

# MILFORD CONSERVATION PLAN



*Stone Bridge · Milford, N. H.*

*D. Clark*

MILFORD CONSERVATION COMMISSION

December 1988

Revised 1993, 1998

Adopted as part of the 1999 Milford Master Plan Update by the  
Milford Planning Board on October 19, 1999

# CONSERVATION PLAN

FOR THE

TOWN OF MILFORD, NEW HAMPSHIRE

Prepared by the

MILFORD CONSERVATION COMMISSION

With the Assistance of the

NASHUA REGIONAL PLANNING COMMISSION

December, 1988

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## CHAPTER 1

### INTRODUCTION, GOALS AND OBJECTIVES

This Conservation Plan was prepared by the Milford Conservation Commission, which was established by the Town of Milford in 1968 under the authority of New Hampshire Revised Statutes Annotated (RSA) Chapter 36-A.

RSA 36-A:2 Conservation Commission . A ... town which accepts the provisions of this chapter may establish a conservation commission, ... , for the proper utilization and protection of the natural resources and for the protection of watershed resources of said .. town. Such commission shall conduct researches into its local land and water areas and seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps charts, plans and pamphlets which in its judgment it deems necessary for its work. It shall keep an index of all open space and natural, aesthetic or ecological areas within the ... town, .... , with the plan of obtaining information pertinent to proper utilization of such areas, including land owned by the State or lands owned by the town. It shall keep an index of all marshlands, swamps and all other wetlands in a like manner, and may recommend to the,..., selectmen or to the Department of Resources and Economic Development a program for protection, development or better utilization of all such areas. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the annual town,..., report. The commission may appoint such clerks and other employees or subcommittees as it may from time to time require.

Mission Statement "Established in 1968, the Milford Conservation Commission promotes the conservation, protection and sound management of Milford's natural resources for current and future generations. We believe that the natural environment is essential to the well-being of man. We respect the lives and rights of all living things, which includes the right of landowners to coexist with our natural surroundings. The commission seeks to balance the community's immediate needs and desires with responsible long term use and protection of our natural resources. As appointed stewards, we educate and encourage the public to make wise decisions about resources." (8/28/97)

#### A. PURPOSE AND CONTENT

The purpose of the Conservation Plan is to promote the conservation, protection, and sound management of Milford's natural and historic resources.

The first chapter of the Plan establishes general goals, each of which is followed by specific objectives. These goals represent the Conservation Commission's goals for conservation of natural and historic resources in Milford and its views of appropriate means of progressing toward those goals.

The second chapter begins with an inventory of Milford's existing natural and historic resources. Natural resources are broadly defined to include water resources (rivers, streams, lakes, ponds, wetlands, aquifers, and floodplains), forest resources, agricultural resources, wildlife, visual resources, and parks and recreation land and facilities. Historic Resources are broadly defined to include buildings, bridges, monuments, sites of historic events and historic and prehistoric archaeological sites. The Conservation Commission collected these data with the assistance of the NH

Division of Historical Resources, the Hillsborough County Cooperative Extension Service, the USDA Natural Resource Conservation Service, and the NH Department of Environmental Services.

The third chapter identifies major State and Federal regulations and funding programs that are relevant to natural resource conservation and techniques commonly used at the local level to protect natural and historic resources. The section concludes with a matrix, which summarizes the tools and techniques generally applicable to conservation of each type of resource.

The final section of the Plan contains priorities for conservation management based on an analysis of goals, resources, and techniques described in the previous sections. The chapter identifies general principles for determining priorities and lists specific recommendations for action. The recommendations are grouped by type of activity. The Plan suggests appropriate roles for various local entities.

It should be remembered that the Conservation Plan is not a final statement. The document establishes goals, policies and recommendations that are considered desirable and feasible by the Conservation Commission. The Plan, as a whole, should be updated at least every five years to incorporate changes in local conditions and values as well as changes in federal and state legislation regarding conservation issues. In addition, the implementation strategy should be reviewed annually by the conservation commission to assess the effectiveness of measures taken during the year, revise strategies if necessary, and develop priorities for the coming year.

## B. GOALS AND OBJECTIVES

1. Protect and preserve sensitive water resources of the Town.
  - a. Maintain and improve sensitive environmental areas.
  - b. Use indicators of natural development suitability such as soil potential rating, slope, and drainage characteristics in guiding development.
  - c. Avoid harmful development in aquifer recharge areas and in watersheds of public water supplies.
  - d. Use development controls that minimize adverse impact on health and environment due to flooding.
  - e. Promote protection of wetlands to provide wildlife habitat and natural flood protection and water supply protection.
  - f. Perform site-inspections for all wetland dredge and fill applications.
  - g. Promote recycling of household and industrial waste to reduce the burden of waste disposal on water systems and landfills.
  - h. Regularly inspect sand and gravel extraction operations for compliance with state and local regulations.
2. Conserve and productively manage forest lands.
  - a. Maintain the vast majority of the property as open space for forestry, recreational, wildlife, and educational purposes.

- b. Allow for the development of additional recreational opportunities located in environmentally appropriate areas, as they are needed.
  - c. Encourage environmentally sound, long-term, multiple use forest management practices which over time will upgrade the quality and health of the timber resource, improve access for recreational and educational opportunities, as well as protect and improve wildlife habitat.
3. Preserve and protect prime agricultural lands.
  - a. Obtain easements or development rights on land in active agricultural use.
  - b. Purchase or obtain development rights for other lands suitable for farming.
  - c. Preserve agricultural land in units large enough to be economically viable.
  - d. Encourage agricultural use of land by promoting local marketing of farm products.
  - e. Maintain a land acquisition fund for purchasing full or less than full interests in significant conservation land as they become available.
4. Maintain and improve significant fish and wildlife habitats.
  - a. Protect habitats for threatened and endangered species.
  - b. Maintain and improve areas providing habitat for diverse species of plants and animals.
  - c. Investigate suspected incidents of illegal hunting or trapping on town owned lands.
5. Protect and preserve the Town's visual resources.
  - a. Encourage the preservation and rehabilitation of historically significant structures.
  - b. Encourage preservation of the aesthetic and historic characteristics of the Town center.
  - c. Promote protection of important scenic views.
  - d. Promote efforts to increase the aesthetic appeal of main commercial corridors to minimize negative impacts of development.
6. Provide adequate facilities to meet the town's needs for passive and active recreation and to meet needs for conservation education.
  - a. Acquire, where feasible, important natural areas for recreation and conservation purposes.
  - b. Acquire development rights or public access rights to land adjacent to public water bodies.
  - c. Increase public awareness of and access to natural areas containing trails or other recreational opportunities.
  - d. Sponsor students' visits to summer conservation camp to increase awareness and understanding of natural resource conservation.
7. Promote public awareness about the town's natural and historic resources, the Conservation Plan, and the importance of sound resource management.



## Chapter 1 Introduction, Goals and Objectives

- a. Distribute a summary of the Conservation Plan to government officials and other interested persons. Make copies of the Plan available at libraries and schools.
- b. Hold public meetings to discuss priorities for resource management.
- c. Use the news media to publicize Conservation Commission activities, the natural resources inventory, and recommendations for resource management.
- d. Encourage the Planning Board to update the Town's Master Plan to include goals and recommendations of the Conservation Plan and to adopt measures consistent with the Conservation Plan.

## CHAPTER 2

### INVENTORY, ANALYSIS, AND TOOLS

This section provides a brief discussion of the value of each type of natural resource, an inventory of the resource in Milford, and an identification of potential threats and methods of protecting and preserving the resource.

#### A. WATER RESOURCES

Water resources, including rivers, streams, lakes, ponds, wetlands, aquifers and floodplains, are among the most precious of a town's natural resources. Water is necessary for drinking and bathing, food production, goods manufacture, fire protection and processing of wastes, as well as for plant and animal life. Water resources are also among the most fragile of Milford's natural resources. The sensitive hydrologic cycle, which allows humans, plants, and animals to coexist, is easily disrupted.

##### 1. Open Water

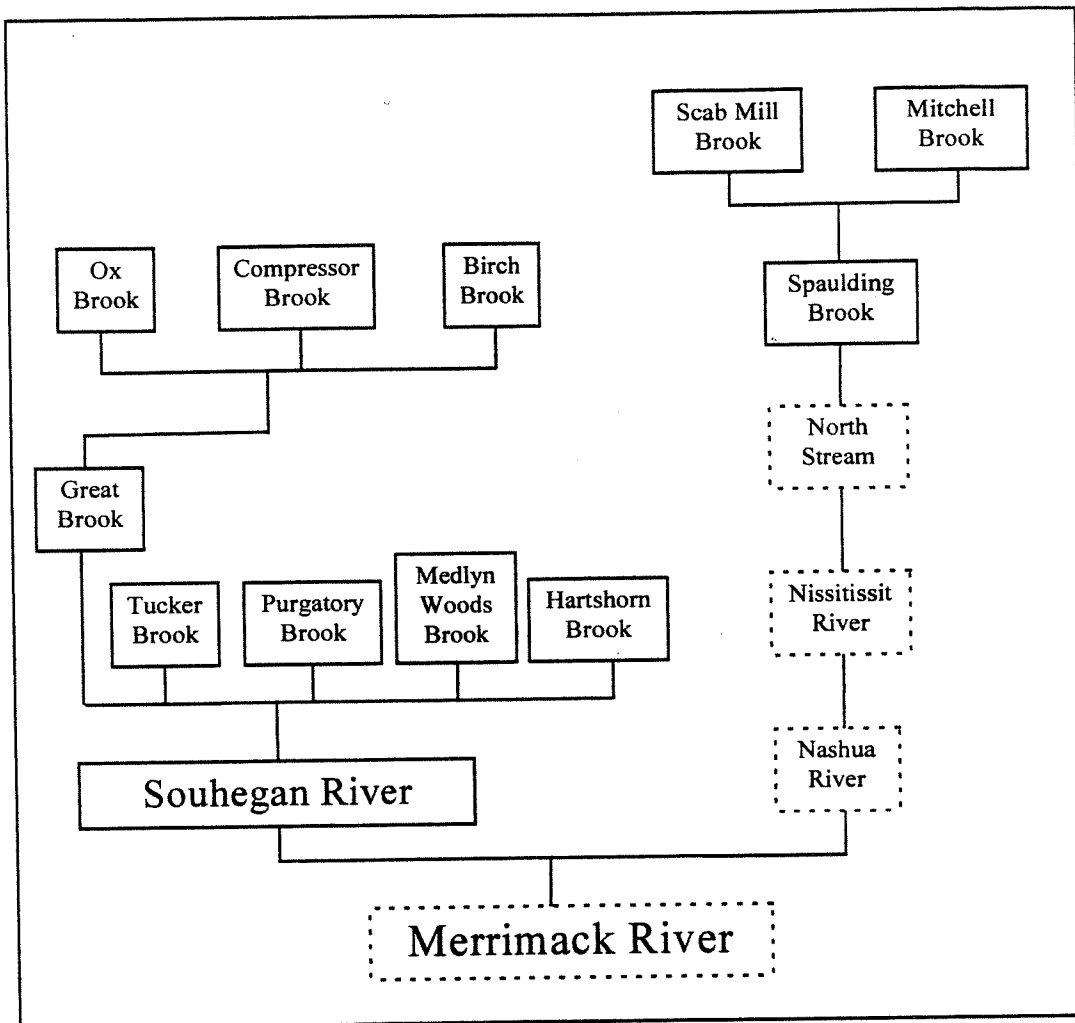
Rivers, brooks, lakes and ponds are important areas of ground water discharge and recharge. Along with their banks and surrounding areas, they serve as habitat for many species of plants, fish and waterfowl. Where accessible to the public, these areas provide opportunities for fishing, boating, canoeing, hiking, skating and picnicking. Finally, they provide scenic views and open space, which contribute to Milford's aesthetic appeal and rural character.

Prehistoric and early historic archaeological sites may be found in direct association with rivers, brooks and ponds. Prehistoric sites are particularly likely near rivers and brooks where significant numbers of salmon or other fish have run. Along these rivers and brooks, prehistoric sites are especially likely near falls or in locations where a fish weir could have been constructed. These falls may have been exploited for power, and traces of early dams and mills may be encountered. Ponds, natural and artificially constructed, are likely to have archaeological and historical resources on their banks. The shorelines of artificially created ponds are likely to correspond with prehistoric living areas.

##### a. Rivers and Brooks.

Milford contains an approximately eight mile stretch of the Souhegan River, a tributary of the Merrimack River. In addition, Tucker, Great, Birch, Hartshorn, Purgatory, Spaulding, Mitchell, and Compressor Brooks are located partly or entirely within the Town limits. Milford's river and brooks are depicted schematically in Figure 1 and listed on Table 1.

**Figure 1**  
**Schematic Diagram of Milford's Waterways**



--- indicates location outside the Town of Milford

b. Ponds.

**OSGOOD POND**

With an area of 20 acres, Osgood Pond, located south of Route 101, is the largest pond in Milford. This artificially constructed pond is about six feet deep at its deepest point. The generally brown water is transparent to the bottom. Submerged and emergent vegetation are abundant. The shoreline is approximately 50 percent swampy, 30 percent wooded, and 20 percent cultivated. In the past, Osgood Pond has been stocked with white perch, horned pout, and largemouth bass fingerlings. It has also supported yellow perch, chain pickerel, minnows and sunfish. A study by the New Hampshire Fish and Game Department in 1970 declared the pond best suited to warm water fish, including largemouth bass, and unsuited to smallmouth bass.

### HARTSHORN POND

The second largest of the three ponds is Hartshorn Pond in north Milford. An artificially constructed pond, it has scant emergent and submerged vegetation. Its shoreline is partially wooded. The water is transparent to the bottom.

### RAILROAD POND

Railroad Pond in central Milford is about five acres in size. The pond was artificially constructed, with the bottom designed to support various species of wildlife. The shoreline is privately owned, except for two railroad easements and the portions of shoreline forming boundaries of Bicentennial Park and WW II Memorial Park. The shoreline is partially wooded and partially developed.

Rivers, brooks, lakes and ponds are susceptible to pollution from septic disposal systems or underground fuel storage tanks that malfunction or are located too close to the water bodies. Surface water run-off containing pollutants from lawns, agricultural fields, feedlots, chemical spills, and solid waste disposal sites is another source of contamination. Because rivers and ponds serve as areas for aquifer recharge, pollutants are often directly transmitted to groundwater. Another threat caused by development is the elimination of public access to shore areas.

Conservation methods for surface water bodies include (1) prohibiting construction of underground septic disposal systems and chemical storage tanks in close proximity to water bodies, (2) maintaining and inventory septic systems and USTs near water bodies and requiring regular testing for leaks and malfunctions, (3) limiting or prohibiting use of pesticides and other toxic chemicals in important watersheds, (4) limiting or prohibiting use of road salt in important watersheds, (5) prohibiting development on steep slopes or development which would cause excessive erosion and sedimentation (6) discouraging removal of natural vegetation along shores, (7) acquiring full or less-than-full rights to property adjacent to water bodies, (8) creating and maintaining trails, campgrounds, and picnic areas along shores, (9) providing access roads, rights-of-way and adequate parking to ensure public access.

Twelve major waterways and three major ponds are listed in Table 1. Milford's river, brooks, and ponds are shown in Map 1.

TABLE 1

### BROOKS AND STREAMS IN MILFORD

Birch Brook	Starts south of Kasey Drive. Flows NE then SE joining Great Brook just west of Osgood Pond
Compressor Brook	East Branch- from wetland by route 13 NW then N then NE to Great Brook West Branch- from a wetland on Ball Hill Road SE then N joining the East Branch near Melendy Road
Great Brook	From jct. of unnamed streams at base of Burns Hill; NE across Mason Road, joined by Birch Brook; then into Osgood Pond, from Osgood Pond E then N to Railroad Pond; then to Souhegan River.
Hartshorn Brook	Mont Vernon line to Hartshorn Pond, then south near Amherst town line, then west to Souhegan River.
Medlyn Woods Brook	From pond near Hampshire Hills; under bypass then through canyon to Medlyn street; then to Souhegan under the treatment plant..
Mitchell Brook	from Rhododendron Swamp S to a swamp at the Mason town line to Spaulding Brook

Ox Brook	West of Melendy Road flowing N then NE crosses Melendy Rd. and Armory Rd. joins Compressor Brook then Great Brook (Ox Brook as labeled on USGS Quad map is actually Compressor Brook)
Purgatory Brook	From Lyndeboro SE into Souhegan.
Scab Mill Brook	From east side of Birch Hill north then west into Brookline
Souhegan River	Flows E from Wilton line to Amherst line
Spaulding Brook	Flows E from Town of Mason across the south western part of town to Brookline
Tucker Brook	Flows in a northerly direction from Rhododendron Swamp in Wilton; across Mason Road, Whitten Road, 101 and Elm Street to the Souhegan River

**MAJOR PONDS IN MILFORD**

<b>Name</b>	<b>Size</b>	<b>Length</b>	<b>Avg. Depth</b>	<b>Elevation</b>
<b>Hartshorn Pond</b>	6 acres	0.2 mi.	3 ft.	350 ft.
<b>Osgood Pond</b>	20 acres	0.5 mi.		270 ft.
<b>Railroad Pond</b>	5 acres	0.6 mi.		250 ft.

Source: Biological Survey of the Lakes and Ponds in Cheshire, Hillsborough and Rockingham Counties, NH Fish and Game Department, 1970 and Milford Conservation Commission.

**2. Wetlands**

The New Hampshire Association of Conservation Commissions describes wetlands as areas in which "water is so abundant that it is the major factor determining the nature of soil development and plant growth on the site." Wetlands come in many types including swamps, marshes, bogs, sloughs, beaches and rocky shores. They may be continually inundated with water or they may be inundated only periodically. They may be inland or coastal, freshwater or saltwater.

The most comprehensive method used to classify wetlands was developed by the US Fish and Wildlife Service; it takes into account the degree of soil saturation or flooding, wetland plants, and/or hydric soils.

Our understanding of wetlands and their importance has increased greatly during the past several years. Although wetlands vary in value to a community, generally wetlands are highly sensitive and perform numerous essential functions including flood control, water purification, groundwater discharge and recharge, shoreline stabilization, wildlife habitat, and recreation. In addition, since freshwater wetlands are constantly undergoing change, they are a particularly fascinating and valuable educational source.

Wetlands have always been important and biologically productive habitats. For the entire 12,000 years of human occupation of New Hampshire, these areas have been used for gathering plant foods and hunting a variety of wildlife. Many small but highly significant prehistoric sites have been found immediately surrounding swamps, marshes, bogs, and sloughs.

Map 2 shows that wetlands lie along all of the major brooks in Milford. Areas of wetland soils are also scattered throughout town, especially in flat, low-lying areas in central Milford.

Wetlands can be protected by adoption of a wetlands ordinance or an overlay district that prohibits development or placement of sub-surface waste disposal systems in or near wetlands. In addition, wildlife habitat can be encouraged by providing nesting structures and preventing the introduction of livestock, exotic plant species, or damaging recreational uses.

### 3. Aquifers

Aquifers are geologic formations of saturated, permeable materials from which significant quantities of water can be drawn through wells and springs. Stratified drift aquifers, composed of sand and gravel deposited in layers by the melting of glacial ice, have been the focus of groundwater investigations in the northeast United States because of their ability to store and transmit water. Like most towns in the Nashua region, Milford relies primarily on groundwater held in aquifers for its municipal and industrial water supply systems.

Three hydraulic properties of aquifers are important in determining their capacity to transmit and store water: saturated thickness, transmissivity and storage coefficient. Saturated thickness is the distance between the water table and the base of an aquifer. This measure indicates the amount of water stored in an aquifer and the aquifer's potential for development. Transmissivity is a measure of "the rate at which water is transmitted through a unit width of aquifer under a hydraulic gradient" (USGS, 1987). Storage coefficient is a measure of the volume of water an aquifer releases from or takes into storage per unit surface area of the aquifer.

A recent USGS study (1987) of the Nashua region found that two major stratified drift aquifers underlie the Town of Milford (see Map 3). Together these aquifers cover about 10 square miles, or 38 percent of the town. The Souhegan River Valley Aquifer is the largest and most productive in town. The Great Brook Valley Aquifer also contains a large deposit of stratified drift.

Adequate aquifer protection measures are essential because groundwater pollution can be hard to detect. Moreover, when water supply contamination is detected, pollution sources are often difficult to identify, and treatment, when possible, is very costly. Given Milford's reliance on groundwater, contamination of a major water supply source would present a significant threat to health, safety, and the environment.

Aquifers can be protected through adoption of an aquifer protection ordinance or an aquifer overlay district in the Town's zoning ordinance. Detailed aquifer maps recently published by the USGS allow these areas to be delineated with a fairly high degree of certainty. Aquifer protection ordinances should include provisions for potential point and non-point sources of pollution, including underground storage of petroleum and other products and wastes; residential, commercial, and industrial septic systems; solid waste disposal; use of fertilizers and pesticides; animal feedlots; storage and application of road salt; and dumping of chemically treated snow.

