



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

STAFF MEMO

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

Date: October 14, 2021
To: Planning Board
From: Jason Cleghorn, Town Planner
Subject: Amendments to Zoning Ordinance Article VII – Section 7.11 Solar Collection Systems

The purpose of this memorandum is to discuss possible amendments to the Milford Zoning Ordinance by amending Section 7.11 modifying the definition of Residential Solar, clarifying submittal requirements as part of Conditional Use Permit review, and amending locational requirements for solar collection systems larger than 750 sf. The proposed modifications seek to increase the maximum size permitted for residential ground mounted units permitted by the Zoning Ordinance to more accurately reflect industry standards regarding size/kW capacity and reduce the regulatory/administrative burden on property owners/applicants.

PLANNING BOARD AMENDMENT 1: SOLAR COLLECTION SYSTEMS

Are you in favor of adopting the following amendment to the Town of Milford Zoning Ordinance as proposed by the Planning Board?

To see if the Town will amend the Milford Zoning Ordinance, Article VII, Section 7.11 Solar Collection system with the following language below. Said amendments seek to clarify the definition of residential solar, require a Conditional Use Permit for residential solar only if larger than 15kW and 750 sf in size, clarify submittal requirements for the Conditional Use Permit and clarify required locational requirements for solar collection systems larger than 750 sf.

7.11.0 SOLAR COLLECTION SYSTEMS

7.11.1 Authority

This solar collection system ordinance is enacted in accordance with RSA 674:17(I)(j) and the purposes outlined in RSA 672:1-III-a as amended.

7.11.2 Purpose and Intent

The purpose of this ordinance is to accommodate solar energy collection systems and distributed generation resources in appropriate locations, while protecting the public's health, safety and welfare, and the environment. The Town intends to facilitate the State and National goals of developing clean, safe, renewable energy resources in accordance with the enumerated polices of NH RSA 374-G and 362-F that include national security and economic and environmental sustainability.

7.11.3 Definitions

Agriculture Solar - Accessory: Any ground-mounted or roof-mounted solar collection system designed to primarily reduce on-site consumption of utility power and without a limit to the rated nameplate capacity or solar land coverage provided the existing agricultural use is preserved at the time of installation.

Agriculture Solar - Primary: Any ground-mounted solar collection system that is partially used to reduce on-site consumption of utility power and with a rated nameplate capacity up to 1 MW AC in size or has a solar land coverage in excess of 5 acres provided the existing agricultural use is preserved at the time of installation.

Carport Mount: Any solar collection system of any size that is installed on the roof structure of a carport over a parking area.

Commercial Solar: A use of land that consists of one or more free-standing, ground-mounted solar collection systems with a rated nameplate capacity of up to 1 MW AC and that is less than 5 acres in solar land coverage.

Community Solar: A use of land that consists of one or more free-standing, ground-mounted solar collection systems regardless of nameplate capacity that is up to 100 kW AC and that is less than 1 acre of solar land coverage.

Ground Mount: A solar collection system and associated mounting hardware that is affixed to or placed upon (such as ballasted systems) the ground including but not limited to fixed, passive or active tracking racking systems.

Industrial Solar: A use of land that consists of one or more free-standing, ground-mounted solar collection systems regardless of nameplate capacity that is between 25 acres and 50 acres in solar land coverage.

Large Commercial Solar: A use of land that consists of one or more free-standing, ground-mounted solar collection systems with a rated nameplate capacity of between 1 MW and 5 MW

that is between 5 and 25 acres in solar land coverage.

Rated Nameplate Capacity: Maximum rated alternating current (“AC”) output of solar collection system based on the design output of the solar system.

Residential Solar: Any ground-mounted or roof-mounted solar collection system primarily for on-site residential use, and consisting of one or more free-standing, ground or roof-mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power ~~and with a rated nameplate capacity of 10 kW AC or less and that is less than 500 square feet solar land coverage.~~

Roof Mount: A solar collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with a system which may be ground-mounted. For purposes of calculating array sizes or solar land coverage under the solar definitions in this section, roof-mounted portions shall not be included if the system is made up of both roof and ground-mounted systems, the roof-mounted portions shall also be excluded.

Solar Array: A grouping of multiple solar modules with purpose of harvesting solar energy.

Solar Cell: The smallest basic solar electric device which generates electricity when exposed to light.

Solar Collection System: Includes all equipment required to harvest solar energy to generate electricity. The Solar Collection System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. Solar Collection Systems include only equipment up to (but not including) the stage that connection is made to the utility grid or site service point.

Solar Glare: The potential for solar panels to reflect sunlight, with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Solar Land Coverage: Defined exclusively for the purposes of calculating the footprint of the land area occupied by the components of a solar array. The Solar Land Coverage is the land area that encompasses all components of the solar collection system including, but not limited to mounting equipment, panels and ancillary components of the system. This definition does not include access roads or fencing and is not to be interpreted as a measurement of impervious surface as it may be defined in this ordinance.

Solar Module: A grouping of solar cells with the purpose of harvesting solar energy.

Solar Power Generation Station: Any solar collection system that is over 30 MW in nameplate capacity. In no case shall a Solar Power Generation Station exceed 150 acres.

Utility Solar: A use of land that consists of one or more free-standing, ground-mounted solar collection systems regardless of nameplate capacity that is over 50 acres in solar land coverage and less than 30 MW in rated nameplate capacity.

7.11.4 District Regulations

A. Table of Uses:

Zoning District					
	Residential R	Residential A, B	Commercial / Limited Commercial	ICI	ICI2 / Industrial
Residential Solar	P*, CUP	P*, CUP	P	P	P
Community Solar	P	X	P	P	P
Accessory Agricultural Solar	P	X	P	P	P
Primary Agricultural Solar	CUP	X	P	P	P
Commercial Solar	CUP	X	X	CUP	CUP
Large Commercial Solar	CUP	X	X	CUP	CUP
Industrial Solar	X	X	X	CUP	CUP
Utility Solar	X	X	X	X	CUP
Solar Power Generation Station	X	X	X	X	CUP

- P = Use permitted by right with building and electrical permit.
- CUP = Use permitted by Conditional Use Permit.
- X = Use prohibited.

B. Specific Solar System Requirements and Exemptions:

1. Ground mounted Accessory Residential Solar systems over 15kW and 750 sf will require a Conditional Use Permit

~~2.1-~~ A ground-mounted Accessory Residential Solar system over 15 feet in height at any point or larger than seven-hundred and fifty (750) square feet shall be located in the rear yard between the primary structure and the rear lot line. All other ground-mounted solar collection systems located in the front yard shall be reasonably screened from abutting residential properties.

~~23.~~ Non-residential Carport Mounted solar collection systems over parking areas are permitted in all zones without a Conditional Use Permit. A site plan review shall be required in accordance with the Town Development Regulations.

~~34.~~ Roof-mounted solar collection systems of any size are permitted in all zones without a Conditional Use Permit except within the Oval District Overlay.

~~45.~~ Municipal Systems: All solar collection systems for municipal use are exempt from land use regulations pursuant to NH RSA 674:54.

C. Additional Provisions Regarding Solar Collection Systems:

1. Building Height: Roof-mounted solar collection systems shall be exempt from building height limitations.

2. Solar Land Coverage: Ground-mounted solar collection systems shall not exceed 70% of the total lot area. The ground-mounted solar collection system shall not be considered impervious surface. Impervious surface limitations as related to stormwater management for solar collection systems shall be addressed in accordance with this Ordinance and the Milford Stormwater Management And Erosion Control Regulations.

7.11.5 Solar Collection Systems Conditional Use Permits

A. Permit Required: No solar collection system, except as authorized by Section 7.11.4 shall be erected, constructed, installed or modified without first receiving a Conditional Use Permit (CUP) from the Planning Board pursuant to Section 7.14.0. The CUP shall clearly set forth all conditions of approval and shall list all plans, drawings and other submittals that are part of the approved use.

B. Application and Review Procedure:

1. An Application for a Conditional Use shall be initiated by filing with the Planning Board for an application for a Conditional Use Permit.

2. The applicant shall follow the requirements for specific uses as laid out in this Ordinance. The applicant shall submit an application in general accordance with the Minor Site Plan development regulations and shall include the following:

a. System Layout.

i. A detailed sketch or plan showing the installation area of the site and narrative demonstrating compliance with the requirements of the Zoning Ordinance.

- ii. A detailed sketch of any land clearing or grading required for the installation and operation of the system.
 - iii. The location of all equipment to be installed on site including utility connection point(s) and equipment. To the maximum extent practical all wiring associated with the utility connection shall be underground.
 - iv. All equipment locations, except for utility connections, shall comply with the required setbacks.
 - v. An elevation drawing or picture of the system from the manufacturer of the proposed solar collection system.
- b. Equipment Specification.
- i. All proposed equipment or specifications must be included with the application.
 - ii. Such information can be supplied via manufacturer's specifications or through detailed description.
3. Applicable Site Plan Review Regulations. The specific requirements for a Conditional Use Permit shall pre-empt any similar requirement in the Development Regulations.

C. Standards of Review:

Following a fully noticed public hearing on the proposed use, the Planning Board may issue a Conditional Use Permit, if it finds, based on the information and testimony submitted with respect to the application, that:

1. The use is specifically authorized by Section 7.11.4 as a conditional use.
2. The development in its proposed location will comply with Section 7.14.0 and with all applicable requirements of the Development Regulations not otherwise covered in this section.
3. The use will not materially endanger the public health or safety;
4. Required screening and visual mitigation shall be maintained during the operative lifetime of the Solar Collection System Conditional Use Permit.
5. In granting a conditional use permit pursuant to this section, the Planning Board may impose any reasonable conditions or restrictions deemed necessary to carry out the intended purpose of this ordinance.

7.11.6 Standards

A. The Planning Board shall evaluate the application for compliance with the following standards:

1. Setbacks.

Solar collection systems shall be considered structures and shall comply with dimensional setback requirements from lot lines for the entire system – including the

panels. Tracking systems shall have the setback measured from the point and time where the array is closest to the lot line. No portion of a system may cross into the setback.

