companies with truck fleets. P. Amato said he was trying to determine if there was a need for this because although we might all use cell phones, we don't all use industrial radios. K. Delaney said the construction is for our use and our existing carrier, Birchwood Paging, but will be available and able to accommodate other cellular carriers, like AT&T, Verizon, T-Mobile and Sprint to co-locate; however, we do not have any agreements at this time. As

mentioned, there is a need for additional cellular co-location in this area. L. Daley referenced sheet #3 that showed the schematic with five proposed carriers on the tower.

G. Murphy said he is a long time resident of Milford and an amateur radio operator with his own tower. As such, we provide emergency communications to our town, community and across the United States. I have a 2m 145 MHz repeater at my home and he asked if there was a possibility for some real estate on the tower to put my 19ft VHF antenna up there to better serve the Town and surrounding communities in case of emergencies. He also introduced Fletcher Seagroves, the Hillsborough County Emergency Coordinator for amateur radio services. Chairman Beer suggested the applicant speak privately with Mr. Murphy.

Chairman Beer closed the public portion of the meeting.

L. Daley asked the applicant to clarify the needs analysis that was submitted with the application. K. Delaney referenced tab 3 for the propagation study analysis and explained that the three maps are a computer generated analysis to predict what the coverage will be. Map #1 shows the proposed coverage from the stand-alone site for our 900 MHz radio system. Map #2 shows the existing coverage including our sites in Auburn, Goffstown, Hancock, Peterborough, Townsend and Tyngsboro. The green areas denote where one can make a call inside a vehicle, the darker blue designates the ability to call while walking down the street without the interference of any metal and the white areas are the coverage gap to be filled. Map #3 shows the addition of this proposed site with the existing coverage and how it fills that gap. Cell carriers would have different maps and coverage zones; they operate on higher frequencies with lower power than what we use so they can only talk about 1.5 miles. L. Daley asked if this analysis is accurate without including the other towers or co-locations owned by other carrier companies. K. Delaney said these maps are accurate for our coverage but there are other facilities out there that are not shown and we could provide that information. P. Amato again asked about the need for the tower from cellular system, not just their business.

L. Daley inquired about the grade of the driveway, sound mitigation for the generator, visual impact and if the town will be allowed space on the tower.

R. Fossy responded that they will be utilizing an existing driveway and although he is not sure of the slope, we will upgrade and widen it to make it more passable and will provide a turnaround for emergency vehicles. L. Daley noted that the driveways are not to exceed 10% slope per the regulations.

K. Delaney explained that in this area, the carriers usually install the generator inside the shelter and use a hospital grade muffler system. We typically do offer free space on the tower for towns to use for Fire, Police and EMT service. They could put their communications system up there. We have not done any visual tests because the new lattice style tower will be less intrusive than the existing tower that uses guy wires and it won't be visible from many locations, including the Oval. It will only be 5-6 ft wide above the tree line but wider at the base.

D. Knott inquired if there will be other carriers. K. Delaney said yes, it is highly likely as the coverage is not very good in this area. He explained that the carriers have different buildout plans and it could stagger over two to three years.

J. Langdell inquired about the buffer areas. K. Delaney said 150ft of buffer is required and the existing tower is about 90 ft from the property line. We don't quite make the full radius for vegetative buffer because we'd have to move it further down the hill, but we do make 130 ft buffer. It is more appropriate to keep it where it is as opposed to moving it closer to the residential area. After a brief discussion, L. Daley confirmed that the Zoning Ordinance allows the Planning Board to determine the appropriate buffer. J. Langdell referenced 7.09.2D, Burden of Proof and asked if the submitted propagation study analysis is in compliance with our regulations. L. Daley said they did provide an analysis and have met the minimum requirements, but it is the Board's decision as to whether it is adequate.

