

1 MILFORD PLANNING BOARD PUBLIC HEARING  
2 September 26, 2017 Board of Selectmen's Meeting Room, 6:30 PM

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4 **Members Present:**

5 Christopher Beer, Chairman  
6 Doug Knott, Vice Chair  
7 Kevin Federico, BOS rep  
8 Paul Amato  
9 Susan Robinson  
10 Jacob LaFontaine, Alternate

**Staff:**

Lincoln Daley, Comm Dev Director  
Darlene Bouffard, Recording Secretary  
Amy Concannon, Videographer

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12 **Excused:**

13 Veeral Bharucha, Alternate member  
14 Janet Langdell, Member  
15 Tim Finan, Member  
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18 **1. Call to order**

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20 **2. Review/Approval of Meeting Minutes**

21 **a. August 22, 2017**

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23 **3. Public Hearing(s):**

24 **a.** Raisanen Homes LLC, Tax Map 20, Lot 2, 29 Spaulding Street. Major Open Space Subdivision to  
25 subdivide the property into eight (8) total residential lots (includes parent lot with the existing home) and 1  
26 open space lot within the Residential A Zoning District (*continued from 8/22/17*)  
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28 **4. Other Business:**

29 **a. Planning Staff Project and Development Updates.**

30 **b. Member Comments/Discussions**

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32 **5. Adjournment**

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34 **CALL TO ORDER:**

35 Meeting was called to order at 6:30 p.m.  
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37 **REVIEW/APPROVAL OF MEETING MINUTES**

38 Community Development Director Lincoln Daley requested the minutes of August 22, 2017 be tabled until the  
39 next regular Planning Board meeting. P. Amato moved to table the minutes. D. Knott seconded. All were in  
40 favor.  
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42 **PUBLIC HEARING:**

43 Meridian Engineer Chad Brannan wished to continue the discussion for the Open Space Subdivision to subdivide  
44 the property into eight residential lots. In May there was an informal discussion about this subdivision and a  
45 public hearing was held August 22, 2017, followed by a site walk August 29, 2017 with Conservation  
46 Commission and Planning Board members. During the site walk, attendees provided comments regarding  
47 confirming the density of the project and it moved to an Open Space development; modifications were raised.  
48 Chad presented the ordinance, paragraph 6.04.08 for density, the ordinance states two ways to calculate density.  
49 One is to do a conventional plan and the other is to utilize a formula. It is up to the applicant which and they  
50 opted to present the conventional plan to define density. The preliminary plan shall show the number of lots  
51 without need for variances or waivers. This subdivision will be on town water and sewer. The informal  
52 discussion in May also included discussions about density.  
53

54 C. Beer said the Board will need to take a vote on the open space plan indicating all requirements are satisfied.  
55 The staff memo has density being based on a conventional yield plan. C. Beer asked if there are any questions on  
56 the conventional plan? P. Amato asked what are the dimensions of the lots and the sf of the building envelopes?  
57 Chad Brannan did not have that information, that is called out in the regulations. P. Amato said it fits, but you

58 cannot tell me any square footage in the building envelope. C. Beer responded asked if it is 36x28 feet in the  
59 buildable area? Chad responded that it is, we have the building envelope for Lot 7 at 80' x 40', it meets the  
60 criteria of the regulation. P. Amato said the developer needs to present that they can do this without any waivers.  
61 L. Daley said the yard space includes the wet area. P. Amato said they can put a swing set in the yard, but not a  
62 shed. D. Knott said the wetland buffer area can be mowed but can it be fertilized? S. Robinson asked if trees can  
63 be taken down and vegetation maintained in the wet area and there can be temporary structures, but no permanent  
64 structures. C. Beer said that is an interesting question but not for the applicant tonight, this plan is to determine  
65 density only. There were no further questions.

66  
67 As far as drainage, L. Daley said it is not called out in the ordinance as criteria, but how will it be handled? C.  
68 Beer said once design details are presented, we can talk about that once density is determined. Density is the  
69 maximum number of lots in order to go into the final design; that is some of the detail that we would discuss at  
70 the density yield stage. C. Brannan said we can look at a closed drainage system with drainage infrastructure in  
71 the right of way of the lots or rain gardens. We are not in that stage yet, in the open space phase we can talk about  
72 those details. P. Amato said if we detail that work with this number of lots, that does not tie it to that number, the  
73 Planning Board can reduce that number in the final plan. P. Amato said the developer has met the requirement for  
74 this phase. Chairman Beer opened the discussion to the public about what has been presented. Again, this plan is  
75 to determine density on the site, eight lots including the house that is already existing is what is being proposed.

