

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
September 18, 2018
6:30 PM

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

Excused Members: Joseph Michaud, Peter Hayward

Public Attendance: George Szirbik, Mark Main, Annie McKenzie, Brett McKenzie, Danielle McKenzie, Amy Marrzelli, John Changnon, Eric Knapp, Thomas McDougall

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

B. Graham was brought to the board as a full voting member for J. Michaud.

Public Comment: No public comment.

Continued Public Hearing: Request to renew excavation permit for pit 5, Jones Brook LLP Owner, Eastern Materials, Excavator, property located on Jones Brook Rd off White Mountain Highway, Tax Map 22 Lot 17 located in the Excavation Overlay District: George Szirbik reported to the board that he is still waiting on Land Tech for the survey work, they are committed to having it done in 30 days. Requested to continue the hearing till the 16th of October.

Chairman Boyers motioned to continue the public hearing for Jones Brook request to renew the excavation permit for pit 5 to October 16th at 6:30 pm at the same location, L. Brown seconds the motion all in favor motion carried.

Public Hearing: Site Plan Review McKenzie's Farm proposal 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; Owner Stewart & Ann McKenzie, applicant Brett & Danielle McKenzie, 71 Northeast Pond Rd (Map 23 Lot 1):

Chairman Boyers questioned if the fees had been paid, Land Use Clerk D. Crossley replied yes, applicant had over-paid and a refund check had been issued as well.

Chairman Boyers questioned if the application was complete, D. Crossley reported all notices were sent out and posted, application appeared complete with the consideration of the waivers being requested. He asked for a motion to accept the application as complete, with the exception of requested waivers which would be voted on separately later in the public hearing. **B. Graham motions to accept the application as complete with the exception of the requested waivers to be reviewed and voted on later, R. Thibeault seconds the motion, all in favor motion carried.**

Chairman Boyers reported that the project went through TRC in August 2017 and all comments have been either addressed or completed and it went through Design Review in January 2018 during which the board discussed the waivers that are being requested tonight.

Chairman Boyers informed the board they needed to determine if this was a project of potential regional impact per RSA 36:54-57. Board discussed aspects of potential regional impact, L. Brown noted he felt light could transcend to abutting communities. **L. Brown motioned that this project was not a project of potential regional impact, R. Thibeault seconds the motion all in favor, motion carried.**

Applicant Testimony: John Chagnon of Ambit Engineering preparer of site plan, Amy Manzelli of BCM Environmental along with Brett & Danielle McKenzie applicants were in attendance. J. Chagnon presented the site plan to the board, property at 71 Northeast (NE) Pond Rd, plan is to create a wedding venue facility at the farm, referenced the waivers they will be asking for listed on site plan pg. 01, many are being asked for because the operation is seasonal, will not be open in the winter, no plowing, asking for just a gravel surface which will be suitable since they will not be open during winter, site is large and working with the easterly edge asking for waivers to not have to provide the mapping details for the entire parcel, provided an overview of the property depicting the area mapped in detail and other existing areas, asking for waivers from certain aspects of the landscaping requirements, for stormwater analysis have provided an analysis that shows the designing of the culvert but did not do a whole drain analysis asking for a waiver. J. Chagnon addressed that there was a variance approved by the ZBA for this property in May 2017 and conditions are noted on the plan. J. Chagnon reviewed the plan set with the board highlighting existing conditions of the section of the property for consideration with survey boundary lines, monuments, topographic features, test pit locations, plan references and wetland delineation, the development is over 50' from that wetland. Reviewed the driveway profile, site accesses NE Pond Rd, driveway will be west of existing blueberry orchard, reviewed the traffic flow from the driveway to the site, addressed the handicap drop off area, and parking. Noted the surface near the handicap parking, gravel surface parking lot with a stone dust top which can be rolled for a decent surface, showed where the concrete walk can be accessed by those needing the handicap accessibility. Venue is 6,695sq ft. function hall, will have onsite warming of food only, no prep kitchen, provided in the plans a set of architecture drawings, noted the apple orchard abutting the venue which will act as a buffer to noise, plan shows the parking lights, walkways concrete and cobble, reviewed site slopes which property slopes south to north parking lot follows that to allow watershed, drainage swale separates parking lot and driveway, the raingarden, erosion control measures, noted that part of their packets was the stormwater analysis done by hydro-cad software, asking a waiver of full analysis but showing how they determined size or pipes and raingarden.

