

**5:30 Pumpkin Festival Update – Granite Town
Festivities Committee – Wade Scott Campbell
(VERBAL)**

TOWN OF MILFORD

RECREATION DEPARTMENT



To: Board of Selectman
CC: Mark Bender, Town Administrator
From: Arene Berry, Recreation Director
Date: September 9, 2022
Subject: Milford Parks & Recreation Commission Board appointment

On behalf of the Milford Parks & Recreation Commission Board, I am requesting the Board of Selectman consider the following appointment.

Bethany Haerinck, as an alternate member, with a term expiring March 2024.

Thank you for your consideration.

206 Melendy Road
Milford, NH 03055
September 20, 2022

Milford Board of Selectman
1 Union Square
Milford, NH 03055

Good Afternoon,

Please consider this email my official letter of intent to join the Recreation Commission as a member. I have been a Milford resident for about 6 years now and over those years, my family has enjoyed and continues to participate in many opportunities offered by the Recreation Department each year. From cooking classes to swim team, and skating at the ice rink in the winters, I've always appreciated the efforts made to keep residents active and involved.

I look forward to the many volunteer opportunities this would provide to me, and the notion of bringing my daughter along to serve in the community is very exciting.

Please consider me for an alternate position as discussed. I look forward to hearing from you.

Thank you,
Bethany Haerinck

5:45 Potential Tree Damage Concern, 51 Patch Hill Lane - Julio & Amanda Quintana

Dear Board of Selectmen,

Regarding leaning tree from conservation land over 51 Patch Hill Lane.

We moved to the residence of 51 Patch Hill Lane in Aug of 2019 and immensely enjoyed the location and idea of life next to a conservation land.

In early Spring 2022 we noticed multiple leaning trees from the conservation land over our property. We placed a call to the town and they suggested we speak with a tree company regarding our concerns despite clearly being informed that the trees were not on our property. Every company we called stated we needed to contact the Town of Milford. We followed up with the town of milford and were informed they could send someone to give us permission to remove the trees if it seemed appropriate.

Aug. 2022

2 trees from the conservation land came down into our yard and onto our backyard deck destroying a portion of our property fencing and deck. Our homeowners insurance handled this unfortunate event and we contacted a tree removal company to clear the fallen trees from our property. Both the insurance adjuster and the tree company commented on additional trees that look as if they will come down in due time and suggested we call the town (the owners of said trees). We did and had 2 people visit our residence. They confirmed some mature trees that appear to be unstable and gave us their permission to remove the trees, stating it would be at our expense. However, if we felt unsafe from a "neighbors" tree we would approach the neighbor and it would be their responsibility to remove the tree so as not to danger us. Therefore we do feel this is negligence on behalf of the town because (as the landowner) the town should be responsible for a "defective" tree that very well may permit harm or serious damage to us merely by allowing nature to take its course. Hence we are trying to communicate our concerns and get ahead of this one particular tree becoming a very big inconvenient issue for all involved.

We have learned we live next to multiple unstable trees, have been proven this by the 2 that already fell upon us, leaving a concerned family to take action. Trees falling may be a natural occurrence but if the tree in reference does in deed come down after we tried to address the situation and make the town known of our concerns, it could potentially be a much worse outcome then our fence and deck. This tree is very large and located/leaning/falling over our house.

Thank you for your time

-Julio & Amanda Quintana















WARRANT ARTICLE - CONSERVATION LAND FUND - \$20,000

Shall the Town vote to raise and appropriate the sum of **\$20,000** for the purpose of adding it to the conservation fund created in accordance with RSA 36-A, said land fund being allowed to accumulate from year to year and to be available for the acquisition of property, conservation easements and other RSA 36-A allowable purposes? Contribution furthers the protection of the town's natural resources. The current available balance in this land fund account as of September 2022 is approximately **\$105,221**. **The Board of Selectmen recommends this Article (0-0). The Budget Advisory Committee recommends this Article (0-0). This Article has an estimated tax impact of \$0.00 on an assessed valuation of \$100,000.**

To: Milford Board of Selectmen
From: Mark Genovesi
Milford Historical Society

September 12, 2020

This memo is written to the Board to ask for your blessing to pursue recognition for the Town Hall on the NH State Register of Historic Places. The structure was placed on the National Register in 1988 but never recognized at the state level. The nomination to the State Register is a separate process and I would like to initiate this with your approval.

Leo Lessard is planning to mount the plaque donated by the Society in the near future- I would like to add the State plaque as well. Thank you for your consideration. I will await your decision.

Mark Genovesi

6:20 1st Public Hearing to Update the Current Stormwater Ordinance, Chapter 5.32. - Community Development Director, Lincoln Daley. Document contains memo, draft stormwater ordinance, copy of 2012 Southeast Watershed Alliance Model Stormwater ordinance and requested copy comparing the draft stormwater ordinance to a) 2017 MS4 Federal Permit and b) 2012 Southeast Watershed Alliance Model Stormwater Ordinance.



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

1 UNION SQUARE, MILFORD, NH 03055 TEL: (603)249-0620 WEB: WWW.MILFORD.NH.GOV

Date: September 22, 2022
To: Board of Selectmen
Mark Bender, Town Administrator
From: Lincoln Daley, Community Development Director
Subject: Adoption of Milford Municipal Code, entitled Title 5 Health & Safety, Chapter 5.32 Stormwater Management Ordinance (First Public Hearing)

This item represents the first public hearing to replace Town's current stormwater ordinance, *Milford Municipal Code, entitled Title 5 Health & Safety, Chapter 5.32 Stormwater Management and Erosion Control*, with a new and updated stormwater ordinance, *Chapter 5.32 Stormwater Management Ordinance*, in compliance with the Town's EPA-issued small Municipal Separate Storm Sewer System (MS4) Permit. Board Members during the previous public hearing process requested additional information comparing the proposed ordinance to the 2017 MS4 Permit and 2012 Southeast Watershed Alliance Draft Stormwater Model Ordinance. As a result, the hearing process was restarted to allow the Board and public to review the changes and provide an opportunity to comment.

Like 44 other municipalities in New Hampshire, the Town of Milford's stormwater discharges to the environment are regulated by the Environmental Protection Agency under the Clean Water Act through the National Pollutant Discharge Elimination System (NPDES). One key Clean Water Act requirement is that Milford have an EPA-issued small Municipal Separate Storm Sewer System (MS4) Permit. The Town's current MS4 permit was issued in July 2018 and the Town received an Authorization to Discharge from EPA Region 1 on May 2019.

Among numerous other requirements, the current MS4 permit requires the Town to review its stormwater management regulations to ensure those regulations incorporate appropriate stormwater retention and treatment requirements for new development and redevelopment occurring within the town. The technical requirements for stormwater retention and treatment are detailed in the MS4 permit itself and in state stormwater control handbooks and Best Management Practices.

The Town's current stormwater regulations were adopted in 2007 and do not meet the current technical requirements for stormwater retention and treatment. The 2007 regulations also include outdated references to expected precipitation values and do not require design for severe precipitation events commonly used by the state and other communities (a so-called "50- year storm").

With the assistance of the Town's engineering consultant, the Town's Office of Community Development, Planning Board, and Conservation Commission have cooperatively developed draft stormwater regulations to address the MS4 permit requirements and these other issues. Their efforts started with a model regulation developed by a coalition of towns and cities in the Manchester and Nashua area (the New Hampshire Lower Merrimack Valley Stormwater Coalition) to meet the 2017 MS4 permit requirements. Appropriate stormwater requirements from the current regulations were incorporated into that draft after updating references and design standards. The attached proposed regulations are the result of those efforts.(See attached draft Stormwater Ordinance)

The Stormwater Ordinance would impact/apply to developments that disturb 43,560 square feet (one acre) or larger. Larger development projects (those disturbing more than 100,000 square feet (just over two acres) are already subject to extensive stormwater controls under the NHDES's Alteration of Terrain Permit Program Rules. Projects disturbing an acre or more of land are required to comply with the federal EPA NPDES Construction General Permit (CGP). The proposed stormwater regulations rely largely on the same calculations, technical requirements, and stormwater control methods that are already used under the state rules and federal program, which should reduce the need for applicants to perform different or duplicative analyses, or to use different control methods, to comply with the Town's proposed regulations.

Attached, please find the following:

1. Draft Chapter 5.32 Stormwater Management Ordinance.
2. 2012 Southeast Watershed Alliance (SWA) Draft Stormwater Model Ordinance.
3. Draft Chapter 5.32 Stormwater Management Ordinance - Comparison Document.
4. Link to the [2017 NH Small MS4 General Permit \(EPA\)](https://www.milford.nh.gov/stormwater-management/pages/municipal-separate-storm-sewer-system-ms4) (Amended 2020) & Related Appendixes.
<https://www.milford.nh.gov/stormwater-management/pages/municipal-separate-storm-sewer-system-ms4>

TOWN OF MILFORD *STORMWATER MANAGEMENT ORDINANCE*



Prepared for:

Town of Milford, New Hampshire
1 Union Square
Milford, NH 03055

Prepared by:

KV Partners LLC
P.O. Box 432
New Boston, NH 03070

Stormwater Management Ordinance (July 2022)

A. Purpose and Goals

Developments shall not increase, decrease, modify, or alter the normal patterns of stormwater drainage caused during the development of a site and/or by the eventual development itself. The goal of these standards is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public in the Town of Milford. This Ordinance seeks to meet that goal through the following objectives:

1. Prevent increases in stormwater runoff from any development to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels.
2. Prevent increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.
3. Minimize the total volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic condition to the maximum extent practicable as allowable by site conditions.
4. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety or cause excessive municipal expenditures.
5. Protect the quality of groundwater resources, surface water bodies and wetlands.

B. Authority

This Ordinance is adopted pursuant to the authority vested in:

1. The authority vested in the Selectmen pursuant to RSA 41:11, RSA 47:17, VII, VIII, and XVIII; and
2. The Planning Board pursuant to RSA 674:35 and 36, and RSA 674:44; and, RSA 155-E:11; and
3. The authority vested in the Health Officer and Board of Health pursuant to RSA 147:1 and 147:14; and
4. The authority vested in the Water and Sewer Commissioners pursuant to RSA 38:26 and RSA 149:I:6, respectively.

The Ordinance shall become effective upon adoption by the Town of Milford Planning Board, Health Officer/Board of Health, the Board of Selectmen, Water and Sewer Commissions, in accordance with the statutory sections identified above.

C. Jurisdiction

1. This Ordinance shall pertain to all land within the boundaries of the Town of Milford, New Hampshire.
2. In any case where a provision of the Ordinance is found to be in conflict with a provision of any other Ordinance, Regulation, code, or covenant in effect in the Town of Milford or with any State Statute with particular reference to NHRSA Chapter 676:14 and 674:16 and 674:17 and the relevant sections therein, the provision which is the more restrictive shall prevail.

D. Severability

The invalidity of any section, subsection, paragraph, sentence, clause, phrase, or word of this Ordinance shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase, or word of this Ordinance.

E. Amendments

This Ordinance may be amended by the approval of the several boards identified in Section B above, provided that each such agency complies with any applicable statutory or local procedures governing their authority to adopt such Ordinance. Amendments to zoning aspects must be approved at Milford Town Meeting.

F. Minimum Thresholds for Applicability

1. The post-construction stormwater management standards apply to any development or redevelopment project that:
 - a. Disturbs more than 43,560 square feet (one acre), or
 - b. Disturbs more than ten thousand (10,000) square feet cumulative within one hundred (100) feet of existing surface waters, including ponds, rivers, perennial, and intermittent streams (natural or channelized), and wetlands (including vernal pools) and shall be protected by the minimum buffer setback distances (as specified in Section 6.02.03 of the Zoning Ordinance).
2. Applications for Subdivisions and Site Plan Applications will be administered by the Planning Board and all other application that do not require Planning Board action (i.e., individual lots) will be administered by the or Community Development/DPW Department officials.
3. The following activities are considered exempt from this Ordinance:
 - a. Agricultural and forestry practices that are using established best management practices.
 - b. Resurfacing and routine maintenance of roads and parking lots.
 - c. Exterior and interior alterations and maintenance to existing buildings and structures that do not change the building footprint.
4. Application
 - a. All projects subject to these standards require the applicant to complete a Stormwater Permit Application form and submit plans and other required documents as required below. Prior to commencement of land disturbance, the applicant must obtain written approval as required by this Ordinance.
5. Other Required Permits
 - a. In addition to local approval, copies of the following permits shall be required if applicable:
 - i. *RSA 485-A:17* requires a permit from the New Hampshire Department of Environmental Services (NHDES) Water Supply and Pollution Control Division for “...any person proposing to significantly alter the characteristic of the terrain, in such a manner as to impede natural runoff or create an unnatural runoff ...” Regulations require this permit for any

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project involving more than one-hundred thousand (100,000) contiguous square feet of disturbance or if such activity occurs in or on the border of the surface waters of the state.

- ii. *RSA 482-A* requires a permit from the Department of Environmental Services for any person desiring to "...excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the State."
- iii. *National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit*. A permit issued by the Environmental Protection Agency (EPA) or by the State under authority delegated pursuant to *33 USC, section 1342 (b)* that authorizes the discharge of pollutants to waters of the United States. For a cumulative disturbance of one (1) acre of land that EPA considers "construction activity," which includes, but is not limited to clearing, grading, excavation, and other activities that expose soil typically related to landscaping, demolition, and construction of structures and roads, a federal permit will be required. Consult the EPA for specific rules. This EPA permit is in addition to any state or local permit required.

b. *Stormwater Pollution Prevention Plan (SWPPP)*, if applicable.

G. Stormwater Management for New Development

1. All proposed stormwater management practices and treatment systems shall meet the following performance standards.
2. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered. Existing surface waters, including ponds, rivers, perennial, and intermittent streams (natural or channelized), and wetlands (including vernal pools) shall be protected by the minimum buffer setback distances (as specified in the Zoning and Regulations). Stormwater and erosion and sediment control BMPs shall be located outside the specified buffer zone unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered. When necessary, as determined by the Planning Board or their representative, stream and wetland crossings shall comply with state recommended design standards to minimize impacts to flow and enhance animal passage (see the NHDES Stream Crossing Guidelines, as amended).
3. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable to reduce stormwater runoff volumes, protect water quality, and maintain predevelopment site hydrology. Low Impact Development techniques that preserve existing vegetation, reduce the development footprint, minimize, or disconnect impervious area, and use enhanced stormwater *Best Management Practices* (BMPs) (such as raingardens, bioretention systems, tree box filters, and similar stormwater management landscaping techniques) shall be incorporated into landscaped areas as discussed in the *NH Stormwater Manual. Volumes 1 and 2, December 2008*, as amended or other equivalent means approved by the Town. Capture and reuse of stormwater is strongly encouraged. The applicant must document in writing why Low Impact Development strategies are not appropriate when not used to manage stormwater. Community Development/DPW Department officials may consult with the Conservation Commission as needed.

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4. All stormwater treatment areas shall be planted with native plantings appropriate for the site conditions: trees, grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.
5. Salt storage areas shall be fully covered with permanent or semi-permanent measures and loading/offloading areas shall be located and designed to not drain directly to receiving waters and maintained with good housekeeping measures in accordance with *New Hampshire Department of Environmental Services* published guidance. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater.
6. Surface runoff shall be directed into appropriate stormwater control measures designed for treatment and/or filtration to the maximum extent practicable and/or captured and reused onsite.
7. All newly generated stormwater from new development shall be treated on the development site. A development plan shall include provisions to retain natural predevelopment watershed areas on the site by using the natural flow patterns.
8. Runoff from impervious surfaces shall be treated to achieve at least eighty (80%) percent removal of Total Suspended Solids and at least fifty (50%) removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the *NH Stormwater Manual, Volumes 1 and 2, December 2008*, as amended or other equivalent means approved by the Town. Where practical, the use of natural, vegetated filtration and/or infiltration practices or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. All new impervious area draining to surface waters impaired by nitrogen, phosphorus or nutrients shall be treated with stormwater Best Management Practices (BMPs) designed to optimize pollutant removal efficiencies based on design standards and performance data published by the UNH Stormwater Center and/or included in the latest version of the *NH Stormwater Manual*.
9. Measures shall be taken to control the post-development peak runoff rate so that it does not exceed pre-development runoff for the 2-year, 10-year, and 25-year design storm at each discharge point from the site. Drainage analyses shall include calculations using analysis methodologies in the *NH Stormwater Manual, December 2008, as amended* comparing pre- and post-development stormwater runoff rates (cubic feet/second) for the 2-year, 25-year, 50-year storm and system/pond overflows shall be designed to accommodate the 100-year design storms runoff rates. Stormwater volume control shall mitigate the increase in the post-development runoff volume to infiltrate the groundwater recharge volume GRV according to the ratios of Hydrologic Soil Group (HSG) type versus infiltration rate multiplier (see attached Stormwater Design Criteria Table). For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment.
10. The design of the stormwater drainage systems shall provide for the conveyance or recharge of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation. The design shall also provide adequate conveyance

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systems for groundwater collected and diverted to a concentrated location without functional impairment to streets, adjacent properties, or downstream properties.

11. The physical, biological, and chemical integrity of the receiving waters shall not be degraded by the stormwater runoff from the development site.
12. The design of the stormwater management systems shall account for upstream and upgradient runoff that flows onto, over, or through the site to be developed or re-developed and design for this contribution of runoff.
13. All stormwater installations that received runoff must be designed to drain within a maximum of seventy-two (72) hours.
14. Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance, the area of disturbance shall be kept to a minimum, and any sediment in runoff shall be retained within the project area. Wetland areas and surface waters shall be protected from sediment. Disturbed soil areas shall be either temporarily or permanently stabilized consistent with the *NHDES Stormwater Manual Volume 3*, as amended, guidelines. In areas where final grading has not occurred, temporary stabilization measures should be in place within 7 days for exposed soil areas within 100 feet of a surface water body or wetland and no more than forty-five (45) days for all other areas. Permanent stabilization should be in place no more than three (3) days following the completion of final grading of exposed soil areas.
15. All temporary control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized prior to removal of temporary control measures unless specifically designed to remain.
16. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.
17. Submission Requirements for Stormwater Management Report and Plans.
 - a. All applications subject to these Standards shall include a comprehensive Stormwater Management Plan. The Stormwater Management Plan shall include a narrative description and an Existing Conditions Site Plan showing all pre-development impervious surfaces, buildings, and structures; surface water bodies and wetlands; drainage patterns, sub-catchment, and watershed boundaries; building setbacks and buffers, locations of various hydrologic group soil types, mature vegetation, land topographic contours with minimum 2-foot intervals and spot grades where necessary for sites that are flat.
 - b. The Stormwater Management Plan shall include a narrative description and a Proposed Conditions Site Plan showing all post-development proposed impervious surfaces, buildings and structures; temporary and permanent stormwater management elements and Best Management Practices, including GIS coordinates and GIS files; important hydrologic features created or preserved on the site; drainage patterns, sub-catchment and watershed boundaries; building setbacks and buffers; proposed tree clearing and topographic contours with minimum two (2) foot intervals. The plans shall provide calculations and identification of

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- the total area of disturbance proposed on the site (and off-site if applicable) and total area of new impervious surface created. A summary of the drainage analysis showing a comparison of the estimated peak flow and volumes for various design storms (see Table 1. Stormwater Infrastructure Design Criteria) at each of the outlet locations shall be included.
- c. The Stormwater Management Plan shall describe the general approach and strategies implemented, and the facts relied upon, to meet the goals of Section C. The Stormwater Management Plan shall include design plans and/or graphical sketch(es) of all proposed above ground Low Impact Development (LID) practices.
 - d. The Stormwater Management Plan shall include calculations of the change in impervious area, pollution loading and removal volumes for each best management practice, and GIS files containing the coordinates of all stormwater infrastructure elements (e.g., catch basins, swales, detention/bioretenion areas, piping).
 - e. The Stormwater Management Plan shall include a description and a proposed Site Plan showing proposed erosion and sediment control measures, limits of disturbance, temporary and permanent soil stabilization measures in accordance with the NH Department of Environmental Services *Stormwater Manual Volume 3* (as amended) as well as a construction site inspection plan including phased installation of best management practices and final inspection upon completion of construction. All temporary erosion and sediment control measures shall be removed upon completion (complete stabilization) of the project site.
 - f. The Stormwater Management Plan shall include a long-term stormwater management Best Management Practices (BMP) inspection and maintenance plan (Section E) that describes the responsible parties and contact information for the qualified individuals who will perform future inspections. The inspection frequency, maintenance and reporting protocols shall be included.
 - g. The Stormwater Management Plan shall describe and identify locations of any proposed deicing chemical and/or snow storage areas. Stormwater Management Plan will describe how deicing chemical use will be minimized or used most efficiently.
 - h. In urbanized areas that are subject to the *EPA MS4 Stormwater Permit* and will drain to chloride-impaired waters, any new developments and redevelopment projects shall submit a description of measures that will be used to minimize salt usage, and track and report amounts applied using the UNH Technology Transfer Center online tool (<http://www.roadsalt.unh.edu/Salt/>) in accordance with Appendix H of the *NH MS4 Permit*.
18. General Performance Criteria for Stormwater Management Plans.
- a. All applications shall apply site design practices as outlined in the Development Regulations, to reduce the generation of stormwater in the post-developed condition, reduce overall impervious surface coverage, seek opportunities to capture and reuse and minimize the discharge of stormwater to the municipal stormwater management system.
 - b. Water Quality Protection.

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- i. No stormwater runoff generated from impervious cover from new development or redevelopment shall discharge directly into a jurisdictional wetland or surface water body without adequate treatment as noted in this Ordinance.
 - ii. All developments shall provide adequate management of stormwater runoff and prevent discharge of stormwater runoff from creating or contributing to water quality impairment.
 - c. Onsite groundwater recharge shall be maintained by promoting infiltration through use of structural and non-structural methods. The recharge from the post development site shall maintain or exceed the recharge from pre-development site conditions in accordance with the soil type requirements discussed above in Section C.9. Capture and reuse of stormwater runoff is encouraged in instances where groundwater recharge is limited by site conditions. All stormwater management practices shall be designed to convey stormwater to allow for maximum groundwater recharge. This shall include, but not be limited to:
 - i. Maximizing flow paths from collection points to outflow points.
 - ii. Use of multiple best management practices (NH Stormwater Manual).
 - iii. Retention of stormwater and discharge to fully vegetated areas.
 - iv. Maximizing use of infiltration practices.
 - v. Stormwater System Design Performance Standards described in Appendix A.
 - d. Stormwater system design, performance standards and protection criteria shall be provided as prescribed in Appendix A. Calculations shall include sizing of all structures and best management practices, including sizing of emergency overflow structures based on assessment of the 100-year 24-hour frequency storm discharge rate.
 - e. The sizing and design of stormwater management practices shall utilize the higher precipitation volume from new precipitation data from the *Northeast Region Climate Center (NRCC) Extreme Precipitation Tables* or the most recent precipitation atlas published by the National Oceanic and Atmospheric Administration (NOAA) for the sizing and design of all stormwater management practices.
 - f. All stormwater management practices involving bioretention and vegetative cover as a key functional component must have a landscaping plan detailing both the type and quantities of plants and vegetation to be in used in the practice. Additional detail shall include how vegetation is to be maintained and that the owner of the property is responsible for maintaining vegetation. The use of native plantings appropriate for site conditions is required for these types of stormwater treatment areas. The landscaping plan must be prepared by a registered landscape architect, certified wetland scientist, or another qualified professional.
19. Water Quality Protection: All aspects of the application shall be designed to protect the quality of surface waters and groundwater of the Town of Milford as follows:
- a. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity,

Stormwater Management Ordinance (July 2022)

noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface water or groundwater to contaminate, pollute, harm, impair or contribute to an impairment of such waters.

- b. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet the regulations of the New Hampshire Department of Environmental Services (NHDES).

H. Stormwater Management for Redevelopment

1. Redevelopment (as applicable to this stormwater Ordinance) means:
 - a. Any construction, alteration, or improvement that disturbs existing impervious area (including demolition and removal of road/parking lot materials down to the erodible sub-base) or expands existing impervious cover by any amount, where the existing land use is commercial, industrial, institutional, governmental, recreational, or multi-family residential.
 - b. Any redevelopment activity that results in improvements with no increase in impervious area shall be considered redevelopment activity under this Ordinance.
 - c. Any new impervious area over portions of a site that are currently pervious.
 - d. The following activities are not considered redevelopment:
 - i. Interior and exterior building renovation (no change in building footprint).
 - ii. Resurfacing of an existing paved surface (e.g., parking lot, walkway, or roadway).
 - iii. Pavement excavation and patching that is incidental to the primary project purpose, such as replacement of a collapsed storm drain.
 - iv. Landscaping installation and maintenance.
2. Redevelopment applications shall comply with the requirements of Sections G.17 Submission Requirements for Stormwater Management Report and Plans, G.18 General Performance Criteria for Stormwater Management Plans, and G.19 Water Quality Protection.
3. For sites meeting the definition of a redevelopment project and having less than forty (40%) percent existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects. The applicant must satisfactorily demonstrate that impervious area is minimized, and Low Impact Development (LID) practices have been implemented on-site to the maximum extent practicable.
4. For sites meeting the definition of a redevelopment project and having more than forty (40%) percent existing impervious surface area, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:
 - a. Implement measures onsite that result in disconnection or treatment of one hundred (100%) percent of the additional proposed impervious surface area and at least thirty (30%) percent of the existing impervious area and pavement areas, preferably using filtration and/or infiltration practices.

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- b. If resulting in greater overall water quality improvement on the site, implement Low Impact Development practices to the maximum extent practicable to provide treatment of runoff generated from at least forty (40%) percent of the entire developed site area.
- c. An alternative plan resulting in greater overall water quality improvement from runoff from the site, as approved by the Planning Board.

5. Off-Site Mitigation:

- a. In cases where the applicant demonstrates, to the satisfaction of the planning board, that onsite treatment has been implemented to the maximum extent possible or is not feasible, off-site mitigation will be an acceptable alternative if implemented within the same sub-watershed, within the project's drainage area or within the drainage area of the receiving water body. To comply with local watershed objectives the mitigation site would be preferably situated in the same sub-watershed as the development and impact/benefit the same receiving water.
- b. Off-site mitigation shall be equivalent to no less than the total area of impervious cover NOT treated on-site.
- c. An approved off-site location must be identified, the specific management measures identified, and an implementation schedule developed in accordance with planning board review. The applicant must also demonstrate that there is no downstream drainage or flooding impacts as a result of not providing on-site management for large storm events.
- d. A monetary contribution may be allowed by the Planning Board if the funds can be used for water quality mitigation that is at least equal to the impact caused by the development project and the Planning Board determines that it is in the Town's best interest.

I. Stormwater Management Plan and Site Inspections

- 1. The applicant shall provide that all stormwater management and treatment practices have an enforceable operations and maintenance plan and agreement to ensure the system functions as designed. This agreement will include all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater system. The operations and maintenance plan shall specify the parties responsible for the proper maintenance of all stormwater treatment practices. The operations and maintenance plan shall be provided to the Planning Board as part of the application prior to issuance of any local permits for land disturbance and construction activities.
- 2. The applicant shall provide legally binding documents for filing with the registry of deeds (recorded plan for subdivisions and a deed reference for all other projects) which demonstrate that the obligation for maintenance of stormwater best management practices and infrastructure runs with the land and that the Town has legal access to inspect the property to ensure their proper function or maintain onsite stormwater infrastructure when necessary to address emergency situations or conditions.
- 3. The property owner shall bear responsibility for the installation, construction, inspection, and

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maintenance of all stormwater management and erosion control measures required by the provisions of these Ordinances and as approved by the Planning Board, including emergency repairs completed by the Town.