K. Federico commented that the MACC Board of Governors, the Milford Board of Selectmen and the Milford Police Department have been in discussions over the last couple of months regarding communication issues so we are happy to hear about the possibility of free space on the tower as this could have potential benefits for the emergency communications and the issues they are facing. L. Daley noted that Captain Smedick expressed desire

to collocate on that tower but the impact is unknown at this time. K. Federico explained that the Police Department is having specific issues with car to car and portable to portable communications but again, we're not sure what the impact would be and we would kick this to Jason Johnson, the director at MACC Base.

C. Beer referenced the Conservation Commission memo dated 8/17/16 and asked if there will be camouflage for the tower. K. Delaney said the base, where all the transmission equipment is located, will be camouflaged with a vegetative buffer but the top will not be. The fake pine tree camouflage actually makes it look worse. We also won't be able to do a rendering for visual impact from the oval because it won't be visible from there. The tower will only be visible from a few peek-a-boo locations on Summer and Mayflower Streets and one will really need to know where to look in order to see it.

D. Knott made a motion to conditionally approve the application, incorporating staff comments from the staff memo dated 8/16/16, that:

1. The driveway shall comply with Town regulations.
2. A note added to the plan stating that the Town shall not be responsible for maintaining the improved gravel driveway to the facility.

K. Federico seconded and all in favor. The motion carried unanimously; vote 7-0-0.

The Roland P and Clara Y Ayotte Revocable Living Trust – Savage Road and Woodward Drive – Map 6, Lot 40 & Map 10, Lot 8. Public Hearing for a common lot line adjustment application.

C. Beer read the notice of hearing and stated that the application was complete, per the staff memo. J. Langdell made a motion to accept the application. T. Finan seconded and all in favor; motion carried 7-0-0. P. Amato made a motion that this application did not pose potential regional impact. D. Knott seconded and all in favor; motion carried 5-0-0. S. Wilson read the abutters list into the record.

Abutters present:

Vincent Lehman, Woodward Dr
Suzanne Fournier, Woodward Dr

Chairman Beer recognized:

Roland & Clara Ayotte, owners
Mike Plough, Fieldstone Land Consultants, PLLC

M. Plough presented plans dated 6/1/16 and explained the proposed lot line adjustment. Lot 6/40 will go from 4.3 acres to 3.0 acres with 202.52 ft of frontage on Savage Rd and Lot 10/8 will go from .3 to 2.14 acres with 99.16 ft of frontage on Woodward Rd and 150ft of frontage on Savage Rd. A variance was granted on 11/14/14 to allow a lot with less than 200ft of contiguous frontage. The buildable envelope of lot 10/8 will be near Savage Rd with room for septic. The town water line ends just before this lot. V. Lehman, a resident of Woodward Dr, stated that he does not have town water on his lot. M. Plough ended a brief discussion on the availability of water by saying he will look into that.

J. Langdell inquired about the timeline for a variance. L. Daley answered two years. J. Langdell inquired about the easements on the land off Woodward. M. Plough said there is a 100ft wide PSNH easement, a 40ft wide access easement for lots 6/41 and 6/41-1, and a 30ft wide access historical easement that benefits 6/41.

P. Amato inquired about wetlands on the property. M. Plough reviewed the wetland locations and said the existing paved drive skirts the wetlands. Access will be from Savage Rd and the side setback is 15ft from the property line but the easement would preclude any building.

C. Beer referenced the Conservation Commission memo dated 8/18/16 and their request that the wetland buffer be marked. M. Plough said the limits of the wetlands are already marked by flagging and contractors would re-mark the areas that they will be working in. The well was just shown on the plan to prove the area but should be placed further out, outside of the buffer. L. Daley suggested using boulders to demarcate the wetland area. C. Beer suggested that the applicant use Best Management Practices and speak to the Commission to clarify their request. C. Beer referenced a letter from Dr. Paul Cunningham dated 8/17/16; discussion and responses are listed below.

