

1 MILFORD PLANNING BOARD WORK SESSION MINUTES ~ DRAFT

2 August 6, 2019 Milford Town Hall, BOS Meeting Room, 6:30 PM

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4 **Members Present:**

5 Doug Knott, Chairman
6 Tim Finan, Vice Chairman
7 Janet Langdell, Member
8 Pete Basiliere, Alternate Member
9 Susan Robinson, Member
10 Jacob LaFontaine, Member

Staff:

Lincoln Daley, Community Development Director
Kellie Shamel, Planner
Darlene Bouffard, Recording Secretary

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12 **Excused:**

13 Laura Dudziak, Selectmen's Rep
14 Paul Amato, Member

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17 **1. Call to order:**

18 Chairman Knott called the meeting to order at 6:30 p.m. Introductions were made of Board members and
19 staff. It was noted that Pete Basiliere as an Alternate member will sit with the Board as part of the discussions
20 and will vote in the absence of Paul Amato.

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22 **2. Work Session:**

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24 a. **Stormwater Discussion** – In 2017 the town was invited to do the MS4 permit which requires the
25 town to adhere to its requirements. The MS4 requires a number of additional processes including
26 public outreach. The town is currently looking to develop two major documents and update the
27 stormwater regulations. Where does this fall – all agree this falls under the municipal code /
28 ordinances. Currently this falls under the ordinance; we may decide to move it or leave it where
29 it is. The focus on stormwater is on the pre- and post-construction need to adhere to the
30 requirements in the stormwater regulations. The new version of MS4 is required over 20,000
31 square feet disturbance, which is less stringent than what exists now. The new regulation is more
32 reasonable and it is for more major developments. The MS4 is a 10-year permit. The first year
33 was focused on development requirements. This is a Federal Permit that requires the town to
34 monitor stormwater.

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36 J. Langdell said Milford is showing that it is meeting the standards laid out by the Federal
37 government; Milford is meeting the Federal standards. L. Daley said the MS4 is to improve the
38 quality of the water entering the river. J. Langdell said the water utilities department has to have
39 a permit to discharge into the river. L. Daley said the MS4 permit requires the town to manage
40 the stormwater in Milford. The town needs to implement certain regulations and needs to do
41 annual reports to show the town meets the requirements. Public outreach was done this year to
42 monitor pet waste, for which the town sent postcards to all Milford property owners asking for
43 them to pick up pet waste. L. Daley said depending on the level, the MS4 towns need to adhere
44 to the requirements. J. Langdell said if Milford does not meet the rules/requirements, the town
45 would get fined. L. Daley said the intent of the MS4 is to improve the quality of the water.
46 Milford has to meet certain requirements and checklists. We have to meet the mandate. The
47 biggest change is what will be required of developers before construction. D. Knott said
48 construction costs could go up to allow for this monitoring; with more stormwater monitoring,
49 the threshold will be higher and the costs higher.

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51 J. Langdell asked what if there is a redevelopment of only 5000 sf? L. Daley responded that it
52 will require a Stormwater Management Plan (SWMP). The higher threshold and additional
53 compliance for developers in the community pre- and post- construction might cost more. L.
54 Daley said once the new regulations are adopted by the Town, they will go into effect. T. Finan
55 asked what other local communities are MS4? L. Daley said Milford became an MS4

56 community back in 2003, the new update was 2017; Milford is are part of a group that are MS4
57 communities. J. Langdell said last time, Wilton was not MS4 but now they are MS4. P.
58 Basiliere asked if this is nationwide? L. Daley knows of it in MA and NH. P. Basiliere asked
59 what this costs the town? L. Daley said a couple hundred thousand dollars. Along with this
60 process, Milford received a grant to video the pipes in Town and record the condition and state of
61 them, this was done last year for around 40,000 linear feet of mapping and there are 35,000 linear
62 feet yet to do this year. That is an asset management process for Milford and shows the condition
63 of the pipes which is related to the SWMP for the town. J. Langdell asked if there was an issue
64 with stormwater mapping with the sewer system causing a problem? L. Daley said there might
65 have been an issue in the past but it was rectified and they got a new permit. In ten years it will
66 cost the town about \$500,000 for the MS4. Some towns are hiring a consultant to do this work.
67 J. Langdell said the coalition that is bringing towns/people together has saved time and they
68 assist with certain things like public outreach.
69

