

1 MILFORD PLANNING BOARD WORK SESSION MINUTES

2 June 25, 2019 Board of Selectmen's Meeting Room, 6:30 PM

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4 **Members Present:**

5 Tim Finan, Vice Chairman

6 Janet Langdell, Member

7 Paul Amato, Member

8 Susan Robinson, Member

9 Pete Basiliere, Alternate Member

10 Laura Dudziak, Selectmen's Rep.

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12 **Staff:**

Lincoln Daley, Planning

Darlene Bouffard, Recording Secretary

Videographer, Hazen Soucy

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14 **Excused:**

Doug Knott, Chairman

Jacob LaFontaine, Member

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18 **1. Call to order:**

Vice Chairman Finan called the meeting to order at 6:30 p.m. Introductions were made of Board members and staff. In the absence of Chairman Knott, Vice Chairman will act as Chairman. It was noted that Pete Basiliere is an Alternate member, will sit with the Board as part of the discussions and will vote in the absence of Doug Knott. It was noted by L. Daley that the Planning Board schedule will change to the First Tuesday (work session) and Third Tuesday (application review) every month starting in August; a new schedule will be distributed.

2. **Meeting Minutes:** June 4, May 28 and April 23, 2019. After reviewing the minutes, P. Basiliere moved to approve the minutes of April 23, 2019. P. Amato seconded. All were in favor. Motion passed. P. Amato moved to approve the minutes of May 28, 2019. P. Basiliere seconded. All were in favor, with J. Langdell and L. Dudziak abstaining. Motion passed. J. Langdell requested an amendment to the June 4, 2019 minutes. P. Basiliere moved to approve the minutes of June 4, 2019 as amended. P. Amato seconded. All were in favor. Motion passed.

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33 **a. KGL Landscape Construction, LLC, Tax Map 8, Lot 73, 211 Mont Vernon Road.** Public hearing for a Minor Subdivision application to subdivide the existing lot of record into three total parcels within the Residential A Zoning District. *Request to Withdraw Application.* Michael Ploof, representing the applicant, explained he would like to withdraw this application. S. Robinson moved to accept the withdrawal for the Minor Subdivision application to subdivide the existing lot of record into three total parcels. P. Amato seconded. All were in favor. Motion passed.

40 **b. KGL Landscape Construction, LLC, Tax Map 8, Lot 73, 211 Mont Vernon Road.** Public hearing for a Minor Subdivision application to subdivide the existing lot of record into two (2) total parcels within the Residential A Zoning District. (*new application*). T. Finan said the application is complete. P. Amato moved no potential regional impact. J. Langdell seconded. All were in favor. Motion passed. S. Robinson moved to accept the application for review. J. Langdell seconded. All were in favor. Motion passed.

46 Michael Ploof, representing the applicant, explained KGL Landscaping withdrew the application to subdivide into three total lots and now has an application to subdivide into ML 8/73 into two total parcels. There is a 25 foot access and utility easement, benefitting both the new lot and the existing ML 8/73. The staff comments have been addressed. M. Ploof pointed out that drainage is corrected on the plan, and it is a very flat lot. With this subdivision, the proposed lot will reduce the drainage and a lawn will help with drainage as well. The existing 30' Right of way is not modified in any way and this proposal is not close to it. The existing right of way was re-designed in 1995 and is not pertinent to this application, this will not be near it and will not touch it. M. Ploof asked for questions from the Board.

S. Robinson asked if ML 8/73 is the existing lot with the house that is not shown on the plan. P. Amato showed where the house is located on the plan. J. Langdell asked what the access easement is for. M. Ploof said there is access for that lot, there is a driveway all the way up the lot; it is a gravel ROW. S. Robinson asked about stormwater and drainage improvements noted in the staff comments. M. Ploof said that has been addressed on the plan. L. Daley said on page 1 of 3, it indicates in Note 2 that there are markers in the ROW, the markers have been somehow removed and L. Daley asked if those stakes could be put back in the ground. M. Ploof said the current owner is not responsible for that ROW. L. Daley said there are two indicators shown on the original plan, if there is a way to put those two markers in, that would be helpful. M. Ploof said they can put those markers back in. M. Ploof asked for further questions. Seeing no further questions from the Planning Board, T. Finan opened the public hearing for comments or questions from the public.

D. Palance, Heritage Commission, said the easement was for the Roberts Quarry, it might be better to remove the easement. P. Amato said there is someone that sees value in the easement, and finds it beneficial. Dave Palance said that is fine, if there is value, it should remain. There were no further public questions or comments. The public hearing was closed.

