



AGENDA

February 21, 2012

Town Hall BOS Meeting Room - 6:30 PM

SCENIC ROAD PUBLIC HEARING:

1. In accordance with NH RSA 231:158, the Milford Planning Board will hold a Public Hearing at 6:30pm in the Board of Selectmen's meeting room at the Town Hall for the following:
Public Service of New Hampshire (PSNH) – Scenic Road Public Hearing for tree trimming and removal, as part of the annual maintenance program, on the following scenic roads: Emerson Rd, Federal Hill Rd, Foster Rd, Osgood Rd, Ponemah Hill Rd, Ruonala Rd, and Young Rd.

MINUTES:

2. Approval of minutes from the 1/17/11 meeting.

OTHER BUSINESS:

3. TIF and Commerce & Community District Presentation

WORKSESSION:

1. Finalize Workforce Housing Factsheet
2. Finalize 2012 Planning Board Goals
3. Residential and Non-Residential Driveway Regulations
4. Impact Fee rate review and Ordinance update

Future meetings:

03/06/12 Worksession

03/20/12 Regular Meeting

The order and matters of this meeting are subject to change without further notice.



STAFF MEMO

Planning Board Meeting

February 21, 2012

Agenda Item # 1: Public Service of New Hampshire (PSNH) – Ball Hill, Emerson, Federal Hill, Foster, Jennison, Joslin, Mason, Melendy, Mile Slip, Osgood, Ponemah Hill, Ruonala, Savage and Young Roads

Scenic Road Hearing for Tree Trimming

Background:

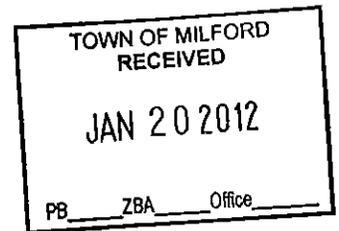
PSNH is before the board the Planning Board seeking approval to perform tree and brush maintenance along the above listed roadways. PSNH has requested to trim and remove trees/brush adjacent and beneath some of its distribution power lines within Milford. The work is needed to ensure the safe distribution of power and to improve reliability of electric service to customers. The applicant has flagged trees to be removed in the field with orange flagging and they are marked on the attached map with red X's.

In accordance with NH Planning and Land Use Regulation 231:158, the Board can deny the Companies' request to install poles/distribution lines and trim/cut trees on a designated scenic road if the action would (1) "lead to the deterioration of the scenic quality of the road" and (2) "because the request failed to mark all of the trees to be removed and failed to present a study or documentation about how removing the trees would affect drainage for other trees on the road." (Webster v. Town of Candia (2001))

Please find the attached letter from PSNH and map/list of trees to be removed.

Staff Recommendation:

The maintenance plan is fairly straightforward and Staff finds no significant issues. The Planning Board will want to emphasize the need to preserve the rural character of these roads and trim only those trees/brush on approved roads which are necessary to ensure the public safety or pose a danger to the power lines. Further, the Board should direct PSNH to repair any stonewalls that may be disturbed during the tree/brush maintenance to their original state.



Jan, 20, 2012

Town Planner
Town of Milford
1 Union Square
Milford, NH 03055

Dear Planning board:

This letter is to inform the Town of Milford that PSNH is planning to trim and remove trees and brush adjacent to and beneath some of its power lines within the town. This work is necessary to insure the safe distribution of power and to improve reliability of electric service for our customers. A map highlighting the areas to be trimmed is enclosed.

According to PSNH records, Ball Hill, Emerson, Federal Hill, Foster, Jennison, Joslin, Mason, Melendy, Mile Slip, Osgood, Ponemah Hill, Ruonala, Savage, North river and Young Roads have been designated as scenic roads by the Town. Please consider this letter to be a request from PSNH for a public hearing for the purpose of trimming and removal of trees on this and any other scenic roads within the proposed work area pursuant to RSA 231:158. An Application for Site Plan Approval and list of trees we plan to remove is enclosed. The trees are marked by a red X on the map referred to in paragraph 1 of this letter and, unless otherwise noted, are marked in the field with orange flagging. Please inform this office of the date, time, and place of said meeting so that we may have a representative present.

PSNH specifications call for removal of brush and limbs less than four inches in diameter which are located within eight feet to the side of, ten feet below or fifteen feet above conductors. Larger trees or limbs which present a threat to PSNH lines or other equipment because of decay or other defect will be removed on a case by case basis. All work will be performed in accordance with accepted arboricultural standards.

PSNH has contracted with Asplundh Tree Expert Company to perform the actual trimming of trees. PSNH requires that our trimming contractors contact each landowner where trees are to be trimmed prior to commencement of work on that property. Individual concerns will be addressed at this time.

All brush and limbs cut on roadside locations will be chipped. In wooded, undeveloped locations, these chips may be dispersed into the woods, taking care not to allow chips to accumulate in piles or in ditches. Near developed land, the chips will be blown into a truck and disposed of off-site. The chips make a good mulch and are often given to nearby property owners for landscaping purposes. If a central dumping location

could be arranged, PSNH would be happy to make any unclaimed chips available to the Town at no cost. Brush and limbs cut on inaccessible lines will be stacked to the side of the right-of-way and cut low to the ground. All wood will be left on site unless otherwise directed by the landowner.

If you have any questions or comments, please feel free to contact me by U.S. mail at the above address, e-mail at Salasba@nu.com, FAX at 634-3550, or telephone at 603-634-3723.

Thank you for your concern and assistance.

Respectfully,

Brian A, Salas
Arborist
Public Service Co. of NH

**Tree removal list on Scenic roads in Milford
2012**

Young rd	Pole 89/15	10" leaning oak 12" rotten maple
Osgood Rd	Pole 42	large dead Pine
Emerson Rd	pole 19 1/2	Rotten Pine
Federal Hill Rd	Pole 67	Weakened oak 8"
Foster Rd	Pole 1 to 2	2 Rotten Maples
Ruonala Rd	Pole 83/17 to 17 ½	10" Oak leaning in to road
Ponemah Hill Rd	Pole 523/30 Pole 241/29	28" maple 10" dead pine

Trees are marked with orange ribbon

MILFORD PLANNING BOARD PUBLIC HEARING ~ Draft ~
January 17, 2012 Board of Selectmen's Meeting Room, 6:30 PM

Present:

Members:

Tom Sloan, Vice-Chairman

Kathy Bauer

Chris Beer

Steve Duncanson

Judy Plant

Susan Robinson, Alternate member

Staff:

Sarah Marchant, Town Planner

Shirley Wilson, Recording Secretary

Dan Finan, Videographer

PUBLIC HEARING:

1. In accordance with the requirements of NH RSA 675:3, the Milford Planning Board will hold a Public Hearing on Tuesday January 17, 2012, at 6:30pm in the Board of Selectmen's meeting room at the Town Hall. The purpose of the public hearing is to discuss proposed amendments to the Town of Milford Zoning Ordinance as follows:
 - Addition of the Commerce and Community District to Article VI, *Overlay Districts*
 - Addition of the West Elm Street Gateway District to Article VI, *Overlay Districts*.

MINUTES:

2. Approval of minutes from the 12/20/11 meeting, and 1/03/12 public hearing.

NEW BUSINESS:

3. **Michael R, Heather M, Matthew T, and Andrew Ciardelli – Stable Rd & Wyman Ln - Map 54, Lot 2-1.**
Public hearing for:
A proposed subdivision creating one (1) new residential lot,
Associated waivers from the Milford Development Regulations, Article V:
 - Section 5.06.K Wetlands Delineation
 - Section 5.06.L Delineation of slopes over 25%
 - Section 5.06.X Summary description of drainage & discharge
(New application)

OTHER BUSINESS:

4. **Park Meadow, LLC / Airmar Technology Corporation – Meadowbrook Dr – Map 7, Lot 31.** Extension request for an approved site plan. (SPA#2009-01)
(Miscellaneous application)

Vice-Chairman Sloan called the meeting to order at 6:30PM. He introduced the Board, read the agenda, explained the process for the public hearing and then read the notice into the record.

In accordance with the requirements of NH RSA 675:3, the Milford Planning Board will hold a Public Hearing on Tuesday January 3, 2012, at 6:30pm in the Board of Selectmen's meeting room at the Town Hall. The purpose of the public hearing is to discuss proposed amendments to the Town of Milford Zoning Ordinance as follows:

- 1. Addition of the Commerce and Community District to Article VI, Overlay Districts*
- 2. Addition of the West Elm Street Gateway District to Article VI, Overlay Districts.*

PUBLIC HEARING

T. Sloan explained that tonight's meeting is a continuation of the prior public hearings for these proposed overlay districts which represent more than a year's work by the Planning Board, Planning Staff, and the EDAC Land Use Subcommittee. Together those groups along with many other people, including the professional staff at the Nashua Regional Planning Commission (NRPC), have worked extremely hard to come forward with some proposals that should enhance Milford's ability to grow into the future and to manage that growth as it occurs. Planning Staff sent out, as part of the public education process, postcards to over 240 recipients; land owners and businesses in the west side of town that were involved or abutting the land under consideration for these two pieces of the Zoning Ordinance. No additional input has been received by the Planning Board or Staff since the last hearing.

As there were technical difficulties, S. Marchant gave an overview of the two proposed zoning changes for the 2012 ballot instead of the planned presentation. Both of these overlay districts are tools that the Planning Board can use to encourage development in an area of town where we see the most potential future growth. The other part to this three pronged approach, that includes the two (2) proposed zoning districts under discussion tonight (the West Elm Street Gateway District and the Commerce & Community District) is the newly designated Economic Revitalization Zone (ERZ) that the Selectmen approved in September, which also incorporates these proposed overlay districts. An ERZ is a program provided by the State, that offers businesses which choose to expand their facilities and personnel, credits that can be used for the Business Profit Tax and Business Enterprise Tax.

Article VI, Overlay Districts; West Elm Street Gateway District (WESGD)

S. Marchant said the idea for this started several years ago when the Planning Board was working on the Nashua and Elm Streets Corridor District which focuses on the east side of town. This started off with a survey that was sent to the business and property owners in the district back in December, 2010 and then about 55 of those property and business owners came to a breakfast, hosted by Hitchiner Mfg., where they gave their ideas on what was important to them for guidelines to enhance this area and make it viable for development. That survey was then distributed to the public through the month of June and went to all the land use boards and has been available on the website. The data from that survey was used to craft the actual ordinance and the design guidelines document which will help facilitate applications through the Planning Board process. This way everybody can start closer to the same page on what is expected; architecturally, design-wise, landscaping-wise and for access management. The WESGD is a tool for the Planning Board in an area that is currently developed with minimal vacancy. The guidelines will enhance existing commercial and industrial development, promote new development, and manage traffic and access flow in the area.

Article VI, Overlay Districts; Commerce and Community District

S. Marchant explained that the Commerce and Community District, which is south of the WESTGD, includes the Brox property, land the town purchased in 2000 and recently signed an agreement with the Andover Development Group, Eecotech for. The district also includes a large amount of surrounding vacant lands. There are some excellent wetlands, a fen, some great resources and conservation trails that have all been worked into the district that utilizes a form based code, new to the community, and requires master planning of the area. It requires the infrastructure, the roadways, the utilities and the open space be planned at a very large scale. This will ensure that as this area develops, it does so in a very cohesive way that will not impede traffic in the future and help to

expedite the development process. It will set up something that will help entice development to come here to Milford instead of to Merrimack or Londonderry and is a plan designed to be carried out over the next twenty to thirty years.

K. Bauer asked for clarification about the Brox Property. S. Marchant explained that not all of the Brox Property is included in the Andover Group's agreement and described the industrially zoned area, to the north of the 101 Bypass that is for sale and for development. The Town also owns 80 acres to the east of Heron Pond School that was purchased with the intent of future expansion of school facilities, recreation facilities and other uses. To compliment that, the Planning Board has partnered with the Recreation Commission to develop a recreation chapter for the Master Plan. Surveys went out this past summer soliciting input on the town's long term recreation needs. K. Bauer said she heard there was an interested party for this property. S. Marchant said that the Commerce & Community District also includes the former police station which already has a road and access to utilities so it would be developed first and yes, there is an actively interested party in redeveloping that property. Among the upcoming warrant articles, there is one to create a fund for the monies from the sale of the police station to help begin the layout of the infrastructure in the Commerce and Community District that would eventually be paid back into the general fund without cost to the taxpayers. K. Bauer noted that it is important to realize that the money will be paid back to the town. K. Bauer brought up the new incentive for Powers St. S. Marchant said that an ERZ was just created in that area, so businesses who choose to expand can apply for credits towards their State taxes.

T. Sloan inquired about the three designated areas within the Community and Commerce District. S. Marchant gave a brief overview of the three areas;

- The Protective Reserve, the outermost area is essentially a large buffer for some of the most important wetlands in town.
- The Mixed-Use area, in the southern portion is designed to facilitate a mix of uses including lower density industrial, commercial and some residential development.
- The Core, centered around the 101 corridor, adjacent to our existing industrial/commercial area, focuses on a somewhat higher density of mixed uses including some residential. It is designed to contain the heavier development.

Vice-chairman Sloan then opened the discussion for public comment.

M. Foster stated that she owns a building in the WESGD and went to the original meeting. Guidelines are a great idea, which is what we were told they were; however, there are 77 shalls on these 12 pages. These are not voluntary, they are mandated and all of us at that meeting felt that these were going to just be guidelines. We were left with the impression that there wasn't going to be anything like this. T. Sloan said existing property and building owners in this area have grandfathered status in the gateway district. S. Marchant said there are guidelines associated with this separate ordinance document and only apply if you are adding onto or changing your property. The survey was the first step in the process and, as has been said all along, these guidelines were designed from the Nashua and Elm Street Overlay District which is also an ordinance with complimentary guidelines. M. Foster said the question was asked very specifically, if this would be in the zoning ordinance, at that first meeting and that was not the impression she got. S. Marchant said that has always been the intention from the very beginning. M. Foster said we felt something was afoot when you were doing all this just to give people guidelines. I just think this is a mistake in this kind of economy. T. Sloan asked if she could refer to any specifics in the design guidelines. M. Foster said they are very non-specific so an applicant would spend money on plans, bring them in and then the Planning Board could say we don't like the roof, or the materials or the exterior. S. Marchant said the document should really be looked at with the guidelines that show specific examples because it is a place to start discussion with the Planning Board on more level footing. M. Foster said to start discussion would mean another meeting. S. Marchant said we are trying to facilitate the process without multiple meetings and referenced previous plan submittals when developers came in with plans so far from what the regulations would allow for. The idea in doing this is to lay the groundwork initially and it has worked with the Nashua and Elm Street Corridor.