2. Natural Resource Impacts and Buffers.

- a. Solar collection systems shall be visually screened through the preservation of existing vegetation or through a landscaped buffer in accordance with the following:
 - i. Plan: The buffering plan shall indicate the location, height and spacing of existing vegetation to be preserved and areas where new planting will be required.
 - ii. All solar collection systems shall have a reasonable visual buffer as required in the Development Regulations from public ways and neighboring commercial/residential uses based on the viewsheds, contours of the land, and abutting land uses.
 - iii. Areas that are within the view shed of significant value as identified in the Master Plan shall include additional reasonable mechanisms to mitigate a continuous and uninterrupted view of the system.
- b. Fencing shall be installed, if required, by the electric code or the utility. Additional security or fencing may be required if the location of the system presents a safety concern for abutting land uses.
- c. Primary Agriculture Solar should minimize impacts to farmland activities and Prime Farmland Soils (as defined and delineated by soil survey and definition of NH NRCS). Dual use arrangements (solar and farming activities are encouraged where practical).
- d. Land Clearing.
 - i. Land clearing shall be limited to what is necessary for the installation and operation of the system and to insure sufficient all-season access to the solar resource given the topography of the land.
 - ii. Following construction, cleared land areas must be restored with native species that are consistent with the use of the site as a solar collection system (such as slow growth or low ground cover).
 - iii. Erosion control measures during construction shall be detailed as required by the Milford Development Regulations and the Town's Stormwater Management and Erosion Control Ordinance.
- e. Additional Requirements for Industrial, Utility, and Solar Power Generation Station (I/U/SPGS) Solar:
 - i. A detailed pre-construction and post-construction plan identifying existing vegetation and areas to be cleared with specific identification of locations of buffer areas adjacent to neighboring uses and public ways.
 - ii. The Planning Board, with input from the Conservation Commission, may require the applicant to submit an 'Environmental Study' in accordance with the Milford

Development Regulations, Section 5.011 Environmental Study. Efforts and practices that can provide for a dual use of the site should be explored if feasible and encouraged where appropriate.

- iii. The applicant shall demonstrate effective stormwater infiltration along with erosion control measures and soil stabilization.

3. Buffer Plan.

As deemed appropriate, all applications shall submit a detailed buffering plan demonstrating how the proposed ground-mounted solar installation will be incorporated into the local landscape so that effective screening is provided along public ways and from abutting views. The use of existing or created topography is encouraged to reduce visual impacts.

4. Stormwater.

a. Stormwater and Erosion Control Permits

- i. Ground-mounted systems that are required to obtain a New Hampshire Department of Environmental Services (NH DES) Alteration of Terrain (AoT) Permit in accordance with NH RSA 485:17 shall secure such permit accordingly.
- ii. A Municipal Stormwater Permit and Stormwater Management and Erosion Control Plan (SWMP) shall be provided when required by and in conformance with the requirements of the Town of Milford's Stormwater Management and Erosion Control Regulation.
- iii. The final Permits issued by NH DES and Town shall be incorporated by reference into the final Town approval and shall be enforceable by the Town in accordance with this zoning ordinance.

b. The stormwater management plan shall include the following.

- i. The stormwater study shall take into account the nature of the solar panel installation and how the spacing, slope and row separate can enhance infiltration of stormwater. Percolation tests or site specific soil information may be provided to demonstrate recharge can be achieved without engineered solutions.
- ii. Additional information, if required, shall calculate potential for concentrated flows of runoff due to the panels, slope, soil type and the impacts of other regulated impervious areas (such as equipment pads and roadways).

c. Required for all systems:

- i. All ground-mounted systems shall be constructed in accordance with Best Management Practices for erosion and sedimentation control during the pre-construction, construction and post- construction restoration period.
- ii. Post construction: For purposes of enhancing natural stormwater management, site conditions and plantings post-construction shall insure that areas of soil compaction have been restored to natural conditions. Plantings shall be native species and are recommended to beneficial habitat to song birds, pollinators

and/or foraging species in order to maintain a healthy surface and subsurface habitat that can attenuate stormwater on the site.

5. Emergency Response.

- a. Access to the site for emergency response shall be provided and detailed on the plan.
- b. A narrative or manual for municipal Fire Department detailing response guidance and disconnection locations necessary for fire response.
- c. Additional industry guidance documents that provide information about safety procedures for specific equipment on site shall be provided as needed to insure adequate public safety.
- d. Contact information for the solar collection system owner/operator shall be posted on site at the access way and provided and updated to the municipality.

6. Glare.

- a. A statement detailing potential significant glare onto abutting structures and roadways estimating the interaction of sun to panel angle, time of year and visibility locations.
- b. Based on the above information, the Planning Board may require reasonable mitigation. Mitigation may include angle of panels, details on the anti-reflective nature of the panel coating or any additional specific screening to minimize resulting impacts.
- c. Mitigation through anti-reflective coatings shall have an index of refraction equal to or less than 1.30.

7. Noise.

- a. Estimates of any equipment noise on the site based on equipment specification materials (such as inverters).
- b. Noise levels at the property line shall be in accordance with the Town noise ordinance or at reasonable levels given the location of the facility with due consideration to the surrounding land uses and zone.

8. Lighting.

- a. On site lighting shall be minimal and limited to access and safety requirements only.
- b. All lighting shall be downcast and shielded from abutting properties.

B. General Requirements.

1. All Solar Collection Systems shall conform to applicable state and federal laws and regulations and local ordinances, including the State Building Code, the State Electrical Code and the State Fire Code.
2. All systems not connected to the grid shall be approved by the electrical inspector or Building Inspector, as required.

3. Transmission Lines Underground: All power transmission lines from a Ground-mounted Solar Energy System to any building or other structure shall be located underground and/or in accordance with the State Building Code or Electrical Code, as appropriate.
4. Grid-tied systems shall file a copy of a final approved interconnection with the municipality prior to operation of the system.
5. All roof-mounted and ground-mounted Solar Collection System require permits.
 - a. Electrical permits are required.
 - b. Plumbing permits may be required.
 - c. Building permits may be required.
 - d. Engineer stamped letter certifying that the roof can accommodate the load may be required.

7.11.7 Abatement and Decommissioning/Removal

Solar Collection Systems shall be deemed to be abandoned if operations have discontinued for more than 6 months without written consent of the Town (such as for reasons beyond the control of the owner/operator). An abandoned system shall be removed and the site restored within 6 months of abandonment.

7.11.8 Violation

It is unlawful for any person to construct, install or operate a Solar Collection System that is not in compliance with this Ordinance. Solar Collection Systems installed prior to adoption of this Ordinance are exempt from this Ordinance except or until such time as modifications are proposed to the Solar Collection System. If the owner fails to remove the abandoned Solar Collection System within the 6 months, the Town may pursue a legal action to have the system removed at the owner's expense.

7.11.9 Penalties

Any person who fails to comply with any provision of this Ordinance or a building permit issued pursuant to this Ordinance shall be subject to enforcement and penalties as allowed by NH Revised Statutes Annotated Chapter 676:17.

7.11.10 Severability

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



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

STAFF MEMO

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

Date: October 14, 2021
To: Planning Board
From: Jason Cleghorn, Town Planner
Subject: Amendments to Zoning Ordinance Article 3 – Section 3.01 Zoning Map

The purpose of this memorandum is to discuss possible amendments to the Milford Zoning Ordinance/Map by changing eleven parcels from “ICI” – Integrated Commercial- Industrial to Residential “B”. The affected properties under consideration include Tax Map 11, Parcels 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22. This rezoning would zone these properties in a more consistent manner with how they have historically been used, protect the general developed area from any incompatible uses that would be allowed under the Integrated Commercial – Industrial zoning, and to better reflect current built conditions. The intent of the Residence "B" District is to provide areas for increased residential density and other uses which are compatible with single-, two-family, and multi-family uses. Attached please find Sections 5.03 Residential ‘B’ and 5.08.0 Integrated Commercial-Industrial “ICI” District of the Zoning Ordinance detailing the permitted uses and dimensional requirements.

PLANNING BOARD AMENDMENT 2: ZONING MAP

Are you in favor of adopting the following amendment to the Town of Milford Zoning Ordinance as proposed by the Planning Board?

To see if the Town will amend the Milford Zoning Ordinance, Article III, Section 3.01 Zoning Map

From “ICI” – Integrated Commercial- Industrial to Residential “B”: Map 11-13, 11-14, 11-15, 11-16, 11-17, 11-18, 11-19, 11-20, 11-21, and 11-22.



