

5:30 2nd public hearing and vote - Mobility Device Use Policy

**Town of Milford**  
CONSERVATION COMMISSION

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May 10, 2018

To: Board of Selectmen for your Information and Concurrence

**Re: Hiking Trails Mobility Device Policy**

Dear Board,

The Milford Conservation Commission spent several months working on a policy that addresses the use of Mobility Devices on town trails. The Commission hosted an event which featured Janet Zeller, who is the National Accessibility Manager for the U.S. Forest Service. Members of the surrounding Conservation Commissions attended the event looking for guidance in managing the changes in the American Disabilities Act of 2011. One of the changes was directed towards accessibility guidelines for outdoor recreational areas for the mobility impaired.

The purpose of this Mobility Device Policy is to preserve the uniqueness of our trails and features while ensuring that accessibility is provided for all users.

Respectfully,

Andy Hughes, Chair  
Milford NH Conservation Commission

# Milford Conservation Commission



## Mobility Device Use Policy

The U.S. Department of Justice (DOJ) has adopted revisions to Title II and III of the Americans with Disabilities Act (ADA) that took effect March 15, 2011. The definition and regulation to permit the use of mobility devices has been amended. The rule adopts a two-tiered approach to mobility devices, drawing distinctions between wheelchairs and "other power-driven mobility devices" (OPDMDs).

The DOJ requires that each group which owns a trail(s) "make reasonable modifications in its policies, to permit the use of OPDMDs by individuals with mobility disabilities. However, if a group can demonstrate that certain OPDMDs cannot be operated safely on their trails those devices can be prohibited.

Therefore, the Milford Conservation Commission (MCC) adopts the following guidelines concerning the use of mobility devices by individuals with mobility impairments.

To accommodate mobility disabled persons:

1. Wheelchairs and similar devices built specifically for mobility disabilities are allowed. Individuals with mobility disabilities are permitted to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. The Commission recognizes and adheres to the ADA definition of wheelchair listed in the definitions section of this policy.
2. Other Power-Driven Mobility Devices (OPDMDs), not specifically designed for disabilities, may be used provided:
  - a. Motors on electric devices are 250 watts or less,
  - b. Devices weigh less than 100 lb. (43kg),
  - c. Devices are no more than 36" wide,
  - e. Devices must be capable of being turned around within the trail tread in a safe manner.
  - f. Devices must have the capacity to safely negotiate trail features and obstructions
3. No internal combustion devices are permitted.

By adopting these guidelines, the MCC is not representing that its properties are safe for use by an OPDMD and it is not assuming any liability. Certain risks are inherent in the use of the properties and all users must exercise reasonable care

Each trail will be assessed based on the following factors suggested by the DOJ. Requirements for prohibition must be based on actual risks.

- (i) The type, size, weight, dimensions, and speed of the device;
- (ii) The trail's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- (iii) A facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
- (iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific trail; and

- (v) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

(Full text and information of regulations and assessment factors can be found at <http://www.ada.gov/regs2010/ADAREgs2010.htm>)

### **Rationale for Above Listed Policies**

#### **Preface:**

The trails owned and/or operated by MCC have been designed and constructed for non-motorized uses such as bicycling and walking (unless otherwise specified, i.e. *share-the-road* segments). There is a significant volume of local, regional, national, and international trail users that have come to expect a safe, relaxed, quiet environment without the concerns related to automobile centric spaces. Trail users range in age from infants to young children, adults and seniors. Walkers use the trail singly and in company with others. Families walk or bicycle together, parents enjoy the out-of-doors pushing baby strollers or pulling trailers, and children and seniors are regularly found in friendly groups. The culture of the trail environment has been established to be a low key, relaxed travel, comfortable environment.

The trail(s) has been built in a rural, natural environment including areas of sensitive natural resources such as wetlands, waterways and unique habitats. Other cultural and historical artifacts are also evident along the corridor. Some segments of trail(s) may enter neighborhoods that may have other regulations regarding use of OPDMDs.

The MCC believes that persons with mobility disabilities are welcome the same as any other trail user. The trails are designed to enable many who would not be able to enjoy the pleasures of outdoor recreation a chance to experience what others have found to be a wonderful asset in Milford and the Souhegan Valley. The Commission also believe that limiting the sound, potential emissions, size, weight, power and speed of trail use devices is necessary to maintain this established and expected environment and to protect the natural and cultural resources found along the trail(s). In order to permit many different users to share the same limited and linear space, the rules can be adjusted, but must be structured to allow users to pass each other safely and interact together in that limited space.

The MCC believes that the policies listed above and the justifications for those policies meet the intent of the ADA regulations by allowing other mobility devices, and at the same time maintaining the existing trail culture and the safety of all visitors.

#### **Assessment Factors:**

- (i) The type, size, weight, dimensions, and speed of the device;

The DOJ requirements for prohibition include speed as a parameter for regulating OPDMDs. Because speed is impossible to assess from vehicle specifications, the power of the motor has been used as an equivalent, with higher power translating to higher top speed. Average human power on a bicycle is approximately 125 watts. The trail is non-motorized. Allowing mobility disabled individuals the use of devices equal to a strong person is similar to having tandem bikes sharing the trail. There are potential OPDMD vehicles with motors of 250 watts and above. However the power, and thus speed of those higher than 250 watts, is deemed to be a danger to other trail users.

Bicycles are in the 20 - 40 lb range. Considering the heaviest vehicle now allowed on the trail to be a tandem tricycle pulling a fully loaded trailer, that combination is nearly 90 lbs. The 100 lb limit should thus be applied to all vehicles on the trail.

Most of the town trails are single track or rustic hiking trails. Much of the trail has been built to 8' specifications. Also the shoulders tend to be soft, and surrounding vegetation encroaches from the edges. With two way traffic, that gives a 4' or less lane width for vehicles to pass. Any device wider than 3' begins to encroach on the opposite lane and becomes a safety hazard. Bicycles easily fit this width requirement. A search of the typical equipment available today indicates most are within that width. In addition, bollards or boulders at trail access areas and road crossings have openings of approximately 36" and thus are significant barriers to wider vehicles.

(ii) The trail's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);

Viewing the various access points and parking areas during the summer months shows a high volume of trail users at all times of the day. Use of high speed or heavy/large vehicles would present a danger to this volume of non-motorized users.

(iii) The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);

This factor refers to indoor facilities and thus is less applicable to a trail. But the design includes stationary bollards and boulders placed within the travel lane at road crossings and access areas to prevent unapproved access. Trail users cannot move or adjust these bollards. The original intent and expected operational characteristic of the trail is for non-motorized two way traffic use where users can safely pass each other.

(iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific trail;

While safety requirements, such as a speed limit, could be created and posted on the trail, it would be difficult to enforce since the MCC is a volunteer organization with no enforcement personnel or capabilities. Other physical factors, such as the remote area of some segments of trail and limited sight distances, are also prohibitive in the use of larger, wider or faster devices. Those segments of trail that share the road or use municipal sidewalks or parking areas are governed by the rules and regulations established for such areas.

(v) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

The trail(s) is constructed in a natural setting with vegetation and/or waterways directly adjacent. OPDMDs typically have wider wheels and have the power to cause damage such as crushing of vegetation or erosion of soil.

Internal combustion powered devices, gasoline, diesel or propane, are inherently loud, emit unpleasant, possibly noxious fumes and have the possibility of spilling or leaking toxic substances. The noise and fumes do not fit in with the natural qualities of the trail, and present a potential danger to users as well as the adjacent vegetation and wildlife. Those segments of trail that share the road or use municipal sidewalks or parking areas are governed by the rules and regulations established for such areas.

Definitions:

**ADA Part 35 (Title II) - § 35.104 Definitions.**

**Wheelchair** means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion.

**Other power-driven mobility device** means any mobility device powered by batteries, fuel, or other engines--whether or not designed primarily for use by individuals with mobility disabilities--that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section.

Adopted this \_\_\_\_\_, 2018 by the Conservation Commission of Milford, NH

Chair:

\_\_\_\_\_  
(Print)

Adopted this \_\_\_\_\_ 2018 by the Milford Board of Selectmen

Chair:

\_\_\_\_\_  
(Print)

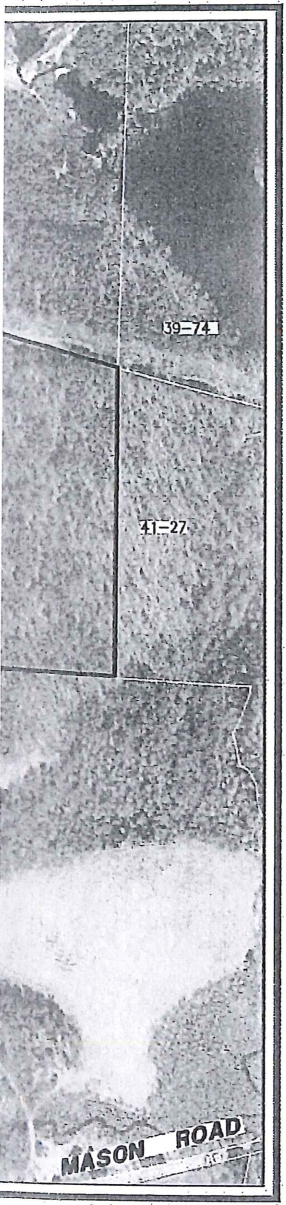
**5:35 Conservation Easement  
on BROX Community Lands -  
verbal**

3055

Tax Map 38/58

Heron Pond Road

Last Revised 9.7.2017



1. A QUALIFIED PROFESSIONAL WITH EXPERIENCE IN THE IDENTIFICATION OF WILDLIFE SHALL SEARCH EACH PHASE OF THE PROJECT PRIOR TO THE REMOVAL OF VEGETATION AND EXCAVATION OPERATIONS COMMENCING. IMMEDIATELY FOLLOWING A FAVORABLE INSPECTION/SEARCH OF A SPECIFIC AREA THE SITE SHALL BE LOGGED AND SILT FENCING SHALL BE INSTALLED TO CREATE A PERIMETER BARRIER IN LOCATIONS DEPICTED IN THIS PLAN SET. THE SILT FENCING SHALL INCLUDE THE CONSTRUCTION OF ESCAPE MOUNDS ON THE WORK ZONE SIDE OF THE FENCING AT ROUGHLY 300-400 FOOT INCREMENTS TO ALLOW AN ESCAPE FOR ANY TRAPPED WILDLIFE.
2. THE PROFESSIONALS PERFORMING THE WILDLIFE SURVEYS SHALL OBTAIN A COLLECTION PERMIT FROM NHFG SO THAT THEY CAN RELOCATE ANY WILDLIFE THAT IS OBSERVED WITHIN THE WORK AREA. ANY WILDLIFE THAT NEEDS TO BE RELOCATED SHALL BE RELEASED ON THE BROX PROPERTY IN CLOSE PROXIMITY TO THE CAPTURE LOCATION BUT OUTSIDE OF THE WORK ZONE.
3. EXCAVATION MAY BEGIN ONCE THE SILT FENCE IS INSTALLED AROUND THE PHASE BEING WORKED. THE SILT FENCE WILL CREATE A BARRIER TO PREVENT ALL SPECIES FROM ENTERING THE SITE DURING CONSTRUCTION. ANY AREAS PLANNED FOR IMPACT BETWEEN SEPTEMBER 15 THROUGH MAY 10 SHOULD BE SILT FENCED BY SEPTEMBER 15 TO PREVENT ANIMALS, ESPECIALLY EASTERN HOGNOSE SNAKES, FROM HIBERNATING ON SITE.
4. ALL VEGETATION SHALL BE REMOVED PRIOR TO MANIPULATING SOILS ON SITE OR HAULING IN ADDITIONAL SOILS TO THE SITE.
5. DAILY CONSTRUCTION OPERATIONS SHALL CONSIST OF QUALIFIED INDIVIDUALS SEARCHING THE INTERIOR OF BARRIER PRIOR TO BEGINNING CONSTRUCTION EACH DAY. ANY WILDLIFE TRAPPED WITHIN THE FENCE AREA SHALL BE REMOVED AND RELOCATED WITHIN THE BROX PROPERTY AS CLOSE TO THE CAPTURE LOCATION AS POSSIBLE, BUT OUTSIDE OF THE IMPACT ZONE. NHFG SHOULD BE CONTACTED IF BLANDING'S TURTLES, SPOTTED TURTLES, EASTERN HOGNOSE SNAKES OR BLACK RACERS NEED TO BE RELOCATED.
6. IF ANY ENDANGERED OR THREATENED SPECIES ARE SEEN WITHIN THE WORK ZONE AT ANY POINT WORK SHALL STOP. THE PROJECT WILDLIFE BIOLOGIST (PETER W. SPEAR - 603-729-0214), NHFG (603-271-3016), THE WILDLIFE DIVISION (603-271-3016 AND THE MILFORD CONSERVATION COMMISSION (603-249-0600) SHOULD BE CALLED IMMEDIATELY.
7. ONLY ACCEPTABLE CONSTRUCTION MATERIALS MAY BE USED ON-SITE. EROSION CONTROL NETTING THAT CONTAINS WELDED PLASTIC COMPONENT SHALL NOT BE USED. THESE MATERIALS HAVE BEEN DOCUMENTED TO KILL HOGNOSE, BLACK RACER, AND OTHER SNAKES AND BIRDS IN NH. IF EROSION CONTROL IS NEEDED MANY ALTERNATIVES EXIST THAT ARE WILDLIFE FRIENDLY SUCH AS A MULCH BERM OR NATURAL WOVEN FIBERS WITH COCO MATTING.
8. STORMWATER MANAGEMENT COMPONENTS SHOULD NOT CREATE IMPEDIMENTS FOR SPECIES. DO NOT USE DRAINAGE STRUCTURES THAT WILL TRAP WILDLIFE SUCH AS DETENTION BASIN OUTLET STRUCTURES OR CATCH BASINS WITH SUMPS.
9. IF POSSIBLE THE SITE DESIGN SHALL AVOID THE USAGE OF CURBING ON ROADWAYS. IF CURBING IS NEEDED THEN SLOPED CURB SHALL BE EMPLOYED SUCH AS CAPE COD BERM OR SLOPED GRANITE CURBING.
10. IN AN EFFORT TO MAKE EVERYONE WORKING ON SITE AWARE OF THE ENDANGERED AND THREATENED SPECIES; EDUCATIONAL MATERIALS WILL BE POSTED ON-SITE IN A KIOSK. THIS WILL ASSIST WITH THE IDENTIFICATION OF THE THREATENED AND ENDANGERED SPECIES THAT HAVE BEEN IDENTIFIED BY THE NATURAL HERITAGE BUREAU.
11. THIS PROJECT PROPOSES A COMPLEX WILDLIFE MITIGATION PLAN WHICH HAS BEEN DEVELOPED IN COLLABORATION WITH OUR PROJECT WILDLIFE BIOLOGIST PETER W. SPEAR, NEW HAMPSHIRE FISH & GAME, THE DEPARTMENT OF ENVIRONMENTAL SERVICES AND THROUGH THE LOCAL REVIEW PROCESS WITH THE MILFORD PLANNING BOARD AND CONSERVATION COMMISSION. THIS PLAN INCLUDES:

