

Town of Milton
155 White Mtn Highway
Milton NH, 03851



Zoning Board
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February 22, 2024
Meeting Minutes
6:00 PM

Present Members: Stan Nadeau-Chair, Larry Brown, Mike Beaulieu, Phil Bean, Lee Howlett (Alternate), John Alberghini (Alternate)

Absent Members:, Billy Walden

Staff Present: Bruce Woodruff, Town Planner (Via phone)

Public Attendance: Thomas Wentworth, Tracy Sudhalter, Fezi Garcia, Johnathan Chanley, Chris Reino, Robert Dietel, Dayna Chanley, John Chanley, Trinity Grant, Sandra Garcia, Jeff Jackson

- I. Call to Order:** S. Nadeau calls the meeting to order at 6:00. There was a quorum. Alternate Lee Howlett was seated in place of B. Walden for Case #1; Alternate John Alberghini was seated in place of B. Walden for Case #2.
- II. Public Comment:** There were no public comments.
- III. Review/Approval of Minutes:** L. Brown made a motion to approve the minutes of September 28, 2023. Seconded by M. Beaulieu. Vote 5/0/0, Motion passed.
- IV. Public Hearing for application from Johnathan Chanley, owner/applicant in seeking a variance from Milton Zoning Ordinance Article XXI, Section III-A Accessory Dwelling Units, Definitions of the Milton Zoning Ordinance to allow a 1-bedroom accessory dwelling unit above a detached garage where detached accessory dwelling units are not allowed at 41 Middleton Road (Map 34/Lot 27) in the Low-Density Residential Zoning District.**
Lee Howlett, selected as alternate for 1st case.

S. Nadeau – Motion that variance does not create any negative regional impact.
Seconded by L. Brown

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes
Yes= 5 No=0

1. Granting the variance would not be contrary to the public interest:

S. Nadeau – Motion that variance would not be contrary to the public interest. Seconded by L. Brown

Yes= would not be contrary No= would be contrary

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes

Yes= 5 No=0.

2. The spirit of the ordinance would be observed:

L. Brown motion for a straw vote. M. Beaulieu seconded the motion.

Yes= would be No= would not be

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes

Yes= 5 No=0.

3. Granting the variance would do substantial justice:

M. Beaulieu motion for a straw vote. L. Brown seconded the motion.

Yes= Will do justice No= Will not do justice

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes

Yes= 5 No=0.

4. The values of the surrounding properties would not be diminished:

L. Brown motion for a straw vote. Seconded by M. Beaulieu

Yes= Would not be diminished No= Would be diminished

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes

Yes= 5 No=0.

5. Unnecessary Hardship: Owing to special condition of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship:

M. Beaulieu motion for a straw vote. L. Howlett seconded the motion.

Yes= There is a hardship No= There isn't a hardship

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes

Yes= 5 No=0.

S. Nadeau asks if there is any opposition to granting the variance? Mr. Felipe Garcia, abutter to the property has issues with water and flooding. He talked to B. Boyers – the original plan includes a wetlands permit. S. Nadeau – this is not under ZBA and is under Planning & Code. B. Woodruff (via phone) agreed and said Mr. Garcia should submit the documentation to the Code Enforcement Officer. S. Nadeau explained this is just the first step in granting a variance. B. Woodruff will answer his questions and work to address concerns.

S. Nadeau asked to close public hearing.₂

L. Brown motion to approve the requested variance, according to Article 11, 3-A, to permit freestanding ADU in detached garage for good cause. Seconded by L. Howlett. M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes
Yes= 5 No=0.

- V. **Public Hearing for application by Public Service Co NH DBA Eversource Energy, 780 N. Commercial St., Manchester for property located at 34 McKeagney Rd, Milton (Map 47, Lot 16)** in the Commercial Residential zoning district for variance relief from Milton Zoning Ordinance Article XXII, Solar Facilities, Section IV, Table of Permitted Solar Uses to allow the construction of a “Large Commercial Solar” facility where that use is prohibited in the Commercial Resident zoning district:
S. Nadeau – J. Alberghini, Alternate selected for Case #2.
Robert Dietel, Legal Counsel for Eversource presented their summary of regional impact analysis.

S. Nadeau- Motion that variance does not create any negative regional impact. Seconded by L. Brown.
M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes
Yes= 5 No=0

1. Granting the variance would not be contrary to the public interest:

L. Brown – Motion that variance does not create any negative regional impact. Seconded by M. Beaulieu
Yes= would not be contrary No= would be contrary
M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, J. Alberghini -Yes
Yes= 5 No=0

2. The spirit of the ordinance would be observed:

M. Beaulieu motion for a straw vote. J. Alberghini seconded the motion.
Yes= would be No= would not be
M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, J. Alberghini -Yes
Yes= 5 No=0.

3. Granting the variance would do substantial justice:

P. Bean motion for a straw vote. M. Beaulieu seconded the motion.
Yes= Will do justice No= Will not do justice
M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, J. Alberghini -Yes
Yes= 5 No=0

4. The values of the surrounding properties would not be diminished:

L. Brown motion for a straw vote. Seconded by M. Beaulieu
Yes= Would not be diminished No= Would be diminished
M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, J. Alberghini -Yes

Yes= 5 No=0

5. Unnecessary Hardship: Owing to special condition of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship:

P. Bean motion for a straw vote. L. Brown seconded the motion.

Yes= There is a hardship No= There isn't a hardship

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, J. Alberghini -Yes

Yes= 5 No=0

S. Nadeau asks for public to comment on request?

Tom Wentworth – abutter to property: No issue with request.

S. Nadeau closed the public hearing.

Board comments: L. Brown – any potential impact to snowmobile club use of property?

No impact to them using ROW.

M. Beaulieu: Will the entire property be fenced? Fence only around substation.

M. Beaulieu – Motion to approve petition. Seconded by J. Alberghini.

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, J. Alberghini -Yes

Yes= 5 No=0

VI. 2024 meeting and deadlines schedule: S. Nadeau recommends waiting for new Board and new Chairman.

VII. Other Business:

S. Nadeau states this is his last meeting on the board; he will miss it. Thanks to the two Alternates; they were a big help this past year.

M. Beaulieu – on behalf of the Board, appreciates his years of service.

L. Brown – it was a pleasure serving with Stan.

P. Bean – motion to request BOS and ZBA send letter expressing thanks for Stan's service. Seconded by L. Brown. All agreed.

VIII. Adjournment: P. Bean made a motion to adjourn. M. Beaulieu second. All were in favor. Meeting adjourned at 7:25PM