



Date: September 25, 2019
To: Planning Board
From: Kellie Shamel, Town Planner
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 to continue the major subdivision application to 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 town staff comments.

The applicant was before the Planning Board on September 17, 2019. The applicant has provided legal documents which are currently under review by Town Legal Counsel.

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 was accepted as complete at the June 25, 2019 Planning Board meeting.

REGIONAL IMPACT:

At the June 25, 2019 meeting the Board determined there is no potential regional impact.

NOTICES:

Notices were sent to all property abutters on August 6, 2019.

WAIVERS:

The Board granted the following waiver requests on September 17, 2019:

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.
2. Waiver request from the Driveway Regulations, Section VII, F requiring the driveway entrance from having a negative slope.
3. Waiver request from the Milford Development Regulations, Article VII, Section 7.02 Roadway Standards Charts, Table 1: Roadway Standards to construct a 35 foot wide private Rights of Way.

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 requests 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 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 2-5 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 drainage and stormwater has been redesigned to be managed onsite and not utilizing the municipal system as previously proposed. The stormwater and drainage design has been reviewed by the Town Engineering Consultant, KV Partners. See attached review.

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 dated 9/23/19.

Environmental Programs/Stormwater: See letter from the Town engineering consultant, KV Partners.

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:

1. Public Works is ok with the revised drainage so long as KV Partners comments are incorporated.
2. Public Works is ok with the Driveway waiver & run-off waiver. See e-mails dated 8/20/19 9/16/19.

Water/Sewer Utilities:

1. The private right of way will not be utilized to extend municipal water and sewer into the Town of Amherst.
2. There are some issues / conflicts with the water & sewer drawings for the Amherst St. project. Discussions are still underway with Meridian to try and come to a resolution.

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. **Addressed.**
2. Sheet 1. Please revise note 7 to read, "The proposed lots will be subject to Police and Library impact fees" **Addressed.**
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.

Partially Addressed. *The plans have been updated to include the dimensions of the proposed snow storage maintenance areas. The Applicant will be required to submit the legal descriptions and restrictions for each proposed access and maintenance easements to the Community Development Office for review and approval.*

Pending legal document review by Town Legal Counsel.

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.

Partially Addressed. *The plans have been updated to include the approximate dimensions of the drainage easement areas. The Applicant will be required to submit the legal descriptions and restrictions for each proposed drainage easement to the Community Development Office for review and approval.*

Pending legal document review by Town Legal Counsel.

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.

Partially Addressed. *The plans have been updated to include the approximate dimensions of the shared driveway easement. The Applicant will be required to submit the legal descriptions and restrictions said easement to the Community Development Office for review and approval.*

Pending legal document review by Town Legal Counsel.

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.

Addressed. Sheet 3 Revised.

7. General Question. Based on the discussion at the previous meeting involving the expanded area used for the drainage analysis, please explain if the project requires 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.

Addressed. Project disturbance = 44,050 s.f. No AOT Permit is required.

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.

Addressed.

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. Applicant submitted waiver request to permit the construction of the 35' Right of Way for Board consideration and approval.

b. As stated on Sheet 1, Note 14, the Right of Way is not a building lot. However, it is considered to be a taxable lot owned by the property owner of Map 3 lot 85 in Amherst. The plan set should be updated by assigning a lot number to the proposed Private Right of Way.

Addressed. Revised plan set to include lot # for Private ROW.

c. Sheet 1, Note 14 should be revised to include language stating that the Private Right of Way

Addressed. Revised Sheet 1.

10. 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. Drainage Easement. Based on KV Partners review comments and comment from DPW it is understood that the swales along the lot lines are not to be the responsibility of the Town and therefore should not be included in the easement.

Pending legal document review by Town Legal Counsel.

13. General Comment. Please provide a name for the proposed subdivision road for review and consideration.

Addressed. "Clifford Street"

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. If the Board is satisfied with the information/responses from the applicant and finds that the remaining concerns can be addressed with staff, staff would recommend a conditional approval.