J. Stormwater Management Plan Recordation

1. Stormwater management and sediment and erosion control plans shall be incorporated as part of any approved development application. A Notice of Decision acknowledging the Planning Board approval of these plans shall be maintained in the Town's Planning Office.
2. The applicant shall submit as-built drawings (hard copy and CAD/GIS format) of the constructed stormwater management system following construction.
3. Easements: Where a development is traversed by or requires the construction of a watercourse or a drainage way, an easement to the Town of adequate size to enable construction, reconstruction and required maintenance shall be provided for such purpose. Easements to the Town shall also be provided for the purpose of periodic inspection of drainage facilities and Best Management Practices should such inspections by the Town become necessary. All easements shall be recorded at the County Registry of Deeds.

K. Inspection and Maintenance Responsibility

1. Municipal staff or their designated agent, including but not limited to the Code Enforcement Officer or Town Engineer, shall be granted site access to complete inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.
 - a. If permission to inspect is denied by the landowner, municipal staff or their designated agent shall secure an administrative inspection warrant from the district or superior court under *RSA 595-B Administrative Inspection Warrants*. Expenses associated with inspections shall be the responsibility of the applicant/property owner.
 - b. If violations or non-compliance with a condition(s) of approval are found on the site during routine inspections, the inspector shall provide a report to the Board of Selectmen and the Planning Board documenting these violations or non-compliance, including recommend corrective actions. The Code Enforcement Officer or other municipal staff shall notify the property owner in writing of these violations or non-compliance and corrective actions necessary to bring the property into full compliance. At their discretion, the Code Enforcement officer may issue a stop work order if corrective actions are not completed within 10 business days.
 - c. If corrective actions are not completed within a period of 30 days from property owner's notification, the Planning Board may exercise their jurisdiction under *RSA 676:4-a, Revocation of Recorded Approval*.
2. The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the Planning Board. Site development shall not begin before the Stormwater Management Plan receives

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written approval by the Planning Board.

- a. The applicant and the applicant's engineer (or technical representative) shall schedule and attend a mandatory preconstruction meeting with the Town Engineer or his designee at least two weeks prior to commencement of construction. All required escrow deposits and bonding must be in place prior to the scheduled meeting. (Note: Preconstruction conferences will typically not be required for construction of one single-family home or one residential duplex, not part of a larger plan of construction.)
 - b. The Department of Community Development and/or Department of Public Works reserve the right to prepare and request the applicant's acknowledgement of a preconstruction checklist.
 - c. The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the provisions of this Ordinance.
 - d. The Department of Community Development may require a bond or other security with surety conditions in an amount satisfactory to the Town, providing for the actual construction, installation, and removal of such measures within a period specified by the Town and expressed in the bond or the security.
 - e. The Department of Community Development and/or Code Enforcement may require the owner or his authorized agent to deposit in escrow with the Town an amount of money sufficient to cover the Town's costs for inspection and any professional assistance required for site compliance monitoring.
 - f. Site development shall not begin before all Town, State and Federal Permits are in place.
3. The municipality retains the right, though accepts no responsibility, to repair or maintain stormwater infrastructure if: a property is abandoned or becomes vacant; and in the event a property owner refuses to repair infrastructure that is damaged or is not functioning properly.
 4. Landowners subject to an approved Stormwater Management Plan shall be responsible for submitting an annual report to the Planning Board by September 1 each year by a qualified professional that all stormwater management and erosion control measures are functioning per the approved stormwater management plan. The annual report shall note if any stormwater infrastructure has needed any repairs other than routine maintenance and the results of those repairs. If the stormwater infrastructure is not functioning per the approved stormwater management plan the landowner shall report on the malfunction in their annual report and include detail regarding when the infrastructure shall be repaired and functioning as approved.
 5. If no report is filed by September 1st, municipal staff or their designated agent shall be granted site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner and at the landowner's expense.
 6. If the stormwater infrastructure is not functioning per the approved stormwater management plan the landowner shall report on the malfunction in their report and include detail regarding

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when the infrastructure shall be repaired and functioning as approved. Landowners are responsible for maintaining their own records and the Town may request record information on any sites as they determine necessary.

7. Municipal staff or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner and at the landowner's expense.
8. Confirmation by Registered Professional Engineer. Upon such inspection, when the circumstances of any suspected breach of condition or violation of this Ordinance involve standards that implicate technical engineering criteria either included in this Ordinance or as a condition of such permits, the Code Enforcement Officer, Health Officer, and/or DPW Director or their designee shall seek confirmation that such circumstances constitute a violation of such criteria prior to taking any enforcement at the landowner's expense.
9. Enforcement. Upon such confirmation by a Registered Professional Engineer, or when such confirmation is not required due to the fact that the circumstances of such violation do not implicate technical engineering criteria either included in this Ordinance or as a condition of such permit, the Code Enforcement Officer, Health Officer, and/or DPW Director or their designee may proceed to enforce the provisions of this Ordinance or conditions of the permit in accordance with applicable statutes, rules or regulations and at the landowner's expense.

L. Glossary of Terms

BEST MANAGEMENT PRACTICES (BMPs) - A structural or non-structural device designed to temporarily store or treat urban stormwater runoff in order to mitigate flooding, reduce pollution and provide other amenities.

BIORETENTION – A water quality practice that utilizes vegetation and soils to treat urban stormwater runoff by collecting it in shallow depressions, before filtering through an engineered bioretention planting soil media.

BUFFER – An upland area adjacent to a wetland or surface water. This buffer zone, under the jurisdiction of the Town of Milford, shall include an area of one hundred (100) feet, measured on a horizontal plane from the mean high-water mark of a surface water, the delineated edge of a wetland, or the limits of hydric soils (whichever is most restrictive).

DISTURBED AREA – An area in which the natural vegetative soil cover has been removed or altered and, therefore, is susceptible to erosion.

EFFECTIVE IMPERVIOUS COVER (EIC) – The total impervious surface areas less the area of disconnected impervious cover (areas where runoff is captured and infiltrated or otherwise treated).

ENVIRONMENTAL (NATURAL RESOURCE) PROTECTION - Policies and procedures aimed at conserving natural resources, preserving the current state of natural environments and, where possible, reversing degradation. Any activity to maintain or restore environmental quality through preventing the emission

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of pollutants or reducing the presence of polluting substances in environmental media and preventing physical removal or degradation of natural resources.

FILTRATION – The process of physically or chemically removing pollutants from runoff. Practices that capture and store stormwater runoff and pass it through a filtering media such as sand, organic material, or the native soil for pollutant removal. Stormwater filters are primarily water quality control devices designed to remove particulate pollutants and, to a lesser degree, bacteria, and nutrients.

GROUNDWATER RECHARGE – The process by which water that seeps into the ground, eventually replenishing groundwater aquifers and surface waters such as lakes, streams, and the oceans. This process helps maintain water flow in streams and wetlands and preserves water table levels that support drinking water supplies.

GROUNDWATER RECHARGE VOLUME (GRV) – The post-development design recharge volume (i.e., on a storm event basis) required to minimize the loss of annual pre-development groundwater recharge. The GRV is determined as a function of annual pre-development recharge for site-specific soils or surficial materials, average annual rainfall volume, and amount of impervious cover on a site.

IMPAIRED WATERS – Those waterbodies not meeting water quality standards. Pursuant to Section 303(d) of the federal Clean Water Act, each state prepares a list of impaired waters (known as the 303(d) list) which is presented in the state's Integrated Water Report as Category 5 waters. Those impaired waters for which a TMDL has been approved by US EPA and is not otherwise impaired, are listed in Category 4A.

IMPERVIOUS COVER – Impermeable surfaces shall include buildings, paved and unpaved vehicular access and parking areas, and any other area incapable of percolating water at a rate comparable to dry uncompacted ground. Term defined in Zoning Ordinance, Section IX General Standards, E.

INFILTRATION – the process of runoff percolating into the ground (subsurface materials). Stormwater treatment practices designed to capture stormwater runoff and infiltrate it into the ground over a period of days.

LOW IMPACT DEVELOPMENT (LID) - Low impact development is a site planning and design strategy intended to maintain or replicate predevelopment hydrology through the use of site planning, source control, and small-scale practices integrated throughout the site to prevent, infiltrate, and manage runoff as close to its source as possible. Examples of LID strategies are pervious pavement, rain gardens, green roofs, bioretention basins and swales, filtration trenches, and other functionally similar BMPs located near the runoff source.

MAXIMUM EXTENT PRACTICABLE (MEP) - To show that a proposed development has met a standard to the maximum extent practicable, the applicant must demonstrate the following: (1) all reasonable efforts have been made to meet the standard, (2) a complete evaluation of all possible management measures has been performed, and (3) if full compliance cannot be achieved, the highest practicable level of management is being implemented.

MITIGATION – Activities, strategies, policies, programs, actions that, over time, will serve to avoid, minimize, or compensate for (by treating or removing pollution sources) the impacts to or disruption of water quality and water resources. **MS4** – Refers to the Small Municipal Separate Storm Sewer System General Permit - the MS4 General Permit - issued by the EPA under the Clean Water Act. MS4 applies to

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municipalities that contain any portion of an urbanized area as defined by the Census. It applies to stormwater conveyances owned by a State, city, town, or other public entity that discharge to 'Waters of the United States.' The MS4 Permit requires that operators of small MS4s develop a Storm Water Management Program that uses appropriate Best Management Practices (BMPs) for each of the six minimum control measures required in the MS4 permit.

NATIVE VEGETATION AND PLANTINGS - Plants that are indigenous to the region, adapted to the local soil and rainfall conditions, and require minimal supplemental watering, fertilizer, and pesticide application.

LOAD – means an amount of pollutants that is introduced into a receiving waterbody measured in units of concentration or mass per time (i.e., concentration (mg/l) or mass (lbs./day)).

RETENTION – The amount of precipitation on a drainage area that does not escape as runoff. It can be expressed as the difference between total precipitation and total runoff from an area. **TOTAL**

SUSPENDED SOLIDS (TSS) – The total amount of soils particulate matter which is suspended in the water column.

WATER QUALITY VOLUME - The storage needed to capture and treat 90% of the average annual stormwater runoff volume. In New Hampshire, this equates to 1-inch of runoff from impervious surfaces.

WATERSHED – All land and water area from which runoff may run to a common (design) discharge point.

Appendix A. Stormwater Infrastructure Design Criteria

Design Criteria	Description										
<p>Water Quality Volume (WQV)</p>	<p>$WQV = (P)(Rv)(A)$</p> <p>P = 1 inch of rainfall</p> <p>Rv = unitless runoff coefficient, $Rv = 0.05 + 0.9(I)$</p> <p>I = percent impervious cover draining to the structure converted to decimal form</p> <p>A = total site area draining to the structure</p>										
<p>Water Quality Flow (WQF)</p>	<p>$WQF = (q_u)(WQV)/640$</p> <p>WQV = water quality volume calculated as noted above</p> <p>q_u = unit peak discharge from TR-55 exhibits 4-II and 4-III [1 square mile=640 acres, converts WQF equation to cubic feet per second]</p> <p>Variables needed for exhibits 4-II and 4-III:</p> <p>I_a = the initial abstraction = 0.2S</p> <p>S = potential maximum retention in inches = $(1000/CN) - 10$</p> <p>CN = water quality depth curve number $= 1000/(10+5P+10Q-10[Q^2+1.25(Q)(P)]^{0.5})$</p> <p>P = 1 inch of rainfall</p> <p>Q = the water quality depth in inches = WQV/A</p> <p>A = total area draining to the design structure</p>										
<p>Groundwater Recharge Volume (GRV)</p>	<p>$GRV = (A_i)(R_d)$</p> <p>A_i = the total area of effective impervious surfaces that will exist on the site after development</p> <p>R_d = the groundwater recharge depth based on the USDA/NRCS hydrologic soil group, as follows:</p> <table border="1" data-bbox="472 1514 997 1772"> <thead> <tr> <th>Hydrologic Group</th> <th>R_d (inches)</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>0.40</td> </tr> <tr> <td>B</td> <td>0.25</td> </tr> <tr> <td>C</td> <td>0.10</td> </tr> <tr> <td>D</td> <td>0.00</td> </tr> </tbody> </table>	Hydrologic Group	R_d (inches)	A	0.40	B	0.25	C	0.10	D	0.00
Hydrologic Group	R_d (inches)										
A	0.40										
B	0.25										
C	0.10										
D	0.00										
<p>Channel Protection Volume (CPV)</p>	<p>If the 2-year, 24-hour post-development storm volume <i>does not increase</i> due to development then: control the 2-year, 24-hour post-development peak flow rate</p>										

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	<p>to the 2-year, 24-hour predevelopment level.</p> <p>If the 2-year, 24-hour post-development storm volume <i>does increase</i> due to development then: control the 2-year, 24-hour post-development peak flow rate to ½ of the 2-year, 24-hour pre-development level or to the 1-year, 24-hour pre-development level.</p>
Peak Control	Post-development peak discharge rates shall not exceed pre-development peak discharge rates for the 2-year, 10-year, 25-year, 24-hour storms
EIC and UDC	<p>%EIC = area of effective impervious cover/total drainage areas within a project area x 100</p> <p>%UDC = area of undisturbed cover/total drainage area within a project area x 100</p>

[Source: *NH DES Stormwater Manual: Volume2 Post-Construction Best Management Practices Selection & Design (December 2008)*, as amended.



MODEL STORMWATER STANDARDS FOR COASTAL WATERSHED COMMUNITIES

Prepared by the University of New Hampshire Stormwater Center and
The Rockingham Planning Commission
December 2012



This project was funded under the Coastal Zone Management Act by NOAA's Office of Ocean and Coastal Resource Management in conjunction with the New Hampshire Coastal Program.

SOUTHEAST WATERSHED ALLIANCE

DRAFT Model Stormwater Standards for Coastal Watershed Communities ***Revised November 28, 2012***

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SECTION 1. INTRODUCTION AND NEED FOR CONSISTENT STANDARDS

The mission of the Southeast Watershed Alliance (SWA) is to establish a regional framework for New Hampshire coastal watershed communities, regional planning commissions, state and federal regulators, and other stakeholders to collaborate on implementation measures to improve and protect the quality and quantity of water resources, and more effectively address the challenges of meeting clean water standards. Currently there is a lack of well-defined, enforceable stormwater performance standards for coastal watershed communities.

The SWA has launched a stormwater initiative that will provide minimum, consistent, and effective model stormwater management standards for coastal communities. As part of their initiative, SWA will encourage the adoption of the model stormwater management standards to provide a consistent level of stormwater management and water quality protection within the 42 communities in NH's coastal watershed.

This initiative will develop minimum stormwater performance standards which will be drafted through collaboration between technical experts, professional planners and the SWA membership. These standards will encourage the use of Low Impact Development (LID) strategies, will build upon innovative stormwater standards recently adopted by several coastal watershed communities, and will be consistent with EPA Region 1 and NHDES guidelines.

To evaluate the effectiveness of these model standards and other water quality and/or stormwater standards that have been or will be adopted by coastal watershed communities, further analyses will be needed to calculate nutrient and other pollutant load reductions achieved over time. Future load reductions can then be modeled with the calculation of expected impervious cover reductions and associated pollutant load reductions based on implementation of best management and innovative practices, land use, and projected growth and redevelopment rates in the region. These efforts will ensure that measures taken by municipalities to disconnect impervious cover (IC) and curb pollutant loads to receiving waters – from both redevelopment and new development - have defensible and accountable methods for counting reductions that can be attributed to their efforts.

SECTION 2. PURPOSE AND GOALS

The purpose of these standards in New Hampshire's Coastal Watershed is to:

- **Control** non-point source pollution from future development.
- **Mitigate** and reduce non-point source and stormwater pollution from existing development.
- **Manage** the quality and quantity of surface water and groundwater resources.

The primary goals for the implementation of these standards in New Hampshire's Coastal Watershed are to:

1. Provide a cost effective way of managing stormwater infrastructure and water resources for the maximum benefit.

2. Manage ecosystem services that humans rely on and sustain them into the future.
3. Consider projected changes in climate (temperature, flooding, precipitation, storm events) in the design, siting and implementation of stormwater infrastructure and other investments
4. Make use of technological advances in data collection and analysis to enable regulators, researchers, resource managers and municipalities to track changes in pollutant loading and sources, water quality trends, land use changes, and the cause and effect relationships between them. This will allow for implementation of adaptive management strategies.
5. Coordinate tracking and accounting methodologies to ensure municipalities receive credit for existing pollutant reduction strategies and future reductions or preventative strategies that demonstrate compliance with federal and state requirements and permits.

NOTE: Before adoption of these or other stormwater management standards, it is strongly recommended that the municipality complete a review of existing zoning ordinances and land development regulations (i.e. requirements for stormwater management, erosion and sediment control, parking lots, landscaping and other related site development elements) to identify amendments to such ordinances and regulations for consistency and compatibility with the SWA model stormwater management standards, and federal and state requirements. The references below provide examples of methods used for review of municipal regulatory standards relating to land development practices as permitted through local zoning and regulations.

Example 1. The *Piscataqua Region Environmental Planning Assessment (PREPA, 2010)* includes a watershed wide review of Municipal Regulations and Conservation Strategies relating to protection of water quality and water resources (including stormwater management, erosion/sediment control, wetlands, buffers, drinking water, floodplain management, and impervious surface limits). The document is available at http://www.prep.unh.edu/resources/pubs_by_date.htm (scroll down the page to the 2010 publications). PREP created a worksheet which was used to collect data from coastal watershed communities. Note: The worksheet is appended as a separate document.

Example 2. The Acton Wakefield Watersheds Alliance (AWWA) recently prepared a community-based plan in cooperation with the towns, lake associations and other local stakeholders in New Hampshire and Maine. The *Salmon Falls Headwater Lakes Watershed Management Plan (WMP)* includes a Municipal Ordinance Review as an appendix to the plan, which outlines a review methodology that could be tailored to address stormwater management. These documents are available at <http://www.awwatersheds.org/programs/watershed-plans/68-watershed-plan-unveiled>.

Example 3. The Center for Watershed Protection (Ellicott City, MD) prepared a worksheet as a companion document to their publication *Better Site Design: A Handbook for Changing Development Rules in Your Community*. This worksheet - *Codes and Ordinance Worksheet (1998)* - uses the 22 principles for implementing water quality protections through better site design development and provides a self-assessment. The document is available at http://awsps.org/docman-test/cat_view/64-manuals-and-plans/82-stormwater-management-manuals-plans-and-guidance.html. ***Additional references from the Center are provided in Appendix B to assist communities with stormwater evaluation and planning for watershed resource protection.***

SECTION 3. MODEL STORMWATER STANDARDS AND MUNICIPAL APPROACHES FOR ADOPTION

This section is organized in several parts: Introduction; Detailed instructions for each of the three suggested Regulatory Approaches A, B and C including specific language and criteria necessary to implement them; and the Seven Critical Core Elements (recommended minimum Performance Standards for Stormwater Management).

INTRODUCTION

Implementation Options

Stormwater management standards are most commonly implemented by municipalities through zoning or regulations. The following parts of this section detail three methods of adoption: **Approach A** as part of a zoning ordinance; **Approach B** as part of Site Plan and/or Subdivision Regulations; and **Approach C** a dual approach as part of zoning and regulations. All three approaches provide consistent oversight and implementation of stormwater standards by the Planning Board through zoning with a Conditional Use Permit process and as part of Site Plan Review Regulations and Subdivision Regulations.

Challenges and Benefits of Regulatory Approaches

Implementing stormwater standards through zoning and land use regulations have unique challenges and benefits.

- Site Plan Review Regulations and Subdivision Regulations can be adopted by a Planning Board through the public hearing process. However, Planning Board support for stormwater regulations can shift due to changes in membership that can occur from year to year as members are replaced or added through the electoral process or as appointed by the Board of Selectmen or Council.
- Zoning amendments require vote by the municipality's governing body (ballot by majority of legal voters) or legislative body (council form of government). Once adopted, zoning standards typically remain in place unless the Planning Board, elected officials or the majority of the voting membership of the municipality move to repeal or amend them by offering a warrant article or resolution to affect change.

Option A. Zoning Ordinance Approach

Introduction

Stormwater standards can be adopted as part of a zoning ordinance and may apply to a geographically limited area as an overlay district or uniformly throughout a municipality. Zoning amendments are approved by a city or town council or the legislative body of a municipality (residents through vote on a warrant article).

Here Begins Text to Incorporate into a Zoning Ordinance

1. Applicability of Stormwater Management Standards.

Note: Use the following language for an Overlay District.

The Stormwater Management Overlay District shall be comprised of *[insert here a description of the geographic extent of the stormwater management overlay district]*. The following stormwater standards shall apply to all land within the district boundaries. Redevelopment of existing developed sites shall also be subject to the standards described herein.

Note: Use the following language for standards that apply to all lands in the municipality.

The Stormwater Management Standards shall apply to all lands within the municipal boundaries. Redevelopment of existing developed sites shall also be subject to the standards described herein.

Insert Critical Core Elements A through G here.

2. An applicant may request relief from the requirements of the overlay district through the Conditional Use Permit process. All such requests to diverge from any requirement or standard shall be accompanied by a narrative description of and justification for the requested relief, a site plan showing the proposed standard(s) and required standard(s). Relief from the requirements of the overlay district may be granted through issuance of a Conditional Use Permit issued by the Planning Board.
3. A Conditional Use Permit is a decision that would permit relief from or reduction in a specific requirement or standard of the overlay district but that is otherwise generally consistent with its goals, purpose and provisions. The Planning Board shall have the authority to grant or deny a request for a Conditional Use Permit pursuant to the provisions of RSA 674:16 and RSA 674:21.
4. The grant or denial of a Conditional Use Permit by the Planning Board may be appealed to the Superior Court, as provided for in RSA 677:15. [Explanatory Note: A Planning Board decision on a Conditional Use Permit request cannot be appealed to the Zoning Board of Adjustment (RSA 676:5 III).]
5. A Conditional Use Permit, for relief from the requirements of this section, may be granted by the Planning Board after proper public notice and public hearing provided the Planning Board finds that the applicant's request complies with standards 5.a, 5.b or 5.c below.
 - a. Improves a specific aspect of public health or safety; **or**
 - b. Provides an increased level of ecosystem services, environmental or natural resource protection; **or**
 - c. Provides a measureable public benefit (such as public open space or public amenity).

Option B. Site Plan Review and/or Subdivision Regulations Approach

Introduction

Stormwater standards can be adopted as part of land development regulations which apply uniformly throughout a municipality for different types of development. Standards would apply to commercial, industrial and multi-family housing under Site Plan Review Regulations, and commercial and residential subdivision under Subdivision Regulations. Amendments to land development regulations are approved by the Planning Board at a properly noticed public hearing.

HERE BEGINS TEXT TO INCORPORATE INTO SITE PLAN REVIEW REGULATIONS

Provisions and Standards for Post-Construction Stormwater Management

1. The provisions and standards of this section are implemented for the purpose of:
 - Managing stormwater runoff to protect water quality and quantity.
 - Causing no increase in contribution of a pollutant for which a water body is impaired.
 - Treating all new runoff discharged to a municipal drainage system, surface water body or wetland.
 - Causing no discharge of runoff to an adjacent property in excess of runoff discharged in the existing developed or undeveloped condition.
2. All development subject to these regulations shall comply with the requirements of the following Critical Core Elements.

Insert Critical Core Elements A through G here.

HERE BEGINS TEXT TO INCORPORATE INTO SUBDIVISION REGULATIONS

Provisions and Standards for Post-Construction Stormwater Management

1. These provisions and standards shall apply to all development activities including but not limited to construction of roads, drainage infrastructure, utilities and other structures or development that support the subdivision.
2. **[Option 1]** Development on residential lots shall be exempt from these provisions and standards. **[Option 2]** Development on residential lots shall incorporate best management practices from the *NHDES Homeowners Guide to Stormwater Management (2011, as amended)* to manage and treat runoff to the maximum extent practicable.

NOTE: Municipalities will decide whether to apply these stormwater standards to development on residential lots. If the standards are applied, recommend referencing the NHDES Homeowners Guide to Stormwater Management (2011, as amended) for technical specifications and implementation of best management practices for stormwater management.

3. The provisions and standards of this section are implemented for the purpose of:
 - Managing stormwater runoff to protect water quality and quantity.
 - Causing no increase in contribution of a pollutant for which a water body is impaired.
 - Treating all new runoff discharged to a municipal drainage system, surface water body or wetland.
 - Resulting in no discharge of runoff to an adjacent property in excess of runoff discharged in the existing developed or undeveloped condition.

Insert Critical Core Elements A through G here.

Option C. Zoning Ordinance and Regulations Approach

Here Begins Text to Incorporate into a Zoning Ordinance

1. Applicability of Stormwater Management Standards.
 - a. **Note: Use the following language for an Overlay District.**
The Stormwater Management Overlay District shall be comprised of *[insert here a description of the geographic extent of the stormwater management overlay district]*. The following stormwater standards shall apply to all land within the district boundaries. Existing development shall be subject to these standards as described herein.
 - b. **Note: Use the following language for standards that apply to all lands in the municipality.**
The Stormwater Management Standards shall apply to all lands within its boundaries. Existing development shall be subject to these standards as described herein.
2. An applicant may request relief from the requirements of the overlay district through the Conditional Use Permit process. All such requests to diverge from any requirement or standard shall be accompanied by a narrative description of and justification for the requested relief, a site plan showing the proposed standard(s) and required standard(s). Relief from the requirements of the overlay district may be granted through issuance of a Conditional Use Permit issued by the Planning Board.
3. A Conditional Use Permit is a decision that would permit relief from or reduction in a specific requirement or standard of the overlay district but that is otherwise generally consistent with its goals, purpose and provisions. The Planning Board shall have the authority to grant or deny a request for a Conditional Use Permit pursuant to the provisions of RSA 674:16 and RSA 674:21.
4. The grant or denial of a Conditional Use Permit by the Planning Board may be appealed to the Superior Court, as provided for in RSA 677:15. [Note: A Planning Board decision on a Conditional Use Permit request cannot be appealed to the Zoning Board of Adjustment (RSA 676:5 III).]
5. A Conditional Use Permit, for relief from the requirements of the overlay district, may be granted by the planning board after proper public notice and public hearing provided the planning board finds that the applicant's request complies with standards 5.a, 5.b or 5.c below.
 - a. Improves a specific aspect of public health; **or**
 - b. Provides an increased level of ecosystem services, environmental or natural resource protection; **or**
 - c. Provides a measureable public benefit (such as increased public space, open space or public amenities).

