

Town of Milton
424 White Mtn Highway
Milton NH, 03851



Planning Board
PO Box 310
(p)603-652-4501
(f)603-652-4120

12-7-2021
Meeting Minutes
6:32 PM

Present Members: Brian Boyers, Chair, Ryan Thibeault, Vice Chair, Anthony Gagnon, Robert Graham, Joseph Michaud, Paul Steer, Matt Morrill, Larry Brown

Absent Members: Jonathan Nute

Staff Present: Bruce W. Woodruff, Town Planner; Suzanne Purdy, Land Use Clerk

I. **Call to Order:** Chair Boyers called the meeting to order at 6:32 PM.

B. Boyers named L. Brown in place of Jonathan Nute

Review/Approval of Minutes: P. Steer made a motion to accept the minutes of the Nov. 16, 2021 PB meeting; R. Graham seconded. L. Brown abstained. Motion carried.

II. **Old Business:** Paul Blanc from Norway Pains Associates (NPA) spoke on behalf of his client, Three Ponds LLC for the proposed Northeast Pond Condominium and noted that this portion of the meeting is a continuation of the public hearing on the application.

In reference to the Planner Comment and Recommendation Memo dated 12.3.21, P. Blanc responded to the TRC bullet points beginning on page 2:

- The applicant has provided a turning radius plan, please see Attachment A, at the end of this document
- Ground Elevations have been added to the plans; height to bottom windows will be accessible using a 35' ladder
- A third-party review of the building and site plans regarding fire safety will be accomplished during the building inspection phase
- A Knox box will be installed on each building
- The sight distance to both approaches to the access road is 200' on either side
- A sight line easement was requested by the Planner, and included in the HOA Regulations, as well as a 250' sight line distance at either side of the intersection.

P. Blanc stated that an easement is not necessary because it's a town right of way and will be cleared of snow by the town crews.

- The Police Chief asked how the PD will access the buildings in an emergency. P. Blanc stated a box will be provided.
- The Planner asked if the SWPP has been received, and if so, notated on the cover sheet of the plans. P. Blanc noted the SWPP has been provided to the town.
- On the second sheet labeled Plat of Lands, the surveyor will stamp & sign the plans after approval of the subdivision.
- Proposed lot numbers are as follows:
 - 44-6 main lot with buildings and garages
 - 44-7 open space
 - Lot line between 40 & 44 will be removed after approval of voluntary merger
- Soil Scientist and Wetlands Scientist have both signed and stamped the Existing Features Plan, sheet E-1. The Planning Board Consulting Engineer needs to verify permit compliance for erosion & sediment control. NPA concurs but would like to note DES AoT has already reviewed the plan but can certainly review with Gale Assoc. again. (Note that P. Blanc misunderstood this requirement, which was for inspection of the construction of erosion and sediment control infrastructure.) State and Federal permits have also been approved. Town & Conservation Commission also need copies of these plans.
- Expand, inspect, and maintain SWMP, which is a requirement of DES, on file at Town Hall. Pond inspections and maintenance must be performed in perpetuity, and so noted in the HOA documents.
- Sheet C-2 Added roof line elevations and more spot grades.

P. Blanc referenced his letter dated November 10, 2021, regarding the Engineering Review conducted by Gale Associates, Dated October 4, 2021. Please see attachments. While reiterating the contents of his letter, P. Blanc emphasized they moved the building back with this submission, they reduced the amount of retaining walls and regraded the design of the terrain. He noted the curbing was revised to "Type A" in lieu of bituminous, they added oil / water separators in all the catch basins instead of the fewer in previous designs. P. Blanc also noted sprinklers were added to the condominiums in this version of the design.

P. Blanc moved on to another letter dated November 10, 2021, which contains responses to Gale Assoc. Engineering Review letter dated October 30, 2021. Please see attachments.

P. Blanc noted key points of this response, NPA added cross sections of the roadway design every 50'; new buffer boundaries were held at 75' or more; the buildings were moved back from abutter's property lines. They reduced the number of retaining walls to three; added snow storage areas and additional catch basins.

P. Blanc directed the board to sheet C-22 of the plans which shows the cross section of the three retaining walls.

R. Thibeault asked if the distance from Retaining Wall "B" to the buffer line is approx. 5 feet. P. Blanc replied yes, and the distance from Building "A" to the buffer is 80'.

P. Steer asked if the proposed location of the buildings is the only place on the 45 acres that they can be located. P. Blanc replied the location was based on having a lake view from the buildings being up on the hill.

R. Thibeault asked where the 75' buffer came from. P. Blanc replied that the Zoning regs call for no less than 100' unless a special exception exists. Planner Woodruff noted the original design Part 1 showed a 55' buffer. Part 2 addressed the roadway; the designers moved the buildings back to increase the buffer.

J. Michaud asked if the 100' buffer can still be met.

L. Brown discussed the lighting plan; asked if the reflections are shielded, have they considered wall wash, snow bounce (albedo) .

Planner Woodruff noted there are 4 things the PB should decide on tonight before that can move forward:

1. The Conservation Commission's recommendation of an additional AoT
2. Whether screened dumpsters are required instead of each condo owner transporting refuse to the transfer station
3. Whether the Board will grant a conditional use allowing building heights to increase over the 35-ft. requirement (no more that 25% over).
4. Whether the Board should approve a reduced buffer of less than 100-ft. He noted the landscape plan is woefully inadequate; it needs a much denser buffer and plans that show which trees will be planted and which ones will be cut.

L. Brown noted on sheet C-12, the bio-retention ponds will be governed by the state, the NHDES AoT answers all the questions posed by the Conservation Commission, therefore a new study is not needed.

L. Brown made a motion to NOT employ a second engineer to review the AoT. Seconded by J. Michaud. All in favor. Motion passed.

R. Thibeault made a motion to require screened dumpsters at each condo building. Seconded by L. Brown, and to include this requirement into the HOA in perpetuity. All in favor.

M. Morrill asked what the proposed average height of all the buildings are.

P. Blanc replied:

- A. 45.3'
- B. 39'
- C. 39.5'
- D. 36.7'
- E. 36.7'
- F. 40.5'

M. Morrill asked what the highest point of any building is; P. Blanc replied 56'.

Planner Woodruff reminded the PB that at a previous preliminary design meeting they took a straw vote to not allow the building heights to exceed 35'.

R. Thibeault made a motion to NOT approve a conditional use to allow the building heights to exceed 35'. P. Steer seconded. All in favor. Motion passed.

A. Gagnon made a motion to adhere to the 100' buffer zone as outlined in the zoning regulations. P. Steer seconded. L. Brown noted that the quantity and quality of planting is key to the success of the buffer zone. Planner Woodruff strongly recommended the definition of buffer zone be added to the design documents, and that the zone be maintained in perpetuity.

B. Boyers, R. Thibeault, A. Gagnon, J. Michaud, P. Steer voted Yay. M. Morrill, B. Graham voted Nay. Motion passed.

R. Thibeault made a motion to require strict adherence to Items 18 through 20 of the Planner Comment and Recommendation Memo dated December 3, 2021.

18. The applicant shall not cut any trees prior to plan approval and signing of the plans by the Chair.

19. The Developer shall not cut any trees outside or within the Natural Woodland Buffer until they provide a detailed plan of trees to be removed that are located outside and within of the Natural Woodland Buffer (250-ft. from the reference line) along the lake side of the proposed buildings to the Planning Board and shall not commence said removal until such plan is approved by the Board with advice from the Conservation Commission, a certified arborist, and any other expert the Board deems necessary.

20. The Developer shall provide a detailed plan of trees and shrubs to be planted within the required Open Space Development buffer, including planting heights and calipers to the Planning Board and shall not commence construction until the plan is approved by the Board with advice from the Conservation Commission, a certified arborist, and any other expert the Board deems necessary.

