

MILFORD PLANNING BOARD PUBLIC HEARING
January 20, 2015 Board of Selectmen's Meeting Room, 6:30 PM

Members Present:

Christopher Beer, Chairman
Paul Amato
Kathy Bauer
Steve Duncanson
Janet Langdell
Judy Plant
Tim Finan, Alternate member
Susan Robinson, Alternate member

Staff:

Jodie Levandowski, Town Planner
Shirley Wilson, Recording Secretary
George Horta, Videographer

Excused:

Tom Sloan
Tim Finan, from 7:00PM to 8:00PM

MINUTES:

1. Approval of minutes from the 12/16/14 and 1/06/15 meetings.

NEW BUSINESS:

2. **Spring Creek Sand & Gravel, LLC – Mile Slip Rd – Map 45, Lot 11:** Public Hearing for a minor open space subdivision creating three (3) new residential lots; and a waiver request from Milford Development Regulations, Article V, Section 5.06, *Submittal Requirements*.
(*New application – Keach-Nordstrom*)
3. **San-Ken Properties, LLC, et al – Mile Slip, Wolfer and Boynton Hill Roads – Map 45, Lots 3, 17, 18 and Map 40, Lot 104-4;** Public Hearing for a major subdivision involving multiple lot line adjustments for fifty-two (52) new residential lots, two (2) existing lots and two (2) open space lots.
(*New application-Fieldstone Land Services*)

OLD BUSINESS:

4. **Ashwood Development, LLC – Falcon Ridge Development – Maple St/Falcon Ridge Rd – Map 3, Lots 5 through 5-45.** Request to amend revised improvement timetable and security relating to Falcon Ridge Development. (*Tabled from 12/16/14*)
5. **Priscilla J & Richard A Brown and Raisanen Homes Elite, LLC/West Meadows - West St - Map 39, Lot 70;** Major open space subdivision, in the Residence A District, creating thirty-four (34) new residential lots with associated site improvements (*Tabled from 12/16/14*) and; A public hearing for an additional waiver request from Milford Development Regulations, Article V, Section 5.017, *Phasing*.

Chairman Beer called the meeting to order at 6:30PM. He introduced the Board and staff and explained the ground rules for the public hearing. Tim Finan, alternate member was called to sit.

MINUTES:

S. Duncanson made a motion to approve the minutes from the 12/16/14 meeting, as submitted. P. Amato seconded with J. Langdell abstaining and all else in favor.

J. Langdell requested that Kathy Bauer's name be moved from present to excused. S. Duncanson made a motion to approve the minutes from the 1/6/15 public hearing, as amended. J. Langdell seconded. K. Bauer, T. Finan and J. Plant abstained and all else in favor.

NEW BUSINESS:

Spring Creek Sand & Gravel, LLC – Mile Slip Rd – Map 45, Lot 11: Public Hearing for a minor open space subdivision creating three (3) new residential lots; and a waiver request from Milford Development Regulations, Article V, Section 5.06, *Submittal Requirements*.

P. Amato stepped down and S. Robinson sat for this application.

Abutters present:

Anthony Tosi, Mile Slip Rd

Fred Salisbury, Mason Rd

John Clary, Mile Slip Rd

David & Deborah Greenwood, Mile Slip Rd

Derek Babine, Mile Slip Rd

Mark Maloon, Mile Slip Rd

Monica Leo, Mile Slip Rd

Chairman Beer recognized:

Paul Amato, Spring Creek Sand & Gravel, LLC

Patrick Colburn, Keach-Nordstrom Associates, Inc.

Chairman Beer read the notice and stated that the application was complete per staff review. K. Bauer made a motion to accept the application. S. Duncanson seconded and all in favor. J. Langdell made a motion that this application did not pose potential regional impact. S. Duncanson seconded and all in favor. S. Wilson read the abutters list into the record. J. Levandowski distributed copies of the waiver request.

P. Colburn presented subdivision plans dated 1/9/15 and a conceptual master plan dated 11/9/10. He explained that this subdivision will create two new residential lots with frontage on Mile Slip Rd; 45/11-1 consisting of 2.5 acres and 45/11-2 with 14.5 acres from the parent tract of undeveloped land used mainly for agriculture and timber harvesting. We originally wanted to create three lots as an open space subdivision but due to the underlying open space regulations in section 6.04.6:B.5, it didn't make sense so we are losing a lot and only doing two conventional lots. We are also requesting a waiver of topographical survey and wetland mapping for the whole 421 acre parcel as it is a tremendous undertaking and an undue hardship for the applicant. We have updated the topography and wetland mapping for the 17 acres being developed. The lots were laid out to utilize the existing stone walls and wetland areas as a defining mark between the new lot and parent lot. State subdivision approval is pending for lot 11-1.