NOTE: Proceed by incorporating the Critical Core Elements A through G into Site Plan Review Regulations and/or Subdivision Regulations using language from Option B (see previous section)

SECTION 4: THE CRITICAL CORE ELEMENTS - PERFORMANCE STANDARDS FOR STORMWATER MANAGEMENT

Seven Critical Core Elements of Stormwater Management

Stormwater management requirements in either a zoning ordinance and/or land development regulation should include *seven critical core elements* as a component toward implementation of an adaptive water resources management strategy. These *seven critical core elements* of stormwater management are:

- Element A** ***Applicability Standards***
- Element B** ***Minimum Thresholds for Applicability***
- Element C** ***Best Management Practices***
- Element D** ***Applicability for Redevelopment***
- Element E** ***Stormwater Management Plan Approval and Recordation***
- Element F** ***Maintenance Criteria***
- Element G** ***Inspection of Infrastructure***

Elements A through G are described on pages 7-12 of this document.

ELEMENT A. APPLICABILITY STANDARDS

NOTE: These applicability requirements address directly methods to reduce pollutant load burden for the municipality, particularly those municipalities subject to EPA MS4 permit requirements.

1. These standards apply to all projects subject to ***[insert one of the following – the Zoning Article containing the stormwater standards, or Site Plan Review Regulations and/or Subdivision Regulations pertaining to stormwater management.]*** At the discretion of the Planning Board, qualifying applications may be required to include a post-construction stormwater management plan prepared by a NH licensed engineer. [NOTE: If not already part of the regulations, a description and submission requirements for a post-construction stormwater management plan should be added.]
2. All projects under review by the Planning Board of such magnitude as to require a stormwater permit from EPA Construction General Permit (CGP) program or NH Department of Environmental Services (NHDES) Alteration of Terrain (AOT) program shall comply with the standards of EPA and/or NHDES permits and this section, whereas the stricter standards shall apply.,
3. ***[OPTIONAL]*** Activities permitted by federal and state laws governing agriculture, forestry, silvaculture and horticulture are subject to the standards and practices described in Elements C and D pertaining to water quality criteria and discharge of stormwater to adjacent properties, public or private drainage infrastructure, surface water bodies and wetlands.

ELEMENT B. MINIMUM THRESHOLDS FOR APPLICABILITY

NOTE: A minimum threshold condition is a measure of the amount of total disturbance for a new development or redevelopment project whereby the full stormwater standards would apply to all applications subject to zoning, Site Plan Review Regulations and Subdivision Regulations. *The threshold can be established to include projects qualifying under NHDES Alteration of Terrain permit and/or capture smaller projects that do not meet the threshold for the NHDES Alteration of Terrain permit.* Disturbance is defined as any permanent alteration of the land surface or removal of vegetation or trees associated with a development activity (excluding routine landscaping and yard maintenance, gardening, commercial excavation operations, or removal of trees, stumps and invasive vegetation). Note – a lower threshold is encouraged for certain sensitive areas such as habitat, drinking water and groundwater protection, and proximity to impaired waters.

1. Minimum Thresholds for Applicability: These stormwater management standards apply to all projects requiring Planning Board review and approval under the *[insert reference to applicable zoning article or regulation here]*. For smaller projects that disturb less than ***[insert standard here]*** square feet an applicant may request a waiver of the full standards providing minimum protections and management are implemented. For the purpose of these standards, disturbance is defined as any alteration of the land surface or permanent removal of vegetation or trees associated with a development activity (refer to the definition of disturbance in the Glossary of Terms).

NOTE FOR #1 and #2. The suggested minimum threshold for small projects eligible for a waiver may be revised up or down to reflect municipal priorities or at the discretion of the Planning Board depending upon the location and type of development, to protect critical sensitive resources or presence of an existing water body impairment. In recently adopted stormwater ordinances and/or regulations, municipalities have established thresholds for applicability ranging from 5,000 to 20,000 square feet. However, applicability thresholds should be low enough to ensure a high level of confidence that the development activity will have negligible impacts on water quality and natural hydrologic processes.

2. Waiver Option for Small Development Projects: At the request of an applicant, the Planning Board may grant a waiver to any or all stormwater standards for projects that: disturb less than ***[insert maximum area here]*** square feet; create less than ***[insert maximum area here]*** square feet of new impervious surface; and do not disturb land within 100 feet of a surface water body or wetland.

[NOTE: In #2 above, the Planning Board may determine the distance criteria from surface waters and/or wetlands based upon site conditions such as slope, soil type and subsurface materials or identification of an impaired water body within the contributing drainage area of the project.]

3. Conditions for Granting of Waivers: In order for the Planning Board to issue a waiver, the applicant must demonstrate and board must find the application meets the minimum criteria listed below and, if granted, will be considered conditions of approval.
 - a. Runoff from **NEW** impervious surfaces shall be directed to a filtration and/or infiltration device or properly discharged to a naturally occurring or fully replanted and vegetated area with slopes of 15 percent or less and with adequate controls to prevent soil erosion and concentrated flow.

- b. Impervious surfaces for parking areas and roads shall be minimized to the extent possible (including minimum parking requirements for proposed uses and minimum road widths).
- c. Runoff generated from **NEW** impervious surfaces shall be retained on the development site and property and mimic natural hydrologic processes to the maximum extent possible, or it is determined that the biological and chemical properties of the receiving waters will not be degraded by or its hydrology will benefit from discharge of stormwater runoff from the development site.
- d. Compliance with standards 3.a-3.d above will be determined by the Planning Board on a case by case basis as site conditions and constraints will differ greatly between various redevelopment proposals.

ELEMENT C. BEST MANAGEMENT PRACTICES

1. Performance Specifications: All proposed stormwater practices and measures shall be installed and maintained in accordance with manufacturers' specifications and performance specifications in the NH Stormwater Management Manual Volume 2 (December 2008 or current revision) a copy of which is available from the NHDES website at www.des.nh.gov/organization/divisions/water/stormwater/manual.htm.
2. Water Quality Protection: All aspects of the application shall be designed to protect the quality of surface waters and groundwater of the *[Insert name of municipality here]* as follows:
 - a. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface water or groundwater so as to contaminate, pollute, harm, impair or contribute to an impairment of such waters.
 - b. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet the regulations of the New Hampshire Department of Environmental Services (NHDES) including but not limited to those involving Underground Storage Tanks, Above Ground Storage Tanks, hazardous Waste and Best Management Practices for Groundwater Protection (Env-Wa 401).
3. Stormwater Management for New Development: All proposed stormwater management and treatment systems shall meet the following performance standards.
 - a. Existing surface waters, including lakes, ponds, rivers, perennial and intermittent streams (natural or channelized), and wetlands (including vernal pools) shall be protected by the minimum buffer setback distances (as specified in the Zoning and Regulations). Stormwater and erosion and sediment control BMPs shall be located outside the specified buffer zone unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered whenever possible. When necessary, as determined by the Planning Board or their representative, stream and wetland crossings shall comply with state recommended design standards to minimize impacts to flow and enhance animal passage (see the University of New Hampshire Stream Crossing Guidelines (May 2009, as amended) available from the UNH Environmental Research Group website at http://www.unh.edu/erg/stream_restoration/nh_stream_crossing_guidelines_unh_web_rev_2.pdf)

- b. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable (MEP) in order to reduce the generation of the stormwater runoff volume for both new development and redevelopment projects (see Element D for redevelopment standards). An applicant must document in writing why LID strategies are not appropriate if not used to manage stormwater.
- c. All stormwater treatment areas shall be planted with native plantings appropriate for the site conditions: grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.
- d. All areas that receive rainfall runoff must be designed to drain within a maximum of 72 hours for vector control.
- e. Salt storage areas shall be covered and loading/offloading areas shall be designed and maintained in accordance with NH DES published guidance such that no untreated discharge to receiving waters results. Snow storage areas shall be located in accordance with NH DES published guidance such that no direct untreated discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. See NHDES published guidance fact sheets on road salt and water quality, and snow disposal at <http://des.nh.gov/organization/commissioner/pip/factsheets/wmb/index.htm>.
- f. Runoff shall be directed into recessed vegetated and landscape areas designed for treatment and/or filtration to the MEP to minimize Effective Impervious Cover (EIC) and reduce the need for irrigation systems.
- g. All newly generated stormwater, whether from new development or expansion of existing development (redevelopment), shall be treated on the development site. Runoff shall not be discharged from the development site to municipal drainage systems, privately owned drainage systems (whether enclosed or open drainage). Runoff shall not be discharged to surface water bodies or wetlands in excess of volumes discharged under existing conditions (developed condition or undeveloped condition).
- h. A development plan shall include provisions to retain stormwater on the site by using the natural flow patterns of the site. Runoff from impervious surfaces shall be treated to achieve 80% removal of Total Suspended Solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the NH Stormwater Manual. Volumes 1 and 2, December 2008 as amended (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means. Where practical, the use of natural, vegetated filtration and/or infiltration BMPs or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. Note: The Anti-Degradation provisions of the State Water Quality Standards require that runoff from new development shall not lower water quality or contribute to existing water body impairments.

NOTE: An alternative approach to requiring specific pollutant removal rates for treatment of runoff can be to restrict selection of BMP's to those that achieve a specified minimum removal rate or greater.

3. Stormwater Management for New Development (continued)

- i. Measures shall be taken to control the post-development peak rate runoff so that it does not exceed pre-development runoff for the 2-year, 10-year and 25-year, 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to infiltrate the groundwater recharge volume GR_v according to the following ratios of Hydrologic Soil Group (HSG) type versus infiltration rate multiplier: HSG-A: 1.0; HSG-B: 0.75; HSG-C: 0.4; HSG-D: 0.15. For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment. Infiltration structures shall be in locations with the highest permeability on the site.
- j. The physical, biological and chemical integrity of the receiving waters shall not be degraded by the stormwater runoff from the development site.
- k. The design of the stormwater drainage system shall provide for the disposal of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.
- l. The design of the stormwater management systems shall take into account upstream and upgradient runoff that flows onto, over, or through the site to be developed or re-developed, and provide for this contribution of runoff.
- m. Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance, the area of disturbance shall be kept to a minimum, and any sediment in runoff shall be retained within the project area. Wetland areas and surface waters shall be protected from sediment. Disturbed soil areas shall be either temporarily or permanently stabilized consistent with the NHDES Stormwater Manual Volume 3 guidelines. In areas where final grading has not occurred, temporary stabilization measures should be in place within 7 days for exposed soil areas within 100 feet of a surface water body or wetland and no more than fourteen (14) days for all other areas. Permanent stabilization should be in place no more than 3 days following the completion of final grading of exposed soil areas.
- n. All temporary control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized prior to removal of temporary control measures.
- o. Every effort shall be made to use pervious parking surfaces as an alternative to impervious asphalt or concrete for general and overflow parking areas. Pervious pavement shall be appropriately sited and designed for traffic and vehicle loading conditions.
- p. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.

ELEMENT D. APPLICABILITY FOR REDEVELOPMENT

NOTE: Criteria for redevelopment are critical to the effectiveness of any non-point source pollution management strategy. Redevelopment criteria must balance the economic incentives of utilizing and updating existing commercial property while at the time impose reasonable measures to improve water quality conditions for new development. Adopting redevelopment criteria is much like concepts applicable to electrical code enforcement which requires redevelopment projects to improve standards prior to issuance of an occupancy permit.

Redevelopment criteria should hold property owners accountable and at minimum require them to evaluate “hot spots and worst offender” situations (i.e. locations where stormwater is not managed properly or contributes high levels of pollutants to receiving waters or wetlands) on a site to target for treatment of “existing conditions” and require a narrative and/or explanation describing why retrofit of these areas is not possible. [Encourage use of watershed plans and NHDES Geomorphic Assessment reports to identify existing “hot spots” for deficient SWM and areas of active erosion; this information is geographically limited to areas within the river and tributary floodplain and valley].

NOTE: Because redevelopment may present a wide range of constraints and limitations, an evaluation of options may be proposed to work in conjunction with broader state watershed goals and local initiatives. Stormwater requirements for redevelopment may vary based upon the existing impervious surface cover on the site, the available space for new stormwater BMPs, and the sensitivity of nearby water bodies and wetlands. In order to determine the stormwater requirements for redevelopment projects, the percentage of the site covered by existing impervious areas must be calculated. For redevelopment projects on sites having less than 40% existing impervious surface coverage, it is generally considered that adequate space exists to apply the same stormwater management requirements as those required for new development projects. For sites that have greater than 40% impervious surface cover, it is recognized that the available space for BMPs will be limited and thus, greater flexibility in meeting the stormwater management standards will be needed so as to not prevent redevelopment. For these redevelopment sites, the applicant may be permitted to meet stormwater management requirements either on-site or at an approved off-site location, within the same watershed

1. Redevelopment Criteria:

- a. In order to determine the stormwater requirements for redevelopment projects, the percentage of the site covered by existing impervious areas must be calculated. Stormwater requirements for redevelopment will vary based upon the amount of site surface area that is covered by existing impervious surfaces.
- b. For sites meeting the definition of a redevelopment project and having less than 40% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects with the important distinction that the applicant can meet those requirements either on-site or at an approved off-site location. The applicant must satisfactorily demonstrate that impervious area reduction, LID strategies and BMPs have been implemented on-site to the maximum extent practicable.
- c. For sites meeting the definition of a redevelopment project and having more than 40% existing impervious surface coverage, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:

- i. Implement measures onsite that result in disconnection or treatment of at least 30% of the existing impervious cover as well as 50% of the additional proposed impervious surfaces and pavement areas through the application of filtration media; or
- ii. Implement other LID techniques onsite to the maximum extent practicable to provide treatment for at least 50% of the entire site area.

NOTE: THE FOLLOWING STANDARDS FOR OFF-SITE MITIGATION ARE OPTIONAL. An off-site mitigation option offers flexibility for redevelopment of existing developed sites and a way to implement water quality improvements in locations where little or no stormwater management exists currently (retrofit). This option is also particularly effective for implementing retrofit projects in **sensitive areas and high pollutant load areas that might otherwise not be addressed.**

2. Off-Site Mitigation:

- a. In cases where the applicant demonstrates, to the satisfaction of the planning board, that on-site treatment has been implemented to the maximum extent possible or is not feasible, off-site mitigation will be an acceptable alternative if implemented within the same subwatershed, within the project's drainage area or within the drainage area of the receiving water body. To comply with local watershed objectives the mitigation site would be preferably situated in the same subwatershed as the development and impact/benefit the same receiving water.
- b. Off-site mitigation shall be equivalent to no less than the total area of impervious cover NOT treated on-site.
- c. An approved off-site location must be identified, the specific management measures identified, and an implementation schedule developed in accordance with planning board review. The applicant must also demonstrate that there is no downstream drainage or flooding impacts as a result of not providing on-site management for large storm events.

NOTE: Refer to Appendix A for guidance on implementation of an off-site stormwater mitigation program, including options for developing targeted approaches that address local impairments and water quality issues.

Optional: Other Incentives

For MS4 communities, the draft NPDES permit references "increased discharges to impaired waters must provide additional BMPs or enhanced control of an existing discharge". If this requirement becomes part of the new MS4 permit, any increase to "existing discharges" will need to be addressed as part of all redevelopment applications. This can be done by retrofitting existing controls or treating all new stormwater contributions.

ELEMENT E. STORMWATER MANAGEMENT PLAN APPROVAL AND RECORDATION

1. Plan Approval and Review. The Planning Board shall approve the Stormwater Management Plan if it complies with the requirements of these regulations and other requirements as provided by law. At the discretion of the Planning Board, a technical review by a third party may be required of any stormwater management and erosion control plan prepared under these regulations. The technical review shall be performed by a qualified professional consultant, as determined by the Planning Board, and the expense of which shall be the full responsibility of the applicant.

2. Recordation of Approved Stormwater Management Plan. After final Planning Board approval, and established as a condition of such approval, the owner of record of the property shall record at the Registry of Deeds documentation sufficient to provide notice to all persons that may acquire any property subject to the requirements of and responsibilities described in the approved stormwater management plan (see RSA 477:3-a). The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478.

ELEMENT F. OPERATIONS AND MAINTENANCE CRITERIA

Stormwater management and sediment and erosion control plans shall be incorporated as part of any approved site plan or subdivision plan. The owner of record of the property shall record a Notice of Decision of these plans at the Registry of Deeds. The Notice of Decision shall be attached to the property deed and apply to all persons that may acquire any property subject to the approved stormwater management and sediment control plans. The Notice of Decision shall reference the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans as approved by the Planning Board.

ELEMENT G. POST-CONSTRUCTION STORMWATER INFRASTRUCTURE – INSPECTION AND RESPONSIBILITY

Municipal staff or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner. If permission to inspect is denied by the landowner, municipal staff or their designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B Administrative Inspection Warrants. Expenses associated with inspections shall be the responsibility of the applicant/property owner.

The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the Planning Board. Site development shall not begin before the Stormwater Management Plan receives written approval by the Planning Board.

The municipality retains the right, though accepts no responsibility, to repair or maintain stormwater infrastructure if: a property is abandoned or becomes vacant; and in the event a property owner refuses to repair infrastructure that is damaged or is not functioning properly.

SECTION 5. LEGAL BASIS IN NEW HAMPSHIRE

Introduction

Stormwater management requirements can be addressed effectively through performance based zoning ordinances and land development regulations. Following are the NH statues which enable local regulation of stormwater as a component of zoning and land use.

RSA 674:16 – Grant of Power

RSA 674:17 – Purposes of Zoning Ordinances

RSA 674:21 - Innovative Land Use Controls

RSA 674:36 – Subdivision Regulations

RSA 674:44 – Site Plan Review Regulations

Although many larger sites are subject to NH's Alteration of Terrain permit requirements and federal EPA storm water management requirements under the federal Clean Water Act, local zoning ordinances and land development regulations provide municipalities the authority to act independently to address local problems and issues relating to water quality impacts and water resource management on a case by case basis. Often federal and state regulations apply to only the largest development projects and lack the oversight and enforcement that municipalities are ultimately responsible for.

Zoning Ordinance

Zoning is an appropriate means for addressing stormwater for the purpose of “promoting the health, safety, or the general welfare of the community” (RSA 674:16) and “to assure proper use of natural resources” (RSA 674:17). A performance-based approach (authorized under RSA 674:21 when supported by the master plan) allows the community to specify the desired outcome or performance required by any development activity without being overly prescriptive regarding the specific techniques or approaches used. A zoning ordinance is also the appropriate means for specifying basic size and dimensional requirements of development affecting stormwater management, such as lot usage, impervious coverage, density, location of buildings, and retention of vegetative cover.

A zoning ordinance can also authorize the planning board to require a more detailed stormwater management plan for certain types of development, such as for larger developments, developments subject to subdivision and/or site plan review, or for developments near sensitive resources. Within this context, the planning board will develop site plan and subdivision regulations specifying what information is required in a plan and establishing any additional requirements necessary. Refer to the *Land Development Regulations* section below.

Local regulation is the only form of public review for development too small to be subject to federal or state stormwater regulations. A local zoning ordinance ensures that all development activity complies with the stormwater management requirements, including projects not subject to state or federal regulations and individual building lots that are not subject to subdivision or site plan review. Individual lots that do not go through the subdivision or site plan review process can be subject to basic stormwater management standards through a building permit and may be enforced by a code enforcement officer.

Land Development Regulations

Site Plan Review and Subdivision Regulations (RSA 674:44 and 674:36) shall incorporate standards to protect public health and safety, protect water resources, and prevent sources of pollution from entering the environment. Regulations can authorize the Planning Board to seek third party assistance as part of the review of submitted development applications and include engineering review and oversight of construction activities, particularly those involving large development sites and innovative techniques such as Low Impact Development. Regulations can specify conditions of approval laying out specific requirements and procedures for inspection of development sites during and after construction. Stormwater regulations should include the incorporation of site operations (i.e. housekeeping activities) and indicate the entity responsible to complete on-going maintenance in accordance with submitted maintenance plans for new stormwater infrastructure. Unlike zoning, regulations are under the sole jurisdiction of the Planning Board and can be amended by the Planning Board following the required public noticing and hearing procedures.

Additional Authority for Regulation of Stormwater Discharge

RSA 149-I:6 provides municipal authority to regulate stormwater, independent of land use regulations. While it is likely that creation of a stormwater utility may be necessary to adopt such regulations, further legal opinion would be helpful regarding whether such regulations could be adopted in a municipality without a utility. Regulations under this statute could address water pollution problems caused by properties that discharge stormwater to regulated MS4 systems.

Planning For Integrated Water Management

NH coastal watershed communities are confronted by a challenging set of land use and environmental concerns stemming from growth and development. At the same time changes in our regional climate, particularly, annual precipitation patterns and increases in the frequency and intensity of storm events are placing increased stress on available resources and infrastructure. These pressures have resulted in increasing stormwater runoff, declines in water quality, greater flood damage to private and public property, and increased risk and vulnerability of certain populations and critical infrastructure.

While these stresses are clearly inter-related, they are complex and the management and regulatory organization in New Hampshire is not structured to encourage integrated planning (or funding) for multiple issues. There are both traditional and innovative strategies that will allow communities to prepare and adapt to environmental changes, mitigate the impacts of growth, and minimize economic, social, and environmental consequences. However, many communities lack effective, enforceable water management and stormwater performance standards that will bring about actions necessary to achieve these goals.

Planning for better stormwater management is challenging because water resources are not confined to municipal boundaries and watershed plans are not always integrated into local plans.

Many land use decisions are made on a parcel-by-parcel basis. These parcel-by-parcel decisions can have cumulative impacts on water resources, stormwater infrastructure, and municipal budgets. Planning that integrates better practices with the local development approval process should help communities and their neighbors within the watershed set the groundwork for sound policies and ultimately better stormwater management. The intent of this document is to limit the economic and environmental liabilities of the municipalities by partnering with those industries and developments that directly contribute to the problem.

SECTION 6: GLOSSARY OF TERMS

ADAPTIVE MANAGEMENT – Management of resources that is a structured, iterative process of robust decision making in the face of uncertainty, with an aim to reducing uncertainty over time via system monitoring. In this way, decision making simultaneously meets one or more resource management objectives and, either passively or actively, accrues information needed to improve future management.

BEST MANAGEMENT PRACTICES (BMPs) - A structural or non-structural device designed to temporarily store or treat urban stormwater runoff in order to mitigate flooding, reduce pollution and provide other amenities.

BIORETENTION – A water quality practice that utilizes vegetation and soils to treat urban stormwater runoff by collecting it in shallow depressions, before filtering through an engineered bioretention planting soil media.

BUFFER – A special type of preserved area along a watercourse or wetland where development is restricted or prohibited. Buffers protect and physically separate a resource from development. Buffers also provide stormwater control flood storage and habitat values. Wherever possible, riparian buffers should be sized to include the 100- year floodplain as well as steep banks and freshwater wetlands.

DISTURBED AREA – An area in which the natural vegetative soil cover has been removed or altered and, therefore, is susceptible to erosion.

ECOSYSTEM SERVICES - The benefits of natural systems to individuals, communities, and economies. These benefits include provisioning services such as food and water; regulating services such as flood and disease control; cultural services such as spiritual, recreational, and cultural benefits; and supporting services such as nutrient cycling that maintain the conditions for life on Earth.

EFFECTIVE IMPERVIOUS COVER (EIC) – The total impervious surface areas less the area of disconnected impervious cover (areas where runoff is captured and infiltrated or otherwise treated).

ENVIRONMENTAL (NATURAL RESOURCE) PROTECTION - Policies and procedures aimed at conserving natural resources, preserving the current state of natural environments and, where possible, reversing degradation. Any activity to maintain or restore environmental quality through preventing the emission of pollutants or reducing the presence of polluting substances in environmental media, and preventing physical removal or degradation of natural resources.

FILTRATION – The process of physically or chemically removing pollutants from runoff. Practices that capture and store stormwater runoff and pass it through a filtering media such as sand, organic material, or the native soil for pollutant removal. Stormwater filters are primarily water quality control devices designed to remove particulate pollutants and, to a lesser degree, bacteria and nutrients.

GROUNDWATER RECHARGE – The process by which water that seeps into the ground, eventually replenishing groundwater aquifers and surface waters such as lakes, streams, and the oceans. This process helps maintain water flow in streams and wetlands and preserves water table levels that support drinking water supplies.

GROUNDWATER RECHARGE VOLUME – The post-development design recharge volume (i.e., on a storm event basis) required to minimize the loss of annual pre-development groundwater recharge. The Rev is determined as a function of annual pre-development recharge for site-specific soils or surficial materials, average annual rainfall volume, and amount of impervious cover on a site.

IMPAIRED WATERS – Those waterbodies not meeting water quality standards. Pursuant to Section 303(d) of the federal Clean Water Act, each state prepares a list of impaired waters (known as the 303(d) list) which is presented in the state's Integrated Water Report as Category 5 waters. Those impaired waters for which a TMDL has been approved by US EPA and is not otherwise impaired, are listed in Category 4A.

IMPERVIOUS COVER – Those surfaces that cannot effectively infiltrate rainfall consisting of surfaces such as building rooftops, pavement, sidewalks, driveways, compacted gravel (e.g., driveways and parking lots).

INFILTRATION – the process of runoff percolating into the ground (subsurface materials). Stormwater treatment practices designed to capture stormwater runoff and infiltrate it into the ground over a period of days.

LOW IMPACT DEVELOPMENT (LID) - Low impact development is a site planning and design strategy intended to maintain or replicate predevelopment hydrology through the use of site planning, source control, and small-scale practices integrated throughout the site to prevent, infiltrate and manage runoff as close to its source as possible. Examples of LID strategies are pervious pavement, rain gardens, green roofs, bioretention basins and swales, filtration trenches, and other functionally similar BMPs located near the runoff source.

MAXIMUM EXTENT PRACTICABLE (MEP) - To show that a proposed development has met a standard to the maximum extent practicable, the applicant must demonstrate the following: (1) all reasonable efforts have been made to meet the standard, (2) a complete evaluation of all possible management measures has been performed, and (3) if full compliance cannot be achieved, the highest practicable level of management is being implemented.

MITIGATION – Activities, strategies, policies, programs, actions that, over time, will serve to avoid, minimize, or compensate for (by treating or removing pollution sources) the impacts to or disruption of water quality and water resources.

MS4 – Refers to the *Small Municipal Separate Storm Sewer System General Permit* - the MS4 General Permit - issued by the EPA under the Clean Water Act. MS4 applies to municipalities that contain any portion of an urbanized area as defined by the Census. It applies to stormwater conveyances owned by a State, city, town, or other public entity that discharge to 'Waters of the United States'. The MS4 Permit requires that operators of small MS4s develop a Storm Water Management Program that uses appropriate Best Management Practices (BMPs) for each of the six minimum control measures required in the MS4 permit.

NATIVE VEGETATION AND PLANTINGS - Plants that are indigenous to the region, adapted to the local soil and rainfall conditions, and require minimal supplemental watering, fertilizer, and pesticide application.

POLLUTANT LOAD – means an amount of pollutants that is introduced into a receiving waterbody measured in units of concentration or mass per time (i.e. concentration (mg/l) or mass (lbs/day)).

REDEVELOPMENT - Any construction, alteration, or improvement that disturbs a total of 10,000 square feet or more of existing impervious area where the existing land use is commercial, industrial, institutional, governmental, recreational, or multifamily residential. Building demolition is included as an activity defined as “redevelopment”, but building renovation is not. Similarly, removing of roadway materials down to the erodible soil surface is an activity defined as “redevelopment,” but simply resurfacing of a roadway surface is not. Pavement excavation and patching that is incidental to the primary project purpose, such as replacement of a collapsed storm drain, is not classified as redevelopment. In general, the requirements in this manual do not apply to projects or portions of projects when the total existing impervious area disturbed is less than 10,000 square feet. However, specific regulatory programs may impose additional requirements. Any creation of new impervious area over portions of the site that are currently pervious is required to comply fully with the requirements of this manual, with the exception of infill projects.

