

1 MILFORD PLANNING BOARD MEETING

2 November 28, 2017 Board of Selectmen's Meeting Room, 6:30 PM

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4 **Members Present:**

5 Christopher Beer, Chairman

6 Doug Knott, Vice Chair

7 Tim Finan, Member (via Skype)

8 Paul Amato, Member

9 Janet Langdell, Member

10 Susan Robinson, Member

11 Jacob LaFontaine, Alternate member

**Staff:**

Lincoln Daley, Comm Dev Director

Darlene Bouffard, Recording Secretary

Amy Concannon, Videographer

12  
13 **Excused:**

14 Kevin Federico, BOS rep

15 Veeral Bharucha, Alternate member

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17  
18 **1. Call to order:**

19 Meeting was called to order by Chairman Beer at 6:30 introductions were made of Board members and staff.  
20 Chairman Beer indicated that member Tim Finan is not in Milford tonight, therefore he is attending this  
21 meeting via Skype.

22  
23 **2. Review/Approval of Meeting Minutes:**

24 **September 5, 2017** – J. Langdell requested amendments. S. Robinson moved to approve the minutes of  
25 September 5, 2017 as amended. J. Langdell seconded. All were in favor. Motion passed.

26  
27 **November 7, 2017** – J. Langdell requested amendments. P. Amato moved to approve the November 7, 2017  
28 minutes as amended. J. Langdell seconded. All were in favor with T. Finan and D. Knott abstaining. Motion  
29 passed.

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31 **3. Public Hearing(s):**

32 **a. Raisanen Homes, LLC, Tax Map 20, Lot 2, 29 Spaulding Street.** C. Beer indicated this hearing was  
33 continued from the October 24 meeting. C. Branon, Fieldstone, was representing the applicant noting he  
34 was in front of the Board in September when there were a lot of discussions about the process to  
35 determine density. One lot has been dropped since the lay out was changed based on feedback received.  
36 The proposal is for six new lots and the one parent lot. There are two ways of determining density. One  
37 was is to base it on a conventional plan, or density can be determined using a formula. Chad provided a  
38 handout for the members; if using the formula approach, on the west end there is a fair amount of upland  
39 area which results in seven lots which is what will be presented tonight. He does not have any intention  
40 to move forward with the conventional type of development and will move forward on an open space  
41 development. C. Branon asked for input from the Board and staff. L. Daley asked what type house will  
42 be put on the front parcel. C. Branon answered the 36x28' home. There are two mechanisms, so if we  
43 chose either method to determine density, the lot meets the regulation with frontage. It is a tight lot so a  
44 small home can be built. The land will support the density but we are not proposing that. A conventional  
45 type plan is not being presenting for development, it is only to determine density. L. Daley asked if the  
46 roadway alignment requires a variance? C. Branon responded no, it all meets the town specifications. L.  
47 Daley said he compared this development to Harvest Drive and West Meadow for road length. P. Amato  
48 said they needed a waiver for the dead end. L. Daley agreed and that will be needed here as well. C.  
49 Branon asked if a vote is needed on density? J. Langdell responded yes because at the last meeting the  
50 documentation was incomplete so we were unable to make the determination without the correct plans.  
51 C. Beer said the Board needs to vote on density but let's open it to the public first.

52  
53 C. Beer opened the meeting to the public for comments or questions, stating that the information provided  
54 tonight supports seven lots, including the parent lot. There were no comments. J. Langdell clarified that  
55 there are six new lots and with the existing lot it totals seven. P. Amato moved that for density there is a  
56 maximum of 7 lots including the parent lot. D. Knott seconded. All were in favor. Motion passed.  
57

C. Branon presented the open space plan noting that a number of modifications were made since the last presentation based on feedback received from the Planning Board and abutters. He has had many opportunities to field comments and concerns relative to how this might affect abutters and changed the roadway so that the intersection is at the common boundary. That was a request of abutters and that is the major revision to the plan. Six lots off the end of Wright Road, favoring the east side of the road. The cul-de-sac shows a reduced size to minimize impervious area and enlarge the lot sizes. All property lots exceed 10,000 sf which the Planning Board feels comfortable with. The homes conform to the requirements and the plan shows the proper open space easement area. This will allow the natural vegetation to remain on the land. That area is not part of the open space calculation. This plan meets the requirements. That area is 15 feet wide and would encompass the existing trees that will remain intact. This approach was done on West Meadow on the back of a few lots.

