

MILFORD PLANNING BOARD MINUTES ~ APPROVED
August 17, 2021 Board of Selectmen's Meeting Room, 6:30 PM

Members Present:

Doug Knott, Chairman
Tim Finan, Vice Chairman
Paul Amato, Member
Janet Langdell, Member
Pete Basiliere, Member (Via Zoom)
Susan Robinson, Member
Dave Freel, Selectmen's Rep

Staff:

Jason Cleghorn, Town Planner
Darlene Bouffard, Recording Secretary
Nate Addonizio, Videographer

This meeting was conducted pursuant to the State of New Hampshire Emergency Order #12 pursuant to Executive Order 2020-04. As such, the meeting was conducted both online and in person.

1. Call to order:

D. Knott called the meeting to order at 6:30 p.m. indicating that tonight there are two applications to be heard and a scenic road hearing for Mason Road. This meeting is being conducted as a hybrid, both in person and via zoom. Chairman Knott introduced Planning Board and staff members.

2. Public Hearing(s):

a) Case SD2021-08 Mark Desjardins and Lisa Newberry / San-Ken Homes (owners/applicants).

Review of a Lot Line Adjustment designed to increase the frontage of Lot 31 to accommodate a driveway. The parcels are located on Ponemah Hill Road and are located within the Residence "R" zoning district. Tax Map 53, Lots 31 and 32.

T. Finan moved to accept the plan for review. P. Amato seconded. All were in favor, motion passed. J. Langdell moved there is no potential regional impact with this application. P. Amato seconded. All were in favor, motion passed. J. Cleghorn read the abutters list.

Staff had no additional information on this application. John Rokeh was present for this application with Ken Lehtonen of San-Ken to answer technical questions. This plan has gone through the Zoning Board of Adjustment and was approved for reduced frontage on Federal Hill Road. This Lot Line Adjustment application is to adjust the property line to allow the abutter to share a common driveway with the newly built home to improve site distance on Ponemah Hill Road. The abutter has agreed that the two driveways could be combined/shared. The driveway was reconfigured and more area was granted to Mark and Lisa to allow for an additional buffer between the two properties. All of the processes were gone through, and there were not many comments. This is a straightforward application. Ken Lehtonen said this is a pretty simple application, the driveway is constructed and this is just the final detail.

J. Langdell asked will this be an entrance to the woods lot road easement? K. Lehtonen said that lot did not have frontage on Ponemah Hill Road, so they have their own entrance. T. Finan agrees this is straightforward. P. Amato asked if Map/Lot 53/32 is still not going to be big enough? K. Lehtonen said they granted the abutter a little more than necessary to create more yard area for them. P. Amato said it will be a less non-conforming lot, the easement is not part of either lot. K. Lehtonen said the easement falls onto both lots. John Rokeh said the larger part of the easement is on the back lot. K. Lehtonen explained the shared portion of the driveway is 25' wide but to access the back part of the lot, this gives them more access to the woods road. K. Lehtonen said there is a house already built on 53/32, the easement is still there but there is no need for the easement. P. Amato said the Planner memo calls out a rogue number of 59/4-2. J. Cleghorn indicated that was a typo on his part, it was a mistake. This lot is still not quite 2 acres, when it went to the ZBA it was asked if a Special Exception could be approved which maintains the non-conformance and the response was that the decision was to not make it more non-conforming. Seeing no further comments or questions from the Board, D. Knott opened the public portion of the meeting, asking that speakers identify themselves and their addresses with abutters allowed to speak first.

Mark Desjardins, 387 Ponemah Hill Road and direct abutter, asked if the two acre minimum for a Residential R zone means anything to them in terms of what they can do? P. Amato explained it just means the lot just continues to be a non-conforming lot which it has been for a long time. In the Residence R zone, the town used to require 40,000 square foot lots, then it changed to a two acre minimum. When the house was built, it probably met the requirement at that time and the zoning ordinance changed in the mid-1990s to two acres which made it “non-conforming.” John Rokeh said there are probably many lots in the Residence R zone that are non-conforming. J. Langdell said the town just needs to take that into consideration as it analyzes the case.

No other questions or comments were raised by abutters. D. Knott closed the public hearing.

