

MILFORD PLANNING BOARD PUBLIC HEARING
May 23, 2017 Board of Selectmen's Meeting Room, 6:30 PM

Members Present:

Christopher Beer, Chairman
Paul Amato
Veeral Bharucha
Doug Knott
Janet Langdell

Staff:

Lincoln Daley, Comm. Dev. Director
Shirley Wilson, Recording Secretary
Amy Concannon, Videographer

Excused:

Susan Robinson

MINUTES

1. **Approval of minutes from 3/7/17, 3/28/17, 4/4/17, 4/12/17, and 4/25/17.**

NEW BUSINESS

2. **Thomas C. Bailey & Roseann Morin Bailey - Knight St – Map 20, Lot 31;** Public Hearing for a minor subdivision creating one (1) new lot in the Residence A District. *(Fieldstone Land Consultants PLLC)*
3. **KBRE Development, LLC and Perry Fields Condominiums – Old Wilton and Perry Roads – Map 7, Lots 20 C6, C7, C8 & C9;** Public Hearing for a site plan amendment to construct a self-storage facility on a portion of the site with associated site improvements. *(Fieldstone Land Consultants PLLC)*
4. **Badger Hill Properties, LLC/Badger Hill Phase 6C – Timber Ridge Dr - Map 51, Lots 26-128, 26-130, 26-131, 26-132, 26-133, 26-134, 26-135, 26-136, 26-137, 26-138, 26-139, 26-140, 26-141, 26-142, 26-143, 26-144, 26-145, 26-146, 26-147, 26-148, 26-149, 26-150, 26-151, 26-152, 26-153, 26-154, 26-155, 26-156, 26-157, 26-158, 26-159, 26-160, 26-161, 26-163, 26-165, 26-167, 26-169, 26-171, 26-173, and 26-175;** Public Hearing for Phase 6C of the Badger Hill Open Space Subdivision involving multiple lot line adjustments for forty (40) residential lots and one (1) open space lot and to complete 2,600 ft of Timber Ridge Dr. *(Brown Surveying & Engineering)*

Chairman Beer called the meeting to order at 6:30PM. He introduced the Board and staff and explained the ground rules for the public hearing.

MINUTES:

J. Langdell submitted a correction to the 3/7/17 minutes and then made a motion to approve, as amended. D. Knott seconded. T. Finan, C. Beer, D. Knott and J. Langdell voted in the affirmative with K. Federico and P. Amato abstaining; motion carried 4-0-2.

P. Amato made a motion to approve the 3/28/17 minutes. J. Langdell seconded and all in favor; motion carried 6-0-0.

J. Langdell made a motion to approve the 4/04/17 minutes. D. Knott seconded. C. Beer, D. Knott and J. Langdell voted in the affirmative with K. Federico, T. Finan and P. Amato abstaining; motion carried 3-0-3.

J. Langdell made a motion to approve the 4/12/17 minutes. P. Amato seconded. P. Amato, C. Beer, D. Knott and J. Langdell voted in the affirmative with K. Federico and T. Finan abstaining; motion carried 4-0-2.

J. Langdell made a motion to approve the 4/25/17 minutes. P. Amato seconded. P. Amato, C. Beer, D. Knott and J. Langdell voted in the affirmative with K. Federico and T. Finan abstaining; motion carried 4-0-2.

NEW BUSINESS:

Thomas C. Bailey & Roseann Morin Bailey - Knight St – Map 20, Lot 31; Public Hearing for a minor subdivision creating one (1) new lot in the Residence A District.

C. Beer read the notice of hearing and stated that the application was complete, per staff memo. J. Langdell made a motion to accept the application. K. Federico seconded and all in favor; motion carried 6-0-0. P. Amato made a motion that this application did not pose potential regional impact. J. Langdell seconded and all in favor; motion carried 6-0-0. S. Wilson read the abutters list into the record.