M. Foster said she personally thinks that this is an erosion of personal property rights and going back to that first meeting, it was disingenuous to not have been really upfront. S. Marchant said we told everyone from the get-go that this would be in the zoning ordinance and she was sorry that Ms. Foster felt that way. We will make sure to be very clear from now on. M. Foster said now that you have it in there, it will be rubber stamped for the voters. T. Sloan said there is nothing rubber stamped about this because the Planning Board has been working on this for months. These are open meetings. There has been public presentation and we're here to take input. M. Foster said she got her notice two days after the last hearing and she was here because she went online to read the document. T. Sloan said fortunately you are here to give input. That is what we want and we thank you for that.

T. Sloan reiterated that this is not rubber stamped and should the Board choose to post and publish this to the warrant, the voters of the town will be able to vote on it. The guidelines and requirements that are before us are designed to put forth development that reflects the character of the town today and moving forward. It is not designed as an impediment for somebody. Developers will have these guidelines prior to going before the Planning Board and they will know what elements will need to be incorporated into their plan, so that when they do come forward, there will hopefully be less delay and more ability to develop what you choose to develop while at the same time considering the input from the community for the guidelines that are here in this document.

M. Foster said she can see it is well intended but she can also see that it is so subjective and it all depends on the makeup of the Planning Board. She has been to Planning Board meetings and in particular a Board of Adjustment meeting that ended up in court, because two professional traffic reports were ignored in favor of the musician's envelope test. It was thrown out of court because it was so absurd.

M. Foster brought up underground utilities and asked if, when and who would mandate them. T. Sloan said it would be open to discussion and some debate but would depend largely on what currently exists. It wouldn't make sense to put one set of utilities underground with all the other utilities around it above ground. It wouldn't be practical in certain instances. M. Foster said you're assuming that everyone on the Board is practical and reiterated that this is an erosion of property rights. This is so subjective it is going to cost people a lot more money. T. Sloan said there are existing development regulations in place that require certain elements. This isn't necessarily any different from those documents and may actually provide flexibility for some of the requirements. If you compared the two documents, you may find that this is less burdensome overall than our current regulations and more facilitating to development. If you look at what currently exists, you may find this to be less burdensome than you perceive it to be at this moment. M. Foster said time will tell.

Vice-chairman Sloan closed the public portion of the hearing by saying that the Board appreciated the input.

C. Beer made a motion to post the proposed amendments, as written, to the March 2012 warrant. S. Duncanson seconded and all in favor.

C. Beer made a motion to publish and send the proposed amendments, as written, to the March 2012 warrant. S. Duncanson seconded and all in favor.

MINUTES:

K. Bauer made a motion to approve the minutes from the 12/20/11 and 1/3/12 meetings, as presented. C. Beer seconded and all in favor.

NEW BUSINESS:

Michael R, Heather M, Matthew T, and Andrew Ciardelli – Stable Rd & Wyman Ln - Map 54, Lot 2-1. Public hearing for: a proposed subdivision creating one (1) new residential lot, and associated waivers from the Milford Development Regulations, Article V: Sections 5.06.K Wetlands Delineation, 5.06.L Delineation of slopes over 25%, and 5.06.X Summary description of drainage & discharge.

No abutters were present.

Vice-chairman Sloan recognized:

Alec Buchanan, Jordan, Maynard & Parody, PLLC

Andrew Ciardelli, Owner and applicant

David O'Hara, David M O'Hara & Associates

S. Wilson read the abutters list into the record. C. Beer made a motion that this application did not pose potential regional impact. J. Plant seconded and all in favor. C. Beer made a motion to accept the application. S. Duncanson seconded and all in favor.

A. Buchanan, representing the Ciardelli's, presented plans dated 11/17/11 and described the proposed subdivision.. The proposed access agreement for access off Wyman Ln through a right-of-way and onto the mother lot 54/2-1 has been drafted and will be submitted to staff for review. The application complies with all subdivision regulations and the Staff report dated 1/17/12 which didn't indicate any issues. We have applied to NH DES for the appropriate subdivision approval. The applicant is also asking for three waivers, as indicated in the notice of hearing.

- A waiver from 5.06.K, *Wetlands delineation* has been requested, primarily because there aren't any wetlands on the property.
- A waiver from 5.06.L, *Delineation of Slopes greater than 25%*, is requested for the balance of the acreage that is not being developed at this time. Slopes are shown on the proposed lot.
- A waiver from 5.06.X, *Summary Description of Drainage and Discharge*, is requested because it would be burdensome for the applicant for the purposes the Board needs it for. The lot itself shows its own drainage.

C. Beer referenced the note on the ZBA Variance approval letter that the location of the lot may change. K. Bauer said it was in the ZBA minutes and she would question that also. A. Buchanan said that they weren't sure of the exact physical location of the area to be subdivided off when they went before the ZBA and only presented a conceptual plan. This final plan is consistent with what was presented to the ZBA and this is the final location of the lot.

T. Sloan inquired about the area for the waivers. A. Buchanan explained that the whole lot is subject to the regulations and they are subdividing only three (3) + acres out of the thirty-eight (38) acre parcel. D. O'Hara said the topography is shown on the new lot and as a result you can see how the drainage would flow. It is such a small impact that we are asking for a waiver from the drainage description. The small lot has been surveyed.

There was some confusion as to the waivers and after a lengthy discussion it was clarified that any waivers granted tonight for this specific subdivision do not carry forward for any future development. A. Buchanan stated that the waiver requests for 5.06.K and 5.06.L are for the 34.88 acre balance of the lot, whereas the request for the drainage 5.06.X is for the entire parcel which would include the new lot. S. Marchant noted that the Staff memo may have added some confusion and may be incorrect. T. Sloan said that a stormwater management permit will be required for the disturbance and may have some drainage delineated if a plan is required. S. Marchant added that the permit will be filed at the time a building permit is obtained and will encompass all drainage for the proposed driveway and building on the new lot.

C. Beer inquired if the stormwater permit will cover everything that the waiver is relieving. S. Marchant said that the permit will cover any area that is disturbed; the new driveway and the new lot, but it would not cover the larger 34.88 acres. The wording in the Development Regulations requires that a brief description of drainage patterns be submitted, not an extensive description or the topography shown. The idea was originally put forth by the Conservation Commission to help understand if there were any feeders or something that could impact land downstream and it is flexible in its intent. There isn't anything necessarily on this property. C. Beer said he can understand the benefit for not having to do this for the remainder of the lot because it could require surveying and disturbing the entire lot to determine the drainage patterns, but this waiver includes the new 3.18 acre lot as well, when the applicant could submit a brief statement that claims the water drains to the east.

S. Marchant read a letter from Tim Ferwerda, certified wetlands scientist at Meridian Land Services dated 12/5/11 into the record stating that there are no wetlands on the 3.18 acre parcel. D. O'Hara stated that there are no slopes over 20% on the 3.18 acre parcel.

Vice-chairman Sloan opened the hearing for public comment on the requested waivers; there being none, the public portion of the meeting was closed.

C. Beer made a motion to grant a waiver from Development Regulations 5.06.K, wetlands delineation, on the 34.88 portion of 54/2-1 that will not be disturbed by this development. K. Bauer seconded and all in favor.

S. Duncanson made a motion to grant a waiver from Development Regulations 5.06.L, to show slopes over 25%, on the 34.88 remainder portion of 54/2-1. J. Plant seconded and all in favor.

T. Sloan read Development Regulations 5.020 and asked that the applicant submit a revised waiver request indicating the reasons for the request.

A Buchanan asked to withdraw the waiver request for 5.06.X, *Description of Drainage Downstream and Upstream*.

T. Sloan made mention that the construction of a driveway by ordinance indicates by definition that this is a major subdivision. Staff has indicated that this isn't necessarily the case and it would have no bearing on this application. S. Marchant said the definition of what constitutes a major subdivision requires the installation of a new public or private road and a driveway is not a road. T. Sloan then inquired about the new open space ordinance and referenced the easement through the Wyman Ln open space. S. Marchant said the easement was originally dedicated as a right-of-way with the original subdivision and is not a newly created one on top of the open space but rather designed to be there as part of that subdivision approval. It was approved under the old regulations but would still meet the minimum open space requirements of 30% with that right-of-way.

K. Bauer inquired about the length of the driveway and asked if it needs to be improved for emergency vehicles. D. O'Hara stated that these existing driveways have been there for many, many years and there will be no new construction other than possibly some widening. A. Ciardelli said the existing driveway terminates at about 800ft and it would take approximately another 400-500 ft of gravel to finish the driveway so it would be about 1,300ft from Wyman Ln. We will make minor improvements to it when the house is built, but nothing now. D. O'Hara said the driveway is approximately ten (10') ft wide now with a grade of no more than 6% and sufficient for emergency vehicles. S. Marchant added that the access easement is thirty (30') ft wide and the Fire Department did not express any concerns about the width of that easement, at this time. Any minor improvements will have to be approved as part of the driveway permit that the Town will have to issue and approve. Most driveways are between 10' and 12' wide for new permits that are approved. K. Bauer said that a 10ft width makes her a little nervous especially with snow pushed out to the sides and allowing only one way emergency traffic when you have possibly ambulance and fire vehicles. A. Ciardelli clarified that the actual driving surface is ten (10') ft but there is an additional six or ten feet not necessarily suitable driveway material but wide enough for two vehicles to pass. There aren't any trees on either side of the driveway adequate space to push snow along the sides of the driveway.

Vice-chairman Sloan opened the hearing for public comment; there being none, the public portion of the meeting was closed.

C. Beer made a motion to grant approval of the application with the following conditions; that the locust map be corrected to show Milford instead of Amherst at the Hollis border, that note #14 be revised to remove reference to the waiver from 5.06.X, and the conditions listed on the staff memo. S. Duncanson seconded and all in favor.

Park Meadow, LLC / Airmar Technology Corporation – Meadowbrook Dr. – Map 7, Lot 31. Extension request for an approved site plan. (SPA#2009-01)

Vice-chair man Sloan recognized:
Steve Christensen, Airmar Technology Corporation

T. Sloan gave an overview of the original Site Plan approval from 2009 that will expire on 1/20/12 and said the applicant is hoping to break ground this spring as the economy allows.

Vice-chairman Sloan opened the hearing for public comment; there being none, the public portion of the meeting was closed.

Findings Report: Milford's Workforce Housing Statistics

Prepared for the Milford Planning Board by the Office of Community Development

Adopted by the Planning Board: January __, 2012

Introduction

The Town of Milford, New Hampshire is located along the Souhegan River, 11 miles west of Nashua within Hillsborough County. In Milford, the State's major east-west highway, Route 101, intersects with Route 101A from Nashua and Route 13, running north-south from the Massachusetts border to Concord. Given its location, Milford has served as a hub of commercial and industrial activities for the Souhegan Valley and is the largest town (2010 pop. 15,115) between Nashua and Keene. For planning purposes and as defined by the State, Milford is included in the Greater Nashua Region and is a member of the Nashua Regional Planning Commission (NRPC).

Milford's municipal water system was initiated in 1890. In 1981, Milford's "new" Wastewater Treatment Facility began operation. In addition to providing treatment of Milford's wastewater, this facility also treats wastewater from the neighboring Town of Wilton. About a third of Milford's population is served by municipal water and sewer services, concentrated around the downtown and along the major roadway corridors.

As a community with a substantial commercial-industrial sector and municipal water and sewer services, Milford has historically provided a diverse range of housing options for all income ranges and continues to do so. In 2008, the State of New Hampshire enacted RSA 674:58-61 Workforce Housing in an effort to require communities throughout New Hampshire to provide a fair-share of their region's workforce housing needs. In accordance with the RSA Milford undertook the following analysis to determine its level of compliance in providing for workforce housing¹.



¹ The data utilized for this report were the best available based on the 2010 Census, American Communities Survey, the Office of Energy and Planning's 2009 Housing Report, NH Housing Finance Authority's 2011 Residential Rental Cost Survey and data from the Milford Assessing Office. As the Census simplified its survey to focus on population data other resources were utilized to gather relevant housing related.

The analysis looks at three types of data. First, housing data for each community within the NRPC region is compared. Second, Milford specific data was compiled from the Assessor's database to understand the types, distribution and values of housing units in Milford and lastly, data on gross rental costs for multiple types of units are compared to the NRPC region. Analyzing these three levels of data together allows for an understanding of Milford's workforce housing supply for both owner-occupied and renter-occupied units, and how that compares to the greater NRPC region.

Owner-Occupied Housing

This section reviews the types, values and costs of owner-occupied housing units (including the combined mortgage loan debt services, property taxes and required insurance) in the greater NRPC region² and Milford.

NRPC Region

As stated above Milford is part of the NRPC region and should reasonably supply its fair-share of the region's need for workforce housing. Table 1 details an overview of population and the types of available housing by community in the NRPC region in 2009.

Table 1: 2009 NRPC Community Housing Data

Town	Population 2010	Single family Units ³	Multifamily Units ⁴	Manufactured Units	Total Units
Nashua	86,494	17003	19437	881	37321
Merrimack	25,494	6987	2656	223	9866
Hudson	24,467	6164	2887	149	9200
Milford	15,115	3145	2583	404	6132
Pelham	12,897	3901	562	27	4490
Amherst	11,201	3845	326	75	4246
Litchfield	8,271	2368	452	121	2941
Hollis	7,684	2511	249	94	2854
Brookline	4,991	1588	104	20	1712
Wilton	3,677	1261	354	22	1637
Mont Vernon	2,409	786	24	73	883
Lyndeborough	1,683	637	33	27	697
Mason	1,382	545	0	17	562
NRPC Regional Averages	205,765	3,903	2,282	164	6,349

Source: 2010 Census and NH OEP 2009 Housing Report

Milford falls close to the median in both single family units and multifamily units, however has a significantly larger number of manufactured housing units than other communities within the region. Table 2 compares the distribution of housing types within each community throughout the NRPC Region.

² The NRPC Region includes the following communities: Lyndeborough, Mason, Wilton, Milford, Mont Vernon, Amherst, Brookline, Hollis, Nashua, Merrimack, Hudson, Pelham and Litchfield.

