

TOWN OF MILFORD, NH  
OFFICE OF COMMUNITY DEVELOPMENT

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

**Date:** April 18, 2019  
**To:** Planning Board  
**From:** Lincoln Daley, Community Development Director  
**Subject:** SD2019-01 - Richard Keogh, Tax Map 23, Lot 2, 118 Amherst Street. Major Subdivision Plan – Design Review proposal to subdivide the subject parcel into nine (9) total lots, the construction of an 820’ linear foot subdivision roadway, and related drainage/stormwater improvements.

**BACKGROUND/PROPOSAL:**

The applicant before the Planning Board for a design review for a major subdivision plan create nine (9) total lots, the construction of an 820’ linear foot subdivision roadway, and related drainage/stormwater improvements. Attached please find the subdivision plan. A site walk was held with the applicant and general public on April 16, 2019.

The purpose of the Design Review is to allow the Planning Board the opportunity to provide a more detailed review of an application. The Planning Board may review the basic concept of the application and provide suggestions, which might be of assistance in resolving problems with meeting requirements during formal consideration. The Planning Board may make decisions on the granting of waivers.

Design review discussions may be non-binding for the applicant and the Planning Board. However, any formal motions and decisions voted on are binding for the applicant and the Planning Board.

**EXISTING USE/CONDITIONS:**

The subject parcel consists of approximately 7.66 acres (333,670 sq.ft.) with 183 linear feet of frontage on Amherst Road. The property contains a single-family residence and accessory structures. Located to the south of the subject property is an established multi-family development. East and west of the property consists primarily of single-family residences. The property borders the Town of Amherst to the north where the property owner owns the abutting, undeveloped 5.75 acre property labeled, Map 3 Lot 85 in Amherst.

A wetland delineation was performed as part of the submittal and shows a substantial wetland resource area along the northern portion of the property. The topography for the subject property slopes downward from east to west approximately

**LOT AREA:**

Proposed Tax Map 23, Lot 2 = ±7.66 acres (333,670 sq.ft.)

**APPLICATION STATUS:**

The design review application was accepted on March 26, 2019.

**REGIONAL IMPACT:**

On March 26, 2019, pursuant to RSA 36:54, the Board determined that the proposed subdivision did not result in potential regional impact

**NOTICES:**

Notices were sent to all property abutters on March 15, 2019.

**WAIVERS:**

No waivers have been requested at this time.

## **BOARD ACTION(S) / DECISION(S)**

The Board will need to determine the following as part of the Design Review process:

1. Determination on Open Space or Conventional Design.
2. Determination of maximum possible density.
3. Determination of possible impact studies.
4. Determination of the layout and design of the subdivision roadway.

## **ZONING:**

The subject parcel lies within the Residential 'A' Zoning District. The intent of the Residence "A" District is to provide for low-density or low-intensity uses, primarily single-family residential on individual lots. The proposal calls for the creation of nine total lots each with a minimum area of 15,000 square feet and 100 feet of frontage on the subdivision roadway as required within the Zoning District for parcels serviced by municipal water and sewer.

The property falls outside of the groundwater protection district and the 100-year flood hazard area.

## **SUBDIVISION DESIGN AND DENSITY**

The proposed subdivision falls under Section 6.07 Open Space And Conservation District whereby all subdivisions of land into five (5) or more residential lots, or developments of five (5) or more dwelling units, must incorporate the criteria in OSCD. The Planning Board will examine the subdivision proposal using the list of resources desirable for preservation to ensure that the proposed open space is consistent with the criteria set forth below and the purpose of the zoning district. At the discretion of the Planning Board, and if the proposed development does not meet the criteria, the development may be required to incorporate the criteria of a conventional subdivision as permitted by the underlying zoning district.