P. Amato moved to approve the Lot Line Adjustment as presented. J. Langdell seconded. All were in favor, motion passed.

- b) **Case SD2021-09 San-Ken Homes (owners/applicants).** Major Subdivision review for a three lot subdivision to construct three single-family residences. The parcel is located at the intersection of Wheeler and Farley St. in the Residence “A” zoning district. The applicant has requested a waiver to *Section 7.02 of the Milford Development Regulations Table 1: Roadway Standards* for 30 feet of ROW in lieu of 50 feet and a waiver to the *DPW Infrastructure Design, Construction and Administration Standards, Appendix I: Administrative Documents Section N. Tomahawk Turn-Around*, pertaining to the length of the turn-around. Tax Map 30 Lot 19.

P. Amato moved to accept the application for review. T. Finan seconded. All were in favor, motion passed. J. Langdell moved there is no potential regional impact for this application. T. Finan seconded. All were in favor, motion passed. J. Cleghorn read the abutters list and noted that several abutters are on the zoom call for comment at the appropriate time. Natalie Curtis, 8 Farley Street, indicated she was not notified for the last meeting on this property. J. Cleghorn responded that she was sent the certified mail for this application. N. Curtis asked if anything has changed since the first application since she was not sent a notice at that time. J. Cleghorn answered this is a brand new application and a completely different application than the other one.

J. Cleghorn indicated that staff has worked very hard with the applicants to get this application in front of the Planning Board. The Residence A zone has a lot size requirement, these lots do meet the zoning distances, he measured some of the adjacent Rights of Way and there is not a 50’ of Right of Way in this neighborhood. There are two waivers requested, one for the Tomahawk turn around, the Board should listen to the reasons for that; different departments did not agree with this waiver but the Planning Board should hear them out. The other waiver request is to waive the 50’ right of way. One concern of staff is snow storage, this will be a private road, and it will be up to the home owners, not the town, to take care of the snow. The width of the private roadway may require discussion on snow storage. There are also some invasive species in the area that should be removed. J. Cleghorn also wants to hear from abutters. The Heritage Commission did provide information on the historic nature of Bleachery and there is information on the Bleachery in tonight’s packet. J. Cleghorn said there were several comments from different departments that have been whittled down and what is left are the comments listed in the packet. Milford Fire had comments but they ended up supporting the proposal after talking with the applicants and they understand the reasons why it is being proposed.

J. Langdell said that the comments originally provided by staff would be helpful to the Planning Board even if they were taken care of. John Rokeh, representing San-Ken, said this lot was looked at about a year ago for 7 attached condominiums. The applicant decided to instead build 3 single family homes, which fits in the neighborhood. The proposed plan shows the homes will be built on lots that are bigger than other lots in the neighborhood. There are similar lots in the neighborhood, so it is not unusual in the area. There is a 30’ Right of Way (ROW) on Wheeler Street, that continues through this project which is why there is a 30’ ROW waiver request. The applicant has worked with DPW and Water Utilities which proved out that a 4” water line will need replacement as well as the fire hydrant for better protection in the neighborhood. The water lines will be run to each house and service lines will run to each unit; sewer is all gravity run. The units have a walk out level. There is 50’ from the center line to allow turn around, if it was a regular town road they would not meet the requirements, but since it is a private roadway, the

applicants worked with the Fire Department and they checked vehicle movements and approved of it; there will be striping done to prevent cars from parking on the roadside.

The Milford Fire Department supports the design but DPW does not because they do not want it to become a town road. The storm water system has an outlet that goes down to the outlet down below. The town stormwater engineer, Mike Vignali, KV Partners, has looked at the plan and had comments which have been addressed. D. Knott asked if homeowners will need to remove snow? J. Rokeh said the maintenance is limited to cleaning out the isolator every year. As long as it is kept clean, it is fine. This is a private road with closed drainage. Wheeler Street is about 20' wide, Spruce Street is a little wider and Farley Street is about 20' wide. J. Rokeh said there will be curbing and gutters on the private way. T. Finan asked if there will be a Homeowners Association (HOA)? Ken. Lehtonen said there will be a HOA that takes care of any maintenance. J. Rokeh said any water will go to the underground sewer which is closed. D. Freel asked about lighting. J. Rokeh said there is no lighting on the private road, but there is a pole proposed. D. Freel stated if it is a private way, it does not require lighting. D. Freel asked if it is expected that people will park on the road? J. Rokeh said there are two garages per unit plus a driveway for each unit and the Milford Fire Department is requiring signs that say "no parking" on the roadway. J. Langdell indicated that because it is a private way, on private property, the language might need to be different than just "no parking."