Motion was seconded by J. Michaud. All in favor. Motion passed.

Planner Woodruff asked the applicant if he wanted a continuance to revise the plans, or if he wished to withdraw.

P. Blanc replied they would like a continuance and would acquiesce to waiving the 65-day clock, since no final decision has been made on the project.

L. Brown made a motion to continue the public hearing for this application to the Planning Board meeting of February 1, 2022, at 6:30 PM. P. Steer seconded. All in favor. Motion passed.

- III. **Other Business:** Planner Woodruff handed out the Proposed new Zoning Map and the lists of affected parcels. He noted the Land Use Clerk will send letters out to all affected parcel owners, inviting them to the first meeting in January to review. This meeting will be Tuesday, January 4, 2022, at 6:30 PM.

- IV. **Public Comment:** There was no Public Comment.

- V. **Adjournment:**

***_At 7:59, P. Steer motions to adjourn, Seconded by A. Gagnon. Vote U/A. The Motion Passes adjourning the meeting. ***

Attachments:

Gale Associates Engineering Review 10.4.21

Norway Plains Associates (Engineering Review 10.4.21) Response 11.10.21

Gale Associates Engineering Review 10.30.21

Norway Plains Associates (Engineering Review 10.30.21) Response 11.10.21

Town of Milton Technical Review Committee Meeting 11.1.21

Norway Plains Associates (TRC 11.1.21) Response 11.10.21

Artist's rendering of proposed building submitted by R. Thibeault

Letter from Michael and Joanne Dubois 11.2.21

Letter from Carole McGunagle 11.8.21

Letter from Eric T. Kilchenstein for DSR Abutter Group 12.3.21

Letter from Thomas E. Lamb Living Trust 12.5.21



Gale Associates, Inc.

6 Bedford Farms Drive, Suite 101 | Bedford, NH 03110

P 603.471.1887 F 603.471.1809

www.galeassociates.com

October 4, 2021

Mr. Bruce Woodruff, Milton Town Planner
Chester Planning Board
84 Chester Street
Chester, New Hampshire 03036

Subject: Map 023 / Lots 040 and 044 - Northeast Pond Condominium
Engineering Review

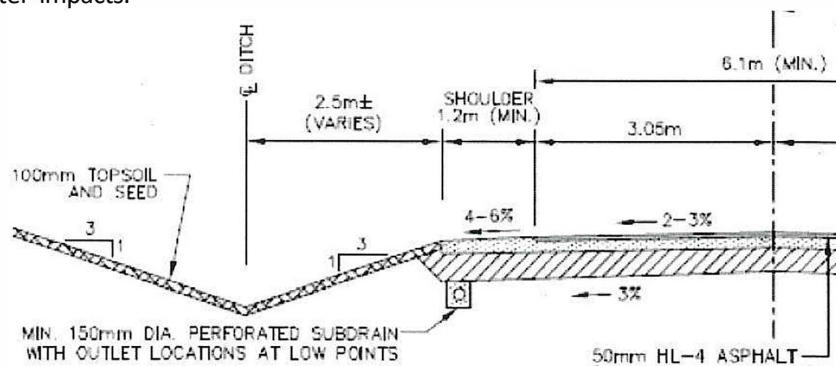
Dear Mr. Woodruff:

Gale Associates, Inc. (Gale) has completed a technical review of the plans and materials submitted for the above referenced project. The plan set consisted of twenty-five (25) sheets with a May 2021 date. The purpose of this review is to respond to specific questions/inquiries as presented by the Town. The following are our responses (regular text) to the associated questions/inquiries (bold text).

1. Is there an issue with the finish grades in the plans? What do think the darker dashed lines represent?

In reviewing Sheets C-3 (Grading & Drainage Plan), C-5 (Driveway Profile Sta. 0+00 to 12+50), and C-6 (Driveway Profile Sta. 12+50 to 19+50), the grading appears to be satisfactory. The plan set does not include 50-foot interval driveway cross-sections, and it is our opinion driveway cross-sections should be included in the plan set.

In review of the typical driveway cross-section, the 6-inch underdrain is graphically illustrated not under and at the outer limits of the subbase materials; see on Sheets C-5 and C-7. Roadway underdrains are typically located as illustrated below to allow the gravels to drain and mitigate groundwater impacts.



The plan set did not identify the proposed design speed or included a graphical illustration of a speed limit sign; therefore, we were unable to confirm if the driveway profile meets AASHTO guidelines. It is our opinion, the design speed should be included on the plan set.

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It is our opinion, the Applicant/Engineer-of-Record identify the Horizontal:Vertical side slopes (e.g., 4H:1V, 2H:1V, 1H:1V, etc.). For example, see Sheet C-5 (Driveway Profile Sta. 0+00 to 12+50) station 7+00 left and right-side slopes are not identified/labeled.

The dark dashed lines represent the proposed drainage pipes and culverts.

2. Do the proposed slab elevations make sense with generally accepted civil engineering practice of balancing existing grades, or are they raising the foundations to get a better view of the lake from this high point?

Based on Sheet C-3 (Grading & Drainage Plan), there are six (6) proposed building slabs with finish slab elevations of 481.00, 480.25, 480.00, 478.25, 478.70, and 479.00. Comparing the proposed finish slab elevations to the existing contours, it appears the only slab elevation higher than existing contours is slab elevation 479.00. Below is a comparison table of finish slab elevations, approximate existing contour, and elevation difference.

| Finish Slab Elev. (ft) | Predominate Existing Contour (ft) | Elev. Difference |
|------------------------|-----------------------------------|------------------|
| 481.00 | 488.00 | - 8 feet |
| 480.25 | 496.00 | -15.75 feet |
| 480.00 | 490.00 | - 10 feet |
| 478.25 | 482.00 | - 3.75 feet |
| 478.70 | 480.00 | -1.3 feet |
| 479.00 | 470.00 | + 9 feet |

(-) indicated slab elevation is lower than existing contours)

(+) indicated slab elevation is higher than existing contours)

3. Can the retaining walls be constructed with no impact on abutting land or trees?

It appears the proposed development is higher in elevation compared to the abutting properties; hence, the Typical Block Retaining Wall Detail (Sheet C-7) would be constructed with the face-of-wall exposed to the abutters. Therefore, we assume the proposed pre-cast concrete retaining walls can be built without impacting vegetation on abutting properties. However, it is our opinion the plan set should include the below information on the retaining wall plan, profile, and 50-foot interval cross-sections.

- Retaining wall stationing;
- Existing and Proposed elevations;
- Existing and Proposed tree limits;
- Pre-cast retaining wall units and Gravel backfill limits;
- Property boundaries; and,
- Protective guard system in accordance with Section 1015.2 of the International Building Code.

4. Where does the drainage water in the sock drain at the bottom of the retaining wall go?

Down-gradient toward the abutting properties.

5. Is zoning article VI, Section 9.h adhered to?

We reviewed Sheet C-4 (Erosion & Sedimentation Control Plan) that graphically illustrates property boundaries, the abutter's existing treelined limits, the proposed development's new treelined limits, and Bolan Road. Zoning Article VI, Section 9.h is a two-part ordinance. The first part of the Ordinance requires a 100-foot buffer from abutting land uses. For Tax Map 023 / Lots 35, 39, 38, 47 to 54, the vegetated buffer limits range between 55 feet to 220 feet; the smallest buffer is Lot 50. However, it should be noted the existing tree-line of these lots match the rear property boundaries. While it is our opinion the proposed development is not adhering to the first part of this Zoning Ordinance and it is assumed the proposed development could rotate Building No. 3 counterclockwise (to increase the approximate 55-foot buffer), we do not expect the rotation modification will achieve the 100-foot minimum.

