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4 **Members Present:**

5 Doug Knott, Chairman
6 Tim Finan, Selectmen’s Rep
7 Elaine Cohen, Member
8 Susan Robinson, Member
9 Susan Smith, Alternate
10 Pete Basiliere, Member
11 Paul Amato, Member (via Zoom)

Staff:

Terrey Dolan, Town Planner
Andrew Kouropoulos, Videographer

12
13 **Excused:**

14 Janet Langdell, Vice Chairman (arrived 7:55 pm)
15 Darlene Bouffard, Recording Secretary

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17
18 **1. Call to order:** Chairman Knott called the meeting to order at 6:30 p.m. indicating that tonight
19 there is one application that was continued at the February 21, 2023 meeting. Susan Smith was
20 asked to vote in the absence of Janet Langdell this evening. Planning Board members and staff
21 were introduced by D. Knott. P. Amato is attending via zoom this evening therefore there will be
22 a roll call vote.

23
24 **2. Public Hearing:**

- 25 a. **Application for Major Site Plan Amendment SP2023-01**, Adam Vaillancourt Roofing and
26 Construction, LLC for the commercially-zoned (5.026 acre) property located at 15 Stoneyard
27 Drive, located at Tax Map 43, Lot 69-1. This Public Hearing shall be for the requested approval of
28 a proposed addition of a new 4,000 sq. foot auxiliary garage with required associated parking
29 spaces. A total of 45,000 sq. feet of land disturbance (1.03 acres) is proposed for the site. A new
30 3,200 sq. foot rain garden is also proposed to aid in stormwater treatment. **(Continued from**
31 **February 21st 2023 Planning Board Mtg)**

32
33 Earl Sandford of Sandford Surveying was representing the applicant and indicated the biggest issue
34 at the last meeting was getting more accurate elevations for the plan, which were just provided this
35 evening. A cupola was added to the elevation as suggested at the last meeting as well as two
36 windows on each side. More lighting was added to provide adequate lighting as well. Light fixtures
37 were added on the building, that are downlit as was requested; said lighting should not affect the
38 traffic on Route 101. The closest building to this sight is over 300+ feet away. In the winter time
39 when vegetation is low, there will be visibility to this site as any residents in the proposed apartment
40 complex drive in or out of that site. D. Knott asked if that apartment complex is a potentially
41 proposed project? E. Sandford said that is correct, if this potential project happens; the distance
42 from residential to this commercial site has ample separation.

43
44 D. Knott said if that potential apartment project is approved, it will be built after the Vaillancourt
45 project is complete; E. Sandford agreed and agreed it is not tied to tonight’s proposal in any manner.
46 E. Sandford said he is looking for additional feedback on the stormwater management. Sheet 5 of
47 8 has the notes regarding stormwater; language has been added to address the MS4 requirements.
48 E. Sandford has met with the Milford Engineer. E. Sandford said this is new territory for Milford,
49 but he understands what is coming down the pike and the applicant wants to follow the
50 requirements. The Notes on Sheet 5 address those requirements. Earl noted the inspection and
51 maintenance for this site has always been done in house with an NOI (Notice of Intent) since it was
52 over an acre. Those records are kept on site in case a Federal Agent came on site, all the records
53 can be checked, for erosion control after any major storms. At the last meeting, E. Sandford felt
54 the application was very close to a conditional approval and he is unsure how that will be worked
55 out.
56

57 D. Knott stated the Planning Board was concerned with all of the “shalls” provided by the Town
58 Engineer that the Board was not accustomed to seeing, and quoting (town) documents that the
59 Board was not accustomed to seeing. Earl noted he had difficulty in finding the regulations on-line
60 since they were in several places on the website and the numbering did not line up with what was
61 quoted by the Town Engineer. It was there, and there is an ordinance that the Engineer was speaking
62 to, that had that the language in it, it was just a matter of education, but there are still some areas
63 that are not well defined such as the escrow. D. Knott asked how much will that cost the owner?
64 E. Sandford said that is what they are asking. D. Knott asked if the Town Engineer is here tonight
65 and if so, would she please step up.
66