- 1) There was further discussion regarding Town water versus the proposed well. L. Daley stated that he confirmed with the Water Utilities Department today, that property owners are not required to hook up to water if it goes past their property.
- 2) M. Plough referenced Boundary Plan #1 and said we did a tie in survey; the boundaries are not changing. A brief discussion on the dimensions of plans versus deeds ensued. P. Amato clarified that the discrepancy with the dimensions of the abutting lot could be resolved by adding the 94.32ft and 16.9ft, shown on the plan, equals 110ft.
- 3) M. Plough agreed that the ROW should state 6/41 and 6/41-1 and that will be corrected.
- 4) M. Plough stated that we typically don't include details of easements on the plan, but just called out a reference to the easement.
L. Daley noted that questions 4, 5, and 6 reference an interdepartmental staff request to solicit information from department heads. #'s 5 and 6 have been corrected and have no bearing on this application.
- 7) C. Beer stated that there are no lighting requirements for residential lots.
- 8) C. Beer stated that the applicant has indicated there is enough buildable area on the plan and will not impact wetlands.

Chairman Beer opened the meeting for public comment.

S. Fournier stated that Woodward Dr is on public water and there is a hydrant in front of her home. The abutter who doesn't have town water is an exception because it's a back lot accessed by Lot 10/8, but all the other lots are on town water. C. Beer reiterated that there are no requirements to hook up to water and discussion on water line locations followed.

C. Beer closed the public portion of the meeting.

P. Amato made a motion to conditionally approve the application incorporating staff comments from the staff memo dated 8/16/16. L. Daley read the conditions into the record. M. Plough clarified that State subdivision is not required for a lot line adjustment.

1. Revise the lot line adjustment plans to reflect the final acreage for the affected properties,
2. Add a note to the lot line adjustment plan stating that prior to the signing of the plan, all monumentation shall be set and noted on the plan or a security be provided to the Town to cover the cost of monumentation,
3. Update the Legend to include a symbol for "Bound To Be Set" and the corresponding label/text,
4. Revise the easement note language shown on Map 10, Lot 8 to read as follows "Existing 40' Wide Right-of-Way to 6-41 and 6-41-1".

J. Langdell seconded and all in favor. The motion carried unanimously; vote 7-0-0.

Northwoods Family Enterprises, LLC – Mile Slip Road – Map 50, Lot 1. Public Hearing for a minor subdivision application to create one (1) new residential lot in the Residence R District.

P. Amato recused himself, as an abutter to this plan.

C. Beer read the notice of hearing and stated that the application was complete, per the staff memo. T. Finan made a motion to accept the application. K. Federico seconded and all in favor; motion carried 6-0-0. J. Langdell made a motion that this application did not pose potential regional impact. V. Bharucha seconded and all in favor; motion carried 6-0-0. S. Wilson read the abutters list into the record.

Abutters present:

Paul Amato, Paul K. Amato Trust

Chairman Beer recognized:

Leroy Barr, Northwood Family Enterprise, LLC

Chad Branon, Fieldstone Land Consultants, PLLC

C. Branon presented plans dated 7/25/16 and explained the history of the property. The property is currently accessed by a private road shared between lot 50/1-5, the abutting property to the north, and the Barr residence. The 20ft wide private road was built to town standards and is in great condition. The subdivision would permit the Barr's to build a retirement home on the new 12.8 acre lot.

There is only 25 linear ft of frontage and we received a variance on 12/3/15 to create a lot with less than the minimum 200ft of road frontage. That variance was granted with two conditions; 1) to provide a 50ft easement to the Conservation Commission along the rear of the property which is depicted on sheet #2 and 2) that neither of the remaining lots be subdivided, which is stated in a note on sheet #1. We did meet with the Conservation Commission on 10/8/15 and we agreed to the easement that will essentially connect conservation parcels 50/9 and 45/20 and the open space land on the adjacent subdivision; this easement will provide a connectivity between all those lands. We are in receipt of the Conservation Memo dated 8/18 and will work with the commission on the final easement language. We have no issues with staff recommendations except that this does not require state subdivision approval as both lots are greater than five acres.

J. Langdell read from the Conservation Commission memo dated 8/18/16*The Commission members would like to reiterate their appreciation to the land owner for the trail easement which has been given to the Town.* She then inquired where the driveway will swing in. C. Branon said we will utilize the existing access road and then it would come off using an easement and swing in following the contour of the land. We have designed the driveway to meet all regulations.

