



AGENDA

August 16, 2011

Town Hall, BOS Meeting Room - 6:30 PM

MINUTES:

1. Approval of minutes from the 7/19/11 meeting/public hearing.

NEW BUSINESS:

1. **Town of Milford – Boynton Hill Rd – Map 40, Lot 104.** Public Hearing for a waiver request from Development Regulations Article V, Section 5.016. (New application)
2. **Creative Investors – Mile Slip Rd – Map 45, Lot 17.** Public Hearing for a proposed conventional subdivision creating three (3) new residential lots. (New application)
3. **Spring Creek Sand & Gravel, LLC – Mile Slip Rd – Map 50, Lot 4-4.** Public Hearing for an excavation plan amendment to revise one note on plan #SP2004-15 for the existing, approved gravel operation. (New application)

OTHER BUSINESS:

Future meetings:

08/23/11 Worksession

08/30/11 Worksession

09/06/11 Worksession

09/13/11 Worksession

09/20/11 Regular meeting

The order and matters of this meeting are subject to change without further notice.

MILFORD PLANNING BOARD MEETING (Draft)
July 19, 2011 Town Hall BOS Meeting Room, 6:30 PM

Members present:

Janet Langdell, Chairperson
Paul Amato
Kathy Bauer, BOS representative
Chris Beer
Steve Duncanson
Judy Plant

Excused:

Tom Sloan, Vice chairman

Present in audience:

Susan Robinson, Alternate member
Matt Sullivan, Perspective member

Staff:

Sarah Marchant, Town Planner
Shirley Wilson, Recording Secretary
Dan Finan, Videographer
Meghan Bouffard, Videographer

MINUTES:

1. Approval of minutes from the 6/21/11 meeting/public hearing.

NEW BUSINESS:

2. **34 Hammond Rd, LLC/J.P. Pest Services – Hammond Rd – Map 43, Lot 70.** Public Hearing for a major site plan to construct a 5,440 SF commercial building with associated site improvements. (New application)

Chairperson Langdell called the meeting to order at 6:30PM, introduced the board members and staff and reviewed the ground rules for the meeting.

MINUTES:

S. Duncanson made a motion to accept the minutes from the 6/21/11 meeting. C. Beer seconded and all in favor.

NEW BUSINESS:

34 Hammond Rd, LLC/J.P. Pest Services – Hammond Rd – Map 43, Lot 70. Public Hearing for a major site plan to construct a 5,440 SF commercial building with associated site improvements.

No abutters were present:

Chairman Langdell recognized:

Earl Sandford, Sandford Surveying and Engineering, Inc.

Joseph Pestana, JP Pest Services, 34 Hammond Rd LLC & Beehive Investments Inc.

C. Beer made a motion that this application did not pose potential regional impact. J. Plant seconded and all in favor. J. Langdell noted that the application was complete according to the staff memo. P. Amato made a motion to accept the application. C. Beer seconded and all in favor. S. Wilson read the abutters list into the record.

E. Sandford presented plans dated 6/13/11 and gave an overview of the proposal. This project has received unanimous approval from the Conservation Commission and a special exception for buffer impact was granted by the ZBA on July 7, 2011. The site had previously been commercially used as Lloyd's Trailers. The mobile home units and all structures with the exception of the existing garage will be removed which will eliminate the residential component of the site. The site is penciled along Rte 101 between wetlands and the property line and we will re-grade the lot slightly and construct a new building to house J P Pest Services. The entire buffer will end up green and it will include a shallow retention area that will treat all the stormwater from the paved areas. There will also be treatment in the upper area by way of a natural vegetative filter strip to channel the water; a BMP. We have provided drainage reports and the project can handle a 100 year storm. The three (3') ft berm along the edge of the wetland will act as a mini-dam and there will not be over coverage of impervious area. There will be a significant amount of forested area in back and the large area in front will be lawn. We have seen staff comments and have no issue with the five recommendations. He then distributed color copies of the architectural rendition for the building.

J. Langdell inquired about the Fire Dept comments regarding the retaining wall. S. Marchant clarified that their sole concern was specific to the loading dock and said there appears to be a four (4') ft difference in grade in the loading dock area and also Code Enforcement would like more detail. The Fire Dept may have assumed there was a retaining wall and suggested bollards to reduce the possibility of driving over the edge. After a brief discussion, E. Sandford said he will get the details from the designer, Ray Shea and they will be added to the plan.

J. Langdell read the interdepartmental comments from the staff memo dated 7/19/11. S. Marchant added that she received communication from the Heritage Commission yesterday that they had no adverse comments with the project. J. Langdell asked if the remaining garage would be left as is. J. Pestana said yes, and a brief discussion on its visibility ensued. J. Langdell said the new building will be an improvement to the vista there.

S. Duncanson asked about the rear parking lot use. J. Pestana said that will be used for overflow parking, most likely in the winter, to alleviate some of the parking at the Emerson Rd facility. P. Amato asked if the majority of the parking would be for training. J. Pestana replied partial training parking and partial storage.

K. Bauer inquired about the landscaping. E. Sandford referenced sheet #3 and explained the main visual aspects which will be the large green areas, the trees along the drive and the shrubs and bushes in front of the building that will face Rte 101. J. Langdell said it will be very eye appealing from Rte 101 and then inquired if the entrance way to the portico would be some type of stone or tar. E. Sandford said that has yet to be determined.

Chairperson Langdell opened the meeting for public comment; there being none, the public portion of the meeting was closed.

P. Amato made a motion to approve the application subject to conditions 1-5 listed in the staff memo dated 7/19/11. S. Duncanson seconded and all in favor. J. Langdell said it was refreshing to see an existing business doing expansion in town.

OTHER BUSINESS:

There was no other business discussed and the meeting was adjourned at 6:50PM.