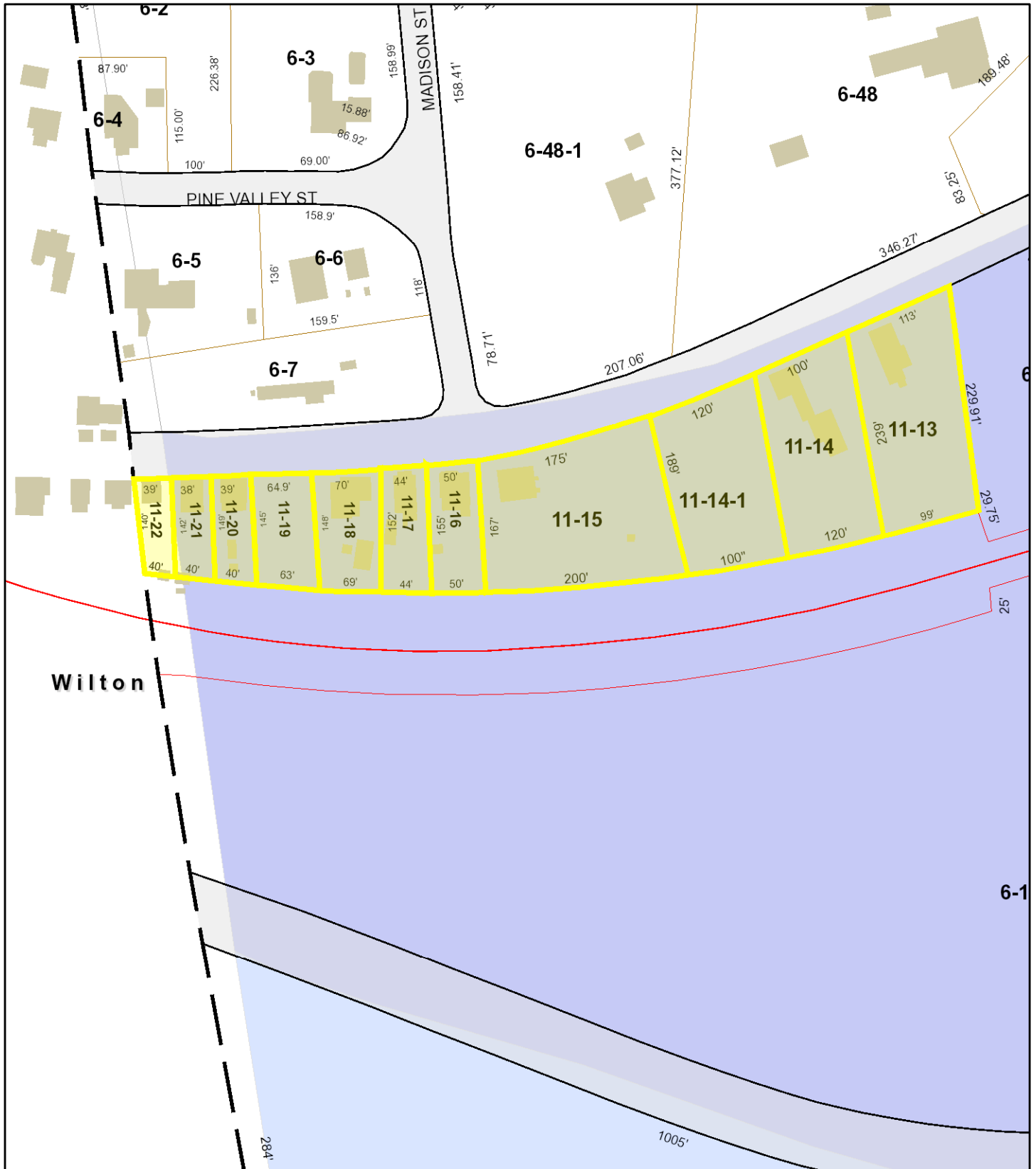
Milford, NH



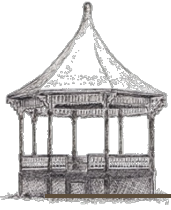
October 8, 2021

1 inch = 138 Feet

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OFFICE OF COMMUNITY DEVELOPMENT

STAFF MEMO

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

Date: October 18, 2021
To: Planning Board
From: Jason Cleghorn, Town Planner
Subject: Amendments to Zoning Ordinance Article 6 – Section 6.02.0 Wetland Conservation District

The purpose of this agenda item is to discuss possible amendments to the Milford Zoning Ordinance's Section 6.02.0 Wetland Conservation District to modify the minimum required buffer area relative to wetlands, streams, surface water, and vernal pools and to allow for additional permitted uses within the delineated buffer. The suggested attached amendments were developed by the Conservation Commission for Board consideration and comment.

In summary, the amendments seek to improve water quality, wildlife habitat, and flood control by increasing the buffer to wetlands, streams, surface water, and vernal pools from 25 feet to 50 feet and from 50 feet to 100 feet for identified water bodies and streams (e.g. Birch Brook, Great Brook, Osgood Pond, Souhegan River) with any adjacent very poorly drained wetlands. In addition, the number/type of allowable uses with the wetland buffer zone would be expanded to include the construction of a driveway access, specific water impoundments, pre-existing uses as defined in Section 2.0 of the Zoning Ordinance, and the replacement/repair of septic systems. Lastly, the amendments propose general housekeeping and administrative updates to reference the correct applicable State wetland and environmental regulations/statutes.

PLANNING BOARD AMENDMENT 3: WETLAND CONSERVATION DISTRICT

Are you in favor of adopting the following amendment to the Town of Milford Zoning Ordinance as proposed by the Planning Board?

To see if the Town will amend the Milford Zoning Ordinance, Article VI Section 6.02.0 as follows:

6.02.0 WETLAND CONSERVATION DISTRICT (2017)

6.02.1 GENERAL

- A. The Wetland Conservation District shall be considered as overlaying any other district established by this Ordinance. Any use permitted in the portions of the district so overlaid shall only be permitted subject to all provisions of this section.
- B. Except for the permitted uses as listed in 6.02.5 of this section, there shall be no impact of wetlands or surface waters, unless all federal, state and local permits are in place.
- C. All impacts to wetlands shall be regulated in accordance with NH Code of Administrative Rules, Wt. Env-Wt 100-900 as may be amended from time to time and require the receipt of the appropriate permit from the State of New Hampshire Department of Environmental Services Wetlands Bureau. The state process requires a review by the Milford Conservation Commission. (2017)
- D. The Milford Conservation Commission, established under NH RSA 36-A, has statutory standing before the Department of Environmental Services under NH RSA 482-A:11, III and provides a local source of assistance to both the department and the applicants for Dredge & Fill Permits.
- E. A special exception approved by the Milford Zoning Board of Adjustment shall be required for any use within the wetland except for those listed in 6.02.5. Note that state and/or federal permits may be required for uses not requiring a special exception under this Ordinance.
- F. The Wetland Conservation District is an overlay district which imposes additional requirements and restrictions to those of the underlying base district established under the powers granted under NH RSA 674:21. In case of conflict between the requirements of Section 6.02.0 and the requirements presented elsewhere in the Milford Zoning Ordinance, the provisions of 6.02.0 shall apply. (2010)

6.02.2 PURPOSE

By the authority granted in NH RSA 674:16-17 and 674:20-21, the purpose of the Wetlands Conservation District is to protect the values and functions of wetlands, surface waters and their associated buffer zones. It is further intended, but shall not be limited to, the following:

- A. Protect the public health, safety, general welfare and property;
- B. Reduce sedimentation of wetlands and surface waters;
- C. Aid in the control of non-point source pollution; (2017)
- D. Provide a vegetative cover in the case of the buffer zones for filtration of runoff and the prevention of erosion;
- E. Protect fish spawning grounds, aquatic life, and bird and other wildlife habitats;
- F. Conserve natural beauty and open spaces;
- G. Preserve ponds, rivers and streams in their natural state,

- H. Protect persons and property from flood damage by preserving the natural flood storage areas,
- I. Control the development of structures and land uses which contribute to the pollution of surface and groundwater by sewerage, hazardous substances or siltation;
- J. Protect aquifers, which serve as existing or potential water supplies as well as the aquifer recharge system;
- K. Prevent unnecessary or excessive expenses to the Town to provide and maintain essential services and utilities which arise because of the inharmonious use of wetlands;

6.02.3 LOCATION OF THE WETLAND CONSERVATION DISTRICT

The areas within the town of Milford to which this section applies are as follows:

- A. **Streams:** This includes both perennial and intermittent streams wherever fresh water flows for sufficient time to develop and maintain a defined channel. The area of the stream shall lie within the banks as defined by the ordinary high water mark established by the fluctuations of water and indicated by physical characteristics such as a clear natural line impressed on the immediate bank, or shelving, or changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.
- B. **Ponds:** The pond area shall be the extent of water at the full pond as determined by the top of the impoundment structure in artificial ponds or by the natural high water mark in natural ponds.
- C. **Wetlands:** A wetland area shall be delineated based on hydrophytic vegetation, hydric soils and wetland hydrology in accordance with techniques outlined in the Corps of Engineers wetlands Delineation Manual, Technical Report Y-87-1 (January 1987) and defined by NH RSA 482-A:2.X (as amended). (2017)
- D. **Buffers:** The buffer area shall be measured from the edge of any stream, pond, or wetland in a horizontal plane. The buffer is the area adjacent to a wetland and/or open water which should be kept free of uses that may introduce or facilitate pollution, sedimentation or other harmful effects to the wetland. The buffer shall include the area within ~~twenty-five (25) feet~~fifty feet (50) from any wetland, stream, ~~or pond area,~~ surface water or vernal pool. For the water bodies named in 6.02.3:E, the buffer shall be at least fifty (50) feet one hundred (100) feet from the edge of any stream, pond, or wetland in a horizontal plane. (2017)
- E. **Surface waters with ~~50 feet~~100 foot buffer area:** The following water bodies together with any adjacent very poorly drained wetlands are protected by a ~~fifty (50)~~one-hundred (100) —foot buffer. These 2nd Order and higher streams are described in the Conservation Plan, an Appendix of the Town Master Plan. (2017)

1. **Birch Brook:** from its commencement at the wetland lying between Whitten Road and Chappell Drive to its junction with Great Brook,
 2. **Compressor Brook:** from its commencement as follows:
 - a. Compressor Brook, East Branch: from its entry into Milford at the Milford/Brookline Town Line in the southeast portion of Milford to its junction with Compressor Brook south of Melendy Road and east of Ruonala Road,
 - b. Compressor Brook, West Branch: from its beginning at a wetland on the west side of Ball Hill Road to its junction with Compressor Brook, East Branch, as described in a. above,
 - c. Compressor Brook: from the junction of the East Branch and the West Branch south of Melendy Road and east of Ruonala Road to its junction with Great Brook,
 3. **Great Brook:** from its commencement at Mile Slip Road, approximately one thousand five hundred (1,500) feet south of Mason Rd. to Railroad Pond, and from Railroad Pond to the Souhegan River, including its passage through said pond,
 4. **Hartshorn Brook:** from the Mont Vernon/Milford Town line, through Hartshorn Pond to its junction with the Souhegan River,
 5. **Mitchell Brook:** from its entrance into Milford at the Milford/Mason Town line to its junction with Spaulding Brook,
 6. **Ox Brook:** from its beginning in a wetland west of Melendy Road to its junction with Compressor Brook,
 7. **Purgatory Brook:** from its entrance into Milford at the Milford/Lyndeborough Town line, to its junction with the Souhegan River,
 8. **Spaulding Brook:** from its entrance into Milford at the Milford/Mason Town line to its exit from Milford at the Milford/Brookline Town line,
 9. **Tucker Brook:** from its entrance into Milford in the vicinity of the granite bound on the Milford/Wilton Town line, to its junction with the Souhegan River,
 10. **Compressor Pond,**
 11. **Hartshorn Pond,**
 12. **Railroad Pond,**
 13. **Osgood Pond,**
 14. **Souhegan River, see 6.02.3.G.**
- F. Surface waters with one hundred (100) foot buffer:
- Peatlands:** Due to their rarity and fragility, these unique wetlands shall be protected by a one hundred (100) foot buffer.

