

Town of Milton
424 White Mtn Highway
Milton NH, 03851



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

Meeting Minutes
November 6, 2018
6:30 PM

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

Excused Members: Bob Graham Alt.

Public Attendance: Mike Nie, Scott Lawler, Thomas McDougall, Gail Pennell, Larish Kane, Sandra Woods

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

Public Comment: No public comment.

Public Hearing: Site Plan Review of proposed five unit Multi-Tenant Building (for lease for business and professional offices that are allowed by Zoning) Owner Gold River LLC, Agent Norway Plains for property located at 584 White Mountain Highway (M42 L128 & 129) in the Commercial Residential Zone:

Chairman Boyers stated that before opening the public hearing, he has a personal friendship with the applicant but there is no personal gain in regards to this application. Questioned if any on the board felt he should recuse himself. No board member had any qualms.

Applicants in Attendance: Scott Lawler, Norway Plains and Mike Nie of Gold River LLC.

Chairman Boyers questioned if all fees had been paid and notices sent out accordingly. Land Use Clerk D. Crossley replied yes.

Chairman Boyers asked the board for a motion to accept the application as complete and move forward with the public hearing, unless the board felt it was not a complete application. **P. Hayward motions to accept application as complete. J. Michaud seconds the motion all in favor, motion carried.**

Chairman Boyers noted the project went through the TRC in July 2018 and all comments have been addressed or completed, notes from the TRC are included in the record along with response from the applicant.

Chairman Boyers stated the board needed to make a determination of potential regional impact per RSA 36:54-57. **P. Hayward motion that there is not potential for regional impact. L. Brown seconds the motion.** Discussion: L. Brown noted that properties around the lake have the potential for light trespass across the lake, but can be discussed later in the public hearing but not for regional impact.

Vote: All in favor, motion carried, not potential for regional impact.

Chairman Boyers asked the applicant to present their application to the board.

Applicant Testimony: S. Lawler presented to the board: the property consists of 2 parcels parcel one being .98 acres (long and narrow) and the second being approximately .27 acres, frontage is on White Mountain Highway (WMH), rear of property is the NH North Coast Corporation railroad tracks, commercial and residential uses surround the property. The property was historically Ray's Marina selling RV's and boats, existing building is 14,140 sq ft with multiple overhead doors that were used to service the previous property use, has approximately 1,100 linear feet on the frontage on WMH and 1,000 of those feet are wide open unrestricted access, which is paramount to many of the changes being made to the property. The property exists currently with 97% total impervious coverage, has municipal water and sewer and overhead utility wires. Proposing to renovate the existing building to create multi-tenant units, anticipating 5 units (to meet life safety or tenants requests could be less units), will be leased to professional offices businesses, southern end would have garage doors which would be for professionals such as Electricians, contractors, etc.) Northern two units would be accessed by walkways (tenants could be real estate agent, tax prep company etc.), the uses would have be approved by zoning, if the tenant proposes to do something that is not permitted by the Milton Zoning Ordinance, applicant is aware they would need to go for ZBA approval. Proposal to existing building will be relatively minor for exterior aspect, will be removing a 500 sq. ft. bump out currently at the center of the building, to smooth out front façade and improve traffic circulation. Additional pedestrian doors will be added, for an exterior aspect the applicant will be re-siding the entire building. On the inside there will be major renovations, each unit will have its own restroom facility, also the creation of a corridor along the rear of building that will act as emergency access, and so middle units have a second egress. Current construction has singular exit in rear that exits onto the railroad tracks, this will be removed and replaced with the corridor with emergency doors as per request of the Railroad and Town. Construction plans will be submitted through the Building Department for approval. Will be removing a considerable amount of impervious surface by the creation of two distinctive parking areas, a southern and northern parking lot. The southern parking lot will have 20 parking spaces (2 ADA accessible) with a two way flow driveway location, this provides access to the overhead door units. The northern parking lot will have two driveways creating a one way traffic flow with 60 degree angled parking spaces with 16 parking spaces (2 ADA accessible), the screened dumpster will also be located in the Northern parking lot. By creating the two distinctive parking lots, the remaining previously paved area will have the paving removed and replaced with lawn, vegetation or landscaped stormwater management areas and resulting in reducing the total impervious coverage to 64% (from the 97%). Will be creating a stormwater management system on both ends of property, that will capture stormwater coming off the impervious surfaces, to go through a pre-treatment sediment four bay to allow for infiltration and overflow to the ponds, the design provides a reduction in total volume in the stormwater that would be heading directly to the lake reduce the rate of discharge to less than pre-existing conditions. Applicant was required and has obtained a NHDES shoreland permit, the stormwater management system has been approved by the State, provided the Town as part of the packet a stormwater management system inspection and maintenance manual that speaks to when the applicant is required to do inspections of the stormwater management after it is constructed as suggested by the Town Planner, there is a note that requires the applicant to submit yearly reports of the logs to the Town. They are proposing to have pole mounted lights installed (3 new pole mounted lights) that are LED, down-shielded and dark sky compliant. Provided a landscaping plan in the packet, addresses the landscaping to the extent feasible, the feasibility has to do with the constraints of the property because of DOT's right of way which in some places is only 3ft from the corner of the building, limits the applicant on where they can install landscaping because DOT does not want it in the right of way. The building will be serviced by municipal water proposing to install a 2 inch water service to feed the building because of the increased number of facilities, and minor adjustment of

