

TOWN OF MILFORD

RECREATION DEPARTMENT



To: Board of Selectman
CC: Mark Bender, Town Administrator
From: Arene Berry, Recreation Director
Date: November 14, 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.

Ruth Sheff, as an alternate member, with a term expiring March 2025.

Thank you for your consideration.

Ruth Sheff
9 Belmont Drive
Milford, New Hampshire 03055
304-380-4248
sheffruth@gmail.com

November 10, 2022

Arene Berry, Director
Milford Recreation Department
One Union Square
Milford, New Hampshire. 03055

Dear Arene:

Thank you for the opportunity to attend your commission meeting last night. As you know, I am interested in serving as an alternate commission member.

To provide you with some background, I moved to Milford from Charleston, West Virginia in 2019, a few months before the pandemic. My daughter, son-in-law and two granddaughters live in Mont Vernon. My son-in-law was deployed to Afghanistan, and I moved to Milford to assist while he was deployed. I retired in March from the Department of Justice, US Attorney's office in Concord and would like to get more involved in my new community of Milford. I am impressed with the many community events offered to residents of all ages and would like to contribute to that success.

Thank you for your consideration in the available position as alternate recreation commission member.

Sincerely,
Ruth Sheff
Ruth Sheff



Granite Town Media Advisory Committee

November 21, 2022

Chairman Dargie,

The Granite Town Media Advisory Committee unanimously voted to recommend that the BOS appoint Tina Philbrick to fill a three year term as a Full Member on our committee. Tina has attended a couple of recent GTM meetings and expressed her interested in joining the team.

Name: Tina Philbrick

Term: Full Member; 3 year term expiring in 2025

Regards,

Josh Breault

Chairman, GTM Advisory Committee

Board of Selectmen

I am interested in an opportunity to volunteer as member of the Granite Town Media Committee. I've served on multiple committees with the Town to include Traffic Safety, Social Services and Trustee of Trust Funds. I am also a member of the American Legion Auxiliary Post 23 and the Lions Club.

I believe we all have a civic duty to help out and improve our community's well-being and I think I will be a good asset to this committee.

Thank you for our consideration.

Tina Philbrick

Sent from my iPhone

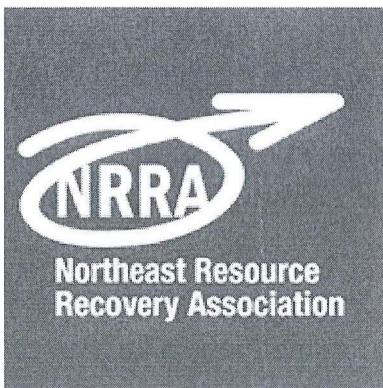
On Oct 26, 2022, at 2:24 PM, Stacey Morrison <smorrison@nrrarecycles.org> wrote:

Dear Tammy Scott,

Thank you very much for your contest submission for New Hampshire the Beautiful's Best Practices in Engaging Residents contest. I am pleased to inform you that the NHTB Board of Directors has chosen your submission as the winning submission. There were several very impressive entries but yours stood out as exemplary and we wish you commend you.

As promised, New Hampshire the Beautiful will cut you a check for \$3000 and mail it to you within the next 2-3 weeks. We may be contacting you within the next several weeks to set up a photo presentation so that we can use it in a press release.

Congratulations on your winning entry and your exceptional recycling program!



STACEY MORRISON

Administrative & Logistics Manager

Phone: (603) 736-4401 x120

Email: smorrison@nrrarecycles.org

Northeast Resource Recovery
Association (NRRA)

2101 Dover Road
Epsom, NH 03234

www.nrrarecycles.org





NHtB "Engaging Our Residents" 2022 Best Practices Contest

Be Sure to review the Contest Rules and Requirements prior to submitting your entry form. A summary of your Program or Initiative must be included (see below to upload). Pictures may also be uploaded.

City/Town of: *

Milford, NH

Full Name of Person Submitting Form: *

Tammy Scxott

Title/Position: *

Superintendent

Email *

tscott@milford.nh.gov

Phone *

(603) 801-2692

Date Submitted:

9/29/2022



Briefly Describe the Intended Use of Cash Prize if Awarded: *

signage, brochures updated, educational handouts, composting workshops, roadside message boards down town (rent)

Note: Intended use of the cash prize is not considered by NHtB when judging contest submissions but should include specific details for use.

SHARE:

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DON'T MISS OUT!!! SUBMISSION DEADLINE 9/30/2022



***New Hampshire the Beautiful:
Engaging Residents Best Practices Contest***

CHANCES TO WIN:

1st place: \$3,000

2nd place: \$2,000

3rd place: \$1,000

How does your transfer station/recycling facility encourage residents to recycle? New Hampshire the Beautiful invites ALL NH Municipalities to enter our 2022 Engaging Residents Best Practices Contest!

****All entries must be submitted by September 30th, 2022. See details below to learn more or ENTER CONTEST HERE.***



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Submit by SEPTEMBER 30th

Announcing NH the Beautiful's ENGAGING RESIDENTS Best Practices Contest

Enter your town's transfer station/recycling facility for a chance to **win up to \$3,000!**

[ENTER NOW](#)

<https://www.cognitofirms.com/NortheastResourceRecove>

About the contest

Traveling across the state awarding grants has given NHtB Board members a unique opportunity to see New Hampshire municipal transfer stations in action. It has become quite clear that New Hampshire transfer station operators are some of the most dedicated and creative individuals in the recycling industry. NH transfer station operators serve their residents by designing and operating their facilities in a way that works best for their individual community. No two towns are alike. In many ways, no two transfer stations are alike. As towns differ, so does the way each town handles waste and their recyclables.

To be successful, transfer stations must recognize that their resident's participation in the recycling process is critical. In much the same way that operators run their facilities for maximum efficiency, many have sought out creative means to get their residents to recycle more.



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statement explaining the proposed use of the prize award should your submission be a chosen winner.

NH the Beautiful (NHtB) places no restrictions on the use of the prize funds other than that they be used for facility recycling equipment or facility infrastructure purposes.