G. Shoreland Water Quality Protection Act (2017)

Osgood Pond and the Souhegan River with the exception of the Urbanized Exemption Parcels are subject to the Shoreland Water Quality Protection Act, NH RSA 483-b as may be amended from time to time. The Shoreland Water Quality Protection Act addresses activities within two hundred and fifty (250) feet of great ponds and fourth order streams. The Souhegan River is a fourth order stream.

6.02.4 DEFINITIONS

Bank/Edge of Wet: The transitional slope immediately adjacent to the edge of a surface water body, the upper limit of which is usually defined by a break in slope, or, for a wetland, where a line delineated in accordance with New Hampshire Code of Administrative Rules Chapter Env-Wt ~~304.04~~102.15 indicates a change from wetland to upland. (2017)

Buffer: An upland area adjacent to a wetland and/or surface water which serves to filter surface water flowing into the wetland.

Bog: A wetland distinguished by stunted evergreen trees and shrubs, peat deposits, poor drainage, and/or highly acidic soils and/or water conditions.

Great Pond: Any natural water body having an area of ten (10) acres or more.

Fen: Unique wetlands characterized by saturated organic soils (well-decomposed peat) fed by neutral to somewhat alkaline groundwater.

Marsh: A wetland that is distinguished by the absence of trees and shrubs, which is dominated by soft-stemmed herbaceous plants such as grasses, reeds, and sedges; and where the water table is at or above the surface throughout the year, but can fluctuate seasonally.

Peatlands: Wetlands with thick organic soil, often with a characteristic floating mat of mosses, sedges, shrubs, and/or trees in very acidic conditions, includes bogs and fens.

Stream, Intermittent: A place where water flows for sufficient duration and/or in sufficient quantity to maintain a channel.

Stream, Perennial: Any channel, natural or manmade, which has water present for twelve (12) months of a normal year but which may dry up during a period in which the rainfall is less than sixty (60) per cent of average for more than three consecutive months.

Surface water: Streams, lakes and ponds, including marshes, watercourses and other bodies of water, natural or artificial. ~~[NH RSA 485-A:2 XIV]. (2015)~~ [NH RSA 485-A:2 XIV (2017); Env-Wt 104.33]. (2019)

Vernal Pool: A surface water or wetland, including an area intentionally created for purposes of compensatory mitigation, which provides breeding habitat for amphibians and invertebrates that have adapted to the unique environments provided by such pools and

further defined in New Hampshire Code of Administrative Rules Chapter Env-Wt ~~101.108~~104.44 (as amended). ~~(2017)~~(2020)

Very poorly drained: Water is removed from the soil so slowly that free water remains at or on the surface during most of the growing season.

Wetland: An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

6.02.5 ACCEPTED USES: (2017)

A. **Wetlands:** Any of the following uses, the execution, construction or placement of which do not permanently and significantly alter the natural flow of ground or surface water, and that are otherwise permitted by the Zoning Ordinance. (2011)

1. Projects that fall under the Wetland Bureau's ~~Minimum Impact Expedited Permit Application, Statutory Permit by Notification (SPN) Env-Wt 308.01,04 or Lower Scrutiny Approval (LSA) Permits by Notification Env-Wt 309.05.~~ These projects, however, must be ~~approved~~reviewed by the Conservation Commission prior to ~~approval~~submission by to the Wetlands Bureau. (2017)
2. Repair or reconstruction of an existing legal structure that meets the following conditions:
 - a. Where the size, location and configuration remain the same
 - b. The work shall not require the utilization of tracked or wheeled equipment in the water or wetland; (2017)
 - ~~c. The work shall not require the utilization of tracked or wheeled equipment in the water or wetland;~~
 - ~~d.c.~~ The structure has not been abandoned. Failure to maintain an existing structure in a state so that it is functional, and intact, for a period of five (5) years shall be prima facie evidence of abandonment or non-use.
3. Mowing or cutting of vegetation in a wet meadow, red maple swamp, hemlock swamp, spruce/fir swamp, or white pine swamp, provided that the roots of the vegetation are not disturbed, and that the ground is frozen or sufficiently dry to avoid making ruts and that the area is stabilized once thawed and that the project is not located in prime wetlands.
4. Hand raking of leaves or other organic debris from the shoreline or lake bed provided that:
 - a. At the time raking is done, the area is exposed by draw down, or
 - b. Raking does not disturb vegetative roots, ~~and is limited to less than nine-hundred (900) square feet of area.~~
5. Management of a beaver dam as provided in NH RSA 210:9,II and Env-Wt 308.01.gNH RSA 210:9 (as amended). (2017)
6. Removal of a beaver dam by hand or machine provided:
 - a. Machinery does not enter the water or create any impact by filling or dredging to adjacent surface waters, wetlands, or their banks;

- b. All dredged materials are placed out of wetlands and out of the defined buffer area, and
- c. Removal of the dam is done in a gradual manner that does not allow a sudden release of impounded water to cause erosion or siltation.
7. Addition of native vegetation to enhance wetlands, but not the removal of wetlands vegetation except as provided in 6.02.5:A.3.
8. Drilling of test wells by a public agency for purposes of exploring for public water supplies or hazardous materials.
9. ~~Other activities as noted in NH Wetlands Bureau Code of Administrative Rules Wt. 303.05.~~

B. **Buffer Zones:** Any of the following uses that do not alter the surface configuration by the addition of fill, removal of soil, or obstruct in any manner the natural flow of ground or surface water, or disturb in any manner the ground itself to any depth and that are otherwise permitted by the Zoning Ordinance.

1. Forestry, subject to the provisions of RSA 227-J:6, as amended, and tree farming in accordance with good silvicultural practices, outlined in *Good Forestry in the Granite State: Recommended Voluntary Management Practices for New Hampshire*, as amended. (2017)
2. Agriculture, as defined in NH RSA 21:34-a, as amended, including growing and harvesting of crops using best management practices detailed in *best Management Wetland Practices for Agriculture in NH*, as amended. (2017)
3. Buildings and structures not to exceed one hundred twenty (120) square feet and without sanitary plumbing and raised above-ground on concrete or similar blocks placed on the ground surface in such a manner as to permit the natural flow of any surface water,
4. Decks raised above the ground so as to permit the natural flow of any surface waters,
5. Potable water supply wells and their associated water lines and associated power lines, provided there are adequate erosion control measures in place during work and repair of any disturbance,
6. Monitoring wells for observation purposes, provided there are adequate erosion control measures in place during work and there is repair of any disturbance,
7. Driveway access if the impact is less than that allowed by the activities permitted in NH Wetland Rules Env-Wt 308 and 309. The access is to be located where it causes the least impact to the surrounding landscape.
8. Water impoundments for wildlife/fire protection/stormwater/recreational/agriculture use as approved by the PB/ZBA with MCC guidance.
9. Pre-existing uses within the Wetland Conservation District will conform to Article 2.02.0 of the Milford Zoning Ordinance. A use or structure lawfully existing prior to the enactment of the Zoning Ordinance (3/11/69), and that is maintained after the effective date of the Ordinance, although it does not comply with the zoning restrictions applicable to the district in which it is situated

10. Replacement or repair of any existing septic system confirmed to be in failure provided:
- i. The system requiring replacement or repair was in place prior to the date of adoption of this ordinance
 - ii. Prior to commencement of such replacement or repair, the property owner has obtained any and all required State and local construction approvals and permits; and
 - iii. The planned replacement or repair will not expand the intensity of use of the structure(s) it is intended to serve.

6.02.6 A SPECIAL EXCEPTION IS REQUIRED FOR:

- A. **Wetlands:** A Special Exception Permit from the Board of Adjustment is required for any project not listed in 6.02.5:A that is located within a wetland and is not in the right-of-way of a public road. (2017)
- B. **Buffer:** A Special Exception from the Board of Adjustment is required for any project not listed in ~~6.02.5.A. and B. that is located within a wetland buffer and not in the right-of-way of a public road. (2014)~~
- C. The Board of Adjustment, in acting on an application for a special exception in the Wetlands Conservation District, shall take into consideration the conditions as noted in 10.02.1.
- D. The Board of Adjustment may grant a Special Exception for such projects after the application for the Special Exception has been reviewed and reported upon by the Milford Conservation Commission and forwarded to the Board of Adjustment within forty (40) days of a public meeting at which the Conservation Commission first received detailed plans on the project.
- E. The Planning Board may also be required to submit a report to the Board of Adjustment, if requested by the Board of Adjustment. The Planning Board shall submit its report within the above specified forty (40) day period.

6.02.7 CRITERIA FOR EVALUATION

- A. For all projects requiring a Special Exception the applicant shall demonstrate by plan or example that the following factors have been considered in their design:
 - 1. The need for the proposed project;
 - 2. The plan proposed is the alternative with the least impact to the wetlands, surface waters and/or their associated buffers;
 - 3. The impact on plants, fish and wildlife;
 - 4. The impact on the quantity and/or quality of surface and ground water;
 - 5. The potential to cause or increase flooding, erosion, or sedimentation;

6. The cumulative impact that would result if all parties owning or abutting a portion of the affected wetland, wetland complex and/or buffer area were also permitted alterations to the wetland and buffer proportional to the extent of their property rights;
7. The impact of the proposed project on the values and functions of the total wetland or wetland complex.

B. The Town of Milford shall place emphasis in preserving peatlands and marshes. This priority shall be based upon the rarity of those environments and the difficulty in restoration of the value and function of those environments.



