

Town of Milton
424 White Mtn Highway
Milton NH, 03851



Planning Board
PO Box 310
(p)603-652-4501
(f)603-652-4120

2/2/21
Meeting Minutes
6:30 PM

Present Members: Jon Nute, Larry Brown, Joe Michaud, Lynette McDougall, Bob Graham, Ryan Thibeault

Absent Members: Brian Boyers (Excused), Matt Morrill (Excused)

Staff Present: Bruce Woodruff, Town Planner; Julius Peel, Land Use Clerk

Members of the Public: Paul Steer

I. Call to Order: Ryan Thibeault is seated as the Chair in place of Brian Boyers.

Meeting Called to Order at 6:37PM with a Roll Call.

II. Remote Meeting Notice:

Bruce Woodruff reads the remote meeting notice as written on the agenda.

III. Public Comment:

Paul Steer joined the meeting to inquire how the board operated Zoom with hopes of presenting the information to the School Board.

IV. Proposed Changes for the Subdivision Regulations and Site Plan Regulations:

Proposed Site Plan Regulation Changes

Bruce W. explained that there were a few locations that he wanted to alter in both the Subdivision and Site Plan regulations. Bruce explained that some of these changes are required by the NH MS4 permits while the others are changes that he is recommending to keep up with technological demand. The Planning Board referred to the edited document that has the proposed edits.

Proposed change 1: Parking Lot Design Criteria. **Where feasible,** ~~every effort shall be made to use~~ pervious parking surfaces shall be employed as an alternative to impervious asphalt or concrete for ~~overflow~~ parking areas. Pervious paving areas can be used to

Town of Milton
424 White Mtn Highway
Milton NH, 03851



Planning Board
PO Box 310
(p)603-652-4501
(f)603-652-4120

facilitate groundwater recharge and reduce the need for curbs and gutters as drainage features.

Proposed change 2: MS4 requirements to change ~~Water Resources Standards~~ to **Storm Water Quality Standards**.

Proposed change 3: F2 Stormwater management. Add “Snow and Salt Storage areas shall be covered and...,” Requirement of the MS4 Permit. Jon Nute questioned the need to have snow storage covered. Bruce explained that for Site Plan applications that have receiving waters, this requirement would prevent the runoff. It is also a portion of the MS4 Permit. Bruce explained that they could separate the snow and salt storage section of the site plan regulations and mandate that snow storage be away from the receiving waters.

Proposed change 4: Correction under F to snow correct location in the document.

Proposed change 5: Correction under G. This would include NH Des Stormwater Manual, Vol. 1-3, 2008. He also noted to reference the NHDES website for further information.

Proposed change 6: Include “Disturbed area of greater then 1 acre.” Underneath the Stormwater management and Erosion Control Plan Requirements. Section A, Roman Numeral IV.

Proposed change 7: Storm Water and Erosion Control Plans. This alteration adds correct terminology and references the correct date. Final, January 2000, **and** is included to replace the existing ~~or~~. Section B, of this references the EPA Phase II Storm Water Rules as amended.

Proposed change 8: Retention Structures includes the references the EPA Phase II Storm Water Rules as amended.

Proposed change 9: Plan Approval and Review section. Add “and a” which removes “Or Other.” This change is suggested to include a professional along with the conservation commission at the expense of the applicant.

Proposed change 10: Section F of As-Build Plans. Inclusion of **Compliance**.

Town of Milton
424 White Mtn Highway
Milton NH, 03851



Planning Board
PO Box 310
(p)603-652-4501
(f)603-652-4120

Proposed change 11:Miscellaneous Standards. Addition of a new section. Internet Access Design and Layout. Section A.

5) Internet Access Design and Layout.

a) All new commercial developments shall design, layout and install underground conduits or reserve space on specialty and/or utility poles for high-speed wireline and/or wireless data communication access infrastructure.

Bruce asks that the board review them and come to the next meeting with ideas on these changes.

Proposed changes to the Subdivision Regulations:

Bruce notes that the town attorney recommended a change under the General Requirements section of the requirements. This paragraph reads as following under section E,

The subdivider shall further provide a written acknowledgement from all providers of utility services (electric, telecommunications, gas, water, etc.), approved as to form by Town Counsel. Said acknowledgement shall acknowledge each utility's obligations to pay real and personal property taxes for use of any public rights-of-way associated with the subdivision, provide for the indemnification of the Town for injury and damages associated with said utility use of said public rights-of-way, and identify the name of all utilities sharing, and poles or conduit located within the street or utility system for which acceptance is sought.

Bruce: Technology has surpassed the regulations and for the community to properly prepare for this it needs to change. Larry Brown: The board has struggled to maintain these regulations previously. Joe Michaud confirmed this and noted that the town had gone to court over this topic.

