

1 MILFORD PLANNING BOARD MEETING MINUTES
2 April 2, 2019 Board of Selectmen's Meeting Room, 6:30 PM
3

4 **Members Present:**

5 Doug Knott, Chairman
6 Tim Finan, Vice Chairman
7 Janet Langdell, Member
8 Susan Robinson, Member
9 Pete Basiliere, Alternate Member
10 Jacob LaFontaine, Member
11 Laura Dudziak, BOS Rep.
12

Staff:

Lincoln Daley, Planning
Darlene Bouffard, Recording Secretary
Videographer, Tyler Berry

13 **Excused:**

14 Paul Amato, Member
15

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17 **1. Call to order:**

18 Chairman Knott called the meeting to order at 6:30 p.m., introductions were made of Board members and
19 staff, it was noted that Pete Basiliere is an Alternate member and will be acting as a full member in the
20 absence of P. Amato.
21

22 **2. Review/Approval of Meeting Minutes: 2/26/19.** J. Langdell asked for one amendment to the minutes of
23 February 26, 2019. J. Langdell moved to approve the minutes of February 26, 2019 as amended. T. Finan
24 seconded. T. Finan, J. Langdell, D. Knott were in favor with J. LaFontaine, L. Dudziak and P. Basiliere
25 abstaining. Motion passed unanimously.
26

27 **3. Public Hearings:**

28 a. **Burbee Sand & Gravel, 35 North Mason Road, Tax Map 58, Lots 1, 2 and 3.** Major Site
29 Plan Application and Gravel and Earth Removal Permit for an earth and sand removal operation to
30 excavate and re-grade approximately 8 acres within the Residential R district. (*Continued from*
31 *March 26, 2019*)
32

33 D. Knott indicated this is for the Phase 9 amended site plan which requires a vote. T. Finan moved to
34 accept the plan for review. S. Robinson seconded. All were in favor. Motion passed. During the
35 first hearing, J. Langdell said this Board talked about the roadway impact and determined there was
36 no potential regional impact to Brookline. J. Langdell asked if there is any regional impact for
37 Mason? L. Daley said the Mason Conservation Commission contacted Community Development to
38 raise some questions and get clarification and to find out the proximity to the Town of Mason and any
39 possible regional impacts. This project is about 50 feet from the border of Mason. Spaulding Brook
40 goes from Mason into Milford. The project is self-contained, if there are any concerns, they can be
41 addressed. T. Finan asked what direction the brook flows, toward Milford or toward Mason? Chris
42 Costantino, Milford Conservation Coordinator, said it flows from Mason into Milford. S. Robinson
43 said that would mean there is no regional impact for Mason regarding the brook. At the last meeting,
44 it was decided there was no regional impact. T. Finan is satisfied there is no regional impact to
45 Mason. Pete Basiliere said this project comes within 50 feet of the Mason line, asking the applicant
46 what is the possibility that it could come closer than the 50 feet? Chad Branon said they are not
47 proposing any impact within 50 feet of Mason, there is a stone wall and no proposed gradient within
48 the boundary line. It can go up to within 10 feet of the line but we do not propose any impact closer
49 than 50 feet.
50

51 L. Daley reviewed the determination of regional impact which is based on six criteria. In this case,
52 Spaulding brook is close by but flows towards Milford not Mason. It is more than 50 feet away from
53 the town line. We can ask the applicant about the effects of the other criteria. D. Knott asked if this
54 requires an AoT? L. Daley responded that it does. C. Branon said the AoT does not address regional
55 impact; the State has said the AoT permit should be ready by the end of this week. For AoT,
56 stormwater management was required and to make sure there is no detrimental impact to Spaulding
57 Brook. The applicant has gone through an extensive process, an amended permit was filed because

the State found that Phase 8 extended outside of the permitted area so they asked the applicant to include that in Phase 9 to increase the amount of impact and coverage accordingly, therefore the Planning Board meeting was re-notified for this evening. The AoT has design standards for slope stabilization. The slope on this project has grading that pushes water into the slope to prevent any water from trevassing into the stormwater management area.