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

STAFF MEMO

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

Date: October 21, 2021

To: Planning Board

From: Lincoln Daley, Community Development Director

Subject: Amendments to Zoning Ordinance Article 5 – Section 5.04.0 Residence “R” District

The purpose of this memorandum is to discuss possible amendments to the Milford Zoning Ordinance’s Section 5.04.0 Residence “R” District to create the concept and criteria for an Estate Lot. Estate Lots are additional structures erected on lots greater than 10 acres in size without requiring formal subdivision review. The proposed revisions would establish regulatory criteria for Estate Lots.

PLANNING BOARD AMENDMENT 4: RESIDENCE “R” ZONING DISTRICT

Are you in favor of adopting the following amendment to the Town of Milford Zoning Ordinance as proposed by the Planning Board?

To see if the Town will amend the Milford Zoning Ordinance, Article V Section 5.04.0 as follows:

5.01.0 RESIDENCE "R" DISTRICT (2001)

INTENT: The intent of the Residence "R" District is to provide for low-density residential and agricultural land uses, and other compatible land uses, that are sensitive to the rural character and environmental constraints existing in the district.

5.04.1 ACCEPTABLE USES

- A. One single-family dwelling and its accessory uses and structures, per lot
- B. Agriculture and Farming (2010)
- C. One single-family manufactured housing unit, per lot
- D. Harvesting of natural resources
- E. Telecommunication facilities (2000)
- F. Deleted (2011)
- G. Farm Roadside Stands (2010)
- H. Solar Collection Systems in accordance with Section 7.11.0 (2019)
- I. Home Based Business in accordance with Section 7.12.0 (2019)
- J. Estate Lots in accordance with Section 5.04.4(c)

5.04.2 ACCEPTABLE USES AND YARD REQUIREMENTS BY: (2009)

A. Special Exception

- 1. One two-family dwelling per lot (2001)
- 2. Veterinary clinics
- 3. Home Based Business in accordance with Section 7.12.0 (2019)
- 4. Day care facilities
- 5. Family day care home
- 6. Schools
- 7. Reduced front, side and rear setbacks (2001)
- 8. Bed & breakfast (1997)
- 9. Processing of natural resources on parcels of a minimum five (5) acres in size (2011)
- 10. Recreational facility, not-for-profit (1997)
- 11. Recreational facility, commercial (1997)
- 12. Churches or Houses of Worship (2011)
- 13. Building and structure height greater than allowed in 5.04.7:A or 5.04.7:B (2005)
- 14. Accessory Dwelling Units (2008)
- 15. Hospice house (2011)
- 16. Nursing home or facility (2011)
- 17. Utility, public or private (2011)

B. Conditional Use Permit (2009)

- 1. Small Wind Energy Systems (2009)

2. Solar Collection Systems in accordance with Section 7.11.0 (2019)
3. Home Based Business in accordance with Section 7.12.0 (2019)

5.04.3 USES NOT SPECIFIED (2010)

Any uses of land and/or structures not specifically included in the "R" District as acceptable, acceptable by Special Exception or acceptable by Conditional Use Permit shall be considered as not permitted.

5.04.4 LOT SIZES AND FRONTAGES (2009)

A. The minimum lot size and frontage for a single-family dwelling or a single-family manufactured housing unit and all other permitted uses, unless stated otherwise, in the residence "R" District shall be two (2) acres (87,120 SF), or greater, depending on soil and slope conditions, with a minimum two hundred (200) feet of frontage on a Class V or better road.

B. The minimum lot size and frontage for a two-family dwelling as allowed by Special Exception in the Residence "R" District shall be four (4) acres (174,240 SF), or greater, depending on soil and slope conditions, with a minimum three hundred (300) feet of frontage on a Class V or better road.

C. Parcels of land greater than ten (10) acres in size may create an Estate Lot. An Estate Lot permits a property owner to erect secondary primary structures on the parent parcel without subdividing the property.

1. No more than three (3) Estate Lots may be created on any one primary parcel of land.

2. In no case can the number of Estate Lots created exceed the allowed residential density within the Residence "R" Zoning District.

3. It is encouraged that dwellings should be assembled on the primary parcel of land in such a manner that a future subdivision could be accomplished without creating non-conforming lots or issues such as setback violations, etc.

4. Each Estate Lot created must comply with all environmental regulations within this Zoning Ordinance including but not limited to the requirements of the Wetland Conservation District (Section 6.02.0), and the Shoreland Water Quality Protection Act as well as all state and federal regulations regarding environmental/conservation measures including the installation of septic systems (NH RSA 485-A) and related requirements for drainfields and other related requirements.

5. Estate Lots must meet all zoning criteria of the Residence "R" zoning district such as setbacks from parcel boundaries and parcels containing Estate Lots must meet Open Space criteria and all other regulatory aspects of that Zoning District.

6. Estate Lots are required to file building permits in the same manner as the previously permitted principal structure.

7. Estate Lots cannot have Accessory Dwelling Units as defined by this Ordinance.

8. Estate Lots must be single-family residences and cannot be multi-family residences.

9. Title to the overall parcel, to include the land and all dwelling units, must be vested in the same owner.

~~B.~~ 10. Estate Lots are only permitted in parcels zoned Residence "R".

5.04.5 YARD REQUIREMENTS (2011)

- A. Each structure shall be set back at least thirty (30) feet from the front lot line.
- B. Each structure shall be at least fifteen (15) feet from side and rear property lines. In case of a corner lot, the side distance shall be increased to thirty (30) feet on the side bordering the street, lane or public way.

5.04.6 OPEN SPACE

Open space shall be provided for all uses, other than single-family and two-family dwellings, in an amount equal to not less than thirty (30) percent of the total lot area.

5.04.7 HEIGHT REQUIREMENTS (2005)

- A. The maximum height of a building or structure in the Residence "R" District shall be thirty-five (35) feet, except as noted in B. below.
- B. The maximum height of school and municipal buildings or structures in the Residence "R" District shall be forty-five (45) feet.
- C. A Special Exception shall be required for heights greater than allowed in either A or B above.



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

STAFF MEMO

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

Date: October 25, 2021

To: Planning Board

From: Jason Cleghorn, Town Planner

Subject: Amendment to *Article X: Administration and Enforcement: Milford Gravel and Earth Removal Regulations (2014)*

As the Planning Board may recall, there has been discussion at the Planning Board about the requirement in the *Milford Gravel and Earth Removal Regulations Article X: Administration and Enforcement Section C. Renewal* regarding the practice related to the validity of an excavation permit.

The current regulations specify that such permits are good for a period of only one (1) year and that the owner of the permit may apply for renewal of an excavation permit through the Office of Community Development at a fee of \$50.00.

Discussion with various excavation permit holders have led to those discussions centering on the financial and economic infeasibility of a permit to excavate that is only good for one (1) year.

In response to those discussions, staff has prepared two options for consideration by the Planning Board.

Option A. Extends the validity of the excavation permit from one to three years and simply adds the word issued to the text to better clarify that the Office of Community Development is the entity that issues the excavation permit renewal.

Option B. Extends the validity of the excavation permit from one to five years, clarifies the permit issuance as in Option A, however this option would require that a public hearing would be held by the Planning Board prior to Community Development's issuance of the excavation permit and clarifies that appeals regarding the excavation permit issuance be consistent with existing language found in Section D. Appeals of the Regulations.



Town Of Milford Gravel and Earth Removal Regulations

Adopted 1990
Title 10-A

ARTICLE X: ADMINISTRATION AND ENFORCEMENT

A. PERMITS AND FEES

Permits shall be issued only to the owner or his agent and shall not be transferable without the written consent of the Planning Board. A copy of the permit shall be prominently displayed at the site or the principal access point to the site. A permit shall be valid for one (1) year and the expiration date shall be specified at the time of issuance. In addition to those criteria outlined in NH RSA 155-E:8 and the required abutter and site plan fees, (a schedule is available in the Planning Office), the following fees shall apply:

1. A \$50 annual gravel and earth removal permit fee shall be required to cover the cost of inspections necessary to determine compliance.
2. A fee payable to the Hillsborough County Register of Deeds (HCRD) shall be paid upon approval, for the filing of any new plan, if so required by the Planning Board.

Additional reasonable fees shall be charged should the Planning Board require the advice of an engineer or other expert to review plans or inspect the site to determine permit compliance.

B. BONDING

The bond amount, established by the Planning Board to cover reclamation of the site, shall be based on an amount of seven thousand five hundred dollars (\$7,500) per acre. Given the actual acreage of the site, this figure shall be prorated accordingly. The bond amount shall be adequate to reclaim the excavation site in accordance with RSA 155-E:5. The bond will be returned to the applicant when reclamation work has been completed.

C. RENEWAL

Excavation permits shall be valid for the term of three (3) ~~one (1)~~ years. A renewal permit must be in place prior to continuing excavation activities beyond the expiration date. The owner may apply for renewal of an excavation permit issued through the Office of Community Development, for a fee not to exceed fifty dollars (\$50.00) per year.

D. APPEALS

Any person affected by the Board's decision to approve or disapprove an application or any amendment thereto or any suspension or revocation of a permit pursuant to RSA 155-E:10, may appeal to the Board for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall be filed within ten (10) days of such decision and shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable. The Board shall either grant or deny the request for rehearing within ten (10) days, and if the request is granted, a rehearing shall be scheduled within thirty (30) days. Any person affected by the Board's decision on a motion for rehearing may appeal in accordance with RSA 677:4-15.

ARTICLE XI: REQUIRED INFORMATION

It shall be implicit in any approved permit and stated on said permit that the owner(s) are granting the Planning Board or its agents the right to enter on the property without notice to determine compliance with the conditions of the permit or any reclamation.



Town Of Milford Gravel and Earth Removal Regulations

Adopted 1990
Title 10-A

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C. RENEWAL

Excavation permits shall be valid for the term of ~~one (1)~~five (5) years. A renewal permit must be in place prior to continuing excavation activities beyond the expiration date. The owner may apply for renewal of an excavation permit to be issued through the Office of Community Development for a fee not to exceed fifty dollars (\$50.00) per year. A Public Hearing shall be held by the Town of Milford's Planning Board to review the renewal of the excavation permit prior to the issuance of the excavation permit renewal. Appeals related to the renewal of an excavation permit shall be consistent with Article X: Section D. Appeals.