The Town may require examination of development plans by technical experts where appropriate.

### 4. Floodplains

Floods are known as a potential cause of sudden and large scale destruction. The potential benefits of floods, however, should not be ignored. Benefits of floods identified by the USDA Soil Conservation Service in its 1976 report, Flood Hazard Analyses, Milford, NH, (Souhegan River, Purgatory Brook, Tucker Brook and Great Brook), include the following: (1) Floodplain

soils consist of rich deposits of sediments suitable for agricultural cultivation and wild plant species, (2) spring pools that remain after flooding support insects and small animals, which, in turn, feed larger creatures, and (3) floods carry food to ocean estuaries, which are breeding grounds for marine life.

In addition, floodplains provide groundwater recharge, habitat for plants and animals, open space, and aesthetic and scientific value. In addition, the rich soils and abundant plant and animal resources of the floodplains combine with the availability of potable water to make these areas highly probable sites of prehistoric and early historic use. Large late prehistoric agricultural villages may be found along rivers in the floodplain. Earlier sites may be encountered on associated terrace formations and along relic river channels in the floodplain. Rivers and brooks also provided important transportation routes in prehistoric and early historic periods leading to potential clustering of sites along these routes.

The largest floodplain area in Milford surrounds the Souhegan River. The floodplain is widest near the inlets of Purgatory, Tucker, and Hartshorn brooks. Narrower floodplain areas surround each of the major brooks. Notable also are the floodplains comprising part of the swamp northwest of Osgood Pond and the floodplain areas in extreme south Milford surrounding Mitchell Brook. Milford's floodplains are shown in Map 4.

Rivers and streams usually undergo some degree of flooding every year due to snow melt and rainfall in the spring when soils are saturated or partially frozen. During other times of the year, flooding may also occur from heavy rainfall on saturated soils. The extent and frequency of flooding and thus flood hazard, has been increased in many areas by urban development and the associated increase in impermeable surfaces. The 1976 study reports that flooding is also increased by landfilling, structures, bridge abutments and raised transportation systems in floodplains. In addition, floodplains are particularly sensitive to water supply pollution because of their low elevations and nearness to the water table. Conservation methods for floodplains include (1) prohibiting development in the most hazardous and environmentally critical floodways and requiring the gradual removal of incompatible uses, (2) limiting the intensity of development in flood plains, (3) establishing minimum elevations for development in floodplains, (4) requiring protective methods that reduce structural damage and prevent leakage from or infiltration of sewage disposal systems, (5) prohibiting storage of hazardous substances or pollutants such as road salt in floodplains, (6) prohibiting development that causes significant increases in flood elevations or speeds, (7) acquiring full or partial rights to flood plain properties.

## B. TOWN FORESTS

Forest resources can be effectively managed for multiple uses and, therefore, contribute to several of the town's conservation goals. Forest lands provide open space; buffers to visual nuisances, wind, and noise; wildlife habitat; recreational opportunity; water supply protection; soil stabilization; and a supply of lumber and other wood products.

Forests, particularly those near old roads and early settlement locations, are locations of potential historic archaeological sites such as cellar holes. Isolated cellar holes, or even complete communities of cellar holes, may be found in the southeast corner of Milford in the now abandoned Town of Monson (off Federal Hill Road) or along Mile Slip Road in the southwest corner of Milford. These abandoned communities and isolated cellar holes are of potential archaeological and historical significance, and care should be taken in harvesting timber so that these resources are not destroyed.

Designation of land as Town Forest aids conservation efforts by allowing the Conservation Commission to contract for forest management plans. A professional management plan for Milford's forests was completed in December of 1987. The following descriptions and specific management recommendations are taken directly from that report. The information regarding Mayflower Hill Town Forest was prepared by John Ferguson, Hillsborough County Forester, for the revision of the Conservation Plan in 1993.

Milford has three areas which were designated as town forests by vote of Town Meetings as follows:

Hitchiner Town Forest - March 1987.

Tucker Brook Town Forest - March 1987, 1990 and 1995

Mayflower Hill Town Forest - March 1990 and 1992

The locations of the town forests are shown on Map 5. Characteristics of the various forests are summarized in Table 2.

**TABLE 2**

**MILFORD'S TOWN FORESTS**

<b>Parcels</b>	<b>Location</b>	<b>Size</b>	<b>Elevation</b>
<b>Hitchiner Town Forest</b>	Off Mullen Road near Burns Hill	193.8 acres	350 - 750 ft.
<b>Tucker Brook Town Forest</b>	Between Savage Road and Boulder Drive	286 acres	400 - 550 ft.
<b>Mayflower Hill Town Forest</b>	Between Shady Lane and Perkins Street	35 acres	400 - 450 ft

Source: Hillsborough County Cooperative Extension Service, 1988, Milford Conservation Commission, 1993, revised 1998.

**1. Hitchiner Town Forest:**

The Hitchiner Town Forest provides prime habitat for white tailed deer, wild turkey, red and gray squirrels, ruffed grouse, weasels, mink, fisher cats, snowshoe rabbit, red fox and porcupine. The variety of forest types and age classes provides a multitude of habitat and "edge", or interface, between two types of ecosystems.

The open fields, saplings, acorn producing oak and cover provide for an abundance of wildlife. The proposed management practices and timber sales will promote healthy oak for acorn production. New openings will produce high quality saplings for deer browse and continued regeneration of the forest. Proper maintenance of the fields will also promote quality grazing and enhance the aesthetics of the property. Periodic mowing (at least once every three years) is advisable to prevent the forest from reclaiming these open areas. Consideration should be given to planting forest tree species such as red and white pine and wildlife plants such as apple trees if mowing is not desired or if site conversion is desired.

The Hitchiner Town Forest provides a variety of uses for recreation and education. The 16 acres of open fields are easily accessible by car, and if properly mowed and maintained, they would be suitable for a fairground or campsite for Boy Scouts or other such organizations.



Keeping the existing roads and trails opened and maintained and constructing new trails to the summit of Burns Hill would provide an excellent view. Many of these trails could also be used for cross country skiing, snowshoeing and snowmobiling during the winter months. A Management Plan for the Hitchiner Town Forest was developed by the Milford Conservation Commission in January 1994.

## 2. Tucker Brook Town Forest:

This area provides important habitat for wildlife. The tracts contain woodlands, swamps, ponds, brook ecosystems and open fields. The variety of forest types and age classes provides a multitude of habitats and "edge", or interface, between two types of ecosystems. The following species are likely to frequent this property: white tailed deer, beaver, wild turkey, ruffed grouse, otter, weasel, mink, fisher cat, snowshoe rabbit, red fox, porcupine, red and gray squirrel, several species of local hawk, duck and other migratory water fowl, crow, kingfisher, great blue heron, woodpecker and a variety of local songbirds.

The Tucker Brook Town Forest, with its close proximity to town and easy access, provides excellent opportunities to view wildlife and their habitats. Hiking trails could be cleared around the swamps and streams. They could cross beaver dams and wind along the streams where one could see an occasional small waterfall and stone work of an old mill. These trails can be accessed from Savage Road, Whitten Road and Boulder Drive (off Mason Road). Furthermore, this area provides excellent opportunities for viewing and studying wetland habitat.

In conjunction with the Land Conservation Investment Program (L.C.I.P.) a Land and Resource Management Plan was developed for this Town Forest by the Milford Conservation Commission in October 1993, and a Monitoring Program was developed in October 1994.

Between the years 1987 and 1993 most of the recommendations of the professional management plan for Milford town forests have been accomplished. An additional town forest area, namely Mayflower Hill Town Forest, has been added since the development of that 1987 Management Plan. Its management plan, prepared by the Hillsborough County Forester follows.

## 3. Mayflower Hill Town Forest:

Mayflower Hill Town Forest is composed of three separate parcels totaling about 35 acres. The forest is located just northwest of the center of town and the primary use is hiking, passive recreation for area residents.

The property is crisscrossed with hiking trails with most leading to the top of Mayflower Hill which has a spectacular view looking west up the Souhegan River Valley.

The property is growing a mixture of tree species, predominated by red and black oak and white pine. Because the hardwood species produce an abundance of food and the pine provide cover, a good wildlife population can be found on the property.

Much of the land has relatively shallow soil to bedrock which is very well drained. Because of this, tree growth is slow and quality generally poor. In other areas where tree growth is much better, the terrain is quite steep, limiting the value of timber products. Mayflower Hill Town Forest is a valuable property for the town to preserve as open space for hiking and viewing small wildlife species and the general aesthetic value of the area.

In conjunction with the Land Conservation Investment Program (L.C.I.P.), a Land and Resource management Plan was developed for this Town Forest by the Milford Conservation Commission in October 1993, and a Monitoring Program was developed in October 1994.

### General Forestry Recommendations and Comments.

Harvesting in areas immediately adjacent to the wetland should be modified to leave an adequate buffer to maintain the aesthetics and to minimize disturbance to the wetland habitat. Prescribed harvesting will improve the habitat for wildlife by removing less valuable species and favoring red oak that provide acorns, den and nesting trees and deer wintering areas (deer yards). Areas that are opened as a result of the cutting will increase available browse for spring and summer feeding requirements and will help establish red oak regeneration. Proper harvesting will increase available browse for food requirements. Shelter, cover and nesting sites will also be more abundant following recommended harvests.

The County Forester reports that, in general, Milford's forests support a mixed growth of softwood and hardwood with a good distribution of age classes. The forest is currently growing at a rate of just over 2 percent, providing 48,800 board feet of growth per year, or 133 board feet and .07 cords per acre per year. The good soil conditions, combined with good access, produce properties with excellent forest management potential.

The County Forester identifies three primary management objectives to maintain and improve the current use of its forests:

- Maintain the vast majority of the property as open space for forestry, recreational, wildlife and educational purposes.
- Allow for the development of additional recreational opportunities located in environmentally appropriate areas, as they are needed.
- Conduct environmentally sound, long term multiple-use management practices which over time will upgrade the quality and health of the timber resource, improve access for recreational and educational opportunities, as well as protect and improve wildlife habitat.

Milford can take several specific actions to protect existing forest lands and provide for their public use: (1) blaze and paint all Town Forest property lines that are not defined by stone walls or barbed wire fences to facilitate identification of forest properties and guard against timber trespass; (2) maintain and improve timber stock by reseeding, thinning, and harvesting as needed; (3) adopt steep slopes and erosion and sedimentation ordinances to prevent problems from forest cutting on steep slopes and in important watershed areas; (4) protect and improve important wildlife habitats; (5) create and maintain trails, campgrounds, and boat launches and adequate parking to make forests suitable for public recreational use; (6) provide trail maps, wildlife information or other materials or programs for educational purposes; (7) acquire full property rights, development rights, or conservation easements on important wooded lands that have not been designated town forests; and (8) acquire full property rights to forest lands and lease them for appropriate levels of timber production.

### C. AGRICULTURE

The preservation of agricultural land, of course, is important to those who work the land for a living. It also provides a number of important benefits to the town as a whole. Conservation of

agricultural land: (1) provides a local source of fresh food, uncontaminated with additives; (2) protects open space and scenic views; (3) preserves Milford's rural character, important to residents and businesses; (4) provides wildlife habitat, especially for deer, turkeys, bluebirds, sparrow hawks, and woodcocks; (5) protects water supplies by preserving recharge areas and limiting impermeable surface area; (6) makes productive use of floodplains; (7) conserves farming knowledge and skills; and (8) preserves areas of high potential for prehistoric sites.

There are two ways of identifying agricultural resources: agricultural soils and active agricultural use. Each is important in assessing the town's agricultural resources and setting priorities for conserving them.

### 1. Agricultural Soils

Areas of important agricultural soil have the potential for economically viable agricultural use. That potential depends on the amount of subdivision and development, protection of soil quality, the existence of adequate water supply and favorable weather conditions, and accessibility of agricultural markets. Milford has significant areas of land designated as Prime (federal) or Important (state) Agricultural Soils. Prime Agricultural Soils are located primarily along the Souhegan River. A large area of Important agricultural soils underlies a developed area of town south of Elm Street. Other areas of Important agricultural lands lie along Federal Hill Road, Savage Road, and Amherst Street. It should be remembered that these soil designations are based on Soil Conservation Service classifications which are mapped only at a small scale. The type and quality of soil will vary some what within areas delineated on the soil maps. A High Intensity Soil Survey is necessary to determine soil characteristics of individuals.

Table 3 lists the types of soils in Milford that have been designated as Prime or Important agricultural soils and the estimated crop yield for these soils. Prime and Important agricultural soils in Milford are shown in Map 6.

**TABLE 3**  
**AGRICULTURAL SOILS IN MILFORD**

<b>Prime (Federal Designation)</b>		
<b>Map Symbol</b>	<b>Soil Name</b>	<b>Slope</b>
AgA	Agwan fine sandy loam	0- 3 %
HsD	Hinckley loamy sand	15-35 %
Oc	Occum fine sandy loam	
Om	Occum fine sandy loam, high bottom	
PbB	Paxton fine sandy loam	3- 8 %
Pu	Pootatuck fine sandy loam	
WoA	Woodbridge loam	0- 3 %
WoB	Woodbridge loam	3- 8 %
<b>Important (State Designation)</b>		
CaB	Canton fine sandy loam	0- 8 %
CaC	Canton fine sandy loam	8-15 %

<b>PbC</b>	Paxton fine sandy loam	8-15 %
<b>SsA</b>	Scituate fine sandy loam	0- 3 %
<b>SsB</b>	Scituate fine sandy loam	3- 8 %

**ESTIMATED CROP YIELD BY SOIL TYPE**

	<b>Corn Silage</b>	<b>Irish Potatoes</b>	<b>Alfalfa Hay</b>	<b>Grass Legume Hay</b>	<b>Grass Hay</b>	<b>Pasture</b>
<b>Prime</b>						
<b>AgA</b>	24	270	5.0	4.5	—	—
<b>HsD</b>	—	—	—	—	—	—
<b>Oc</b>	24	330	4.5	4.0	—	—
<b>Om</b>	24	330	4.5	4.0	—	—
<b>PbB</b>	24	330	4.5	4.0	4.0	—
<b>Pu</b>	24	275	4.0	4.5	4.5	7.5
<b>WoA</b>	24	270	4.0	4.0	4.0	—
<b>WoB</b>	24	270	4.0	4.0	4.0	—
<b>Important</b>						
<b>CaB</b>	24	—	4.5	4.5	4.0	—
<b>CaC</b>	22	—	4.5	4.0	3.5	—
<b>PbC</b>	20	300	4.5	4.0	4.0	—
<b>SsA</b>	24	270	4.0	3.5	4.0	—
<b>SsB</b>	24	270	4.0	3.5	4.0	—

Note: Assumes cultivation under a high level of management; a blank indicates soil not suited to crop or crop generally not grown on the soil.

Source: Soil Survey of Hillsborough County New Hampshire, Eastern Part, US Department of Agriculture, Soil Conservation Service in cooperation with the NH Agriculture Experiment Station, 1980.

## 2. Active Agriculture

Active agricultural use may or may not be located in Prime or Important agricultural soil. Areas of active agriculture may include parcels that are particularly suited to farming because of their proximity to wetlands or other water resources, access to markets, or the existence of auxiliary farm buildings. In addition, active agriculture itself is a resource to the town. A "critical mass" of active farms in an area is often necessary for agriculture to be economically feasible for any local farmers. Moreover, active farms, with the associated buildings, animals, and cultivated fields are considered scenic by most and contribute to the rural character that makes Milford appealing.

Milford has a number of properties currently in agricultural use. Milford's active farmers are listed in Table 4.

**TABLE 4**  
**ACTIVE AGRICULTURE IN MILFORD**

<b>Name</b>	<b>Address</b>	<b>Products</b>	<b>Market</b>
<b>Timothy D. O'Connell Burns Farm</b>	Federal Hill Rd. Burns Rd.	Flowers, vegetables Hay	Local Local

Donald Hawes	Spaulding St.	Dairy	Wholesale
Earle Fitch	North River Rd..	Dairy	Wholesale
Don McLeod	No. River Rd.	Fruit, apples, berries, peaches, garden	Pick-your-own, farmstand, local and wholesale
Miles Garrod	Echo Rd.	Hay, corn	Local
Carl Holland	Osgood Rd.	Hay	Local
Stan Trombly	No. River Rd.	Forage, dairy	Local
Ken Wheeler	Amherst St.	Blueberries	Local
Robert Holcombe	No. River Rd.	Rented for forage	Local
William Ferguson	No. River Rd.	Rented for forage	Local
Henderson's Greenhouses	No. River Rd.	Greenhouses	Local
George Chappell	Federal Hill Rd.	Forage	Local
Carl Chappell	Osgood Rd.	Silage	Local
William Kokko, Sr.	Osgood Rd.	Nursery, trees	Local
Charles Hayward	Elm St.	Turf	Local
Old Savage Farm	Elm St.	Forage	Local

Source: Milford Conservation Commission, 1988, Revised 1998

Protecting agricultural resources is becoming increasingly important throughout the state. The New Hampshire Cooperative Extension Service reports that approximately one million acres of prime agricultural land and about two million acres of non-prime farmland are irrevocably converted each year to urban uses, highways, and other development. New Hampshire, which imports about 85 percent of its food supply and thus is particularly vulnerable to production decisions made outside the state and trucking industry price variations, continues to lose a considerable share of its scarce farmland. The National Agricultural Lands Study (1980) estimates that the state loses approximately 19,000 acres of farmland annually. Conservation of agricultural resources is particularly important in Milford, which values its rural character but faces increasing development pressures.

The work of protecting agriculture in Milford has already been started. Agricultural land development rights are held for the following three parcels of agricultural land in town:

- Old Savage Farm, Elm Street: This 70 acre property has been a farm for over 100 years. Robert A. Savage sold this farm to Gary Frye in February 1981 and, at the same time, sold the agricultural development rights to the State of New Hampshire.
- Donald M. Hawes Farm, Spaulding Street: Donald Hawes, who has owned this active, 61 acre farm since 1957, sold the agricultural development rights to the State of New Hampshire in 1982.
- Carl H. Holland Farm, Osgood Road: Carl Holland donated a Conservation Easement on his farm to the Town of Milford in October 1984. The easement provides that the property be maintained in perpetuity as open space or used for agricultural production or forestry. In the event that the Milford Conservation Commission fails to enforce the conditions of the easement, the Society for the Protection of New Hampshire Forests may terminate the interest of the town and assume the responsibilities stipulated in the deed. In 1998, Mr. Holland donated the entire farm including buildings, to Beaver Brook Association of Hollis, New Hampshire. The interest in this property held by the Town of Milford and the Society for the Protection of New Hampshire Forests remains in effect.

In addition, some parcels of land in town have been purchased by the New Hampshire Department of Fish and Game for water supply protection purposes and are currently leased to farmers for agricultural use.

Methods of keeping land in agricultural use and preventing loss of potential agricultural land include agricultural zoning, floodplain zoning, conservation zoning, restriction of development to several lots, cluster development, transferable development rights, scenic easements, compensable regulations, tax stabilization agreements, current use taxation, deed restriction, purchase of full or less-than-full property rights by the municipality or a land trust, purchase and leaseback arrangements.

#### D. WILDLIFE

The value of wildlife habitat and the loss from its destruction is hard to quantify. Nonetheless, the conservation of wildlife and wildlife habitat provides many benefits to the town, including (1) preservation of open space and scenic views, (2) recreational and educational opportunities, (3) water resource and water supply protection, (4) wind, noise, and visual buffers, and (5) flood prevention.

Preservation of wildlife habitat is important because of the cumulative effect of development. Although a single development may destroy only a fraction of existing wildlife habitat area, repeated approval of such development will quickly reduce or eliminate the land's ability to support many species of plants and animals and irrevocably prevent future use of land as wildlife habitat.

Table 5 lists the animal species currently endangered or threatened in the State of New Hampshire.

