

1 MILFORD PLANNING BOARD MEETING AND WORK SESSION MINUTES ~ DRAFT

2 October 1, 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 Paul Amato, Member  
11 Susan Robinson, Member

**Staff:**

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

12  
13 **EXCUSED:**

14 Laura Dudziak, Selectmen's Rep.  
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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 not vote this evening.  
22

23 **2. Public Hearing:**

24  
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 The meeting was called to order at 6:30 p.m. by Chairman Knott, who noted the application was accepted  
37 by the Board previously and in September the Board approved three waiver requests.

38 Sam Ingram, Meridian, representing the applicant/owner Mr. Richard Keogh indicated at the last meeting  
39 he went through the staff comments, and he believes the only thing still pending is the legal documents.  
40 Since the last meeting he has received comments and gotten the changes made to the legal documents and  
41 worked through them. None of the comments had any bearing on the subdivision design. S. Ingram said  
42 he has come to a reasonable conclusion to those documents. The Community Development comments  
43 were reviewed, but if the Board wants to discuss anything further, or would like the Conservation  
44 Commission comments addressed in order to move forward, he can do that. J. Langdell said the  
45 Conservation Commission comments were dated after the last Planning Board meeting of September 23,  
46 2019 and this is the first time the Board has seen them. The Conservation Commission comments ask for  
47 the 50-year storm calculations. S. Ingram said that is not required in the development regulations, only  
48 the 25-year is required and we have met that.

49 D. Knott read all of the Conservation Commission comments as follows:

50 1. The MCC would like to have stormwater calculations for a 50-year storm. Current climate conditions  
51 are tending to more severe and frequent storms. There is a lot of water on this site which impact  
52 downstream properties.

53 2. The MCC recommends removing Lot 23-2-7. There is a large wetland and buffer contained within  
54 the boundaries of this lot. Experience is providing that landowners are incurring violations when they

55 maximize the use of their property. This is a small lot eliminating options for future landowners.  
56 Wetlands and their associated buffers are costly to landowners when they are planning future uses on their  
57 property. These management decisions are costly to town staff as well. The subdivision would be better  
58 served with the removal of this lot.

59 3. The MCC would like to have the wetland buffer monumented in Lots 23-2-6&7 with boulders or  
60 other physical barrier. The MCC has managed three wetland buffer impacts in the last year on lots with  
61 similar characteristics.

62 4. The MCC would like animal friendly catch basins installed.

63 5. There has been no satisfactory explanation of where the water goes downstream of Lot 23-2. An  
64 overflow pipe drains stormwater overflow into the delineated wetland which extends into abutting  
65 properties. It is an unfair burden to abutters to manage overflow from this subdivision. Utilizing  
66 proposed Lot 23-2-7 to increase the capacity to manage stormwater overflow should be considered.

67

68 S. Ingram said the applicant agrees to erect placards for the wetland buffers. That is what was done in the past. S.  
69 Ingram said the plan will have a condition stating the placards will be installed. S. Ingram is not sure what the  
70 MCC would like for animal friendly catch basins, the applicant feels the catch basins proposed are the most  
71 appropriate. P. Amato asked what those animal friendly catch basins are. S. Ingram is not sure what that is. S.  
72 Ingram indicated Item number 5 has been discussed at previous meetings as being decreased and to the northwest  
73 of the property has also been decreased and that makes up for the increase in flow, so it has been documented.

74

75 J. Langdell asked about the legal documents. K. Shamel responded that she received recommendations from  
76 Attorney Drescher that were forwarded to the applicant and his attorney. Reviews were received late this  
77 afternoon and at first glance, it appears they have incorporated the recommendations in the documents. J.  
78 Langdell wants to be sure that the recommendations were incorporated into the documents and were reviewed by  
79 K. Shamel. K. Shamel said there is one minor item on Sheet 6 of the Plan, for lot 23-2 it looks like underground  
80 utilities are on the next lot, she advised S. Ingram to make sure it is in the ROW or not on the private property of  
81 lot 23-2. J. Langdell stated the September 23, 2019 memo from the Conservation Commission says they  
82 reviewed the plan September 12, but the Planning Board did not receive the comments until tonight. K. Shamel  
83 said that is correct. Hearing no other comments from the Planning Board, D. Knott opened the hearing to the  
84 public.