Chairman Beer opened the public portion of the meeting.

P. Amato inquired about the straight easement depicted on the plan. C. Branon replied that it is a new easement to provide access for electrical service.

Chairman Beer closed the public portion of the meeting.

J. Langdell asked if all easements would be listed on the plan. C. Branon replied that he will work with staff to address any comments. L. Daley read the conditions into the record.

J. Langdell made a motion to conditionally approve the application incorporating staff comments from the staff memo dated 8/16/16 and those details discussed tonight.

1. The subdivision plans be revised to reflect the correct final acreage for the affected properties,
2. A note be added to the subdivision plan stating that prior to the signing of the plan, all monumentation shall be set and noted on the plan or a security be provided to the Town to cover the cost of monumentation,
3. A note be added to the subdivision plan stating that Map 50, Lot 1-6 is subject to applicable impact fees.
4. The applicant shall submit the draft language for the proposed 50' wide conservation easement shown on Sheet 2 to the Community Development Office for review, approval and recordation.
5. The applicant work with staff to review and finalize all associated easements.

K. Federico seconded and all in favor. The motion carried unanimously; vote 6-0-0.

J. Langdell requested a copy of the 12/15/16 ZBA minutes.

P. Amato returned to the Board.

Matthew & Carolyn Magri – Melendy Road and NH Rte 13 South – Map 52, Lot 18-1. Public Hearing for a minor subdivision application to create one (1) new residential lot in the Residence R District.

C. Beer read the notice of hearing and stated that the application was complete, per the staff memo. J. Langdell made a motion to accept the application. P. Amato seconded and all in favor; motion carried 7-0-0. J. Langdell made a motion that this application did not pose potential regional impact. V. Bharucha seconded and all in favor; motion carried 7-0-0. S. Wilson read the abutters list into the record.

No abutters were present.

Chairman Beer recognized:

Chris Guida, Fieldstone Land Consultants, PLLC

C. Guida presented plans dated 7/24/16 and explained that this project started in 2011-2012. All the fieldwork was done then and we secured the wetlands permit, which is still in effect. It was noted that the original subdivision application was withdrawn and now the owners want to move ahead. One lot with an existing house will take access from Melendy Rd and the new lot will take access from NH Rte 13 South.

J. Langdell read the Conservation Commission memo date 8/18/16 and inquired if there was any information from the Commission site walk on 8/19/16. C. Guida said he attended the site walk and we did discuss the items referenced in the memo at that time. There is an existing woods road to access the new lot with a lot of beaver activity. It backs up regularly, but there is no flow whatsoever coming in from the other side of the drive, so a beaver baffle won't work. Also, the 15" culvert is oversized already because again, there is no flow, no velocity and nothing really coming out of there. There is no justification to increase the size to 24." C. Beer asked about the lot numbering; 52/18-2 or 52/18-1-1. L. Daley said he will confirm the numbering with Assessing.

T. Finan inquired about the existing driveway. C. Guida stated that it is an existing woods road and there will be some fill, grading and widening done to meet with Rte 13. L. Daley explained that the special exception for the buffer impact was granted in 2012, and has expired as this is beyond the two year window. The applicant will need to reapply. The subdivision is for the lots themselves, not access to the lots and is independent of wetlands, so the application can move forward for the subdivision. J. Langdell asked how the lot would be accessed if the applicant didn't get the special exception re-granted. C. Guida said we will apply to the Zoning Board; however, the plans haven't changed at all and the wetlands permit is active. We certainly could access the property through an easement from Melendy Rd, but a fair amount of grading would be required and that would be more of an environmental impact on the wooded lot. L. Daley clarified that local ZBA approval is required for buffer impact and the State approval is for the wetlands. Although we cannot speak for the ZBA, the applicant already has a valid wetlands permit to allow disturbance in that area. P. Amato inquired if the State driveway permit was applied for? C. Guida said stated that they withdrew that as well and will have to reapply. P. Amato said there is probably a bigger risk with the NH DOT not issuing a driveway permit than getting ZBA approval, but either way the applicant cannot go forward without them.