DISCLAIMER

Results and prizes awarded by NHtB during October 2022.

Submission of entry authorizes NHtB to use your program information on NHtB website and social media.

All decisions of the judges are final.



5:45 Approval of Land Use Change Tax, Map 42 Lot 15-1 and Approval of Municipal Assessment Data Sheets (MADS) - Assessing Director, Marti Noel

MEMORANDUM

DATE: November 28, 2022

TO: Board of Selectmen

CC: John Shannon

FROM: Marti Noel, Assessor

RE: **Land Use Change Tax (LUCT) for 1 parcel:
Map 42 Lot 15-1**

This is a 1.9 acre landlocked parcel which has recently changed hands. Being less than 10 acres, and no longer adjacent to additional parcels under identical ownership to total 10 acres or more, this parcel no longer qualifies for Current Use.

This LUCT was originally prepared for July, after this office had been made aware of the purchase. However, the owner had requested some time to consider and respond to this Warrant. We agreed to postpone until the end of September. The owner has not provided any additional information to this point. Should there be additional concern, the owner has the right to seek appeal.

Thank You

MEMORANDUM

DATE: November 28, 2022

TO: Board of Selectmen

FROM: Marti Noel, Assessor

RE: **Municipal Assessment Data Sheets (MADS)**

It is the time of year to certify with the Department of Revenue Administration the Municipal Assessment Data Sheets which contain the real estate transfers that have taken place in Milford between October 1, 2021 and September 30, 2022. This information is used to measure the level of assessment within the community, and provides the basis for the Equalization Ratio, a measurement of assessed value to market value. The report is due for completion and submission to the DRA by December 15 each year.

I have provided a list of the sales used in this year's review and a DRAFT statistical summary sheet. This provides a window into how closely are assessments reflect market value.

As required by DRA Rev 2804.01, the assessing department has reviewed and analyzed each sale as well as furnished the data necessary to categorize and qualify each sale for inclusion or exclusion in this analysis. Sales are disqualified if, through research, it has been determined that they do not meet the definition of arms-length transaction. Such sales would include sales between abutters, family members or related business entities, foreclosure sales and bank re-sales, short sales, and the like. I would like to assure the Board that I have reviewed every sale and have confirmed the sales data with knowledgeable parties whenever possible. The data is correct and complete to the best of my knowledge.

Your signatures are required when this data is submitted to the DRA for final review and analysis. By March, and hopefully sooner, we can expect to have the Equalization Ratio for 2022 as determined by the NH Department of Revenue. This number is important in establishing equity for legal purposes such as abatements and appeals. It also provides Milford residence with a level of confidence regarding the accuracy of their assessments. Again, I would like to assure you that I have spent significant time in verifying the data included in this report.

Thank You



2022 Ratio Study Summary Report

10/25/2022 9:21:04 AM

Town Name: Milford, Hillsborough County

Date Range: 10/01/2021 through 09/30/2022

NH Dept of Revenue Administration. Ratios were created using stipulated year assessments.

Strata	Description	Mean Ratio	Median Ratio	WM Low CI	WM Ratio	WM High CI	COD	PRD	Total Strata	Sales PA34	Valid	Valid %	Valid PA34	Valid PA34 %	UT#	UT %
11	Single Family Home	77.81	74.85	75.81	77.27	78.85	10.97	1.01	150	0	129	86.0%	0	0%	127	98.4%
12	Multi Family 2-4 Units	85.29	85.40	78.27	83.63	93.42	13.59	1.02	12	0	11	91.7%	0	0%	11	100%
14	Single Res Condo Unit	80.55	79.42	79.05	81.09	83.24	10.00	0.99	75	0	64	85.3%	0	0%	64	100%
17	Mfg Housing With Land	0	0	0	0	0	0	0	2	0	1	50.0%	0	0%	1	100%
18	Mfg Housing Without Land	71.11	75.88	60.89	70.93	79.31	20.42	1.00	11	0	9	81.8%	0	0%	9	100%
22	Residential Land	63.08	59.28	53.21	59.71	67.97	23.32	1.06	14	0	10	71.4%	0	0%	10	100%
24	Industrial Land	0	0	0	0	0	0	0	1	0	1	100%	0	0%	1	100%
33	Commercial L&B	85.83	90.33	0	62.73	0	18.81	1.37	10	0	6	60.0%	0	0%	6	100%
57	Unclass/Unk Other	0	0	0	0	0	0	0	2	0	2	100%	0	0%	2	100%
AA	Any & All	77.91	76.95	71.08	75.95	78.28	13.14	1.03	282	0	233	82.6%	0	0%	231	99.1%
GC1	Area Improved Res	78.32	77.29	76.94	78.13	79.38	11.48	1.00	250	0	214	85.6%	0	0%	211	98.6%
GC2	Area Improved Non-Res	85.83	90.33	0	62.73	0	18.81	1.37	14	0	6	42.9%	0	0%	6	100%
GC3	Area Unimproved	62.28	55.52	53.45	58.61	65.85	22.85	1.06	16	0	11	68.8%	0	0%	11	100%
GC4	Area Misc	0	0	0	0	0	0	0	2	0	2	100%	0	0%	2	100%



2022 Ratio Study Summary Report

10/25/2022 9:21:04 AM

Town Name: Milford, Hillsborough County

Date Range: 10/01/2021 through 09/30/2022

NH Dept of Revenue Administration. Ratios were created using stipulated year assessments.