Design Standards: List of Resources to Consider for Preservation:

- a. Open water, waterways, stream channels, floodplains and very poorly drained soils, including adjacent buffer areas as defined in 6.02.0 Wetland Protection District;
- b. The habitat of species listed as endangered, threatened, or of special concern by the NH Natural Heritage Inventory or by the NH Fish & Game Department's Non-game & Endangered Wildlife Program;
- c. Moderate slopes, fifteen to twenty-five (15-25) percent, and steep slopes, greater than twenty-five (25) percent, particularly those adjoining water courses and ponds.
- d. Prime (Federal designation) and Important (State designation) Agricultural Soils, as shown on the Agricultural Soils Map in the current Milford Conservation Plan;
- e. Historic sites and features;
- f. Existing or planned trails connecting the tract to other locations, including, but not limited to, the trails on the town trails map maintained by the Milford Conservation Commission of formal and informal trails;
- g. Other space or resources as required by the Planning Board for low-impact recreational or public interest use consistent with Section 6.04.1.
- h. Scenic views and elements of the town's rural character such as forested margins and agricultural fields.
- i. Undeveloped frontage along existing roads to manage increased density by minimizing views of new development from existing roads.

Based on the design and layout, the applicant is proposing a 9 lot conventional subdivision design. As stated previously, each of the proposed lots meet the minimum 15,000 square feet and 100 linear feet of frontage. Staff questions the viability of Map 23, Lot 2-8 given the limited building envelope due the extent of the delineated wetland resources areas and location of a detention basin within what appears to be feet from the residential house. The applicant should discuss and further clarify how this lot satisfies the purpose and intent of development regulations by providing for the safe, attractive and harmonious development of land and to insure the health, safety and welfare of the residents of the Town of Milford.

In addition, the accessory structure shown on Map 23, Lot 2-2 associated with the existing house, appears to encroach upon the 30 foot front setback (new subdivision road) and 15 foot side setback and thus would require a Special Exception. The density is based on the number of lots which could be laid out in a conventional subdivision without the need to obtain variances, special exceptions, and/or waivers for lot frontage, setbacks, area, road and driveway grades. The applicant should clarify or consider revising the plan.

**TRAFFIC AND ACCESS MANAGEMENT:**

Access and egress from the subdivision will be from proposed roadway onto Amherst Street. The applicant should verify that the entrance provides adequate sight distance on Amherst Street. Given the proximity of the development to Amherst, the applicant should detail the anticipated number of vehicular trips.

**DRAINAGE/STORMWATER MANAGEMENT:**

The stormwater management design has not been submitted as part this application. The plan displays a detention basin on southern side of the proposed Map 23, Lot 2-8.

**UTILITIES:**

As stated previously, the intent is for each of the lots served by Town water and sewer. The applicant should further explain the purpose and intent potential access and utility easement.

**INTERDEPARTMENTAL REVIEWS:**

**Ambulance:** No comments.

**Assessing:** No comments.

**Building Department:** No comments

**Code Enforcement/ Health:** No comments.

**Conservation Commission:** See attached comments.

**Environmental Programs/Stormwater:** No engineered stormwater and drainage plan has been submitted for review.

**Fire Department:** No comments.

**Heritage Commission:** Several concerns over the number of stone walls that will be disturbed in the proposed roadway and particularly in lots 23-2-1 and 23-2-8. Noting the large amount of recontouring of the slope, there would be much disruption of the walls. The Committee would like to see some alternative plans that would preserve most of the walls as this is a well-documented feature of the town's heritage speaking to the early farming use of the land going back to our earliest settlers. There were also comments as to plans for sidewalks in the plan.

**Police Department:** No comments.

**Public Works:** No comments at this time.

**Water/Sewer Utilities:** The utility easement will not be utilized to extend municipal water and sewer into the Town of Amherst.

