

Town of Milton
55 Industrial Way
Milton NH, 03851



Zoning Board of Adjustment
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April 25, 2024
Meeting Minutes
6:00 PM

Present Members: Phil Bean, Chair, Mike Beaulieu, Nicholas Hadiaris, John Alberghini, Alternate, Lee Howlett, Vice Chair, and Billy Walden

Absent Members: None

Public Attendance: Paul Steer, Applicants, Sam Mason

Staff Present: Bruce Woodruff- Town Planner

- I. **Call to Order:** The senior member, P Bean called the meeting to order at 6 p.m.
- II. **Pledge of Allegiance**
- III. **Organization of ZBA:**
 - **Introduction of new members-swear in new members:** Welcome Nicholas Hadiaris as the newly voted member.
 - **Election of Officers: Chair and Vice-Chair:** Mike Beaulieu moved for P Bean to be chair. Bill Walden seconded the motion. All were in favor except for P Bean, who abstained.
B Walden made a motion to appoint L Howlett to the board as a member for a year. M Beaulieu seconded the motion. All were in favor.
B Walden made a motion for L Howlett to be vice chair. N Hadiaris seconded the motion. All were in favor.
 - **Review and Approval of ZBA Bylaws:** M Beaulieu made a motion to accept the bylaws for 2024 for the Zoning Board of Adjustment. L Howlett seconded the motion. All were in favor.
- IV. **Review/Approval of Minutes:** M Beaulieu made a motion to accept the February 22nd meeting minutes. L Howlett seconded the motion. N Hadiaris and B Walden abstained. Motion carried 3-0.
- V. **Public Comment:** None.
- VI. **Public Hearing:** A request by Melanie Lynn, applicant, John C. Giberti and Melanie Lynn, owners for a Special Exception to allow a dog day care business (Kennel) where this type of use is permitted in Article III, Section 3.5-Table of Principle Uses as a special exception with approval of the Zoning Board in accordance with Article VIII, Section I.A of the Milton Zoning Ordinance, for the property located at 459 Applebee Rd. (Map 12/Lot 22) in the Low Density Residential Zoning District.

The Town Planner advised that the application is complete, the public notice and the abutters notice were given within the statutory time and the fees have been paid.

L Howlett made a motion that this does not have a regional impact. B Walden seconded the motion. All were in favor.

The Town Planner explained the difference between a variance and a special exception. If the applicant successfully shows you that they meet the Special Exception criteria or can meet it after they go to the planning board, then you must approve it by how the law is written. This is an allowed use. It is just an allowed use that requires the board to hear that the applicant will meet those special criteria.

Melanie Lynn read her application and explained everything she was looking to do and went over the 5 criteria.

1. That the specific site is an appropriate location for the proposed use or structure.

To open a doggy daycare on property with a fenced in yard that can't be seen from the road. Plenty of room for the dogs to run and play and a lot of trees for shade.

2. That the use will not be injurious, noxious, offensive, or detrimental to the neighborhood.

There is a 5-6 ft fence surrounding where the dogs are going to be kept. All dogs must be leashed when being dropped off and at pick up. There is a "time out" area for any excessively barking or misbehaved dog.

3. That there will be no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking.

Due to the nature of the driveway they are able to utilize Tote Rd and have one way access entering their main driveway and exiting from Tote Rd. There will be no parking on Applebee Rd.

4. That adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use and structure so that the use will not be contrary to the public health, safety, or welfare.

All buildings that are needed have electricity, there is access to water. No bathrooms are necessary since people are just dropping/picking up their dogs. There will be heat and AC. All dog waste will be picked up and disposed of appropriately.

5. That the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan.

By maintaining the natural landscape of our property, and allowing for the future agricultural use, preventing impact on wildlife, and preventing impact to groundwater.

The Chair opened the public comment period: Paul Steer-abutter- asked if there was going to be a contract in place with each dog owner for misbehaved dogs. Melany stated that yes there is a contract in place.

Sam Mason-abutter- He is questioning if a doggy daycare falls into the nuisance law for any excessive barking and does it rezone the property as far as how that law applies?

The Planner addressed the question stating that there is no such law in Milton. The ZBA can make reasonable conditions if this is granted. Then they have to go to the Planning Board for site plan review, and they can require other mitigation techniques to mitigate the sound of any barking.

The Planner gave the board a list of reasonable conditions for them to mull over and P Bean also reiterated these conditions in his synopsis of the meeting.

- No overnight boarding
- Mon-Fri, no weekend hours
- Hours between 7-6
- No more than 10 dogs a day- that any training of dogs does not increase the body/animal count.
- The Doggie Dooley system be installed, or more frequent waste disposal be done- subject to the code enforcement health officer
- The parking will have to be addressed with district 6- no parking on the road
- Size, type, and lighting of a sign- PB would address
- The facility would be attended by a human at all times
- Possibly require staff to be present all day to eliminate dogs barking
- The complaint process is transparent mutually supported by the business operator and the abutters and with the town.
- That the special exception shall cease when the current owner sells the property or decides to end the business.

B Walden wanted to amend the hours from 7-6 to 6-6. Abutters are in agreement to this.

P Bean requested that the applicant have some type of an open line communication set up with her abutters.

1. That the specific site is an appropriate location for the proposed use or structure.

P Bean made a motion to approve number 1 of the 5 criteria. N Hadiaris seconded. All were in favor.

2. That the use will not be injurious, noxious, offensive, or detrimental to the neighborhood.

B Walden made a motion that number two is not injurious, noxious, offensive, or detrimental to the neighborhood. L Howlett seconded the motion. All were in favor.

3. That there will be no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking.

N Hadiaras made a motion that there will not be any undue nuisance or serious hazard to anyone or anything. B Walden seconded the motion. All were in favor.

4. That adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use and structure so that the use will not be contrary to the public health, safety, or welfare.

N Hadiaras made a motion that the facilities are adequate. B Walden seconded the motion. All were in favor.

5. That the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan.

N Hadiaras made a motion is consistent with the spirit of this ordinance and the intent of the master plan. B Walden seconded the motion. All were in favor.

L Howlett made a motion to close the public hearing at 7:04. M Beaulieu. All were in favor.

L Howlett made the motion to GRANT the special exception with the conditions voted on by the board and the town Planner (above). All were in favor.

VII. Other Business: Town Planner suggest that the board looks at the Handbook for ZBA's and the zoning ordinance has been updated.

P Bean brought up some valuable training opportunities that were sent out by the Land Use Clerk for the board to try to do.

VIII. Adjournment: *M Beaulieu made a motion to adjourn at 7:06 p.m. N Hadiaras seconded the motion. All were in favor.*

DRAFT