J. Langdell asked if Chad envisions this as an open space area? Chad responded that it is more of a “no cut zone.” We will be looking to restrict pedestrian traffic along the area. J. Langdell said it is confusing to people looking at the plan; we could have that written into the covenants of the deed. L. Daley agreed, he does not see the town maintaining that area and you do not want people to have access to that 15 feet of the property. P. Amato asked if the Assessor would give owners a break on taxes for that 15 foot buffer? D. Knott asked what “no cut zone” means? C. Branon said there would still be standard management practices like if something is dead, but you cannot go and clear cut the area just because you want to. D. Knott asked if the owners can remove invasive plants in that 15 foot no cut zone? C. Branon said that could be defined in the covenant, the objective is to address what was raised by abutters. If this is the direction the Planning Board would like it to go, they would prepare something for town review. P. Amato sees this as more of a conservation easement. J. Langdell asked if that would include the level of why it is being used so the owners understand why it is there? P. Amato asked if it would become a town or civil matter if someone breaks the covenant? L. Daley said the town would be in charge of enforcing. T. Finan said there was already one road that had been cleared. J. Langdell is talking about the trees along Berry Court that are tall and healthy. C. Brenon said some wording for that buffer area needs to be written up; town staff and the developer can come up with language for the 15 feet. D. Knott does not like the idea of having 15 feet of property that the owner cannot use. J. Langdell feels it is more for the Planning Board to build good neighborhoods in town. These neighborhoods are established and we are adding a new neighborhood and we are trying to minimize the impact. D. Knott asked what types of trees are along Berry Court? P. Amato said these are not huge lots. At this point the Skype connection failed with T. Finan.

By trying to put constraints on the lots, P. Amato asked are we doing more harm than good? We can ask the applicant to remove the trees. C. Beer stated that would not keep the new owner from clearing the trees. The 15 feet is burdening the future land owners; they could put up a fence and mow it. C. Branon said he took the feedback from the site walk when it was asked if we would consider doing a “no cut” line along the properties. To the applicant it does not matter either way, if it is on the plan the people that are looking to buy the home will know up front it will be in everyone’s deed. This exists in West Meadow and they were sold out within one year. C. Branon said roads like this appear to attract ages 55+ who like smaller homes and smaller lots. This plan addresses requests from staff and abutters. We are looking to move this project forward. S. Robinson questioned if the public can provide input at this point? C. Beer responded only when he opens the hearing to the public, adding that the open space area got much larger there is just under two acres of land in open space. Upland area is .65 acres. Waivers are being requested for the dead end road length. C. Branon stated he received negative input from Fire or DPW regarding the road configuration but this is the best development for this property. Storm water will be situated on the road side of the property. The original submission had a layout similar to tonight’s layout, but the storm water has been moved to a different area. The stormwater management report submitted had more impervious coverage but that design resulted in the reduction of run off to Knight Street. We are going to be capturing run off that typically would go to Knight Street which we will be improving. C. Branon asked if waivers can be considered tonight? L. Daley said the Board has the ability that they can consider them. P. Amato said as long as the design will not change, he is willing to review the waivers, we can talk about the waiver requests and approve or move into the design and then address each waiver request.

There were four waiver requests on November 15, the first request does not apply to this plan, so Chad withdrew that request. The second request is for frontage setback. Chad explained this layout suits the land and the surrounding area. This layout best meets the open space ordinance so the hardship creates a layout that would limit impacts. D. Knott asked if it is a financial hardship? The object of the open space ordinance is to minimize the impact to the surrounding properties. L. Daley asked how would it impact the surrounding properties? C. Branon said if there is a roadway that is more balanced, the houses will get closer to the abutting properties. In this plan, the roadway comes in the center of the project and there are wetlands on the west side and the east side is elevated. The setting of the development is so much nicer with this layout. The stormwater management areas are going to be on the low side of the project. This plan meets good engineering practices. P. Amato thinks two waivers are being asked for in this one waiver request. L. Daley read from the open space ordinance. P. Amato said all of these lots are perimeter lots and require a lot size of 15,000 sf. L. Daley disagreed stating the lot size is dictated by the Planning Board. Smaller lots are considered. In the analysis, the perimeter lots do not meet the 15,000 sf lot size.