67 Town Engineer, Dawn Tuomala stepped up to the Board table. D. Knott asked if the applicant and
68 she have spoken and worked out the requirements, to which she responded they have and she has
69 read through all the Plan Notes and is satisfied with them. Since the Stormwater Ordinance just
70 passed in December 2022, Dawn stated there are a lot of moving parts that need to be created as a
71 result of that and she has been trying to work on that and the escrow is one of those things. In this
72 particular case, Dawn stated it will not be extravagant. T. Finan asked if the ordinance gives the
73 Planning Board the ability to request an escrow or does it require it? D. Tuomala said it is an
74 ordinance so it is required; it is more than just a regulation. T. Finan seemed to recall that it said
75 the Town had the option to do that. D. Tuomala is still working through that. D. Knott asked if
76 there is a guess at how much it will cost the property owner? D. Tuomala said they are working
77 that out and a final cost has not been identified. D. Knott asked if it is a hundred or a thousand?
78 D. Tuomala said her guess is it would be between \$1,000 and \$2,000 for this job, it does not get
79 looked at every day. D. Knott was asking about the annual inspections? D. Tuomala said that is
80 not the town, that is the owner who can do that themselves or hire someone with the check sheet to
81 look at whatever BMPs they have on the lot; the Engineer will create a check sheet for them and
82 they will go through to check everything on that sheet. D. Knott confirmed they don’t have the
83 town go out to inspect? D. Tuomala agreed, they do not have the town go out, but the owner is
84 required to provide the reports whenever they do the inspections and that’s what the Operations
85 Plan will create and once a year those reports will be submitted to make sure their operations are
86 working properly.
87

88 D. Tuomala indicated the only inspections the Town needs to go out to do is the inspections while
89 they are under construction. P. Basiliere asked if this is a new practice or have times and
90 requirements changed? D. Knott said the site contractor used to do this. D. Tuomala said the laws
91 have changed and she will get into a little of that when she has her MS4 Stormwater Presentation
92 after this applicant presentation. The law has changed and there are different requirements today
93 than there were even a year ago. P. Basiliere said so they may not have had that expense originally?
94 E. Sandford said at that time there was discretionary language and Fred Elkind would always give
95 his input at that time but he cannot think of any site plan where the client was charged. D. Knott
96 asked if this is the same as what the contractor would have to do? E. Sandford said they still have
97 to do that and it is a matter of how much oversight is necessary from the town? E. Sandford said
98 clearly in the right of way there is oversight, but in the new regs it states “any stormwater” in MS4.
99 There was discussion on the size of the disturbance. D. Knott said the Board wanted to see
100 additional design elements and get clarity on the MS4 stormwater requirements. T. Finan noted he
101 likes the architectural provided tonight much better. D. Knott asked if Paul Amato had anything
102 to add? P. Amato thinks it is fine. P. Basiliere is not opposed to the project but he wants to make
103 sure the Board is getting it right. At the last meeting on this application there were a lot of items
104 in the Engineering report that had to be done, do we have a document that says that the requirements
105 previously identified are not necessary? When P. Basiliere is looking at the staff comments, it does
106 not seem to negate what was seen at the last meeting.
107

108 Dawn Tuomala, Town Engineer, stated she was reviewing the notes as she walked in tonight, and
109 everything that she identified as “shall” is included in the notes on the plan, so she is happy with
110 that. Did she write anything, no, because she did not get anything until she walked into tonight’s
111 meeting. D. Knott stated so the Town Engineer is satisfied with what Earl Sanford added to the
112 plan in the notes since the last meeting. T. Dolan said he is also happy that the notes are on the

113 plan as well. T. Finan indicated there might be some procedure items that still need to be worked
 114 out; essentially this is the test case. D. Knott noted that the Board also does not want the
 115 applicant to be saddled with something after the fact. T. Finan stated that the items that still need
 116 to be worked out should not hold up the applicant.
 117