TABLE 5

**ENDANGERED AND THREATENED SPECIES IN NEW HAMPSHIRE, 1998**

**ENDANGERED**

Common Name	Scientific Name
Bald Eagle	<i>Haliaeetus leucocephalus</i>
Banded Bog Skimmer Dragonfly	<i>Williamsonia lintneri</i>
Canada Lynx	<i>Lynx canadensis</i>
Common Tern	<i>Sterna hirundo</i>
Dwarf Wedge Mussel	<i>Alasmidonta heterodon</i>
Frosted Elfin Butterfly	<i>Incisalia irus</i>
Golden Eagle	<i>Acraila chrysaetos</i>
Henslow's Sparrow	<i>Ammodramus henslowii</i>
Kamer Blue Butterfly	<i>Lycaeides melissa samuelis</i>
Loggerhead Shrike	<i>Lanius ludovicianus</i>
Peregrine Falcon	<i>Falco peregrinus</i>
Persius Dusky Wing Skipper	<i>Erynnis persius</i>
Pied-Billed Grebe	<i>Podilymbus podiceps</i>
Piping Plover	<i>Charadrius melodus</i>
Sedge Wren	<i>Cistothorus platensis</i>
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>
Small Footed Bat	<i>Myotis leibii</i>
Sunapee Trout	<i>Salvelinus aureolus</i>
Swollen Wedge Mussel	<i>Alasmidonta varicosa</i>

Timber Rattlesnake  
Upland Sandpiper

*Crotalus horridus*  
*Bartramia lonaicauda*

**THREATENED**

Arctic Tern  
Cobblestone Tiger Beetle  
Common Loon  
Common Nighthawk  
Cooper's Hawk  
Least Tern  
New Jersey Tea Span Worm  
Northern Harrier  
Osprey  
Pine Barmes Zanclognatha Moth  
Pine Marten  
Pine Pinion Moth  
Purple Martin  
Roseate Tern

*Sterna paradisaea*  
*Cicindela marginipennis*  
*Gavia immer*  
*Chordeiles minor*  
*Accipter cooperii*  
*Sterna albifrons*  
*Apodrepanulatrix liberaria*  
*Circus cyaneus*  
*Pandion haliaetus*  
*Zancloanatha martha*  
*Martes americana*  
*Lithophane lepida lepida*  
*Progne subis*  
*Sterna douqallii*

Source: New Hampshire Fish and Game Department, January 1998

Ways of protecting wildlife habitat include the following:

- Restrict the amount and level of development in wetlands. Wetlands are essential habitats for many species of wildlife.
- Encourage concentration of development in central areas of town, leaving outlying areas relatively less developed and more suitable for wildlife habitat.
- Establish minimum lot sizes in outlying areas.
- Maintain a conservation fund to purchase land or development rights in areas suitable for wildlife habitat.
- Educate the public about applicable wildlife laws and investigate incidents of suspected illegal hunting and trapping.

**E. SCENIC RESOURCES**

Milford has a number of scenic roads and scenic vistas which contribute to the town's rural character and aesthetic quality. These areas should be identified, and appropriate measures should be taken to protect their value to the community.

**1. Scenic Roads**

Under RSA 231:157 and 158, towns may designate any road (other than Class I or Class II state highways) as Scenic Roads by town meeting vote. This important piece of legislation stipulates that a public hearing must be held and approval of the Planning Board or official town body be obtained before any repair, maintenance, reconstruction, or paving that would involve cutting of medium or large sized trees takes place.

Scenic Road designation protects views from destruction without being overly restrictive or inflexible. The law does not prevent landowners from working on their property. Routine maintenance

is not affected by the law either. The highway superintendent is allowed to cut trees, shrubs, vegetation, and any other natural or man-made obstruction within three feet of the traveled roadway without consent and to cut trees beyond three feet of the roadway in emergency situations. Furthermore, Scenic Road designation does not affect the town's eligibility to receive state construction and reconstruction aid pursuant to RSA 241.

The advantage of Scenic Road designation is that it provides a mechanism for public input before the highway department does its work. Views that are highly valued by property owners and those who travel the roads daily are not destroyed suddenly and unexpectedly by maintenance personnel unaware of their value.

Table 6 lists the roads in Milford, almost 22 miles in all, that have existing designations limiting the destruction of their scenic quality. The location of the Scenic Roads is shown in Map 7. Additional roads deserving protection may exist.

**TABLE 6**  
**SCENIC ROADS**

(WITH DATE OF DESIGNATION)

<b>Road</b>	<b>Location</b>
1. Ball Hill Road	Entire length from the intersection with Melendy Road to the intersection with Young Road (1974).
2. Emerson Road	From the intersection with Federal Hill Road to the intersection with Ponemah Hill Road (1991), and from the intersection with Route 13 South to the intersection with Federal Hill Road (1992).
3. Federal Hill Road	From the State Compact Line to the Hollis Town Line (1974).
4. Foster Road	From the intersection with Ponemah Hill Road to the Brookline Town Line (1988).
5. Jennison Road	From the intersection with North River Road to the Mont Vernon Town Line (1991).
6. Joslin Road	From the intersection with Jennison Road to the Amherst Town line (1975).
7. Mason Road	From the State Compact Line to the Wilton Town Line (1974).
8. McGettigan Road	From the intersection with Mason Road to the Wilton Town Line (1975).
9. Melendy Road	From the intersection with Osgood Road to the intersection with Route 13 South (1991).
10. Mile Slip Road	From the intersection with Mason Road to the Brookline Town Line (1991).
11. North River Road	From the Old Iron Bridge (a/k/a/ The Green Bridge) to Wilton Road (1993 and 1994).
12. Osgood Road	From the intersection with Melendy Road to the intersection with Young Road (1975) and from the intersection with Young Road to the Brookline Town Line (1991).
13. Ponemah Hill Road	From the intersection with Route 101A (Nashua Street) to the Amherst Town Line (1975).



14. Ruonala Road From the intersection with Melendy Road to the Brookline Town Line (1991).
15. Savage Road From the intersection with Phelan Road to the Wilton Town Line (1975).
16. Young Road From the intersection with Ball Hill Road to the intersection with Osgood Road (1974)

Source: Milford Conservation Commission, 1988. Revised December 1993, 1998

## 2. Scenic Vistas

Scenic views can be lost unexpectedly due to development of open land parcels or clearance of roadside trees and shrubs. In addition to Scenic Road designation, several means of protecting the town's visual resources exist.

Acquisition of land or acquisition of development rights by purchase, transfer, or preferential tax treatment ensures that development will not destroy significant scenic views. Note that protection of scenic vistas may not require purchase of entire parcels of land. The view along a scenic road can be protected from destruction by road agents and property holders by acquiring rights to only a buffer strip adjacent to the road. The view of a hilltop may be better preserved by preventing development on the hilltop than by trying to prohibit development in the lower land from which it is visible.

A final method of conserving views for public enjoyment is the control of billboards and other signage. Billboard regulation is most effective when it is enacted before a significant number of signs have been erected due to requirements that "just compensation" be paid for removal of existing signs. Milford currently exercises control over the number, size, and height of signs in all parts of town through its zoning ordinance. In addition, portable signs and advertisements not incidental to the use of the property on which they are constructed are prohibited.

Milford's scenic vistas are described in Table 7 below and shown on Map 8.

**TABLE 7**  
**SCENIC VISTAS IN MILFORD**

<b>Location</b>	<b>Description</b>
1. Jennison Road	Various points along this road provide views southward over the entire town.
2. Look-Out Point	Located on Mayflower Hill Town Forest north and west.
3. Federal Hill Fire Tower	Views in all directions.
4. Federal Hill Road	Various points along the roadway afford views in all directions.
5. Mason Road	About 1,000 feet west of intersection with Whitten Road is a view southward of Burns Hill.
6. Savage Road	To the northwest is a view of a stand of dogwoods on Fred Conrey's private farm.

Source: Milford Conservation Commission, 1988. Revised December 1993.

## F. HISTORIC RESOURCES

Historic structures and sites are the visual manifestation of the story of a community's people, places, and activity. The preservation of these resources helps a community retain a sense of place and identity. Prehistoric and historic archaeological sites, such as Indian sites, cellar holes, and cemeteries, also contribute to the understanding of a community's past like no written record can. In the case of prehistoric Indian sites, for example, there are no written records to study. Moreover, historic archaeological sites often contain artifacts that tell a story different from the one popularly accepted as history.

Within Milford's borders exist potential sites relating to the following historical contexts:

### PREHISTORIC PERIOD\*

Paleo-Indian	10,000 to 8,000 BC
Archaic	8,000 to 1,000 BC
Woodland	1,000 BC to 1600 AD
Proto-Historic/Contact	c. 1600 to 1740 AD

### HISTORIC PERIOD\*

Small-scale lumbering and sawmilling	1750 - 1850
Rural textile manufacturing in So. NH	1820 - 1920
Sheep farming in NH	1820 - 1870
Dairying in NH	1840 - 1890
Dairying in NH	1890 to present
Granite quarrying in NH	1850 to present
NH Railroads	1850 - 1940

\*Proposed contexts from the NH Statewide Comprehensive Plan for Historic Preservation, now under preparation by the DHR.

These contexts are being developed by the Division of Historical Resources following a National Park Service model designed to help each state present and evaluate information before making preservation decisions. There are likely to be other themes or contexts that could be applied to Milford.

Historic sites and structures contribute significantly to the town's character and aesthetic quality. In effect, there are two historical aspects to Milford. The first is the center Oval with its late 18<sup>th</sup>, 19<sup>th</sup>, and 20<sup>th</sup> century buildings, a classic and significant New Hampshire milltown center. The second is the rural character of the town, with many 18<sup>th</sup>, and 19<sup>th</sup> century houses scattered along country roads. These resources contribute to the visual quality of Milford, both along scenic roads and in the town core. A variety of buildings of differing ages and styles provides an exciting built environment, which attracts tourists and patrons of local businesses.

A preliminary review by Division of Historical Resources (DHR) staff indicates that there are many historic structures in Milford meriting further study and protection. These structures are listed below in Table 8 and shown in Map 9.

**TABLE 8**

**HISTORIC BUILDINGS IN MILFORD**

<b>Name</b>	<b>Date</b>	<b>Location</b>
1. Carey House (Historical Soc.)	?	Union St.
2. Community House (Livermore)	1842	Union St.
3. First Congregational Church	1834	Union St.
4. Water Works	1889	South St.
5. Benjamin Goodwin	1818	Nashua St.
6. Methodist Episcopal Church	1816	Mt. Vernon/Grove
7. Eagle Hall	1784	Union Square (Oval)
8. First Unitarian Church	1878	Elm St.
9. St. Patrick Church	1890	Amherst St.
10. Baptist Church (Riverlea Clubhouse)	1806	No. River Rd.
11. Joseph Gould House	1746	Federal Hill Rd.
12. Aladon Averill House	1820	Jennison Rd.
13. Ebenezer Averill, Jr. House	1786	Jennison Rd.
14. Col. J. Burnham's Tavern (Hutchinson Family Homestead)	1773	No. River Rd.
15. Abner Hutchinson House	1775	No. River Rd.
16. Nathaniel Hutchinson House	1882?	No. River Rd.
17. William Marvel House	1842	No. River Rd.
18. Deacon J. Wallace House	1811	No. River Rd.
19. Abiel Holt House	1793	Grove St.
20. Humphry Moore House	1820	Elm St.
21. William Darracott, Jr. House	1799	Elm St.
22. Hopkins-Tucker House	1816 & 1830	Elm St.
23. Andrew Bradford House	1743	Joslin Rd.
24. Benjamin Hutchinson Homestead	1747	Old Wilton Road
25. Elisha Town House	1770	Nashua Street
26. Phineas Blanchard House	1813	Savage Rd.
27. Daniel Goodwin House	1790	Federal Hill Rd.
28. Moses Foster Homestead	1788 & 1828	Federal Hill Rd.
29. Isaac Abbott House	1778	Emerson Rd.
30. Caleb Brown House	1781	Mile Slip Road
31. Timothy Colburn House	1803	Echo Rd.
32. Col. J. Shepard, Jr. House	1757	Mt. Vernon Rd.
33. Daniel Burns, Jr. House	1761	Burns Rd.
34. Nehemiah Barker Homestead	1782 & 1810	Foster Rd.
35. James Johnson House	1800?	Ruonala Rd.

**HISTORIC SCHOOLS IN MILFORD**

1. Bales School (Centennial High School)	1895	Elm Street
2. Congregational Parish House	1845	Union Street
3. Federal Hill Schoolhouse	1896	Federal Hill Road
4. Howard School at Pine Valley	Prior to 1794	Union Street
5. Krush Block (Brick Schoolhouse)	1788	West side of Union Square
6. Laurel School - Formerly Abbott School Moved	1862	Emerson Road
	1898	Nashua Street
7. North River Road Schoolhouse (used by Baptist Church 1806-1816)	1806	North River Road

- |                                     |               |               |
|-------------------------------------|---------------|---------------|
| 8. Old Brick School (Cabinet Press) | 1853          | School Street |
| 9. Osgood School                    | Prior to 1794 | Osgood Road   |

### HISTORIC SITES IN MILFORD

- |                                     |                   |
|-------------------------------------|-------------------|
| 1. Monson Rock                      | Federal Hill Road |
| 2. Memorial Stone at Jones Crossing | Dedicated in 1895 |

Source: Division of Historical Resources and Milford Historical Society, 1988; History of Milford 1738 - 1901, George A. Ramsdell; Brief History of the Public Schools in Milford, Edith Hunter, 1973; The Granite Town, History of Milford 1901 - 1978, Winifred A. Wright.

Three properties nominated for listing on the National Register of Historic Places have been approved. Table 9 identifies the three properties in Milford.

**TABLE 9**

### PROPERTIES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES 1988

- |                                                             |          |                  |
|-------------------------------------------------------------|----------|------------------|
| 1. William Peabody House (1740?)                            | 11-30-79 | North River Road |
| 2. Milford Cotton & Woolen Manufacturing Company (The Mill) | 8-18-82  | Bridge Street    |
| 3. Town Hall (Dedicated 1870)                               | 12-1-88  | Union Square     |

Source: NH Division of Historic Resources. The Granite Town, History of Milford 1901-1978, Winifred A. Wright

The Division of Historical Resources keeps on file a list of known archaeological sites throughout the state. These sites may be discovered during the review of cultural resources required of projects receiving federal funds, in the course of local construction or utility work, or through other means. The DHR's list does not necessarily reflect the quantity or quality of archaeological sites in a town. Listed below in Table 10 are the three known archaeological sites in Milford. Areas of high potential for prehistoric and historic archaeological sites are shown in Map 10. DHR staff identified areas of prehistoric site potential based on land form and drainage patterns; areas of high historic site potential were determined based on town histories, observations, and historic maps of Milford from 1846 and 1854.

**TABLE 10**

### ARCHAEOLOGICAL RESOURCES IN MILFORD ON FILE AT DHR, 1988

Site Name	Site Number	Associated Geographic Feature	Time Period
N/A	NH44-8	Souhegan River	unknown
Jones Crossing	unassigned	Souhegan River	Woodland
John Burns, Jr. Farm	NH44-11	Upland Farm	c. 1761-1980

A first step in protecting Milford's historic resources is to inventory the existing structures in town. An inventory of historic resources is the most basic of preservation tools and can be used to establish historic districts, prepare nominations for listing of historic structures in the National Register of Historic Places, and assist with environmental reviews required in projects that receive federal funding. An inventory of historic resources may encourage greater appreciation of the historic structures and sites by local citizens and acts as a firm foundation for future preservation decisions. Such an inventory has a beginning in the Milford town history, The Granite Town, with its listing of early Milford homes. In process for more than a decade, this 550 page volume provides an account of the town's history from 1901 to 1978. A separate book, written by Edith Hunter in 1972, details the history of Milford's schools. Both volumes are available for purchase in the Town Clerk's office.

Another step the town can take to conserve historic resources is to create an Historic Preservation Commission or, if legislation allows it, an Historic District Commission. An active Historic Preservation Commission allows for coordination of preservation efforts with local planning and development efforts and helps ensure coordination with the State Historic Preservation office, the Division of Historical Resources. Additionally, a commission can assist with preparation of nominations of historic structures and districts for listing in the National Register of Historic Places, establishing a local historic district, or enacting a local preservation ordinance. The establishment of an Historic Preservation Commission can also aid the town in competing for funds available through the Division of Historical Resources. Assistance with establishing an Historic Preservation Commission, conducting an historic resource inventory, preparing grant applications, and enacting preservation ordinances is available from the Nashua Regional Planning Commission. Establishing a commission and a preservation ordinance would allow Milford to seek status as a Certified Local Government from the Division of Historical Resources. This status would give the town a competitive advantage in seeking funds from the State Historic Preservation Office.

Archaeological resources are more difficult to identify and protect. Each site is unique and fragile. Once a site is disturbed, information is lost. Lands with identified prehistoric and historic archaeological resources may be preserved by acquisition of the land or land development rights. Careful examination of development plans may result, after consultation with a professional archaeologist, in the avoidance of damage to a site and possible incorporation of the site into the development scheme. If a site is to be unavoidably destroyed, the State Archaeologist at the Division of Historical Resources may be contacted for technical assistance.

The few applicable laws that protect archaeological resources are primarily federal. As a result of these laws, large highway projects or projects which require review by a federal agency usually have a review of impacts to cultural resources. In addition, there are mining laws which allow review of projects for impacts and there is the possibility of review within the dredge and fill permit process.

The DHR has very limited ability to review private projects for impact on archaeological resources. Developers may be asked to fund recovery of archaeological data by hiring a professional archaeologist as a consultant to evaluate a property for archaeological potential and/or survey the area for unknown archaeological sites. This common procedure is dictated by law in many neighboring states. In New Hampshire, many developers may be willing to contribute to the state's historical record voluntarily. A list of qualified professional consultants is available from the DHR.

## G. PARK AND RECREATION LANDS AND FACILITIES

Adequate parks and recreational facilities are necessary to ensure the health, education, and general well-being of residents. Milford has several public and private lands and facilities offering recreational opportunity. These lands and facilities are described in Table 11 and depicted in Map II.

**TABLE 11**  
**PUBLIC PARK AND RECREATION LAND AND FACILITIES IN MILFORD**

<b>Name</b>	<b>Facilities</b>	<b>Location</b>
Adams Park Map 42 Lot 10	Recreation fields, hiking, picnic area	Osgood Road
Bicentennial Park Map 25 Lot 33	Flag pole, park benches, fishing sites	South Street
Burn's Rock Map 48 Lot 3	Open space	Old Brookline Road
Colburn Acres Map 53 Lot 116	Open space	Comstock Drive
Emerson Park Map 25 Lot 28	Park Benches, sandbox, open space	Mont Vernon Street
Gen. Frank E. Kaley Memorial Park Map 31 Lot 32	Recreation fields, hiking	off Nashua Street
Hartshorn Pond Park Map 2 Lot 29	Two granite picnic tables/benches, park benches, open space, parking	Route 13 North
Hazel Adams Burns Memorial Park Map 42 Lot 8	Park benches, parking area, fishing sites, open space	Osgood Road
Keyes Memorial Park Map 25 Lot 133	Swimming pool, wading pool, 4 tennis courts, softball field, baseball field, general purpose field, playground, open space.	Elm Street
Larchmont Circle Park Map 36 Lots 178 - 182	Open space	Millbrook Drive
Milford Community Athletic Fields Map 8 Lots 11 & 11-1	Recreational fields	North River Road
Milford Oval Map 25 Lot 32	Park benches, handicapped bench, Band Stand, open space	Downtown
Shepard's Park Map 31 Lots 33 & 34	Playground, 2 baseball fields, (one Little League and one practice), Scout House, open space.	Nashua Street
World War II Memorial Park Map 25 Lot 48	Open space	Downtown

Source: Milford Conservation Commission, Revised 1998

Both the public and private parks in town contribute to the supply of recreational facilities and contain reminders of Milford's rich history. Milford's publicly and privately owned recreation lands and facilities are described in more detail below.

1. Publicly Owned

- a. **Keyes Memorial Park:** Approximately 19 acres in size, this park is located on Elm Street and abuts the Souhegan River. It serves primarily as an athletic field. Facilities include a swimming pool, a wading pool, four tennis courts, a softball field, a baseball field, a general purpose field, a playground, and open space. Once a farm owned by Josiah Crosby, the land was sold to the Arthur L. Keyes Memorial Trust in 1957 and then given by the Trust to the Milford School District. Eventually, the School District gave the Keyes Park property to the Town of Milford in exchange for the Town's Endicott Park which abutted Bales School.
- b. **Shepard's Park:** Located on the north side of Nashua Street between Shepard and Linden Streets, this park is mainly an athletic area. It has a Little League baseball field which was built by the Rotary and dedicated as the Hugo Trentini Memorial Park in June, 1961. There is also a baseball practice field and a playground. It is the site of the Scout House, managed by the American Legion for use by the Boy Scouts of America and Cub Scouts of Troop 4. The open land beside the park is used for the annual Labor Day Parade turn-around and Carnival. Most of this land was donated to the town in 1898 as a site for a school and playground. With the bequeath of an additional piece of land in 1899 by Andrew Shepard adjacent to the original parcel, a public park was created. The park was named, at the donor's request, after his great-grandfather, John Shepard, who in 1791, built Milford's first sawmill and gristmill.
- c. **Emerson Park:** This park located between the Souhegan River and the US Post Office is about one and one-half acres in size. Emerson Park is lit at night and has easy handicapped access. It contains park benches, a stone wall, a permanent sandbox for children, and an old millstone as a "table", a gift from the late Theodore Langdell. The undeveloped land was given to the town at the 1947 Town Meeting by Charles S. Emerson as a gift from his brother, the late Harry Emerson. In 1969, with a \$1,000 gift from the children of the late Charles Emerson, creation of the park began. Summer band concerts are currently held in this park.
- d. **Bicentennial Park:** About three acres in size, this park abuts Railroad Pond on the west side of south Street. Bicentennial Park provides excellent access for fishing and boating (canoes and rowboats). Ducks, Canada Geese, Great Blue Herons, and Green Herons are abundant in this area and can be seen from the park. This land, the Cora M. Woodward property, was purchased through the Conservation Commission in 1973. The old house on the property was burned by the Fire Department, and the restoration process began. The flagpole was donated by the American legion, the VFW Post and Auxiliary, and the Knights of Columbus, and two park benches were donated by the Rotary Club.
- e. **Milford Oval:** This small triangular property is located in the center of the downtown area. The land was donated to the Southwest Parish, now the Town of Milford, in 1788 by William Crosby. The area is a grassy tree-studded parkland with large well-maintained flowerbeds, and is the home of the Milford Band Stand. For many years, the

summer Band Concerts were held here before being relocated to Emerson Park. During 1995 and 1996, the Oval underwent extensive renovations, and a brick walkway was laid out. This project was the sole idea of the Chief of Police, Steven Sexton, and was privately funded. In 1994, a Read-A-Thon was held in the elementary school to raise funds for a statue of two children reading books on a granite rock. Known as "Milford's Reading Children", the statue was sculptured by Sylvia Nicolas of Mont Vernon, and was dedicated, as was the entire renovated Oval, in August 1996, as a lasting contribution to the Renovation Project.