- THE PERMANENT PROTECTION AND PRESERVATION OF 75± ACRES OF LAND. THIS WILL ULTIMATELY CONSIST OF THIS AREA OF THE PROPERTY BEING PERMANENTLY PROTECTED THROUGH AN EASEMENT WHICH WILL BE HELD AND MANAGED BY A THIRD PARTY.
- MAINTAINING NATURE TRAILS BUT REQUIRING LEASHING OF DOMESTIC ANIMALS AND GATING SITE TO VEHICULAR ACCESS. THE CREATION OF ANY NEW TRAILS WILL BE RESTRICTED IN THE PROTECTED OPEN SPACE LAND WITHOUT PRIOR APPROVAL FROM NHFG, THE MILFORD CONSERVATION COMMISSION AND THE EASEMENT HOLDER.
- THE CONSTRUCTING ONE (1) EDUCATIONAL STATION AT THE BEGINNING OF THE TRAIL AT THE END OF HERON POND ROAD.
- SIGNAGE WILL ALSO BE POSTED AT THE ENTRANCE OF THE HAUL ROAD (GATE LOCATION) TO MAKE VISITORS AWARE OF THE SENSITIVITY OF THE PROPERTY.
- EMPLOYEES WILL BE PROVIDED WITH A BOOKLET WHICH WILL EDUCATE THEM ON THE RARE, THREATENED AND ENDANGERED SPECIES.
- THE PRESERVATION OF THE NORTH SIDE OF THE EXISTING GRAVEL OPERATION WHICH CONSISTS OF SANDY FACES THAT ARE CURRENTLY BEING UTILIZED BY THE SPECIES. DURING A SITE INSPECTION WITH NHFG IT WAS AGREED THAT THIS AREA OF THE SITE WOULD ALSO BE IMPROVED THROUGH THE CONSTRUCTION OF A BERM, CUTTING OF TREES TO BE SELECTED BY NHFG AND THE PREPARATION OF CERTAIN SURFACES WITH APPROPRIATE MATERIALS TO ENHANCE THIS LOCATION FOR TURTLE NESTING. THIS WORK WILL REPLACE THE FIVE (5) TURTLE NESTING MITIGATION AREAS THAT WERE PREVIOUSLY PROPOSED AND THE ASSOCIATED IMPACTS AND MAINTENANCE REQUIREMENTS.
- THE BERMS CONSTRUCTED SHALL UTILIZE NATIVE MATERIALS FROM THE SITE.
- THE HAUL ROAD WILL HAVE ONE WILDLIFE CROSSING INSTALLED AS DEPICTED ON THE PLANS. THIS LOCATION WAS SELECTED TO MINIMIZE IMPACTS TO THE ADJACENT PROTECTED LAND.
- TO MINIMIZE THE IMPACTS TO THE SPECIES THIS PROJECT WILL BE EXCAVATED IN PHASES. THE FIRST PHASE OF THE PROJECT WILL CONSIST OF CUTTING AND WORKING PHASES 1B AND 1C. THE SECOND PHASE OF THE PROJECT WILL CONSIST OF CUTTING AND WORKING PHASES 1D, 1E AND 1F.
- ANNUAL INSPECTIONS WILL BE PERFORMED DURING THE EXCAVATION OPERATIONS AND WILL TERMINATE ONCE THE EXCAVATION PROJECT IS COMPLETED. THESE INSPECTIONS WILL MONITOR THE MITIGATION COMPONENTS, THE EXCAVATION OPERATIONS AND THE SURROUNDING AREAS.

THE MITIGATION COMPONENTS OF THIS PLAN SET HAVE BEEN REVISED TO ADDRESS NHFG COMMENTS AND THEREFORE MAY NO LONGER BE CONSISTENT WITH ALL OF THE RECOMMENDATIONS OUTLINED IN THE WILDLIFE MITIGATION PLAN DATED JANUARY 31, 2017 PREPARED BY PETER W. SPEAR.

12. THIS PLAN SET AND THE ASSOCIATED PERMITTING IS SPECIFIC TO THE GRAVEL REMOVAL OPERATIONS ON THE SUBJECT PARCEL. ANY ALTERATION OR EXPANSION OF THE PROPOSAL SHALL REQUIRE ADDITIONAL REVIEW AND PERMITTING THROUGH THE NECESSARY LOCAL, STATE AND FEDERAL REGULATORY AGENCIES.

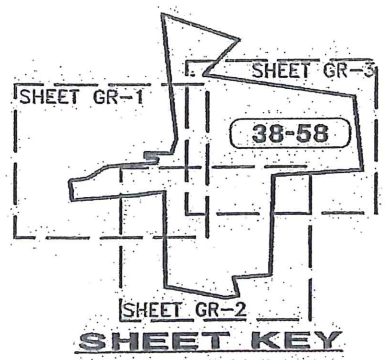
**NHFG ADDITIONAL CONDITIONS:**

NHFG REQUESTS THE FOLLOWING ADDITIONAL CONDITIONS FOR THE PROPOSED AOT EXCAVATION PERMIT AT THE BROX PROPERTY, MILFORD (AOT 170214-020). THESE CONDITIONS ARE IN ADDITION TO WHAT THE TOWN HAS PROVIDED IN THEIR APPLICATION AND SUBSEQUENT MATERIALS.

- CONDITION #1**  
NHFG SHALL HAVE FREE ACCESS TO THE BROX PROPERTY CONSISTENT WITH THEIR STATUTORY AUTHORITIES FOR THE PURPOSE OF THREATENED AND ENDANGERED WILDLIFE STUDIES.
- CONDITION #2**  
THE TOWN OF MILFORD WILL CONTRIBUTE \$18,300 TO THE NHFG NONGAME & ENDANGERED WILDLIFE PROGRAM FOR THE PURPOSE OF A MULTI-YEAR STUDY EVALUATING THE HABITAT USE OF ENDANGERED WILDLIFE (E.G., EASTERN HOGNOSE SNAKE, BLANDING'S AND SPOTTED TURTLE) ON THE BROX PROPERTY. TOWN PORTION OF THE STUDY WILL BE PAID IN THREE (3) ANNUAL INSTALLMENTS STARTING IN JANUARY 2018. STUDY WILL BE COORDINATED BY NHFG STAFF. THE STUDY WILL EVALUATE WILDLIFE USE OF CHANGING LANDSCAPE, AS WELL AS MITIGATION LANDS FOR THEIR PROTECTION. INFORMATION GAINED FROM THE STUDY COULD HELP INFORM FUTURE DEVELOPMENT DESIGN TO REDUCE IMPACTS ON THESE SPECIES.
- CONDITIONS #3-4**  
IN PREVIOUS CORRESPONDENCES WITH THE TOWN, NHFG HAD INDICATED THE WILDLIFE VALUES OF THE 4 SEDIMENT/WASH BASINS PROPOSED FOR IMPACT AND RECOMMENDED AVOIDING FILLING THESE AREAS UNTIL NECESSARY AT A LATER DATE. IT IS OUR UNDERSTANDING THAT NHDES DETERMINED THAT THESE AREAS WERE NON-JURISDICTIONAL AND COULD BE FILLED WITHOUT A NHDES WETLANDS PERMIT. TO COMPENSATE FOR THE LOST WILDLIFE VALUES AND TO MINIMIZE DIRECT IMPACTS TO THREATENED AND ENDANGERED WILDLIFE, THE TOWN WILL:  
1) NOT IMPACT BASINS UNTIL THEY ARE DRY.  
2) CREATE SIMILAR HABITAT WITHIN THE 75 ACRE PROPOSED MITIGATION PORTION OF THE PROPERTY. THE TOWN WILL WORK WITH NHFG TO DETERMINE LOCATION AND DETAILS ON CREATIONS.

**CONDITION #5**  
ALL PIT RECLAMATION WILL BE DONE OUTSIDE OF THE TURTLE NESTING AND INCUBATION SEASON (TYPICALLY MAY 20-SEPTEMBER 15) OR TURTLES WILL BE EXCLUDED FROM NESTING IN THOSE AREAS PRIOR TO THAT PARTICULAR NESTING SEASON OF PROPOSED WORK.

**CONDITION #6**  
THE TOWN OF MILFORD WILL WORK WITH NHFG ON THE FUTURE DEVELOPMENT OF THE COMMUNITY LANDS AND THE TOWN UNDERSTANDS THAT THERE WILL BE OPERATIONS (E.G., TIMING, SURVEYS) AND DESIGN CONSIDERATIONS NEEDED TO ENSURE THAT IMPACTS TO THREATENED AND ENDANGERED WILDLIFE ARE MINIMIZED.



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# GRAVEL REMOVAL OPERATION

# BROX COMMUNITY LANDS

TAX MAP 38 - LOT 58  
HERON POND ROAD  
MILFORD, NEW HAMPSHIRE 03055  
SEPTEMBER 12, 2016  
LAST REVISED: JUNE 2, 2017

**GENERAL NOTES:**

- THE OWNER OR RECORD FOR TAX MAP PARCEL 38-58 IS THE TOWN OF MILFORD, TOWN HALL, 1 UNION SQUARE, MILFORD, NH 03055. DEED REFERENCE TO PARCEL IS BOOK 6287 PAGE 1350.
- THE PURPOSE OF THIS PLAN SET IS TO PERMIT THE EXPANSION OF THE TOWNS GRAVEL PIT KNOWN AS "BROX PIT".
- THE TOTAL AREA OF TAX MAP PARCEL 38-58 IS 142.127 ACRES OR 6,191,062 SQ.FT.
- ZONING FOR THE PARCEL IS "R", RESIDENTIAL R DISTRICT. MINIMUM LOT SIZE IS 2 ACRES. MINIMUM FRONTAGE ON A CLASS V ROAD OR BETTER IS 200 FT., MINIMUM FRONT SETBACK IS 30 FT, MINIMUM SIDE SETBACK IS 15 FT. AND THE MINIMUM REAR SETBACK IS 30 FT.
- LOT NUMBERS REFER TO THE TOWN OF MILFORD ASSESSORS MAPS 38 & 41.
- THE SITE CURRENTLY IS UNDEVELOPED WITH NO BUILDINGS AND NO MUNICIPAL SERVICES BUT PORTIONS OF THE SITE CONSIST OF AN ACTIVE GRAVEL OPERATION.
- THE SITE IS NOT LOCATED WITHIN THE WATER SUPPLY PROTECTION DISTRICT.
- PORTIONS OF THE SITE ARE LOCATED IN A FLOOD HAZARD AREA AS DETERMINED FROM THE FLOOD INSURANCE STUDY (FIRM), HILLSBOROUGH COUNTY, NEW HAMPSHIRE, COMMUNITY NO. 330096, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP NUMBERS 33011C04540 AND 33011C04580 DATED SEPTEMBER 25, 2009.
- LOT 38-58 IS SUBJECT TO AN EXISTING 112.5 FT. WIDE PUBLIC SERVICE OF NEW HAMPSHIRE UTILITY EASEMENT THAT CROSSES THE NORTHERLY PORTION OF THE LOT. THE DEED REFERENCE FOR THE EASEMENT IS VOL.1685 PG. 496 DATED APRIL 13, 1962.
- TAX MAP PARCEL 38-58 CONSISTS OF AN ACTIVE GRAVEL OPERATION WITH A MIX OF WOODLANDS AND OPEN AREAS FORMERLY DISTURBED DURING GRAVEL OPERATIONS.
- HORIZONTAL ORIENTATION IS BASED ON REFERENCE PLAN #1 CITED HEREON.
- THE TOPOGRAPHY SHOWN WAS PROVIDED BY THE TOWN OF MILFORD AND WAS DEVELOPED FROM AERIAL PHOTOGRAPHY.