Abutters present:

Theodore Bartlett, West St (Not Thomas, as listed)

Chairman Beer recognized:

Mike Ploof, Fieldstone Land Consultants, PLLC
Chris Guida, Fieldstone Land Consultants, PLLC
Thomas & Roseann Bailey

M. Ploof presented plans dated 4/24/17 to subdivide lot 20/31 into two conforming lots. He then reviewed staff comments. Note #12 is confusing but he explained that there used to be two tracts of land prior to 1883 and we will revise the note. We will show a granite bound to be set in the front and iron pins in the rear. We will also place a note on the plan referencing the monuments, once set. We will add notes stating that the new lot will be serviced by municipal water and sewer, is subject to Police and Library impact fees and that a driveway permit will need to be obtained. The existing flag pole is right on the boundary line and we will add a reference that it will be relocated.

J. Langdell brought up a concern with the location of the proposed driveway to the proximity of the driveway for 33 West St. M. Ploof stated that the proposed driveway is shown for graphic purposes only. The goal is to try to save the existing maple tree and it will be located where DPW deems best. J. Langdell brought up the comments from the Heritage Commission that a part of the lot is significantly wet during winter and spring. How would you anticipate this to be addressed? M. Ploof noted that there are no wetlands on the site, but there is a high water table and it would be addressed during the building permit process.

Chairman Beer opened the meeting for public comment.

T. Bartlett said that the northeast property marker that abuts his property looks a bit tight. It is right up against the foundation of a former garage and questions the validity of that corner. M. Ploof stated that we did a complete and thorough boundary survey going back to when this piece of land was twelve acres. We found monuments in all directions for all the properties and tied the deeds and physical locations together; it all fit quite nicely. T. Bartlett also noted that the north end of this property does flood and with heavy rain, there is runoff. My concern is where will the runoff go, if a building is built. C. Beer stated that development of the new lot cannot increase runoff from the property and the new house and driveway will have to be designed to accommodate that. D. Knott inquired if there was runoff now. T. Bartlett replied no, but there would be if you filled in the land and my basement is damp now. C. Guida stated that he did the inspection for the wetlands and confirmed that there is a high water table in lower section. The property slopes up towards the road and any development would occur near the road side, as part of good building practices.

Chairman Beer closed the public portion of the meeting.

P. Amato inquired why the flagpole would need to be moved, as it would be a good boundary marker. L. Daley replied that moving it would eliminate any conflict regarding ownership or maintenance going forward.

P. Amato made a motion to grant approval of the application subject to the staff recommendations, as listed on the Staff Memo dated 5/18/17:

1. Note #12 of the plan set be revised to reflect the current status of the property as one lot.
2. The plan shall be revised to include all bounds for each of the affected lots in accordance with Town of Milford Development Regulations.
3. A note added to the plan stating that prior to the signing of the plan, all monumentation shall be set and noted on the plan or a security be provided to the Town to cover the cost of monumentation.
4. A note be added to the plan stating that Lot 20/31-1 will be serviced by municipal water and sewer.
5. A note be added to the plan stating the new Lot 20/31-1 is subject to Police and Library Impact Fees.
6. Lot 20/31-1 will require a curb cut/driveway permit from the Public Works Department.

D. Knott seconded and all in favor; motion carried 6-0-0.

KBRE Development, LLC and Perry Fields Condominiums – Old Wilton and Perry Roads – Map 7, Lots 20 C6, C7, C8 & C9; Public Hearing for a site plan amendment to construct a self-storage facility on a portion of the site with associated site improvements.

C. Beer read the notice of hearing and stated that the application was complete, per staff memo. J. Langdell made a motion to accept the application. K. Federico seconded and all in favor; motion carried 6-0-0. P. Amato made a motion that there is no potential regional impact associated with this application. J. Langdell seconded and all in favor; motion carried 6-0-0. S. Wilson read the abutters list into the record.

Abutters present:

Roger Bucknam, Old Wilton Rd

Public present:

Chris Labonte & Marcey Mason, Marcey's Way

Chairman Beer recognized:

Chris Guida, Fieldstone Land Consultants PLLC

Mark Brown, KBRE Development, LLC

C. Guida presented plans dated 4/25/17 and reviewed the existing site conditions. Units 1-5 are constructed and this proposal is to develop condominium units 6-9 with storage units. A variance was received for the use and there will be no change in impervious area from the initial approved site plan. The existing gravel area is currently being used as a rogue entranceway and that area will be discontinued. DPW has no problem with the proposed additional second curb cut not on the original site plan.