The third waiver request is for the dead end roadway length. There are public utilities and fire hydrants in the project. The fourth waiver request is regarding the cul-de-sac which the Fire and DPW have no problems with. S. Robinson indicated if Fire and DPW are okay with the cul-de-sac waiver request, she has no issues.

C. Beer opened up the waiver request discussion to the public for comment and questions. S. Fraser, Knight Street, asked about the ledge and hydraulic pressure when they start developing and where will all the water go? C. Branon answered that the test pits were dug and showed no ledge, but it had a seasonal high water table at 20-28" which is not uncommon for this area, the seasonal average across the state is 30". The soils were very gravelly. The home design will be slightly elevated. C. Branon indicated it showed decreases in all storm events. A rain garden will be on site and there will be no impact from this site. Sheila Fraser asked when we have heavy rains, the culvert spills over, will it be made bigger? C. Branon responded they are not making the existing condition worse. The design has the run off being captured and running off the property. Ms. Fraser does not want to have any more water. C. Branon said they will not be altering the culvert but will drain the on-site water so it does not affect the surrounding properties. We will decrease the rate of run off that runs into the culvert. Ms. Fraser asked about mowing into the buffer, why can't owners mow up toward the line and keep the snakes up in the field? C. Branon said the 15 foot buffer is to separate properties between abutters. If it is a not cut area, the buffer will grow back. Ms. Fraser said years ago there was a fence and horses up there but it has always been mowed to keep snakes away. Ms. Fraser asked if all the new owners will need sump pumps. C. Beer said that is outside of the scope for this Board.

Pete Basiliere agrees with the buffer and he is willing to put in a buffer, and that is what we should go with; he asked that the Planning Board listen to the abutters. As far as the dead end road, Mr. Basiliere believes they were given permission to continue with the dead end. Waivers will be necessary in order for this to work as an open space development. The Planning Board ordinance amendments are on the ballot every year and pass with an overwhelming majority by the townspeople. Those ordinances are things that the Planning Board has come up with and when a waiver is used, it is going against what the voters approved. The voters also understand that there are times when a waiver is appropriate. J. Langdell said the waivers are waivers from the development regulations, they are not things that are voted on by the townspeople. P. Basiliere thanked Janet for that clarification. J. Langdell said those regulations are for better designs. C. Branon explained that the developer is taking advantage of the open space ordinance to proven out that they can meet the requirements of the open space ordinance. P. Basiliere said that is his opinion, but not Mr. Basiliere's opinion and who feels he would like to encumber upon the Planning Board to address the rest of the 18 questions he had last month that have not been addressed yet. P. Amato suggested that the applicant and staff work together to get the rest of those questions addressed before the next Planning Board meeting.

J. Langdell asked that the Chair or Vice Chair sit in on that meeting to address the questions raised. P. Amato said those answers should be in writing for the abutters so that they have those answers. P. Amato

168 said C. Branon needs to come back with a final plan which addresses the concerns. The applicant and  
169 staff need to sit down and address how to answer the questions and have them in writing for everyone  
170 prior to the next meeting.  
171

