

1 MILFORD PLANNING BOARD MINUTES

2 August 20, 2019 Milford Board of Selectmen Meeting Room, 6:30 PM

4 **Members Present:**

5 Tim Finan, Vice Chairman

6 Paul Amato, Member

7 Janet Langdell, Member

8 Pete Basiliere, Alternate Member

9 Jacob LaFontaine, Member

**Staff:**

Kellie Shamel, Planner

Darlene Bouffard, Recording Secretary

Tyler Berry, Videographer

11 **Excused:**

12 Doug Knott, Chairman

13 Laura Dudziak, Selectmen's Rep

14 Susan Robinson, Member

15 Lincoln Daley, Community Development Director

19 **1. Call to order:**

20 Vice Chairman Finan called the meeting to order at 6:30 p.m. Introductions were made of Board members and  
21 staff. In the absence of Chairman Knott, Vice Chairman Finan will act as Chairman. Introductions were  
22 made of Board members and staff. It was noted that Pete Basiliere as an Alternate member will vote in the  
23 absence of Susan Robinson.

25 **2. Public Hearing(s):**

- 27 a. **Meridian Land Services** (applicant) and **Richard Keogh** (owner) – Continued review for final  
28 approval of a major subdivision application to subdivide the existing lot of record into eight (8)  
29 residential lots on a proposed 800 foot subdivision roadway and related stormwater/drainage  
30 improvements. The parcel is located at 118 Amherst Street in the Residence A District. Tax Map 23,  
31 Lot 2.

33 Waiver request from Town's Stormwater Management and Erosion Control Regulations, Section  
34 5.32.080, C.2.a to connect to the municipal stormwater system and permit an increase in the amount  
35 of runoff that leaves the boundaries of the site. Waiver request from the Driveway Regulations,  
36 Section VII, F requiring the driveway entrance from having a negative slope. Waiver request from  
37 the Milford Development Regulations, Article VII, Section 7.02 Roadway Standards Charts, Table 1:  
38 Roadway Standards to construct a 35-foot wide private Right of Way.

40 T. Finan explained this application was continued for the review of a major subdivision for 8 resident  
41 lots, the application has already been accepted. Sam Ingram, Meridian Land Services, is representing  
42 the applicant. S. Ingram distributed new plan sets that were different than what was in front of the  
43 Planning Board members. J. Langdell asked if these had been received in the office? K. Shamel  
44 responded that the plans were received yesterday via email therefore staff has not had sufficient time  
45 to conduct a proper review and is the reasoning for the staff recommendation to continue this  
46 application. J. Langdell said the Planning Board has not seen these at all until now. S. Ingram said  
47 there have been discussions with DPW, Community Development and KV Partners about the  
48 stormwater design. Originally, we would have connected with the Town water line, but after  
49 investigation of that line, it was determined that there were a lot of unknowns about the line and it  
50 was determined that the line should not be used. Additional on-site drainage was designed and  
51 increased the off-site drainage. The design was acceptable to KV Partners and it was determined to  
52 not use the Amherst Street drainage. Sam has added on-site drainage to collect as much water as can  
53 be collected on site and additional swales have been added on the site. The design meets the needs of  
54 everyone, it is the preferred option rather than using the Amherst Street drainage. From this design,  
55 there is a .12 increase in the drainage onto Amherst Street. Because of the .12 increase that goes  
56 down into that unknown drainage system, there is also another portion that drains naturally on the  
57 site. Overall there is a net decrease to the amount going to Orchard Street. This design meets

everyone's needs.

J. Langdell asked where the .12 increase is coming from. S. Ingram responded some is from the road, naturally the area around the houses drain toward the road. The increase is coming from the improvements to the road; there will be channels into the existing drainage system. We are decreasing the overall flow and there is a .12 increase; that amount that goes to that unknown drainage system but is a decrease to what it is going there today. KV Partners looked at these plans; along the east side of the property, we have added drainage swales that will capture any drainage from the houses and channel it to catch basins. The drainage swales on the property will catch and regulate the outflow. KV Partners' comments were about the easements and feels it should not be the town's easement to maintain.

P. Amato asked if they will be grass swales? S. Ingram said he changed the plan to provide drainage easements and that will be documented in a deed. T. Finan asked if there will be a home owners association for this subdivision? S. Ingram responded that each owner will be responsible for their drainage easement. J. Langdell said the ownership needs to be assigned to each new lot that the culvert maintenance is required, P. Amato said the town would take responsibility to where it takes the water into the discharge swale. P. Amato added that someone needs to certify that they will build according to the plan and that they do not have the liability of that. S. Ingram said KV Partners also requested an underdrain pipe to be added to the swales to be sure there is no water sitting in them. S. Ingram said he is adding those to the plan. P. Amato said they need to know where the property line is before they start building. S. Ingram said the increase is still there so the waiver is still being requested.