MINUTES OF THE JULY 19, 2011 PLANNING BOARD MEETING APPROVED ____, 2011

Motion to approve: _____

Motion to second: _____

Signature of the Chairperson/Vice- Chairperson:

Date: _____

DRAFT



STAFF MEMO
Planning Board Meeting

August 16, 2011

Agenda Item #1: Town of Milford – Boynton Hill Rd – Map 40, Lot 104

Waiver Request from Development Regulations Article V, Section 5.016

Background:

Please find the attached memo from the Community Development Director, Bill Parker and petition.

August 3, 2011

MEMO

TO: Planning Board
FROM: Bill Parker, Community Development Director/Zoning Administrator 
RE: **Boynton Hill Subdivision – Boynton Hill Road: Petition for Waiver of Certain Subdivision Requirements**

The Planning Board granted approval to the nine-lot Boynton Hill Subdivision in May 2002. The subdivision, off Mason Road, consists of residential lots and two open space parcels, and was originally developed by Elite Construction, Inc. Phase I of the subdivision includes five lots and the construction of approximately 1000 LF of roadway (Boynton Hill Road). The Town obtained a security for completion of all required subdivision improvements of which \$24,563 remains.

The development of the subdivision has progressed over the past 10 years and three residences have been built and occupied. However, Boynton Hill Road has not yet been accepted by the Town as there is still work to be completed, including final paving, setting of roadway bounds, and providing as-built road and improvements plans. Roadway completion and acceptance has been delayed and complicated by changes in development and property ownership. Winter maintenance (timely snowplowing) has been a growing problem over the past few years especially as homes on Boynton Hill Road have been built.

Over the past eight months this Office has been working with Town Counsel to resolve the issues associated with utilizing the remaining security to complete the road and get it accepted as a Town road. The attached documentation prepared by Attorney Drescher explains action needed from the Planning Board to reach this goal. The Planning Board is being presented with a petition to waive Section 5.016 of the Development Regulations and Appendix VI, pages 97 and 98 which require a deed to the underlying fee of a proposed subdivision road prior to acceptance.

An affirmative vote by the Planning Board to waive this requirement will then allow the Board of Selectmen to consider a petition for conditional road layout. Presuming the Board of Selectmen approves the petition (scheduled to be heard on August 29, 2011) the Town will then be able to access the remaining security and insure that Boynton Hill Road is completed and becomes a Town road.

It was recommended that I present the required petition due to my position as Community Development Director. As I will be away when the Planning Board conducts the public hearing on this petition Sarah Marchant has been designated as my authorized agent.

Thank you for your consideration of this matter.

**THE STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH
TOWN OF MILFORD**

PLANNING BOARD

**Petition for Waiver of Certain Subdivision Requirements Regarding Phase I Portion of Road
in Boynton Hill Road Subdivision**

NOW COMES the undersigned, **William Parker**, Director of Community Development for the Town of Milford, believing that there is good cause therefore, respectfully requests that the Planning Board consider the following petition and, pursuant thereto, after having provided proper notice, grant a **waiver** of the requirement to provide a deed to the underlying fee of a proposed subdivision road prior to acceptance, as set forth in the **Town of Milford Subdivision Regulations - § 5.016 and Appendix VI - pages 97 & 98**, and, in support thereof, says as follows:

Legal Authority

Waiver of Regulations

1. **RSA 674:36** constitutes the enabling legislation that permits NH planning board to adopt regulations and specifies the scope of the subject matter of those regulations and specifically provides that such regulations may include a provision for granting **waivers** from such regulations when circumstances warrant.¹
2. Moreover, the Town of Milford Development Regulations do, indeed, provide that the Planning Board may grant waivers from certain subdivision requirements when strict application of the provision would result in ‘... **peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner ... or ...**’,² an alternative means is available that ‘... **meets the purpose of the regulations equally well or better than compliance with the existing regulations. ...**’.³
3. Said regulations also provide that the waiver may be granted ‘... **so that justice be done and the public interest secured ...**’, provided the same can be accomplished in a manner that will not nullify the ‘... **intent and purposes ...**’ of the applicable laws and regulations.
4. Moreover, relevant statutes provide, in pertinent part, that once a municipality has given authority to the planning board to regulate subdivision platting jurisdiction, that a public

¹**RSA 674:36 (II)(n)(1 & 2). (Emphasis supplied).**

²**Milford Development Regulations, § 5.020, (A). (Emphasis supplied).**

³**Milford Development Regulations, § 5.020, (B).**

road may be laid out over the existing bed of a private road provided that the same correspond ‘... *in its location and lines ... with a street shown on a subdivision plat approved by the planning board, ...*’.⁴

5. The undersigned believes that the circumstances outlined herein demonstrate that the requisite standard for granting a waiver has been met.