The board agrees that there will be a public hearing to go over these and confirm their final thoughts after review.

V. Review/Approval of Minutes: January 19th Meeting Minutes

Town of Milton
424 White Mtn Highway
Milton NH, 03851



Planning Board
PO Box 310
(p)603-652-4501
(f)603-652-4120

***Joe Michaud motions to accept the minutes of January, Seconded by Lynette McDougall. The vote is approved unanimously with Ryan T, and Bob Graham abstaining. The motion passes approving the Minutes.**

VI. Other Business:

Brian Boyers noted the expiring of board members.

VII. Planner's Comments:

Bruce noted that he had been working with the NHDOT to review the early parts of the design to review the community bridge project. Bruce is still currently working with the NH DOT and ME DOT to review the costs of the program. The Municipal agreement signed by the BOS allows for a 10% increase in costs but might have to review in the future which could further delay the project start. Bruce Woodruff explained that NH DOT has not reached out to the town in over 10 months so confirming all of the logistics is a challenge. Steer asked about the size of the bridge, and Bruce explained that meetings with the public will ultimately lead that discussion. Garage Way might be a good example for what it might look like, however. Steer also asked about the chance of the bridge being a covered bridge. Bruce explained that would be a good recommendation for the public hearings that will occur.

VIII. Adjournment:

***Joe Michaud motions to adjourn, Seconded by Larry Brown. The vote is approved unanimously. The Motion Passes adjourning the meeting. ***

1) Parking Lot Design Criteria.

- a) To ensure safe pedestrian circulation, angle parking shall not be permitted except in a village area where angle parking is the previously accepted practice. Only 0-degree (perpendicular) or 90-degree (parallel) parking spaces shall be provided.
- b) A minimum eight (8) foot wide planting median shall be provided between adjacent rows of parking. One (1) shade tree shall be provided per each forty (40) feet length of planting median. The maximum number of continuous parking spaces permitted shall be eight (8). A minimum ten (10) foot wide landscape island shall be provided to break up continuous parking areas. Each landscape island shall contain a minimum of one (1) shade tree.
- c) The purpose of locating the parking lot to the rear and/or side of the principal structure is to avoid the “sea of parking” look common to many new commercial developments. This provision ensures that the building is the focal point of the development and allows for better pedestrian access from the street and a longer throat length (driveway length) to facilitate access.
- d) Parking to the rear and the side allows for full emergency service vehicle access to the entire structure, as access to the front of the structure is from the roadway.
- e) Parking lot location is especially important in historic rural town centers, as most buildings are traditionally facing the street.
- f) One shrub per 200 square feet of paved parking and access drive area shall be provided within the planting median and landscape islands. At least 40% of such shrubs shall be evergreen.
- g) A minimum 5-foot wide pedestrian path shall be provided throughout the site, connecting adjacent streets, sidewalks and parking area(s) to the entrances of all structures. Pedestrian paths shall be marked by accent strips of brick, concrete block or textured paving materials to define pedestrian walkways and crosswalks. Pedestrian paths may be incorporated with accessible routes as required by the Americans’ with Disabilities Act, as amended.
- h) Parking areas shall be screened from view using landforms, vegetation and/or fences of a design in keeping with the surrounding area.
- i) Islands with trees or landscaped basins should be added to visually breakup large areas of asphalt. The beds should be below the parking lot grade to capture the rainwater. This will add water for the plants and help groundwater recharge. For small rural parking lots, such landscaping standards may be unnecessary, especially where existing trees surrounding the site are preserved as a landscape buffer.
- j) A pedestrian path through the parking lot provides safe and attractive route to a commercial development.
- k) ~~Where feasible, Every effort shall be made to use pervious parking surfaces~~ **shall be employed** as an alternative to impervious asphalt or concrete for ~~overflow~~ parking areas. Pervious paving areas can be used to facilitate groundwater recharge and reduce the need for curbs and gutters as drainage features.

B. Landscaping Standards

- 1) Purpose. The intent of landscaping regulations is to achieve a high-quality site appearance, to assure design compatibility, to direct character and form, to conserve water, and to enhance the overall value of the community. The purpose of specific provisions contained in these regulations is to:

