

1 MILFORD PLANNING BOARD WORK SESSION MINUTES ~ DRAFT

2 December 7, 2021 Board of Selectmen Meeting Room, 6:30 PM

3
4 **Members Present:**

5 Doug Knott, Chairman
6 Tim Finan, Vice Chairman
7 Paul Amato, Member (Via Zoom)
8 Pete Basiliere, Member
9 Janet Langdell, Member
10 Elaine Cohen, Alternate Member
11 Dave Freel, Selectmen's Rep

Staff:

Jason Cleghorn, Town Planner
Darlene Bouffard, Recording Secretary

12
13 **Excused:**

14 Susan Robinson, Member

15
16 This meeting was conducted pursuant to the State of New Hampshire Emergency Order #12 pursuant to
17 Executive Order 2020-04. As such, the meeting was conducted in person and on zoom.

- 18
19 **1. Call to order:** Chairman Knott called the meeting to order at 6:30 p.m. indicating that tonight is a Work
20 Session for the review of the 2022 Capital Improvements Committee report and for review of proposed
21 zoning amendments and town regulations; he explained that the Board should allow J. Cleghorn to review
22 the proposed reviews amendments and then follow up with any questions from the Board. D. Knott asked
23 that E. Cohen vote in the absence of S. Robinson.
24
- 25 **2. CIP Public Hearing:** P. Basiliere, CIP Chairman, referred to Lincoln Daley to summarize the CIP. L.
26 Daley indicated that this CIP hearing has been properly posted. P. Basiliere explained the CIP Committee
27 came to the Planning Board with a draft report and once corrections were made, it was brought to the
28 Planning Board for referral to the Board of Selectmen for approval. After the BOS reviewed, it was
29 found the Library Trustees had been given the wrong information for the expenditure of the Library Trust
30 funds. Additional clarification was gathered and not much has been changed, but Lynn Coakley, Library
31 Trustee, is here to answer any questions.

32
33 D. Knott asked for a quick overview of the CIP. P. Basiliere explained the CIP Committee evaluates
34 Capital Expenses that Department Heads have identified in order to help the Board of Selectmen to level
35 the impact on the town tax rate. This could be for any capital expenses and the CIP Committee measures
36 the merit of each item requested and looks out five years in order to balance the expenses to keep the tax
37 rate more balanced. J. Langdell asked if \$325,000 will still come from the Library Trust? L. Coakley
38 said yes it will. J. Langdell asked if the amount has changed at all? L. Coakley said that information is
39 not available to the Trustees; her understanding is the Trustees are only able to spend the interest from the
40 Trust fund. The Trustees are willing to commit \$325,000 to the HVAC system and upgrade to the
41 Library. The next project would be the plumbing upgrade, the Trustees had committed more toward the
42 bond than it was able. J. Langdell asked if it is still the original trust? L. Coakley said she does not
43 believe so, the Trustees are going through that right now; that will not be known until after the Warrant
44 Articles are posted. L. Daley said in 2022, there were 8 projects submitted by Department Heads and
45 Administration. They were looked at for immediacy and need and also for what year it was applied.

46
47 The projects were rated by the CIP Committee members and then the 8 projects identified were then
48 reviewed. T. Finan asked about school projects. L. Daley said the school has a facility committee that is
49 reviewing their identified projects. At this point when the CIP was prepared, the School was still
50 prioritizing those projects. D. Knott asked if school projects are part of the town CIP? L. Daley said in
51 the future, the Committee is hoping to make that become a part of the town CIP. The school had been
52 part of this CIP in the past. J. Langdell said the school's ability to forecast has not been there for the past
53 few years. T. Finan said the School Board might be looking at a \$2 million project in 2022 but that has
54 not been voted on yet. L. Daley said this is the first public hearing on the CIP.

