

MILFORD PLANNING BOARD WORK SESSION MINUTES ~APPROVED

MARCH 5, 2024 Board of Selectmen Meeting Room, 6:30 PM

Members Present:

Doug Knott, Chairman
Janet Langdell, Vice Chairman
Paul Amato, Member (via Zoom)
Susan Robinson, Member
Susan Smith, Alternate

Staff:

Terrey Dolan, Town Planner
Andrew Kouropoulos, Videographer

Excused:

Pete Basiliere, Member
Andrew Ciardelli, Member (arrived 7:05)
Dave Freel, Selectman's Representative
Darlene Bouffard, Recording Secretary

1. Call to order: Chairman Knott called the meeting to order at 6:30 p.m. indicating that tonight is a work session and S. Smith, Alternate, will be sitting in for A. Ciardelli who is absent. Planning Board members and staff were introduced by D. Knott. P. Amato is joining the Board via Zoom tonight, therefore a role call vote is required.

2. Board Discussion on potential revisions to Zoning Ordinance, Development Regulations and Rules and Procedures: T. Dolan explained this evening he has presented a list of possible documents needing revision or cleanup of contradictory language or language that could be better expressed. T. Dolan expects no decisions tonight, it is more for discussion.

a. Performance Bond Development Regulation Requirements for Consistency with revised RSA 676:36. T. Dolan introduced the Performance Bonding update as called out in the Town Development Regulations and has recently been updated in law. The updated law specifies that the Planning Board must allow developers to begin work without a bond being in place, this puts town staff in a difficult position, there was one recent situation that took a lot of staff time to make it right; he believes the town needs to keep the more restrictive process in place to keep work from starting until the bond is in place. J. Langdell stated we cannot do that. S. Robinson thought towns could be more restrictive than the State. Per the RSA, T. Dolan does not believe the town can. S. Robinson understood that the town has that in place for developments that are moving forward and the market changes and the Town is left with a bit of a mess. T. Dolan indicated that is why the bond needs to be in place so the Town can pick up where the developer left off. S. Smith stated the bond has to be in place before they can sell, that is what the new language states.

S. Robinson believes the municipalities could override that to be more restrictive to protect the town. J. Langdell does not believe the town can, this was just updated and states the Planning Board must allow the road and utility construction to begin without a bond in place, however, a bond for infrastructure including roads and utilities, must be in place prior to the sale of any parcel or any application for a building permit for a structure, so this does add some.

P. Amato asked if we are doing things in accordance with what is in yellow here? T. Dolan responded that the bonding, when needed, is in place when they commence work on the site. That includes the roads internal to the project site and certainly before any building permits or certificates of occupancy are issued. Further, the town has limited leverage to force the development interests to stay in step with what the development regs require. P.

Amato asked what is in front of Board members tonight, is that town or State? T. Dolan explained what was provided. P. Amato asked if what is proposed is to change the town development regulations to match what the State RSA is asking for? P. Amato noted there are many ways to post a bond. T. Dolan explained that some towns limit the types of bonds, but Milford already has the different types written in the regulation. J. Langdell recommended that T. Dolan come up with the specific language for the Board to review. S. Robinson asked if the Town can be more restrictive than the RSA? P. Amato added that he does not feel the town needs to be more or less restrictive, the new RSA that was passed makes perfect sense and Milford should make sure the language goes along with that, not more or less restrictive. D. Knott mentioned that he remembers there was an instance with wetlands or setbacks that the town could be more restrictive, is that what Susan is thinking of? S. Robinson said that was not what she was referring to. T. Dolan indicated that the town regulations are now more restrictive than what the Senate Bill modified language is. S. Robinson wondered if the town can be more restrictive? T. Dolan will confirm with the Attorney on that. In 30 years of being on the Planning Board, P. Amato stated the town has never called a bond, the people get their money back eventually. T. Dolan said he will mark up the existing regulation to be in line with the revised RSA for Board review.

Janet Langdell asked for input on the 10% or 15% addition on the bond. P. Amato indicated that many of these projects go on for many years and we do not want to continually have additions to the bond, the developer needs to get the road approved / accepted by the town. T. Dolan agreed that the acceptance of the road is leverage for the Town. Other items need to get done in order for the road to be accepted such as monumentation.