J. Langdell stated there is nothing on the record for the commercial operations on this site. L. Daley indicated the current drainage design handles the commercial operation; it could be updated but nothing is changing the property so we cannot ask them to change it. P. Amato said if they come in with a change of use, they could be asked to improve the stormwater design.

P. Amato moved to approve the application with the addition of the comments from L. Daley for the monumentation and notes being added to the plan. J. Langdell seconded. All were in favor. Motion passed.

c. Meridian Land Services for the property located at Tax Map 23, Lot 2, 118 Amherst Street.

Major Subdivision Application to subdivide the existing lot of record into eight (8) total residential lots on a proposed 800 foot subdivision roadway and related stormwater/ drainage improvements within the Residential A Zoning District.

Waiver Request from the Development Regulations, Article V, Section 5.08 for authorization to design a conventional subdivision instead of an open space conservation development. There is a Waiver request from Town's Stormwater Management and Erosion Control Regulations, Section 5.32.080, C.2.a to tie into the municipal stormwater system and permit an increase in the amount of runoff that leaves the boundaries of the site. There is a Waiver Request from the Driveway Regulations, Section VII, F requiring the driveway entrance from having a negative slope.

L. Daley stated the application is complete. J. Langdell moved to accept the application for review. P. Basiliere seconded. All were in favor. P. Amato moved there is no potential regional impact. P. Basiliere seconded for discussion. P. Amato stated this application does burden Amherst. T. Finan said this Board took a vote at the last meeting and the Planning Board voted no regional impact. P. Basiliere said there was some concern about the impact on Amherst and it seems that because it is on the Town line we should be engaging with Amherst. J. Langdell asked if we can provide all the documentation to Amherst and avoid the entire Regional Impact process through NRPC? L. Daley said just because a development abuts a neighboring town does not mean it has Regional Impact, it needs to affect traffic, etc. J. Langdell said this is a town line issue because of the back lot in Amherst. T. Finan said there are comments in the staff memo that will be discussed tonight. In the staff memo it is noted that the RSA talks about requirements to inform other Planning Boards and he feels if in the future the owner wants to

build on the Amherst lot, he needs to notify Milford because the access (to the back lot) is in Milford. J. Langdell said that would be in addition to applying to the town of Amherst Planning Board, and they will need approval from Milford. S. Robinson thinks keeping Amherst informed is sufficient because nothing we are doing impacts Amherst, the impact will only be if the Amherst lot gets developed. J. Langdell agreed this does not rise to the level of Regional Impact for Amherst. T. Finan read from the Regional Impact requirements, the only criteria that might be impacted would be the town border proximity. T. Finan asked if Milford will at least notify Amherst? L. Daley said he has already been in contact with Amherst about this application. It was agreed there is no potential regional impact. All were in favor of the motion.

Abutters were read into the record. The following four abutters were present: Martin Family Revocable Trust, Albert & Lisa Vasas, Debra Dunne, Meridian Land Services Inc. Sam Ingram, Meridian Land Services, representing the applicant presented the plan, noting there are three waiver requests. P. Amato asked what the changes are on the plan since the last meeting? S. Ingram indicated the proposed right of way that goes into Amherst is now 50' and previously was 30'. He has added area for snow storage and minor changes to the storage basin according to the review by KV Partners. P. Amato thought we talked about moving the road to allow some of the lots to be bigger? S. Ingram said the road has not been moved. T. Finan said this Board has already voted on the first waiver but not the second or third waivers which might be premature to vote on until we discuss this tonight.

S. Ingram indicated the new roadway will have a positive slope from Amherst Street because of the existing yard, we will raise it up so that it is separated from the seasonal high water table. T. Finan commented that the maximum grade is 10%. L. Daley said it cannot exceed 4% before it connects to the roadway. S. Ingram said it is 2%, we are proposing a 2% increase on Amherst Street because of the water table. J. Langdell asked if the road will be sloped to shift the water from Amherst Street? S. Ingram said yes, the intention of the requirement is to prevent sheeting onto Amherst Street. The road is crowned to flow off the water. P. Amato said the property line is off the road quite a bit. S. Robinson asked if sidewalks will be put in? S. Ingram said yes, along Amherst Street, DPW has reviewed this plan. L. Daley said we might want to table this discussion until we get information from DPW. There have been many discussions with Rick (DPW) on this, but the Planning Board wants to confirm those discussions and outcomes. L. Daley said there are three waiver requests on the checklist, but one is not applicable to this application (storage of refuse, external lighting and location and size of lighting). T. Finan confirmed there are only two waiver requests. T. Finan asked that the staff memo comments be addressed by the applicant.