The second part of the Ordinance requires a 100 to 150-foot buffer from an existing public road to retain the community's rural character. For Tax Map 023 / Lots 55 through 59 and 149, the vegetated buffer limits range between 120 feet to 165 feet. It is our opinion the proposed development is adhering to the second part of this Zoning Ordinance.

If you have any questions or concerns, please do not hesitate to contact us.

Very truly yours,
Gale Associates, Inc.

A handwritten signature in blue ink that reads 'Scott M. Bourcier'.

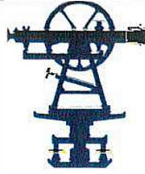
Scott M. Bourcier, P.E.
Project Manager

SMB/smb

NORWAY PLAINS ASSOCIATES, INC.

LAND SURVEYORS • SEPTIC SYSTEM DESIGNERS • CIVIL ENGINEERS

P.O. Box 249
Continental Blvd. (03867)
Rochester, NH 03866-0249
Phone (603) 335-3948
www.norwayplains.com



P. O. Box 268
31 Mooney St.
Alton, NH 03809
Phone & Fax (603) 875-3948

November 10, 2021

Mr. Bruce Woodruff, Milton Town Planner
Milton Planning Board
424 White Mtn. Highway
Milton, NH 03851

Re: Northeast Pond Condominium; Engineering Review Response Letter 10-4-21

Dear Mr. Woodruff:

The following is a summary of action taken to address the comments from the October 4, 2021 letter from Gale Associates, Inc. the town review engineering consultant. To expedite the review process; I have maintained the same order as the letter we received. The responses are in italic. I copy of the original letter is attached to this letter.

1. Is there an issue with the finish grades in the plans? What do think the darker dashed lines represent?

In reviewing Sheets C-3 (Grading & Drainage Plan), C-5 (Driveway Profile Sta. 0+00 to 12+50), and C-6 (Driveway Profile Sta. 12+50 to 19+50), the grading appears to be satisfactory. The plan set does not include 50-foot interval driveway cross-sections, and it is our opinion driveway cross-sections should be included in the plan set.

Response: Cross-section have been added to the plan set. See sheets C-20 and C-21

In review of the typical driveway cross-section, the 6-inch underdrain is graphically illustrated not under and at the outer limits of the subbase materials; see on Sheets C-5 and C-7. Roadway underdrains are typically located as illustrated below to allow the gravels to drain and mitigate groundwater impacts.

Response: The typical cross-section detail has been revised so the 6-inch underdrain is located at the outer limits of the subbase material. See sheet C-5 and C-7.

The plan set did not identify the proposed design speed or included a graphical illustration of a speed limit sign; therefore, we were unable to confirm if the driveway profile meets AASHTO guidelines. It is our opinion, the design speed should be included on the plan set.

Response: The speed limit of the driveway will be 15 mph. A signs detail has been added to the sign schedule and the location of the speed limit signs have been added to the plan. The k values for all vertical curve fall within the design limits. These values have been added to the profile. See sheet C-5 and C-6.

It is our opinion, the Applicant/Engineer-of-Record identify the Horizontal:Vertical side slopes (e.g., 4H:1V, 2H:1V, 1H:1V, etc.). For example, see Sheet C-5 (Driveway Profile Sta. 0+00 to 12+50) station 7+00 left and right-side slopes are not identified/labeled.

Response: *Left and right-side slopes are called out on sheet C-5.*

2. Do the proposed slab elevations make sense with generally accepted civil engineering practice of balancing existing grades, or are they raising the foundations to get a better view of the lake from this high point?

Based on Sheet C-3 (Grading & Drainage Plan), there are six (6) proposed building slabs with finish slab elevations of 481.00, 480.25, 480.00, 478.25, 478.70, and 479.00.

Comparing the proposed finish slab elevations to the existing contours, it appears the only slab elevation higher than existing contours is slab elevation 479.00. Below is a comparison table of finish slab elevations, approximate existing contour, and elevation difference.

| Finish Slab Elev. (ft) | Predominate Existing Contour (ft) | Elev. Difference |
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| 478.25 | 482.00 | -3.75 feet |
| 478.70 | 480.00 | - 1.3 feet |
| 479.00 | 470.00 | + 9 feet |

(-) indicated slab elevation is lower than existing contours)(+) indicated slab elevation is higher than existing contours)

Response: *Agreed. The elevation of the slabs have been revised and the location of the building move. The table below show the result based on the revised slab elevations.*

| Finish Slab Elev. (ft) | Predominate Existing Contour (ft) | Elev. Difference |
|------------------------|-----------------------------------|------------------|
| 485.00 | 490.00 | -5 feet |
| 484.10 | 496.00 | -11.9 feet |
| 482.25 | 490.00 | - 7.75 feet |
| 476.15 | 482.00 | -3.9 feet |
| 475.50 | 480.00 | -4.5 feet |
| 475.00 | 475.00 | 0 feet |

(-) indicated slab elevation is lower than existing contours)(+) indicated slab elevation is higher than existing contours)

3. Can the retaining walls be constructed with no impact on abutting land or trees?

It appears the proposed development is higher in elevation compared to the abutting properties; hence, the Typical Block Retaining Wall Detail (Sheet C-7) would be constructed with the face-of-wall exposed to the abutters. Therefore, we assume the proposed pre-cast concrete retaining walls can be built Without impacting vegetation on abutting properties. However, it is our opinion the plan set should include the below information on the retaining wall plan, profile, and 50-foot Interval cross-sections.

Response: A retaining wall plan has been added showing cross-section at a 25-ft intervals and 20 scale plan view. Please note that the retaining wall have been relocated and decrease in length.

4. **Where does the drainage water in the sock drain at the bottom of the retaining wall go?**
Down-gradient toward the abutting properties.

Response: Agreed.

5. **Is zoning article VI, Section 9.h adhered to?**

We reviewed Sheet C-4 (Erosion & Sedimentation Control Plan) that graphically illustrates property boundaries, the abutter's existing treelined limits, the proposed development's new treelined limits, and Bolan Road. Zoning Article VI, Section 9.h is a two-part ordinance. The first part of the Ordinance requires a 100-foot buffer from abutting land uses. For Tax Map 023 / Lots 35, 39; 38, 47 to 54, the vegetated buffer limits range between 55 feet to 220 feet; the smallest buffer is Lot 50. However, it should be noted the existing tree-line of these lots match the rear property boundaries. While it is our opinion the proposed development is not adhering to the first part of this Zoning Ordinance and it is assumed the proposed development could rotate Building No. 3 counterclockwise (to increase the approximate 55-foot buffer), we do not expect the rotation modification will achieve the 100-foot minimum.

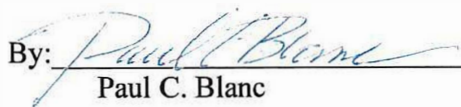
The second part of the Ordinance requires a 100 to 150-foot buffer from an existing public road to retain the community's rural character. For Tax Map 023 / Lots 55 through 59 and 149, the vegetated buffer limits range between 120 feet to 165 feet. It is our opinion the proposed development is adhering to the second part of this Zoning Ordinance.

Response: A 75-ft vegetative buffer has been added. This was achieved by moving the buildings.

If you have any questions regarding the revisions made to this plan set, the design itself or any supplemental material submitted to satisfy the conditions of approval, please feel free to call or email me.

Sincerely,

NORWAY PLAINS ASSOCIATES, INC.

By: 
Paul C. Blanc



Gale Associates, Inc.

