

MILFORD PLANNING BOARD MEETING
June 26, 2018 Board of Selectmen's Meeting Room, 6:30 PM

Members Present:

Christopher Beer, Vice Chairman
Janet Langdell, Member
Tim Finan, Member
Paul Amato, Member
Jacob LaFontaine, Alternate member

Staff:

Lincoln Daley, Comm Dev Director
Darlene Bouffard, Recording Secretary
Videographer, Mitchell Hemmer

Excused:

Doug Knott, Chairman
Veeral Bharucha, Alternate member
Kevin Federico, BOS rep
Susan Robinson, Member

1. Call to order:

Vice Chairman Beer called the meeting to order at 6:30 p.m. introductions were made of Board members and staff, noting that Jacob LaFontaine is an Alternate member of the Planning Board and is sitting in for Full Member Susan Robinson this evening. Vice Chairman Beer indicated that tonight's meeting has several items on the agenda beginning with meeting minutes of May 22, 2018.

- a. **Review/Approval of Meeting Minutes: May 22, 2018** – J. Langdell moved to approve the meeting minutes of May 22, 2018. T. Finan seconded. All were in favor. Motion passed unanimously.

2. Public Hearings - Applications:

- a. **INFEFT LLC, 79 Old Wilton Road, Tax Map 14, Lot 7-1.** L. Daley indicated that the applicant for INFEFT was not present at the opening of the meeting, therefore he requested to move the Planning Board meeting forward to the next item on the agenda. The applicant was present after the Stabile companies discussion. J. Langdell moved to accept the application for review. P. Amato seconded. All were in favor. Motion passed. J. Langdell moved no regional impact. P. Amato seconded. All were in favor. Motion passed.

L. Daley read the abutters list, those present included: Town of Milford, Sanford Surveying, INFEFT LLC (Mark Delage). Neil Smith, Sanford Surveying, representing the applicant, presented the plan and noted the applicant runs MD's Trash out of this lot and needs a warehouse to sort recyclables. The warehouse will be located in the NE corner of the lot where a stormwater area is being created to infiltrate and move the water in a controlled way. Twenty parking spaces are required and another 7 spaces are needed for equipment. Run off will go beyond Hendrix Wire and continue on. P. Amato asked if the run off goes in that direction currently? Neil Smith said they are improving the existing run off. C. Beer said there is grass on the east and west side of the paved area, how wide is that? Neil Smith said it is 15 feet wide, it is within the building envelope. C. Beer asked if the fabric structure is year round. Neil Smith answered that it is. J. Langdell asked if the two ends (of the structure) facing Elm Street are closed? Mark Delage responded they are, there are two windows to allow air movement in and out. J. Langdell asked if the "windows" are clear. Mark Delage responded that they are black mesh fabric.

T. Finan asked if this is consumer recycling? M. Delage said it is, consumer recycling has really kicked in - cardboard and metal are a money maker. P. Amato asked if there will be electricity for lights? Mark Delage responded that it will be required. P. Amato asked if the Fire Department had any concerns and how much of the recycling is done inside. Mark responded the building is for recycling, to separate materials, it is not for storage, it will be recyclables that get transferred. P. Amato asked about additional truck traffic. Mark said there will not be additional truck traffic. J. Langdell asked about environmental concerns from the Conservation Coordinator and stormwater. Neil Smith said each item was responded to. T. Finan asked if this is wind-rated. Mark responded the frame is set right into the concrete. P. Amato asked about landscaping. L. Daley said mitigating

the visual impact of a 27' structure would require additional landscaping, so additional landscaping is being added to screen it from Elm Street. L. Daley requests that Elm Trees be included in the landscaping plan between the Hitchiner lot and this lot. Hitchiner came before the Board about putting a fence on the wetland portion of the property. On this property, it was determined that it was not a wetland. It is a man-made swale and it is up to the applicant what to do with it. According to two different wetland scientists, the Hitchiner portion was determined to be a wetland, but on this site, it was not. A corner of the building could be in the 25' buffer. Neil Smith said this is a man-made ditch, it is a non-tilled ditch that does not require drainage or a swale. L. Daley received an explanation from the Conservation Commission and Fred Elkind that this happens from time to time. J. Langdell stated that the storm water drains should be painted with "No Waste" for all catch basins.