Type	Description	Median Low CI	Median Ratio	Median High CI	PRD Low CI	PRD	PRD High CI	COD	UT#
All (AA)	Any & All	74.95	76.95	78.64	1.00	1.03	1.09	13.14	231
Group (GC1)	Area Improved Res	75.30	77.29	79.02	0.99	1.00	1.01	11.48	211
Group (GC2)	Area Improved Non-Res	0	90.33	0	0	1.37	0	18.81	6
Group (GC3)	Area Unimproved	47.09	55.52	65.19	1.02	1.06	1.17	22.85	11

Title	Description	Criteria Met
Strata-Any and All (Median)	Overall Median Point Estimate confidence interval should overlap range of 90-110	False
Strata-Any and All (PRD)	Overall PRD Confidence Interval should overlap range of .98-1.03	True
Strata-Any and All (COD)	Coefficient of Dispersion < 20.0	True
Strata-GC1	Median Confidence Interval should overlap overall median +/- 5%	True
Strata-GC2	Median Confidence Interval should overlap overall median +/- 5%	N/A
Strata-GC3	Median Confidence Interval should overlap overall median +/- 5%	True

6:05 Approval as a Full Member to the Milford Energy Advisory Committee - Scott Lawrence (Term expires 2024)

November 20, 2022

Board of Selectmen

I'm interested in serving on the Energy Advisory Committee.

I have been active for several years in promoting (and personally using) solar power; I'm a member and past president of the Hillsborough Area Renewable Energy Initiative (<https://HAREI.org>), a local volunteer organization that helps homeowners and businesses design and build their own solar power systems.

I look forward to discussing this opportunity to contribute to our town.

Sincerely,

Scott Lawrence

**6:05 MILFORD ENERGY ADVISORY
COMMITTEE UPDATE – CHAIRMAN,
MIKE THORNTON**

**NO INFORMATION WAS SUBMITTED
FOR THE BOARD TO REVIEW PRIOR
TO THE MEETING.**

6:20 2ND Public Hearing to Update the Current Stormwater Ordinance, Chapter 5.32 - Community Development Director, Lincoln Daley



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

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

Date: November 28, 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 (Second Public Hearing)

Purpose:

This item represents the second public hearing to replace the Town's current stormwater ordinance, *Milford Municipal Code, entitled Title 5 Health & Safety, Chapter 5.32 Stormwater Management and Erosion Control*, with a new stormwater ordinance, *Chapter 5.32 Stormwater Management Ordinance*, in compliance with the Town's EPA-issued small Municipal Separate Storm Sewer System (MS4) Permit (See attached draft ordinance). The purpose of the public hearing is to allow the Board and public to review the changes and provide an opportunity to provide comments.

Board Members during the previous public hearing process requested that a work session / public meeting be held to discuss and vet the technical details of the ordinance and respond to questions from the public. The Board of Selectmen held the work session / public meeting on October 19, 2022 and a 1st public hearing on November 14, 2022. The proposed amended version incorporates the comments and recommendations generated from the meeting. We would personally like to thank those members of the public who participated at the meeting and throughout this process for their valuable insight, constructive comments, and recommendations. The updated version of the ordinance reflects this collaborative and constructive public effort.

Background:

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 - Dated November 2022.
2. Draft Chapter 5.32 Stormwater Management Ordinance - Comparison document incorporating the comments and input from the October 19, 2022 Board of Selectmen public meeting.
3. 2012 Southeast Watershed Alliance (SWA) Draft Stormwater Model Ordinance.
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:

KVPartners LLC

*P.O. Box 432
New Boston, NH 03070*

Stormwater Management Ordinance (November 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 Board of Selectmen, 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 results in disturbance of more than 43,560 square feet (one acre), or
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.

G. Application and General Requirements

1. Application

All projects subject to these standards require the applicant to complete a Stormwater Permit Application form and checklist 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.
2. Administrative Appeal

A decision or determination of the Community Development/DPW Department officials or Planning Board made under this Ordinance may be appealed by the applicant to the Board of Selectmen within thirty (30) calendar days of the date of decision/issuance of the permit.
3. 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

Stormwater Management Ordinance (November 2022)

natural runoff or create an unnatural runoff ..." Regulations require this permit for any 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.

H. 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

Stormwater Management Ordinance (November 2022)

Commission as needed.

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 (based on post development conditions), 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, 10-year, and 25-year design storms for all drainage system elements except the stormwater basin overflows which shall be designed to accommodate the 100-year design storm. 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 Management Ordinance (November 2022)

stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation. The design shall also provide adequate conveyance 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

Stormwater Management Ordinance (November 2022)

- 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 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 A. 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 and/or minimize the generation of stormwater in the post-developed condition, reduce and/or minimize overall impervious surface coverage, seek opportunities to capture and reuse and reduce and/or minimize the impact of discharging stormwater to the municipal

Stormwater Management Ordinance (November 2022)

stormwater management system.

- b. Water Quality Protection.
 - 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

Stormwater Management Ordinance (November 2022)

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, 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).

I. Stormwater Management for Redevelopment

1. Redevelopment (as applicable to this stormwater Ordinance) means:
 - a. Any construction, alteration, or improvement that creates a disturbance of 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 new impervious area over portions of a site that are currently pervious.
 - c. 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.
2. Redevelopment applications shall comply with the requirements of Sections H.17 Submission Requirements for Stormwater Management Report and Plans, H.18 General Performance Criteria for Stormwater Management Plans, and H.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 (based on the area of the property being developed), 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 for the entire property, 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 fifty (50%) percent of the additional proposed impervious surface area and at least thirty (30%) percent of the

Stormwater Management Ordinance (November 2022)

- existing impervious area and pavement areas, preferably using filtration and/or infiltration practices.
- b. Implement other LID techniques onsite to the maximum extent practicable to provide treatment for at least 50% of the entire 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 and meets the intent of this Ordinance.

J. 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

Stormwater Management Ordinance (November 2022)

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 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.

K. 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.

L. 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*.

Stormwater Management Ordinance (November 2022)

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 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 that includes permanent structural stormwater mitigation practices 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

Stormwater Management Ordinance (November 2022)

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 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.

M. 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).

DISTURBANCE – Disturbance is defined as an alteration of the land surface or removal of vegetation or trees associated with any development activity (excluding routine landscaping and yard maintenance, gardening commercial excavation operations, or removal of trees, stumps, and invasive vegetation).

Stormwater Management Ordinance (November 2022)

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 (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

Stormwater Management Ordinance (November 2022)

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.