85 Lisa Vasas, 128 Amherst Street, said the water table is high and this site has drainage issues; she asked if the  
86 houses are going to have basements or be on slabs. If there are basements, will there be sump pumps to drain the  
87 water? Ms. Vasas thinks she gets seepage out of the ground into her basement. S. Ingram will not be building the  
88 houses, so the builder will make that determination. L. Vasas asked if the builder will go back and review all the  
89 drainage information when they build? S. Ingram responded the swales along the property lines are so that the  
90 water could go into the drainage swales. K. Shamel talked with the KV Partners and he assured her that he is  
91 confident the underdrains put in place and the drainage easements between the properties could handle it even  
92 with sump pumps pumping out water. You cannot predict what people will do, but the question was brought up.  
93 J. Langdell wants the builder to take that into consideration.

94 P. Basiliere said the Board does not know what the builder will do: a slab or a basement, but the Planning Board  
95 is responsible to look at the drainage and needs to ensure the drainage will be addressed. K. Shamel said the letter  
96 dated September 16, 2019 from KV Partners states they have no issue with this plan, their review was for the  
97 drainage portion of the plan, that is the letter that identifies that they are okay with the drainage. D. Knott said  
98 they have met the requirements for the development. P. Amato said there are a number of ways to build these  
99 homes; it could be a basement or a partial basement, or a slab. There are lots of ways to build, a builder will make  
100 that decision and work with the Building Inspector for the foundation. Lisa Vasas, abutter, said as far as the  
101 landscape plan, some of the older plans seen prior to tonight had more landscaping, but it was reduced between  
102 the lots, why was that changed? She would like to address the large bush that is there and asked what will be  
103 planted when it gets removed, she cannot see any reason why anyone would leave the bush there. Is there a plan  
104 to pull that out as was discussed? S. Ingram said the bush could be removed by adding a note to the plan but it  
105 was felt nothing needed to be added. There will be visual mitigation. D. Knott suggested having a long term

106 solution after pulling out the bush, but it needs to be poisoned if there is bittersweet in it. The invasive species  
107 needs to be mitigated properly or it will come back.

108 Albert Vasas, 128 Amherst Street, was hoping some arborvitae and lilacs would be added; the new road might  
109 have a home that is higher than his, if there is a basement, the water run off might come into Mr. Vasas' house.  
110 He is looking for some insulation (with bushes) heading towards his lot. S. Ingram said he could add arborvitae  
111 along the property line. A. Vasas indicated he just does not see the need for that lot to be built on right there. S.  
112 Ingram will add the arborvitae along that property line on the plan. P. Amato said there is no plan for the water  
113 on this property to go on their lot at 128 Amherst. There were no other public comments. D. Knott closed the  
114 public hearing.

115 J. Langdell asked why the road is named "Clifford Street". S. Ingram responded that was Richard Keoghs  
116 father's name. T. Finan moved to conditionally approve the plan. J. Langdell seconded. All were in favor.  
117 Motion passed unanimously.

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119 **3. Work Session:**

120 **a. Discussion – Wilton ZBA Notice of Potential Regional Impact:** K. Shamel explained that Wilton has  
121 received a zoning application for an asphalt processing business; the location of the proposed plant is closer  
122 to the Wilton/ Lyndeborough town line. J. Langdell reviewed the map provided and stated it will be close to  
123 Goss Park. Any regional impact would be for traffic; she feels Wilton was being inclusive by notifying  
124 Milford and the Wilton ZBA felt it might have potential regional impact to Milford. K. Shamel stated any  
125 land use board can determine regional impact. The application went before the Wilton ZBA that determined  
126 the potential regional impact to the surrounding communities. Tonight, this Planning Board needs to  
127 determine any comments for them to consider. P. Amato asked if an asphalt plant is in Wilton? J. Langdell  
128 cannot see any impact to Milford, the trucks might come on to Route 101 or Route 13 or Route 31. J.  
129 Langdell said if this were in Lyndeborough she would be more concerned.

130

131 The videographer indicated he is shutting down since this is a work session to which J. Langdell said the  
132 content of this type of meeting is important so we should keep the video recording.

133

134 P. Amato said that nobody in Milford will hear any noise from this asphalt business. S. Robinson asked if  
135 there are other asphalt plants bringing in asphalt from Wilton? P. Basiliere said we cannot say if the trucks  
136 will or will not go through Milford. J. Langdell wonders how many full loads per day will be trucked, that  
137 would need to be determined. P. Amato said the majority of trucks use the bypass, there will not be any  
138 trucks going through town. K. Shamel asked what roads can hold the weight of those loaded trucks, that  
139 would be a DPW question. P. Amato said there are trucks actively hauling stone out through the town. P.  
140 Basiliere said it's not the noise or smell that might impact Milford, it is the traffic going through the oval or  
141 other streets through town. J. Langdell said if we have concerns about this project, it is a function of the  
142 Planning Board that someone would go to the meeting and speak as an abutter for this application. S.  
143 Robinson said one might attend as an interested party or as an abutter. J. Langdell asked if K. Shamel has  
144 reached out to NRPC as to their findings? S. Robinson agrees with the concerns of P. Basiliere of trucks  
145 going around the oval. K. Shamel has not reached out to NRPC yet.

