

Town of Milton

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Milton NH, 03851



Planning Board

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Meeting Minutes

February 6, 2018

6:30 PM

Members in Attendance: Peter Hayward, Joseph Michaud, Brian Boyers, Bob Bourdeau, Ryan Thibeault Ex. Officio, Larry Brown, Bob Graham Alt.

Public Attendance: Brett McKenzie, Danielle McKenzie, Tim Long, Jock McKenzie, Constance Higley, Katherine Higley, Janice Long, Mark Main, Amy Manzelli

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

Public Comment: No public comment.

Design Review: McKenzie's Farm 'The Greenery' - to build a barn and other improvements for the purpose of seasonal agritourism accessory use of weddings, functions, private events, charity events and farm-to-table dinners: 71 Northeast Pond Rd, Tax Map 23 Lot 1; applicant Brett and Danielle McKenzie, agent BCM Environmental: Amy Manzelli of BCM Environmental, introduced herself as agent for the McKenzie farm, informed the board she would be giving an overview of what they have submitted, hear questions from board members of the proposal, get nonbinding input from the board, discuss the proposed waiver requests, (noted the Planner did send an email endorsing the waiver choices). A. Manzelli began her overview, they have a working farm, very successful but looking to continue diversify, expand, stay modern and relevant by having this accessory agritourism of an event center, the Greenery would be for events, weddings, other type of gatherings, this would only be on one portion of the farm, the traditional agriculture of growing and harvesting will continue, and the Greenery will be seasonal in nature. Touched on the legal angle, under state laws regulating municipal regulation of agriculture there is tremendous support for agritourism uses like this, site plan review from a planning board in the context in considering a new agritourism use is a narrower scope than traditional site plan, to accommodate that they have sought several waivers, the Planner further recommended an additional waiver to which they agree would like input from the board.

L. Brown does she agree a variance travels with the land (A. Manzelli: yes) do you agree that once granted could sell and the variance would continue. (A. Manzelli, yes and the obligations of the variance)

Danielle McKenzie explained the plans for the Greenery, is to have primarily weddings, baby showers, fundraising to bring more business to Milton, limited to seasonal use April-November, one event per weekend, offer up the venue Friday-Sunday for the renter, would love to be able to use their fresh produce for catering in the event, allow for people in the surrounding area to come to Milton, willing to answer specific questions.

B. Bourdeau questioned, how many people, parking, is the building being set up for 50 people events or 200 people events (D. McKenzie replied the max for building to support between 200-225,

numbers came from close talks with the Fire Chief about what would be acceptable as far as fire safety and occupancy, but open for smaller events as well) B. Bourdeau questioned when parking is getting laid out they will figure for the 225 people. (A. Manzelli addressed that one of the waivers they are looking for is to deviate from the standard formula for parking so not to set up a Walmart like parking lot, does not seem appropriate for a facility like this, looking for the board's input to what they would think is appropriate) He continued they need to know how the parking will be addressed (B. McKenzie this is an agriculture use, they plan to alleviate some of the pressure on Northeast Pond Rd by allowing those customers to park in this area, the wedding parking will be bigger than what might be needed for the venue) B. Bourdeau noted that one of the waivers is to eliminate the sidewalks, expressed that funneling people down the road would be less desirable, questioned the pathways between event center and other parts of the farms, (Jock McKenzie presently the farm is set up so that everyone has walking access all around the farm, the Greenery would be adjacent to the walking paths and allow for the flow of walking traffic) He explained would like to know the intent is to keep people off the road and would like to see that on the site plan.

L. Brown would like to review the materials submitted page by page, the important thing is the use must remain an accessory, a farm is a farm when 35% of income comes from farming (A. Manzelli replied she thinks that definition is coming from the definition in RSA describing a farm stand, it remains an agricultural use rather than commercial as long as sales by dollar are at least 35% of the revenue, a farm stand is not within the definition of agriculture, agriculture has no set threshold like that, controls such as seasonal limitations and how many events per weekend help boards establish control over the accessory agribusiness taking over the farm business.) L. Brown inquired about shell corporations and how that could impact income tracking.

