

MILFORD PLANNING BOARD MEETING

May 17, 2011 Board of Selectmen's Meeting Room, 6:30 PM

Members present:

Janet Langdell, Chairperson
Paul Amato
Kathy Bauer, BOS representative
Steve Duncanson
Judy Plant
Susan Robinson, Alternate member

Excused:

Tom Sloan, Vice chairman member
Gary Williams, Alternate
Chris Beer

Staff:

Sarah Marchant, Town Planner
Shirley Wilson, Recording Secretary
Feral McElreavy, Videographer

Rod Watkins, Perspective member

MINUTES:

1. Approval of minutes from the 2/15/11 meeting/public hearing.

NEW BUSINESS:

2. **Pine Valley Subdivision/37 Wilton Road Milford LLC & Pine Valley Business Center- Wilton Rd –Map 6, Lot 14.** Public Hearing for design review of a proposed subdivision creating ten (10) residential lots.

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:

P. Amato made a motion to accept the minutes from the 2/15/11 meeting. S. Duncanson seconded and all in favor.

NEW BUSINESS:

Pine Valley Subdivision/37 Wilton Road Milford LLC & Pine Valley Business Center- Wilton Rd –Map 6, Lot 14. Public Hearing for design review of a proposed subdivision creating ten (10) residential lots.

Abutters present:

Karen Legault, 24 Maple St

Chairman Langdell recognized:

Jay Heavisides, Meridian Land Services, Inc.

Kevin Anderson, Meridian Land Services, Inc.

Andy Prolman, Prunier & Prolman, PA

Kevin Slattery, Etchstone Properties, Inc.

Jaron Slattery, Etchstone Properties, Inc.

Eli Levine, Pine Valley Mill

Mark Prolman, 37 Wilton Road Milford, LLC

K. Bauer noted the close proximity of this project to the Wilton town line and business district and that the lots will be serviced by Wilton water. S. Duncanson made a motion that there was potential regional impact associated with this application to the town of Wilton. J. Plant seconded and all in favor. J. Langdell noted that the application was in order, according to the staff memo dated 5/17/11. S. Duncanson made a motion to accept the application. P. Amato seconded and all in favor. S. Wilson read the abutters list into the record.

J. Heavisides presented plans dated 4/18/11 and described the proposed 10- lot subdivision across from the Pine Valley Mill on parcel 6/14. The ZBA granted a variance for the ten (10) residential lots on 3.4 acres in the ICI zone. There will be a municipal through road and municipal utilities with Wilton water and Milford sewer coming off Wilton Rd. One of the unique features of this parcel is an eight (8') ft diameter penstock coming from the dam, going under the railroad, crossing the property, going under Wilton Rd, passing through the parking lot at Pine Valley Mill, and finally going into the turbine room. It's the former location of an open channel that back in the 70's or 80's was covered with an eight (8') ft steel pipe and this has presented some design challenges on the site. The property has very nice gravel soils and we do have good depth for the seasonal high water at seven (7) to eight (8) feet down. The problem is that, for drainage, we will have to either go over or under the penstock that is only down about two (2) ft. To go underneath, we would have to go down about fourteen (14') ft, so we are proposing to take some of the drainage structures and methods on individual lots. We are proposing storm chambers on the lots and within the ROW. These buried plastic structures will recharge the water back into the ground and they work well, but this will be the first instance proposed on a town road in this area. We have had discussions with the Wilton Water Commissioners about the line size and it was suggested that we put a 12" line in the subdivision like the proposed 12" main on Wilton Rd. Usually a 6" or 8" line is sufficient for a large subdivision, so there will be more discussion. There are two fire hydrants, one at each end so we already have a connection out to the main water line. We were thinking of just looping that around but it will come down to the capacity of the existing water main and the flow rates and pressures.