³ Single Family Units – any structure that is reported as detached in annual OEP community survey.

⁴ Multifamily Units – any structure that is reported as attached in annual OEP community survey.

Table 2: 2009 NRPC Communities Housing Units Percent by Type

Town	Population 2010	Percent of Single family Units	Percent of Multifamily Units	Percent of Manufactured Units
Nashua	86,494	45.6%	52.1%	2.4%
Merrimack	25,494	70.8%	26.9%	2.3%
Hudson	24,467	67.0%	31.4%	1.6%
Milford	15,115	51.3%	42.1%	6.6%
Pelham	12,897	86.9%	12.5%	0.6%
Amherst	11,201	90.6%	7.7%	1.8%
Litchfield	8,271	80.5%	15.4%	4.1%
Hollis	7,684	88.0%	8.7%	3.3%
Brookline	4,991	92.8%	6.1%	1.2%
Wilton	3,677	77.0%	21.6%	1.3%
Mont Vernon	2,409	89.0%	2.7%	8.3%
Lyndeborough	1,683	91.4%	4.7%	3.9%
Mason	1,382	97.0%	0.0%	3.0%
NRPC Regional Averages	205,765	61.5%	35.9%	2.6%

Source: NHES Community Profiles

Milford is significantly different from the medians in all categories when comparing housing unit distribution. Milford has the second lowest percent of single family homes at 51.3% and the second highest rate of multifamily (42.1%) and manufactured homes (6.6%) in the region. As stated earlier Milford's substantial commercial/industrial sector and municipal services have historically allowed Milford to develop with a more diverse range of housing types than some of its surrounding communities. However as Table 2 displays Milford provides a more balanced (percentage wise) and diverse choice of housing types than all communities except Nashua.

Housing Types and Value

In an effort to examine Milford's housing stock in more detail the Milford Assessor's Office supplied data on all housing units in Milford, including address, number of units and total assessed value of the property. The following data was reported for 2011 and it is important to note, differs slightly from the previous regional statics due to dissimilar source data.

To delve further into owner-occupied housing information all single family, manufactured homes and condominiums were extracted from the database. There are many two- and three-family units⁵ in Milford which are believed to be owner-occupied but were not included in this report as the Assessor's database does not have information on whether a property is owner-occupied. Table 3 is a snapshot of Milford's owner-occupied units and associated values.

⁵ The Assessor's database details 214 two-family structures and 54 three-family structures in Milford for a total of 428 two-family units and 162 three-family units.

Table 3: 2011 Milford Owner-Occupied Housing Units by Type and Associated Values

Housing Type	Total Assessed Value	Total Number of Units	Average Value
Single Family Houses	\$735,915,065.00	3104	\$237,162.44
Condominiums	\$120,372,500.00	791	\$152,177.62
Manufactured Homes	\$21,091,194.00	321	\$65,704.65
Totals	\$877,382,975.00	4216	\$208,107.92

Source: Milford Assessing Database

The total value of each property is utilized in the next section to determine housing units that qualify as affordable in accordance with the *Workforce Housing* statutes (RSA 674:58-61). In 2011, the Assessing Department completed a revaluation of all Milford properties; as such no modifications were necessary to the total value of each housing unit.

Costs of Owner-Occupied Housing

To qualify as workforce housing, owner-occupied units must be “affordable to a household with an income of no more than one hundred (100%) percent of the median income for a four person household” (RSA 674:58.IV). Affordable is further defined as housing units which do not exceed 30 percent of a household’s gross annual income in combined mortgage loan debt services, property taxes and required insurance (RSA 674:58.I).

The US Department of Housing and Urban Development (HUD) specified income threshold for a four person household in the Nashua, NH HFMA (HUD Fair Market Area), which includes Milford and many of the communities⁶ in the NRPC region for 2011, was \$92,700. This annual income is the maximum that can qualify towards the *Workforce Housing* statutes thresholds in Milford for 2011. To better understand the cost of owner-occupied housing in Milford, this report will also look at units deemed affordable to households making 80% and 60% of the above stated HUD median.

Table 4: 2011 Milford Four Person Median Income Values

Percent of 4 Person Owner Occupied Median Income	Income Value
100%	\$92,700
80%	\$74,160
60%	\$55,620

Source: US Department of Housing and Urban Development

To address affordability the following will focus on housing units in Milford that are affordable to households making between \$55,620 and \$92,700 annually. To determine what value would be affordable for this income range the New Hampshire Housing Finance Authority’s (NHHFA) Affordability Calculator was utilized. The calculator for a home purchase was set to include a 2.47% tax rate (Milford’s 2011 rate), \$10,000 cash on hand, a 5% interest rate on a 30-year loan and a 0.5% home insurance rate, in determining the value of housing that would be affordable in Milford’s income range.

⁶ Communities of the Nashua, NH HFMA include Amherst, Brookline, Greenville, Hollis, Hudson, Litchfield, Mason, Merrimack, Milford, Mont Vernon, Nashua, New Ipswich, Pelham, Wilton

Table 5: 2011 Milford Affordable Purchase Price

Percent of 4 Person Owner Occupied Median Income	Income Value	Affordable Purchase Price
100%	\$92,700	\$256,664
80%	\$74,160	\$189,786
60%	\$55,620	\$122,977

Source: NHHFA Affordability Calculator

The NHHFA Affordability Calculator's purchase price range of \$256,664 or less was then compared against the Total Value of each owner-occupied unit in the Assessor's database. Tables 6 thru 8 detail the number and percentage of affordable units for each of the major housing types: single family, condominiums and manufactured homes.

Table 6: 2011 Milford Affordable Single Family Homes

Percent of 4 Person Owner Occupied Median Income	Affordable Purchase Price	Number of Affordable Single Family Homes	Percent of Single Family Homes
81% - 100%	\$207,897 - \$256,664	1014	33%
61% - 80%	\$156,565 - \$207,896	1012	32%
Less than 60%	\$0 - \$156,564	145	5%
	Total Affordable Single Family Homes	2171	70%

*The total number of single family homes in Milford is 3104.

Source: Milford Assessing Database (revaluation in 2011)

Of the 3104 single family homes in Milford 70% or 2171 properties would be affordable to a household earning the median income. There is less affordable single family housing for households earning less than 60% of the median income or \$55,620 a year, however more than half of all single family houses in Milford are affordable for households between 61% to 100% of the median earnings level. Single family housing has the highest total value of all the housing types evaluated in this report, causing the significant, but lower rates of affordable units when compared to condominiums and manufactured housing.

Table 7: 2011 Milford Affordable Condominiums

Percent of 4 Person Owner Occupied Median Income	Affordable Purchase Price	Number of Affordable Condos	Percent of Condos
81% - 100%	\$207,897 - \$256,664	100	13%
61% - 80%	\$156,565 - \$207,896	135	17%
Less than 60%	\$0 - \$156,564	527	66%
	Total Affordable Condos	762	96%

*The total number of condominiums in Milford is 791.

Source: Milford Assessing Database (revaluation in 2011)

Of the 791 condominiums in Milford 96% or 762 properties would be affordable to a household earning the median income. In addition, a majority of condominiums are affordable to households earning between 61% and 80% of the median income, with a significant number also affordable to households earning less than 60% of the median or \$55,620. The total value of condominiums varies greatly in Milford depending on if there is land associated with the housing unit or if the units are attached or detached. However, even with these variations in options and values most of condominiums in Milford are considered affordable.

Table 8: 2011 Milford Affordable Manufactured Homes

Percent of 4 Person Owner Occupied Median Income	Affordable Purchase Price	Number of Affordable Manu. Homes	Percent of Manu. Homes
81% - 100%	\$207,897 - \$256,664	4	1%
61% - 80%	\$156,565 - \$207,896	9	2%
Less than 60%	\$0 - \$156,564	306	96%
	Total Affordable Manu. Homes	319	99%

*The total number of manufactured homes in Milford is 321.

Source: Milford Assessing Database (revaluation in 2011)

Of the 321 manufactured homes in Milford 99% or 319 of the properties would be affordable to a household earning the median income. Furthermore, the vast majority of all manufactured homes would be considered affordable to a household making less than 60% of the median income or \$55,620 a year. The high rates of affordability are expected with manufactured homes as they traditionally have a lower total value than both single family homes and condominiums. Additionally, as shown in Table 2 above, except for Mont Vernon, Milford far exceeds the rest of the region in its percentage supply of this type of affordable housing relative to total housing units.

Milford has a diverse owner-occupied housing stock which translates into many affordable housing units within the community. Table 9 details the total numbers of affordable units in Milford at the median household income and for households making up to 60% and 80% of the median.

Table 9: 2011 Milford Affordable Housing Units

Percent of 4 Person Owner Occupied Median Income	Affordable Purchase Price	Number of Affordable Housing Units	Percent of Total Housing Units by Type
81% - 100%	\$207,897 - \$256,664	1118	27%
61% - 80%	\$156,565 - \$207,896	1156	28%
Less than 60%	\$0 - \$156,564	978	24%
	Total Affordable Housing Units	3252	78%

*The total number of owner-occupied units in Milford is 4216.

Source: Milford Assessing Database (revaluation in 2011)

Of the 4216 owner-occupied housing units in Milford 78% are considered affordable to a four person household making \$92,700 or less annually. In addition, there are a significant number of housing units available to households making 61% to 80% and less than 60% of the median. Unfortunately, as there is no data available on the number and percentage of affordable units in other NRPC communities, there is no ability to make a comparative analysis. However, as Milford supplies a lower percentage of single family units and greater percentage of manufactured housing than other NRPC communities (Table 2) it is reasonable to assume the community is providing a greater proportion of affordable owner-occupied housing options than most of the other NRPC communities.

Rental Housing

The costs of renting a dwelling unit with utilities in the NRPC Region and Milford are discussed in this section. The Town of Milford has no specific data on the costs of rental units within the community. Fortunately, the NHHFA conducts an annual Residential Rental Cost Survey throughout New Hampshire which is able to provide specific rental data for Milford. Table 10 depicts the median rental values for Milford and the NRPC Region in 2011.

Table 10: Median Gross Rental Costs, 2011

Area	All Units	1-Bedroom Unit	2-Bedroom Unit	3-Bedroom Unit
NRPC Region	\$1096	\$948	\$1164	\$1455
Milford	\$1067	\$880	\$1182	\$1230

Source: NHHFA Residential Rental Cost Survey, 2011

Milford's gross rental costs are lower than the regional median for all except the two-bedroom unit type. However, to determine if Milford is providing for affordable workforce housing the next tables compares the median income of residents to the median rental costs.

Costs of Renter-Occupied Housing

To qualify as workforce housing, rental units must be "affordable to a household with an income of no more than sixty (60%) percent of the median income for a three person household"(RSA 674:58.IV). Affordable housing units are defined as units that do not exceed 30 percent of a household's gross annual income in combined rental and utility costs (RSA 674:58.I).

The HUD specified income threshold for a three person household in the Nashua, NH HMFA for 2011 was \$50,100. Therefore to consider a rental unit to be affordable in Milford the median annual costs would have to be less than \$15,030. Table 11 depicts the annual median costs of rent in Milford and the NRPC Region for 2011.

Table 11: Annual Median Gross Rental Costs, 2011

Area	All Units	1-Bedroom Unit	2-Bedroom Unit	3-Bedroom Unit
NRPC Region	\$13,152	\$11,376	\$13,968	\$17,460
Milford	\$12,804	\$10,560	\$14,184	\$14,760

Source: NHHFA Housing Needs Assessment Report

Milford's annual median rental costs, \$12,804 for all types of rental units, are less than the maximum 30% of \$15,030.

Conclusion

Milford has a diverse housing supply including both owner-occupied and rental housing. In 2011 78% of the total owner-occupied housing units were considered affordable to households

making up to \$92,700⁷ and the median gross rental costs, for all types of units, were considered affordable⁸.

In comparison to the NRPC region, Milford has a more balanced distribution of housing types, including much higher percentages of supply for multifamily and manufactured housing. The availability of municipal water and sewer service combined with the community's diverse commercial-industrial economic base and housing stock allows the community to provide for a substantial amount of affordable housing, for Milford and the NRPC region.

DRAFT

⁷ HUD specified income threshold for 4 person owner-occupied unit, Nashua NH HUD Fair Market Area.

⁸ HUD specified income threshold for 3 person renter-occupied unit, Nashua NH HUD Fair Market Area.

February 8, 2012

MEMO

TO: Planning Board
FROM: Sarah Marchant, Town Planner

RE: 2012 GOALS

Goals for 2011 as determined at Board in March, 2011:

A. Master Plan –chapters on *Traffic & Transportation* and *Recreation*

1. Update Traffic and Transportation chapter of the Master Plan

The Planning Board (PB) discussed the vision statement, goals and action items for this chapter in July 2007. In late April 2008 the PB discussed and reviewed a vision statement, goals and actions. Over the summer of 2009 the PB discussed the current status of the Chapter and asked Staff to complete background data and chapter writing. In 2010-2011 the Board decided to wait for current traffic count data being produced by NRPC.

02/8/12 Update: The Traffic and Transportation chapter has not been finalized, as Staff was awaiting traffic count data from NRPC. The completion of this chapter will dovetail into the process to revise the State's 10 year transportation plan.

Staff recommendation: Bill Parker has suggested the following timeframe and schedule of adoption for this chapter.

1. Complete background data and chapter writing March, 2012
2. Draft chapter to PB Worksession March, 2012
3. Revisions/finalization - end of May, 2012
4. Public Hearing & Adoption - June, 2012

2. Recreation Chapter of the Master Plan

Recreation Commission and Department decided to start a Recreation Master Plan Chapter in 2011 with a goal of completion in 2012. A subcommittee with representatives from the Recreation Commission, Planning Board, Conservation Commission, MCAA, School District and other volunteers was developed to work on this chapter, with help from a group of Keene State College (KSC) Student.

02/8/12 Update: The Recreation Chapter made significant progress in 2011 with the formation of a broad based subcommittee and help from the KSC students to review all existing recreation properties and administer a survey to users and Milford residents. The proposed 2012 goals include: preparing a draft for end of summer 2012 and final adoption by December 2012.

B. Impact Fee Update

The Board reviewed the Town's existing impact fees and Impact Fee Zoning Ordinance. The Police Impact Fee was updated and the Library Impact Fee was tabled until such time the Library finalizes plans.

