

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



**Planning Board**  
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March 3, 2020 Meeting Minutes

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

**Absent Members:** None

**Public Attendance:** Bob Carrier

Meeting Called to order at 6:30pm.

**Public Comment:** None

**Continue to research and rework zoning amendment 2 that failed in 2019:** B. Woodruff Town Planner stated he is working with S. Panish from the Conservation Commission on writing a rough draft to present to the Planning Board next month.

**Pole and Conduit Licensing Resolution:** B. Woodruff stated he was instructed to bring this to the Board to help ensure that the Town fairly taxes on their infrastructure in the Town right of ways or private right of ways and are assessable assets. When applicants come in front of the Board for new development, they promise to install new infrastructure (could be electric could be poles). He read the following which would be added to the subdivision regulations-

*The subdivider shall further provide a written acknowledgement from all providers of utility services (electric, telecommunications, gas, water, etc.), approved as to form by Town Counsel. Said acknowledgement shall acknowledge each utility's obligations to pay real and personal property taxes for use of any public rights-of-way associated with the subdivision, provide for the indemnification of the Town for injury and damages associated with said utility use of said public rights-of-way, and identify the name of all utilities sharing, and poles or conduit located within the street or utility system for which acceptance is sought.*

He stated that legal counsel said this must happen for the taxing on this kind of infrastructure to pass muster. J. Michaud confirmed that they want to tax utility companies for putting their assets in for the houses that the builders subdivide. B. Woodruff stated this is being done across New Hampshire. He also said that it would apply to private roads as well because the utilities have these assets poles, conduits, and other things, regardless of where they go, if they are for the public, they are accessible assets. The Board agreed to change *public rights-of-way* to *public/private rights-of-way*.

B. Woodruff stated he would also put a clause in saying infrastructure that is located on private rights of way with utility easements are construed as assessable assets. The suggested changes will be reviewed by the town attorney.

**Approval of February 4, 2020 Minutes:** J. Michaud motions to accept the February 4, 2020 minutes. L. McDougall seconds. Motion passes.

**Other Business:** B. Woodruff stated that the Mitejo Site approval had many conditions to it and many of those conditions had to do with the proper construction engineering inspection of stormwater infrastructure. Some of the requirements were stormwater agreement between the town and the developer on exactly what it is that they're going to do, what they're going to allow for inspections, and the amount of money they would put towards escrow. The Board reviewed a Site Drainage Construction Observation Service Agreement that was prepared by DuBois & King. The agreement is to prepare for the scope of services. The scope of services is broken into tasks. The sum of the tasks is little over \$10,000.00. D. Flores the engineer from Mitejo Campground reviewed the agreement and confirmed it was acceptable to the owner. Upon the approval for the Planning Board the Land Use Department will request a check in the amount of \$11,000.00 from the owner which will be held in escrow to cover the costs. J. Michaud motions for the Chair to sign the agreement. B. Graham seconds. Motion passes. B. Boyers Chairman signed the agreement.

J. Michaud motions to adjourn. R. Thibeault seconds. Meeting adjourns at 7:15pm