Petition to Lay Out Phase I portion of Boynton Hill Road

6. The undersigned has presented to the Board of Selectmen a petition pursuant to **RSA 231:8** and **RSA 231:28**, asking the Selectmen to conditionally lay out such highway over an existing private way, namely the Phase I portion of **Boynton Hill Road**, which is a road that corresponds ‘... *in its location and lines ... with a street shown on a subdivision plat approved by the planning board, ...*’,⁵ the Planning Board having approved the plan on May 21, 2002, and the plan was recorded in the Hillsborough County Registry of Deeds as **Plan # 32640**. A reduced photocopy of said plan is attached to the original petition for conditional layout as **Exhibit 1**.
7. Pursuant to said petition, the Board of Selectmen will hold a public hearing on **August 29, 2011, @ 6:45 pm**, in the **Selectmen’s Meeting Room in Milford, Town Hall** and, if the request in said petition is granted, the Board of Selectmen will approve a conditional layout of a portion of said **Boynton Hill Road** as a public road with the conditions noted below, and, in addition, to waive any betterment assessments on the condition that payment of the costs to improve the roadway be paid in the manner referenced below.
8. When the subdivision was approved, the major improvement in Phase I of said subdivision was to be the construction of Boynton Hill Road. This road has been constructed in part from its intersection with Mason Road, southerly to a point on the plan indicating the existence of a ‘... **Proposed Turnaround Easement ...**’, located in Lots 3 & 6 (Lots 40-104-3 and 40-104-6) respectively.
9. The roadway has been partly constructed up to the point of the temporary turnaround but this construction has not been completed to town road specifications for a complete road, there being several conditions that remain to be completed, among which is the final ‘wear’ coat of pavement.
10. Lots 40-104 and 40-104-1 are identified as ‘open space’ lots and are shown as ‘non-buildable’ and it is clear that the tracts are not capable of being used as building lots.
11. At the present time, Lots 40-104-2 & 40-104-3 have been developed as house lots and have, for some time, been occupied as residential house lots. Lot 40-104-8 has a single

⁴ **RSA 674:40, (I)(b)**.

⁵ **RSA 674:40, (I)(b)**.

family dwelling that has recently been completed relative to which a certificate of occupancy has been issued.

Town of Milford Subdivision Regulations - § 5.016 and Appendix VI - pages 97 & 98.

12. An expectation of the approval of this subdivision was that the roadway for Phase I would be constructed and, thereafter, the roadway would be accepted by the Town as a public road and that the same would be deeded to the Town in the manner contemplated in *Town of Milford Subdivision Regulations - § 5.016 and Appendix VI - pages 97 & 98.*
13. The requirement to have the road deed to the Town is generally accomplished by the simple expedient of having the developer provide a deed to the Town since the developer typically either conveys the deed before the conveyance of other lots in the subdivision or, excepts and reserves the road from any previously provided deed of a subdivision lot so that it is free to be conveyed to the Town when appropriate.
14. However, when the lots in this subdivision were conveyed, the deeds did not contain any such exception or reservation and, accordingly, ownership of the bed of the roadway shown as Boynton Hill Road appears to reside fractionally in the two original developers as well as an undivided fractional share corresponding to ownership of any of the individual lots in the subdivision.
15. Additionally, any mortgage interest given on any lot in said subdivision would also have conveyed such undivided fractional interest in such roadway so that preparing and executing a deed of the road bed to the town would be time consuming and costly as well presenting extraordinary practical difficulty to obtain the requisite signatures of all interested parties and present an unnecessary hardship to the property owners..
16. The intent of the original subdivision was to have the roadway construction secured by adequate bonding and constructed at the applicant's expense within a reasonable time and, indeed, the construction of the Phase I section of the roadway has been and still is adequately bonded, the office of the undersigned currently holding the principal sum of **\$24, 563.00**, in the bond escrow account relating to this subdivision.
17. The original developers do not own any buildable lots in the subdivision and are not willing to complete the roadway improvements.
18. They have attempted to assign the responsibility to maintain and complete the road to another developer which has defaulted in the performance of that responsibility, so that during the last winter maintenance season, the Town was occasionally required to enter the roadway and complete winter maintenance.
19. However, they have provided adequate security to complete the improvements, as noted

above.

20. In light of the current occupancy of a number of the Phase I lots and the corresponding need to make provision for winter maintenance of the roadway, it is an appropriate time to complete the final paving of the roadway and have the Phase I portion of **Boynton Hill Road** laid out as a public road so that the future safe and efficient maintenance of the road can be insured.
21. The subdivision regulation for which this waiver is sought is designed to insure that the Town will have the requisite control over the roadway to enable it, in the future, to maintain and repair the roadway as circumstances warrant.
22. A conditional layout of the roadway will provide the Town with the requisite control in the form of a public highway easement which can be established through the mechanism of the petition for conditional layout without the need to secure the written signatures of all owners and mortgagees.
23. Granting of the petition for conditional layout satisfies this original intent and purpose of the subdivision approval without placing any unanticipated additional burden on the Town of Milford since the roadway can be completed with the escrowed funds and the approval of the subdivision contemplated that this would be the case.
24. A conditional layout allows the Board of Selectmen to allow a conditional layout and to impose betterment assessments to the properties that benefit from the improvement.
25. However, the petitioner is asking that the betterment assessment be waived by the Board in lieu of the receipt, by the Town, of adequate funds to defray the cost of the construction of any and all improvements required to make **Boynton Hill Road** compliant with all applicable construction specifications for a town road.
26. A betterment assessment would include the cost of upgrade as well as administrative, legal and other costs associated with the layout and the estimated cost of bringing **Boynton Hill Road** up to required town standards, together with administrative and legal costs, is **\$24,563.00**.
27. As indicated above, the Town currently has that amount of money in escrow and the owner(s) of the escrowed funds referenced above have assigned the funds in question to the Town of Milford on the condition that they be used for the upgrade of the Phase I portion of **Boynton Hill Road**, so that no betterment assessment will need to be applied to any lots and all that is needed to complete the project is the approval of this petition by the Board of Selectmen.
28. The development of the homes in this subdivision is substantially completed so that any further impact on the town as a consequence of the development of any remaining lot(s)

in the subdivision would be negligible.

WHEREFORE, the undersigned respectfully asks that the Town of Milford Planning Board, after having considered the foregoing, find that there is cause to grant a waiver of **Town of Milford Subdivision Regulations - § 5.016 and Appendix VI - pages 97 & 98** and to permit the Phase I portion of **Boynton Hill Road** to be laid out by the Selectmen as a public road without the requirement of a deed to the underlying fee of the road and, the Board also finds that the proposed layout corresponds ‘... **in its location and lines ... with a street shown on a subdivision plat approved by the planning board, ...**’⁶, namely the subdivision plan of Boynton Hill subdivision, currently on record in the Hillsborough County Registry of Deeds as **Plan # 32640**.