D. Knott asked for regional impact criteria to be addressed. C. Branon said there is great buffering to the neighbors, between the hill and working uphill, there will not be any noise in relation to abutter properties. There are substantial trees which absorb noise; water will be used for dust prevention. All the procedures are being used to meet the standards for this type of project. D. Knott asked for a motion. J. Langdell moved there is no potential regional impact for this. S. Robinson seconded. All were in favor. Motion passed unanimously.

Abutters were read into the record, the following were present: Fieldstone Land Consultants, Town of Milford, Liz Fletcher (at the request of Craig Fifield). Chad Branon, Fieldstone representing the applicant, was last in front of the Planning Board February 26, 2019, at that time there was an AoT presented and the un-permitted impact was identified by the State, the Planning Board agreed to have the applicant re-submit and re-notice the meeting for an amended plan. Nothing has changed with the design but the plan includes a significant area in front of Phase 8, the total area is now 350,000 square feet (8 acres). All documentation has been revised and re-submitted for review. The AoT has gone through its initial review, and Chad is happy to report that he talked with Beth at DES and they will be issuing the permit this week. One thing asked was to reinforce the berm for sediment up to two feet in height for additional storage and five feet wide so it is larger than the original proposal. Stormwater analysis was also requested, that is not the norm. A watershed analysis has been run and is on file with DES. The basin is oversized; the entire north end of the operation will be a basin. It will be entirely self-contained. T. Finan asked if there were 2.6 acres that were not permitted and is that part of the 8 acres? Chad responded that is correct, contractors generally will continue working in an area, the State is working with Fieldstone on this project, it is part of the 8 acres. D. Knott asked if there has been any matting in the reclamation area or is it waiting? C. Branon responded since the last meeting, each Phase has a loam stockpile in it. Those areas will be re-graded. That work has not been done yet. Phase II is still being re-graded; they will be starting up in April. C. Branon noted there is a bond set up for Phase II and Phase 8, and there was some talk about leaving some areas open but we do not require any permitting with Fish & Game and the Planning Board wanted to follow the prior approved plan.

C. Branon proceeded to review the staff comments. Item 1 the cover sheet has been updated and Phase 8 will be added, he misunderstood the comment. Item 2 Chad will change the references for Spaulding Brook on pages 1 and 3. Item 3 topographic lines in the wetland setbacks will be addressed – the data is on the plan, it was just not on that sheet. Item 4 – the 50 foot setback, Chad noted the plan meets the regulations but he can have the poorly drained data added. Item 5, the elevation differential is about 8 feet from the top of the berm to the wetland area. There is plenty of capacity to handle any flooding. The soils were evaluated, that analysis has been done. L. Daley said the west side of the area crosses into Mason, there is no elevation on the plan, there might need to be ongoing maintenance in that area. C. Branon responded the AoT had them look at that and the drainage, the drainage out there is unbelievable, at the top of the slope there is a drainage slope, if it was surface run off it goes to the perimeter of the slope. In the spring thaw, there will be some run off. The swale on the north side has been reinforced. It is all self-contained and there is a requirement to do reporting. We are not concerned with immediate slope failure. S. Robinson asked about erosion control, is that addressed when the land is re-graded? C. Branon said typically the slopes are not addressed until later, the sediment basin is created first, the slope reclaim is typically done in the end per the plan, the State has guidelines on how to re-claim the slope. C. Branon said all of the town regulations are being met and have been reviewed. This is the most extensively reviewed gravel pit in Milford. Item 6 – Phase 9 is a small excavation and being done at the same time and worked in one direction. Phase 8 consists of silt and stones and has been waiting for a company to process the material for some time, they will come in with a heavy machine to process on site. Because there are large stones to be processed, they are waiting for that machine and that will end

Phase 8, that is located in a hole and the noise will be absorbed. D. Knott asked how many yards of stones need to be crushed? C. Branon answered 82,000 cubic yards. L. Daley said ten acres are being kept open at one time and he wants to make sure ten acres is not exceeded. C. Branon said that is what the plan is to reclaim Phase 8 and spread loam now that the snow is melted. He is willing to accept having a continuation on the plan for that. L. Daley said area II is used by recreation vehicles that will tear up the reclaimed land, how will that be addressed? C. Branon said that was discussed and the landowner is interested in making the property compliant. The trails are fine, there will be an effort to design where the trail will be on the land. L. Daley asked could the town work with the owner to design trails out there? C. Branon feels the owner will be open to discuss it if the town reaches out. Item 7 – C. Branon indicated there are long berms that are vegetated in each phase, the natural resources were also left in the area that was prepped and will be used to re-create the areas. D. Knott asked what the purpose of that comment is in the staff report? L. Daley wants to make sure there is enough loam to reclaim the area. D. Knott said if there is not enough, they have to haul in loam. Item 8 – this item has already been addressed. Item 9 – This coming week the AoT should be received. Item 10 – C. Branon understands the amount for bonding and if reclamation is done, it will be credited back to the applicant.

