



Date: June 19, 2019
To: Planning Board
From: Lincoln Daley, Community Development Director
Subject: SD2019-08 - Richard Keogh, Tax Map 23, Lot 2, 118 Amherst Street. Major Subdivision Application to subdivide the subject parcel into eight (8) total lots, the construction of an 800 linear foot subdivision roadway, related drainage/stormwater improvements, and offsite improvements.

BACKGROUND/PROPOSAL:

The applicant before the Planning Board for a major subdivision plan create eight (8) total lots, the construction of an 800' linear foot subdivision roadway, and related drainage/stormwater improvements. Attached please find the subdivision plan set and waiver requests.

A site walk was held with the applicant and general public on April 16, 2019. The Design Review followed shortly thereafter, on April 23rd. At the Design Review meeting, the Board voted in support of a conventional subdivision layout with a maximum density of 8 lots. No waiver requests were submitted by the applicant during the design review process.

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. Said wetland resource area may be hydrologically connected to an unmaintained stormwater system that runs under Amherst Street towards Orchard Street.

LOT AREA:

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

APPLICATION STATUS:

The application is complete and ready to accept.

REGIONAL IMPACT:

Pursuant to RSA 36:54, the Board will need to determine if the proposed subdivision would result in potential regional impact.

NOTICES:

Notices were sent to all property abutters on June 14, 2019.

WAIVERS:

1. Waiver request from the Development Regulations, Article V, Section 5.08 for authorization to design a conventional subdivision instead of an open space conservation development.
2. Waiver request from Town's Stormwater Management and Erosion Control Regulations, Section 5.32.080, C.2.a to tie into the municipal stormwater system and permit an increase in the amount of runoff that leaves the boundaries

of the site.

3. Waiver request from the Driveway Regulations, Section VII, F requiring the driveway entrance from having a negative slope.

BOARD ACTION(S) / DECISION(S)

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

1. Determination of possible impact studies.
2. Review of the waiver request and vote to approve / deny.
3. Determination of the layout and design of the subdivision roadway and proposed lots.

ZONING:

The subject parcel lays 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 eight 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. The plans display the approximate location of each of the single-family residences and driveways. All existing and proposed structures are located within the dimensional 30 foot front and 15 foot side/rear setbacks and delineated wetland buffer area.

SUBDIVISION DENSITY AND DESIGN

The applicant is proposing an 8 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. The 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.

TRAFFIC AND ACCESS MANAGEMENT:

The applicant is proposing a 50 foot wide x 800 foot right of way to service the 8 lots off of Amherst Road. The proposed width of subdivision the roadway is 22 feet and terminates with a permitted "tomahawk" turn around area. Access/Egress from Lots 2-6 and 2-6 will be from a proposed shared driveway and maintenance easement. The proposal calls for a 30 foot wide Private Right of Way that extends into the abutting property in Amherst (Map 3, Lot 85). According to the plan Map 3, Lot 85 is not to be considered a buildable lot.

Given the topography of the property and curvature of the Amherst Street in proximity to the development, the applicant should verify that the entrance provides adequate sight distance. The applicant will be required to file for driveway permit with the Department of Public Works.

The applicant is proposing to connect the 5 foot wide existing sidewalk network located at the intersection of Merrimack Street and Amherst Street to the proposed subdivision roadway entrance, a distance of more 200 linear feet.

DRAINAGE/STORMWATER MANAGEMENT:

The stormwater management design is currently under review by the Town's engineering consultant. The majority of the drainage and stormwater will be managed onsite through the construction of a detention pond located on the western portion of Lot 2-7. The applicant is proposing manage the remainder of stormwater in proximity to Amherst Street via a connection to the municipal system. The Public Works Department is working with the applicant to assess the current conditions and state of the municipal stormwater system along Amherst Street and determine if the system will require upgrades.

UTILITES:

The subdivision will be serviced by underground utilities and municipal water and sewer. Milford water and sewer will not be extended into the Amherst to service Lot 3-85.

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: The stormwater and drainage plan has been submitted and is currently under review by the Town's engineering consultant. The north western portion of the parent lot consists of delineated wetland resource areas.

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.

Police Department: No comments.

Public Works: Public Works is continuing to work with the applicant regarding connecting a portion of the drainage and stormwater design to the Town system located on Amherst Street. Minimal information exists on the municipal system along Amherst Street to determine its condition if said system can handle the additional volume from the proposed subdivision. The Public Works Department will determine if additional assessment data and or offsite improvements will be required.

Water/Sewer Utilities: The private right of way 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. Sheet 1. Please revise note 7 to read, "The proposed lots will be subject to Police and Library impact fees"
3. Sheet 3 Subdivision Plan, Snow Storage. 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. Please revise the plan to show the dimensions of the proposed snow storage areas and submit the legal descriptions and restrictions for each proposed access and maintenance easements to the Community Development Office for review and approval.
4. Sheet 3 Subdivision Plan, Drainage Easement. Please provide the legal description and limitations for the proposed drainage easement to the Community Development Office for review and approval.
5. Sheet, Subdivision Plan, Driveway Easement. Please provide the legal description and limitations for the proposed driveway easement to the Community Development Office for review and approval.
6. Sheet 3, Subdivision Plan. Both the Building Setback Line and wetland buffer line have the same labeling. Please revise the plan set by delineating the building setback line and wetland buffer line. Further, please revise the plan by showing wetland buffer delineation.
7. General Question. Has the applicant submitted an Alteration of Terrain Permit to NHDES (projects that disturb areas greater than 100,000 square feet). If yes, please provide the Office of Community Development with a copy of said submittal.
8. Sheet D-1, Sidewalk Detail. Please refer to the Dept. of Public Works, Infrastructure Design, Construction & Administration Standards regarding the engineering and construction of the sidewalk along Amherst Street.
9. The proposed subdivision calls for the creation of a private 35' wide private Right of Way to a contiguous and landlocked property in Amherst owned by the applicant. The applicant has stated that the ROW 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 ROW 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. Milford roadway design standards require a 50' right of way for private roadways. The applicant should either revise the plan or request a waiver.
 - d. Please explain the purpose and intent of Note 14 on Sheet 1.
10. General Comment. The drainage design is under review by the Town's engineering consultant. Staff understands that the applicant is meeting with the Public Works Department to discuss potential offsite improvements needed to connect a portion of the drainage volume from the proposed subdivision to the municipal stormwater system on Amherst Street.
11. General Comment. Additional information is required to determine if the delineated wetlands on the property are hydrologically connected to the adjacent unmaintained stormwater/drainage system.
12. General Question. Given the elevation change from the Map 23, Lots 2, 2-1 through 2-4 to the abutting properties to the south and proximity to existing homes, please answer the following:
- a. Please explain if additional stormwater mitigation is required to manage the drainage/stormwater in the rear portions of Map 23, Lots 2, 2-1 through 2-4 onto the abutting residential properties.
 - b. Please explain if the applicant intends to provide visual mitigation Map 23, Lots 2, 2-1 through 2-4 to the abutting properties to the south and proximity to existing homes, please answer the following:
13. General Comment, Sheet P-5. Please revise the sheet to include the approximate finish grade elevations for each proposed house.

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 Subdivision Plan. Staff recommends continuing the application to the next regularly scheduled Planning Board meeting to allow the applicant to address outstanding comments and to continue discussions involving the stormwater management and drainage design with the Town.

Aerial/Street Level Photographs of Map 23, Lot 2



Street Level Photograph – Looking North



Street Level Photograph – Looking Southwest



Town of Milford
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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