L. Daley asked for uses of the current structures and if it is anticipated that recycling will be done inside this building. Mark Delage explained tenants are renting out the bays on this property. C. Beer asked if this fabric structure will store materials outside. L. Daley indicated very productive conversations have been held with Mr. Delage who agreed to add a fence to contain any stray items. P. Amato asked where the trucks are parked. Mr. Delage parks them in the lot overnight. P. Amato asked if the Board wants to do a site walk to get an idea of what the site currently looks like and have Mr. Delage flag where the structure will be positioned. P. Amato feels moving the trucks around the site could be an issue. C. Beer does not think a site walk is necessary. All other members felt a site walk should be conducted. It was agreed to have a site walk on July 17 at 6 p.m. (which was later rescheduled to Monday July 23). P. Amato moved to table the application to July 24, 2018. J. LaFontaine seconded. All were in favor. Motion passed.

Mark Delage asked what a site walk does. P. Amato explained it allows the Planning Board to walk the site to see where the catch basin and landscaping as well as the structure would be, along with the traffic flow. J. Langdell moved to hold a site walk at MD's Trash on July 17, 6 p.m. P. Amato seconded. All were in favor. Motion passed.

- b. **The Stabile companies, 20 Cotton Road, Nashua, NH 03063 for the property located at Tax Map 48, Lot 48, Federal Hill Road.** After the public meeting to discuss the drainage design for The Reserve, the Planning Board moved back to the agenda item for the Applications Public Hearing for the Stabile Companies Tax Map 48, Lot 48 Federal Hill Road. P. Amato moved to continue the application for Map 48, Lot 48 Federal Hill Road to the July 24, 2018 Planning Board meeting. J. Langdell seconded. All were in favor. Motion passed. L. Daley indicated all abutters will be notified via certified mail for that meeting July 24, 2018.

3. **Public Hearing – Planning Board Administrative Rules:**

L. Daley explained the rules will read that if the Chair or Vice Chair is absent, the Alternate will act on their behalf and is able to make a motion or cast a vote at a public hearing or work session. Either way, the Alternate member should sit at the table with the Planning Board and it should be announced during introductions, that the member is a Full member or Alternate member and if they are sitting in on behalf of a Full member. RSA 673:6 was changed over the last two years; these changes are from recommendations at the State and from Legal Counsel at NHMA. L. Daley feels this is a way to keep the Alternate Planning Board members engaged and active in the process. J. Langdell moved to continue the public hearing to July 24, 2018 meeting. P. Amato seconded. All were in favor. Motion passed.

4. **Public Meeting:** L. Daley introduced the engineers presenting for The Reserve of Federal Hill this evening who want to discuss the drainage to the plan; L. Daley indicated that the applicant has requested a continuance to July 24 for this application. Kevin Anderson explained they are working on a design for an update to the storm water management area only. P. Amato asked if this application should be tabled? J. Langdell said if it is not a major amendment, we might not even need to hear it. Kevin Anderson, Meridian and Eric Jackson of Stabile were both present to talk about the development at The Reserve which is a 73-unit detached condo development; two phases are complete (45 units) and the developer did not immediately pursue Phase III due to the economy. Twenty-three lots are ready to be done and we feel now is the time to finish Phase III. There are several significant improvements with water and sewer on Federal Hill Road. We

need to update the AOT permit to do some regulation changes that have come up since the development began. This is a minor change and can be proved by staff with the Planning Board's permission. It is the intent to complete the work to the satisfaction of the town and the condominium association. We propose to extend the phased timeframe out three years. If the Planning Board feels it is a substantial change, we can continue this meeting to July 24 as well.