reconstruction of the sewer line utility work will mostly be done inside the building. The applicant has been working with NH DOT for a driveway permit, have been required to create the three designated curb access points, DOT required the points of access to be defined. The driveway application has been submitted, many discussions with DOT, have received email from DOT (as part of file) who has indicated their proposal is approvable pending conditions, have met or submitted to all of those conditions, one which was a traffic impact analysis that has been done by Stephen Pernaw (of Stephen Pernaw & Company), applicant has to enter into an encroachment agreement as part of the side walk connecting to the building and parking lot of the northern end extends into the State's right of way (does not affect parking spaces) and State approval does not allow for any on street parking or Town sidewalks. Applicant has submitted waivers as part of the application for the boards consideration, some have to do with spacing of driveway and number of parking spaces Town regulations requires 46 parking space for office use, applicant can only fit in 36 due to the limitation of the configuration and size of parcels, believe the 36 will be ample due to the proposed uses will not have a lot of people coming to the site.

Board Discussion: L. Brown questioned how the dumpster will be shielded, (S. Lawler explained a stockade fence with a gate) L. Brown questioned if it specifications for the dumpster shield note that it will not only be installed but maintained, complimented the reduction in impervious surface, questioned the chain link fence currently there. (S. Lawler explained that that chain link fence is on the rail road's property, will remain as is, not under the owner's ability to address that, have a three foot stone lined trench that will be between the property line and the new paved areas, 3' wide 1' deep with pipe to take stormwater's coming off pavement into the stone and directing it to the stormwater management system) L. Brown noted the rail road track is an attractive nuisance, questioned if the applicant would be installing a fence of their own between the property and railroad (S. Lawler explained they had not discussed that, but would like to keep that if the applicant felt the need to install a fence as long as it met zoning would be able to). L. Brown commented that the plan shows 20 foot light poles rather than 14 foot poles, concerned of visibility of the lake as a public view shed, and design of the lights not being fully shielded and if hours of the parking lot lights have been discussed, that building lights should be fully shielded.

P. Hayward questioned the snow storage plan. S. Lawler pointed out the areas of the site plan that would be for snow storage. P. Hayward noted that compared to what was, it is a fantastic job.

L. Brown noted invasive plant species.

Chairman Boyers opened the public hearing to receive public comment.

Gail Pennell: Questioned how far north the project was going, will the far portion be grass, pavement or snow storage. Viewed the site plan with the applicant. Questioned if people are going to be able to eat or sit on the grass.

Larish Kane: questioned the hours of lighting, expressed concern of the lighting for the North parking lot.

Applicant M. Nie explained that he would want to have lighting around the building for security purposes, but would likely turn the parking lot lights off, could do similar to the Dollar General.

Gail Pennell: questioned for signage.

S. Lawler explained there is one proposed sign in the southern parking area.

Sandy Woods: questioned about the grass area would be able to have picnic table or space for people to enjoy the green space.

S. Lawler explained that much of the green space is going to be bowl shaped for the stormwater management but it would be up to the applicant in regards to use of the green space.

Chairman Boyers closed the public comment portion of the hearing.

Town Planner Comments: B. Woodruff commented in regards to lighting are the wall packs on the front meeting site plan regulations to be fully shielded, (reviewed the shop drawings which showed the wall packs will be fully shielded. S. Lawler noted the plan was submitted through a professional lighting company along with the Town ordinance). Second comment is having the board consider requiring have the poles for the parking lot lights be reduced in height, it may require an additional luminaire, with the lights being on the shore of the lake asking the board to consider that. Thirdly noted that having the parking lot lights for a security measure is not best plan of action, would be a better plan to put the wall packs on the back of the building and have be motion activated. Should not use the parking lot lights for security measure. Suggested a condition of 'add motion activated wall packs to the rear of the building and mandatory parking lot light shut off time, possibly ten pm.' During the TRC, most of the TRC members wanted to have a cross walk researched if it would or wouldn't be advantageous, he spoke with municipal highways about it and could not get a definitive answer other than they would prefer that the PB not require one for safety reasons due to speed limit changes. Noted that outside storage has not been discussed, particularly in regards to the south end of the building with the garage doors, depending on how the board wants the village to look, asked the board to talk about outside storage and possibly make a condition in regards to it. Suggested a condition at end of approval for 'approved driveway permit be submitted to the Town upon receipt' for the record. Has reviewed the waivers and justifications given, does recommend granting all requested waivers.

