

**FLETCHER'S PAINT WORKS SUPERFUND SITE  
LAND USE RESTRICTIONS TOWN ORDINANCE**

Adopted on July 8, 2019 by the Town of Milford Board of Selectmen (hereafter "Board")

**I. AUTHORITY AND PURPOSE**

Pursuant to RSA 147:1, Local Regulations, the Board adopts Land Use Restrictions on two Town owned parcels (Lots 25-12 and 25-13) in consultation with the United States Environmental Protection Agency (US-EPA) and New Hampshire Department of Environmental Services (NH-DES) to be entitled, "Fletcher Land Use Restrictions."

Objectives of the Fletcher Land Use Restrictions are:

- A. To prevent the disturbance of portions of Lot 25-12, and 25-13 without first notifying the U.S. Environmental Protection Agency (EPA) and the New Hampshire Department of Environmental Services (NHDES).
- B. To protect the public health and safety by preventing exposure to, and the possible spread of, contaminated soils that remain in place under the capped portions of Lots 25-12 and 25-13.

**II. PERMITTED LAND USE AND PROHIBITED ACTIVITIES**

- A. The use of Lot 25-12 shall be limited to recreational use only.
- B. There shall be no disturbance of the surface or subsurface by, including but not limited to, filling, drilling, excavation, removal of top soil, riprap, gabion basket retaining wall, storm water retention basin, planting or cultivating, or change in the topography in any manner on Lot 25-12 without first contacting the EPA and the NHDES, except for the area designated as a "vegetative restoration/planting area", which is located outside of the engineered soil cover. Refer to the attached Site Restoration Plan – Elm Street Area, and the As-Built Plans, Elm Street Area (sheets 1-3).
- C. There shall be no disturbance of the surface or subsurface by, including but not limited to, filling, drilling, excavation, removal of top soil, riprap, planting or cultivating, or change in the topography in any manner of that portion of Lot 25-13, that is currently located outside of the fenced-in area without first contacting the EPA and the NHDES, except for the area designated as a "vegetative restoration/planting area" ", which is located outside of the engineered soil cover. Refer to the attached Site Restoration Plan – Elm Street Area, and the As-Built Plans, Elm Street Area (sheets 1-3).

**III. EMERGENCY PROCEDURES**

In the event of any emergency or condition (e.g., storm/erosion, and or flood event) that may result in significant risk of harm to human health from exposure to contamination from the Elm Street Area of the Fletcher's Site (Lot 25-12), the Town of Milford, as the property owner, shall immediately notify the EPA and the NHDES. The contact information is provided below.

US Environmental Protection Agency  
Office Of Site Remediation and Restoration  
5 Post Office Square  
Boston, MA 02109-3912  
(617) 918-1205

Milford Municipal Code - Title 5 Health & Safety  
Chapter 5.34 Fletcher Site Land Use Restrictions Ordinance

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NH Department Of Environmental Services  
Hazardous Waste Remediation Bureau  
29 Hazen Drive  
Concord, NH 03302-0095  
(603) 271-2905

**IV. ADMINISTRATION**

The provisions of this Fletcher Land Use Restrictions Ordinance shall be administered by the Board acting through the Health Officer.

**V. ENFORCEMENT**

The Board shall be responsible for enforcement of the provisions of this Fletcher Land Use Restrictions Ordinance.

**VI. EFFECTIVE DATE**

This Article shall become effective upon passage. This Fletcher Land Use Restrictions Ordinance shall remain in effect until the cleanup goals required under CERCLA decision documents for the Fletcher's Paint Works Superfund Site are achieved. The Town shall consult with the EPA and NHDES before modifying or terminating this Fletcher Land Use Restrictions Ordinance.

Adopted July 8, 2019



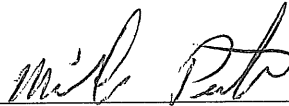
Gary Daniels, Chairman, Board of Selectmen



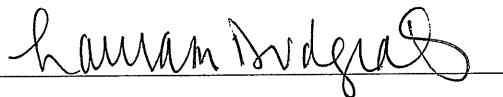
Paul Dargie, Vice Chair, Selectmen



Chris Labonte, Selectman



Mike Putnam, Selectman



Laura Dudziak, Selectwoman