- f. **World War II Memorial Park:** On the southern side of the Union Square and adjacent to Railroad Pond, this small park was once the site of a blacksmith shop. In 1947, Mr. and Mrs. James Howison presented the land to the town to be used as a WW II memorial. Thirteen arborvitae trees commemorate the lives of the thirteen men from Milford killed in the war and form a background for a fountain. In 1995, this Memorial Park was renovated through the efforts of the Chief of Police, Steven Sexton. A brick walkway was laid out bearing the names of all veterans from Milford who served in any foreign war in which the United States of America was involved. Six Milford granite slabs were laid along the walkway which bear the names of the six branches of the service involved in those wars. To the rear of the Park a granite wall was erected and is engraved with the names of all Milford veterans of World War II. This was created from Milford granite and is the work of the Northern Marble and Granite Co., located on Oak Street, Milford. New flower beds were laid out in the Park, the work of the members of the Milford Garden Club. The renovations of the Park were completed in 1995, and the Park was rededicated on the 50th anniversary of the ending of World War II in September of that year. The dedication ceremony included a fly-over of World War II fighter aircraft.
- g. **Burns Rock:** Located on the Old Brookline Road, this historic site is named for one of Milford's first settlers. In 1959, the Association of the Descendants of John Burns donated Burn's rock, the land on which it rests, and a right-of-way to the highway to the Milford Historical Society. Two inscribed boulders mark the entrance of the pine tree lined site. The bronze tablet set in the boulder was dedicated in 1923.
- h. **Hartshorn Pond Park:** Hartshorn Pond and the land around it were given to the Town of Milford by Harold Wilkins, Jr. of Amherst. The town-owned land borders the entire pond except for a small piece at the northern end. Deed conditions provide that the lake shall not be stocked with fish and that "no digging, destruction, cutting or transplanting of trees, shrubs or plants or other silvicultural or forest management practices" be allowed "except under the auspices of or the consent of (the) Milford Conservation Commission and then only insofar as necessary to undertake proper silvicultural and conservation management practices . . ." Mr. Wilkins reserves the right to timber the premises. The park has two granite picnic tables/benches and two wood/concrete park benches. The Department of Public Works keeps the grass at the site cut.
- i. **Hazel Adams Burns Memorial Park:** Located on Osgood Road at the site of the Osgood Pond Dam, it consists of about three quarters of an acre of lawn with a small parking area. The land was purchased by the Town of Milford from Maurice Babine in 1952. As part of the major dam repairs in 1988, the area was landscaped, and in 1992 it was dedicated to the memory of the late Hazel Adams Burns, wife of Harlan Burns, Jr., and named in her honor. Further landscaping includes crabapple trees, hardy rose bushes,



and park benches. This much used property provides for good fishing in Osgood Pond, through which runs Great Brook. Harlan Burns, Jr., whose farm lies upstream on Great Brook, holds the flowage rights to the dam. The Park is maintained by the Department of Public Works.

- j. **Milford Community Athletic Fields:** Once owned by the Milford Hospital Association, this land was donated to the Town of Milford in 1993 by the Association. The heavily used fields were developed by the Milford Community Athletic Association to supplement the inadequate supply of town-owned recreation lands. The fields are maintained by the Department of Public Works and the activities are organized by the Milford Community Athletic Association. Facilities include two official Little League baseball fields, one regulation Babe Ruth baseball field, two regulation-size soccer fields, and one non-regulation size soccer field.
- k. **Adams Park:** This 5.5 acre area abutting Osgood Pond, was deeded to the Town of Milford in 1992 as a bequest of the late Hazel Adams Burns. Her will states: "....shall be given to the Town of Milford or to any organization within the town such as a conservation or recreation organization which the town may designate. It is my desire that the land be used for recreation and conservation purposes. It is my desire that no future subdivision or multi-family dwelling units be placed upon the land. ...." The area has open space used as ball fields, a small wooded area and a short walking trail along Osgood Pond. It has the possibility for development of a canoe launch site, once the proposed dredging of Osgood Pond takes place. Revised 1998.
- l. **Gen. Frank E. Kaley Memorial Park:** In 1996 the Town of Milford purchased this 19.7 acre parcel of land located off Nashua Street, and with a frontage on the Souhegan River of about 960 feet. The purchase price of the property in the amount of \$150,000.00 was reached with funding as follows: State land and Water Conservation Fund \$25,000, Milford Conservation Commission \$25,000, Milford Rotary Club \$3,000, Milford Bennington Railroad \$3,000, The Gen. Frank E. Kaley Foundation \$49,000, the VFW \$1,000, and the Town of Milford voted to appropriate the balance of \$44,000. Proposed plans for this area include recreation facilities, cemetery expansion and conservation such as wetland protection, floodplain protection and river protection. Revised 1998.
- m. **School Facilities:** The High School has fields for soccer, football and softball which are available for public use when not required by school related activities.

## 2. Privately-Owned

- a. **Hampshire Hills Sport and Fitness Club:** This private club is located on Emerson Road. Facilities include 11 tennis courts, five racquetball courts, two squash courts, a basketball court, a swimming pool, exercise equipment, and an indoor jogging track.
- b. **Granite Body Fitness:** Located in the Edgewood Shopping Plaza on Nashua Street, this health club offers Nautilus equipment, free weights, aerobic exercise and Tackwon Do facilities.

- c. **Community House:** This facility is frequently used as a meeting place by the Quilters Club, Women's Club, Seniors Group, Farm Bureau, Alcoholics Anonymous and other community groups.
- d. **Community House Tennis Courts:** These tennis courts are owned and operated by the Livermore Society and, with permission of Community House personnel, may be used by the public.

In addition to the aforementioned parks and recreation facilities, Milford has a considerable number of sites that are particularly well suited for fishing, canoeing, and picnicking. Appropriate measures should be taken to ensure that these informal recreation sites remain available for public use.

### 3. Hiking Trails In Milford

- a. **Emerson Park Trail:** This short trail along the Souhegan River begins in Emerson Park, located beside the Milford Post Office, and runs west along the Souhegan River ending in the grounds of the American Stage Festival. A very easy walk and delightfully pleasant.
- b. **Mayflower Hill Town Forest Trails:** Identified by signs, the two entrances to this 35 acre conservation land, provide access to much used trails. One entrance is on Shady Lane and the other is located at the end of Falconer Avenue Extension. The main trail is circular and leads to Look Out Point and a granite quarry. There are several side trails as well. Future plans for this area include developing additional trails. The area provides a leisurely walk in a quiet setting in spite of being surrounded by development.
- c. **Hitchiner Town Forest Trails:** On this property, located at the end of Mullen Road off Osgood Road, is a well marked trail which includes Burns Hill. This hill is not on town property but forms part of the trail with permission of the owner and provides an excellent view point. The trail was laid out by Owen Kelly as his Eagle Scout project. In addition to Owen's trail, there are several old logging roadways and skimobile trails which add to the accessibility of the land. This land is classified as town forest, and further trail expansion is planned with monies coming from the sale of timber.
- d. **Tucker Brook Town Forest Trails:** Approximately four miles of well marked trails exists on this 286 acre conservation property. An excellent map of the trail system is available free of charge in the Milford Town Hall. It includes a description of the location of the three entrances to the trails, namely off Boulder Drive, off Savage Road and off Whitten Road.. The property contains forest, pine groves, beaver ponds, large swampy areas and Tucker Brook Falls, located on Tucker Brook, which runs through this property. There is also the remains of an old mill along this brook.
- e. **Fred Conrey Conservation Easement Trail:** In 1991, the Milford Conservation Commission purchased a conservation easement on this entire 79 acre farm, located on Savage Road. This will ensure the land remains undeveloped forever. A hiking trail is proposed around the perimeter of the property which will include part of Dram Cup Hill.
- f. **Souhegan River Trail:** Located on the property of the Milford Fish Hatchery land on North River Road. this trail follows the Souhegan River for approximately 7/10 mile. It terminates at the Ferguson property.

#### 4. Picnic Sites In Milford

- a. **Hartshorn Pond Dam:** Located off Mont Vernon Road, this is one of the most popular picnic stops in Milford. There is ample parking, handicapped access, a granite picnic table, park benches and a grassy area.
- b. **Bicentennial Park:** This park is located off South Street adjacent to the railroad tracks. There are several park benches and well tended grassy areas. The park abuts Railroad pond and is handicapped accessible.
- c. **Emerson Park:** Located adjacent to the Milford Post Office, Emerson Park has park benches, a table and a sand pit for children. Right downtown, it is a popular lunch time area. The park is handicapped accessible via the Masonic Temple parking area off Mont Vernon Street. Abutting the Souhegan River, the park provides excellent views of the granite bridge over the river.
- d. **Hazel Adams Burns Memorial Park:** Overlooking Osgood Pond and located at the dam on Osgood Road, this site has been landscaped with grass, crabapple trees, hardy rose bushes, park benches and a gravel parking area. It is an excellent spot to view wildlife while picnicking or fishing. The foundations of an old ice house are also well visible.
- e. **Hitchiner Town Forest:** Located at the end of Mullen Road, off Osgood Road, this 193.8 acre area provides picnic areas in open fields, in pine groves, and atop Burns Hill. At the farthest end of the property, there is a small stream beside which to picnic.
- f. **Tucker Brook Falls:** Located on Tucker Brook, this area is accessible by a well marked trail from the Savage Road entrance. The 286 acre town forest provides numerous other picnic sites as well.
- g. **Look Out Point:** Located on the Mayflower Hill Town Forest, this site is accessible by a trail from both the Shady Lane and Falconer Avenue Extension entrances. The Point provides excellent views over Milford. A trail system and an old granite quarry add to the appeal of this very popular spot.

#### 5. Fishing Spots In Milford

- a. **Railroad Pond:** Public lands providing good access are Bicentennial Park off South Street and World War 11 Memorial Park off the Milford Oval. Private lands providing access where the public is welcome include the CFX Bank property on South Street and the Congregational Church property on Union Street. Revised 1998.
- b. **Purgatory Brook:** A favorite access point is off the bridge over the brook on North River Road. The brook also runs through the lands owned by the State of New Hampshire Fish and Game Department on which the Milford Fish Hatchery is located. Access is available from 8 a.m. to 4 p.m., seven days a week. Permission must be sought from the Hatchery personnel.
- c. **Hartshorn Pond:** Access is at the dam end of this pond located beside Mont Vernon Road. This pond is not stocked with fish by the New Hampshire Fish and Game Department, at the request of the donor of the land.

- d. **Osgood Pond:** The main point for fishing is at the dam, accessible from the Hazel Adams Burns Memorial Park on Osgood Road.
- e. **Souhegan River:** Public access points include Arthur Keyes Memorial Field off Elm Street; Emerson Park beside the Milford Post Office; the trail from Emerson Park to the American Stage Festival land on Mont Vernon Street; from the Old Iron Bridge running from North River Road to Route 101 West; from the bridge over the Souhegan River in the downtown area; from the Swinging Bridge at the foot of Bridge Street, which also provides an access point to the river bank.
- f. **Great Brook:** The bridge over the brook on Mason Road is a popular access point.

#### General Comments on parks and recreational facilities.

The availability of parks and recreational facilities ranked seventh among local "assets" according to a community survey in 1984. Despite their popularity, recreation Facilities/Programs/Entertainment was the fourth most frequently mentioned town "problem." The survey identified a perceived need for a community recreation center and expanded cultural offerings. Since that time, few facilities have been added despite significant population increase. The town's supply of recreational facilities is subject to further erosion for several reasons. Inadequate maintenance makes existing facilities unusable, population growth creates increased demand and crowding of existing facilities, and increased development takes open space out of use as informal recreational use. Private facilities add to the variety and amount of recreational opportunities available although they limit public access and are subject to change in use.

Public recreational facilities are usually acquired or constructed through donations or town authorized public expenditures. Recreation lands can also be obtained by acquiring easements allowing for limited public use of private lands or by allowing cluster development or density bonuses in exchange for open space or recreation area. These areas can remain under private ownership or be transferred to the town. Public access to recreation spots is facilitated by clear marking of properties, provision of adequate parking, and proper maintenance of trails, rights-of-way, and facilities.

#### H. CONSERVATION LANDS

The Town of Milford owns significant holdings of conservation lands and easements, which are administered by the Conservation Commission. Conservation easements held by the town provide that the lands shall be maintained in perpetuity as open space and prohibit all industrial or commercial activity other than agriculture and forestry. Also restricted by the easements are subdivision; construction of structures and improvements; change of topography, surface and sub-surface water systems, erection of signs, billboards, and outdoor advertising structures, and mining, quarrying, excavation, and removal of earth products. Wetlands and wildlife habitat are protected by such easements also.

As shown in Map 5, the major conservation holdings are concentrated along Tucker Brook with smaller preserved areas scattered throughout the town. There are also two ponds owned by the town, namely Hartshorn Pond and Osgood Pond. These areas provide open space, wildlife habitat, water resources protection, and opportunities for education and recreation. Conservation lands and easements in Milford, as well as town-owned open lands not yet protected for conservation purposes, are listed in Table 12.

**TABLE 12**  
**CONSERVATION LANDS IN MILFORD**

<b>Name</b>	<b>Location</b>	<b>Size</b>
1. Hitchiner Town Forest	Mullen Road	193.8 acres
2. Mayflower Hill Town Forest	Between Shady Lane and Perkins Street	35 acres
3. Tucker Brook Town Forest	Between Savage Road, Whitten Road and Boulder Drive	286 acres
4. Hartshorn Pond and Land	Route 13 North	10 acres
5. Nicholas & Constance Dadoly Conservation Land	Federal Hill Road	16.5 acres
6. Great Brook Condominium Conservation Land	Great Brook Road	15 acres
7. West Hill Conservation Land	North River Road	17 acres
8. Osgood Pond and Land	Osgood Road	20 acres
9. Joslin Conservation Land	off North River Road	8 acres
10. Sunview II Conservation Land	Westchester Drive	5.28 acres
11. Buchholz Conservation Land	McGettigan Road	1.5 acres
12. Wentzell Conservation Land	Armory Road	4.2 acres
13. Hayward Commons Conservation Land	Off Elm Street	1.603 acres

Revised 1998.

**CONSERVATION EASEMENTS IN MILFORD**

<b>Name</b>	<b>Location</b>	<b>Size</b>
Meadowbrook Easement	Along Tucker Brook	5 acres
West Hill Easements	North River Road	4.5 acres
Fred Conrey, Jr. Land	Savage Road	79 acres
Leisure Acres	Off Melendy Road	(very small areas)
Prunier Conservation Easement	North River Road	.7 acres
Kasey Drive Conservation Easements	Kasey Drive	2 small areas

Source: Milford Conservation Commission 1988. Revised 1993, 1998

**TOWN OWNED OPEN LANDS (NON-CONSERVATION)**

<b>Name</b>	<b>Location</b>	<b>Size</b>
Old Smith Well Site	At intersection of Union Street and South Street	12 acres
Queen Quarry	Old Brookline Road	12 acres
McLane Dam Land	Souhegan Street and Swinging Bridge	10 acres

Source: Milford Conservation Commission, 1988, Revised December 1993, 1998

## CHAPTER 3

### GOVERNMENT REGULATIONS AND FUNDING PROGRAMS

This chapter identifies major state and federal regulations, describes various types of local conservation techniques, and identifies federal, state and local funding sources.

#### A. STATE AND FEDERAL REGULATIONS

It is important for conservation commission members, local officials and the public to be familiar with state and federal regulations for several reasons. First, individuals may notice commercial or industrial uses not in compliance with state or federal requirements and may wish to notify offenders and/or the appropriate authorities. Second, the state delegates some regulatory power to local governments. A municipality can most effectively manage and protect its resources with full knowledge of the actions that the state allows and requires of it. Finally, in some cases state regulations may preempt local regulations. According to the New Hampshire Association of Conservation Commissions' Handbook for Municipal Conservation Commissions in New Hampshire, the courts have found local regulation to be preempted by the state in the areas of herbicides, hazardous waste facilities, construction and maintenance of dams and hydropower facilities, access to State Highways, and location of power lines.

##### 1. Air Quality

Federal: The EPA, under the Clean Air Act, has established National Ambient Air Quality Standards for primary and secondary pollutants. These pollutants include particulates, sulfur oxide, nitrogen oxide, carbon monoxide, ozone, and lead. The states are responsible for attaining and maintaining these standards and are required to submit a State Implementation Plan for EPA approval. States may adopt regulations more stringent than federal regulations.

State: The New Hampshire DES Air Resources Division, under the authority of RSA 125-C, regulates construction, installation, operation, and modification of air pollution devices and sources. Permit duration varies from one to three years, depending on the amount of emission. Applicants are required to submit information about type of fuel, operating schedules, and control devices. Approval is subject to compliance with applicable emission limits and air quality standards.

##### 2. Dams

Federal: The Federal Energy Regulatory Commission (FERC) licenses hydropower projects as part of its responsibilities under the Federal Power Act.

The only way to guarantee that a section of a river will not be dammed for hydropower is by designating the river segment under the federal Wild and Scenic Rivers Act (see RIVER MANAGEMENT). All dams, hydropower or not, are subject to US Army Corps of Engineers permitting for dredge and fill.

State: Under the authority of RSA 482:29, the Dam Bureau of the Water Division of the Department of Environmental Services (DES) regulates the construction or reconstruction of dams. Consideration is given to anticipated public benefit as well as to the effect on scenic and recreational value, fish and wildlife, natural flow of water in the stream below the dam, and hazards to navigation, fishing, bathing, and other public uses. The Bureau classifies dams

according to the degree of hazard to public safety and welfare and orders repair or removal of unsafe dams. The Bureau also maintains state-owned dams and regulates their water level. All dams must also be permitted by the DES Water Division's Wetlands Bureau (RSA 482-A).

### 3. Excavation, Mining, and Significant Alteration of Terrain

State: RSA 155-E requires municipalities to regulate excavation by permits granted through a public hearing process. The major provisions of the statute prohibit excavation below road level within 50 feet of any highway right-of-way unless for the purpose of said highway; within 50 feet of a disapproving abutter; within 10 feet of an approving abutter; within 75 feet of a great pond or navigable river and within 25 feet of other rivers, streams, ponds, prime wetlands and wetlands larger than 5 acres. All excavations must comply with the minimum operational and reclamation standards of RSA 155-E: 4-a, 5 and 5-a. Local regulations may be adopted and municipalities must require restoration bonding as a condition of permit approval.

Activities excluded from permit requirements include excavation of dimension stone from granite quarries and excavation exclusively for construction, reconstruction, or maintenance of Class I - V Highways. Operations that crush bedrock to produce construction aggregate are under the jurisdiction of municipalities under the provisions of RSA 155-E.

All mining and quarrying of minerals and metal deposits in the state is regulated by the Department of Resources and Economic Development (DRED) under RSA 12-E. The regulations prohibit mining that endangers public health and safety. Specific requirements include application for a national pollutant discharge elimination system permit (NPDES, granted by the EPA) and the absence of previous mining violations or reclamation bond forfeiture by the applicant.

RSA 485-A:17 requires that permits be obtained from WMD for construction or earth moving which disturbs an area of 100,000 or more contiguous square feet (approximately 2 1/3 acres). The purpose of these permits, called interchangeably, "Site Specific," or "Terrain Alteration" permits, is to prevent water pollution that might occur due to changed drainage patterns and surface run-off. The area of disturbance is 50,000 contiguous square feet if it is within 250 feet of the "public boundary line" of great ponds, 4th order streams and the sea coast (RSA 483-B).

The permits are required regardless of whether surface water or wetlands will be affected except for conventional agricultural operations provided run-off from the operations does not cause water pollution. The Handbook for Municipal Conservation Commissions in New Hampshire notes that the 100,000 square feet of ground disturbance must be "contiguous in time and space." For example, a large subdivision may not require a permit if development is phased so that, at any one time, less than 100,000 square feet is disturbed.

Also covered by RSA 485-A:17 are dredging, excavating, placing fill, mining, or undertaking construction in or on the border of surface waters.