Kevin Anderson, Meridian, indicated the discussion of the proposed changes and amending the AOT, there were 73 units approved with 28 units remaining. The AOT at the time expired in 2014, the requirements for AOT have substantially changed since 2005. The plan is to not change the road at any time. The intent is to pick up from that location and disperse water into a detention basin. Phases 1 and 2 are treating the roadside water through culverts and discharge to a detention basin. Mr. Anderson asked if the Planning Board feels this is a significant change or a minor change? Mr. Anderson explained where the detention basins will be located. This is the change to the plan, the road will not change, it is merely a change in storm water mitigation. J. Langdell said there have been drainage issues on Federal Hill Road since that time, asking have there been any drainage issues recently? L. Daley said there was a site visit June 6 and there were residents present as well. We had a productive site walk. There were stockpiles of materials, erosion and they are maintaining the site as approved by the Planning Board a few years ago. Those concerns have been related to the applications and they will be addressed.

P. Amato asked if the treatment swale to the detention basin has been designed? Kevin Anderson responded that in 2005 the AOT allowed the run off to be as it is now, it is not what they are today. P. Amato said this is a small part of the design, the part that is already built will be worse off than this plan. Are the existing plans working? K. Anderson said as far as he knows they are. C. Beer asked how much will be disturbed? K. Anderson responded there are two methods that can be done: either amend the AOT or get a new permit. We are looking at Phase III only, there is a 20,000 sf disturbance which still triggers a permit. C. Beer asked if the stormwater mitigation plan has been reviewed by the Planning Board? K. Anderson said it has. L. Daley said the proposed area for the detention area is in the open space. Under the regulations, the Planning Board has the ability to review it if it is in the open space, that is something for the Board to consider going forward. J. Langdell would like to hear from residents and/or abutters. C. Beer said we are trying to determine if this requires a Planning Board meeting for this change.

Dave Palance, Milford Heritage Commission, asked that the water treatment already on the plan be pointed out for the audience. Mr. Anderson pointed out the Phase III swales and the interconnection to bring it down to the basin. Jim Dodge, 39 Reserve Way, asked if the water from Phase III will be directed to the pond or will any of it be directed to the Phase II control? Mr. Anderson responded it is the plan to direct Phase III to this new basin in an effort to move all the water to the new basin. Jim Dodge asked will the pond become part of The Reserve and will the owners be responsible for the maintenance of it? This is a new added cost. Mr. Dodge said Stabile asked that Kevin Anderson handle annual mowing of the grass which is the typical maintenance of the basin. Mr. Dodge asked if the basin will have any structures? Kevin Anderson does not know yet because it is not designed yet. Jim Dodge asked if any Planning Board members have been to the site? Mr. Dodge said members of the Planning Board should visit and take a look at the report by L. Daley.

Gordon Beam, Reserve resident, has a concern as a new resident next to the new unit being built, pointing out that everything from that unit runs down his driveway and then goes down to the culvert. Will there be a culvert to his driveway or will everything run in a different direction? He is concerned about drainage. Mr. Anderson said it is not the intent to change the design, it is to deal with Phase III. Any concerns should be brought up with Stabile. Mr. Anderson said the purpose of tonight's meeting is to determine the storm water management for Phase III. J. Langdell said this resident has concerns because he is right in the middle of both storm water areas. Mr. Anderson said some of the drainage will be addressed to run in the other direction. If there are concerns with any of the owners, Stabile would like to hear about them. Mr. Dodge asked for the key points from L. Daley's report with the Planning Board. P. Amato asked why is the detention basin not being redesigned? Kevin said it will be designed, but it is felt to be a minor change. The intention was that an overview would be provided tonight and follow up with the plans. L. Daley said we are trying to work with the applicant and trying to be flexible. The Board has to act on something tonight

because it was a published notice in the newspaper. Eric of Stabile, said it would help them to move this forward if it is felt this is a minor change.