P. Amato inquired how far east Wilton water came. J. Heavisides said to the mill and noted that the Mill's fire protection system had been resolved. A. Prolman asked if Falcon Ridge was tied into the Wilton water system. J. Heavisides said no, because of the elevation those lots are on individual wells and Milford sewer. S. Marchant clarified that the Frog Pond dam has recently been fixed and is now a fully functioning pond that does feed down into the hydrant behind the mill.

K. Bauer inquired about the unbuildable area along the southern edge of the parcel. J. Heavisides said years ago there was a building there and when the railroad gave the land to the next owner, it was deeded with restrictions. It is still useable, just not buildable. P. Amato asked how much of the .25 acres was actually buildable and who

would own that land. J. Heavisides replied that the homeowner will own all the land and he was not sure of the size of the buildable area. He referenced sheets sp-1 & 2 for the lot layouts saying we've addressed the issue in that there is enough room for the houses and a deck with a big back yard. K Bauer said that the property owner wouldn't be able to put a shed in their backyards. J. Heavisides said not in the no-build area.

P. Amato asked about drainage on the four lots on the east side. J. Heavisides said Dennis LaBombard, a structural engineer from Hollis, has designed a concrete enforcement to be poured over and around the penstock at the driveway crossings. K. Anderson explained that we have permission to use the concrete bridge structures stored on site and the calculations were approved for residential loading. They are not considered a bridge because you can't see under the reinforced structure that will be laid within the ground. The compaction of soils and flowable fill will be used to support the structure so that there will be no pressure on the penstock; however, these will not be able to hold the E-2 highway ratings of 66,000 pounds. The reinforcement feature will be about forty (40') feet long. P. Amato asked what would happen if a ladder truck drove over the penstock. K. Anderson said a typical driveway couldn't support a ladder truck and we haven't had to design other driveways for E100 loading. In the failure of a typical driveway a fire truck would be stuck, here the concrete would break or crack but it would not be a big failure as the span is only eight (8') ft. J. Langdell asked who's responsibility it would be to fix the concrete. J. Heavisides said there would be an easement or deed restrictions.

A. Prolman said there is a working draft of a penstock agreement which will be submitted for review and approval by town counsel. The penstock is tied to the mill so the mill owner would ultimately be responsible for making sure the penstock is operating properly. The penstock runs the turbine to make electricity that is sold to PSNH and it would be in their best interest to do so. There will be an easement agreement in place which makes the mill owner responsible for maintenance, inspection, and repair. At the same time you can't have owners putting in a pool right over the penstock so there will have to be some reciprocity for use and responsibilities. K. Bauer inquired if the mill owner was in agreement with how the driveways were designed now. A. Prolman answered yes, because the owner is the same for both properties and together with the builder, we are working on this penstock agreement. Any future owner of the mill will have to agree with the rights and responsibilities of this agreement, by default. P. Amato said in as much as the entire penstock and all properties are controlled by one entity, why not leave it like a PSNH easement and just not do anything there but come in with a short dead end road for those lots. J. Heavisides said they've looked at a dead end road and didn't think the Town would want that. You end up with just as much pavement without gaining anything and there would be possible DPW plowing issues. The loop road makes more sense to be able to drive right through and it uses the location at the existing drive out to the back of the lot. He also referenced staff comments regarding the intersection with North River Rd. P. Amato said the language will have to be worked out so that the town is not liable when an oil truck or fire truck makes a mistake. It is important to not burden the future homeowners as the penstock becomes a detriment to their property. J. Heavisides said we are trying to address the foreseeable things that can happen.

P. Amato brought up the entrance across from North River Rd. J. Heavisides explained that back when this penstock was a canal, a bridge structure was built at North River Rd where the guardrail is. We tried to keep it as close to 90° as possible and there is improvement. The current radius between North River Rd and Wilton Rd is about 10'-15' and that radius will be increased so that fire apparatus can go around it and the striping on North River Rd will be realigned. J. Langdell said these improvements will actually swing North River Rd a little further away.

