

Town of Milton

Conservation Commission



PO Box 310
424 White Mountain Highway
Milton, NH 03851
(p)603-652-4501
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11/3/2021
Meeting Minutes
6:00PM

ATTENDANCE:

Members: Virginia Long (Chair), Steve Panish, Robert Weiss, Wayne Sylvester, Deb McCormack

Public: Lee Howlett, Tracie Tankevich, Dan Bisson, Buster Brownell, Joe Stanley, Hunter Adams, Karen Golab, Walter Cheney

Virginia Long, Chair, opened the public session at 6:00PM.

- 1.) **Ascertain who is present and approve alternates to serve as full members if needed:**
All committee members were present.
- 2.) **Welcome guest Walter Cheney, Sr and discuss his plans for Northeast Pond Condo Development:** Mr. Walter Cheney was in attendance to discuss his plans for the Northeast Pond Condo Development, to answer questions and address concerns from the committee members. He shared both his original plan and new plan and explained he has increased the setback to 75 feet, and the 36 units will all be below the tree line. He requested support from the Conservation Commission; he believes the proposal to be both environmentally sound for the lake and good for the town. Only five acres of the forty-five acre property will be developed; the rest will be preserved. He stated he continues to listen to concerns and make changes based on recommendations.

Virginia asked for questions from the committee members. Wayne, as part of the Three-Pond Protective Association, stated his concern about the residents who will live in the units and what amenities are they expecting. Mr. Cheney explained his plans may include space for kayak storage, there will be no parking lot nor dock space.

Steve expressed his concern regarding the potential impact the increased lighting could have and asked if his lighting plans satisfy town ordinances and the International Dark Skies Association. Mr. Cheney explained this will be part of the next phase once the overall plan is approved.

Deb questioned the longevity of the septic system maintenance and inspection programs and asked why these were not part of the condo document. Mr. Cheney explained this will be included once the overall plan is approved and it's not normal practice to include the condo documents until you start the building. He also stated they are meeting all conditions and following approved septic system guidelines.

Virginia questioned the impact of the stormwater system and impact on the long-term, specifically if the condo homeowners association has issues. Mr. Cheney stated he has never had any problem with condo residents.

Bob stated he does not feel qualified at this point to make any recommendation just by looking at a proposal and requested a site walk at the property. Mr. Cheney welcomed the committee members to have a site walk.

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Virginia asked for questions from the public: Mr. Don Bisson stated he will provide a new drawing based on Mr. Cheney's revised plan. Ms. Tracy Tankevich expressed her concerns with the overall proposal specifically 1.) requesting a detailed plan for the removal of trees on the property; 2.) septic system and zoning; and 3.) the requirement for the setback at 100 feet. Ms. Tankevich questioned if there are any plans for a certified arborist to review and submit their proposal regarding tree removal. Mr. Cheney explained he will have an arborist in place when the project starts. He also stated there was a mistake in zoning ordinance which requires 100-foot setback. Ms. Tankevich questioned the potential impact on the lake and concern with increased volume of lake traffic. She believes there are too many variables in play and questioned the docks/moorings and how will they be utilized. Mr. Cheney explained there will be a private road built which will help to lesson any impact on road traffic, and there will only be three spots with direct lake access. Ms. Tankevich stated having 36 families definitely will increase the potential of creating higher lake usage.

Mr. Joe Stanley stated there are no guarantees to anything Mr. Cheney has proposed. As his property abuts this land, he stated if additional trees are removed, that will have an adverse impact on the run-off he already experiences. Another attendee felt that most of the criticisms/questions are only met with generalities and requested higher specificity. He also is concerned about the impact on Bolan Road with increased traffic and potential erosion.

Virginia thanked everyone for stating their concerns and agrees while there are many valid concerns, many of them do not fall under the realm of the Conservation Commission (examples traffic analysis, zoning ordinances). Virginia brought the discussion back to committee members for final thoughts.

Virginia stated she does not believe the committee members to have enough expertise to review with thorough understanding of the complex plan and would like to request a broader environmental impact review of the plan. She proposed asking the Planning Board to prepare an environmental impact statement/review and asked the following letter be sent to the Planning Board (to Chair Brian Boyers and Members of the Planning Board):

The Northeast Pond Condo Development is a large complex project that may have long term consequences for the town of Milton. The Conservation Commission is particularly concerned that there may be risks to the water quality of the Three Ponds from this project, despite the fact that Open Space Developments are generally less environmentally damaging than low density housing. We are aware of and applaud the considerable efforts of the Planning Board and Town Planner to conduct a detailed and thorough review of the plan, but we note that no review of the broad environmental impact has been done. We do not ourselves have the engineering expertise on our Commission to carry out such an assessment, but we believe this type of information is critical and such a review should be done (and probably be a standard part of the application process for large complex developments). We therefore respectfully request that the Planning Board require a broad environmental impact review from an outside engineering firm before making your final decision about the Northeast Pond Condo Development.

Deb questioned if this would be paid from the town budget and suggested this could be something the developer would be responsible for, although the final decision would be up to the Planning Board.

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Deb made a motion to accept the proposed letter to the Planning Board. Steve seconded the motion. All were in favor; the motion was accepted.

Walter Cheney and members of the public left the meeting at this point.

3.) Approve 10/21/2021 meeting minutes:

Steve made a motion to accept the 10/21/2021 meeting minutes. Wayne seconded the motion. All were in favor; the motion was accepted.