### 4. Flood Control and Flood Insurance

Federal: The US Army Corps of Engineers builds and operates dams, dikes, levees and other facilities for flood control purposes. The National Flood Insurance Program (NFIP), administered by the Federal Emergency Management Agency (FEMA) and coordinated in New Hampshire by the Governor's office of Emergency Management, provides insurance for property owners in "special flood hazard" areas. The insurance is available only in municipalities that



have enacted local land use and building construction codes designed to reduce the level and impacts of floods in compliance with minimum federal standards. In addition, communities participating in the National Flood Insurance Program are required to regulate through a permitting process any excavation and fill in the FEMA-defined 100-year floodplain. Federal standards focus on structural integrity of buildings; they do not cover aspects of development such as submerged wells, septic systems, electric lines, and furnaces which, if inundated or allowed to leak into flood waters, may cause significant health or safety problems.

## 5. Historical and Archaeological Resources

**Federal:** The National Register of Historic Places is the official list of the Nation's cultural resources worthy of preservation. Established by the National Historic Preservation Act of 1966 (as may be amended from time to time) and administered by the National Park Service within the Department of the Interior, the Register lists properties of local, state and/or national significance in the areas of American history, architecture, archaeology, engineering and culture. Resources may be nominated individually, or in groups, as districts, as multiple resource areas or by category as thematic groups.

Listing on the National Register provides many benefits, including the following: (1) recognition of local, state or national significance often stimulating appreciation of local resources and encouraging pride in ownership, (2) review and amelioration of effects which any Federally funded, licensed or assisted project might have on the property, (3) eligibility for certain federal tax benefits, and (4) qualification for federal preservation grants when funding is available.

To be eligible for listing on the National Register, properties or districts must meet the evaluation criteria in the Federal Regulations. Summarized briefly, the regulations concern the quality of significance in American history, architecture, archaeology, engineering, and culture in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association; and (a) that are associated with events that have made a significant contribution to the broad patterns of our history; or (b) that are associated with the lives of persons significant in our past; or (c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or (d) that have yielded, or may be likely to yield, information important in pre-history or history.

Listing in the Register does not interfere with a property owner's right to alter, manage, dispose of or even demolish his property unless for some reason Federal funds are involved. Nor does National Register listing require that an owner open his property to the public. Once nominated, a National Register District must have the approval of a majority of property owners, with each owner having a single vote regardless of the number of eligible properties he may own and regardless of whether the property contributes to the district's significance. For a single privately-owned property with one owner, the property will not be listed if the owner objects.

In New Hampshire, any individual may prepare a nomination application. National Register forms, maps, and photographs are submitted to the NH State Historic Preservation Office for review by the State Review Board. Following approval at the State level, the application is sent to Washington, DC for final review, approval, and listing.

The Section 106 Process is a mechanism by which Federal agencies are required to consider the effects that their actions and the actions they assist, permit, or license may have on historic properties. Examples of federal and federally-assisted actions that may affect historic properties range from the obvious (highway projects) to the not so obvious (FDIC-approved branch bank openings and automatic teller machine installations.) In the Section 106 process, the Federal agency responsible for the action in question identifies historic properties in the area and determines the effect the action will have on them. If the effect will be adverse, the agency consults with the State Historic Preservation office, local governments, Indian tribes, affected property owners, other interested parties, and possibly the Advisory Council (an independent Federal agency) to find ways of limiting or avoiding adverse effects. The consultation results in a Memorandum of Agreement accepted by the Council or, if no agreement can be reached, the Council formally sends its comments to the agency to consider in making its final decisions.

State: Field investigation of historic and prehistoric resources that involve alteration or removal of the surface or sub-surface of state owned lands or the bottom of navigable waters or great ponds is allowable only after a permit has been obtained from the state archaeologist. Permits are good for one year and may be renewed up to four times. Applications must include, among other things, site location, participants and their qualifications, and an outline of the project's research design and work schedule. No permit is necessary for non destructive field investigation, but appropriate notice and site information must be submitted to the state archaeologist (RSA 227-C.) RSA 227-C was amended in 1992 to require review of any publicly funded project that may damage historic resources. DES Biology Bureau has a similar monitoring program for lakes and rivers.

## 6. Lakes And Boating

State: The Lakes Lay Monitoring Program (LLMP), a function of the University of New Hampshire Freshwater Biology Group, has conducted research and education efforts in lake water quality since 1978. Volunteers, usually lake shore residents, are trained by the UNH-FBG. Using modest equipment funded by local lake shore associations, conservation commissions, or a town's general funds, the volunteers monitor a few, key characteristics of the lakes. Physical, chemical, and biological tests performed by the UNH-FBG on samples collected by the volunteers provide a database for the state's lakes and allow documentation of trends in overall water quality, trophic status, and alkalinity. These data, along with interpretation and education provided by the FBG, have been instrumental in the creation of management strategies for lakes throughout the state.

The Division of Safety of the NH Department of Safety is responsible for navigational markers and safe operation of boats in freshwater areas of the state. The Port Authority is responsible for boating and the placement of moorings within tidal waters and harbors in the State pursuant to RSA 271-A. Under RSA 483-A, New Hampshire established in 1990 a Lakes Management and Protection Program. This program applies to all natural bodies of fresh water having an area of ten acres or more (RSA 271:20). The Program, established within the DES, complements and reinforces existing state and federal water quality laws. It also serves to maintain or enhance the scenic beauty and recreational potential of lakes in the State.

## 7. River Management

Federal: The Federal Wild and Scenic Rivers Act was passed to preserve certain rivers and their immediate surroundings which have outstanding scenic, recreational, geologic, fish and wildlife, historic and cultural, or other similar values. The Office of State Planning's Wild,

Scenic, & Recreational Rivers for New Hampshire, 1977 (as may be amended from time to time), says, "The Act states that these rivers shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations." Three types of river areas (wild, scenic, and recreational) are eligible for inclusion in the National Wild and Scenic Rivers System. The program is overseen by the National Parks Service.

State: The New Hampshire Rivers Management and Protection Program (RSA 483) encourages and assists with the development of river corridor management plans and advises on protected in-stream flows for designated rivers. Under this program, any organization or resident of the state may nominate a river or river segment(s) for protection after the legislature determines what constitutes protection. A Rivers Coordinator within the Department of Environmental Services and a Rivers Management Advisory Committee appointed by governor and council are empowered to submit proposals to designate rivers for inclusion in the program to the legislature. The Rivers Coordinator is also to develop model shore line protection measures and "encourage" towns to implement them.

#### 8. Road Construction Across Public Waters

State: The DES Water Division regulates the construction of any public highway, access road or private way across any watershed, tributary to a lake, pond, or reservoir used for the storage of public drinking water. Under the authority of RSA 485:9, the Division reviews such factors as potential catastrophic accidents, turbidity during construction, and control of non-point pollution sources.

#### 9. Scenic Roads

State: RSA 253:157 and 158 allows towns, by Town Meeting vote, to designate any road other than Class I or Class II state highways as a Scenic Road. The statute stipulates that road repair, maintenance, reconstruction or paving or work on utilities may not involve cutting or removal of medium- or large sized trees (those having a circumference of 15 inches or more at a point 4 feet from the ground) or the tearing down or destruction of stone walls, except with the written consent of an officially-designated town body after a public hearing.

The Scenic Road designation does not interfere with eligibility of the town to receive highway construction or reconstruction aid pursuant to RSA 235, emergency clearance of trees and brush by road agents or their designees, or a landowner's property rights. Towns may also adopt additional provisions different from or in addition to those in RSA 231:158. The statute does prevent the irreversible removal of trees, walls, and other scenic characteristics by officials or utilities who are unaware or unappreciative of their community value.

#### 10. Solid Waste

Federal: The Resource Conservation and Recovery Act (RCRA), administered by the EPA, ensures proper management of hazardous waste from the time it is generated until the time of its disposal. Subtitle C of the Act governs large quantity generation of hazardous waste, while Subtitle D governs solid (mostly non-hazardous) waste. Included under the control of Subtitle D are approximately 36,000 waste-disposal facilities across the country that accept household hazardous waste and waste from small-quantity (less than 220 pounds/month) generators.

Subtitle D regulations, forthcoming from EPA, will require compliance with performance standards designed to protect groundwater. The EPA will require general performance standards

and will prohibit additional contamination of groundwater. The regulations will allow states some flexibility, however, in making site-specific requirements and determining the resource value of groundwater.

State: Under RSA 149-M, public or private transfer, treatment, processing, and disposal facilities for solid waste (including septage and sludge) are regulated by the NH Department of Environmental Services, Waste Management Division. The Division is concerned with compliance with federal and state air and water quality standards.

## 11. Timber

State: Timber cutting near public waters and highways is regulated by RSA 224, enforced by the Division of Forests and Lands, Department of Resources and Economic Development (DRED). RSA 224 prohibits the cutting of more than 50 percent of the basal area (area of a cross-section 4 1/2 feet above ground) of trees within 150 feet of a great pond, navigable river or state highway or within 50 feet of any other perennial stream unless the trees are cut for purposes of "immediate conversion of land for other than timber growing and forest uses," provided all local permits have been obtained for the new land use. It should be recognized that, although DRED is responsible for enforcing these provisions, protection of a town's timber and water resources depends also on local residents' and officials' rigorous monitoring of forested properties and timely reporting of infractions.

Pursuant to RSA 79, any person who intends to cut cordwood or timber must file a notice of Intent to Cut with the Selectmen or Assessor prior to cutting and must post in a conspicuous place within the area of cutting a certificate issued by the Department of Revenue Administration verifying that such notice has been filed.

RSA 79 authorizes municipalities to assess a yield tax of ten percent of the stumpage value of timber, calculated at the time of cutting. Exempt from the yield tax are fruit trees, sugar orchards, nursery stock, Christmas trees, and trees maintained only for shade or ornamental purposes.

Timber cutting operations must also comply with RSA 485-A:17, prohibiting pollution of streams; RSA 482-A, requiring a Wetlands Bureau permit for temporary or permanent logging roads that cross seasonal or perennial streams; and RSA 227-I, requiring registration with DRED of any permanent or portable mill for sawing or processing primary forest products.

## 12. Toxic Substances And Pesticides

Federal: The Environmental Protection Agency (EPA) regulates the manufacture, distribution, and use of chemical substances under the Toxic Substances Control Act (TSCA) of 1976. Eight categories of products are exempt from this regulation: pesticides, tobacco, nuclear material, firearms and ammunition, food, food additives, drugs, and cosmetics.

The EPA regulates the manufacture, distribution and use of pesticides, including herbicides and substances regulating plant growth, under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

State: New Hampshire requires employers to notify their employees and the local fire department of toxic substances in the workplace (RSA 277-A, the "Workers Right to Know" Act.) These provisions are enforced by the Department of Labor. In New Hampshire, provisions of the FIFRA are administered by the Department of Agriculture Markets and Food-Pesticide Control Division under the authority of RSA 430:28-48. The labeling, sale, transportation, and

use of pesticides are controlled under the rules adopted by the Pesticides Control Board. The application of pesticides is controlled through a certification and permitting process. This includes application of pesticides by hand or by mechanically powered equipment, to crops for sale or for personal consumption.

### 13. Underground Storage Tanks

Leaking underground storage tanks (USTs) are recognized as a major source of groundwater pollution. Gasoline hydrocarbons probably cause the most widespread organic contamination of groundwater.

Pollution from petroleum products is difficult to detect and can easily affect large quantities of groundwater. Some water-soluble components of gasoline are odorless and colorless in solution. Even a small leak of several gallons can contaminate millions of gallons of drinking water. Other hazards presented by underground gasoline leakage are the buildup of potentially explosive gases in building materials and the spread of potential explosion and fire from leakage into sewer and leach lines. The EPA has not yet established health standards for organic contaminants, in part because it is difficult to assess adverse impacts of long-term, low-level exposure.

Federal: The Resource Conservation and Recovery Act (RCRA) Amendments of 1984 require the EPA to regulate all underground storage of hazardous substances and petroleum products, regardless of tank size. The EPA places primary responsibility for administering and enforcing the UST program on the states. State regulations may be more stringent than federal requirements.

State: The Waste Management Division (WMD) regulations (adopted under RSA 146-C) incorporate federal requirements and include additional state provisions. The rules apply to non-residential underground oil storage facilities where the capacity of any one tank is 1,100 gallons or more for facilities existing before November 9, 1985 and where the capacity of any one tank or the cumulative volume of all tanks is 1,100 gallons or more for facilities constructed or substantially modified after November 9, 1985. Exempt from State regulation are oil-transmission and oil-production facilities; motor fuel and heating oil tanks providing storage for on-site, residential consumption; septic tanks; tanks for storage of non-petroleum based chemicals; and facilities where the cumulative capacity of oil-storage tanks is less than 1,100 gallons.

These regulations require registration and permitting of all applicable USTs with the WMD and prohibit discharge into surface waters or groundwater. Owners of existing USTs must keep accurate stock inventory records, test tanks regularly for tightness, and meet minimum repair and replacement standards. All new tanks and existing tanks less than 20 years old must be replaced at age 25 years. New or substantially modified USTs must meet minimum requirements for design, construction, installation, labeling, and testing.

New Hampshire RSA 146-D creates an oil discharge cleanup fund from a 1.5 cent tax on gasoline and diesel distributors. Collected by the Department of Safety, the fund is disbursed by the newly-created "Oil Fund Disbursement Board" to owners of USTs that require cleanup. Owners must spend a minimum amount, which varies depending on the number of facilities owned, before they become eligible for funds under this program.

### 14. Water Quality - General

Federal: The Environmental Protection Agency (EPA) administers two primary bodies of legislation: the Federal Water Pollution Control Act (or Clean Water Act), and the Safe Drinking Water Act. The Clean Water Act regulates the discharge of dredge and fill material into water bodies, including wetlands, and prohibits the pollution of surface and groundwater resources through point and non-point sources of pollution. The Safe Drinking Water Act requires regular testing of public water supplies for regulated and unregulated contaminants, regulates underground injections of potential contaminants, and requires states to establish well head protection for public water supply wells. In New Hampshire, provisions of both Acts are administered by DES Water Division.

#### 15. Waste Treatment And Disposal - See Also Solid Waste

Federal: Treatment and disposal of waste is controlled primarily by the Resource Conservation and Recovery Act (RCRA), which is administered by the EPA. The RCRA covers hazardous wastes (generation, transport, treatment, storage, and disposal), solid waste, and underground storage of petroleum products.

Cleanup of hazardous waste spills, uncontrolled waste disposal sites, and petroleum leaks and spills from underground storage tanks is authorized and funded under the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA or "Superfund.") The EPA administers the Superfund, coordinated in NH by the Department of Environmental Services, and establishes rules for reporting, evaluating, and cleaning up hazardous waste sites.

State: Discharge or disposal of sewage or waste into groundwater by industrial, municipal, or privately-owned facilities is subject to regulation by the WMD under RSA 485-A:13, also RSA 485 & 485-C. Permits renewable every 5 years are granted if maximum contaminant levels adopted by the Division as Drinking Water Regulations will not be exceeded and if the suitability of groundwater as a source of drinking water will not be destroyed. Facilities not designed to discharge into groundwater and systems that dispose of sewage at a rate not more than 10,000 gallons per day are exempt from the permit requirement. Discharge of waste into surface water is also regulated by the WMD and the EPA. Several types of discharge are specifically prohibited: discharge of radiological, chemical, high level radioactive waste; discharge to which the EPA has objected in writing; and discharge from a point source in conflict with a plan or amendments to Section 208 (b) of the Federal Water Pollution Control Act.

The Waste Management Division of the NH Department of Environmental Services regulates the construction, substantial alteration or operation of hazardous waste facility and the transportation of hazardous waste within the State. The 5 year permits for facility operators and 1-year permits for waste transporters are issued subject to evidence of financial and personnel resources sufficient to protect health, welfare, and environment.

In New Hampshire, money is available for investigating and cleaning up hazardous waste sites through a fund administered by the Waste Management Division of DES. In addition, an oil pollution control program authorized by RSA 146-A is administered by the Water Supply and Pollution Control Division of DES. The program is authorized for several uses including, but not limited to, a loan program for tank owners to clean up pollution from, remove, and replace leaking underground gasoline or oil storage tanks and a program to provide interim water supplies for pollution victims.

## 16. Groundwater Protection/Wellhead Protection

The Federal Safe Drinking Water Act amendments in 1986 established the national Wellhead Protection Program focusing on the protection of wells used for public drinking water supplies. The purpose of this program is to protect the wellhead areas of public water supplies from contaminants which may pose a risk to public health.

In response to federal guidelines, the State Groundwater Protection Bureau and Water Supply and Pollution Control Division of the Department of Environment Services, developed the New Hampshire Wellhead Protection Program in July 1990, subsequently approved by the EPA. In 1991, RSA 485-C was passed authorizing local entities to implement groundwater protection programs based on potential contamination sources to these wellheads and developing management programs to protect wellheads. The Groundwater Protection Act also expanded DES's groundwater protection authority.

On a local level, in early 1992, the Town of Milford, with assistance from the Nashua Regional Planning Commission, began the process of developing a Wellhead Protection Program for both the Curtis and Kokko wellhead areas. Nashua Regional Planning Commission, following the State guidelines contained in RSA-485-C, the Groundwater Protection Act, formulated a program for wellhead protection in Milford and Amherst, with Amherst included because both the Curtis well and much of its wellhead protection area lies within the corporate boundaries of Amherst. A "Memorandum of Understanding of Wellhead and Aquifer Protection between the Towns of Milford and Amherst, New Hampshire" is due to be approved and signed by both communities in early 1994.

Additional information and data can be found in the document Town of Milford Wellhead Protection Program, August 1993, available for review in the Town of Milford Planning and Community Development Office in the Town Hall. The document includes information relative to purpose and background, process and methodology, phase one delineations, a potential contamination source inventory and management program, and recommendations on the above.

Hazardous wastes generated by homeowners and other nonindustrial users (Household Hazardous Waste) are not regulated by the State of New Hampshire. In recent years, however, local and regional efforts to ensure proper disposal of hazardous materials commonly found in small quantities in households have increased.

These toxics, inflammables, corrosives, and irritants can have a cumulative adverse effect on groundwater and other environmental resources when they are dumped in trash bins (and eventually landfilled or incinerated) or poured down sinks or toilets. In addition, improper disposal may cause serious injury to waste handlers and endangers household residents. The Nashua Regional Solid Waste District, of which Milford is a member, sponsors Household Hazardous Waste Collection Days with assistance from local volunteers, the NRPC, and area businesses. A permanent location for accepting Household Hazardous Waste has been established in Nashua. Substances collected included pesticides, herbicides, oil- and lead-based paints, cleaners and solvents, insect and rodent killers, automobile chemicals, and asbestos. Additional information about household hazardous wastes and HHW collection days is available from the Nashua Regional Planning Commission.

## 17. Wetlands

Federal: The discharge of dredge material and fill in wetlands is regulated by the EPA under Section 404 of the Clean Water Act. The US Army Corps of Engineers issues permits for dredge

and fill, considering factors such as economics, historical values, flood damage, recreation, water supply, water quality, energy needs, and food production.

Exempted activities include normal farming, silviculture, and ranching; creation of farm ponds, irrigation ditches, and drainage ditches; construction of farm, forest, or temporary mining roads; and maintenance of "currently serviceable" structures such as dikes, dams, levees, bridges, and causeways. The COE may issue permits that are more restrictive than state or local requirements but will not issue a permit for a project where a state or local permit has been denied.

State: Wetlands are regulated by the NH Wetlands Bureau, (RSA 482-A) and the Waste Water Engineering Bureau (RSA 485-A:17), both in the Division of Water Resources of the Department of Environmental Services. Dredge, fill, and structures in wetlands and surface waters must be issued permits jointly by the two bureaus.

The Wetlands Bureau has jurisdiction over the same areas as the COE, but it regulates a broader range of activities and has few statutory exemptions. The Bureau regulates excavation, removal, filling, dredging or construction of any structures in or on any bank, flat, marsh, or swamp in or adjacent to waters of the State. Review is based on the value of wetlands for nutrient sources, habitat and breeding areas, commerce, recreation, aesthetic enjoyment, groundwater, and siltation control.

The Waste Water Engineering Bureau's Site Specific Program is concerned primarily with impacts on water quality during a proposed activity or from run-off. It regulates dredging, excavating, mining, filling, transporting forest products, or undertaking construction in or on the border of surface waters of the State, or altering the characteristic of the terrain. A permit may be granted, granted with provisions, or denied.

New Hampshire RSA 482-A authorizes conservation commissions to participate in the Wetlands Bureau permit process. Conservation Commissions may write to the Wetlands Bureau within fourteen days of notice of a proposed project, in which case the Commission is allowed forty days, after permit was filed, to submit a report which must be considered by the Wetlands Bureau before any final decision is made. Milford incorporates provisions for conservation commission participation in its zoning ordinance.

## 18. Wildlife

State: New Hampshire prohibits the taking, possession, transportation, and sale of any endangered or threatened species of fauna and flora.

