



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

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STAFF MEMO

Date: April 15, 2023

To: Milford Planning Board

From: Terrence Dolan, Community Development Director

Subject: Planning Board Hearing Continuance (from 3-21-23 Mtg.), for the Souhegan Valley Boys & Girls Club (SVBGC) Minor Site Amendment Plan Request

Introduction/Overview

The applicant, the Souhegan Valley Boys & Girls Club (SVBGC) has recently revised their original plans for a Minor Site Plan Amendment - taking into account the requested revisions, as suggested by the Planning Board for the utilization of their (northwesterly) existing "Trail Easement" area, from the Club's western parking lot area, progressing northerly, and terminating at Mont Vernon Street.

The newly revised Site Plan Set being provided to the Board incorporates comments and suggestions provided by the Planning Board at the initial March 21, 2023 Hearing. This Hearing officially *Continued* to the April 18, 2023 Planning Board Mtg. (for reference, I have included the original Site Plan from the 3-21-23 Planning Board Mtg., dated 2-2-23)

Included in the overall package for your review and consideration are the following:

- 1. Revised Site Plan Sheets (four sheets in total, received and dated April 12, 2023)**
- 2. Co-signed Comment Letter, provided by seven abutting neighbors, residing along Sunset Circle (westerly of, and adjacent to the existing twenty foot (20') wide trail easement).**

The Town has sought legal counsel from the town attorney, (Mr. John Ratigan), based on the history of the property in question, concerns and the issues raised in regards to the currently-requested revisions to allow for the SVBGC to now co-utilize the existing 20 foot (20') wide "Trail Easement" to serve as both a *limited-use* 12' wide paved vehicular ingress and egress leading from the western parking lot area, out to Mont Vernon Street; as well as retaining the existing, adjacent pedestrian path now proposed to consist of a paved six foot (6') wide pathway.

The SVBGC has agreed to assume all responsibilities for any needed maintenance for this tract of land within their overall club property.

Town Legal Counsel Comments:

"It appears that most of the issues she's raised relate to items that are indeed issues within the jurisdiction of the Planning Board in the context of site review, which they've reviewed and approved. As to the issues she raised about the existing easement, the parties can change the easement, as long as they both agree to do so, and provided that it still functions for pedestrian

access. As to the claim that such a revision to enable utilization of a portion of the easement for bus vehicle purposes violates the granting of federal funds, on the one hand, I observed there were federal funds issues for the sidewalk installation along the road, and thus those funds were not for this easement. If there were also other federal funds granted to the town for other aspects of the project based upon a plan, I'm couldn't find any federal documents that specified that such project work could never to be revised or altered, especially since this proposed utilization of the easement for bus travel does not terminate the purpose that that the easement would provide pedestrian access to the river and elsewhere.

It makes sense to have the NH AG's Charitable Trust division confirm that his proposed revision of the easement is acceptable, which I imagine will occur."

**John
John J. Ratigan, Esq.**

Planning Board Options for Consideration

Board Approval is being asked to consider approving the Request as revised and presented with the latest site plans, dated 4-12-23. Staff is recommending *Approval with Conditions*, based on the revised plans. However, there are other possible plan and management procedures listed below, that the Planning Board should evaluate as Conditions of Approval

Staff is requesting the Board to continue its deliberation and consider other project issues as noted below:

- 1. Overall Approval for the Request (as revised); thus, permitting the proposed driveway lane to be utilized for both *Egress* & for *Ingress*, with appropriate flag personnel for those times when the anticipated performance/event vehicular volumes warrant *ingress* for special events.**
- 2. The Planning Board may wish to strictly limit their approval for the Request to be *Egress only*, with the (already) proposed "Do Not Enter Signage" to be permanently affixed along the Mont Vernon Street location.**

Note: Usage for any requested Vehicular *Ingress Purposes* would not be permitted until the applicant comes back before the Board with a Traffic Impact Analysis (TIA) being first performed by qualified Traffic Engineers, demonstrating the bonified need where anticipated peak traffic volumes would warrant *After-Performance* (or *Event*) *Egress/Ingress Usage*.

- 3. As an additional mitigative action, the applicant should consider installing additional six foot (6') high fencing southward from its current southern terminus, estimated to be an additional +/- 165 linear feet from the southerly end of its current location, down to the Gregg Bridge.**

The fencing will assist to mitigate any potential headlight nuisance potentially impacting the homes along the Sunset Circle (to the west of the existing Trail Easement). This additional segment of fencing should mimic the existing fencing along the westerly side of existing pathway in form, as 6-foot high chain-link with the green vinyl strips threaded thought the fencing panel. Additional appropriate buffering shrubs (with species, size and spacing specs to be determined, with prior approval by the Town) along this particular fence segment. Vegetative buffering (to be located on the easterly side of the new fencing segment) would be of further assistance to off-set possible noise or light impacts from departing night-time vehicular traffic from the Club.

- 4. The Approval of the requested Minor Site Plan Amendment Approval by the Planning Board should be contingent upon the approval of the related Trail Easement Revisions, through a formal confirmation by the State of New Hampshire's Attorney General's Charitable Trust Division.**

The Applicant's request should include meeting all obligations and remediation, as proposed by the applicant in both the initial and revised site plan sheets.

- 5. The Applicant shall provide the Town of Milford with revisions to all related Easement Documents in a timely manner to the satisfaction of the Town, pursuant to any agreements reached with the Attorney General's Office.**

All Easement Documentation shall include a "condition correction" to the applicable Easement Language waiving and removing the Town from any monitoring responsibilities for any portion of the Souhegan Valley Boys and Girls Club property.