Chairman Beer opened the discussion to the public.

A. Hughes, Conservation Commission, read the Commission's memo dated 1/15/15 and asked if lot 45/11 or the adjacent lots had been subdivided in the past. P. Amato said not while he's owned the land; there was a prior plan to extend Stonewall Dr but that never happened. A. Hughes then referenced Section 6.04.F and asked for a long range plan. J. Langdell said this topic has come up in the past with the concern that little pieces of land are being whittled off the larger parcel without going through the open space process and rules gets lost and mired. P.

Amato said the 12 acre parcel is for my daughter and the land isn't really useable with the brook. He also referenced the conceptual plan that shows what could be done with this land and stated that he has no other plans except for maybe another house lot for our other daughter. There is no master plan for this property. This land would work for an open space subdivision someday, but this is a long term investment. A. Hughes noted that Paul may not be the owner forever and asked if there was a mechanism in place going forward, for any new parcels to be referenced against this baseline. C. Beer said the Board understands the concern but that is not within the Board's ability. B. Parker said staff looked for background prior to this meeting, but he would question the right to tie future development into the approval of these two lots. J. Langdell said this item should be put on the Board's work plan this year as a high priority so that we can make a determination of how to proceed in the future.

A Tosi said he couldn't see the presentation and would like to better understand the project. P. Amato explained the plan and noted that the new house won't be behind Mr. Tosi's lot now. By losing a lot, the new configuration gives us more flexibility. We're now looking at putting the driveway along the stonewall which would address any concerns with headlights. We will also be planting some white pine trees there.

J. Clary and M. Leo inquired about the locations of the new lots to their property.

Chairman Beer closed the public portion of the meeting.

J. Langdell noted that Article 6.04.4:F may have been interpreted backwards and written for the subdivision of a lot with further subdivision potential. J. Levandowski explained that was in the open space conservation district ordinance and wouldn't even apply here.

P. Colburn presented the waiver request and stated that because the parent parcel is so large, it would be burdensome to survey the entire area for only a 17 acre subdivision. The full details are shown within the area being subdivided and we feel that meets the spirit and intent of the Ordinance. There is an unnecessary financial hardship to provide a topographic survey for 421 acres which would take weeks of fieldwork for only two small parcels, one of which is to remain in the family. J. Langdell read the waiver request form and noted that per staff comments, there are a variety of plans on file in the Community Development office.

Chairman Beer opened discussion pertaining to the waiver request to the public; there being none, the public portion of the meeting was closed.

J. Langdell made a motion to grant the waiver from Milford Development Regulations, Article V, Section 5.06. S. Duncanson seconded and all in favor.

Chairman Beer read the staff recommendations from the staff memo dated 1/20/15. J. Levandowski suggested that a note be added to the plan referencing the waiver granted tonight.

S. Duncanson made a motion to grant conditional approval of the application, subject to: staff recommendations and adding the note for the waiver. J. Langdell seconded and all in favor.

San-Ken Properties, LLC, et al – Mile Slip, Wolfer and Boynton Hill Roads – Map 45, Lots 3, 17, 18 and Map 40, Lot 104-4; Public Hearing for a major subdivision involving multiple lot line adjustments for fifty-two (52) new residential lots, two (2) existing lots and two (2) open space lots.

P. Amato recused himself. S. Robinson stepped up.

Chairman Beer read the notice and stated that the application was complete per staff review and noted that it was determined at design review that this application did not pose potential regional impact. S. Duncanson made a motion to accept the application. S. Robinson seconded and all in favor. S. Wilson read the abutters list into the record.

Abutters Present:

Warren Buchanan, Wolfer Rd

Matthew Stearns, Mason Rd

David & Deborah Greenwood, Mile Slip Rd

Paul Amato, Mason Rd

Monica Leo,

Derek Babine, Mile Slip Rd

Mark Maloon, Mile Slip Rd

Steven & Shelley Lasalle, Mile Slip Rd

Michael Theriault, Mile Slip Rd

Chairman Beer recognized:

Nathan Chamberlin, Fieldstone Land Consultants, PLLC

Chad Branon, Fieldstone Land Consultants, PLLC

Kenneth Lehtonen, San-Ken Homes, LLC

Steve Pernaw, Stephen Pernaw & Company, Inc.

N. Chamberlin presented plans dated 12/22/14 and gave an overview of the proposed 54 lot subdivision. The proposed 4,900 linear ft through road will go from Boynton Hill Rd to Mile Slip Rd with a 1,000ft spur road. There will be fifty-four (54) residential lots with two (2) open space lots on 174 acres. We are proposing 43% or seventy-six (76) acres for open space and of that almost 80% will be high value open space going into permanent conservation. The proposed drainage system consists of eight detention/retention basins of varying sizes and a pocket pond that provides treatment and detention.