The Fish and Game Department is responsible for endangered and threatened fauna, including "any mammal, fish, bird, amphibian, reptile, mollusk, arthropod or other invertebrate" (RSA 212-A, Endangered Species Conservation Act.) The statute requires adoption of a list of endangered and threatened species and the development of conservation programs for those species. Some conservation programs in the state are conducted by the Audubon Society of NH under contract with the Department of Fish and Game.

The Department of Resources and Economic Development (DRED) is responsible for endangered and threatened plants (RSA 217-A.). DRED maintains a list of endangered and threatened species and conducts programs through its Natural Heritage Program.

## B. LOCAL CONSERVATION TECHNIQUES



This section contains a more detailed description of techniques identified in Chapter II which can be used by local governments for conservation purposes. The section describes land use controls, taxation and spending programs, and land acquisition methods. Following the description is a table summarizing the natural resources for which each technique may be effective and possible constraints to the use of the techniques.

## 1. Local Land Use Controls

### a. Traditional Zoning

Conventional zoning establishes land use districts in which some uses are permitted as of right, some uses are prohibited, and some uses are allowed under certain conditions. In addition, each district generally has other requirements regarding lot size, frontage, setbacks, and building size.

Conventional zoning is sometimes used to protect water resources and other natural resources. Before any local water resources plan can be adopted as part of the Master Plan, it must be submitted to the office of State Planning for review as required by RSA 4-C:22. The Office of State Planning is required to provide a written report stating whether the plan or ordinance is consistent with rules adopted by OSP.

Conventional zoning districts have been used effectively to protect watersheds of surface water supplies, lakeshore areas, and buffer regions surrounding groundwater wells. These districts are less appropriate for protecting natural resources such as wetlands, that are scattered throughout the town and cannot be easily and accurately depicted on a zoning map.

### b. Environmental Overlay Districts

Overlay districts are an effective and relatively simple way of protecting important natural resources that are scattered in many small areas throughout the town or are difficult to delineate with great precision on a zoning map. A separate overlay district and associated requirements can be drawn up for each type of significant natural resource. overlay districts have been used to protect floodways and floodplains, wetlands, steep slopes, aquifers, rivers, streams, ponds, and lakes. Development on any given land parcel must comply with the requirements of the underlying land use district as well as the requirements of each overlay district that has been superimposed. Thus, a combination of restrictions tailored to particular environmental characteristics is applied to each property.

### c. Local Historic Districts

The term "historic district" can refer either to a locally designated historic district or, as has been previously discussed, to a National Register Historic District. An historic area may be both a locally designated historic district and a National Register District. The concept of historic districts exemplifies the growing recognition that protection must be provided to structures as part of the total environment. RSA 674:45 authorizes creation of an historic district commission, designated by town meeting vote. After the required public notices and hearings, a local historic district may be established by a majority vote at town meeting.

An historic district is characterized by a grouping of structures and/or sites which physically and spatially comprise a specific environment. Buildings may represent a cross section of ages and styles but should be unified by past events or by plan or physical development. An historic district's boundaries must be carefully considered so that they are not arbitrary or capricious. After preparing an appropriate ordinance, the Historic District commission is given authority to consider the appropriateness of any proposed construction, exterior changes or demolition of any structure within the district. It is important to emphasize that historic district commissions control non-contributing structures as well as new construction within a district. Historic district ordinances take on varying degrees of strictness, and may specify the use of land, the appearance or aspect of structures, or both.

A heritage commission may be established under RSA 674:44-a - 44-d and may be empowered to administer historic district regulations town- wide. A heritage commissions powers parallel those of a conservation commission, but its responsibility is cultural, rather than natural, resources of the town.

d. Performance Zoning

Performance standards zoning regulates the impact of a development (e.g., in terms of traffic, noise, water quality), unlike conventional zoning which focuses on the type of land use (e.g., residential, commercial, industrial). Performance standards are most commonly used in combination with conventional zoning, and may vary by district.

Performance zoning can provide greater flexibility and design variety than conventional zoning while assuring that development projects are economically and environmentally sound. For performance standards to be effective, however, local planners must have sufficient time and expertise to evaluate detailed impact analyses. Generally, it is a good idea to require a performance bond large enough to ensure that the user of the property lives up to his or her promises; damage to vegetation, contamination of water supplies, and alteration of topography are difficult or impossible to correct after the fact.

e. Cluster and Planned Unit Development

Cluster development and planned unit development (PUD) can accomplish environmental protection and open space preservation goals by allowing a certain degree of flexibility in site design. Cluster development is usually entirely residential, whereas PUDs often combine a mixture of residential, commercial, and other uses.

These techniques require more development review time than traditional development regulations, but they provide several important advantages that make them worthwhile: (1) facilities can be sited to avoid impacting the most environmentally sensitive areas of the land; (2) non-built areas can be concentrated to provide a large area of open space for use by all residents and/or patrons of the development; (3) concentration of buildings and preservation of buffer areas can minimize negative visual impacts on the community.

2. Taxation/Spending

a. Current Use Assessment

Some property owners in town wishing to keep their land undeveloped may be prevented from doing so by the pressure of property taxes assessed at the land's "highest and best" use. These property owners may be encouraged to apply to the current use assessment program.

Authorized by RSA 79-A, the current use assessment regulation provides an economic incentive to landowners who do not develop their property. The program, administered by the NH Department of Revenue Administration, is designed to "prevent the loss of open space due to property taxation at values incompatible with open space usage" (RSA 79 A:1). Parcels of farm, forest and unproductive land of ten acres or more; wetlands of any size; and farmland generating at least \$2,500 annual gross income are eligible for reduced property assessments under the program.

Local officials must assess any property in the program at the level prescribed by the Current Use Board. In exchange for the reduced assessment, owners agree to pay a penalty (or land use change tax) equal to ten percent of the fair market value of the property if the property no longer qualifies for current use. In 1993 Milford had approximately 6689 acres in current use assessment. Forest land accounted for about 5352 acres, farm land 1074 acres and unproductive land 263 acres. This represents an increase of over 3100 acres assessed at current use rates over the 1988 total acreage of 3578 acres. In 1988, Milford had approximately 3,578 acres in current use assessment.

b. Capital Programming

A well considered capital improvements program is an important part of any conservation management plan. It allows for coordination of the goals of municipal departments responsible for water, sewer, schools, public safety and other public services and the town's conservation goals. Furthermore, it allows proposed capital expenditures for open space lands, development rights, and park lands and associated recreational facilities to be compared with the community's other facility needs. When conservation projects are explicitly considered in relation to other proposed projects, the town's priorities can be identified; conservation projects are less apt to be "lost in the shuffle."

Finally, although the community will always want to become aware of conservation opportunities that arise unexpectedly, a capital improvements program allows some conservation expenditures to be anticipated; costs can be spread over a number of years, stabilizing the tax rate.

c. Urban and Rural Service Areas

Urban and rural service areas provide a way of limiting the adverse environmental impacts of development in outlying areas of a town. Urban and rural areas are delineated based on the availability of municipal services, and different land use regulations are applied to each. The most intensive land uses, such as moderate and high density housing and most commercial and industrial uses, are restricted to areas served by municipal water, sewer, and other services. Less intensive uses, which can be supported by private water wells and/or septic disposal systems without causing significant environmental damage, are permitted in the rural service areas. The urban service area can be expanded as the community grows and is able to extend municipal services.

### 3. Land Acquisition

#### a. Donation

Accepting donations of land for conservation purposes is an inexpensive and relatively simple method of conserving a town's natural resources. The donor may be eligible for federal income tax deductions and is assured of long term conservation of the land. Conservation commissions are authorized under RSA 36-A:4 to "receive gifts of money and property, both real and personal, in the name of the city or town, subject to the approval of the city council... or the selectmen..." Land can also be donated to other non-profit conservation organizations or government agencies that are qualified recipients of tax deductible contributions.

When land is donated "outright," full title is immediately transferred to the donee; the donor can claim a charitable gift deduction, which is usually based on the fair market value of the land. When land is donated "by devise or bequest," title is transferred after the donor dies. The donor's estate is reduced by the value of the land, and the estate taxes are reduced accordingly. Donation of a "remainder interest" with a reserved life estate offers a tax advantage less than with an outright donation and more than a donation by bequest. The donor gives the property to an appropriate organization but reserves the right for designated persons to use and reside on the property for their lifetimes. The tax deduction is based on the value of the "remainder," or the current market value less the value of lifetime use and residency.

#### b. Donation for Resale

Landowners may receive charitable gift tax deductions for donations of land having little conservation value if they authorize the town to sell the property and use the income for other land acquisition projects. The town may sell the land with or without conservation restrictions, but must first obtain town meeting approval to dispose of the land.

#### c. Acquisition By Tax Default

Towns often acquire and sell at public auction lands on which taxes have not been paid. Tax sale, authorized by RSA 80, "shall be of so much of the estate holden as will pay the taxes and incidental charges." During the two year period after sale, the land may be redeemed by paying the amount for which the land was sold and interest and incidental charges. Lands acquired by a Town by tax default may be retained by the town for public purposes, including conservation, if the action is approved by town meeting vote.

This method of acquisition is virtually cost free for the town, but it requires that the town identify, before they are sold, properties having significant conservation value. The conservation commission may be authorized by town meeting vote to review parcels before sale and make recommendations about retaining them. Once a valuable parcel is identified, a town meeting vote authorizing the town to retain it and the conservation commission to manage it is required.

#### d. Conservation Easements

Conservation easements (sometimes called "restrictions" or "purchase of development rights") may be given or sold under the authorization of RSA 477:45-47. With a conservation easement, the owner retains ownership and control and at the same time provides for perpetual protection of his or her land. Terms of the easement can be designed to fit the particular property and situation. Enforceable by the receiving organization, the terms bind all future owners of the property. Conservation easements generally do not change the use of a property. Rather, they are designed to encourage good land management practices and prevent incompatible development on the property. It should be noted that a conservation easement must satisfy criteria established by the IRS in order to be considered a charitable gift for tax purposes.

Conservation Easements lower property taxes but no lower than current use rates.

e. Discretionary Easements

Land suitable for conservation which does not meet criteria of the current use assessment program may be protected by discretionary easements as authorized by RSA 79-C. A discretionary easement may be granted only if it provides one or more of the benefits listed in RSA 79-C:3 and is approved by the selectmen. Discretionary easements do not provide for permanent conservation of land. They are valid for specified periods of time after which development of the property carries no penalty. Furthermore, landowners may be released from the easement in cases of extreme personal hardship. The penalty for such a release during the first half of the term is 20 percent of fair market value and, during the second half of the term, 5 percent.

f. Preservation Easements

A preservation easement is an agreement between an historic property owner and a government agency or preservation organization which gives the latter the right to review any proposed changes to the structure.

In return for giving an easement, a property owner may be eligible to make a deduction from his taxes. Two major types of preservation easements have been used in the past. The first kind is an exterior facade easement, which may include air rights, exterior maintenance, alterations, and so on. The second kind is for the interior of an historic structure. This type of easement is rarely used, for it is often difficult to enforce and also difficult to acquire. An interior easement may restrict all or part of an interior.

g. Right-of-Way Agreement

Right-of-way agreements are appropriate where public access to only a portion of a property is desired. For example, the conservation commission may want access to strips of land on several properties to complete a trail system. A right-of-way agreement provides legal permission for the public to cross a property. Such an agreement may be sold or donated by the landowner and is usually limited to a designated period of time.

h. Mutual Covenants

A group of property owners may enter into a mutual covenant that restricts development to protect natural resources. For example, lake shore residents may, as a group, choose to prohibit construction within 300 feet of the shoreline to preserve scenic view and wildlife. Mutual covenants are enforceable only by participating landowners and their heirs and successors. The agreements are not necessarily permanent. Covenants may be nullified if a court determines that the original conditions have changed.

Mutual covenants are appropriate when there are several properties in close proximity whose owners are concerned about resource conservation. They are an especially useful tool where the natural resources are locally valued but are not significant enough to warrant conservation easements at the expense of the larger public.

i. Historic Preservation Covenants

An historic preservation covenant is a contractual agreement where the owner agrees to maintain the historic and architectural character of his home. A covenant can either be in the form of an affirmative provision or a negative provision. An affirmative provision requires the owner of an historic structure to provide for certain upkeep of the exterior appearance of his home. A negative provision, or a restrictive covenant, contracts the owner to abstain from changes to his historic building that would alter its historic or architectural integrity. The right to enforce a covenant is normally granted to a preservation agency. The general difference between easements and covenants is that easements are considered to be an interest in real estate, whereas covenants are only a contractual obligation. Under certain circumstances, however, covenants become binding upon future owners as well, thus blurring the difference between the two.

j. Deed Restrictions

An individual landowner may choose to attach deed restrictions to his or her property prohibiting certain types of development. The restrictions "go with" the property upon sale, binding any subsequent owner. Restrictions apply in perpetuity. As with mutual covenants, however, deed restrictions may be nullified if a court finds that conditions have changed.

k. Options and Rights of First Refusal

Options And Rights Of First Refusal allow the town planner, conservation commission, or other organization time to obtain funds at an upcoming town meeting or from other sources. A right of first refusal is less specific about price. It guarantees the town the right to purchase the land for a price equal to a bona fide offer from another party. These mechanisms are appropriate for key parcels threatened by immediate development or parcels for which no definite development plans exist, but which would represent significant resource loss should development occur.

l. Purchase Of Land At Full Or Bargain Price

Purchase of land offers allows a conservation commission or government entity to exercise the highest degree of control over conservation land. Purchase of land,

however, is costly and requires continuing administration and management by the purchasing body. Land purchase in a "bargain sale," or for less than full market value, is more financially feasible for conservation organizations and offers tax advantages to the seller. The seller is eligible for a charitable income tax deduction equivalent to the full market value of the land less the selling price.

Conservation commissions "may receive gifts of money and property, both real and personal, in the name of the city or town, subject to the approval of the local governing body, such gifts to be managed and controlled by the commission for the purposes of this section. Said commission may acquire in the name of the town or city, subject to the approval of the local governing body, by gift, purchase, grant, bequest, devise, lease, or otherwise, the fee in such land or water rights, or any lesser interest, development right, easement, covenant, or other contractual right including conveyances with conditions, limitations or reversions, as may be necessary to acquire, maintain, improve, protect, or limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within their city or town, and shall manage and control the same, but the city or town or commission shall not have the right to condemn property for these purposes." (RSA 36-A:4 Powers)

To ensure that property acquired for conservation purposes is used as intended, the conservation commission may want to include a reverter clause in the deed. With such a provision, ownership of the land reverts to another party if the property is used for other than conservation purposes. The clause could provide that ownership revert to the original owner or some willing conservation organization authorized to own property (e.g., the Audubon Society of New Hampshire). If such a reverter is included, the organization to which the land will revert must agree by signing the deed.

### C. FUNDING PROGRAMS

Federal: The Land and Water Conservation Fund is a federal fund administered in New Hampshire by the Division of Parks and Recreation in the Department of Resources and Economic Development. It is authorized for use specifically for recreation and conservation purposes. The fund awards grants to municipalities, school districts, or states for up to 50% of the appraised fair market value of lands acquired and recreation facilities acquired or constructed. The remaining portion of the cost must be raised, appropriated, or donated locally. Applications meeting program criteria are ranked according to recreation priority and local funding, and projects are selected accordingly.

The Pittman-Robertson Act, Dingell-Johnson Act and Wallop-Breaux Act authorize funding for land acquisition which is administered in New Hampshire by the Fish and Game Department. These funds pay 75% of the appraised fair market value of land purchased by the Department for wildlife protection, game or fish management, and access to public waters. Land acquired with these funds remains under state ownership.

Local: Conservation Commissions are allowed to receive municipal appropriations and private donations for the purpose of acquiring conservation lands or easements. one source of funds that should be considered for this use is the charge for removing a property from current use assessment. Under RSA 79-A:25 a town may choose, by a majority Town Meeting vote, to place all or part of the land use change tax revenue in a conservation fund.

Private: The Souhegan Valley Land Trust has been involved in the acquisition of property and development rights in a number of Souhegan River valley towns. The Trust is a private organization that helps arrange financing when opportunities to conserve significant parcels of land arise.

Other organizations that may be able to accept donations of land and easements or help municipalities raise funds for acquisition of conservation lands and easements include the Audubon Society, The Society for Protection of New Hampshire Forests, and the Nature Conservancy.



## CHAPTER 4

### PRIORITIES FOR NATURAL RESOURCE MANAGEMENT

#### A. GENERAL PRINCIPLES

Conservation strategies must be designed to provide the maximum benefit possible with the limited human and financial resources available for conservation. Several principles underlying an effective conservation strategy are discussed below.

##### 1. Conservation Method Appropriate to Need

Conservation techniques should be carefully selected to provide adequate protection of natural resources at the least cost. Chapter 3 identified a plethora of conservation techniques and their advantages and disadvantages. Fee simple acquisition provides the maximum degree of protection but is costly and requires continuing maintenance and administration of properties. Given the high cost of land and limited municipal budgets, it would be impossible and undesirable to acquire all of a town's significant natural areas. In many instances, less costly techniques, such as conservation districts, better serve resource protection purposes.

Wetlands preservation is a good example of such a case. Because they are large in total area, are often scattered over many properties, and do not require public access to provide benefits as wildlife habitat and flood control, wetlands are not necessarily best protected by fee simple acquisition; often they can be adequately protected by a well designed wetlands ordinance. Purchase of property should be reserved for instances where public access is important or where adequate regulation would raise "taking" issues.

##### 2. Consideration of Multiple Benefits

When purchase of full or less-than-full property rights is considered, lands that provide multiple benefits are preferable to lands that provide only one type of benefit. For example, a parcel of land located in a floodplain, containing prime agricultural soils, providing active and passive recreation, and underlying an historic mill building should be a higher priority for conservation than a parcel having only one of these features.

##### 3. Importance of Water Resources

High priority should be given to protecting the town's water resources because these resources provide multiple benefits, are unique and irreplaceable, and contribute tremendously to the quality of life. Especially important in Milford are the Souhegan River and surrounding lands. The large floodplains are the location of rich soils, and public access points and riverside greenbelts provide recreation and open space in the heart of the town. Access to this and other water resources are substantially responsible for Milford's appeal to residents and patrons of local businesses.

##### 4. Preservation of Unique Natural or Historic Areas

Resources that are unique to the town and which can not be replaced or recreated should be given high priority. In Milford, the town center, or "Oval", contributes significantly to the visual character of the town as well as the vitality of its business and civic functions. Other unique aspects of Milford include the Souhegan River and surrounding lands.

## 5. Location of Natural Resources

As development pressures mount, it becomes more and more important to place priority on strategically located properties. Parcels providing visual relief from development in "urbanized" areas of town as well as parcels that are significant in terms of natural resources and face the most immediate development pressure should be targeted for conservation. It would be a mistake to assume that large properties or properties abutting other natural areas, many of which are in outlying areas of town, necessarily provide the most benefit to Milford residents.

The appendix contains a suggested land evaluation system developed by the Conservation Commission for judging the relative conservation value of land parcels. This system can be used should the town find itself in the fortunate position of having to choose among parcels of land available for purchase. More important, however, is the system's value as a guide for action. It sharpens the focus of the Conservation Commission's work plan and can be used to initiate discussions with owners of properties considered valuable for conservation purposes.

## B. RECOMMENDATIONS

Milford is fortunate to have a Conservation Commission with considerable experience, expertise, and devotion to the job of protecting the town's resources, encouraging public use, and helping prevent damaging development. The actions recommended below represent ways of ensuring that the town maintains a strong natural and historic resource base in a time of rapid development. Because many of the recommendations contribute to the conservation of more than one type of resource, the recommendations are grouped by type of activity rather than by the goals they further. Some of these recommendations are already a part of the Conservation Commission's regular work program. It will be important to involve other local organizations and town residents to make the volume of work manageable and encourage broad awareness, support, and involvement.

### 1. General

Provide copies of the Conservation Plan to town officials and staff of all town departments. Make copies available for public perusal at several locations including the town hall, town library, and local schools.

### 2. Identification of Resources

- a. Inventory and map of properties under current land use: This information is available in the Assessing Office in the Town Hall.
- b. Inventory of historical structures in Milford: This information is available in the Conservation Plan, Chapter 2 F. Historical Resources, and in Tables 8 and 9.
- c. Inventory of Federal and State agencies and public or private organizations including names and phone numbers of key personnel, regarding conservation programs and regulations: This information is available in "Handbook for Municipal Conservation Commissions in New Hampshire" by Marjory Swope, of New Hampshire Association of Conservation Commissions, in Appendix II, Sources of Assistance. This manual is available in the Planning Office in the Town Hall.

