

Town of Milton
424 White Mtn Highway
Milton NH, 03851



Conservation Committee
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9/15/20
Meeting Minutes
5:00 PM

Present Members: Deb McCormack, Karen Golab, Wayne Slyvester, Steve Panish, Virginia Long, Cynthia Wyatt, Robert Weiss

Absent Members: (None)

Staff Present: Julius Peel (Land Use Clerk)

Notice is hereby given in accordance with RSA 676:5 & 676:7 and the NH Governor's Emergency Order #23 that the **Milton Conservation Commission** will hold a special meeting on Tuesday, September 15th at 5:00 PM remotely, using the Zoom web-based platform where members will not be physically present at one meeting location. All discussion must be audible for citizens viewing or listening to the meeting through Zoom services (computer or phone).

Computer: to participate or listen using a computer to the live meeting on Tuesday, 9/15/2020 at 5:00 PM go this link:

Join Zoom Meeting - COMPUTER
<https://us02web.zoom.us/j/86878513750?pwd=cWFYSFUrVEJaUEFiRE9renBtdm82QT09Meet>
ing ID: 868 7851 3750
Passcode: S3E73a

One tap mobile - TELEPHONE

+1 646 558 8656 US (New York)

Meeting ID: 868 7851 3750
Passcode: 066498

When you click on the link, you will see a message that this is Deborah McCormack's Personal Meeting Room, since we are using Deb's Zoom business account. Please mute your microphone while others are speaking in order to reduce unwanted

background noise or feedback and wait until the Chair call on you to speak. To facilitate audible discussion, we will go around the room for each guest, committee member or member of the public comments for each agenda item and before any vote; votes will be taken by roll call. If you want to interject a comment out of turn, please stay mute but raise or wave your hand to get the attention of the Chair to be called on to speak.

Phone: To participate or listen by phone to the live meeting on Tuesday, 9/15/2020 at 5:00 PM, dial the NYC toll number: 1 (646) 556-8656. When prompted, enter

Meeting ID: 868 7851 3750

Passcode: 066498

If the meeting has not yet started, Press # to wait; when prompted, enter the password followed by the pound sign: 051867#

Please listen to the Zoom meeting to ascertain when to “raise your hand” to speak. There will be public comment before any vote. When you wish to speak, press*(star)9 on your phone dial pad to “raise your hand” in the meeting. To toggle between mute and unmute, press *(star) 6 on your phone dial pad. If any member of the public has repeated problems, the meeting will be discontinued.

I. Call to Order: 5:04 PM

II. Old Business:

Milton Three Ponds Invasive Species and DES Applications

Wayne Sylvester reported about his recent attendance to a workshop on erosion control for contractors in the state of Maine. This training was hosted by the Acton Wakefield Water Alliance. Wayne explains that it was a well-done training that focused on the number one cause of concern for lakes which is erosion and construction malpractices. He explains that DES and DEP are very similar in their regulations so that attendees clearly understand the DEP and DES regulations and best management practices. Wayne references a Shoreland Permit that the Landuse Clerk brought in front of the board previously. He questions why the board is receiving only some of these applications and why some projects have been occurring around the pond without notice to the conservation commission. Julius answers that he has been giving all the applications that have come to the town hall to the respective committees that they have been addressed to by the state. Virginia Long questions if there have been other applications that have gone to the planning board but have not been given to the conservation. She also asks the board if the commission has the authority to question the applications. Wayne answers that as a conservation commission they do not have the authority to question the state on its decisions. Wayne notes that the powers that the town does have is that it has the ability to pass more stringent regulations. He explains that his concern has mainly arisen from the fact that he has seen alterations being done to properties along the water and references 206 Townhouse Road. He is unsure if the alterations are legal according to the workshop that he just attended. Julius explains that the Land Use email account has been receiving notices from the state of the acceptance of permits and the approval of permits, but those have been historically filed away without review for either boards. Virginia notes that if these application notices that have been filed away are for locations that might have significant impact, she would suggest that the board review all the applications that have been received.

