

Town of Milton
424 White Mtn Highway
Milton NH, 03851



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

March 7, 2023
Meeting Minutes
6:15 PM

Present Members: Brian Boyers, Chair, Ryan Thibeault, Vice Chair, Anthony Gagnon, Karen Golab, Paul Steer, Matt Morrill, Jon Nute, Larry Brown

Absent Members:, Robert Graham

Staff Present: Bruce Woodruff, Town Planner

- I. Call to Order:** Vice-Chairman Thibeault calls the meeting to order at 6:15 PM. Chair Boyers arrived after the meeting start. There was a quorum. Alternate L. Brown was seated in place of J. Nute (Jon arrived after the meeting began).
- II. Public Comment:** No members of the public made comments.
- III. Review/Approval of Minutes:** P. Steer made a motion to approve the minutes of February 7, 2023. Seconded by M. Morrill. Vote 5/0/1, A. Gagnon-Abstained, Motion passed.
- IV. Public Hearing: 818 WMH (Tax Map 32 Lot 143) Commercial Residential Zone –** Minor Site Plan Review for a proposed 544 sq. ft. addition for a service bay and 408 sq. ft. of overhang storage for the existing motorsports dealership selling & service new & used motorcycles, ATVs and snowplows; Applicant Robert Bourdeau, Owner Lobo Reality, LLC.

B. Woodruff – before proceeding, need to first determine if variance is required by ZBA from the setback requirement in Article 7, Nonconforming Uses and Lots. He does not believe a variance is required; the minor addition perpetuates the existing setback and because what is being proposed is a minor expansion. Prior to opening the public hearing, will also need to determine if this has a regional impact or possibly could have one. He advises the board this does not have a regional impact and will thus have to motion that it does not. He consulted them to review Tab 7 first. Furthermore before speaking to the applicant, the board needs to accept the application, pending the two

waivers requests to allow the public hearing to move forward.

P. Steer motioned to accept the application. Seconded by M. Morrill. Because they first need to address the two waivers first, P. Steer rescinded his motion.

P. Steer motioned there is no regional impact. Seconded by M. Morrill. All were in favor; the motion was approved.

P. Steer motioned to accept the application pending the two waivers. Seconded by M. Morrill. All were in favor; the motion was approved.

R. Thibeault officially opened the public hearing.

Applicant B. Bourdeau is the owner of the property. He needs more space to add one service bay onto the end of the existing building. This is similar to the addition in 2020. The applicant is requesting two waivers. For both waivers, the applicant is justifying his request by stating that the lot has been developed since the 1960's and the pervious/impervious area footprints have not substantially changed with succeeding uses, and the land is flat.

Waiver #1: Waiver from the requirement to depict 2-ft contours - B. Woodruff recommends the following condition: add more green space/permeable area, add plantings and a loam and seed note to the 385 sq. ft. area where pavement is being removed. The Shoreland Protection district requires no more than 20% impervious surface area on a lot located within the 250-ft Shoreland district so no net loss is the way to preserve the status quo and not run afoul of Article XVII, H. 7.

L. Brown motioned to grant the first waiver not requiring the two-foot topography. Seconded by B. Boyers. All were in favor; the motion was approved.

Waiver #2: Waiver from the requirement to prepare a stormwater/erosion control report. Stormwater Erosion Control Report – B. Woodruff – waste oil from servicing vehicles and equipment shall be managed as NH01 hazardous waste under ENV-HW 500, of the Hazardous Waste Rules shall be used to determine specific contamination levels for each type of used oil. Once it is determined if used oil can be managed under the less stringent ENV-HW 807 standards, then it may be recycled. A report of determination and use of used oil shall be prepared and submitted to the Town prior to issuance of building permit for the addition. B. Woodruff – the applicant agrees to keep the status quo dealing with impervious surface vs. pervious surface, and says he is willing to remove pavement if needed. It is not kosher to add a condition to a waiver and recommended the board to grant the waiver.

M. Morrill motioned to grant the second waiver; A. Gagnon seconded the motion. All

were in favor; the motion was approved.

R. Thibeault asked for discussion on the proposed plan. L. Brown – the back wall is unsightly to nearby residents, requires fencing and dumpster. The illuminated signage is in violation of the sign ordinance. K. Golab expressed her concerns regarding the number of vehicles that would be worked on, handling of excess waste and fluids, and recommended reviewing the planner's comments. B. Bourdeau – he is the owner of the property and not the business owner. There is a 3-year lease which is up for renewal this summer. He can update the lease based on planning recommendations.

B. Boyers motioned to approve the application. Seconded by P. Steer for discussion. L. Brown recommends adding the acceptance includes agreement to all board conditions. P. Steer recommends adding the list of recommendations from the planner.

J. Nute amended the motion to also include this acceptance is based on the four recommendations by the planner. All were in favor; the motion was approved.