172 Alfred Solan, Spaulding Street, said no one wants the conventional plan. The sale of the property is  
173 dependent on what plan is chosen. If the open space project is not approved, how would the property be  
174 developed? C. Branon responded the conventional plan is used only to identify the density or a formula  
175 can be used in order to come up with how many lots can be built on the property. The six additional lots  
176 in an open space development are determined by the conventional plan. C. Branon said if the Board does  
177 not approve the dead end waiver request, he would not be able to build. A. Solan indicated the hardship  
178 on the current property owner is that she does not want six houses on the property. C. Branon said he has  
179 worked with the land owner and we have a plan that meets the obligation and supports six new lots, it is  
180 not the desire to go forward with a conventional development. A lot of concerns raised in the letter from  
181 Mr. Basiliere are items addressed in past meetings. They will be addressed through final design. The  
182 waivers requested are specifically allowed in the ordinance. The claims being made are claims against  
183 the ordinance and we have designed a plan that abides by the ordinance; we are meeting the ordinance  
184 and look forward to meeting the storm water requirements. Although the roadway alignment was not  
185 favored, it met the requirements. We are trying to work on the design that fits in well with the  
186 neighborhood and meets the ordinance. The plan tonight is a very good plan that meets the key criteria.  
187 C. Branon will address Mr. Basiliere's concerns in a letter but he does not see concerns with the  
188 comments made. We need some decision on the waiver requests to move forward. The public discussion  
189 was closed at 8:18 p.m.  
190

191 J. Langdell said it is best practice to meet the regulations, keeping the development out of the wetlands is  
192 best practices, it is not just the regulations; she noted that the land owner is present tonight. Mr. Solan  
193 stated that the current land owner is not in favor of the conventional development but he understands that  
194 is outside of the Planning Board purview. S. Robinson asked if the homes will be a variety of styles. C.  
195 Branon responded they are not committed to certain styles, it depends on the buyer. P. Amato stated each  
196 lot touches or almost touches the building setback, he hopes the lots are surveyed. C. Branon said the  
197 certified plot plan is required in Milford. L. Daley asked if the developer is amenable to limit the size of  
198 homes? C. Branon said they are not dictating the home sizes, we did not do that at West Meadow either.  
199 J. Langdell said this is a different development than West Meadow. C. Branon said there are different  
200 home models that can be chosen. There will not be any setback encroachment. We do the layout for the  
201 foundation, pin the footings, if there is an issue, it is on us. This is only one example of a larger home.  
202 There are many different models that can be chosen by the buyer. He would be concerned with a sf  
203 restriction on the homes. J. Langdell said the waiver request letter does not give a minimum or lower end  
204 model. L. Daley indicated the design element being proposed is to include the infiltration basin in the  
205 open space. That is the Planning Board purview. P. Amato said that will be brought in next time but we  
206 have talked about extra open space and it should not be assumed. J. Langdell asked about a rain garden.  
207 C. Branon said it was requested to contemplate the rain garden on the front lots. J. Langdell asked how  
208 will the area be maintained for the run off going into the open space? C. Branon responded the road run  
209 off might be town-maintained; if it is a rain garden it might be identified in the deed for maintenance by  
210 that home owner. The stormwater component regulations state that management of stormwater is in the  
211 public interest and should be in the open space. It actually improves the downstream management. Chad  
212 indicated he is not proposing any frontage waivers less than 50 feet, we have no intention of changing the  
213 geometry of the roads as presented. We need impact on the frontage waiver.  
214

215 P. Amato is not comfortable granting a waiver request without the final plans. J. Langdell would also  
216 like to see the whole package, but she would not mind a minimum 50 foot setback. D. Knott does not  
217 have any objection to the waiver requests but does not want to vote without the final plans. P. Amato  
218 feels comfortable with these plans and is comfortable with all three waiver requests but not until after the  
219 final plans are brought forward. The Conservation Commission will review and provide comment when  
220 the final plans are brought forward. J. Langdell asked about Conservation input on the trails that were  
221 discussed. L. Daley has not heard anything back on that yet, but page 3 of the staff memo states if

everything goes forward on the plan it would need to go to the ZBA for Special Exception within the 25' wetland buffer. C. Branon said that is his plan. There was nothing further from the Planning Board.

C. Branon requested a continuation to December 26. P. Amato moved to continue this application to December 26, 2017. D. Knott seconded. All were in favor with T. Finan abstaining.

J. Langdell stated between now and December 24, there will be a meeting to address the questions on the easement language and to talk with Chairman Beer or Vice Chairman Knott as well as L. Daley to get the answers to the questions in the letter from Mr. Basiliere.

- b. Milford Propane LLC, Tax Map 7, Lots 5 and 5-4 Hollow Oak Lane.** J. Langdell moved to accept the application for review. S. Robinson seconded. All were in favor. P. Amato moved no regional impact. J. Langdell seconded. All were in favor. Abutters were read into the record, the following abutters were present: Sandford Engineering, Milford Propane, Town of Milford, Earl Sandford.