6 Bedford Farms Drive, Suite 101 | Bedford, NH 03110

P 603.471.1887 F 603.471.1809

www.galeassociates.com

October 30, 2021

Mr. Bruce Woodruff, Milton Town Planner
Chester Planning Board
84 Chester Street
Chester, New Hampshire 03036

Subject: Map 023 / Lots 040 and 044 - Northeast Pond Condominium
Engineering Review

Dear Mr. Woodruff:

Gale Associates, Inc. (Gale) has completed a technical review of the plans and supplemental materials submitted for the above referenced project. The plan set consisted of twenty-six (26) sheets with an October 2021 date, while the supplemental materials consisted of the New Hampshire Department of Environmental Services (NHDES) - Alteration of Terrain (AoT) approved permit (No. AoT-1949, dated May 4, 2021). Gale did not review the drainage infrastructure Inspection and Maintenance (I&M) Manual associated with this project. The purpose of this review is to respond to specific inquiry as presented by the Town. The following is our response (regular text) to the associated question/inquiry (bold text).

What is the efficacy of the stormwater infrastructure and whether it will work to mitigate any adverse effects to lake water quality and residential uses down gradient? And if there are any recommendations for improvements to same?

Based on our review of the plans and environmental permit, it appears the proposed development will not have adverse effects to lake water quality and residential uses down-gradient. The proposed development consists of the following stormwater control measures.

- a. Curbing: Proposed along both sides of the roadway and surrounding a significant portion of the parking areas. The proposed curbing is expected to contain stormwater runoff from flowing down-gradient to abutters and Northeast Pond and convey runoff to catch basin structures.
 - Concern:** No curbing is proposed around the southerly parking limits of proposed Buildings 'A' and 'B'. The lack of curbing of this area does not fully contain the impervious development area. There is concern that pollutants (i.e., salt, sand, oils, etc.) contained within the stormwater runoff can flow down-gradient to abutters and the Pond. It is our opinion curbing should be installed within this area.
 - Concern:** The proposed curbing is identified on the plans to be constructed of bituminous material. Based on our experience, bituminous curbing does not have the durability as compared to granite. It is our opinion the proposed curbing should be constructed of granite to mitigate premature failure of the curbing.
- b. Catch Basin Structures: Proposed throughout the development to collect stormwater runoff contained by the road and parking lot curbing. The catch basin structures consist of deep (4-foot) sumps as an initial measure to separate sedimentation and debris from the collected runoff. The proposed catch basin structures are expected to convey

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stormwater runoff to bioretention basins prior to the ultimate discharge to down-gradient to abutters and Northeast Pond.

Concern: While Sheet C-8 includes an Eliminator Catch Basin Oil and Debris Trap Detail, there does not appear to be direction as where the oil/debris traps are to be installed. It is our opinion a note be added to the plan set stating all catch basin structures are to have oil/debris traps installed as an initial measure to separate oil from the collected runoff.

- c. Forebay and Bioretention Basins: Two bioretention basins (with forebays) are proposed in specific locations to receive stormwater runoff collected by the catch basin structures. While the forebays are expected to be a secondary measure to separate sedimentation and debris from the collected runoff, the bioretention basins are expected to be a secondary measure to separate oil from the collected runoff. In addition, the bioretention basins are expected to potentially recharge the groundwater.
- d. Infiltration Basin: One infiltration basin is proposed down-gradient of one of the bioretention basin outlets. The infiltration basin is expected to be a secondary measure to recharge the groundwater.

The NHDES-AoT permit requires an independent inspection of the project for the purposes of determining compliance with the permit. The inspector is required to submit written reports, stamped by a qualified engineer or a Certified Professional in Erosion and Sediment Control, to the Department. It is our opinion the Town should receive copies of the reports for their understanding of the project development.

One of the conditions of the NHDES-AoT permit is that the drainage infrastructure is to be inspected and maintained in accordance with Env-Wq 1507.07 and that all records shall be maintained by the identified responsible party. Understanding the Town of Milton is part of the US Environmental Protection Agency (EPA) - Municipal Separate Storm Sewer System (MS4) permit, it is our opinion all inspection reports (along with completion dates of corrective measures) be submitted to the Town for review. Our concern is that the Homeowner's Association may not understand the extent and requirements to maintain the performance of a complex drainage system.

If you have any questions or concerns, please do not hesitate to contact us.

Best regards,
Gale Associates, Inc.

A handwritten signature in blue ink, reading "Scott M. Bourcier".

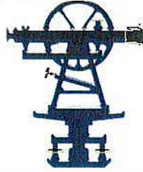
Scott M. Bourcier, P.E.
Project Manager

SMB/smb

NORWAY PLAINS ASSOCIATES, INC.

LAND SURVEYORS • SEPTIC SYSTEM DESIGNERS • CIVIL ENGINEERS

P.O. Box 249
Continental Blvd. (03867)
Rochester, NH 03866-0249
Phone (603) 335-3948
www.norwayplains.com



P. O. Box 268
31 Mooney St.
Alton, NH 03809
Phone & Fax (603) 875-3948

November 10, 2021

Mr. Bruce Woodruff, Milton Town Planner
Milton Planning Board
424 White Mtn. Highway
Milton, NH 03851

Re: Northeast Pond Condominium; Engineering Review Response Letter 10-30-21

Dear Mr. Woodruff:

The following is a summary of action taken to address the comments from the October 30, 2021 letter from Gale Associates, Inc. the town review engineering consultant. To expedite the review process; I have maintained the same order as the letter we received. The response are in italic. A copy of the original letter is attached to this letter.

What is the efficacy of the stormwater infrastructure and whether it will work to mitigate any adverse effects to lake water quality and residential uses down gradient? And if there are any recommendations for improvements to same?

Based on our review of the plans and environmental permit, it appears the proposed development will not have adverse effects to lake water quality and residential uses down- gradient. The proposed development consists of the following stormwater control measures.

- a. Curbing: Proposed along both sides of the roadway and surrounding a significant portion of the parking areas. The proposed curbing is expected to contain stormwater runoff from flowing down-gradient to abutters and Northeast Pond and convey runoff to catch basin structures.

Concern: No curbing is proposed around the southerly parking limits of proposed Buildings 'A' and 'B'. The lack of curbing of this area does not fully contain the impervious development area. There is concern that pollutants (i.e., salt, sand, oils, etc.) contained within the stormwater runoff can flow down-gradient to abutters and the Pond. It is our opinion curbing should be installed within this area.

Response: *Curbing has been added to these areas.*

Concern: The proposed curbing is identified on the plans to be constructed of bituminous material. Based on our experience, bituminous curbing does not have the durability as compared to granite. It is our opinion the proposed curbing should be constructed of granite to mitigate premature failure of the curbing.

Response: *The bituminous curbing has and is being used thought the state roads. This is a privately owned driveway and the NHDES AoT has approved the bituminous curbing as being up to standard direct stormwater. The bituminous curbing is NHDOT Item 609.812 type 'A'. Scott Bourcier, the review engineer from Gale Associates, Inc. also agrees that this type of curbing would be acceptable for the driveway.*

- b. Catch Basin Structures: Proposed throughout the development to collect stormwater runoff contained by the road and parking lot curbing. The catch basin structures consist of deep (4-foot) sumps as an initial measure to separate sedimentation and debris from the collected runoff. The proposed catch basin structures are expected to convey stormwater runoff to bioretention basins prior to the ultimate discharge to down- gradient to abutters and Northeast Pond.

Concern: While Sheet C-8 Includes an Eliminator Catch Basin Oli and Debris Trap Detail, there does not appear to be direction as where the oil/debris traps are to be installed. It is our opinion a note be added to the plan set stating all catch basin structures are to have oil/debris traps installed as an initial measure to separate oil from the collected runoff.

Response: *Oil/debris traps have been added to all catch basin. A note have been added to sheet C-3 and sheet C-8 stating that all basin must have oil/debris trap installed.*

- c. Forebay and Bioretention Basins: Two bioretention basins (with forebays) are proposed in specific locations to receive stormwater runoff collected by the catch basin structures. While the forebays are expected to be a secondary measure to separate sedimentation and debris from the collected runoff, the bioretention basins are expected to be a secondary measure to separate oil from the collected runoff. In addition, the bioretention basins are expected to potentially recharge the groundwater.

