

1 MILFORD PLANNING BOARD MEETING

2 September 17, 2019 Board of Selectmen's Meeting Room, 6:30 PM

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4 **Members Present:**

5 Doug Knott, Chairman
6 Tim Finan, Vice Chairman
7 Janet Langdell, Member
8 Pete Basiliere, Alternate Member
9 Jacob LaFontaine, Member
10 Laura Dudziak, Selectmen's Rep.

Staff:

Kellie Shamel, Planner
Darlene Bouffard, Recording Secretary
Nate Addonizio, Videographer

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12 **EXCUSED:**

13 Paul Amato, Member
14 Susan Robinson, Member
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18 **1. Call to order:**

19 Chairman Knott called the meeting to order at 6:30 p.m. Introductions were made of Board members and
20 staff, it was noted that Pete Basiliere is an Alternate member and will sit with the Board as part of the
21 discussions and will vote in the absence of P. Amato.
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23 **2. Public Hearing:**

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

30 Waiver request from Town's Stormwater Management and Erosion Control Regulations, Section
31 5.32.080, C.2.a to permit an increase in the amount of runoff that leaves the boundaries of the site.
32 Waiver request from the Driveway Regulations, Section VII, F requiring the driveway entrance from
33 having a negative slope. Waiver request from the Milford Development Regulations, Article VII, Section
34 7.02 Roadway Standards Charts, Table 1: Roadway Standards to construct a 35 foot wide private Rights
35 of Way.
36

37 D. Knott explained that this application was previously accepted and found there was no regional impact
38 at the June 25, 2019 Planning Board meeting. Sam Ingram, Meridian representing Mr. Keogh, said since
39 the last meeting, there have been minor revisions to the plan and it is here tonight. He also submitted the
40 legal documents for review, those were prepared based on input from the abutters regarding the different
41 drainage areas, both private and public. Sam Ingram has not seen comments from legal counsel and staff
42 and there are some things that need to be cleared up. Sam Ingram said he and his client are happy to work
43 with staff on any changes. KV Partners wanted underdrains to be added to the plan. The revised plans
44 include underdrains and other revisions suggested by KV Partners. KV Partners was agreeable with the
45 drainage revisions. DPW is also on board and feels the waivers are reasonable: both the run off and the
46 negative slope of the driveway. S. Ingram feels the waivers are reasonable to ask for and would like to
47 move forward.

48 The 35' waiver request for the road was a request made by the Planning Board to restrict further
49 expansion to the Amherst portion of the lot. The 35 feet would make the owner unable to do further
50 development beyond one home. S. Ingram asked if there were any questions. T. Finan asked what
51 changed since the last meeting? S. Ingram explained the underdrain in the drainage swale and the handful
52 of items that the Water Utilities asked for regarding connections. T. Finan asked what are the risks
53 associated with waiting for town counsel comments? K. Shamel said the risk is if the town cannot come
54 to an agreement, but she does not see why it would not. The question is how comfortable is the Planning
55 Board with staff and counsel continuing to work with the applicant about the easement language? J.

Langdell said if you could not come to an agreement, it would become null and void. K. Shamel said the town received the legal documents one week ago and she met with town counsel who has several comments and she understands there will be discussion between the two counsels. J. Langdell said we could also continue this to the next meeting to see where the documents are at. D. Knott said is the back and forth between the two counsels going to take a lot of time? It sounds like this is not activity that the Planning Board usually does. K. Shamel responded that at the last Planning Board meeting, it was stated that the Planning Board would like to see the final easement documents. J. Langdell said if it is just legalize, then the attorney will take care of that. K. Shamel does not have the formal comments from counsel yet and she feels they will be significant. K. Shamel is recommending a continuance tonight because of that, we also need to get through several waiver requests before we can get to a conditional approval. T. Finan said it sounds like if it is continued tonight to the October Work Session, it will be quicker for the applicant. J. Langdell feels the legal should be able to be worked through. K. Shamel said it is a little involved, there is a lot to the easements. She suggested working through the waivers tonight. K. Shamel did get confirmation from DPW about the waivers and KV Partners sent a letter that they are good with the drainage plan. K. Shamel said the Planning Board can consider all three waiver requests or do one at a time. It was decided to do one at a time.

