



TOWN OF MILFORD, NH  
OFFICE OF COMMUNITY DEVELOPMENT

1 UNION SQUARE, MILFORD, NH 03055

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**Date:** September 9, 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 waiver requests.

The applicant was before the Planning Board on August 20, 2019. The applicant has revised the plans since the August 20<sup>th</sup> meeting based on Planning Board and staff comments.

**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:**

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.

**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. See e-mail dated 8/20/19.

**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.

11. 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:

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. Given this information, the responsibility of maintain the swales would fall to the property owners within the subdivision. This would require the formation of a HOA and thus legal documents will need to be drafted and submitted to the Town for review and approval.

*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. Staff recommends continuing the application to the next regularly scheduled Planning Board meeting to allow time for Town Legal Counsel to review.



Aerial/Street Level Photographs of Map 23, Lot 2



Street Level Photograph – Looking North



Street Level Photograph – Looking Southwest





# MERIDIAN

## LAND SERVICES, INC.

CIVIL ENGINEERING | LAND SURVEYING | PERMITTING | SOIL & WETLAND MAPPING | SEPTIC DESIGN | ENVIRONMENTAL

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August 23, 2019

Milford Planning Board  
1 Union Square  
Milford, New Hampshire 03055  
Attn: Lincoln Daley, Community Development Director

RE: Richard Keogh Subdivision  
Map 23 Lot 2

Meridian Land Services Inc., on behalf of Richard Keogh, request a waiver from section 5.32.080 (Design Standards) C.2.a. of the Town of Milford's Stormwater Management and Erosion Control Regulations for the increase to observation point 3 (OP-3) as indicated in the drainage calculations.

Observation point 3 (OP-3) represents site runoff onto Amherst Street. This runoff ultimately drains to an existing catch basin and discharges into a 30-inch reinforced concrete pipe under Amherst Street. Drainage calculations indicate that there will be an increase of 0.12 cubic feet per second on the 25-year frequency storm event to OP-3.

Observation point 1 (OP-1) represents site runoff to the western wetland. This wetland drains to the same 30-inch reinforced concrete pipe under Amherst Street. Drainage calculations indicate that there is a decrease of 0.17 cubic feet per second on the 25-year frequency storm event to OP-1.

As both OP-1 and OP-3 both drain through the 30-inch reinforced concrete pipe, there is a net decrease in runoff to this drainage pipe of 0.05 cubic feet per second on the 25-year frequency storm event. For this reason as well as the minimal increase in runoff to OP-3, we believe that a waiver request is reasonable.

If there are any questions or concerns, please do not hesitate to contact Meridian Land Services, Inc.

Sincerely,

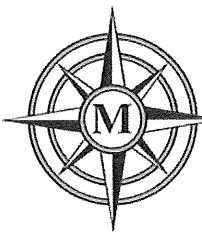
Kevin M. Anderson, P.E.

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Milford Planning Board

May 28, 2019

Re: Keogh Subdivision – Tax Map Lot 23-2, #118 Amherst Street

- 1) We hereby request a waiver from the Subdivision Regulations, Article V, Sec. 5.08 (Open Space Conservation Developments). A Conventional Design Subdivision will be pursued instead of Open Space as discussed in previous Design review meetings.
- 2) We hereby request a waiver from the Driveway Regulations Section VII, F requiring driveway entrance to have a negative slope. The proposed road will have a 2% positive slope at the entrance to allow for separation from the ground water table. Drainage onto the existing road will be controlled by the installation of the catch basins at the entrance as show on the design.
- 3) We hereby request a waiver from the Subdivision Checklist for Major Subdivision item Z (Provisions for storage of recycling and refuse). Not Applicable.
- 4) We hereby request a waiver from the Subdivision Checklist for Major Subdivision item BB (Location, size and detail of exterior lighting). Not Applicable.
- 5) We hereby request a waiver from the Subdivision Checklist for Major Subdivision item CC (Location, size and detail of storage tanks). Not Applicable.

Thank you for your consideration.

Samuel D. Ingram, SIT