**Community Development / Planning:**

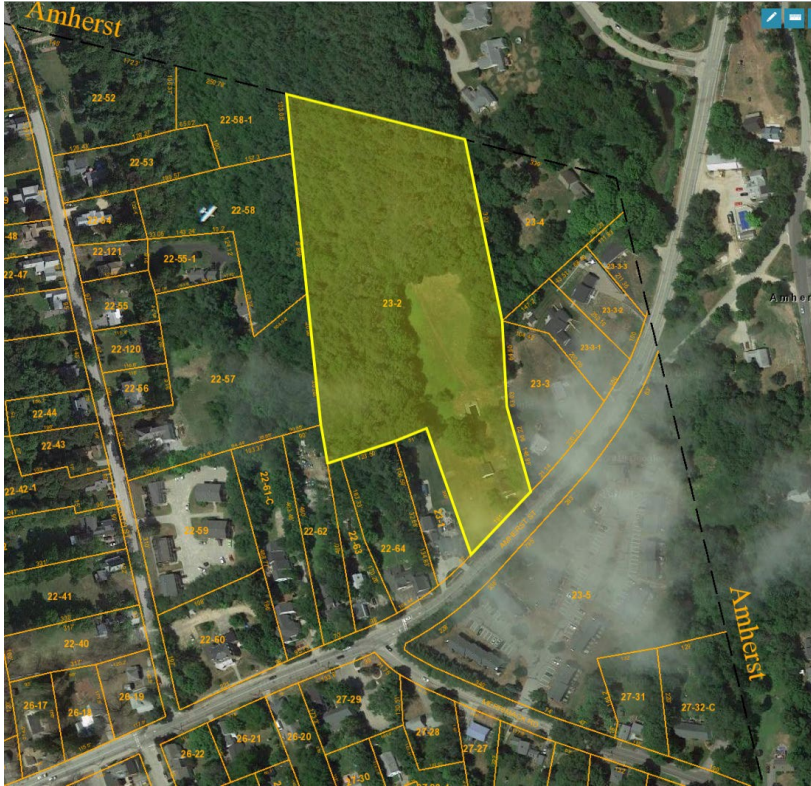
1. The plans display several existing stone walls on the property. The applicant is encouraged to reuse and incorporate the stone into the subdivision design and layout.
2. The snow storage areas shown at the ends of the subdivision roadway turnaround are located outside of the proposed Right of Way and would require the access/maintenance easements to store and maintain snow on private property.
3. Driveways located off of the ends of the turnaround areas of the proposed roadway are strongly discouraged (see lots 23-2-6 and 23-2-5).
4. Please provide the total buildable enveloped for Map 23, Lot 2-8 subtracting the wetland resource areas, buffers, and the detention basin.
5. The existing sidewalk network is located 230 linear feet from the entrance of the proposed subdivision. Pursuant to Section 7.03 of the Development Regulations, the Planning Board may require sidewalks for pedestrian traffic to provide a connection between the main entrances of housing and along public roadways. The Planning Board may also require sidewalks from along the road frontage if there is a reasonable expectation pedestrian patrons, residents, neighbors, children, shoppers or employees would be traveling to or from the site. The Planning Board should provide the applicant guidance with regards to potential inclusion of sidewalks as part of the final application process.