RETENTION – The amount of precipitation on a drainage area that does not escape as runoff. It can be expressed as the difference between total precipitation and total runoff from an area.

TOTAL SUSPENDED SOLIDS (TSS) – The total amount of soils particulate matter which is suspended in the water column.

WATER QUALITY VOLUME - The storage needed to capture and treat 90% of the average annual stormwater runoff volume. In Rhode Island, this equates to 1-inch of runoff from impervious surfaces.

WATERSHED – All land and water area from which runoff may run to a common (design) discharge point.

APPENDIX A GUIDANCE ON OFF-SITE STORMWATER MITIGATION PROGRAMS

Purpose

The goals of an off-site stormwater mitigation program are to:

- Identify areas contributing high pollutant loads to groundwater, surface water and wetlands;
- Identify developed sites with no stormwater management and those where runoff is not being treated adequately;
- Inventory sites where water quality improvements are needed;
- Prioritize retrofit projects based on projected water quality benefits and implementation cost;
- Remove pollutants from stormwater to improve water quality, comply with federal and state laws, and protect aquatic ecosystems;
- Remove excess stormwater from the public sanitary sewer system; and
- Reduce the potential for sanitary sewer backups in private residences and buildings.

Several critical steps are necessary to create a successful off-site mitigation program, including but not limited to a land use/cover and development analysis, preparation of a mitigation site inventory, review of federal and state regulatory requirements, review of municipal zoning and land development standards, and financial considerations.

Preparing a Mitigation Site Inventory

A land use/cover and development analysis can yield information about the geographic distribution of high pollutant load areas and sources, identify sub-drainage areas and/or sites with the highest pollutant loads, and help identify locations for site specific field assessments. Another technical resource are river geomorphic assessments prepared by the NH DES as part of the NH fluvial geomorphic assessment program. These assessments document field observations of water quality impairments within the river corridors and channels including physical measurements of infrastructure, photographs and field notes of channel conditions, and recommended restoration practices. The assessments are available on the NHDES Watershed Assistance Section website at http://des.nh.gov/organization/divisions/water/wmb/was/watershed_based_plans.htm.

NOTE: Refer to page 24 for technical resources from the Center for Watershed Protection about how to conduct a mitigation site inventory.

Minimum Criteria for Permitting Use of an Off-Site Mitigation Option

A stormwater ordinance or regulation that applies an off-site mitigation option should require that any new development or redevelopment be accompanied by practices to reduce water quality impacts associated with stormwater runoff and other types of non-point source pollution.

The off-site mitigation option should further specify that these practices must be capable of ***reducing stormwater pollutant loads from a development site to a level at least some measure below the load generated by the same site prior to development.***

Preparing an Offset Fee (Fee-in-Lieu) Program

Municipalities may require developers to pay an offset fee to fully recover the costs of stormwater management. Estimates of the cost of stormwater management can be based on either the equivalent cost method or the stormwater retrofit method, and escalate each year based on the construction cost index. These methods are used to calculate the equivalent cost to construct a stormwater treatment

practice on the same site, whereas the second method calculates the cost to local government to construct a stormwater retrofit on another site.

Offset fees for redevelopment should reflect the cost of complying with the standards for redevelopment (refer to ELEMENT D. APPLICABILITY FOR REDEVELOPMENT for specifics). Offset fees should be equivalent to the cost of performing the required treatment (area of impervious surface based on % impervious cover) and volume management as described for redevelopment.

Stormwater Retrofit Cost Method

Another way to look at offset fees (fee-in-lieu) is to estimate the cost to a municipality to manage and treat runoff from an acre of impervious surface using a larger stormwater retrofit elsewhere in the community. This approach takes advantage of the economies of scale inherent when treating larger sites (for example sites > 5 acres). Municipalities who construct stormwater retrofits want to ensure that all their costs are recovered: base construction, design and engineering, retrofit inventories and construction management. ***Thus an inventory of mitigation sites can flag opportunities to install larger BMPs and to pool financial resources by combining mitigation requirements from several projects.***

Stormwater Infrastructure Maintenance Costs

Both the equivalent cost method and stormwater retrofit method neglect the cost to the municipality of maintaining stormwater practices installed through off-site mitigation. Several technical resources suggest that requiring an impact (offset) fee at the time of project approval can help to partially recover the future costs of maintenance.

APPENDIX B

ADDITIONAL RESOURCES FROM THE CENTER FOR WATERSHED PROTECTION (ELLICOTT CITY, MARYLAND)

Technical resources documents available at no cost at:

http://www.cwp.org/documents/cat_view/68-urban-subwatershed-restoration-manual-series.html

Manual 3: Urban Stormwater Retrofit Practices Manual (T. Schueler, D. Hirschman, M. Novotney, J. Zielinski, 2007). Outlines the basics of retrofits, describes the 13 unique locations where they can be found, and presents rapid methods to find, design and deliver retrofits to meet a wide range of subwatershed objectives. The manual contains updated costs for retrofit practices, updated pollutant removal data for stormwater treatment options, a design point method to estimate individual retrofit removal rates, and practical tips to support the design, permitting and construction of retrofit projects. In short, the manual provides all the resources needed to develop an effective local retrofit program.

Manual 11: Unified Subwatershed and Site Reconnaissance: A User's Manual (T. Wright, C. Swann, K. Cappiella, T. Schueler, 2005). Examines pollution sources and restoration potential within upland areas of urban subwatersheds. The manual provides detailed guidance on how to perform each of its four components: the Neighborhood Source Assessment, Hotspot Site Investigation, Pervious Area Assessment and the analysis of Streets and Storm Drains. Together, these rapid surveys help identify upland restoration projects and source control to consider when devising subwatershed restoration plans.

Manual 10: Unified Stream Assessment: A User's Manual (A. Kitchell, T. Schueler, 2005). Describes a rapid technique to locate and evaluate problems and restoration opportunities within the urban stream corridor. It describes how to perform the USA, and interpret the data collected to determine the stream corridor restoration potential for your subwatershed.

Manual 1: An Integrated Framework to Restore Small Urban Watersheds (T. Schueler, 2005). Introduces the basic concepts and techniques of urban watershed restoration, and sets forth the overall framework we use to evaluate subwatershed restoration potential. The manual emphasizes how past subwatershed alterations must be understood in order to set realistic expectations for future restoration. Presents a simple subwatershed classification system to define expected stream impacts and restoration potential. Defines seven broad groups of restoration practices, and describes where to look in the subwatershed to implement them. Presents a condensed summary of a planning approach to craft effective subwatershed restoration plans.

Manual 2: Methods to Develop Restoration Plans for Small Urban Watersheds (T. Schueler, A. Kitchell, 2005). Contains detailed guidance on how to put together an effective plan to restore urban subwatersheds. The manual outlines a practical, step-by-step approach to develop, adopt and implement a subwatershed plan in your community. Within each step, the manual describes 32 different desktop analysis, field assessment, and stakeholder involvement methods used to make critical restoration management decisions.

Manual 4: Urban Stream Repair Practices (T. Schueler, K. Brown, 2004). Concentrates on practices used to enhance the appearance, stability, structure, or function of urban streams. Presents three broad approaches to urban stream repair - stream cleanups, simple repairs, and more sophisticated comprehensive repair applications. Outlines how to set appropriate restoration goals, how to choose the best combination of stream repair practices to meet the goals, and how to assess stream repair potential at the subwatershed level. Finally, the manual offers practical advice to help design, permit, construct and maintain stream repair practices in a series of more than 30 profile sheets.

Manual 8: Pollution Source Control Practices (T. Schueler, C. Swann, T. Wright, S. Sprinkle, 2005). Presents several methods to assess subwatershed pollution sources in order to develop and target education and/or enforcement efforts that can prevent or reduce polluting behaviors and operations. Manual 8 outlines more than 100 different "carrot" and "stick" options that can be used for this purpose. The manual also presents profile sheets that describe 21 specific stewardship practices for residential neighborhoods, and 15 pollution prevention techniques for control of storm water hotspots.

TOWN OF MILFORD
STORMWATER MANAGEMENT
ORDINANCE



Prepared for:

Town of Milford, New Hampshire
1 Union Square
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Prepared by:

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*P.O. Box 432
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Stormwater Management Ordinance (July 2022)

A. Purpose and Goals

Developments shall not increase, decrease, modify, or alter the normal patterns of stormwater drainage caused during the development of a site and/or by the eventual development itself. The goal of these standards is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public in the Town of Milford. This Ordinance seeks to meet that goal through the following objectives:

1. Prevent increases in stormwater runoff from any development to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels.
2. Prevent increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.
3. Minimize the total volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic condition to the maximum extent practicable as allowable by site conditions.
4. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety or cause excessive municipal expenditures.
5. Protect the quality of groundwater resources, surface water bodies and wetlands.

B. Authority

This Ordinance is adopted pursuant to the authority vested in:

1. The authority vested in the Selectmen pursuant to RSA 41:11, RSA 47:17, VII, VIII, and XVIII; and
2. The Planning Board pursuant to RSA 674:35 and 36, and RSA 674:44; and, RSA 155-E:11; and
3. The authority vested in the Health Officer and Board of Health pursuant to RSA 147:1 and 147:14; and
4. The authority vested in the Water and Sewer Commissioners pursuant to RSA 38:26 and RSA 149:1:6, respectively.

The Ordinance shall become effective upon adoption by the Town of Milford Planning Board, Health Officer/Board of Health, the Board of Selectmen, Water and Sewer Commissions, in accordance with the statutory sections identified above.

C. Jurisdiction

1. This Ordinance shall pertain to all land within the boundaries of the Town of Milford, New Hampshire.
2. In any case where a provision of the Ordinance is found to be in conflict with a provision of any other Ordinance, Regulation, code, or covenant in effect in the Town of Milford or with any State Statute with particular reference to NHRSA Chapter 676:14 and 674:16 and 674:17 and the relevant sections therein, the provision which is the more restrictive shall prevail.

Stormwater Management Ordinance (July 2022)

D. Severability

The invalidity of any section, subsection, paragraph, sentence, clause, phrase, or word of this Ordinance shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase, or word of this Ordinance.

E. Amendments

This Ordinance may be amended by the approval of the several boards identified in Section B above, provided that each such agency complies with any applicable statutory or local procedures governing their authority to adopt such Ordinance. Amendments to zoning aspects must be approved at Milford Town Meeting.

F. Minimum Thresholds for Applicability

1. The post-construction stormwater management standards apply to any development or redevelopment project that:
 - a. Disturbs more than 43,560 square feet (one acre), or
 - b. Disturbs more than ten thousand (10,000) square feet cumulative within one hundred (100) feet of existing surface waters, including ponds, rivers, perennial, and intermittent streams (natural or channelized), and wetlands (including vernal pools) and shall be protected by the minimum buffer setback distances (as specified in Section 6.02.03 of the Zoning Ordinance).
2. Applications for Subdivisions and Site Plan Applications will be administered by the Planning Board and all other application that do not require Planning Board action (i.e., individual lots) will be administered by the or Community Development/DPW Department officials.
3. The following activities are considered exempt from this Ordinance:
 - a. Agricultural and forestry practices that are using established best management practices.
 - b. Resurfacing and routine maintenance of roads and parking lots.
 - c. Exterior and interior alterations and maintenance to existing buildings and structures that do not change the building footprint.
4. Application
 - a. All projects subject to these standards require the applicant to complete a Stormwater Permit Application form and submit plans and other required documents as required below. Prior to commencement of land disturbance, the applicant must obtain written approval as required by this Ordinance.
5. Other Required Permits
 - a. In addition to local approval, copies of the following permits shall be required if applicable:
 - i. *RSA 485-A:17* requires a permit from the New Hampshire Department of Environmental Services (NHDES) Water Supply and Pollution Control Division for "...any person proposing to significantly alter the characteristic of the terrain, in such a manner as to impede natural runoff or create an unnatural runoff ..." Regulations require this permit for any

Commented [MV1]: Minimum area is one acre. Could be just for projects that require Planning Board approval but that would potentially miss large areas of regrading (long driveways, etc.).

Commented [MV2]: Not required but recommended as a good practice to protect sensitive resource areas.

Stormwater Management Ordinance (July 2022)

project involving more than one-hundred thousand (100,000) contiguous square feet of disturbance or if such activity occurs in or on the border of the surface waters of the state.

- ii. *RSA 482-A* requires a permit from the Department of Environmental Services for any person desiring to "...excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the State."
- iii. *National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit*. A permit issued by the Environmental Protection Agency (EPA) or by the State under authority delegated pursuant to *33 USC, section 1342 (b)* that authorizes the discharge of pollutants to waters of the United States. For a cumulative disturbance of one (1) acre of land that EPA considers "construction activity," which includes, but is not limited to clearing, grading, excavation, and other activities that expose soil typically related to landscaping, demolition, and construction of structures and roads, a federal permit will be required. Consult the EPA for specific rules. This EPA permit is in addition to any state or local permit required.

b. *Stormwater Pollution Prevention Plan (SWPPP)*, if applicable.

G. Stormwater Management for New Development

1. All proposed stormwater management practices and treatment systems shall meet the following performance standards.
2. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered. Existing surface waters, including ponds, rivers, perennial, and intermittent streams (natural or channelized), and wetlands (including vernal pools) shall be protected by the minimum buffer setback distances (as specified in the Zoning and Regulations). Stormwater and erosion and sediment control BMPs shall be located outside the specified buffer zone unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered. When necessary, as determined by the Planning Board or their representative, stream and wetland crossings shall comply with state recommended design standards to minimize impacts to flow and enhance animal passage (see the NHDES Stream Crossing Guidelines, as amended).
3. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable to reduce stormwater runoff volumes, protect water quality, and maintain predevelopment site hydrology. Low Impact Development techniques that preserve existing vegetation, reduce the development footprint, minimize, or disconnect impervious area, and use enhanced stormwater *Best Management Practices* (BMPs) (such as raingardens, bioretention systems, tree box filters, and similar stormwater management landscaping techniques) shall be incorporated into landscaped areas as discussed in the *NH Stormwater Manual, Volumes 1 and 2, December 2008*, as amended or other equivalent means approved by the Town. Capture and reuse of stormwater is strongly encouraged. The applicant must document in writing why Low Impact Development strategies are not appropriate when not used to manage stormwater. Community Development/DPW Department officials may consult with the Conservation Commission as needed.

Commented [MV3]: From SWA Model Ordinance - Existing surface waters, including lakes, ponds, rivers, perennial and intermittent streams (natural or channelized), and wetlands (including vernal pools) shall be protected by the minimum buffer setback distances (as specified in the Zoning and Regulations). Stormwater and erosion and sediment control BMPs shall be located outside the specified buffer zone unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered whenever possible. When necessary, as determined by the Planning Board or their representative, stream and wetland crossings shall comply with state recommended design standards to minimize impacts to flow and enhance animal passage (see the University of New Hampshire Stream Crossing Guidelines (May 2009, as amended) available from the UNH Environmental Research Group website at http://www.unh.edu/erg/stream_restoration/nh_stream_crossing_guidelines_unh_web_rev_2.pdf

Commented [MV4]: From SWA Model Ordinance - Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable (MEP) in order to reduce the generation of the stormwater runoff volume for both new development and redevelopment projects (see Element D for redevelopment standards). An applicant must document in writing why LID strategies are not appropriate if not used to manage stormwater.

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4. All stormwater treatment areas shall be planted with native plantings appropriate for the site conditions: trees, grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.
5. Salt storage areas shall be fully covered with permanent or semi-permanent measures and loading/offloading areas shall be located and designed to not drain directly to receiving waters and maintained with good housekeeping measures in accordance with *New Hampshire Department of Environmental Services* published guidance. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater.
6. Surface runoff shall be directed into appropriate stormwater control measures designed for treatment and/or filtration to the maximum extent practicable and/or captured and reused onsite.
7. All newly generated stormwater from new development shall be treated on the development site. A development plan shall include provisions to retain natural predevelopment watershed areas on the site by using the natural flow patterns.
8. Runoff from impervious surfaces shall be treated to achieve at least eighty (80%) percent removal of Total Suspended Solids and at least fifty (50%) removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the *NH Stormwater Manual, Volumes 1 and 2, December 2008*, as amended or other equivalent means approved by the Town. Where practical, the use of natural, vegetated filtration and/or infiltration practices or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. All new impervious area draining to surface waters impaired by nitrogen, phosphorus or nutrients shall be treated with stormwater Best Management Practices (BMPs) designed to optimize pollutant removal efficiencies based on design standards and performance data published by the UNH Stormwater Center and/or included in the latest version of the *NH Stormwater Manual*.
9. Measures shall be taken to control the post-development peak runoff rate so that it does not exceed pre-development runoff for the 2-year, 10-year, and 25-year design storm at each discharge point from the site. Drainage analyses shall include calculations using analysis methodologies in the *NH Stormwater Manual, December 2008, as amended* comparing pre- and post-development stormwater runoff rates (cubic feet/second) for the 2-year, 25-year, 50-year storm and system/pond overflows shall be designed to accommodate the 100-year design storms runoff rates. Stormwater volume control shall mitigate the increase in the post-development runoff volume to infiltrate the groundwater recharge volume GRV according to the ratios of Hydrologic Soil Group (HSG) type versus infiltration rate multiplier (see attached Stormwater Design Criteria Table). For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment.
10. The design of the stormwater drainage systems shall provide for the conveyance or recharge of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation. The design shall also provide adequate conveyance

Commented [MV5]: From SWA Model Ordinance - All stormwater treatment areas shall be planted with native plantings appropriate for the site conditions: grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.

Commented [MV6]: From Model Ordinance - Salt storage areas shall be covered and loading/offloading areas shall be designed and maintained in accordance with NH DES published guidance such that no untreated discharge to receiving waters results. Snow storage areas shall be located in accordance with NH DES published guidance such that no direct untreated discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. See ... [1]

Commented [MV7]: From SWA Model Ordinance - Runoff shall be directed into recessed vegetated and landscape areas designed for treatment and/or filtration to the MEP to minimize Effective Impervious Cover (EIC) and reduce the need for irrigation systems.

Commented [MV8]: From SWA Model Ordinance - All newly generated stormwater, whether from new development or expansion of existing development (redevelopment), shall be treated on the development site. Runoff shall not be discharged from the development site to municipal drainage systems, privately owned drainage systems (whether encl... [2]

Commented [MV9]: From SWA Model Ordinance - A development plan shall include provisions to retain stormwater on the site by using the natural flow patterns of the site. Runoff from impervious surfaces shall be treated to achieve 80% removal of Total Suspended Solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate... [3]

Commented [MV10]: From SWA Model Ordinance - Measures shall be taken to control the post-development peak rate runoff so that it does not exceed pre-development runoff for the 2-year, 10-year and 25-year, 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to infiltrate the groundwater recharge... [4]

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systems for groundwater collected and diverted to a concentrated location without functional impairment to streets, adjacent properties, or downstream properties.

11. The physical, biological, and chemical integrity of the receiving waters shall not be degraded by the stormwater runoff from the development site.
12. The design of the stormwater management systems shall account for upstream and upgradient runoff that flows onto, over, or through the site to be developed or re-developed and design for this contribution of runoff.
13. All stormwater installations that received runoff must be designed to drain within a maximum of seventy-two (72) hours.
14. Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance, the area of disturbance shall be kept to a minimum, and any sediment in runoff shall be retained within the project area. Wetland areas and surface waters shall be protected from sediment. Disturbed soil areas shall be either temporarily or permanently stabilized consistent with the *NHDES Stormwater Manual Volume 3*, as amended, guidelines. In areas where final grading has not occurred, temporary stabilization measures should be in place within 7 days for exposed soil areas within 100 feet of a surface water body or wetland and no more than forty-five (45) days for all other areas. Permanent stabilization should be in place no more than three (3) days following the completion of final grading of exposed soil areas.
15. All temporary control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized prior to removal of temporary control measures unless specifically designed to remain.
16. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.
17. Submission Requirements for Stormwater Management Report and Plans.
 - a. All applications subject to these Standards shall include a comprehensive Stormwater Management Plan. The Stormwater Management Plan shall include a narrative description and an Existing Conditions Site Plan showing all pre-development impervious surfaces, buildings, and structures; surface water bodies and wetlands; drainage patterns, sub-catchment, and watershed boundaries; building setbacks and buffers, locations of various hydrologic group soil types, mature vegetation, land topographic contours with minimum 2-foot intervals and spot grades where necessary for sites that are flat.
 - b. The Stormwater Management Plan shall include a narrative description and a Proposed Conditions Site Plan showing all post-development proposed impervious surfaces, buildings and structures; temporary and permanent stormwater management elements and Best Management Practices, including GIS coordinates and GIS files; important hydrologic features created or preserved on the site; drainage patterns, sub-catchment and watershed boundaries; building setbacks and buffers; proposed tree clearing and topographic contours with minimum two (2) foot intervals. The plans shall provide calculations and identification of

Commented [MV11]: From SWA Model Ordinance - The design of the stormwater drainage system shall provide for the disposal of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.

Commented [MV12]: From SWA Model Ordinance - The physical, biological and chemical integrity of the receiving waters shall not be degraded by the stormwater runoff from the development site.

Commented [MV13]: From SWA Model Ordinance - The design of the stormwater management systems shall take into account upstream and upgradient runoff that flows onto, over, or through the site to be developed or re-developed, and provide for this contribution of runoff

Commented [MV14]: Standard practice for any stormwater mitigation installation,

Commented [MV15]: From Model Ordinance - Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance, the area of disturbance shall be kept to a minimum, and any sediment in runoff shall be retained within the project area. Wetland areas and surface waters shall be protected from sediment. Disturbed soil areas shall be either temporarily or permanently stabilized consistent with the *NHDES Stormwater Manual Volume 3* guidelines. In areas where final grading has not occurred, temporary stabilization measures should be in place within 7 days for exposed soil areas within 100 feet of a surface water body or wetland and no more than fourteen (14) days for all other areas. Permanent stabilization should be in place no more than 3 days following t... [5]

Commented [MV16]: From Model Ordinance - All temporary control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized prior to removal of temporary control measures.

Commented [MV17]: From SWA Model Ordinance - Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.

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the total area of disturbance proposed on the site (and off-site if applicable) and total area of new impervious surface created. A summary of the drainage analysis showing a comparison of the estimated peak flow and volumes for various design storms (see Table 1. Stormwater Infrastructure Design Criteria) at each of the outlet locations shall be included.

- c. The Stormwater Management Plan shall describe the general approach and strategies implemented, and the facts relied upon, to meet the goals of Section C. The Stormwater Management Plan shall include design plans and/or graphical sketch(es) of all proposed above ground Low Impact Development (LID) practices.
 - d. The Stormwater Management Plan shall include calculations of the change in impervious area, pollution loading and removal volumes for each best management practice, and GIS files containing the coordinates of all stormwater infrastructure elements (e.g., catch basins, swales, detention/bioretenion areas, piping).
 - e. The Stormwater Management Plan shall include a description and a proposed Site Plan showing proposed erosion and sediment control measures, limits of disturbance, temporary and permanent soil stabilization measures in accordance with the NH Department of Environmental Services *Stormwater Manual Volume 3* (as amended) as well as a construction site inspection plan including phased installation of best management practices and final inspection upon completion of construction. All temporary erosion and sediment control measures shall be removed upon completion (complete stabilization) of the project site.
 - f. The Stormwater Management Plan shall include a long-term stormwater management Best Management Practices (BMP) inspection and maintenance plan (Section E) that describes the responsible parties and contact information for the qualified individuals who will perform future inspections. The inspection frequency, maintenance and reporting protocols shall be included.
 - g. The Stormwater Management Plan shall describe and identify locations of any proposed deicing chemical and/or snow storage areas. Stormwater Management Plan will describe how deicing chemical use will be minimized or used most efficiently.
 - h. In urbanized areas that are subject to the *EPA MS4 Stormwater Permit* and will drain to chloride-impaired waters, any new developments and redevelopment projects shall submit a description of measures that will be used to minimize salt usage, and track and report amounts applied using the UNH Technology Transfer Center online tool (<http://www.roadsalt.unh.edu/Salt/>) in accordance with Appendix H of the *NH MS4 Permit*.
18. General Performance Criteria for Stormwater Management Plans.
- a. All applications shall apply site design practices as outlined in the Development Regulations, to reduce the generation of stormwater in the post-developed condition, reduce overall impervious surface coverage, seek opportunities to capture and reuse and minimize the discharge of stormwater to the municipal stormwater management system.
 - b. Water Quality Protection.

Commented [MV18]: Not specifically part of MS4 but needed to define submission requirements

Commented [MV19]: Not specifically noted in the MS4 but good practice for chloride impaired waters particularly moving forward if Total Maximum Daily Loads (TMDL) are developed or refined on specific water courses/bodies.

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- i. No stormwater runoff generated from impervious cover from new development or redevelopment shall discharge directly into a jurisdictional wetland or surface water body without adequate treatment as noted in this Ordinance.
 - ii. All developments shall provide adequate management of stormwater runoff and prevent discharge of stormwater runoff from creating or contributing to water quality impairment.
 - c. Onsite groundwater recharge shall be maintained by promoting infiltration through use of structural and non-structural methods. The recharge from the post development site shall maintain or exceed the recharge from pre-development site conditions in accordance with the soil type requirements discussed above in Section C.9. Capture and reuse of stormwater runoff is encouraged in instances where groundwater recharge is limited by site conditions. All stormwater management practices shall be designed to convey stormwater to allow for maximum groundwater recharge. This shall include, but not be limited to:
 - i. Maximizing flow paths from collection points to outflow points.
 - ii. Use of multiple best management practices (NH Stormwater Manual).
 - iii. Retention of stormwater and discharge to fully vegetated areas.
 - iv. Maximizing use of infiltration practices.
 - v. Stormwater System Design Performance Standards described in Appendix A.
 - d. Stormwater system design, performance standards and protection criteria shall be provided as prescribed in Appendix A. Calculations shall include sizing of all structures and best management practices, including sizing of emergency overflow structures based on assessment of the 100-year 24-hour frequency storm discharge rate.
 - e. The sizing and design of stormwater management practices shall utilize the higher precipitation volume from new precipitation data from the *Northeast Region Climate Center (NRCC) Extreme Precipitation Tables* or the most recent precipitation atlas published by the National Oceanic and Atmospheric Administration (NOAA) for the sizing and design of all stormwater management practices.
 - f. All stormwater management practices involving bioretention and vegetative cover as a key functional component must have a landscaping plan detailing both the type and quantities of plants and vegetation to be in used in the practice. Additional detail shall include how vegetation is to be maintained and that the owner of the property is responsible for maintaining vegetation. The use of native plantings appropriate for site conditions is required for these types of stormwater treatment areas. The landscaping plan must be prepared by a registered landscape architect, certified wetland scientist, or another qualified professional.
19. Water Quality Protection: All aspects of the application shall be designed to protect the quality of surface waters and groundwater of the Town of Milford as follows:
- a. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity,

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noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface water or groundwater to contaminate, pollute, harm, impair or contribute to an impairment of such waters.