C. Guida then reviewed staff comments.

1. We will add a note for the number of proposed parking required. The original plan had 48 spaces at 4 spaces per unit. The self-storage usage doesn't require additional spaces so there is really no change in the parking and we still exceed the parking requirements for the site as a whole. Parking is not shown on this plan, but the spaces will be delineated on the final plan. The area for units 10-12 is owned by Sandford and it is used to park company vehicles. There will be a drive between the proposed storage buildings but there is no change in footprint. The first curb cut will be for the western most units and will tie into the existing pavement. The units will have openings on both sides of the buildings. P. Amato noted that any users who parked in front of their units could block that drive. C. Guida reiterated that we are not proposing any additional parking; there is no parking required, per se, for storage units. There is no fence proposed at this time and the storage customers will use the same driveway as the industrial condominiums. P. Amato said the 20ft travel lanes will be tight. J. Langdell inquired about the distance from the original footprint to the existing buildings. C. Guida replied it would be 40ft but the travel width is 20ft, accounting for unloading and loading plus parking for the existing condos. The proposed storage units will be in the exact same footprint as the original approved plan and there is no change to the original approved parking. Discussion ensued.

2. C. Guida said a substantial amount of landscaping from the original plan has been done in the main entrance area. There is also a significant amount of natural vegetation on the site and the area where the units are being proposed is heavily wooded with quaking aspen and other natives. We will work with staff to incorporate some of that existing vegetation to meet the requirements. L. Daley provided a 2013 GIS map and reviewed the existing landscaping. There is opportunity to incorporate additional planting for this project with the 2006 landscaping and bring the site into compliance. This is a unique piece of property and it is also the entranceway to our new Brox Industrial area so this can showcase properties going forward. J. Langdell added that those were some of the comments made when we approved the original plan. D. Knott suggested not using invasive species and reiterated that the site does not comply with the original plan. C. Beer said a revised plan that meets current landscaping requirements will need to be brought back to the Planning Board. C. Guida said he would prefer this as a condition of approval, but will update the plan.
3. Mr. Brown will work with his attorney to update the condominium documents. L. Daley added that town counsel suggested they be submitted for Board review. Staff can work with the applicant to work out the final language with needs to be revised to incorporate the consolidation of the condominium units for the self-storage use.
4. C. Guida passed around a picture example of what the proposed units would look like. It's from the same company that did the Ciardelli storage units.

J. Langdell said if they are coming back for the landscaping, they could also submit architectural and a revised site plan with parking. P. Amato asked if there is enough parking for the existing units. C. Guida said yes, and units 10-12 are owned by Sandford where they park company vehicles. There is no parking in our area.

5. We don't anticipate any negative impacts to the wetland resource. There will be runoff into the riprap area, but pavement would prevent any soil erosion in heavy storms. M. Brown explained that the area was already graveled but it was hard to plow so we paved it when we did the final paving in back. L. Daley said the original plan stated that area had to remain gravel. The plan will need to be updated to show that the area is paved now as well as the new location of the dumpsters. The dumpsters are screened and look fine; they do meet the intent of the regulations.

P. Amato inquired about the handicapped parking. M. Brown said none are marked on the pavement. J. Langdell said they should be included on the parking plan. L. Daley said the plan should include a parking chart with all uses on the site and the calculations.

P. Amato suggested a note be added to the plan stating that there will be no outside storage for the self-storage units.

J. Langdell asked if the second curb cut was needed for access to the new storage units. C. Guida said it is the preferred alternative for plowing, maintenance and safety and it will not be detrimental to the site or the roadway. There is a travel way around all the unbuilt condos on the original plan so the additional curb cut causes no issues with drainage, grading or slopes.

D. Knott inquired about snow storage. C. Guida said it is off to the sides of the parking lot, the same as on the original plan. D. Knott didn't see anything on the original plan. C. Guida said he will take a look at that and indicate the snow storage on the plan.

Chairman Beer opened the meeting for public comment.