### 3. Regulation

a. Development Review and Approval Process

- Continue to enforce the town's aquifer, wetland, and floodplain protection district provisions to protect Milford's natural resources. Work with the code enforcement officer, town planner and planning board to develop and propose revisions where appropriate.
- Continue review and written comment by the Conservation Commission on all wetland dredge and fill permit applications to ensure adequate evaluation of potential impacts and consideration of alternative development plans.
- Work with the Planning Board to update existing stormwater management, and erosion and sediment control regulations to reflect current research and professional recommendations.
- Encourage the Planning Board to revise ordinances and regulations to reference "Site Specific Soil Mapping Standards" and to require this mapping be done for all subdivisions where appropriate.
- Encourage the Planning Board to use the site plan review process to avoid unnecessary adverse impact on views of hilltops, fields, natural areas, and other scenic views.
- Review the "Cluster Open Space Development" provisions in Milford's zoning ordinance to ensure that they provide open space of a size and location suitable for recreation purposes within residential areas and preserve the environmental and aesthetic quality of the land.
- Discourage subdivision of agricultural land parcels that are large enough to be economically viable.
- Encourage land owners and developers to inventory significant historic and archaeological resources on their properties and to develop their properties in a manner that conserves these resources to the greatest extent possible.

b. New Regulation

- Review the town's zoning ordinance and subdivision regulations to determine the adequacy of existing setbacks, lot and frontage requirements, sign regulations, excavation regulations, and other regulations of land uses. Work with the town planner and planning board to develop and propose revisions where appropriate.
- Work with the Planning Board to develop a "Conservation District Overlay" for the purpose of providing blocks of interconnecting open space in new subdivisions in a manner which preserves the aesthetic and historical values of the land in addition to maintaining the water resource management and wildlife habitat functions of open space.
- Reevaluate the adequacy and effectiveness of the Aquifer Conservation District. Consider expanding the ordinance to restrict the use and storage of road salt, dumping of salted snow, and other activities as may be appropriate within the Aquifer Conservation District.

names or create and assign new names to streams of significant size. Each stream thus identified, investigated and named, should then be recorded with the United States Board of Geographic Names, and once accepted should be added to the appropriate Town Property Tax Maps.

#### 8. Recommendations for Selected Town Owned Lands

- a. Buchholz Conservation Land. Map 40 Lot 5. Size: 1.5 Acres.

The deed to this property has the restriction that this land be used for conservation purposes only. It is recommended that this property be retained in its natural state and that an annual on site inspection be made to ensure compliance with the deed restrictions.

- b. Nicholas Dadoly Conservation Land. Map 53 Lot 72-79, 81, 82 and part of Fox Run Road. Size: 16.5 Acres.

The deed to this property has the restriction that this land be used for conservation purposes only. It is recommended that the boundaries be marked and public access to the land be improved. A sign identifying the property should be erected at the entrance off Federal Hill Road.

- c. Great Brook Condominium Conservation Land. Map 41 Lot 40-1 and 40-4. Size: 15 Acres

The deed to this property restricts the land be retained in its natural condition as permanent open space. It is recommended that an annual review be made to ensure compliance with the deed restrictions.

- d. Hartshorn Pond and Land. Map 2 Lot 29. Size: 10.5 Acres

This parcel is a popular spot in northern Milford to fish, stop for lunch, or enjoy the scenery. The addition of granite benches and some landscaping has improved the area. Minimal maintenance (cutting the grass, emptying the trash cans) by the Department of Public Works keeps the site in good condition. It is recommended that a sign be erected to identify this property; that the area be developed further as a picnic area, and that parking be restricted to prevent vehicular destruction of the grassy areas. The deed restricts there be no stocking of the pond with fish.

- e. Hayward Commons Conservation Land. Map 8 Lot 6-1. Size: 1.67 Acres.

It is recommended that the property be retained in its natural condition to act as a buffer to Tucker Brook which runs through it.

- f. Hitchiner Town Forest. Map 46 Lot 2. Size: 193.8 Acres.

This parcel combines a variety of terrain in a fairly central location. The potential for additional development of the site to serve multiple recreational needs is enormous. Already, the timber is harvested and the land is a scenic spot for vigorous walks. With some improvements and regular maintenance, the property will be more accessible to hikers and will serve as a site for picnics and informal sports.

Picnic tables and minimal landscaping near the parking area will make the site suitable for family outings. The open spaces can serve as "unimproved" fields for informal sports. Existing stone walls and building foundations, which provide a link to the land's farm history, should be incorporated in the site design. Improved marking of the existing trail and extension of the trail to form a loop are also suggested.

Regular mowing of the fields and cutting of some small trees near stone walls is essential to maintaining the scenic quality, wildlife habitat value, and recreational value of the parcel. Without regular mowing, the fields will soon revert to woodlands. This will eliminate highly valued views across expanses of fields. It will also eliminate the "transitional areas" necessary for the survival of many wildlife species and reduce the area that can be used for recreation. Selective cutting and clearing of brush in the wooded upland is also necessary to improve forest quality and maintain views.

At the time of the 1993 revision of the Conservation Plan, the commission was developing a Management Plan for the Hitchiner Town Forest. This Plan was completed in January 1994.

- g. Joslin Conservation Land. Map 4 Lot 2. Size: 7 acres approximately.

It is recommended that the land be maintained as unimproved open space.

- h. Mayflower Hill Town Forest. Map 8 Lots 85, 91 and 92; Map 9 Lot 5; Map 17 Lot 4. Size: 35 Acres.

It is recommended that the trail system be connected to the Emerson Park Trail along the Souhegan River. It is also recommended that the commission work with the Amherst Conservation Commission to connect the two town centers with this town forest as a major link.

- i. Queen Quarry. Map 47 Lot 28. Size: 12 Acres.

It is recommended that public access and use of this parcel be discouraged by barring access from Old Brookline Road. This property has not been transferred to the jurisdiction of the Conservation Commission.

- j. Sunview II Conservation Land. Map 7 Lot 13. Size: 5.28 Acres.

It is recommended that the boundaries of this property be marked and that the land be maintained as unimproved open space.

- k. Tucker Brook Town Forest. Map 40 Lots 11, 14, 15, 61, 62; Map 10 Lots 53, 55, 56, 58, 64; Map 38 Lot 29. Size: 285.72 Acres.

It is recommended that the boundary markings be maintained as well as the trail blazes; an annual review of the existing trail system should be made for maintenance purposes.

- l. Wentzell Conservation Land. Map 42 Lot 76. Size: 4.2 Acres.

It is recommended that the property be maintained as unimproved open space due to the wetness of the parcel.

## Chapter 4 Priorities for Natural Resource Management

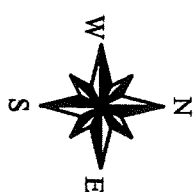
### m. West Hill Conservation Lands.

Map 3 Lot 15. Size: 6.87 Acres: It is recommended that this parcel be maintained as unimproved open space for the protection of an unnamed stream crossing through it.

Map 4 Lot 3-35. Size 10.6 Acres: It is recommended that this parcel be maintained as unimproved open space because of the blueberry bog lying within the property. An annual review should be made due to the housing development around it.

C. APPENDIX: LAND EVALUATION CRITERIA

- \_\_\_\_\_ Importance to public water supply protection
- \_\_\_\_\_ Recreational value
- \_\_\_\_\_ Scenic quality
- \_\_\_\_\_ Value as wildlife habitat
- \_\_\_\_\_ Historical significance
- \_\_\_\_\_ Potential public access
- \_\_\_\_\_ Compatibility with Milford's Conservation Plan and Master Plan
- \_\_\_\_\_ Degree of development pressure
- \_\_\_\_\_ Amount of river/lake/pond frontage
- \_\_\_\_\_ Size of parcel
- \_\_\_\_\_ Total cost and leverage of non-municipal funds
- \_\_\_\_\_ Location adjacent to conservation lands or other natural areas
- \_\_\_\_\_ Location amidst developed parcels
- \_\_\_\_\_ Proximity to developed town center
- \_\_\_\_\_ Educational and scientific value
- \_\_\_\_\_ Flood control value
- \_\_\_\_\_ Potential agricultural yield of soil
- \_\_\_\_\_ Active agricultural use and potential impact of parcel's loss on the local agricultural community
- \_\_\_\_\_ Owner's expressed interest in use of the land for conservation purposes
- \_\_\_\_\_ Percentage of property in agricultural use, timber production, or natural state
- \_\_\_\_\_ Amount of municipal management or monitoring required



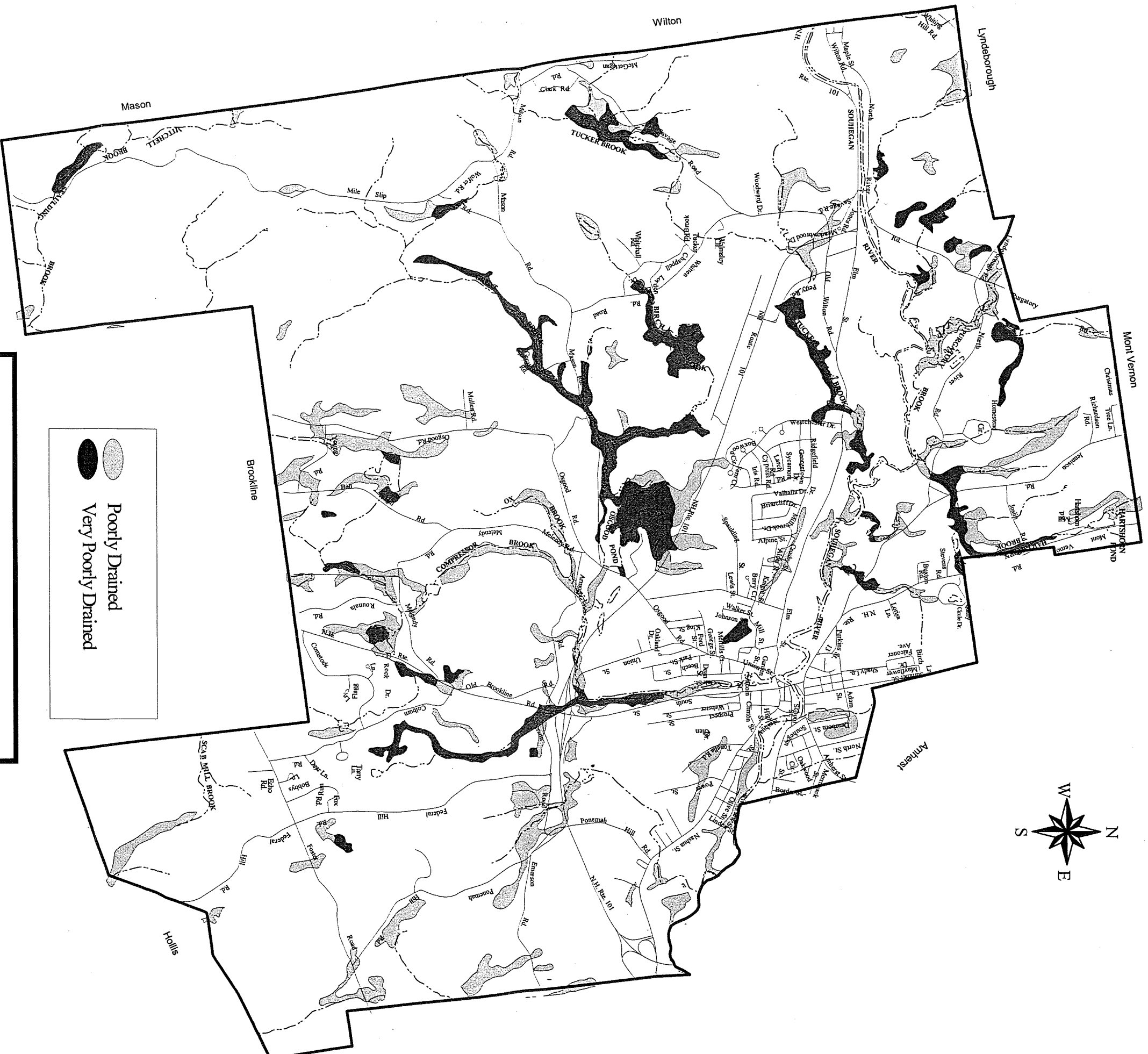
*Town of Milford*  
*New Hampshire*  
**PERENNIAL STREAMS  
 AND WATERBODIES**

Map prepared by Nashua Regional Planning  
 Commission May, 1998 for the Milford  
 Conservation Commission

Map 1







*Town of Milford  
New Hampshire*  
**WETLAND SOILS**

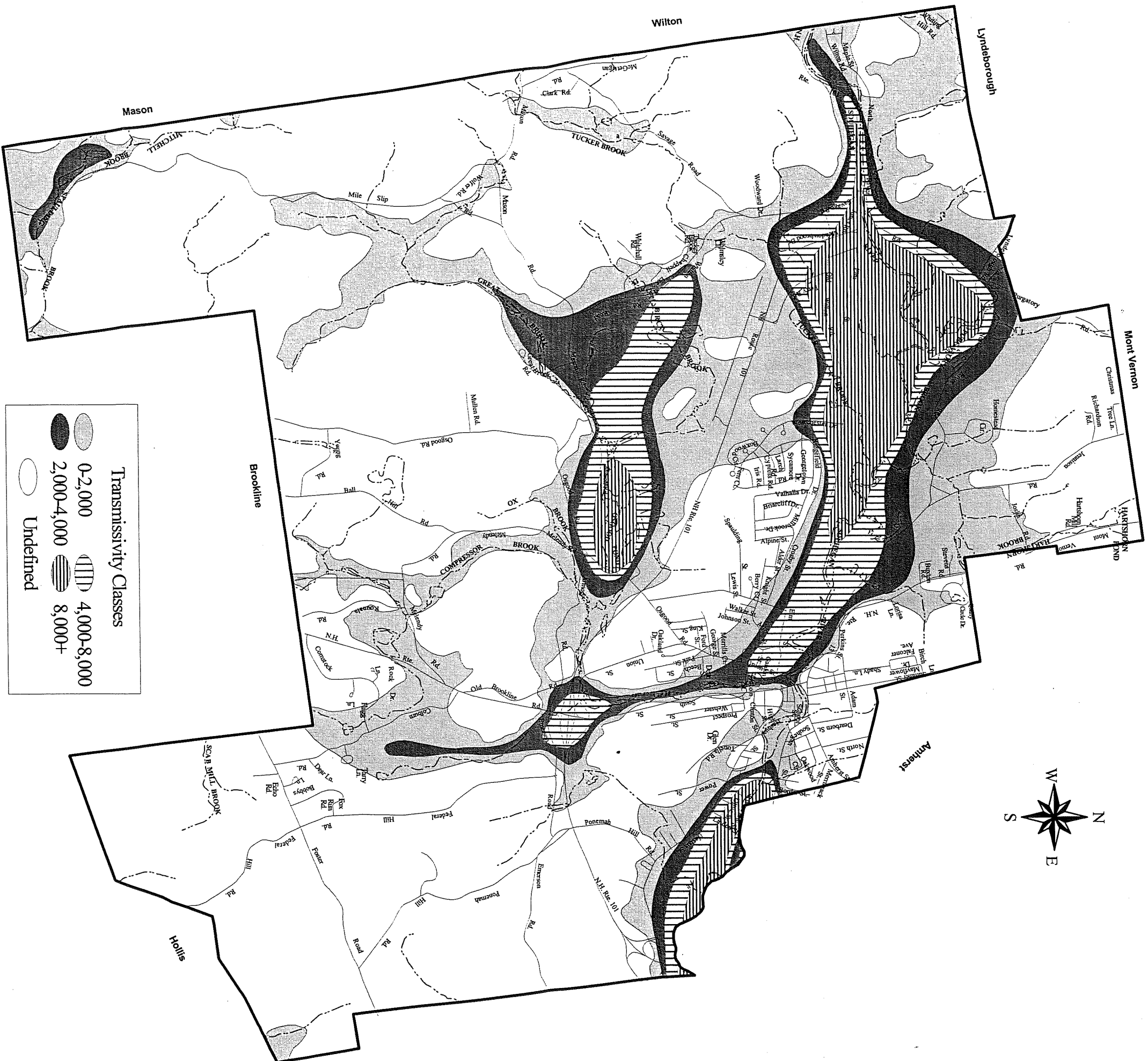
○ Poorly Drained  
● Very Poorly Drained

Soils Data from Natural Resources Conservation  
Service, 1981  
UNH GRANIT, 1995

Map prepared by Nashua Regional Planning  
Commission May, 1998 for the Milford  
Conservation Commission

Map 2





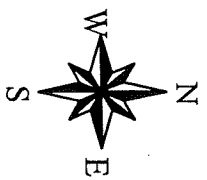
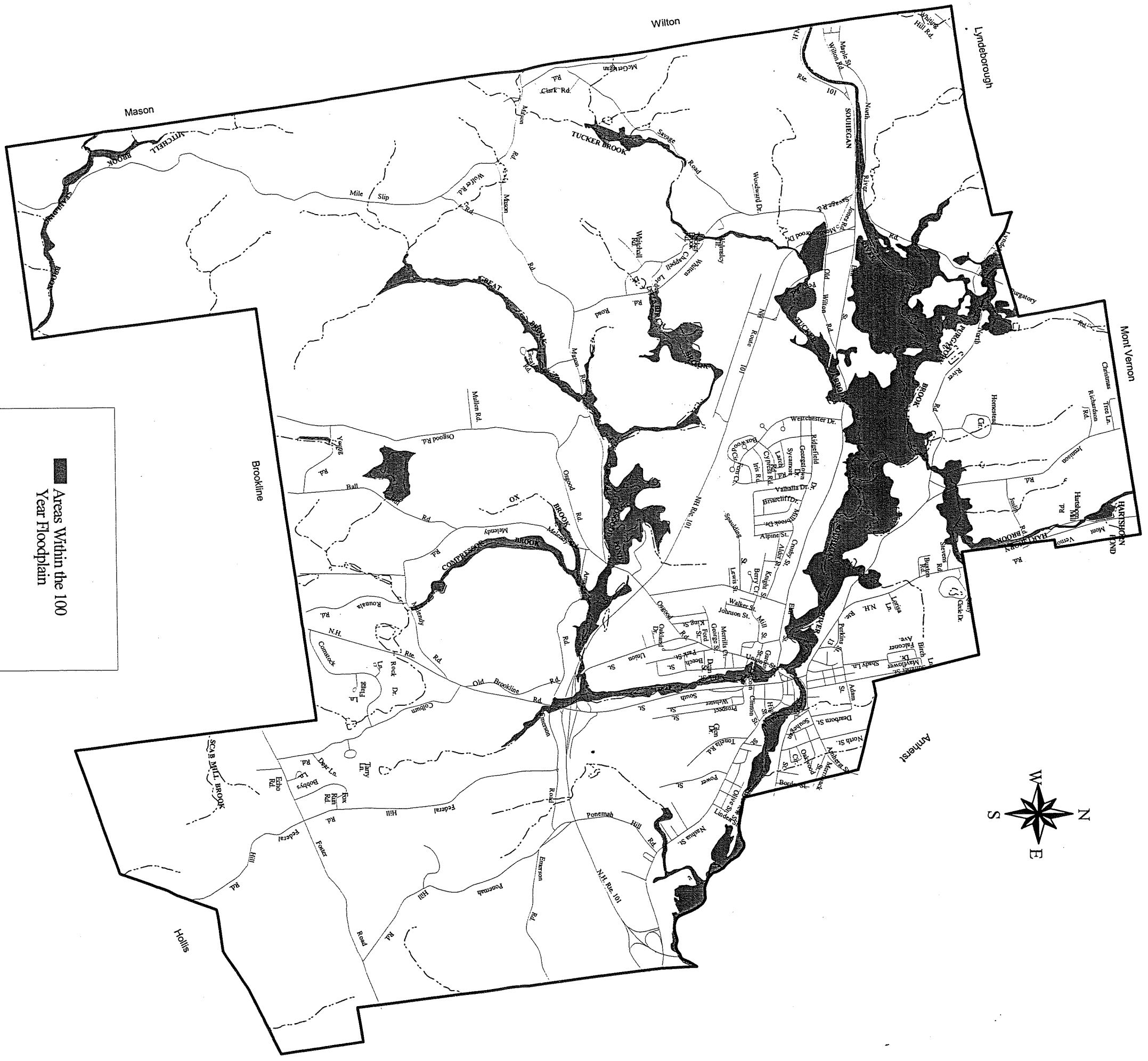
*Town of Milford*  
*New Hampshire*  
**MAJOR STRATIFIED**  
**DRIFT AQUIFERS**

Transmissivity Classes	
	0-2,000
	2,000-4,000
	4,000-8,000
	8,000+
	Undefined

Source: USGS, 1986  
 UNH GRANIT, 1995  
 Map prepared by Nashua Regional Planning  
 Commission May, 1998 for the Milford  
 Conservation Commission