**OPERATIONAL NOTES:**

- THIS PLAN SET DEPICTS THE REQUIRED GRADING TO ACCOMPLISH A PORTION OF THE CONCEPTUAL MASTER PLAN AND THE ASSOCIATED REMOVAL OF MATERIAL FROM THE SUBJECT PROPERTY.
  - ALL TRAFFIC TRANSPORTING EXCAVATED MATERIALS FROM THE PROPERTY WILL UTILIZE PERRY ROAD AND OLD WILTON ROAD TO GAIN ACCESS TO THE SITE.
  - NO EXCAVATION WILL BE PERFORMED WITHIN 25' OF MAPPED WETLANDS OR 50' FROM BIRCH BROOK, WITHIN 50' OF ADJUTING PROPERTIES OR WITHIN 150' OF EXISTING DWELLINGS.
  - NO EXCAVATION WITHIN 3 FEET OF SEASONAL HIGH WATER TABLE IS PLANNED. ADDITIONAL TEST PITS WILL NEED TO BE PERFORMED IN DEEP CUT AREAS ONCE MATERIAL IS EXCAVATED TO ENSURE ADEQUATE SEPARATION BETWEEN SEASON HIGH WATER IS MAINTAINED.
  - THE OPERATIONS ON SITE WILL CONSIST OF AN OFFICE TRAILER AND EXCAVATION EQUIPMENT. THE EQUIPMENT USED ON SITE TO PROCESS THE MATERIAL WILL CONSIST OF A MINIMUM OF ONE BULLDOZER, A WHEELED LOADER, AN ARTICULATED HAULER, AN EXCAVATOR, A WATER TRUCK AND PORTABLE PROCESSORS, SUCH AS SCREENERS AND A WASH PLANT. ALL PROCESSING PLANTS SHALL BE CENTRALLY LOCATED ON SITE TO PROVIDE THE GREATEST SEPARATION TO ADJUTING PROPERTIES. THE SITE WILL BE WORKED FROM THE FRONT TO BACK AND WILL BE SELF CONTAINED AT ALL TIMES.
  - THE EXCAVATION OPERATIONS ON-SITE WILL EMPLOY A DUST CONTROL PLAN, WHICH WILL CONSIST OF THE APPLICATION OF WATER AS NEEDED.
- ACTIVITIES SHALL NOT CAUSE ANY VIOLATION OF FUGITIVE DUST REQUIREMENTS ESTABLISHED IN ADMINISTRATIVE RULE ENV-A 1002. PRECAUTIONS SHALL BE TAKEN THROUGHOUT THE DURATION OF THE ACTIVITY TO PREVENT, ABATE, AND CONTROL THE EMISSIONS OF FUGITIVE DUST. PRECAUTIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE USE OF WATER, HYDROPHILIC MATERIAL, OR TARP ON OPERATIONS, SURFACES, AND MATERIAL STOCKPILES.
- NO HAZARDOUS MATERIALS WILL BE STORED ON-SITE. NO OIL, FUEL OR ANTIFREEZE WILL BE STORED ON SITE. FUEL TANKERS WILL BE UTILIZED TO FUEL EARTH MOVING, LOADING OR PROCESSING EQUIPMENT. FUEL WILL BE DELIVERED TO THE SITE EACH MORNING. SPILL PROTECTION EQUIPMENT AND PADS WILL BE STORED ON SITE FOR IMMEDIATE RESPONSE TO ANY POTENTIAL SPILLS. ANY SPILLAGE SHALL BE IMMEDIATELY REMOVED BY EXCAVATION AND DISPOSED OF IN ACCORDANCE WITH STATE OR FEDERAL REQUIREMENTS. ALL SPILLS OF GREATER THAN FIVE (5) GALLONS WILL BE REPORTED TO THE MILFORD FIRE DEPARTMENT AND TO THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES.
  - EROSION AND SEDIMENTATION CONTROL WILL BE MAINTAINED AS REQUIRED BY LOCAL, STATE AND FEDERAL PERMITS. THE EXCAVATION OPERATIONS FOR THIS PROJECT WILL BE SELF CONTAINED.
  - NO MORE THAN FIVE (5) ACRES, EXCLUDING THE PROCESSING AREA AND ACCESS ROADS (APPROX. 10 ACRES), SHALL BE LEFT IN AN UNRESTORED (UNSTABILIZED) CONDITION AT ANY TIME. SEE EROSION CONTROL NOTES. THE SITE WILL BE MAINTAINED AND WORKED SO THAT IT IS SELF CONTAINED AT ALL TIMES.
  - WORKING HOURS SHALL BE 6 A.M. TO 7 P.M. MONDAY THROUGH FRIDAY WITH 6 A.M. TO 7 A.M. LIMITED TO TRUCK LOADING ONLY. NO MATERIAL PROCESS SHALL OCCUR BEFORE 7 A.M.
  - TRUCKS THAT WILL BE UTILIZED TO TRANSPORT THE MATERIAL FROM THE SITE WILL CONSIST OF TRI-AXLES, 10-WHEELERS, AND TRACTOR TRAILER DUMP TRUCKS. THE DURATION OF THE EXCAVATION WILL BE DETERMINED BY THE MARKET AND THE NEED FOR THE MATERIAL.
  - THE FOLLOWING PERMITS ARE REQUIRED FOR THIS PROJECT:  
- NHDES ALTERATION OF TERRAIN PERMIT - AOT (FORMERLY SITE SPECIFIC PERMIT)
  - THE APPLICANT SHALL SUBMIT TO THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES, ALTERATION OF TERRAIN PROGRAM, A WRITTEN UPDATE OF THE PROJECT AND REVISED PLANS DOCUMENTING THE PROJECT STATUS EVERY FIVE (5) YEARS FROM THE DATE OF THE ALTERATION OF TERRAIN PERMIT.
  - THE EXISTING HAUL ROAD FROM THE EXISTING GRAVEL OPERATION TO PERRY ROAD WILL BE REGRADED WITHIN THE FOOTPRINT OF THE EXISTING ROADWAY. THIS WILL BE ROADWAY MAINTENANCE AND WILL NOT REQUIRE AN ALTERATION OF TERRAIN PERMIT THROUGH THE DEPARTMENT OF ENVIRONMENTAL SERVICES.

**REFERENCE PLANS:**

- "TOWN OF MILFORD - CONSOLIDATION AND SUBDIVISION PLAN OF LAND - TAX MAP LOTS 38-4, 38-5, 38-9, 38-11, 38-12, 38-13, 38-14, 38-15, 38-16, 38-17, 38-58, 41-23, 41-24 AND 41-25 - PREPARED FOR TOWN OF MILFORD - 1 UNION SQUARE - MILFORD, NEW HAMPSHIRE 03055", 8 SHEETS, SCALE 1"=100', DATED JANUARY 4, 2002 AND LAST REVISED MARCH 15, 2002, BY MERIDIAN LAND SERVICES, INC. RECORDED IN THE H.C.R.D. AS PLAN NO. 31877.
- "CONCEPTUAL MASTER PLAN/LAND DEVELOPMENT PLAN - BROX COMMUNITY PROPERTY - PREPARED BY: - BROX COMMITTEE - MILFORD, NEW HAMPSHIRE - BILL PARKER - COMMUNITY DEVELOPMENT DIRECTOR - 1 UNION SQUARE, MILFORD, NH 03055, SHEET L-1, SCALE 1"=200', DATED JANUARY 12, 2014. ALSO KNOWN AS "EXHIBIT 2 - SCHEMATIC DEVELOPMENT PLAN" OR "EXHIBIT B - SCHEMATIC FUTURE DEVELOPMENT PLAN".

**CERTIFICATION:**

WETLANDS WERE DELINEATED IN ACCORDANCE WITH THE US ARMY CORPS OF ENGINEERS 1987 WETLANDS DELINEATION MANUAL Y-87-1 AND INTERIM REGIONAL SUPPLEMENT FOR NORTHEAST AND NORTHCENTRAL REGION AND FIELD INDICATORS FOR HYDRIC SOILS IN NEW ENGLAND, BY CHRISTOPHER A. GUIDA, C.W.S. IN MAY OF 2016.

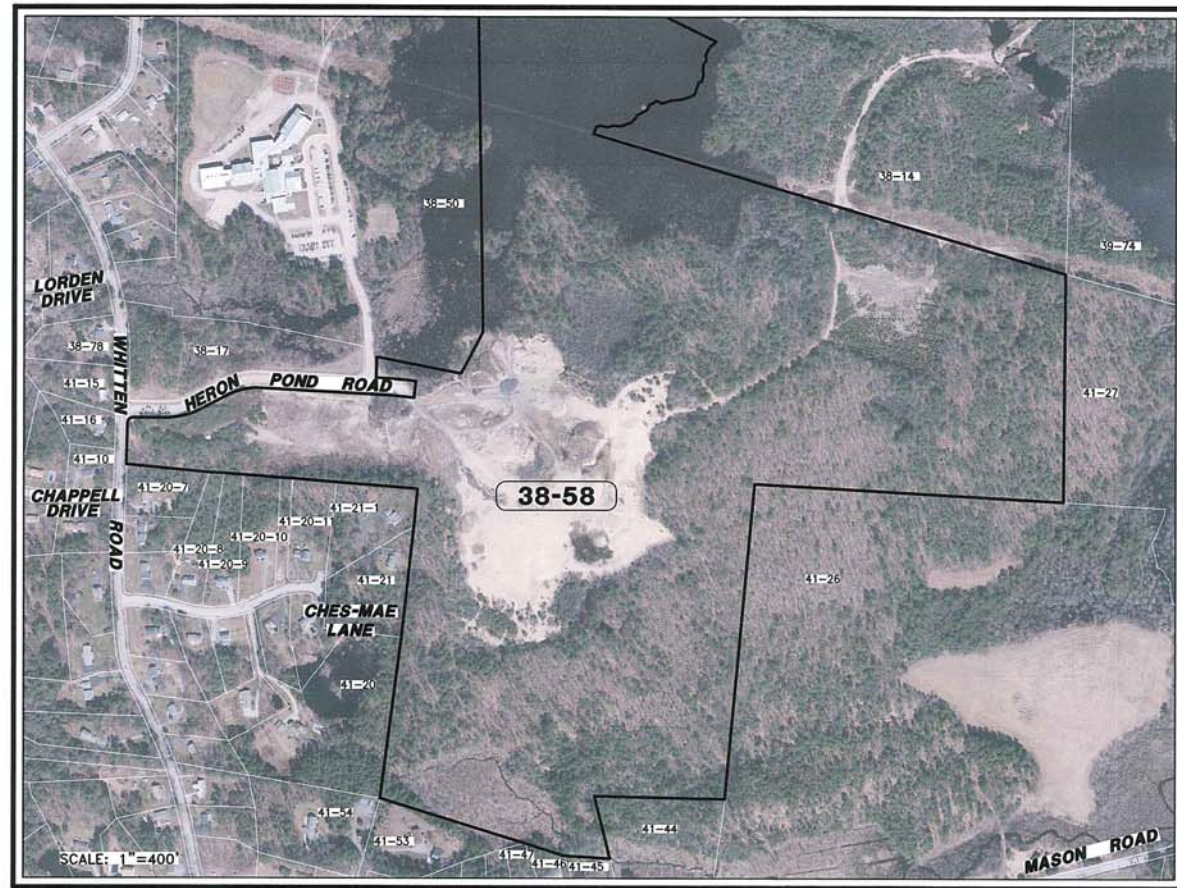
DATE: 6/2/17



**CERTIFICATION:**

I HEREBY CERTIFY THAT THE EXISTING CONDITIONS SHOWN WERE DEVELOPED FROM THE REFERENCE PLANS CITED HEREON AND ALSO FROM A FIELD SURVEY PERFORMED BY FIELDSTONE LAND CONSULTANTS, PLLC DURING THE MONTH OF APRIL 2014.

