

STAFF MEMORANDUM

Date: July 13, 2020
To: Planning Board
From: Kellie Walsh, Town Planner
Subject: **TEG Holdings LLC (owner) and Kenneth Lehtonen, II (applicant)** – In accordance with NH RSA 231:158, The Milford Planning Board will hold a Public Hearing for a proposed driveway location, potential removal of stonewalls, and tree cutting on Osgood Road. Tax Map 51, Lot 23.

BACKGROUND:

The applicant is before the Planning Board seeking to construct a driveway for one undeveloped lot, Map 51, Lot 23. The lot is located on Osgood Road, a designated Scenic Road, and the construction of the driveway would disturb existing stone walls and trees within the Town Right of Way (ROW). In accordance with NH RSA 231:158, the disturbance of the stone walls and removal of trees within the Osgood Road ROW and along the frontage of Map 51, Lot 23, require the applicants to receive written consent of the planning board following a public hearing.

STAFF COMMENTS:

The applicant has provided a map showing the impacted ROW area and approximate location of the proposed driveway. If stone walls are to be disturbed, the applicant is strongly encouraged to incorporate the disturbed materials into the entrance to the property and minimize the amount of tree removal on Osgood Road.

Additionally, wetland(s) have been identified on the parcel, the applicant should be aware of the location of said wetland(s) and wetland buffer area requirements (50 foot buffer area).

Heritage Commission Comments: The Heritage Commission has gone on record as to the removal of stone walls. We oppose the removal of stone walls and would like if at all possible the inclusions of these walls as they are a unique quality of New Hampshire and Milford that speak to our once farming society. To support this, the State has sponsored a stonewall mapping program using GIS and LIDAR aids for mapping the lay of these walls. Milford, has been behind other area towns in the recording of these important features. <https://nhdes.maps.arcgis.com/apps/webappviewer/index.html?id=f4d57ec1a6b8414190ca0662456dff0>.

STAFF RECOMMENDATIONS:

The applicants should be prepared to address all of the comments raised by the Planning Board, Staff, and public pertaining to the removal/disturbance of the stone wall and trees. If the Board finds that the proposed construction of the driveways would not significantly impact the scenic quality and character of Osgood Road, the Board should grant approval of the removal of the stone walls and impacted trees.

TITLE XX

TRANSPORTATION

CHAPTER 231

CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Scenic Roads

Section 231:158

231:158 Effect of Designation as Scenic Roads. –

- I. As used in this subdivision, "tree" means any woody plant which has a circumference of 15 inches or more at a point 4 feet from the ground.
- II. Upon a road being designated as a scenic road as provided in RSA 231:157, any repair, maintenance, reconstruction, or paving work done with respect thereto by the state or municipality, or any action taken by any utility or other person acting to erect, install or maintain poles, conduits, cables, wires, pipes or other structures pursuant to RSA 231:159-189 shall not involve the cutting, damage or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board, or any other official municipal body designated by the meeting to implement the provisions of this subdivision, after a public hearing duly advertised as to time, date, place and purpose, 2 times in a newspaper of general circulation in the area, the last publication to occur at least 7 days prior to such hearing, provided, however, that a road agent or his designee may, without such hearing, but only with the written permission of the selectmen, remove trees or portions of trees which have been declared a public nuisance pursuant to RSA 231:145 and 231:146, when such trees or portions of such trees pose an imminent threat to safety or property, and provided, further, that a public utility when involved in the emergency restoration of service, may without such hearing or permission of the selectmen, perform such work as is necessary for the prompt restoration of utility service which has been interrupted by facility damage and when requested, shall thereafter inform the selectmen of the nature of the emergency and the work performed, in such manner as the selectmen may require.
- III. Designation of a road as scenic shall not affect the eligibility of the town to receive construction, maintenance or reconstruction aid pursuant to the provisions of RSA 235 for such road.
- IV. Designation of a road as a scenic road shall not affect the rights of any landowner with respect to work on his own property, except to the extent that trees have been acquired by the municipality as shade or ornamental trees pursuant to RSA 231:139-156, and except that RSA 472:6 limits the removal or alteration of boundary markers including stone walls.
- V. A town may, as part of a scenic road designation under RSA 231:157 or as an amendment to such designation adopted in the same manner, impose provisions with respect to such road which are different from or in addition to those set forth in this section. Such provisions may include, but are not limited to, decisional criteria for the granting of consent by the planning board or other designated municipal body under paragraph II, or protections for trees smaller than those described in paragraph I, designated for the purpose of establishing regenerative growth along the scenic road.
- VI. Any person who violates this section or any local provision adopted under this section shall be guilty of a violation and shall be liable for all damages resulting therefrom.