- b. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet the regulations of the New Hampshire Department of Environmental Services (NHDES).

Commented [MV20]: Not specifically required by MS4 Regs but needed to define general drainage design standards. Consistent with current engineering practice for stormwater.

H. Stormwater Management for Redevelopment

- 1. Redevelopment (as applicable to this stormwater Ordinance) means:
 - a. Any construction, alteration, or improvement that disturbs existing impervious area (including demolition and removal of road/parking lot materials down to the erodible sub-base) or expands existing impervious cover by any amount, where the existing land use is commercial, industrial, institutional, governmental, recreational, or multi-family residential.
 - b. Any redevelopment activity that results in improvements with no increase in impervious area shall be considered redevelopment activity under this Ordinance.
 - c. Any new impervious area over portions of a site that are currently pervious.
 - d. The following activities are not considered redevelopment:
 - i. Interior and exterior building renovation (no change in building footprint).
 - ii. Resurfacing of an existing paved surface (e.g., parking lot, walkway, or roadway).
 - iii. Pavement excavation and patching that is incidental to the primary project purpose, such as replacement of a collapsed storm drain.
 - iv. Landscaping installation and maintenance.
- 2. Redevelopment applications shall comply with the requirements of Sections G.17 Submission Requirements for Stormwater Management Report and Plans, G.18 General Performance Criteria for Stormwater Management Plans, and G.19 Water Quality Protection.
- 3. For sites meeting the definition of a redevelopment project and having less than forty (40%) percent existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects. The applicant must satisfactorily demonstrate that impervious area is minimized, and Low Impact Development (LID) practices have been implemented on-site to the maximum extent practicable.
- 4. For sites meeting the definition of a redevelopment project and having more than forty (40%) percent existing impervious surface area, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:
 - a. Implement measures onsite that result in disconnection or treatment of one hundred (100%) percent of the additional proposed impervious surface area and at least thirty (30%) percent of the existing impervious area and pavement areas, preferably using filtration and/or infiltration practices.

Commented [MV21]: Could be 50% but that is not recommended since impacts from all new areas should be mitigated as is current practice/Regs.

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- b. If resulting in greater overall water quality improvement on the site, implement Low Impact Development practices to the maximum extent practicable to provide treatment of runoff generated from at least forty (40%) percent of the entire developed site area.
- c. An alternative plan resulting in greater overall water quality improvement from runoff from the site, as approved by the Planning Board.

5. Off-Site Mitigation:

- a. In cases where the applicant demonstrates, to the satisfaction of the planning board, that onsite treatment has been implemented to the maximum extent possible or is not feasible, off-site mitigation will be an acceptable alternative if implemented within the same sub-watershed, within the project's drainage area or within the drainage area of the receiving water body. To comply with local watershed objectives the mitigation site would be preferably situated in the same sub-watershed as the development and impact/benefit the same receiving water.
- b. Off-site mitigation shall be equivalent to no less than the total area of impervious cover NOT treated on-site.
- c. An approved off-site location must be identified, the specific management measures identified, and an implementation schedule developed in accordance with planning board review. The applicant must also demonstrate that there is no downstream drainage or flooding impacts as a result of not providing on-site management for large storm events.
- d. A monetary contribution may be allowed by the Planning Board if the funds can be used for water quality mitigation that is at least equal to the impact caused by the development project and the Planning Board determines that it is in the Town's best interest.

I. Stormwater Management Plan and Site Inspections

- 1. The applicant shall provide that all stormwater management and treatment practices have an enforceable operations and maintenance plan and agreement to ensure the system functions as designed. This agreement will include all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater system. The operations and maintenance plan shall specify the parties responsible for the proper maintenance of all stormwater treatment practices. The operations and maintenance plan shall be provided to the Planning Board as part of the application prior to issuance of any local permits for land disturbance and construction activities.
- 2. The applicant shall provide legally binding documents for filing with the registry of deeds (recorded plan for subdivisions and a deed reference for all other projects) which demonstrate that the obligation for maintenance of stormwater best management practices and infrastructure runs with the land and that the Town has legal access to inspect the property to ensure their proper function or maintain onsite stormwater infrastructure when necessary to address emergency situations or conditions.
- 3. The property owner shall bear responsibility for the installation, construction, inspection, and

Commented [MV22]: From SWA Model Ordinance - 1. Redevelopment Criteria: a. In order to determine the stormwater requirements for redevelopment projects, the percentage of the site covered by existing impervious areas must be calculated. Stormwater requirements for redevelopment will vary based upon the amount of site surface area that is covered by existing impervious surfaces. b. For sites meeting the definition of a redevelopment project and having less than 40% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects with the important distinction that the applicant can meet those requirements either on-site or at an approved off-site location. The applicant must satisfactorily demonstrate that impervious area reduction, LID strategies and BMPs have been implemented on-site to the maximum extent practicable. c. For sites meeting the definition of a redevelopment project and having more than 40% existing impervious surface coverage, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed ... [6]

Commented [MV23]: Off-Site Mitigation: a. In cases where the applicant demonstrates, to the satisfaction of the planning board, that onsite treatment has been implemented to the maximum extent possible or is not feasible, off-site mitigation will be an acceptable alternative if implemented within the same subwatershed, within the project's drainage area or within the drainage area of the receiving water body. To comply with local watershed objectives the mitigation site would be preferably situated in the same subwatershed as the development and impact/benefit the same receiving water. b. Off-site mitigation shall be equivalent to no less than the total area of impervious cover NOT treated on-site. c. An approved off-site location must be identified, the specific management measures identified, and an implementation schedule developed in accordance with planning board review. The applicant must also demonstrate that there is no downstream drainage or flooding impacts as a result of not providing on-site management for large storm events. NOTE: Refer to Appendix A for guidance on implementation of an off-site stormwater mitigation program, including options ... [7]

Stormwater Management Ordinance (July 2022)

maintenance of all stormwater management and erosion control measures required by the provisions of these Ordinances and as approved by the Planning Board, including emergency repairs completed by the Town.

J. Stormwater Management Plan Recordation

1. Stormwater management and sediment and erosion control plans shall be incorporated as part of any approved development application. A Notice of Decision acknowledging the Planning Board approval of these plans shall be maintained in the Town's Planning Office.
2. The applicant shall submit as-built drawings (hard copy and CAD/GIS format) of the constructed stormwater management system following construction.
3. Easements: Where a development is traversed by or requires the construction of a watercourse or a drainage way, an easement to the Town of adequate size to enable construction, reconstruction and required maintenance shall be provided for such purpose. Easements to the Town shall also be provided for the purpose of periodic inspection of drainage facilities and Best Management Practices should such inspections by the Town become necessary. All easements shall be recorded at the County Registry of Deeds.

K. Inspection and Maintenance Responsibility

1. Municipal staff or their designated agent, including but not limited to the Code Enforcement Officer or Town Engineer, shall be granted site access to complete inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.
 - a. If permission to inspect is denied by the landowner, municipal staff or their designated agent shall secure an administrative inspection warrant from the district or superior court under *RSA 595-B Administrative Inspection Warrants*. Expenses associated with inspections shall be the responsibility of the applicant/property owner.
 - b. If violations or non-compliance with a condition(s) of approval are found on the site during routine inspections, the inspector shall provide a report to the Board of Selectmen and the Planning Board documenting these violations or non-compliance, including recommend corrective actions. The Code Enforcement Officer or other municipal staff shall notify the property owner in writing of these violations or non-compliance and corrective actions necessary to bring the property into full compliance. At their discretion, the Code Enforcement officer may issue a stop work order if corrective actions are not completed within 10 business days.
 - c. If corrective actions are not completed within a period of 30 days from property owner's notification, the Planning Board may exercise their jurisdiction under *RSA 676:4-a, Revocation of Recorded Approval*.
2. The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the Planning Board. Site development shall not begin before the Stormwater Management Plan receives

Stormwater Management Ordinance (July 2022)

written approval by the Planning Board.

- a. The applicant and the applicant's engineer (or technical representative) shall schedule and attend a mandatory preconstruction meeting with the Town Engineer or his designee at least two weeks prior to commencement of construction. All required escrow deposits and bonding must be in place prior to the scheduled meeting. (Note: Preconstruction conferences will typically not be required for construction of one single-family home or one residential duplex, not part of a larger plan of construction.)
 - b. The Department of Community Development and/or Department of Public Works reserve the right to prepare and request the applicant's acknowledgement of a preconstruction checklist.
 - c. The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the provisions of this Ordinance.
 - d. The Department of Community Development may require a bond or other security with surety conditions in an amount satisfactory to the Town, providing for the actual construction, installation, and removal of such measures within a period specified by the Town and expressed in the bond or the security.
 - e. The Department of Community Development and/or Code Enforcement may require the owner or his authorized agent to deposit in escrow with the Town an amount of money sufficient to cover the Town's costs for inspection and any professional assistance required for site compliance monitoring.
 - f. Site development shall not begin before all Town, State and Federal Permits are in place.
3. The municipality retains the right, though accepts no responsibility, to repair or maintain stormwater infrastructure if: a property is abandoned or becomes vacant; and in the event a property owner refuses to repair infrastructure that is damaged or is not functioning properly.
 4. Landowners subject to an approved Stormwater Management Plan shall be responsible for submitting an annual report to the Planning Board by September 1 each year by a qualified professional that all stormwater management and erosion control measures are functioning per the approved stormwater management plan. The annual report shall note if any stormwater infrastructure has needed any repairs other than routine maintenance and the results of those repairs. If the stormwater infrastructure is not functioning per the approved stormwater management plan the landowner shall report on the malfunction in their annual report and include detail regarding when the infrastructure shall be repaired and functioning as approved.
 5. If no report is filed by September 1st, municipal staff or their designated agent shall be granted site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner and at the landowner's expense.
 6. If the stormwater infrastructure is not functioning per the approved stormwater management plan the landowner shall report on the malfunction in their report and include detail regarding

Stormwater Management Ordinance (July 2022)

when the infrastructure shall be repaired and functioning as approved. Landowners are responsible for maintaining their own records and the Town may request record information on any sites as they determine necessary.

7. Municipal staff or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner and at the landowner's expense.
8. Confirmation by Registered Professional Engineer. Upon such inspection, when the circumstances of any suspected breach of condition or violation of this Ordinance involve standards that implicate technical engineering criteria either included in this Ordinance or as a condition of such permits, the Code Enforcement Officer, Health Officer, and/or DPW Director or their designee shall seek confirmation that such circumstances constitute a violation of such criteria prior to taking any enforcement at the landowner's expense.
9. Enforcement. Upon such confirmation by a Registered Professional Engineer, or when such confirmation is not required due to the fact that the circumstances of such violation do not implicate technical engineering criteria either included in this Ordinance or as a condition of such permit, the Code Enforcement Officer, Health Officer, and/or DPW Director or their designee may proceed to enforce the provisions of this Ordinance or conditions of the permit in accordance with applicable statutes, rules or regulations and at the landowner's expense.

Commented [MV24]: Required per Section 2.3.6 a and b. Specific form of enforcement is flexible as long as it assures completion.

L. Glossary of Terms

BEST MANAGEMENT PRACTICES (BMPs) - A structural or non-structural device designed to temporarily store or treat urban stormwater runoff in order to mitigate flooding, reduce pollution and provide other amenities.

BIORETENTION – A water quality practice that utilizes vegetation and soils to treat urban stormwater runoff by collecting it in shallow depressions, before filtering through an engineered bioretention planting soil media.

BUFFER – An upland area adjacent to a wetland or surface water. This buffer zone, under the jurisdiction of the Town of Milford, shall include an area of one hundred (100) feet, measured on a horizontal plane from the mean high-water mark of a surface water, the delineated edge of a wetland, or the limits of hydric soils (whichever is most restrictive).

DISTURBED AREA – An area in which the natural vegetative soil cover has been removed or altered and, therefore, is susceptible to erosion.

EFFECTIVE IMPERVIOUS COVER (EIC) – The total impervious surface areas less the area of disconnected impervious cover (areas where runoff is captured and infiltrated or otherwise treated).

ENVIRONMENTAL (NATURAL RESOURCE) PROTECTION - Policies and procedures aimed at conserving natural resources, preserving the current state of natural environments and, where possible, reversing degradation. Any activity to maintain or restore environmental quality through preventing the emission

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of pollutants or reducing the presence of polluting substances in environmental media and preventing physical removal or degradation of natural resources.

FILTRATION – The process of physically or chemically removing pollutants from runoff. Practices that capture and store stormwater runoff and pass it through a filtering media such as sand, organic material, or the native soil for pollutant removal. Stormwater filters are primarily water quality control devices designed to remove particulate pollutants and, to a lesser degree, bacteria, and nutrients.

GROUNDWATER RECHARGE – The process by which water that seeps into the ground, eventually replenishing groundwater aquifers and surface waters such as lakes, streams, and the oceans. This process helps maintain water flow in streams and wetlands and preserves water table levels that support drinking water supplies.

GROUNDWATER RECHARGE VOLUME (GRV) – The post-development design recharge volume (i.e., on a storm event basis) required to minimize the loss of annual pre-development groundwater recharge. The GRV is determined as a function of annual pre-development recharge for site-specific soils or surficial materials, average annual rainfall volume, and amount of impervious cover on a site.

IMPAIRED WATERS – Those waterbodies not meeting water quality standards. Pursuant to Section 303(d) of the federal Clean Water Act, each state prepares a list of impaired waters (known as the 303(d) list) which is presented in the state's Integrated Water Report as Category 5 waters. Those impaired waters for which a TMDL has been approved by US EPA and is not otherwise impaired, are listed in Category 4A.

IMPERVIOUS COVER – Impermeable surfaces shall include buildings, paved and unpaved vehicular access and parking areas, and any other area incapable of percolating water at a rate comparable to dry uncompacted ground. Term defined in Zoning Ordinance, Section IX General Standards, E.

INFILTRATION – the process of runoff percolating into the ground (subsurface materials). Stormwater treatment practices designed to capture stormwater runoff and infiltrate it into the ground over a period of days.

LOW IMPACT DEVELOPMENT (LID) - Low impact development is a site planning and design strategy intended to maintain or replicate predevelopment hydrology through the use of site planning, source control, and small-scale practices integrated throughout the site to prevent, infiltrate, and manage runoff as close to its source as possible. Examples of LID strategies are pervious pavement, rain gardens, green roofs, bioretention basins and swales, filtration trenches, and other functionally similar BMPs located near the runoff source.

MAXIMUM EXTENT PRACTICABLE (MEP) - To show that a proposed development has met a standard to the maximum extent practicable, the applicant must demonstrate the following: (1) all reasonable efforts have been made to meet the standard, (2) a complete evaluation of all possible management measures has been performed, and (3) if full compliance cannot be achieved, the highest practicable level of management is being implemented.

MITIGATION – Activities, strategies, policies, programs, actions that, over time, will serve to avoid, minimize, or compensate for (by treating or removing pollution sources) the impacts to or disruption of water quality and water resources. **MS4** – Refers to the Small Municipal Separate Storm Sewer System General Permit - the MS4 General Permit - issued by the EPA under the Clean Water Act. MS4 applies to

Stormwater Management Ordinance (July 2022)

municipalities that contain any portion of an urbanized area as defined by the Census. It applies to stormwater conveyances owned by a State, city, town, or other public entity that discharge to 'Waters of the United States.' The MS4 Permit requires that operators of small MS4s develop a Storm Water Management Program that uses appropriate Best Management Practices (BMPs) for each of the six minimum control measures required in the MS4 permit.

NATIVE VEGETATION AND PLANTINGS - Plants that are indigenous to the region, adapted to the local soil and rainfall conditions, and require minimal supplemental watering, fertilizer, and pesticide application.

LOAD – means an amount of pollutants that is introduced into a receiving waterbody measured in units of concentration or mass per time (i.e., concentration (mg/l) or mass (lbs./day)).

RETENTION – The amount of precipitation on a drainage area that does not escape as runoff. It can be expressed as the difference between total precipitation and total runoff from an area. **TOTAL**

SUSPENDED SOLIDS (TSS) – The total amount of soils particulate matter which is suspended in the water column.

WATER QUALITY VOLUME - The storage needed to capture and treat 90% of the average annual stormwater runoff volume. In New Hampshire, this equates to 1-inch of runoff from impervious surfaces.

WATERSHED – All land and water area from which runoff may run to a common (design) discharge point.

Appendix A. Stormwater Infrastructure Design Criteria

Design Criteria	Description										
<p>Water Quality Volume (WQV)</p>	<p>$WQV = (P)(R_v)(A)$ P = 1 inch of rainfall R_v = unitless runoff coefficient, $R_v = 0.05 + 0.9(I)$ I = percent impervious cover draining to the structure converted to decimal form A = total site area draining to the structure</p>										
<p>Water Quality Flow (WQF)</p>	<p>$WQF = (q_u)(WQV)/640$ WQV = water quality volume calculated as noted above q_u = unit peak discharge from TR-55 exhibits 4-II and 4-III [1 square mile=640 acres, converts WQF equation to cubic feet per second] Variables needed for exhibits 4-II and 4-III: I_a = the initial abstraction = 0.25 S = potential maximum retention in inches = $(1000/CN) - 10$ CN = water quality depth curve number $= 1000 / (10 + 5P + 10Q - 10[Q^2 + 1.25(Q)(P)]^{0.5})$ P = 1 inch of rainfall Q = the water quality depth in inches = WQV/A A = total area draining to the design structure</p>										
<p>Groundwater Recharge Volume (GRV)</p>	<p>$GRV = (A_i)(R_d)$ A_i = the total area of effective impervious surfaces that will exist on the site after development R_d = the groundwater recharge depth based on the USDA/NRCS hydrologic soil group, as follows:</p> <table border="1" data-bbox="367 1398 743 1591"> <thead> <tr> <th>Hydrologic Group</th> <th>R_d (inches)</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>0.40</td> </tr> <tr> <td>B</td> <td>0.25</td> </tr> <tr> <td>C</td> <td>0.10</td> </tr> <tr> <td>D</td> <td>0.00</td> </tr> </tbody> </table>	Hydrologic Group	R _d (inches)	A	0.40	B	0.25	C	0.10	D	0.00
Hydrologic Group	R _d (inches)										
A	0.40										
B	0.25										
C	0.10										
D	0.00										
<p>Channel Protection Volume (CPV)</p>	<p>If the 2-year, 24-hour post-development storm volume <i>does not increase</i> due to development then: control the 2-year, 24-hour post-development peak flow rate</p>										

Stormwater Management Ordinance (July 2022)

	<p>to the 2-year, 24-hour predevelopment level.</p> <p>If the 2-year, 24-hour post-development storm volume <i>does increase</i> due to development then: control the 2-year, 24-hour post-development peak flow rate to ½ of the 2-year, 24-hour pre-development level or to the 1-year, 24-hour pre-development level.</p>
Peak Control	Post-development peak discharge rates shall not exceed pre-development peak discharge rates for the 2-year, 10-year, 25-year, 24-hour storms
EIC and UDC	<p>%EIC = area of effective impervious cover/total drainage areas within a project area x 100</p> <p>%UDC = area of undisturbed cover/total drainage area within a project area x 100</p>

[Source: NH DES Stormwater Manual: Volume2 Post-Construction Best Management Practices Selection & Design (December 2008), as amended.]

Commented [MV25]: Standard practice NHDES

Page 5: [1] Commented [MV6] Michael Vignale 9/22/2022 4:35:00 PM

From Model Ordinance - Salt storage areas shall be covered and loading/offloading areas shall be designed and maintained in accordance with NH DES published guidance such that no untreated discharge to receiving waters results. Snow storage areas shall be located in accordance with NH DES published guidance such that no direct untreated discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. See NHDES published guidance fact sheets on road salt and water quality, and snow disposal at <http://des.nh.gov/organization/commissioner/pip/factsheets/wmb/index.htm>.

Page 5: [2] Commented [MV8] Michael Vignale 9/22/2022 4:36:00 PM

From SWA Model Ordinance - All newly generated stormwater, whether from new development or expansion of existing development (redevelopment), shall be treated on the development site. Runoff shall not be discharged from the development site to municipal drainage systems, privately owned drainage systems (whether enclosed or open drainage). Runoff shall not be discharged to surface water bodies or wetlands in excess of volumes discharged under existing conditions (developed condition or undeveloped condition).

Page 5: [3] Commented [MV9] Michael Vignale 9/22/2022 4:37:00 PM

From SWA Model Ordinance - A development plan shall include provisions to retain stormwater on the site by using the natural flow patterns of the site. Runoff from impervious surfaces shall be treated to achieve 80% removal of Total Suspended Solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the NH Stormwater Manual. Volumes 1 and 2, December 2008 as amended (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means. Where practical, the use of natural, vegetated filtration and/or infiltration BMPs or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. Note: The Anti-Degradation provisions of the State Water Quality Standards require that runoff from new development shall not lower water quality or contribute to existing water body impairments.

Page 5: [4] Commented [MV10] Michael Vignale 9/22/2022 4:38:00 PM

From SWA Model Ordinance - Measures shall be taken to control the post-development peak rate runoff so that it does not exceed pre-development runoff for the 2-year, 10-year and 25-year, 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to infiltrate the groundwater recharge volume GRV according to the following ratios of Hydrologic Soil Group (HSG) type versus infiltration rate multiplier: HSG-A: 1.0; HSG-B: 0.75; HSG-C: 0.4; HSG-D: 0.15. For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment. Infiltration structures shall be in locations with the highest permeability on the site.

Page 6: [5] Commented [MV15] Michael Vignale 9/22/2022 4:41:00 PM

From Model Ordinance - Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance, the area of disturbance shall be kept to a minimum, and any sediment in runoff shall be retained within the project area. Wetland areas and surface waters shall be protected from sediment. Disturbed soil areas shall be either temporarily or permanently stabilized consistent with the NHDES Stormwater Manual Volume 3

guidelines. In areas where final grading has not occurred, temporary stabilization measures should be in place within 7 days for exposed soil areas within 100 feet of a surface water body or wetland and no more than fourteen (14) days for all other areas. Permanent stabilization should be in place no more than 3 days following the completion of final grading of exposed soil areas

Page 10: [6] Commented [MV22] Michael Vignale 9/22/2022 4:46:00 PM

From SWA Model Ordinance - 1. Redevelopment Criteria: a. In order to determine the stormwater requirements for redevelopment projects, the percentage of the site covered by existing impervious areas must be calculated. Stormwater requirements for redevelopment will vary based upon the amount of site surface area that is covered by existing impervious surfaces. b. For sites meeting the definition of a redevelopment project and having less than 40% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects with the important distinction that the applicant can meet those requirements either on-site or at an approved off-site location. The applicant must satisfactorily demonstrate that impervious area reduction, LID strategies and BMPs have been implemented on-site to the maximum extent practicable. c. For sites meeting the definition of a redevelopment project and having more than 40% existing impervious surface coverage, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference: Southeast Watershed Alliance - DRAFT Model Stormwater Standards for Coastal Watershed Communities December 2012 P a g e | 13 i. Implement measures onsite that result in disconnection or treatment of at least 30% of the existing impervious cover as well as 50% of the additional proposed impervious surfaces and pavement areas through the application of filtration media; or ii. Implement other LID techniques onsite to the maximum extent practicable to provide treatment for at least 50% of the entire site area.

Page 10: [7] Commented [MV23] Michael Vignale 9/22/2022 4:49:00 PM

Off-Site Mitigation: a. In cases where the applicant demonstrates, to the satisfaction of the planning board, that onsite treatment has been implemented to the maximum extent possible or is not feasible, off-site mitigation will be an acceptable alternative if implemented within the same subwatershed, within the project's drainage area or within the drainage area of the receiving water body. To comply with local watershed objectives the mitigation site would be preferably situated in the same subwatershed as the development and impact/benefit the same receiving water. b. Off-site mitigation shall be equivalent to no less than the total area of impervious cover NOT treated on-site. c. An approved off-site location must be identified, the specific management measures identified, and an implementation schedule developed in accordance with planning board review. The applicant must also demonstrate that there is no downstream drainage or flooding impacts as a result of not providing on-site management for large storm events. NOTE: Refer to Appendix A for guidance on implementation of an off-site stormwater mitigation program, including options for developing targeted approaches that address local impairments and water quality issues. Optional: Other Incentives For MS4 communities, the draft NPDES permit references "increased discharges to impaired waters must provide additional BMPs or enhanced control of an existing discharge". If this requirement becomes part of the new MS4 permit, any increase to "existing discharges" will need to be addressed as part of all redevelopment applications. This can be done by retrofitting existing controls or treating all new stormwater contributions. From SWA Model Ordinance -



4. a. 1) Request Approval of Primex CAP Agreements for Workers Comp. & Property & Liability.

September 13, 2022

Paul Calabria, Finance Director
Town of Milford
1 Union Square
Milford, NH 03055

RE: Contribution Assurance Program (CAP) for CY 2023 – CY 2025 for the Workers' Compensation Program

Dear Paul:

Primex³ is pleased to offer the **Town of Milford** the option of participating in the **Contribution Assurance Program (CAP)** for the next three coverage period years. **For members who have demonstrated commitment to the Primex³ pool, CAP provides stability by creating a limit on your Workers' Compensation contributions for future renewals.**

We are pleased to offer you a **CAP** Agreement that provides you budgetary assurance through **December 31, 2025**. (See enclosed **CAP** Agreement and Resolution.) **Please return your executed CAP Agreement and Resolution on or before September 30, 2022, to ensure your participation in CAP for the upcoming October 15, 2022 Renewal.**

The percentage listed is a maximum increase; actual increases will not exceed that percentage and may be lower, based on each member's performance. Performance still impacts contribution amounts, so it remains important for both Primex³ and our members to leverage our partnership to effectively manage risks and any claims that occur.

Our goal has always been to provide members with the best programs at the best value. **CAP** provides predictable contributions in the Workers' Compensation Program that you and your taxpayers can count on for budgetary stability.

Please contact me or your Member Services Consultant with questions at 800-698-2364.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Weber", is written over a light blue horizontal line.

Carl Weber
Director of Member Services

Trust. Excellence. Service.

**Workers' Compensation
Contribution Assurance Program (CAP) Agreement
THIS AGREEMENT AMENDS AND EXTENDS YOUR MEMBERSHIP AGREEMENT
PLEASE READ CAREFULLY**

Primex³ is offering members in our **Workers' Compensation Program** an opportunity to stabilize their annual contributions through participation in our Contribution Assurance Program (**CAP**). **CAP** is offered to members who qualify, providing them predictability by limiting the annual contribution increase during a defined period of years (**CAP Period**). By signing this Agreement, you agree to extend your Membership Agreement for **three (3) years** and Primex³ agrees, with limited exception¹, that your annual contribution increase will not exceed eight percent (8%) of the prior year's contribution. Because performance matters with Primex³, you may realize an annual increase that is less than the **CAP** through sound risk management and stable underwriting exposures.

We are offering this opportunity so that our members can extend their commitment to pooling through the Primex³ programs. Participation in **CAP** for each year of the **CAP Period** is conditioned upon a three-year commitment to participation in the Primex³ Workers' Compensation Program.