DATE: 6/2/17



**PREPARED FOR:**  
**NORTHEAST SAND & GRAVEL**  
P.O. BOX 497  
NEW IPSWICH, NEW HAMPSHIRE, 03071  
**LAND OF:**  
**TOWN OF MILFORD**  
TOWN HALL, 1 UNION SQUARE  
MILFORD, NEW HAMPSHIRE, 03055



Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs

## FIELDSTONE

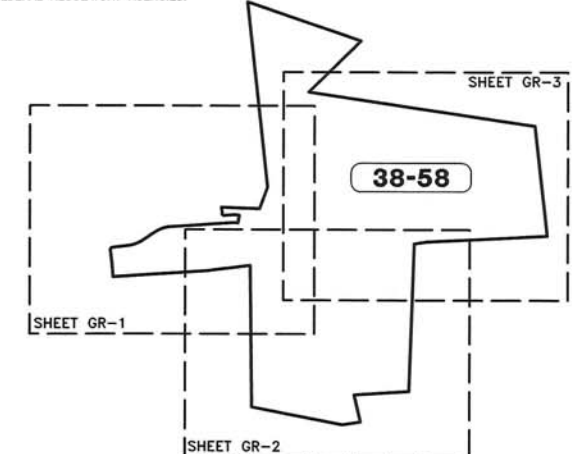
### LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055  
Phone: (603)-672-5456 Fax: (603)-413-5456  
www.FieldstoneLandConsultants.com

**PROPOSED OPERATIONS TO AVOID TAKE OF ENDANGERED SPECIES:**

THE FOLLOW IS A LIST OF PRACTICES THAT ARE PROPOSED, AND HAVE BEEN DISCUSSED WITH NH FISH AND GAME (NHFG), TO AVOID THE TAKE OF ENDANGERED SPECIES DURING THE GRAVEL REMOVAL OPERATION:

- A QUALIFIED PROFESSIONAL WITH EXPERIENCE IN THE IDENTIFICATION OF WILDLIFE SHALL SEARCH EACH PHASE OF THE PROJECT PRIOR TO THE REMOVAL OF VEGETATION AND EXCAVATION OPERATIONS COMMENCING. IMMEDIATELY FOLLOWING A FAVORABLE INSPECTION/SEARCH OF A SPECIFIC AREA THE SITE SHALL BE LOGGED AND SILT FENCING SHALL BE INSTALLED TO CREATE A PERIMETER BARRIER IN LOCATIONS DEPICTED IN THIS PLAN SET. THE SILT FENCING SHALL INCLUDE THE CONSTRUCTION OF ESCAPE MOUNDS ON THE WORK ZONE SIDE OF THE FENCING AT ROUGHLY 300-400 FOOT INCREMENTS TO ALLOW AN ESCAPE FOR ANY TRAPPED WILDLIFE.
- THE PROFESSIONALS PERFORMING THE WILDLIFE SURVEYS SHALL OBTAIN A COLLECTION PERMIT FROM NHFG SO THAT THEY CAN RELOCATE ANY WILDLIFE THAT IS OBSERVED WITHIN THE WORK AREA. ANY WILDLIFE THAT NEEDS TO BE RELOCATED SHALL BE RELEASED ON THE BROX PROPERTY IN CLOSE PROXIMITY TO THE CAPTURE LOCATION BUT OUTSIDE OF THE WORK ZONE.
- EXCAVATION MAY BEGIN ONCE THE SILT FENCE IS INSTALLED AROUND THE PHASE BEING WORKED. THE SILT FENCE WILL CREATE A BARRIER TO PREVENT ALL SPECIES FROM ENTERING THE SITE DURING CONSTRUCTION. ANY AREAS PLANNED FOR IMPACT BETWEEN SEPTEMBER 15 THROUGH MAY 10 SHOULD BE SILT FENCED BY SEPTEMBER 15 TO PREVENT ANIMALS, ESPECIALLY EASTERN HOOGNOSE SNAKES, FROM HIBERNATING ON SITE.
- ALL VEGETATION SHALL BE REMOVED PRIOR TO MANIPULATING SOILS ON SITE OR HAULING IN ADDITIONAL SOILS TO THE SITE.
- DAILY CONSTRUCTION OPERATIONS SHALL CONSIST OF QUALIFIED INDIVIDUALS SEARCHING THE INTERIOR OF BARRIER PRIOR TO BEGINNING CONSTRUCTION EACH DAY. ANY WILDLIFE TRAPPED WITHIN THE FENCE AREA SHALL BE REMOVED AND RELOCATED WITHIN THE BROX PROPERTY AS CLOSE TO THE CAPTURE LOCATION AS POSSIBLE BUT OUTSIDE OF THE IMPACT ZONE. NHFG SHOULD BE CONTACTED IF BLANDING'S TURTLES, SPOTTED TURTLES, EASTERN HOOGNOSE SNAKES OR BLACK RACERS NEED TO BE RELOCATED.
- IF ANY ENDANGERED OR THREATENED SPECIES ARE SEEN WITHIN THE WORK ZONE AT ANY POINT WORK SHALL STOP. THE PROJECT WILDLIFE BIOLOGIST (PETER W. SPEAR - 603-729-0214), NHFG (603-271-3016), THE WILDLIFE DIVISION (603-271-3016 AND THE MILFORD CONSERVATION COMMISSION (603-249-0600) SHOULD BE CALLED IMMEDIATELY.
- ONLY ACCEPTABLE CONSTRUCTION MATERIALS MAY BE USED ON-SITE. EROSION CONTROL NETTING THAT CONTAINS WELDED PLASTIC COMPONENT SHALL NOT BE USED. THESE MATERIALS HAVE BEEN DOCUMENTED TO KILL HOOGNOSE, BLACK RACER, AND OTHER SNAKES AND BIRDS IN NH. IF EROSION CONTROL IS NEEDED MANY ALTERNATIVES EXIST THAT ARE "WILDLIFE FRIENDLY" SUCH AS A MULCH BERM OR NATURAL WOVEN FIBERS WITH COCO MATTING.
- STORMWATER MANAGEMENT COMPONENTS SHOULD NOT CREATE IMPEDIMENTS FOR SPECIES. DO NOT USE DRAINAGE STRUCTURES THAT WILL TRAP WILDLIFE SUCH AS DETENTION BASIN OUTLET STRUCTURES OR CATCH BASINS WITH SUMPS.
- IF POSSIBLE THE SITE DESIGN SHALL AVOID THE USAGE OF CURBING ON ROADWAYS. IF CURBING IS NEEDED THEN SLOPED CURB SHALL BE EMPLOYED SUCH AS CAPE COD BERM OR SLOPED GRANITE CURBING.
- IN AN EFFORT TO MAKE EVERYONE WORKING ON SITE AWARE OF THE ENDANGERED AND THREATENED SPECIES, EDUCATIONAL MATERIALS WILL BE POSTED ON-SITE IN A KIOSK. THIS WILL ASSIST WITH THE IDENTIFICATION OF THE THREATENED AND ENDANGERED SPECIES THAT HAVE BEEN IDENTIFIED BY THE NATURAL HERITAGE BUREAU.
- THIS PROJECT PROPOSES A COMPLEX WILDLIFE MITIGATION PLAN WHICH HAS BEEN DEVELOPED IN COLLABORATION WITH OUR PROJECT WILDLIFE BIOLOGIST PETER W. SPEAR, NEW HAMPSHIRE FISH & GAME, THE DEPARTMENT OF ENVIRONMENTAL SERVICES AND THROUGH THE LOCAL REVIEW PROCESS WITH THE MILFORD PLANNING BOARD AND CONSERVATION COMMISSION. THIS PLAN INCLUDES:
  - THE PERMANENT PROTECTION AND PRESERVATION OF 75± ACRES OF LAND. THIS WILL ULTIMATELY CONSIST OF THIS AREA OF THE PROPERTY BEING PERMANENTLY PROTECTED THROUGH AN EASEMENT WHICH WILL BE HELD AND MANAGED BY A THIRD PARTY.
  - MAINTAINING NATURE TRAILS BUT REQUIRING LEASHING OF DOMESTIC ANIMALS AND GATING SITE TO VEHICULAR ACCESS. THE CREATION OF ANY NEW TRAILS WILL BE RESTRICTED IN THE PROTECTED OPEN SPACE LAND WITHOUT PRIOR APPROVAL FROM NHFG, THE MILFORD CONSERVATION COMMISSION AND THE EASEMENT HOLDER.
  - THE CONSTRUCTING ONE (1) EDUCATIONAL STATION AT THE BEGINNING OF THE TRAIL AT THE END OF HERON POND ROAD.
  - SIGNAGE WILL ALSO BE POSTED AT THE ENTRANCE OF THE HAUL ROAD (GATE LOCATION) TO MAKE VISITORS AWARE OF THE SENSITIVITY OF THE PROPERTY.
  - EMPLOYEES WILL BE PROVIDED WITH A BOOKLET WHICH WILL EDUCATE THEM ON THE RARE, THREATENED AND ENDANGERED SPECIES.
  - THE PRESERVATION OF THE NORTH SIDE OF THE EXISTING GRAVEL OPERATION WHICH CONSISTS OF SANDY FACES THAT ARE CURRENTLY BEING UTILIZED BY THE SPECIES. DURING A SITE INSPECTION WITH NHFG IT WAS AGREED THAT THIS AREA OF THE SITE WOULD ALSO BE IMPROVED THROUGH THE CONSTRUCTION OF A BERM. CUTTING OF TREES TO BE SELECTED BY NHFG AND THE PREPARATION OF CERTAIN SURFACES WITH APPROPRIATE MATERIALS TO ENHANCE THIS LOCATION FOR TURTLE NESTING. THIS WORK WILL REPLACE THE FIVE (5) TURTLE NESTING MITIGATION AREAS THAT WERE PREVIOUSLY PROPOSED AND THE ASSOCIATED IMPACTS AND MAINTENANCE REQUIREMENTS.
  - THE BERMS CONSTRUCTED SHALL UTILIZE NATIVE MATERIALS FROM THE SITE.
  - THE HAUL ROAD WILL HAVE ONE WILDLIFE CROSSING INSTALLED AS DEPICTED ON THE PLANS. THIS LOCATION WAS SELECTED TO MINIMIZE IMPACTS TO THE ADJACENT PROTECTED LAND.
  - TO MINIMIZE THE IMPACTS TO THE SPECIES THIS PROJECT WILL BE EXCAVATED IN PHASES. THE FIRST PHASE OF THE PROJECT WILL CONSIST OF CUTTING AND WORKING PHASES 1B AND 1C. THE SECOND PHASE OF THE PROJECT WILL CONSIST OF CUTTING AND WORKING PHASES 1D, 1E AND 1F.
  - ANNUAL INSPECTIONS WILL BE PERFORMED DURING THE EXCAVATION OPERATIONS AND WILL TERMINATE ONCE THE EXCAVATION PROJECT IS COMPLETED. THESE INSPECTIONS WILL MONITOR THE MITIGATION COMPONENTS, THE EXCAVATION OPERATIONS AND THE SURROUNDING AREAS.
- THE MITIGATION COMPONENTS OF THIS PLAN SET HAVE BEEN REVISED TO ADDRESS NHFG COMMENTS AND THEREFORE MAY NO LONGER BE CONSISTENT WITH ALL OF THE RECOMMENDATIONS OUTLINED IN THE WILDLIFE MITIGATION PLAN DATED JANUARY 31, 2017 PREPARED BY PETER W. SPEAR.
- THIS PLAN SET AND THE ASSOCIATED PERMITTING IS SPECIFIC TO THE GRAVEL REMOVAL OPERATIONS ON THE SUBJECT PARCEL. ANY ALTERATION OR EXPANSION OF THE PROPOSAL SHALL REQUIRE ADDITIONAL REVIEW AND PERMITTING THROUGH THE NECESSARY LOCAL, STATE AND FEDERAL REGULATORY AGENCIES.