P. Hayward, assuming this is the southwest quadrant of the plot, closer to 125 which is west and closer to the road which is south (D. McKenzie showed P. Hayward and board members where the proposed area will be) He noted there are some times currently there are parking issues, questioned if there would be overnight guests (B. McKenzie no, cars can be allowed to stay overnight if they have been drinking though) P. Hayward counts about 120 parking spots, big events would be similar to October 12 (B. McKenzie added that since not all of their fields have been planted it allows for overflow parking during big events, D. McKenzie noted that if they come across, or if required by the Town or Police Department, to have flaggers or traffic control agents they would be open to working with that.)

L. Brown realizes that this is a pre-conceptual conceptual, but they've had since July (6 months) there is not an indication of sound control, light control, screening, minimum distance to abutters, considering dark skies are tourist attractions, lighting that turns a rural farm to a New Jersey is not a good idea. (B. McKenzie agreed to the lighting points, which is why they are asking for a waiver because the requirements are commercially based and they believe it would be too bright for their farm.) L. Brown noted that if the waiver leaves nothing for the board to control it is not useful and there is nothing here outside of 120 foot long barn. (A. Manzelli asked for more guidance, for a Walmart there would be a very descriptive lighting plan for site plan made by an engineer, they do not think that level of detail is appropriate for this use, they would plan for an identification of the type of lights to be used, where they are used, requirement to have a generally a lesser amount of lighting) B. Bourdeau thinks it is important to provide safety at the end of a wedding for people going to their cars, for PB they need to make sure they are not trespassing light to abutters, think they will have to demonstrate to the board some fashion of that, that they aren't pointing lights to the neighbors at midnight. (A. Manzelli noted the seasonal difference would need to be considered as well, night time will come a lot later in the summer, some events will go into the darkness but some will end during

daylight) L. Brown agreed with Bob, addressed the lighting height differences, one of the problem with the new LED's is the ratcheting of light output.

B. Woodruff inputted that he thinks the applicant came here for part one of a conceptual design review, being to get a feel from the board as of which of the many waiver requests the board would be willing to consider, the part two they are not ready for because they do not have a site plan to show, board cannot design review a site plan without a plan, not sure they have gotten all the feedback from the board of which of the waivers outlined the board are in agreeance to. His second thought is that they held a TRC meeting on this in August of 2017 reviewed what was given in context with the ZBA formal notice of decision, which had some conditions and some testimony from the applicants of what they intend to do and the testimony becomes part of the variance, during the review for TRC the staff and planner reviewed strictly what was required by Site Plan at the time, not filtered by agritourism or the State's legislatures desire to make sure that farms continue their operation into the future. He continued that things like agriculture accessory uses that are part of the farm but accessory businesses, different in regard to the State and it's RSAs, he attended a course on it at the Municipal Conference, the take away from that and his recommendation do as limited a site plan as possible, focus on public safety for those that are there from the public at this venue, and focus on the safety outside, roadway network, driveways and not so much what the board would normally look at, making sure the drainage is constructed right, the TRC listed concerns there are many of them he feels are not needed in this case the limited site plan should focus public safety, welfare of the public, not necessarily how the road and parking lot are built, safe pathways and appropriate lighting for events after dark and looking at the public welfare of the abutters, abutters are important here too. Safety, public welfare, public safety for users and passers. Advised the board to go through the list of waivers, after looking at the site review regulations and their waiver requests believe that their waiver requests get you to the limited site plan.

Reviewed the intended waiver requests:

A. Section III-3(E)(3)(a)(4) through 6; Section III-3(E)(3)(a)(8); Section III-3(E)(3)(a)(10) and (11); Section III-3(E)(3)(a)(15) through (19); Section III-3(E)(3)(a)(21) through (24): to the extent they require a boundary line survey of the entire McKenzie's Farm property and request instead that the PB accept a boundary line survey covering only a portion of the property measured by a certain distance from the center of the proposed Greenery. (23) and (24) to request waive the requirement for Site Specific Soil Survey Mapping and accept in its place information on soils obtained from regional, publicly available information.

B. Bourdeau agreed they do not need to do the entire property, but the Greenery does need to be done, to make determinations on parking, lighting and necessary stuff. (A. Manzelli replied that is the scope they are asking for, limiting it to this facility, not the vegetable path.) L. Brown asked if there are boundaries for the Greenery. (A. Manzelli added if the waiver was granted they would do that.) Board was in favor and agreeance to these waiver requests. Board discussed the aspects to the soil waiver request and were in agreeance to the request.