Norman Wrenn, representing Milford Propane presented the plan, noting this is the third application on this lot. Two propane tanks will be moved over and two more tanks will be added and a building will be constructed. Lot 5 has an abundance of wetlands in back. In 2008 a plan was presented, but that plan has gone away. This lot had a lot of gravel and was a gravel operation, the lot behind also had gravel. There is some treatment swail that is in the wetland buffer but that will be moved outside the buffer. They will be working outside of the buffer. The drainage swail on the downhill side of the lot has been designed to handle a one inch storm so you get 100% containment. There have been trees planted on the lot. In anticipation of parking any trucks on this site, only one or two will be parked there, the building is primarily office space and storage. He tried to keep it simple and he would love a conditional approval. If we can contain the waters, we could get relief and we are trying to keep it simple, but not maximize the potential of the lot. A lot of land will remain un-developed.

J. Langdell asked if there will be no parking on Lot 2 but will temporarily store equipment? What does that mean? Mr. Sandford explained when a tank is retired, that would be the holding area for the tank but it will not become a storage facility for "old" propane tanks. S. Robinson asked about the 4,000 sf building and why one bay? Mr. Wrenn explained the storage on the back lot will never have any failed tanks, it is only for changing them out for new tanks. It would only be new, empty tanks; one person would work in the building doing paperwork, there will be no delivery trucks parked on site but emergency trucks would have access. The company has a staging area for trucks in Nashua. P. Amato asked if it will look like Suburban Propane with the tanks? N. Wrenn said no, he has been in the business for 40 years and things are being cleaned up more now. P. Amato said there is an easement on the Ciardelli land, will that remain? E. Sandford said yes and we do not anticipate closing that, we do not plan to close it off, it is an existing road and now is all grown but has access for well monitoring. He has locations in Merrimack, Londonderry and Milford and his drivers all come out of Nashua. D. Knott asked what areas will be seeded and mowed? E. Sandford answered anything that is not disturbed or paved will be seeded. The trees are healthy so they will be maintained with plantings and mulch. D. Knott pointed out that the contractor needs to modify the plan for removal of the 4" rocks in the areas where grass will be planted. Four inch rocks are problematic in areas that will be seeded and mowed. J. Langdell asked will there be lighting around the office building? E. Sandford said that has not been talked about yet. There is a street light there now. L. Daley said you might want wal-packs for the facility for safety.

L. Daley asked about landscaping being proposed and ways to improve what is there. E. Sandford said they will keep what is there now and create a perimeter around the building. D. Knott asked if any of the existing plantings are invasive. E. Sandford said they also were wondering if we can get a waiver for the landscaping because it is in an industrial area. Ciardelli is an abutter and is in favor of this plan. He knows there are invasive plants around Lot 2. P. Amato asked if the existing trees are shown around the office building on the plan? E. Sandford responded yes, they are not surveyed but they are there. P. Amato indicated this Planning Board may require sound plantings along the building. We would want something; the public will not go there often, but it still would make it look nice in front of the building facing Hollow Oak. J. Langdell said there was a similar requirement for the abutter. L. Daley said a

planting schedule can be on the revised plan set with the size and type of trees. The back property can have alternate compliance. This might be an example for that flexibility in the ordinance. P. Amato agrees some landscaping will help the property look nicer. E. Sandford said because there is a lot of vegetation on the site and it is an industrial site, we are applying for alternative landscaping in accordance with the regulation that was just approved instead of a formal landscaping plan for the lot. J. Langdell said we need a plan for the part that you will provide landscaping on. That can be done without any waivers, it is alternative landscaping compliance. D. Knott suggested including a table of the types of trees and landscaping. J. Langdell said the entrance with the gate should have the landscaping and there should be no further impact to the landscaping without Planning Board approval. P. Amato asked how we would know they are doing this safely and not blow the town up? E. Sandford said the utilities go underground and follow the road.