6. The proposed subdivision calls for the creation of an access and utility easement to a contiguous and landlocked property in Amherst owned by the applicant. The applicant has stated that the access and utility easement would be used to provide access and means for extending utilities to a single lot (Tax Map 3, Lot 85) totaling 5.75 acres in Amherst.
  - a. Given that access to the abutting property in Amherst is dependent upon the easement across connecting to the proposed subdivision roadway in Milford, the applicant will need to explain the reason why the application would not be subject to the requirements and procedures contained in RSA 674:53 Land Affected by Municipal Boundaries and involve the Planning Boards of both communities.
  - b. The applicant should explain why the abutting property in Amherst, Tax Map 3 Lot 85 is not included as part of the application and subject to the Amherst Subdivision Development Regulations.
  - c. The applicant will need to explain the reason for not requiring a variance from the Town of Amherst for a lot without a minimum of 35 linear feet for a reduced frontage lot pursuant to the Amherst Zoning Ordinance, Section 4.3 Residential / Rural Zone, Subsection C. Area and Frontage Requirements, 2 and relief from the Amherst Development Regulations, Section 213.0 Subdivisions Containing Reduced Frontage Lots.
  - d. The Milford Planning Board will need to determine if the easement permitting access to the parcel in Amherst ensures that traffic circulation, pedestrian access, parking and loading facilities, and emergency access shall be designed and located in a manner that ensures maximum safety on-site.
7. As discussed during the previous meeting, a portion of the stormwater/drainage design will be managed onsite by way of detention pond. The portion of the site not captured by the detention pond would tie into the Town system. The applicant is currently exploring design options with Public Works to connect to said municipal system. There also exists a non-town managed drainage system that receives water presumably from the larger delineated wetland resource area found on the property and eventually discharges to in proximity to Orchard Street. The applicant will need to provide further investigation and analysis for potential impacts of the subdivision on the Town and non-Town maintained system.

**STAFF RECOMMENDATIONS:**

The applicant should be prepared to address the comments raised by the Planning Board, Conservation Commission, Town Consultants, Staff, and public pertaining to the Design Review Subdivision Plan. The Planning Board will need to determine if the subdivision design does not meet the criteria for an Open Space design and can proceed with a conventional design. In addition, the Planning Board will need to determine the maximum density for the subdivision (without requiring waivers and/or special exceptions) prior to allowing the applicant to proceed to the final application. If the Board requires additional information or further clarification regarding the proposal, the Board may decide to continue the Design Review process

# Aerial/Street Level Photographs of Map 23, Lot 2



**APPROVED**

MILFORD, NH PLANNING BOARD

SUB DIVISION #: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

SIGNED: \_\_\_\_\_

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- NOTES:**
1. THE PURPOSE OF THIS PLAN IS TO DEPICT A PROPOSED SUBDIVISION OF LOT 23-2 INTO NINE RESIDENTIAL LOTS.
  2. THE CURRENT OWNER OF LOT 23-2 IS RICHARD KEOGH, 118 AMHERST STREET, MILFORD NH 03055. SEE HCRD BK. 1615 PG. 369 DATED 8/17/1960.
  3. LOT 23-2 IS LOCATED WITHIN THE RESIDENCE "A" DISTRICT. MINIMUM LOT REQUIREMENTS INCLUDE 15,000 S.F. LOT AREA, 100 FEET OF FRONTAGE, 30 FOOT FRONT BUILDING SETBACK AND 15 FOOT SIDE AND REAR BUILDING SETBACK.
  4. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN IS BASED ON A FIELD SURVEY PERFORMED BY THIS OFFICE DURING THE MONTH OF JANUARY, 2019.
  5. PROPOSED LOTS WILL BE SERVED BY A PUBLIC ROAD WITH MUNICIPAL SEWER AND WATER SERVICES AND UNDERGROUND UTILITIES.

**22-58-1**  
**NORMAN & JENNIFER FISK**  
 PO BOX 612  
 AMHERST NH 03031  
 VOL. 7937 PG. 2674 1/4/2008

**3-98**  
**NORMAN & JENNIFER FISK**  
 PO BOX 612  
 AMHERST NH 03031  
 VOL. 2454 PG. 338 5/17/1976

**22-67**  
**ROSS MACLAREN**  
 23 NORTH STREET  
 MILFORD NH 03055  
 VOL. 8923 PG. 1770 12/1/2016

**22-58**  
**PETER F MORAN III**  
 PO BOX 232  
 MILFORD NH 03055  
 VOL. 7939 PG. 175 1/9/2008

**22-62**  
**GLENN C. BURNS**  
 100 AMHERST STREET  
 MILFORD NH 03055  
 VOL. 5792 PG. 1679 2/28/1997

**22-63**  
**HENRIETTA M. DOLLOFF & RAYMOND COLLINS**  
 104 AMHERST STREET  
 MILFORD NH 03055  
 VOL. 6115 PG. 154 6/9/1999