S. Ingram said the stone walls will be utilized in the design for two of the existing walls on the lot. For the lot lines, the perimeter walls will remain. L. Daley asked if the stones from the walls being disturbed could be used for other property lines along the lower four lots, if at all possible. P. Amato said the intention is good, but they will not have the same affect, it will not look the same. It is also an expense to the applicant. S. Ingram said that was his thought, to utilize the two existing stone walls as the property line and to move the others once and reassembly would cause some (stones) to be broken. P. Amato said the lower lots will need delineation on the lots anyway. Lot 2-7 will not have the wall taken down. S. Ingram said we will utilize the stone wall for a property line, the other walls will need to be moved off site. When the wall is removed for the detention basin, the rocks will be taken off site. The stone walls that designate the property line will remain. The stone walls that need to be moved for building will be taken off site. S. Ingram continued to review the staff memo, noting that impact fees were added to the plan. Snow storage was added and better defines the area. The driveway entrances are on the plan. Sam noted that lots 7 and 8 were reconfigured. The right of way was changed to be 50' wide

154 and the shared driveway is 30' wide. The right of way that allowed access to the Amherst lot
155 was reconfigured. The private right of way to Amherst will not be maintained by Milford. P.
156 Basiliere asked how will the snow be stored in the right of way? J. Langdell said the plan does
157 not meet the need for DPW to plow the right of way. S. Ingram said he could not add a triangle
158 section of the right of way for snow storage. J. Langdell asked if Rick at DPW approved this?
159 L. Daley said there has been no comment from DPW. S. Ingram can make that change. P.
160 Amato said the pavement ends prior to the town's right of way. P. Basiliere said the plan has to
161 reflect the reality so that the owner (of that lot) understands that snow will be put on that land. L.
162 Daley said if the snow storage goes into the right of way, could that impact the driveway? S.
163 Ingram said it could. P. Amato asked why is the right of way 50'? L. Daley said that is per the
164 regulations. P. Amato asked if it is only 30', is there enough for the road? L. Daley said as a
165 development restriction, if you want a right of way less than 50', that would not meet the
166 regulations. That is the standard for a right of way. L. Daley said the Board reviewed 674:41
167 application, which was a back road, to allow an easement to access the back lot, the Amherst lot
168 is a lot without access, to get access to that back lot, they would need approval from both towns.
169 If the Milford Planning Board wants the access different, it would require a different process. S.
170 Robinson said that lot in Amherst is land locked. J. Langdell said this Board has approved a lot
171 like this, what was the requirement on that lot off Wyman Lane? P. Amato said we need to think
172 about this, if the regulations allow for better access.

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174 L. Daley said the Planning Board can decide whatever it wants for access. P. Amato said with a
175 50' right of way, it allows Amherst to have a road. J. Langdell said it could allow the owner to
176 have more than one house in there. There is no way to access that lot from Amherst. P. Amato
177 said the plan that Amherst saw might not have had a 50' access. S. Ingram said it would require
178 approval from Milford. It needs to meet Milford town requirements. T. Finan asked in the other
179 cases in Milford, was there an agreement about emergency situations, because it is a private road
180 so in order to issue a Building Permit on that land-locked parcel, the owner has to indemnify the
181 town for access on a private driveway. The initial application for this had access for a private
182 easement for the back lot. The smaller area along the right of way will be another lot that is
183 owned by the lot owner in Amherst and must meet the standards in Milford and Amherst. P.
184 Amato thinks Amherst requires 35' of frontage. J. Langdell stated this Board could have the
185 applicant put in a waiver for a 35' right of way to limit the lot to only have a single family home
186 and not subdivide it into many lots. L. Daley said the Board can put that as a condition on the
187 plan. P. Amato said when Bartlett Commons came in, the Milford Planning Board asked them to
188 put an emergency access on North Street. L. Daley asked if the Planning Board is concerned
189 about connectivity to Amherst? The alternative is what was done for a land locked parcel on
190 North River Road and have them go through the process that was just done for that lot. P. Amato
191 said if we only want one house back there, we should not make the right of way wide enough to
192 have a road there. S. Ingram said he could make it 25' as a right of way and ask for a waiver.
193 That way the two abutting lots would gain a small amount. J. Langdell said because of the
194 nature of this lot with the town line and this other lot, it would not be setting a precedent. L.
195 Daley will look at the language for this restriction. S. Ingram continued reviewing the staff
196 memo. The legal descriptions have not been finalized yet. The drainage, snow storage and
197 common driveway easement for lots 5 and 6 legal descriptions are all in process.