L. Brown questioned what year basis the pipe was sized to. J. Chagnon replied 10 year flood. J. Chagnon continued that the report was printed to the two year, discussed septic system design with peak flow of 975 gal. per day system designed to accommodate that septic plan has been approved by NHDES. Reviewed the landscaping plan, McKenzie's hired a landscape consultant to prepare a professional plan, the landscape schedule is listed on the plan, shows location of the shrubs and trees, between the parking areas is hydrangeas, between the driveway and the easterly parking bay has a combination of dog wood trees, cedar, viburnum and azaleas. Reviewed the lighting plan, two duel fixtures and one single fixture, shoebox downward pointing fixtures to

eliminate upward and side glare, by the edge of the parking lot .1-.3 lumens do not anticipate any spill onto abutting properties.

Board Discussion: L. Brown pointed to pg. C2 questioned what the suitable vine they are using to create a blockage fence, J. Chagnon replied that the landscape person would determine that, one that would provide a blockage of light. L. Brown expressed that vines would change over time and during the course of the year, not always creating a barrier. Danielle McKenzie replied it would not be an issue being that they are not open in the winter time.

L. Brown addressed the lighting plan small handout says 20 ft. and site plan says 18 ft. questioned if the 18 is the controlling number. J. Chagnon replied yes, the lighting fixture height should be installed at 18 ft. L. Brown and J. Chagnon discussed lighting aspects. J. Chagnon felt the important thing of the lighting design is the table under visible light logo, certain things shot for in an average design there will be a max and a min, lighting layout provides average lighting level that is parking lot safe would trust the lighting designers. L. Brown questioned the number of parking spaces. J. Chagnon replied there are 81 parking spaces. L. McDougall noted that the lighting only comes on during the night and these being summer events, the lights will not be on that much. L. Brown expressed concern with ratcheting of lights.

Applicant Testimony Continued: Amy Manzelli addressed the history of the application, starting with the ZBA, to TRC and then Design Review. Referenced the cover letter of the application highlighted pg. 2 and 3 discussion of State Law that completely supports the PB in granting the waivers that are being requested, waivers being requested because it is a farm or the waiver is appropriate in context, or due to developing only a portion of the large property. The accessory use approved by Variance is seasonal, condition of approval is on the site plan, law of land for this use, unless the applicant came and changed that. Pointed to pg. 9 and 10 which describes a suggested motion for approval listing two suggested conditions, one of the conditions was the comply with the Zoning Ordinance in regards to signs, because the Greenery sign is not part of this application package as it has not been designed yet.

Danielle McKenzie addressed the board, gave an overview of the business and personal background, to continue to be successful need to adapt, evolve and change, the Greenery is essential to grow the family run business, plan is to have the building be the focal point of the facility, the apple orchard allows for a nice backdrop for outdoor portions of the events.

Board Discussion: L. Brown questioned a paragraph statement on pg. 3 in regards to PB authority and if they would have the authority to request a full topography. A. Manzelli replied no, but if the board really felt it was needed for approval the McKenzie's would agree to do it. L. Brown questioned about Mctoberfest if it was a traditional farming event or agritourism event. A. Manzelli replied she does not have enough information on that event to answer. L. Brown questioned if it was their contention for agreement that the town could require lower or taller posts for exterior lighting. A. Manzelli if they are talking about technical requirements if there is evidence from the record that the 18ft tall lights would adversely impact adjacent properties, sidewalks, streets or public safety would think it would be within PB purview to require shorter pole. L. Brown expressed there was no indication of control of outdoor amplified music questioned if that was part of their presentation, Chairman Boyers noted that the ZBA set limits

of operation for hours and days. A. Manzelli agreed and that those limits would apply and noted there is no noise ordinance.