55
56 J. Langdell asked if the HVAC for Town Hall has been fully engineered? L. Daley said no, they have
57 spent \$25,000 so far, but it has not been fully engineered. T. Finan said that system is substantially more

58 expensive than initially thought. Back in 2019 there was a Warrant Article for the same amount, we
59 might want to take a look at that so it does not appear you are looking for the same amount. L. Daley said
60 one project was moved up from 2024 to 2022 because there are not a lot of projects coming into 2022.
61 There are other projects related to 127 Elm Street that could be moved forward if the building is razed. P.
62 Basiliere said the (127 Elm Street) building is dilapidated and it is a safety issue for people in the area and
63 would be good to take down. The Board of Selectmen was given a preliminary list of Warrant Articles,
64 and they voted not to support 127 Elm Street or the sidewalks which means they will not go on the
65 warrant unless it is through petition. D. Freel will not support razing 127 Elm Street unless another
66 estimate is received or we consider having town staff (DPW) take care of it. P. Amato agrees with D.
67 Freel that \$400,000 is a lot to raze a building.
68

69 D. Knott opened the hearing to the public for comment or questions. L. Coakley encourages support for
70 the sidewalk projects, she drives that road every day and this section of sidewalk is where people are
71 walking on the road. J. Langdell said the Nashua Street sidewalks are not on the Warrant this year so the
72 town lost out on that. Seeing no comments or questions from the public, D. Knott closed the public
73 portion of the hearing. T. Finan moved to accept the CIP report as amended and move to the BOS for
74 approval. J. Langdell seconded. All were in favor. Motion passed.
75

76 **3. Work Session:**

77 a. **Subdivision and Site Plan Application Fee Schedule.** J. Cleghorn and L. Daley have
78 discussed these fees since the last work session. T. Finan asked what is the philosophy of
79 changing the fees? J. Cleghorn said he is not a numbers person to speak to that, L. Daley
80 said the application fee should cover the proposed plan review and mailing to abutters.
81 The abutters must be notified by statute and staff is finding that the fees for public notices
82 in newspapers have gone up and the department is paying more and more because of that;
83 mailing costs have increased as well. Staff involved in the process are not paid through
84 the fees, it is a service and it is along the lines of what the department provides, but the
85 increase in fees charged should be reflected in an increase in the fees paid for by
86 applicants. L. Daley said the applications that come before the Planning Board are just a
87 small part of what the Community Development Department does. T. Finan said the staff
88 should be paid wages by taxes through the budget not through fees
89

90 T. Finan asked how the inspectors are paid? L. Daley said currently there is one full time
91 inspector and two part time inspectors, paid through the budget. D. Freel said this fee
92 structure is only covering Planning Board applications? L. Daley said no, this fee
93 structure is for Planning and Zoning applications, not building permits or inspections. J.
94 Cleghorn suggested even if the notice fees were increased, that would help. L. Daley said
95 the \$50 fee for public notice should definitely be addressed, ever since COVID, the
96 notice itself has increased in size to address the new process, which is more costly.
97

98 There was discussion on Lot Line Adjustments (LLA) fees and why it is more expensive
99 for additional lots, consensus was to keep the LLA at \$50 for the affected lot. The
100 department averages 3 Planning Board applications per month; after an analysis was
101 done, it was found the newspaper notice averages about \$230 per month so it was decided
102 to add \$50 per application for just the notice. The abutter's fees are required by statute
103 and are different than the public notice, sometimes there are 100 abutters and then
104 sometimes there is only one; those are a different fee than the notice. Staff is proposing
105 to have the fee to be the current cost of certified mail plus \$1 because there is time
106 involved in that mailing. The change in the fee will be worded to say it is the current cost
107 of certified mailing plus \$1 so that it does not need to be updated every time postage
108 increases. D. Freel questioned if the application fee (\$75) included that notice? Was a
109 portion of the \$75 originally for that notice? L. Daley said the \$75 only goes toward staff

110 time for review of the application. D. Freel said the fees should not be to cover the labor
111 of staff, that is in the budget. J. Cleghorn said the cost of notices has gone up
112 substantially. L. Daley said the \$75 helps to cover a portion of the cost for staff review of
113 the application, there is a lot of back and forth between staff and applicants, this is to save
114 money because it goes in the General Fund. D. Knott asked if we can just increase the
115 fee that includes the notice fee and not break it down. P. Basiliere asked when this fee is
116 paid? L. Daley said it is paid when the application comes in. L. Daley agrees with
117 combining the fees in one amount and have a note that explains what is included. P.
118 Amato thinks \$50 per affected lot for LLA should be \$25 per affected lot. P. Basiliere
119 asked about the condo conversation, why is that more? J. Cleghorn explained a condo
120 conversion is actually a subdivision plan, since the units are privately owned as lots.