Response: *Agree*

- d. Infiltration Basin: One infiltration basin is proposed down-gradient of one of the bioretention basin outlets. The infiltration basin is expected to be a secondary measure to recharge the groundwater.

Response: Agree

The NH DES - AoT permit requires an independent inspection of the project for the purposes of determining compliance with the permit. The inspector is required to submit written reports, stamped by a qualified engineer or a Certified Professional in Erosion and Sediment Control, to the Department. It is our opinion the Town should receive copies of the reports for their understanding of the project development.

Response: Agree. A note has been added to the plan set stating the requirement above.

One of the conditions of the NH DES - AoT permit is that the drainage infrastructure is to be inspected and maintained in accordance with Env-Wq 1507.07 and that all record shall be maintained by the identified responsible party. Understanding the Town of Milton is part of the US Environmental Protection Agency (EPA) - Municipal Separate Storm Sewer System (MS4) permit, it is our opinion all inspection reports (along with completion dates of corrective measures) be submitted to the Town for review. Our concern is that the Homeowner's Association may not understand the extent and requirements to maintain the performance of a complex drainage system.

Response: Agree.

If you have any questions regarding the revisions made to this plan set, the design itself or any supplemental material submitted to satisfy the conditions of approval, please feel free to call or email me.

Sincerely,

NORWAY PLAINS ASSOCIATES, INC.

By: 
Paul C. Blanc

Town of Milton
424 White Mtn Highway
Milton NH, 03851



Planning and Land Use
PO Box 310
(p)603-652-4501
(f)603-652-4120

Memorandum:

TRC Meeting

Meeting Date: 11/1/2021 10:00 AM
Subject: Northeast Pond Condominium
Members Attending:
Walter Cheney, Applicant, Three Ponds Investments
Paul Blanc, Norway Plains
Nick Marique, Fire Chief
Clarence Nason, Public Works Foreman
Richard Krauss, Police Chief
Brian Boyers, Building Inspector/ Code Enforcement Officer
Bruce Woodruff, Town Planner
Suzanne Purdy, Land Use Clerk

Notes:

- Fire Chief asked for the turning radius for firetrucks (including ladder truck) at the front of the buildings be expanded and shown on the plans.
- Ground elevations at of rear of buildings need to be shown on plans, as well as slopes. Height at bottom of windows need accessibility utilizing 35' ladder.
- A third-party review of building and site plans regarding fire safety is required
- A Knox box is required on each building for emergency access
- Applicant added building footprints are 60' x 80' (3 each), and 1500 sq ft each for each unit.
- Police Chief & Public Works Foreman asked for the site distance at the access road to condos to Northeast Pond Road be expanded due to existing grade changes and approach curve of NE Pond roadway.
- A sight line easement will be notated on the plans and included in the HOA regulations, to ensure the sight line is maintained in perpetuity, including snowbank push backs. Town Planner noted the plans show that the sight distance is 200' on either side of intersection; however, the minimum requirement is that it needs to be at least 250' due to approach curve and existing grade changes on NE Pond Rd.

Town of Milton
424 White Mtn Highway
Milton NH, 03851



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

- Police Chief asked how the PD will acquire emergency access to buildings. This needs to be notated on plans.
- Code Enforcement Officer: No comments; awaiting building plans
- Town Planner:
 - Cover Sheet: The Stormwater Pollution Prevention Plan is yet to be received. It needs to be submitted and reviewed by Milton's consulting engineer.
 - Second Sheet: Plat of Lands:

When was the survey conducted? (Plan shows 8/15/18)
Surveyor Stephen M Oles LLS
Add surveyor signature and Accuracy to plan
Note 9: Define "Others"

- Sheets S-J & S-2: Add proposed subdivision lot numbers (coordinate with Assessor)
Remove property line and add note regarding the lot merger
- Sheet E-1: Note 12:
Soil Scientist needs to sign & stamp, Wetland Scientist needs to sign.
Planning Board Consulting Engineer needs to verify permit compliance for erosion & sediment control: Town & Conservation Commission need copies of those plans
- Sheet C-1: Remove boundary line across proposed roadway (south of bioretention pond) on merged lot
Physically flag vernal pools and first 25' of wetland buffer
Note 15: Expand note to indicate ponds will be inspected & maintained by HOA in perpetuity and include as note on plans.
Planner verified that parking spaces meet Planning regulations (3 per unit)
- Sheet C-2: Is there a retaining wall at the southernmost end of building A? Grades need to be indicated.
The proposed 75' buffer zone around the perimeter and vegetative plantings must meet definition of adequate plantings as defined in ordinance.
Various roof heights above proposed grades need to be clarified.

Town of Milton
424 White Mtn Highway
Milton NH, 03851



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-
- Sheet C-3: Finish grades in the development area (buildings, garages and parking) need to be indicated on the plans
 - Sheet C-4: Add note indicating that the applicant's Engineer must submit the SWPPP Inspection reports to the Town of Milton, the Conservation Commission, and to Milton Planning Board's engineer consultant
 - Curbing should be granite instead of bituminous asphalt for durability
 - Ensure the plan shows curbing all around the parking areas
 - Fire Chief: Curbing should be at turnarounds
 - Snow storage areas need to be added to the plans
 - Sheet C-8: Regarding catch basins:
 - add a note that states that all catch basins shall have oil & debris traps
 - Bioretention basins work fine
 - Sprinklers, piping, dedicated well, pumps and water storage tank or underground tank needs to be added to the plan
 - Applicant can decide if they wish to also construct a fire-fighting cistern or not

Meeting Adjourned

NORWAY PLAINS ASSOCIATES, INC.

LAND SURVEYORS • SEPTIC SYSTEM DESIGNERS • CIVIL ENGINEERS

P.O. Box 249
Continental Blvd. (03867)
Rochester, NH 03866-0249
Phone (603) 335-3948
www.norwayplains.com



P. O. Box 268
31 Mooney St.
Alton, NH 03809
Phone & Fax (603) 875-3948

November 10, 2021

Mr. Bruce Woodruff, Milton Town Planner
Milton Planning Board
424 White Mtn. Highway
Milton, NH 03851

Re: Northeast Pond Condominium; Technical Review Committee Response

Dear Mr. Woodruff:

The following is a summary of action taken to address the comments from the November 1, 2021 Technical Review Committee, Inc. To expedite the review process; I have maintained the same order as the meeting notes we received. The response are in italic. A copy of the original letter is attached to this letter.

- Fire Chief asked for the turning radius for firetrucks (including ladder truck) at the front of the buildings be expanded and shown on the plans.

Response: A Fire Truck Turning Plan has been added to the plan set. See sheet F-1. The plan shows that the turn turnaround at the end of the driveway. A plan has been sent over to the fire chief/or his review.

- Ground elevations at of rear of buildings need to be shown on plans, as well as slopes. Height at bottom of windows need accessibility utilizing 35' ladder.

*Response: Finished elevation and slopes are shown on Sheet C-3.
Agreed the windows need access using a 35ft ladder.*

- A third-party review of building and site plans regarding fire safety is required

Response: Agreed

- A Knox box is required on each building for emergency access

Response: Agreed A note has been added to Sheet C-1 and C-2 stating "Each building shall have a Knox box."

- Police Chief & Public Works Foreman asked for the site distance at the access road to condos to Northeast Pond Road be expanded due to existing grade changes and approach curve of NE Pond roadway.

Response: A sight distance plan has been added to the plan set showing line of sight.
See sheet C-19.