02/8/12 Update: Ongoing. The Board completed the rate review in 2011, but still needs to finalize the Impact Fee Ordinance and have a philosophical discussion on if Impact Fees are good for Milford or not, and if the Ambulance Facility should have one.

Staff will finalize a draft of the new Impact Fee Ordinance and update the rate study for 2012. The Planning Board is interested in beginning the philosophical discussion on Impact Fees internally and with the Board of Selectmen in the spring of 2012.

C. Economic Development Policy

The creation of a Town wide Economic Development Policy became a high priority in 2008, with direction from the Board of Selectmen. The Economic Advisory Committee was launched and the Advisory Committee presented its report *Recommendations to Foster Economic Development in Milford* to the Board of Selectmen (BOS) and the PB. The Committee was officially appointed as a subcommittee of the BOS and renamed the Economic Development Advisory Council (EDAC).

01/28/11 Update: On-going. Town wide Economic Development Policy has not been developed, however the above report is a first step in the process. An Economic Development Master Plan Chapter could be scheduled for 2013 incorporating the ground work EDAC developed.

D. Housing chapter Action Items

The PB worked diligently in 2010 on background analysis and education. For 2011 the Board prioritized review our existing zoning districts to address the infill/mixed-use and senior housing actions items. This work will begin in the summer of 2011.

01/11/12 Update: This review was tabled to focus on the creation of the Commerce and Community District in accordance with the Andover agreement signed by the BOS in April, 2011. The Board incorporated the idea of infill/mixed-use as defined in the Housing Chapter into the proposed overlay district. The Planning Board still feels this is a high priority item. They hope to pick up this topic with the new Town Planner, once on board, in summer/fall 2012.

E. West Elm Corridor Overlay District

The PB will worked with the LLU subcommittee and NRPC to develop a West Elm Street Gateway District for the 2012 Town vote.

01/11/12 Update: COMPLETED waiting for March, 2012 Town Vote

F. Brox Development Overlay District

There was potential in 2011 for development plans to begin on the Brox properties. As the Planning Board laid out goals in January 2011 the BOS, a developer and the TIF District were in negotiations. This project could result in the need for a west Milford overlay district and associated regulations.

01/11/12 Update: COMPLETED waiting for March, 2012 Town Vote

G. Workforce Housing Factsheet

This document was completed in 2009 with the data available at that time. As the 2010 census data is released the document should be updated with current statistics.

02/21/12 Update: COMPLETED. The Workforce Housing Factsheet has been updated with 2010 Census data and the most recent HUD and rental data and Assessing Data.

Goals for 2012:

H. Impact Fee Update

The Board would like to finalize changes to the ordinance for the 2013 vote and potentially have a discussion with the BOS of "do we want to use this funding mechanism going forward."

I. Traffic and Transportation Chapter of the Master Plan

Completion of this Chapter is a priority item for late spring/early summer 2012. Please see above for suggested completion timeframe.

J. Housing chapter Action Items

The PB worked diligently in 2010 on background analysis and education. For 2012 the Board has prioritized review our existing zoning districts to address the infill/mixed-use and senior housing actions items. Work will begin with the new Town Planner in summer/fall of 2012.

K. Recreation Chapter of the Master Plan

Recreation Commission and Department began work on a Recreation Master Plan Chapter in 2011. A subcommittee was developed with representatives from the Recreation Commission, Planning Board, Conservation Commission, MCAA, School District and other volunteers. The Recreation Commission has proposed to complete a draft by late summer, with the hopes of adoption by the end of 2012.

L. Gravel Regulations Update

The Town's existing Gravel Regulations were written to reflect the State regulations. The State's RSA's have changed, requiring the Town to update its regulations. At this time the Board would like to replace the old ordinance with a reference to the State Statute, as amended. The PB would like to bring this public hearing in the spring of 2012.

M. Telecommunication Ordinance Update

The Federal Communications Commission (FCC) significantly changed the regulations around the approval of Telecommunications facilities rendering the Town ordinance out of date. Staff will ask NRPC to create a model ordinance which could benefit all communities in the region.

N. Driveway Regulations

The Planning Board made significant progress on this document in early 2011 and it was put on hold for drafting of detail specifications. In addition, DPW would like to see a Non-Residential Driveway Regulation to compliment the Residential Driveway Regulation. Staff will work with DPW, Stormwater and Code Enforcement to finalize a draft of both Residential and Non-Residential Driveway Regulations for early spring 2012.

O. Stormwater Ordinance Update

The existing Stormwater Ordinance will need to be updated in accordance with the new MS4 Permit and to correct some identified issues found since its creation in 2007. The Environmental Coordinator, Fred Elkind will spearhead the updates to the Ordinance in 2012/2013 which will ultimately need to be adopted by the Planning Board, Board of Selectmen and Water Sewer Commissioners.

Other Current or Ongoing Board Projects:

1. Planning Board Awards

The *Distinguished Site Award* was awarded for the second year after a refining of the nomination and notification process. The Board will need to readjust its outreach program for 2012 as the Granite Town Quarterly is no longer available. Nominations are being collected through May 12th with the award to be presented in June, 2012.

2. CIP Citizen's Advisory Committee:

J. Plant and S. Duncanson were the Board representative in 2011 and have signaled their willingness to participate in 2012.

The CIP process was refreshed in 2010 with new members and increased communication between BOS, PB, Department Heads and Town Administrator. The CIP is to be completed by end of September for the PB to bring to Public Hearing and adopt in the fall.

3. Facilities Committee:

The facilities committee worked diligently on the Ambulance Facility in 2011. Depending on priorities of the Board of Selectmen and voter's in 2012 the committee may be asked to begin working on another project or may reorganize into a Building Committee.

4. SoRLAC:

T. Sloan was the 2011 Planning Board representative on this committee. No PB action is expected at this time.

5. ZBA Communication:

The PB invited the ZBA to submit recommendations and join the Board in zoning related discussions in 2011. PB would like to continue with this process in 2012.

6. Bi-Annual PB, BOS, School Board, CIP, Water Sewer Commissioners and ZBA The PB sponsored annual meeting of Town committees was held in May of 2011. The PB has not yet scheduled a meeting for 2012.

TOWN OF MILFORD, NEW HAMPSHIRE

DRIVEWAY PERMIT REGULATIONS



Adopted August 19, 2008

*Revised: March 30, 2010
March XXX, 2012*



Table of Contents

SECTION II. PURPOSE 2

SECTION III. PERMIT 2

SECTION IV. PERMIT PROCESS 3

SECTION V. RESIDENTIAL ACCESS POINTS 3

SECTION VI. NON-RESIDENTIAL ACCESS POINTS..... 4

SECTION VII. DESIGN REQUIREMENTS..... 4

SECTION VIII. MAINTENANCE RESPONSIBILITY..... 6

SECTION IX. EASEMENT AND SECURITY 7

SECTION X. SEPARABILITY 7

SECTION XI. ENFORCEMENT 7

SECTION XII. AMENDMENT 7

SECTION XIII. APPENDIX 8

FIGURE 1: DRIVEWAY DETAIL..... 8

FIGURE 2: FLARE END DETAIL 9

FIGURE 3: HEADWALL DETAIL..... 10

FIGURE 4: CONSTRUCTION EXIT/ENTRANCE – RESIDENTIAL AND NON-RESIDENTIAL 11

SECTION I. AUTHORITY

The Town of Milford Planning Board hereby adopts the following regulation pursuant to its authority as set forth at RSA 236:13.V, and establishes that hereafter no driveway accessing private property to a public way owned and maintained by the Town of Milford shall be constructed without compliance with this regulation.

SECTION II. PURPOSE

In as much as driveways and entrances are in effect, intersections, they require certain controls as to size, location and construction in order to provide safe and efficient access to property fronting on the public way, as well as surface drainage in and around said driveway, and for the purpose of such control this regulation is enacted.

SECTION III. PERMIT

Anyone desiring to construct, alter, or relocate a driveway in order to obtain access to an existing public way or a proposed street or public way, shall first apply for and obtain a permit from the Director of Public Works or designated agent. This permit shall provide for the approved location, construction, alteration or relocation of such driveway in accordance with the specifications provided in the driveway permit form, which is available at the Department of Public Works and Community Development Office’s and websites. The driveway location as indicated on the approved permit (in accordance with the approved site plan or septic plan, as applicable) is the ONLY driveway to be utilized unless the Director of Public Works or the Planning Board authorizes a change in writing. If a permanent house or structure number is assigned by the Building Department at the time of

driveway permit issuance the number shall be located so as to be clearly visible from the roadway at start of construction.

Please note if the roadway to be accessed by a proposed driveway is maintained by the State of NH, the applicant shall apply for and receive a driveway permit from the State of NH and will not require a Driveway Permit from the Town of Milford. Applicants can obtain a permit and information for driveway permits on State maintained roadways at [www. NH.gov/DOT](http://www.NH.gov/DOT) or by calling the Department of Transportation (DOT) directly at 603.271.3734. A copy of the final, signed DOT Permit shall be submitted to the Town of Milford.

SECTION IV. PERMIT PROCESS

- A. Prior to submitting an application for a driveway permit:
 - a. The applicant shall clearly mark and flag the location of the proposed driveway with a centerline stake at the edge of the right-of-way (ROW).
 - b. The applicant shall submit completed applications at the Community Development Department or Department of Public Works.
- B. Applications will be reviewed with a site inspection (as necessary) and approved by the Department of Public Works within five (5) business days. The approved permit and any additional documentation will be sent to the Community Development Department.
- C. Once the driveway permit has been approved by the Director of Public Works or designated agent, the driveway can be installed.
- D. A construction exit/entrance shall be in place prior to the start of on-site activity (see Appendix, Figure 4).
- E. Upon completion of the driveway or a minimum of fourteen (14) days prior to the issuance of a Certificate of Occupancy (CO) by the Building Department, the DPW will perform a post-construction inspection and issue a Certificate of Compliance (CC) for the driveway. A copy of the CC will be sent to the Community Development office. (Note: A Certificate of Occupancy will not be issued unless a driveway Certificate of Compliance has been issued by the Department of Public Works or security is in place as specified in Section IV.F).

SECTION V. RESIDENTIAL ACCESS POINTS

- A. If a property is adjacent to a side road the access to the main road should be via the side road.
- B. Curb cuts shall be limited to one per residential lot, except where the Director of Public Works has determined that a second cut is warranted and can be safely accommodated. A scale drawing indicating the features necessitating the second access must be submitted for the DPW Director to make a determination. A second cut may be granted under the following conditions:
 - 1. A second curb cut is necessary for access to a secondary use or structure, or if the physical constraints of the lot, including natural features, unusual lot shape, size, or elevation change necessitates the second access.
 - 2. A second curb cut is necessary to allow handicapped access for an individual who is a permanent resident of the property.
- A. A permit is required from the Department of Public Works for any temporary access entrance. A security in an amount to be determined by the Director of Public Works may be required at

the discretion of the Director of Public Works (See Section VI: Easement and Security). If a security is required, the applicant shall submit an itemized detail estimate of the cost to complete the driveway to the Director of Public Works to determine required amount of security.

- B. A construction exit/entrance is required for all driveways (See Appendix, Figure 4). The public right-of-way shall be cleared daily of debris such as mud, stone, earth and all construction supplies, vehicles and equipment. Said maintenance of the exit/entrance shall be the responsibility of the permittee.

SECTION VI. NON-RESIDENTIAL ACCESS POINTS

- A. Curb cuts shall be limited to one per lot, except where the Director of Public Works has determined additional curb cuts are warranted and can be safely accommodated. A scale drawing indicating the features necessitating additional access points must be submitted for the DPW Director to make a determination. Additional cuts may be granted for access to a secondary use or structure, or if the physical constraints of the lot, including natural features, unusual lot shape, size, or elevation change necessitates the additional access.
- B. A permit is required from the Department of Public Works for any temporary access entrance. A security in an amount to be determined by the Director of Public Works may be required at the discretion of the Director of Public Works (See Section VI: Easement and Security). If a security is required, the applicant shall submit an itemized detail estimate of the cost to complete the driveway to the Director of Public Works to determine required amount of security.
- C. A construction exit/entrance is required for all driveways (See Appendix, Figure 4). The public right-of-way shall be cleared daily of debris such as mud, stone, earth and all construction supplies, vehicles and equipment. Said maintenance of the exit/entrance shall be the responsibility of the permit applicant.

SECTION VII. DESIGN REQUIREMENTS

- A. The design of the proposed driveway construction shall conform in all aspects to the "Typical Driveway Detail" Residential or Non-Residential as applicable shown in Appendix I, and the Department of Public Works, Infrastructure Design, Construction and Administration Standards. It is understood that the applicant shall confer with the Director of Public Works who shall determine specifications as to sloping, culverts, headwalls and other aspects of construction of said driveway only when it deviates from the typical profile and standards. The deviations shall be noted in writing on the Driveway Permit. Upon written application, the Director of Public Works may waive any of the design requirements when it is shown that strict compliance would cause undue or unnecessary hardship, so long as such waiver shall not result in any injury to the public health or welfare.
- B. All driveways shall be a minimum of ten (10') feet in width. Residential entrances shall flare as it approaches the pavement to a maximum width of twenty four (24') feet measured at the existing edge of roadway. A Non-residential entrance shall flare as it approaches pavement to a maximum width of fifty (50') feet.
- C. Flat driveway side-slopes (4:1 to 6:1) are required to minimize hazards to vehicles which leave the pavement for any reason.