D. APPEALS

Any person affected by the Board's decision to approve or disapprove an application or any amendment thereto or any suspension or revocation of a permit pursuant to RSA 155-E:10, may appeal to the Board for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall be filed within ten (10) days of such decision and shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable. The Board shall either grant or deny the request for rehearing within ten (10) days, and if the request is granted, a rehearing shall be scheduled within thirty (30) days. Any person affected by the Board's decision on a motion for rehearing may appeal in accordance with RSA 677:4-15.



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

STAFF MEMO

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

Date: October 25, 2021
To: Planning Board
From: Jason Cleghorn, Town Planner
Subject: Amendment to *Planning Board Rules and Procedures*

Earlier this year, the Planning Board discussed at its June 1st meeting the rules and procedures regarding Site Walks. Board Members Basiliere and Langdell brought forth revisions that they had suggested regarding revisions to this portion of the Rules and Procedures.

Staff has codified those changes into revised changes to the *Planning Board Rules and Procedures*. Discussion around omitting section L and M of their proposed revisions was held and was the consensus of the Board. Those provisions related to insurance implications of which Town Staff researched and provided clarification to the Planning Board at that time. According to the New Hampshire Municipal Association, liability primarily relates to the doctrine of prior knowledge. For situations in which the town had no prior knowledge of a potential hazard, it would have no (little) legal liability.

These draft revisions encapsulate their proposed changes which were discussed by the Planning Board, eliminating those portions related to the insurance ramifications.

A revision to *Planning Board Rules and Procedures Section XII: Standards of Conduct* has been proposed in letter H. which would create a policy on how complaints received by Planning Board Members that are unrelated to pending applications should be handled.

TOWN OF MILFORD
NEW HAMPSHIRE



PLANNING BOARD RULES AND
PROCEDURES

Adopted: July 24, 2018

**Rules and Procedures
Town of Milford, New Hampshire
PLANNING BOARD**

Rules of Procedure:

I. Authority:

- A. These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 676:1.

II. Title, Adoption, and Amendment:

- A. These Rules may be cited as the Milford Planning Board (the Board) Rules of Procedure.
- B. These Rules shall be adopted following a public hearing by the Planning Board. The hearing shall be noticed by a legal notice published not less than ten (10) days prior to the hearing in a newspaper of general circulation and said notice shall contain a summary of the provisions herein, together with the notation that the full text is available upon request.
- C. These Rules shall be effective upon adoption by a majority of the Board and when they have been voted on by a majority of the Board and filed with the office of the Town Clerk.
- D. These rules may be amended and revised in the same manner as the initial adoption.

III. Membership, Terms of Office, Officers, Vacancies, Alternates, Disqualifications:

- A. The Milford Planning Board shall consist of seven (7) members, one of which shall be a designated member from the Board of Selectmen to serve as an ex officio member with the power to vote.
- B. Except for the Selectmen's representative and when required to fill vacancies, members shall be appointed in staggered three (3) year terms. The membership of the Board shall be appointed in such a manner so that no more than three (3) members shall be appointed (or re-appointed) each year.
- C. The Term of Office shall commence upon appointment by the Board of Selectmen and after the Board member has been sworn in, provided however, that term shall continue until a successor have been appointed.
- D. Annually, the Planning Board shall elect a Chairman and Vice-Chairman from its regular members. The Selectmen's representative shall not hold either office. The Chairman and Vice-Chairman shall be eligible for reelection.

- E. Officers shall be elected for a one (1) year term at the first regular meeting following the annual Town Meeting in March.
- F. The Board of Selectmen shall appoint not more than five (5) alternate members, as authorized by RSA 673:6. The terms of alternate members shall be staggered three (3) year terms. The alternate for the Selectmen's representative shall be a selectmen, with a term to be determined by the Board of Selectmen.
- G. Each newly appointed (including re-appointed) member shall be sworn in and take an oath of office as required by RSA 42:1.
- H. The Chairman of the Planning Board shall forward to the Town Clerk for recording the appointment and expiration dates of the term of each member of the Board.
- I. Pursuant to RSA 673:12, vacancies in the membership of the Planning Board occurring other than through the expiration of a term of office shall be filled by the next senior alternate (longest serving), to be appointed by the Board of Selectmen, for the remainder of the unexpired term.
- J. Designation of Alternates:
 - 1. If one or more regular members is/are absent from a meeting or disqualifies her/himself, the Chair shall designate alternate members, if present, to sit in their places, in accordance with RSA 673:11.
 - 2. In order to ensure that each alternate gets as much experience as possible, the Chair shall designate available alternates in an equitable fashion.
 - 3. Only a Board of Selectmen alternate representative shall sit in place of the ex-officio Board of Selectman member and shall have all the powers and duties of a regular member.
 - 4. An alternate designated to sit on the Board as a voting member for any reason shall have all the powers and duties of the regular member in regards to any matter under consideration on which the regular member is unable to act.
- K. Role of Alternate Members:
 - 1. To ensure that alternates are prepared to sit on the Board as a voting member as the need arises, they will prepare for and attend all meetings possible and may contribute to any deliberation. They will sit at the Planning Board table to hear all discussions.
 - 2. Alternate members may serve on the Planning Board as authorized by RSA 673:6. Alternate members shall participate in all meetings and deliberations of the board, excluding voting (unless appointed to vote in the place of a regular member as appointed at the meeting by the Chair). At all times, the chair shall fully inform the public of the status of an alternate present and identify the members who shall be voting on an application.

- L. If any regular member finds it necessary to be disqualified from sitting on a particular matter, he/she shall notify the Chairman as soon as possible so that an alternate can be designated to sit in his/her place. The disqualification shall be announced by the Chairman before the discussion or the public hearing begins. The member disqualified shall leave the Board table during all deliberations and public hearings on the matter.
- M. If uncertainty arises as to whether a Board member should disqualify him/herself, at the request of either that member or another member of the Board, the Board shall vote on the question of whether that member should be disqualified. Such a request and vote shall be made prior to or at the commencement of any required public hearing. A vote on a question of disqualification shall be advisory and non-binding, and may not be requested by persons other than board members.

IV. Duties of the Officers:

- A. **Duties of the Chairman:** The Chairman shall preside over all meetings and hearings; shall prepare, with the assistance of the Vice-Chairman, an annual report for the Town Report; and shall perform other duties customary to the office.
- B. **Duties of the Vice-Chairman:** The Vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters that come before the Board in the absence of the Chairman.
- C. **Chair Pro-Tempore:** In the absence of the Chair and Vice-Chair, the members present at any such meeting shall elect a Chair Pro-Tempore to preside over the meeting. The Chair Pro-Tempore shall have the full powers of the Chair for the purposes of the meeting.

V. Meetings and Voting:

- A. The Board shall regularly hold meetings on the first and third Tuesdays of each month, except that the Board may vote to hold only one meeting in a month or vote to set other dates.
- B. Special meetings of the Board shall be held at the call of the Chairman, or in his/her absence, by the Vice-Chairman, or at the request of three members of the Board provided public notice and notice to each member is given at least 48 hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting.
- C. All regular or special meetings of the Board shall normally be held in the Milford Town Hall. Any change of venue shall be posted in a public notice at least 48 hours in advance of the time of such meeting, unless circumstances dictate otherwise.
- D. Meetings of the Board shall normally commence at 6:30 PM, unless otherwise decided by a majority vote of the Board. The Board shall not begin deliberation on any items of new business later than 10:00 p.m. unless voted otherwise. The Board may continue to conclusion the public hearing of any item of new business begun prior to 10:00 p.m.

- E. Regular or special meetings of the Board may be recessed to a time and place as a continuation of said meeting without further notice.
- F. Non-public sessions shall be held only in accordance with RSA 91-A:3.
- G. A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular members.
- H. An affirmative vote of a majority of the members voting on a question shall be sufficient for adoption of the question. Members of the Board present may be counted to determine whether a quorum is present although they may abstain from voting affirmatively or negatively.
- I. All members are expected to vote on matters before the Board, including the Chairman, unless that member has recused him/herself. Abstaining from a vote is discouraged, unless the issue pertains to business which took place when the member was absent.
- J. When the vote on a question is evenly divided, the question shall be deemed to have been defeated.
- K. A motion to reconsider a previous vote of the Board shall be in order only if made by a member who voted with the prevailing side.

VI. Minutes and Records of the Board:

- A. Minutes of the Board meetings shall be kept in accordance with the provisions of RSA 91-A. Minutes shall be considered a summary of events and business transacted once approved by the Board with any corrections noted.
- B. Minutes of all meetings, including the names of Board members, persons appearing before the Board, and a brief description of the subject matter shall be open to public inspection within 144 hours of the public meeting, as required in RSA 91-A:2,II.
- C. Minutes shall be considered draft minutes until such time as the Board formally approves the minutes.
- D. The records of the Board shall be kept by the Department of Planning and Community Development, Town Hall, and shall be made available for public inspection during normal business hours.

VII. Conduct of Meetings

- A. Unless modified by a vote, the Board regularly conducts the following Order of Business:
 - 1. Chairman opens the meeting

2. Introduction and roll call of members; introduction of Town staff as applicable
3. Alternate members are seated, if needed, in order to establish at least a quorum
4. Approval of minutes of prior meetings
5. Correspondence to the Board not applicable to any application before the Board
6. Consideration of New Applications:
 - a. The Chairman shall conduct the hearing process for new applications in the following manner (when appropriate):
 1. Chairman reads application.
 2. Motion requested and made regarding determination of potential regional impact (RSA 36:54).
 3. Chairman asks for abutters names to be read with those present noted for the record.
 4. Planning Board determines if application is complete, and if so, a motion is requested to accept the application. If the Board determines that the application does not have sufficient information to proceed with consideration, a motion is requested to reject the application. The agent of the board will provide the applicant with the written reason for the rejection.
 5. If an application is accepted, the Chairman opens the public hearing, and the following parties are allowed to speak after being recognized by the Chairman:
 - a. Applicant or applicant's representative presents proposal.
 - b. Questions from the Board.
 - c. Questions from any abutters (abutter's name and address to be provided for the record).
 - d. Questions from the audience other than abutters (speaker's name and address to be provided for the record).
 - e. Applicant or applicant's representative responds to the above.
 6. Chairman closes the public hearing after determining that sufficient public input has been received. Any further public input at the current meeting or subsequent meetings will require that the public hearing be formally reopened.
 7. Chairman conducts Board discussion on the application. During this discussion period, no further public input will be allowed except as solicited

by questions from the Board or as points of order. The Chairman shall allow input from Town staff.