C. Branon said we will work through all staff comments. The road's 8% grade is not a steep grade and is spread over a long section; it meets regulations. The turns are gentle curves which exceed the minimum requirements. We have proposed a guardrail to protect the steeper slope and where we don't have a guardrail, we either have a roadside ditch or a more gradual 4/1 slope. This is a low volume, low speed road and has a low clear zone, which determines the warrant for guardrails. We can take a look to see if there are areas where we can extend the guard rail further, but the guardrail itself can be an obstacle. The proposed phasing would be to the high point of the road so the drainage, infrastructure and a 3,000ft section of the road will be built and then connected by a gravel road to Mile Slip for emergency access. Phase I is essentially 25 lots from Boynton Hill Rd to the road terminus with a 1,000 ft gravel connector going to the existing driveway, so it wouldn't be considered a dead-end road. It would only be for one year for the first phase and then we'd connect it. Phase II will connect the phase I road and infrastructure to Mile Slip Rd and then Phase III will be the spur road. We will submit a waiver for proposed three year phasing. We have met with the Conservation Commission several times and we have done our best to address their concerns and this plan meets all requirements. We did a National Heritage Bureau review for endangered species and found a hit in the vicinity, so we proactively sent a copy of this plan to the State Fish & Game Commission and we will address their minor comments. J. Levandowski noted that the special exception cases before the ZBA have been tabled to the 2/5/15 meeting and no decisions have been made.

S. Duncanson inquired about the phasing. C. Branon said that the main objective was to have an open dialog with the Board and get a pulse. We've had preliminary meetings with the Fire Department and they seemed favorable of our conceptual approach. He also clarified that this could certainly take more than a year to build out the 25 homes in phase I; it is function of the market. The phasing really pertains to building permits, not road construction but we'd like to address them conjunctively and want to submit a request that will be supported by the department heads. J. Langdell referenced the 2009 revisions to the Development Regulations and said the concern, when we are doing these multi house developments, has been to provide adequate access for the safety of the residents who live there in the early phases and that the through-road gets built. We certainly have some flexibility through mechanisms like the waiver process and development agreements to allow some modification; however, we need to know up front and the Board is open to the discussion.

J. Langdell brought up the comment that 80% of the open space is useable land and asked if we remove the open space area from the private easement on the separate lot from consideration, how much open space is left? C.

Branon said those calculations have not been broken out, but the easement area meets regulations and it is a condition of the sale. He will do that calculation but reiterated that the plan meets regulations.

C. Branon stated that we've also met with the Conservation Commission five times on this project and it is discouraging because we go before them, answer their questions and a lot of the comments haven't come off the letter. Some of the items are on the plan specifically because the Commission has requested them. He referenced the comment pertaining to the north side open space strips, which is there based on a comment made at one of their meetings. Similar in nature, is the open space area behind the backs of a few of the lots. The area is in excess of 60 ft and meets or exceeds the regulations. J. Langdell concurred stating that one of the comments referring to a Planning Board decision that was based on the Conservation Commission's preference.

S. Duncanson referenced the hammerhead and lot lines on SP-8 and noted that was discussed at the last meeting. C. Branon said we actually did address the driveways on sheet #22 and #23. We also modified the layout of the spur, per staff request and we will provide a 20ft easement area at the end of the right-of-way for snow storage. He went on to explain the common driveway and private driveway locations. C. Branon said they will meet with DPW to finalize any concerns. S. Duncanson inquired about the discrepancy in acreage between on the staff memo between 184.6 acres and 174.64. C. Branon confirmed that the final plans depict 174 acres and noted that the preliminary conceptual plan was shown at 184 acres.