- D. All paved roads shall require an asphalt apron. The asphalt apron shall be paved twenty (20') feet from the edge of pavement, said apron being constructed of a minimum of three (3") inches of asphalt with emulsion applied at the joint with the town roadway surface.
- E. All new driveways established to serve structures intended for human occupancy shall have a maximum grade of ten (10%) percent. The purpose of the maximum grade requirement is to ensure public safety and accessibility for emergency vehicles. This standard shall not apply to driveways intended to serve non-occupancy structures, such as utility service buildings, and other private ways intended for purposes such as logging, silviculture, agriculture, and recreational access.
- F. All driveways shall have not more than 4% negative grade from the edge of the traveled way to the center of the ditchline and no more than 4% positive grade from the center of the ditch line back to the end of the apron, to ensure the driveway does not drain into the street.
- G. All driveways shall intersect the Town's roadway at a perpendicular angle to the center line.
- H. Where required, culverts shall be at least fifteen (15") inches in diameter and shall be constructed of reinforced concrete, high density polyethylene pipe or approved equal. The driveway will have a minimum of three (3') foot shoulders on each side where it meets the culvert. Culverts shall have a minimum of 12" of cover above the crown.
- I. Headwalls shall be constructed of either pre-cast or cast-in-place concrete. The culvert cover shall be equal to or greater than two (2') feet. No stone and mortar headwalls shall be permitted. Where headwalls are not applicable, pre-manufactured flares will be placed on each pipe end.
- J. Safe sight distance shall be maintained and is defined as a line which encounters no visual obstruction between two points, each at a height of three (3') feet, (9") inches above the pavement, and ten (10') feet from the back from the road pavement, to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction for a distance of 200 feet.
- K. Driveway Design features:

1. Driveway design features for Residence "B" and Residence "R" districts:

Minimum tangent between drives	100 feet
Minimum distance from intersection	100 feet

Note: the dimensions of the minimum tangent between drives and distance from intersection shall be detailed on the driveway plan.

2. Drive way design features for Residence "A", C, I, LCB, ICI, ICI-2 and Open Space Conservation Subdivisions:

Minimum tangent between drives	50 feet
Minimum distance from intersection	50 feet

Note: the dimensions of the minimum tangent between drives and distance from intersection shall be detailed on the driveway plan.

3. Safe sight distance shall be compatible with the maximum speed limit posted on the road:

SPEED LIMIT (mph) SIGHT DISTANCE (feet)

15 – 25 MPH	200 feet
26 – 35 MPH	300 feet
36 – 55 MPH	400 feet

- L. In cases of rear lots with private ways to local streets, the above requirements for minimum tangent between drives and maximum frontage drives shall not apply.
- M. Any driveway impacting a wetland or wetlands buffer shall have all permits required by the state and Town posted on-site until a CC is issued or all on-site work is completed, whatever comes last.
- N. Two way driveways, divided driveways and alternate major entrances shall be constructed to state DOT standards and shall be approved by the Planning Board or the Director of Public Works.

SECTION VIII. MAINTENANCE RESPONSIBILITY

- A. Temporary and permanent erosion and sedimentation control measures shall be provided before, during and after construction, in accordance with the best management practices as described in the “New Hampshire Stormwater Manual”, by NH Department of Environmental Services, 2008, as amended, a copy of which is available in the Office of Community Development.
- B. The applicant, or its grantees, successors and assigns served by the driveway shall be responsible for:
 - a. Maintenance of the driveway from the edge of the roadway pavement or paved shoulder, if existing
 - b. Maintenance of all approved and/or required upstream and downstream drainage alterations including but not limited to: pipe extensions, open ditches, swales, drainage systems and detention ponds, with the exception of connecting catch basins, manholes or other specified structures at roadway cross culverts
 - c. All driveway pavement markings and all traffic control signs on the drive with the exception of the stop sign or yield sign; and
 - d. Operational costs of electric service for traffic signals and street lights that are required by the permit.
- C. The Department of Public Works main also specifically maintain the following drainage structures:
 - a. The driveway culverts carrying surface water in roadside ditches under driveways within the Town right-of-way, provided said driveway culverts were initially installed according to permit conditions;
 - b. Drainage systems within the roadway limits, serving existing state highways, constructed for the purpose of controlling highway and surface water run-off; and
 - c. Catch basins, manholes or other specified connecting drainage structures constructed at the end of cross roadway culverts or parallel culverts serving the state highway system.

SECTION IX. EASEMENT AND SECURITY

- A. The applicant shall, at the discretion of the Director of Public Works, be required as a condition of the granting of the Driveway Permit, to provide to the Town of Milford, its successors or assigns, an easement for the purpose of entering upon the premises of the applicant to control or maintain surface drainage on the property and do all things necessary for, and incidental to, such drainage easement in question.
- B. **B.** A security in an amount to be determined by the Director of Public Works, may be required at the discretion of the Director of Public Works, to guarantee the proper construction of any culverts, piping, ditching or other efforts incidental to and necessary for the proper discharge and control of surface drainage in and around the vicinity of the proposed driveway as well as the proper construction of the driveway entrance both on the property of the applicant or on the property of the Town of Milford as deemed necessary by the Director of Public Works.
- C. If a security is deemed necessary, the applicant shall submit an itemized detail estimate of the cost to complete the driveway to the Director of Public Works to determine required amount of security. The security shall be provided to the Department of Public Works accompanied by the necessary securities form and W-4, to be held in an escrow account and released within one year of obtaining a CC. Failure to begin construction within one year of application approval will render the driveway permit null and void. Failure to complete construction within one calendar year from date of posting of a security shall result in the automatic calling of the security, unless specifically extended by the Director of Public Works for a period of one additional year.
- D. Funds may be withdrawn from the security by the Town of Milford and applied against the cost of said construction which the Town of Milford is obliged to complete. No funds shall be expended at any site in excess of the amount of the security pertaining to said site.
- E. Driveways which have not received a CC at the time of the issuance of a CO will be required to provide a security to ensure completion of the approved driveway to Town of Milford specifications. If a security is provided in lieu of obtaining a CC for the driveway, DPW shall submit documentation to the Community Development Department notifying them of the security.

SECTION X. SEPARABILITY

The invalidity of any provision of these regulations shall not affect the validity of any other provisions.

SECTION XI. ENFORCEMENT

The Milford Board of Selectmen and the Director of Public Works are charged with the power and authority to enforce the provisions of these regulations.

SECTION XII. AMENDMENT

These Regulations may be amended by the Planning Board following a noticed public hearing on the proposed amendment. All amendments will take effect upon approval by a majority of the Planning Board and filed with the Milford Town Clerk.

SECTION XIII. APPENDIX
Figure 1: Driveway Detail

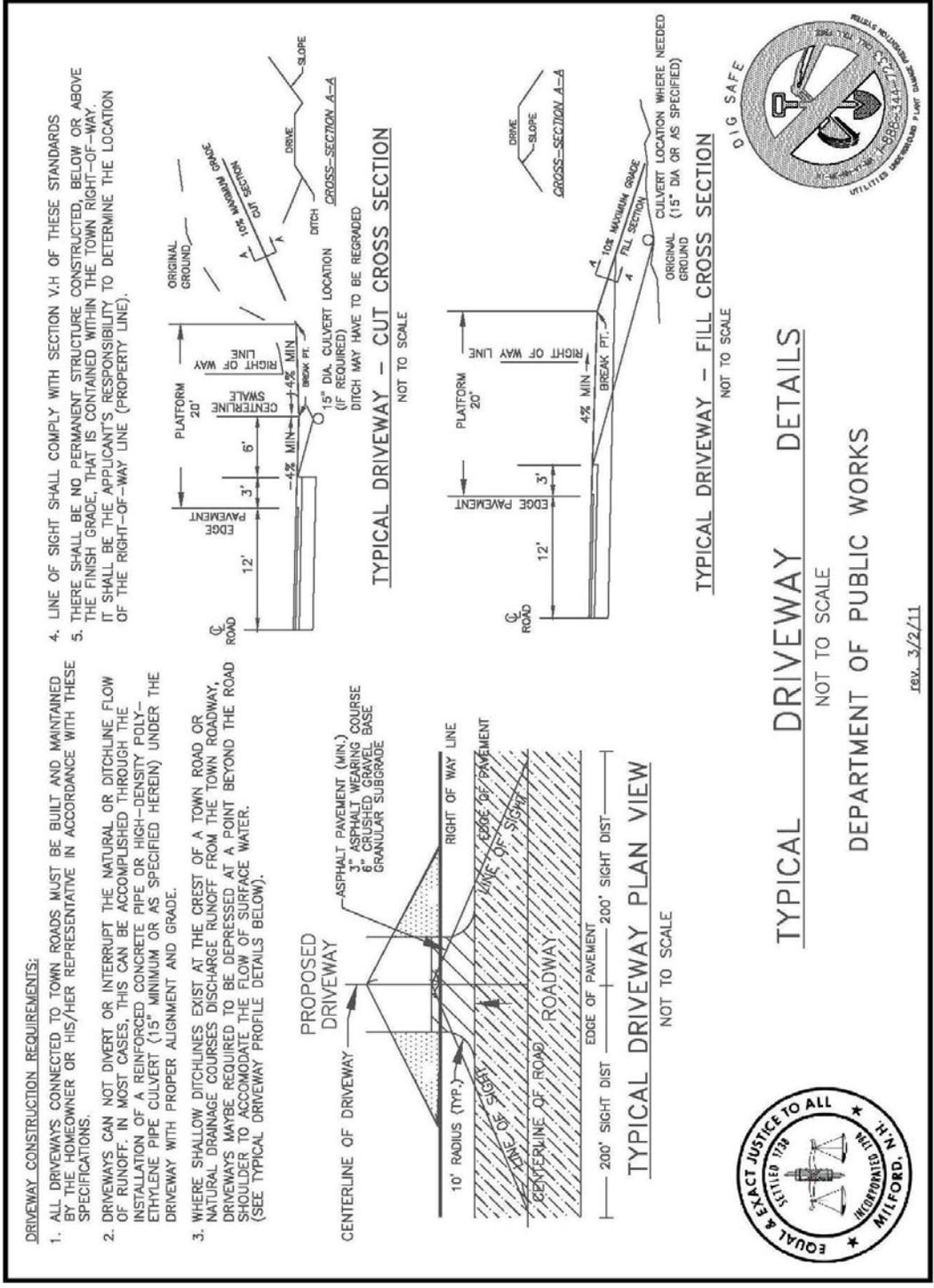
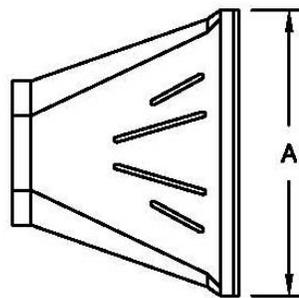
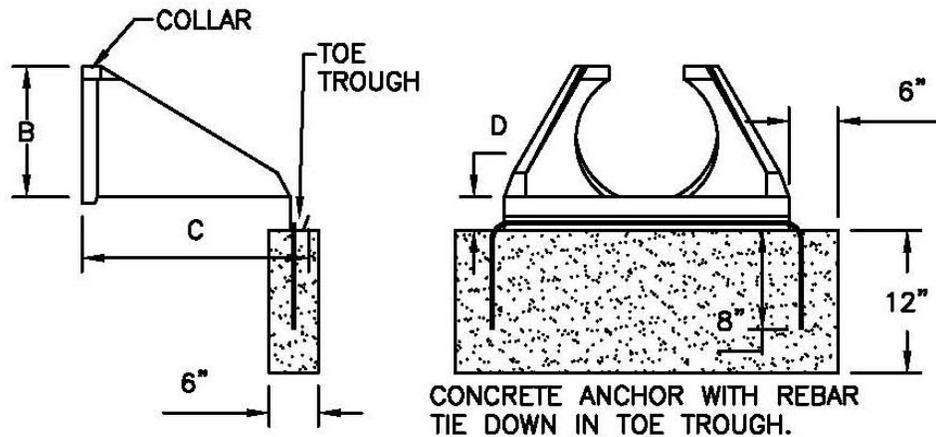


Figure 2: Flare End Detail

PIPE DIAMETER (INCHES)					
DIMENSION	15	18	24	30	36
A	41	49	59.5	88	88
B	19	22	28	36	43
C	34	43	48	63.5	66.5
D	6	6	6	6	6



THE INVERT OF THE PIPE AND THE END SECTION SHALL BE AT THE SAME ELEVATION.