C. Branon said the communication from the Mason Conservation Commission was that those concerns have been addressed and they feel the project should not have impact to that community. C. Branon asked for any questions. D. Knott summed it up that the items identified in the staff report were just reviewed and there are some items that need correction and the final approval for the Stormwater Management Plan is outstanding. J. Langdell asked about page 3 of the plan where it states “unrestored and unstable relative to the RSA and town regulations.” L. Daley indicated that is acceptable, it needs to be stabilized. C. Branon said if we have stabilized the area, it would be matted and loamed. D. Knott said there are products that the DES approved, not necessarily matting. C. Branon said that is correct. P. Basiliere asked if there are noise limitations of an operation such as this? L. Daley responded M-F 7 a.m. to 5 p.m. and it is in the notes on the plan. It is a gravel operation so there will be noise. J. Langdell said the town does not have the equipment to measure the noise, in order to regulate something, the town needs to be able to measure it. L. Daley said the town does not have a decibel level that is considered too loud, recently there was an issue near residential areas. This operation abuts conservation land, not residential. D. Knott said the biggest noise issue would be the rock crusher and that only lasts a certain amount of time. C. Branon said it will take about four weeks for that, there is a large amount of buffer and noise does not travel up hill. The noise would be towards the northeast which is owned by the applicant. C. Branon said there is no local regulation on noise, in this instance there is no residential area near the project. This is hundred of acres of land. P. Basiliere asked about the length of this project, noting there is no end date on the plan. J. Langdell said if it does not get used for a certain period of time, it becomes a zoning issue to reactivate the project. C. Branon added this is the last phase of this project and the applicant is looking forward to finishing this but it is limit driven. J. Langdell said there is an annual gravel operation fee/permit with the town. P. Basiliere said the note states it is open ended. J. Langdell responded that is pretty standard for these operations. C. Branon indicated it is an unknown and as long as we are operating in accordance with the plan, it keeps going, we are still talking about the same amount of materials. L. Daley said in addition to the annual gravel operation permit with the Town, every five years additional steps are required by the applicant to maintain the project.

Hearing no further comments or questions from the Board, D. Knott opened the hearing to the public. L. Daley read the letter provided by Mr. Fifield, abutter who requests that Liz Fletcher be allowed to speak on his behalf. Liz Fletcher thanked the Board and presented a wildlife habitat map for them to see all the activity on this particular portion of Mason/Milford. The Mason Conservation Commission and Mr. Fifield would prefer to have a 100’ setback. This would not affect Phase 9, only the very edge on the steep slopes of the land. She is hoping that this be considered, it is beyond what is required by statute. Another concern of the Mason Conservation Commission is she wanted to share the e-mails with other people that are involved in this process. A concern of Mr. Fifield is it being a 1-2 depth, they would prefer a 1-3 slope. S. Robinson asked if Mr. Fifield’s tree farm goes over the town line? Ms. Fletcher said it is hard to determine, but it is close enough, noting when the stormwater was calculated for sedimentation, what year storm was used? C. Branon responded that

the State asked for a 50 year storm to be used. Ms. Fletcher responded the National Weather Service has now predicted the 100 year storm will now come every 60 years. Ms. Fletcher asked if ten acres will be exposed at any one time, with restoration starting this spring.

