

MILFORD PLANNING BOARD MEETING

September 20, 2011 Board of Selectmen's Meeting Room, 6:30 PM

Members present:

Janet Langdell, Chairperson
Tom Sloan, Vice chairman
Paul Amato
Kathy Bauer, BOS representative
Chris Beer
Susan Robinson, Alternate member

Excused:

Judy Plant
Steve Duncanson

Staff:

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

SCENIC ROAD PUBLIC HEARING:

In accordance with NH RSA 231:158, the Milford Planning Board will hold a public hearing on the following applications:

1. **Creative Investors, LLC – Map 45, Lot 17 (proposed lots 17-1 and 17-2);** partial removal of stonewall and potential tree cutting/trimming for proposed driveways to be located on Mile Slip Rd.
2. **Carole M. Colburn Revocable Trust – Map 51, Lot 1;** partial removal of stonewall and potential tree cutting/trimming for proposed driveways to be located on Osgood Rd.

MINUTES:

3. Approval of minutes from the 8/16/11 meeting/public hearing.

NEW BUSINESS:

4. **HD Enterprises, Inc/Hillmont Properties, LLC – Elm St – Map 12, Lot 13-1.** Public Hearing for a site plan amendment to construct a 400SF addition with associated site improvements.
(New application-applicant)
5. **Carole M Colburn, trustee for Carole M Colburn Rev Trust – Osgood Rd – Map 51, Lot 1.** Public Hearing for a proposed subdivision creating three (3) new residential lots.
(New application-Meridian)

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

SCENIC ROAD HEARING:

Carole M. Colburn Revocable Trust – Map 51, Lot 1; partial removal of stonewall and potential tree cutting/trimming for proposed driveways to be located on Osgood Rd.

T. Sloan made a motion to move this item to later in the meeting. C. Beer seconded and all in favor.

Creative Investors, LLC – Map 45, Lot 17 (proposed lots 17-1 and 17-2); partial removal of stonewall and potential tree cutting/trimming for proposed driveways to be located on Mile Slip Rd.

Chairman Langdell recognized:
Mike Plough, Fieldstone Land Consultants, PLLC.

Chairman Langdell read the notice of hearing.

M. Plough presented plans dated 8/10/11 and said this was a condition of approval from the subdivision last month. To minimize impacts to Mile Slip Rd we proposed a common driveway with an easement and a single driveway. The limit of the grading along Mile Slip Rd and the driveway centerlines have been staked and no trees will be cut for this project.

J. Langdell opened the hearing for public comment. There being none; the public portion of the meeting was closed.

T. Sloan inquired about the extent of disturbance to the stonewall. M. Plough replied that the amount of disturbance to the north would be approximately sixty (60') ft and fifty (50') ft to the south. Kent Chappell does a very nice job with landscaping around town and this site would be no different. J. Langdell said that it would be a requirement for any stones that are disturbed from the stonewall be reused either to reconstruct the remainder of the stonewall or incorporated into stonewalls on the property, preferably visible from Mile Slip Rd. P. Amato added that the stonewall was not very established in that area.

T. Sloan made a motion to allow the removal of stonewalls for the proposed driveways. K. Bauer seconded and all in favor.

MINUTES:

T. Sloan made a motion to accept the minutes from the 8/16/11 meeting. P. Amato seconded and all in favor.

NEW BUSINESS:

HD Enterprises, Inc/Hillmont Properties, LLC – Elm St – Map 12, Lot 13-1. Public Hearing for a site plan amendment to construct a 400SF addition with associated site improvements.

No abutters were present.

Chairman Langdell recognized:
Charles Hall, representing HD Enterprises, Inc. and Hillmont Properties LLC
Dawn Andrews, HD Enterprises, Inc.

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

C. Hall presented plans dated 9/20/11 and explained that although the plans show a 400SF addition, the addition for a three-season porch will only be 204SF or 17'6" x 12'. He is in the process of purchasing the building from Hillmont Properties to open Memphis BBQ & Blues, a barbeque restaurant and blues bar. The piece of equipment to smoke the meats is rather large and there would be considerable construction to get it into the building so after numerous discussions with the Building Inspector and Fire Chief, the most reasonable approach

was to build a standard enclosed porch to house it and to give the cook protection from the weather. The computer controlled Fast Eddy FEC500 is a self-enclosed smoker that is heated by commercial grade wood pellets to 800 degrees to create the smoke and has a double-walled stainless steel flue. The Fire Chief did a walk through yesterday and we have his approval.