- a) Enhance the aesthetics of nonresidential and multifamily developments
 - b) Create a pedestrian-friendly environment
 - c) Break up the mass of buildings and impervious areas
 - d) Soften architectural and structural materials
 - e) Provide screening of service structures (dumpsters, etc.)
 - f) Enhance the public or private streetscape
 - g) Provide visual and climatic relief from broad expanses of pavement and define areas for pedestrian and vehicular circulation
 - h) Control airborne particulates such as soot and dirt
 - i) Provide buffers between incompatible land-uses or sites
 - j) Retain as much of the original vegetation as possible and incorporate into site design
 - k) Encourage preservation and enhancement of community character
- 2) Landscaping Plan. A landscaping plan shall be submitted with each application for ~~major~~ site plan review showing existing and proposed features, and the locations of all plant materials. A plant schedule shall accompany the plan, indicating the botanical and common names, size, quantity, and description for all proposed plants. Existing trees, shrubs and plant beds to be retained shall be described. Landscape plans shall incorporate water conservation planting techniques and hardy plant materials. The landscaping plan shall incorporate the following:
- a) All setbacks and areas of open space as required by the Zoning Ordinance shall retain existing natural features or be landscaped as required by this Section. Natural features and existing native vegetation should be retained where possible.
 - b) Existing non-native invasive plants (including grasses, shrubs and trees) shall be removed and destroyed.
 - c) Existing healthy mature native trees (6" caliper or greater) shall be retained as practical and incorporated into the overall landscape plan.
 - d) No loam or other topsoil shall be removed from the site as part of site development. Topsoil shall be appropriately stockpiled and stabilized for redistribution within new planting areas.
 - e) Existing topography shall be maintained wherever feasible. Those areas that shall be disturbed shall be replaced with a minimum of 4" of suitable topsoil either from the stockpile or off-site and then be replanted with grass seed, sod or other vegetative groundcover.
 - f) Revegetated areas shall be replanted with hardy native species appropriate to the site.
 - g) Dead vegetation shall be promptly replaced, based on standard seasonal planting practices with healthy living plants in all required landscape areas. All planting areas shall be landscaped with a combination of climate tolerant plant material and protective ground cover. Bare soil is not permitted.
 - h) All proposed plantings shall be appropriate for the soils, weather and environmental conditions of the site. Attention shall be paid to potential road salt and other deicing chemicals. Plant materials shall be of specimen quality conforming to the American Standards for Nursery Stock (ANSI Z60.1-1980 or later revision) and shall be guaranteed for at least one and one-half years.
 - i) Side slopes shall not exceed thirty-three (33) percent (3:1 slope), and shall be appropriately stabilized with loam and seed,

- hydroseed, sod, ground cover or mulching materials.
- j) Existing landscaping, trees and planting materials to be retained shall be protected as necessary during construction to avoid damage.
 - k) Tree wells over 6 inches deep or other landscape features that have the potential to present a falling hazard to the public shall have grates, fences or other protective measures installed.
 - l) All trees where required shall be welled and protected against change of grade. m. A minimum of twenty (20%) percent of land shall remain in its natural state or be maintained as appropriately landscaped area. Undisturbed wooded areas may be included in this calculation.
- 3) Planting Requirements. The purpose of planting requirements is to enhance the long-term survival prospects of the plant materials used in site landscaping. These standards are also meant to ensure that the benefits of site landscaping (buffering, aesthetic enhancement, erosion control, etc.) are realized as early after planting as possible. The following standards for planting requirements shall apply:
- a) Planting holes for trees shall be at least two to three times the width of the rootball and shall be no deeper than the container. Shrubs shall have a planting hole three to five times the width of the rootball and shall not be deeper than the rootball itself.
 - b) Evergreen trees shall be hardy with a minimum 6-foot height at planting, full and well branched, unless otherwise specified by the guidelines. Evergreen trees are typically planted in groups of a minimum of three trees, diagonally spaced according to the species requirements.
 - c) Evergreen shrubs shall be a minimum of 2½ feet high at planting, full and well branched, unless otherwise specified by the guidelines.
 - d) Deciduous or flowering shrubs shall be planted at 3½ foot height, full and well branched, unless otherwise specified by the guidelines.
 - e) Ground cover shall be a low growing plant, other than turf or grass, which forms a continuous cover over the ground surface.
 - f) All local and state requirements for setbacks and sight distance shall take precedence for selection and placement of landscaping features, as applicable. g. Plant materials shall be massed for maximum effect.
 - g) Front yard landscaping area may contain any of the following:
 - i) Public utility easements and open surface drainage easements shall not occupy more than thirty (30) percent of the required landscape area.
 - ii) Mechanical installations may be used, if they do not encroach more than five (5) feet into the required landscape area. Such equipment shall be 100% screened with landscape material from any view from a public right-of-way, pedestrian walkway, or off-site area requiring buffering.
- 4) Shade and Street Trees (including street/sidewalk trees). All final applications shall meet the following standards for shade and street trees:
- a) Shade trees shall be hardy, drought and salt tolerant, 12 feet tall at planting and deciduous. Such trees shall be planted at 2½ to 3-inch caliper.
 - b) Shade trees shall be required along streets, parking and drives as specified in these regulations.