Respectfully submitted

Town of Milford
By its Community Development Director

Date

William Parker

Attachments:

Exhibit 1 - Reduced Copy of Subdivision **Plan # 32640**

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gcnoff-142
July 17, 2011

⁶ **RSA 674:40, (I)(b).**



STAFF MEMO

Planning Board Meeting

August 16, 2011

Agenda Item #2: Creative Investors –Mile Slip Rd – Map 45, Lot 17

Public Hearing for a Minor Subdivision

Background:

The applicant is proposing to subdivide lot 45/17 into 3 new building lots and one large remainder lot on Mile Slip Rd. The three new lots meet the 200' frontage and 2 acre zoning minimums on a Class V or better roadway. The large (21.96 acre) remainder lot would be left with less than 200' of frontage on a Class V or better road, as the frontage falls on Class VI Wolfer Rd, creating a non-buildable lot. The Planning Board has in the past approved subdivisions which create a non-buildable lot (example: Phillipsen on Ponemah Hill Rd) with the requirement that a note be added to the plan stating the lot is a non-buildable lot until such time as zoning relief is granted or, in this case, Wolfer Rd is upgraded to a Class V roadway.

The three new lots rise significantly from Mile Slip Rd up to the buildable area outside of the setbacks. The applicant has proposed a common driveway to serve lots 45/17-2 & 3 minimizing the cuts into the slope. Lot 45/17-1 would be served by its own driveway.

The three new lots would be served by on-site private well and septic systems.

Please find the attached plan set.

Interdepartmental Reviews:

Fire - The common driveway must be of sufficient width to allow access for fire apparatus.

Code Enforcement - Steep lots, they will have to figure out the driveway layouts to conform w/DPW standards. Otherwise looks ok to me.

Heritage Commission –The existing stonewalls should be protected or if disturbed reincorporated into the wall.

DPW – Need to see driveway profiles in compliance with the Residential Driveway Regulations. Also would like details on how drainage from the driveways will interact with Mile Slip Rd.

Zoning Administrator – See attached memo.

Fire, Police, Water Utilities, and the Conservation Commission have no comment on this application.

No response was received as of August 3rd from Assessing.

Staff Recommendation:

The driveway profiles are a key piece of information the Board will need to evaluate to determine if the lots will meet the Residential Driveway Regulations and drain effectively onto Mile Slip Rd without adverse impacts. The Board should discuss the potential driveways with the applicant.

In accordance with the Zoning Administrator’s memo lot 45/17 should be noted as a ‘non-buildable lot’ and Note #16 should be updated to outline necessary steps for the lot to become buildable again.

If the Board chooses to conditionally approve this subdivision plan the following items will need to be updated prior to final approval:

1. Driveway profiles be submitted with designs meeting the Residential Driveway Standards
2. Driveway drainage details be submitted and approved by DPW, depicting how impacts to Mile Slip Rd will be minimized.
3. Add a note stating each lot will require approval of a Stormwater Management Permit prior to commencement of Site work if over 5000 SF of area will be disturbed.
4. Add abutter information to the plan for lot 45/5-1.
5. Note #8 should only reference the Ground water Protection District.
6. Note #10 should be updated to include Police and Library Impact fees.
7. Note #13 be updated with State Subdivision approval numbers once approved by DES.
8. Note #16 be updated to state lot 45/17 shall be a non-buildable lot until such time as zoning relief is granted or Wolfer Rd is upgraded to a Class V roadway.

9. Disturbance to the stonewalls shall be minimized. Any disturbed areas shall be reincorporated into the remaining stonewalls.



Image taken April 2010

August 3, 2011

MEMO

TO: Sarah Marchant, Town Planner/GIS Coordinator
FROM: Bill Parker, Community Development Director/Zoning Administrator 
RE: Map 45/Lot 17 – Proposed Subdivision, Creative Investors (Mile Slip and Wolfer Roads)
Interdepartmental Review

1. The proposal is a straight-forward subdivision creating three (3) new additional building lots with frontage on Mile Slip Road (a Class V road). These lots meet Residence R zoning requirements for both lot size and frontage.
2. There will be a "remainder" lot (45/17) that has its entire frontage along Wolfer Road, a Class VI roadway.

Zoning Regs, Art. V Section 5.04.4.A state that "the minimum lot size and frontage for a single-family dwelling or a single-family manufactured housing unit and all other permitted uses, unless stated otherwise, in the Residence "R" District shall be two (2) acres (87,120 SF) or greater, depending on soil and slope conditions, with a minimum of two hundred (200) feet of frontage on a Class V or better road." For a two-family dwelling requires 300 feet of frontage, 4 acres, and special exception approval from the Zoning Board of Adjustment.

The remainder lot, 45/17, meets area and frontage requirements for either a single-family or two-family, but does not have frontage on a Class V or better road. Consequently, a building permit for either (and/or other acceptable uses) cannot be approved until and unless Wolfer Road is upgraded to Class V specifications or other relief/approvals are obtained by the necessary boards (ZBA, Planning Board, Board of Selectmen).

The remainder lot, 45/17, should thus be noted on the proposed subdivision plan as a 'non-buildable lot' until Wolfer Road is upgraded to a Class V road or other Town approvals are obtained to allow the issuance of a building permit. I would recommend that Note #16 be revised accordingly.

