

1 MILFORD PLANNING BOARD MEETING MINUTES ~ APPROVED

2 September 25, 2018 Board of Selectmen's Meeting Room, 6:30 PM

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4 **Members Present:**

5 Doug Knott, Chairman

6 Christopher Beer, Vice Chairman

7 Tim Finan, Member

8 Paul Amato, Member

9 Susan Robinson, Member

10 Kevin Federico, BOS rep

11 Jacob LaFontaine, Alternate member

Staff:

Lincoln Daley, Comm Dev Director

Darlene Bouffard, Recording Secretary

Videographer, Amy Concannon

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13 **Excused:**

14 Janet Langdell, Member

15 Veeral Bharucha, Alternate member

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19 **1. Call to order:**

20 Chairman Knott called the meeting to order at 6:30 p.m. introductions were made of Board members and
21 staff. Chairman Knott indicated that tonight's meeting has several items on the agenda beginning with
22 meeting minutes of August 28, 2018.

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24 **2. Review/Approval of Meeting Minutes: August 28, 2018** – P. Amato moved to approve the meeting minutes
25 of August 28, 2018 as presented. C. Beer seconded. All were in favor. K. Federico, D. Knott and J.
26 Lafontaine abstained, with P. Amato, T. Finan, C. Beer all in favor. Motion passed.

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28 **3. Public Hearings:**

- 29 a. **Burbee Sand & Gravel, 35 North Mason Road, Tax Map 58, Lots 1, 2 and 3.** Major site plan
30 application for an earth and sand removal operation to excavate and regrade approximately 4.7 acres
31 within the residential R district.

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33 Chairman Knott indicated the applicant has requested a continuance to October 22, 2018. L. Daley
34 recommended that the abutters be re-notified of this date. P. Amato moved to grant the continuance
35 to October 22, 2018, to include the request for re-notification of abutters. C. Beer seconded. All
36 were in favor. Motion passed unanimously.

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38 b. **The Stabile Companies, 20 Cotton Road, Nashua NH 03063 for the property located at Tax**
39 **Map 48, Lot 48, Federal Hill Road.** Public Hearing to amend the stormwater management and
40 drainage design for Phase III of the approved Open Space Subdivision entitled The Reserve at Federal
41 Hill. T. Finan moved to accept the application for review. C. Beer seconded. All were in favor.
42 Motion passed unanimously. Abutters were read into the record; the ten abutters that were present
43 included: John and Catherine Kendall, Raymond and Jennifer Nichols, Edward and Kimberly Smith,
44 David Haworth Trustee, Stabile Homes at Milford LLC, Sandra Bean, James & Carol Dodge, John &
45 Patricia Andruszkiewicz Trustees, Arthur & Margaret Rolfe Trustee, Meridian Land Services Kevin
46 Anderson. P. Amato moved no potential regional impact. C. Beer seconded. All were in favor.
47 Motion passed unanimously.

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49 Chairman Knott explained the process of the meeting to those in attendance, noting this is an open
50 space development on Federal Hill, called The Reserve. Tim Goldthwaite presented the plan, noting
51 there have been 73 units approved in this development (in 2005). Everything is as approved in 2005,
52 everything remains the same. The regulations changed in 2009, the drainage calculations were
53 submitted to the town for review. There are 28 units in Phase III. The detention pond was not part of
54 the original 2005 plan with sediment forbays for pretreatment. Since the pond is not on the
55 construction easement, discharge from the pond would go to the stone brim level to be discharged
56 from the pond to a natural vegetative buffer which is acceptable to the State. That report is with the
57 State, who is back logged and Tim does not expect it for another week or two. Comments and staff

review came out on September 19, 2018. The construction process will be done for the site and submitted to the town. The only thing that is changing is the drainage from 2005 to now. Mr. Goldthwaite asked for any questions from the Board.