Steve Panish states that it might not be possible to change the states approval of these topics after the town receives these plans because the plans have already been created at this point. Karen Golab agrees in that she does not believe the commission has the authority to alter the states regulations or approvals of these topics. She recommends the commission should be cautious before questioning the state or some of the plans. Steve Panish suggests that since the commission's advice should be heard, he thinks that they

will need to get into contact with DES. Wayne states that the regulations do not supersede the towns regulations. He would like to see a two-part permit where the state approves the application and then the planning board would have to approve. Karen asks Julius how the last shoreland permit made it in front of the planning board. He notes that since he makes the agendas, he included it because he received a hard copy of it in the mail. He also notes that he does receive other documents from DES that are not shoreland permits. Karen asks if it would be possible for Julius to tell the Conservation Commission whenever he adds something to the Planning Board agenda that would be a shoreland permit application. Julius clarifies that the planning board does not have the ability to alter the plans brought before them but notes that Bruce had explained to him in an email that the Planning board has the ability to inquire on these applications. Cynthia Wyatt suggests that the commission send a letter to the Planning Board and to Bruce to ask how they can be helpful in teaching the community about best practices around water. Virginia suggests that they should use Wayne a source to educating the Planning Board. Virginia says that she will draft a letter for the next meeting that will reach out to the planning board. In this letter she will include the commissions fear for the safety of the town's lakes and their concern about MiTeJo.

Karen Golab asks the board what powers the planning board has to control MiTeJo. Virginia states that maybe the commission should reach out to MiTeJo with the letter instead of the planning board. Cynthia Wyatt asks Wayne if there are any regulations from the state about boat launches. Wayne says that there are no state laws that force boat owners to clean their boats before entering the water. Wayne explains that boat launches can refuse boats for being covered in weeds. Virginia Long asks if she thinks MiTeJo would accept free labor that would review these boats before their launch. Deb asks Wayne if there was something that the town could pass that would force boats to be inspected before being launched. Cynthia continues that maybe there should be a warrant article passed that enforces these regulations. The commission agrees that there might be a chain of command that they need to follow to get a rule like this passed so to avoid making mistakes and they agree to contact Ernie and Bruce. Wayne questions how the community will enforce this rule if it is passed. Virginia explains that the importance lies in if cleaning of the boats is happening, not how it is enforced. She emphasizes that she wants to see MiTeJo clean the boats. Cynthia Wyatt says the board needs to decide on what they will do. Steve says that he will reach out to Ernie and Bruce for advice on this topic. Cynthia says that she will reach out to Ernie and Bruce to talk with them to better understand the DES Shoreland process and how the commission can best advice.

III. Approve Minutes: August 10th and August 19th

Motion:

Karen Golab motions to accept August 10th minutes, Seconded by Robert Weiss. The vote is approved six to one with Virginia Long abstaining. The Motion passes accepting the minutes of August 10th.

Steve and Cynthia point out an error in in the August 19th meeting minutes that stated that the Commission receives 100,000 a year for projects. Julius altered the minutes to show that the Commission intended to say that 100,000 is the amount that they had in the account.

Motion:

Bob Weiss motions accept the minutes of August 19th with amendments, seconded by Steve Panish. The vote is approved six to one with Virginia Long abstaining. The motion passes accepting the minutes of August 19th with amendments.

IV. Casey Road Update

Virginia long explains that the Casey Road sub-committee went before the select board on Monday the 14th with the project to ask them to sign the easement between MMRG and the Casey road subcommittee. This easement describes what the restrictions for the land are and the lands anticipated goals. She explains that the board moved to sign the document and that the Town Administrator will get the board together to sign the document at a future date. She would also like it noted that on the 29th there will be a workday that the subcommittee will be on site for members of the public to join.