Traffic

S. Pernaw presented the Proposed Traffic Impact Assessment dated 12/12. The work was done in October, 2014 for the intersections of Mason Rd/Boynton Hill Rd, Mason Rd/Mile Slip Rd and Mile Slip Rd/New road. All roads are two lane, posted roads. We documented the existing conditions, collected traffic data, conducted a speed survey and developed projections for 2016 and 2026. The NH DOT traffic count was not used in this report but did give us some good background for the area. Our study was done from Sunday through Saturday and the daily traffic count for six days was 900 cars/day and lower on the weekends. The AM peak was from 7:00-9:00 and the PM peak was from 4:00-6:00. 2014 existing traffic volumes show that the PM peak had the higher counts and the highest traffic count was on Mason Rd, just east of Mile Slip with 152 vehicles heading westbound. The AM peak was 147 vehicles heading east and northbound. At the proposed subdivision driveway there were 1-2 vehicles in and out of the driveway. The posted speed limit is 25mph but the maximum speed was tracked at 47 mph and the average speed was 35 mph. We design using the 85th percentile speed of 40mph northbound and 36 mph southbound. Per the Town's crash history data from 2012-2014, there were 28 crashes along the whole length of Mason Rd and 5 along Mile Slip Rd. A few at the Mile Slip/Mason Rd intersection but no details were provided. Future projections show traffic increased by 6-7% for 2016 and assumed a 1% growth rate per year for 2026. We used the ITE trip generator, category #210, to estimate the number of trips generated by this subdivision. The AM peak hours will have 41 vehicles exiting the subdivision and there will be 54 vehicles entering during the PM hours with a total of 257 vehicles entering and exiting daily. We anticipate that 95% of the vehicles will head to and from the east; right turns out and left turns in. We also analyzed the internal street system and determined that 70% of traffic will use Boynton Hill Rd and 30% will use Mile Slip Rd. The greatest impact will be during the PM peak hours on Mason Rd, just east of Mile Slip with a net increase of 51 additional cars or 1 car/minute. Changes like that are not perceptible to anyone in the traffic stream. The total increase would go from 161 to 212 vehicles.

Intersections:

The level of capacity for all future scenarios, build, no build and ten year projection, is level of service is A for all movements at all three unsignalized intersections. There is no projected congestion or stacking. The volume of cars, the demand, is a lot less than the supply or the capacity and the delays are short with minimal vehicle queues. There is good sight distance at the existing intersections; Mason/Mile Slip Rd and Mason/Boynton Hill Rd. Some work will need to be done at the proposed subdivision road and Mile Slip Rd to obtain good sight distance, by trimming foliage and re-grade the intersection. This subdivision will not change traffic operations in the area.

Chairman Beer opened the discussion to the public pertaining to the layout and density.

W. Buchanan said he didn't make the site walk but the proposed pond is not going to work. I'm getting wet now and where do you think that water is going to go; right in my yard. I have ice in my yard and the driveway is

getting washed out. Do you know how much water comes off this mountain? C. Beer stated that there is significant work being done to address that and the stormwater management plan is to make sure that the run-off doesn't get worse. C. Brannon said we've put together a comprehensive stormwater management plan that will be reviewed locally, by a third party consultant and by the State through their permitting process.

S. Lasalle said she spoke on behalf of the abutters here tonight. We understand that studies are being done, but our concern is about when all the regulations are met and construction happens. What recourse do we have after the fact, if any? Is it up to our own insurance companies to cover the water? C. Beer reiterated that the regulations mandate no increase and if it does occur, they will be in violation of federal stormwater regulations. J. Levandowski said it is something we can look into for the next meeting. J. Langdell said water and water runoff have been a primary concern for this area since the initial development was proposed and reiterated that staff will look into the matter.

A. Hughes read and explained the revised Conservation Commission memo dated 10/16/15; revision date 1/14/15.

Responses/discussion:

1. C. Branon said we specifically discussed this item at the last Conservation Commission meeting and the Commission said they wanted to own the land. That said, you then have to acknowledge the local regulations and this meets the local regulations. J. Langdell said the Board gets the point of the memo and the specific request that the open space behind those lots isn't productive.
2. S. Duncanson stated that lot 40/104-4 already has a conservation easement so you will have more than 50ft.
3. A. Hughes noted that this wetland area is really the headwaters of Great Brook and this stream runs year round. The beginnings of Great Brook have been inaccurately designated in the Wetland Conservation District Ordinance and should have a 50 ft buffer instead of just a 25ft buffer. C. Branon read Section 6.02.3 of the Milford Zoning Ordinance to further clarify. J. Langdell added that this could be a point for discussion and mitigation.
4. C. Beer said the applicant originally came forward with that plan and this Board asked them to change it because it provided better protection for that area and it will make management easier, based on Conservation Commission input.
6. A. Hughes noted that if the Board determines that the private ownership of the open space is OK, we will hold the easement and the easement language should be identical to the abutting Conservation land and have prior approval from the Commission. J. Langdell asked what is the difference between the developer retaining this for a house for themselves with a private easement and somebody that you are calling a seller? A. Hughes replied he did not know.
11. A. Hughes clarified that the hit noted below the website link was not accurate; the habitat that is there is highly likely to be a habitat for two endangered species, but there is no record of those species existing there, at this time.
12. C. Beer noted that the cul-de-sac was redesigned to avoid impacting that wetland and because of the slopes.

