

**Town of Milton**  
424 White Mtn Highway  
Milton NH, 03851



**Conservation Commission**  
PO Box 310  
(p)603-652-4501 (f)603-652-4120

---

## Meeting Minutes

February 11, 2019  
6:00 PM

Members in Attendance: Wayne Sylvester Alt, Andy Rawson, Paul Blanc, Steve Panish, Cynthia Wyatt, Virginia Long Alt. Karen Golab, Also in attendance Land Use Clerk Dana Crossley, Attorney Walter Mitchell (via phone conference)

Public Attendance: Paul Tanguay, Jen King, Bruce Woodruff

Chairman Wyatt called the meeting to order at 6:05pm.

Liberty Circle 1/12<sup>th</sup> interest discussion with Land owners: Chairman Wyatt explained the commission had arranged to have a phone conference with Town Council to answer land owners legal questions.

Paul Tanguay of 14 Liberty Circle questioned if there would be trespassing signs to prohibit walking from the Conservation land behind Liberty Circle to the Casey Road land. The board assured him that the Casey Road land would be open to the public explained the general plans for that lot.

Board members introduced themselves.

Chairman Wyatt asked P. Tanguay if he had any questions for the attorney. He said no. She stated the Conservation Commission would be willing to pay the attorney fees for a new deed to be drafted that would give the Town his 1/12<sup>th</sup> interest to the Town, Chairman Wyatt gave an overview of the history of how they have come to this part. (Attorney Mitchell joined the meeting through phone conference)

Attorney Mitchell explained that it would have no effect of the home owners property just the interest in the conservation land.

Chairman Wyatt noted that the point of the meeting was to ask the owners to relinquish their interest in the conservation land, would P. Tanguay agree to relinquish his interest.

P. Tanguay owns the most frontage and also has a right of way across his property and does not want to lose that right of way. Board agreed it would have no effect on his right of way. P. Tanguay was in agreeance to relinquishing his 1/12<sup>th</sup> interest.

Attorney Mitchell would prepare the deed and the property owner would be able to have it reviewed by his attorney and bring to the board any concerns, the deed can also say that it will not affect any other property rights. He requested that the CC forward a copy of P. Tanguay's deed to him and he would draft a new deed for P. Tanguay's review.

A. Rawson noted that at a previous meeting on this topic it was discussed and at least one other land owner was in agreeance to relinquishing.

Chairman Wyatt asked Attorney Mitchell if he had anything further to add. He did not. (Attorney Mitchell left the meeting)

Chairman Wyatt explained the next steps, P. Tanguay's deed would be sent to the Town Attorney who would return it with the changes for him to review and ultimately sign. He would be able to have it reviewed by his own legal representation. The board thanked P. Tanguay for attending the meeting.

Review & Discuss: 2019 Zoning Amendments: Jen King relayed comments in regards to Article 3.

K. Golab questioned where the changes came from. Chairman Wyatt explained there are some good changes being proposed, is sure there will be un-intended consequences, feels there is an issue with the Recreational Facilities definition. Concerned with number 3, special exception criteria that would allow a septic system in a wetland. Board discussed wetland permits and septic permits through the State.

(Town Planner Bruce Woodruff joined the meeting) B. Woodruff noted the issue is that the State will allow owners to fill, properties of existence owners expect to get a reasonable use from them, it does not say that the ZBA has to do it, it says they may if the applicant meets the criteria. It is a fairness change to the zoning ordinance for people who own lots that have been affected by wetlands changes. He explained to the board how the Planning Board came to propose the changes specifically in Article 3.

V. Long questioned if there were other town's that make the exception to allow septic into wetlands and if he knew which. B. Woodruff replied yes, but not off the top of his head but could forward that information to her, in this process he did a lot of research of other communities zoning ordinances. Continued Discussion with Town Planner behind the changes being proposed.

(K. Golab excused herself from the meeting at 7:33 pm.)

Chairman Wyatt expressed concern to why the Conservation Commission was not included in this process for the update of the zoning, residents had reached out to her with their concerns which is why the CC is talking about the proposals now. A. Rawson added that he was excited to have B. Woodruff attend for an education. B. Woodruff feels there is a lesson for the Land Use boards and Selectmen, that all are trying to make Milton better, when reviewing the Master Plan and need to find the balance between all of the chapters, need to hold more workshops between the Conservation Commission and Planning Board, does not expect for there to be unintended consequences even without review of the ZBA for some uses since it will have to be reviewed by the PB. Would like to see the boards have more collaboration and communication.

Jen King questioned about park models. Feels that there is a lot of open doors for MiTeJo.

S. Panish commented to unforeseen consequences.

A. Rawson questioned what the cons to this article would be. B. Woodruff replied that for him he does not see any, but others might and it is up to each resident to decide to vote for or against.

Discussion of site plan regulations and conditions that can be put onto plans.

Board decided to table further discussion till a special meeting to allow board members to fully read through the proposals and be held tentatively on the 20<sup>th</sup> of February.

Approval of Minutes: January 14, 2019 meeting minutes, A. Rawson motions to approve, W. Sylvester seconds the motion, all in favor motion carried.

Review Excavation Renewal Application for David Paey, 76 Piggot Rd: D. Crossley informed the board the Planning Board is reviewing this application on February 19, 2019 at 6:30 and per RSA 155-E:3 the Conservation Commission is to get a copy of the application.

P. Blanc reviewed the application and plans, no concerns were expressed by the board.

Casey Road Land Protection Committee Update: Not discussed.

Rookery Road Encroachment Status Update: Next Steps with Surveyor: D. Crossley noted that the surveyor has been to the property and waiting on the paper plans.

Encroachment Updates:

- Review Letter from Stoney Ridge: S. Panish motions to return the money to the Lake's that is being held in escrow on the basis that Stoney Ridge has found no wetland issues. P. Blanc seconds the motion, all in favor motion carried.
- Chairman Wyatt noted that a letter needs to be drafted to the home owners to ensure that the encroachments of the shed and pool has been removed from the easement. Chairman Wyatt asked S. Panish to draft these letters.

Potential Conservation Projects: *Old Ski Area, Payne/Jones Brook Park-*

Treasurer's Report: Tabled

Nonpublic Session RSA 91-A:3 II(c): Not entered.

Other Business: Board received and reviewed a wetlands permit for 19 Utah Way to erect a retaining wall.

S. Panish motions to adjourn, P. Blanc seconds the motion all in favor, and meeting adjourned at 8:35pm.

Respectfully submitted,

Dana Crossley  
Land Use Clerk