K. Lehtonen said there will also be a street name. J. Rokeh said it would be a private road but for E911, it needs to have an address to respond in an emergency. T. Finan asked if they need to still request a waiver, since it is a private roadway? J. Cleghorn answered yes. P. Amato said Milford has not had a lot of experience with private roads. P. Amato said if it was just a driveway, it would be a different story. J. Rokeh said there will be 3 different water service lines with separate water shut offs inside the homes. J. Rokeh met with Brad Whitfield at Milford Water Utilities and they worked out how to set it up and it is on the plan. We did not come back with a plan for one year because we wanted to the development to fit within this neighborhood. P. Amato asked about the back yards that abut this development roadway? K. Lehtonen said yes there will be a fence around the perimeter of this property and the roofline might be visible above it but that is it. He is trying to be a good neighbor by providing this fence to prevent headlight spill over into those abutting properties. J. Rokeh said there are a lot of homes in this area that have similar walkout basements as well due to the terrain. J. Langdell asked how much fill will be needed? J. Rokeh said a little fill will be needed at the end of the roadway, so there will be some trucks bringing in fill for that and the lots. D. Knott said the elevation changes about 12' between the front and back, that is a lot of fill. J. Rokeh agreed, stating that is why there are walk out basements. D. Knott noted there is an invasive plant listed on the plan, that needs to be removed. J. Rokeh said he will adjust that species to another non-invasive. K. Lehtonen said he will make this development look nice, especially along the roadway.

S. Robinson asked how long the construction is expected to take? K. Lehtonen expects the roadway will take 2-3 months and then six months to build the houses, so it will take about a year. D. Knott asked about the two waivers. J. Cleghorn discussed the waivers with L. Daley and feels the applicant's need those waivers. J. Rokeh said there is only 30' of Right of Way to be in compliance but we would need 50', that is one of the waivers. J. Rokeh said the snow will be put down on the Tomahawk and in front of the yards. J. Rokeh said there is about 5-6' from the curb to place any snow. D. Freel asked about the sidewalks on a private road, it is a private road, we can't require that. J. Cleghorn said it is worth discussing; due to the historic nature of the site, it would benefit the town that the history of it be recognized. The Heritage Commission mentioned in their response that it would be nice if the history were explained somehow. D. Knott said we should try to get a plaque of some sort to acknowledge the history of the site. J. Langdell said if the town re-institutes the QR Code Historic tour, that information could be shared in the QR code. K. Lehtonen said he could talk about doing something to get it somehow acknowledged. J. Langdell thought the Heritage Commission also mentioned about the old foundations that are still there. J. Rokeh said the foundations should be added to the State database. J. Langdell said if that were done, the foundations would be memorialized somewhere. S. Robinson said we could always do a town marker. K. Lehtonen said he could retain the stone wall on the site, the HOA will be created for this and that historical information could be made a part of the HOA documents. A sign at the entrance could also indicate the history and the private road name.

Seeing no additional comments or questions from the Board, D. Knott opened the public hearing, noting if you wish to speak to please state your name and address and allow abutters to comment first. Natalie Curtiss, 8 Farley Street, is concerned about the traffic with 3 additional homes on the street. She has been there for 20 years and there are roads that intersect. The curve on Wheeler Street could cause issues. It was noted that snow removal will be taken care of by the owners, the town had been storing snow on this space previously, so that snow will have to go somewhere. Putting 3 houses into that corner is a lot of house. K. Lehtonen anticipates 3 trips per day for a total of 16 cars trips per day. There are 3 bedrooms per home. N. Curtiss said that traffic is in addition to the traffic that is already there. K. Lehtonen said 95% of these cars will go out Wheeler Street since that has the best site distance. J. Rokeh said there are multiple ways to get out of this area. N. Curtiss said she expects most of the cars will go out the same way they do now. It is a very small, tight neighborhood to navigate. People park on the side of the road. She feels 3 houses is a lot. S. Robinson said the town snow will not go where it has been stored in this neighborhood, DPW will find another place to store it.