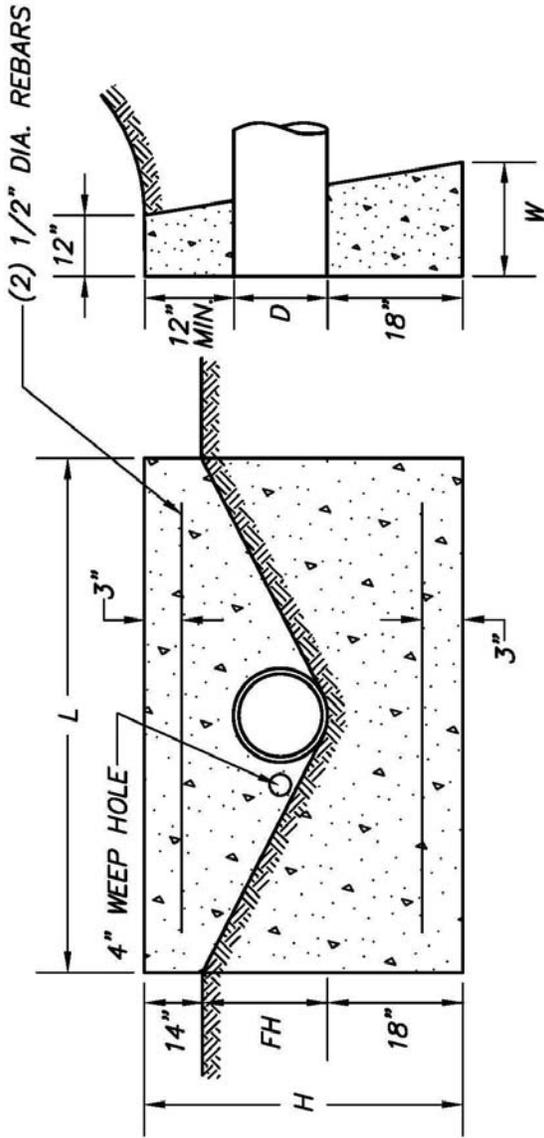


FLARED END SECTION – HDPE

HANCOR HI-Q FLARED END SECTION OR EQUAL

JUNE 6, 2002
SCALE: NONE

Figure 3: Headwall Detail



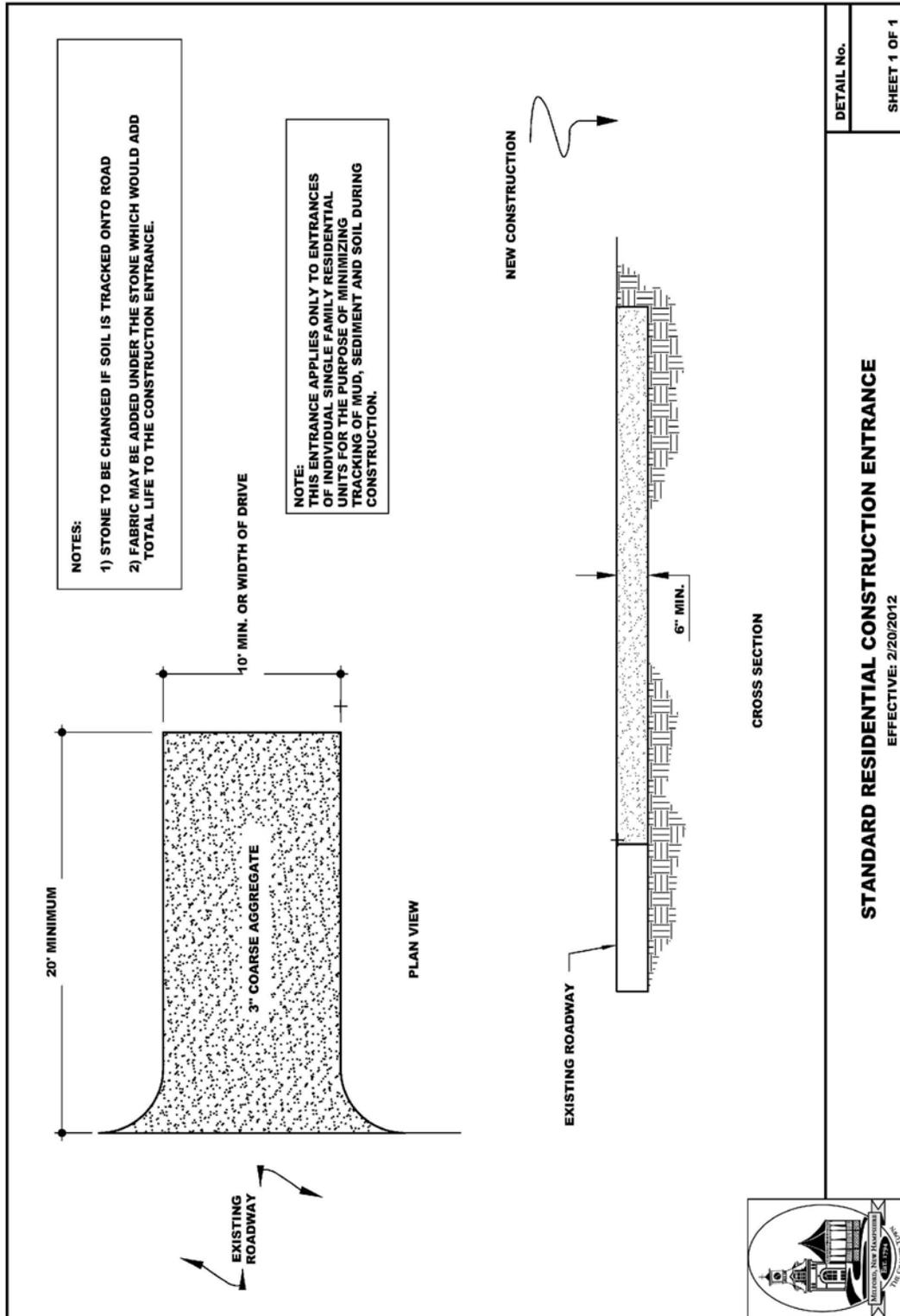
D	MAS. PER STD. HDR. CU. YD.	STEEL PER STD. HDR. LB.	LENGTH OF BARS	L	H	FH	W
12	.61	9	3'-2"	3'-6"	3'-6"	0'-10"	1'-10.5"
15	.85	11	3-10	4-6	3-9	1-1	1-11.25
18	1.13	14	5-2	5-6	4-0	1-4	2-0
24	1.78	20	7-2	7-6	4-6	1-10	2-1.5
30	2.58	25	9-2	9-6	5-0	2-4	2-3
36	3.53	31	11-2	11-6	5-6	2-10	2-4.5
42	4.65	36	13-2	13-6	6-0	3-4	2-6
48	5.95	42	15-2	15-6	6-6	3-10	2-7.5

16
02630

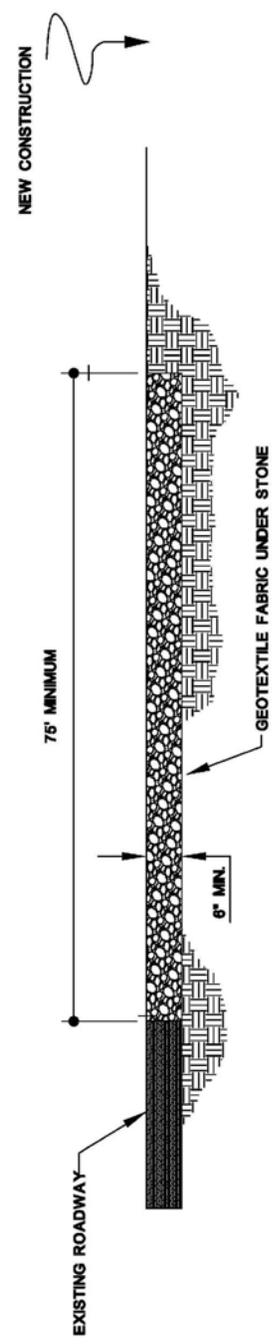
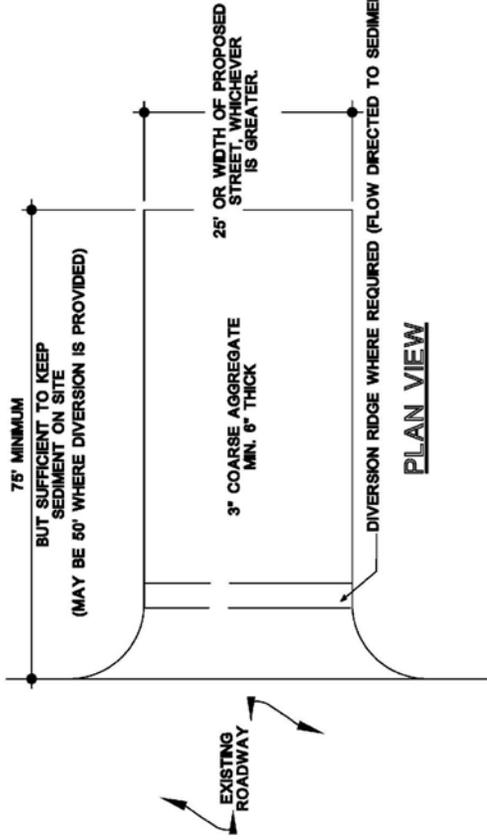
Typical Headwall

N.T.S.

Figure 4: Construction Exit/Entrance – Residential and Non-Residential



- NOTES:**
1. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO THE PUBLIC RIGHT-OF-WAYS. THIS MAY REQUIRE TOP PRESSING, REPAIR, AND/OR CLEAN OUT OF ANY MEASURES USED TO TRAP SEDIMENT.
 2. WHEN NECESSARY, WHEELS SHALL BE CLEANED PRIOR TO ENTRANCE ONTO PUBLIC RIGHT-OF-WAY.
 3. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN.



STANDARD CONSTRUCTION ENTRANCE EFFECTIVE: 2/20/2012	
DETAIL No.	SHEET 1 OF 1

Postponed by Planning Board

ver. 4/6/11

ver. 2/13/12

**MILFORD WADLEIGH MEMORIAL LIBRARY IMPACT FEE (Residential)
LIBRARY ADDITION TO SATISFY THE TOWN'S NEEDS FOR NEXT 20 YEARS**

Demand

Current Population (2001) (2010)
Demand per Person Standard SF (per NRPC Impact Fee Study 2001)
Current Population Demand (1.3*13944)
Proposed Library Size with Expansion
Amount of Available Future Space/Excess Demand Capacity (23500-18127)
Excess Demand as % of Total Demand (5373/23500)

Cost

Total Cost
Total Financed for 20 years @ 5%
Excess Capacity portion of Total Demand (3146838*23%)

Current Population
Population in 2022 (2000 Census + 1.5% yr)
Population in 2031 (2000 Census + 1% yr)
Average Number of New Residents per year
Excess Population Library Proposal will support until reaches capacity (13944*23%)
Number of Years until Proposed Library reaches capacity (3207/242)

Impact Fee Prior to Credit

New Residential Units per year (1990-2000 avg) (1990-2010avg)
Future Units Served over Years until Library reaches capacity (80*13)
Impact Per Unit (723772.74/1600)

Credit

Total Assessed Valuation (2001 MS1) (2010 MS1)
Total Assessed Residential Valuation (2001 MS1) (2010 MS1)
Current Residential Units (2001 MS1) (MS1 2010)¹
Average Residential Assessment
Total Excess Residential Cost of Project/Total Assessed Value
Credit Per Unit

Net Fee Calculation

Impact Per Unit
Less Credits
Fee Per Unit
Total Residential SF (based on 2010 Assessing Data)²
Average Residential SF
Fee Per SF (387.21/2540)

Example Fees:

850 SF Condo or Mobile Home
1368 SF House
2500 SF House
4000 SF House

Total to be Collected/Excess Capacity Portion (Exclusive of Interest Earnings)
Estimated Years Collected
Estimated Total Collected per year

Estimated to expire after issuance of this many building permits
Number of Units remaining to be collected on

	Proposed Library Expansion Projects			
	2001 Original	2001 Proposal	2007 CIP Proposal	2010 CIP Proposal
Current Population (2001) (2010)	13,944	15,115	15,115	15,115
Demand per Person Standard SF (per NRPC Impact Fee Study 2001)	1.3	1.3	1.3	1.3
Current Population Demand (1.3*13944)	18,127	19,650	19,650	19,650
Proposed Library Size with Expansion	23,500	23,500	25,500	25,500
Amount of Available Future Space/Excess Demand Capacity (23500-18127)	5,373	3,851	5,851	5,851
Excess Demand as % of Total Demand (5373/23500)	23%	16% ****	23% ****	23% ****
Cost				
Total Cost	\$2,063,500.00	\$2,063,500.00	\$6,473,662.00	\$4,714,400.00
Total Financed for 20 years @ 5%	\$3,146,838.00	\$3,146,838.00	\$10,253,593.00	\$7,466,475.25
Excess Capacity portion of Total Demand (3146838*23%)	\$723,772.74	\$515,612.75 ****	\$2,352,495.92 ****	\$1,713,043.66 ****
Current Population	13,944	15,115 ****	15,115 ****	15,115 ****
Population in 2022 (2000 Census + 1.5% yr)	18,781			
Population in 2031 (2000 Census + 1% yr)		18,443	18,443	18,443
Average Number of New Residents per year	242	167	167	167
Excess Population Library Proposal will support until reaches capacity (13944*23%)	3,207	2,477 ****	3,468 ****	3,468 ****
Number of Years until Proposed Library reaches capacity (3207/242)	13	15	21	21
Impact Fee Prior to Credit				
New Residential Units per year (1990-2000 avg) (1990-2010avg)	80	73 ****	73 ****	73 ****
Future Units Served over Years until Library reaches capacity (80*13)	1,600	1,083 ****	1,516 ****	1,516 ****
Impact Per Unit (723772.74/1600)	\$452.36	\$476.28 ****	\$1,551.89 ****	\$1,130.06 ****
Credit				
Total Assessed Valuation (2001 MS1) (2010 MS1)	752,293,850.00	1,595,501,427.00 ****	1,595,501,427.00 ****	1,595,501,427.00 ****
Total Assessed Residential Valuation (2001 MS1) (2010 MS1)	546,744,350.00	866,298,100.00 ****	866,298,100.00 ****	866,298,100.00 ****
Current Residential Units (2001 MS1) (MS1 2010) ¹	3595	6175 ****	6175 ****	6175 ****
Average Residential Assessment	\$152,085.00	\$140,291.19 ****	\$140,291.19 ****	\$140,291.19 ****
Total Excess Residential Cost of Project/Total Assessed Value	9.62E-04	3.23E-04 ****	1.47E-03 ****	1.07E-03 ****
Credit Per Unit	\$146.32	\$45.34 ****	\$206.85 ****	\$150.63 ****
Net Fee Calculation				
Impact Per Unit	\$452.36	\$476.28 ****	\$1,551.89 ****	\$1,130.06 ****
Less Credits	\$146.32	\$45.34 ****	\$206.85 ****	\$150.63 ****
Fee Per Unit	\$306.04	\$430.94 ****	\$1,345.04 ****	\$979.43 ****
Total Residential SF (based on 2010 Assessing Data) ²	8,615,820	15,447,753 ****	15,447,753 ****	15,447,753 ****
Average Residential SF	2,397	2,502 ****	2,502 ****	2,502 ****
Fee Per SF (387.21/2540)	\$0.13	\$0.17 ****	\$0.54 ****	\$0.39 ****
Example Fees:				
850 SF Condo or Mobile Home	\$108.54	\$146.42 ****	\$457.01 ****	\$332.79 ****
1368 SF House	\$174.69	\$235.65 ****	\$735.52 ****	\$535.59 ****
2500 SF House	\$319.24	\$430.65 ****	\$1,344.15 ****	\$978.78 ****
4000 SF House	\$510.79	\$689.05 ****	\$2,150.63 ****	\$1,566.05 ****
Total to be Collected/Excess Capacity Portion (Exclusive of Interest Earnings)	\$723,773	\$515,613 ****	\$2,352,496 ****	\$1,713,044 ****
Estimated Years Collected	20	20 ****	20 ****	20 ****
Estimated Total Collected per year	\$36,188.64	\$25,780.64 ****	\$117,624.80 ****	\$85,652.18 ****
Estimated to expire after issuance of this many building permits	1,598			
Number of Units remaining to be collected on	1,408			

*All numbers are rounded up at 0.5 or greater.

¹Residential Units based on GMO residential unit data including Single Family, Apartments, Condos, Mobile Homes and Primarily Residential Mixed Use Properties with new CO's added each year.

²Residential SF based on 2010 Assessing "Livable Area" values including Single Family, Apartments, Condos, Mobile Homes and Primarily Residential Mixed Use Properties as this does not include outbuildings, porches, attics or unfinished basements.

NOTE: Planning Board voted NOT to update the Library Impact Fees in 2011 until such time as the Library refines a proposal for expansion/renovation. At the time of the 2012 impact fee evaluation by the Planning Board there were no changes to the Library.