P. Amato asked why the applicants were here the last time? L. Daley explained that Stabile was here for the smaller version of this plan and the State asked that the water be treated differently. The Planning Board asked that the applicant have a site inspection to identify any existing or continuing storm water conditions that are ongoing on the uphill side. There is a memo in tonight's packet about that. P. Amato would like to hear the status of those (existing or continuing) conditions. L. Daley provided Mr. Goldthwaite with the memo that addressed the concerns. Mr. Goldthwaite said the silt fencing for unit 64 will be taken care of during construction of this Phase. The unit with the cul-de-sac through the driveway will also be addressed during construction. P. Amato said if there was no more construction on the site, how would these concerns be addressed, what if there is a problem with the next phase?

Attorney Morgan Hollis, representing the applicant, responded any defects in the condominiums are declared, if it is a defect in the construction, that is handled with the owner and the developer. It is a private issue, it is not a Planning Board issue. The Planning Board is not the enforcing responsibility, there are issues and they get addressed privately. D. Knott asked what is the issue on lot 73? Mr. Goldthwaite responded the culvert was heaving the pavement, it is mostly that the pavement needs to be re-done. Attorney Hollis stated during the next Phase, that issue will be addressed. Mr. Goldthwaite said the storage area has been addressed, the other issues that have been observed include erosion from the roadway across the road and damage to the culvert (which has been completed). In the construction storage area, there were pipes and loam storage, it is buried up and there was a breach which caused a stormwater pond. The existing roads where retaining walls have damage should be taken care of by the homeowner's association.

L. Daley said in his review of the plans, there was not any detail of any retaining walls in the development. Mr. Goldthwaite said there are a few typical retaining walls that are in the 2005 plan with heights of 4 feet or less. L. Daley said there is no detail on the plans of retaining walls. Jim Dodge, resident said there are two walls that are mentioned on the report, one is more than four feet, it is about 5 feet high. The other wall is about 2 feet and is breached. There is another wall that is made of blocks, not boulders, about four feet tall that has failed quite a bit. That wall is behind the first unit. That wall has moved more than six inches over time; there were no drawings on the plan and it was built by the developer, not the homeowner. Mr. Dodge said last March an application from Ciardelli had a condition on the plan regarding a retaining wall and that did include a drawing on how the wall was to be built. Tim Goldthwaite's report mentions that the repaired wall had that the interface should be covered with a non-woven fabric. Mr. Dodge can find no type of non-woven fabric and half the soil is missing. Mud is worse than water, when mud gets in the wall, it expands and pushes it apart. Mr. Dodge requested that a condition of approval be to have a detailed engineered plan for both the boulder and block walls. It looks like there will be quite a few. To fix it properly, it has to be taken down and re-built. These walls are being put up by machine operators and might not have been constructed properly.

John Kendall, 75 Federal Hill Road, said his basement has been flooding continuously whenever there are rainstorms. It was not like that before 2005 when this development began. This past week, it got ridiculous, he would like to have someone take a look. The flooding did not exist before this development, with the reduction of foliage, or something, the water just flows into his yard and his foundation is saturated. D. Knott asked if he has talked to anyone about this before? Mr. Kendall said he has talked about this since this new plan came up. Four or Five trees came down last summer, and they said it would not add more water coming down. L. Daley suggested this discussion continue after tonight's meeting to see if the DPW Director could be contacted, he is not sure if this water is from this development or from other improvements that have been done over the years.

Ray Nichols, 72 Federal Hill Road, said since 2004 the developers have been pretty good neighbors, however, the detention pond appears to be eroding Federal Hill Road, it appears that the erosion is causing erosion 1-2" under the pavement. There is a culvert that goes under his driveway. After moving in, we have continuously been fixing the culvert. After this plan was put in there were some unanticipated consequences. Some of the trails behind the Hampshire Hills property and the Dome (which are open to residents at The Reserve) and with the water from The Reserve, most of the trails are not usable. The area where this water will run off will make most trails impassible. L. Daley said he can talk to DPW about that as well, noting that the area behind Hampshire Hills is very wet. C. Beer asked that the two residents who have spoken thus far come back another time or after tonight's meeting so that Lincoln can get information to contact DPW. P. Amato indicated where the water drains into the forest area is another example that the flow will be put on to someone else's property. L. Daley said a drainage analysis was done and he understands that the amount of water will not increase. Tim Goldthwaite indicated the developer has to meet the State criteria requirements in order to get approval from the State. The development meets the requirement. P. Amato said that does not mean it will never flood, we design to a 50 year storm, it is a matter of when it happens not if it happens. The trails being flooded are on Hampshire Hills property not The Reserve property. L. Daley said all the trails that exist back there go through a wet area that will continue to be wet.