118 Seeing no further comments or questions from the Board, D. Knott opened the hearing to the
 119 public, asking that they state their name and address. Seeing no comments or questions, D. Knott
 120 closed the public portion of the meeting. S. Smith asked if the Board will just waive the escrow
 121 portion of the ordinance since we have no specifics? T. Dolan said that needs to be worked out.
 122 T. Finan asked how the condition would be worded in a motion? D. Knott does not think there
 123 needs to be conditions, since they satisfied everything. Earl Sanford put “as needed” on the plan
 124 regarding the escrow, since he was not sure what would be needed. T. Dolan stated that setting
 125 up Escrow accounts is a standard part of the Town process when an engineer needs to be hired to
 126 perform certain inspections, that the payment is drawn from that Escrow account financed by the
 127 owner. T. Dolan said if the funds set up in Escrow are not fully utilized, those funds are returned
 128 to the originator after project completion. T. Finan asked if staff identified the cost expected? T.
 129 Dolan said either that or a projected cost estimate by the consultant that does the work on the
 130 town’s behalf. T. Finan said that would not come to the Planning Board previously? T. Dolan
 131 that is correct.
 132

133 P. Amato added that the escrow is more applicable on a much larger plan that has a lot more
 134 sophisticated stormwater requirements; this is a very small addition to this site plan. It would be
 135 expected if a town road was being proposed or a subdivision. P. Amato asked Earl if he kept it
 136 under 100,000 sf so an AoT was not required? Earl responded no, that was the 2018/19 site plan
 137 when it was capped at 99,000 because we did not want to get an AoT, but not with the huge
 138 success of the business, the State looks at it as a whole when it goes over 100,000 sf. P. Basiliere
 139 feels that the approval of the AoT from the State should be a condition of approval, it is in the
 140 Staff notes. P. Amato noted that if the AoT approval is listed as a condition, then the plans can’t
 141 be signed until the AoT is officially approved. That could hold up any construction progress, P.
 142 Amato is aware that there are many contractors that will not move forward with a plan until the
 143 AoT is approved, because that is not worth the trouble. T. Finan indicated that is good to point
 144 out. Earl Sandford stated there is no intent of doing any construction until the AoT is approved.
 145 D. Knott said there is no reason to hold up the applicant; if they don’t get the approval they will
 146 be held up anyway. P. Basiliere said it will not hold them up. D. Knott disagreed, reminding P.
 147 Basiliere of what Paul Amato just said, that it WILL hold them up, we can’t sign the plans. There
 148 is no point in holding them up for something like that.
 149

150 T. Finan said Paul Amato just stated they will not start without the AoT approval. Either way,
 151 Paul Amato re-stated the applicant will not start without an approved AoT because if the State
 152 changes something, the way Earl designed it versus the way they want it designed, that has to get
 153 dealt with and he does not think that needs to come back to the Planning Board. D. Knott asked
 154 Paul Amato if he feels that should be a condition? Paul Amato said he does not believe that
 155 needs to be a condition of approval for the Planning Board to have an approval for a Site Plan.
 156 Paul Amato thinks the Board can approve this, the Planning Board can sign the plan and when
 157 they get the AoT and if it is different, then the as-builts of the plan will be forwarded to the Town
 158 at that time. Usually, the AoT makes only minor changes. D. Knott asked for a motion.
 159

160 T. Finan moved to approve the Major Site Plan Amendment SP2023-01 for Vaillancourt Roofing
 161 and Construction as presented. E. Cohen seconded. A roll call vote was taken: P. Amato yes; P.
 162 Basiliere yes; S. Robinson yes; S. Smith yes; E. Cohen yes; D. Knott yes. Motion passed. Earl
 163 Sandford thanked the Board for their time. D. Knott reminded audience members that the
 164 meeting started a little late since there was a page missing from the packets, normally meeting do
 165 not start late.
 166

- 167 **b. U.S. Environmental Protection Agency’s Municipal Separate Storm Sewer System (“MS4”)**
- 168 **Program Overview-** Presentation by Town Engineer, Dawn Tuomala, P.E. presented the

