

1 MILFORD PLANNING BOARD WORK SESSION MINUTES ~ APPROVED

2 December 7, 2021 Board of Selectmen Meeting Room, 6:30 PM

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4 **Members Present:**

5 Doug Knott, Chairman

6 Tim Finan, Vice Chairman

7 Paul Amato, Member (Via Zoom)

8 Pete Basiliere, Member

9 Janet Langdell, Member

10 Elaine Cohen, Alternate Member

11 Dave Freel, Selectmen's Rep

**Staff:**

Jason Cleghorn, Town Planner

Darlene Bouffard, Recording Secretary

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13 **Excused:**

14 Susan Robinson, Member

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16 This meeting was conducted pursuant to the State of New Hampshire Emergency Order #12 pursuant to  
17 Executive Order 2020-04. As such, the meeting was conducted in person and on zoom.  
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- 19 **1. Call to order:** Chairman Knott called the meeting to order at 6:30 p.m. indicating that tonight is a Work  
20 Session for the review of the 2022 Capital Improvements Committee report and for review of proposed  
21 zoning amendments and town regulations; he explained that the Board should allow J. Cleghorn to review  
22 the proposed reviews amendments and then follow up with any questions from the Board. D. Knott asked  
23 that E. Cohen vote in the absence of S. Robinson.  
24
- 25 **2. CIP Public Hearing:** P. Basiliere, CIP Chairman, referred to Lincoln Daley to summarize the CIP. L.  
26 Daley indicated that this CIP hearing has been properly posted. P. Basiliere explained the CIP Committee  
27 came to the Planning Board with a draft report and once corrections were made, it was brought to the  
28 Planning Board for referral to the Board of Selectmen for approval. After the BOS reviewed, it was  
29 found the Library Trustees had been given the wrong information for the expenditure of the Library Trust  
30 funds. Additional clarification was gathered and not much has been changed, but Lynn Coakley, Library  
31 Trustee, is here to answer any questions.  
32

33 D. Knott asked for a quick overview of the CIP. P. Basiliere explained the CIP Committee evaluates  
34 Capital Expenses that Department Heads have identified in order to help the Board of Selectmen to level  
35 the impact on the town tax rate. This could be for any capital expenses and the CIP Committee measures  
36 the merit of each item requested and looks out five years in order to balance the expenses to keep the tax  
37 rate more balanced. J. Langdell asked if \$325,000 will still come from the Library Trust? L. Coakley  
38 said yes it will. J. Langdell asked if the amount has changed at all? L. Coakley said that information is  
39 not available to the Trustees; her understanding is the Trustees are only able to spend the interest from the  
40 Trust fund. The Trustees are willing to commit \$325,000 to the HVAC system and upgrade to the  
41 Library. The next project would be the plumbing upgrade, the Trustees had committed more toward the  
42 bond than it was able. J. Langdell asked if it is still the original trust? L. Coakley said she does not  
43 believe so, the Trustees are going through that right now; that will not be known until after the Warrant  
44 Articles are posted. L. Daley said in 2022, there were 8 projects submitted by Department Heads and  
45 Administration. They were looked at for immediacy and need and also for what year it was applied.  
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47 The projects were rated by the CIP Committee members and then the 8 projects identified were then  
48 reviewed. T. Finan asked about school projects. L. Daley said the school has a facility committee that is  
49 reviewing their identified projects. At this point when the CIP was prepared, the School was still  
50 prioritizing those projects. D. Knott asked if school projects are part of the town CIP? L. Daley said in  
51 the future, the Committee is hoping to make that become a part of the town CIP. The school had been  
52 part of this CIP in the past. J. Langdell said the school's ability to forecast has not been there for the past  
53 few years. T. Finan said the School Board might be looking at a \$2 million project in 2022 but that has  
54 not been voted on yet. L. Daley said this is the first public hearing on the CIP.  
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56 J. Langdell asked if the HVAC for Town Hall has been fully engineered? L. Daley said no, they have  
57 spent \$25,000 so far, but it has not been fully engineered. T. Finan said that system is substantially more