Gorden Beam, Unit 5 The Reserve, has been concerned with the amount of water coming down to his driveway. There is a drainage ditch below his driveway. When talking with the construction people, he was told the new home will get power from the box that is right next to his house, which means they will have to dig up his driveway. The breach in the dike in the past has not been addressed. In order for Phase III to be done, a lot of trees will need to be removed. D. Knott asked if the issue with the driveway has been addressed? T. Goldthwaite said that is one item that will be addressed in this construction phase.

Susan Robinson arrived at 7:20 p.m.

66 Reserve Way, asked if the town gets a bond for the road completion? L. Daley answered that because this is a private road, the town does not ask for a bond. The resident at 66 Reserve Way said it has had a base coat on for about 13 years, but the road needs to be completed. L. Daley said the status timeline indicates the final pavement will be done by 2021. Eric Jackson, Stabile, said there is a portion of the road that will be done when we begin Phase III. The rest of the final coat will be when the project is complete. P. Amato asked how much of the road has a final coat. Eric responded that the Yorktown access road has the final coat. Mr. Dodge said all of Phase I has a top coat. Portions of Phase II have top coat. If the roads were all finished with the top coat, it would just get ruined with the large equipment. D. Knott said there is agreement with the developer regarding the top coat. Eric Jackson said they would like to start on this phase as soon as possible, but we cannot do anything without the AoT permit.

Jim Dodge followed the flow of water and where it goes onto the Hampshire Hills property. D. Knott asked the applicant what can be done? L. Daley said the State goes through its process, if the Planning Board decides to move forward with this they can move forward at their own risk. D. Knott said if it is approved, is Stabile willing to mitigate some of the issues that have been discussed? L. Daley asked if the abutters are looking for a timeline for Stabile to implement the improvements? J. Dodge said the water that they divert, and the silt produced should be dumped on the common land between the two roads and in some places the silt is two feet deep. Mr. Jackson said as soon as the Meridian report was finished, we started to address the issues. Jim Dodge would prefer preventative measures. L. Daley asked what will be accomplished while Stabile is awaiting the AoT? Mr. Jackson responded they have addressed every issue according to Best Management Practices. We cannot get the heavy equipment up there until we have approval. Stabile will work with the Association on the retaining wall issues identified and the walls will require maintenance. Seeing no further comments, D. Knott closed the public hearing. In looking at the photos provided, D. Knott indicated the height of the retaining walls cannot really be determined. K. Federico said the residents of Phase I and II are agreeing to have the identified items corrected during Phase III.

J. Dodge said the residents are not opposed to this new Phase, they just want to get this done. C. Beer thinks the Planning Board needs to talk about the retaining walls, it might be something the Planning Board wants to see engineered. It sounds like there are stone walls that were not engineered. S. Robinson asked if Phase III construction is ready to go once the AoT is issued? Mr. Jackson said yes, noting that the issues brought up that have not been addressed, need further discussion or require heavy equipment. Mr. Jackson would like to get the road in this winter, but the closer we get to winter, the more challenging it becomes. P. Amato asked how many units a year are expected to be sold? Mr. Jackson responded he expects between 12-15 units per year. Once the AoT is approved, C. Beer asked if new plans will be submitted? If so, could the stone walls be added? He would like any new walls to get built to the plan. L. Daley said the drainage structure will be in a common area. The Planning Board has the authority to approve or not approve the structure within the common area. T. Goldthwaite said the inspection report will be submitted and be a part of the SWMP. L. Daley said the Conservation Easement for the construction of stormwater management and drainage does not grant an easement to allow for the drainage management. There are requirements of the easement that it cannot impair the conservation easement. P. Amato said the easement line should be delineated once construction starts. L. Daley said the easement allows a secondary easement for purposes like this. The applicant cannot develop within the conservation easement, it also talks to any impact to that area. S. Robinson asked if the water is flowing in and out, how would they deal with that? L. Daley said he would defer to the applicant to explain how the drainage works. L. Daley is asking if water infiltration is addressed in the easement? T. Goldthwaite said a pond is not infiltration. D. Knott asked if there is an impact to the easement? T. Goldthwaite said based on the numbers, no. C. Beer said it should not have an impact on the conservation area with the amount of water. P. Amato asked if the rules of the conservation easement are being followed?