- A sight line easement will be notated on the plans and included in the HOA regulations, to ensure the sight line is maintained in perpetuity, including snowbank push backs. Town Planner noted the plans show that the sight distance is 200' on either side of intersection; however, the minimum requirement is that it needs to be at least 250' due to approach curve and existing grade changes on NE Pond Rd.

Response: As shown on the sight plan the sight line passes over the Town Right of Way, therefore an easement is not needed. An agreement between the HOA shall be on file to keep the line of sight clear and to have snowbanks cleared from the line of sight.

Response: A sight distance plan per Town of Milton Driveway Regulation Section VI Is 200 feet. The standard table below is from the town drive regulation.

Road Speed: 30-MPH 35-mph

Site distance: 200ft 250ft

The posted speed limit on Northeast Pond road is 30 mph.

- Police Chief asked how the PD will acquire emergency access to buildings. This needs to be notated on plans.

Response: A note on the plan sheet C-1 and C-2 stating, "each building will be equipped with a electronic key pad allowing the town of Milton police department to gain emergency access to the buildings"

- Code Enforcement Officer: No comments; awaiting building plans
- Town Planner:

- Cover Sheet: The Stormwater Pollution Prevention Plan is yet to be received. It needs to be submitted and reviewed by Milton's consulting engineer.

Response: Agreed The Stormwater Pollution Prevention Plan will be completed and submitted to the town consulting engineer.

- Second Sheet: Plat of Lands:

When was the survey conducted? (Plan shows 8/15/18)

Response: Agreed the survey was completed on the above date as stated on the plan.

Surveyor Stephen M Oles LLS

Response: Agreed.

The sheet Plan of Land is the record plan for the land and cannot be altered. This was discussed over an email dated 11/3/2021 and a copy of this email is attached.

The request below shall be for the proposed subdivision Plans S-1.

Add surveyor signature and Accuracy to plan

Response: The survey of record, Stephen M Oles, will sign the plan prior to submittal to the Strafford County Registry of Deeds.

The note regarding the accuracy of the plan has been added to Sheet S-1

Note 9: Define "Others"

On the Plan of Land record plan SCR D BK 659 PG 112 Note 9 of the Plan states "TM 23-149 is subject to right of shore privileges by other"

Other refers to the owner of tax map 23, Lots 61, 60, and 62

- Sheets S-1 & S-2: Add proposed subdivision lot numbers (coordinate with Assessor)

Response: Lot Number have been added to the plan. The number are Lot 44-6 and Lot 44-7(open space)

Remove property line and add note regarding the lot merger.

Response: The property line has been removed. A note stating " Tax Map 23 Lot 40 is to be merged with Lot 44-6. "

- Sheet E-1: Note 12:
Soil Scientist needs to sign & stamp, Wetland Scientist needs to sign.

Response: The Soils Scientist and Wetland Scientist stamp and signatures have been added to the sheet E-1

Planning Board Consulting Engineer needs to verify permit compliance for erosion & sediment control: Town & Conservation Commission need copies of those plans

Response: Agreed. Please note NHDES Alteration of terrain has reviewed and approved the Erosion and Sediment control Plan. This is a requirement an Alteration of Terrain permit. That is why the application received all state and federal permit prior to submission to the planning board.

- Sheet C-1: Remove boundary line across proposed roadway (south of bioretention pond) on merged lot

Response: *The boundary line has been removed.*

Physically flag vernal pools and first 25' of wetland buffer

Response: *A note has been added to the plan stating, "The permittee shall ensure the perimeter of the vernal pool #1 is plainly marked by permanent signs or equivalent permanent marking system designating the area as a protected area."*

A note has been added to the plan stating "The inner 25-ft wetland buffer shall be posted with wetland conservation tags, permanent signs, every 100 feet. These shall be located under the direction of a licensed surveyor. The tags are available at the town of Milton"

Note 15: Expand note to indicate ponds will be inspected & maintained by HOA in perpetuity and include as note on plans.

Response: *A note has been added stating "All stormwater infrastructure shall be inspected & maintained by the HOA in perpetuity. "*

Planner verified that parking spaces meet Planning regulations (3 per unit)

Response: *Agreed*

- Sheet C-2: Is there a retaining wall at the southernmost end of building A? Grades need to be indicated.

Response: *The is no retaining wall at the southmost end of Building "A".
Retaining wall cross section plan has been added to the plan set. See sheets C-22.*

The proposed 75' buffer zone around the perimeter and vegetative plantings must meet definition of adequate plantings as defined in ordinance.

Response: *Agreed The 75-feet from the property line is currently wooded. There is no proposed disturbance within the buffer area.*

Various roof heights above proposed grades need to be clarified.

Response: *Roof elevation have been added to the plan.*

- Sheet C-3: Finish grades in the development area (buildings, garages and parking) need to be indicated on the plans

Response: *Finished spot grades and finished contours have been added to the plan.*

- Sheet C-4: Add note indicating that the applicant's Engineer must submit the SWPPP Inspection reports to the Town of Milton, the Conservation Commission, and to Milton Planning Board's engineer consultant

Response: *Note has been added to the plan stating, "Engineer must submit the SWPPP Inspection reports to the Town of Milton, the Conservation Commission, and to Milton Planning Board's engineer consultant"*

Curbing should be granite instead of bituminous asphalt for durability

Response: *The bituminous curbing has and is being used thought the state roads. This is a privately owned driveway and the NHDES AOT has approved the bituminous curbing as being up to standard direct stormwater. The bituminous curbing is NHDOT Item 609.812 type 'A'.*

Ensure the plan shows curbing all around the parking areas

Response: *Curbing has been added to all parking areas.*

Fire Chief: Curbing should be at turnarounds

Response: *Curbing has been added to the turn around*

Snow storage areas need to be added to the plans

Response: *Snow storage has been added to the plan. See sheet C-2.*

- Sheet C-8: Regarding catch basins:
add a note that states that all catch basins shall have oil & debris traps

Response: *Note has been added to the plan stating, "all catch basin shall have an oil/debris trap. "*

Bioretention basins work fine

Response: *Agreed*

Sprinklers, piping, dedicated well, pumps and water storage tank or underground tank needs to be added to the plan

Response: *This will have to wait until the well yield test is completed. This could be added as a conditional approval requirement.*


Applicant can decide if they wish to also construct a fire-fighting cistern or not

