

MILFORD BOARD OF ADJUSTMENT MINUTES – MARCH 3, 2005

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Present: Len Harten, Chairman
 Katherine Bauer
 Kathleen Maher
 Bob Levenson
 Kevin Taylor

 Shirley Carl, Recording secretary

Excused: Rick Westergren

Case # 6-05 Danielson Realty Trust & The Stabile Companies - Map 48, Lot 48
requesting a Special Exception from Article VI, Wetland Conservation District, Para.
6.026.B for a 14,810 SF for impact of wetland buffers to provide access and utilities for a
73-unit condominium project development with private streets.

Motion to approve _____
Seconded by _____
Signed _____
 Chairman or Vice-Chairman
Date _____

46 Chairman Harten opened the meeting at 7:45 pm by stating that the hearings are held in
47 accordance with the Town of Milford Zoning Ordinance and the applicable State
48 Statutes.

49
50 He informed all that this hearing is strictly for wetland buffer and that is all that will be
51 discussed tonight.

52
53 At this time, B. Levenson spoke to lot #'s and abutters. He found out that Lot 48 isn't an
54 accurate reference because a lot consolidation is in the works. It is being combined with
55 several other lots i.e. 49, 50 and a piece of 41. Based on this information the abutter list
56 is correct. When he first read the notice regarding the buffer number of 14,810 SF he
57 felt it was massive but later found out that it is comprised of eight or nine smaller buffer
58 impacts. He stated that he doesn't get complete, accurate information. The Board
59 members were in agreement. K. Maher stated that she felt like more paperwork should
60 have been in the packet supplied to the Board.

61
62 The Notice of Hearing/abutter list was then read into the record. Present – Alexandra &
63 John Baer; Donald Stetson; Charles Burns and Judith Damon. Also present – Maurice
64 Paquette of Stabile; Jeff Kevan of Meridian Land Services and Bobbi Gottesman,
65 attorney with Gottesman & Hollis representing Stabile Companies. She stated that in
66 terms of some of the information, it was at Town Hall but not submitted to this Board.

67
68 Ms. Gottesman explained that they are before this Board strictly for buffer impacts. The
69 project, as a whole, is before the Planning Board and is on-going. Part of the Planning
70 Board review resulted in a request for a second access to this project of 73 condos. By
71 putting in the second access more wetland buffer was created.

72
73 A part of the application involves off-site wetland buffer impact as a result of bringing
74 water and sewer lines to the property. See letter of March 3rd from Gottesman & Hollis
75 stating the above and also addressing the criteria.

76
77 N. Chamberlain spoke to the case. He said that when he submitted the application, K.
78 Lynch reviewed it and made him aware that buffer impacts within the Town right-of-way
79 were exempt. Since the 14,810 SF included buffer impacts for the off-site utilities these
80 were taken out.

81
82 Regarding the lot number confusion, he explained that in Nov. 2004, a lot line adjustment
83 and consolidation was approved by the Planning Board, taking out a portion of 41 and
84 combining it with 48, 49 and 50 with the resultant lot being 48/48. The plan was
85 approved but not recorded because of a conservation easement has been going back and
86 forth to the Selectmen. The conservation easement was approved Monday night and will
87 be recorded shortly. All the lots are currently owned by Hampshire Hills/Danielson
88 Realty Trust and once the plan is recorded, Stabile Companies will purchase them.

89
90 Presently, it is all vacant land. N. Chamberlain then pointed out on the plan that there is a
91 lot of run off going down the hillside, culverts, etc. It is all forested wetland, there is a

92 pond with some standing water, but the rest is forested wetland, poorly drained soils. All
93 roads are coming off of Federal Hill. 90% of the traffic will use the main (northerly
94 entrance). A detailed storm water management control plan was done and submitted to
95 the Town for review. The project will also be submitted to site specific; an expedited
96 Dredge & Fill permit was done. The corrected wetland buffer is now 12,200 SF and
97 takes out the exempted buffer. B. Levenson asked if these disturbances (as raised by the
98 Conservation Commission) are temporary or permanent. N. Chamberlain responded that
99 a lot of the buffer infractions will be part of the slopes of the road, which will be loamed
100 and seeded and will be natural ground afterwards. Only a small portion will be paved
101 and all the utilities will be seeded and go back to their natural state. The majority of the
102 disturbances will be temporary. The off-site disturbance will be 4,800 SF and is mainly
103 in two locations and will be covered over.

104

105 He then spoke to the criteria for evaluation:

106 **1. The need for the proposed project** - It is a valuable type of housing project that the
107 Town of Milford is lacking. It will be a private community, upscale housing, empty
108 nester type housing with a condo association. Also, we are doing a \$1,000,000 utility
109 extension to bring sewer to this end of Town, which has been in the Master Plan for 20 or
110 more years.