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> <p>P = 1 inch of rainfall</p> <p>R_v = unitless runoff coefficient, $R_v = 0.05 + 0.9(I)$</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>l_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="477 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>										

Stormwater Management Ordinance (November 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.]

TOWN OF MILFORD STORMWATER MANAGEMENT ORDINANCE



Prepared for:

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

Prepared by:

KVPartners LLC

*P.O. Box 432
New Boston, NH 03070*

Stormwater Management Ordinance (~~July~~ November 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:l: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.

Commented [KK1]: Several Boards listed in Section E, but the BOS has the final authority. That should be noted here.

Stormwater Management Ordinance (~~July~~ November 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. results in—Disturbs~~ a disturbance of 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.

G. Application and General Requirements

1.

Application

All projects subject to these standards require the applicant to complete a Stormwater Permit Application form and checklist 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.

2. Administrative Appeal

A decision or determination of the Community Development/DPW Department officials or Planning Board made under this Ordinance may be appealed by the applicant to the Board of

Commented [MV2]: I do not recommend deleting this section.

Commented [KK3]: KEK to provide information about BMPs in Ag and Timber

Stormwater Management Ordinance (~~July~~ November 2022)

Selectmen within thirty (30) calendar days of the date of decision/issuance of the permit.

2.3 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 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.

H. 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

Stormwater Management Ordinance (~~July~~ November 2022)

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.

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 (based on post development conditions), 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, 10-year, and 25-

Commented [KK4]: What are examples of permissible exceptions? Are cost and effectiveness of other interventions considered acceptable?

Stormwater Management Ordinance (~~July~~ November 2022)

year ~~design storms for 50-year all drainage system elements except storm and system/the pond stormwater basin overflows~~ which 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 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-

Commented [KK5]: BOS/engineer agreed to revise language to make clear that 50/100 year design only applies to system/pond overflows. Perhaps separate this sentence into two separate sentences so that that is clearer.

Stormwater Management Ordinance (~~July~~ November 2022)

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 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~~A. 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/bioretention 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

Stormwater Management Ordinance (~~July~~ November 2022)

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 and/or minimize the generation of stormwater in the post-developed condition, reduce and/or minimize overall impervious surface coverage, seek opportunities to capture and reuse and reduce and/or minimize ~~minimize~~ the impact of discharge ~~discharging of~~ stormwater to the municipal stormwater management system.
- b. Water Quality Protection.
 - 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

Commented [KK6]: Agreement was to say "Reduce and/or minimize overall impervious surface coverage, as new development is almost never going to result in less impervious surface than when it started."

Stormwater Management Ordinance (~~July~~ November 2022)

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, 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).

HJ. Stormwater Management for Redevelopment

1. Redevelopment (as applicable to this stormwater Ordinance) means:

a. Any construction, alteration, or improvement that ~~disturbs~~ creates a disturbance of 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.~~

~~b.~~ Any new impervious area over portions of a site that are currently impervious.

~~c.~~ 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 GH.17 Submission Requirements for Stormwater Management Report and Plans, GH.18 General Performance Criteria for Stormwater Management Plans, and GH.19 Water Quality Protection.

3. For sites meeting the definition of a redevelopment project and having less than forty (40%)

Commented [MV7]: I didn't add the words "except infill projects" because I really don't know exactly what that means.

Commented [KK8R7]: Infill is mentioned in the SWA

Commented [MV9R7]: Mentioned but not clearly defined

Stormwater Management Ordinance (~~July~~ November 2022)

percent existing impervious surface coverage (based on the area of the property being developed), 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 for the entire property, 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 fifty~~ (10050%) 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.

- ~~a.b. Implement other LID techniques onsite to the maximum extent practicable to provide treatment for at least 50% of the entire site area.~~

- ~~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 and meets the intent of this Ordinance.

Commented [KK10]: BOS was going to keep this. This language comes from the SWA and appeared in my redline edits.

Stormwater Management Ordinance (~~July~~ November 2022)

J. 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 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.

Commented [KK11]: Discussion by the BOS was that:
1. there will be a reminder process built (administratively).
2. Inspections should be at landowner's expense for violation only.
3. Community Development will bring admin process updates to the BOS for approval and public education

~~JK~~. 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.

~~KL~~. 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

Stormwater Management Ordinance (~~July~~ November 2022)

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 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 Management Ordinance (~~July~~ November 2022)

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 that includes permanent structural stormwater mitigation practices 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 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 [MV12]: Added so Annual Reporting is not required for land disturbance projects with no permanent structural BMPs

LM. Glossary of Terms

Stormwater Management Ordinance (~~July~~ November 2022)

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.~~
DISTURBANCE – Disturbance is defined as an alteration of the land surface or removal of vegetation or trees associated with any development activity (excluding routine landscaping and yard maintenance, gardening, commercial excavation operations, or removal of trees, stumps, and invasive vegetation).

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 (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.

Commented [MV13]: I do not recommend stumps be included in this description

Stormwater Management Ordinance (~~July~~ November 2022)

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 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										
Water Quality Volume (WQV)	$WQV = (P)(R_v)(A)$ 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										
Water Quality Flow (WQF)	$WQF = (q_u)(WQV)/640$ 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										
Groundwater Recharge Volume (GRV)	$GRV = (A_i)(R_d)$ 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: <table border="0" data-bbox="357 1386 747 1585"> <thead> <tr> <th data-bbox="357 1386 511 1417">Hydrologic Group</th> <th data-bbox="641 1386 747 1417">R_d (inches)</th> </tr> </thead> <tbody> <tr> <td data-bbox="357 1428 373 1459">A</td> <td data-bbox="641 1428 690 1459">0.40</td> </tr> <tr> <td data-bbox="357 1470 373 1501">B</td> <td data-bbox="641 1470 690 1501">0.25</td> </tr> <tr> <td data-bbox="357 1512 373 1543">C</td> <td data-bbox="641 1512 690 1543">0.10</td> </tr> <tr> <td data-bbox="357 1554 373 1585">D</td> <td data-bbox="641 1554 690 1585">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										
Channel Protection Volume (CPV)	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										

Stormwater Management Ordinance (~~July~~ November 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.