Mr. Dodge indicated Phase II is not complete, Mr. Beam's house was not installed as it was planned, his driveway was not in accordance with the plan. There is a lot of work in Phase II that still needs to be done. There are three or four units that still need to be completed. Eric, of Stabile, said there are five that have not be completed yet. P. Amato asked if that will be part of the new drainage plan? Eric, Stabile, said that will be in accordance with the Phase II plan. All of these homes have been inspected and permitted by the town, so if it was not according to the plan, it would have been addressed by now. Mr. Dodge said it might be constructed by the plan but it is not working, everything gets iced over in the cold weather. He recommends that this be considered a major change. Eric, Stabile, said all of the roads and homes have been built in accordance with the plan and inspected by the town. We try to stick to the plan as much as possible, if there are concerns, we can work with homeowners, but if we wait, these issues will continue longer. Eric, Stabile, said these are private roads with town water and sewer. C. Beer said the road maintenance is the responsibility of the association. Eric said Stabile worked very hard to put in swales and drainage, and a trench that is behind the houses has been found to be responsive, but there is always room for improvement. Mr. Dodge asked about the three houses that will not be hooked up to the new drainage, the water will come down to their house and how will that be handled? Mr. Anderson said the first house will have run off that runs north. He will make every effort to make sure it will not run toward the house. Mr. Dodge said the roads are the responsibility of the association but the Phase II road does not have the surface coat on it. Erik, Stabile, said they are completing the roads and finishing the final coat in Phase II, and there was concern from the homeowners about the finishing those during Phase III. Mr. Anderson is not aware of where the roads stand and what has been finished and what has not been finished.

Bob Courage, 3 Constitution Court, was on the Committee that worked with Stabile in Phase I. The town requires bonding on a project such as this with drainage and erosion control, the town requires a bond for the construction of a sewer line. The water up there is Pennichuck water. Stabile cannot get a Certificate of Occupancy until the first coat of pavement is on the road. There is no bonding. The roads should be bonded. There are 45 units up there, the entire project should require a bond for the roadway. Bob Courage asked if there is a bond on any site plan, is there a bond on private roads? How does the town know if they will complete them according to the plan? P. Amato said this would not require a bond, C. Beer added this will not be a town road, so we cannot have a bond. Mr. Courage said there should be a bond for any site plan with town water and sewer that comes before the Planning Board. J. Langdell indicated this should be brought up at a work session, it should be discussed there and we should talk about it. Bob Courage said that Phase II has not had finished paving yet, now they do not want to pave it until after Phase III is complete. Eric, Stabile, responded if the Association wants the road finished we can do that. P. Amato asked if that needs to come back to the Planning Board for what needs to be determined? We do not know what it will entail because it is not designed yet. P. Amato suggested it come back before the Planning Board.

J. Langdell said there are significant changes at the State level and a new AOT permit, Milford is an MS-4 town, stormwater is a big deal, this is something for the Planning Board to be concerned about. She agrees with P. Amato that it should come back to the Planning Board. T. Finan agreed. J. LaFontaine agreed. J. Langdell continued that this is a major change to the development that needs to come before the Planning Board for the revisions of drainage design for Phase III and the changes to the development. P. Amato moved that changes made to the plan with the drainage design and development agreement for all uncompleted sections of the plan come back before the Planning Board. J. Langdell seconded. P. Amato asked why Phase III raised a flag and Phase II did not. If there are new standards, anything not completed should go by the new standards. C. Beer asked if any new permits need to abide by the new requirements. L. Daley deferred to DES on that for the remainder of Phase II. Further, DES needs to determine if the five houses in Phase II are part of the new regulations. L. Daley will confirm that the existing drainage design for Phase II is functional and if not, the Planning Board must discuss. J. Langdell said the Planning Board should be informed of any discussion with DES going forward relative to Phase II. P. Amato asked if L. Daley could be part of the conversation with DES? L. Daley said he could have a conference call with the applicant and DES altogether. Kevin will disclose any discussions he has with DES on this subject. L. Daley said in order to decide if this is a major or minor amendment, there is some ambiguity on Phases II and III that needs to be