J. Langdell inquired how the dimensions would be different from the plan. C. Hall explained that the 17'6" dimension goes down the length of the building and the 12' goes out to be flush with the existing front of the building. The 17.6 dimension would allow him to incorporate the roofline into the existing eave. The building is in process of being repainted and the addition will match. J. Langdell asked what the planned seating capacity was. C. Hall replied that the seating capacity is 48 and we are limited by our parking area.

K. Bauer brought up the Heritage Commission's comments regarding the roofline from the email dated 9/19/11. C. Hall said that the original plan was for gable roof but there are many rooflines, hips and valleys on this building. A shed roof can be easily incorporated into the existing design and dimensions and will be attached to the soffit on the 17'6" side of the building so that the same general lines will go around the building. K. Bauer asked about the siding and windows. C. Hall said there will be screens, no windows and we will have the ability to hang panels that close the porch off in bad weather. The visual appearance will be to continue the clapboard siding along the 4 ft high wall going around the perimeter and keep the same architectural details along the roofline using the same color scheme. This is my business and it has to be appealing. K. Bauer noted that the building was a formerly a schoolhouse and she went to elementary school there. She added that the Heritage Commission was concerned that it retain some of the that original flavor. C. Hall said part of the attraction to this site was that building which was built in 1905. He then discussed some of the ongoing interior renovations including the restoration of 2" maple flooring. K. Bauer inquired about the photos of the original building. C. Hall said that he has seen some of the old photos but unfortunately the previous owners took them.

P. Amato inquired how much smoke would be created and would it affect the neighborhood. C. Hall replied there would be very little smoke with less than .60 lbs. of ash for a two hour smoke. The flue has been incorporated into the existing chimney system and it is direct vent. The Fire Department does not have any problems with the set up. There will be no effect on the neighborhood and produce no more smoke than Dunkin Donuts fryolators next door.

C. Beer referenced the staff memo comments regarding 15 ft depth for parking spaces on the plan. C. Hall said he revised the original plan which was incorrect but the measured lines are actually 18 ft. J. Langdell asked if the additional four or five compact car spaces were 18 ft and if there was 24 ft between the end of the parking and the side of the building. C. Hall said no, the spaces were 18 ft and then 18 ft to the side of the building because a compact car can make the turn. J. Langdell said our requirements are 24 ft between the end of the parking area and the obstruction. There are no separate regulations for compact cars. D. Andrews clarified that they did measure the spaces and moved them over to get the required 24 ft. J. Langdell ended a brief discussion on the parking by stating that the regulations are for public safety but the compact car spaces do make sense. K. Bauer asked if a larger car could make that turn for those spaces. C. Hall said yes, but he didn't like them that close to the building. K. Bauer said she liked the concept of compact cars but noted that from experience downtown, some people would still park there and you would have to expect that compact car signs may not always be honored. C. Hall said there will be compact car signs for each of those parking spaces and there will be cameras for both interior and exterior. The bar manager would be able to monitor the situation. He really wants to make that spot for smaller cars for patron's safety and building safety.

Chairperson Langdell opened the meeting to the public; there being no comment, the public portion of the hearing was closed.

J. Langdell reviewed staff comments from the Staff Memo dated 9/20/11.

P. Amato referenced the GIS picture and said it didn't show all the parking spaces. C. Hall said the property hasn't been maintained but the spaces are indeed there, just not lined. P. Amato asked if there are plans to pave or line the parking. C. Hall said they will line or delineate the parking spaces, at this point in time.

J. Langdell brought up the dumpster. C. Hall said the dumpster pad is actually at the end of the parking lot itself which is not shown correctly on the plan and it will be fenced in with a gate.

C. Beer asked if the deck on the plan exists. C. Hall said no, he was advised to go for all his permits and applications at once. He will first construct the porch because it's an integral part of running the business. We intend to build the deck next spring; however, we wanted the approval now. J. Langdell asked if the deck was part of the ZBA decision. S. Marchant replied no because it was not within the setback and they didn't have any information on it. K. Bauer brought up expansion of a non-conforming use. S. Marchant said a special exception was granted to alter an existing non-conforming structure by constructing a 20' x 20' addition 9 ft from the front property line. The deck would not make the building more non-conforming and this Board has copies of the ZBA minutes. J. Langdell referenced page 2 of the staff memo. S. Marchant said the structure is non-conforming but the use is conforming and discussion followed.