LEGEND:

- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- ADJOINING LOT LINE
- EDGE OF WETLANDS
- WETLAND BUFFER LINE
- SETBACK LINE
- EDGE OF PAVED ROAD
- EDGE OF GRAVEL ROAD
- STONE WALL
- (*) ASTERISK DENOTES PER REF. PLAN
- LPPC(F) HIGH PFC/PIN FOUND
- ⊙ DH(F) DRILL HOLE FOUND
- ⊙ UTILITY POLE AND GUY WIRE
- PROPOSED GRANITE BOUND (TBS)
- PROPOSED DRILL HOLE/RON PIN (TBS)
- ⊙ EXISTING WELL
- ▨ EXISTING BUILDING
- (2-37-1) EXISTING TAX MAP AND LOT NUMBER

45-3
MITCHELL BROOK DEVELOPMENT, LLC
253 MAIN STREET
NASHUA, NH 03060-2929
BK 7572 PG 1876 10-27-05
(SEE REF. PLAN #3)

45-3
MITCHELL BROOK DEVELOPMENT, LLC
253 MAIN STREET
NASHUA, NH 03060-2929
BK 7572 PG 1876 10-27-05
(SEE REF. PLAN #3)

45-6
DAVID R. & DEBORAH L. GREENWOOD
69 MILE SLIP ROAD
MILFORD, NH 03055
BK 6214 PG 0594 3-01-00

45-11
SPRING CREEK SAND & GRAVEL, LLC
452 WASON ROAD
MILFORD, NH 03055-3242
BK 7194 PG 0214 3-29-04

45-18
WELLS FARGO BANK
C/O AMERICAN HOME MORTGAGE SERVICING, INC
4500 REGENT BLVD., SUITE 200
IRVINE, TX 75063
BK B292 PG 1237 2-9-11
(SEE REF. PLAN #1)

45-18-1
MARK A. & HOLLI J. MALOON
131 MILE SLIP ROAD
MILFORD, NH 03055-3303
BK 5659 PG 1747 8-28-05
(SEE REF. PLANS #1 & #2)

CERTIFICATION:

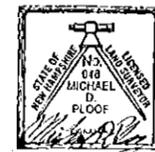
WETLANDS SHOWN ARE PER PLAN REFERENCE #3 AND VERIFIED IN ACCORDANCE WITH THE US ARMY CORPS OF ENGINEERS 1987 WETLAND DELINEATION MANUAL Y-87-1 AND INTERIM REGIONAL SUPPLEMENT FOR NORTHEAST AND NORTHCENTRAL REGION AND FIELD INDICATORS FOR HYDRIC SOILS IN NEW ENGLAND BY CHRISTOPHER A. GUIDA, C.W.S. IN JUNE 2011.



DATE: 7/15/11

CERTIFICATION:

"I HEREBY CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND PER THE PRECISION AND ACCURACY STANDARDS FOR AN URBAN CLASSIFICATION SURVEY AS SPECIFIED IN THE NEW HAMPSHIRE LAND SURVEYOR'S ADMINISTRATIVE RULES (LAN 503.04) AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY."

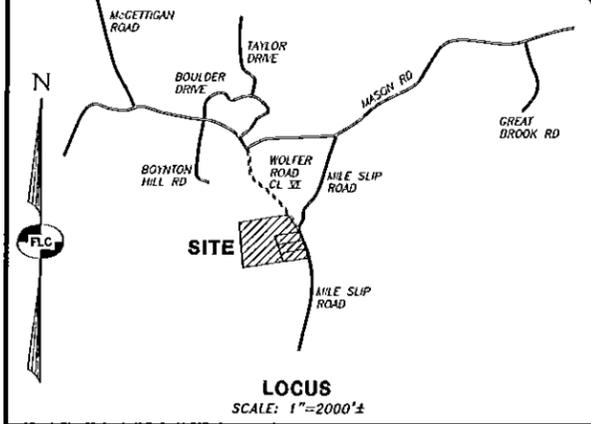


DATE: 7/15/11

I, THE UNDERSIGNED, HAVE REVIEWED THIS PLAN AND DO HEREBY AGREE THAT THIS PLAN REPRESENTS MY LAND AS KNOWN AND THAT ALL PROPOSED IMPROVEMENTS SHOWN HEREON MEET MY APPROVAL.
OWNER OF MAP 45 LOT 17
DATE: 7/15/11

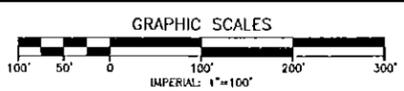
REFERENCE PLANS:

- "SUBDIVISION PLAN OF LAND - TAX MAP LOT 45-18 - PREPARED FOR MARION VALLIER & GARY VALLIER - MILFORD, NEW HAMPSHIRE", SCALE: 1"=50', DATED: SEPTEMBER 22, 2003 AND LAST REVISED 10/14/03, BY MERIDIAN LAND SERVICES, INC. (RECORDED AT THE H.C.R.D. AS PLAN 32846).
- "SUBDIVISION PLAN OF LAND - KENNETH A. LORDEN - MILE SLIP ROAD - MILFORD, NEW HAMPSHIRE", SCALE: 1"=50', DATED: 8-30-1990 AND LAST REVISED 9/25/90, BY DESIGNS THAT WORK. (RECORDED AT THE H.C.R.D. AS PLAN 24901).
- "BOUNDARY AND CONSOLIDATION PLAN - TAX MAP LOTS 45-2, 45-3, 45-17, 45-20 & 50-1 - PREPARED FOR MITCHELL BROOK DEVELOPMENT, LLC - MILFORD, NEW HAMPSHIRE", SCALE: AS SHOWN, DATED: DECEMBER 13, 2006, BY MERIDIAN LAND SERVICES, INC. (NOT RECORDED).
- "SUBDIVISION PLAN OF LAND, - MARK DANFORTH - TAX LOT 18/2 MAP 45 - MILE SLIP ROAD - HILLSBOROUGH COUNTY - MILFORD, NEW HAMPSHIRE", SCALE: 1"=50', DATED: 11/10/99 AND LST REVISED 2/21/00, BY SANDFORD SURVEYING AND ENGINEERING. (RECORDED AT THE H.C.R.D. AS PLAN 30374).