Source. RSA 253:18. 1971, 455:1. 1973, 586:2. 1981, 87:1. 1983, 122:2. 1991, 134:3, 4. 1992, 160:2, eff. July 5, 1992.



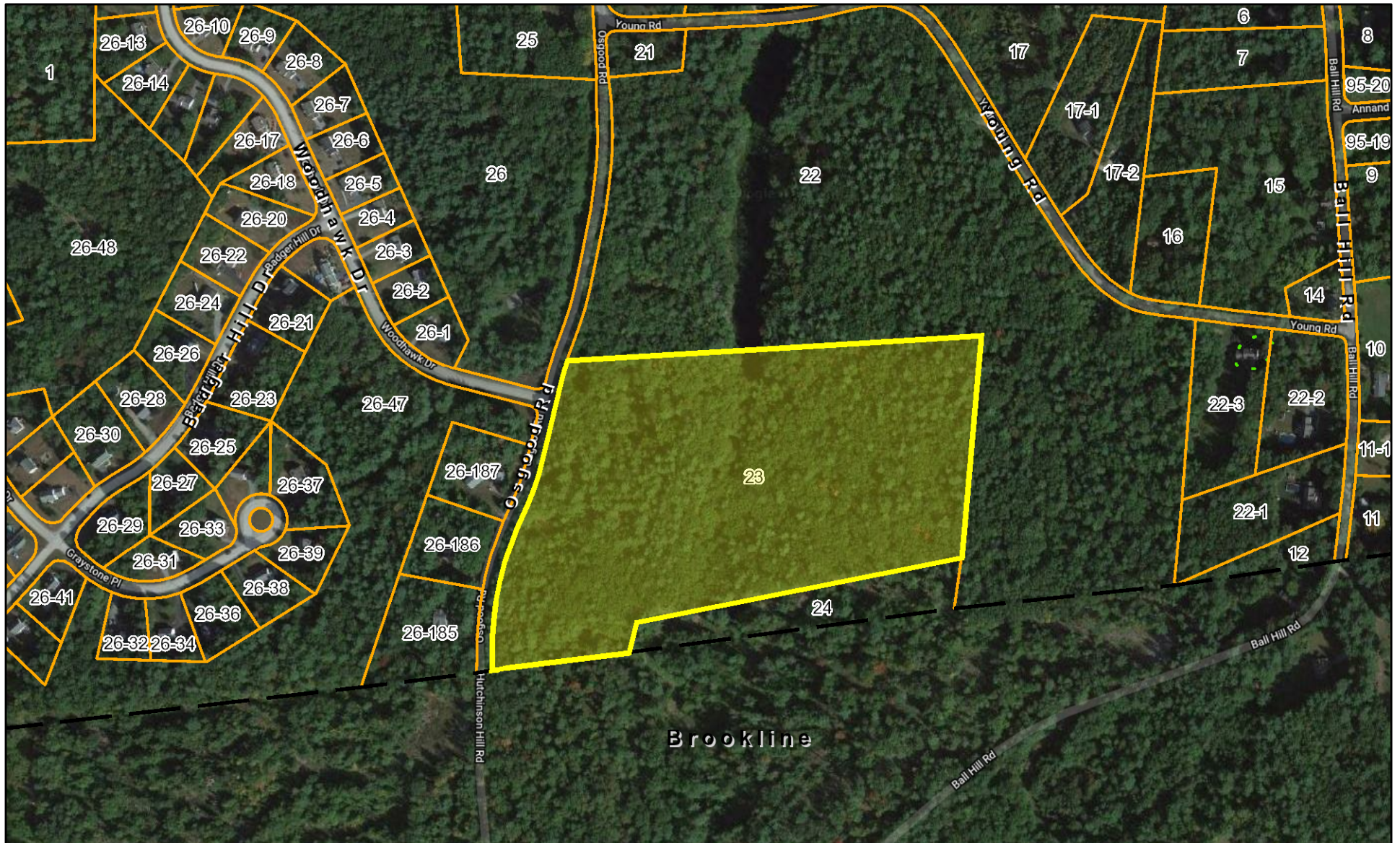
Osgood Road

Milford, NH

1 inch = 400 Feet



July 16, 2020



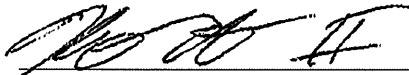
Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

July 1, 2020

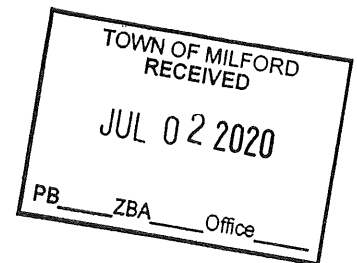
Town of Milford
Planning Board
1 Union Square
Milford, NH 03055

RE: Map 51 Lot 23 Osgood Road

We are requesting approval to create a driveway entrance for a log landing at Map 51 Lot 23 located on Osgood Road. We will be clearing trees for the driveway entrance up to the road, as well as interior trees for a proposed future house site. We will also need to remove a section of stonewall for the entrance of the driveway.



Kenneth Lehtonen, II



WETLAND = 25'