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199 It was asked if an AOT is required. S. Ingram responded that under 100,000 sf of disturbed area
200 does not require an AOT. Amherst has been notified and has seen the 35' right of way. L.
201 Daley will find out from DPW (Rick) about the drainage design and the two drainage networks.
202 The drainage calculations were given to Rick today to review, which is what one of the waiver
203 requests is for to use the old sewer line for drainage. This line goes right into the river. The
204 majority of drainage is going to the detention basin on site. L. Daley asked if the small amount

of water can be handled by that pipe in addition to what is already there? S. Ingram said it is hard to identify what amount it can handle; that is what he analyzed and gave to Rick today. There are existing catch basins feeding into it now. The wetland on this property has connectivity, it is a decrease that will be handled by the detention basin.

J. Langdell asked about the under drains that were requested by KV Partners. S. Ingram said that has been added. J. Langdell asked if that affects the amount of water that goes to the other drain? P. Amato asked about the drainage on the southern lots? S. Ingram responded that drip edge trenches have been added to those homes to capture and re-charge the water before it crosses over to the other lots and has been added to the plan for the southern four lots. S. Ingram was concerned with the lots on the southern side of the development, the water table identifies what lots will have edge trenches. P. Amato said this parcel is currently for sale so the current owner will not be building the homes. L. Daley said the town does its best to keep the development plan intact, but things sometimes fall through the cracks over time. L. Daley asked about the lots themselves and any trees to be removed, have the drainage calculations been modified to include the removal of trees? S. Ingram said the drainage calcs were using the lot with trees removed for road, houses, etc.

P. Amato asked if the consulting engineer has seen that? L. Daley said thus far yes he has. All parties should sit down to discuss any unresolved issues. S. Ingram said that is his intention to avoid any further damage to the area. L. Daley asked about invasive species along the stone wall, could the town ask that those invasive species be removed during the design process. P. Amato asked if they do that, some of the buffer could get damaged. L. Daley responded if the invasive species is removed and affects the buffer, more buffer could be added but nothing invasive and work with abutters about preserving the trees. Regarding the grade elevations, the driveway locations are set, but not the house locations. L. Daley noted the abutting property owners have some concerns. P. Amato said there is not much room to move since the lots are not that big and depending on what type of house is built. The elevations would be helpful, the lots do not have a lot to move on. L. Daley asked if the drainage areas are realistic for yard space? S. Ingram said they used what was felt was appropriate. J. Langdell said once someone buys the house, they could cut all the trees, what happens to the drainage then? What kind of impact would that have? S. Ingram said the detention area and flow to the road would increase. P. Amato asked if this has been designed just to the edge or with a buffer? J. Langdell said people are going to want to create a yard. She is concerned about the impacts on this drainage off this site and onto Amherst Street, we need to be aware of that. P. Amato asked if the overflow of the wetland been looked at so it does not go to the un-named pipe? P. Basiliere said the Planning Board has to make sure there is no more water added to the lower lots, we already know that lots have a lot of water now and if some of the means to address water is remove down the line (trees) there could be something put in the deed to restrict the cutting of trees. L. Daily asked that the drainage area be expanded to have a more realistic area to include a review of the drainage calculations. The third party reviewer works for the Town and asked for Meridian to provide more information. P. Basiliere asked why there is a shared driveway, he thought they were not allowed? L. Daley said that no more than two are allowed in the development. S. Robinson said this works better for this plan, P. Amato said it is a reasonable compromise.

Hearing no further questions or comments from the Board, T. Finan opened the public hearing. Audrey Frazier, Conservation Commission, indicated that Conservation asked about the buffer line, asking how big are the houses? S. Ingram does not know how big the houses are yet. A. Frazier is concerned about wetlands since people try to prevent run off, and there are wetland issues on the other side of Amherst Street. The whole wetland area has the potential to effect Amherst. J. Langdell asked if the slope goes up on North Street? A. Frazier responded the