NOTES:

- THE OWNER OF RECORD FOR TAX MAP PARCEL 45-17 IS CREATIVE INVESTORS P.O. BOX 424, MILFORD, NH 03055. DEED REFERENCE TO PARCEL IS VOL. 7947 PG. 2458 DATED FEBRUARY 7, 2008 IN H.C.R.D.
- THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE TAX MAP PARCEL 45-17 INTO 4 LOTS.
- THE BOUNDARY INFORMATION SHOWN WAS DEVELOPED FROM REFERENCE PLANS CITED AND AN OIL THE GROUND SURVEY BY THIS OFFICE, DURING THE MONTH OF JUNE, 2011. HORIZONTAL ORIENTATION IS PER REF. PLAN #3 AND VERTICAL DATUM IS PER REF. PLAN #3.
- TOTAL AREA OF PARCEL 45-17 IS 1,297,574 SQ. FT. OR 29.788 ACRES.
- ZONING FOR THE SITE AND ADJOINING PARCELS IS RESIDENCE "R" MINIMUM LOT SIZE IS 87,120 SQ FT WITH 200' OF FRONTAGE. BUILDING SETBACKS ARE 30' FRONT, 15' SIDE AND REAR WITH A 25' WETLAND BUFFER.
- EXISTING LOT AND ALL NEW LOTS WILL BE SERVICED BY INDIVIDUAL ON-SITE SEPTIC SYSTEMS AND PRIVATE ON-SITE WELLS. CURRENTLY THE SUBJECT PARCEL IS A VACANT LOT.
- PORTIONS OF THE PARCEL LIE WITHIN THE WETLANDS CONSERVATION OVERLAY DISTRICT. A 25 FOOT NON-DISTURBANCE BUFFER EXISTS FROM ALL DELINEATED WETLANDS PER SECTION 6.02.3D OF THE MILFORD ZONING ORDINANCE.
- THE SITE IS LOCATED OUTSIDE THE GROUNDWATER PROTECTION DISTRICT AND AQUIFER PROTECTION DISTRICT.
- PLANNIMETRICS SUCH AS UTILITY POLES AND CULVERTS ARE PER REFERENCE PLAN #3 AND WERE FIELD VERIFIED BY THIS OFFICE.
- ANY NEW CONSTRUCTION ON THE PROPOSED LOTS SHALL BE SUBJECT TO APPLICABLE TOWN INFRACT FEES.
- WETLANDS SHOWN HEREON WERE DERIVED FROM PLAN REFERENCE 3 AND WERE DELINEATED IN ACCORDANCE WITH THE "CORPS OF ENGINEERS WETLAND DELINEATION MANUAL", TECHNICAL REPORT Y-87-1 AND "NEW ENGLAND FIELD INDICATORS 1995", BY THOMAS E. CARB, C.S.S. OF MERIDIAN LAND SERVICES, INC DURING APRIL 2002 AND VERIFIED BY CHRISTOPHER A. GUIDA, C.W.S. IN JUNE 2011.
- THE SUBJECT PARCEL 45-17 LIES OUTSIDE THE BOUNDARY OF THE 100 YEAR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP FOR THE TOWN OF MILFORD, HILLSBOROUGH COUNTY NH, F.I.R.M. COMMUNITY PANEL NUMBER 330104650 DATED SEPTEMBER 25, 2009.
- NUDES SUBDIVISION APPROVAL IS PENDING.
- STORMWATER MANAGEMENT PLAN REQUIREMENTS TO BE ADDRESSED AT TIME OF BUILDING CONSTRUCTION, IF REQUIRED.
- THE POSTED SPEED LIMIT FOR MILE SLIP ROAD IS 25 MPH. PROPOSED DRIVEWAY LOCATIONS MEET THE MILFORD SIGHT DISTANCE REQUIREMENTS.
- DEVELOPMENT ON LOT 45-17 IS SUBJECT TO WOLFER ROAD BEING IMPROVED TO CLASS FIVE STANDARDS. THE IMPROVEMENTS TO WOLFER ROAD WILL REQUIRE TOWN APPROVAL PRIOR TO CONSTRUCTION.



REV	DATE	DESCRIPTION	C/O	DR	CK

TOWN OF MILFORD RECEIVED
JUL 17 2011
PB ZBA Office

APPROVED

MILFORD, NH PLANNING BOARD
SUBDIVISION #:
DATE APPROVED:
SIGNED:

**SUBDIVISION PLAN OF LAND
PREPARED FOR OWNER:
CREATIVE INVESTORS
TAX MAP PARCEL 45-17
MILFORD, NEW HAMPSHIRE**

SCALE: 1" = 100' JUNE 28, 2011

Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs

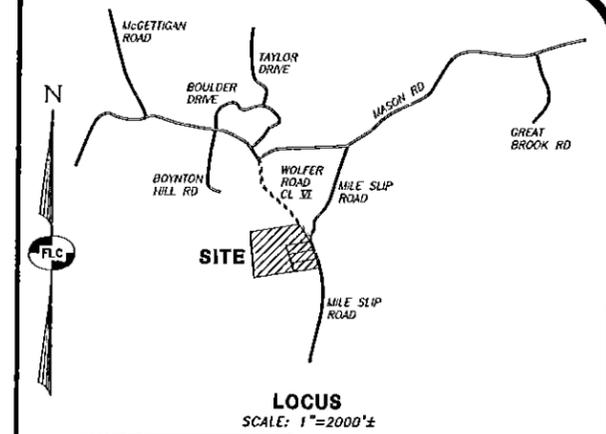
FIELDSTONE LAND CONSULTANTS, PLLC
778 Elm Street Suite C, Milford, NH 03055
Phone: (603) 672-5456 Fax: (603) 413-5456
www.FieldstoneandConsultants.com