- b. **Planning Board Rules and Procedures Discussion:** J. Langdell asked that the Planning Board Rules and Procedures item be tabled until some of our missing members are in attendance. D. Knott moved to table Item 2b until the April work session. J. Langdell seconded. Role call voted: J. Langdell yes; S. Robinson yes; S. Smith yes; P. Amato yes; D. Knott yes. P. Amato noted a point of order: we do not have to vote to delay an item at a Work Session. J. Langdell wanted to take the conservative route tonight.
- c. **Milford Development Regulations Language for Parking:** Discussion surrounded the regulation currently identifying "Municipal Lots", T. Dolan asking if that should include private off-site leases of parking. J. Langdell feels there are 3 different scenarios that could be called out that should be considered. T. Dolan will come back with any proposed changes to the regulation language for Board review.
- d. **Milford Zoning Regulation Review-Open Space and Conservation:** D. Knott said this is 6.04 Zoning Ordinance. T. Dolan indicated this is specific and came up with the application for The Q. There was some confusion in the language and needs to be clearer for all who read it. P. Amato asked how the apartment application got to a Subdivision? T. Dolan indicated there was a subdivision to split off a portion of a lot for future use. P. Amato indicated the way that was understood was not the intent at that time. The modifications could be provided to the Board for review after T. Dolan does a markup. Chairman Knott indicated the Planning Board needs to also focus on density. T. Dolan responded that The Q was within the density regulation. S. Smith asked if this regulation needs to address two zones for multi-family? J. Langdell said that is a separate discussion.
- e. **Milford Zoning Ordinance-Manufactured Homes and RVs:** T. Dolan does not have a good understanding of what the town wants to see, this is more the physical limitations on

- a case-by-case basis. S. Robinson understood that manufactured housing has specific places (parks) or on their own site as long as the site is prepared. P. Amato said that regulation may have been taken out since Milford has its share, but there may be other areas in town that could support this in the Residential A zone. J. Langdell asked that T. Dolan come up with language for this section for the Board to review.
- f. **Milford Development Regulation Review: Site Plan Extension:** T. Dolan explained that this recently came up with an application and he wondered if this language should be modified to allow more than one extension which currently is in the language. P. Amato explained there can be many reasons why an extension of a Site Plan is needed, the Site Plan is a lengthy process. T. Dolan asked if the Planning Board would be amenable to having the six-month extension of a Site Plan followed by a one-year extension if needed. J. Langdell asked if that is in the RSA? P. Amato stated that it does reference an RSA. T. Dolan will check the RSA and amend the regulation to state a 6-month extension and that can be followed by a 3-year extension if allowed by RSA for substantial completion. P. Amato said that the Site Plan is sometimes signed six months after approval, due to the length of time for plan corrections. T. Dolan will look at the RSA and redline this regulation in accordance with that. P. Amato mentioned that when a development applicant comes in and is approved, there are all sorts of delays that could occur causing a delay in the work.
3. **Board Member General Discussion on potential Goals and Objectives for 2024 consideration.** D. Knott noted there are members missing tonight but he still would like to put ideas out there and think about a meeting with ZBA. Janet Langdell feels the overwhelming goal is to get started on the Master Plan this year with a lot of committee input. P. Amato would like to have a Planning Board discussion on housing. D. Knott suggested adding in a discussion on housing to fill in an agenda, as an ongoing topic.
4. **Scheduling of Potential Planning Board and ZBA Joint Meeting.** D. Knott said there should be something done every year to get goals and meet with other Land Use Boards. P. Amato indicated at the beginning of summer every year, there was typically a meeting regarding ideas. S. Smith mentioned that there were some issues with the Milford Motel and information not getting to the Zoning Board. J. Langdell indicated if there are conditions from the ZBA, those conditions need to be brought to the Planning Board, the information needs to come to the Planning Board. Once the decision is made, staff needs to make sure it is shared with other Boards. S. Smith indicated specifically the ZBA had an issue with the units at the Motel becoming more than a one bedroom by adding on to the size. P. Amato noted that there are times that an application goes to the ZBA and they have comments on density, but that is not a ZBA item, the ZBA needs to look at the items in their purview and not hold the Planning Board to something that is a Planning Board issue. J. Langdell stated that the Planning Board did bring in the workforce housing piece that was brought up by the ZBA and that was enforced by the Planning Board, that was brought forward--the Planning Board did honor that. C. Costantino, via Zoom, indicated for an annual meeting, for March or April would work so that all the Boards have a chance to discuss upcoming problems or solutions from the past year, she is continuing to work on the Ground Water Overlay to get to the Planning Board; her thought is that as early in the year as is convenient for the Planning Board. Janet Langdell said as early as possible but after Town Meeting.
5. **Other Business:** T. Dolan indicated that for the next Planning Board meeting, March 19, a Charter School would like to have a conceptual discussion for plans to use the existing Mile Away property. P. Amato asked if a school is allowed in the R Zone? T. Dolan yes by Special Exception yes. (It was later realized it is in the C zone). D. Knott said the Planning Board should not meet