P. Amato inquired about the hours of operation and asked if there would be music on the deck when built. C. Hall said that the deck will really be for people who smoke as we are a non-smoking facility. There will be some seating out there, but there is no intention to put a band out there as we have an area in the bar for that. He will apply for an alcohol license for inside and outside in a controlled access area. J. Langdell asked what the width of the deck would be. C. Hall said it would be 12' wide and it will have symmetry, all lines will match up. P. Amato asked if there were any residential neighbors. J. Langdell noted the rental house in front of the Saab business and possibly Sam Proctor's house as it would be within earshot.

K. Bauer asked about the sign on the plan. C. Hall described the new location of the proposed sign shown on the plan. In summer and fall when the trees are in full leaf, you can't see the existing signage in front so this will be the best vantage point coming from east to west. The proposed sign will meet all sign regulations without cutting any maple trees.

C. Beer made a motion to grant conditional approval of the application subject to the staff recommendations listed on the staff memo dated 9/20/11 and that the plan be updated with the dimensions of the construction and parking as discussed tonight with applicant testimony. P. Amato seconded and all in favor.

Carole M. Colburn Revocable Trust – Osgood Rd – Map 51, Lot 1. Public Hearing for a proposed minor subdivision creating three (3) new residential lots.

Abutters present:

Laurana Bianco & Joshua Stirling, 546 Osgood Rd

Chairman Langdell recognized:

Randy Haight, Meridian Land Services, LLC

Carole Colburn, Owner of Map 51, Lot 1

J. Langdell made the acknowledgement that Randy Haight of Meridian Land Services, Inc. is also Sarah Marchant's father. She then read the notice of hearing into the record. C. Beer made a motion to accept the application. P. Amato seconded and all in favor. C. Beer made a motion that this application did not pose potential regional impact. T. Sloan seconded and all in favor. J. Langdell noted that the application was complete according to the staff memo. S. Wilson read the abutters list into the record.

R. Haight said the 32 lot subdivision was originally submitted to the Board back in 2007. It went through design review and we received the dredge and fill permit for the two wetlands crossings and the AOT permitting for all the drainage. The economy softened and we stopped. This is the next iteration and he submitted revised plans dated 9/19/11 to create three (3) frontage lots that keeps the integrity of the original plan. We also wanted to keep the integrity of the road placement which fits the lot really well, so we created a common driveway in the location of the future road as an access off Osgood Rd. All three (3) new lots will have more than two (2) acres and there is a provision for a conservation easement on a portion of lot 51/1-3. A plan showing the proposed driveway locations and photos of sight distance were also submitted. The treatment swale is part of the original Alteration of Terrain permit that was previously submitted and our intent is to build the common driveway to the limit of

blue on the plan. It has the same profile and cross section as the proposed road; however, we're only going to do sixteen (16') ft of travelled way for a distance of approximately 300 ft with the proposed driveways coming off. The single driveway will be located to the north near Cadran Crossing. Osgood Rd is a scenic road but narrow; the ROW is only 33ft and DPW utilized all of it so there aren't any trees. Similarly, we don't have to take any stones down but will have stones taken out in order to accommodate the grading. A note has been added to the face of the plan stating that the stonewalls will be flared along the proposed driveway and that the stones will be reincorporated into existing walls; they will do whatever works best. Per staff comments, we renamed the title to eliminate any confusion with the original subdivision. The open space subdivision can still go forward but that will be for the next iteration, not now.

J. Langdell asked if the acreage of these three (3) lots was included in the calculation for density, acreage or open space. R. Haight replied it certainly can be but that it doesn't matter. J. Langdell then referenced previous discussion from a subdivision on Jennison Rd where multiple smaller pieces were subdivided off a large piece. P. Amato added that the subdivision presented in 2007 was a good design for this piece of land and works really well. He wouldn't expect the original design to change much as the hard work has already been done.