Aerial/Street Level Photographs of Map 23, Lot 2



Street Level Photograph – Looking North



Street Level Photograph – Looking Southwest



Aerial/Street Level Photographs of Map 23, Lot 2



Street Level Photograph – Looking North



Street Level Photograph – Looking Southwest



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

**Town of Milford
Conservation Commission**



September 23, 2019
To: Milford Planning Board

**Re: Interdepartmental Review Map 23 Lot 2
Major Subdivision – Keogh Revised September 10, 2019**

To the Board,

The Conservation Commission reviewed this plan at their September 12, 2019 meeting. The Commission has comments regarding the revised plan dated September 10, 2019:

1. The MCC would like to have stormwater calculations for a 50-year storm. Current climate conditions are tending to more severe and frequent storms. There is a lot of water on this site which impacts downstream properties.
2. The MCC recommends removing Lot 23-2-7. There is a large wetland and buffer contained within the boundaries of this lot. Experience is proving that landowners are incurring violations when they maximize the use of their property. This is a small lot eliminating options for future landowners. Wetlands and their associated buffers are costly to landowners when they are planning future uses on their property. These management decisions are costly to town staff as well. The subdivision would be better served with the removal of this lot.
3. The MCC would like to have the wetland buffer monumented in Lots 23-2-6&7 with boulders or other physical barrier. The MCC has managed three wetland buffer impacts in the last year on lots with similar characteristics.
4. The MCC would like animal friendly catch basins installed.
5. There has been no satisfactory explanation of where the water goes downstream of Lot 23-2. An overflow pipe drains stormwater overflow into the delineated wetland which extends into abutting properties. It is an unfair burden to abutters to manage overflow from this subdivision. Utilizing proposed Lot 23-2-7 to increase the capacity to manage stormwater overflow should be considered.

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,

Andy Hughes
Milford Conservation Commission

From: [Rick Riendeau](#)
To: [Kellie Shamel](#); [Lincoln Daley](#)
Subject: Re: Keogh Drainage Review
Date: Tuesday, August 20, 2019 9:02:55 AM

Kellie,

Please except this email as granting the wavier for the 2% grade from the subdivision to Amherst st.

Also, reference to Lincolns voice mail about the drainage swales between lots. Public Works doesn't want to maintain these swales. As stated before with you earlier, we need to make sure that there is an easement for the CB at the road side of the swale and the Town will maintain that.

Let me know if you need anything else, I will check email as I am traveling.

On Aug 19, 2019, at 3:52 PM, Kellie Shamel <kshamel@milford.nh.gov> wrote:

From: Rick Riendeau
Sent: Thursday, August 15, 2019 7:45 AM
To: Kellie Shamel
Subject: RE: Keogh Drainage Review

Kellie,

I am good with the revised drainage, with Mike Vignale comments.

The only other question I have is with the sidewalks, did the planning board omit the sidewalks in the development? I was under the assumption sidewalks were to be on one side of the road.

Rick Riendeau
Director of Public Works
Milford, NH
rriendeau@milford.nh.gov
W 603-673-1662
F 603-673-2206

"Public Works makes it happen"

From: [Rick Riendeau](#)
To: [Kellie Shamel](#)
Subject: RE: Planning Dept. IDR - Keogh Major Subdivision, 118 Amherst Street
Date: Monday, September 16, 2019 10:30:07 AM

Kellie,

I am ok with the plans with Mikes comments, the only part I would like to have seen is an internal sidewalk for the safety of the pedestrians . I understand they will ask for a waiver to the run-off to Amherst St. With that in mind, I know the only other way to control it is dropping the road grade, which with the high water table it will be more of an issue, so I am ok with the minimal run-off.

Rick Riendeau
Director of Public Works
Milford, NH
rriendeau@milford.nh.gov
W 603-673-1662
F 603-673-2206
"Public Works makes it happen"

Hi Rick,

Could you please send me your comments for the revised plans for Keogh? I'm just looking for some type of confirmation that you are "ok" with the revised drainage plan so I can include it in my memo to the Planning Board. I attached Mike Vignale's review for your reference if needed.

If you could send me comments by tomorrow that would be helpful.

Thank you!

Kellie

<Keogh Waiver.pdf>

September 16, 2019

Lincoln Daley, Community Development Director
Town of Milford
1 Union Square
Milford, NH 03055

Re: Richard N. Keogh Subdivision (Tax Map 23, Lot 2) – Drainage Review

Dear Mr. Daley:

We reviewed the revised 16-sheet plan set (dated September 10, 2019) prepared by Meridian Land Services, Inc. in accordance with our agreement with the Town. As requested, our review was limited to the drainage system only. Based on this review, we find that all our previous comments were adequately addressed and the plans are acceptable from an engineering perspective for the drainage elements of the project.

If you have any questions or need any additional information, please feel free to contact me at 603-413-6650 or on my cell phone at 603-731-1562 or by email at MVignale@kvpllc.com.

Sincerely,

KV Partners LLC



Michael S. Vignale, P.E.
Principal Engineer