biggest concern for Conservation is the wetland and its impact. Lisa Vasas, abutter, provided pictures of her home that abuts this property showing that there is not a lot of buffer or trees. She asked if an AOT is required since there is over 100,000 sf? S. Ingram responded that is for 100,000sf of disturbance, not the size of the lot so it does not require an AOT. The disturbance area is actually far less than 100,000 sf. L. Vasas asked about the soil and the water tables and how does that affect drainage? S. Ingram responded the test pits out there show a high water table of about 30". L. Vasas asked how does all the digging affect the water table? Her concern is raising the water table. S. Ingram does not know how the water table would be affected. P. Amato said that is why we ask for the elevation in the plans. L. Vasas is also concerned about the car lights shining in her windows and not having much buffer. S. Robinson said the existing buffer will be used, but are there any suggestions for any new plantings? S. Ingram said they will use what is there. P. Amato said the Planning Board presumed there is a 15' buffer of vegetation there, but now seeing those picture, we see there is no such buffer. We can ask that vegetation be added as a buffer to the lots. J. Langdell said if the large bush that Ms. Vasas mentioned is an invasive plant, it should get removed, but it is a good buffer, perhaps there should be something planted as a replacement. S. Robinson suggested adding some variety of Aborvitaes as a buffer. P. Basiliere asked if the Planning Board could ask for the driveway be pushed up on the lot behind Ms. Vasas so the car lights do not shine in her windows? Could the driveway be located so the headlights would be blocked by the house? L. Daley said the Planning Board cannot be that restrictive. J. Langdell said this is less of an issue than lights shining into a front window, that is why we have curtains. L. Vasas said lights would also shine into her kitchen window.

Dave Palance, Heritage Commission, said when the house design is decided on, does this come back to the Planning Board? L. Daley said it does not, it then goes to a Building Permit. P. Amato said the engineer will not be building the homes, this is a subdivision plan, where the Planning Board is looking at the drainage and elevations. For residential, you do a subdivision plan and then the building (design) goes to a Building Permit. J. Langdell said this is where we can put on additional requirements as a condition. Dave Palance said this is the last chance? P. Amato said no, this will not get approval tonight, but these are the things that get talked about at subdivision.

Al Vasas, abutter, said the position of his house is close to the border; the main house lot was divided in half; now a house is being put pretty much in his back yard pretty much. His yard sits 4 feet below that abutting property and when it gets developed, it will definitely push more water on to his lot. If some buffer could be added on that side of the rock wall, that would help. He is also concerned of the roots of the existing trees once they start to dig. Lisa Vasas, abutter, asked how the dirt gets move when developing the road? P. Amato said the developer needs to put up a silt fence so the dirt cannot wash away. Tom Martin, 132 Amherst Street, asked if the Planning Board has the ability to limit these to one story? J. Langdell said the only restriction is height. P. Amato indicated these are not large lots so he does not see big hoses being put on the lots. There were no further comments or questions from the public. T. Finan closed the public hearing.

T. Finan reviewed the items still needing a conclusion: 1) DPW input on drainage; 2) drainage analysis; 3) landscaping along the rear portions where there is none; 4) a landscape plan for rear portion; 5) Right of Way 35'; 6) show house elevations; 7) amount of disturbance (sf). P. Amato moved to continue this application to July 23, 2019. J. Langdell seconded. All were in favor. Motion passed.

- 306 **d. William T. Mahar, Tax Map 7 Lot 25, 19 Perry Road.** Conditional Use Permit Application
307 pursuant to Section 7.13 of the Zoning Ordinance to construct three (3) self-storage buildings
308 totaling 9,500 sf an 1,800 square foot building addition, and related parking, landscaping, and
309 drainage improvements within the Integrated Commercial – Industrial 2 Zoning District and the
310 Commerce Community Overlay District. In addition, Conditional Use Permit application
311 pursuant to Section 6.06.6.F seeking relief from Section 6.06.6 Administration the administrative
312 process and application requirements for submitting a Master Regulating Plan.
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314 Chad Branon, representing the applicant explained that the applicant requests this application be
315 continued to a future date in July. L. Daley indicated this request is to be heard at a Planning
316 Board meeting in July, possibly the week of July 9, 10 11. J. Langdell said she has a conflict
317 July 10. L. Daley said D. Knott also cannot make it July 10. T. Finan said either Tuesday July 9
318 or Wednesday July 10 would work. That would be the only item on the agenda. It was agreed to
319 hold this meeting at 6:00 p.m. on July 10 in the Banquet Hall. P. Amato moved to continue this
320 application to Wednesday July 10, at 6 p.m. in the Banquet Hall. J. Langdell seconded. All were
321 in favor. Motion passed.

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324 **5. Adjournment.** The meeting was adjourned at 9:20 p.m. on a motion made by P. Amato and
325 seconded by J. Langdell. All were in favor. Motion passed unanimously.
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329 _____ Date: _____
330 Signature of the Chairperson/Vice-Chairperson:
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333 **MINUTES OF THE 6/25/19 MEETING WERE APPROVED 7/23/19**