121
122 J. Cleghorn asked if there is consensus on keeping the application fee the same? D. Knott
123 said he is ok with application fee of \$75 and adding a \$50 notice fee. All members
124 concurred. P. Basiliere would like to see some comparisons of site plan costs to look at
125 so the Planning Board can vote on these fees. D. Knott asked how much in taxes are paid
126 with added space and how many jobs are added, we need to look at that to consider how
127 any improvements help the town grow. P. Basiliere is not sure that an analysis can be
128 done. J. Cleghorn asked what would the Board like compared? P. Basiliere asked for
129 staff to go back in time and compare how the fees would be different with these new
130 proposed fees. L. Daley said J. Cleghorn has provided a proposed fee structure, the town
131 fees are actually on the low side, compared to other towns. D. Knott asked for a
132 consensus of the Board. P. Amato said some towns talk about incentives to get people to
133 come to their town. L. Daley said the town did adopt RSA 79E that corresponds to a 5-
134 10 year tax exemption on the increased taxes on an improvement to the building. That
135 was one incentive that Hitchiner took advantage of. D. Freel said maybe 3-4
136 comparisons would be fine. J. Cleghorn will pull together those number for the Planning
137 Board to consider in January. Consensus of the Board was that the abutter notification
138 change in fees is fine.

139
140 P. Basiliere asked if the Board could ask the gentleman in the audience what he is waiting
141 for on the agenda? L. Daley said that is Mike Vignali, who is here for the Storm Water
142 regulations discussion. P. Basiliere requested that the storm water regulation be taken out
143 of order. D. Knott asked if Post and Publish for the ordinances needs to be done on this
144 evening? J. Cleghorn said there are certain things that need to go forward tonight,
145 specifically the Zoning Ordinances; the Storm Water discussion is not required for
146 tonight and is on the agenda under Other Business. L. Daley said the storm water
147 discussion will take about 15 minutes, it is more for the Planning Board to understand
148 this process and will require BOS approval if it is a town ordinance, not a zoning
149 ordinance. D. Knott continued on the agenda as printed.

150
151 **b. Zoning Amendments.**

152
153 **Article 6 Wetlands Conservation District.** J. Cleghorn said through discussions, staff
154 removed the request for buffer. That has been revised. All the changes as requested by the
155 Planning Board have been made and he is looking for the Planning Board to Post and Publish
156 on those changes. T. Finan moved to Post and Publish Article 6 for Wetlands Conservation
157 District. E. Cohen seconded. All were in favor. Motion passed.

158
159 **Article 7 Solar Collection Systems.** J. Cleghorn said at the last meeting the Planning Board
160 asked for this to go back to 750 square feet; all requested corrections have been made

161 including definitions. J. Langdell asked if “Community Use” was taken from the Model
162 Ordinance, because it was not defined. L. Daley understands that it applies for a group of
163 residences. J. Cleghorn understands it as a smaller grouping than the town. L. Daley was
164 referring to the table that references a group doing a solar grouping. J. Cleghorn said we
165 only added “Community Use” on the Board’s recommendation. L. Daley thinks it does not
166 belong in Milford’s ordinance, we should not add that. L. Daley agrees to take out
167 “Community Use”. P. Amato said we are just trying to have 750 sf for any ground mount. J.
168 Langdell said we should take it out if it is based on the model ordinance. J. Cleghorn said we
169 should be safe if we remove that. D. Freel moved to Post and Publish as amended. T. Finan
170 seconded. All were in favor. Motion passed.
171

172 **c. Gravel and Earth Removal Regulations.** J. Cleghorn indicated the only change from
173 the last version of this regulation was the amount of the permit which went from \$50.00 to
174 \$100.00, it is just this one administrative change. J. Langdell moved to get this to a public
175 hearing. D. Freel seconded. All were in favor.
176

177 **d. Planning Board Rules and Procedures.** J. Cleghorn said at the last meeting there were
178 some minor changes requested that have been made. J. Langdell asked that staff have
179 town council take a look before moving forward on this. All members concurred.
180