Attorney Hollis explained the conservation easement has three areas; in going through this, based on the calculations, the water cannot leave the site and cannot affect the conservation area. The water will not affect the subsurface water system. P. Amato asked L. Daley if he is comfortable with that? L. Daley said that Fred Elkind has reviewed the calculations and came to the same conclusions.

C. Beer moved to conditionally approve the application with the staff recommendations listed in the staff memo dated September 19, 2018, and allow the drainage structure to be in the open space area and add the retaining wall structure details in the updated plan set. P. Amato seconded. All were in favor. Motion passed unanimously.

- c. **Jorge Arrunategui, 324 Pead Hill Road, Wilton, NH for the property located at 99 Union Square, Tax Map 25, Lot 26.** Public Hearing for a minor site plan for a change of use to a restaurant.

C. Beer moved to accept the application for review. K. Federico seconded. All were in favor. Motion passed unanimously. P. Amato moved no potential regional impact. C. Beer seconded. All were in favor. Motion passed unanimously. Abutters were read into the record; those present were: Christine Kachmar, Highland Park LLC, Town of Milford, Jorge Arrunategui. Jorge Arrunategui indicated he works at the Pumpkin Festival selling his food and would like to open a Tapas Bar in the Milford oval serving appetizers and Paella for take-out. This will be open to the public and be mostly take out. Most of his customers are from Milford and the Milford area. C. Beer asked if there will be any outdoor seating? Jorge responded he would like just a few tables outside. L. Daley said that is a detail to work out with the Fire Department who can identify how much space is available. The actual plan would be put in the Building Permit process to determine how many people could be allowed. Jorge said he has already talked with Jason at the Fire Department. Tim Finan asked if this is one of the units that has a deck over the river and asked if the deck is deemed safe. Christine Kacher responded that it does have a deck. Dave Palance, Heritage Commission, indicated this brick building was the original high school, and that the deck was deemed unsafe. Jorge stated he spoke with Jason at the Fire Department who told him the deck was safe. K. Federico moved to approve

the application with staff recommendations. T. Finan seconded. All were in favor. Motion passed unanimously.