C. Beer read email correspondence from Anthony Rodriguez, Director of Facilities and Engineering Projects for Hitchiner Manufacturing Co, dated 5/23/17 regarding drainage crossing Old Wilton Rd and effecting Hitchiner buildings. C. Guida explained that Tucker Brook floods are from a much larger storm event and is not associated with stormwater runoff from this plan. The site drains into through the swale and into Tucker Brook. There are no culverts near Old Wilton Rd which is crested. It is a separate issue from stormwater. An engineer did the drainage for the original plan and although we didn't do new calculations, we are not changing anything except

for the new curb cut and we have proposed a culvert there. This area definitely has a seasonal water table and it is highest in the spring, but the water is not coming from stormwater runoff on this site. J. Langdell inquired about the area that got paved, referencing diverting runoff to TR12. C. Guida replied he believed that all the stormwater has been constructed, but he was not part of the original plan. He understands Mr. Rodriguez's concerns and has seen these fields flooded; however, he disagrees that their issues are coming from this site.

C. Labonte asked if the traffic pattern originally came in one way in from Old Wilton Rd and out onto Perry Rd. The Board confirmed that the original plan showed two-way access. C. Labonte stated that a lot of the snow now ends up across Perry Rd onto the abutting land. Mr. Bucknam verified that is no agreement with Mr. Brown to do that. P. Amato added that no one is allowed to plow snow across any road. C. Labonte stated that there have been many close calls with traffic coming out of that site from towing equipment to Hitchiner employees who line up in their cars to smoke; could a stop sign be done. People don't expect traffic coming down Perry Rd and discussion pertaining to stop signs ensued. K. Federico said it is a matter of perception pulling out onto Perry Rd and it just makes good safety sense to indicate that there is traffic coming, especially for the people who will be using the storage units and with the increased truck traffic for the gravel excavation operation. C. Guida said he was not opposed to stop signs, but why this site and not GTA Auto. Most people will stop if they follow the rules of the road and a stop sign may not change that. J. Langdell added that there are many private stop signs incorporated into existing site plans. After a lengthy discussion pertaining to the location, there was consensus from the Board that a stop sign be added at the existing intersection with Perry Rd.

R. Bucknam stated that he owns the field across the street that floods at least four times a year and inquired if there would be any water and electricity in the storage buildings. C. Guida replied there will no running water and the only lighting will be outside yard lights. R. Bucknam asked if a note could be put on the plan stating those conditions, to prevent someone from opening up a shop five years from now. After a brief discussion about the illegal uses of self-storage units, C. Beer stated that we cannot place this type of restriction. L. Daley added that this use is defined by the ordinance. R. Bucknam stated that the west side of the building will be all overhead doors and on the original plan, they were all supposed to be on the east side. P. Amato agreed that the original plan was approved with the stipulation that no doors were to face Perry Rd so aesthetically this is significantly different, even though it is within the same footprint. Maybe we could get some additional landscaping to make it look more appropriate. We can work this out and use the opportunity to make it better. L. Daley said this site is in Elm Street Overlay District which specifies landscape design that the Board can require. The overlay district could also impact façade improvements and site layout. R. Bucknam asked if they could put some type of fence going up Perry Rd so that people don't drive over the small shrubs to get to the storage buildings from the new driveway. J. Langdell said that was a good point because we also have three buildings yet to be built and that whole other area will be bare.

P. Amato inquired about setbacks between the storage units and the adjacent proposed condominium. C. Beer said based on the current plan and the current condominium agreement, they can build right up to the wall. P. Amato said this proposal is for self-storage on a piece of land that's been condominiumized, it's not a condominium. L. Daley said the condominium documents will clarify the ownership and uses which are similar. P. Amato disagreed saying the use is not the exactly the same, the people who will be using the self-storage units are not the owners. Discussion pertaining to the owners followed. J. Langdell asked if this was acceptable to Building and Fire. Also, we've repeatedly been asked to reference the original plan and compared to that, this just looks piecemeal. K. Federico explained that he has seen this in other states and wouldn't want us to take away their potential for income because we're not comfortable with the design. L. Daley explained that there will be two different massing and scales but it is an industrial zoned property so it can have these uses on the property. He added that staff met with the internal departments and Building and Fire did not express any concerns; however, he will ask for verification.