- c) Street tree areas shall be planted in a continuous fifteen (15) foot wide strip parallel to the lot frontage.
- d) One evergreen tree shall be included for every 15 feet of lot line, and one shade tree for every 40 feet of lot line, spaced not less than twenty (20) feet apart. Trees may be clustered.
- e) The placement of shade and street trees shall incorporate berms, fences and walls as necessary.

D. Buffering

- 1) General Requirements. All non-residential and multi-family residential sites shall provide for a residential buffer conforming with the requirements of this Section.
- 2) Residential Buffer Dimensions.
 - a) A continuous residential buffer, having a width of not less than 20 feet, shall be provided.
 - b) Structures, pavement, utility construction, signage and similar hardscape improvements shall not be permitted to encroach on any residential buffer unless specifically permitted by the Planning Board.
- 3) Design Requirements for Residential Buffers. In general, the design intent for residential buffers shall be to diminish the effects of the more intensive use of nonresidential and multi-family sites on abutting residential properties. To achieve these goals, applicants of proposed non-residential and multi-family residential sites may select one or more of the following options for development of affective buffering:
 - a) Retention of Existing Vegetation and Forest Canopy. In cases where existing forest exists along a boundary subject to the residential buffering requirements of this section, existing, healthy forest canopy and associated under story vegetation may be used to fulfill the requirements of this section. In cases where existing vegetation is insufficient to provide for an effective visual screen, the Planning Board may require supplemental landscape plantings for the purposes enhancing the natural buffering capabilities of the native vegetation.
 - b) Use of Fencing. An applicant may elect to erect a continuous length of solid fencing of a type and style acceptable to the Planning Board. Fencing used to fulfill this requirement shall not be less than six feet in height, nor impede proper sight distances at intersections of driveways and streets. In cases where applicants elect to utilize this option, a minimum of one deciduous or evergreen shrub, with a minimum height and diameter of eighteen inches, shall be planted along the face of said fencing at a spacing not to exceed an average of one shrub per 10-feet of fence.
- 4) Screening of unsightly site features
 - a) General screening requirements. Refuse storage areas, stockpiled materials, tractor trailers used for storage and other unsightly materials and objects situated on any non-residential or multi-family residential site subject to review and approval under these regulations, shall be located to be out of view from abutting properties and public streets where possible. In cases where such positioning is not possible, those items shall be effectively screened. A minimum screening shall be achieved by use of landscape plantings, fencing or enclosures of a height at least as tall as the item or items to be screened

- b) Screening requirements for loading and receiving areas. Loading docks and receiving areas shall be situated to be out of view from abutting properties and public streets where possible. Where such provisions are not possible, the applicant shall propose a method of screening and buffering acceptable to the Planning Board.

E. Shoreland Protection

- 1) As required by RSA 483-B, Comprehensive Shoreline Protection Act, all land located within 250 feet of the reference line of public waters must adhere to the following:
 - a) Where existing, a natural woodland buffer must be maintained.
 - b) Tree cutting limited to 50% of the basal area of trees, and 50% of the total number of saplings in a 20-year period.
 - c) A healthy, well-distributed stand of trees must be maintained.
 - d) Stumps and their root systems must remain intact in the ground within 50 feet of the reference line
- 2) Maintenance and Replacement of Landscaping.
 - a) Landscaping shall be maintained in good condition. The property owner will remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified, and approved by the Board.
 - b) Avoid replacing landscape materials in the period from November – March.
 - c) A permanent water supply system may be required, as necessary (sprinklers or hose bibs).
 - d) A maintenance bond to cover the cost of replacement plant materials and maintenance equipment shall be provided for one year after the date of site plan approval.
 - e) A note shall be provided on the Site Plan stating: “All conditions on this Plan shall remain in effect in perpetuity”.
- 3) Street/Site Furniture. Site furnishings include benches, waste receptacles, planters, railings, and bollards. Visual consistency of these elements is desired throughout each development. All components of outdoor site furniture shall be low maintenance, highly durable and resistant to vandalism and theft. In most cases, the provision of street furniture is optional, except in cases involving public or private parkland, or when the proposal in question is located on street with sidewalk frontage, when it may be required.
 - a) Outdoor Seating Standards.
 - a. Outdoor seating shall be comfortable, attractive, durable and easy to maintain.
 - b. Locate benches at major building site entryways, drop-off areas, transit stops, pedestrian courtyards and plazas.
 - c. Attempt to locate benches in areas that receive sunlight, are sheltered from winds in the winter and are shaded in the summer.
 - d. Where seating is fixed, provide a variety of arrangements (both linear and grouped), which accommodate two to six persons.
 - e. Benches shall face towards areas of interest and not towards the roadway.
- 4) Planter and Waste Receptacle Standards.
 - a. Design planters and waste receptacles to coordinate with other furniture
 - b. Use materials and colors similar to those used for benches and other outdoor furniture

- 5) Tree Grate Standards. Use tree grates to prevent excessive soil compaction and to add interest to the pavement. Choose tree grates that are fabricated of a strong, durable material. In areas which receive heavy pedestrian traffic, tree guards may be appropriate to give added protection to young trees.