MODEL STORMWATER STANDARDS FOR COASTAL WATERSHED COMMUNITIES

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



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SOUTHEAST WATERSHED ALLIANCE

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

TABLE OF CONTENTS

SECTION 1:	INTRODUCTION AND NEED FOR CONSISTENT STANDARDS	1
SECTION 2:	PURPOSE AND GOALS	1
SECTION 3:	MODEL STORMWATER STANDARDS AND MUNICIPAL APPROACHES FOR ADOPTION	3
SECTION 4:	THE CRITICAL CORE ELEMENTS A THROUGH G – PERFORMANCE STANDARDS FOR STORMWATER MANAGEMENT	7
ELEMENT A.	APPLICABILITY STANDARDS	7
ELEMENT B.	MINIMUM THRESHOLDS FOR APPICABILITY	8
ELEMENT C.	BEST MANAGEMENT PRACTICES	9
ELEMENT D.	APPLICABILITY FOR REDEVELOPMENT	12
ELEMENT E.	STORMWATER MANAGEMENT PLAN APPROVAL AND RECORDATION	13
ELEMENT F.	OPERATIONS AND MAINTENANCE CRITERIA	14
ELEMENT G.	POST-CONSTRUCTION STORMWATER INFRASTRUCTURE – INSPECTION AND RESPONSIBILITY	14
SECTION 5:	LEGAL BASIS IN NEW HAMPSHIRE	15
SECTION 6:	GLOSSARY OF TERMS	17
APPENDIX A:	GUIDANCE ON OFF-SITE STORMWATER MITIGATION PROGRAMS	20
APPENDIX B:	ADDITIONAL RESOURCES FROM THE CENTER FOR WATERSHED PROTECTION (ELLCOTT CITY, MARYLAND)	22

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	<i>Applicability Standards</i>
Element B	<i>Minimum Thresholds for Applicability</i>
Element C	<i>Best Management Practices</i>
Element D	<i>Applicability for Redevelopment</i>
Element E	<i>Stormwater Management Plan Approval and Recordation</i>
Element F	<i>Maintenance Criteria</i>
Element G	<i>Inspection of Infrastructure</i>

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, silviculture 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. Capiella, 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.

4. a) 1) Acceptance and Appropriation of Unanticipated Revenues Under \$10,000

Board of Selectmen
Agenda Date: 11/28/2022

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

Source	Amount	Purpose
Sandra C. Newbold Revocable Trust AGR William Newbold, Trustee	\$300.00	Donation to the Milford Fire Department. The Fire Dept. wishes to designate the donation to the Fire-Rescue Special Purpose Fund. See attached memo.
Sandra C. Newbold Revocable Trust AGR William Newbold, Trustee	\$300.00	Donation to the Milford Police Department. The Police Dept. wished to designate the donation to the Police Law Enforcement related equipment/supplies Special Purpose Fund.

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

None at this time.



Fire Department MEMORANDUM

TO: Finance, BOS

FROM: Milford Fire Department

DATE: 11/14/22

SUBJECT: Donation

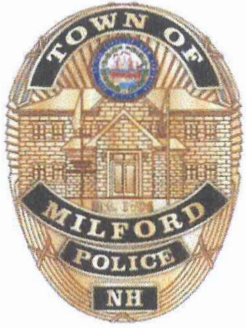
The Milford Fire Department has received a donation of \$300.00 to the department from Sandra C. Newbold Revocable Trust AGR (William Newbold Trustee).

We ask that this be accepted and applied to account:

#48149 Fire Rescue Donations

Regards,


Kenneth Flaherty
Chief of Department



Town of Milford

POLICE DEPARTMENT

19 Garden Street
Milford, NH 03055
603-249-0630

Michael J. Viola
Chief of Police



To: Mark Bender, Town Administrator
Board of Selectmen
From: Chief Michael J. Viola
Date: November 15, 2022
Ref: Donation from Sandra C. Newbold Revocable Trust AGR

On behalf of the Milford Police Department, I am respectfully requesting the Board of Selectmen to consider and approve a donation of \$300.00 (three hundred dollars) from the Sandra C. Newbold Revocable Trust AGR. The trust wanted the donation to be used for something to benefit the Milford Police Department. Per the request of the Trust, the \$300.00 donation would be used to purchase law enforcement related equipment/supplies for our Police Officers.

On behalf of the Milford Police Department, I would like to respectfully thank the Sandra C. Newbold Revocable Trust AGR for the donation of \$300.00 to the Milford Police Department.

Your consideration in this request is greatly appreciated.

5. 1) Update on Paving for Mile Slip Road

**BOARD OF SELECTMEN
DEPARTMENT OF PUBLIC WORKS
PAVING BINDER MILE SLIP ROAD
LEO LESSARD 11/28/22**

Because of additional unforeseen road work and equipment repairs, Public Works has exceeded their paving budget for the year by approximately \$150,000.

Our current paving contractor, has offered to pave Mile Slip this fall (as long as the drainage work and grading is complete without any large amount of frost set in), and bill us March 1, 2023 when the new budget is out. This would mean that the first \$160,000.00 plus or minus for the RRESURFACING line item will be paid out to the paving contractor.

The price of asphalt has gone up this year by \$8.00 per ton this year. If the price goes up another \$5.00 per ton next year another \$8,000.00 added to the price. Paving this year would save the town \$8000.00

If we do not pave this year we would lose the grading and we will have potential washouts to deal with in the spring, including the cost of cleanup and preparation.

The roadway is 3,500 feet long and comes to 9,400 sy or 1,600 ton.