8. Board takes action on the application and makes a motion to either:
 - a. Approve the application.
 - b. Approve the application with conditions to be met specific to the development.
 - c. Motion to disapprove, with reasons
 - d. Motion to table, with reasons. If an application is tabled, additional notice is not required if the date, time and place of the continuation is made known at the time of tabling.

7. Consideration of Old Business.

8. Consideration of Other Business.

9. Adjournment.

- B. Correspondence specific to an application before the Board will not be read with the general correspondence, but rather during the public hearing on that application.
- C. Any documents presented during a hearing shall be submitted to the Board for inclusion in the official file and in the meeting minutes if applicable.
- D. The agenda order will be set by the Chairman in conjunction with consultation from the Planning Department staff, based upon Staff recommendation on the completeness of the application.
- E. The Chairman shall enforce such order and decorum as may be necessary for the sufficient conduct of the Board's business, guided by a desire to maximize public input on matters before the Board. The Chairman shall regulate discussion among Board members, but generally refrain from participating in the debate until after other members of the Board have spoken. However, the Chair should vote on issues before the Board, subject to Section V. above.
- F. Board members and members of the public shall address all comments and questions through the Chairman.
- G. The Chairman shall have the discretion to set reasonable time limits for presentation of, public input on or discussion about an application; and the discretion to cut off the discussion at any point during the hearing. Should any member wish the discussion to continue, the Chairman shall call for a vote of the Board and the majority opinion will carry.

VIII. Decisions:

- A. The Board shall render a written decision within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in RSA 676:4 (c)(1).
- B. Notice of decision will be made available for public inspection at the Planning Office, Town Hall, within 144 hours after the decision is made, as required in RSA 676:3. If an application is disapproved, the Board shall provide the applicant with written reason(s) for the disapproval.

IX. Joint Meetings and Public Hearings:

- A. The Planning Board may hold joint meetings and public hearings with other land use boards, including the Zoning Board of Adjustment, the Heritage Commission, and the Conservation Commission. Each board shall have discretion whether or not to hold such joint meetings or hearings.
- B. Joint meetings with other land use boards may be held at any time when called jointly by the chairmen of the two boards.
- C. A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibilities of the boards convened.
- D. The Planning Board chairman shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
- E. The rules of procedure for joint meetings and hearings, the subject matter which involves the Planning Board, shall be the same as these rules of procedure except that the order of business shall be as follows:
 - 1. Call to order by the Planning Board chairman.
 - 2. Introduction of members of both boards by the chairman.
 - 3. Explanation of the reason(s) for the joint meetings/hearing by the chairman.
 - 4. In the case of a public hearing relative to a requested permit or an application for a plan approval, or both, the applicant shall be called to present his proposal.
 - 5. The Chairman may then conduct the public hearing as normally conducted as for New Applications, Section VII.A.6.a.5,6 and 7, if appropriate.
 - 6. Adjournment.
- F. Each board involved in a joint public hearing shall make its own decision, based on its criteria for the particular matter.

X. Public Hearings and Work Sessions:

- A. The Planning Board shall follow the statutory provisions for holding all public hearings and work sessions on zoning amendments, changes in subdivision and site plan

regulations, master plan modifications, capital improvements plan, and other similar responsibilities.

- B. In voting on proposed regulation changes, zoning amendments, master plan modifications, or capital improvements plans, the Board shall consider each separate item and vote on adoption or disapproval of each proposal at the conclusion of the presentations of that item.
- C. In voting on citizen zoning amendment proposals, the Board shall vote to approve or to disapprove said proposal. If the Board should be evenly divided or if a motion to approve fails to receive a majority vote, the proposal shall be noted as being “disapproved”.
- D. In voting on regulation changes or staff proposed zoning amendments, the proposal shall be adopted or submitted to the voters for adoption only if approved by a majority vote.
- E. Worksession meetings of the Board shall be meetings of the Board to work on and study one or more selected topics.

XI. Site Walks:

- ~~A. A site walk is defined as a visit by the Board or a member of the Board to a location which is the subject of an application before the Board, where the visit is in the company of the owner or applicant, their agents or employees and involves going onto the property or visiting areas which are not customarily available for public inspection. This does not include a view of a site from adjoining public highways or other observations that can be made without entering on the property.~~
- ~~B. When the Board deems it necessary for the adequate consideration of an application, the Board shall request the applicant to allow a site walk by the Board.~~
- ~~C. When the Planning Board schedules a site walk for Board members, it shall be posted as a meeting of the Board in accordance with RSA 91-A.~~
- ~~D. Site walks are public meetings of the Board and the public is allowed to attend. The Chairman has the authority to maintain decorum and order on a site walk just as any other meeting of the Board.~~
- ~~E. The practice of an applicant directly contacting a member to visit a property without prior Planning Department notice shall be discouraged as an inappropriate course of conduct.~~
- ~~F. When the Board meets to consider an application, the Board and/or individual members of the Board shall disclose whether they have conducted a site walk on the location under consideration.~~

~~G. The Board shall refrain from making decisions on an application while on a site walk. Any comments, motions or direction to an application should be made at the public hearing.~~

A. A site walk is defined as a visit by the majority of the Board, thus constituting a quorum, to a location which is the subject of an application before the Board, where the visit is in the company of the owner or applicant, their agents or employees and involves going onto the property or visiting areas which are not customarily available for public inspection.

B. When the Board deems it necessary for the adequate consideration of an application, the Board shall request the applicant to allow a site walk by the Board. At their discretion, the Board may invite other land use boards to participate in the site walk.

C. The purpose of a site walk is to gather additional information to inform the Board's decision-making process. A site walk is an extension of the public hearing process but is only considered a public meeting.

D. When the Planning Board schedules a site walk for Board members, it shall be posted as a meeting of the Board, with meeting minutes recorded in accordance with RSA 91-A.

E. The Board shall refrain from making decisions on an application while on a site walk. Any comments, motions, or direction to an application should be made at the public hearing.

F. Site walks are public meetings of the Board and the public is allowed to attend. The Chairman as the authority to maintain decorum and order on a site walk just as any other meeting of the Board.

G. The practice of an applicant directly arranging for a member to visit a property without prior notice to the Board or Planning Department shall be discouraged as an inappropriate course of conduct.

H. On occasion, for example, when site walk scheduling conflicts arise, individual board members may visit a site with the owner/applicant's permission and accompaniment. The Right-to-Know law does not apply provided a quorum of the Board does not participate in the visit.

I. Viewing a site from adjoining public highways or observations without entering the property does not constitute either a site walk or a site visit.

J. If the owner or applicant refuses to grant permission for a site walk, the Board could deny an application for failure of the applicant to provide the Board with sufficient information. In

addition, if the applicant refuses access to the non-board public during a site walk, that also may be a basis for denial (without prejudice).

K. When the Board meets to consider an application, the Board members shall disclose for the record whether they participated in a site walk or conducted an individual visit to the location under consideration.

XII. Standards of Conduct:

- A. The primary obligation of Planning Board members is to serve the public interest, and to conduct themselves so as to maintain public confidence in the Planning Board and the conduct of its business.
- B. Members shall not directly or indirectly solicit any gifts or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, premises or in some other form), under circumstances in which it could be reasonably inferred that the gift was intended to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.
- C. To avoid conflict of interest or even the appearance of impropriety, any member who may receive some private benefit from a public planning board decision must not participate in that decision. The private benefit may be direct or indirect, create a material personal gain or provide an advantage to relations, friends, groups or associations that hold a significant share of the official's loyalty. An official with a conflict of interest must make that interest public, abstain from voting on the matter, and except as specified below, leave the table and podium area when the Board members deliberate and vote on a matter. Further, the Board member may not discuss the matter privately with any other Board member voting on the matter or otherwise communicate directly or indirectly with Board members regarding the matter in question so as to attempt to influence the vote on said question.
- D. In circumstances where the number of Board members who may not participate as a result of the provision in XII.C results in less than a quorum being able to participate in a given question, the abstaining members may be counted as "present" although they are not allowed to participate in anyway other than abstaining. A Board member who is participating only for the purpose of being counted for the presence of a quorum shall be entitled to sit at the table provided that he/she not participate, comment, or make any indication of his/her position.
- E. A Board member must not disclose or improperly use confidential information obtained in the course of his/her duties for financial gains or to further a personal interest.
- F. Notwithstanding the above restrictions, a Board member who has an interest in a plan before the Board may, after recusing himself/herself from the Board, exercise his/her rights as a citizen and address the Board on the issue under review.

G. Ex parte communications (written, verbal, electronic communications from or to a Board member concerning a pending application) impair the procedural due process rights of interested parties and undermine public confidence in the Planning Board. Board members shall refrain from initiating ex parte communications on any application. Any requests or inquiries by Board members should be made during public hearings or through appropriate town staff. Members receiving ex parte communications should refrain from responding (citing this section) and refer the party initiating the communication to the appropriate Town Staff. In appropriate circumstances, the Town Staff shall advise interested parties of the inquiry or attempted ex parte communication.

G.H. Complaints received from residents of the Town of Milford by individual Planning Board members that are unrelated to pending applications should be forwarded to the appropriate Town Staff and should be treated similarly to ex parte communications related to pending applications outlined in Section G above. Town Staff may provide the Planning Board at its next regularly scheduled meeting, a report concerning any actions taken toward the complaint depending upon its circumstances. The Planning Board Chairperson may at his/her discretion add an agenda item under Other Business to discuss the complaint.