Proposed by Planning Board

MILFORD POLICE STATION IMPACT FEE (Commercial/Industrial)
 POLICE STATION AS PROPOSED IN 2002 TO SATISFY THE TOWN'S NEEDS THRU 2021

ver. 4/6/11

ver. 2/13/12

Demand

Current Population (2001)¹ (2010) (2011)
 Demand per Person Standard SF (per NRPC Impact Fee Study 2001)
 Current Population Demand (0.65*13738)
 Police Facility Size with Expansion
 Amount of Available Future Space/Excess Demand Capacity (13834-8930)
 Excess Demand as % of Total Demand (4904/13834)

Cost

Total Cost
 Total Financed for 15 years @ 5%
 Excess Capacity portion of Total Demand (4193000*35%)
 Percent Commercial Calls of all Police Calls (avg from 2002-2010 Police Statistics)
 Excess Commercial Capacity portion of Total Demand (1467550*19%)

Current Population
 Population in 2021 (1.5% growth) (1% growth)(1% growth)
 Average Number of New Residents per year (1.5% growth) (1% growth)(1% growth)
 Excess Population Police Station will support until reaches capacity (13738*35.45%)
 Number of Years until Proposed Police Station reaches capacity (4808/225)

Impact Fee Prior to Credit

New Commercial/Industrial Structures per year (1991-2001 avg Source: Town Building Reports) (2001-2011 avg per impact fee file)
 Future Units Served over 21 Years (6.6*21)
 Impact Per Unit (\$278834.5/139)

Credit

Total Assessed Valuation (2001 MS1) (2010 MS1) (2011 MS1)
 Total Assessed Commercial Valuation (2001 MS1) (2010 MS1)(2011 MS1)
 Current Commercial/Industrial Units (based on 2001 MS1 Values)²
 Average Commercial/Industrial Assessment
 Excess Commercial Capacity portion of Total Demand/Total Assessed Value
 Credit Per Unit (612292.18*3.75E-04)

Net Fee Calculation

Impact Per Unit
 Less Credits
 Fee Per Unit
 Total Commercial SF (based on 2001, 2010, 2011 Assessing Data)
 Average Commercial SF
Fee Per SF (1776.17/11799)

Example Fees:

5,000 SF Commercial
10,000 SF Facility
50,000 Industrial

Total to be Collected/Excess Capacity Portion (Exclusive of Interest Earnings)
 Estimated Years Collected until Police Station Reaches Capacity
 Estimated Total Collected per year

Estimated to expire after issuance of this many building permits
 Number of Units remaining to be collected on (Res and Com/Ind)

	2001 Original	2010 Update	2011 Update
Current Population (2001) ¹ (2010) (2011)	13,738	15,115	15,266
Demand per Person Standard SF (per NRPC Impact Fee Study 2001)	0.65	0.65	0.65
Current Population Demand (0.65*13738)	8,930	9,825	9,923
Police Facility Size with Expansion	13,834	13,834	13,834
Amount of Available Future Space/Excess Demand Capacity (13834-8930)	4,904	4,009	3,911
Excess Demand as % of Total Demand (4904/13834)	35%	28.98%	28.98%
Cost			
Total Cost	\$2,995,000.00	\$2,995,000.00	\$2,995,000.00
Total Financed for 15 years @ 5%	\$4,193,000.00	\$4,193,000.00	\$4,193,000.00
Excess Capacity portion of Total Demand (4193000*35%)	\$1,467,550.00	\$1,215,131.40	\$1,215,131.40
Percent Commercial Calls of all Police Calls (avg from 2002-2010 Police Statistics)	19%	15% ****	15%
Excess Commercial Capacity portion of Total Demand (1467550*19%)	\$278,834.50	\$182,269.71 ****	\$182,269.71
Current Population	13,738	15,115	15,266
Population in 2021 (1.5% growth) (1% growth)(1% growth)	18,230	16,696	16,696
Average Number of New Residents per year (1.5% growth) (1% growth)(1% growth)	225	159	159
Excess Population Police Station will support until reaches capacity (13738*35.45%)	4,808	4,380 ****	4,424 ****
Number of Years until Proposed Police Station reaches capacity (4808/225)	21	28	28
Impact Fee Prior to Credit			
New Commercial/Industrial Structures per year (1991-2001 avg Source: Town Building Reports) (2001-2011 avg per impact fee file)	6.6	5.25 ****	4.88 ****
Future Units Served over 21 Years (6.6*21)	139	110 ****	102 ****
Impact Per Unit (\$278834.5/139)	\$2,006.00	\$1,653.24 ****	\$1,778.59 ****
Credit			
Total Assessed Valuation (2001 MS1) (2010 MS1) (2011 MS1)	\$742,834,270.00	\$1,595,501,427.00 ****	\$1,278,195,903.00 ****
Total Assessed Commercial Valuation (2001 MS1) (2010 MS1)(2011 MS1)	\$227,160,400.00	\$202,053,900.00 ****	\$261,198,093.00 ****
Current Commercial/Industrial Units (based on 2001 MS1 Values) ²	371	345 ****	347 ****
Average Commercial/Industrial Assessment	\$612,292.18	\$585,663.48 ****	\$752,732.26 ****
Excess Commercial Capacity portion of Total Demand/Total Assessed Value	3.75E-04	1.14E-04 ****	1.43E-04 ****
Credit Per Unit (612292.18*3.75E-04)	\$229.83	\$66.91 ****	\$107.34 ****
Net Fee Calculation			
Impact Per Unit	\$2,006.00	\$1,653.24 ****	\$1,778.59 ****
Less Credits	\$229.83	\$66.91 ****	\$107.34 ****
Fee Per Unit	\$1,776.17	\$1,586.33 ****	\$1,671.25 ****
Total Commercial SF (based on 2001, 2010, 2011 Assessing Data)	4,377,375	4,000,658	4,015,757
Average Commercial SF	11,799	11,596	11,573
Fee Per SF (1776.17/11799)	\$0.15	\$0.14 ****	\$0.14 ****
Example Fees:			
5,000 SF Commercial	\$752.69	\$683.99 ****	\$722.06 ****
10,000 SF Facility	\$1,505.38	\$1,367.99 ****	\$1,444.12 ****
50,000 Industrial	\$7,526.88	\$6,839.94 ****	\$7,220.60 ****
Total to be Collected/Excess Capacity Portion (Exclusive of Interest Earnings)	\$278,834.50	\$182,269.71 ****	\$182,269.71 ****
Estimated Years Collected until Police Station Reaches Capacity	21	28	28
Estimated Total Collected per year	\$13,048	\$6,616	\$6,551
Estimated to expire after issuance of this many building permits	139	N/A	N/A
Number of Units remaining to be collected on (Res and Com/Ind)	1,507	N/A	N/A

*All numbers are rounded up at 0.5 or greater.

¹Population based on 2000 & 2010 census data.

² 2010 & 2011 value includes all new construction since 2001 per Impact Fee files.

**** Highlights new or updated information.

Proposed by Planning Board

MILFORD POLICE STATION IMPACT FEE (Residential)
POLICE STATION AS PROPOSED IN 2002 TO SATISFY THE TOWN'S NEEDS THRU 2021

ver. 4/6/11

ver. 2/13/12

	2001 Original	2010 Proposal	2011 Update
Demand			
Current Population (2001)(2010)	13,738	15,115 ****	15,266 ****
Demand per Person Standard SF (per NRPC Impact Fee Study 2001)	0.65	0.65	0.65
Current Population Demand (0.65*13738)	8,930	9,825	9,923
Police Size with Expansion	13,834	13,834	13,834
Amount of Available Future Space/Excess Demand Capacity (13834-8930)	4,904	4,009 ****	3,911 ****
Excess Demand as % of Total Demand (4904/13834)	35%	28.98% ****	28.27% ****
Cost			
Total Cost	\$2,995,000.00	\$2,995,000.00	\$2,995,000.00
Total Financed for 15 years @ 5%	\$4,193,000.00	\$4,193,000.00	\$4,193,000.00
Excess Capacity portion of Total Demand (4193000*35%)	\$1,467,550.00	\$1,215,131.40	\$1,185,399.96
Percent Residential Calls of all Police Calls (avg from 2002-2010 Police Statistics)	44%	44%	44%
Excess Residential Capacity portion of Total Demand (1467550*44%)	\$645,722.00	\$534,657.82	\$521,575.98
Credit			
Current Population	13,738	15,115 ****	15,266 ****
Population in 2021 (1.5% growth) (1% growth)(1% growth)	18,230	16,696 ****	16,696
Average Number of New Residents per year (1.5% growth) (1% growth)(1% growth)	225	159	159
Excess Population Police Station will support until reaches capacity (13738*35%)	4,808	4,380 ****	4,316 ****
Number of Years until Proposed Police Station reaches capacity (4808/225)	21	28	27
Impact Fee Prior to Credit			
New Residential Units per year (1990-2000 avg) (1990-2010avg)(1991-2011avg)	89	73 ****	71 ****
Future Units Served over 21 Years (89*21)	1,869	1,533 ****	1,491 ****
Impact Per Unit (\$645722/1869)	\$345.49	\$348.77 ****	\$349.82 ****
Credit			
Total Assessed Valuation (2001 MS1) (2010 MS1) (2011 MS1)	\$742,834,270.00	\$1,595,501,427	\$1,278,195,903
Total Assessed Residential Valuation (2001 MS1) (2010 MS1)(2011 MS1)	\$491,844,470.00	\$866,298,100	\$1,016,977,810
Current Residential Units (2001 MS1) (2010) ¹ (2011) ¹	3201	6175 ****	6183 ****
Average Residential Assessment	\$153,653.38	\$140,291.19 ****	\$164,479.67 ****
Excess Residential Capacity portion of Total Demand/Total Assessed Value	8.69E-04	3.35E-04 ****	4.08E-04 ****
Credit Per Unit (153653.38*8.69E-04)	\$133.57	\$47.01 ****	\$67.12 ****
Net Fee Calculation			
Impact Per Unit	\$345.49	\$348.77 ****	\$349.82 ****
Less Credits	\$133.57	\$47.01 ****	\$67.12 ****
Fee Per Unit	\$211.92	\$301.75 ****	\$282.70 ****
Total Residential SF (based on 2001, 2010 or 2011 Assessing data) ²	4,377,375	8,282,087 ****	7,901,012 ****
Average Residential SF	1,368	1,341 ****	1,278 ****
Fee Per SF (211.92/1368)	\$0.15	\$0.22 ****	\$0.22 ****
Example Fees:			
850 SF Condo or Mobile Home	131.73	191.24 ****	188.04 ****
1504 SF House	233.08	338.37 ****	332.73 ****
2500 SF House	387.43	562.46 ****	553.07 ****
4000 SF House	619.89	899.93 ****	884.91 ****
Total to be Collected/Excess Capacity Portion (Exclusive of Interest Earnings)	\$645,722.00	\$534,657.82 ****	\$521,575.98 ****
Estimated Years Collected until Police Station Reaches Capacity	21	28 ****	27 ****
Estimated Total Collected per year (1.5% growth) (1% growth)	\$30,215.97	\$19,407.36 ****	\$19,215.40 ****
Estimated to expire after issuance of this many building permits	1,869	N/A	N/A
Number of Units remaining to be collected on (Res and Com/Ind)	1,507	N/A	N/A

*All numbers are rounded up at 0.5 or greater.

**** Highlights new or updated information.

¹Residential Units based on GMO residential unit data including Single Family, Apartments, Condos, Mobile Homes and Primarily Residential Mixed Use Properties with new CO's added each year.

²Residential SF based on 2010 Assessing "Livable Area" values including Single Family, Apartments, Condos, Mobile Homes and Primarily Residential Mixed Use Properties. This value does not include outbuildings, porches, attics or unfinished basements.

ARTICLE IX: IMPACT FEES (~~2003~~2013)

11.01.0 GENERAL

11.01.1 AUTHORITY

This ordinance is established pursuant to The State of New Hampshire RSA 674:21 (V), as amended. All RSA references in this ordinance will refer to State of New Hampshire RSAs.

11.01.2 INTENT

~~A.~~ This ordinance is intended to:

1. Implement and be consistent with the Town of Milford's Master Plan and Capital Improvements Program; and
- ~~0.~~ ~~Allocate a fair and equitable share of the cost of public capital facilities (including school construction) to new development (exclusive of existing impact fee regulations that relate to sewer and water facilities enacted pursuant to RSA 38 and RSA 149-I, currently in place); and~~
2. require that new development contribute its proportionate share of funds necessary to accommodate its impact on public facilities; and Enable the Town of Milford to assess an equitable share of the cost of public capital facilities to new development in proportion to its demand on those facilities;
- ~~0.3.~~ Provide authority for the Planning Board to adopt proportionate impact fee assessments, and related regulations for administration thereof
- ~~0.~~ ~~Apply to all forms of development identified in RSA 674:21 (V), as amended, other than the sewer and water facilities identified above.~~

~~0.4.~~ FINDINGS

- ~~A.~~ The Town of Milford is responsible for and committed to the provision of public facilities and services at levels necessary to support residential and non-residential growth and development.
- ~~B.~~ Such facilities and services have been and will be provided by the Town utilizing funds allocated via the Capital Improvements Program as regularly updated pursuant to RSA 674:5, as amended.
- ~~C.~~ The ~~rate of growth experienced by the~~ Town's in recent years current and projected growth rates, ~~have and~~ will continue to necessitate an expenditure of public funds in order to provide adequate facility standards.
- ~~D.~~ New development may create a need for the construction, equipping or expanding of public capital facilities.
- ~~E.~~ The imposition of impact fees is one of the available methods of ensuring that public expenditures are not excessive, and that new development bears a proportionate share of the cost of public capital facilities necessary to accommodate such development. This must be done in order to promote and ensure the public health, safety and welfare.
- ~~F.~~ The fees established by the Impact Fee Schedules for the categories identified in Section 11.031 are derived from, based upon, and shall not exceed the costs of:

- 0.1. _____ Providing additional public capital facilities necessitated by the new development for which the fees are levied; or
2. _____ Compensating the Town of Milford for expenditures made for existing public facilities that were constructed in anticipation of new growth and development.

~~11.01.4~~11.01.3 _____ **DEFINITIONS**

The following definitions shall apply to ARTICLE XI - Impact Fees:

Accessory Structure - Non-Residential: A structure on the same lot with, and of a nature incidental and subordinate to, the principal structure.