F. Storm Water Quality ~~Water Resources~~ Standards

- 1) Water Quality Protection. All aspects of the application shall be designed so that:
 - a) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters.
 - b) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, shall meet the standards of the New Hampshire Department of Environmental Protection (NH DES), Water Supply and Pollution Control.
 - c) All projects of such magnitude as to require a storm water permit from the NH DES shall comply with the standards of the NH DES with respect to the export of total suspended solids and/or phosphorous. If the project does not require a storm water permit from the NH DES, it shall be designed to minimize the export of phosphorous from the site to the extent reasonable with the proposed use and the characteristics of the site.
- 2) Storm water Management. Adequate provisions shall be made for the collection and disposal of all storm water that runs off proposed streets, parking areas, roofs, and other surfaces. All construction activities, regardless of the area of disturbance, shall meet the following performance guidelines:
 - a) An undisturbed buffer shall be retained around all wetlands and surface waters as required by the wetland ordinance.
 - b) All storm water treatment areas, such as treatment swales, detention and retention areas, and mitigation areas, shall be planted with grasses, shrubs and/or other plantings sufficient to prevent soil erosion and to promote proper treatment of the proposed runoff.
 - c) Buildings, streets, parking lots and other construction shall be located out of the post-development flood plain to reduce construction and post-construction drainage problems.
 - d) Buffers may be used for greenway trails, and the creation of storm water wetlands.
 - e) Snow and salt storage areas shall be **covered and** located such that no direct discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater.
 - f) The plan shall attempt to retain storm water on the site using the natural flow patterns of the site. Effort shall be made to utilize natural infiltration best management practices (ie. bio-retention areas and expanded engineered swales). However, artificial infiltration best management practices (ie. infiltration trenches) shall be permitted with an acceptable maintenance plan as required in Section ~~E~~. **F. 3 & 8**, below.
 - g) Measures shall be taken to control the post-development peak rate of runoff so that it does not exceed pre-development runoff for the 2-year, 24-hour storm event and for additional storm event frequencies as specified in the design criteria of the **NH DES**

~~Stormwater Management Manual, Vol. 1-3, 2008 August 1992, as amended, a copy of which is available on the NH DES Website from the Planning Board.~~

- h) The applicant shall demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, such as flooding and erosion of stream banks and shoreland areas.
 - i) Priority shall be given to preserving natural drainage systems including perennial and intermittent streams, wetlands, swales, and drainage ditches for conveyance of runoff leaving the project area. The biological and chemical properties of the receiving waters shall not be degraded by the storm water runoff from the development site. The use of oil and grease traps in manholes, onsite vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development storm water discharges into a gravel aquifer area or other water supply source, or a great pond.
 - j) The design of the storm water drainage system shall provide for the disposal of storm water without damage to streets, adjacent properties, downstream properties, soils and vegetation.
 - k) The design of the storm drainage systems shall take into account upstream runoff which shall pass over or through the site to be developed and provide for this movement.
 - l) Whenever practical, natural vegetation shall be retained, protected or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.
 - m) Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance.
 - n) The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than 30 days shall be stabilized.
 - o) Measures shall be taken to control erosion within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Wetland areas and surface waters shall be protected from sediment.
 - p) Off-site surface water and runoff from undisturbed areas shall be diverted away from disturbed areas where feasible or carried non-erosively through the project area. Integrity of downstream drainage systems shall be maintained.
 - q) All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 days unless conditions dictate otherwise.
- 3) Storm water Management and Erosion Control Plan Requirements.
- a) The applicant shall submit a storm water management and erosion control plan to the Planning Board for any tract of land being developed or subdivided, where one or more of the following conditions are proposed:
 - i Construction or reconstruction of a street, road or parking lot.
 - ii A subdivision of more than three building lots.
 - iii Disturbed critical areas or slopes greater than 15%.
 - iv Disturbed area of greater than 1 acre.