expensive than initially thought. Back in 2019 there was a Warrant Article for the same amount, we might want to take a look at that so it does not appear you are looking for the same amount. L. Daley said one project was moved up from 2024 to 2022 because there are not a lot of projects coming into 2022. There are other projects related to 127 Elm Street that could be moved forward if the building is razed. P. Basiliere said the (127 Elm Street) building is dilapidated and it is a safety issue for people in the area and would be good to take down. The Board of Selectmen was given a preliminary list of Warrant Articles, and they voted not to support 127 Elm Street or the sidewalks which means they will not go on the warrant unless it is through petition. D. Freel will not support razing 127 Elm Street unless another estimate is received or we consider having town staff (DPW) take care of it. P. Amato agrees with D. Freel that \$400,000 is a lot to raze a building.

D. Knott opened the hearing to the public for comment or questions. L. Coakley encourages support for the sidewalk projects, she drives that road every day and this section of sidewalk is where people are walking on the road. J. Langdell said the Nashua Street sidewalks are not on the Warrant this year so the town lost out on that. Seeing no comments or questions from the public, D. Knott closed the public portion of the hearing. T. Finan moved to accept the CIP report as amended and move to the BOS for approval. J. Langdell seconded. All were in favor. Motion passed.

### 3. Work Session:

- a. **Subdivision and Site Plan Application Fee Schedule.** J. Cleghorn and L. Daley have discussed these fees since the last work session. T. Finan asked what is the philosophy of changing the fees? J. Cleghorn said he is not a numbers person to speak to that, L. Daley said the application fee should cover the proposed plan review and mailing to abutters. The abutters must be notified by statute and staff is finding that the fees for public notices in newspapers have gone up and the department is paying more and more because of that; mailing costs have increased as well. Staff involved in the process are not paid through the fees, it is a service and it is along the lines of what the department provides, but the increase in fees charged should be reflected in an increase in the fees paid for by applicants. L. Daley said the applications that come before the Planning Board are just a small part of what the Community Development Department does. T. Finan said the staff should be paid wages by taxes through the budget not through fees

T. Finan asked how the inspectors are paid? L. Daley said currently there is one full time inspector and two part time inspectors, paid through the budget. D. Freel said this fee structure is only covering Planning Board applications? L. Daley said no, this fee structure is for Planning and Zoning applications, not building permits or inspections. J. Cleghorn suggested even if the notice fees were increased, that would help. L. Daley said the \$50 fee for public notice should definitely be addressed, ever since COVID, the notice itself has increased in size to address the new process, which is more costly.

There was discussion on Lot Line Adjustments (LLA) fees and why it is more expensive for additional lots, consensus was to keep the LLA at \$50 for the affected lot. The department averages 3 Planning Board applications per month; after an analysis was done, it was found the newspaper notice averages about \$230 per month so it was decided to add \$50 per application for just the notice. The abutter's fees are required by statute and are different than the public notice, sometimes there are 100 abutters and then sometimes there is only one; those are a different fee than the notice. Staff is proposing to have the fee to be the current cost of certified mail plus \$1 because there is time involved in that mailing. The change in the fee will be worded to say it is the current cost of certified mailing plus \$1 so that it does not need to be updated every time postage increases. D. Freel questioned if the application fee (\$75) included that notice? Was a portion of the \$75 originally for that notice? L. Daley said the \$75 only goes toward staff

time for review of the application. D. Freel said the fees should not be to cover the labor of staff, that is in the budget. J. Cleghorn said the cost of notices has gone up substantially. L. Daley said the \$75 helps to cover a portion of the cost for staff review of the application, there is a lot of back and forth between staff and applicants, this is to save money because it goes in the General Fund. D. Knott asked if we can just increase the fee that includes the notice fee and not break it down. P. Basiliere asked when this fee is paid? L. Daley said it is paid when the application comes in. L. Daley agrees with combining the fees in one amount and have a note that explains what is included. P. Amato thinks \$50 per affected lot for LLA should be \$25 per affected lot. P. Basiliere asked about the condo conversation, why is that more? J. Cleghorn explained a condo conversion is actually a subdivision plan, since the units are privately owned as lots.