B. Graham expressed concern of bees with the apple trees next to the building, Brett McKenzie replied they bring in bees only during pollination periods also relatively harmless unless near hives and hives are place strategically away from human gathering points.

Town Planner Comments: B. Woodruff noted that the project went through TRC in 2017 and all comments were addressed or completed, the project came before the board for design review the purpose of that to get consensus on the requested waivers and the board had expressed they would be positive to those. In regard to parking lot lighting, 2 18ft fixtures compared to 3-4 fixtures at 12-14ft. equals the same lumen spread in the parking lot, greater cost to applicant to put in 3-4 fixtures over 2 taller ones, lumen spread remains the same but it can spread farther for taller fixtures, up to the board on making a decision on that, need to consider if the parking lot lights are partial or full cut off fixtures. Finalized with that this is a great project for Milton, with minor tweaking highly recommends approval.

L. Brown has an apple farmer relative for the record, concern with the land, not objection to project.

Chairman Boyers opened the public hearing for public comment: Chairman Boyers read into the record the Fire Chief's comments on the project, were favorable, sprinkler system not required. Noted that Public Works did not officially submit anything, but did discuss the driveway with the Public Works Director, and as long as the driveway meets the standards he would be happy, also the same with the Police.

Chairman Boyers read into the record the one letter received from an abutter, favorable letter that expressed the abutter would be in favor of a vegetative buffer of the applicant's choice to mitigate light.

Mark Main 1262 WMH, Abutter: feels exactly the same as the abutter's letter, happy and excited also looks forward to it being a beautiful event place.

Eric Knapp: as another farmer in Town, great to see farmers striving as a business, great use for properties in Milton, thinks this particular venture will help other small businesses in Town, in favor of the project.

Chairman Boyers closed the public comment portion of the public hearing.

Review and approval of waivers requested:

- *Section III-3(E)(3)(a)(4) through (5)-surveyor's seal for entire lot; boundaries and monuments for entire lot.* L. Brown motion to approve waiver. B. Graham seconds the motion, all in favor. Waiver granted.
- *Section III-3(E)(3)(a)(11)- area of entire lot-* L. Brown motion to approve waiver. M. Morrill seconds the motion, all in favor. Waiver granted.
- *Section III-3(E)(3)(a)(15) through (19)- wetland locations delineated by CWS for entire lot; dimensional setbacks, buffer, structures, water bodies, etc. for entire lot.* L. Brown questioned what that would mean 20 years from now. Chairman Boyers replied it would change. L. Brown expressed concern historically for subdivisions the Conservation Commission had issues enforcing conservation easements because of lack of accurate

lines and delineation. B. Woodruff replied does not see how that relates to this site plan, as long as you see the site plan as the partial area of the entire lot. R. Thibeault motions to approve waiver. L. Brown seconds, all in favor motion carried. Waiver granted.