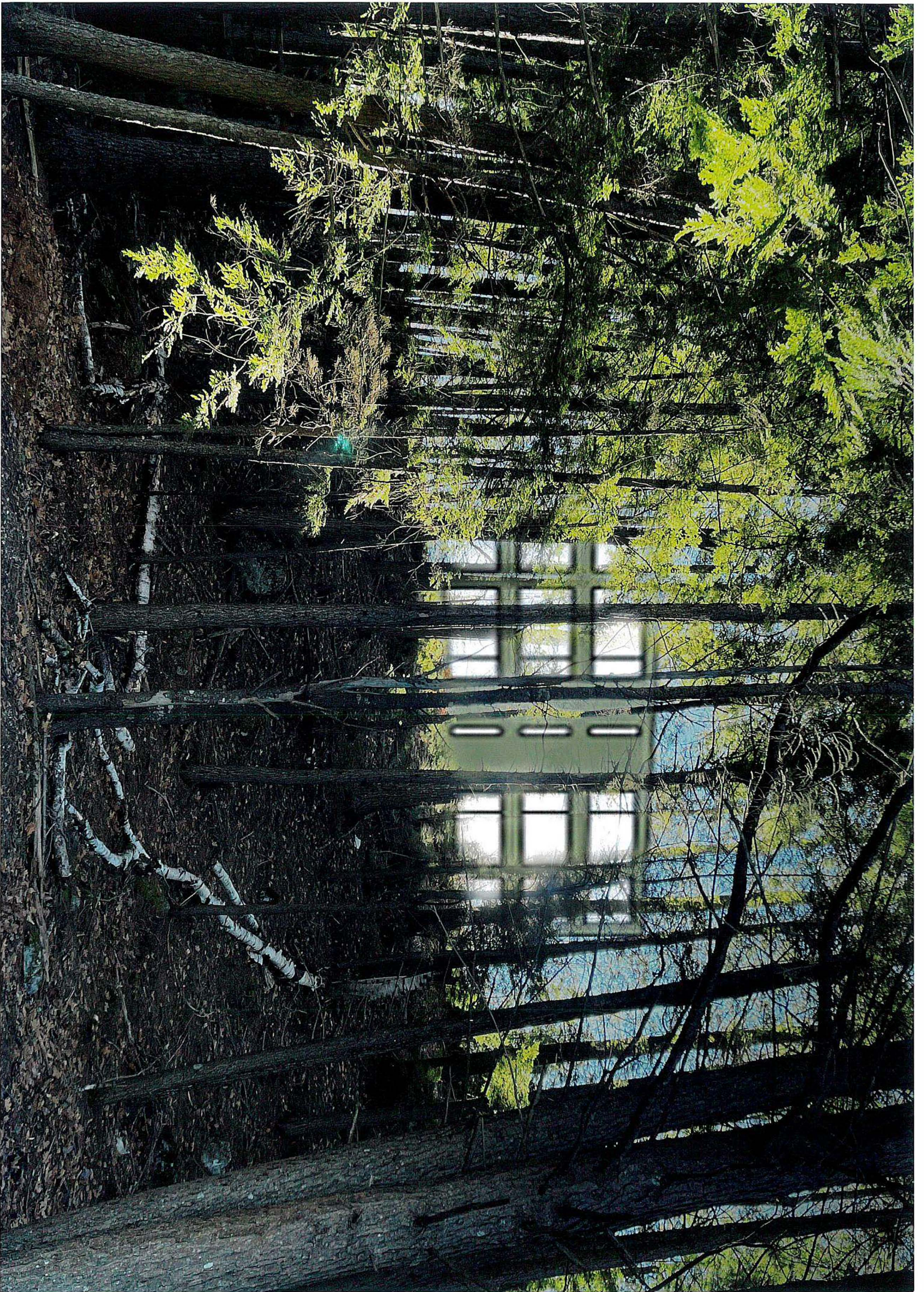
Response: *Agreed*

If you have any questions regarding the revisions made to this plan set, the design itself or any supplemental material submitted to satisfy the conditions of approval, please feel free to call or email me.

Sincerely,

NORWAY PLAINS ASSOCIATES, INC.

By: 
Paul C. Blanc



Michael and Joanne Dubois
199 Northeast Pond Rd.
Milton, N.H. 03851

11/02/21

Town of Milton
Planning Board
P.O. Box 310
Milton, N.H. 03851

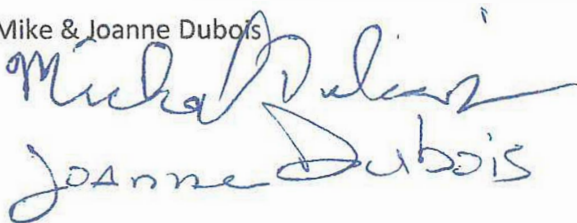
Joanne and I have lived in Milton for 23 years, 8 years at 199 Northeast Pond Rd. We moved here because of the high taxes on our Micah Terrace lake front home, its rural location, being close to Branch River, Northeast Pond and the trails in the Don Ash and Carl Siemen Foundation preserves.

On 6/19/2014 we applied for a variance with the Milton ZBA, {case# 2014-1}. It was to encroach into the sideline property line setback, 2' x 31' + 62 sq. ft. to build a garage. The abutter on the side of the requested variance had no problem with it as did all other abutters except one, who said it would devalue his property. The ZBA's response was to lecture me on the difference between "wants and needs", and to state that my request was not "compatible" with the intent of "low density residential zoning designation. I understood and accepted this ruling, but in retrospect it added nothing to the density of dwellings to the area but adding 5 acres of high dwellings on 5 acres certainly does.

Having a high density grouping of condo building is still high density whether it's grouped with adjacent conservation land or not. It places 35 residences on 5 acres of land and increases traffic on a dangerously steep hill despite highway departments best efforts in winter to keep it safe. The road is usually plowed around 4am and again after 8am. In between those time as more snow accumulates vehicles without all-wheel drive, traction control and good all-season tires often make it within 50' of the top of the hill only to slide backwards and have to back down the hill until there's a driveway to turn around in. Sight lines coming up from the unpaved part of Northeast Pond Rd are less than 200'. Now double the traffic up and down the hill and the chances of an accident increase exponentially.

Milton Three Ponds is the town's biggest economic driver and an important part of the "coastal watershed environment in N.H. and adjacent parts of Maine. This development with its large increase of impervious structures, (asphalt driveway and parking and buildings), in close proximity to the river will cause faster and larger runoff from rain and snow events. The more we damage the economic and environmental benefits of this natural resource, the more the town suffers economically.

Mike & Joanne Dubois

Handwritten signatures of Michael Dubois and Joanne Dubois in blue ink. The signature of Michael Dubois is on top, and the signature of Joanne Dubois is below it.

Proposed Condos abutting Bolan Road, Northeast Pond

Carole McGunagle <caroleamc@hotmail.com>

Mon 1/18/2021 9:20 PM

To: Suzanne Purdy <landuse@miltonnh-us.com>

To whom it may concern,

As a 60+ year resident of Northeast Pond I have seen many changes to the pond, some of which have been a wonderful addition. Many of changes/additions have added substantial detrimental effects to the quality of our water for swimming and fish/wildlife (car racing on the frozen pond, fuel and oil spills), continued expansion of the MiTeJo (Jellystone) camp ground, increasing the numbers of boats, bathers, and clearing of wooded areas.

I feel the proposed condos have no place in the natural beauty of our pond, they are terribly out of place. I also feel the developer is somehow bypassing building codes and set backs. The Town of Milton must step up to the plate and stop this development for the good of the pond and well as the residents and vacationers who have enjoyed this beautiful place for so long,

This must without a doubt be stopped, if it is allowed, there will be more and more development requests and there will be no stopping them. Are there no environmental laws that protect lakes and ponds??

Regards,
Carole McGunagle
222 Sewell Shores Road
Lebanon

Sent from Outlook

Thomas E Lamb Living Trust, Abutter 349 Boland Road Milton, NH
c/o Tom Lamb
30 Pilgrim Drive
Bedford, NH 03110

December 5, 2021

Milton NH Planning Board
c/o Bruce Woodruff
424 White Mountain Highway
P.O Box 310
Milton, NH 03851

Re: Northeast Pond Condominium Development, Map 23 Lots 40 and 44 Northeast Pond Road Milton, NH

Dear members of the Planning Board,

This letter is to summarize, elaborate on and clarify my family's concerns regarding the Northeast Pond Open Space Subdivision. I spoke to many of these points during the public comment session of the Planning Board meeting on October 5th. Our concerns are as follows:

Architectural Elevations

1. Elevations of the building do not specify finish materials and paint colors. This is problematic in that finishes and color interpretations can vary greatly and the final choice of these will greatly affect the character of the neighborhood.
2. Buildings shown in the architectural elevations show a walk out basement while site plans do not. The first story is shown partially buried below grade on the architectural elevations while the site grading plan shows nearly the same grade at the perimeter of each building. If the building is not buried below grade, then the overall building height would be 37.8. This new height needs to be reviewed with zoning requirements.
3. The buildings height will greatly affect the character of the neighborhood. The buildings are noted as 37.8 feet tall and are at elevation 479 feet, 480.5 feet and 481 feet. The elevation near my family's property at the waterfront is at 414 feet. While standing near the water and looking at the proposed building roof will be $481\text{ft}-414\text{ft}+37.8\text{ft}=104.8$ feet above the waterfront. This will be like looking at a 9 to 10 story building from the water. Something of this scale is more appropriate for an urban setting such as Manchester NH rather than a lakeside neighborhood of cottages.
4. The architectural design and style of the building will negatively affect the character of the neighborhood. In addition to the issue with building scale noted above the architecture of the buildings also do not fit in with current architecture of the existing structures in the neighborhood. The neighborhood contains structures that have smaller New England style buildings blended together with natural landscapes and gable roofs. The proposed buildings are

plain, rectangular and have flat roofs. Adding three large buildings of this style will have a negative impact on the character of the neighborhood.