C. Beer listed the additional information to be submitted:

- Updated condominium documents to see the provisions for this new use.
- The applicant work with staff on a landscaping plan that meets the overall intent of the regulations and incorporates tonight's discussion.
- The parking be delineated and handicapped spaces indicated on the plan.
- A stop sign at the southern egress onto Perry Rd.

- All condominium owners' written approval.
- Location of snow storage.
- Clarification from Hitchiner regarding the drainage.
- Verification from Building and Fire that this plan, with the buildings as shown, meets life safety codes.

Chairman Beer closed the public portion of the meeting.

J. Langdell inquired if there were any stipulations associated with the variance from the ZBA. L. Daley stated that the variance was straightforward and there were no conditions.

J. Langdell made a motion to continue the application to the 6/27/17 meeting to allow time to work with staff on the outstanding issues identified. K. Federico seconded and all in favor; motion carried 6-0-0.

Badger Hill Properties, LLC/Badger Hill Phase 6C – Timber Ridge Dr - Map 51, Lots 26-128, 26-130, 26-131, 26-132, 26-133, 26-134, 26-135, 26-136, 26-137, 26-138, 26-139, 26-140, 26-141, 26-142, 26-143, 26-144, 26-145, 26-146, 26-147, 26-148, 26-149, 26-150, 26-151, 26-152, 26-153, 26-154, 26-155, 26-156, 26-157, 26-158, 26-159, 26-160, 26-161, 26-163, 26-165, 26-167, 26-169, 26-171, 26-173, and 26-175; Public Hearing for Phase 6C of the Badger Hill Open Space Subdivision involving multiple lot line adjustments for forty (40) residential lots and one (1) open space lot and to complete 2,600 ft of Timber Ridge Dr.

P. Amato recused himself, as an abutter.

C. Beer read the notice of hearing and stated that the application was complete, per staff memo. J. Langdell made a motion to accept the application. K. Federico seconded and all in favor; motion carried 5-0-0.

Abutters present:

Paul Amato, Spring Creek Sand and Gravel, Mason Rd

Debra & Ron Shusterman, Badger Hill Dr

Suzanne Myers, Timber Ridge Dr

Christopher Gooch, Timber Ridge Dr

Chairman Beer recognized:

Ron Lariviere, Badger Hill Properties LLC

Scott Frankiewicz, Brown Engineering & Surveying LLC

S. Frankiewicz presented plans dated 4/24/17 and reviewed the history of the project. There are technically no lot line adjustments with this submittal as all the lots were the same as presented two years ago; this is to comply with note #22 on the phase 6B plan stating that we would come back for any subsequent phasing. He then reviewed staff comments.

1. At the time of building permit the driveway will have to be graded, laid out on a plan and approved. L. Daley stated that he recently inspected the subdivision and it is very stabilized and the pond looks fantastic, so kudos to you. The concern raised by Fire, Building and Planning was how to get emergency vehicles up several of the driveways in phase 6C. There are a few lots in this phase that will require a lot of ledge removal, similar to a couple in phase 6B with driveways going right through a 12ft high ledge. J. Lariviere explained that some of the lots in phase 6B were consolidated making larger lots to better accommodate driveways. The driveways are being designed on a case by case basis and these plans just show a roughed in area. Lots 177, 179, 180, and 182 are the most challenging and the driveways will be expensive to put in, but that's my responsibility to design them to meet both DPW and Fire Department requirements.
2. A stormwater permit was submitted yesterday to the Environmental Coordinator.
3. State subdivision approval will be submitted this week.
4. J. Lariviere said we will be providing an updated letter from Pennichuck Water regarding the community water system. He then explained that seventeen (17) lots were not included in the previous NH DES approval. DES wanted to review a few years of concrete data after more homes were built to see if an

additional source well would be needed; however, the existing water supply is adequate for all the proposed homes there. It's not a question of capacity, just if another well would be needed. The original system has 20,000 gallons of storage for 108 lots. We added over 60,000 gallons of storage for the remaining 71 lots because the existing homes were using more water than first thought and also the standards had changed from the original approval. Our agreement was that we would bring all the new homes up to the current standards and count from that point for storage. We will have to go back to DES at some point in time.