LEGEND:

- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- ABUTTING LOT LINE
- EDGE OF WETLANDS
- WETLAND BUFFER LINE
- SETBACK LINE
- EDGE OF PAVED ROAD
- EDGE OF GRAVEL ROAD
- 10' CONTOUR INTERVAL
- 2' CONTOUR INTERVAL
- SCS SOIL LINE
- STONE WALL
- (*) ASTERISK INDICATES PER REF. PLAN
- (P) IRON PIPE/PAI FOUND
- (D) DRILL HOLE FOUND
- (U) UTILITY POLE AND CRY WIRE
- PROPOSED GRANITE BOUND (TBS)
- PROPOSED DRILL HOLE/IRON PIPE (TBS)
- EXISTING WELL
- ▨ EXISTING BUILDING
- 2-37-1 EXISTING TAX MAP AND LOT NUMBER

REFERENCE PLANS:

- "SUBDIVISION PLAN OF LAND -- TAX MAP LOT 45-18 -- PREPARED FOR MARION VALIER & GARY VALIER -- MILFORD, NEW HAMPSHIRE, SCALE: 1"=50', DATED: SEPTEMBER 22, 2003 AND LAST REVISED 10/14/03, BY MERIDIAN LAND SERVICES, INC. (RECORDED AT THE H.C.R.D. AS PLAN 32846).
- "SUBDIVISION PLAN OF LAND -- KENNETH A. LORDEN -- MILE SLIP ROAD -- MILFORD, NEW HAMPSHIRE, SCALE: 1"=50', DATED: 8-30-1990 AND LAST REVISED 9/25/90, BY DESIGNS THAT WORK. (RECORDED AT THE H.C.R.D. AS PLAN 24901).
- "BOUNDARY AND CONSOLIDATION PLAN -- TAX MAP LOTS 45-2, 45-3, 45-17, 45-20 & 50-1 -- PREPARED FOR MITCHELL BROOK DEVELOPMENT, LLC -- MILFORD, NEW HAMPSHIRE, SCALE: AS SHOWN, DATED: DECEMBER 13, 2006, BY MERIDIAN LAND SERVICES, INC. (NOT RECORDED).
- "SUBDIVISION PLAN OF LAND, -- MARK DANFORTH -- TAX LOT 18/2 MAP 45 -- MILE SLIP ROAD -- HILLSBOROUGH COUNTY -- MILFORD, NEW HAMPSHIRE" SCALE: 1"=50', DATED: 11/10/99 AND LST REVISED 2/21/00, BY SAHOFORD SURVEYING AND ENGINEERING. (RECORDED AT THE H.C.R.D. AS PLAN 30374).



NOTES:

- THE OWNER OF RECORD FOR TAX MAP PARCEL 45-17 IS CREATIVE INVESTORS P.O. BOX 424, MILFORD, NH 03055. DEED REFERENCE TO PARCEL IS VOL. 7847 PG. 2458 DATED FEBRUARY 7, 2008 IN H.C.R.D.
- THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE TAX MAP PARCEL 45-17 INTO 4 LOTS.
- THE BOUNDARY INFORMATION SHOWN WAS DEVELOPED FROM REFERENCE PLANS CITED AND AN ON THE GROUND SURVEY BY THIS OFFICE, DURING THE MONTH OF JUNE, 2011. HORIZONTAL ORIENTATION IS PER REF. PLAN #3 AND VERTICAL DATUM IS PER REF. PLAN #3.
- TOTAL AREA OF PARCEL 45-17 IS 1,297,574 SQ. FT. OR 29.788 ACRES.
- ZONING FOR THE SITE AND ABUTTING PARCELS IS RESIDENCE "R" MINIMUM LOT SIZE IS 87,120 SQ. FT. WITH 200' OF FRONTAGE. BUILDING SETBACKS ARE 30' FRONT, 15' SIDE AND REAR WITH A 25' WETLAND BUFFER.
- EXISTING LOT AND ALL NEW LOTS WILL BE SERVICED BY INDIVIDUAL ON-SITE SEPTIC SYSTEMS AND PRIVATE ON-SITE WELLS. CURRENTLY THE SUBJECT PARCEL IS A VACANT LOT.
- PORTIONS OF THE PARCEL LIE WITHIN THE WETLANDS CONSERVATION OVERLAY DISTRICT. A 25 FOOT NON-DISTURBANCE BUFFER EXISTS FROM ALL DELINEATED WETLANDS PER SECTION 6.02.3D OF THE MILFORD ZONING ORDINANCE.
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- THE SUBJECT PARCEL 45-17 LIES OUTSIDE THE BOUNDARY OF THE 100 YEAR FLOOD PLAN PER FLOOD INSURANCE RATE MAP FOR THE TOWN OF MILFORD, HILLSBOROUGH COUNTY NH, F.I.R.M. COMMUNITY PANEL NUMBER 3301101650 DATED SEPTEMBER 25, 2009.
- INDIES SUBDIVISION APPROVAL IS PENDING.
- STORMWATER MANAGEMENT PLAN REQUIREMENTS TO BE ADDRESSED AT TIME OF BUILDING CONSTRUCTION, IF REQUIRED.
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45-3
MITCHELL BROOK DEVELOPMENT, LLC
253 MAIN STREET
NASHUA, NH 03060-2929
BK 7572 PG 1876 10-27-05
(SEE REF. PLAN #3)