with the applicant until after the ZBA hears the case for Special Exception. J. Langdell suggested a joint meeting with the ZBA, start the meeting for the Conceptual and have the Zoning information discussed along with Conservation. T. Dolan explained that the Charter School is in the process of a Purchase and Sales with a deadline. The Charter School would like to have a conceptual discussion to start with. T. Dolan is hoping the deadline will get extended. P. Amato there are a lot of unknowns at this point, there could be traffic issues, abutters may have issues. This organization has been looking for space for a while now and has found this is the best place. J. Langdell said this is all moot if they are not granted the Special Exception. P. Amato, speaking for himself, is just not sure this use will fit into the mold for Milford, this is for up to 350 children. T. Dolan indicated that not all the children will attend every day. Paul Amato thinks they should go before the ZBA and then a Planning Board conceptual discussion in April.

D. Knott asked that the Board positions get voted in at the next work session. T. Dolan filled in the Board about The Q appeal, which did not pass, word was received from Attorney Ratigan that this appeal is no longer, and it cannot be appealed further. T. Dolan explained that the application for 30 Mill Street has reduced the height on the proposed plan, Meridian Land Services is involved, the questions regarding the two zones have been sent to Attorney Ratigan who believes a Variance is required because of the two zones and the density that was used. S. Smith asked how many homes could be built on that site? T. Dolan said about 13 single family homes could be built. T. Dolan said that is the question he has asked of the Town attorney which he will convey to Board members as soon as he hears.

At the Selectmen meeting last night, March 4 there was a downtown parking discussion which needs to be memorialized in the minutes, specifically the required changes for the Library, pedestrian sidewalk and railings. J. Langdell stated the DOT is looking for a letter of support from the Planning Board to move the Plan forward, but the point was made that there were a number of items discussed that the Board would like identified in that letter. S. Smith said this is just the first round, there are going to be more plans submitted to the DOT after this one, this is to get the ball rolling but they will not do that until the letter is sent. J. Langdell is unsure why DOT needs a letter from the BOS or anyone else. J. Langdell indicated the Planning Board supports the process, supports the preliminary plan as presented and looks favorably on the amendments discussed at the BOS meeting on March 4 and look forward to completing this project in a timely fashion on behalf of the community of Milford NH. P. Amato asked if the Selectmen took a meeting vote last night at the end? J. Langdell responded that they did and they agreed to adding that amended list. P. Amato asked if anyone has seen a copy of the amended list? Janet has not, but the meeting video is available to listen to. J. Langdell moved that the Planning Board send a letter as described by Vice Chair Langdell. S. Smith seconded. P. Amato said as long as it is conceptual, it needs to be vague. T. Dolan will work with C. Pattison on a draft and it will come to the Board for review. Role call vote: P. Amato yes; S. Robinson yes; S. Smith yes; J. Langdell yes; D. Knott yes. Motion passed.

D. Knott asked if there are any other items? T. Dolan indicated the South Street Gas Station is coming in for a Major Site Plan which will most likely need a second meeting. The ZBA will be hearing a Case for Marmon Utilities for an expansion onto the existing building; it is a Special Exception and also a Variance for Open Space. T. Dolan had a brief discussion with the owner of the parcel with the Irving Gas Station on the West End for a residential component (apartments) on the remaining portion and a drive through coffee place on the same lot, nothing has come in for that. S. Smith asked about the used car dealer and if any progress has been made with DOT, the owner came in last week and T. Dolan gave a copy of the required easement and it is in their hands. J. Langdell asked if everybody received the mailer from the Pit Crew, Horseless Carriage, it is full color and pretty fancy. T. Dolan did not have his copy of the mailer.

6. Other Discussions:

3/21/24 – Planning Board Meeting

4/2/24 – Planning Board Work Session

- 7. Upcoming Meetings.** The meeting was adjourned. on a motion made by S. Smith and seconded by S. Robinson. Role call vote: P. Amato in favor; S. Smith in favor; S. Robinson in favor; J. Langdell in favor; D. Knott in favor. All were in favor. The motion passed unanimously.

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Date: _____

Signature of the Chairperson/Vice-Chairperson: _____

The Planning Board minutes of 3-05-24 were approved 4-2-24