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77 Pete Basiliere, 32 Spaulding Street, said this is not calculating the density, but is to determine how many houses  
78 can be placed on the site. It is a critical number, the question is how many houses can be put in. None of the  
79 abutters here were notified in May. The abutters have not had the ability to review or provide any input to the  
80 Planning Board. Chairman Beer indicated he understands the concern but what information could be provided  
81 that would affect the decision of density? P. Basiliere responded that is why it is important that the abutters  
82 should have been notified back in May. P. Amato said the reason it started with an informal discussion is because  
83 abutters are not notified when no decisions would be made. The last time (in May) no decision was made and no  
84 action was taken, which is why the Planning Board asked for this to be taken up today at an open and announced  
85 hearing.

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87 P. Basiliere said if the abutters had been notified in May, we would have been able to understand what was being  
88 proposed; this is the first time abutters are here and the decision will be made tonight on density. L. Daley said  
89 the town always encourages the public to call the office for questions, we do not notify abutters for every possible  
90 change that is discussed or brought forward by developers, it is public record but the Planning Board is not  
91 required to notify all abutters for every project in town. Pete Basiliere said the decision will be made tonight on  
92 the density and we have not been able to provide any input. P. Amato said this plan is only for numbers, he needs  
93 to show that he has the numbers that meet the regulation. If it has the frontage and square footage requirements to  
94 do a subdivision that is different, but for density there is not much to debate. P. Basiliere said if that conventional  
95 plan were to move forward, there would be waivers. It could have resulted in fewer homes. C. Beer said no, that  
96 is an incorrect determination. The lots might need to be reduced, but that does not change the density. The  
97 presentation for the conventional plan is to come up with the number of lots. The developer does the  
98 conventional plan to prove density and then they do a detailed open space plan with all the details of the plan. If  
99 it is determined that the number of houses is too many, they can come in for a waiver. The basis for the open  
100 space, said Mr. Basiliere, could be higher than what should be built.

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102 D. Knott stated the earlier meeting in May 2017, was conceptual, for which notices are not required. This is a  
103 math equation tonight, it is not that abutters were not notified, the meetings followed procedure. Mr. Basiliere  
104 said he is not arguing the process, but right now the density is set at 8 homes. C. Beer said the ordinance  
105 encourages the developer to come up with two plans; we do not require a detailed analysis for both types of plan,  
106 tonight is strictly a numbers game to ensure they can meet the requirements. More detailed plans come after  
107 density is determined. P. Amato said if they want to do the conventional development, they would have to come  
108 back to request it of the Planning Board. P. Basiliere said this type of development is quite a burden on the  
109 neighborhood that is already established. C. Beer said the developer can develop the property the way they want.  
110 P. Basiliere said they do not own it, they have it under P&S with best comparisons. C. Beer said if the Planning  
111 Board approved the density, the neighborhood analysis gets looked at. The conventional plan is based on the  
112 concept presented by the developer. Part of the open space analysis is the layout of the road.

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Sandy Gassman owns the parent lot and stated the lot on the plan is not correct (Lot 1), the boundary is another ten feet and the boundary is not in the front. She said she is not sure if that affects the calculation. Chad Brennan said this is a misunderstanding of the process, this is not the plan that is being proposed. There is a Purchase & Sales agreement on the property that states they will have a certified plan as specified. The plan that is presented is just a density yield plan, it is not a plan that is being carried forward. This is a procedural step to get to the open space plan.

P. Amato disagreed, stating you cannot show a plan that cannot be built. Chad responded the conventional yield plan has to be something that you can build. This is very common practice and is included in the master conceptual plan and includes certain details that do not impact the way we move forward. The open space development plan includes the entire proposal so when we bring forward the conventional plan for density it does not include what someone is left with. Chad said there is enough area on this proposal for the subdivision. C. Beer asked how much area do we have to add in the P&S? Putting that area in this plan might reduce the number of lots you can build. Chad responded there is enough square footage in the larger lots to make up for the shift in Ms. Gossman's lot. That change does not change the calculation, it is only 2000 square feet.