146

147 P. Amato added that there are weight limitations for trucks in town. J. Langdell said if NRPC is charged with  
148 the overall review of this, she is not sure how they can predict how many trucks will go through the Milford  
149 oval to get to Route 13 or Route 101A. D. Knott said that traffic is different than the traffic for a Dollar  
150 General type business – the plant does not know where their business is coming from. J. Langdell said they  
151 can predict what their big trips will be but it is the destination they cannot predict. P. Amato asked will this  
152 replace the asphalt plant in Amherst? He said asphalt businesses are very territorial. P. Basiliere thinks they  
153 should estimate the number of trucks but also people that live west of the plant will want to know how many  
154 trucks will go there. J. Langdell said we can ask the question. P. Amato asked what is the capacity of the  
155 plan? J. Langdell added the prediction of truckloads. P. Amato said Wilton will be doing their due diligence  
156 on this. P. Basiliere said if deliveries will be brought to Milford, when will those trucks go through town?  
157 The drivers will see that the oval on weeknights will not be good. K. Shamel thinks it is appropriate to ask  
158 any of these questions, she will contact NRPC to see what they might be doing. J. Langdell said NRPC takes  
159 care of all these towns except two (Temple and Greenville). K. Shamel will draft the questions for the next

160 Planning Board meeting for the Board to review. J. Langdell suggested sending a draft to Doug Knott to  
161 review and then send the questions to Wilton.  
162

163 **b. Discussion – Ponemah Hill ZBA application.** K. Shamel indicated there is one application for the ZBA  
164 meeting October 17, 2019 that requests a variance for density on a 1.94 acre lot, for which they would like to  
165 build 18 units. J. Langdell said the mobile home park abutter was built under previous zoning, but the other  
166 condos were built after the zoning was there. P. Amato said they can get five units per acre, they are asking  
167 to have that number doubled. K. Shamel said a lot of the questions that will come up at the Zoning meeting  
168 are most likely Planning Board related questions and therefore staff thinks it is beneficial for the Board to  
169 provide comments to ZBA. We do not know the building plan at this point. The applicant has only submitted  
170 the ZBA application materials which are the packets. There is no Planning Board application or building  
171 permit yet. J. Langdell said that more box housing is not necessary and is not what the town wants for the  
172 future. When Quarrywood Green came in, did they get a variance? P. Amato does not remember a variance  
173 because they had a lot of land. J. Langdell said the Mobile Home park was pre-zoning. If this was a request  
174 for a ten unit apartment complex, P. Amato said that would be okay, but this is for double what is allowed. J.  
175 Langdell asked if there will be any outdoor area for the residents? P. Basiliere does not understand why they  
176 are going to the ZBA before the Planning Board? P. Amato said that is because they are going to the ZBA for  
177 relief of density before going to the Planning Board. P. Amato asked if a letter could be sent to the ZBA  
178 stating the density they are asking for is not appropriate for this site? All members agreed it would also  
179 require a curb cut. K. Shamel said if they do not get approval through the ZBA they can still come in for 9.79  
180 units on that lot. J. Langdell said there would need to be a traffic study on that road (Ponemah Hill Road).  
181

182 K. Shamel will prepare a memo on the Planning Board’s behalf from the Chairman of Planning Board stating  
183 its concerns, she will have D. Knott sign it and send to the ZBA. P. Basiliere also added that the sidewalk is  
184 across the street, in order for the residents to walk down to the grocery store or restaurants. P. Amato said to  
185 make sure that it is noted that it is not the zoning that allows multi-family but the applicant should stay with  
186 the five units per acre zoning. J. Langdell stated that traffic is a big concern on that road, pedestrian access  
187 and also architecture. S. Robinson said this would not be similar to the surrounding complexes in that those  
188 other complexes do have open areas for families outside. J. Langdell said it is hard for the Planning Board to  
189 provide an opinion without any architectural plans. K. Shamel said the Planning Board has concerns about  
190 the density and traffic. She will prepare a memo summarizing the Board’s concerns.  
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192 **4. Discussions / possible action regarding other items of concern:**

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194 **5. Adjournment.** The meeting was adjourned at 7:55 p.m. on a motion made by P. Amato and  
195 seconded by T. Finan. All were in favor. Motion passed unanimously.  
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199 \_\_\_\_\_ Date: \_\_\_\_\_  
200 Signature of the Chairperson/Vice-Chairperson:  
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202

203 **MINUTES OF THE 10-1-19 MEETING WERE APPROVED \_\_\_\_\_**