5. S. Frankiewicz stated the lot number will be added to the plan.
6. The date of the soil specific mapping will be added.
7. 7. L. Daley said this was more of a clarification since we're at the conclusion of this project. J. Lariviere said those calculations were a significant part of our lot line adjustment plans and we will provide that back up data to show that we are still consistent with the original plan.
8. S. Frankiewicz said we will make that minor correction to show the "last" section of roadway.
9. S. Frankiewicz said note #15 will be revised.
10. S. Frankiewicz said we will revise the lot number.
11. The licensing will be on the final plans.

J. Langdell inquired about the final water system approval. S. Frankiewicz said he was not sure how the process will work but we will get the letter from Pennichuck to DES for final approval. J. Langdell referenced the Assessor's comments regarding lot 51/26-79. J. Lariviere said although that lot is deemed unbuildable on the plan, we left it as open space which was wanted in that location. The lot is buildable but we just relocated it. J. Langdell brought up the Heritage Commission comments and noted that per the Commission's discussion, this was a very heavy populated area of Milford back in the day. J. Lariviere inquired if there was a particular lot or location of significance that could be highlighted?

L. Daley referenced sheet 5 and inquired where the house would be located on lot 51/26-141. J. Lariviere explained that not all the grading was shown and the road is significantly higher so that is the minimum amount of grading required off the pond. He further explained that if you tie the house into the grade line of 440 there would only be a 6ft drop for a walk out basement in the rear with natural grades. We will also do our best to retain all the stone walls. L. Daley brought up the lot that connects to Brookline, between lots 129 and 131. J. Lariviere said there was previous discussion on this area and it was decided to make it open space so that people from this neighborhood could use this to access the existing trail system in Brookline. We would ask for assistance from staff in assigning the lot number and we will put a note on the plan referencing that open space.

Chairman Beer opened the meeting for public comment.

S. Myers, a three year resident, expressed concern that the entire neighborhood only has one entrance and one exit off of Woodhawk Dr. onto Osgood Rd. There are over a hundred houses that would be affected if there were some type of blockage or impediment; we have no way to get out of that neighborhood other than that one area. I would like to know or get clarification as to where and when is this other access point going to be built. C. Beer showed the locations of the potential secondary that lead to private property. J. Langdell said that there are parts to this plan that provide opportunity and options for future connections out of this development but they are based on other property being developed for the road to be built. S. Myers asked what the plan was should something happen. J. Langdell said that there are a number of pieces in place to help mitigate and avoid the situation, such as road width, underground utilities, and trees cut away. P. Amato said he was on the Planning Board in 1988 when this came before us and somehow managed to get approved for 180 lots on essentially a dead end road. We asked the prior developer to provide access for future development and future connectivity and described the access locations but in order for that to work, lots would have to be worth more than they are now. S. Myers asked if there was any way to put in a high concern to move this along? Is there a way as a person living there or as a community do? C. Beer said this is completely out of our hands because the adjacent property is privately owned. J. Langdell said people can attempt to come together and buy land to build a road; that is a solution. S. Myers re-stated that the land that these access points are connected to are privately owned and at this point, the landowners have no intention of selling or allowing that to be used as a developing road.

D. Shusterman brought up the water issues at Badger Hill. For the last four out of five years we've been in drought situations and we have been on a complete watering ban until the hydrants were flushed today. We are

having issues in the whole development with water discoloration and lack of water pressure. People constantly complain about their water problems on the Badger Hill Facebook page. I know there are two wells and that the pump house was upgraded because everyone was using maximum capacity. J. Langdell noted that the entire region has been in drought conditions for the past two years. J. Lariviere said this system has water for the buildout of this development plus an additional 60,000 gallons of storage, so there is no shortage of water, per se. The watering bans were put into place for the protection of the aquifer. Water pressure is a system issue, not a lack of water and we would have to check with Pennichuck. J. Langdell inquired if Pennichuck has been contacted. D. Shusterman replied that we were all told to contact Pennichuck if we had problems, but we have not heard back from Pennichuck as to what they found and what the end result was. J. Langdell suggested that Mrs. Shusterman contact Pennichuck, who manages the system, to get the case file for these houses to see what has been reported and if there has been resolution. J. Lariviere added that it's about community responsibility and aquifer protection, not that we can't provide water. The new pump house went on line in 2014-2015 and two additional wells were brought online making a total of four wells. If there is no pressure, then there may be an issue with the water system pump and that is out of our control. J. Langdell explained that for the developer to move forward with this project, they will need to get documentation from Pennichuck that the water system and wells are appropriate for the additional number of the houses. That documentation will then need to go to NH DES for their final stamp of approval.