169 Stormwater Management Municipal Separate Storm Sewer System (MS4) 2017 NH MS4 Permit
 170 (updated January 6, 2021). D. Tuomala explained this will be a 30,000 ft overview of MS4
 171 regarding the Town Ordinance approved in December 2022. This ordinance was previously passed
 172 in 2017 and updated in December 2022. This is the Municipal Separate Storm Sewer System
 173 (MSSSS) or MS4 under EPA for water treatment. Milford falls under the small storm system. This
 174 is a permit with the EPA for five years; there needs to be time for the public to speak to this
 175 requirement. The towns became somewhat lax in the first years until 2013 when a NH Coalition
 176 group fought the EPA on this. The Coalition sued the EPA. NH and MA are two of five states that
 177 have requirements that are written for them. D. Tuomala could not remember the other two states.
 178 July 1, 2018 is when the MS4 Permit began. For the past five years, Milford has been building up
 179 what satisfies the requirements, now the town needs to get into some heavier lifting. S. Smith asked
 180 if Milford is no longer under the EPA on this? D. Tuomala said no, it was asked by the Governor
 181 for the town to have assistance from the EPA on this, each time a permit is sent out the work ramps
 182 up and there are no waivers.

183 Most of NH does not need to deal with MS4, most areas affected are centralized in Southeast NH.
 184 NH Lower Merrimack Valley is where Milford falls. There are two different coalitions in NH and
 185 the two groups try to share strategies and templates/forms. Everything that drains to the Merrimack
 186 River is what DES has assisted with and they attend all of the Coalition meetings and assist with
 187 creating templates to help one another. Every couple years, a report must be submitted to the EPA
 188 which is done by DES. If the State of NH took this over, the entire state would be looked at. The
 189 urbanized area in Milford were presented and D. Tuomala guarantees that the area has probably
 190 expanded since the last census and ultimately this water all ends up in the Souhegan River.

191 The Notice of Intent (NOI) was created originally and a Stormwater Management Plan, both of
 192 which have been done, now we need to update them before June 2023. In the past 3 years,
 193 Merrimack was audited randomly and had to produce the requested documents and the EPA also
 194 did some testing; Dawn noted it was not a pleasant experience. A 19-page letter was submitted to
 195 Merrimack that stated what the town of Merrimack “shall” do. One big item is to always comply
 196 with schedules/deadlines. If these need to be changed, change them. The EPA will work with the
 197 towns to a certain degree but they also want this work to be done.

198 D. Tuomala introduced the flyers she has created in response to the MS4 requirements, these are
 199 town recommendations not requirements and are available now in Town Hall, DPW, Milford Fire
 200 Department and at the Wadleigh Library if they allow them. To save money, the flyers are being
 201 given out at different town gatherings and when dogs are registered, the point is to get the word out
 202 to residents. An example of stormwater that went bad in Merrimack, was shown to members, to
 203 identify that this was in a small subdivision with small lots and the water almost made it to Baboosic
 204 Lake. If a stormwater issue gets the attention of the Town Engineer, that is not good. The size of
 205 the lots does not matter, a good contractor could be used but a really bad storm comes and
 206 complicates the stormwater flow, which results in the example shown. D. Knott understands what
 207 occurred in this example. D. Tuomala noted that this example could have been controlled at its
 208 point of origination and kept up to date, and there would not have been a problem. Bottom line for
 209 Dawn is that lot size is not always the only criteria, soil types, slopes, etc, are also factors when
 210 developing lots.

211 The Board thanked Dawn for the presentation and welcomed her to Milford.

212 **3. Other Business:**

213 D. Knott asked for any other business. J. Langdell came to the meeting about 7:55 p.m. The
 214 Envision Milford committee met last night, and she asked Pete Basiliere, as Moderator, if the
 215 Envision Milford postcards could be passed out at the election on March 14? P. Basiliere stated
 216 he can designate an area outside of the polls to have those items given out, it would be difficult
 217 due to space, but they can also be handed out outside. J. Langdell asked if there are members
 218 available that could take care of that at the election? S. Robinson asked where they would be
 219 located, if it is inside she is willing to assist. S. Smith asked if a committee member could assist?
 220 J. Langdell said yes she will look into that.

