

**Town of Milton**  
424 White Mtn Highway  
Milton NH, 03851



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

9/21/21  
Meeting Minutes  
6:30 PM

**Members of the Board Present:** Brian Boyers, Ryan Thibeault, Matt Morrill, Jon Nute,  
Paul Steer, Bob Graham, Larry Brown

**Town Employees:** Bruce Woodruff, Julius Peel

**Member of the Public:**

**Members Absent:** Anthony Gagnon and Joseph Michaud

**I. Call to Order:**

**II. Public Hearing: Open Space Subdivision and Site Plan Application: Northeast Pond Road, map 23, lots 40 & 44.**

Brian Boyers appoints Larry Brown to sit in for Joe Michaud and Bob Graham to sit in for Anthony Gagnon.

Brian Boyers read the public hearing opening statement:

“Notice is hereby given in accordance with RSA 676:4 & 675:7 that the Milton Planning Board will hold a public hearing for an Open Space Subdivision and Site Plan application for Northeast Pond Road, map 23, Lots 40 & 44 on Tuesday, September 21st, 2021, at 6:30 PM. The meeting will be located at the Milton Town Hall during a regular meeting of the Board. Three Ponds Investments, LLC is submitting an open space subdivision plan and residential site plan for a proposed 36-unit senior housing facility located at the parcel known at Tax Map 23 Lot 40 & 44. The parcel, Tax Map 23, Lot 40 & 44 comprising of 48.99 acres is currently undeveloped. The subdivision application if approved will create a 39.99 open space subdivision and the remaining 8.99 acres will be developed. Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.”

B. Boyers read the request for a waiver as submitted by the applicant:



“Waiver Request Article VI Section 6 Permitted Uses

*Land within an OSD subdivision may be used for the following purposes:*

*a. Single family and duplex residential dwellings, accessory uses and buildings, and minor home occupations as permitted in the zoning district in which the parcel lies.*

Strictly conforming of single family / duplexes would propose an unnecessary hardship to the land and the abutters based on the specific constraints that owner owns almost 50 acres of land adjacent to a high-density area with many substandard lots. Multi-family condominium residents allow for the creation of over 39 acres of additional open space to this high-density area while at the same time meeting and exceeding the master plan and the “purpose and objective” of the Open Space Development. While at the same time increasing the open space / livability in the immediate area. This is a more environmentally sound plan than 18 two-family dwellings. This plan was previously reviewed by the planning board during both concept review and preliminary review, and reviewed by the conservation commission.

B. Boyers Opened discussion on the acceptance of the application at 6:34PM

Ryan Thibeault stated that he does not think that the application should be accepted by the board. He referenced page twenty of the zoning regulations, noting the purpose and the objectives sections where he does not believe the project is in conformity with.

- “Further the recommendations of the Milton Master Plan by encouraging flexibility in the design and development of land to preserve open space and traditional rural character.
- Retain and protect important natural, scenic, and historic resources.
- Maintain rural character through preservation farmland, forests and rural views capes and encouraging residential development that is sited in harmony with the environment and promotes a sense of neighborhood.
- Reduce the amount of roads, sidewalks, and stormwater management structures that must be built and maintained.”

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R. Thibeault explained that during the initial discussion with the applicant he expressed that the location of the building on the property was one of the concerns and wasn't addressed in this new application.

**\* Ryan Thibeault made a motion that the planning board does not accept the application. Seconded by Larry Brown opening discussion on the topic.**

Larry Brown explained that for 30 or 40 years he has been concerned with the communities viewshed. He explained that viewshed conservation has been a goal of New York and he is concerned about the degradation of this parcel. He noted the light pollution and shade that this might cause. He expressed that he has concerns with the snowbird mentality that has controlled this project and also noted that 55+ community homes is an antiquated form of residential planning.

**\* The Board votes on the motion. Larry Brown, Ryan Thibeault and Paul Steer vote in favor of the motion. With only three votes in favor of the motion, the motion fails in a 3-4 vote.**

**\* Bob Graham made a motion to accept the application. Seconded by Matthew Morrill opening discussion on the topic.**

R. Thibeault expressed to the board that he has concerns about accepting the application because once you do so there will be no turning back. R. Thibeault referenced Bruce Woodruff to clarify what changes can be made after accepting the application.

Bruce noted that by accepting the application that the board starts the 65-day clock to make a decision on the topic and that if they accept the application then the board has made the decision that the application meets the requirements of the Zoning ordinance. Bruce also noted that after accepting the application the board has the right to make changes to the application.

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L. Brown noted that scattered and premature is a good way to explain this area as there is no other scenario within the community that would create this level of alteration to residential development. L. Brown stated that this is a substantial change for the community and does not follow the established patterns of small home use within the area.

**\* The board votes on the motion. Bob Graham, Matt Morrill and Brian Boyers vote in favor of the motion. Paul Steer, Ryan Thibeault and Larry Brown vote to oppose the motion. Jon Nute abstains. The motion to accept the application fails with a 3-3-1 vote.**

Bruce expressed that as the board has reached a tie on the project, he recommends that the applicant should have the ability to speak on the project regarding what they believe needs to be done to accept the application, in other words, the Board should clearly state their findings of fact on this. Bruce referenced both Larry Brown and Ryan Thibault's points of concern. He noted that right now the board is divided on this topic of purpose. Bruce expressed that at this point he believes that the application does meet the objectives, and that his planner's comments that the board has received explains that.

Jon Nute explained that he would like to ask questions to the applicant and that is why he has abstained.

Ryan Thibeault expressed that he doesn't want to repeat himself, but he hasn't changed his concerns with the plans since the preliminary hearings from 2018. He expressed that the location of the development on the lot doesn't allow for conformity within the zoning regulations or open space development.

Bob Graham explained that he doesn't have any concerns with drainage from the project as department heads like the DPW director haven't expressed concerns with water flow towards the lake. Brain Boyers agreed and noted that other locations around the lake have as much if not more untreated runoff.

Bruce explained that the planning board has a duty by NH RSA to determine if the application meets the zoning and regulations. If the application is not accepted, then discussion and presentation of the project cannot begin.

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25:30 (Ryan Thibeault)

Larry Brown expressed that he liked the comments from Ryan Thibeault about the position of the unit in relation to walking trails and noted that he does not want to trash the technical merit of the application. He does express that the scope and intent of the units is a concern that should be addressed.

**III. Meeting Minutes: August 17<sup>th</sup>, 2021, Meeting Minutes:**

**\*Matt Morrill motions to accept the minutes of August 17<sup>th</sup>, 2021, Seconded by Paul Steer. The vote is approved unanimously with Bob Graham abstaining. The motion passes accepting the minutes. \***

Matt Morrill motions to approve. Seconded by Paul Steer. Bob Graham abstains.

**IV. Other Business:**

**V. Public Comment:**

Walter Cheney expressed that it is difficult for an applicant like him to go before the Planning Board and receive an approval of his preliminary plans and spending over 100,000 to get approvals from the state, just to have the board refuse to hear the application. He explained that before the board puts someone else through this, that if they approve a preliminary plan that they understand the costs to the applicant and be clear to the applicant.

Larry Brown noted that in September you should change your fire batteries.

**VI. Adjournment:**

**\*Matt Morrill motions to adjourn, Seconded by Robert Graham. The vote is approved unanimously. The Motion Passes adjourning the meeting. \***