K. Slattery said we are all on the same team. Dennis LaBombard is a highly respected engineer that was also involved with Falcon Ridge. The existing pre-stressed structures are nothing but an eyesore right now and it is prudent to utilize them. Those structures, with additional reinforcement and with certified stamped plans will be able to cross that penstock. We'll never get to 66,000 lbs; we will get to 6,000 or 8,000 lbs and we are prepared to put a placard up stating that section of the driveway that will be limited. It will be clearly delineated as concrete where the rest of the driveway will be asphalt or aggregate. By way of visual awareness and placards, the limits to that panel will be quite evident. We will work with the Fire Department and Dennis feels confident we will meet their needs and most important for ambulatory access.

P. Amato inquired if it would support the construction vehicles. K. Slattery said they will access the site through the back where the sewer will be fed and we will be very careful. P. Amato then asked if the structure will

support fuel trucks. K. Slattery said the house will be accessible by hoses. It is not unusual to drag the hoses from the street and the sub-surface tanks will be placed for easy accessibility. Frankly, we have the same concerns because we have to sell the homes, so we are sensitive to limiting the homeowners' burdens. J. Langdell brought up weights for UPS and FedEx delivery trucks. K. Slattery said she raised a good point but there are existing bridges on public roadways that don't have that capacity and reiterated that this will be designed for everyday use and ambulatory access. We will meet with the Fire Department and try to come to a compromise. S. Duncanson also expressed concern with the penstock crossing for a wrecker or flatbed truck responding broken down vehicle. How would you get the car out because that would be over the weight limit? J. Plant brought up a motor home. P. Amato asked the applicant to do some research and come back with examples of the 6,000 pound weight limit. J. Heavisides said he will also ask Dennis what he used for a design vehicle. P. Amato said maybe we should not get too locked into using the existing structures because a new structure might get double the weight.

P. Amato suggested the possibility of a permanent access easement to the property through the rear along the back of the property. K. Slattery said grass over structural gravel could be a possibility. P. Amato said that future owners may not understand the restrictions and we don't want to lock somebody out of their property. K. Slattery said it will be very important that they make sure the appropriate disclosures are in place. J. Langdell reiterated concern for future owners.

J. Plant asked if the Wilton Fire Department should be involved in the discussion as well. J. Langdell agreed saying that they provide mutual aid and there should be communication between departments. This also plays into the potential regional impact which has already been determined.

J. Heavisides brought up item #1 from the MFD memo dated 5/2/11 and explained the problem with tapping into the penstock as a dry hydrant. There is not always water going through the penstock, it gets shut off at the dam. It generates best in fall, winter and spring if the high water doesn't back up at the outlet. Also, if there is water in the penstock, he is not sure what the pressure would be, so he would be very hesitant to even consider using the penstock as a fire cistern. There are two fire hydrants are on the street now. S. Marchant said that Water Utilities checked the pressure about two weeks ago and everything went well; there was sufficient pressure for the test. J. Heavisides requested a copy of the results. S. Marchant said there were reasons for an additional water source that were not detailed in the Fire Department's memo that may have had something to do with the existing, very old water main coming from Wilton. Information on both should be forthcoming and discussion followed.