The following **CAP Period** years qualify for the Contribution Assurance Program (**CAP**):

CY 2023 January 1, 2023 through December 31, 2023
(maximum 8% increase over January 1, 2022 through December 31, 2022 contribution)

CY 2024 January 1, 2024 through December 31, 2024
(maximum 8% increase over January 1, 2023 through December 31, 2023 contribution)

CY 2025 January 1, 2025 through December 31, 2025
(maximum 8% increase over January 1, 2024 through December 31, 2024 contribution)

By signing this Agreement, the **Town of Milford** agrees to extend its risk pool membership and participation in the Primex³ **Workers' Compensation Program** for three coverage period years, through **December 31, 2025**. The **Town of Milford** agrees and understands it remains bound by and subject to the terms and conditions of the Membership Agreement, Public Entity Coverage Documents and Trust Agreement, and all Trust by-laws, policies and procedures.

¹ CAP protects the member from most contribution increases during the CAP period; i.e., those resulting from account underwriting, or directly caused by changes in the member's loss history, property and payroll exposures. For the protection of all members, CAP does not prevent Primex³ from raising contributions across the pool/program to meet the actuary's reserve funding recommendations in response to catastrophic events, investment losses, severe adverse claim development, reinsurance failure, legislative enactments, judicial opinions and administrative orders. In the rare and unlikely event CAP maximum increase limits must be exceeded to adequately fund reserves, Primex³ in fairness will provide members advance notice and the option of terminating the CAP Agreement.

The **Town of Milford** agrees that the eight percent (8%) maximum increase currently available for this **CAP Period** does not apply to any other year or period of years, and upon expiration of the **CAP Period** in this Agreement, any subsequent participation in a Primex³ **CAP** will be subject to underwriting review, membership criteria, **CAP** criteria, determination of contribution and the maximum increase in place for the subsequent **CAP Period**.

The **Town of Milford** further acknowledges that by extending its Membership Agreement for three (3) coverage period years, the Public Entity Coverage Documents, General Conditions Section (L) ("Terminating Participation in Our Program(s)") is suspended during year one (1) and year two (2) of the three (3) year term, as there is no right to cancel or terminate during year one (1) and year two (2) but shall be reinstated for the end of year three (3).

The **Town of Milford** agrees that failure to provide notice in strict accordance with the Public Entity Coverage Documents, General Conditions Section (L) shall result in automatic renewal of risk management pool membership and continuation in the Primex³ Workers' Compensation Program, but not continuation of **CAP** which must be separately offered and accepted.

Primex³ acknowledges that the **Town of Milford** is a NH public entity which receives budgetary authorization for appropriations from an annual meeting of its legislative body and pertains to a fiscal year which commences on the following January 1 or July 1, of any given year. The **Town of Milford** also acknowledges that it is legally required to carry insurance coverage. As such, if the legislative body, at such annual meeting for any years that are within the anticipated term of the contract, fails to approve such appropriation, and there are no other lawful means of funding the coverage, this contract may be terminated by the **Town of Milford** by notice to Primex³ made within 30 days of the legislative action at which such funding initiative was defeated and such cancellation shall be effective as of the commencement on the following fiscal year or on the anniversary of the policy, whichever first occurs.

The **Town of Milford**, however, agrees that it shall seek the requisite appropriations in good faith and that the availability of lower cost or otherwise preferable coverage alternatives during the term of this Agreement shall not constitute a good faith and permissible basis on which to fail to pursue the appropriations or assert that appropriations are unavailable. In the event of an early termination, the **Town of Milford** agrees to return the difference between the **CAP** increase and the uncapped contribution.

By affixing my signature below, I am attesting, representing and warranting that I am a duly authorized representative of the governing body of the **Town of Milford** with legal authority to contractually bind the **Town of Milford** to the terms of this Agreement, and that I understand the commitment being made to membership in the Primex³ risk management pool and participation in the Workers' Compensation Program.

Authorized Representative of the
Governing Body

Title

Date

Print Name



**RESOLUTION TO ENTER PRIMEX³
Workers' Compensation Contribution Assurance Program (CAP)**

RESOLVED: To hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex³) to enter into its **Workers' Compensation Contribution Assurance Program (CAP)** as of the date of the adoption of this resolution, and to be contractually bound to all of the terms and conditions of Primex³ risk management pool membership during the term of the **Workers' Compensation Contribution Assurance Program (CAP)**. The coverage provided by Primex³ in each year of membership shall be as then set forth in the Coverage Documents of Primex³.

I attest that the foregoing is a true copy of the Resolution of the Governing Board of the **Town of Milford** adopted on _____.

Board: _____
Title of Board

Signature: _____

Name: _____

Title: _____ duly authorized

Date: _____



September 14, 2022

Paul Calabria, Finance Director
Town of Milford
1 Union Square
Milford, NH 03055

RE: Contribution Assurance Program (CAP) for CY 2023 – CY 2025 for the Property & Liability Program

Dear Paul:

Primex³ is pleased to offer the **Town of Milford** the option of participating in the **Contribution Assurance Program (CAP)** for the next three coverage period years. **For members who have demonstrated commitment to the Primex³ pool, CAP provides stability by creating a limit on your Property & Liability contributions for future renewals.**

We are pleased to offer you a **CAP** Agreement that provides you budgetary assurance through **December 31, 2025**. (See enclosed **CAP** Agreement and Resolution.) **Please return your executed CAP Agreement and Resolution on or before September 30, 2022, to ensure your participation in CAP for the upcoming October 15, 2022 Renewal.**

The percentage listed is a maximum increase; actual increases will not exceed that percentage and may be lower, based on each member's performance. Performance still impacts contribution amounts, so it remains important for both Primex³ and our members to leverage our partnership to effectively manage risks and any claims that occur.

Our goal has always been to provide members with the best programs at the best value. **CAP** provides predictable contributions in the Property & Liability Program that you and your taxpayers can count on for budgetary stability.

Please contact me or your Member Services Consultant with questions at 800-698-2364.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Weber".

Carl Weber
Director of Member Services

Trust. Excellence. Service.

**Property & Liability
Contribution Assurance Program (CAP) Agreement
THIS AGREEMENT AMENDS AND EXTENDS YOUR MEMBERSHIP AGREEMENT
PLEASE READ CAREFULLY**

Primex³ is offering members in our **Property & Liability Program** an opportunity to stabilize their annual contributions through participation in our Contribution Assurance Program (**CAP**). **CAP** is offered to members who qualify, providing them predictability by limiting the annual contribution increase during a defined period of years (**CAP Period**). By signing this Agreement, you agree to extend your Membership Agreement for **three (3) years** and Primex³ agrees, with limited exception¹, that your annual contribution increase will not exceed seven percent (7%) of the prior year's contribution. Because performance matters with Primex³, you may realize an annual increase that is less than the **CAP** through sound risk management and stable underwriting exposures.

We are offering this opportunity so that our members can extend their commitment to pooling through the Primex³ programs. Participation in **CAP** for each year of the **CAP Period** is conditioned upon a three-year commitment to participation in the Primex³ Property & Liability Program.

The following **CAP Period** years qualify for the Contribution Assurance Program (**CAP**):

CY 2023 January 1, 2023 through December 31, 2023
(maximum 7% increase over January 1, 2022 through December 31, 2022 contribution)

CY 2024 January 1, 2024 through December 31, 2024
(maximum 7% increase over January 1, 2023 through December 31, 2023 contribution)

CY 2025 January 1, 2025 through December 31, 2025
(maximum 7% increase over January 1, 2024 through December 31, 2024 contribution)

By signing this Agreement, the **Town of Milford** agrees to extend its risk pool membership and participation in the Primex³ **Property & Liability Program** for three coverage period years, through **December 31, 2025**. The **Town of Milford** agrees and understands it remains bound by and subject to the terms and conditions of the Membership Agreement, Public Entity Coverage Documents and Trust Agreement, and all Trust by-laws, policies and procedures.

¹ CAP protects the member from most contribution increases during the CAP period; i.e., those resulting from account underwriting, or directly caused by changes in the member's loss history, property and payroll exposures. For the protection of all members, CAP does not prevent Primex³ from raising contributions across the pool/program to meet the actuary's reserve funding recommendations in response to catastrophic events, investment losses, severe adverse claim development, reinsurance failure, legislative enactments, judicial opinions and administrative orders. In the rare and unlikely event CAP maximum increase limits must be exceeded to adequately fund reserves, Primex³ in fairness will provide members advance notice and the option of terminating the CAP Agreement.

The **Town of Milford** agrees that the seven percent (7%) maximum increase currently available for this **CAP Period** does not apply to any other year or period of years, and upon expiration of the **CAP Period** in this Agreement, any subsequent participation in a Primex³ **CAP** will be subject to underwriting review, membership criteria, **CAP** criteria, determination of contribution and the maximum increase in place for the subsequent **CAP Period**.

The **Town of Milford** further acknowledges that by extending its Membership Agreement for three (3) coverage period years, the Public Entity Coverage Documents, General Conditions Section (L) ("Terminating Participation in Our Program(s)") is suspended during year one (1) and year two (2) of the three (3) year term, as there is no right to cancel or terminate during year one (1) and year two (2) but shall be reinstated for the end of year three (3).

The **Town of Milford** agrees that failure to provide notice in strict accordance with the Public Entity Coverage Documents, General Conditions Section (L) shall result in automatic renewal of risk management pool membership and continuation in the Primex³ Property & Liability Program, but not continuation of **CAP** which must be separately offered and accepted.

Primex³ acknowledges that the **Town of Milford** is a NH public entity which receives budgetary authorization for appropriations from an annual meeting of its legislative body and pertains to a fiscal year which commences on the following January 1 or July 1, of any given year. The **Town of Milford** also acknowledges that it is legally required to carry insurance coverage. As such, if the legislative body, at such annual meeting for any years that are within the anticipated term of the contract, fails to approve such appropriation, and there are no other lawful means of funding the coverage, this contract may be terminated by the **Town of Milford** by notice to Primex³ made within 30 days of the legislative action at which such funding initiative was defeated and such cancellation shall be effective as of the commencement on the following fiscal year or on the anniversary of the policy, whichever first occurs.

The **Town of Milford**, however, agrees that it shall seek the requisite appropriations in good faith and that the availability of lower cost or otherwise preferable coverage alternatives during the term of this Agreement shall not constitute a good faith and permissible basis on which to fail to pursue the appropriations or assert that appropriations are unavailable. In the event of an early termination, the **Town of Milford** agrees to return the difference between the **CAP** increase and the uncapped contribution.

By affixing my signature below, I am attesting, representing and warranting that I am a duly authorized representative of the governing body of the **Town of Milford** with legal authority to contractually bind the **Town of Milford** to the terms of this Agreement, and that I understand the commitment being made to membership in the Primex³ risk management pool and participation in the Property & Liability Program.

Authorized Representative of the
Governing Body

Title

Date

Print Name



**RESOLUTION TO ENTER PRIMEX³
Property & Liability Contribution Assurance Program (CAP)**

ESOLVED: To hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex³) to enter into its **Property & Liability Contribution Assurance Program (CAP)** as of the date of the adoption of this resolution, and to be contractually bound to all of the terms and conditions of Primex³ risk management pool membership during the term of the **Property & Liability Contribution Assurance Program (CAP)**. The coverage provided by Primex³ in each year of membership shall be as then set forth in the Coverage Documents of Primex³.

I attest that the foregoing is a true copy of the Resolution of the Governing Board of the **Town of Milford** adopted on _____.

Board: _____
Title of Board

Signature: _____

Name: _____

Title: _____ duly authorized

Date: _____

4. a) 2) Re-invoice report of Cut 21-303-09-T

MEMORANDUM

DATE: September 26, 2022

TO: Board of Selectmen

FROM: Marti Noel, Assessor

RE: **Re-Issue Tax Warrant for Intent to Cut 21-303-09-T**

THIS IS A DUPLICATE INVOICE

The ta collector has requested a re-issue on this warrant for bookkeeping purposes.

The full invoice has been paid in two parts:

1/12/2022, an advance bond was paid for \$6,917.27
8/28/2022 the final payment was received: 2,933.93 for overage of cut beyond
the initial estimate.

The BOS had signed the initial Yield Tax Warrant on June 13, 2022.

**ORIGINAL WARRANT
YIELD TAX LEVY
June 13, 2022
THE STATE OF NEW HAMPSHIRE**

COUNTY OF: Hillsborough
TO: *Kathy Doherty* Tax Collector Milford, in said County.

In the name of said State, you are hereby directed to collect on or before thirty (30) days from the date of bill from the person(s) named herewith committed to you, the Yield Tax set against their name(s), amounting in all to the yield tax due, below, with interest at eighteen (18%) percent per annum from the due date and on all sums not paid on or before that day. We further order you to pay all monies collected to the treasurer of said town, or treasurer's designee as provided in RSA 41:29, VI, at least on a weekly basis, or daily when receipts exceed \$1,500.00, or more often when directed by the Commissioner of Revenue Administration.

Given under our hands and seal at *Milford NH*,

Paul Dargie, Chairman	9/26/2022
Tim Finan, Vice-Chair	9/26/2022
Gary Daniels	9/26/2022
Laura Dudziak	9/26/2022
David Freel	9/26/2022

DATE OF BILLING: June 13, 2022

NAME & ADDRESS	TAX MAP & LOT	OPERATION #	YIELD TAX DUE
Town of Milford Hopkinton Forestry & Land Clearing PO Box 2089 Henniker, NH 03242	M 40 L 14	21-303-09-T	\$9,851.20
DATE YIELD TAX DUE:			July 13, 2022

ORIGINAL WARRANT
YIELD TAX LEVY
June 13, 2022
THE STATE OF NEW HAMPSHIRE

COUNTY OF: Hillsborough

TO: *Paul Clairia* Finance Director Milford, in said County.

In the name of said State, you are hereby directed to collect on or before thirty (30) days from the date of bill from the person(s) named herewith committed to you, the Yield Tax set against their name(s), amounting in all to the yield tax due, below, with interest at eighteen (18%) percent per annum from the due date and on all sums not paid on or before that day. We further order you to pay all monies collected to the treasurer of said town, or treasurer's designee as provided in RSA 41:29, VI, at least on a weekly basis, or daily when receipts exceed \$1,500.00, or more often when directed by the Commissioner of Revenue Administration.

Given under our hands and seal at *Milford NH*,

Paul Dargie
Paul Dargie, Chairman 6/13/2022

Jim Finan
Jim Finan, Vice-Chair 6/13/2022

Gary Daniels
Gary Daniels 6/13/2022

Laura Dudziak 6/13/2022

David Free 6/13/2022

DATE OF BILLING: June 13, 2022

NAME & ADDRESS	TAX MAP & LOT	OPERATION #	YIELD TAX DUE
Town of Milford Hopkinton Forestry & Land Clearing PO Box 2089 Henniker, NH 03242	M 40 L 14	21-303-09-T	\$9,851.20
DATE YIELD TAX DUE:			July 13, 2022

4. a) 3) Approval Between Historical Society and Heritage Commission for use of Electronic Payment Process

I. PURPOSE AND SCOPE

The purpose of this MOA is to describe the roles and responsibilities of each party as they relate to fundraising for the costs involved with the restoration of Milford's Pillsbury Bandstand in Union Square. Specifically, because the Town of Milford cannot collect donations via electronic means, this agreement lays out the means by which the MHS can help in the Town's efforts to raise funds to put towards restoration efforts.

This agreement will hold individuals harmless to protect volunteers.

II. BACKGROUND

Milford's Pillsbury Bandstand is in need of repairs and/or restoration. It was selected as recipient of the New Hampshire Preservation Alliance's Seven to Save in 2021

(<https://nhpreservation.org/blog/seven-to-save-2021-milford-bandstand>)

III. RESPONSIBILITIES UNDER THIS MOA

MHS shall: Develop a single web page at www.milfordhistory.com for the means of fundraising via donations.

- a. Visitors to the page will have options to donate pre-defined amounts or they may select any amount they choose.
- b. Visitors will be made aware that to donate via traditional non-electronic means would require sending a check to the town with specific instructions.
- c. Those choosing to donate via credit card will fill out a form with their contact information. Contact information and donation amounts will be recorded by members of MHS. MHS will utilize their PayPal credit card processing account for the means of taking these credit card donations.

ToMHC shall: Promote and drive traffic to the above mentioned fundraising web page.

Promotion will be done using any means available such as E-mail, advertisements, web site links, word of mouth, flyers, publicity announcements, QR Codes, etc.

IV. FUNDING

MHS will provide periodic donation reports to the ToMHC with details of donors and amounts. Donation reports will be submitted to the town along with remittance of any donations collected for the purpose of restoring the Pillsbury Bandstand, net of any processing fees incurred and any other costs directly attributable to this fundraising effort.

If the Bandstand project is fully funded, the ToMHC will redirect any donated funds received from the MHS into its non-lapsing line item in the Town of Milford's budget. Funds may be used for other ToMHC projects. Visitors to the donation web page will be made aware of this.

V. EFFECTIVE DATE AND SIGNATURE

This MOA shall be effective upon the signature of authorized signatures of MHS and ToMHC officials. It shall be in force for a period of one year from the date of initial signature. At the end of the one-year period, the MOA may be extended if agreed upon by both parties.

VI. TERMINATION

Either party may terminate this agreement with or without cause, upon 30 days written notice to the other. Upon termination, all donations collected by MHS for the express purpose of the bandstand restoration shall be remitted to the town, net of any costs, within 10 days.

NAME

Mark Lenovesi

TITLE

President, MHS

PARTY A

DATE

NAME

David M. Palance
Chairman,

TITLE

Town of Milford Heritage Commission

PARTY B



DATE

18Sep2022

4. a) 4) Approval to Change Stacy Cusack from an Alternate to a Full-Member of the Recreation Commission - Term Expires 2025

TOWN OF MILFORD

RECREATION DEPARTMENT



To: Board of Selectman
CC: Mark Bender, Town Administrator
From: Arene Berry, Recreation Director
Date: September 20, 2022
Subject: Milford Parks & Recreation Commission Board appointment

On behalf of the Milford Parks & Recreation Commission Board, I am requesting the Board of Selectman consider the following appointment.

Stacy Cusack from alternate to full member, with a term expiring March 2025.

Thank you for your consideration.

4. a) 5) Acceptance and Appropriation of Unanticipated Revenues Under \$10,000 (31:95(b)).

Board of Selectmen
Agenda Date: 9/26/2022

Acceptance and Appropriation of Unanticipated Revenues Under \$10,000 (31:95(b))

Source	Amount	Purpose
Hayward's Trading Post	\$50.00	Donation to support the Labor Day Parade
Cardoza Flooring, LLC	\$500.00	Donation to support the Labor Day Parade

Acceptance of Gifts of Property Under \$5,000 (31:95(e))

None at this time.

TOWN OF MILFORD

OFFICE OF THE SELECTMEN

TO: Board of Selectmen
FROM: Tina M. Philbrick, Executive Assistant
DATE: September 6, 2022
SUBJ: Labor Day Parade - donations



Please accept these donations for the Milford Labor Day Parade.

Hayward's Trading Post	\$ 50.00
Cardoza Flooring, LLC	\$500.00

Thank you

Tina M. Philbrick
Executive Assistant

Update: 9SEPT2022

FINAL

INTERMUNICIPAL AGREEMENT FOR THE PROVISION
OF COMMUNICATIONS

AGREEMENT made and entered into among and between the Towns of Milford, Mont Vernon and Wilton, (hereinafter referred to as “Member Towns”);

WHEREAS, the Milford Area Communications Center currently possesses and operates a communication facility in the Town Hall of Milford which provides communications dispatch services for the delivery of fire protection services, police services, rescue and ambulance services, public works and highway department services; and

WHEREAS, currently, the Towns of Milford, Mont Vernon and Wilton, avail themselves of communications dispatch services provided by the Milford Area Communications Center by a succession of Inter-municipal Agreements that are due to expire December 31, 2027; and

WHEREAS, the member towns referred to above are desirous of continuing the Inter-municipal Agreement whereby the facilities referred to above would be utilized to make available full-time police, fire, rescue, ambulance, and public works and highway department dispatch services to the Towns of Milford, Mont Vernon and Wilton and customers (see Section 12); and

WHEREAS it is the desire of the member towns to enter into a revised Inter-municipal Agreement, whereby said member towns would, through their appropriately appointed representatives, continue to operate the communications facilities referred to above, according to the terms and conditions thereof, and to provide, among other things, in the within Agreement for the acquisition, capitalization, maintenance, and payment of the costs of operating the facilities identified;

NOW THEREFORE, in consideration of the covenants contained herein, the Towns of Milford, Mont Vernon, and Wilton, do hereby agree as follows, subject to and pursuant to the authority granted them under Chapter 53-A of the New Hampshire Revised Statutes, Annotated:

Inter-municipal Agreement for the Provision of Communication

Update: 9SEPT2022

FINAL

1. NAME

The name of this organization shall be the Milford Area Communication Center, previously known as the Milford Area Communications Facility Board.

2. DURATION

The duration of this agreement shall be for a period of five (5) years beginning on January 1, 2023 and ending on December 31, 2027. The member towns may renew this agreement for a term of an additional 5-year period in the following manner: either a favorable vote of the legislative body of each and every town, or the favorable vote of the governing body of each and every town provided legislative body has authorized the governing body to so vote. The member towns may renew this agreement, unless the Milford Area Communications Board of Governors should give to the member Towns written notice of intent not to renew said services at least twelve months prior to the date of expiration or unless terminated sooner by mutual consent and agreement of the members, or unless at any time contractual performance by any of the parties would cause said party to be in violation of any state or federal law in which event the Agreement shall be terminated unless the violation is capable of being corrected.

3. PURPOSE

The purpose of the within Agreement is the delivery of communications and central emergency answering service as well as information dispatch to the member towns and customers, to the extent that they subscribe hereto and including monitoring of alarm systems serving the area, where and when appropriate. The fundamental goal and aim of this Agreement is to provide for the efficient and effective delivery of communication services to all of the members and customers named above in a cost effective fashion in order that the level of service for the cost created would be more advantageous than would normally be the case if each of the individual member towns were required to provide said service on their own.

4. ORGANIZATION. COMPOSITION AND NATURE OF ADMINISTRATIVE ENTITY CREATED

The member towns agree that upon the execution of the within Agreement the member Towns shall cause to be formed a governing board known as the MILFORD AREA COMMUNICATIONS Board of Governors (hereinafter Governing Board) which shall be constituted and operate in a fashion in accordance with the following:

Inter-municipal Agreement for the Provision of Communication

Update: 9SEPT2022

FINAL

A. Composition

The Governing Board shall consist of one member from each of the member towns, who shall be either a resident or employee of said member town; provided, however, that there shall not be more than two (2) residents of the same town on the board at any given time. Such member shall be chosen and qualified by the Board of Selectmen for each of the member towns for a one (1) year term to coincide with a calendar year.

B. Voting

The Milford representative on the Governing Board shall be entitled to two votes on any matter properly brought before said board. All other members shall be entitled to one vote on any matter properly brought before said board.

C. By-Laws

The government of the meetings of the Governing Board and the procedural conduct of the same shall be governed by By-Laws which the Governing Board shall adopt at its first organizational meeting after the execution of the within agreement. These by-laws must be adopted by a two-thirds ($2/3$) majority of the Governing Board in the first instance.

D. Responsibility

All decisions relating to the operation and maintenance of the facility shall be made by the Governing Board by majority vote.

The Governing Board shall employ a Director, who shall serve at the pleasure of the Governing Board.

The Director who shall be responsible for the day to day clerical and operational responsibilities for the operation of the central emergency answering service and dispatch system that has been created hereunder as referred to above.

The ultimate responsibility for policy dealing with personnel, budget, administrative decisions and operations of the system shall lie with the Governing Board which shall in turn be governed by the By-Laws which shall be adopted at the first said meeting.

It is the expectation of the member towns that the Governing Board shall continuously and creatively seek opportunities to make the operation more cost effective, including, though not exclusive of, monitoring, researching, actively soliciting and encouraging other towns to become a member of the organization.

Inter-municipal Agreement for the Provision of Communication

Update: 9SEPT2022

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5. MANNER OF FINANCING COOPERATIVE UNDERTAKING
(Population Comparison)

The costs of establishing, installing, operating and maintaining the central emergency answering service and dispatch system are to be borne by all of the members involved on the basis of the following formula:

A. Initially, a comparison shall be made among all of the member towns involved on the basis of each member town’s population. The source of each member town’s population figure shall be the latest available from the Office of Vital Records and Statistics of the New Hampshire Department of Health and Human Services, in order that such population figures shall all be determined in the same manner. A comparison shall be drawn initially, and then subsequently on an annual basis, among the relative populations of the member towns, and a determination shall be made as to what percentage of the total cost of the operation of the facility each member town shall have to bear based upon the percentage of that member town’s population as it relates to the total population of all the member towns that are party to this Agreement.

B. The foregoing formula shall apply for the allocation of all costs after the initial time period operative under this Agreement. The parties agree that at the time of the execution of this Agreement the following population statistics can provide the basis for the relative distribution of costs for the first operative year (or a portion thereof) of this Agreement. Accordingly, the allocation for the period of time beginning January 1, 2023 is agreed upon by the member towns to be as follows:

Member Towns	Population of the Town	Relative Percentage of Costs
MILFORD	16,131	71.3414 %
MONT VERNON	2,584	11.4281 %
WILTON	3,896	17.2306%
TOTAL	22,611	

(Source: State of New Hampshire Office of Energy & Planning - 2020 Census.)

Thereafter the allocation and formula for each succeeding fiscal year shall be calculated based on the best available population statistics for the respective member towns involved as established in Section 5-A above. Unless other agreement is made, the said Office of Vital Records and Statistics of the New Hampshire Department of Health and Human Services shall be the agency providing the controlling population figures. In any case, only a State (NOT local) agency shall provide such figures. The formula shall be agreed upon by the Governing Board and distributed to the member towns prior to 1 December of each year for the following year’s budget.

Inter-municipal Agreement for the Provision of Communication

Update: 9SEPT2022

FINAL

C. Payment of the town's share of the budget for services provided pursuant to this Agreement is to be made **by** 15 January, 1 April, 1 July, and 1 October of the year for which the services are rendered.

D. If due to unforeseen circumstances a member town is not able to make full payment on time, they may petition the Board of Governors along with the other member towns for an extension of the due date. Each situation will be handled on a case by case basis and must not create a financial burden on the center.

6. ESTABLISHING AND MAINTAINING A BUDGET

A. Budget Advisory Committee (BAC)

There shall be a Budget Committee created by September 1 of each year which shall consist of one (1) member of the Board of Selectmen, or its designee of each of the member towns, who shall not be a member of the Governing Board.

Said Budget Committee shall meet in the first full week of October with the Governing Board. At that time, the Budget Committee shall review the proposed annual operating budget of the Governing Board and shall provide input, advice and make recommendations with respect to said budget prior to its submission to the towns as hereinafter set forth. The Governing Board shall be obliged to consider all recommendations made by the Budget Committee, and shall hold a public meeting at least fourteen (14) days prior to the date on which they are required to submit the annual operating budget to the towns as hereinafter set forth, and shall present at said meeting their final annual operating budget, and in the event that the Governing Board chooses not to adopt the recommendations of the Budget Committee, they shall set forth in writing their reasons for the same prior to the finalization of the annual operating budget and the presentation to the towns as indicated below.