J. Cleghorn asked if there is consensus on keeping the application fee the same? D. Knott said he is ok with application fee of \$75 and adding a \$50 notice fee. All members concurred. P. Basiliere would like to see some comparisons of site plan costs to look at so the Planning Board can vote on these fees. D. Knott asked how much in taxes are paid with added space and how many jobs are added, we need to look at that to consider how any improvements help the town grow. P. Basiliere is not sure that an analysis can be done. J. Cleghorn asked what would the Board like compared? P. Basiliere asked for staff to go back in time and compare how the fees would be different with these new proposed fees. L. Daley said J. Cleghorn has provided a proposed fee structure, the town fees are actually on the low side, compared to other towns. D. Knott asked for a consensus of the Board. P. Amato said some towns talk about incentives to get people to come to their town. L. Daley said the town did adopt RSA 79E that corresponds to a 5-10 year tax exemption on the increased taxes on an improvement to the building. That was one incentive that Hitchiner took advantage of. D. Freel said maybe 3-4 comparisons would be fine. J. Cleghorn will pull together those number for the Planning Board to consider in January. Consensus of the Board was that the abutter notification change in fees is fine.

P. Basiliere asked if the Board could ask the gentleman in the audience what he is waiting for on the agenda? L. Daley said that is Mike Vignali, who is here for the Storm Water regulations discussion. P. Basiliere requested that the storm water regulation be taken out of order. D. Knott asked if Post and Publish for the ordinances needs to be done on this evening? J. Cleghorn said there are certain things that need to go forward tonight, specifically the Zoning Ordinances; the Storm Water discussion is not required for tonight and is on the agenda under Other Business. L. Daley said the storm water discussion will take about 15 minutes, it is more for the Planning Board to understand this process and will require BOS approval if it is a town ordinance, not a zoning ordinance. D. Knott continued on the agenda as printed.

#### b. **Zoning Amendments.**

**Article 6 Wetlands Conservation District.** J. Cleghorn said through discussions, staff removed the request for buffer. That has been revised. All the changes as requested by the Planning Board have been made and he is looking for the Planning Board to Post and Publish on those changes. T. Finan moved to Post and Publish Article 6 for Wetlands Conservation District. E. Cohen seconded. All were in favor. Motion passed.

**Article 7 Solar Collection Systems.** J. Cleghorn said at the last meeting the Planning Board asked for this to go back to 750 square feet; all requested corrections have been made

including definitions. J. Langdell asked if “Community Use” was taken from the Model Ordinance, because it was not clearly defined. L. Daley understands that it applies for a group of residences. J. Cleghorn understands it as a smaller grouping than the town. L. Daley was referring to the table that references a group doing a solar grouping. P. Amato said we are just trying to have 750 sf for any ground mount. Discussion ensued concerning the source and intent of the definitions. L. Daley noted they are from the original model ordinance and are defining solar unit size and not intended use. J. Cleghorn said we can revert to the definitions as they were prior to this draft. D. Freel moved to Post and Publish as amended. T. Finan seconded. All were in favor. Motion passed.

**c. Gravel and Earth Removal Regulations.** J. Cleghorn indicated the only change from the last version of this regulation was the amount of the permit which went from \$50.00 to \$100.00, it is just this one administrative change. J. Langdell moved to get this to a public hearing. D. Freel seconded. All were in favor.

**d. Planning Board Rules and Procedures.** J. Cleghorn said at the last meeting there were some minor changes requested that have been made. J. Langdell asked that staff have town council take a look before moving forward on this. All members concurred.