4.) Review Wetlands Permit Applications, if any:

- a.) Delaney – this looks fine should be a straight repair. Deb questioned about the wall material which was not really specified. She asked if DES specifies what materials to use? Wayne recommended to contact DES about this. Virginia will contact Cynthia Folsom first and then DES if needed. If Cynthia says this is OK, Virginia will sign.
- b.) Jay Carr – Step repair. Wayne said he is fine with the application. Virginia will also ask Cynthia about the materials. Virginia also explained the actual application was submitted to Michelle on October 15th and was just received by the Commission on November 3rd which is now already over 10 days. She questioned what happens if an application is received between meetings; Cynthia indicated most chairs just sign the application (if appropriate). It was decided if this should happen, Wayne and Virginia will review and if it's a minor application, would sign.

Steve made a motion giving Virginia Long and Wayne Sylvester authority to sign the application if there is insufficient time for the board to consider. Bob seconded the motion. All were in favor; the motion was approved.

5.) Contingent on decision of Planning Board: Review Paul Blanc's comments on Three Ponds Resort site plan and proposed letter endorsing them: No letter was drafted since the PB met before CC could meet to endorse a letter. Virginia conveyed Paul's suggestions to Bruce Woodruff who told her he incorporated them with minor changes into the suggested conditions of approval.

Virginia explained the email to Paul Blanc incorporated comments from the Conservation Commission. No other action needed.

6.) CRLPC Update: Committee proposes disbanding; review letter to BOS requesting committee be disbanded:

Virginia reviewed the email to send to the BOS to formally disband the Casey Road Land Protection Committee.

Wayne made a motion to accept the letter as stated with edits provided by Steve. Deb seconded the motion. All were in favor; the motion was accepted.

7.) CRLPC recommendation to combine Jones Brook Park committee with Casey Road Trails committee: review letter to BOS recommending Town Trails Committee:

Virginia explained the revised cover letter to the BOS will reflect the suggested change of the proposed committee structure to the Milton Town Trails Committee.

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Bob made a motion to accept the Jones Brook committee cover letter. Wayne seconded the motion. All were in favor; the motion was accepted.

8.) Review publicity / plans for Timber Harvest Workshop on December 4th with Jon Nute:

Information was sent to Karen for inclusion in the November town newsletter. Virginia will create and send the flyer to committee members for their distribution.

9.) Chris Kane preliminary monitoring report – continuing issues to address:

a.) Erosion at Spring Brook Road easement: Because this is not a town owned property, this is not an issue that will require any follow-up.

b.) Boundaries of Ball property (Steve/Virginia report on their property walk): This is a town owned property. Steve and Virginia have previously walked the property. They found monumentation and took photos. More surveying of the property probably needs to occur.

Virginia believes there are currently five town owned properties (no easements) and 10 properties with existing easements. She recommends the CC undertake the annual monitoring of the town-owned properties and suggested a committee member be assigned to a specific property with responsibility of walking the property at least once each year.

10.) Financial Reports, Budgets, Invoices:

Virginia reviewed the following financial report submitted from Steve.

The Conservation Fund values are reported here and the bank report is attached. Other than a small amount of interest, the totals are unchanged from October.

As of 11-1, the Conservation Fund contains:

CF Unrestricted: \$84,741.75

CF Monitoring: \$15,788.47

CF Legal Defense: \$4,375.21

There remains an outstanding commitment of \$20K toward the MMRG Teneriffe Project which is looking very likely to be successful, so the Unrestricted should be considered to hold roughly \$65K. Budget from the General Fund: We have \$2,363.68 remaining after paying the bills that were approved in the last meeting. Since we had preapproved the Norway Plains total bill for Ball up to \$1,500, and it was under that, I paid it immediately. The NHACC was likewise paid, \$290 for 2022 membership and the books.

It would be nice to get the UNH water testing bill so I can pay it out of this year's budget, but it always comes in late.

There are no new bills that have not been paid.

As usual the budget reports from the town and bank are attached.

11.) Educational Outreach Committee update, including MCC FB page:

The committee has not met for a while. Virginia will be the liaison from the Conservation Commission to the TPAA. Wayne explained the TPAA is putting together a presentation for the BOS scheduled for January 3rd on the health of the ponds.

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12.) Photo gift for Cynthia – update on progress and discuss motion to expend CC funds:

Deb indicated she had sent the numbers to the board regarding the purchase and questioned if payment would be from the Conservation Commission budget. Wayne explained he had discussed this situation with two outside accounts. Both had indicated this was allowable and routinely done.

Wayne made a motion to allocate \$100 from the Conservation Commission budget to pay for the Cynthia Wyatt photo. Bob seconded the motion. Wayne, Deb, Steve and Bob voted yes. Virginia voted no. The motion was approved.

The discussion focused on how to get the award to Cynthia; suggestions included inviting Cynthia to an upcoming meeting or taking her out to lunch. Wayne will call Cynthia and find out how she would like to receive the award.

13.) Placeholder: Update on Sam Plummer Road Culvert Project (none):

14.) Placeholder: Update on status of 3.04 acre parcel (tax/lot 41/81) abutting Casey Road Conservation Lane (none):

15.) Update on new alternate Commission members recruitment:

Virginia has reached out to Jeff LeClair but has yet to hear back so the Commission is still looking for new members.

16.) Public Input:

While there was no additional input from the public, the Committee members had further discussion regarding the Northeast Pond Condo Development. It was explained Gayle Associates did review the alteration of the terrain permit and thinks it will protect lake owners and abutters. A question arose if the Planning Board would not want to pursue an environmental impact review would the Conservation Commission want to fund its own review? Deb questioned the cost. Virginia was unsure what the cost to do this would be. Wayne would like to hear recommendations from Bruce and Chris before proceeding and will reach out to Bruce.

17.) Confirm meeting schedule:

The committee agreed to continue meeting on the first Wednesday of the month. Next meeting is scheduled for December 1st at 6:00PM.

18.) Adjourn:

Wayne made a motion to adjourn the meeting. Bob seconded the motion. All were in favor; the meeting adjourned at 8:00PM.