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

J. Langdell read the conditions of the staff memo dated 8/16/16 and then made a motion to conditionally approve the application incorporating said conditions per the Staff Memo dated August 16, 2016 and those details discussed tonight;

1. A note shall be added to the subdivision plan stating that prior to the signing of the plan, all monumentation shall be set and noted on the plan or a security be provided to the Town to cover the cost of monumentation.
2. Subdivision Plan, Note 3 shall be amended to include the NHDOT Driveway Permit Number.
3. Subdivision Plan, Note 13 shall be amended to include the NHDES Subdivision Approval number for Map 58, Lot 18-2.
4. A note shall be added to the subdivision plan stating that Map 58, Lot 18-2 is subject to applicable impact fees.
5. Subdivision Plan, Note 8 shall be amended by removing the reference to the Special Exception issued by the Board of Adjustment on 1/19/12 (see ZBA Case #2012-01). Pursuant to RSA 674:33 IV, the Special Exception is no longer valid.
6. The new lot number shall be confirmed by the Town Assessor.

P. Amato seconded and all in favor. The motion carried unanimously; vote 7-0-0.

Eversource Energy (formerly Public Service of NH) and Salt Creek Properties, LLC – Hammond Road and South Street – Map 43, Lot 76 and Map 43, Lot 20-1. Public Hearing for a common lot line adjustment application.

C. Beer read the notice of hearing and stated that the application was complete, per the staff memo. J. Langdell made a motion to accept the application. D. Knott seconded and all in favor; motion carried 7-0-0. P. Amato made a motion that this application did not pose potential regional impact. T. Finan seconded and all in favor; motion carried 7-0-0. S. Wilson read the abutters list into the record.

No abutters were present.

Chairman Beer recognized:
Steve Desmarais, Salt Creek Properties, LLC
Dawn Tuomala, Monadnock Survey, Inc.

D. Tuomala presented plans dated 5/18/16 and said the lot line adjustment will change Lot 43/20-1 from 5.4 to 2.6 acres and Lot 43/76 from 5.1 to 7.9 acres. The lots will be serviced by sewer and water from Nathaniel Dr.

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

J. Langdell inquired why the boundaries were being adjusted. S. Desmarais replied that he didn't really know but they wanted more room and there is a possibility of a line upgrade to Hollis within the next twenty years.

C. Beer read the staff recommendations.

P. Amato made a motion to conditionally approve the application incorporating conditions in accordance with comments per the Staff Memo dated August 16, 2016:

- a. The Lot Line Adjustment Plan should be revised to include all bound associated with the lot line adjustment and Nathaniel Drive.
- b. Lot Line Adjustment Plan, Legend. Update the Legend to include a symbol for "Bound To Be Set" and the corresponding label/text.
- c. A note added to the Lot Line Adjustment Plan stating that prior to the signing of the plan, all monumentation shall be set and noted on the plan or a security be provided to the Town to cover the cost of monumentation.
- d. Lot Line Adjustment Plan, General Notes, #7. The first sentence should be revised to reference both the Commercial and Limited Commercial Business Zoning Districts.
- e. Lot Line Adjustment Plan, Reference Plans Notes, #2 should be revised to include the prior recorded HCRD subdivision plan number.

D. Knott seconded and all in favor. The motion carried unanimously; vote 7-0-0.

Robert & Wendy Gual – 41-43 David Dr – Map 33, Lot 4-9. Public Hearing for a minor subdivision application for a two-unit condominium conversion in the Residence A District.

C. Beer read the notice of hearing and stated that the application was complete, per the staff memo. K. Federico made a motion to accept the application. D. Knott seconded and all in favor; motion carried 7-0-0. D. Knott made a motion that this application did not pose potential regional impact. P. Amato seconded and all in favor; motion carried 7-0-0. S. Wilson read the abutters list into the record.