- 4) Storm water and Erosion Control Plans shall meet the following requirements and / or show the following information:
 - a) The plan shall be in compliance with the EPA Phase II Storm Water Final Rules, January 2000, or as amended.
 - b) All measures in the plan shall meet as a minimum the Best Management Practices (BMP) set forth in the Storm Water Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, as amended, and the EPA Phase II Storm Water Final Rules, as amended.
 - c) A report section that includes:
 - i Design calculations for all temporary and permanent structural control BMP measures.
 - ii A proposed schedule for the inspection and maintenance of all BMPs.
 - iii Identification of all permanent control measures and responsibility for continued maintenance.
 - iv Drainage report with calculations showing volume, peak discharge, and velocity of present and future runoff.
 - v When detention structures are planned to reduce future condition peak discharge the soil cover complex method shall be used to compute the runoff volume and peak discharge for designing the structure. The design will conform to the criteria outlined for those types of structures given in the Storm Water Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, as amended, and the EPA Phase II Storm Water Final Rules, as amended.
- 5) Responsibility for Installation and Construction. The applicant shall bear final responsibility for the installation, construction, inspection and disposition of all storm water management and erosion control measures required by the provisions of these regulations. Site development shall not begin before the storm water management and erosion control plan receives conditional approval. Best Management Practices shall be installed as designed and scheduled as a condition of final approval of the plan.
- 6) Bonding. The Planning Board may require a bond or other security in an amount and with surety conditions satisfactory to the Board, providing for the actual construction and installation of such measures within a period specified by the Planning Board and expressed in the bond or the surety.
- 7) Plan Approval and Review. The Planning Board shall approve the storm water management and erosion control plan if it complies with the requirements and objectives of these regulations. Such approval shall be a component of the overall subdivision or site plan approval. If disapproved, the Planning Board shall furnish the applicant with a list of plan deficiencies and procedures for filing a revised plan. Technical review of any storm water management and erosion control plan prepared under these regulations shall be reviewed by the Conservation Commission or other and a qualified professional consultant, as determined to be appropriate by the Planning Board, at the expense of the applicant.
- 8) Maintenance and Inspection.
 - a) After final Planning Board approval, a narrative description of ongoing maintenance requirements required by storm water management and erosion and sediment control plans shall be recorded on the deed to the property on which such measures are located. The description shall comply with the requirements of RSA 478:4-a.

- b) The planning board may require routine inspections to ensure compliance with the Storm Water Management, Groundwater Protection, Impervious Surfaces, and Erosion and Sedimentation Control sections of these regulations. Such inspections shall be performed by the designated agent at reasonable times to the landowner.
 - c) If permission to inspect is denied by the landowner, the designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B.
 - d) The selectmen may require a fee for routine inspections of water quality protection measures. The fee shall be paid by the owner of the property. A fee schedule shall be established by the board of selectmen which represents the cost of performing an inspection on various types of water quality protection measures. The procedure for adoption of the fee schedule shall be as provided for in RSA 419: a.
 - e) Prior to the issuance of any certificate of occupancy, the applicant / developer shall post a bond or other security to cover the cost of installation of any storm water management and erosion control measures.
 - f) A set of As-Built Plans shall be submitted to the Planning Board within thirty (30) days of the completion of construction, before any certificate of occupancy can be issued. A post-construction inspection will be scheduled as soon as possible after the As-Built Plans have been received. If the Planning Board determines that the storm water management and erosion control measures do not meet the above requirements or conditions of approval, the Planning Board may revoke the site plan at a properly noticed **compliance** public hearing.
- 9) Groundwater Protection. The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater shall demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of New Hampshire.
- a) Within a groundwater or aquifer protection overlay district, all applications shall meet the following standards for groundwater protection:
 - i No more than twenty percent (20%) of a single lot or building site shall be rendered impervious to groundwater infiltration. To the extent feasible, all runoff from impervious surfaces shall be recharged to groundwater on-site. Recharge impoundments shall have vegetative cover for surface treatment and infiltration.
 - ii All State of New Hampshire regulated substances with a capacity of five (5) gallons or more shall be stored in product tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains.
 - iii Outdoor storage of State of New Hampshire regulated substances shall be protected from exposure to precipitation and shall be located at least 50 feet from

surface waters or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius or wellhead protection area of wells used for public water supply.

- iv Secondary containment shall be provided for outdoor storage of regulated substances if an aggregate of 275 gallons or more of State of New Hampshire regulated substances are stored outdoors. e. Containers in which State of New Hampshire regulated substances are stored shall be clearly and visibly labeled and shall be kept closed and sealed when material is not being transferred from one container to another.