45-6
DAVID R. & DEBORAH L. GREENWOOD
69 MILE SLIP ROAD
MILFORD, NH 03055
BK 8214 PG 0694 3-01-00

45-11
SPRING CREEK SAND & GRAVEL, LLC
452 MASON ROAD
MILFORD, NH 03055-3242
BK 7194 PG 0214 3-29-04

45-18
WELLS FARGO BANK
C/O AMERICAN HOME MORTGAGE SERVICING, INC
4600 REGENT BLVD., SUITE 200
IRVINE, TX 75063
BK 8292 PG 1237 2-9-11
(SEE REF. PLAN #1)

45-18-1
MARK A. & HOLLI J. MALOON
131 MILE SLIP ROAD
MILFORD, NH 03055-3303
BK 5559 PG 1717 9-28-95
(SEE REF. PLANS #1 & #2)

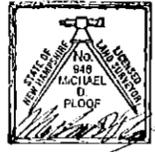
CERTIFICATION:

WETLANDS SHOWN ARE PER PLAN REFERENCE #3 AND VERIFIED IN ACCORDANCE WITH THE US ARMY CORPS OF ENGINEERS 1987 WETLAND DELINEATION MANUAL Y-87-1 AND INTERIM REGIONAL SUPPLEMENT FOR NORTHEAST AND NORTHCENTRAL REGION AND FIELD INDICATORS FOR HYDRIC SOILS IN NEW ENGLAND BY CHRISTOPHER A. GUIDA, C.W.S. IN JUNE 2011.



CERTIFICATION:

"I HEREBY CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND PER THE PRECISION AND ACCURACY STANDARDS FOR AN URBAN CLASSIFICATION SURVEY AS SPECIFIED IN THE NEW HAMPSHIRE LAND SURVEYOR'S ADMINISTRATIVE RULES (LAN 503.04) AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY."



"I, THE UNDERSIGNED, HAVE REVIEWED THIS PLAN AND DO HEREBY AGREE THAT THIS PLAN REPRESENTS MY LAND AS KNOWN AND THAT ALL PROPOSED IMPROVEMENTS SHOWN HEREON MEET MY APPROVAL."
OWNER OF MAP 45 LOT 17

APPROVED

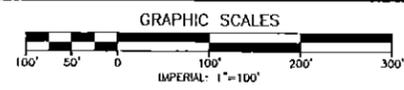
MILFORD, NH PLANNING BOARD
SUBDIVISION #: _____
DATE APPROVED: _____
SIGNED: _____
DATE: 7/15/11

DATE: 7/15/11

DATE: 7/15/11

NRCS SOILS LEGEND:

- CID CHATFIELD-HOLLIS-ROCK OUTCROP COMPLEX 15 TO 35% SLOPES
 - CpC CHATFIELD-HOLLIS-CANTON COMPLEX B TO 15% SLOPES
 - CmC CANTON STONY FINE SANDY LOAM B TO 15% SLOPES
 - CmB CANTON STONY FINE SANDY LOAM J TO 8% SLOPES
- SOURCE: USDA NRCS WEB SOIL SURVEY



REV.	DATE	DESCRIPTION	C/O	DR	CK

TOPOGRAPHIC AND SOILS PLAN
PREPARED FOR OWNER,
CREATIVE INVESTORS
TAX MAP PARCEL 45-17
MILFORD, NEW HAMPSHIRE

SCALE: 1" = 100' JUNE 28, 2011

Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs

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STAFF MEMO

Planning Board Meeting

August 16, 2011

Agenda Item #3: Spring Creek Sand & Gravel, LLC –Mile Slip Rd – Map 50, Lot 4-4

Amendment to an existing Excavation Plan

Background:

The applicant is before the Board to remove Note #11 on an approved Gravel Excavation Plan for lot 50/4-4 off of Mile Slip Rd. Note #11 currently reads “The duration of the operation will not exceed five years.” There are no changes proposed to the extent or process of the gravel removal operation.

The excavation site is accessed off of Mason Rd via a private road through lot 46/11. The original plan was approved and finalized in 2004 and excavation began shortly after.

Since the original plan approval, the property changed hands and is now under the same ownership as the access route lot (lot 46/11). The gravel excavation operation has been completed in accordance with the approved plan through phase ____, however it has now exceed the allotted five year timeframe. The applicant would like to have the timeframe note removed so they can continue the gravel removal operation in the future.

Please find the attached approved plan.

Interdepartmental Reviews:

Code Enforcement –

1. Code enforcement feels the five year limitation is a good safeguard that keeps the planning board aware of the operation. Code Enforcement is amenable to a clause that would allow for continuation of operation with review and approval by planning board every five years.
2. The owner of record on the submitted plan is incorrect and needs to be updated.
3. The responsible excavation firm should be updated.

Zoning Administrator – No problem with the request. Operation has had no issues since it commenced. Proper security is in place for reclamation.

Fire, Police, Conservation Commission, DPW, Water Utilities, and the Heritage Commission have no comment on this application.

No response was received as of August 3rd from or Assessing.

Staff Recommendation:

Please note Interdepartmental Reviews were sent out with the currently approved plan. The applicant is submitting a revised plan to the Board for the meeting.

Staff has no issues with the removal of Note #11 from the approved gravel excavation plan. The note limiting the approval period of the gravel exaction operation is unique to this plan. The time limitation is not included in the Town’s Excavation Regulations or the Development Regulations. The DES permit for the project requires regular updating of the plan and operation, which will help to ensure enforcement of the plan over a number of years.

If the Board chooses to conditionally approve the amendment to this subdivision plan the following items will need to be updated prior to final approval:

1. Note 11 shall be removed.
2. The current owners, excavation firm, abutters, dates, title block and all relevant information should be updated on the plans (from currently approved plan).
3. If any updates have been made via the DES permit, those changes should be reflected on the amended plan.



Image taken April 2010