

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



**Conservation Commission**  
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Meeting Minutes November 19, 2019

**Members in Attendance:** Cynthia Wyatt, Paul Blanc, Deb McCormack, Steve Panish, Robert Weiss, Karen Golab

**Absent Members:** Wayne Sylvester

**Public Attendance:** Rebecca Brownell-Smith, Buster Brownell, Donna Gallagher, Timm Gallagher, Arlene Bisson, Daniel Bisson, Alexx Monastiero, Walter Cheney, James Hill, Kathleen Hill, Dennis Doiron, Marie Doiron.

Cynthia Wyatt called the meeting to order at 5:30pm

Paul Blanc recused himself.

Cynthia moved agenda item number 7 to the top of the meeting.

**Follow up discussion on MCC Statement regarding the proposed Northeast Pond Rd. development; Walter Cheney:**

The Commission discussed the draft statement written by S. Panish and decided to add "*We do not approve of rooftop decks*, which effectively makes any visual disturbances even higher and more obvious."

S. Panish read the MCC's full statement (attached)

Cynthia Wyatt asked if anyone has any questions or comments about the Conservation Commission's position.

Rebecca Brownell-Smith on behalf of the Brownell Family Revocable Trust, 330 Bolan Rd. asked if the questions in the statement rhetorical or are they looking for answers. S. Panish stated they are questions that the Planning Board should address when they consider the plan. Rebecca Brownell-Smith stated she could answer a couple of those questions. She also stated she does not agree that the plan has less ecological impact because it's a smaller footprint but are shoving 36

families into a 5 acre lot and all the leach fields will be outside of that area, not all but some will be in the conservation land. She also stated it's her understanding that the land will be held in a conservation easement, Walter Cheney would not be giving the land to the town, and he could always take it back and further develop it if it's approved. S. Panish stated that would not be the case and also stated in terms of the ecological footprint, he doesn't think there is any question from an ecological point of view that the consolidated development has far less impact. S. Panish said nobody there welcomes having the land developed, best case nothing happens but that's just not realistic given the circumstances and the amount of money Walter Cheney has paid for the property. S. Panish also said he has talked to many people about the abutters raising the enough money to get started on a conservation project. He went on to say that they would need to come up with a portion of the money (earnest money), talk to the landowner then apply for grants, it's a lot of work and takes time and the property is 50 acres and all the grants are competitive and feels it could be a long shot so when looking at the other two possibilities, the consolidated plan has less impact. Rebecca Brownell-Smith asked what the Conservation Commission's authority is. Cynthia Wyatt explained they are an advisory Board for the Board of Selectmen and that they can make recommendations. Rebecca Brownell-Smith stated the administrative order for the last development was released as satisfactory but many of the things were not completed and she has been in contact with David Price from DES which he will be setting up an investigation / site walk. Cynthia Wyatt asked if David Price provided a timeline. Rebecca Brownell said the order was released in 2008 and a monitory report was supposed to be done in 2019, which she believes did not happen. She said the Milton Zoning Ordinance states the property has to be 50% buildable which cannot include, stormwater management and any impervious surfaces. S. Panish said they have to rely on the engineer, they cannot calculate the percentage. He also stated they agree with her concerns. Timm Gallagher stated Walter Cheney will place the land into conservation, take it off the tax base, and no one other than the residence of the property can use. Cynthia said there are studies that show conservation land brings in more taxes than services. S. Panish stated the remaining land would probably go into current use and there's very little that is taken off in taxes. S. Panish said to protect the land in perpetuity is a conservation easement, the second best option is to donate it to a land trust. James Hill asked if they have considered the light pollution, the impact on the wildlife, aesthetic quality of the lake and stated he's been coming to Milton since 1965 and lived in Milton for many years and believes the 3 ponds is the greatest resource that Milton has. James Hill also stated that anyone that allows the project to go through is responsible for destroying Milton's greatest resource. The best use of the land is to not develop it. Mr. Cheney's vision for Milton is dollar signs and it's up to the Conservation Commission to protect Milton's natural resources. James Hill also stated his mother owns the right away on Bolan Rd. which the town does not maintain, no one has the right to access Bolan Rd. from Northeast Pond road besides his mother and the 6 other people that have the right away deeded to them. He feels if Northeast Pond Rd. becomes impassable they will use Bolan Rd. that they have no right to pass. (no name stated)- has concerns with air conditioner noise and snowmelt runoff.

P. Blanc stated part of the AoT (alteration of terrain permit) is that the snowmelt has to be directed towards the stormwater management infrastructure and that the proposal is preliminary. P. Blanc addressed the wildlife concern stating they have a NHB letter stating there are no species in that area but did note Rebecca's comment in the her letter about a bald eagle. Rebecca mentioned Walter Cheney's Moody Point project in Newmarket stating the city has spent a lot of money in court because Walter Cheney sued them and asked if Milton has that kind of money for legation. Alexx Monastiero said Walter Cheney bought the property after it was clear-cut and they were not involved in the clear cutting or DES. Daniel Bisson asked who would be responsible for the stormwater management and leach fields held outside the 5 acres. P. Blanc said part of DES regulations is that stormwater management agreements must be adhered to which required annual and biannual reports to the town and state.

Meeting adjourned at 6:25pm-- remaining of agenda continued to the next meeting.