B. Presentation of Annual Operating Budget

The annual operating budget of the Governing Board shall be determined by the Board, after the Budget Committee review process set forth in paragraph 6.A. above, and shall be submitted to the towns no later than December 1, of each calendar year but no sooner than fourteen (14) days after the public hearing of the Governing Board as established in the preceding paragraph. The operating budget, including any proposed capital expenditures, shall be approved by a two-thirds (2/3) vote of the Governing Board provided, however, that any capital expenditure requiring the expenditure of more than TEN THOUSAND (\$ 10,000.00) DOLLARS for any single item shall require a two-thirds (2/3) majority of the Governing Board for approval and the parties hereto agree that the By-Laws of the Governing Board established pursuant to paragraph 4 above shall be drafted in such a fashion as to reflect this condition notwithstanding paragraph 4 above.

Inter-municipal Agreement for the Provision of Communication

Update: 9SEPT2022

FINAL

C. Disposition of Surplus Funds

I. Any surplus funds not expended in each calendar year shall be returned to the member towns using the assessment formula provided for in Paragraph 5 no later than June 30 of the subsequent year.

II. In the event that the Governing Board should desire to expend any surplus funds, the Budget Committee, as provided for in Paragraph 6.A. shall review said proposal and hold a public hearing thereon prior to any such expenditure.

D. Borrowing Funds

The Governing Board may borrow funds for a term not to exceed the end of the fiscal year in which the funds are borrowed.

E. Emergency Expenditures

Unless prohibited by law in the event of a sudden or unexpected situation or occurrence, or combination of occurrences, of a serious and urgent nature, that demands prompt or immediate attention, the Governing Board may expend funds in excess of the budget for the current fiscal year, but only if written notice is provided, identifying the amount, purpose and need for said expenditure, to the Board of Selectmen of each member town, and each such board authorizes said expenditure, in writing.

7. TERMINATION OF THIS AGREEMENT

This Agreement will terminate as provided in section 2 hereof or on such later date as a majority of the governing bodies of the member towns may elect so to terminate. In such event the members shall cause the Governing Board to take such steps as are necessary to dissolve the Governing Board and facility hereby created. At that time the property that is utilized in the facility shall be disposed of in accordance with the following paragraph.

8. DISPOSITION OF PROPERTY ON DISSOLUTION, TERMINATION OR WITHDRAWAL

It is understood and acknowledged that the machinery, equipment and other personal property that the Milford Area Communications Center utilizes to provide the services contemplated by this agreement consists of the following three (3) categories of property: Items owned by an individual member town which have previously been provided to the Center for use; Items acquired by the Center during the course of its operation; Items acquired by an individual member town which will be provided to the center for its use. It is agreed that in the event of dissolution or termination of this agreement, as well as the withdrawal from this agreement by a member town or towns, the following provisions shall govern the disposition of property following such dissolution, termination and/or withdrawal:

a. Items owned by an individual member town which have previously been provided to the Center for use.

The member towns acknowledge and agree that the property and equipment which falls into this class has been listed in the **Ownership Equipment List**. Wherein it has been itemized by a particular member town(s). The property so listed is currently used by the Milford Area Communication Center but it is agreed that the same is and remains property of the designated member towns. In the event of a dissolution or termination of this agreement, such property shall be returned to the possession of the respective member towns as their interest shall appear as designated in the **Ownership Equipment List**. Similarly, in the event of withdrawal from this Agreement, any property in this category shall be returned to the withdrawing member town at the time of withdrawal, as its interest shall appear, based on **Ownership Equipment List**.

b. Items acquired by the Center during the course of its operation.

Except for property identified in 8 – (c), below, any equipment or property having been acquired or to be acquired by the Milford Area Communication Center upon the vote of the Board of Governors shall become the joint property of the member towns participating in this Agreement at the time and will be distributed upon the dissolution or termination of this Agreement proportionately to the various towns who are still members at the time of dissolution or termination or, if this is not practical, the same shall be sold and the net proceeds realized therefrom divided proportionately among the member towns as of the date of such dissolution or termination. **See Ownership Equipment List**.

Inter-municipal Agreement for the Provision of Communication

Update: 9SEPT2022

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c. Items acquired by an individual member town which will be provided to the center for its use.

The member towns acknowledge and agree that an individual member town, in order to assist the Center to carry out its responsibilities, may acquire property and equipment on its own which may be provided to the Center for its use. It is understood and agreed that the ownership of such property and equipment shall not change as a consequence of the member town having provided the same to the Center for its use and the same shall remain the property of the member town which acquires and provides the same. The property so listed shall be returned to the possession of the respective member towns upon such dissolution or termination. Similarly, in the event of withdrawal from this Agreement, any property in this category shall be returned to the withdrawing member town, at the time of withdrawal, as its interest shall appear, based on the **Ownership Equipment List**.

- i. Upon the acquisition and provision of such property or equipment shall cause the **Ownership Equipment List** to be modified to reflect the existence and ownership of such property.
- ii. It is agreed that if the Center neglects to upgrade the **Ownership Equipment List** for any reason, the property and equipment listed in the annual audit indicating changes in the assets in the possession of the Center, shall be satisfactory evidence of ownership for the purposes of this paragraph.

d. **The Milford Area Communications Center shall be, at its sole cost and expense, fully responsible for the maintenance and repair of the communications equipment, the maintenance of all warranty extension and service agreements of said property owned by the Center, and ensuring that any personnel which operate the communications equipment are properly trained; said obligations being a condition of the right to continue to use the communications equipment. The member towns and customers shall be responsible for warranty(ies) and scheduling routine maintenance of their radio equipment. Milford Area Communications Center shall be authorized for emergency repair notifications.**

9. WITHDRAWAL AND NON-RENEWAL

Any member town may withdraw from participation in this Agreement or choose not to renew this Agreement, subject to the following mandatory conditions:

- A. Notice of withdrawal or non-renewal shall be provided, in writing, to the Governing Board and the Board of Selectmen of each and every member town.
- B. Notice shall be provided at least twelve (12) months prior to the effective date of

Inter-municipal Agreement for the Provision of Communication

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FINAL

withdrawal or non-renewal.

C. Withdrawal or non-renewal may only become effective at the close of a fiscal year.

D. Following Receipt of notice and prior to the effective date of withdrawal or non-renewal, the Town:

- i. Shall be responsible for its entire annual assessed share of the costs of the Milford Area Communication Center; and
- ii. Shall not cast a vote on any matters involving the creation of a budget for the ensuing fiscal year.

E. It is clearly agreed and understood by all parties hereto that any town withdrawing from participation in this Agreement shall not receive any rebate, payback, or other refund or credit against charges and amounts paid by it pursuant to this Agreement, and shall in fact forfeit any rights to any of the assets or income acquired by the member town in the course of the operation of this Agreement, except as otherwise provided with respect to the designated member towns.

F. Town surplus shall be returned to any member town that withdraws from this agreement

10. AMENDMENTS

This Agreement may be amended upon the unanimous consent of the member towns through their respective Board of Selectmen and the Governing Board.

11. NEW MEMBERS

A unanimous vote of the member towns shall be required in order for a new member to join the Milford Area Communications Center. The new member shall be required to:

- A. Make an initial payment based upon its share, as calculated under Section 5, of the estimated value of the capital assets owned by the Milford Area Communications Center; and
- B. Assume responsibility for its share, as calculated under Section 5, of the annual budget for the remainder of the fiscal year in which it becomes a member.

The Governing Board shall recalculate the share as calculated under Section 5, of the member towns to account for the new member.

It is understood that there are three (3) original copies of this Agreement and the various Boards of

Inter-municipal Agreement for the Provision of Communication

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Selectmen shall have executed their individual agreements concurrently.

12. NON-VOTING MEMBERS

A non-voting member, will here-in be referred to as a Customer. A customer contracts with The Milford Area Communication Center for dispatch services, but does not have a vote on any issue brought before the Board. A customer is encouraged to attend any meeting scheduled.

Services:

For calculating cost of a customer, the same calculation is used for voting member, minus 7.5% as non-voting member.

<u>Services are</u>	<u>Percentage of Cost</u>
• Police	40 %
• Fire	20 %
• EMS	30 %
• DPW/Other	10 %

Responsibilities of the Customer

- Supply tower site[s] as needed to support their services
- Radio frequency conversion as needed
- Communications radio links as needed
- Computer upgrades to work with present dispatch system[s] and IT upgrades
- Personnel roster
- Equipment/Communications property will be indicated in Appendix C
- Communications maintenance vendor
- Updated street, road, and site inventory

Town of Milford Warrant & Financials DRAFT BUDGET AND BOND HEARING

January 9, 2023

To the inhabitants of the Town of Milford in the County of Hillsborough, in the State of New Hampshire, qualified to vote in Town Affairs:

You are hereby notified that the Annual Meeting of the Town of Milford will be held, in accordance with RSA 40:13, in said Milford, with the first session (also known as "Deliberative Session") at the Town Hall Auditorium on Saturday, **February 4, 2023**, at 9:00 am, to transact all business other than voting, and on Tuesday, March 8, 2022, at the Milford High School Gymnasium, for the second session (also known as "Town Vote") for voting by official ballot at the polls on all matters in the warrant as well as officers and other matters to be voted on. The polls will be open on **March 14, 2023**, at 6:00 a.m. and will not close earlier than 8:00 p.m.

In accordance with the Americans with Disabilities Act, the services of an interpreter will be provided as requested. Such requests must be received in the Milford Board of Selectmen's Office, Town Hall, One Union Square, Milford, NH 03055-4240, at least two (2) calendar weeks before the event. The Town will attempt to honor any requests received after this time.

ARTICLE 1 – ELECTION OF OFFICERS

ARTICLE 2 – BALLOT VOTE – ZONING CHANGES

WARRANT ARTICLE – WWTF NUTRIENT AND METALS UPGRADE - \$insert # here BOND possible 50% match.

WARRANT ARTICLE - WADLEIGH LIBRARY HVAC/ ELECTRICAL SYSTEMS UPGRADES - \$1,295,000 (\$995,000 BOND and \$300,000 WITHDRAWAL FROM LIBRARY FUNDS) ??????

WARRANT ARTICLE - TOWN OPERATING BUDGET - \$?

WARRANT ARTICLE - WASTEWATER DEPARTMENT OPERATING BUDGET - \$0

WARRANT ARTICLE - WATER DEPARTMENT OPERATING BUDGET - \$0

WARRANT ARTICLE - FIRE RESCUE TRUCK #2 REPLACEMENT - 7-YEAR LEASE/PURCHASE - \$735,000 Gross Purchase Price (Annual Lease Payment \$_____)

WARRANT ARTICLE - RAZE AND REMOVE 127 ELM STREET BUILDING - \$400,000

WARRANT ARTICLE - RECONSTRUCTION OF TOWN ROADS - \$ 400,000

WARRANT ARTICLE - ONE REPLACEMENT AMBULANCE (LEASE) (Annual Payment \$____/Total Purchase Price \$371,922)

WARRANT ARTICLE - BANDSTAND RENOVATION - \$_____

WARRANT ARTICLE - BRIDGE REPAIR AND/OR REPLACEMENT CAPITAL RESERVE - \$75,000

WARRANT ARTICLE - SOCIAL SERVICES - \$40,000

WARRANT ARTICLE - DPW VEHICLES AND HEAVY EQUIPMENT CAPITAL RESERVE - \$40,000

WARRANT ARTICLE - NON-EMERGENCY COMMUNITY TRANSPORTATION BUS SERVICES - \$32,000

WARRANT ARTICLE - CONSERVATION LAND FUND - \$20,000

WARRANT ARTICLE - TOWN FACILITIES RENOVATION AND MAJOR REPAIR REPLACEMENT CAPITAL RESERVE - \$25,000

WARRANT ARTICLE - AMBULANCE VEHICLE REPLACEMENT CAPITAL RESERVE - \$25,000

WARRANT ARTICLE - FIRE APPARATUS REPLACEMENT CAPITAL RESERVE - \$25,000

WARRANT ARTICLE - KEYES PARK EXPANSION COMMITTEE PROJECT CAPITAL RESERVE - \$25,000

WARRANT ARTICLE - ASSESSING REVALUATION CAPITAL RESERVE - \$22,500

WARRANT ARTICLE - WADLEIGH LIBRARY MAINTENANCE AND UPKEEP CAPITAL RESERVE - \$25,000

WARRANT ARTICLE - INFORMATION TECHNOLOGY INFRASTRUCTURE CAPITAL RESERVE - \$ 20,000

WARRANT ARTICLE - INDEPENDENCE DAY CELEBRATION FIREWORKS - \$12,000

WARRANT ARTICLE - ANNUAL LABOR DAY PARADE SUPPORT - \$10,000

WARRANT ARTICLE - SUMMER BAND CONCERTS SUPPORT - \$9,000

**WARRANT ARTICLE - MEMORIAL, VETERANS & LABOR DAY PARADES AND RECOGNITION
SUPPORT - \$8,000**

WARRANT ARTICLE - MODIFICATION OF EXISTING ELDERLY EXEMPTION CRITERIA

WARRANT ARTICLE - RE-ADOPT ALL VETERAN'S TAX CREDIT - \$0

DRAFT

9. Approval of Final Minutes - September 12, 2022

DRAFT

MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING September 12, 2022

PRESENT: Paul Dargie, Member Mark Bender, Town Administrator
Tim Finan, Member Tina Philbrick, Executive Assistant
Gary Daniels, Member Andy Kouropoulos, Videographer
Laura Dudziak, Member
Dave Freel, Member

1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS:
Chairman Dargie called the meeting to order at 5:30 p.m., introduced Board members, and then led the audience in the Pledge of Allegiance.

2. APPOINTMENTS – (Approximate times)

5:30 p.m. – Merrimack Road Safety Concerns (Verbal) – Henry Schoenemann

Mr. Schoenemann, a Milford resident, has concerns about speeding on Merrimack Road. Trucks and cars speed down the road throughout the day. Logging trucks also speed down the road and it's cited as no thru trucking. He recommends a radar speed control sign to try to slow people down, a stronger Police presence, and or a speed bump. He would like the Town to look into a 4 way stop sign. The stop ahead sign should also be more visible.

Vicky Bissonnett, a Milford resident, who owns a business next to Mr. Schoenemann said it's difficult to see ahead, this is a concern for her family and clients. Amherst Police do a great job and are a huge presence in their area. She feels the speed should be 25 MPH and also mirrors a better Police presence. The overgrowth is horrible.

Selectman Freel asked if the overgrowth is on town land or private property. Ms. Bissonnett isn't sure. Someone should be held responsible to clean up the area.

Chief Viola authorized directed patrols in that area last October. They will try to increase their presence. They can put a portable sign up in that area temporarily. It is a cut-through road. They will reach out to Amherst Police as well.

5:40 p.m. - Planning Board, Appointment of Alternate Member – Term expires 2025 – Susan Smith

Ms. Smith has served on many committees including the School Board Advisory Committee, and PTO, and has volunteered at elections. The Planning Board recommends her appointment as an alternate member. Selectman Daniels asked her thoughts on affordable housing. Ms. Smith said we would need incentives for people selling their land and incentives for builders as well. She asked what else could be considered to get more housing. Selectman Daniels suggested looking into tiny housing.

Selectman Freel said it isn't about sub-dividing; it's about cutting back on the red tape to accommodate changes to houses.

Selectman Daniels made a motion to appoint Susan Smith as an alternate member of the Planning Board. Seconded by Selectman Freel. All were in favor. The motion passed 5/0.

5:45 p.m. – MS-11 – Assessing Director, Marti Noel

Ms. Noel presented the MS1 and MS1V to the Board. Total assessed value of property in 2022 is \$2,218,942,243 representing a 1% increase over 2021. The 2021 total assessed value of all taxable property is \$2,084,157,112. Residential property value represents about 81% and commercial property value is about 19%. Elderly exemptions total 88, down from 91 in 2021. The total elderly exemption for 2021 is \$10,829,200 representing roughly \$218,208 in taxes using the 2021 tax rate. Blind and Solar exemptions have had minor increases.

Selectman Daniels made a motion to approve the MS-1. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0.

6:00 p.m. - Warrant Article – Re-adoption of the All Veterans Tax Credit, Assessing Director, Marti Noel

Ms. Noel presented a warrant article for the Re-adoption of the All Veterans Tax Credit per revised changes in (RSA 72:28), the town has to re-adopt the warrant article which was approved by a town vote in 2017. This Warrant Article is meant to continue the All Veteran's tax credit already in place and will have no additional impact on the tax rate. Currently, 42 Veterans receive this tax credit.

64 Shall the Town vote to re-adopt the provisions of RSA 72:28-b, All Veteran’s Tax Credit? This credit is currently available
65 to any resident of Milford, or the spouse or surviving spouse of any resident who served not less than 90 days of active ser-
66 vice in the armed forces of the United States and was honorably discharged or an officer honorable separated from service
67 and is not eligible for receiving credit under RSA 72:28 or RSA 72:35. The current credit is \$400, the same amount as the
68 standard or optional veteran's tax credit under RSA 72:28.
69

70 **6:10 p.m. - Town Engineer Job Description - Community Development Director, Lincoln Daley**
71

72 Mr. Daley presented the Board with a revised Town Engineer job description as requested at a previous Board meeting.
73 This position will benefit the Town by improving operational and technical engineering capacities for all departments and
74 improving services to residents/development community. It will also provide cost-effective engineering solutions associat-
75 ed with planning, design, construction, administration of capital improvement projects, the maintenance of Town infrastruc-
76 ture, and management of environmental programs.
77

78 The position will be between \$80,000 to \$100,000. They would re-appropriate expenses from the Public Works and Com-
79 munity Development budgets. Selectman Freel asked how much has been spent on consultants. Mr. Daley said about
80 \$10,000 per year from the Planning Department. This year we spent about \$7,000 under the MS-4 compliant. The money
81 spent outside will now be in-house and be now part of a revenue stream for us. Selectman Freel doesn't see the benefit of
82 spending this amount of money on an Engineer.
83

84 Administrator Bender asked if this position was going to be used for bridges, culverts, and other things. Mr. Lessard said
85 yes and they have 16 bridges in Milford. Selectman Freel asked if it was viable to spend \$125,000 on an Engineer when it
86 could be subbed out.
87

88 Selectman Freel doesn’t understand why we are net neutral. He has to see the value in this position that the town has never
89 had. Mr. Lessard tried to explain in more detail. Mr. Daley said several side streets also require repair and this person will
90 be part of that process. Once you have a design you will know the overall cost of the project for future budgeting. Mr. Les-
91 sard said having an Engineer would allow us to do more things in town that we could be doing. We are not doing some
92 things now because it’s too expensive.
93

94 Selectman Finan asked about the \$35,000 budgeted for 2023 on the spreadsheet. Mr. Daley said it’s partly used to hire an
95 intern to go out into the field and for legal services, its existing budgeted costs. Selectman Finan said it sounds like there is
96 \$35,000 in the budget but we are only appropriating \$5,000 for an intern. Mr. Daley said partially yes, the MS 4 will exceed
97 the engineer's salary so we will still need a little money for other items that will be required for administrative services and
98 compliant matters.
99

100 Selectman Daniels has concerns about the Engineer reporting to two people. Mr. Daley said it should fall under Mr. Les-
101 sard's department. Administrator Bender asked Mr. Lessard if he anticipated that the Town Engineer be able to reduce
102 some of the bridge engineering costs. Mr. Lessard said yes, and other drainage costs as well.
103

104 **Selectman Dudziak made a motion to move forward with a Town Engineer Position and re-appropriation of the de-**
105 **partment funds for 2022 and accept accountability. Seconded by Selectman Finan. The motion passed 4/1 with Se-**
106 **lectman Freel opposed. He would like additional information on this.**
107

108 **6:20 p.m. - Local Emergency Operations Plan (LEOP) Grant – Chief Ken Flaherty**
109

110 Chief Flaherty presented the Board with a grant for the Local Emergency Operations Plan (LEOP) for approval. It's similar
111 to the Hazardous Mitigation plan that the Board approved in 2019. The project is 50% Federal Funds and 50% Applicant
112 Share. The total cost of the program is \$10,000. This is required to be updated every five years; the last one was done in
113 2017. The Milford Emergency Operations Plan (EOP) establishes a framework for local government to provide assistance
114 in an expeditious manner to save lives and protect property in the event of a disaster. The Town of Milford appreciates the
115 continuing cooperation and support from all the departments and agencies and the volunteer and private organizations
116 which have contributed to the development and publication of this Plan.
117

118 The purpose of the Emergency Operations Plan is to facilitate the delivery of all types of emergency responses and to help
119 deal with the consequences of significant disasters. The Plan outlines the planning assumptions, policies, concept of opera-

DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 09/12/2022

120 tions, organizational structures, and specific assignments of responsibility to the Town departments and agencies involved
121 in coordinating the local, state, and federal response activities.

122
123 Katherine Kokko, a Milford resident, asked who produces the LEOP and does it go out to bid. Chief Flaherty said it does
124 not go out to bid, it's done through MAPPS. The state gives them two names and we've used June in the past so we are
125 using her again.

126
127 **Selectman Dargie made a motion to accept the terms of the Emergency Management Performance Grant as presented. Seconded by Selectman Daniels. All were in favor. The motion passed 5/0. Chairman Dargie, Vice Chairman**
128 **Finan, and Selectman Freel will sign the grant.**

129
130
131 **Chairman Dargie verified that “The Select Board, in a majority vote, accepted the terms of the Emergency Management**
132 **Performance Grant as presented in the amount of \$5,000 to update the community’s Local Emergency Op-**
133 **erations Plan (LEOP). Furthermore, the Board acknowledges that the total cost of this project will be \$10,000, in**
134 **which the town will be responsible for a 50% match (\$5,000).” The Town Administrator, Mark Bender is authorized**
135 **to sign all documents related to the grant.**

136
137 **6:35 p.m. - Town Administrator Job Description – Human Resource Director, Karen Blow**

138
139 Ms. Blow presented the Board with an updated description of the Town Administrators' position. She would like to start
140 advertising for the position this coming week. The deadline for applications will be October 14, 2022. She asked the Board
141 if they had any input. There were no comments.

142
143 **Selectman Dudziak made a motion to approve the updated job description for the Town Administrator and the**
144 **posting of the position. Seconded by Selectman Finan. All were in favor. The motion passed 5/0.**

145
146 **6:50 p.m. - Ambulance Staffing – Ambulance Director, Eric Schelberg**

147
148 Director Schelberg is requesting that the Board approve his request to convert part-time hours into at least one full-time
149 position for implementation on October 2, 2022. With authority if needed to go into a second full-time position. This was
150 previously discussed at two Board meetings. This will reduce the number of part-time hours needing to be filled, reduce
151 additional mutual aid responses to the town avoid ACA and NHRS limits and potentially reduce the number of hiring ses-
152 sions and field training shifts which were \$6,000 in 2021. He's currently looking at 72 hours that are open every week.
153 Staff is looking for better wage scales and not to work 80 per week.

154
155 Selectman Freel asked how many employees are in Ambulance. Director Schelberg said 10 full-time, 6 part-time, and 10
156 per diem are broken out into two categories. Selectman Freel asked about their break-even number. Director Schelberg
157 brings in about \$800,000 in revenue per year but the total cost to run Ambulance Facility is about \$1,400,000. They bring
158 in about 11% to 12% of non-taxable revenue. They run one vehicle for 24 hours and the second vehicle for 16 hours each
159 day. There was additional discussion about running the department and what was needed. Rates were raised last year but
160 they are still behind. He as well as staff are working to cover extra hours and last night one ambulance was taken out of
161 service due to no additional staff coverage. If we are short a driver during the day, the Fire Department sends someone
162 over. We need to look at the wage scale.

163
164 Chairman Dargie asked if the coverage from the Fire Department was a call firefighter. Director Schelberg said no, it's a
165 full-time employee.

166
167 Chief Flaherty said he and the Deputy Chief are in the building Monday through Friday during the work day so if an ambu-
168 lance needs assistance, we send one of our guys over and one of us will ride in the fire trucks. We are trying to help each
169 other out.

170
171 Selectman Daniels asked if there has been an effort to use shared services with other towns. Director Schelberg said no, it
172 is not something that is thought highly of in the North East but it's worth looking into.

173
174 Other scenarios were discussed. Administrator Bender said staff and HR have been leading a salary review with neighbor-
175 ing towns and throughout New Hampshire, they will be bringing this to the Board in the next few weeks.

176

DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 09/12/2022

177 Ammy Rice, a Milford resident, asked how many of these people are leaving to go to a full-time department. Director
178 Schelberg said it varies. Two went to hospitals; two went to Urgent Care facilities. Ms. Rice asked why don't merge Ambu-
179 lance and Fire and have better services. Director Schelberg said merging was discussed in 2005 and it's a discussion for
180 another time. Chairman Dargie said it's unlikely that this would happen soon.

181
182 Selectman Freel said Ms. Rice makes a good point. At some point, Milford will say, "this isn't worth it". We want people
183 there for our elderly but at the end of the day, it becomes costly. Director Schelberg wouldn't say get rid of the revenue,
184 \$800,000 is a large amount.

185
186 Selectman Dudziak said the primary purpose of the Ambulance Department isn't to generate revenue. We are fortunate that
187 it does as well as it does.

188
189 **Selectman Dudziak made a motion to approve the Ambulance Directors' request to convert part-time hours into one**
190 **full-time position with the option for a second full-time position. Seconded by Selectman Freel. All were in favor.**
191 **The motion passed 5/0.**

192
193 **3. PUBLIC COMMENTS (regarding items that are not on the agenda)** there were no comments at this time.

194
195 **4. DECISIONS**

196 **a) CONSENT CALENDAR**

- 197 1) Approval to re-appoint Lisa Griffiths as a Full-Member of the Granite Town Media Advisory Committee – Term
198 Expires 2025.
199 2) Approval of Intent to Cut Map 1 Lot 10 and Map 2 Lot 28-2.
200 3) Acceptance of Gifts of Property Under \$5,000 (31:95(e)) – Donation to the Police K-9 Special Purpose Fund from
201 Rebecca Pervere - \$40.00
202 4) Approval of Annual Duck Race Permit – Milford Volunteer Ambulance Association.
203 5) Approval of Deputy Forest Fire Warden Appointment – Riley Stanchina.
204 b)

205 **Selectman Daniels asked to remove 4. a) 5 from the consent calendar.**

206
207 **Selectman Daniels made a motion to approve Consent Calendar except for 4. a) 5. Seconded by Selectman Finan.**
208 **All were in favor. The motion passed 5/0.**

209
210 Selectman Daniels asked what the duties were for this position. Chief Flaherty explained the duties.

211
212 **Selectman Daniels made a motion to approve 4. a) 5 from the consent calendar. Seconded by Selectman Finan. All**
213 **were in favor. The motion passed 5/0.**

214
215 **b. OTHER DECISIONS**

216 N/A

217
218 **5. TOWN STATUS REPORT –**

219 **1. State's Settlement with Janssen Pharmaceuticals/Johnson & Johnson – Town Administrator Mark Bender**

220
221 Mr. Bender said the town was advised by the State Attorney General's office that we were named a "primary non-litigating
222 subdivision based on our population. Under the terms of the settlement, (\$39.605 million), the town would be eligible to
223 apply for grants from that fund. He requests that the Board authorize the Chairman or Town Administrator to sign the re-
224 lease so we can submit the document.