**22-64**  
**KATHY WLAKER**  
 108 AMHERST STREET  
 MILFORD NH 03055  
 VOL. 8956 PG. 2074 4/3/2017

**23-1**  
**STEPHEN CURRIE**  
 PO BOX 65  
 NORTH READING, MA 01864  
 VOL. 8959 PG. 2059 4/14/2017

**23-5**  
**M & B REALTY, LLC**  
 15 POWERS STREET ST #2  
 MILFORD, NH 03055  
 VOL. 9073 PG. 1169 5/17/2018

**23-3**  
**ALBERT & LISA VASAS**  
 128 AMHERST STREET  
 MILFORD, NH 03055  
 VOL. 8969 PG. 1124 5/19/2017

**23-3-1**  
**MARTIN FAMILY REVOCABLE TRUST**  
 132 AMHERST STREET  
 MILFORD NH 03055  
 VOL. 9072 PG. 1485 5/15/2018

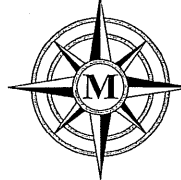
**23-4**  
**DEBRA A. DUNNE**  
 138 AMHERST STREET  
 MILFORD, NH 03055  
 VOL. 8997 PG. 2363 8/15/2017

**3-84-2**  
**DEBRA A. DUNNE**  
 138 AMHERST STREET  
 MILFORD, NH 03055  
 VOL. 8997 PG. 2363 8/15/2017

**3-86**  
**BARTLETT COMMON CONDO ASSOC.**  
 JOSHUA BARTLETT ROAD  
 AMHERST, NH 03031  
 VOL. 6034 PG. 1900 12/7/1998

TOWN OF MILFORD  
 RECEIVED  
 FEB 25 2019  
 PB ZBA Office

**DESIGN REVIEW SUBDIVISION PLAN**  
 LAND OF:  
**RICHARD N. KEOGH**  
 TAX MAP 23 LOT 2  
 MILFORD, NEW HAMPSHIRE  
 SCALE: 1" = 60'  
 FEBRUARY 25, 2019



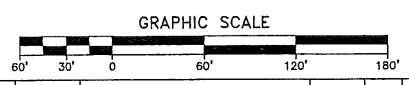
**MERIDIAN**  
 LAND SERVICES, INC.  
 ENGINEERING | SURVEYING | PERMITTING  
 SOIL & WETLAND MAPPING | SEPTIC DESIGN  
 31 OLD NASHUA ROAD, AMHERST, NH 03031 TEL. 603-673-1441  
 MERIDIANLANDSERVICES.COM FAX 603-673-1584