K. Shamel said the language should be modified for the waiver requests. S. Ingram asked why, if the numbers for the water that leaves the site is still the same. J. Langdell said if you are no longer tying into the town water system, it should not state (on the waiver request) that it is tying into the town water so that years from now everyone understands what was done. S. Ingram said that Rick Riendeau agreed with the approach taken for the driveway and road entrance and we will be keeping the road bed away from the high water table. An easement set was added to the plan and depicts the design we have added and we included the private drainage on Sheet 4. That sheet was in the previous plan set. Another change was made to Sheet 10 for a landscaping plan to address the concern about screening for abutting parcels. Plants will be added to screen some of the properties. Arborvitaes and lilacs will screen abutters. It will be kept natural and address those concerns. S. Ingram went through the list of staff comments, noting that comments 3,4 and 5 will be addressed with the easement documents. An AoT is not necessary due to the amount of disturbance. Waivers are requested for the 35' roadway. P. Amato asked if the right of way is a lot or a right of way? S. Ingram said it is a taxable lot of record but not a buildable lot. S. Ingram said there have been some drainage corrections, with a decrease in the run off. On staff comment 13, S. Ingram indicated there are no house plans, so he cannot address the comment. P. Amato asked if the houses have to be at a certain elevation so the drainage works? S. Ingram answered no, they can be at whatever elevation, they can adjust the elevation of the homes, but we will not be building these houses. S. Ingram asked for any additional questions.

Janet Langdell said there is a lot of controlling drainage with landscaping, etc. but what happens after the first owners leave? S. Ingram said they are subdividing the land, the future owners could feel differently than the first owner and make changes. J. Langdell is concerned mostly about the drainage swales. P. Amato suggested waiting until the Planning Board sees what the deed documents looks like and have staff and legal counsel review them. P. Amato wants it on the deed, not only on the plan, what the owner responsibility is when they buy the home. S. Ingram said the deed will identify the plan. P. Amato said when the town is responsible for a drainage issue, and they would come fix a problem, he wants it known by the people buying this property that they are responsible for the maintenance of the drainage swales. S. Ingram said he

can provide the easements and a way to move forward without having to come back to the Planning Board and instead work with staff. P. Amato said because the changes in the plans were received so late and did not allow the Planning Board to review them prior to this meeting, he would like to continue the application to the next meeting. J. Langdell agreed to continue this to avoid errors for the future. J. LaFontaine said visual mitigation would be helpful for all lots not only certain lots. S. Ingram stated there is an existing treeline that will remain, but lot 1 was the only area that was cited to the abutter. The landscaping buffer was to accommodate a specific issue that was brought up. J. Langdell said there have been cases in past years when the plan states there is a no cut zone and a future owner cuts the trees. The new development off Spaulding Street has a note on the plan for a no cut zone.

Seeing no further comments from the Planning Board, T. Finan opened the hearing to the public for comments or questions. John Grady, abutter at 108 Amherst Street, is concerned about the wetland and the drainage that goes in his back yard and the drainage that goes into the road. He asked if there will be excess water that goes down the street and will it also end up in his driveway. S. Ingram said it should be an overall decrease of water into the backyard. J. Langdell asked where the nearest catch basin is located. S. Ingram said at the intersection of Amherst Street and Merrimack Road. John Grady said the water does not make it all the way there, it goes in his driveway. Lisa Vasas, asked about the Lot 23-3 drainage and swale and if that is between the rock wall? S. Ingram said it is along the stone wall between two new houses. L. Vasas asked about the landscaping plans presented tonight and looked at those plans. Ken Mohler, Bartlett Commons, asked about the land between Bartlett Commons and this development and is there a plan to access that landlocked piece? S. Ingram responded that the subdivision allows for a private right of way to access that land. Ken Mohler asked what that means. S. Ingram answered that there will be a note on the plan stating only one house can be put on that landlocked parcel. T. Finan added that the right of way is only 35' which will limit it to the one access and no more. Hearing no further comments, T. Finan closed the public hearing.

T. Finan asked if the waivers should be discussed? P. Amato said we should just continue it. J. Langdell said Page 4 asks about run off and drainage. Sam Ingram explained the swales and how the water will get to the detention basin. The road side swale will be a town easement. P. Amato asked if that can be on the right of way? S. Ingram said it cannot. K. Shamel has not had time to review the plan given that it was just received yesterday. P. Amato moved to continue this application to the September 17 Planning Board meeting. J. Langdell seconded the motion, noting that changes to the waiver request language should be there as well as staff comments at that time. S. Ingram said the legal documents to review will be part of the next submission. P. Amato suggested looking at the way the waivers are written. S. Ingram will look at them to make sure they are valid for the next meeting. All were in favor of the motion. Motion passed.