Mike Somers, 16 Farley Street, indicated the roadway going into this development runs parallel to his driveway. There is maybe 2 feet between his driveway and the edge of this roadway. J. Rokeh explained that is actually about 15' from the property line. J. Langdell asked if their driveway will be about 10' from the property line? J. Rokeh responded that it will. Alicia Somers, 16 Farley Street, said with the driveway running parallel to the roadway, she and her husband are concerned about the safety of people entering the roadway. K. Lehtonen said he would be open to adding their driveway within the first 50' of the roadway without them having to be responsible to the HOA for maintenance. K. Lehtonen would make them exempt from those fees.

J. Langdell said by doing that, it would be taking out their access to Farley Street, which might affect Police or Fire and cause an address change. D. Freel said the roadway is private so it should not make a difference. J. Cleghorn said this was not brought up until just now. P. Amato said in 10 years if the HOA came and asked for the road to be a town road, would the Tomahawk it not possible? A. Somers would want to talk about that option with her husband and see what it would look like. J. Rokeh said they could also put some trees in to create definition between the driveway and roadway. K. Lehtonen said he can look at putting in a split rail fence to create separation between the two properties. M. Somers is feeling that it might be safer to have the access on the private road. J. Cleghorn said he is not comfortable with this and does not think the Board should go down this path. J. Langdell said we can go down that road but it could cause a delay. J. Cleghorn would be more comfortable with added vegetation or fencing. K. Lehtonen feels it would make the most sense to have them come out on the private road. P. Amato said the abutters would need to think about it and Ken can talk to them about it, but it would include having a new address. J. Langdell asked that Alicia's name for abutters get updated on the plan. Alicia indicated that her name did change from Johnson to Somers.

Erik MacDougall, 14 Spruce Street, also agrees with the driveway and does not know of any other street in Milford that has a set up like this. There are no other areas that have a straight line roadway behind another person's backyard. This is being shoehorned onto this property in people's backyards. Danielle MacDougall, 14 Spruce Street, said she feels the corner of Wheeler Street is a bad corner, she is concerned about the turn around and cars ending up in her backyard. The snow storage and safety in proximity to her back yard is a concern. She is afraid cars will end up in her backyard. The traffic being added to the neighborhood is a concern and the speed limit it 25 mph. J. Cleghorn has another hand up for someone wishing to speak. D. Freel said the road will be 100' from her, Danielle said she does not see that amount of space.

Danielle Sherman, 6 Spruce St, agrees with what they have said, that corner is hard to see, a fence will still not change that there will be headlight shining in her house. P. Amato said the headlights should not be seen in her house, the fence is 6' tall and is solid, there will not be any reason for people to drive down that private roadway except to go to their own house. Danielle Sherman said it is beautiful there now and she feels it is just being forced in since the 7 condos did not pass. Seeing no further input from the public, D. Knott closed the public hearing and asked for Board comments.

J. Langdell pointed out on the plan it states the signs will say it is a private road until it becomes a town road, that need to be changed, since it is not planned to be a public road. J. Rokeh said he can clean that

up on the plan. P. Amato moved to approve the 30' ROW waiver request. D. Freel seconded. All were in favor. Motion passed unanimously.

J. Langdell asked if the Tomahawk is in the design regulations or the driveway regulations? The way it is called out is unclear. J. Cleghorn was unsure which regulation it falls under. P. Amato moved to grant the waiver for the length of the Tomahawk on the private roadway. T. Finan seconded. P. Amato, T. Finan, S. Robinson, P. Basiliere, D. Freel were in favor, with J. Langdell abstaining. Motion passed 5/0/1.

D. Freel moved to approve the subdivision application SD2021-09 as presented with the following conditions: 1) remove the invasive landscaping; 2) revise the abutter listing on the plan; 3) applicant and abutter work out the driveway plan for 16 Farley Street (ML 30/20) and obtain approval by staff and DPW or if there is a problem with this, the plan comes back to the Planning Board; 4) the Homeowner's Association (HOA) documents include a reference to the Heritage Commission documents regarding "The Bleachery" and the possibility of a Historical Plaque; 5) update plan with the corrected information regarding signage / street name and that it will be a private not town roadway. P. Amato seconded. D. Freel, P. Amato, T. Finan, S. Robinson, P. Basiliere were in favor, with J. Langdell abstaining. Motion passed 5/0/1.