FILE:3203D05.dwg PROJECT NO. 3203.05 SHEET NO. 1 OF 3



**LEGEND:**

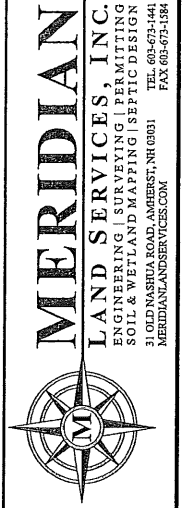
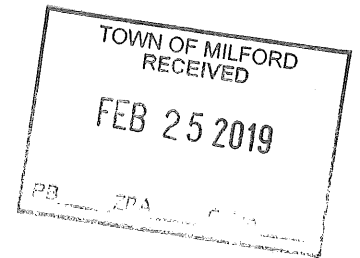
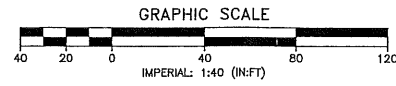
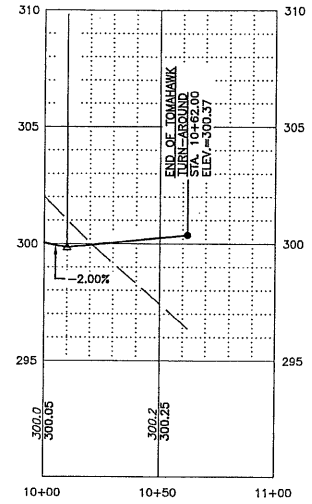
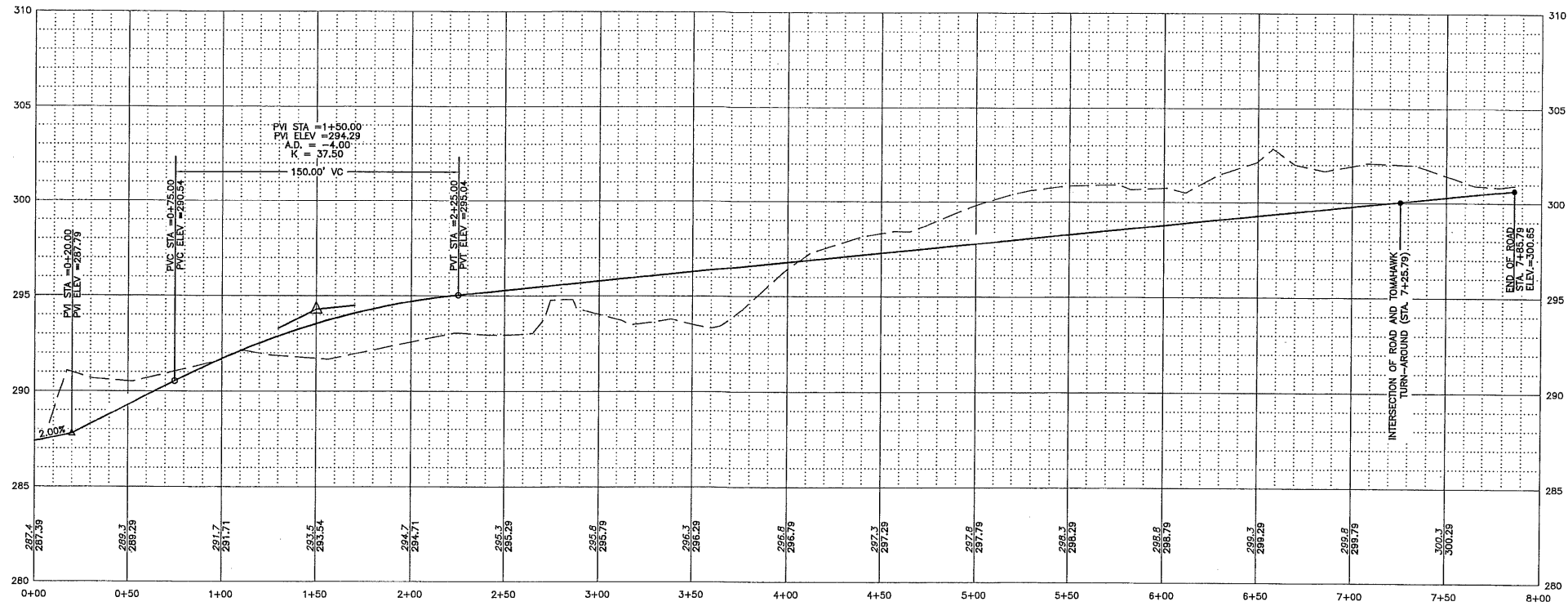
- RIGHT-OF-WAY SIDELINE
- PROPERTY LINE
- - - ABUTTING LOT LINE
- - - FORMER TRACT LINE
- - - EASEMENT LINE
- - - BUILDING SETBACK LINE
- - - EDGE OF PAVEMENT
- - - EDGE OF WETLANDS
- - - STONE WALL
- - - 10' CONTOUR INTERVAL
- - - 2' CONTOUR INTERVAL
- - - APPROXIMATE U.G. GAS LINE
- - - APPROXIMATE U.G. WATER LINE
- 23-2 EXISTING TAX MAP AND LOT NUMBER
- EXISTING BUILDING
- EXISTING TREE LINE
- EXIST. WATER SHUT OFF VALVE
- EXIST. FIRE HYDRANT
- EXIST. UTILITY POLE
- EXIST. DRAIN MAN HOLE
- EXIST. SEWER MAN HOLE
- EXIST. TREE
- EXIST. GRANITE BOUND FOUND
- EXIST. DRILL HOLE FOUND/SET
- EXIST. IRON PIN FOUND/SET
- EXIST. IRON PIPE FOUND
- GRANITE BOUND TO BE SET
- IRON PIN TO BE SET



