

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



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

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October 17, 2023  
Meeting Minutes  
6:00 PM

**Present Members:** Brian Boyers- Chair, Ryan Thibeault- Vice Chair, Anthony Gagnon, Karen Golab, Paul Steer, Humphrey Williams, Larry Brown, and Robert Graham-Alternate,

**Absent Members:**

**Staff Present:** Jennifer Conti- Land Use Clerk

**Public Attendance:** Wayne Sylvester, Virginia Long

- I. **Call to Order:** B Boyers calls the meeting to order at 6:00 PM.
- II. **Public Comment:** No Public Comment
- III. **Review/Approval of Minutes:** October 3, 2023- P Steer made a motion to approve October 3, 2023, meeting minutes. L Brown seconded. H Williams and R Thibeault abstained. All were in favor.
- IV. **Continued Discussion on the wetland's ordinance:**

Developable Land: To change where the parenthesis is located from (March 1973, as amended and as further delineated by Qualified Professionals after on-site inspection) to (March 1973, as amended) and as further delineated by Qualified Professionals after on-site inspection.

*L Brown made a motion to make Scribner corrections as necessary for clarity. K Golab seconded. All were in favor.*

Priority Wetlands vote to send to public hearing:

*K Golab made a motion to exclude this from overall changes to the wetlands provision. A Gagnon seconded. All were in favor.*

*K Golab made a motion to accept all the changes that the board has made and to accept this version as the final draft. P Steer seconded. Six were in favor and one opposed.*

V. **EV charging stations:**

*P Steer made a motion to approve. H Williams seconded.* Discussion.

A Gagnon made a comment about the number of stations that can be put in. Boyers said that would be commercial and it would have to go through the site plan process.

R Thibeault was concerned that there is not anything in our site plan right now that covers the charging stations so it seems like it's almost too vague and very open ended and we will end up in a predicament where it's allowed in all zoning so we couldn't stop something that is going to be detrimental to a particular neighborhood. It almost seems like we need more criteria if we are saying they are allowed.

H Williams stated that if you're in a commercial area they flatten an area and create an entire charging station, this thing wouldn't stop that. He agrees that it would require a site plan but what are the charging stations in that case would be detrimental to the area. We don't know.

K Golab asked if we could require a special exception?

A Gagnon says that all this says is that we allow charging stations anywhere.

P Steer read some of the definition so they're oversighted on whether we can say yes or no with a municipal review. If someone requests to put in 40 charge stations, then we can say no they can't because it's not logical.

R Thibeault agrees that 40 stations don't make sense but that's his opinion so what gives us the right in our zoning to say no when we don't have that defined.

K Golab says that we are going to be constantly changing board members that might have different opinions so what we are looking for are some standards/boundaries.

R Thibeault says that he's just looking at other proposals, not the charging stations, that have come before us in the last few years and because the zoning wasn't clear on defining why we needed a special exception or what you had to do for criteria it kind of gotten us into a little bit of a pickle.

L Brown says that if they're allowed in all zones then we are saying that this commercial operation which is selling electricity at retail and buying at wholesale is a commercial operation that is permitted in all zoning whether its residential or not. He says that the restaurant at the intersection of St James, Vachon and Town House Rd could have a

charging station or the property next store on the corner of Micah Terrace. The campground could put in the charging stations there.

H Williams says that he thinks the planner is trying to capture the fact that we are not constricting the homeowners from putting in charging stations other than the electrical permit required. If we have something in there that says they are allowed for all residents with a required electrical permit, then that would be ok, but this is opening it up for the commercial aspect of it without any real designated rules to it.

K Golab thinks it was a requirement because there are government programs coming down that are requiring towns to put in charging station's locations. His attempt was to comply with the requests from the state or federal government.

R Thibeault isn't against putting something in here he just thinks we need to better understand what this means going forward.

K Golab suggested to move the EV Charging station up into the actual table so that regulation can differ by zoning district. All agreed but would like to move to public hearing to get the town Planners thoughts

B Boyers states that if we don't put this in then nothing has changed, they can do anything they want this will require planning board and technical review committee review. It gives us something which is better than nothing.

***H Williams made the motion to put the word commercial in front of EV charging station, take out the word that says in every and just say in commercial zoning district. Discussion on the wording for this motion.***

R Thibeault suggested to send this to public hearing as is, since the Planner will be at the public hearing, we can technically change the wording, we should wait to have that discussion with the Planner, and we can still change it before it goes to the warrant.

L Brown adds for the Planners convenience the concerns regarding which zones, siting criteria and the number will be clearly in the minutes so the planner can think about it and the minutes will also note that the planning board is considering a post hearing revision to it.