181 **4. Other Business:**

182 **Stormwater regulations** – Mike Vignale, KV Partners, the town storm water vendor has
183 assisted with revising these regulations and is here to answer any questions the Board may have.
184 M. Vignale responded to the RFQ for stormwater regulations; explaining a lot of what is here is
185 an update for basic standards. The MS4 regulations are specific and reflected in the regulations.
186 The MS4 is a Federal Program overseen by the EPA. A lot of this is what you have had before.
187 Water quality and quantity is the result, this update mostly focuses on quality of water. This is
188 for surface water. Something that increases the flow has to be reported to the town. A detention
189 basin for example.
190

191 J. Langdell asked who reports that for the Reserve? D. Knott asked about open space
192 developments that have detention basins? L. Daley said the town is responsible for monitoring
193 things. M. Vignale assists the town and we tried to keep the regulations as simple as possible,
194 with the water quality enhancement features. The water quality enhancements is reported to the
195 EPA and will have a positive impact for the town. L. Daley said any disturbance over 20,000 sf
196 gets reported; we are trying to avoid single family homes being built with this type of affect. P.
197 Amato asked what is the required to trigger an AOT? M. Vignale said that is 100,000 sf of
198 disturbance. There is also a waiver process, the Planning Board has jurisdiction on the threshold.
199 D. Knott asked why the threshold is only 20,000 sf? L. Daley explained the MS4 requires the
200 town to capture project that require storm water requirements and not be overly burdensome. M.
201 Vignale said the town is at 5000 sf right now. P. Amato noted this is burdensome for the areas
202 Milford is getting into now. D. Knott asked what does this cost? L. Daley said we are not there
203 yet; there is a burden for staff for additional reports and making sure the systems are complying.
204

205 J. Langdell asked about any NRPC input? L. Daley said that Milford is part of the collation. J.
206 Cleghorn said these are good discussions but it is a policy thing, the government leaves those
207 decisions to the policy makers. J. Langdell asked what that discussion is about, are other
208 communities are doing this? J. Cleghorn can look into that. M. Vignale said each community is
209 making their own choice. J. Langdell is thinking in general. D. Knott asked about salt use, is
210 that part of the MS4? J. Cleghorn said that is part of it and we need to address the issues. M.
211 Vignale added that some towns are using different products. L. Daley said we are talking with

212 the new DPW director and how to take care of roads. D. Knott said salt is the most effective way
213 to deal with the roads in winter. M. Vignale said the stormwater regulations have nothing to do
214 with the salt going on the roads. This has to do with developments in town.

215
216 P. Basiliere asked how these regulations affect the average home owner? M. Vignale said the
217 Community Development staff are more affected by this than the owners. EPA is all about the
218 water quality, it is not a huge burden to owners. P. Amato asked how much more work is it for
219 the town to keep track of all this information? L. Daley said we have to do it no matter what. D.
220 Freel asked if we can pick the number we want? L. Daley said we are talking about 20,000 sf;
221 right now anything over 5000 sf is affected, we are just changing that size. L. Daley said there is
222 currently a driveway being constructed that requires a storm water management plan. P. Amato
223 asked if anyone said the water quality is bad because of this? L. Daley said this is to improve the
224 water quality, but we have to do this no matter what. M. Vignale said there is a list of impaired
225 water in the State. J. Cleghorn said we will continue to work to refine the draft document, right
226 now we will add section numbers. Tonight we wanted to introduce the Planning Board to this
227 regulation and get it on the radar.

228
229 If members could take a look and come up with questions, there is a meeting on Friday to talk
230 about this and we are going through to get this to the BOS. L. Daley said this is a Town
231 ordinance, so the BOS needs to adopt it after holding the two public hearings. The Planning
232 Board needs to support it before sending it to the BOS. J. Cleghorn added that a lot of what is in
233 this regulation is because of the MS4 and the Town has to adopt something. This year, this
234 regulation needs to be adopted, by June 2022. M. Vignale said there is a significant fine if the
235 town is not in compliance.

236
237 **5. Upcoming Meetings:** The next meeting is December 21, 2021 – Public Hearing.

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239
240 **6. Adjournment.** The meeting was adjourned at 8:45 p.m. on a motion made by J. Langdell and seconded
241 by D. Freel. All were in favor. Motion passed unanimously.

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243
244
245 _____ Date: _____

246 Signature of the Chairperson/Vice-Chairperson:

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248