J. Langdell questioned if the requested 48" culverts were part of this plan? C. Branon said a 48" culvert is proposed for the larger crossings, A and C, but installing a 48" culvert in a dry area doesn't save wetland impact. We typically size the culverts based on stormwater flow and peak runoff rates. The State has new requirements and we will size accordingly. State Fish and Game recommended corrugated metal pipe or reinforced concrete culverts, because they retain moisture and are more environmentally sensitive. It is likely that all the structures will be modified. The comment was based on a meeting with the Conservation Commission where I explained the process, but the comment didn't go away. Every single one of these comments has been discussed with the Commission and we are trying to be reasonable. We will, however, take a look their comment pertaining to the lack of access from the south into the open space 45/3 from the spur road. That is something we did miss. The other comments aren't consistent with the regulations. Every one of these lots can support development and this plan does meet all the regulations. J. Langdell inquired about the wetland delineation within a wetland on sheet SP-7. C. Branon clarified it is standing water. We feel that we've addressed the environmental aspects of this project.

M. Stearns said his comments are directed towards the stormwater run-off. Right now there is 5-10 times more water after the land was logged. What is used for the baseline; the former state of the land or after it was logged.

N. Chamberlin said the property was heavily logged recently but not stumped. It is mainly brush now and we used the standardized SCS category for “brush” as well as “woods in good condition.” There is actually less runoff coming from the brush, according to the curb number, than woods. He then explained how the proposed stormwater will be handled and stated that we have reduced the flow from pre-development condition to post-development conditions. M. Stearns said his property is downhill from this development and he has sugar maple trees and wells for the sap lines along Wolfer Rd. The water has to be pristine and not polluted in any way. He is concerned with water quality and asked how the retention ponds treat the storm runoff from the car washing detergent, road salt and oils? N. Chamberlin explained that the system is designed to treat all water from the roads and house lots through treatment swales. The infiltration basins’ depth also provides treatment and the water gets perked back into the ground. We are treating for the 1-year storm, where 90% of the pollutants are contained. The basins don’t start letting anything out until the larger storms which is basically clean runoff.

J. Levandowski added that these proposed detention basins and ponds do become the responsibility of the Town and it’s the Town’s responsibility to clean them out if they do get clogged. The Town can try to mitigate and repair. Once the project is transferred, usually when the roads are accepted, it is not the developer or the property owner’s responsibility. Also, there are continuing inspections for drainage and the road.

Chairman Beer closed the public portion of the hearing.

C. Branon stated that they have been before the ZBA twice but due to not having a quorum or a full Board, we felt the odds were not in our favor and we requested the cases be tabled. We are scheduled on 2/5/15.

J. Levandowski said we have an estimate from CEI, Inc. to review the plans for engineering, road design, stormwater and review of traffic analysis. Does the Board want to include the Wildlife Assessment? She referenced the 8/19/14 Planning Board minutes...*N. Chamberlin stated that CEI include the aquifer in their determination.* C. Branon noted that they can comment on it but we are not changing anything. J. Levandowski added that there was a Wildlife Habitat Assessment Study and Water Supply Analysis done in 2006 by Meridian Land Services for the proposed Mitchell Brook subdivision. C. Branon said we were not envisioning any submitting any additional studies for review, but can discuss further. We have seen the CEI cost and do think it’s a little on the high side but we want that process to start as soon as possible.

S. Duncanson reminded the applicant about providing the open space calculations without including lot 45/3-48. C. Branon said they would provide that to the Board.

Phasing

C. Branon said we would like to extend the road from Boynton Hill Rd to the common line between lots 3/7 and 3/6. Lot 3/41 would be included phase I that will include 25 lots. The fire cistern, located at the intersection of the spur road, would be part of phase I and we will submit final plans to the Fire Department for review. The second phase for road construction will include paving the connection to Mile Slip Rd and phase III would be construction of the spur road. Our waiver request will include the details. S. Duncanson noted that lot 45/18 would be included in phase II. C. Branon replied yes, unless the Board would allow a driveway to extend along that gravel road but we have not thought that through at this time. Currently there is an existing house on that lot, so we’re not making a condition any different than what exists today. S. Duncanson expressed concern with the amount of building permits at 25 in one year. J. Langdell stated that our building permits have been down for a number of years and the original phasing schedule was set up from the bubble in 2009 when we were removing the Growth Management Ordinance, revising the Development Regulations and trying to be conservative. J. Plant said there is good reason and she doesn’t have a problem with 25 lots. There was consensus from the Board to entertain discussion on a written waiver request from the phasing requirements with additional specifications.