225
226 **Selectman Daniels made a motion to authorize the Town Administrator to sign the Janssen Pharmaceuti-**
227 **cals/Johnson & Johnson document. Seconded by Selectman Dudziak. All were in favor. The motion passed 5/0.**

228
229 **2. Sand and Gravel AoT Permit Update – Community Development Director, Lincoln Daley**

230

231 Mr. Daley provided an update on the Sand and Gravel AoT permit. New Hampshire Fish and Game provided 61 comments
232 to the Town and Northeast Sand and Gravel to respond to and/or incorporate into the AoT permit application/plan set.
233 Some were left unresolved and require further vetting before the permit can be issued.
234

235 **Determination of the conservation mechanism for the onsite mitigation - Deed Restriction vs. Conservation Easement.**
236

237 The Town will place 75 acres (out of 142 total acres) of the Brox Community Lands property into permanent conservation
238 for the onsite mitigation of the threatened and endangered species on the property..

239 In response, the Town contacted the surrounding land trusts and no one expressed interest in holding the easement. The
240 Town has suggested, a Conservation Deed Restriction be placed by the Town on areas to be conserved. The deed restriction
241 would be managed potentially by the Conservation Commission or a contracted third party. NHF&G does not support the
242 creation/implementation of the Conservation Deed Restriction. Staff is currently working with Counsel for guidance.
243

244 **Determination of the permanent conservation area boundaries and survey.**

245 NHF&G has stated that Agency will not support the approval of the AoT permit until the conservation mechanism is in
246 place. The Town and the NHF&G need to finalize the boundaries of the permanently conserved areas. Once agreed upon,
247 the areas must be surveyed and legal instruments are prepared for recordation at the NH Registry of Deeds. To date, the
248 proposed boundaries of the conservation areas are still under review by NHF&G. Throughout our discussions, NHF&G has
249 expressed an interest in increasing the areas of mitigation.
250

251 The proposed location and boundaries of the 75 acres of conservation land were designed based on limited input from
252 NHF&G and NHDES and are consistent with the previously approved AoT Permit. A survey of the property and 75-acre
253 area would cost approximately \$30,000 and would require Board authorization to re-appropriate funds within the 2022
254 Town budget for the project.
255

256 **Determining the level and extent of onsite monitoring during the gravel operations.**

257 Due to the presence of the T&E species on the site, NHF&G has requested a detailed management and monitoring plan.
258 This will require the Town will to do more frequent inspections and monitoring of the site during the gravel operations by a
259 qualified independent third party. Said third-party monitor must meet the specified qualifications established by NHF&G
260 and not have worked on the project previously. The Town, Northeast Sand & Gravel, and its engineering consultant are
261 preparing an updated response.
262

263 **Installation of Silt Fence.**

264 If the Town and Northeast Sand & Gravel plan to extract material from the site in 2022, the silt fence and related escape
265 mounds must be installed by September 15th. Northeast Sand & Gravel will meet the prescribed deadline and install the silt
266 fence consistent with the submitted AoT plan set before the established deadline day.
267

268 **Brox Environmental Citizens Group.**

269 Community Development Office received an email from the Brox Environmental Citizens Group containing their filing to
270 NHDES and NHF &G raising several concerns involving the submitted gravel operation project, 61 comments issued by
271 the NHF&G, and potential impacts to the T &E species on the site. They feel that the silt fence will harm the species at the
272 Brox property, we feel that it won't and it complies with what was required.
273

274 **Renewal of North East Sand & Gravels Contract:**

275 The current contract with Northeast Sand & Gravel is set to expire next year. The Town Administrator will be executing a
276 3-year contract extension with Northeast Sand & Gravel under the same terms and conditions stipulated in the existing con-
277 tract.
278

279 **Review and Potential Update to the Brox Community Lands Master Plan.**

280 The Brox Community Master Plan was first developed in 2005 and then modified in 2014. The Master Plan lays out the
281 anticipated future municipal and school uses for the 142 acres. We recommend that the Board, in collaboration with the
282 Planning Board, School District, and residents, review the document and update it accordingly.

283 Chairman Dargie asked if the third-party monitor can't be someone who worked here previously. Mr. Daley said yes.
284 Methods were questioned that were being used by the previous third party's process and the state wants a different third
285 party to complete this.
286

287 Selectman Freel had questions about the map. Mr. Daley explained the different areas and what could or couldn't be done.
288 We feel that this is a good representation of helping the endangered species thrive. Selectman Freel asked about the length
289 of the pit removal. Mr. Daley said the warrant article allows for 20 years to remove the gravel, it should take about two
290 years according to our contractor. Some of this is for the town's use.
291

292 Selectman Daniels asked if a Conservation restriction was statutorily allowed. Mr. Daley said yes. Fish and Game would
293 prefer a non-town-related third party to be the agent to ensure compliance. We would pay for them to take it over and they
294 would assume the cost. Selectman Daniels asked if anyone has looked into the restrictions placed on this property by the
295 State and that it could be considered a taking and that the state would buy it from the Town. Mr. Daley said that the topic
296 hasn't been approached by the State yet.
297

298 Selectman Freel asked how much money is coming in through the gravel operation and asked how much it would be to
299 have a third party monitor that area. Administrator Bender said the total revenue so far is around \$250,000. Mr. Daley said
300 it would be a one-time contribution, he isn't sure of the amount.
301

302 Administrator Bender said it's looking like the state is moving in the direction of taking the property because of the re-
303 strictions and the stopping of the gravel operation that the town voters approved. He asked Selectman Daniels who we
304 should speak with about this. Selectman Daniels said we would have to bring it up to the council. It just keeps costing us
305 more and more money. The town's people are not getting the value out of the property that they expected when we bought
306 it.
307

308 Chris Labonte, a Milford resident, asked where we would get the \$30,000 for the Conservation easement and why would
309 the town have to pay for that. According to the contract, the contractor has to pay all related expenses. Chairman Dargie
310 said that is Mr. Labonte's interpretation of the contract. Mr. Labonte asked if a trail cam was a good judgment on how
311 many loads were taken from the sand and gravel operation. Administrator Bender said it was.
312

313 Mike Thornton, a Milford resident, and Cemetery Trustee said we only have 8 to 10 years before our cemeteries are full.
314 We were supposed to have some of that property for another cemetery. What will we do if we don't have this property?
315 Mr. Daley said the idea has always been to use the property for town-related things such as the expansion of our cemeteries.
316 A cemetery may be a more passive use which is what NH Fish and Game wants.
317

318 Mr. Daley said Fish and Game will not approve the AoT permit until the conservation mechanism is in place. We still have
319 to do the survey work to identify the boundaries and that is about \$30,000 to create the mechanism. If we want to move
320 forward this year we need the survey complete. Chairman Dargie said we should have a third-party solution in place and
321 approval from Fish and Game for something before we spend \$30,000 on the survey. It won't happen this year.
322

323 Mr. Daley said we need to get these issues resolved before we can move forward.
324

325 **3. Emergency Communications Update (Crown Castle) Verbal – Captain Frye**

326

327 Administrator Bender said he spoke to several officers about communications and they reported that things were a lot bet-
328 ter. Captain Frye said DPW have their portable radios and they are in use. It was nice not to have to use cell phones. We
329 are using them between agencies. DPW's mobile radios will be installed in October. Water Utilities are in the process of
330 putting their mobiles in. They will share DPW's frequency. The ambulance should be up and running this week. MPD and
331 Fire are all set. All of his people are happy with what's been done so far. We haven't had any issues. Federal Hill will help
332 out the Ambulance when they travel out of town as well as the Fire Department. 2-Way has been very accommodating
333 with anything we need. They are excited to see that things are getting where they should be. This is bringing the depart-
334 ments closer together.
335

336 Ray Anderson, MACC Base Director, said it's night and day on their side as far as operations. The responders are out
337 where we couldn't hear them before and now it's crystal clear. Some improvements were made upstairs and he thanked the
338 Town of Milford for making this investment.
339

340 Selectman Freel asked if the transmissions go through MACC Base. Captain Frye said everything goes through Crown
341 Castle and then to MACC Base. He explained the process the Selectman Freel. Director Anderson said the amount of shad-
342 dio traffic that used to go through dispatch has decreased. Captain Frye said Federal Hill should pick up a couple of shad-
343 ow areas that may need some help. Morale is higher and the Officers are confident that someone is going to hear them.

344
345 **4. Paving Update - Public Works Director, Leo Lessard**
346

347 Director Lessard gave the Board an update on paving. Paving will start on September 11th. Brox started milling from the
348 Amherst town line to Pleasant Street and from Mont Vernon Street at Rite Aid to Granite Street. He explained what the
349 Water Department will be doing. DPW will be working on installing drainage around Mile Slip. He received three bids
350 and Leighton White was the lowest. The project will start around the third week of September. Other work includes Federal
351 Hill Road from the Hollis town line to past Foster Road. Foster Road from Federal Hill to the Brookline town line.
352 Ball Hill Road from Annand Drive to Young Road and Young Road. Due to a pipe collapsing, we will be doing work on
353 Mont Vernon Street which will hopefully only take a couple of days. They will have to detour around town to accommo-
354 date larger trucks
355

356 Selectman Freel asked if the line striping is done. Mr. Lessard yes, except for the roads being paved. Selectman Freel
357 asked if we had an excavator. Mr. Lessard said no. Selectman Freel asked if we are on budget for paving. Mr. Lessard
358 said yes and no, we had \$483,000 plus the block grant. Amherst Street is getting done with the Block grant money. Materi-
359 als went from \$85 per ton to \$115 per ton so we didn't get as much done as originally planned. Selectman Freel asked if we
360 should be thinking of raising the amount. Mr. Lessard said yes.
361

362 Selectman Freel asked about the utility rates' in the department. Mr. Lessard was told that the rates will be at least 77%
363 higher if not more. He accommodated the increase in his budget. Selectman Freel said that is something we have to think
364 about in the budget.
365

366 **6. DISCUSSIONS**

367 **1. ARPA Funding review**
368

369 Administrator Bender removed three items from the original list, Town Hall HVAC, Nashua St. Water Main/Culvert Re-
370 placement, and Recreation Revolving fund. As of the last meeting the Board still had \$434,030 to allocate and Administra-
371 tor Bender recommends funding the following items.

372 2022-2023 Master Plan Update -	\$100,000	ranked #3
373 Cyber Security/Fiber Install -	\$ 75,000 (this amount was decreased from \$100,000)	ranked #4
374 Library HVAC System -	\$209,030.90	ranked #5
375 Permitting Software -	\$ 50,000	ranked #6

376

377 He further recommends that the New Ambulance Equipment be a warrant article and the N95 & SCBA Quantitative Fit
378 Testing Device be a budget item for 2023.
379

380 Representative Vanessa Sheehan said the Wadleigh Library's application has been approved and it is currently going
381 through a couple of other stages, the funding looks favorable at \$813,895.50. Kathy Parenti said with that plus what the
382 town gives us and what we have in the trust should cover the HVAC system and it won't be a warrant article. We have oth-
383 er CIP projects but they have been pushed off to other years.
384

385 Selectman Freel suggested holding off on allocating the \$209,030.90. Chairman Dargie likes the Town Administrators'
386 allocation of money, we can authorize this, it doesn't have to be spent until 2026. Selectman Daniels asked what the time-
387 line was on the County Grant. Representative Sheehan said the end of this month. Selectman Daniels would like to hold
388 onto the money until other things come through.
389

390 **Selectman Finan made a motion to approve the suggestions as recommended by the Town Administrator. Select-**
391 **man Dudziak seconded. Selectman Daniels asked to divide the question and vote separately on the HVAC system.**
392

393 **Selectman Daniels made a motion to divide the question. Seconded by Selectman Freel. All were in favor. The mo-**
394 **tion passed 5/0.**
395

396 **Selectman Finan made a motion to approve allocations #3 Master Plan, #4 Cyber Security, and #6 Permitting Soft-**
397 **ware as suggested by the Town Administrator. Seconded by Selectman Dudziak. All were in favor. The motion**
398 **passed 5/0.**
399

400 Selectman Finan made a motion to approve \$209,030.90 for the Library HVAC system. Seconded by Selectman
401 Dudziak. The motion passed 3/2 with Selectman’s Daniels and Freel opposed.

402
403 **2. Milford Energy Advisory Committee**

404
405 Chairman Dargie proposes forming this committee soon. Chairman Dargie read the purpose and charge. The committee
406 would consist of four citizens of Milford appointed for a two-year term, one Selectman, one Planning Board member, and
407 two alternate citizens, a term for also two years.

408
409 Selectman Daniels questioned greenhouse gas emissions. Chairman Dargie said that section could be removed. There was
410 some discussion about the number of people. Chairman Dargie suggested making it five people for a total of seven to in-
411 clude two alternates.

412
413 Mike Thornton said he’s been a volunteer for a long time and would like to be on this committee. Chairman Dargie asked
414 that the public come forward if they are interested in joining this committee. We can appoint them at the next meeting.

415
416 Administrator Bender said the town has worked with Standard Power to negotiate and bid a better electric rate for town
417 usage, and Water Utilities. This contract is up in November. They have come back with a proposal for another two-year
418 agreement. Would this Board like this committee to look at this, and if you do, should we look at a one-year program to
419 carry us over while they are reviewing this? We should do something or else the town’s utility rate will go up to what
420 Eversource is charging.

421
422 Chairman Dargie said if they could do a one year that would be fine, but it will be a lot of lead time so two years will be
423 fine. Selectman Freel wants to find out what the rates would be for one year versus two years. Selectman Finan asked if we
424 could give the Town Administrator the authority and he can let us know. All agreed.

425
426 **3. Board of Selectmen’s Public Comments Procedures**

427 There was a discussion about what public comments mean under rule 9. Order of business. People have a different under-
428 standing of what we should be doing. Chairman Dargie feels that we are not following this exactly.

429
430 Reference this rule: 3. Public Comments

431 a. Any member of the public may request time to address the Board of Selectmen after first stating their name, address, and
432 the subject of their comments. The Presiding Officer **may** then allow the comments subject to such time limitations as the
433 Presiding Officer deems necessary, generally five (5) minutes. Following such comments, the Presiding officer may place
434 the matter on the current agenda or future agenda, or refer the matter to the Town Administrator or other official for inves-
435 tigation, report, or to take such actions as may be appropriate.

436 b. Subjects on the current agenda. Any member of the public who wishes to address the Board of Selectmen on an item on
437 the current agenda shall make such requests to the Presiding Officer at the time when comments from the public are re-
438 quested. The Presiding officer shall rule on the appropriateness of public comments as the agenda item is reached. The Pre-
439 siding Officer may change the order of speakers so that testimony is heard in the most logical groupings, e.g. proponents,
440 opponents, adjacent land owners, vested interests, etc.

441
442 Chairman Dargie said 3 a. should be when people get up and speak about something that isn't on the agenda. The Chair
443 should set up an agenda item later in the meeting or place the subject on a future meeting, or not at all. There should be no
444 back and forth in public comments.

445
446 3 b. is something that we are not doing. People should be requesting to speak on the current agenda topics later in the meet-
447 ing. Selectman Daniels and Selectman Finan feel this has been run this way. Selectman Dudziak said you can choose to
448 address the topic at that time, or not. Her issue with public comments is that it's not public comments. It's an interrogation
449 or a question and answers session and that isn't what this says. Selectman Freel said they can address the Board. Selectman
450 Finan said it’s up to the Chair to stop that. Selectman Dudziak said the way it should be done is if you have a lot of ques-
451 tions, call and ask to be put on the agenda or deal with the Town Administrator.

452
453 There was additional discussion on how this section should be run. The public should be allowed to speak and if the Board
454 can answer the question they should, if they can’t, they can get back to the person asking.

455

456 Selectman Daniels suggested a word change in Rule 9, 3. Public Comments. Change the word may to shall. We have a
457 problem if we don't let the public speak. We can answer the questions if we have the answers. Selectman Dudziak said
458 comments are different than questions. If it gets argumentative, the Chair is in charge of the meeting and can halt that. We
459 should find an answer if a question is asked. Selectman Dudziak agrees, but we don't have to do it during the meeting if we
460 are not sure of the answer and it puts us on the spot.

461
462 Mike Thornton said he agrees with Selectman Dudziak that it's not an interrogation of the Board but the public deserves an
463 answer to their questions or concerns.

464
465 Tina Philbrick, Executive Assistant suggests that the Board review the policy to see if other changes are needed. It's a
466 working document and if someone has something that they feel should be changed, now would be the time to do it.

467
468 **4. NH Municipal Association Legislative Policy**

469
470 Chairman Dargie explained the Legislative Policy and would like to represent the town to vote on these. He agrees with
471 most of the items on the policy.

472
473 Selectman Daniels has a problem with some of the items starting with number 1. There was a discussion on what happens
474 in the process of voting. Chairman Dargie said it's likely that these all will pass. Selectman Dudziak and Selectman Finan
475 were okay with Chairman Dargie representing the town. Some of the Selectman haven't had time to review the policy as
476 they have only had it a short time.

477
478 Selectman Daniels said the rules and procedures state that only one person isn't supposed to speak for the Board and he
479 feels that we are better off not sending anyone.

480
481 Katherine Kokko questions why the board would consider appointing someone to vote on several issues that they haven't
482 taken the time to review. She said it's an uninformed voting process. Mike Thornton said this came out 4 ½ weeks ago. It
483 should be a common voice.

484
485 Selectman Dudziak said she's going through the policies and she's not uninformed. Chairman Dargie also is informed.

486
487 **Selectman Dudziak made a motion to make the chair a voting member of the 2023 – 2024 Proposed Legislative Poli-**
488 **cy Positions. Seconded by Selectman Finan with discussion. Selectman Finan asked if he could reach out to the**
489 **chair with his concerns before he goes to vote. Chairman Dargie said yes. The motion failed 2/3 with Selectmen's**
490 **Freel, Daniels and Finan opposed.**

491
492 Some of the Selectman didn't have time to review the items on the policy. It was decided that no one would represent the
493 town at this session.

494
495 **7. PUBLIC COMMENTS. (Regarding items that are not on the agenda)**

496
497 Chris Labonte questioned that the clock wasn't working. Mike Thornton said it was being repaired today.

498
499 **8. SELECTMEN'S REPORTS/DISCUSSIONS**

500 **a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES**

501
502 **b) OTHER ITEMS (that are not on the agenda)**

503
504 **9. APPROVAL OF FINAL MINUTES - Selectman Daniels moved to approve the minutes of August 22, 2022, as**
505 **amended. Seconded by Selectman Freel. All were in favor. The motion passed 5/0. Selectman Dudziak moved to**
506 **approve the minutes of August 29, 2022. Seconded by Selectman Finan. All were in favor. The motion passed 5/0.**

507
508 **10. INFORMATION ITEMS REQUIRING NO DECISIONS.**

509 **a. N/A**

510
511 **11. NOTICES.** Notices were read.

512

513 12. NON-PUBLIC SESSION – Selectman Daniels made a motion to go into non-public under in Accordance with
514 NH (RSA 91-A:3, II(a)) – Personnel Seconded by Selectman Finan. All were in favor. The motion passed 5/0.

515
516 Selectman Daniels made a motion to exit non-public. Selectman by Selectman Freel. All were in favor. The mo-
517 tion passed 5/0.

518
519 In non-public, the Board made one decision. Selectman Daniels made a motion to seal the non-public minutes for
520 September 12, 2022, under reputation as it could adversely affect the reputation of any person other than a member
521 of this Board. Selectman Freel seconded. In a roll call vote, all were in favor. The motion passed 5/0.

522
523 13. ADJOURNMENT: Selectman Daniels moved to adjourn at 9:34. Seconded by Selectman Freel. All were in fa-
524 vor. The motion passed 5/0.

525
526
527
528 _____
529 Paul Dargie, Chairman

Laura Dudziak, Member

530
531 _____
532 Tim Finan, Vice-Chairman

Dave Freel, Member

533
534 _____
535 Gary Daniels, Member

DRAFT

10. Treasurer's Report July 2022 & August 2022

TREASURER'S REPORT
TOWN OF MILFORD, NEW HAMPSHIRE
7/31/2022
(unaudited)

	CHECKING ACCOUNT	TOWN CLERK ACCOUNT	ESCROW ACCOUNT	NHPDIP ACCOUNT	DISBURSEMENT ACCOUNT	BAR HARBOR ACCOUNTS	INVESTMENT ACCOUNT	TOTAL
Beginning Balance as of 07 /01/22	4,483,537.48	55,800.98	117,365.80	15,006,144.08	8,228.14	10,684.65	3.45	\$ 19,681,764.58
Receipts:								
Taxes and Interest	2,300,434.47	-	-	-	546,482.54	-	-	\$ 2,846,917.01
Water & Sewer User Fees	130,700.51	-	-	-	46,373.42	-	-	\$ 177,073.93
Other Revenues	311,771.12	370,057.05	-	-	6,277.85	-	-	\$ 688,106.02
Ambulance	-	-	-	-	51,584.48	-	-	\$ 51,584.48
Recreation	-	-	-	-	10,658.50	-	-	\$ 10,658.50
Escrow Deposit	-	-	-	-	-	-	-	\$ -
Escrow Transfers	-	-	-	-	-	-	-	\$ -
Interest Income	-	-	9.96	21,717.13	-	0.45	0.46	\$ 21,728.00
Investment Transfers	1,180,003.45	-	-	2,250,000.00	-	-	980,000.00	\$ 4,410,003.45
TAN Deposit	-	-	-	-	-	-	-	\$ -
Bond Proceeds	-	-	-	-	-	-	-	\$ -
22 ARPA LOL Equip - Amb	-	-	-	-	-	-	-	\$ -
Total Receipts:	<u>\$ 3,922,909.55</u>	<u>\$ 370,057.05</u>	<u>\$ 9.96</u>	<u>\$ 2,271,717.13</u>	<u>\$ 661,376.79</u>	<u>\$ 0.45</u>	<u>\$ 980,000.46</u>	<u>\$ 8,206,071.39</u>
Disbursements:								
Accounts Payable Warrants	(2,103,699.12)	(89,599.86)	-	-	(1,358.93)	-	-	\$ (2,194,657.91)
Payroll Warrants	(493,277.57)	-	-	-	-	-	-	\$ (493,277.57)
Milford School District Appropriation	(3,584,934.00)	-	-	-	-	-	-	\$ (3,584,934.00)
Hillsborough County Appropriation	-	-	-	-	-	-	-	\$ -
Escrow Transfers	-	-	-	-	-	-	-	\$ -
Investment Transfers	(2,278,000.00)	(288,000.00)	-	(200,000.00)	(664,000.00)	-	(980,003.45)	\$ (4,410,003.45)
TAN Disbursement	-	-	-	-	-	-	-	\$ -
Suntrust Disbursement	-	-	-	-	-	-	-	\$ -
Bank Charges	(1,186.83)	-	-	-	-	-	-	\$ (1,186.83)
Voided Checks	5,048.90	-	-	-	-	-	-	\$ 5,048.90
Total Disbursements:	<u>\$ (8,456,048.62)</u>	<u>\$ (377,599.86)</u>	<u>\$ -</u>	<u>\$ (200,000.00)</u>	<u>\$ (665,358.93)</u>	<u>\$ -</u>	<u>\$ (980,003.45)</u>	<u>\$ (10,679,010.86)</u>
Ending Balance as of 7/31/22	<u>\$ (49,601.59)</u>	<u>\$ 48,258.17</u>	<u>\$ 117,375.76</u>	<u>\$ 17,077,861.21</u>	<u>\$ 4,246.00</u>	<u>\$ 10,685.10</u>	<u>\$ 0.46</u>	<u>\$ 17,208,825.11</u>

Allen White 9/22/22
ALLEN WHITE
TOWN TREASURER

TREASURER'S REPORT
TOWN OF MILFORD, NEW HAMPSHIRE
8/31/2022
(unaudited)

	CHECKING ACCOUNT	TOWN CLERK ACCOUNT	ESCROW ACCOUNT	NHPDIP ACCOUNT	DISBURSEMENT ACCOUNT	BAR HARBOR ACCOUNTS	INVESTMENT ACCOUNT	TOTAL
Beginning Balance as 08 /01/22	(49,601.59)	48,258.17	117,375.76	17,077,861.21	4,246.00	10,685.10	0.46	\$ 17,208,825.11
Receipts:								
Taxes and Interest	120,486.45	-	-	-	36,958.17	-	-	\$ 157,444.62
Water & Sewer User Fees	320,462.02	-	-	-	55,706.37	-	-	\$ 376,168.39
Other Revenues	654,518.80	381,539.33	-	-	5,792.40	-	-	\$ 1,041,850.53
Ambulance	-	-	-	-	84,660.20	-	-	\$ 84,660.20
Recreation	-	-	-	-	5,005.85	-	-	\$ 5,005.85
Escrow Deposit	-	-	-	-	-	-	-	\$ -
Escrow Transfers	6,920.24	-	-	-	-	-	-	\$ 6,920.24
Interest Income	-	-	9.45	26,696.72	-	0.45	40.50	\$ 26,747.12
Investment Transfers	7,383,861.67	-	-	1,130,000.00	-	-	2,996,000.00	\$ 11,509,861.67
TAN Deposit	-	-	-	-	-	-	-	\$ -
Bond Proceeds	-	-	-	-	-	-	-	\$ -
21 ARPA LFRF Traunch #2	859,030.92	-	-	-	-	-	-	\$ 859,030.92
Total Receipts:	<u>\$ 9,345,280.10</u>	<u>\$ 381,539.33</u>	<u>\$ 9.45</u>	<u>\$ 1,156,696.72</u>	<u>\$ 188,122.99</u>	<u>\$ 0.45</u>	<u>\$ 2,996,040.50</u>	<u>\$ 14,067,689.54</u>
Disbursements:								
Accounts Payable Warrants	(1,766,212.92)	(102,771.34)	-	-	(532.45)	-	-	\$ (1,869,516.71)
Payroll Warrants	(495,574.52)	-	-	-	-	-	-	\$ (495,574.52)
Milford School District Appropriation	(3,584,934.00)	-	-	-	-	-	-	\$ (3,584,934.00)
Hillsborough County Appropriation	-	-	-	-	-	-	-	\$ -
Escrow Transfers	-	-	(6,920.24)	-	-	-	-	\$ (6,920.24)
Investment Transfers	(3,657,000.00)	(285,000.00)	-	(4,687,861.21)	(184,000.00)	-	(2,696,000.46)	\$ (11,509,861.67)
TAN Disbursement	-	-	-	-	-	-	-	\$ -
Suntrust Disbursement	-	-	-	-	-	-	-	\$ -
Bank Charges	(1,200.84)	-	-	-	-	-	-	\$ (1,200.84)
Voided Checks	1,602.56	-	-	-	-	-	-	\$ 1,602.56
Total Disbursements:	<u>\$ (9,503,319.72)</u>	<u>\$ (387,771.34)</u>	<u>\$ (6,920.24)</u>	<u>\$ (4,687,861.21)</u>	<u>\$ (184,532.45)</u>	<u>\$ -</u>	<u>\$ (2,696,000.46)</u>	<u>\$ (17,466,405.42)</u>
Ending Balance as of 8/31/22	<u>\$ (207,641.21)</u>	<u>\$ 42,026.16</u>	<u>\$ 110,464.97</u>	<u>\$ 13,546,696.72</u>	<u>\$ 7,836.54</u>	<u>\$ 10,685.55</u>	<u>\$ 300,040.50</u>	<u>\$ 13,810,109.23</u>


 ALLEN WHITE
 TOWN TREASURER