5. 2) Budget Update

**Town of Milford, NH
2023 Operating Budget
November 28, 2022 BOS Update**

Operating Budget		Difference		Estimated 2023	Difference to 2023 Budget	
2022	Tentative 2023	Amount	%	Default Budget	Amount	%
16,372,360	17,459,565	1,087,205	6.6%	17,013,992	(445,573)	-2.6%

Significant drivers in 2023 Proposed Budget include:

Salaries & Wages - 7% overall wage increase effective 4/1/23
 Staff increase at MFD - 3 FT approved in 2022 budget
 2022 Wage Adjustments approved by BOS 5/9/22
 2022 Wage & Salary Adj approved by BOS 10/24/22

Change from 2022

271,500 COLA
 78,000 5 months budgeted in '22
 57,000 DPW
 158,000 Ambulance, Fire, Salary Staff

Employee Benefits:

NHRS 79,000 staffing & wages
 Health Insurance 160,000 rate increase & staffing
 Payroll Taxes 80,000 staffing & wages

Debt Service

128,000 Fire truck & snow plow

Utility Costs:

Electricity 65,000 rate increase

DPW - Highways & Streets

Buildings - Contractual (70,000)
 Paving 56,000 dept increase
 Salt 38,000 rate increase
 Capital Outlay - Truck (68,500)

MACC Base

22,000

Library

61,000

Total

1,115,000

Town of Milford
2023 Operating Budget
Reductions after 11/12 Review

<u>Department</u>	<u>Budget Reductions</u>	
	Amount	Notes
IT	Copier replacements	3,000
	Upgrade security systems	7,000
	Replace 1 VmWare Server	4,000
DPW - Buildings	Electricity	15,000
	Contractual Buildings	70,000
DPW - Highway & Streets	Salt	20,000
	Capital Outlay - Vehicle	68,503
DPW - Streetlights	Electricity	15,000
Fire	Wages PT & Call	6,000
	Capital - N95 & SCBA fit device	6,302
Ambulance	Capital - N95 & SCBA fit device	6,302
	Ventilator mounts	4,860
	Matresses	2,394
	Tech supplies	1,000
Police - Admin	FT AFSCME Wages	29,000
		11,000
	Holiday Buyout	3,000
	Capital Outlay - Communications Eqp	10,391
Police - Operations	Service vehicles	5,000
Police - Support	Ammo	2,000
Town Clerk	PT Wages	7,500
Town Administration	Environmental Consultants	5,000
	Contingency	1,000
Community Development Building & Health	PT Wgaes	5,000
Various	Gasoline & Diesel	48,000
		Prebuy in 2022 to offset PPG increase BOS must approve
	Total	<u><u>356,252</u></u>

-

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 - **\$23,953,000** BOND possible 50% match.

WARRANT ARTICLE - TOWN OPERATING BUDGET - \$?

WARRANT ARTICLE - WASTEWATER DEPARTMENT OPERATING BUDGET - \$0

WARRANT ARTICLE - WATER DEPARTMENT OPERATING BUDGET - \$0

WARRANT ARTICLE - FIRE RESCUE TRUCK #1 REPLACEMENT - 7-YEAR LEASE/PURCHASE - \$755,000 Gross Purchase Price (Annual Lease Payment \$119,735)

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

WARRANT ARTICLE - ONE REPLACEMENT AMBULANCE (LEASE) (Annual Payment \$52,857/Total Purchase Price \$371,922)

WARRANT ARTICLE - BANDSTAND RENOVATION - \$60,000?

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

WARRANT ARTICLE - WADLEIGH LIBRARY MAINTENANCE AND UPKEEP CAPITAL RESERVE - \$50,000

WARRANT ARTICLE - SOCIAL SERVICES - \$40,000

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

WARRANT ARTICLE - AFSCME/POLICE CONTRACT - \$_____

WARRANT ARTICLE - INDEPENDENCE DAY CELEBRATION FIREWORKS - \$14,000

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 THE OPTIONAL VETERAN'S TAX CREDIT WITH EXPANDED ELIGIBILITY - \$0

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

WARRANT ARTICLE - RECYCLING/TRANSFER STATION REVOLVING FUND - \$0

WARRANT ARTICLE - STANDARD POWER - \$0

9. Approval of Final Minutes - November 14, 2022

DRAFT

MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

November 14, 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. - Fireworks Warrant Article (verbal) - Recreation Director, Arene Berry

Ms. Berry received a quote from Pyrotecnico for \$14,000. The Board requested to keep the display as close to July 4th as possible. They can provide a fireworks display on July 1st. There are two companies that can provide displays earlier in June. One of those companies will not quote the number of shells. Chairman Dargie would like to go with the \$14,000. Administrator Bender said if you want the date to be close to Independence Day, this would be the only option. Ms. Berry would be looking to add many activities to that day to have it become a full day of activities. Chairman Dargie asked Ms. Berry to change the warrant article to \$14,000.

5:40 p.m. - Update Vietnam Memorial – Gerry Guthrie

Mr. Guthrie presented the Board with an update on the Vietnam Memorial. To date, they have raised over \$40,000 with more coming. They continue to fundraise by selling bricks and t-shirts. They want to complete the project by the end of 2025. The Public Works Director has been helping locate granite materials. The town will be supplying gravel and mulch eventually. They will need benches. They need steel for their 911 Memorial.

The park where the Vietnam memorial will be placed is currently called the World War II Memorial, they would like to change the name to just the “Memorial Park” so it encompasses all Memorials.

They need help with the names that will be placed on the wall. They are trying to get the name of those people who went to Vietnam, not those who just signed up. They are looking for Town people that can help.

Selectman Daniels mentioned that there may be steel left over from the Green Bridge that was removed and there should be granite found around town.

Chairman Dargie said it will be hard to find names he feels it would be better to not make it just people who went to Vietnam. It doesn't seem fair to have some names and not others.

Chairman Dargie suggests not deciding on changing the name of the park right now. Administrator Bender will do more research to see if it can be done. There was additional discussion about the land at the WWII Memorial.