Abutters present:

*Patricia & Scott Gentilhomme, David Dr
Rebecca Kennedy, David Dr*

Chairman Beer recognized:

Robert & Wendy Gual, owners
Jon Lefebvre, Meridian Land Services, Inc.

J. Lefebvre presented plans dated 7/25/16 and explained the proposal to convert an existing duplex into two (2) condominium units. Both have their own driveways, garages, limited common area, common area and limited common area for the sheds within the common area.

P. Amato inquired if there were any others like this on David Dr and is there any detriment to condominium ownership. J. Lefebvre noted that the duplexes were either owner occupied or rented and there are two single family homes at the end of David Dr. J. Langdell referenced the condominium conversion at the end of Summer St and stated they are very similar to this proposal and we have not seen any issues. The form of ownership will change, but nothing else and Milford does not have any regulations pertaining to condominiums. Per state RSA, we don't have a lot of say in this matter.

L. Daley said the language in the condominium documents will need to be revised and finalized. J. Lefebvre said he will hatch around the common area and clarify the sheds and limited common area within the common area. L. Daley gave an overview of the Zoning Official's memo giving a history of this property and similar examples in town. He then read staff recommendations.

Chairman Beer opened the hearing for public comment.

S. Gentilhomme asked who enforces condominium documents between two people, over the long term; what happens when the house needs maintenance and who mows the lawn. P. Amato referenced his condex conversion in Amherst and stated that the language in a condex document is a little different from a condominium document but it should all be addressed. It is a civil matter. L. Daley added that the owners will have to be self-policing and the Town would only intervene if there is a life safety or health issue.

C. Beer closed the public portion of the meeting.

K. Federico made a motion to conditionally approve the application in accordance with comments per the Staff Memo dated August 16, 2016:

1. The plan should be revised to show municipal water and sewer services.
2. A note be added to the plan stating that parcel lies within the Level II Groundwater Protection District.
3. The applicant shall work with the Office of Community Development to finalize the declaration of condominium documents prior to recordation with the subdivision.

P. Amato seconded and all in favor. The motion carried unanimously; vote 7-0-0.

Justin Demontigny – Tonella Road – Map 43, Lots 24 & 25. Conceptual plan for Milford Quarry Townhomes to construct two 6-unit, multi-family buildings and dedicated open space.

C. Beer read the notice of hearing.

Chairman Beer recognized:

Douglas MacGuire, The Dubay Group

Justin Demontigny & Jessica Hudson, Suzanne Demontigny Trust

D. MacGuire presented plans dated 8/4/16 and gave an overview of the two existing properties that are located off Tonella Rd. The smaller lot is approximately 2 acres with an existing single family house and the larger lot, the quarry property, is 14.2 acres with a single family house, a guest house and out buildings. The applicant is proposing to officially extend Tonella Rd to provide legal frontage to both lots and create an official turnaround. We would eliminate the gravel, pave the turnaround and deed it to the Town. For clarity, Tonella Rd extends all the way to the quarry property and it is difficult to know where the road ends and driveway begins, but is our understanding that the Town maintains the entire length. Tonella Rd is not a Class V road because there is not a ROW over it. Both properties are under the same ownership and have been in the family for a long time. The parcels are located in the Residence B District with a density of five units per acre and several proposals have been brought forward in the past. The quarry property can support up to seventy (70) units, but it has a special personal attachment for the family and they would like to keep it the way it is. This proposal is to extend the road, build twelve (12) townhouse style condominium units and keep the quarry property separate. We would actually move the existing house onto the quarry property which would then have three (3) homes and so we would condominiumize that development so each house would have individual ownership, as well, to meet the requirements for a multi-family development. We are scheduled to go before the ZBA to maintain the historical stone structure that will be within the front setback, and incorporate it into the recreation open space of the multi-family development. We will actually realign the roadway which would bring the stone structure from 5ft to 16ft away from the pavement and create a more conforming and safer condition. If the ZBA would not grant our request, our only option would be to move it and that would be a very costly undertaking as there is no foundation and the construction is mortar. J. Langdell added that the stone structure is only one of a few structures in town built with Milford granite. D. MacGuire continued by saying we will have 228 ft of frontage for the quarry lot, which is a lot better than the zero we have today. It will go around the turnaround and although it's not perfect it meets the intent of the ordinance. The relocated house would take access from one of the elaborate series of driveways on the property through a shared driveway situation. There would be documentation for all the common driveways and land. P. Amato said he wouldn't have a problem with the property staying as a family compound versus turning the houses into condominiums. He referenced the Talarico quarry property and noted that the ZBA just gave their approval for a variance to construct another dwelling on that property. D. MacGuire asked from a timing standpoint, whether this Board would prefer the application go to ZBA first or make application with the Planning Board. There was consensus from the Board that everything will need to be wrapped up before coming back to the Planning Board.