- b. **Hammond Road, LLC (applicant/owner)** – Review for acceptance and consideration of final approval for a major site plan application to construct a 6,400 square foot office and storage building with associated site improvements. The parcel is located at 0 Nathaniel Drive in the Commercial Zoning District and Groundwater Protection District. Tax Map 43 Lot 69-1.

Earl Sandford, of Sandford Surveying and Engineering, representing the applicant, indicated this plan is on Nathaniel Drive off Route 13 and connects to Stoneyard Drive which comes in and there is a brook out there. Off Stoneyard, this parcel was subdivided for the Vallaincourt Roofing operation. Nathaniel Drive and Stoneyard Drive have been paved all the way to South Street. There is a quarry operation out there; the design was to use the existing Tote Road, especially what crosses the ridge and goes across wetland. There is not a big flow but it is existing and we can utilize it; the culvert is adequate; this disturbance is just under the amount for an Alteration of Terrain (AoT). Some of the drainage was originally in the buffer but Earl has since changed the design to be within the regulations. There is a significant amount of green being left. All drainage ends up in the brook

because it is on the knoll, no further drainage is needed. More parking than what is needed is there and will accommodate service vehicles.

J. Langdell asked where the front of the building is. Earl explained it will be facing Route 101, a little higher than JP Pest. It is a tasteful design and will not have an industrial look. There are no customers coming to this building, this site is for the trucks to load and head to their work site. P. Amato asked if there is a water line to this site? Earl answered there is; the design was for Contemporary and the water and sewer lines were brought through this site. Earl Sandford said he appreciates the call he got from the Town Planner to come in to talk about the plan before it got to the Planning Board and said there will not be public access to this building and does not feel signs will be necessary. K. Shamel asked will there be a business sign on the site? If so, a sign permit will be required. P. Amato said signs do not come to the Planning Board all that is needed is a sign permit. J. Langdell said that normally the Planning Board will ask the question about signage, especially because it is along Route 101. The applicant will work with staff on any signage. Earl said that they revised the plan to identify the wetland in accordance with the Milford Conservation Commission recommendations and the arrows on the plan are simply directional but not for literal signs. There is a green corridor across the property to allow wildlife to cross. There is plenty of area that will remain green and the wetland is acting as a significant wildlife corridor on both sides of the property. The plans have been updated according to the KV Partners comments.

There are two treatment swales in the design. Earl asked when Nathaniel and Stoneyard roads will be accepted and thereby maintained by the Town? Kellie indicated Nathaniel Drive is planned to be accepted by the town once it complete and to town standards. J. Langdell indicated in a previous version of this plan, the Milford Conservation Commission questioned the buffer, and asked Kellie Shamel if that was their biggest concern and asked if they still want a site walk because that can be done under a conditional approval. P. Amato said there won't be anything found because all the comments were addressed. Kellie said the buffer comments have been addressed and conservation has still expressed that they wish to do a site walk. She is unsure what comments would come from a site walk if it were to take place. Earl Sandford said the Conservation Commission can walk the site; he believes Nathaniel Road will eventually become a town road, right now it is private. J. Langdell appreciates the completeness of the plan with the architectural and everything. There were no further comments or questions from the Board.

T. Finan opened the public hearing. Seeing no questions or comments, the public hearing was closed. P. Amato moved to grant conditional approval based on staff recommendations. J. Langdell seconded. All were in favor. Motion passed.

### 3. Discussion / possible action regarding other items of concern:

- a. **Community Development Updates** – J. Langdell stated that NRPC needs another member; she is asking for a volunteer to step up to fill this need.
- b. **Planning Board Updates** – The Planning Board needs to know who is working on the CIP. T. Finan said he is willing to be part of the CIP process.
- c. **Commission / Committee Updates** – nothing new

### 4. Approval of Minutes: 7/23/19; 8/6/19 – Because of the limited quorum at tonight's meeting, all concurred that the minutes would be reviewed at the next Planning Board meeting with more members present.

### 5. Adjournment. The meeting was adjourned at 7:50 p.m. on a motion made by J. Langdell and seconded by P. Amato. All were in favor. Motion passed unanimously.

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Signature of the Chairperson/Vice-Chairperson: Date: \_\_\_\_\_

MINUTES OF THE 8/20/19 MEETING WERE APPROVED 9/17/19