C. Beer said he had concerns with building out the gravel road. If you don’t build 25 houses in the first year, how long will we have a road that’s gravel? That’s something to take into consideration for your request. J. Langdell asked how we handled Nye Dr. J. Levandowski added that this is the first time staff has heard about the road phasing. Department heads will have to review the request and there may actually be a waiver needed for the road length as well. Boynton Hill Rd is already at 1,000 ft and staff is not sure if a gravel road constitutes a

through road; we will need more specifics. C. Branon said he disagreed but we can certainly meet with staff and figure something out.

S. Duncanson made a motion to send the plans to CEI, Inc. for review and to table the application to the 2/17/15 meeting. K. Bauer seconded. K. Bauer, C. Beer, P. Amato, T. Finan, J. Plant and S. Duncanson voted in favor. J. Langdell voted in the negative due to an outstanding question from the past discussion about the environmental study. The motion was passed by a vote of 6-1.

There was a 10 min recess at 9:00PM

OLD BUSINESS:

Ashwood Development, LLC – Falcon Ridge Development – Maple St/Falcon Ridge Rd – Map 3, Lots 5 through 5-45. Request to amend revised improvement timetable and security relating to Falcon Ridge Development.

J. Plant recused herself and S. Robinson stepped up.

B. Parker explained that the development agreement was amended in 2012 and then a resolution was passed to extend the timelines to this past October. Ashwood didn't meet that deadline and have since contacted our office prior to the October deadline to request an extension. We met with Bill Drescher and he drafted this revised document. It is town counsel's recommendation that the Board approve this revised resolution so we can send it to Ashwood and move forward. Also, the dates on page 5 were clarified; the 10/15/15 date was a typo and will be changed to 10/31/15.

S. Duncanson said there were three parties involved with this agreement, Ashwood, Whiting Hill Realty and MaRick. B. Parker clarified that Carl does not represent Mark and Rick Charbonneau, of MaRick, who own the lots. Whiting Hill Realty owns the road and we have a letter dated 1/14/15 from Mike Tancreti of Whiting Hill Realty, stating that Carl does have authorization to request the extension. J. Langdell stated that the letter makes it clear that Whiting Hill Realty Trust is responsible for the construction of both onsite and offsite improvements, as they relate to the development. P. Amato clarified that MaRick owns the undeveloped lots and Whiting Hill Realty Trust has an agreement to buy those lots back as they develop them. B. Parker added that a third party, Falcon Ridge, owns the undeveloped lots in phase III. This resolution is solely to move forward with an extension for Whiting Hill Realty Trust and their development arm, Ashwood Development to complete the road. B. Parker ended a brief discussion on the language by clarifying that the document before the Board was not updated.

S. Duncanson said if granted, what recourse does the Board have to get the work done by 10/31/15. P. Amato replied that the Town can call the bond and do the work themselves. That's why we want the date in July to have time to do the work. B. Parker clarified that there aren't really any offsite improvements as part of phase II. The resolution will state that all onsite and offsite improvements for phase I will be complete by 7/1/2015 and phase II by 10/31/15. Also, Carl's letter requested to amend the amount of roadway to be improved to 1,400ft. Phase I actually has about 3,400ft of road, so it would be my recommendation to go with the complete phase I. This resolution does not differentiate the amount of roadway, but that is contained in the actual development agreement. Also, the date on page 1 will be revised to reflect today's date.

P. Amato made a motion to approve the revisions to the second resolution, as amended, to change the dates of completion for the entire phase I improvements to 7/1/15 and to change the dates of completion for phase II to 10/31/15. S. Duncanson seconded and all in favor.

Priscilla J & Richard A Brown and Raisanen Homes Elite, LLC/West Meadows - West St - Map 39, Lot 70; Major open space subdivision, in the Residence A District, creating thirty-four (34) new residential lots with

associated site improvements and; A public hearing for an additional waiver request from Milford Development Regulations, Article V, Section 5.017, *Phasing*.

Chairman Beer read the notice into the record. S. Wilson read the abutters list into the record.
No abutters were present.

Chairman Beer recognized:
Chad Branon, Fieldstone Land Consultants, LLC
Richard Raisanen, Raisanen Homes Elite

C. Branon presented plans dated 1/13/15 and said we last met with the Board for the site walk on 12/20/14. We met with DPW and staff on 1/5/15 to review the pedestrian crossing and went to the Conservation Meeting on 1/8/15 to finalize the conditions of the ZBA special exception. The revisions include the sewer and water layout, the pedestrian walkway and associated improvements and drainage. We also finalized and detailed the easements. *No Parking* signs and their details have been added to the plan. The pedestrian walkway will have symbols and markings. S. Duncanson asked about parking on the street for the first two lots if they wanted to have a party. C. Branon replied that the no parking signs are there to deter student parking. J. Langdell said this is a buyer beware situation and there is sufficient parking on West St. C. Beer said he was 100% in support of no parking on this road, even for the residents. J. Langdell clarified that we are only discussing the no parking signs that will hopefully deter student parking, we are not stipulating no parking for the whole street. C. Branon said the signs are an enforcement tool for the Police Department. We again met with DPW on 1/19/15 to address the outstanding concerns from the current staff memo and then distributed new plans dated 1/19/15 based on that meeting.