111 **2. The plan proposed is the alternative with the least impact to the wetlands,**
112 **surface waters and/or their associated buffers** – We snaked the road through the
113 wetlands as best as we could, there isn't any other place to gain another access without
114 incurring more wetland and buffer impact. We are providing this huge buffer to the street
115 and none of the units will be seen from the street.

116 **3. Impacts on fish and wildlife** – This is forested wetlands and there is not a lot of
117 wildlife associated with them. Most of the impacted buffer will go back to natural
118 vegetation.

119

120 B. Levenson asked if this was a senior development with a response from M. Paquette
121 that it is not, they are calling it an "age targeted" with no limitations as to who can live
122 there.

123

124 **4. The impact on the quantity and or quality of surface and groundwater** -
125 Quantity – the rate of runoff is not being increased. Quality – we use the Best
126 Management Practices throughout the project in accordance with the NH DES program
127 and don't foresee any degradation in quality.

128 **5. The potential to cause or increase flooding, erosion or sedimentation** - We have
129 done the storm water analysis and are not increasing any water runoff. Also, we are
130 using the erosion control measures in accordance with Best Management Practices.
131 Slopes will be stabilized with erosion control fabric. There will be rip rap at the two
132 culverts. K. Taylor questioned the fact that there will be 73 units and there will be a lot of
133 pavement and the water has to go somewhere yet you are saying there won't be any
134 impact. N. Chamberlain responded that we have a detention basin with a couple of
135 smaller ones around the site and we meet the rate of runoff.

136

137 J. Damon, abutter, questioned if there will be a catch basin at the second entrance. N.
138 Chamberlain responded that there will be cross culvert; there is about 17 CFS coming
139 down the hill at this location with a 24" culvert going under the road.

140

141 **6. Cumulative impact** - Once this project is built and the road network is in, there
142 won't be any more room for subdivision or expansion, the lots around it are already built
143 out. The land is zoned Res. "A" and before the Town instituted the open space ordinance
144 this would be developed as 15,000 SF lots.

145 **7. The impact of the proposed project on the values and functions of the total**
146 **wetland or wetland complex** - He stated that this criterion is written for wetland
147 impacts and not buffer impacts. He feels this doesn't apply. This was already touched
148 upon. A majority of the wetlands will remain intact and continue to perform their
149 function. There is a 2,100 SF impact where we cross the wetland and most of the buffer
150 will be restored to its natural vegetation.

151

152 B. Levenson then brought forth the numbers for buffer impact - buffer - 11,710 SF. N.
153 Chamberlain then mentioned the cross country sewer run and we just knick the corner of
154 260 SF and another small area of 250 SF - this totals 12,220 SF. (He was dealing with
155 original plan, and a revised plan so there was some confusion). The Conservation
156 Commission has seen the revised plan but the Planning Board hasn't. This is a private
157 road system with private utilities with plans to build a municipal pump station, which will
158 be public and also a private water booster station.

159

160 K. Taylor then referred to a letter from H. Seward, Vice-Chairman of the Conservation
161 Commission. B. Levenson felt that only #1 applies; 3 and 4 applies to open space. #2
162 refers to the mitigation easement that was done many years ago. 12,220 SF is strictly the
163 wetland buffer. Ms. Hollingsworth stated that the paved area will be permanent and along
164 the slopes will be temporary. After some discussion, it was determined that the
165 disturbance of off site buffer area was included in the total amount of buffer disturbance.
166 Subtracting this amount brings us down to 7,420 SF of buffer impact on site and about
167 4,800 SF on lot 48/36. B. Levenson feels that the off site buffer disturbance should be a
168 separate case. K. Bauer stated that if this is recorded and this became an issue then
169 possibly off site should be looked at separately. There was some discussion as to how
170 this would be done. B. Levenson felt that if we go ahead with the inclusion of the off site
171 impact, this would be an illegal hearing because there would have been a whole new set
172 of abutters that should have been notified. M. Paquette suggested that the hearing be
173 tabled and the abutters notified. He wanted to make sure that the hearing is legal and that
174 the additional abutters be notified. His final decision was that they certainly didn't want
175 to have any illegalities and agreed to the tabling of this case until April 7th so that the
176 question of whether the wetland buffer disturbances on-site and off-site are one case or
177 two.

178

179 **A motion was made by B. Levenson, seconded by K. Bauer, all in favor to table the**
180 **case to April 7, 2005 for consideration of off site wetland buffer disturbance.**

181

182 Meeting adjourned at 8:40 pm