At the last meeting Kevin Federico attended (May 2017), this discussion was different. L. Daley asked if the Planning Board is seeking a modified conventional plan? P. Amato if it was more than what it is he would be concerned but the amount that is different is minimal, there is clearly enough room. Alfred Solan, Spaulding Street, said he does not know how you can vote on this if the plan is not correct. The plan is not the same as the P&S. D. Knott indicated he is concerned about that. If we move past this, and he shows the plans for open space subdivision, P. Amato said we can get to the plan and look whether we think the number of lots works on that plan. D. Knott does not want to have some detail overlooked. L. Daley stated if there are questions, the Board can introduce the concept tonight but do not take action until the conventional design has been fully vetted. D. Knott said the property owner is stating that the conventional plan is not what is in the P&S.

Gail Basiliere, Spaulding Street, would like to see the numbers prove out the eight lots, she would like to see the math work out, but it does not tell us what the numbers are.

At this point, Chairman Beer closed the public hearing.

Chad said he will look at the frontage for Lots 5 and 6. P. Amato suggested looking at another conventional subdivision that meets the P&S and gives the dimensions. K. Federico seconded for discussion. D. Knott would like to see the building envelope for each lot, if the P&S is not here, is it okay to have it part of the conventional plan? P. Amato said the buyer of the property should be aware of the P&S. L. Daley said the P&S does not match the plan. P. Amato amended the motion to deny the conventional design because Lot 1 does not reflect the P&S. P. Amato withdrew the motion. P. Amato moved to table the discussion regarding density until the P&S agrees with the plan which should accurately reflect the dimensions on the plan. K. Federico seconded. All were in favor. Motion was unanimous.

Chad said he would like to continue with the open space plan. The goal is to move forward, he has been working with town staff and had the opportunity to present a revised plan that addresses a great deal of comments raised at the last meeting and site walk. Waivers will need to be addressed at the next meeting once density is determined. P. Amato said the Planning Board will not take any vote tonight except to table at the end of the night. C. Beer requested that the plan that includes the requested waivers be presented since that is the plan they would like to move forward with. Chad said they will be moving forward with waiver requests for a reduced cul-de-sac. He has talked with Capt. Smedick and DPW Director Riendeau about that. They have met the open space requirements and fielded concerns from people about the turnaround area. Set back from DPW director on stormwater and they have provided drainage in the winter at the cul-de-sac where snow storage could be. P. Amato said frontage is not on the plan. Chad responded they all have at least 50 feet of frontage. S. Robinson said the Fire Department concern has been addressed. P. Amato thinks this is a better plan. D. Knott has concern about the headlights into lot 24-17-2. C. Beer asked for a picture of the area surrounding that. L. Daley pulled up the GIS of West Meadow which is a similar subdivision with 12,000-15,000 square feet. C. Beer said these lot sizes are a little smaller than those and the open space is causing the lots to be a little smaller.

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L. Daley said the smallest lot is 10,019 sf in West Meadow and the largest is 23,000 sf. Some of the surrounding neighborhoods have varying sized lots and some are older neighborhoods. C. Beer said the lots in this subdivision are not out of line with the surrounding area. Chad noted that headlights were talked through and the road alignment was discussed, the abutter affected by headlights said he would be looking for some landscaping to be provided in his front yard, to which the developer will provide something that the abutter would like. Chad said the topography adds to the lights from the road so mitigation with landscaping will help. An alteration of roadway was presented which shifted the road to the west but because of the wetland impact and no support from that abutter it was left with the road as originally planned. The site distance meets all the regulations.

P. Amato asked if the road could cut out right between the two houses. Chad responded that would impact Lot 7. P. Amato feels if there were a curve in the road it might slow people down. Chad said the road is only 400 feet long. P. Amato asked if the road has been fully designed? Chad said it is not and the storm water has not been fully designed either. P. Amato asked if a waiver will be needed for the setbacks? Chad responded they will not need the waiver on setbacks unless there is mitigation for abutters, but we do not need it for the development.