70 T. Finan asked how that get done for the budget? L. Daley said each year there are different
71 requirements, so it is addressed through the budget. P. Basiliere said if we monitor performance
72 of contractors or developers, is that in the budget? L. Daley said if it is through a development,
73 we can recover those inspection costs by using an expert. But data collection and monitoring is
74 on the town. D. Knott asked how that works, when an inspector has to check on stormwater?
75 How is it monitored? L. Daley explained the town goes out to look and we budget year to year
76 based on the requirements. P. Basiliere asked who checks the outflow, in the ordinance, the town
77 puts a fee for those services. L. Daley explained we have a third party consultant for stormwater
78 drainage and the contractor pays for that. The plan is that once the MS4 gets included in the
79 regulation and ordinance, it will then come to the Planning Board for review and approval. J.
80 Langdell asked if the development regulations and zoning ordinance will be adjusted? L. Daley
81 said the regulations and the ordinance; the question is where else does it need to be incorporated.
82 The MS4 is actually in the health section of the ordinance. The other part might go into the
83 development regulations. Town Counsel previously recommended that it stay in the health
84 ordinance.
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86 J. Langdell asked if maybe we will go one year without any Planning Board changes to the
87 ordinance? L. Daley said we might have solar ordinance tweaks and we might want to talk about
88 stormwater structures within the buffer area, right now that requires Special Exception from the
89 Zoning Board. J. Langdell said that came up on Spaulding Street and it might be worth a work
90 session to discuss that. L. Daley noted if a developer cannot put the drainage anywhere else, they
91 need to show the Planning Board and prove that it cannot be anywhere else. J. Langdell said that
92 needs to be in the development regulations. It needs to be outside of the buffer unless there is no
93 way to do that. P. Basiliere asked how would the Planning Board know there are no other viable
94 options? L. Daley responded that the Planning Board could ask if it could be treated another
95 way, such as with rain gardens around the property. Between staff and consultants, we need to
96 look at other alternatives. J. Langdell said that is why staff needs to be clear in the staff memo as
97 to what has been looked at. D. Knott asked if melted snow is considered stormwater? At what
98 point does the chloride level get addressed? It is a stormwater issue and it is a becoming a big
99 problem in more regions causing them to look at chloride levels. L. Daley said we can include
100 measures in the subdivision development regulations. The details of the stormwater regulations
101 need to be ironed out, we can incorporate chloride as a manageable measure. D. Knott noted that
102 private contractors get blamed for chloride use, but towns, state and Federal operations all use it
103 all the time. L. Daley said using brine is a way to minimize the use of salt. The town must
104 adhere to its own regulations as far as stormwater management. D. Knott said that topic is
105 becoming more of an issue. L. Daley indicated we should all be using the same regulations. J.
106 Langdell said the towns and municipalities do not follow their own rules but the MS4 is a Federal
107 rule that towns have to follow.
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- b. **Waiver Request.** Town Planner Kellie Shamel asked for feedback about requiring abutter notification for any waiver requests. Sometimes when applicants submit an application, they do not realize a waiver is required and during staff review it is found that a waiver is necessary but the date has already passed for abutter notification. How does the Board feels about this? L. Daley said to think about being an abutter that finds out there is a multiple lot subdivision going in nearby and there are several waiver requests that you did not know about. That abutter is at a disadvantage because there was no notice sent to abutters for the waiver request. J. Langdell said the waiver request should come in when the application is dropped off; she feels there should be notification. L. Daley asked what if something is found during the design review, when the abutters are there and find out a waiver is required? J. Langdell said we have to notify the abutters so that they are aware of what is being requested.

T. Finan said if there is a special reason why we need to do a waiver before the next scheduled meeting the Planning Board can always have a special meeting and notice the abutters which was just recently done. All members were in agreement that abutters should be notified for a waiver request. L. Daley said the notice is just the description of the waiver, if everything is posted on line and that includes the waiver requests, is that sufficient notice for abutters? J. Langdell thinks the waiver request needs to be notified to the abutters. All agreed that the extra notice for waiver requests should be sent to the abutters. L. Daley said if the Planning Board wants more justification for the waiver, it can ask for it. P. Basiliere said we should also not accept waiver applications right before the meeting, the Planning Board needs to have ample notice when there is a waiver request submitted. K. Shamel said that in Merrimack there were very few times when the waiver was brought the night of the meeting and the Planning Board took the time to review it and then make a decision, but not that night. J. Langdell said the bottom line is we want the applicant to come in prepared.

3. Discussion / possible action regarding other items of concern:

- a. **Community Development Updates** – L. Daley explained a parking subcommittee meeting was held last week, it is open for business owners and property owners. They sat down to have the first meeting; the focus was looking at opportunities to locate employee parking. Another discussion was business owners that expressed a desire to not contribute to any parking facility. There was lack of interest in helping to pay for a solution. J. Langdell said in Manchester there are some new parking lots that are private/public in the city. They are built by private investors with the hope of making some money by leasing out parking spaces. L. Daley is not sure about that model for Milford. This was just the first meeting and it was for general discussion. J. Langdell said if it is something important that people want to pay for parking, they will. D. Knott has to pay to park in other towns and he just does it.

4. Adjournment. The meeting was adjourned at 7:50 p.m. on a motion made by T. Finan and seconded by P. Basiliere. All were in favor. Motion passed unanimously.

Signature of the Chairperson/Vice-Chairperson: Date: _____

MINUTES OF THE MEETING WERE APPROVED