4. **Public Meetings:**

- a. **Turtle Creek Properties, LLC/Cynthia Dokmo, 29 Mont Vernon Road, Tax Map 21, Lot 6.** Conceptual Review to discuss the development and reuse of the former Montessori School and Colonel Shepard House. L. Daley explained this is a non-binding discussion for input from the Planning Board for uses or site improvements to the site of the Colonel Shepard House. Cynthia Dokmo has recently purchased this property, which was turned into a restaurant and tavern in the late 1980's and more recently has been a Montessori School. Ms. Dokmo would like to use the property as an Event Center, with offices upstairs, noting that the footprint would not change. The building will look exactly the same but have repairs made. The building has sprinklers and handicapped access and bathroom facilities. Ms. Dokmo would like to be able to host small functions such as bridal and baby showers. This would not be for large functions, but there is a need for function facilities. In order to convert this, it needs paint, updates bedroom, there is no kitchen, the possibilities are open and she is not yet sure what it could be. Upstairs the electricity might need to have additional work. The Barn is on the property, but the plan is to use that for an event center. Right now there are 34 parking spaces on the property, on a gravel lot. P. Amato asked if the barn space was considered when calculating parking requirements? L. Daley said it was not, when the Barn is used, the parking would need to be increased. He just visited the space and it is beautiful. Ms. Dokmo said there are no original features in the house, but in the attic, you see the structure. It needs some cosmetic work and repairs. Ms. Dokmo asked if the site plan she provided is sufficient for when she submits the official site plan application submission. All concurred it would be sufficient.
- b. **Heritage Commission – Discussion of Cultural and Historical Resource Chapter of Master Plan.** Dave Palance, Heritage Commission, indicated the Conservation Commission has its own chapter of the Milford Master Plan; the Heritage Commission feels there should be a Chapter specifically for the Heritage Commission for Cultural and Historical Resources. The Heritage Commission is responsible for reviewing plans and determining if anything of a historic nature should be addressed. It is strictly an advisory group. D. Knott asked if the Heritage Commission should be another layer of regulation or is it just advisory? Dave said it is an advisory group. L. Daley said this chapter would be helpful in applying for grants. L. Daley asked if the Heritage Commission would like to work on this new chapter if it is felt there should be a new chapter added. D. Palance said they could work on that. L. Daley suggested the Heritage Commission bring back a draft for the Planning Board to review, since they are the approving authority for the Master Plan. P. Amato recommended the Heritage Commission come in to review the draft with the Planning Board as it is created, so that the group is not heading down a different path than the Planning Board. S. Robinson asked what exactly the Heritage Commission would want to see for plans? L. Daley heard that if a project is on an old house, the Heritage Commission would like to be involved. If something comes up that you think Heritage would be interested in, it will be forwarded to them. L. Daley said currently, he does send larger plans to Heritage with the IDR (Interdepartmental Plan Review) is sent out for Planning Board. Consensus of the Planning Board was to have the Heritage Commission move forward to start on that chapter and bring a draft back to the Planning Board along the way.
- c. **Donation of Stone Structure to the Town – Jessica Hudson / Demontigny Family, Tax Map 43, Lots 25-1, Tonella Road.** Request for Planning Board Recommendation Pursuant to RSA 41:14-a. L. Daley explained this is for the donation of a 30 x 60 foot stone structure to be disassembled and then re-assembled on the Fletcher site at the Keyes Memorial Park entrance. This will be placed on the EPA cap on which the town cannot penetrate the cap. There will be a foundation for the structure to be placed on. This structure is being donated to the Town of Milford and the services and resources to move the structure are being provided at no cost to the town. Local individuals have come forward to donate their time and equipment to move this stone structure in exchange for a portion of the stone. P. Amato asked if the plan has gone to the BOS yet? L. Daley said the 2016

Keyes Memorial Park plan was approved by the BOS. Tonight's discussion is part of the required public meeting to accept a donation of the structure in accordance with RSA 41:14-a. D. Knott asked if there are any hidden costs? L. Daley said the two parties that are willing to help the town with this will also be looking at that. We will be meeting with DES about this, at this point the re-assembly plan is conceptual. P. Amato moved to support the donation of the stone structure. J. Lafontaine seconded. All were in favor with K. Federico abstaining. Motion passed.

- d. **Town of Milford – Granting of Lot Load Easement. North River Road Properties, Tax Map 17, Lot 11-1, Chase Lane, Request for Planning Board Recommendations Pursuant to RSA 41:14-a.** L. Daley explained that this easement requires two public hearings by the Board of Selectmen; the first hearing was last night. The Planning Board needs to recommend or not recommend to the Board of Selectmen if this should be granted. This is an undersized lot, in order to meet the requirements for septic, a portion of Chase Lane must be used for the square footage. DES has reviewed the plan and is behind the resolution with the BOS. In 2007 it was felt that the two subsystems would be connected at some point. It has been found that tying in the systems would be complex and the wastewater treatment facility staff is reluctant to connect them. Right now this is an undeveloped lot. Next Tuesday, October 2, 2018, there is a Planning Board work session at which a decision should be reached. Consensus was to get more information from the wastewater treatment facility staff before making a decision. This Planning Board decision is to bring a recommendation to the BOS.

5. Other Business:

- a. **Community Development Updates** – Burbee is working on what can be re-claimed and will be coming in during October. L. Daley explained there was an appeal of an administrative decision on the Brox community lands. It was determined that what had been sent was not an administrative decision, therefore the judge ended up ruling in favor of the town on that.
- b. **Planning Board Updates** –
- c. **Commission/Committee Updates**

- 6. Adjournment:** The meeting was adjourned at 9:06 p.m. on a motion made by C. Beer and seconded by K. Federico. All were in favor. Motion passed.

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

MINUTES OF THE 9/25/18 MEETING WERE APPROVED 10/23/18