1/2 ROUTE 101, UNIT 200
BEDFORD, NH 03110
BK: 8447 PG: 1254

TAX MAP 51 LOT 26-187
ROBERT T. SAPORITO
675 OSGOOD ROAD
MILFORD, NH 03055
BK: 8805 PG: 810

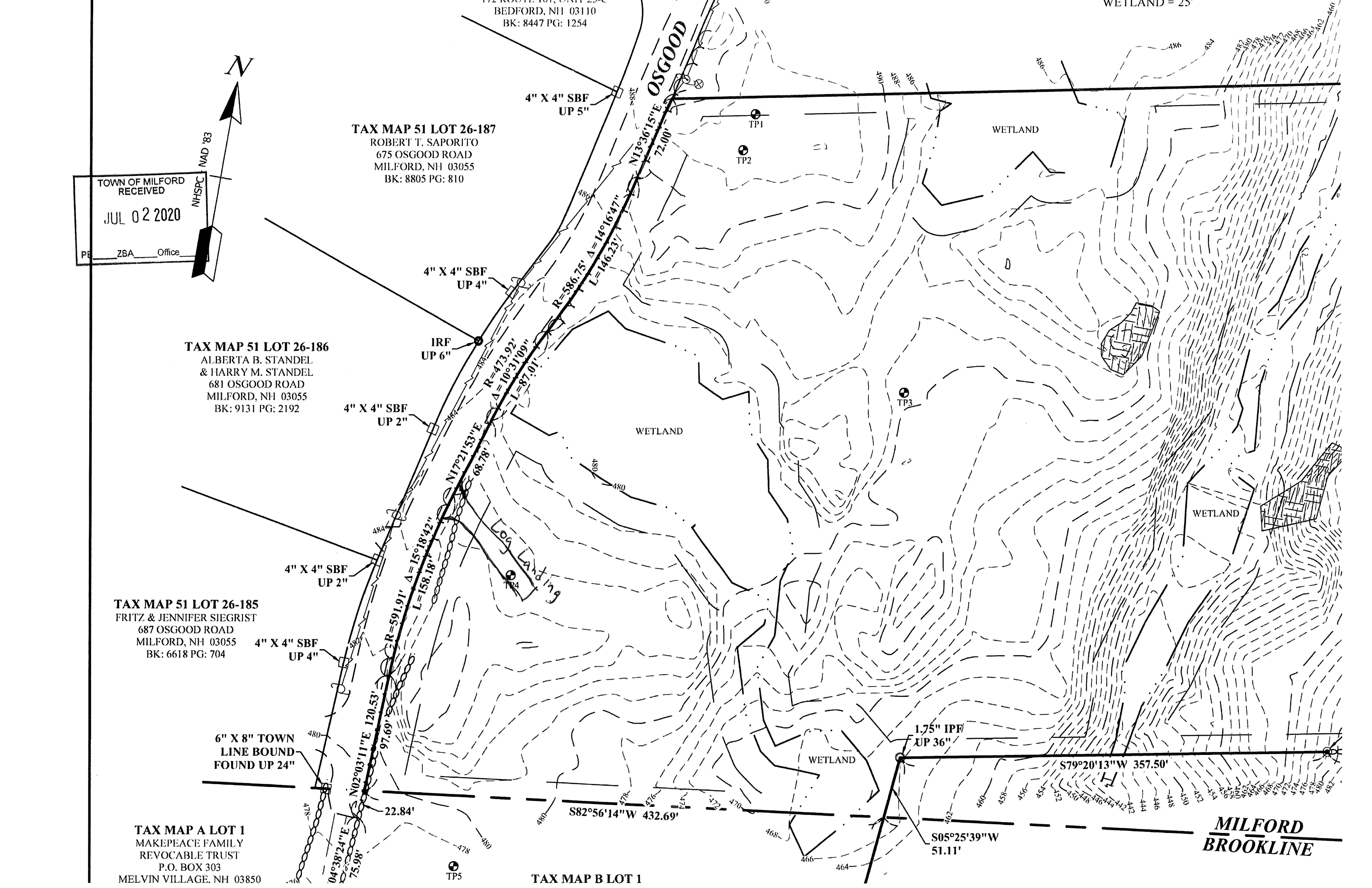
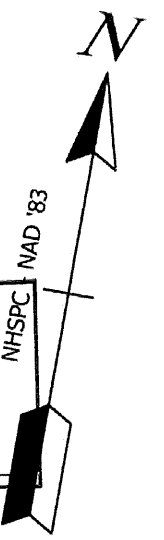
TAX MAP 51 LOT 26-186
ALBERTA B. STANDEL
& HARRY M. STANDEL
681 OSGOOD ROAD
MILFORD, NH 03055
BK: 9131 PG: 2192

TAX MAP 51 LOT 26-185
FRITZ & JENNIFER SIEGRIST
687 OSGOOD ROAD
MILFORD, NH 03055
BK: 6618 PG: 704

TAX MAP A LOT 1
MAKEPEACE FAMILY
REVOCABLE TRUST
P.O. BOX 303
MELVIN VILLAGE, NH 03850

TAX MAP B LOT 1

TOWN OF MILFORD
RECEIVED
JUL 02 2020
ZBA Office



4" X 4" SBF
UP 5"

4" X 4" SBF
UP 4"

IRF
UP 6"

4" X 4" SBF
UP 2"

4" X 4" SBF
UP 2"

4" X 4" SBF
UP 4"

6" X 8" TOWN
LINE BOUND
FOUND UP 24"

1.75" IPF
UP 36"

S79°20'13"W 357.50'

S82°56'14"W 432.69'

S05°25'39"W
51.11'

**MILFORD
BROOKLINE**