Suzanne Fournier, Brox Environmental Citizens Group, indicated she has some questions for the engineer on this plan. D. Knott responded that typically the public can make comments, but indicated it is not typical for questions to be addressed to the engineer at this point, but he will allow it. Ms. Fournier indicated that it is her right to may make comments or ask questions at a public hearing. Ms. Fournier indicated the plan states “approximate town line” asking C. Branon how certain is Fieldstone of the property line? It is on the plan as “approximate.” C. Branon responded we know exactly where the boundaries are located. The Town boundary will always be approximated. S. Fournier said the Planning Board decided no potential regional impact when going through the criteria, have the abutters been re-notified? L. Daley explained the abutters were re-notified and when they were re-notified, the Mason Conservation Commission in contacted Milford and now the Planning Board is hearing from the Conservation Commission from Mason. Regional impact is to put a hold on a plan until others in the region are notified if it is determined there is regional impact. S. Fournier said in the past there was discussion of regional impact to Brookline, but the Mason boundary is also right there. It would have been nice if this town would have reached out to Mason. D. Knott responded the Planning Board has already determined there is no regional impact. S. Fournier stated there are no waivers requested in the staff memo, but there is a waiver request to the State. T. Finan said that is not a Town waiver, it is a State waiver. D. Knott said that state waiver is not pertinent to the Milford Planning Board. S. Fournier responded it is a waiver request to the State. L. Daley said that waiver request is not under the local jurisdiction, our local regulations require a maximum of ten acres. S. Fournier said she is asking about the waiver request with the State, has that been approved? C. Branon responded that it was submitted to DES, they have thresholds for land disturbances and each waiver has additional requirements. This is normal procedure for gravel operations. It is an industry standard, this operation is self-contained. L. Dudziak asked if that waiver was approved? C. Branon said that will be approved by the end of this week, according to DES. S. Robinson said that was addressed in the comments just reviewed from the staff memo.

T. Finan stated this is a public hearing for comments from the public to the Planning Board, and the Chair has allowed Ms. Fournier to ask questions directly to the engineer; it is being allowed as a courtesy and Mr. Finan was offended that you are stating it is your right to ask questions at a public hearing. Ms. Fournier asked if the material be screened as is typical when harvesting natural resources; noting the Leighton White operation required a special exception from the Zoning Board of Adjustment. C. Branon said he has addressed this on a number of occasions and it is not applicable on every single operation, otherwise the town would request a special exception. L. Daley indicated on the Leighton White operation permit there is some processing being done. C. Branon said on every single one there is screening done, but none typically require a special exception; it was determined by the Community Development Director that it was only for the materials are being crushed, where a special exception would be required. C. Branon said all gravel operations require some amount of screening. Leighton White had to go to the ZBA for a Special Exception because of the end product. D. Knott made sure this was noted in the minutes. D. Knott indicated questions will be noted and addressed at a later time, let’s just take comments from here. S. Fournier asked when will a special exception go to the ZBA for this project? Ms. Fournier stated the DES office had photos from 2018, that the Phase II was active, where does that stand? Regarding the ATV use on the reclaimed land, has that been covered? In Phase VIII with the 4.2 active acres, that is left to be processed but that would bring it over the 8 acres open in all of the phases. S. Fournier asked if the project will be reviewed again? The State requires the operation to be reviewed every five years. At the very first meeting about this project, there have been multiple permits, the State finally realized they were not getting an update, does the town expect there will be a status given every five years if it lasts that long? D. Knott responded it is a requirement from the State.

S. Fournier continued the Phase II reclamation, the Fieldstone representative had asked them to fill in Phase II, has he talked with Fish & Game, she cannot find any documentation in the file regarding any discussion with Fish & Game, was there any? Will there be a response given from Fish & Game?

C. Branon responded there are no requirements through Fish & Game, the consensus was that we follow with the past reclamation previously approved. There would be no written documentation with Fish & Game because it was over the phone. S. Fournier said this is a regional wildlife habitat, no one has asked for a wildlife survey, that site is even better than the Brox site. This property lights up more than anything in NH. There will be an appeal in response to the AoT if it is issued and an appeal at the town level as well.

Audrey Frazier, Conservation Commission, said a lot of the prime wildlife habitat is on this site because it is a large parcel of contiguous habitat. It is also a headwater to the Nashua River, it is a very important watershed for the river. S. Fournier asked if the trucks will go out by Spaulding Brook Road or the other road? Jerry Farwell, abutter, answered whichever way is easier. Seeing no further public comments, D. Knott closed the public hearing.