Waiver Request:

C. Branon presented the waiver request dated 12/24/14 and explained that the applicant would like to phase the project over two years and that there be no restrictions on the building permits. This project is unique because of our targeted market and there is a need as a builder to satisfy that while the market and demand is strong. We don't think this project will have any impact on local services and utilities. The public good is that there are a lot of local employees who are looking for affordable housing. R. Raisanen said the price point will be \$220,000-\$240,000. The housing sizes will range from a 1,000SF, two bedroom ranch to a 1,350SF, three bedroom house.

S. Duncanson brought up the possibility that we could have 50-55 building permits for new homes next year and that will put a burden on municipal services. We have to look at the larger picture with all the development being considered. P. Amato stated that this is an admirable project and there is a market for this price range, so close to town with services; however, he's still not sure he want to say build it all out in one year. B. Parker said if market conditions allowed 55 homes this next year, that would still be below our average from ten years ago. We built 7 single family homes this past year and I don't see market conditions allowing 55 homes in the foreseeable future. J. Langdell said this development would be better for our economy and is a more affordable development for more people. There is a positive side and this is what the Board has been talking about for the last year. P. Amato referenced Cadran Crossing and Falcon Ridge where the development costs are too high to sell at this price. We finally have a development coming in under our new regulations with appropriate costs to do what we've been asking for; there's not many places in town that you can get 30 lots at this cost. B. Parker added that even if other developments come in, this one's ready to go and can build out in a shorter timeframe. Discussion on future development ensued. P. Amato recommended that no more than 25 building permits be issued per year; that is a fair compromise. C. Beer noted that there is also an option to waive the phasing all together, that way they can complete the entire road. He has concerns about the road getting built out so that it can be maintained properly for the residents. C. Branon said we are really looking to start in the spring, but because of timing with the approvals, the construction schedule or the weather, there is the possibility that we may put in a temporary turnaround to get 12 houses in. It would meet town specifications and DPW was OK with that. We just have to accommodate for circumstances and 25 permits are fine. J. Levandowski verified that a waiver from all phasing would be possible based on the language of the Development Regulations and the waiver process. She then read Section 5.017:A. J. Plant referenced the Fire, Police and DPW comments asking if they were referring to a walkway or sidewalks. J. Levandowski confirmed that the DPW Director referred to painted not raised.

P. Amato made a motion to modify the waiver request and grant a waiver from Milford Development Regulations 5.017 to phase the project over a period of two years and that no more than 25 permits be issued in the first year. S. Duncanson seconded for discussion. C. Branon stated that note 29 will be revised accordingly. Also, #17 on the staff memo is an error on the note on the plan, and will be fixed. The road phasing has nothing to do with the waiver request from the phasing schedule that only speaks to the number of building permits. The note is on the plan because we just want to be open and honest and we will only revise the number of lots. C. Beer suggested splitting the note into two separate notes. All voted in favor.

C. Branon stated that we have addressed all DPW comments on the revised plans. J. Levandowski confirmed that Mr. Branon reviewed the changes in detail with the DPW director at yesterday's meeting. C. Branon added that we ran the access easement over the drainage line and expanded the easement area to allow access to the outlet structure as well. This is a low volume road so the road does not meet warrants for a guardrail. We have agreed to modify the grading around the headwall so that it sticks up more and provided details. We added a note to the plan that we will provide a video of the closed drainage system to DPW. J. Levandowski noted that this would add to our existing database inventory.

J. Langdell asked about the sidewalk between the new street and across West St. There were questions at the site walk about that along with concerns about the line of sight and loss of parking. Also, has the School Board and School Department looked at this plan? C. Branon said DPW director was not interested in a raised panel or anything like that. The drainage along the curb comes down and drains across the road. The line of sight is an excellent situation even for cars backing out of the parking spaces across the street. The real conflict is that on-street parking is not ideal and we are not creating an unsafe hazard with this pedestrian crossing. It will be the most signed crossing on the whole street and will be ADA compliant. We will lose two parking spaces in the town ROW and Rick was going to call Bill Cooper at the school. There is room to address additional on-street parking, but the loss will not detrimental to the parking condition. J. Langdell said parking is an issue everywhere in town and as we are planning to change the parking in that area, we should reach out to the superintendent, out of respect to the Board and School District. J. Levandowski stated that ultimately this is a DPW situation and Rick was planning on talking to the appropriate people.