J. Langdell asked what type of maintenance there would be for the individual stormwater drainage apparatuses. J. Heavisides said there would be very little that would have to be done to the proposed 12" diameter lawn catch basins. He explained the drainage flow and said the owner will occasionally have to check if sand is accumulating and clean it out with post hole diggers. They have a depth of about five (5') ft. P. Amato asked about the groundwater. J. Heavisides said the seasonal high is about seven (7') ft and we didn't hit water until nine (9') ft in December with snow on the ground. J. Langdell noted that there was an alternative drainage system suggested. S. Marchant said that was brought up by DPW and Fred Elkind during the interdepartmental review meeting and the idea was to just flow all the water along the back edges of the property into the parking lot and let it sheet flow over the parking lot to clean before it goes into the Souhegan River instead of all these catch basins. J. Heavisides said that's what they are doing for the four lots on the east side, but the penstock is a big obstruction; it's not like a normal drainage pipe that we can go around or reroute, we have to stay underneath. This design also avoids the Shoreland Protection area. If this were a commercial site plan, there wouldn't be a question about putting the recharge chambers underneath the parking lot, but problem here is that we're proposing the town to take over a part of this. That is why we met with DPW months ago to get their input. J. Langdell said it is very new and different to have the drainage catch basins and the concrete structures for the penstock on the individual lots. Homeowners will need to know what they can and cannot do and there is a maintenance issue. J. Heavisides said rain gardens were suggested in the staff memo; however, because of the size of the lots, 10,000-15,000SF a rain garden would take up a lot of space and most likely the homeowner would not like the landscaping. With these basins, all you see is a one foot catch basin. The lawns will be nice and flat and there are no sharp swales or ditches. Once the lawn is established there shouldn't be any dirt getting into the basins and erosion control measures will be in place during construction. P. Amato asked if conventional drainage could be done on the three lots in back to reduce the number of systems. J. Heavisides said they could look at sheeting the

water back towards the non-buildable area. He then described the four (4) 30" catch basin systems in the town ROW and noted that there will possibly be a drainage easement on one of the lots. S. Marchant said, as a side note on drainage, NH DES released their new Homeowners Guide to Stormwater Management last week. This is the new way and homeowners are going to have LID stormwater features on their property and we will be seeing more and more of these types of things because you're not allowed to have runoff. A lot of our practices will have to change with the new MS4 stormwater permitting. J. Langdell asked what would have to be done for maintenance from a DPW perspective for these four systems in the ROW. S. Marchant replied that currently we clean 90-95% of our catch basins once a year with a clam digger, but with the new stormwater permit, it appears cleaning will become mandatory twice a year using a vacuum truck.

K. Bauer referenced the elevated driveway access on four lots to accommodate the penstock. J. H. said the driveways would be built up approximately two (2') ft and over about the length of one car. S. Marchant clarified that she used the word elevated instead of bridge. The lot is relatively flat; there are no slope issues whatsoever for the driveways and there are specific standards that the driveways will have to meet.

J. Langdell noted that the Board received a letter dated 2/23/11 from the abutters on the westerly side and tonight Chairperson Langdell read an additional email from Todd Goodnow dated 5/17/11 into the record, requesting a privacy fence along the property line. J. Langdell referenced the staff memo and asked who will maintain this fence. J. Heavisides said the plan shows an eight (8) ft. fence, but it will be reduced to six (6) ft. so that a building permit won't be required. Ultimately the new land owner would be responsible for maintenance of the fence. J. Langdell inquired if there would be deed restrictions for future owners. J. Heavisides said no it would be treated like any other fence and a brief discussion followed.

S. Duncanson inquired about the ownership of the roadway on lot 6/14-11. J. Heavisides said it provides access out to the dam and to the separate landlocked parcel on the other side of the railroad tracks. J. Langdell noted the zoning administrator's comments that there is the potential for development at some point in the future. J. Heavisides said we are required to provide access to the dam and this existing roadway provides access over a legal railroad crossing, so it could handle traffic for future development. A. Prolman clarified that lot 6/11 would stay in the ownership of the mill until such time as lot 6/15 becomes developed and then it would ultimately become a town roadway. Currently it is in the ownership of 37 Wilton Road Milford, LLC.