1. **Waiver request from Town’s Stormwater Management and Erosion Control Regulations, Section 5.32.080,C.2.a to permit an increase in the amount of runoff that leaves the boundaries of the site.** D. Knott stated KV Partners agrees to this, the water runs off the road, it is leaving the site and going into the drainage system on the north side of the site. S. Ingram said the re-charge trenches were added to the plan. D. Knott said there will be water that gets on to Amherst Street and DPW is satisfied with the volume. Pete Basiliere said at the first meeting, there was an abutter on the East side that has a lot of water collecting at his driveway. What will happen to that side of the road? D. Knott said there is some water going on to the road at a low volume, it will not be sheeting from the site. P. Basiliere said when KV Partners did the review of the water, was it going into the concrete pipe? S. Ingram said that was an undocumented drainage system, there is water from the road and some wetlands on the side. We have decreased the water from the wetland and increased the water from the road, so the net increase is zero. The areas going to the wetland is a net decrease. D. Knott remembers that an abutter asked if this plan will cause an increase to that abutter’s water? Could that abutter have less water? S. Ingram said it would depend on the abutter, he is not sure which abutter. The decrease (in water) is not going to change the current state of his water. J. Langell asked if this is the run off that goes onto Dr. Kennison’s lot? S. Ingram said it seems like it is a primary source. P. Basiliere would have liked KV Partners to estimate the impact to the Martin and Vasas properties in the report. S. Ingram said M. Vignale of KV Partners is agreeable to the waiver requests, so in essence they are acceptable to him. D. Knott said Ricky Riendeau of DPW also is in agreement to the waiver requests. P. Basiliere is not sure how much DPW looks at the stormwater. D. Knott said the DPW Director looks at how stormwater impacts the road. S. Ingram stated this is a 0.12 CFS (Cubic Feet per Second) increase. J. LaFontaine had no comments. J. Langdell asked how will the waiver requests be handled? D. Knott is going to handle them individually. K. Shamel agrees to do them individually after Planning Board discussion and opening it to the public for comments and then vote on each one individually. There were no further comments on Waiver Request #1. D. Knott opened the discussion to the public for questions or comments.

A. Vasas, abutter, asked about run off; he walks the neighborhood and the drainage is to the Milford side, there is a low spot before the storm drain and the water backs up in his neighbor’s driveway. That is where the water pools. There is no curb for his driveway and he also gets water from the wetland behind him. A. Vasas believes the bushes that were talked about previously are still on the table, he just finished putting in a drainage system because of the three new houses that were put in. It is amazing how much water runs down the street now. It might sound like a small amount but it will make a difference on that street.

Lisa Vasas, abutter, said the run off coming down in front of their house diverts down and washes it away so they made their own French drain. There is a storm drain in front of the Martin driveway that does not drain properly. This added water will just make is worse. Seeing no further comments, D. Knott closed the public hearing. T. Finan moved to grant the waiver from the Town’s stormwater

111 management and erosion control regulations, section 5.32.080, C.2.a to permit an increase in the
112 amount of run off that leaves the boundaries of the site. J. Langdell seconded for discussion. D.
113 Knott is concerned about the water, DPW did look at it but he feels it will work. K. Shamel said staff
114 and the applicant have had discussions about drainage, the reason the applicant has come forward
115 with this design is of the undocumented town system in the area and the inability to calculate the
116 current flow to that system. D. Knott said it is an unofficial pipe. T. Finan said we do know the
117 increase into that unknown pipe system is zero. J. Langdell said the increase to the wetland is zero.
118 S. Ingram said there are two areas we are talking about for water ending up with a net zero. The
119 water that comes down the road is an increase but the water shedding to the wetland is a decrease. T.
120 Finan said the engineer is saying there is not an increase for these people. S. Ingram said it is the
121 detention area where most of that water will go. T. Finan, J. Langdell, P. Basiliere, D. Knott and J.
122 LaFontaine were in favor. Motion passed.

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124 2. **Waiver Request from the Driveway Regulations, Section VII, F requiring the driveway**
125 **entrance from having a negative slope.** S. Ingram explained this was discussed with DPW, we are
126 asking for this because the location of the seasonal high water table is shallow so we come up with a
127 2% increase from Amherst Street which will allow for better construction. DPW is in favor of this.
128 D. Knott said DPW wants an easement for this. S. Ingram agreed. T. Finan said from Amherst
129 Street, you are supposed to go down before you go up, but the applicant is asking for a waiver so you
130 can just go up? S. Ingram answered yes.