C. Beer inquired about parking for the units. D. MacGuire said there will be one (1) space in the garage under the units and the possibility for two (2) cars within the 30ft long shared driveway. J. Langdell asked if our regulations include garages for the parking calculations. L. Daley said he will check into that. C. Beer asked how long the dead-end road would be. P. Amato stated that it is not a dead-end road until after Ledgewood Dr and there is a secondary access point off Ledgewood Dr.

J. Langdell brought up the intersection of Tonella Rd and Nashua St and said traffic will be a concern. Would there be any possibility of looking at Nashua St with the next phase of the Oval Area Improvements funding. L. Daley replied that the plan was to use some of that money to do improvements along Nashua St, including the Tonella Rd intersection. He then asked if the Board is suggesting that the applicant do a simplified traffic analysis for twelve (12) units. P. Amato said twenty-four (24) cars is not a lot compared to the Ledgewood development and most likely a report will say that twenty-four (24) cars won't have an impact, just look at the CVS report.

P. Amato asked why the applicant is going to the maximum on density as opposed to making a nicer entrance to their family compound. D. MacGuire explained that we made some lot line adjustments with the quarry property to make this happen, so I didn't see any benefit to adding additional land from the family property to this development but this project with both lots could support approximately eighty-five (85) units. J. Langdell added that the applicant would then need a second access. D. MacGuire said inherently the ROW will bisect the property so both lots would be under the condominium ownership and the open space lot would be unbuildable and deed-restricted belonging to association. It would be similar to an open space subdivision and actually the most valuable portion of the property is the open space area. We worked with staff to come up with the best layout. P. Amato noted that the wetlands and steep slopes were included in the density calculations. D. MacGuire stated that he couldn't find anything in the regulations to restrict density beyond five (5) units per acre. C. Beer stated that wetlands and steep slopes are not to be included in the open space calculations. D. MacGuire noted that the open space will meet the requirements. L. Daley inquired about excavation as there are some pretty steep slopes. How much cut and fill will be required for the construction of the units? D. MacGuire we will gain 10ft with the garage under, but we will also cut the slope in back to create a flat area for the units.

C. Beer inquired how water and drainage would be handled. D. MacGuire said stormwater is an important piece; however he hasn't looked into that in detail yet. To our benefit we have an existing roadway, so from a pre to post drainage situation, we would be eliminating the huge gravel area. We would probably have some sort of recharge area, depending on what our soils look like or some way of collection and storage on site. There is also an existing culvert, but we will have to do some more research on its location and function.

Sunshine Six, LLC – Mont Vernon Road – Map 8, Lot 73. Conceptual plan to construct a new 22,680 square foot industrial building with associated site improvements.

C. Beer read the notice of hearing.

Chairman Beer recognized:

Tom Rohlfs, Sunshine Six, LLC

Chad Branon, Fieldstone Land Consultants, PLLC

T. Rohlfs explained that the property has been approved for self-storage but is currently tied up in the courts, so we are thinking about alternatives. First Student bus service is interested in re-bidding on the bus contract and secondly, my business is doing very well. The recently approved addition to my building is underway and unfortunately I think I will outgrow it in two to three years. In thinking about the next step for my business, knowing that I will need a lot more space, this is property that I currently own so I would like to get a sense of any challenges I might face on this site.