P. Basiliere asked if Spaulding Brook Road is accessible from Mile Slip Road at all? C. Branon answered no and pointed out the access road from Spaulding Brook Road, which is a Class 6 Road. The primary access would be Spaulding Brook Road, which is the current access being used. J. Langdell said this was covered at the last meeting, the access road goes through Brookline, it will not go over Mile Slip Road. S. Fournier asked if the plan should show where the trucks will travel? C. Branon indicated these are existing access points that have been on the property for year, that is the access to the property and that is what will be used. J. Langdell indicated that was established at a previous meeting.

L. Dudziak asked will it impact the Fifield land at all? C. Branon said it will not. L. Dudziak asked if there is any hesitation about the sloping being unstable? C. Branon answered not if it is 1-3 sloping, he is not aware of water flowing out of that area at all. We have visited many gravel operations and we find the top would be very erratic. Because of the soils on this property, there is a lot of infiltration. C. Branon is confident that the slopes will be stable at the end of this project. We are not responsible for a 100 foot setback. This plan complies with the regulations and we are asking the Planning Board to follow the regulations at the local and state levels and asking for approval on this plan with a 50 foot setback. The majority of the excavation is away from the abutting parcels. J. Langdell indicated if there is considerable water, and it was becoming unstable, are there techniques that could be used so that it would not become unstable? C. Branon answered there is a lot of stone on site and there are techniques that could be used if there is an issue with design. S. Robinson said once it is reclaimed, it would be addressed because of erosion control. C. Branon said he does not see there being any problem. L. Daley asked if there is a room for compromise here? Would 75 feet be considered? C. Branon does not see any need for a compromise, we are getting the AoT by the end of this week. Twenty-five feet is twenty-five fee, it is a minor impact and has no impact on abutters but would create a financial burden on the applicant. There are local projects that are looking for this product. This meets all the regulations but considering the timing and this late request, the State review process took a lot of time so we are now at a point that the applicant would like to move forward. J. Langdell asked when did this operation begin? C. Branon said in 1985. J. Langdell said this is not a new project.

Liz Fletcher, Mason Conservation Commission, speaking on behalf of Mr. Fifield asked if she could make one more comment. D. Knott re-opened the public hearing. Ms. Fletcher stated that the area closest to Mr. Fifield would be started later in the project, it would not require a whole new permit; it is an area of steep slopes, by the time the remediation is done, it might be too late. It will be stabilized late in the project. D. Knott closed the public hearing.

C. Branon said the 2-1 slope is a comfortable angle; 50 feet is more than adequate for a neighboring property. If this were re-designed and re-submitted to the State, they would need to also re-submit to the town because it would affect the volume and be less of an impact. S. Robinson asked if the concerns are being addressed for Mr. Fifield? C. Branon said we have designed in accordance with both State and Local regulations.

T. Finan moved to conditionally approve the Phase 9 plan, subject to staff memo questions 1-4, 5, 8 and 10 be resolved in addition to the staff memo requirements. L. Dudziak seconded. All were in favor. Motion passed unanimously.

S. Robinson moved to close the public hearing at this point and enter the work session. L. Dudziak seconded. All were in favor. Motion passed unanimously.

4. Work Session:

a. Master Plan Updates – the Housing Chapter will be reviewed/amended in 2019. L. Daley noted that NH has one of the oldest (age) populations in the country. Fewer young people are staying in NH. The cost of housing is driving people out of NH, even rent is not affordable. L. Daley is in process of updated the Master Plan charts in the housing section.

b. Planning Board Updates – the Town property at 127 Elm Street is being looked at to possibly become a senior center. A committee is being formed and formalized soon. D. Knott indicated as a Planning Board, we need to make an effort to be more clear with the applicants and if they are meeting the requirements. J. Langdell indicated it is helpful for the Chair to summarize discussions before the applicant leaves the table so everyone understands what is expected. P. Basiliere feels the Planning Board needs to be sure it holds the applicant to the regulations that were approved by the voters. There was discussion on the regulations and where there might be wiggle room. J. Langdell stated the Planning Board also needs to remain friendly and inviting.

5. Adjournment: The meeting was adjourned at 9:30 p.m. on a motion made by T. Finan and seconded by S. Robinson. All were in favor. Motion passed unanimously.

Signature of the Chairperson/Vice-Chairman: Date: _____

MINUTES OF THE 4/2/19 MEETING WERE APPROVED 4/23/19