- 10) Impervious Surfaces. Impervious surfaces can negatively impact surface and ground water quality in several ways. Impervious surfaces, such as paved parking lots decrease infiltration and recharge of groundwater, provide an express route for runoff to reach waterways, provide a surface upon which pollutants can accumulate, and prevent the natural processing of pollutants in soil, plants, and wetlands. Therefore, all final applications shall minimize the area of impervious surfaces and address the potential negative impact of impervious surfaces on surface and groundwater resources. All final applications shall meet the following standards for impervious surfaces:

- a) The maximum permissible impervious area varies according to the type of land-use. For purposes of these regulations, the total impervious area of a lot or site is defined as the total area of impervious parking lots, streets, driveways, roof area, decks, paved walkways, sidewalks, and any concrete, stone, brick, asphalt to compacted gravel surface.
- b) The total permissible impervious area by land-use is as follows:
 - i Multifamily greater than 3 units: 40%
 - ii Commercial/Retail: 70%
 - iii Industrial/Warehouse: 60%
- c) These standards may be modified by the Planning Board if it can be shown to their satisfaction that a greater amount of impervious surfaces will not adversely impact surface and groundwater quality, or increase the post-development amount of storm water runoff. The Planning Board can demand special engineering studies to decide on any request to exceed the impervious limits specified herein.
- d) Parking Lots. Every effort shall be made to use pervious parking surfaces as an alternative to impervious asphalt or concrete, except in cases where it is determined that a traditional impervious parking lot with engineered storm water systems (catch basins with oil / water separators, vegetated swales, detention basins, etc.) renders greater protection of surface and groundwaters than pervious pavement. Pervious paving areas can be used to facilitate groundwater recharge and reduce the need for curbs, gutters, and drainage systems. Every attempt shall be made to use pervious parking surfaces for all new lots of less than 50 parking spaces except in cases as noted above.

G. Utilities Standards

- 1) Subsurface septic system
 - a) The construction of on-site subsurface wastewater disposal system shall fully comply with all applicable requirements of the New

Hampshire Code of Administrative Rules regarding such. The applicant shall receive all required permits from the New Hampshire Department of Environmental Services for water supply before the Planning Board can grant final approval.

- 2) Water supply
 - a) The construction of the on-site water supply shall fully comply with all applicable requirements of the New Hampshire Code of Administrative Rules regarding water supply. The applicant shall receive all required permits from the New Hampshire Department of Environmental Services for water supply before the Planning Board can grant final approval.
- 3) Other Utilities
 - a) All proposed on-site utilities (electric, telephone, cable T.V., etc.) shall be installed underground in accordance with the specifications of the individual utility companies involved and in accordance with all applicable local codes, unless otherwise permitted by the Planning Board.

H. Miscellaneous Standards

- 1) Exterior Lighting Provisions.
 - a) All non-residential and multi-family residential site design plans presented to the Planning Board for approval shall include a lighting plan which provides for a method and level of lighting appropriate for the proposed use or uses as determined by the Planning Board. All such lighting plans shall, as a minimum, identify the location, number, height, type and intensity of all exterior lighting fixtures to be installed. Proposed exterior lighting fixtures shall provide for a level of illumination appropriate for the proposed use or uses. Illumination patterns proposed shall be such that all sites subject to these regulations will enjoy an adequate level of lighting to insure user safety and security. However, care shall be taken to avoid lighting patterns and intensities which “over light” a site, creating nuisance and glare at abutting properties, public streets and the neighborhood in general. All lighting plans shall be subject to review and approval by the Planning Board. No changes or modifications in approved lighting plans may be proposed without the specific approval of the Board.
 - b) Unless otherwise approved by the Planning Board, all pole mounted lighting fixtures shall be fed electricity by the use of underground electrical lines installed in accordance with applicable electrical code.
- 2) Solid Waste Storage Provisions
 - a) All solid waste storage areas shall be screened and shall be located a minimum of 20 feet from any boundary line of a site.
 - b) In recognition of the fact that varying non-residential uses often produce waste, which must be temporarily stored on site until the time of disposal, of varying type and quantity, provisions for adequate storage shall be reviewed by the Planning Board on a case by case basis. In general, the Planning Board shall:
 - a. Require applicants to disclose anticipated volumes and types of wastes to be produced by their proposed uses;
 - b. Find that the applicants’ proposal for storage and disposal of waste conforms with all applicable local, state and federal requirements;

- c. Find that the applicants proposal for storage and disposal of waste has incorporated reasonable safeguards insuring that such wastes will not become an undue threat to the environment nor create a public nuisance.
- 3) Snow Storage Provisions.
 - a) All site plans presented to the Planning Board for approval shall identify an area or areas of sufficient size and composition to allow for safe and convenient storage of snow volumes anticipated to be provided by winter site maintenance, or include a note indicating that snow is to be removed from the site.
 - b) Snow storage areas shall not be specified at locations where: accumulated volumes of snow will produce a visual nuisance or impede proper lines of sight; inevitable snow melt will create a nuisance on-site or to abutters; inevitable snow melt will result in the flow of water onto a public street. Snow shall not be stored in areas of jurisdictional wetland or in parking spaces, aisles, fire lanes, access drives nor other areas of a site where accumulated snow volumes would prevent proper use of a site in terms of these regulations or in the judgment of the Planning Board.
- 4) Commercial Signage Provisions. Each site plan presented to the Planning Board for approval shall identify all proposed commercial signage and successfully demonstrate that the proposed sign fully complies with the Town of Milton Zoning Ordinance.
- 5) Internet Access Design and Layout.
 - a) All new commercial developments shall design, layout and install underground conduits or reserve space on specialty and/or utility poles for high speed wireline and/or wireless data communication access infrastructure.