L. Daley brought up the status of the home owners association and stated that there should discussion amongst the homeowners to formalize the documentation for the homeowners' association. It is required under the original approvals and would provide management of the open space which is owned equally by all the property owners. It would also give a voice for issues like community water. J. Lariviere said the majority of the lots were transferred before he took ownership and he doesn't have the ability to restart it. R. Shusterman said we did have a homeowners association in 2008 when we moved in, but something happened and it disbanded. The prior builders just didn't continue and it fell apart. D. Shusterman added that the former builder who lives on Osgood Rd recently tried to get involved but it got very political with the owners. L. Daley stated that the open space there is currently not being managed by anybody right now, so it behooves the developer and the residents of that community to reinstitute the association to manage the open space and resolve issues that come up. J. Langdell reiterated that this was required with the original approval and it was set up. What is the Town's role in reinstating or facilitating the association and is there recourse? L. Daley stated that the owners are bound by the documents that were done in the past, even though they have lapsed. The Board can technically withhold approval of this last phase until those documents are updated.

P. Amato inquired who owns the open space, is there an HOA fee, and who pays the taxes? J. Lariviere clarified that each property owner owns 1/180th interest in the common land, the homeowners association owns nothing. It is simply a board that was set up to represent the interest of the 180 owners. There is no HOA fee and each property owner is assessed 1/180th of the open space. L. Daley reiterated that the homeowners association is responsible for managing the open space, per the intent of the original plan. T. Finan said the owners can choose to not manage their land and then inquired if anything was being done incorrectly now. P. Amato said in hind sight, if the homeowners association had owned the open space, there would be a reason to have an association to collect dues to pay taxes and maintain the land. J. Lariviere said that part of the reason there is no HOA is that there is nothing for them to do unless there becomes something to manage, so even if this gets built out and the HOA is re-established, it could all go away again in the future with nothing for the association to do. J. Langdell listed the open space areas in this development and noted that they are all forested land; I would disagree that management is needed and so would the Conservation Commission on a technical basis. L. Daley brought up a situation where an owner was using an ATV in the wetlands of an open space area. While trails are fine, trails through wetlands are in violation of local and state ordinances. That's one example that's not being enforced or maintained right now. What can a property owner do if that occurs behind their property? T. Finan stated that was a good example, but do we define maintenance anywhere? J. Langdell reminded everyone that this was approved in the 1980's and Best Practices relative to open space development and management may not have been as precise back then and this may not have been the best model to follow in the long term although it may have sounded great back then. She ended a lengthy discussion regarding the homeowners association by asking whether or not the presence of a homeowners association has any impact on our discussions tonight about the finalization of phase 6C. Issues with the open space and the management of it should really be a separate question and we could have separate discussions, further learning maybe with legal input about disbanding an

association that dates back to a 1988 approval. K. Federico said he was in agreement with Janet on the caveat that we do the research to get some clarification on all the questions that need to be answered but it should not hold up this process. T. Finan said we should not hold the developer responsible for this. D. Knott agreed. J. Langdell said we should get more information at either the next worksession or meeting.

There was consensus from the Board that the status of the homeowners association does not impact the application before us.

S. Myers asked if anyone knew how big this development was going to be in the 1980's when it was approved because her development is only a few years old. C. Beer confirmed that the development was approved in 1988, for this size. The lots may have shifted a bit over the years but the number and layout was originally approved. S. Myers then brought up the sign on Timber Ridge Dr regarding maintenance of the road and if this build out takes a couple of years, is there anything the town is going to recommend if this developer is no longer on the project to continue plowing. C. Beer stated that the developer is required to maintain the road until it is accepted by the town and takes over maintenance. That is standard for all developments in town and there is recourse to make sure the plowing and work gets done.