K. Bauer inquired if there has been consideration for a fence abutting the railroad tracks. K. Slattery showed the proposed fence styles envisioned for three (3) locations around the development. A black six (6') foot chain link fence would be most appropriate for the area along the railroad land. Rather than providing total privacy, it would be important for those homeowners to be able to see through it in the event a child would get on the other side. Along the front is another important area and a six (6') scalloped top, fence with spacing is proposed to serve as a buffer for the backyards for those lots that front the new road. The property line is about ten (10') feet from Wilton Rd and we may soften it periodically with an arborvitae. There would be a six (6') cedar fence on the western side for the abutter. There is a fair amount of fencing going on this small project. S. Duncanson asked if a fence was allowed in the no-build area. J. Heavisides said he believed so. J. Plant asked for clarification of what can and cannot be done in that no-build area; can a moveable shed or fence go in. A. Prolman said he will research the deeds and provide that information. K. Bauer asked if a fence fell under our definition of structure. S. Marchant replied yes, but not necessarily under that private agreement. The no-build clause on that land is strictly and only dictated by the private easement. The town will not be responsible for enforcement in any way and going forward it will not be the town's responsibility to police this no-build area.

J. Langdell stated that the applicant has elected to develop this site utilizing the new Open Space and Conservation District regulations. J. Heavisides referenced the staff memo and said there is the possibility for a bus stop area or sidewalks. S. Marchant noted that there is an existing sidewalk approximately 1,000ft to the west. J. Heavisides said he wasn't sure if a sidewalk made sense here because you would have to connect it without potential for development on all the lots in between and it would have to come out of the town's general improvement funds. J. Langdell said we are trying to be proactive and there are a significant number of people who walk along Wilton Rd from that neighborhood. J. Heavisides explained the logistics of working around the "bridge" at the penstock for a sidewalk and added that we'd have to figure out drainage if there will be curbing. P. Amato added that DPW would have to maintain that sidewalk. J. Langdell said there is a way to delineate

walking areas by striping. J. Heavisides said the gravel shoulder in the ROW could be paved, but inquired if they could get credit for open space if it wasn't on their property. K. Bauer asked if the applicant could do 0%. S. Marchant replied yes and noted that was part of the discussion during the zoning ordinance changes. It could be done if it met the criteria listed. J. Langdell inquired about on-site improvements and asked if this is an area where the Conservation Commission would want a trail going along the Souhegan River? S. Marchant said she could ask again, but they did not request anything at this time. J. Langdell brought up a potential transit/bus stop. J. Heavisides said there is room where the parking lot area is and not much would have to be done to designate that area as a stop with a shelter. P. Amato asked if there were any other bus stops in town. S. Marchant said the idea is to reserve an easement for that area, we are not requiring construction of a bus stop. The advantage of going with the open space design here is reduced frontages, not more density. The maximum 15% is in case there are specific features the Board is interested in preserving and although sidewalks in the ROW wouldn't count towards the 15% that would certainly be something for the public good. P. Amato noted that there wasn't any open space on the plan and having a place for a future bus stop makes complete sense, while he doesn't think sidewalks would accomplish a whole lot. J. Langdell noted that with a 50ft ROW, there is sufficient space to pave and stripe for sidewalks. A brief discussion regarding future development followed. There was also discussion pertaining to the existing bridge on Wilton Rd.

Chairperson Langdell opened the discussion for public comment.

K. Legault expressed concerns about the current unsafe walking conditions in that area of Wilton Rd and she would greatly appreciate any improvements. She would also rather see an attractive walking area going towards the river as we don't have that many people who would be looking at bussing. Walking space and the ability to enjoy the land would be an improvement for the neighborhood across the street. J. Langdell referenced the earlier discussion as to whether this was a high area for the Conservation Commission's trail system although it has not been shown on any of their maps. S. Marchant added that the question was posed to Conservation Commission and they did not respond that they wanted a trail, but she would certainly ask again. K. Legault asked if the commission could be invited down to see the pretty area. It is part of something that we should be looking to protect, preserve and be proud of. J. Langdell suggested that Ms. Legault call Fred Elkind of the Conservation Commission.

K. Bauer inquired if staff had received any comments from Water Utilities prior to the meeting. S. Marchant replied that she had not.

