

Town of Milton
424 White Mtn Highway
Milton NH, 03851



Planning Board
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Meeting Minutes
October 1st 2019
6:30 PM

Members in Attendance: Brian Boyers, Peter Hayward, Ryan Thibeault Ex. Officio, Matthew Morrill, Bob Graham, Lynette McDougall, Joseph Michaud, Also in attendance, Ashley Morrill Land Use Clerk, Bruce Woodruff Town Planner

Public Attendance: Bob Carrier, Deb McCormack, Tom Gaulin, Jen King, David Allison, Stephanie Allison, Jim Holway, Timothy Long, Lori Smith, George White, Linda Lane, Charlie Russell, Ken Houle, Susan Houle, Kari Kygren, Kimberly Silva, Robert Silva, Steve Hayes, Marilyn Hayes, Skip Bridges, Carol Bridges, Anne Tentindo, Paul Tentindo, Lee Chase, Connie Chase, Wayne Sylvester, Steve Baker, Rhonda Burke, Richard Burke, Stephen Palmisano, Jill Palmisano, Gail Kushner, Eric Knapp, Bob Naeger, Crystal Adams, Jeff Adams, Roy Tilsley, Dan Flores, Laura Hartz, Virginia Long, Steve Panish, R. Fernald

Chairman B. Boyers called the meeting to order at 6:30 pm.

Public Comment: No public comments were made.

Chair B. Boyers opened the **Continued public hearing for the proposed Revised Site Plan Review** Re: addition of accessory uses for Mi Te Jo Campground – Three Ponds Resort, LLC, Owner; SFC Engineering Partnership, Inc., Applicant; 111 Mi Te Jo Road; Map 28, Lot 4.

Atty. R. Tilsley addressed several concerns presented at the last meeting by the public. He stated the AoT permit was issued by the state of NH, therefore his applicant not only meets the Town's requirements but also exceeds them. Atty. R. Tilsley also stated that the applicant is aware that any future plans will require a new site plan review, special exception or variance. R. Tilsley then addressed a letter that was presented to the Board at the last public hearing from J. Haney. R. Tilsley stated the letter was undated and there is no proof that the letter was in response to the site plan proposal that is currently in front of the Board. Atty. R. Tilsley went on to say that the recommendation from the Milton Conservation Commission was a result of meetings held without notice to his client and that the federal and state constitutional fundamental due process requires that any meeting held by a town board to consider a pending application must provide notice to the applicant. As a result, the applicant was unable to participate and the Board must

disregard the recommendation by the Milton Conservation Commission. Furthermore, R. Tilsley stated his applicant has invested money in the Town of Milton and that the last thing they would want to do is harm the lake.

Atty. L. Hartz spoke on behalf of her clients (a group of abutters). Atty. L. Hartz addressed the following concerns;

Groundwater contamination- requests to extend the monitoring to the abutters.

Cyanobacteria – expressed the importance of having an investigative study that reviews the impact of the pools, waterslides and hot tubs that shows how they would affect the lake. She also stated the cost of the study should be covered by the applicant. Atty. L. Hartz went on to explain what cyanobacteria is, how it develops, the harm it can cause and presented an advisory posting flyer as an example.

Atty. Hartz also stated the goal is for everyone to work together to protect the town of Milton and the 3 ponds.

The Board discussed whether or not they wanted to continue public comment. Vice Chairman P. Hayward motioned to not continue public comment with the reason being -at the last hearing public comment was open for two plus hours. L. McDougall seconded.

R. Thibeault suggested that the Board reconsider the decision and also suggested to open public comment with a time limit. L. McDougall motions to open public comment for twenty minutes. J. Michaud seconded. Vote U/A.

The Board opened public comment.

V. Long requested the Board require groundwater analysis to be done.

J. Russell stated if the Maine bridge is opened his roads could not handle the additional traffic.

N. Turgeon stated the town should conduct their own analysis using a 3rd party with the cost being covered by the applicant. He also requested that the applicant add any buildings, structures and impervious surface areas that are not already depicted on the existing approved site plan to the revised site plan prior to the Chair signing the plan.