H.I. All Board members share a responsibility to enforce adherence to the standards or conduct herein. If a member believes that one or more members may either by intention or inadvertence is in violation of these standards, he/she shall call that fact to the attention of the Chairman who shall in turn call it to the attention of the member in question. In the event of a dispute as to whether a member should or should not participate, the question shall be posed to the Board, as to whether the member in question should or should not participate. Such a vote shall be advisory and non-binding and cannot be requested by other than Board members.

H.J. All Board members are subject to the Town wide email policy.



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

STAFF MEMO

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

Date: October 25, 2021
To: Planning Board
From: Jason Cleghorn, Town Planner
Subject: *Amendments to the Subdivision and Site Plan Applications Fee Schedule*

Town Staff are proposing adjustments to various fees as part of the Office of Community Development's Subdivision and Site Plan Applications fee schedule.

Staff conducted research related to benchmarking amongst both towns of comparable population to Milford as well as researching all adjacent towns. Across the board, the research shows that the town's fees are consistently lower than both the towns of comparable population as well as our neighboring communities.

It's important to note, that comparisons of this nature are rarely 1:1 comparisons. The policy and procedures that each community performs to review and ultimately hear by their various boards are all different. Making comparisons of fees charged by differing communities can be difficult at best because of these factors.

As such, Town Staff have provided data to the Planning Board around these comparisons but would also like to add that the proposals are also made with an eye toward our own costs associated with each of the affected applications. Staff tried to make determinations on fee changes based not only on comparison with other jurisdiction but with our own experiences with each application and formulated an assessment of how much staff time Staff typically experienced with each type of application in an effort to get closer to cost recovery.

It is likely the case that even if these adjustments are approved that there will not be 100% cost recovery and some subsidization will likely occur. Communities are justified in approaching fees for planning related applications in this manner as there has historically been acknowledged that this is part of the service to the community that Planning and Community Development Departments typically provide.

Summary of the Fee Adjustments

- **Addition of a \$50.00 flat rate Notice Fee for most common applications** - This fee was based on the average cost of each application's notice fee in the Milford Cabinet. Currently the notice fee is paid out of the submittal fee. Often, the notice fees incurred by the town are more than we receive for the application without even considering staff time for review etc. The Town budgets yearly for notice related fees but often we go over the budgeted amount because of cost.
- **Increase in flat fee for Major Subdivision Applications from \$75.00 to \$100.00 (3-5 lots) and \$125.00 (>6 lots)**
- **Increase in the flat fee for Change of Use Site Plans from \$75.00 to \$100.00**
- **Increase in the flat fee for Minor Site Plans from \$75.00 to \$125.00**

- **Increase in the flat fee for Major Site Plans from \$75.00 to \$200.00** and introduces two ways to calculate fees for Major Site Plans, either by sf of disturbed areas for site plans for non-vertical construction or \$50.00 per 1000 sf for vertical construction.

The reason for this is that currently a 601 sf site plan would collect the same amount in application fees that a 200,000 square foot commercial or industrial building would. The level of review (and time incurred by town staff) for those two application scenarios is vastly different. Most communities that were researched do not base their site plan fees on area of disturbance but instead on the size of the building being constructed with a sliding scale which varies by jurisdiction. Current draft text would maintain the fee calculation for area of disturbance for non-vertical construction but would allow for an alternative calculation for vertical construction.

- **Increase in the abutter notification fee** from \$4.00 (the town by *practice* currently charges \$4.28) to reflect the current cost of a certified letter at the time of the application by the USPS plus \$1.00 towards processing time for town staff. It would become ***Current USPS Certified Letter Amount + \$1.00*** instead of a codified flat rate.

Having the notification fee track with current USPS rates does a couple things. It allows us to mirror those rates without having to change the fee schedule each year and it responds to an environment of frequent USPS rate changes. Adding the \$1.00 fee for processing attempts to capture the cost of the processing time of these notices which in some applications, is very time consuming.

SUBDIVISION APPLICATIONS

Type of Development Application	Fees	Abutter Notification
Discussion/Conceptual Review	\$75.00 Flat fee	N/A
Design review (preliminary plan)	\$75.00 Flat fee + \$25 per affected lot	Yes (see note #2)
Lot Line Adjustment	\$75.00 Flat fee + \$50 per affected lot	Yes (see note #2)
Minor Subdivision 1-2 new lots	\$75.00 Flat fee + \$25 per new lot <u>+\$50.00 notice fee</u>	Yes (see note #2)
Condominium conversions	\$75.00 Flat fee + \$25 per condo <u>+\$50.00 notice fee</u>	Yes (see note #2)
Major Subdivision 3-5 new lots	\$75.00 <u>\$100.00</u> Flat fee + \$50 per new lot <u>+\$50.00 notice fee</u>	Yes (see note #2)
6 or more new lots	\$75.00 <u>\$125.00</u> Flat fee + \$100 per new lot <u>+\$50.00 notice fee</u>	Yes (see note #2)
Mapping Fees Lot Line Adjustment	\$30.00 Flat fee	N/A
Subdivisions	\$30.00 per new lot	N/A
Reviews (see note #1) Subdivision Roads	\$75.00 Flat fee	N/A
Subdivision Drainage	\$75.00 Flat fee	N/A

SITE PLAN APPLICATIONS

Type of Development Application	Fees	Abutter Notification

Minor Site Plan - Change of Use No new construction or site disturbance	\$75.00 <u>\$100.00</u> Flat fee <u>+\$50.00 notice fee</u>	Yes (see note #2)
Minor Site Plan (less than 600SF of site disturbance) New structures, additions, Gravel / Earth Removal	\$75.00 <u>125.00</u> Flat fee + \$.05 per SF of site disturbance inclusive of additional building footprint <u>+\$50.00 notice fee</u>	Yes (see note #2)
Major Site Plan All non-residential uses	\$75.00 <u>200.00</u> Flat fee + \$.05 per SF of site disturbance <u>for non-vertical construction, \$50.00/1,000 s.f. for vertical construction + \$50.00 notice fee</u> inclusive of additional building footprint	Yes (see note #2)
Design review (preliminary plan)	\$75.00 Flat fee + \$.05 per SF of site disturbance inclusive of additional building footprint	Yes (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 <u>for non-vertical construction, \$50.00/1,000 s.f. for vertical construction + \$50.00 notice fee</u> inclusive of new footprint	Yes (see note #2)
Site Plan for gravel/earth removal <200K SF of site disturbance >200K SF of site disturbance	\$1,250.00 Flat fee <u>+\$50.00 notice fee</u> \$1,250 plus \$500/additional 100K SF of disturbance <u>+\$50.00 notice fee</u>	Yes (see note #2)
Reviews (see note #1) Site Plan Drainage	\$75.00 Flat fee	N/A
Miscellaneous Fees and Charges		
Type of Application	Fees	Abutter Notification
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 + <u>\$50.00 notice fee</u>	N/A
Regional Impact Hearings	\$25.00 Flat fee + advertising costs + <u>\$50.00 notice fee</u>	Yes (see note #2)
Gravel permit (annual)	\$50.00 Flat fee	N/A
Miscellaneous applications to Planning Board	\$75.00 Flat fee + <u>\$50.00 notice fee</u>	Call the office
Recording fees	To be determined	Call the office

Notes:

1. 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.

2. Abutter fees ~~\$4.00 per abutter~~ are the current cost of a certified letter/ mailing according to the USPS plus \$1.00 for processing by staff including abutting property owners, applicant and engineer. (Effective 7/1/17)

Milford Planning Fee Comparison

Municipality	Population	Site Plan Base Fee	Additional SP Fee	Major Subdivision	Lot Line Adjustment	Example 1 ac SP with 10K sf of disturbance/2K sf bldg	Charge per Abutter
Milford	15115	\$75.00	\$.05 per SF of disturbed area	\$75.00 + \$50.00 per lot (3-5 lots) \$75.00 + \$100.00 per lot (6 or more lots)	\$75.00 + 50.00 per affected lot	\$575.00	\$4.28
Hampton	15564	\$200.00	\$100.00/sf	300.00 + 100.00 per lot	\$200.00	\$400.00	\$10.00
Laconia	16476	\$200.00	\$50.00/1000 sf	\$200.00 + \$50.00 per lot (1-3) 75.00 per >3 lots	\$50.00	\$300.00	
Bedford	22535	\$250.00	\$100.00/1000 sf	\$250.00 + 100.00 per lot	\$100.00	\$450.00	\$4.11
Goffstown	18061	\$200.00	\$60.00/1000 sf up to 10000 sf	\$200.00 + 60.00 per lot	\$210.00	\$320.00	\$8.00
Exeter	15077	\$250.00	\$60.00/1000 sf of bldg	\$125.00 + \$50.00 per lot (1-3) 125.00 + 100 per lot >4 lots	\$60.00	\$370.00 if 2000 sf bldg on 1 ac lot	\$10.00
Hooksett	14289	\$500.00	N/A	\$500.00 plus 2,500 engineering escrow	\$250.00	\$500.00 + \$2500 engineering escrow	\$10.00
Averages (Pop)	16731	\$239.29			\$145.00	\$773.00	\$7.73
Other Towns:							
Amherst	11393	\$140.00	.15 sf of the building max 10K	\$210.00 + \$95/lot	\$100.00	\$440.00	\$7.00
Hollis	8006	\$200.00	0	\$75.00 per new lot	\$75.00	\$200.00	\$4.11
Lyndeborough	1683	\$250.00 per acre (disturbed area)	0	\$350.00 per lot	Abutter cost + cost of recording	\$57.39	\$15.00
Wilton	3677	\$500.00	.04 per sf	\$200.00 per lot	\$100.00 per affected lot	\$580.00	\$15.00
Brookline	4991	\$70.00		\$60.00 per lot	\$50.00	\$70.00	\$6.11
Averages (Adjac)	5950	\$227.50			\$75.00	\$269.48	\$9.44
Average both		\$233.39			\$110.00	\$521.24	\$8.59

	fee higher than Milford
	fee lower than Milford
	fee same as Milford

PLANNING FEE REVENUE BY FISCAL YEAR

FY 2021	FY 2020	FY 2019	FY 2018	FY 2017	FY 2016	Average
\$16,293.00	\$25,336.00	\$15,198.00	\$28,909.00	\$22,606.00	\$42,236.00	\$25,096.33