D. Knott said the road was discussed at the site walk as well as the setbacks. Chad noted that one of the abutters had gone over about 15' over the line; once the property is sold, the new owner has the right to clear anything on that land. Chad indicated they are going to explore options to minimize the swail, the runoff will be routed to the storm water management; they want to get additional feedback from this board. There is some vegetation along the property line so there has been talk about capturing the run off along the property line, it is a very detailed storm water management plan and it will get modified. The buffer is not required, along Berry Court there is an interest in maintaining that foliage. P. Amato would like to move forward with the dead end road dike. L. Daley would rather solidify the conventional plan and follow the process. P. Amato said if the Board is not going to approve the dead end road waiver, then there is no subdivision. He would rather provide something to the engineer tonight. L. Daley responded the board could act on the roadway land, and the reduced cul-de-sac should not be taken up as that was not noticed. The existing dead end and adding another dead end road, 1000 linear feet is on the maximum for this type of road. P. Amato thinks that if we vote on the waiver request, the applicant would have cause to come back because we have granted Harvest Drive and West Meadow dead ends, this ordinance came up when a large subdivision was being developed. C. Beer indicated we have reasons from the Fire Department on dead ends. L. Daley said DPW and Fire Department have no objections to the dead end here and there are fire hydrants as well.

S. Robinson, C. Beer and P. Amato have no objection with this dead end road. D. Knott asked if the road bends to the west, would that have any merit? L. Daley stated the maximum road length would be looked at, with a bend, it adds another 120 feet. P. Amato just wanted to give Chad a sense of the waiver. D. Knott, K. Federico and J. Lafontaine have no problem with the waiver for dead end. Chad asked for a sense of the Board for the cul-de-sac that is reduced in size. S. Robinson said if the Fire Department is okay with it, she is okay. D. Knott, C. Beer, P. Amato, J. Lafontaine and K. Federico all agree with the smaller cul-de-sac.

K. Federico asked what the staff has advised. L. Daley indicated reducing impervious area, especially crossing the wetland and reducing the turn radius for large vehicles. C. Beer closed the Board questions and opened the discussion to the public.

Audrey Fraizer, Conservation Commission, said most CC members went on the site walk; the buffer amount for Lots 6 and 7 is concerning, the CC memo documents those concerns. The buffer for lot 7 could have trail connections, the ongoing concern for house lots is the field, it is difficult to monitor those buffers. Storm water management in the buffer is also a concern. L. Daley pointed out that having the trail to connect Spaulding Street and Knight Streets might be better along the road. P. Amato stated there is enough room to put the trail on the west side by the trail and then it would not affect either abutter. Chris Costantino, Conservation Commission, said the field area is very wet and a swail that collects water so if there is a trail it needs to be dry, which is in the open space along the buffer. Storm water management should really not be in the open space, if there is rain, maintaining that area would be something else. C. Beer said storm water management is in the open space because then it can be maintained (by the town) and not on private property. Chad indicated the storm water management will be town owned and maintained by the town similar to any open space area in town. That is the

223 way West Meadow is done as well. Water runs downhill so there are mitigation elements. The open space  
224 requirement is only 15% and of that only 50% needs to be upland. It makes sense for storm water management to  
225 be in the low lying area. He talked to Fred Elkind about storm water management and possibly adding  
226 landscaping so that it will not have the appearance of that, but have a more appealing look.

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228 Kim Labelle, Knight Street abutter, has a couple of concerns including the run off from the cul-de-sac and where  
229 it will go. With heavy rain the wetland turns into a swamp. The land connecting Knight Street to this  
230 development has had trees fall on her land because of the swampy wetlands. Ms. Labelle asked who she will call  
231 if a tree falls on her land? Chris Costantino said if a tree comes down in a wetland onto private property, the town  
232 (DPW) has taken them down for the homeowner. C. Beer said right now the person that owns Lot 20-2 owns that  
233 property, so if a tree comes down, you would work with them. The open space, once the land is sold and  
234 developed, becomes the responsibility of the town for that open space. Chad said one requirement for this project  
235 is to connect it to town sewer so they will be connected to Knight Street so maybe we can take care of some of the  
236 trees there are concerns with at that time. P. Amato asked if they would need a special exception in order to bring  
237 sewer through to Knight Street? Chad said they need to understand the details of density in order to work on that  
238 plan and the trail for conservation; the road layout drives the design.

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240 Alfred Solan, Spaulding Street, said with the conventional plan would it still go through Knight Street? Chad  
241 answered they are not going forward with the conventional plan, water utilities has been contacted and they prefer  
242 that the sewer line go out to Knight Street. The criteria for a conventional yield plan is the road layout frontage.