J. King stated the amenities threaten the community.

R. Fernald asked how long the camping season is.

J. King stated if the expansion proposal is passed by the court that would bring in an additional 2,500 campers.

Public comment closed.

P. Hayward motions to approve the application with the following twelve conditions

1. The owner signs the plan set after PB approval.
2. The applicant, their engineer and construction lead shall participate in a mandatory pre-construction meeting prior to any construction start.

3. Since the project does trigger need of an NOI with SWPPP under the Federal CGP, those documents shall be filed with the Town prior to the mandatory pre-construction meeting. The SWPPP shall be submitted to the Land Use Office as soon as it is received in order to complete a storm water management agreement between the Town and applicant. The storm water management agreement shall mandate a recurring maintenance and inspection schedule for all storm water treatment and infiltration infrastructure. The agreement shall provide the inspection report forms and the applicant shall inspect on the required schedule and submit said reports to the Land Use Office specifically for all swales, berms and bio-retention areas on that schedule. The agreement shall mandate engineer oversight and inspection of storm water infrastructure with funds from the applicant put in escrow sufficient to pay for said construction inspection. The stormwater management agreement shall become part of this approval.
4. As part of the storm water management agreement, the applicant shall conduct a quarterly inspection of the campground shoreline and other areas to report on the status of stormwater runoff retention treatment and infiltration infrastructure and submit an inspection report with photos to the Land Use Office and for the file. If determined that there is undue runoff or runoff in any location(s) not identified in the Storm Water Management Plan, the campground shall prepare an engineered plan to correct these defects and after review by the Town and NHDES, shall repair, remediate and mitigate said defects.
5. A requirement for an annual report (July 1st) to the Land Use Office shall be added to a storm water management agreement.
6. Pool or spa discharge of any kind shall not be directed into storm drains or storm water treatment or infiltration infrastructure. The owner shall obtain a NHDES discharge permit prior to operation of the pool(s) and spas. Monthly inspection and maintenance reports for the pool water drain infiltration trench and the pool water holding tank pumping event records shall be submitted to the Land Use Office (and to NH DES upon their request).
7. The campground shall take water samples from wells in the campground and/or on participating abutting properties and have them tested by a NHDES accredited lab annually to certify that groundwater aquifers are not being damaged by pool and spa discharge. Lab reports shall be submitted to the Land Use Office annually. If adverse conditions are found, the campground shall dispose of the discharge into a certified disposal facility, and the Town may contract additional testing with all costs to be covered by the applicant.
8. The applicant's engineer shall prepare a detailed surety estimate of all stormwater quality infrastructure and submit same to the Planning Board's consultant engineer prior to the Chair signing the site plan revision.

9. The applicant shall agree to submit a dollar amount to the Town sufficient to pay for the Planning Board's Consultant Engineer for construction inspection of all storm water quality infrastructure and pool/spa water drain infrastructure. If the agreed-to amount is not enough, the applicant shall submit additional required funds. If the submitted amount is not expended at project completion, the remaining balance shall be refunded to the applicant.
10. An amount for payment to the Planning Board's consultant engineer for engineering inspection of the construction of the stormwater quality infrastructure shall be determined and put into escrow prior to the mandatory pre-construction meeting.
11. Add the septic construction permit number to the site plan prior to the Chair signing the plan.
12. The applicant shall add any buildings, structures and impervious surface areas that are not already depicted on the existing approved site plan to the revised site plan prior to the Chair signing the plan.

J. Michaud seconded. Vote six (6) in favor, none (0) opposed, one (1) abstention. Motion carries.

The Board talked about the meetings held by the Milton Conservation Commission to discuss the hearing for the proposed Revised Site Plan Review Re: addition of accessory uses for Mi Te Jo Campground – Three Ponds Resort, LLC, without notifying the applicant and stated a complaint should be filed.

Approval of minutes: J. Michaud motions to approve the September 17, 2019 minutes as written. M. Morrill seconded. Vote U/A

M. Morrill motions to adjourn. J. Michaud seconded. Vote U/A. Meeting adjourns at 7:30PM.