- c) **Scenic Road Public Hearing – Ryan A Hood. Driveway location.** D. Knott indicated this is a scenic road hearing, are there picture in the packet? J. Cleghorn said the work has been partially done and it is unclear if there were stone walls there previously; he asked if the applicant could speak to the actions thus far. Ryan Hood explained the driveway is done but not paved, this is after the fact, when this was noticed and he was notified, he stopped all work after it was brought to the town's attention. P. Amato indicated on a scenic road, the Town has control over the Town's right of way which is 32'. Trees on his property are not part of this hearing.

D. Freel asked how this was brought to the Town? P. Basiliere spoke up that he was the person that notified Community Development of the actions. Ryan stated once he received the letter from Jason Cleghorn he stopped his process. There was not a stone wall where he cut into the driveway. Ryan pulled out all of the underbrush. Ryan Hood is putting in the driveway because the easement that he has behind the house is shared with his neighbors and he would like to have his own driveway in the front of the house. J. Cleghorn said the State maintains a database of stone walls and it looks like there are not stone walls in that area. The Heritage Commission supports this. When R. Hood received the letter from J. Cleghorn, he ceased work and went to DPW about a driveway permit.

P. Basiliere made J. Cleghorn aware of the cutting being done on a scenic road and asked if there was adequate sight distance on the road. It is a windy road and he was concerned about that sight distance. The town needs to understand what the sight distance is and does this meet those requirements. J. Cleghorn has since talked to DPW. P. Amato indicated DPW has to issue the driveway permits, the Planning Board tonight is only to discuss the scenic road. J. Langdell said unfortunately this is after the fact, the work was done before this meeting was called. P. Basiliere said a driveway permit is issued by DPW as the road agent of the Town, so Ryan Hood needs to get the driveway permit from DPW. J. Langdell hopes that any rocks that are being used are rocks that have been found in a different area. J. Cleghorn said the Planning Board can make a motion that R. Hood obtain a driveway permit. J. Langdell reminded everyone of other hearings for scenic roads with Eversource, who typically provides pictures of what would be pruned. P. Amato said this is an opportunity for other people to see a public hearing on this issue.

Hearing no further comments or questions from the Planning Board, D. Knott opened the public hearing. There were no people waiting in the Zoom waiting room to speak. Elaine Cohen, prospective Planning Board Alternate, asked what the driveway will be made of? Ryan Hood answered it will be ¾ aggregate. D. Knott closed the scenic road public hearing.

3. Other Business:

4. Meeting Minutes: The Planning Board minutes of 7/20/21 were reviewed. P. Amato moved to approve the 7/20/21 minutes as presented. T. Finan seconded. P. Amato, T. Finan, P. Basiliere, S. Robinson, D. Freel and J. Langdell were in favor. Motion passed 6/0.

5. Upcoming Meetings/Discussions:

9/7/21: J. Cleghorn explained the September 7, 2021 Planning Board work session will have the new Town Attorney John Ratigan be introduced to both Planning Board and Zoning Board of Adjustment members in attendance. Please consider what you would like to ask to Attorney Ratigan at that time. The meeting with him is to create a relationship with him regarding Land Use. P. Amato noted that Board members knew Attorney Drescher and his philosophy. J. Langdell said this is good practice to create a relationship with the Town Attorney.

J. Langdell asked if any members have questions for Elaine Cohen the prospective Alternate Planning Board member, or if Elaine has any questions for the Board. Elaine Cohen said she is still interested in being an alternate and has attended a few Planning Board meetings in person and previously has watched via Zoom. Elaine asked what are the requirements for an alternate. D. Knott said any questions can be asked by the Planning Board Alternate during a meeting, but the Alternate cannot vote unless a member is absent.

J. Langdell moved to have D. Knott craft a letter to the Board of Selectmen recommending Elaine's appointment as an Alternate Planning Board member. T. Finan seconded. All were in favor. J. Cleghorn said he would write up that letter for Doug's signature.

6. Adjournment. The meeting was adjourned at 8:45 p.m. on a motion made by P. Amato and seconded by D. Freel. All were in favor. Motion passed unanimously.

Date: _____

Signature of the Chairperson/Vice-Chairperson:

MINUTES OF THE 8/17/21 MEETING WERE APPROVED 9/21/21