6:00 p.m. - Clarification of rules for the Re-Adoption of the All Veteran’s Tax Credit – Assessing Director, Marti Noel

Ms. Noel presented the Board with better clarification for the Veterans warrant article. Legislation has required that the Veterans Tax Credit is extended to individuals who have not yet been discharged from the Military. The language is confusing. She feels that they should propose re-adopting the Veterans and All Veterans Tax Credit so that we can at least maintain the level that we are currently giving to our Veterans. Ms. Noel discussed her interpretation. The wording on the warrant articles meets the eligibility of the RSA.

6:15 p.m. - 1st Public Hearing to Update the Current Stormwater Ordinance, Chapter 5.32 - Community Development Director, Lincoln Daley and Mike

Chairman Dargie opened the public hearing:

In summary: The Board Members during the previous public hearing process requested that a work session / public meeting be held to discuss and vet the technical details of the ordinance and respond to questions from the public. The Board of Selectmen held the work session / public meeting on October 19, 2022. The proposed amended version incorporates the comments and recommendations generated from the meeting. Mr. Daley presented the updated version of the ordinance reflects this collaborative and constructive public effort. The documents can also be found on the town's website.

DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 11/14/2022

63 Ms. Katherine Kokko, a Milford resident, said the work session was productive. She suggested a change to the agriculture
64 section of the ordinance. She provided information about the best management practices and examples. She is concerned
65 that the ordinance implies that best management practices need to be used across the board and they are not always re-
66 quired. She is suggesting that instead of using the word “established” change it to “required”. Mr. Daley said Ms. Kokko
67 is referring to page 3 under F, 3 a. Things that are exempt from the ordinance, and it includes agricultural and forestry prac-
68 tices. Using either word refers you back to the guidelines and it doesn’t make much of a difference. Neither word changes
69 the meaning.

70
71 Selectman Daniels asked if there were times when best management practices are not required but are encouraged. Mr.
72 Daley said through timber cutting, some are not required but are suggested. It references the same document that the state
73 puts out. Ms. Kokko provided an example from several weeks ago regarding a hayfield and a silt fence. She didn’t think
74 the fence would be a requirement. It may be best practice but not a required best practice. Mr. Daley agreed.

75
76 Chairman Dargie doesn’t have a problem having requirements in the ordinance that are more restrictive than the minimum
77 state standards if they make sense. Selectman Finan said established may be a better word because it includes things that
78 might be not required but strongly encouraged. Selectman Dudziak agreed and feels that it doesn’t need to be changed.

79
80 Ms. Kokko said it is going to put potential additional requirements on people beyond what is required at the state level.

81
82 Chairman Dargie closed the public hearing. There will be a second public hearing on Monday, November 28, 2022.

83
84 **3. PUBLIC COMMENTS (regarding items that are not on the agenda)**

85 Joan Dargie, Town Clerk, said there has been a discussion about closing the Town Hall Offices on Fridays and her depart-
86 ment is interested in this. It could potentially save on heat and electricity. They would open from 7 until 5 and keep the
87 Tuesday hours longer as they do now. It would require lots of notifications. It would save on part-time personnel. She just
88 wanted the Board to know that it's being looked at. She would prefer to do it along with all the other departments in the
89 town hall.

90
91 Administrator Bender said there was some discussion about cost-saving ideas and one was consideration about a 4-day
92 work week. It's just in the discussion stage. Before implementing anything there will be more discussion and public input.
93 There are many advantages to our customers/taxpayers in opening up an hour earlier and staying later. The Town Clerk
94 sets her hours.

95
96 Selectman Freel said inspections may be impacted with a 4-day work week; it’s something to think about. Selectman Dan-
97 iels said the Transfer Station also needs consideration. Administrator Bender said the intent was for the Town Hall only. It
98 could also affect Public Works part way through the year. We are still discussing it and we are a ways away from present-
99 ing this to the Board.

100
101 Mike Thornton, Milford Energy Advisory Committee, said his group met with two power companies. He suggests a meet-
102 ing with the Board on November 28th with Standard Power to be presented as a warrant article for March. If we don’t move
103 aggressively we will miss at least a year. The warrant article will be to approve the plan. Selectman Freel is for moving
104 forward with this.

105
106 Administrator Bender said it's an aggressive schedule and can be done. Chairman Dargie said he supports this but we
107 should set it up so that if we want to we can go somewhere else. Mr. Thornton said it would be a two-year commitment.
108 There was additional discussion about both power companies.

109
110 **4. DECISIONS**

111 **1. Acceptance and Appropriation of Unanticipated Revenues Under \$10,000 (31:95(b)) Donations towards food**
112 **for the Annual Fire Wardens Meeting – Cash donation - \$160.00**

113
114 **2. Approval of 2022 Property Tax Warrant**

115
116 **Selectman Daniels made a motion to approve the consent calendar. Seconded by Selectman Freel. All were in favor.**
117 **The motion passed 5/0.**

118
119 **b. OTHER DECISIONS**

120 N/A

121
122 **5. TOWN STATUS REPORT –**

123
124 **1. MACC Base Budget Increase – Captain Craig Frye**

125 Captain Frye said they had one change which increased the rate from 3.85 to 3.97 which is about a \$992 increase to the
126 Director's pay. He suggests moving forward with the change. They would need an email from the Selectmen saying that
127 they don't have a problem with the change and they approved the change. The IMA was also signed by all three towns for 5
128 years.

129
130 **2. Election Update**

131 The midterm election last week went well. Voter turnout was over 65%. We had 444 new voters. The election workers did
132 a great job and the results were posted quickly.

133
134 **3. Joint BAC/BOS Saturday Meeting, November 12, 2022**

135 The Budget Advisory Committee, Selectmen, and Departments Heads met on Saturday to discuss budgets and we are work-
136 ing through the comments now.

137
138 **4. 2023 Warrant Articles**

139 We will work on the language of the individual articles over the next 2 to 4 weeks. Chairman Dargie asked to include the
140 Standard Power Warrant Article.

141
142 Chairman Dargie said the Bandstand Warrant Article will be around \$60,000 after fundraising. They will be using Iron-
143 wood Restoration to restore the Bandstand.