Map 3





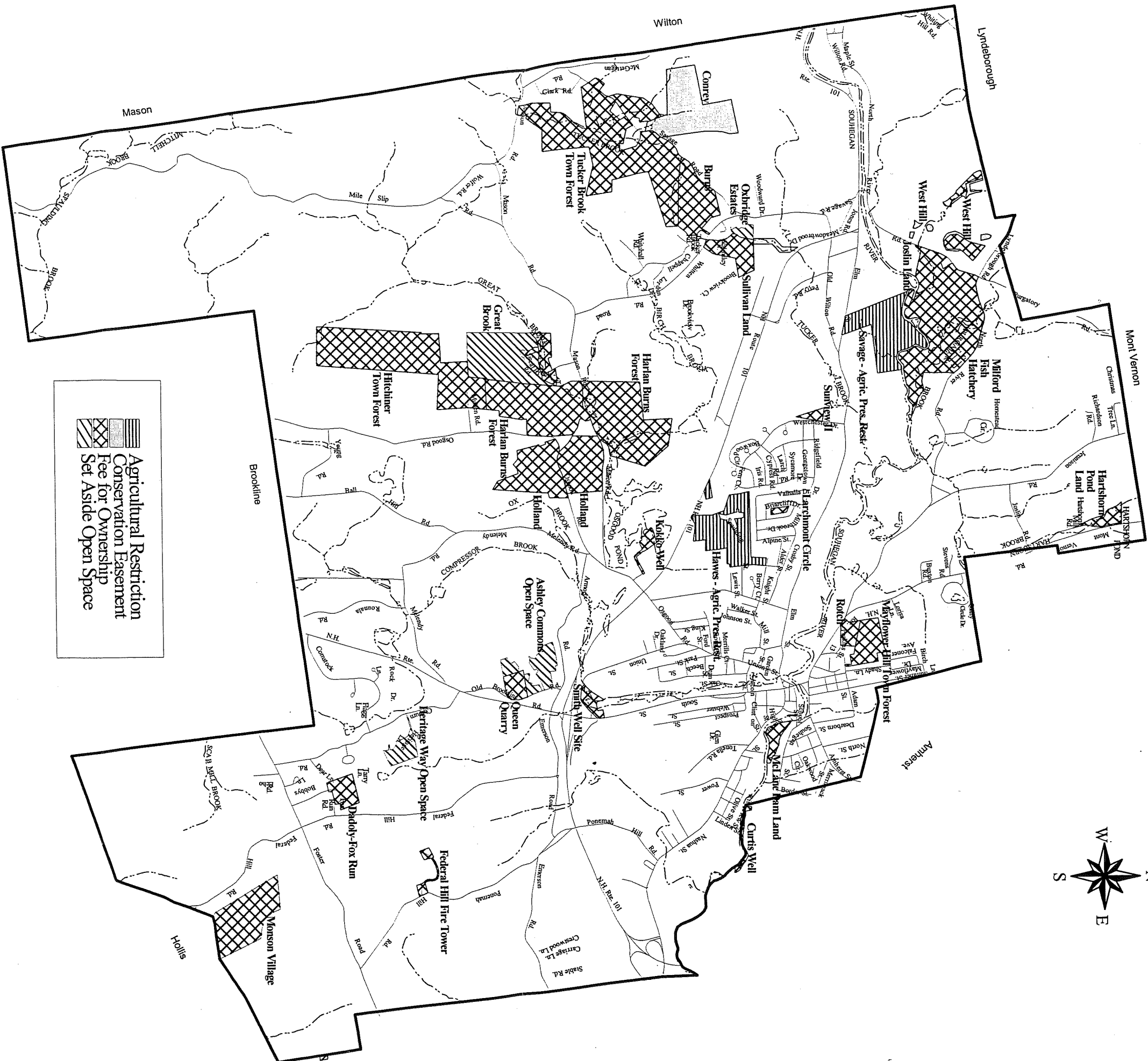
■ Areas Within the 100 Year Floodplain

*Town of Milford  
New Hampshire*  
**FLOODPLAIN AREAS**

Floodplain data from the National Flood Insurance Map and Department of Housing and Urban Development (HUD)

Map prepared by Nashua Regional Planning Commission May, 1998 for the Milford Conservation Commission





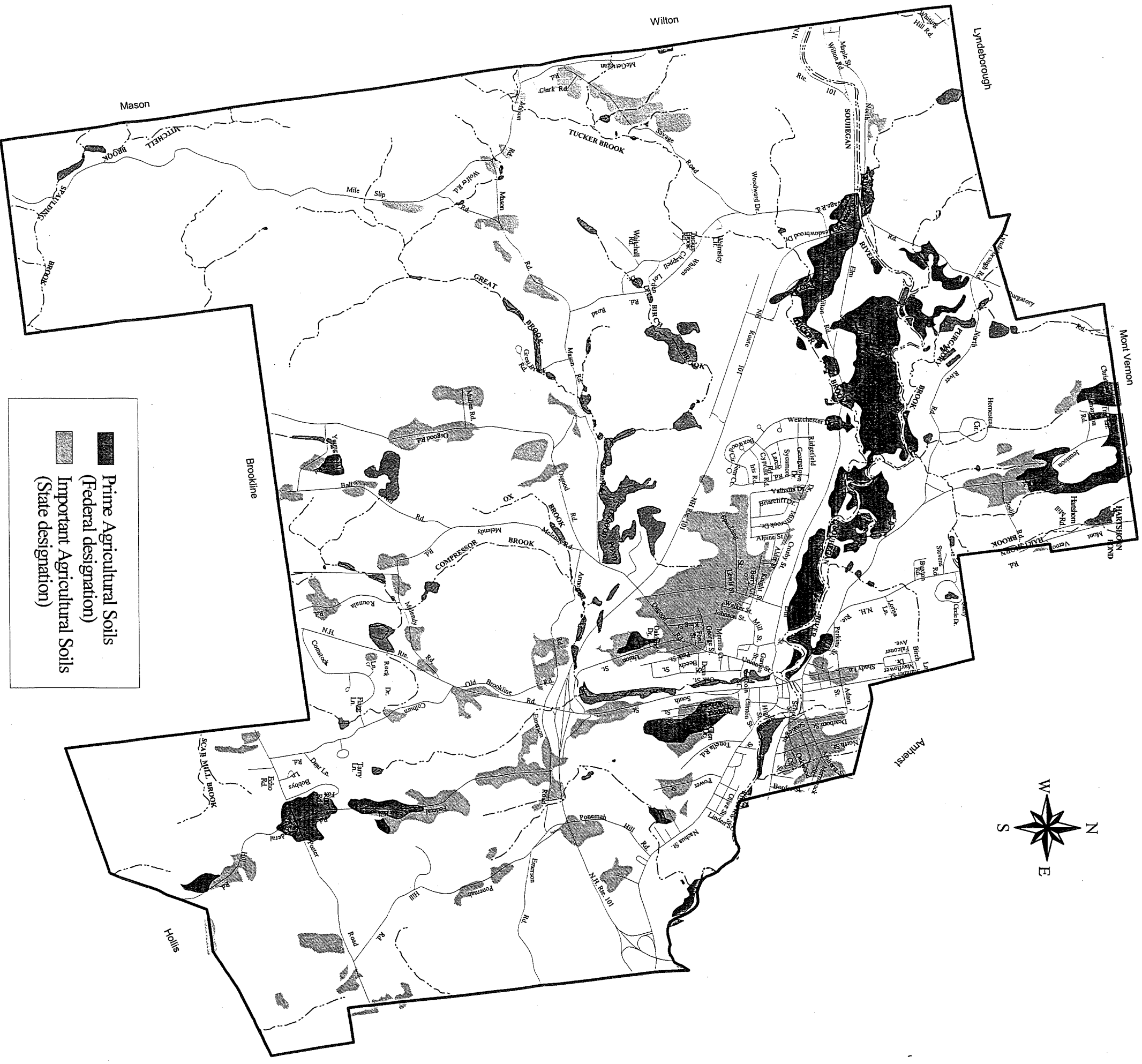
*Town of Milford  
New Hampshire*

# CONSERVATION LANDS

Map prepared by Nashua Regional Planning  
Commission May, 1998 for the Milford  
Conservation Commission

Map 5





Source: Milford Conservation Commission  
Soils Data from Natural Resources Conservation

Service, 1981  
UNH GRANIT, 1995

*Town of Milford*  
*New Hampshire*  
**PRIME AND IMPORTANT  
AGRICULTURAL SOILS**

Map prepared by Nashua Regional Planning  
Commission May, 1998 for the Milford  
Conservation Commission

Map 6





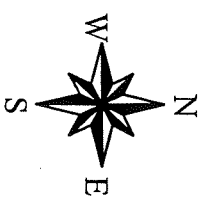
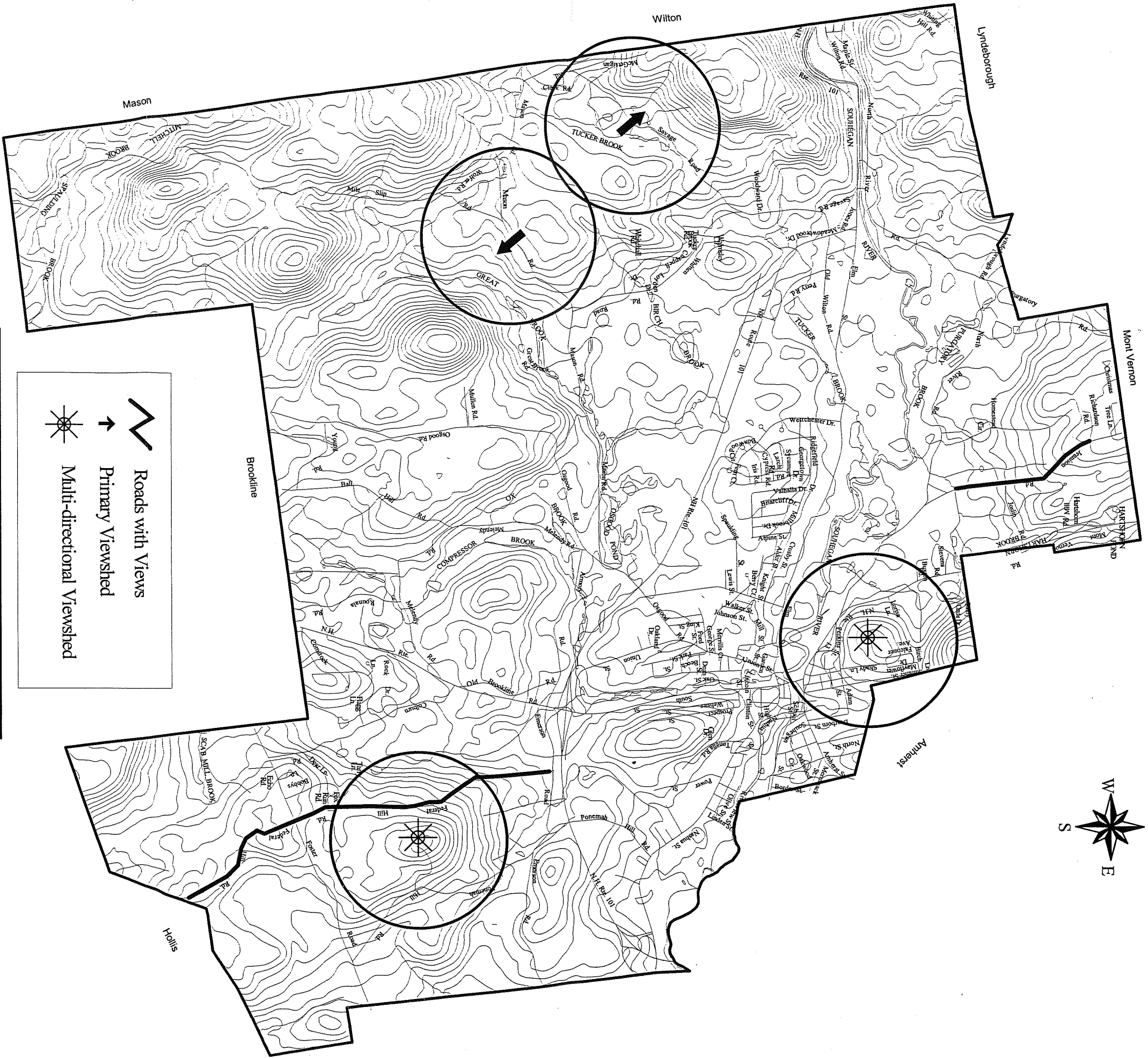
*Town of Milford*  
*New Hampshire*




**SCENIC ROADS**

Map Prepared Nashua Regional Planning  
Commission May, 1998 for the Milford  
Conservation Commission

Map 7

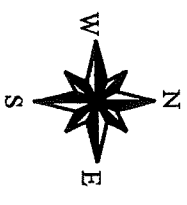




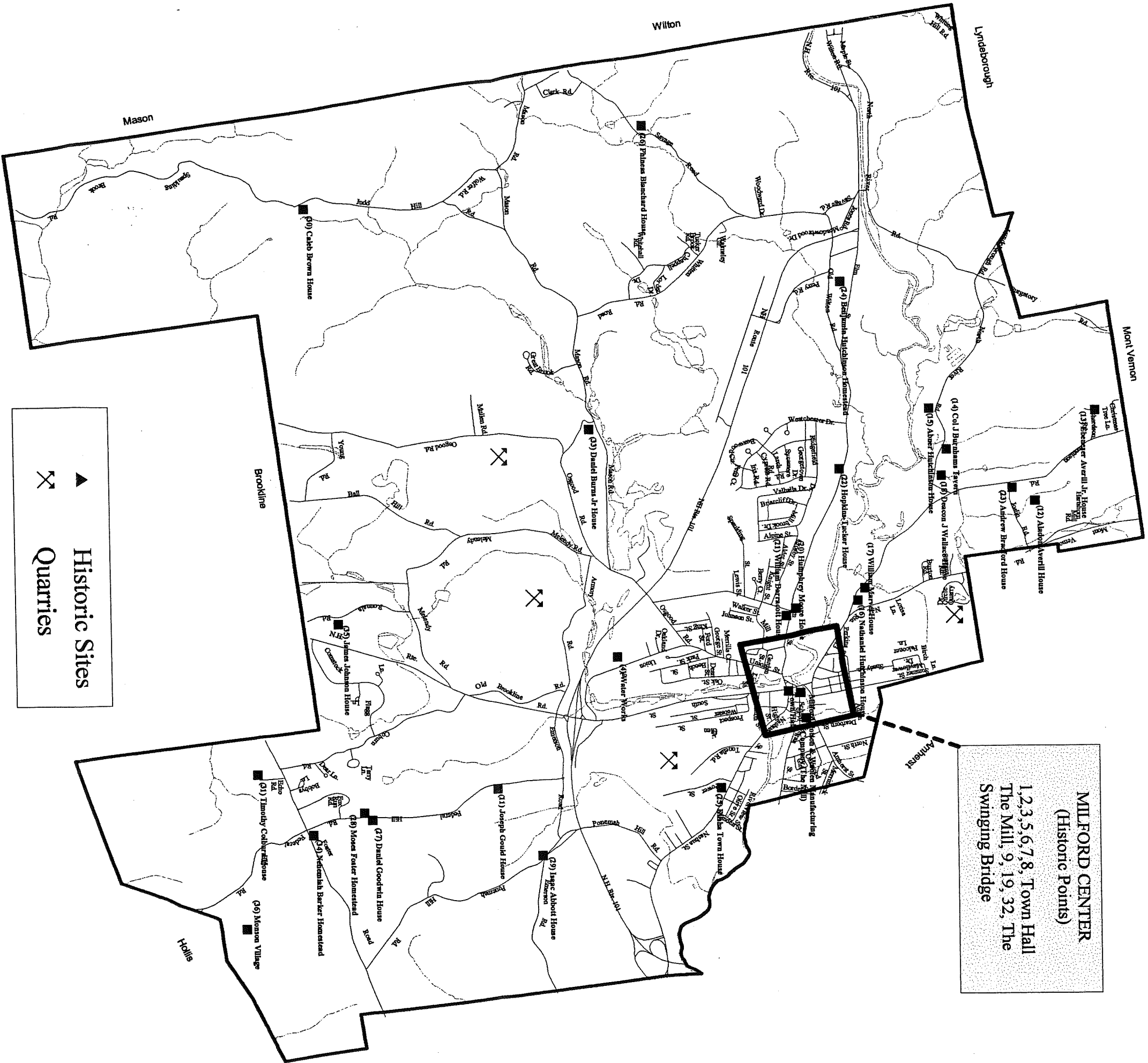
 Roads with Views  
 Primary Viewshed  
 Multi-directional Viewshed

*Town of Milford*  
*New Hampshire*  
**SCENIC VIEWS AND VISTAS**





**MILFORD CENTER**  
 (Historic Points)  
 1, 2, 3, 5, 6, 7, 8, Town Hall  
 The Mill, 9, 19, 32, The  
 Swinging Bridge

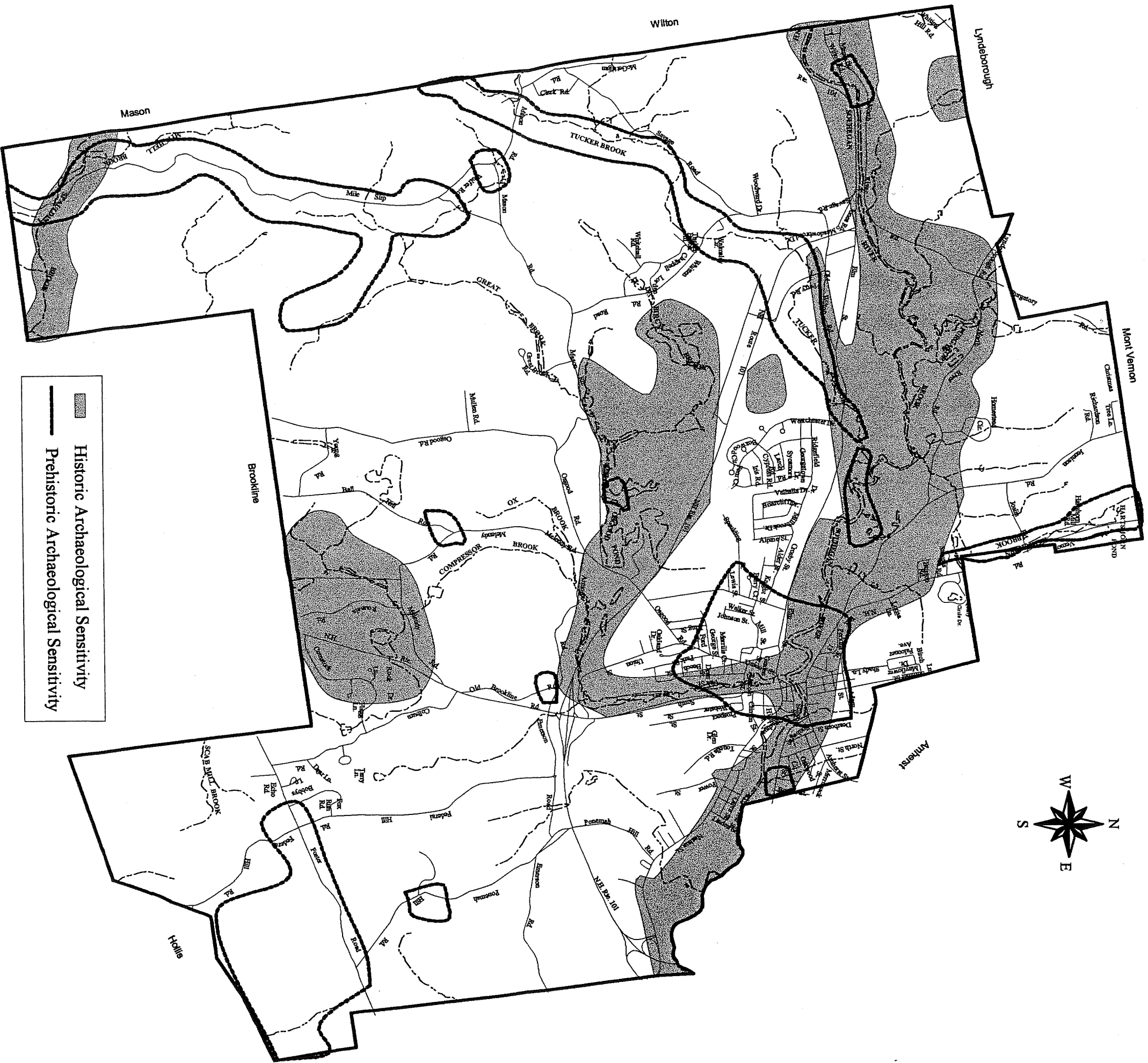


▲ Historic Sites  
 X Quarries

*Town of Milford  
 New Hampshire*  
**HISTORIC SITES**







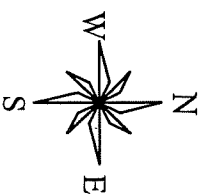
*Town of Milford  
New Hampshire*

**HIGH POTENTIAL FOR PREHISTORIC  
AND HISTORIC ARCHAEOLOGICAL SITES**

Map prepared by Nashua Regional Planning  
Commission May, 1998 for the Milford  
Conservation Commission

Map 10





*Town of Milford*  
*New Hampshire*

# COMMUNITY PARKS

Map prepared by Nashua Regional Planning  
Commission May, 1998 for the Milford  
Conservation Commission

Map 11