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244 Pete Basiliere said he likes to listen to town employees who are saying it should go to Knight Street not Spaulding  
245 Street. He asked if someone in Water Utilities specifically asked that it go through Spaulding? L. Daley said the  
246 conventional design is standard, the staff memo is the next section of the ordinance and they look at comparisons  
247 of single family residence frontage requirements. For the open space level of engineering, the Board has the  
248 option to say this does not work based on comparables. An open space subdivision is to preserve viable land,  
249 resulting in the lots being smaller in size. Pete Basiliere said the intent is to protect natural and cultural features,  
250 the neighborhood comes into play in that. Most of the homes around this subdivision are around 19,000 sf. The  
251 most recent homes on Spaulding Street are 20,000 sf lots, the most recent data is 20,000 sf. Chad indicated the  
252 landscaping option to mitigate the headlights needs to be worked out.

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254 For the abutter where the headlights will go into their home, Pete Basiliere asked if the road could come out at the  
255 second house, if the street has to come out on Spaulding Street, people should not have to back out into an  
256 intersection, the abutters are not against building, but are in agreement with fewer houses, maybe 4-5 houses.  
257 When should abutters expect answers to questions brought up tonight and from the last meeting? C. Beer said the  
258 answers to questions are addressed at the meeting and not submitted formally in writing. Alfred Solan, has lived  
259 on Spaulding Street for 20 years, he stays here because it is a small town. Regarding waiver for a dead end off a  
260 dead end, if we keep allowing it to happen, it will become like Nashua here. The ordinance is to protect the land.  
261 C. Beer – as far as the road limits, the board requests information from the other departments because they know,  
262 but in this case, it was found that they have no concerns with the dead end. Alfred Solan said these lot sizes are at  
263 the low end of the sizes. C. Beer said the trade-off is that smaller lot sizes allow more open space. The developer  
264 has the option to go conventional or go with open space.

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266 Tom Quinn, Attorney for Pete Basiliere, does not see an open space benefit for the town. The open space is half  
267 wetland, buffer and storm water management. C. Beer said the open space requirement for Res A is smaller than  
268 Res R. C. Beer said that property will then be owned and managed by the town. Attorney Quinn questioned the  
269 frontage and sees a project that does not work, he disagrees with the density. There is no standard in the  
270 ordinance that allows you to do anything. P. Amato said in order to get the density, they need to prove it on a  
271 conventional plan. They are trying to make an open space plan in the Res A zone which is challenging. We have  
272 ended up with some nice neighborhoods with open space developments. A 10,000 sf lot in this neighborhood  
273 works fine. Attorney Quinn said there is no standard in the ordinance to guide the development. L. Daley stated  
274 there are comparables around the neighborhood. Attorney Quinn said the ordinance is fatally flawed. There are  
275 no standards in the ordinance. L. Daley responded the frontage can be waived or lots on the road or the perimeter  
276 must meet the underlying zone of 100 feet. Attorney Quinn said that the ordinance states “on or adjacent to

277 existing public road.” Also, Attorney Quinn indicated the sewer is considered a structure, the drainage  
278 calculations will be needed since the burms are going to be used to build the lots up.

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280 Kim Labelle, 106 Knight Street, asked if the wetlands and open space will be the responsibility of an association  
281 or the town? C. Beer indicated that decision has not been made yet, that is up to the developer and how they want  
282 to move forward and is also dependent on if the conservation commission is willing to be responsible. Ms.  
283 Labelle said the lot next to hers is wet, her biggest fear is the water going on her property does not increase. C.  
284 Beer said a water management plan is part of this plan, this is to keep additional water from going onto abutters  
285 properties. Ms. Labelle is also concerned with the cul-de-sac lights coming into her home.

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287 There were no further comments or questions. C. Beer closed the public hearing. P. Amato moved to table this  
288 discussion to October 24, 2017. D. Knott seconded. All were in favor.

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290 **OTHER BUSINESS:**

291 Mr. Daley indicated that Contemporary Chrysler plans to open mid-October 2017. Mr. Daley met with  
292 developers of 1 Nashua Street, which will be a 2-story structure, construction will start in October and  
293 impacts South and Nashua Streets.

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295 K. Federico said the BOS approval was given for the contractor to start excavating material on the Brox  
296 property. The alteration of terrain was received and it is moving forward.

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298 The meeting was adjourned at 9:25 p.m. on a motion made by P. Amato and seconded by K. Federico.  
299 All were in favor.

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302 \_\_\_\_\_ Date: \_\_\_\_\_  
303 Signature of the Chairperson/Vice-Chairman:

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306 **MINUTES OF THE 9/26/17 MEETING APPROVED ON OCTOBER 24, 2017**  
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