***P Steer rescinds his original motion.***

***H Williams makes another motion to move forward with presenting this at the public hearing for the EV charging stations. K Golab seconded. Discussion, L Brown adds with the consensus of opinion noted in the minutes. All were in favor.***

Virginia Long requested that the board go back to discussing the significant wetlands since it was on the agenda and the MCC was under the idea three or four months ago that discussion is warranted. MCC presented four priority wetlands.

#4 Lyman Brook “Heron Hookery”

#7 Fish Pond

#8 Miller Brook and Pond (Northerly Extent)

#13 confluence area of Miller Brook and Salmon Falls River

The MCC had reviewed all of the 15 significant wetlands, and we came up with four that deserve wider buffers to help preserve the natural resources of the pond. Those four have higher functions and values. Mark Jacobs, wetland scientist, presented to the board the higher functions and values of wetlands and so we noted that those four wetlands had particularly higher functions and values and were at more risk for development than the other wetlands because they did not have much conservation land around them and so any particular lot could possibly be developed more which could put at risk those functions and values. Those were the four that we came up with and are requesting that they get a little bit of an extra buffer -- an extra 25 feet in the wetland buffer, which would make a total of 75 feet: comprised of the usual 25-foot wetland buffer plus an extra 25 foot (for a total 50-foot wetland buffer) plus the usual 25-foot setback.

L Brown added from this angle there has been discussion over time of the nature and purpose of having wetlands in the town because it is the interference right of the landowner to develop their property. There has been resistance to having any more wetlands included in the definition of significant and particularly sensitive wetlands which are useable for flood control or reducing urban sprawl. What Virginia is getting at is she is feeling that a discussion of priority wetlands has been sandbagged as to not agitate people who have an interest in the development of these wetlands. He is under the impression that no discussion is going to be forthcoming from the board this evening and it will go on to the public discussion in a public hearing which there might be three people in the audience all of whom will probably be strong advocates for conservation development and the significant wetlands. He asked to please let him know if he was wrong.

R Thibeault says that the board has listened to the CC, and they’ve discussed these significant wetlands and the reasons why they were narrowed down in great detail at previous meetings. I remember Virginia and Wayne was here, he has had reservations about singling out certain areas. We may lose some votes and people may feel like they

are singled out, and that we are picking on a smaller group and everything we worked on in this chapter won't pass because of a few areas that we are making a stricter requirement for. He personally appreciates what the Conservation Commission has done and presented to us. He does not disagree with what they have presented. I would hate to see the board lose all the work that they've done but then the idea came out that we would do it as two separate warrant articles and that's where we are at.

K Golab agrees with what Ryan said. That one of her biggest reservations and concerns is including specific plots of land within our zoning ordinances. She doesn't think that level of detail belongs in our ordinances.

H Williams is going to make the motion for this to go to the public for one reason only because we did talk about it, and we definitely need to keep it separate from the other major ordinance change. I have no problem wanting to hear from the public how they feel about this, but I don't want it to interfere with all the work we did to fix the wetlands ordinance. I believe we can make this clear in the public hearing and in the deliberative session when the warrant article is drafted that these are separate. That the wetlands ordinance is by itself, the thing that we are focused on. That the priority wetlands are a separate warrant article for the people to decide if they want to put in some additional restrictions in some of these areas. He was one of the ones that said the same thing, I want to make sure that we don't turn around and artificially create conservation zones, but he thinks we owe it to the public to give them the opportunity to make that decision. That's the reason he said to go to a public hearing. That doesn't lock anything in but in that public hearing and we can make it very clear that all three of these are separate. We aren't doing this to make one overall change.

***H William made a motion for the priority wetlands section to go to the public hearing. L Brown seconded. All were in favor.***

***P Steer made a motion to approve the final drafts, to post them and to send the three proposed zoning amendment language to a public hearing to be held on November 21<sup>st</sup>, with a second hearing to be held on December 5<sup>th</sup> only if required. L Brown seconded. All were in favor.***

**VI. Other Business:** K Golab suggested that in the future we talk about Changes to Planning and Zoning Laws in 2023 and the 2023 Planning and Zoning Bills Final for distribution 9.8.23.

H Williams has a comment that came up at the BOS meeting that took place the night before this one, just something for us to think about down the line, all the damage that occurred over on North East Pond Rd. We talked about what we need to do with dealing with culvert drainage systems and storm water runoff. When the two lots were cleared it created massive streams and everything else down the hill so all the natural vegetation on

that steep slope that was there before to try to help out caused a lot of issues down at the bottom for the residents, plus runoff into the lake. Storm water drainage is being put in between the two lots.

**VII. Adjournment:** L Brown made a motion to adjourn at 6:46. K Golab seconded. All were in favor.