C. Branon reviewed the staff recommendations and conditions from the staff memo dated 1/20/15:

1. We followed the drainage pipe down and those three lots will have deed restrictions with language that explains the details.
2. The details are on shown on sheet 7; it's a driveway culvert that goes under both lots and will be within an easement.
 1. Taxes will be paid.
 2. Details are shown on sheet 7 of 8 and has been modified to RCP.
 3. The plan was revised to correct the lot numbers.
 4. The plan was modified to show W8. There are actually two water mains on West St and we were initially tying into the old 6" main, but per the Water Department's request we made the modification to tie into the 12" main. We are proposing a low pressure sewer system and are tying into an existing forced main on the lot to the north. Each house will have an EOne sewer pump system with an alarm. The sewer ends at the gravity manhole at the high school.
5. The details were added to sheets 9 and 10.
6. The plans were revised with the MUTCD signage and a sign legend was added.
7. The legal documentation review is pending.
8. We have modified the note stating that the Conservation Commission will take over the open space area.
9. The State approvals are pending.
10. The construction/bond estimate has not been completed and will be submitted. We will have onsite inspections, most likely by Rick Riendeau, during construction.
11. The owner will sign the final plans; we do have a letter of authorization.

Notes:

C. Branon said #16 will be revised to add water and sewer entrance fees. R. Raisanen said, in reference to note 19, we will do the rear bounds for the C/O and the fronts will go in when the road is accepted. P. Amato inquired if the drainage and curbing would go in at the same time as the base course because we could have people living

there for a year or so before the road gets finished. C. Branon said the drainage structures will be in and working at base coat due to the grade differential. R. Raisanen explained that the drainage would be sealed off with temporary covers, but we don't want to have curb damage. That's why we do base and then the houses. We will do the curbing and monumentation with final coat. C. Branon said there will also be inspections during construction and will do onsite maintenance.

Chairman Beer opened the meeting to the public.

A. Hughes read the Conservation memo dated 1/13/15.

1. C. Beer commented that this item was already raised and discussed last month and the applicant proved he could put the largest house he could build without any impact. J. Langdell noted that the Commission is doing their job and making recommendations relative to their perspective. P. Amato said the Planning Board has to follow the Zoning Ordinance and we don't have the ability to require the applicant to take the wetlands out of all private lots. J. Langdell added that there are BMP's for wetlands on private lots.
2. P. Amato said we would waive this if we could, but can't.
4. C. Branon said we would agree to markers at 100ft intervals along the back of applicable lots and will add a note to the plan.
6. C. Branon stated that the deeds will call out the subdivision plan but it gets complicated when you start talking about plan features and would prefer not to do that. The deed will reference any easements. J. Langdell said deeds don't generally include references to wetlands.
7. C. Branon said we do have the wattles on our plan as an option. All of these practices are approved BMP's. We have all these things in our tool box for the contractor, but not everything applies to this project and don't want to be stuck using only one practice. This site is so flat and erosion control measures are inspected.

C. Branon said the request for a sound barrier is not an option. There may be some plantings behind the homes, but we want to leave that for the applicant and individual home owners to address. He also didn't see how this project will have a significant traffic impact, even with a school across the street. There are many travel options and people will find the path that suits them best. A. Hughes disagreed saying it's a busy traffic area, especially in the morning peak time with students being dropped off, and the West St and Osgood Rd junction is quite accident prone. C. Branon stated that Fire and Police have not raised any concerns relative to traffic.

The public portion of the meeting was closed.

C. Beer stated that staff no longer feels a compliance hearing is necessary, based on the changes made and yesterday's review of the new plans.

P. Amato made a motion to grant conditional approval, contingent on staff doing a final review of the plans and all comments to make sure they have been addressed. S. Duncanson seconded for discussion. J. Langdell inquired if that included the Conservation memo and the entire staff memo. J. Levandowski clarified the conditions; Staff memo #7- all applicable easement documentation be submitted to the town of Milford for review, #9- all final approval numbers be added to the plan prior to signing, #10 – construction estimate be prepared by an engineer for approval by DPW Director & #11-owners signature must be on plans. Also, note 29 be revised based on the phasing schedule, note 16 be revised to state entrance fees instead of connection fees, a note be added to the plan that the open space be posted with metal markers on trees with the MCC reference, a note regarding the lot monumentation, a note pertaining to the waiver be added to the plan, the taxes be paid, note 29 be split into two separate notes for permit phasing and the road phasing, and the spelling of provided in that note be corrected. All voted in favor.

The meeting was adjourned at 11:05PM.