5. Architectural elevations are not stamped by a licensed architect. If a qualified Architect has not provided these elevations plans and renderings, then the feasibility of the design is questionable at best.
6. The applicant's comments at the meeting indicate that the buildings will barely be visible to abutters. The applicant has not provided any line of sight studies, accurate site renderings or other computer-generated models or videos to support this claim. Submitting any or all of these to the board would clarify if this claim is in fact true and allow for a better informed decision.
7. The applicant indicated planning to trim tree branches to allow for views of the lake from the development. This trimming will allow light from the windows in the proposed buildings to wash over the abutting properties greatly changing the character of the neighborhood at night.

Site plan

1. The buildings are sited very close to the largest number of abutters and nearest the lake, This is not sensitive to the neighborhood. As noted above the scale will negatively affect the character of the neighborhood.
2. The buildings are sited very close to the site retaining wall that is over 10 feet tall in some areas. This amplifies their scale and negatively impacts the character of the neighborhood.
3. The building heights are 37.8 feet on the elevations. The site plans denote grades that are flat around the perimeter of the buildings not sloped as noted in Architectural Item 2. The height of the building appears to be greater than the maximum height of 35 feet in the town zoning requirements.
4. Rear setbacks for buildings and structures per the town zoning requirement for low density residential are 25ft as noted in the town zoning requirements and Norway Plains Drawing C-1. The retaining walls on the site are within this setback. Given the proximity to the buildings on the site, the retaining walls would need to support the additional soil pressures from the building and would undoubtedly be considered a structure within the setback. The concept that the retaining wall is considered a structure is further reinforced by the requirements on Norway plains drawing C-7 which requires the retaining wall to be designs by the retaining wall manufacturer.
5. No landscape plans were provided. A development of this size could have a negative impact on the character of the neighborhood if landscape designs are not sensitive to the neighborhood.
6. Dark sky lighting fixtures were noted on the site drawings however these lights will still be visible from the abutter's properties at night.

Condominium Documents

1. The project is presented as a senior housing development but the condominium documents only restrict renting to seniors. The documents do not restrict ownership to only seniors.
2. Currently there is not a plan on the site drawings to access the lake. We are concerned that the residence of the proposed development will trespass on abutter properties and would like the condominium documents to address this.

3. Condominium documents should prohibit the trimming and cutting of trees between the building setback and the property line to preserve the woodland character of the neighborhood.

Construction Concerns

1. It is not clear if any soil exploration has been performed. If ledge is encountered the impact on nearby wells and structures is of great concern.
2. Noise and traffic during construction will be substantial. A plan to minimize this impact, especially in the early morning and late evening hours should be coordinated with the neighborhood.

Thank you for your consideration of our concerns. We look forward to the meeting on December 7.

Sincerely,

A handwritten signature in blue ink that reads "Thomas E. Lamb Jr." with a stylized flourish at the end.

Tom Lamb

ERIC T. KILCHENSTEIN
T 603-695-8565
F 603-373-8648
EKILCH.ENSTEJN@DEVINEMILLIMET.COM

December 3, 2021

Town of Milton
Milton Planning Board
424 White Mountain Highway
Milton, NH 03851
Via Hand Delivery, U.S. Mail and E-mail

ECEB\En.

DEC 03 2021 U

BY: _____

Re: Site Plan Application; Three Ponds Investments, LLC;
Northeast Pond Road, Map 23, Lots 40 & 44.

Dear Planning Board:

Please be advised that this firm represents several abutters to the above-captioned plltcel, including Daniel Bisson, Steve Palmisano and Ron Risman (the "DSR Abutter Group"). We write in response to the Application for Site Plan Approval (the "Site Plan Application") submitted on behalf of Three Pond Investments, LLC (the "Applicant") by Norway Plains Associates, Inc, and dated August 9, 2021.

The DSR Abutter Group, among others, remain adamantly opposed to the Application and related plans. Please note that some updated information regarding the Application was just received, is not complete and is not yet even posted on the Town's website and we reserve the right to supplement this letter as we are given an opportunity to review the same.

While not opposed to any development, we have multiple concerns about the Site Plan Application and overall project as it stands including but not limited to:

1) The lack of an Environmental Impact Review.

This Application proposes a large and radical change to the land. Projects of this complexity and size are often accompanied by an environmental impact study so that the Town and its residents are

informed of any environmental consequences, including those related to drinking water. Due to the size and location of the project, such a study is critical to get a full idea of any impact before making a decision on the Application.

2) The Lack of a Traffic Study.

This Application proposes the addition of thirty-six households to a rural area. A proper traffic study should accompany such a large and complex project so that the Town and its residents are fully informed as to the traffic impact of the same prior to a decision on the Application.

3) Multiple deviations from the Town of Milton's Master Plan and Ordinances

The proposed development, as currently constituted, is a serious deviation from the Town of Milton's Master Plan and Ordinances.

As of the date of this letter, the Applicant already requested and was already granted one waiver, specifically to Article VI. Section 6. While the power to grant waivers is recognized, we take exception with the argument used to do so. Specifically, that the land is next to sub-standard lots and therefore not allowing the waiver is somehow an undue hardship. Substandard lots exist because they are grandfathered in and later changes to Town Ordinances exist because the Town of Milton enacted them after the substandard lots were already in place. If every applicant argued that a waiver should be granted because an ordinance is not being followed by some other party who is grandfathered in, it would negate the utility of ordinances at all. Moreover, as the Plan before the Planning Board has altered (it appears to change from the initially proposed 3 buildings to 6, we argue that the Applicant will need to request the waiver again.

As you are aware, RSA 674:44 specifically states:

The basis for any waiver granted by the planning board shall be recorded in the minutes of the board. The planning board may only grant a waiver if the board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or

December 3, 2021

Page 3

(2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

This project, as it is currently proposed and without a lot of information yet provided, would require a strained interpretation of 674:44 at the very least, if no new ordinances to be approved.

As of the date of this letter, we do not believe we have a complete record of the revisions to the Site Plan Application, they are not yet posted on the Town website and we have not had a chance to fully review the same. That said, it would appear that the Site Plan Application will require further waivers, including but not limited to height of the proposed structures, and the regulation for the 100 foot buffer setback requirements.

The project, including the previous waiver request and those required in the future do not "properly carry out the spirit and intent of the regulations" as RSA 674:44 states. To the contrary, the project is a radical deviation from not only the specific ordinances involved with waiver requests but the Town of Milton Master Plan.

In summary, the proposed project, referenced plans and Site Plan Application contain a significant deviation from the Master Plan and the landscape without providing additional impact information for the Town, this Board and its residents to consider, including environmental impact and traffic and must be denied.

Thanks you for your time and consideration.

Very truly yours,

December 3, 2021
Page4

A handwritten signature in black ink, appearing to read "Eric T. Kilchenstein". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Eric T. Kilchenstein

ETK/aas
Enclosures

cc: Town Clerk, Town Selectmen and Town Administrator