Jodie Amadon, Crown Energy Solutions, spoke about the safety elements of this site, noting everything is done to State and Federal code, and she has worked with the Fire Department for a propane bulk study which goes to the local Fire Department for approval, which includes storage of propane. The study looks at site specifics and regional safety. P. Amato asked if four tanks will be okay on this site? N. Wrenn said by adding the two tanks, the employees will work five days a week. C. Beer asked why there are only four tanks? N. Wrenn responded he has other tanks in other towns. In this area, that is what he needs, there is only so much room. It fits the site with four tanks. J. Langdell asked what it would take to keep a truck in Milford? N. Wrenn said nothing, but the seven trucks have been parked in Nashua since 1960 and he might only want one truck up here. C. Beer asked if there is anything that keeps him from having a truck on this lot? L. Daley said there is ample parking on site 1 and 2 but we do not want to allow other vehicles to park there. L. Daley asked about any contamination or spills that could come from tanks? Jodie said propane does not seep into the ground, it dissipates.

S. Robinson said the only danger is explosions. Jodie indicated there are so many different protections in these systems, that is unlikely. D. Knott asked what is the blast area if there were an explosion? Jodie responded about half to one mile, but there are so many different factors. There is no record of a tank exploding in the United States. Safety is constantly being improved. L. Daley said the plan does not have the date when wetlands were done. E. Sandford stated the area around expansion could have flags added for wetlands. C. Beer asked if there were further comments or questions for E. Sandford. L. Daley asked to have clarification and further detail on the landscaping plan. J. Langdell stated a site walk has been recommended by staff. P. Amato said this site looks the same as the last time we walked out there. S. Robinson asked if the wetland delineation was recently updated? E. Sandford said he can do that. C. Beer asked if members want to go on a site walk? S. Robinson will be away in the near future. J. Langdell does not think it has changed but if the Conservation Commission goes out there, she is satisfied. C. Beer did not hear any strong feelings about a site walk. J. Langdell indicated that the Conservation Commission would be looking at the wetlands delineations. E. Sandford noted the plan will not be in the wetland at all. P. Amato asked if the staff comments need to come back to the Planning Board? L. Daley said he thinks this is in the West Elm Gateway, but he will confirm that. What about snow storage? E. Sandford answered there is ample area for snow storage. L. Daley said the back lot could be used for snow storage. E. Sandford said there is ample room for snow storage on the site. L. Daley asked about lighting. D. Knott asked if salt will be used? L. Daley said in a 2001 plan for this site, there was a specification about a fence around the four tanks, they should be on sheet 4 of the plan, it also details a 10x10' shed and Sheet 1 also includes the 100 year flood. L. Daley asked about the storage identified on the back lot, is that only for empty tanks? N. Wrenn said it could also be plastic piping. L. Daley said that should be contained and stored properly.

P. Amato asked what is the 4,000 sf building for? N. Wrenn said storage of parts and some equipment and one office person; training for drivers would also be done there. L. Daley said a complete stormwater management plan is required, it is 40,000 sf and that is a DES regulation. Test pits are also required, a silt fence should be designated on the plan. L. Daley talked to E. Sandford about those comments previously.

Chairman Beer opened the discussion up to the public. There were no comments. Andy Prolman, said any questions for Jodie should be asked now as she will be out of the country on December 26. Jodie said

she could be available if any questions come up the 26th. L. Daley suggested that the Fire Department could coordinate with her to get any questions answered.

P. Amato moved to table this discussion to December 26 when it will be the first item on the agenda. J. Langdell seconded the motion. All were in favor.

**4. Other Business**

L. Daley indicated the warrant articles coming forward that will be discussed at the work session possibly include zoning amendments, a Fletcher site groundwater management zone and a commercial and industrial development tax relief program. Information will come forward explaining each of these on December 5, 2017. J. Langdell wants to be sure the zoning amendments are reviewed in time to make the deadline in January for public hearing. L. Daley indicated they are not complicated changes and he will bring that information forward.

**5. Adjournment**

The meeting was adjourned at 10:03 p.m. on a motion made by D. Knott and seconded by S. Robinson. All were in favor.

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

**MINUTES OF THE 11-28-2017 MEETING APPROVED ON 12-26-17**