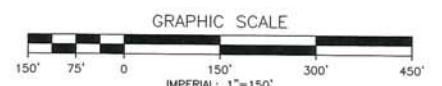
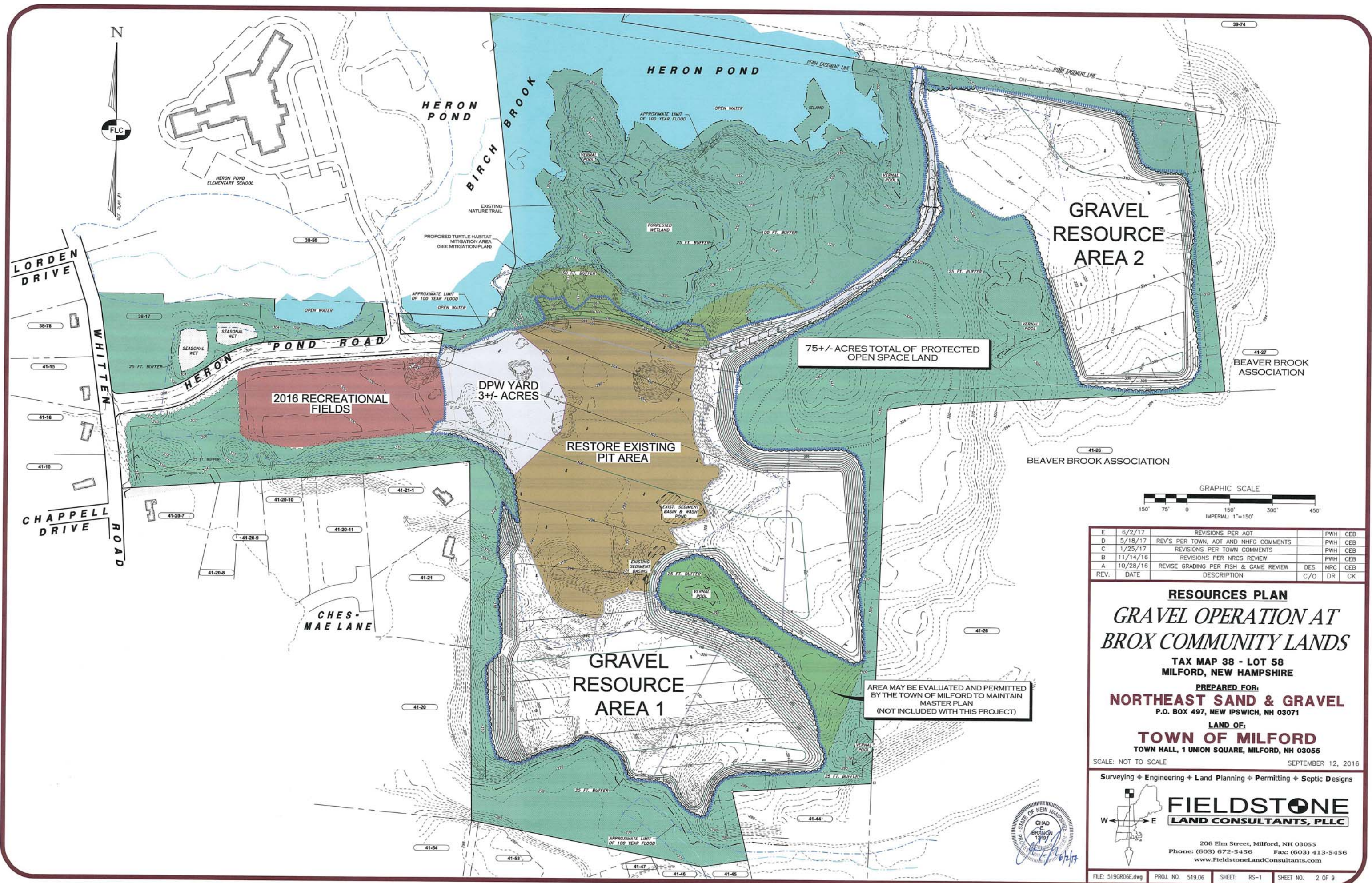


SHEET INDEX		
PAGE	SHEET	TITLE
1	CV-1	COVER SHEET
2	RS-1	RESOURCES PLAN
3	PH-2	PHASING & MASTER GRADING PLAN
4	GR-1	GRADING PLAN
5	GR-2	GRADING PLAN
6	GR-3	GRADING PLAN
7	MP-1	MITIGATION PLAN
8	D-1	CONSTRUCTION DETAILS
9	D-2	EROSION CONTROL DETAILS

REV.	DATE	DESCRIPTION	C/O	DR	CK
E	6/2/17	REVISIONS PER AOT		PWH	CEB
D	5/18/17	REVISIONS PER TOWN, AOT & NHFG COMMENTS		PWH	CEB
C	1/25/17	REVISIONS PER TOWN COMMENTS		PWH	CEB
B	11/14/16	REVISIONS PER NRCS REVIEW		PWH	CEB
A	10/28/16	REVISE GRADING PER FISH & GAME REVIEW	DES	NRG	CEB

FILE: 519CV06E.dwg PROJ. NO. 519.06 SHEET: CV-1 PAGE NO. 1 OF 9





REV.	DATE	DESCRIPTION	C/O	DR	CK
E	6/2/17	REVISIONS PER AOT		PWH	CEB
D	5/18/17	REV'S PER TOWN, AOT AND NHFG COMMENTS		PWH	CEB
C	1/25/17	REVISIONS PER TOWN COMMENTS		PWH	CEB
B	11/14/16	REVISIONS PER NRC'S REVIEW		PWH	CEB
A	10/28/16	REVISE GRADING PER FISH & GAME REVIEW	DES	NRC	CEB

**RESOURCES PLAN**  
**GRAVEL OPERATION AT**  
**BROX COMMUNITY LANDS**  
 TAX MAP 38 - LOT 58  
 MILFORD, NEW HAMPSHIRE  
 PREPARED FOR:  
**NORTHEAST SAND & GRAVEL**  
 P.O. BOX 497, NEW IPSWICH, NH 03071  
 LAND OF:  
**TOWN OF MILFORD**  
 TOWN HALL, 1 UNION SQUARE, MILFORD, NH 03055

SCALE: NOT TO SCALE SEPTEMBER 12, 2016

Surveying + Engineering + Land Planning + Permitting + Septic Designs



FILE: 519GRO6E.dwg PROJ. NO. 519.06 SHEET: RS-1 SHEET NO. 2 OF 9



AREA MAY BE EVALUATED AND PERMITTED BY THE TOWN OF MILFORD TO MAINTAIN MASTER PLAN (NOT INCLUDED WITH THIS PROJECT)

**Memorandum**

**To:** Board of Selectman

**From:** Marti Noel, Assessor

**Date:** 6/25/2018

**Re:** Veterans Tax Credit – Applications in spouses name after death of Veteran who is receiving the Veterans Tax Credit-For Approval (7) Please sign PA-29 also.

The following list, as a matter of public record will have a change in application name. A widow or widower is entitled to continue receiving benefits of a qualified veteran. I have reviewed these applications along with the supporting documentation and am recommending that the selectman **approve** the following changes based on the RSA listed below.

**72:28 Standard and Optional Veterans' Tax Credit. –**

IV. The following persons shall qualify for the standard veterans' tax credit or the optional veterans' tax credit:

(a) Every resident of this state who served not less than 90 days in the armed forces of the United States in any qualifying war or armed conflict listed in this section and was honorably discharged or an officer honorably separated from service; **or the spouse** or surviving spouse of such resident;

Map-Lot	Address	Spouse	Amount	Date Received
30/14/1	15 Vine St	Joanne Smith	\$300	9/25/2017
34/21/3	32 Osgood Rd	Bettina Mace	\$150 **	10/24/2017
34/68/2	3 Walnut St	Rachel McCombs	\$300	1/16/2018
35/12	80 Webster St	Elizabeth Vallerand	\$300	1/12/2018
39/6	77 Crosby St	Carla Carpentiere	\$300	10/11/2017
37/63	62 Wellesley Dr	Debra Bowden	\$300	9/25/2017
43/23/C/30	13 Memory Ln	Anne Peebles	\$300	1/22/2018

\*\*Prorated based on 50% interest in property

SELECTMEN PRINTED NAME	SELECTMEN SIGNATURES OF APPROVAL	DATE
KEVIN FEDERICO		6/25/2018
GARY DANIELS		6/25/2018
MIKE PUTNAM		6/25/2018
LAURA DUDZIAK		6/25/2018
PAUL DARGIE		6/25/2018

Memorandum

**To:** Board of Selectman  
**From:** Marti Noel, Assessor  
**Date:** 6/25/2018  
**Re:** All Veterans Tax Credit – **For Approval (1)**

The following list, as a matter of public record has applied for the All Veterans Tax Credit RSA 72:28-b (Approved 2017 tax year town vote ballot question 27) I have reviewed this application along with the supporting documentation and am recommending that the selectman **approve** the following list of qualified veterans. These will need the PA-29 signed.

Map/Lot	Property Address	Property Owner/Veteran	Amount	Date Received
49/3/2	206 Stable Rd	Paul Johnson	\$300	12/22/2018

SELECTMEN PRINTED NAME	SELECTMEN SIGNATURES OF APPROVAL	DATE
KEVIN FEDERICO		6/25/2018
GARY DANIELS		6/25/2018
MIKE PUTNAM		6/25/2018
LAURA DUDZIAK		6/25/2018
PAUL DARGIE		6/25/2018

## 5:45 Approval of Elderly Exemptions (4)

Memorandum

**To:** Board of Selectman  
**From:** Marti Noel, Assessor  
**Date:** 6/25/2018  
**Re:** Elderly Exemption - For Approval  
**72:33 Application for Exemption or Tax Credit. For Approval (4)**

10. **No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-b, 39-b, 62, 66, and 70 unless the person has filed with the selectmen or assessors, by April 15 preceding the setting of the tax rate, a permanent application therefore, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the exemption or tax credit is claimed and that the applicant was duly qualified upon April 1 of the year in which the exemption or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application...”.**

### **72:34 Investigation of Application and Decision by Town Officials.**

10. **On receipt of an application provided for in RSA 72:33 or RSA 72:38-a, the selectmen or assessors shall examine it as to the right to the tax exemption, tax deferral or tax credit, the ownership of the property listed, and, if necessary, the encumbrances reported.**

**May request true copies of any documents as needed to verify eligibility. Unless otherwise provided for by law, all documents submitted with an application or as requested, as provided for in paragraphs I and II, and any copies shall be considered confidential, handled so as to protect the privacy of the individual, and not used for any purpose other than the specific statutory purposes for which the information was originally obtained. All documents and copies of such documents submitted by the applicant shall be returned to the applicant after a decision is made on the application.**

**II. For those exemptions having income or asset limitations, the assessing officials may request true copies of any documents as needed to verify eligibility. Unless otherwise provided for by law, all documents submitted with an application or as requested, as provided for in paragraphs I and II, and any copies shall be considered confidential, handled so as to protect the privacy of the individual, and not used for any purpose other than the specific statutory purposes for which the information was originally obtained. All documents and copies of such documents submitted by the applicant shall be returned to the applicant after a decision is made on the application.**

**III. The assessing officials shall grant the exemption, deferral, or tax credit if:**

- (a) **They are satisfied that the applicant has not willfully made any false statement in the application for the purpose of obtaining the exemption, deferral, or tax credit; and**
- (b) **The applicant cooperated with their requests under paragraph II, if it applies.**

The documentation needed to verify eligibility is as follows:

IRS Federal Form 1040  
NH Interest & Dividends Tax Return  
Annual 1099 Social Security Statement(s)  
All Other 1099 Statements  
Property Tax Inventories from other Towns/States/Communities

### **72:40-b Publishing Prohibited.**

**The names of persons receiving an exemption under RSA 72:39-b (the Elderly Exemption) shall not be printed in any list for publication except as required under RSA 74:2**

I have reviewed all elderly applications and I recommend that the Board of Selectman **approve** the attached list of applicants for Elderly Exemption for the tax year 2018. The attached list identifies all applicants approved as a matter of public record and to expedite your decision making process. Due to

the financial criteria governing these the elderly exemptions and in adherence to RSA 72:40-b, only file numbers will be listed excluding the names and addresses of the applicants.

File #	D.O.B	Exemption Amount	Status	Date Received
3650	10/10/1947	\$69,000	M	04/16/2018
184366	10/12/1946	\$69,000	W	04/13/2018
4720	6/6/1939	\$103,000	M	4/10./2018

The above applicants all applied on time, however additional documentation was needed prior to submitting for approval.

File #	D.O.B	Exemption Amount	Status	Date Received
147	6/1/1934	\$137,000	S	6/11/2018**

\*\* Late filing see letter attached.

SELECTMEN PRINTED NAME	SELECTMEN SIGNATURES OF APPROVAL	DATE
KEVIN FEDERICO		6/25/2018
GARY DANIELS		6/25/2018
MIKE PUTNAM		6/25/2018
LAURA DUDZIAK		6/25/2018
PAUL DARGIE		6/25/2018

MEMORANDUM

DATE: June 25, 2018

TO: Board of Selectmen

CC: Mark Bender

FROM: Marti Noel, Assessor

RE: **2017 Property Abatement Applications  
Recommendation for Denial -3**

---

As a refresher on the Abatement process, if a property owner feels their assessment is incorrect or inequitable, an abatement application may be submitted to the assessing office between the date the final tax bill is mailed and March 1<sup>st</sup> of the following year. The deadline for filing for abatement for the 2017 tax year was March 1, 2018.

The deadline for response by the municipality to all abatements timely filed is July 1. If no decision has been made, the abatement is to be considered to have been denied, and the Appellants may begin filing for appeal at the state level, either the BTLA or Superior Court.

Attached, please find a spreadsheet summary of the abatement requests which have been reviewed for this session. The summary gives a brief discussion of the reason for the request, my recommendation along with the results of the review, the date the owner was notified by mail regarding the status of their request, and the total amount of the changes recommended. The final column represents the total difference in taxes to be abated upon Board approval. As has been done in the past, a tally of abatement resolutions is provided.

**I recommend the Board Deny the three Abatements recommended for Denial tonight.**

This represents the remainder of property tax abatements filed this year. The grid presented with the package of abatement recommendations indicates the total for this evening's abatements and further indicates the total for all abatements granted to date, including this evening's.

Thank You



										-
					<b>Total Amount of Abatement Recommended for Approval this Session</b>					-
					<b>Total from prior granted 2017 Abatements</b>					<b>7,035.96</b>
					<b>Appeals Settled in 2018</b>					-
					<b>Total</b>					<b>7,035.96</b>



MEMORANDUM

DATE: June 25, 2018

TO: Board of Selectmen

CC: Mark Bender

FROM: Marti Noel, Assessor

RE: **Land Use Change Tax – 8 parcels**

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**Map 45 Lots 3-3, 3-5, 3-9, 3-47 & 3-50 (Autumn Oaks Subdivision New Homes) -** These lots have been issued building permits, and construction has been started. The construction disqualifies the lots from Current Use, and requires the Land Use Change Tax to be issued. A single developer owns ALL parcels, and is the party responsible for payment of the Warrant.