K. Bauer brought up the concerns from Conservation and read the comments from the staff memo dated 9/20/11 *The Conservation Commission is opposed to the proposed configuration of lot 51-1-3 and does not wish to see small conservation easements located within lots.... additionally it creates a situation where the buffer is within the lot.* She also read from Community Development Director, Bill Parker's memo dated 9/15/11.. *I believe the Conservation Commission is correct in stating this easement does not meet the intent of the Open Space and Conservation District open space criteria. To meet the intent of the OSCD criteria lot 51-1-3 would need to be reconfigured to a two-acre lot that does not include the proposed conservation easement in order to meet the two acre minimum size, since it is not, as of yet part of the OSCD allowing for less than two acres.* S. Marchant clarified that the open space ordinance was changed at last year's town vote and the some of the intent was changed. The Zoning Administrator is comfortable with this lot as proposed because this is not an open space subdivision and there is no intent by the applicant to separate this wetland by the easement from the larger wetlands. It is clearly shown on the plans along with the larger open space preservation areas of the wetlands which will be directly contiguous to this. In the long run, if and when the larger subdivision happens, this could easily be a part of those larger boundaries. That is why the applicant proposed a conservation easement on this land. The wetlands buffer issue has been discussed by staff at great length and the Conservation Commission has been consistent that the wetlands buffer always be marked or posted somehow on the property and reinforced in the deed to protect that easement. K. Bauer read again from Bill Parker's memo...*bottom line recommendation, do not call this subdivision Phase I subdivision plan, call it proposed three lot subdivision tax map 51 lot 1.* S. Marchant said that by not pulling in the OSCD ordinance you don't start looking at that intent. The intent is not applicable in this instance. P. Amato added that it is not a problem to have wetlands on private subdivided lot. J. Langdell said putting the easement on that lot now is being proactive for future development. The wetland is not going to move, so it is still part of a bigger picture. S. Marchant noted that the applicant is volunteering this easement.

T. Sloan inquired about the size of lot 51/1-3 without the encumbrances. R. Haight said it is approximately 53,000SF. The open space density is based on acceptable land and our charge is then to make the lots as small as possible and to make the open space as large we can to preserve as much of the natural features as possible. That size is as small as we go in order to get state approval for on-site septic design. The frontage is 214 ft in total but of that, there is 14 ft reserved as an easement for part of the common driveway easement and future road. If the road is built, then there will be excessive frontage. T. Sloan asked where the property boundary goes on 51/1-3. R. Haight outlined the lot on the plan. P. Amato asked who would maintain the driveway. R. Haight said the land for the future road will be retained by the Colburn Trust on lot 51/1 and through covenants, maintained by the two benefiting lots. P. Amato said a common driveway was usually owned by one or both of the land owners. R. Haight said it doesn't matter because they have rights and the real reason we're creating the common driveway is to minimize the points of access on Osgood Rd. P. Amato asked what would be the disadvantage to building the common driveway to town specs now. R. Haight said we will be doing that now; all the base work now and the ditch lines will be where they are supposed to be, only we're not paving the traveled way to the full 24 ft. This design is the same as the one approved by the AOT, disturbance will be minimized, and 16 ft is plenty to maintain for winter plowing. S. Marchant said we do have a copy of the common driveway easement and it does limit the

Town from having any responsibility. R. Haight said staff also has the conservation easement language and those lots will be sold with the burdens and benefits of a common driveway.

P. Amato inquired if there would be drainage from the lot in back. R. Haight said the road drainage design and all the drainage calculations were for the entirety of the site. T. Sloan asked if that included the 15" culvert. R. Haight said that's why the treatment swale is there so that the 15" culvert is not compromised and then described the flow of the water. As Paul stated earlier, this fits the land and that is why the road works so well, it is such a small watershed and the driveway won't have the full impact. S. Marchant noted that Code Enforcement, Stormwater and DPW hadn't seen the full driveway plans when their comments were submitted for staff memo and their concerns regarding drainage mainly pertained to the 24 ft pavement. Upon seeing the driveway plans they are more comfortable with the drainage and we can pull the drainage calculations from the original subdivision to prove the swale is there and sufficient to treat the water going into the 15" culvert. The new driveway layouts were able to alleviate most of their concerns. R. Haight said this is the same road as in the AOT permit and they are not changing the entrance at all.

Chairperson Langdell opened the hearing to public comment.