J. Langdell noted that these would be considered "more affordable" homes and asked if there were any styles yet. K. Slattery passed around the renditions that were used for the ZBA meeting. They will be smaller split level homes with two bedrooms upstairs and garages. The four lots on the other side of the penstock will be different, a conventional two story home and garage under, due to the topography. Upgrades to a three bedroom will be available at purchase or as an easy basement finish in the future. The designs will be 1,000 to 1,400 SF of finished space and the "Warren" model is very popular in our development in Pepperell.

S. Duncanson inquired how to stop teenagers from crossing over the railroad tracks and causing havoc with the dam and such. J. Heavisides said it is gated and currently in use, so nothing is new. S. Duncanson said there will be easier access with a new road and noted that the Fire Department is requesting a Knox Box.

P. Amato suggested that the applicant take the input from the Board to look at whether there are any options for the open space and what they'd like to bring back; possibly showing space on the plan for a future bus pull off on either lot and to speak to DPW to look into the possibility of extending and striping the pavement along Wilton Rd. S. Robinson suggested trail access. J. Heavisides said there is not really a good spot for trail access. P. Amato said we also have to be careful that we are not providing access to somebody else's property. The railroad owns that property not the developer. J. Langdell said she would be more inclined to move forward with trail access and water lookouts if our Conservation Commission had some plan for a connection to other areas such as the Frog Pond. J. Heavisides reiterated that the easement on the railroad's land is to access the dam, not for pedestrian or trail access and once you bring people over to the other side of that land, you are bringing them to the dam. There is also Shoreland Protection area to consider.

K. Legault asked if there was any way to include communication and cooperation between herself, the developer and Conservation to see what proposals can be brought about. Could the applicant check to see if there are options available, and maybe they could bring something forward. J. Langdell said that the developer and applicant's team can do so if they want and we will also put in a request to the Conservation Commission. P. Amato reiterated that we are looking only at the lot before us, 6/14. K. Legault said if the Board is considering a bus stop on the parking lot area and asking them to come forward with ideas, that we also say let's look at what else you have to offer right there that is potentially being ignored or dismissed because it may be steep. There are easements giving access across the railroad property for some things that are very vague to me that could be enlarged to include walking trails. If we got someone from the Conservation Board down there, we may find there are other options available. J. Langdell suggested contacting Sarah and Fred to develop some other ideas and if the applicant wants to connect, they can do so through Sarah.

S. Marchant said that internally, Police and DPW should sit down to discuss the roadway concerns because she didn't think that we are all internally on the same page and that is an important internal discussion for us to continue before the applicant comes back with a revised plan. J. Heavisides said he can provide a sight distance profile for where the centerline is now to help. J. Plant said there is a lot of traffic using that road to avoid the light and a discussion on Elm St traffic followed.

K. Bauer mentioned the access road discussed earlier for heavy vehicles like fire trucks for the houses behind the penstock and asked if that was a serious possibility. J. Heavisides said there will be a sewer line back there and typically the Town wants to have a sewer easement over it. Maybe we could do something like at the Falcon Ridge development; a gravel road with loam on top so it still looks like a lawn but can be driven across. Twelve (12') feet wide should be sufficient. P. Amato asked if the future owners would have access to that. J. Heavisides said we'd have to work that out. A. Prolman said it might not be on the homeowner's property. K. Bauer said that wouldn't help for fire trucks. J. Heavisides said it would be for the homeowner's use and we will find out what the weight limitations would be.

P. Amato made a motion to table the application to the June 21, 2011 meeting. J. Plant seconded and all in favor.

OTHER BUSINESS:

J. Langell noted that there will be a joint meeting on 5/24/11 with the BOS, Planning Board, Conservation Commission, TIFD, EDAC, ZBA, the School Board and the Water/Sewer Commissioners to entertain discussion on Milford's priorities for the CIP and regarding potential development regulations and guidelines for the Brox area in the west end of Milford.

The meeting was adjourned at 8:35PM.

MINUTES OF THE MAY17, 2011 PLANNING BOARD MEETING APPROVED JUNE 21, 2011