144
145 Ms. Kokko offered additional information about Ironwood Restoration. They don't recommend changing the foundation.
146 Chairman Dargie said they were presented with a historically accurate preservation of what should be done. Selectman
147 Freel suggests continuing to fundraise until they get to what they need instead of doing a warrant article.

148
149 Selectman Finan said that the Town Moderator and Town Clerk asked him to be a quasi-representative for a trial of new
150 voting machines.

151
152 **6. DISCUSSIONS**

153 **1. N/A**

154
155 **7. PUBLIC COMMENTS. (Regarding items that are not on the agenda)**

156
157 **8. SELECTMEN'S REPORTS/DISCUSSIONS**

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

159 Selectman Finan said the master plan outreach survey has been started and it's on the town's website.

160
161 There was some discussion about what the High School was looking to do for upgrades starting in 2024.

162
163 Selectman Freel asked if we were close to getting the AoT permit for the BROX property. Administrator Bender said we
164 are close to filing something.

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

166
167 **9. APPROVAL OF FINAL MINUTES - Selectman Daniels moved to approve the minutes of October 24, 2022. Se-**
168 **conded by Selectman Dudziak. All were in favor. The motion passed 5/0.**

169
170 **10. INFORMATION ITEMS REQUIRING NO DECISIONS.**

171 **a. N/A**

172
173 **11. NOTICES.** Notices were read.

DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 11/14/2022

175 **12. NON-PUBLIC SESSION – Selectman Daniels made a motion to go into non-public in accordance with NH (RSA**
176 **91-A:3, II(c)) Reputation and approval of non-public minutes. Seconded by Selectman Finan. All were in favor.**
177 **The motion passed 5/0.**

178
179 **Selectman Daniels made a motion to exit non-public. Selectman by Selectman Dudziak. All were in favor. The**
180 **motion passed 5/0.**

181
182 The Board was informed at the start of the non-public meeting that the scheduled attendee was unable to attend. In writ-
183 ing up the minutes Tina Philbrick, executive Assistant to the Board realized that the agenda stated that the Board would be
184 approving minutes from October 10, 2022. That date was incorrect, the Board approved non-public minutes from October
185 24, 2022, and did not seal the minutes.

186
187 In nonpublic, the Board made one decision.

188
189 **13. ADJOURNMENT: Selectman Freel moved to adjourn at 7:10. Seconded by Selectman Freel. All were in favor.**
190 **The motion passed 5/0.**

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192
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201

Paul Dargie, Chairman

Laura Dudziak, Member

Tim Finan, Vice-Chairman

Dave Freel, Member

Gary Daniels, Member

10. a) Treasurers Report - September 2022

TREASURER'S REPORT
TOWN OF MILFORD, NEW HAMPSHIRE
9/30/2022
(unaudited)

	CHECKING ACCOUNT	TOWN CLERK ACCOUNT	ESCROW ACCOUNT	NHPDIP ACCOUNT	DISBURSEMENT ACCOUNT	BAR HARBOR ACCOUNTS	INVESTMENT ACCOUNT	TOTAL
Beginning Balance as of 9/01/22	(207,641.21)	42,026.16	110,464.97	13,546,696.72	7,836.54	10,685.55	300,040.50	\$ 13,810,109.23
Receipts:								
Taxes and Interest	104,303.25	-	-	-	28,621.12	-	-	\$ 132,924.37
Water & Sewer User Fees	365,462.04	-	-	-	62,165.33	-	-	\$ 427,627.37
Other Revenues	208,074.00	319,954.71	-	-	7,445.65	-	-	\$ 535,474.36
Ambulance	-	-	-	-	57,991.44	-	-	\$ 57,991.44
Recreation	-	-	-	-	2,488.00	-	-	\$ 2,488.00
Escrow Deposit	-	-	-	-	-	-	-	\$ -
Escrow Transfers	-	-	-	-	-	-	-	\$ -
Interest Income	-	-	9.08	24,286.35	-	0.46	32.35	\$ 24,328.24
Investment Transfers	4,197,737.22	4,000.00	-	-	-	-	791,000.00	\$ 4,992,737.22
TAN Deposit	-	-	-	-	-	-	-	\$ -
Bond Proceeds	-	-	-	-	-	-	-	\$ -
21 ARPA LFRF Traunch #2	-	-	-	-	-	-	-	\$ -
Total Receipts:	\$ 4,875,576.51	\$ 323,954.71	\$ 9.08	\$ 24,286.35	\$ 158,711.54	\$ 0.46	\$ 791,032.35	\$ 6,173,571.00
Disbursements:								
Accounts Payable Warrants	(1,351,966.74)	(71,502.87)	-	-	(353.73)	-	-	\$ (1,423,823.34)
Payroll Warrants	(725,313.98)	-	-	-	-	-	-	\$ (725,313.98)
Milford School District Appropriation	(2,389,956.00)	-	-	-	-	-	-	\$ (2,389,956.00)
Hillsborough County Appropriation	-	-	-	-	-	-	-	\$ -
Escrow Transfers	-	-	-	-	-	-	-	\$ -
Investment Transfers	(393,000.00)	(244,000.00)	-	(3,231,696.72)	(158,000.00)	-	(966,040.50)	\$ (4,992,737.22)
TAN Disbursement	-	-	-	-	-	-	-	\$ -
Suntrust Disbursement	-	-	-	-	-	-	-	\$ -
Bank Charges	(2,805.01)	-	(0.06)	-	-	-	-	\$ (2,805.07)
Voided Checks	1,982.73	-	-	-	-	-	-	\$ 1,982.73
Total Disbursements:	\$ (4,861,059.00)	\$ (315,502.87)	\$ (0.06)	\$ (3,231,696.72)	\$ (158,353.73)	\$ -	\$ (966,040.50)	\$ (9,532,652.88)
Ending Balance as of 9/30/22	\$ (193,123.70)	\$ 50,478.00	\$ 110,473.99	\$ 10,339,286.35	\$ 8,194.35	\$ 10,686.01	\$ 125,032.35	\$ 10,451,027.35


ALLEN WHITE
TOWN TREASURER

11/18/22