L. Bianco said she is new to town and moved to Osgood Rd because she wanted country living, quiet enjoyment of her own property and privacy. She came from apartment life in a city and in the nine months since she has moved in, Cadran Crossing with ten lots has gone in right next door and now these three lots. At what point do we talk conservation and how do we balance development. She is not pleased with more development on Osgood Rd because it's such a beautiful road; it's quiet, its country. Three (3) lots are absolutely reasonable but when she hears discussion of a road and a larger subdivision with more lots, she is concerned. Is the intention of the Planning Board to continue to develop Milford and to continue to take away open space to create more and more houses? T. Sloan clarified that the Planning Board doesn't develop; the Planning Board is put in place to manage growth. L. Bianco said right now there are probably twenty properties for sale on Osgood Rd between Badger Hill, Cadran Crossing and existing, occupied homes. J. Langdell said property owners have a right to use their land, provided it's in accordance with State, Federal and local regulations. If you are interested in conservation and land use, we would invite you to volunteer for either the Conservation Commission or the Planning Board. L. Bianco said she has interest but lacks the knowledge. Her concerns are for conservation, wildlife, wetlands, and to minimize impact. J. Langdell said that is what we try to do within the confines of the plan and what the land owner or developer wants to do and we try to find that balance point to minimize impact and preserve as much of the common good as we can without stepping on property rights. P. Amato explained that we have regulations in place but if someone meets our ordinances we have no choice but to approve. L. Bianco said it sounded like these three lots are just the beginning. P. Amato said there has been a plan and discussion on the original thirty-two (32) lot subdivision, but only the three (3) lots are before us now. T. Sloan said your impetus for coming here and for moving to Milford is reflected in all the members of this board and we can say that we have implemented conservation measures in the planning process so that 40% of the development is put into conservation somehow. J. Langdell added that while it was the Conservation Commission efforts, the majority of people around the table were in support of the 456 acre purchase at the end of Mile Slip Rd that abuts additional conservation land in Wilton and Mason. As a balancing point, sometimes there are certain areas of land that need to be totally preserved. L. Bianco asked at what point does a town become a city. J. Langdell said we are wrestling with that now. S. Marchant said it is based on census determination and explained how town government works. K. Bauer added that we do have a lot of open space requirements on subdivisions and the town is land conservation conscious. Milford's ordinances and regulations are available at the Community Development Office or they can be found online. J. Langdell added that there is a lot of information on our newly redesigned website at www.milford.nh.gov.

The public portion of the meeting was closed.

S. Robinson inquired about Code Enforcement comments regarding the road names. S. Marchant explained that we are going through the E911 process of renaming resident's addresses so in being proactive, it would be better to name this common driveway now rather than renaming and renumbering these resident's properties after they move in. S. Marchant described the proposed future road layout and clarified where Woodhawk would end. The name doesn't have to be decided on now as long as it is submitted and approved by Code Enforcement prior to the

building permit process. Discussion followed and several names were suggested including Nye Dr. Carole Colburn said Nye Dr. would be fine; it was a family name.

P. Amato made a motion to grant conditional approval of the application; pending staff recommendations 1-13, signage related to the wetlands and buffer on lot 51/1-3, a deed reference for the buffer, road name and approval and counting these lots in overall determination for future subdivision. There was a brief discussion on the signage. S. Marchant said this has been done in the past on subdivisions to enhance the non-disturbance buffer idea on smaller Residential A size lots. P. Amato said he was against signs on private property. J. Langdell said if this is a small effort to increase public education on wetland and buffer importance, then at least asking for a sign to be put there to start with can be done. P. Amato asked what would prohibit the owner from removing the sign in ten years. T. Sloan said future development would have to be monitored and so it becomes less of a problem for this one single isolated piece and there is likely more stewardship with the larger piece. S. Marchant said our Conservation Commission is proactive in their monitoring efforts. More discussion followed. C. Beer seconded and all in favor.

Carole M. Colburn Revocable Trust – Map 51, Lot 1; partial removal of stonewall and potential tree cutting/trimming for proposed driveways to be located on Osgood Rd.

Abutters present:

Laurana Bianco & Joshua Stirling, Osgood Rd

Chairman Langdell recognized:

Randy Haight, Meridian Land Services, LLC

Carole Colburn, Osgood Rd

J. Langdell read the notice of hearing. C. Beer made a motion to accept the application. S. Robinson seconded and all in favor.

R. Haight presented a plan dated 9/15/11 to show the proposed location of the two driveways and the sight distances. They are not proposing to take any trees down and there is a note on the plan to reincorporate the stones, per earlier discussion.

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

C. Beer made a motion to grant approval subject to the staff recommendations from the memo dated 9/20/11. K. Bauer seconded and all in favor.

OTHER BUSINESS:

Announcements:

The Pumpkin Festival will be held on October 7, 8 & 9th

- Do-It is still looking for clothing to use for scarecrow making,
- The Planning Board, EDAC and CFC will be co-sponsoring a booth on the oval on Saturday and Sunday for public education. We will be bringing forward information on the proposed zoning changes, as well as potential plan for the proposed ambulance service facility.

The Planning Board is looking for alternate members; anyone interested in volunteering should contact Sarah Marchant, any Board member or the Community Development office for more information.

The meeting was adjourned at 8:15PM.

MINUTES OF THE SEPTEMBER 20, 2011 PLANNING BOARD MEETING APPROVED OCT 18, 2011