**Map 50 – Lot 1** – A portion of this large lot is being removed to support a new residential dwelling.

**Map 53 Lot 67-2** – The expansion of residential use on this site required additional land needs to be removed from Current Use.

In each case the owners have had notice of this action being taken this evening. The Land Use Change Tax is 10% of estimated market value at the time of removal from current use.

**Map 5-3** – This developed parcel was recently purchased. There is a recording document presented to you this evening to clean up the remainder on this lot and remove Current Use from a previous transfer in 2014. There is no Land Use Change Tax associated with this parcel.

Thank You

CHAPTER 182  
HB 1473-FN - FINAL VERSION

6Mar2018... 0312h  
04/19/2018 1462s

2018 SESSION

18-2421  
05/10

HOUSE BILL ***1473-FN***

AN ACT relative to the timber yield tax.

SPONSORS: Rep. Spang, Straf. 6

COMMITTEE: Resources, Recreation and Development

-----  
AMENDED ANALYSIS

This bill:

- I. Permits a municipality to waive the yield tax on land owned by the municipality.
- II. Provides that, unless a bond has been required, a supplemental notice to cut shall not be required when the total volume of the cut is not more than 25 percent of the volume reported in the notice of intent to cut.
- III. Requires the municipality to provide public notice of an intent to cut before it is signed by assessing officials.

-----  
Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

6Mar2018... 0312h  
04/19/2018 1462s 18-2421  
05/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eighteen*

AN ACT relative to the timber yield tax.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

182:1 New Section; Forest Conservation and Taxation; Waiver of Yield Tax by Municipality in Certain Cases. Amend RSA 79 by inserting after section 3-a the following new section:

79:3-b Waiver of Yield Tax by Municipality in Certain Cases. When timber harvesting is conducted on land owned by, and located in, a municipality, the municipality may waive the yield tax, but shall report the location, species, and volume of wood and timber cut to the commissioner of revenue administration, who shall send one copy of the report to the division of forests and lands of the department of natural and cultural resources.

182:2 Forest Conservation and Taxation; Notice of Intent to Cut. Amend RSA 79:10, I(a) and (b) to read as follows:

I.(a) Every owner, as defined in RSA 79:1, II, shall, prior to commencing each cutting operation and at the beginning of each new tax year into which the cutting operation shall continue, file with the proper assessing officials in the city, town, or unincorporated place where such cutting is to take place a notice of intent to cut provided by the commissioner of revenue administration, stating the owner's name, residence, an estimate of the volume of each species to be cut, and such other information as may be required. ***Except when a bond is required pursuant to RSA 79:3-a or RSA 79:10-a, II, a supplemental notice of intent shall not be required when the total volume of the cut exceeds the total volume reported in the intent to cut by less than 25 percent. When required, the supplemental notice*** shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year.

(b) Any intent received by a city, town, or unincorporated place shall, within ~~[30]~~ 15 days, be assigned a number in accordance with the guidelines provided by the commissioner of revenue administration, and be signed by the assessing officials ***if all conditions for approval have been met. Public notice shall be posted for any intent to cut received by a municipality before it is signed by assessing officials. The notice shall be posted in the 2 places where the municipality regularly posts notices of its governing body meetings. Notwithstanding RSA 91-A, the assessing officials may sign the intent to cut outside a public meeting.*** If the conditions for approval have not been met, the assessing officials shall send a letter to the owner or the person responsible for cutting, explaining the reason for the intent not being signed. The assessing officials shall immediately forward any signed intent to the commissioner of revenue administration and shall also supply a copy to the owner upon request. Failure of the assessing officials to forward signed intent to cut forms to the department of revenue administration shall constitute a violation.

182:3 Effective Date. This act shall take effect September 1, 2018.

Approved: June 08, 2018

Effective Date: September 01, 2018

# **6:00 Pumpkin Festival Update - verbal**

#### 4. a) 1) Acceptance and Appropriation of Unanticipated Revenues Under \$10,000

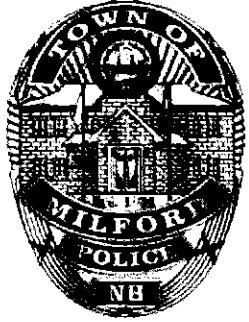
**Board of Selectmen**  
**Agenda Date: 6/25/18**

##### **Acceptance and Appropriation of Unanticipated Revenues Under \$10,000 (31:95(b))**

<b>Source</b>	<b>Amount</b>	<b>Purpose</b>
Shawn and Staci Walsh	\$ 2,136.10	Donation to the Milford Police Department for the purchase of a ballistic shield and helmet. See attached memo from the Police Chief.

##### **Acceptance of Gifts of Property Under \$5,000 (31:95(e))**

None at this time.

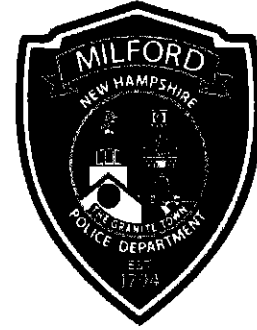


# Town of Milford

POLICE DEPARTMENT

19 Garden Street  
Milford, NH 03055  
603-249-0630

**Michael J. Viola**  
Chief of Police



To: Mark Bender, Town Administrator  
Board of Selectmen  
Thru: Chief Michael J. Viola  
From: Captain Craig Frye  
Date: June 13, 2018  
Ref: Donation for the Milford Police Department:

On June 8th, we received a check from retired Detective Sergeant Shawn Walsh and his wife Staci in reference to showing their appreciation to the Milford Police Department. Throughout the years, Mr. Walsh has continued to show his support for the members of the Milford Police Department and the Town of Milford.

On behalf of the Milford Police Department, I am respectfully requesting the Board of Selectmen to consider and approve a donation in the amount of \$2136.10 (two thousand one hundred thirty six and ten cents), from Shawn and Staci Walsh, to be donated to the Milford Police Department for the purchase of a ballistic shield and helmet.

On behalf of the Milford Police Department, I would like to thank Shawn and Staci Walsh for their donation to the Milford Police Department.


Your consideration in this request would be greatly appreciated.

4. a) 2) Request for Approval of Emergency Operations Center Designation



**Fire Department  
MEMORANDUM**

**TO:** Board of Selectmen

**FROM:** John Kelly, Chief of Department 

**DATE:** June 12, 2018

**SUBJECT:** Emergency Operations Center Designation

As part of the Fire Station renovation and expansion project we are making a change to the location of the primary Emergency Operations Center from the Town Hall to the Fire Station.

This change will be noted in the year one concurrence form in the Towns Emergency Operations Plan and place on file Homeland Security and Emergency Management.

To finalize this process, we are seeking written approval from the board for this change.

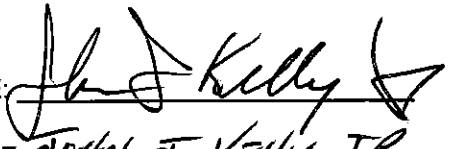
**ANNUAL CONCURRENCE YEAR ONE**

The Town of Milford, NH shall execute this page annually by the members of the governing body.

Milford, NH  
Emergency Operations Plan

Date 6/12/15

**Reviewed and Approved by the Emergency Management Director**

SIGNATURE: 

PRINTED NAME: JOHN J KELLY JR  
Emergency Management Director

**Concurrence of Approval by the Town Administrator**

SIGNATURE: \_\_\_\_\_

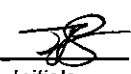
PRINTED NAME: \_\_\_\_\_  
Town Administrator

**Concurrence of Approval by the Board of Selectmen**


SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_  
Board of Selectmen-Chair

**EOC Alert List Review & Update:**

6/12/15        
Date                      Initials

**Resource Inventory List Review & Update:**

6/12/15        
Date                      Initials

Please use reverse side for additional notes





## **Town Status Report – June 25, 2018**

**Fire Department Building Contracts** – All contracts have been reviewed and amended by Primex and Attorney Drescher. The contract with Port One Architects, Inc. has been finalized and is ready for signature. The contracts with Eckman Construction Company, Inc. for construction management and general conditions for construction are very close to being finalized. We are working through the last few details with Eckman and Primex but we are confident that they will be resolved very soon. All contracts are similar in style and content to those for the Ambulance facility. I am requesting board authorization to sign the contracts so we can start the project in July.

**Paving Update** – Check website for project updates and details:

### **Clinton Street**

- Water Department began service taps on June 18
- Drainage/catch basin replacement
- Sidewalk and curb replacement
- Street reclamation and paving scheduled week of July 16 & 23.

### **Ponemah Hill Road**

- Drainage and culvert replacement started week of June 18
- Road reclamation and paving scheduled for week of July 9
- Guardrail replacement

### **King & George Street**

- Road reclamation scheduled for week of July 16
- Drainage work scheduled for week of July 23
- Water Department service work scheduled to start week of July 30
- Paving planned for end of August

### **Osgood Road**

- Road repairs, drainage and reclamation work scheduled for week of July 23
- Shim coat and chip seal from Armory to Burns
- Pave Burns to Noons Quarry

### **Melendy Road/Ball Hill Road**

- Road repairs Armory to Annand Drive
- Shim coat and ship seal in August

**Nashua Street** – 1 week not scheduled

- Riverside Cemetery to Walgreens
- Sidewalk and curb work
- Mill and Overlay with alternate lane closures

**Elm Street** – 1 week not scheduled

- Wilton Road to Hitchiner Way
- Mill and Overlay with alternate lane closures

## **6. Discussions**

**1. Hartshorne Bridge Discussion**

**2. 127 Elm Street Discussion**

**3. Request to fly Pride Flags on the Oval utilizing the already existing footings currently in place around the perimeter of the Oval only, Saturday, June 30<sup>th</sup>.**

## 6. 3) Request to Fly Pride Flags on the Oval

To: Milford Board of Selectmen

From: Paul Dargie

Date: June 19, 2018

Subject: Request to Fly Pride Flags on the Oval

I am requesting permission to fly "Pride" flags on the oval on Saturday, June 30<sup>th</sup> as a one-day public celebration of Gay Pride month. I request permission to use the flagpoles and footings that are normally used to fly American flags around the perimeter of the oval on celebration dates such as Flag Day and the Fourth of July, but instead to use the poles to fly "Pride" flags. The set up and take down of the flags and poles would be done at no cost to the town. There are 22 flag poles, and I request permission to use all of them, but the actual number to be used would depend on how many flags are able to be purchased.

If this request is not approved, then I ask permission to hang "Pride" flags on the perimeter of the bandstand as was similarly allowed for "Red Ribbon" displays that were hung on the bandstand on October 23-31, 2017.

DRAFT

MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

June 11, 2018

- PRESENT:** Kevin Federico, Chairman
- Gary Daniels, Vice Chairman
- Mike Putnam, Member
- Laura Dudziak, Member
- Paul Dargie, Member
- Mark Bender, Town Administrator
- Tina Philbrick, Recording Secretary
- Hazen Soucy, Videographer

**1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING**

**INSTRUCTIONS:** Chairman Federico called the public meeting to order at 5:30 p.m., introduced Board members and then led the audience in the Pledge of Allegiance. Chairman Federico indicated that those people in the audience who want to speak or add to the discussion should please use a microphone in order to be heard on the PEG Access live broadcast.

**2. APPOINTMENTS: (Approximate times)**

**4:00 p.m. – Site Walk at Hartshorne Road Bridge and 127 Elm Street -** Chairman Federico informed the public that prior to this meeting, the Board did an offsite walk to review the Hartshorne Road Bridge and the 127 Elm Street Property.

**5:30 p.m. – Public Hearing – Mobility Device Use Policy – Kim Rimalover and Chris Costantino –** Chris gave an overview of what was discussed at the May 14, 2018 Board of Selectmen’s meeting. This policy would address the use of Mobility Devices on town trails. The policy is based on the Americans with Disabilities Act (ADA) that took effect March 15, 2011. The definition and regulation to permit the use of mobility devices has been amended. The rule adopts a two-tiered approach to mobility devices, drawing distinctions between wheel- chairs and "other power-driven mobility devices" (OPDMDs). The DOJ requires that each group which owns a trail(s) “make reasonable modifications in its policies, to permit the use of OPDMDs by individuals with mobility disabilities. The Conservation Commission adopted specific guidelines and would like the Board to approve the policy.

Chairman Federico opened up the Public Hearing. Hearing no comments, he closed the public hearing at 5:35. The second public hearing for the Mobility Device will be held on Monday June 25, 2018 at 5:30 in the Board of Selectmen’s meeting room.

**5:40 p.m. – ARM Grant Submittal – Chris Costantino**

The Milford Conservation Commission is requesting approval to apply for NH DES Aquatic Resource Mitigation Fund Grant to contribute to cost of the Brox Community Lands Conservation Easement. This grant is part of a program funded by the NH Department of Environmental Services, If the application is successful, the monies would assist in funding the expenses for a conservation easement in the Open Space on the Brox Community Lands Gravel Removal Operation Plan, dated Last Revised: January 25, 2017.