#### 4. Other Business:

**Stormwater regulations** – Mike Vignale, KV Partners, the town storm water vendor has assisted with revising these regulations and is here to answer any questions the Board may have. M. Vignale responded to the RFQ for stormwater regulations; explaining a lot of what is here is an update for basic standards. The MS4 regulations are specific and reflected in the regulations. The MS4 is a Federal Program overseen by the EPA. A lot of this is what you have had before. Water quality and quantity is the result, this update mostly focuses on quality of water. This is for surface water. Something that increases the flow has to be reported to the town. A detention basin for example.

J. Langdell asked who reports that for the Reserve? D. Knott asked about open space developments that have detention basins? L. Daley said the town is responsible for monitoring things. M. Vignale assists the town and we tried to keep the regulations as simple as possible, with the water quality enhancement features. The water quality enhancements is reported to the EPA and will have a positive impact for the town. L. Daley said any disturbance over 20,000 sf gets reported; we are trying to avoid single family homes being built with this type of affect. P. Amato asked what is the required to trigger an AOT? M. Vignale said that is 100,000 sf of disturbance. There is also a waiver process, the Planning Board has jurisdiction on the threshold. D. Knott asked why the threshold is only 20,000 sf? L. Daley explained the MS4 requires the town to capture project that require storm water requirements and not be overly burdensome. M. Vignale said the town is at 5000 sf right now. P. Amato noted this is burdensome for the areas Milford is getting into now. D. Knott asked what does this cost? L. Daley said we are not there yet; there is a burden for staff for additional reports and making sure the systems are complying.

J. Langdell asked about any NRPC input? L. Daley said that Milford is part of the collation. J. Cleghorn said these are good discussions but it is a policy thing, the government leaves those decisions to the policy makers. J. Langdell asked what that discussion is about, are other communities are doing this? J. Cleghorn can look into that. M. Vignale said each community is making their own choice. J. Langdell is thinking in general. D. Knott asked about salt use, is that part of the MS4? J. Cleghorn said that is part of it and we need to address the issues. M. Vignale added that some towns are using different products. L. Daley said we are talking with the new DPW director and how to take care of roads. D. Knott said salt is the most effective way

to deal with the roads in winter. M. Vignale said the stormwater regulations have nothing to do with the salt going on the roads. This has to do with developments in town.

P. Basiliere asked how these regulations affect the average home owner? M. Vignale said the Community Development staff are more affected by this than the owners. EPA is all about the water quality, it is not a huge burden to owners. P. Amato asked how much more work is it for the town to keep track of all this information? L. Daley said we have to do it no matter what. D. Freel asked if we can pick the number we want? L. Daley said we are talking about 20,000 sf; right now anything over 5000 sf is affected, we are just changing that size. L. Daley said there is currently a driveway being constructed that requires a storm water management plan. P. Amato asked if anyone said the water quality is bad because of this? L. Daley said this is to improve the water quality, but we have to do this no matter what. M. Vignale said there is a list of impaired water in the State. J. Cleghorn said we will continue to work to refine the draft document, right now we will add section numbers. Tonight we wanted to introduce the Planning Board to this regulation and get it on the radar.

If members could take a look and come up with questions, there is a meeting on Friday to talk about this and we are going through to get this to the BOS. L. Daley said this is a Town ordinance, so the BOS needs to adopt it after holding the two public hearings. The Planning Board needs to support it before sending it to the BOS. J. Cleghorn added that a lot of what is in this regulation is because of the MS4 and the Town has to adopt something. This year, this regulation needs to be adopted, by June 2022. M. Vignale said there is a significant fine if the town is not in compliance.

**5. Upcoming Meetings:** The next meeting is December 21, 2021 – Public Hearing.

**6. Adjournment.** The meeting was adjourned at 8:45 p.m. on a motion made by J. Langdell and seconded by D. Freel. All were in favor. Motion passed unanimously.

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Signature of the Chairperson/Vice-Chairperson: Date: \_\_\_\_\_