R. Thibeault opened the public comment portion of the hearing; there were no comments.

R. Thibeault closed the public comment portion and closed the public hearing.

- V. **Public Hearing: 44 Industrial Way** (Tax Map 18 Lot 10-9) Industrial-Commercial Zone – Minor Site Plan Amendment Review for a proposed 2,750 sq. ft. gravel boat storage area and driveway off NH Rte. 125 for outdoor boat and trailer storage while awaiting restoration; Applicant Gary Michael, Owner Gay Michael.

R. Thibeault – the board must first determine if the application has a regional impact.

B. Boyers motioned it does not have a regional impact. Seconded by M. Morrill. All were in favor; the motion was approved.

M. Morrill motioned to accept the application pending all waivers. Seconded by P. Steer. All were in favor; the motion was approved.

B. Woodruff confirmed the submitted application was all in good order.

Proposed waivers:

F.) Site development & existing conditionals location:

- No specific parking will be proposed as the parking area is just for outdoor boat storage prior to the restoration process.
- No utilities are proposed.
- No signs are proposed near the new development.
- No lighting proposed, area will be accessed during daylight only and will be gated when not in use.
- No dumpster proposed in this area, no work will be conducted here. The area is for storage only.
- Stormwater management has only been analyzed for the portion of the property where new development will occur. The drainage analysis is intended to prove the existing culvert will not be negatively affected by the additional impervious surface.

D.) Additional material or information required:

- Traffic impact analysis – the proposed driveway will only be accessed by the owner. An NHDOT driveway permit is pending.

A.) Off Street parking and loading – general requirements:

- No specific parking is proposed as this area is meant for owner access only and will be for outdoor boat/trailer storage.

C.) Landscaping:

- The existing tree cover will be maintained wherever possible around the proposed development. No additional planting is proposed.

R. Thibeault requested the applicant to discuss the waivers. Applicant's representative addressed the waivers.

The site plan was originally approved in 2012. The permit is pending from NHDOT and should be issued soon. There are no utilities proposed, no lighting, no signage, the

stormwater report is being provided; no impact on cross culvert – the drainage impacts were reviewed by DOT and the report was submitted.

B. Woodruff – this was also reviewed by DPW, Police & Fire. The Fire Chief had one additional condition: a knox box should be installed (added to the gate) to allow for Fire Department emergency access.

K. Golab - Motion to accept Waiver F: Site Development & existing conditions location. Seconded by P. Steer. All were in favor; the motion was approved.

J. Nute - Motion to accept Waiver D: Additional material or information required. Seconded by P. Steer. All were in favor; the motion was approved.

P. Steer – Motion to accept Waiver A: Off-Street Parking and loading – General requirements. Seconded by K. Golab. All were in favor; the motion was approved.

A. Gagnon – Motion to accept Waiver C: Landscaping. Seconded by P. Steer. All were in favor; the motion was approved. J. Nute also noted 4 arborvitae will be planted along the roadway.

R. Thibeault opened the public hearing; as there were no comments, he then closed the public hearing.

B. Woodruff – the partial drainage report has been reviewed. Agreed with the conclusion the design meets best management practices; he recommended the application be approved with five suggested conditions.

K. Golab – Motion to approve the application with the following 5 conditions:

1.) The owner shall sign the plans prior to the Chair signing; 2.) The title of the plan shall be revised to state that it is an amended site plan prior to the Chair signing; 3.) Add the original site plan approval date to the reference notes prior to the Chair signing; 4.) Add the NHDOT Driveway permit number to the general notes and submit the permit to the Land Use Office prior to the Chair signing; and 5.) Knox Box installed for Fire Department access. Seconded by P. Steer. The applicant's representative agreed to all the conditions. All were in favor; the motion was approved.

VI. Driveway Review: Marvin Reinhold, Gold Street (M34 L18)

B. Woodruff – this is a request for the Board to waive the site distance requirements to the application for a driveway permit. The DPW Director had previously approved a specific location for a new driveway. However, since that time the applicant has rethought the location and wants to move the driveway further to the left. This change has not been approved by the DPW Director. The applicant is asking the board to waive the site distance regulation by ~100 feet. B. Boyers did go to the site to view the proposed change. The new location is very close to the corner. B. Woodruff – an issue for the applicant may have been due to where the septic system is located. The DPW

Director is against granting a waiver. K. Golab suggested the site owner stake the proposed location and allow for a site visit by the board members before making a decision. R. Thibeault agreed with tabling this item.

K. Golab – Motion to table the item to the next meeting, March 21st; the Land Use Clerk will contact the owner and stake out the new driveway by the end of the current week. The board members will individually visit the site for further review. Seconded by P. Steer. All were in favor; the motion was approved.

VII. Discuss 2023 work plan:

VIII. Other Business: There was no other business.

IX. Planner/Staff Comment

-Discuss April 18th proposed workshop: A workshop has been scheduled for April 18th. Mark Jacobs, wetland scientist will present regarding changes to the wetland laws and a suggestion for Board consideration. Members of the Conservation Commission will also be in attendance.

X. Adjournment:

B. Boyers motions to adjourn; Seconded by M. Morrill. The vote is approved unanimously. The Motion Passes adjourning the meeting at 7:25PM.