B. Section III-3 (E)(3)(b)(2) through (5); Section III-3 (E)(3)(b)(12); Section III-3 (E)(3)(b)(18) and (19) ...to the extent they require a site plan depicting the entire McKenzie Farm property, including all buildings, parking areas, walks, etc. Instead request board accept a site plan depicting only the areas relevant to the proposal or located within the site of the Greenery. (18) and (19)...seek waiver of the requirements concerning traffic impact statements to the extent more information is necessary than what is already provided in the included materials, limited to Greenery Site.

C. ...Concerning access and circulation requirements, Section IV-1(A)(5); Section IV-1(B)(2); Section IV-1(B)(5)...waiver of any requirement to construct or maintain sidewalks along the frontage of the McKenzie's Farm site...waiver of all requirements for paved surfaces, either in form of gravel or pavement...intend to request approval of gravel, most common in farms of NH.

P. Hayward commented that he is less comfortable with the traffic waivers but there needs to be numbers to do it, B. Bourdeau's expressed concern on how to make determination without knowing how large the events are, but after explanation of the events does not see the events being bigger than what they hold now, does not feel it is any different than what is being run now but would be more organized. L. Brown questioned if a traffic problem develops, the municipality can require new standards, until there is a problem there is not a problem. Chairman Boyers noted that if it does not meet the requirements of the site plan or are unhappy with what they see they can bring it back. L. Brown added they look for satisfactory in the wording of the waiver. B. Bourdeau added that in the conceptual they are doing does not see it will come back to bite them. Board discussed sidewalks, would like the paths shown and as long as people are not being directed to the road. (A. Manzelli asked for more clarification, hearing they don't need to provide all of the details for the entire farming operation, but knows they want to show pedestrian travel consecutiveness to the rest of the farm, assumes what the plan should look like is the Greenery, area outside of the Greenery and show where the foot path is and extends to the rest of the farm but not depict the entire farm) B. Bourdeau replied if you are intending to use the Greenery parking for other farm events, should show how it connects. (B. McKenzie, you would like to see how they will get to the farm stand) L. Brown expressed concern on frontage, people walking along the farm on the road, not once they are on the property itself, would not like to give away the right of the Town to require sidewalks on Northeast Pond Rd in the future with a grandfathered exemption. (A. Manzelli does not think this waiver would prevent the Town from asking for that in the future with this request, this use would not need the sidewalks but if there was an expansion in the future to the use and they come before the board with a new plan thinks the board would be able to readdress at that time) B. Bourdeau noted they could do a conditional approval instructing the applicant to not direct foot traffic to the road. Chairman Boyers asked if the board was in agreeance to waiver sidewalk requirements: Board was in favor of the waiver (L. Brown abstained, said it counts as a no but is more courteous)

D...concerning parking requirements: Section IV-2(A)(4) and (5); Section IV-2(D)(1) through (3)...waiver of all requirements for paved surfaces, either in the form of gravel or pavement, intended to request approval of gravel, most common for parking and footpaths of NH farms.

A. Manzelli noted they are addressing pavement ratio pavement and the landscaping within the parking area issue, asking for a waiver on both of those provisions. L. Brown questioned how binding on the PB is this tentative and preliminary discussion. (A. Manzelli replied this discussion tonight is not binding on the applicant nor the board, the applicant could come back with a different plan and the board can change their mind) B. Bourdeau noted that if they allow gravel, some parking still needs to be defined such as ADA. (A. Manzelli clarified they want gravel and not the curbed wood chip gardens) Gravel over paving makes sense to the board. L. Brown gravel is a much better surface for rural environment and run off, rain gardens etc. Board was in favor of this request.

E...landscape and buffering Section IV-3(A)(1); Section IV-3(B)(2) and (3); Section IV-3(D)(1)...waiver of any requirement for landscaping and buffering that would prohibit McKenzie's Farm transplanting existing plant materials located on other areas of McKenzie's

Farm...requirements concerning tree planting in recognition that the Greenery is located within an existing agricultural setting...general screening requirements in recognition that this is a working farm.

Discussion of landscape and buffering waivers, L. Brown noted presumed they would not use invasive species. (A. Manzelli is aware of the concerns with invasive species and it would be a concern for an agricultural operation) B. Woodruff explained that the request is if the board is willing to accept a site plan that has no plantings. (B. McKenzie addressed the stock they have on site) L. Brown asked how that applies for screening or protection to abutters. (A. Manzelli have hopes since where it is located on the property and it is an agricultural property at large that there won't need to be screening or buffering things) B. Bourdeau expressed the concern that agricultural or not cars leaving at midnight next to abutter's property. L. Brown emphasized the importance of screening. (A. Manzelli noted from the entry way off the road to the seats in the venue it needs to look good) Board decided to not vote on the screen-age and asked the applicant to take their comments into consideration.

