



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

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Date: March 31, 2022
To: Planning Board
From: Lincoln Daley, Community Development Director
Subject: Amendments to the *Subdivision and Site Plan Applications Fee Schedule*

The purpose of this agenda item is to continue the discussions involving proposed minor changes to the Subdivision and Site Plan Applications fee schedule. Upon further review and input from the Board, the focus of the proposed changes is to ensure that the Town is fully reimbursed for all public notification, legal notices and administrative/clerical services attributed to the review process. As such, Staff is proposing to add a flat fee for legal publication notices and to increase the abutter notifications to reflect the current cost of US Postal Service postage. No other changes are being proposed at this time. Staff will be proposing the same amendments to the Board of Adjustment fee schedule.

As a way of providing context and background to the Board, the following is an excerpt from *The Planning Board in New Hampshire – A Handbook for Local Officials* (2021) summarizing the purpose and intent of filing and other related land use application fees.

Filing Fees

The applicant **must** pay all costs involved in providing the notices required for planning board action on an application. Such costs must be paid in advance and include postage for mailing notices to abutters and professionals, expenses for preparation of posted notices, and the charges to place legal notices in newspapers (RSA 676:4, I(d)).

Other Fees

The planning board **may** include the cost of reasonable administrative services as part of the subdivision and site plan review application fee to provide staff assistance to handle the filing, record keeping, and other clerical details involved in the review process. The application fee may also include preliminary funds to prepare special studies, independent review of such studies that are provided by the applicant, and/or construction inspections that are required by the regulations (RSA 676:4, I(g) and RSA 676:4-b). Inspection costs can also be considered costs incurred under a third-party review agreement or as spelled out in the subdivision and/or site plan regulations. It often pays for an engineer or other professional to perform engineering or construction activities on behalf of the town that is paid for by the applicant. But note that a planning board requiring third-party inspection during the construction process must develop a scope for the project inspection in consultation with the applicant (or, in some cases, a signed certification may be requested by the planning board). See RSA 676:4-b, II.

Summary of the Fee Adjustments

- **Addition of a \$75.00 flat rate Legal Public Notice Fee for most common applications** - This fee was based on the average cost of each application's legal public notice fee in the Milford Cabinet. Currently, the notice fee is paid out of the application submittal fee. Often, the legal public notice fee incurred exceeds the application fee and as such, the Department applies the overage to its mailing

budget. The standard public notification fee would eliminate/minimize the financial burden on the Department and place the full cost on the applicant.

- **Increase the certified abutter notification fee.** Proposed to increase the certified letter notification fee from \$4.00 (USPS current fee is \$4.28) to reflect the cost of a certified letter at the time of mailing by the USPS plus \$1.00 towards processing time for town staff. The proposed fee will reflect the changing postage rate charged by USPS and place the full cost on the applicant. The fee would become the current *USPS Certified Letter rate (as amended)* + *\$1.00* for administrative services.

See attached amended Planning Board Fee Schedule

Board Recommended Action

Staff recommends that the Board support the minor changes and vote to recommend to the Board of Selectmen to adopt the modified fee schedule.

SUBDIVISION APPLICATIONS		
Type of Development Application	Fees	Abutter Notification Legal Notice
Discussion/Conceptual Review	\$75.00 Flat fee	N/A
Design review (preliminary plan)	\$75.00 Flat fee + \$25 per affected lot	See Note #2
Lot Line Adjustment	\$75.00 Flat fee + \$50 per affected lot	See Notes #2 & #3
Minor Subdivision Condominium conversions	1-2 new lots \$75.00 Flat fee + \$25 per new lot \$75.00 Flat fee + \$25 per condo	See Notes #2 & #3 See Notes #2 & #3
Major Subdivision	3-5 new lots \$75.00 Flat fee + \$50 per new lot 6 or more new lots \$75.00 Flat fee + \$100 per new lot	See Notes #2 & #3 See Notes #2 & #3
Mapping Fees Lot Line Adjustment Subdivisions	\$30.00 Flat fee \$30.00 per new lot	N/A N/A
Reviews (see note #1) Subdivision Roads Subdivision Drainage	\$75.00 Flat fee \$75.00 Flat fee	N/A N/A

SITE PLAN APPLICATIONS		
Type of Development Application	Fees	Abutter Notification Legal Notice
Minor Site Plan - Change of Use No new construction or site disturbance	\$75.00 Flat fee	See Notes #2 & #3
Minor Site Plan (less than 600SF of site disturbance) New structures, additions, Gravel / Earth Removal	\$75.00 Flat fee + \$.05 per SF of site disturbance inclusive of additional building footprint	See Notes #2 & #3
Major Site Plan All non-residential uses	\$75.00 Flat fee + \$.05 per SF of site disturbance inclusive of additional building footprint	See Notes #2 & #3
Design review (preliminary plan)	\$75.00 Flat fee + \$.05 per SF of site disturbance inclusive of additional building footprint	See Note #2
Amendments to Site Plans Both Approved and Conditionally Approved With site disturbance inclusive of new structures	\$75.00 Flat fee + \$.05 per SF of site disturbance inclusive of new footprint	See Notes #2 & #3
Site Plan for gravel/earth removal <200K SF of site disturbance >200K SF of site disturbance	\$1,250.00 Flat fee \$1,250 plus \$500/additional 100K SF of disturbance	See Notes #2 & #3
Reviews (see note #1) Site Plan Drainage	\$75.00 Flat fee	N/A

Miscellaneous Fees and Charges		
Type of Application	Fees	Abutter Notification Legal Notice
Waiver of Site Plan review	\$75.00 Flat fee	Call the office
Waiver request (not part of an official application)	\$75.00 Flat fee	Call the office
Extension of Subdivision/Site Plan Both Approved and Conditionally Approved	\$75.00 Flat fee	Call the office
Modifications of approval conditions	\$75.00 Flat fee	Call the office
Scenic Road Public Hearings	\$25.00 Flat fee + advertising costs	N/A
Regional Impact Hearings	\$25.00 Flat fee + advertising costs	See Notes #2 & #3
Gravel permit (annual)	\$50.00 Flat fee	N/A
Miscellaneous applications to Planning Board	\$75.00 Flat fee	Call the office
Recording fees	To be determined	Call the office

Notes:

- Does not include any costs associated with use of outside consultants as required by the Planning Board; said costs to be borne by the applicant.
- Abutter notification fee is the current USPS certified postage rate plus \$1.00 per abutter including abutting property owners, applicant and engineer.
- Legal Notice publication fee is \$75.00.