ARTICLE V
PERFORMANCE GUARANTEE REQUIREMENTS & CONSTRUCTION
PROCEDURES

Section V-1 General Requirements

- A. Pursuant to RSA 674:36 the Planning Board may stipulate, as a precedent condition of approval, that a performance guarantee, in an amount and form acceptable to the Board, be received and filed with the Board of Selectmen prior to signature of a final plat by the Board Chairman and/or recording of the final plat at the Stafford County Registry of Deeds. Specific requirements and procedures governing such performance guarantees are provided in Section V-2 of these Regulations.
- B. No land clearing for the facilitation of construction, construction of roadway or infrastructure improvements specified on a subdivision plat, nor building construction shall commence unless and until a final plat of such subdivision has been approved by the Planning Board, signed by the Board Chairman and recorded at the Stafford County Registry of Deeds.
- C. In the case of subdivisions involving the construction or installation of betterments on existing public lands or within an existing public right-of-way, the contractor or entity who will be performing such work shall provide the Town of Milton with a copy of a certificate demonstrating said contractor possesses insurance coverage conforming to the following minimum limits: (1) General Liability - \$1,000,000; (2) Automotive Liability - \$1,000,000; and (3) Workers Compensation and Employers Liability – Statutory Limits.
- D. In the case of subdivisions involving the platting of public streets and/or public easements of any kind, the applicant shall submit, at the time final plans and mylars of such subdivision are transmitted to the Planning Board for signature by the Board Chairman and subsequent recording at the registry of deeds, executed deeds for the conveyance of platted street rights-of-way and/or public easements to the Town of Milton. Such deeds shall be in a form acceptable to Town Counsel and be suitable for recording at the registry of deeds.
- E. The subdivider shall further provide a written acknowledgement from all providers of utility services (electric, telecommunications, gas, water, etc.), approved as to form by Town Counsel. Said acknowledgement shall acknowledge each utility's obligations to pay real and personal property taxes for use of any public rights-of-way associated with the subdivision, provide for the indemnification of the Town for injury and damages associated with said utility use of said public rights-of-way, and identify the name of all utilities sharing, and poles or conduit located within the street or utility system for which acceptance is sought.
- F. Approval of a subdivision plat by the Planning Board shall not constitute public acceptance nor imply an obligation for the eventual public acceptance of any streets or

infrastructure specified on the plat or otherwise required under such approval. However, at such time as the construction or installation of streets or improvements shown on a plat has successfully occurred and there is an appropriate number of dwelling units constructed, the Planning Board may recommend public acceptance of the same by the Board of Selectmen.

- G. No Building Permit shall be issued for the construction of a structure or dwelling intended to be accessed by a platted or improved street until such time as construction of that street has progressed to a point where the Building Inspector has determined the condition of such street is sufficient to safely accommodate construction traffic and emergency services personnel. No Certificate of Occupancy shall be issued for any structure or dwelling to be accessed by a platted street until such time as construction of such street has progressed through installation of the binder course of hot bituminous pavement.
- H. Commencing on the date of issuance of the initial Certificate of Occupancy for any structure or dwelling accessed by a platted street, the owner(s) of the subdivision shall cause timely and proper maintenance of such street, including snow removal, until such time as that street has been formally accepted as a public street by the Board of Selectmen. In the event the owner(s) fail to conform to this requirement, the Town of Milton may cause such maintenance activities to be provided and call upon any performance guarantee given by the owner to reimburse the Town in doing so.

Section V-2 Performance Guarantee Requirements and Procedures

- A. In such instances where the Planning Board stipulates that, as a precedent condition of subdivision approval, a performance guarantee be provided by the applicant to serve as financial surety for the successful completion of streets and/or other improvements specified on the subdivision plat, or which are otherwise required under the terms of such approval, or these Regulations, the Town Engineer shall provide the Planning Board with a recommendation as to the amount of such surety, which shall be presented to the Board in the form of the Performance Guarantee Worksheet appended to these Regulations. After review and consideration of the Town Engineer's recommendation, the Planning Board or its designee shall establish the final sum of the required performance guarantee.

In instances when all or portions of the improvements for which a surety has been required by the Planning Board are anticipated to be fully complete within a time period of more than one year from the date of final approval, the sum of the performance guarantee required by the Planning Board may include provision for