V. Teneriffe Mountain Update

Julius opens discussion by saying that he had spoken with abutters to the property and that they would like to join the walk at the property, but that they were concerned with the distance. He suggested that the commission do an informational meeting at the beginning for those who want to see the location but cannot hike the full length. Karen Golab asks the board if the Teneriffe Mountain land is paying full taxes, and if the land is sold would it continue to produce the same amount of taxes. Steve Panish and Virginia explain that since the lot is currently paying full taxes as it is not in current use, but when the property is sold, they are unsure if the land will be placed in current use or not. They explain that is a question that will most likely be asked at the public hearing. Cynthia explains that they will most likely pay the current use tax even though the organization is a non-profit. Karen notes that the question was formulated because of a discussion created on Facebook.

At this point Land Use Clerk Julius Peel left the meeting to organize the planning board meeting at 6:30. He left his computer running to allow for him to take minutes at a future date.

VI. September 29th Public Hearing Planning

Virginia and Cynthia both note that in the public notice that there was nothing mentioned about wearing masks to the location. Virginia expresses that she believes that this is something that needs to be done so she recommends that the board create signs to place on site. Virginia long asks who will be running the meeting and Cynthia notes that she plans on speaking on behalf of the town for the Teneriffe Mountain Project and inviting and allocating time for the guest speakers. Virginia Long recommends that each speaker should only cover roughly 10 minutes each so to give the public enough time to ask questions. This would mean that the presenters will have 20 minutes to speak in total with 40 minutes for the community to ask questions. Virginia agrees to present for the Casey Road project much like she had done with the select board. Cynthia brings up the point that the board will need to be prepared to field these questions. Some of the questions that Karen notes have already been asked are where the parking is going to be, how will this effect taxes and will recreational vehicles be allowed on the property. Karen also notes that there may be potential questions about the Cheney Property that is in the area. Virginia explains that this property is not owned by Cheney and is owned by PNF Realty. She also states that she is unsure what has happened within the last year but does not believe the town has kept accurate records on this property. Cynthia plans on creating agendas for these meetings and will send these to the commissioners. Cynthia notes that during the public hearing she would like to have a signup sheet for attendees and hand out masks. Deborah McCormack says that she will be there to take names and pass out masks. The board also agrees that they will reach out to members of the community who might have interest in the project.

VII. MCC Educational Sub-Committee

Virginia explains that Jim Haney's presentation was too long, too technical and the auto-populating talk to text feature was full of errors that were distracting to the viewers. After the committee watched the video, they went home with the idea that they would attempt to find a new presentation that they could use.

VIII. Nute Conservation Easement Intent to Cut

Julius informed Cynthia Wyatt that there was an intent to cut notice for the board because the town holds the conservation easement of the Nute property. Cynthia states that they will move the review until the next meeting.

IX. Jones Brook Park Update:

No update on this

X. Financial Report:

Steve sent out the report and there have not been any changes. He is concerned because since there has been no changes, but the board has made purchases. He will speak with Julius about this to see if he has noticed any purchase orders. Steve Panish notes that Ernie has asked the board to start preparing a budget for this year and Steve recommends that they keep the budget the same with the exception of the legal defense live. He wants to create a capital reserve fund. He suggests that they reduce the amount from 2,500 to 1,500 because he thinks it looks good for the commission. The committee questions what the methods are for expending a capital reserve account and what other methods they have for obtaining additional legal funds. Cynthia Wyatt informs the board that state RSA allow the unexpended portion of the MCC budget to be deposited into the conservation fund. . She offered to investigate that RSA. Steve states that he will follow up with Ernie once he knows more.

Motion:

***Bob Weiss motions to accept the budget as suggested by Steve, Seconded by Karen Golab. The vote is approved unanimously. The Motion Passes accepting the budget as proposed by Steve. ***

XI. Other News:

Deb asks if she needs to get approval from the commission when she posts on Facebook for the plexiglass panels. Virginia Long says this is a Casey Road meeting agenda item, but that she does not need the approval.

Motion:

***Karen Golab motions to adjourn, Seconded by Bob Weiss. The vote is approved unanimously. The Motion Passes adjourning the meeting. ***