

Town of Milton
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Milton NH, 03851



Conservation Commission
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Meeting Minutes
October 16, 2019
6:00 PM

Members in Attendance: Cynthia Wyatt, Wayne Sylvester, Karen Golab, Paul Blanc, Deb McCormack, Steve Panish, Robert Weiss. Also in attendance, Ashley Morrill Land Use Clerk.

Public Attendance: Walter Cheney

Chair Wyatt called the meeting to order at 6:00 pm.

P. Blanc motioned to approve the September 26th, 2019 minutes. B. Weiss seconded. Vote U/A.

Chair Wyatt appointed W. Sylvester as an alternate for S. Panish until S. Panish arrives.

Public comment: no public comments were made.

Update of Casey Rd. Project: K. Golab stated they had a successful day of cutting trees thanks to B. Weiss and that the next phase is for Public Works to go in and cut the larger trees. K. Golab also stated she will be going to the BOS meeting on Monday to discuss the 3.04 acres on NH Rt. 75, as she was advised by B. Woodruff Town Planner she needs to go to the BOS first then to the Planning Board and Conservation Commission to get their recommendations then will need to go back to the BOS. Chair C. Wyatt stated the Conservation Commission voted on it at their last meeting and it's in the September 26th minutes.

K. Golab noted the final draft easements will be reviewed in the next week.

Liberty Circle Update: Chair C. Wyatt stated they are still working on the project and that they need to obtain the landowners permission to build the trail across their property to access the beaver pond.

Follow up to make sure all is finalized regarding the legal process of the survey to adjust the conservation boundary line of 20 Rookery Road: The Commissioners signed the boundary line adjustment and handed it to A. Morrill to hold in Town Hall for the Housers to sign and have notarized.

Discussion of abutter's letter of concern regarding Walter Cheney, NE Pond, LLC plans to develop the property. Does the MCC want to take a position on this development? Should the MCC arrange for a site walk?

C. Wyatt read a letter into record from Jill Palmisano. (Attached)

W. Cheney was in public attendance and stated the following-

He wrote Jill Palmisano addressing each of her concerns and that A. Morrill had a copy and asked if she could provide a copy to the Commission members. W. Cheney went on to say that he takes pride in not being able to see his buildings from the water by using dark siding and trim, for example: Green siding and black trim to help the building blend in.

Chair C. Wyatt confirmed with W. Cheney that he is looking at two options: 17 duplex units or the three four story buildings with 36 units.

W. Cheney said yes and went back to discussing the buildings blending in due to the colors and the trees that will be left. W. Cheney stated only the 150 -feet+ trees will be cut and that the cutting will be under the supervision of the state which he can only take down 25% within the shoreline protection.

K. Golab stated she has concerns, she grew up on Lake Winnepesaukee and remembers looking up at the mountains and only seeing the mountains, just a few years ago someone built houses on the mountains and when you look now all you see are the houses. She is concerned that you will be able to see the four story units. K. Golab asked W. Cheney which trees on the site plan will be removed. W. Cheney stated they decided to only cut those that are over 100/150 feet and that they cannot take over 25% in the shoreline protection zone. K. Golab asked if he still planned on having the roof top decks with a building height up to 50 feet. W. Cheney stated yes and there would be black railings on the decks. K. Golab confirmed that residents would have access to the roof top decks. She added having access to the roof top decks equals additional living space and in turn adds another 8/10 feet in height.

P. Blanc addressed the height stating it's based on the slope. K. Golab asked if he envisions the buildings being above the tree line, W. Cheney replied absolutely. B. Weiss asked if the siding needed to be replaced how they could ensure the integrity will be the same. W. Cheney stated it could be written into the rules and regulations of the association. Chair C. Wyatt asked if he's done any projects on the water in the past that could be used as a visual example. W. Cheney referenced Moody Point in Newmarket. W. Cheney stated he is looking for a 75/25 % mix age group – 75% elderly, 25% millennials. There was additional discussion about W. Cheney owning 460 White Mtn. Hwy and the plans for that building. W. Cheney went back to discussing NE Pond Road stating he believes it will create a positive tax base. P. Blanc stated one of the positives that came out of the PB meeting about 460 White Mtn. Hwy is that all the pavement on the NH Rt. 125 side