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132 A. Vasas said it is interesting how this waiver request also talks about the water runoff. S. Ingram
133 said Amherst Street is 3-4 feet lower than the grade. If we were to get it to grade, we would be
134 digging out a lot of soil. We do not design for the seasonal water table. There is no way to address
135 water table amounts. P. Basiliere said these two waivers are working to address the water. D. Knott
136 said the big picture of stormwater runoff has been addressed and waivers #1 and #2 are construction
137 waivers. S. Ingram said if we went into the water table, it would be worse. D. Knott said having this
138 waiver makes it less of an impact. J. Langdell moved to approve Waiver #2 from the Driveway
139 Regulations, Section VII, F requiring the driveway entrance from having a negative slope. J.
140 LaFontaine seconded. All were in favor. Motion passed.

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142 3. **Waiver Request from the Milford Development Regulations, Article VII, Section 7.02 Roadway**
143 **Standards Charts, Table 1: Roadway Standards to construct a 35 foot wide private Rights of**
144 **Way.** S. Ingram originally had a 50' private right of way because that is required and comments from
145 the Planning Board were to try to regulate development of the Amherst side. With a 35' private right
146 of way, that would restrict that development to one house on the Amherst side as asked by the
147 Planning Board as well as a note on the plan. D. Knott opened the meeting to the public.

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149 A. Vasas said if that Amherst side is ever developed, that water will also come down the Milford
150 side. There were no other comments. D. Knott closed the public hearing. J. Langdell asked if the
151 waivers have all been signed? K. Shamel said yes they have. J. Langdell said it is up to the applicant
152 to justify why they are asking for the waiver. It is just a process thing that she said she will look at
153 after the meeting. P. Basiliere moved to approve Waiver Request #3 from the Milford Development
154 Regulations, Article VII, Section 7.02 Roadway Standards Charts, Table 1: Roadway Standards to
155 construct a 35 foot wide private Rights of Way. T. Finan seconded the motion. All were in favor.
156 Motion passed.

157 At this point, D. Knott asked if the Board wished to continue the application or have a conditional approval
158 tonight? T. Finan had said he felt by continuing the application to the next Planning Board meeting, which is
159 a Work Session, that would save time and allow time to review the easement. S. Ingram said they are willing
160 to work with the recommendations made by counsel. The documents are being put together and they are
161 ready to move forward. D. Knott wants to be sure everything is addressed. J. Langdell noted that K. Shamel
162 has not received formal comments from Town Counsel, if we did, she would feel differently. D. Knott hopes
163 the legal easements are ready by the October 1 Work Session. J. Langdell stated if everything is ready for
164 October 1, it will be just an approval, it should be a public hearing and then a work session. J. Langdell

165 moved to continue the application to October 1 public hearing at the Work Session. J. LaFontaine seconded
166 the motion. All were in favor. Motion passed.

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168 **3. Discussion / Possible action regarding other items of concern:** There was no discussion on other items of
169 concern, however a memo was sent to the Planning Board regarding the appointments to the CIP Committee
170 and dates of meetings.

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172 **4. Approval of Minutes: 7/23/19, 8/6/19, 9/3/19**
173 T. Finan moved to approve the minutes of 7/23/19. P. Basiliere seconded. All were in favor.
174 T. Finan moved to approve the minutes of 8/6/19. P. Basiliere seconded. T. Finan, P. Basiliere, J. Langdell
175 and J. LaFontaine were in favor with D. Knott abstaining. Motion passed.
176 T. Finan moved to approve the minutes of 9/3/19. P. Basiliere seconded. T. Finan, P. Basiliere, J. Langdell,
177 D. Knott were all in favor with J. LaFontaine abstaining. Motion passed.

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179 **5. Adjournment.** The meeting was adjourned at 7:30 p.m. on a motion made by T. Finan and seconded
180 by J. LaFontaine. All were in favor. Motion passed unanimously.

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184 _____ Date: _____
185 Signature of the Chairperson/Vice-Chairperson:

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187 **MINUTES OF THE 9/17/19 MEETING WERE APPROVED** _____
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