REV.	DATE	DESCRIPTION	C/O	DR	CK
B					
A					

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**MERIDIAN**  
 LAND SERVICES, INC.  
 ENGINEERING | SURVEYING | PERMITTING  
 SOLID WASTE | ASPHALT | PAVEMENT DESIGN  
 31 CEDAR HILL ROAD, ANDOVER, NH 03001  
 MERIDIANLANDSERVICES.COM FAX: 603-679-1884

REV.	DATE	DESCRIPTION	DR	CK
I				
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SUBDIVISION  
 PROFILES

RICHARD KEOGH  
 AMHERST STREET  
 MAP 23 LOT 2  
 MILFORD, NEW HAMPSHIRE

FEBRUARY 25, 2019

SCALE: 1" = 40'

**P-2**  
 SHEET

FILE: 3203P05.dwg  
 PROJECT: 3203.05  
 SHEET NO. 2 OF 2



**Town of Milford**  
CONSERVATION COMMISSION

Town Hall  
1 Union Square  
Milford, NH 03055-4240  
(603) 249-0628  
Fax (603) 673-2273  
www.milford.nh.gov  
conservation@milford.nh.gov



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## MEMORANDUM

March 18, 2019

***Revised April 19, 2019 includes Bulleted Items #4-7***

To: Milford Planning Board

**Re: Interdepartmental Review Map 23 Lot 2  
Major Subdivision - Keogh**

To the Board,

The Conservation Commission reviewed this plan at their March 14, 2019 meeting. The Commission has some comments.

1. The Conservation Commission would like to have a site walk of this site and the proposed work. This could be coordinated with any Planning Board site visit scheduled.
2. The Conservation Commission requests that no house lots be created that contain wetlands or their associated buffer. This request would result in the removal of lots 23-2-7 & 8 or make all the lots smaller to keep the number of lots.
3. The Conservation Commission would like alternatives to a drainage pond be designed and implemented to handle the stormwater treatment of this subdivision.
4. Following the site walk dated April 16; the MCC would like to understand the watershed/wetland context of this site. There is a flowing stream leaving the property. Where does it go? And how does this water cross under Amherst Street?
5. This parcel contains a mature forest supporting a diverse suite of species. The MCC asks that these trees not be removed during active breeding/nesting/fledging seasons. The MCC members observed wildlife presence and heard comments from abutters who attended the site visit.
6. How will the removal of the trees affect the absorption of ground and surface waters preventing an overload of the stormwater management system?

7. There will be a loss of grassland habitat which is in steadily decreasing supply in southern New Hampshire. The one-acre field probably supports migratory birds which are looking for a stopover as well as bees and other species that thrive at the transition of woods to field. The MCC requests that landscaping decisions be made that would mitigate this loss of habitat.

The Commission appreciates the opportunity to review this application. We look forward to seeing a well-designed project that improves the natural resource functionality of the site.

Very Respectfully,

Chris Costantino  
Milford Conservation Commission