will be removed. W. Cheney asked K. Golab to go over her concerns again with him so he could address them. K. Golab stated NE Pond is a man-made pond and a structure of that size goes against the small rural community. K. Golab has additional concerns with the elevation, cars, and parking. W. Cheney asked what's the alternative, the 17 house lots, should it be A or B? He also stated something will be built and that something should be one that is best for the environment. W. Cheney asked if the development of the condos is a reasonable compromise. K. Golab asked if the 4 story with a rooftop deck is a deal breaker for him. W. Cheney stated yes, he's selling the view. W. Sylvester asked if he owns any other property on NE Pond and stated it's perceivable that they could put in a beach, boats, etc. W. Sylvester also referenced properties on the hillside of Lake Winnepesaukee and stated many of those homes have water access and he believes they were purchased wanting both the view and the water access. P. Blanc stated it's about half the people in the communities on Lake Winnepesaukee that use the water access but they were designed for that. P. Blanc then stated they were going beyond their purview. W. Sylvester said but it's a concern and its part of the plan. P. Blanc stated they need to look at it from a conservation side, like concerns with salts, etc. K. Golab noted it was said at the PB meeting that the MCC signed off on the entire project and if they are going revisit that decision then they need to be able to talk about the entire project. S. Panish stated that's not what he said during the PB meeting. K. Golab said that's what was in the minutes and what she heard on the video recording. S. Panish replied saying that the PB minutes were wrong. K. Golab said she watched the PB meeting and that what it sounded like to her. S. Panish said the MCC was giving the project a thumbs up with only knowing what it was at that time and that they did not have a site plan, elevations and there's a lot that they do not have. The best outcome for the property is that nothing would be done and it put into a conservation easement.

S. Panish stated he's been talking to some concerned residents and have told him how to go about putting it into conservation and that he asked W. Cheney for a buyout price. S. Panish stated that MCC would not do it for them that they would have to do it on their own. S. Panish also stated the number is not unreasonable and went on to say-

The least desirable option is the original yield plan of 17 duplexes.

The intermediate/desirable option is a development on limited amount of area that is well engineered and minimal runoff concern with the vast amount of the land put into conservation at the cost of the developer.

S. Panish stated without getting into the nitty gritty of the project that's what the MCC gave thumbs up to.

C. Wyatt stated it was an informal preliminary meeting were they gave a conceptually thumbs up to the project having a smaller footprint with land being given to the town for conservation vs the yield plan option. K. Golab stated it needs to be made clear because it didn't come across that way.

S. Panish asked K. Golab if it wasn't clear in the minutes. K. Golab stated in both the minutes and the PB meeting.

S. Panish stated he lived on the seacoast and has familiarity with W. Cheney. He also stated if the property had to be developed W. Cheney would be the person he would want to see do it and stated W. Cheney does a good job. S. Panish stated he believes you can trust what W. Cheney says, he may be wrong but does believe that you can. He also stated that W. Cheney is one of the few developers that is sensitive to environmental issues. The most desirable development is one from an ecological point of view.

The Commission discussed the possibility of planning a site walk. W. Cheney suggested towards the end of December.

W. Cheney stated the plan with the 17 duplex lots is the easiest one but has the most impact.

S. Panish stated the drainage is a real concern. P. Blanc stated the drainage is the most important aspect and that they have to confirm the drainage design which will require an AoT permit, the site will have at least two gravel wetlands, at least two infiltration basins, probably a third gravel wetland.

S. Panish asked where the gravel wetlands are going and how large will they be. K. Golab confirmed they will not be on the lake side of the property. P. Blanc stated every square foot of runoff must be treated. K. Golab confirmed there will be no sidewalks on the lake side of the property. P. Blanc reminded everyone that the proposal is preliminary. He also stated that snow storage locations are typically on pavement and or have catch basins to catch the snowmelt.

C. Wyatt stated that NE Pond is in a fragile state and that they have a letter from Dr. Haney. She also stated the lake is on the tipping point and with the warm temperatures they have cyanobacteria blooms, which is why the Conservation Commission is so protective of the ponds.

S. Panish stated if W. Cheney could provide a statement addressing concerns so people could find out the plans without going to the meetings that would be helpful. W. Cheney stated the A. Morrill could provide them with a copy of a letter that he wrote to a concerned abutter which addressed all the concerns.

W. Sylvester stated he believes the residents of the development would want to use the 130ft of waterfront property. D. McCormack asked if any of the catch basins would be in the conservation land. P. Blanc stated yes but they would have their own drainage easement around them. K. Golab asked if they could build a 3D model of the proposed development and feels that may help people visualize the project.

S. Panish stated he spoke with the abutters and went over options they have if they were to purchase the land and that it will be a lot of work.

The Commission discussed working on a Mission Statement for the project.

Discuss letter from Jon and Anne Nute

C. Wyatt read a letter written by Jon and Anne Nute. S. Panish motions to endorse the Nute's plan to 1.) tree cutting to release the sugar maples and 2.) the placement of maple sap collection tubing and wire to connect 5 sugar maple trees and to place a 250-gallon sap storage tank. B. Weiss seconds. Vote U/A

Other Business: S. Panish stated he received bank statement for the MCC accounts.

S. Panish motions to approve \$325.00 for the NH Association of Conservation Membership dues, P. Blanc seconds. Vote U/A

K. Golab motions to adjourn. S. Panish seconds. Meeting adjourned at 8:32pm.