C. Branon gave a brief history of the prior applications and the former bus site that currently houses an auto repair facility. He then presented a conceptual plan dated 5/11/16 that showed a 22,600SF industrial building with 7,695SF of office space on the second floor. We understand that there are zoning related issues and the use would require a variance, but we're here tonight for planning input. Back in 1984, the property was zoned Industrial when the bus plan was approved and the building built. There is a lot of history with this site and he explained that this is an area of town with mixed zoning; self-storage, auto repair, and a machine/plastics shop. The

Planning Board had even previously looked at rezoning this area because of all the mixed use. T. Rohlf explained his business and said they run two shifts now. J. Langdell said there is a difference between manufacturing like Hollis Line Machine, Hendrix and Hitchiner with lots of trucks and light manufacturing with UPS trucks. C. Beer said this topic has been discussed by the Board without resolution or definition of light versus heavy manufacturing.

C. Branon said there are characteristics of this site that separate it from the surrounding properties and make it special. It totals about 15 acres in size and has a very large wetland complex to the east. The separation to the residential properties in back is 200-300 ft at the closest location. There is already a commercial/industrial building on site where they actively do vehicle repair and it could also be occupied by the bus company again without relief, so there is room for discussion.

P. Amato said the bus business wasn't permanent, but a half-acre building becomes more permanent industrial space. J. Langdell said she'd have to do more research, but in a general sense there has always been some type of commercial venture there, given the history of that particular lot; however, what is the color of that commercial/industrial use being proposed. That is a whole different ballgame and not for discussion tonight. C. Branon said the bus company occupied the site for thirty years, so how do you define permanency? Typically the highest intrusion for a commercial use is truck deliveries, traffic or outdoor equipment. There were over fifty busses on this site with multiple trips here, more than occur on most industrial properties. Most of the activity for this proposal would happen out front and would create more of a buffer for the surrounding areas. This use will relate more towards light manufacturing as all the machinery will be inside and the operations are very quiet. That is where our mindset is coming from and maybe the abutters might prefer this use to other uses. P. Amato noted that there are other uses, like residential condominiums. C. Branon said the land wouldn't be used for residential because we have grandfathered rights on this property for a commercial use that was approved in 1984. The residential densities wouldn't justify relinquishing the commercial/industrial use.

J. Langdell asked if anyone knew why the zoning went from Industrial to Residential A. P. Amato said the Board was probably thinking about the gateways to town, and a brief discussion followed. J. Langdell reiterated that this is a mixed-use area and said maybe that decision was right for the time but maybe times have changed. C. Branon gave an example of how the times have changed by stating that the Quarry Condominiums, built in the late 1980's, are an existing non-conforming use as well; you could not build that project again, in that area.

D. Knott asked if this project were to go through as light manufacturing, would we be able to regulate the use twenty years from now if it changes. J. Langdell stated that a variance goes with the land, so although this might be a good plan that is very quiet now, that might not be the case if ownership transfers. P. Amato added that we all know the difference between heavy and light manufacturing, but it's that middle ground that gets very gray when there is no constitutional change of use.

OTHER BUSINESS:

J. Langdell inquired about the Nashua Street Improvements fund. L. Daley stated that there is \$15,000 in the fund, from the new Cumberland Farms project.

J. Langdell said on Thursday 9/8/16 at 6:30PM in the Town Hall Banquet Hall, the Nashua Regional Planning Commission and the Souhegan Valley Chamber of Commerce will be co-hosting the first of a series of discussions regarding regional impact. This will be a panel discussion about regional transportation and the new NH DOT commissioner will be the primary speaker and you are all invited. For more information, go to the www.nashuarpc.org or www.souhegan.net websites.

The meeting was adjourned at 9:25PM on a motion made by P. Amato, seconded by K. Federico and all in favor.

Motion to approve: J. Langdell

Motion to second: S. Robinson

MINUTES OF THE 8/23/16 MEETING APPROVED ON SEPT 27, 2016