F...concerning design and construction standards for drainage and stormwater management facilities, Section IV-4(A)(1) full waiver; Section IV-4(B)(1) through (7) waiver applying to existing infrastructure

In consideration of stormwater the board was in favor of granting the waiver.

G...general site design standards Section IV-6(C)(1) through (2)...requirements concerning snow storage as the Greenery will only be used and open to guests during the summer.

Board was in agreeance to the waivers concerning snow as they recognized it would not be open during the winter being a seasonal venue.

B. Woodruff noted that in the packet the letter from NRCS should be sufficient because the farm is a working farm, the agriculture use needs to not be flooded, to have sedimentation run, the farmers will attend to it, in regard poorly and very poorly drained soils it would be wasted effort to have to do the full wetlands survey. Board was in agreeance.

Discussed requirement of a full boundary line survey, Town Planner recommends not doing a full survey of all property lines, (A. Manzelli added that to her understanding of the recommendation is they be allowed to come with a plan that is not supported by a in the field strict boundary line survey meets and bounds, something short of that prepared by a Forester, or Civil Engineer would prepare without the added expense and labor of an in the field monumentation, it would be a reasonable approach in terms of an agricultural operation.) Chairman Boyers noted they could wait on this, get the site plan that shows location and then decide if they need meets and bounds. B. Bourdeau noted they need to present something that is fairly accurate, that the board needs an accurate representation on the plan with accuracies. L. Brown expressed concern with a property turning into a commercial enterprise. B. Woodruff replied to L. Brown that the Zoning Board approval would allow protection in that case.

Discuss the scope of the use: A. Manzelli brought up concern that it was implied during the Technical Review that the variance approved use inside the barn, the use proposed to the ZBA was not confined to the barn, and not the use they are seeking, wants the boards input on that concern. J. Michaud expressed that his concern is the sound and would like to see it on the site plan. A. Manzelli wanted to know how the board interprets the Zoning Board Variance, if the board believes the intent was to confine the use to the barn. L. Brown noted the time frame to appeal a decision is 30 days, and

nothing happened. (A. Manzelli noted that was correct on both) B. Woodruff noted that decisions made by administration staff could be appealed to the ZBA but that did not happen, would have to see what the ZBA was concerned with, which was the overflow of light and noise. B. Bourdeau noted on the plan they would like to see what's planned for outside. Board feels saying event center allows for the events to be outside the barn as well.

Applicant thanked the board for their time and attention. Ended the Design Review.

Review Draft Driveway Regulations: The Public Works Director reviewed the driveway regulations, he made a change with the culvert size and driveway shelf, he was also adamant that the board not be able to waive the width of driveways per the NFPA regulations. B. Bourdeau motions to approve the language. J. Michaud seconds he motion all in favor. B. Bourdeau moves to hold public hearing March 6th. L. Brown seconds the motion. All in favor, public hearing on March 6th at 6:30 pm.

Town Planner Comments: B. Woodruff commented that at the last meeting a motion was made and approved to rescind the west bound lane on 75, he updated that the sent the letter to the State outlining what happened with comments from the three department heads, the State got back to him and the engineer of the developer with the plan that the State will pay for the shim overlay, strip it themselves in 2019. He reached out to Selectmen, Department heads and some members of PB who supported that option. Feels it is a good compromise.

B. Woodruff addressed that he will not be in attendance at the next meeting but will send his comments to the board.

Approval of Minutes: January 2, 2018 meeting minutes, P. Hayward moves to approve, B. Bourdeau seconds, all in favor minutes approved. (J. Michaud abstained)

January 16, 2018 meeting minutes, P. Hayward moves to approve, B. Bourdeau seconds the motion all in favor.

Other Business: D. Crossley informed the board that at the next meeting there would be a public hearing on an Excavation Application and she will send out the information to the board within the next few days.

B. Bourdeau motions to adjourn, L. Brown seconds the motion. Meeting adjourned 7:48pm.

Respectfully submitted,

Dana Crossley
Land Use Clerk