Board Discussion: L. Brown directed question to Town Planner to whom the storm water management monitoring report should be sent to. It would be submitted to the Land Use Office and would be added to this Site Plan File.

Discussion of condition to install and maintain elements.

L. Brown questioned if the site plan preclude the new luminaires to be installed. B. Woodruff replied it does not preclude it unless the board says so in the approval, otherwise shop drawings for luminaries being proposed were submitted as part of the application, there is a possibility of having different wattage bulbs in the luminaires, can ask the applicant what wattage is being proposed and make it a condition.

L. McDougall questioned the railroad fencing and who should be maintaining that. B. Woodruff replied not this applicant.

Discussion of Waivers: Applicant is requesting the following waivers of the Milton Site Plan Review Regulations

- *Section 10(C)(1)&(2)* J. Michaud motions to grant waiver for the reasons stated in the applicants narrative. L. McDougall seconds the motion, all in favor, waiver granted.
- *Section II (A)(4)* L. Brown questioned the ADA requirements and if they need van accessible handicap. S. Lawler noted there is always one for each parking lot, 8 ft accessible and 8 foot isle, ADA requires only 2, but with the two separate parking lots providing 2 on each lot. R. Thibeault motions to grant waiver for the reasons stated in the applicants narrative, L. Brown seconds the motion, waiver granted.
- *Section 15 (B)(6)(a)* R. Thibeault motions to grant waiver for the reasons stated in the applicants narrative. J. Michaud seconds the motion all in favor, waiver granted.

- *Section 15 (B)(6)(b)* J. Michaud motions to grant waiver for the reasons stated in the applicants narrative. R. Thibeault seconds the motion, all in favor, waiver granted.
- *Section 15 (B)(6)(f)* J. Michaud motions to grant waiver for the reasons stated in the applicants narrative. L. Brown seconds the motion. Discussion: L. Brown questioned if they really want to plant white pines (S. Lawlor stated they are working on those specifics and if maintained will be fine). All in favor, waiver granted.
- *Section 15 (C)(4)(c&d)* L. Brown motions to grant waiver for the reasons stated in the applicants narrative. J. Michaud seconds the motion, all in favor, waiver granted.

Board Discussion: L. Brown stated a thought if there is a parking lot sign that says private parking during business hours only, could effectively stopped problems of trespass, but to check with own legal. Important consideration is view shed lines, glaring expanse of water that carries light straight across the water and reduction and if necessary the inclusion of the third light to bring the poles down to 14' and the minimum necessary to light the parking lot for safety with consideration of light bounce with snow cover in winter and minimum wattage. As worked out by the planning consultant with the applicants agent.

The clerk requested that L. Brown repeat his suggested condition.

L. Brown stated that the condition was for the reduction of the luminaire height (pole height from 20' to 14') and/or additional poles to satisfy the minimal lighting requirements as may be determined by the Planning Consultant with the applicants Agent, Norway Plains.

J. Michaud questioned the adding of more poles versus the luminaires. B. Woodruff explained the cone of light for each parking lot luminaire and relation to height of pole. L. Brown noted lighting security, having timer security lights are more effective than having security lights on all the time, particularly on the back of the building, motion sensitive allows knowing for when something changes. L. McDougall noted that in her experience people would enter in the southern end of the property and having a motion light there would help as a deterrent.

J. Michaud stated that the hours of lights, it should have the ability to match the surrounding businesses for parking lot lighting hours. L. McDougall noted safety for late workers is important that they have proper lighting. P. Hayward felt they should determine the security lighting and parking lot lighting as two separate things.

M. Nie noted that there is a street light in front of his property that gives light to the property as well. S. Lawler added that the applicant is willing to agree to have the parking lot lights turn off approximately the same time that the other commercial businesses in the area (ie Dollar General) would be agreeable to having the motion sensor lights in the rear of building that would only turn on if someone motions through there, and the front of the building would be one or two small wall lights and/or landscaping lights. Board was in agreeance to that.