The Easement is one condition of the AoT (Alteration of Terrain) permit for the Gravel Removal Operation, being part of the approved plans on which the permit is predicated. The easement will protect and preserve roughly 75 acres of Open Space. This forest upland area is an important component of the existing successful wetland habitat. It supports a healthy population of wetland species requiring dry soils for nesting. The estimated cost for the easement is at least \$25,000 and we are going to ask for ½. Conservation would like permission from the Board to pursue the grant.

Selectmen Putnam asked what the money would be used for. Chris said some for a survey to identify the area being set aside to be protected and we have to pay someone to hold the easement and manage it. Fish and Game may be interested, but they want us to move forward before getting into the details. They gave us a sample easement as a guideline. Several things have to be completed prior to August 31<sup>st</sup>, but we need the Boards permission to move forward first. It’s called a stewardship fund and runs between \$10,000 and \$15,000, it’s tied to the amount of management they need to enforce with abutters, and it’s a onetime cost. They charge every entity that they hold an easement for. This is the most expensive thing; it may be higher than \$15,000.

**DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 06/11/2018**

60 Selectman Dargie asked if the easement was consistent with the master plan for Brox. Chris said yes, it's the 75 acres  
61 to the south and east between the pit and the pond. Selectman Dargie asked if the pond needed an easement as well.  
62 Chris said she wasn't sure but the pond is already protected with the 50' buffer around it already.  
63

64 Selectman Dudziak said that the easement is necessary and if you can get grant money to help fund it, that's great.  
65 Selectman Daniels asked if we had the easement already. Chris said no. Selectman Daniels is confused by the state-  
66 ment in Andy's letter that the easement is one condition of the AoT permit for the gravel removal operation. Admin-  
67 istrator Bender said the permit was based on us setting aside 75 acres for this purpose. We now have to get the ease-  
68 ment to permanently set it aside and put it in under the scope of Fish and Game or whoever holds the easement. Chris  
69 said that Fish and Game will go through a site selection committee who will evaluate it to determine if this is some-  
70 thing they want to take on. Selectman Daniels clarified that they take money from the towns and put into a fund.  
71 Chris said she doesn't know their process but yes, they will accept money. We've worked with them on other ease-  
72 ments. Selectman Daniels asked where does the money from the town come from? Chris said they are not sure yet, it  
73 could come from Conservation or the town. We can reject the ARM grant if we are awarded the funds. They require  
74 an approval of the land owners, in this case the Board. Selectman Daniels said he's fine with going after the funds as  
75 long as there's another chance to review it when the money comes in.  
76

77 Selectman Putnam asked if there was any chance that the easement keeper could be the Brox Environmental people?  
78 Chris said she doesn't know, but it has to be some legally recognized entity. Chairman Federico said he doesn't think  
79 the 75 acres includes the pond. To his knowledge, when a piece of property is put under easement through Conserva-  
80 tion, it's done by very specific groups that are established, not just anyone. We have many things that need to be done  
81 before August 31<sup>st</sup>. Selectman Putnam made motion to have Conservation pursue the ARM grant request. Selectman  
82 Daniels seconded. All were in favor. The motion passed 5/0.  
83

84 **6:00 p.m. – Gateway Signs – Kent Chappell, Ed Kellum and Andrew Ciardelli** – Represented MIT with a project  
85 to make gateway signs going into and out of Milford. Kent said they originally wanted to use granite, but DOT re-  
86 quires breakaway. They found a company in Manchester who came up with some good ideas and we came up with  
87 something that we think would work. We would simulate posts similar to what is used downtown. They know they  
88 need Board approval. The Manchester Company would deal with the State and right of ways and whatever else would  
89 be needed to approve them. They would also install them. He passed around some copies for the audience and Board  
90 to see. They would have the signs made to look like granite and the maintenance would be minimal because the pic-  
91 tures would be photographed on the material. They would like to make use of the back side too.  
92

93 Selectman Putnam asked what it would cost for the signs. Kent said they didn't have figures yet but MIT is planning  
94 to pay for the whole thing. The signs would be 6' high and 4' wide. They are also looking at some point having solar  
95 LED lights on them. The signs would be at the town lines. They would like to consider removing the "tombstone"  
96 sign and give it to the Historical Society. The consensus of the Board is that it's a great idea. Kent asked if there was  
97 anything else that the Board may want on it. Selectman Dudziak said she wouldn't change anything. Chairman Fed-  
98 erico said it's consistent with the park signs. Andrew said that Kent spent a lot of time with Spectrum going over this.  
99 He asked if the Board wanted anything else unique to the town on the signs. Selectman Daniels suggested "the granite  
100 town". Kent said they previously discussed it but it didn't go very far. Selectman Daniels likes the simplicity of it.  
101 He asked how much the sign could take before breaking if a snowplow comes by. Kent said a lot, it would be hard to  
102 break it. They would also get a warranty on them.  
103

104 Selectman Putnam made a motion to approve the gateway signs to be purchased by MIT and be placed at the town  
105 lines. Selectman Daniels seconded. All were in favor. The motion passed 5/0. The Board thanked everyone for  
106 coming in.  
107

108 **3. PUBLIC COMMENTS. (Items not on the agenda).** Chris Labonte, resident on Marcey's Way asked if they  
109 had the numbers for the Gravel Operation as far as income versus expenses yet. Administrator Bender said he started  
110 the process but it isn't completed yet. We are at about \$38,000 in revenue so far. He's identified \$19,000 in legal fees  
111 from the temporary restraining order, Zoning Board and Water Council Hearing. We had the excavator out there but  
112 we would have used it anyway to crush materials. He is still accumulating it and will let him know when it's com-  
113 plete.  
114  
115

116 **4. DECISIONS.**

117 a) **CONSENT CALENDAR.** Chairman Federico asked if there were any items to be removed from the Con-  
118 sent Calendar for discussion. There were no items removed for discussion. Selectman Putnam moved to approve  
119 the Consent Calendar as presented. Selectman Daniels seconded. All were in favor. The motion passed 5/0.

- 120 1) Acceptance and Appropriation of Unanticipated Revenues Under \$10,000 (31:95(b))
- 121 • Proceeds from the Fishing Derby raffle ticket sales to be used towards future Fishing Der-  
122 bies - \$358.
  - 123 • Donation to the Milford Police Department for the IPMBA Mountain Bike training to cover  
124 the cost of a Town of Hollis Police Officer - \$300.
  - 125 • Funding from the State of NH for Warm Zone Equipment for the Ambulance Department -  
126 \$6,000.
- 127 2) Request for Acceptance of Roadway “Walnut Street”

128  
129 **b) OTHER DECISIONS.**

- 130 1) N/A

131  
132 **5. TOWN STATUS REPORT –**

133 **a) Mason Road Bridge Update**

134 Work was completed last week with the installation of guard rails. The contractor finished the culvert replacement in  
135 two weeks and had the road open to traffic. We were very happy with the work and timely completion. We also uti-  
136 lized the contractor to replace a small, failing culvert on Mile Slip and that work was completed in one day and we  
137 paved over it.

138  
139 **b) Rotch Wildlife Preserve Complaint**

140 The town received a complaint from a Massachusetts resident about a cross standing on town owned property at the  
141 Rotch Wildlife Preserve. The individual copied the ACLU, American Humanist Association and Americans United.  
142 We have been contacted by ACLU of NH and American Humanist regarding a possible First Amendment violation –  
143 separation of church & state. Administrator Bender provided a brief background:

- 144 • Two parcels comprise the Rotch Wildlife Preserve:
  - 145 o Map 52 Lot 18 was a gift from the Rotch family to the Town of Milford in 2002.
  - 146 o Map 52 Lot 18-6 was conveyed by the Rotch Trust to the Episcopal Church and subsequently to the Town of  
147 Milford in 2014.
  - 148 o The above lots were merged in 2014.
- 149 • The cross is on the property previously owned by the Episcopal Church. We are unaware when or why the  
150 cross was installed. We are not maintaining the cross and have no plans for maintenance or reconstruction.
- 151 • There is historical evidence that the Rotch family spread ashes in the woodlot during the 1950’s and refer-  
152 ence to a “sacred grove”.
- 153 • We have received only one objection to the cross dated January 1, 2018.
- 154 • The preserve is minimally maintained as open space by the Milford Conservation Commission.

155 Their request is to have the cross removed. What is the board’s preference?

156  
157 Selectman Dudziak asked how far off the road is the cross? Administrator Bender said the Preserve is off Rt13 and  
158 you can’t see the cross from the road. Selectman Dargie asked how big the cross was. Administrator Bender said he  
159 hasn’t been out to the preserve and he doesn’t know how big the cross is but according to Conservation, it’s fairly  
160 large. Selectman Dudziak said that most courts would say that it’s unconstitutional but this case is different. The town  
161 didn’t construct the cross, they don’t maintain it and they don’t have a plan fix it if it fell down. She thinks we should  
162 just leave it alone. Selectman Putnam asked if it was in any danger of falling on someone, if it’s a liability they we  
163 should take it down. Administrator Bender said he would have to see it. A walk through any cemetery in town would  
164 yield a fair amount of religious symbols on town property. Selectman Daniels said the town didn’t put it there, let it  
165 go. The consensus of the Board is to let it ride.

166  
167 **c) Electricity Pricing Update –** Administrator Bender said that he and Jack Sheehy met with third party providers to  
168 solicit electricity pricing for 2019/2020. Our contract expires in November, but we wanted to get an early start due to  
169 recent volatility trends in the market. Current contract pricing for 2017 was \$0.06503 and 2018 is \$0.06999.

170

171 We decided to maintain a 24 month term and secured pricing from 4 providers. The best deal is 2019 at \$0.07033 and  
172 2020 at \$0.06913 for an average price of \$0.06973. This maintains our hydro option, would be inclusive of all town  
173 departments including Library and Water Utilities and is reasonably close to current prices (3% increase over 2  
174 years). Pricing changes daily and is trending upward, so we would encourage the town to lock in this pricing struc-  
175 ture. We are requesting authorization to execute the agreements for two years? A motion was made by Selectman  
176 Daniels to authorize the agreements. Selectman Putnam seconded. All were in favor. The motion passed 5/0.  
177

178 **6. DISCUSSIONS**  
179

180 **a) Review of Proclamation for LGBT Pride Month** – Chairman Federico asked George Hoyt to speak for his re-  
181 quest. George declined citing laryngitis. Chairman Federico said he would allow brief comments from the public  
182 before turning it over to the Board.  
183

184 Barbara Smith, Milford resident is in support of flying a gay pride flag and recognizing June as gay pride month. It  
185 would be good to recognize those in our community that have a different lifestyle than us.  
186

187 Shayne Bernard, Milford resident said she runs the Souhegan Valley LBGT website page. She is in support of fly-  
188 ing the LBGT flag on the Oval. We have trans kids, trans adults, lesbian and bisexual families in town and this would  
189 be another way to show them that this is a safe place for them.  
190

191 Carla Bverstraete, Milford resident is in support of the LBGT flag being flown on the oval, she thinks it would be  
192 great for the community.  
193

194 Susan Kater, Milford resident isn't sure she supports this. She feels it opens the door for others to come and say they  
195 want their flags flown. She isn't against the gay community but she believes what they want to do is put their flag in  
196 place of the American Flag for the month of June and she doesn't support that. She doesn't support taking down an  
197 American Flag over a Veterans Memorial.  
198

199 George Hoyt, Milford resident said it would be putting the LBGT flag below the American Flag, not removing it and  
200 it's being paid for by private donation, not tax payer's money.  
201

202 Chairman Federico closed the public comments and opened it up for Board discussion. Selectman Daniels said he's  
203 been a resident of this town for about 55 years, and he can only recall three flags ever being flown over the  
204 Oval - the American flag, the POW flag, and, on March 30, 2017, for a day, the Welcome Home Vietnam  
205 Veterans Day flag. On August 7<sup>th</sup> this year a fourth flag will be flown, for Purple Heart Day, as we recognize  
206 military personnel who were wounded in service to their country and are Purple Heart recipients. He don't  
207 know if the petitioner is aware that the flag pole on the Oval is a WWI military memorial and the flags that are  
208 flown on it signify one united country and honor those whose service and sacrifice bought for us the freedom  
209 we enjoy today.  
210

211 When he voluntarily enlisted years ago, he did so knowing that he may be called upon to lay my life down so  
212 that all Americans, regardless of their age, sex, race, color, creed, religion, national origin or orientation, could  
213 enjoy the rights and protections offered to them by our Constitution. Those who serve today do so with the  
214 same knowledge. That is American unity.  
215

216 If we authorize the flying of the proposed flag, or for that matter, any other non-military flag on that memori-  
217 al we cross over a threshold through which we cannot return. Not only would we desecrate a military memo-  
218 rial, but we would set a precedence that opens the door to any organization or segment of society to request,  
219 or demand, that their flag also be flown. This would include Christian, Jewish and Satanic flags, flags of any  
220 national origin of residents living in town, flags for any political party or political issue, even flags for the  
221 Confederacy, white supremacy, Nazi and ISIS, for they all, like the LBGT flag, would be flying under the  
222 banner of one's 1st Amendment rights. There is no way that these subsequent requests could be denied with-  
223 out the Board facing charges of discrimination for denying someone's Constitutional right, while having ap-  
224 proved someone else's.



## DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 06/11/2018

225 He will forever stand to protect the rights of any citizen who wishes to stand on the Oval with signs or flags,  
226 exercising their 1st Amendment rights, but he cannot support the desecration of a military memorial that  
227 symbolizes unity, service and sacrifice by flying any flag that detracts from these sacred values.

228  
229 America by definition is diverse, and everyone knows that. He thinks it's time to put aside all the various la-  
230 bels that divide us and start celebrating the fact that we are all Americans, with equal Constitutional rights,  
231 and deserving of the same human respect as the next person. That will not come about by flying flags, how-  
232 ever, but by each person's self-assessment of how they live their life and how they treat and respect each oth-  
233 er. For the reasons stated, he cannot support the request before us, but would authorize these citizens, like others  
234 before them, to utilize the oval as a place of assembly to exercise their Constitutional rights. He thanked  
235 Chairman Federico for letting him speak. Selectman Putnam agreed with Selectman Daniels, he doesn't have  
236 anything against the LGBT or anyone else. He has always been treated and has treated people equally. He  
237 spoke to a couple members of LGBT and they agreed that it would open a door for other flags, they would love  
238 to see their flag flown, but they understand that it would be setting a precedence that we might not want to set.

239  
240 Selectman Dargie disagrees with the others. He is supportive of this proposal. The LGBT community has had  
241 difficulties over the years and having a pride month would be a worthwhile experience and having a flag flying  
242 would show that Milford is an inclusive society. Selectman Dudziak is fully supportive of recognizing June as  
243 LGBT Pride Month. She is supportive of having gatherings on the Oval and parades, but she agrees with Se-  
244 lectman Daniels with not having the flag on the pole on the oval because it's a dedicated war memorial. She  
245 would not be in support of that.

246  
247 Chairman Federico is in support of the LGBT community but because of the memorials, he isn't in favor of al-  
248 tering what has gone on in this community for years which is the dedication to the military and our service  
249 members. He doesn't want the Milford Oval to be a canvas for every organization and changing out a flag eve-  
250 ry day or month for the next persons thing. Selectman Putnam said he's never known this community to be an-  
251 ything but welcoming. The Unitarian Church has their sign out, people can hang whatever signs/flags on their  
252 house and it's not like we are trying to ban anything.

253  
254 Selectman Dargie made a motion to approve the proclamation but take out any reference to flying the flag.  
255 Chairman Federico seconded for discussion. He's had time to review this and has received lots of feedback by  
256 the community and on social media. He doesn't have a problem with the proclamation if the flag pole reference  
257 was removed. June is being celebrated as LGBT month but hasn't been recognized nationally, the president  
258 hasn't signed off on it. He would move forward with the proclamation for Milford removing the flag reference.  
259 If it was already proclaimed it would be an empty gesture, but he doesn't think it's an empty gesture for Milford  
260 to do this. He asked the Board if there were any other thoughts.

261  
262 Selectman Dudziak is okay with it. Selectman Daniels said it seems that the petitioners are trying to gather uni-  
263 ty and he is unsure how the proclamation unifies us. Do we want to have proclamations coming in every week  
264 or month? We have one American Flag that's supposed to unify us. It seems to him that every time we decide  
265 to take one segment, whether it's black lives matter, LGBT or white supremacy, all we are doing is continuing  
266 to divide us. We are supposed to be Americans and have the same opportunities and constitutional rights and he  
267 doesn't know how this fuels unity. Selectman Dudziak said we don't all have the same opportunities and rights.  
268 Certain groups are treated unfairly. Selectman Daniels repeated, we have the same opportunities and rights.  
269 Yes, certain groups and nationalities don't get treated fairly, but flying the flag isn't going to make a difference  
270 on that. Things are going to change by looking in the mirror and asking ourselves how we live our lives and  
271 how we treat each other.

272  
273 Chairman Federico said that the last proclamation that was presented to the Board was the Purple Heart. He  
274 doesn't have an issue with the proclamation, it's a gesture. He agrees with both sides of the issues. Selectman  
275 Daniels said having people stand on public land and express their opinions and their right makes us equal in the  
276 eyes of the law. Chairman Federico said take the LGBT out of the equation and it's about celebrating any or-

277 ganization. Selectman Daniels said we need to ask ourselves if any of the groups that he listed came in and  
278 asked for the same thing with the same wording on it “that the town supports this”, are you willing to put your  
279 yes behind whatever is coming in the future.

280  
281 Selectman Dargie said have one proclamation doesn’t mean you have to do one for everyone. They can look at  
282 each one individually and decide. Selectman Putnam said he doesn’t see it that way. Chairman Federico said a  
283 motion has been made and seconded to approve the proclamation without any reference to flying their flag on  
284 the oval. The proclamation would have to be re-written to reflect the changes. The motion passed 3/2 with Se-  
285 lectman Daniels and Putnam opposed.

286  
287 **b) Dog Park Questions** – Chairman Federico presented a list of questions about the dog park. Previously we spoke  
288 about putting the dog park on a piece of property off Perry Road. The conversation generated a list of questions that  
289 need clarification.

- 290  
291 1. Who would clear the land?  
292 2. How much would it cost if DPW was to complete the work?  
293 3. If the park came to exist, and we had a buyer for the land, would we move the park?  
294 4. Could we move the park?  
295 5. What would happen to the road?  
296 6. Currently it’s a class VI, would we make it a class V?  
297 7. Can we make it a class V?  
298 8. Does it take a town vote to make the road a class V?  
299 9. What would the estimated additional cost be to DPW if we accepted the road as a class V?  
300 10. Lighting was mentioned, what type of lighting? Area lighting for walking or sports field lighting?  
301 11. How would that affect the neighbors?  
302 12. Should this request be going thru Zoning and Planning for approvals?  
303 13. Who would take on the long-term costs of the park?  
304 14. Would this location prevent hunting in the area?  
305 15. Who can actually enforce the rules of the park?  
306 16. Can we get an opinion from the Conservation Commission about the buffer?  
307 17. Ultimately, it does not seem to be the most ideal location, can we please take a look at other possibilities, both  
308 with town owned land and explore the possibility of non-town owned land?

309  
310 He would also like to look at other town owned land, or non town owned land that might be better suited for the dog  
311 park. He asked the Town Administrator to get answers to these questions.

312  
313 Administrator Bender said that a group of people met including, Community Development, Recreation, Conservation  
314 and Public Works to talk about some options. They came up with a list of properties and they are presently research-  
315 ing to see which may be viable.

316  
317 **c) MACC Base Surplus Monies (tabled from May 29, 2018)** – Chairman Federico said there were a couple of  
318 questions they were looking for answers for and if he wanted a decision before the MACC Base meets. Selectman  
319 Putnam said they are meeting Wednesday morning. Chairman Federico asked if he was still looking for guidance.  
320 Selectman Putnam said that Selectman Daniels is the budget committee representative and he would be the one mak-  
321 ing the decision. Selectman Daniels has some questions that MACC Base can answer, like how often the generator is  
322 used and where is it vented. In the future, if we decide that MACC Base isn’t going to be around, what would we use  
323 the generator for? In regards to the \$20,000 warranty for the microwave, are we under warranty now? Selectman  
324 Putnam said no, it’s currently being manufactured. Selectman Daniels asked what are we are paying for? Selectman  
325 Daniels said it was \$20,000 for continued funding of Microwave system extended warranty’s, that’s implying that we  
326 are paying for something. Selectman Putnam said the \$20,000 was held back in 2016, we didn’t spend it and 2017  
327 and we want to hold it back again.

328  
329 Chairman Federico said he wants to allow the Board of Governors to meet before we make a decision on anything.  
330 Selectman Putnam said they were meeting on Wednesday and the subject will be done. Selectman Dargie asked if the  
331 Board needed to vote on this to get the money back or is the budget committee vote binding. Selectman Putnam said

332 the budget committees vote is binding. Chairman Federico said we should at least give our thoughts on what we want  
333 done with the money. Administrator Bender asked if Selectman Daniels had two votes. Selectman Putnam said yes.  
334 Chairman Federico said we don't know what going to happen with MACC Base yet or what the MRI report is going  
335 to show. He's always been an advocate for public safety and to have equipment to do their job. If we are going to pay  
336 71% of the generator he would propose to buy the generator. We could use it. Selectman Putnam said the generator is  
337 only equipped for MACC Base, not the whole building. We just want to keep communications up and running.  
338

339 Administrator Bender said the generator that powers the town hall is a large diesel 100 kw generator. It's stored at  
340 Water Utilities. The MACC Base generator is located in the town hall boiler room. Its propane powered and the tank  
341 is buried outside Jacks office. We test run it every Tuesday at 6:00 am. It used to be during the day but the exhaust  
342 pipe is on the outside of the building and is somehow leaking into the building. The generator is run for 15 to 20  
343 minutes to keep it operational. He assumes the new one would be mounted on the roof and we would use natural gas.  
344 Selectman Putnam said he would be in favor of natural gas. Selectman Dargie said he was in favor of all 4 items.  
345 Selectman Dudziak said she's also in favor of them. Administrator Bender asked if they reserved the microwave  
346 money last year, why do you have to do it a second time. Selectman Putnam said the way the contract is written, you  
347 can't pull it over year to year, it has to be appropriated each year. We should have the audit complete tomorrow.  
348 Administrator Bender asked if he ever found the \$15,000 difference between the 2017 actual vs. budget and the sur-  
349 plus amount? Selectman Putnam he's waiting on the auditors' paperwork. Chairman Federico asked Selectman Dan-  
350 iels if he had any other questions. Selectman Daniels said regarding the microwave, it states that each site replace-  
351 ment would be an estimated \$20,000 and there are 6 sites for a total of \$120,000. Selectman Putnam said the cost of  
352 the sites is covered under the grant money. There was no other discussion.  
353

354 **7. SELECTMEN'S REPORTS/DISCUSSIONS.**

355 **a) FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.**

356 Selectman Daniels handed out an article about a fire fighter developing a gear dryer that dries equipment in about 45  
357 minutes as opposed to hours. One complaint for fire fighters is that if they have multiple fires, their gear isn't dried  
358 and they have to put wet slimy stuff back on. This is something that he thinks would help. He asked the Town Ad-  
359 ministrator to hand it on to Chief Kelly.  
360

361 Selectman Putnam said the fire station renovations are moving along. They still plan on the end of July to begin dem-  
362 olition.  
363

364 **b) OTHER ITEMS (that are not on the agenda).**

365 **8. APPROVAL OF FINAL MINUTES.** Selectman Putnam moved to approve the minutes of May 29, 2018. Se-  
366 lectman Daniels seconded. All were in favor. The motion passed 5/0.  
367

368 **9. INFORMATION ITEMS REQUIRING NO DECISIONS.**

369 **10. NOTICES.** Chairman Federico read the notices.  
370

371 **11. NON-PUBLIC SESSION.** Selectman Putnam made a motion to enter into non-public meeting in accordance  
372 with (RSA 91-A:3, II(e)) Legal **and** Approval of non-public minutes (RSA 91-A:3, II(c)) Reputation May 29, 2018.  
373 Selectman Daniels seconded. All were in favor. The motion passed 5/0. Chairman Federico said it needed to be done  
374 by a roll call vote: Selectman Dargie – yes, Selectman Dudziak – yes, Selectman Daniels – yes, Selectman Putnam –  
375 yes and Chairman Federico – yes.  
376

377 **12. ADJOURNMENT:** Selectman Putnam moved to adjourn at 6:50 p.m. Selectman Daniels seconded. All were in  
378 favor. The motion passed 5/0.  
379

380 **A public meeting reconvened at 7:33 – in the non-public meeting, the Board made two decisions.**  
381

382 A motion was made by Selectman Putnam and seconded by Selectman Daniels to approve the non-public meeting  
383 minutes – (RSA 91-A:3, II(c)) Reputation of May 29, 2018 as amended. The motion passed 5/0 by roll call vote. Se-  
384 lectman Dargie – yes, Selectman Dudziak – yes, Selectman Daniels – yes, Selectman Putnam – yes and Chairman  
385 Federico – yes.  
386  
387

**DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 06/11/2018**

388 A motion was made to unseal the non-public minutes of May 29, 2018 in accordance with (RSA 91-A:3, II(c)) Reputa-  
389 tion. A portion of the minutes pertained to Bob Kokko and Stephanie Kokko RKSK Realty LLC., for property tax-  
390 es and rebate and miscellaneous discussions. The motion passed 5/0 by roll call vote: Selectman Dargie – yes, Se-  
391 lectman Dudziak – yes, Selectman Daniels – yes, Selectman Putnam – yes and Chairman Federico – yes.  
392

393 The Board also adjusted their summer schedule as follows: The Board meetings for July 23rd, August 13th and Au-  
394 gust 27th are cancelled. The July 30th 5th Monday Forum will now be a regular meeting and they will also make  
395 August 20th a full regular meeting.  
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Kevin Federico, Chairman

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Gary Daniels, Vice Chairman

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Mike Putnam, Member

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Laura Dudziak, Member

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Paul Dargie, Member

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