D. Shusterman said when we signed the paperwork to buy our house, we don't remember seeing anything about having to have a homeowners association. C. Beer said he couldn't speak to that but it should have been.

P. Amato inquired if there was a road bond in place. J. Lariviere said we have one in place for 6A and 6B and it will be bonded prior to obtaining building permits. P. Amato said this development was approved before impact fees, but did have some contributions, where do we stand on that? L. Daley replied that there may be some outstanding amounts. S. Wilson noted that the Osgood Road contribution has been paid in full and we currently collect for recreation and schools. P. Amato added that the developer currently owns forty plus lots, so he may not have a requirement for setting up the HOA but he has forty some votes. J. Langdell acknowledged that the developer does have a role in this. J. Lariviere said the HOA was set up and the requirement from that Planning Board approval thirty years ago was met; however, it's not the developer's responsibility to make sure those homeowners keep it up in perpetuity. Further discussion ensued.

R. Shusterman inquired about the completion of phase 6C. R. Lariviere replied realistically four years.

Chairman Beer closed the public portion of the meeting.

D. Knott made a motion to grant approval of the application subject to the remaining staff recommendations, as listed on the Staff Memo dated 5/18/17:

1. The applicant provide grading plans, driveway access points, and approximate house locations for lots 51/26-177, 51/26-179, 51/26-180 and 51/26-182 to determine the viability as building lots and safe access/egress for the future property owners and emergency/fire vehicles.
2. Prior to the Board signing the plan, the applicant shall submit a Stormwater Permit application to the Town for review and approval.
3. Prior to the Board signing the plans, the applicant shall receive NH DES State Subdivision approval. Notes and references to the NH DES Subdivision approval number should be incorporated into the final plan set.
4. The applicant shall provide written confirmation from NH DES approving the community water system for the project and add the approval number and date to the plan.
5. The applicant shall revise the plan to include the lot number for the open space parcel shown on Sheet 2 of the subdivision plan.
6. The applicant shall revise the plan to include the date Schauer Environmental Services performed the Site Specific Soil Mapping.
7. The applicant shall revise the plan to include the total area of open space created upon completion of the subdivision and the total area of open space when first approved by the Planning Board.
8. Plan Note #15 be revised to the following language, "Certified Plot Plans are required for all building permits detailing the foundation footprint of the single-family house and compliance with the stormwater and erosion control measures.

9. The applicant shall revise the plan by changing the open space lot number from 51/26-152 to Lot 51/26-110.
10. All certifications and professional licensing stamps shall be affixed to the revised/final plan set.
11. The applicant shall revise the plan to add a note and lot number to the trail access to Brookline.

T. Finan seconded and all in favor; motion carried 5-0-0.

OTHER BUSINESS:

J. Langdell inquired about a meeting on 6/21/17. L. Daley said that the Town Administrator has organized a workshop on *How to Conduct an Effective Meeting* for the Board of Selectmen, ZBA, Planning Board, and Conservation members. We are bringing in an attorney from NHMA to walk us through running a meeting properly. Chairs and vice-chairs should have received emails. It will be videotaped.

6/6/17 – Worksession; goals and objectives to clarify home occupation definitions and discuss how to move forward with multi-family dwellings.

6/27/17 – Regular meeting

L. Daley noted that there will be discussion at the worksession on the former water tank property off Prospect St to provide a recommendation to the Selectmen regarding selling the property. There will also be an upcoming joint meeting with the Conservation Commission regarding the Eversource pole replacement project in Heron Pond, but the date has not yet been finalized.

D. Knott inquired about the completion of South St. L. Daley said we met with the contractor and their goal is to finish by next month. Paving should occur fairly soon.

The meeting was adjourned at 9:25PM on a motion by P. Amato, seconded by D. Knott and all in favor.

Motion to approve: P. Amato

Motion to second: D. Knott

MINUTES OF THE 5/23/17 MEETING APPROVED ON JUNE 27, 2017