Applicant: A person or agent applying for the issuance of a building permit, permit for manufactured home installation, subdivision, site plan or other local land use decision, permit or approval.

Dwelling Unit: One room or rooms connected together, constituting a separate, independent housekeeping establishment physically separated from any other dwelling units in the same structure, and containing independent cooking and sleeping facilities.

New Development: For the purpose of impact fee assessment, -Any activity that results in:

1. The creation of a new dwelling unit or dwelling units;
2. The conversion of a non-residential use to a dwelling unit or dwelling units;
3. Construction of new non-residential facilities and/or accessory structures;
4. The conversion of a residential use to non-residential use.

New Development does not include:

- 0.1. _____ The reconstruction of a residential or non-residential structure that has been destroyed by fire or natural disaster, provided there is no change in the number of residential dwelling units or increase in the size of the structure if non-residential;
- 0.2. _____ The replacement of a manufactured home with another manufactured home provided there is no change in the number of residential dwelling units ~~or size of the structure~~.

Public Capital Facilities: Facilities and equipment which are owned and operated by the Town of Milford, the Milford School System, or cooperatively with other municipalities and which have a useful life of no less than five years. Public capital facilities do not include the costs associated with the operation, maintenance or repair of such facilities, or with facility replacements that do not increase the capacity or level of service, but do include reasonable costs for planning, engineering, design, land acquisition, and other reasonable costs associated with such facilities.

Total Non-Residential Area: The total area of a non-residential structure shall equal the sum of the gross horizontal area of each floor and mezzanine. Any non-residential structure with an area of one hundred twenty (120) square feet or less is excluded.

Total Residential Area: The total residential area of a residential structure shall be equal to the sum of the gross heated horizontal area of each floor, inexcluding attached decks, porches, breezeways, sun

rooms, balconies and ~~attached~~ garages. Total residential area excludes unheated basements, cellars and detached outbuildings.

11.02.0 OFF-SITE IMPROVEMENT

A. An improvement necessitated by a development but which is located outside the boundaries of the property that is subject to subdivision or site plan approval by the Planning Board; and limited to necessary roadway, utility upgrades pertinent to that development. that is required by the Planning Board for either a site plan or subdivision that is necessary, in the judgment of the Planning Board, for the project to operate properly on the day that it opens shall be considered to be an Off-Site Improvement. Off-site improvements ~~for site specific applications~~ shall be assessed on a case by case basis and shall be in addition to ~~other~~ impact fees imposed pursuant to this ordinance.

B. In a case in which it is determined that such an improvement is necessary for the proper operation of the project, the Planning Board shall so notify the applicant. The applicant shall be required to present to the Board a study that identifies the proportionate share of the cost of the required improvement. The Planning Board may, at the expense of the applicant, refer such study to a consultant of its own choosing to determine the reliability of the findings that shall be considered by the board to arrive at an amount to be paid by the applicant for the offsite improvement. The applicant shall be assessed his/her proportionate share of the cost of the project.

C. In cases where it is determined that an improvement is necessary for the proper functioning of a site plan or subdivision, but the applicant, for whatever reason is determined to contribute more than his/her proportionate share to the improvement ~~under this section, and~~, therefore, that the improvement will also accommodate other future development, the Planning Board, at the request and expense of the applicant, may establish a separate, project related impact fee that assesses other future site plans or subdivisions for their proportionate share of the improvement to reimburse the applicant for such disproportionate contribution. Such future impact fees shall provide for the payment to the original applicant, with any interest.

11.03.0 IMPOSITION OF IMPACT FEES FOR NEW DEVELOPMENT

~~A.~~ Any person or agent, who after the effective date of this ordinance, seeks to undertake new development within the Town of Milford, New Hampshire, by applying for a building permit and who is not vested under RSA 674:39 as amended, is hereby required to pay the appropriate impact fee in the manner set forth in this Ordinance, in accordance with any Impact Fee Schedule adopted by the Board of Selectmen.

B. No new building permit for an activity requiring payment of one or more impact fee(s) pursuant to this Ordinance shall be issued unless and until the all applicable impact fee(s) ~~hereby required~~ have been assessed and agreed upon. No Certificate of Occupancy shall be issued until all applicable impact fees have been paid in full.

11.03.1 COMPUTATION OF IMPACT FEES

A. Amount of Impact Fees and Type of Facilities:

The amounts of the impact fees shall be determined using the values contained in the Impact Fee Schedules. The Impact Fee Schedule is separate from this ordinance and is reviewed and amended as set forth in the Impact Fee Schedule Calculation and Review of Impact Fees sections below. Impact Fees may be assessed for the following types of facilities:

- ~~0~~-1. _____ Storm-water, drainage and flood control facilities
- ~~0~~-2. _____ Public road systems including but not limited to: streets, sidewalks, public transit and, rights-of-way and traffic management systems
- ~~0~~-3. _____ Municipal office facilities
- ~~0~~-4. _____ Public school facilities
- ~~0~~-5. _____ The municipality's proportional share of capital facilities of a cooperative or regional governmental venture
- ~~0~~-6. _____ Public safety facilities
- ~~0~~-7. _____ Public health facilities
- ~~0~~-8. _____ Solid waste collection, transfer, recycling, processing and disposal facilities
- ~~0~~-9. _____ Public library facilities
- ~~0~~-10. _____ Public recreational facilities not including public open space.

~~A.B.~~ _____ Sewer and water facilities are excluded from this list because the impacts on these facilities, as well as the fees relating to same, are addressed elsewhere in regulations arising out of RSA 38 and RSA 149-I.

~~B.~~ Impact Fees Schedules shall be established and reviewed as set forth in Section 11.06.0 below.

C. In the case of change of use, redevelopment, expansion, or modification of an existing use that constitutes New Development, the impact fees shall be based upon the net increase in the number of dwelling units or the net increase in the total residential area or total nonresidential area of the redevelopment, expansion or modification.

~~C.D.~~ _____ Assessment and Payment of Fees. All impact fees imposed pursuant to this ordinance shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development. Impact fees shall be collected as a condition for the issuance of a Certificate of Occupancy.

E. Appeals.

1. If an applicant elects to dispute a decision made by the Building Inspector or other Town official relating to an administrative decision in the assessment or collection of Impact Fees authorized by this Article may appeal such decision to the Zoning Board of Adjustment as provided by RSA 676:5, as amended.
2. If an applicant elects to dispute the amount of the impact fee(s), the applicant may prepare and submit to the Planning Board an independent fee calculation study for the new development activity that is proposed. The Planning Board shall review such study and render a decision within sixty (60) days of the receipt of the independent fee calculation.
 - a. All cost(s) incurred by the Town for the review of such study shall be paid by the applicant.
 - b. The decision of the Planning Board regarding any disputed fee calculations may be appealed to the Superior Court as provided by RSA 677.15, as amended.

11.03.2 ADMINISTRATION AND CUSTODY OF FUNDS COLLECTED

- A. Any impact fee collected shall be properly identified and promptly deposited in the appropriate Impact Fee accounts and used solely for the purpose for which it was collected. Impact fee accounts shall be special revenue fund accounts and under no circumstances will impact fee revenues accrue to the General Fund. Each fee collected under a specific Impact Fee Schedule shall not be ~~commingled~~comingled with any other impact fee accounts or any other funds.
- B. The Town Treasurer shall have custody of all accounts and shall pay out the same only upon written orders of the Board of Selectmen.
- C. At the end of each fiscal year, the Town Treasurer shall prepare a report, showing a full account of all impact fee transactions during the year and deliver same to the Board of Selectmen, the Planning Board, and shall make the report available to the Public.

11.03.3 REFUND OF FEES PAID

- A. A refund shall be owed only when the Town has failed, within the period six (6) years from the payment of a fee, to expend or encumber a fee for public capital facilities intended to benefit the development that had paid the fees.
- B. The Board of Selectmen shall notify the owner of record of the assessed property by certified mail, return receipt requested, that a refund is due.
- C. The current owner of property on which impact fees have been paid may apply for a full or partial refund of such fees, together with any accrued interest.
- D. In the event that the owner elects to apply for a refund, such application shall be submitted in writing to the Board of Selectmen within sixty (60) days from the date of receiving notice from the Board of Selectmen. Payment of a refund will be made within sixty (60) days after receiving the written request for a refund from the current owner of record.

11.03.4 WAIVERS AND CREDITS IN EXCHANGE FOR PUBLIC CAPITAL FACILITIES

A. The Planning Board may grant full or partial waivers of impact fees to an assessed property, subject to its finding that the proposed development meets one or more of the appropriate conditions set forth below:

1. Age-Restricted Housing: In the event that school impact fees are imposed, a full or partial waiver of the school impact fee may be granted for residential units that are lawfully restricted to exclusive occupancy by persons age 55 or older within a development that is maintained in compliance with the provisions of RSA 354-a:15, Housing for Older Persons (as amended). The Planning Board may waive school impact fee assessments on such age-restricted units where it finds that those units will be bound by lawful deeded restrictions for a period of at least 20 years on occupancy by persons age 55 or older.
2. The Planning Board may waive impact fees for Residential dwelling units that are federally or state subsidized or are built for the disabled as defined by federal or state guidelines.

~~B.~~ The Board of Selectmen may grant a credit to an impact fee in exchange for real property or public capital facility improvements of equal value and utility to the public. Said public capital improvements may be offered by the applicant as total or partial payment of the required impact fee. Such credit shall be determined to represent an identifiable dollar value computed in a manner acceptable to the Planning Board. The Board of Selectmen shall act on a request for credit only after receipt of a recommendation on the request provided by the Planning Board.

~~0-1.~~ Any claim by the applicant for credit must be made prior to the Planning Board vote on subdivision or site plan approval.

~~0-2.~~ Credits shall not be transferable from one impact fee to any other impact fee, and shall apply only to a specific subdivision or site plan approval.

~~Credits shall not be transferable from one impact fee to any other impact fee.~~

~~0-3.~~ Any decision by the Board of Selectmen pursuant to the credit provision of this section may be appealed to the Superior Court in accordance with RSA 677:15 as amended.

4. Under no circumstances shall this section imply that the Board of Selectmen has an obligation to accept any credit offer that is proposed.

11.04.0 ADDITIONAL ASSESSMENTS

Payment of an impact fee does not restrict the Town or the Planning Board from requiring other payments from the applicant, including without limitation such payments relating to the cost of off-site improvements, the extensions of water and sewer mains, or the construction or improvement of roads or streets, or other infrastructure and facilities specifically benefiting the development, which are required by the development review Town of Milford regulations and ordinances, or as otherwise permitted by law.

11.05.0 PREMATURE AND SCATTERED DEVELOPMENT

Nothing in this Ordinance shall be construed so as to limit the existing authority of the Milford Planning Board to provide against development which is scattered or premature, which requires an excessive expenditure of public funds, or otherwise violates the Town of Milford's Development Regulations or Zoning Ordinance.

11.06.0 ESTABLISHMENT, CALCULATION, REVIEW & TERMINATION OF IMPACT FEES

11.06.1 ESTABLISHMENT OF IMPACT FEES

- A. In order to establish an impact fee, the Capital Improvements Plan Citizens Advisory Committee as established by the Planning Board shall identify and recommend to the Planning Board projects eligible for impact fee funding. If such recommendations are accepted, the Planning Board will then prepare an Impact Fee Schedule in accordance with RSA 674:21 (as amended) and this Ordinance.
- B. The Planning Board shall conduct a public hearing on the proposed Schedule, and shall consider all comments received prior to finalizing the Schedule. The Planning Board, upon such finalization, shall then submit the Schedule to the Board of Selectmen for its consideration.
- C. The Board of Selectmen at a regular meeting shall either accept or reject the proposed Schedule. The Impact Fee Schedule shall become effective when a majority of the Board of Selectmen approves the schedule. Should the Board of Selectmen fail to approve the schedule, it shall state its reason(s) for doing so in writing and shall forward these comments to the Planning Board within 60 days of the receipt of the Impact Fee Schedule. The Planning Board may reconsider the adoption of such a Schedule.

11.06.2 IMPACT FEE SCHEDULE CALCULATION

The Impact Fee Schedule shall be prepared in accordance with RSA 674:21 and based upon the most recent data available. The Impact Fee Schedule shall be calculated using the following factors:

- A. The size of the capital facility;
- B. An estimate of the proportion of users from future Milford commercial, industrial or residential development subject to the impact fee that will use the facility when it has reached its capacity;
- C. Projections of future users based upon population growth new building permit projections;
- D. Estimates of the cost to the Town of Milford for the proposed facility, including financing and excluding non-municipal funding sources;
- E. Credits for property taxes to be paid by the proportion of the project to be financed by impact fees;
- F. A fee assessed for new development based upon the total residential area-dwelling units or total non-residential area;
- ~~-G. A determination of the number of building permits that will need to be issued in order to finance the impact fee;~~
- G. An accounting of the number of permits issued total fees to be collected, with a maximum amount of number of permits to be fees to be collected assessed an impact fee prior to the fee's termination;

-H. Exemptions, if any;

Impact fee schedules will be available in the Department of Planning and Community Development and the Building Department.

11.06.3 REVIEW OF IMPACT FEES

-A. The Planning Board shall review all established Impact Fee Schedules on an annual basis.

B. The Planning Board shall modify the Impact Fee Schedule if it finds that new data is available that may change the schedule. This may include the replacement of factors used in the Impact Fee Schedule with more accurate or recent projections, data and figures. The Planning Board shall submit the Impact Fee Schedule to the Board of Selectmen if modifications are recommended.

-C. The Board of Selectmen shall vote to affirm or deny the modifications within sixty (60) days of the receipt of recommendations from the Planning Board. If the Board of Selectmen fails to affirm the modifications, the impact fee schedule in effect shall remain in place.

11.06.4 TERMINATION OF IMPACT FEES

-A. Impact fees shall terminate in accordance with the Impact Fee Schedule, which shall set forth the ~~number of building permits to be issued~~ total fees to be collected prior to its expiration.

-B. The Board of Selectmen may terminate a specific impact fee schedule in effect by majority vote. This may be done only after soliciting recommendations from the Planning Board, and after conducting a public hearing. The Planning Board shall be given sixty (60) days notice prior to any such vote to provide written recommendations to the Board of Selectmen.

11.07.0 SEVERABILITY

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

11.08.0 EFFECTIVE DATE

This ordinance shall become effective on the date of its passage, subject to the limitations imposed by RSA 676:12, as amended.