L. Brown questioned if monumentation is in place and taken care of. S. Lawlor said yes.

D. Crossley asked the board if they are going to add the condition of 'DOT approved driveway permit must be submitted to the Land Use Office upon receipt' Board was in agreeance to this condition.

Motion: **L. Brown motions to approve the proposed site plan for the five unit multi-tenant building for lease for business and professional offices that are allowed by zoning with the following conditions:**

1. **Reduce parking lot light poles from 20' to 14' and add necessary light poles to satisfy the minimal lighting requirements as determined by the Town's Planning Consultant.**
2. **Parking lot light hours will be in accordance with surrounding commercial properties and motion sensor wall pack lighting shall be installed on the rear of the building for security purposes.**
3. **DOT approved driveway permit shall be submitted to the Land Use Office upon receipt.**

L. McDougall seconds the motion, all in favor (7-0) motion carried and site plan approved.

Continued: Discussion of potential Zoning Amendment- Table of Principal Uses, Uses Requiring Special Exceptions: B. Woodruff provided the board with a handout that includes new definitions to uses not defined previously. Second hand out shows current text in the zoning ordinance, any crossed out would be removed and red is proposed new wording. First proposed change to 76. Special Exception adding 'All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance'

Second part shows the boards proposed changes to the table of principal uses where some uses were changed from not allowed to requiring special exception, requiring special exception to permitted. Also added the new uses of 'alternative energy providers/producers' and 'agritourism'.

Section VIII (A) Special Exceptions: new language is from the Planning handbook from OSI. Proposed general conditions to be 4, those being:

1. The requested use is essential or desirable to the public convenience or welfare.
2. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
3. The requested use will not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate are or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
4. That the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan.

(E) Special Exceptions for Existing Lots

(F) Special Exceptions for Camping Grounds

(G) Special Exceptions for Manufactured housing parks – asked the board and for the staff to review the requirements to make sure it is not stepping on other ordinances. Not sure all are needed but would like the board to review and see what is most important. Chairman Boyers noted that anchoring is addressed in state law. J. Michaud noted that the tanks should be tethered to the structure. L. Brown questioned the distance of 150' meaning.

(H) Special Exceptions for Kennels

(I) Special Exceptions for Equipment Service Center: B. Woodruff noted the board should discuss the lighting requirements.

(J) Special Exceptions for Shopping Mall/Center

(K) Special Exceptions for Auto Sales, recreation equipment sales/rental and construction equipment sales/rentals

(L) Special Exceptions for Aircraft TOL as accessory:

(M) Special Exceptions for Wireless Service Facility

(N) Special Exceptions for Manufacturing & Construction (in Commercial Residential District)

(O) Special Exceptions for Alternative Energy Providers/Producers: L. Brown questioned to bird strict standards and feathering for a direct speed.

B. Woodruff noted that he had not gotten a consensus from the board which SE's needed specific criteria, given the board 90% of what needs to be said and rises higher than the general criteria, but the board may feel that some of the other SE's uses would need specific criteria.

Continued: Discussion of Potential Re-Zoning Changes: B. Woodruff noted that this zoning proposal is as important as the SE update, at last meeting asked the board to look at how they would make the changes for Industrial Commercial, his alternatives is to just re-zone the one lot that is owned by CSNH, feels there may be more issues re-zoning the flag lot off of Elm street that has a house. Index Packaging is interested in that lot, and it does make sense to make the change, also will benefit the ERZ application to DRED as it could not be part of the ERZ because it is not commercial zoned. Strong recommendation to not add other lots or parts of lots. Chairman Boyers noted that more can always be added later on. L. Brown noted that any building that produces significant noise should have measures put in place to reduce the sound trespass.

R. Thibeault noted that the Board of Selectmen are in favor of supporting this endeavor.

B. Woodruff noted he has met with the engineer twice for discussion of the potential development.

Formal Notice of Decision Review:

- a) Approved Renewed Excavation Permit: Jones Brook LLP
- b) Approved Site Plan: Christopher Penta 1 Jug Hill
- c) R. Thibeault motions to approve the Jones Brook and Christopher Penta Formal Notices of Decision and authorize the chairman to sign. L. Brown seconds the motion all in favor, motion carried.

Town Planner Comments:

- a) Update on Master Plan Community Facilities & Equipment Chapter: No discussion.

Approval of Minutes:

- a) October 16, 2018 meeting minutes: J. Michaud motions to approve, P. Hayward seconds the motion. All in favor, motion carried and minutes approved.

Other Business: No other business.

J. Michaud motions to adjourn, R. Thibeault seconds the motion, all in favor, meeting adjourned at 8:35pm.

Respectfully submitted,

Dana Crossley
Land Use Clerk