- *Section III-3(E)(3)(a)(21) through (24)- drainage for entire lot; two-foot contour mapping for entire lot; soil mapping and testing for entire lot:* L. Brown motion to approve waiver. M. Morrill seconds the motion, all in favor. Waiver granted.
- *Section III-3(E)(3)(b)(2) through (5)- details of existing structures for entire lot; access and loading for entire lot; driveways and similar ways for entire lot:* L. Brown expressed it comes under existing farm buildings that already required a permit are a matter of record through the Town, any straight agricultural building would be covered under its own application. L. Brown motions to approve the waiver. R. Thibeault seconds the motion. All in favor, motion carried. Waiver granted.
- *Section III-3(E)(3)(b)(12)-construction details of improvements for entire lot:* R. Thibeault motions to approve waiver, M. Morrill seconds the motion all in favor, motion carried and waiver granted.
- *Section III-3(E)(3)(b)(19)- traffic circulation for entire lot:* M. Morrill motions to approve waiver, R. Thibeault seconds the motion all in favor. Motion carried and waiver granted.
- *Section IV-1(A)(5)-sidewalks along Northeast Pond Rd:* M. Morrill motions to approve waiver, R. Thibeault seconds the motion all in favor. Motion carried and waiver granted.
- *Section IV-1(B)(2)-construct and pave roads per Section IV-4 C 2 of Milton Subdivision Regulations:* M. Morrill motions to approve waiver, L. Brown seconds the motion, (L. Brown felt it was an unnecessary expense) all in favor. Motion carried and waiver granted.
- *Section IV-1(B)(5)-paved walkways for all pedestrian access:* R. Thibeault motions to waive, M. Morrill seconds the motion (L. Brown questioned the egress of the parking lot and consideration of handicap attendees who wish to not be dropped off at the door. J. Chagnon noted the van accessible spaces. L. Brown stated that it will meet all ADA requirements. J. Chagnon expressed what could be done was to extend the concrete to the side of the first handicap spot, four handicap van spots which is the standard or above for 80 spaces, believes the requirement is for the first one to be handicap van accessible, based on width have room for two van accessible spaces could introduce a harder surface for van accessible spaces could add cobbles there which can be suitable, can be a change in the plan. L. Brown noted that whatever ADA requires they will. B. Woodruff questioned if he was questioning rise over run as well. L. Brown replied yes, any slope of access would automatically have to meet ADA standards. B. Woodruff believes they do. J. Chagnon has spot grades for the slope and the slope meets ADA, only a 10th between door and edge of laydown and 10th across that.) all in favor, motion carried and waiver granted.
- *Section IV-2(A)(4) and (5)-paved parking; minimum 10% parking lot shall be landscaped:* B. Graham motions to approve waiver, M. Morrill seconds the motion. all in favor, motion carried and waiver granted.
- *Section IV-2(D)(1) through (3)-striped parking spaces; paved parking spaces; crushed gravel specifications for under pavement:* M. Morrill motions to approve waiver, R. Thibeault seconds the motion, Board all in favor. Motion carried and waiver granted.

- *Section IV-3(A)(1)-standard nursery stock:* M. Morrill motions to approve waiver, R. Thibeault seconds the motion (L. Brown for who and what costs and plantings, A. Manzelli explained this waiver looking for flexibility in plantings) all in favor. Motion carried and waiver granted.
- *Section IV-3(B)(2) and (3)- minimum tree spacing; minimum shrub spacing:* L. Brown motions to approve waiver, B. Graham seconds the motion (L. Brown expressed concern with the screening for 49 NE Pond, B. McKenzie felt there was a very good discussion with the abutter, the screening has been her idea, has more concern of blueberry pickers has good communication with abutters, Annie McKenzie replied a certain pine would meet the needs) all in favor, motion carried and waiver granted.
- *Section IV-3(D)(1)-screening requirement:* M. Morrill motions to approve waiver, L. Brown seconds the motion all in favor. Motion carried and waiver granted.
- *Section IV-4(A)(1)- stormwater analysis:* B. Graham motions to approve waiver, M. Morrill seconds the motion (L. Brown asked for the definition of analysis, stormwater analysis means analysis of conditions of land and how stormwater would affect run off, rather than doing an analysis of stormwater over time.) all in favor, motion carried and waiver granted.
- *Section IV-4(B)(1) through (7)- stormwater management improvements for entire lot:* L. Brown motions to approve the waiver, R. Thibeault seconds the motion all in favor, motion carried and waiver granted.
- *Section IV-6(C)(1) through (2)-snow storage:* M. Morrill motions to approve waiver, R. Thibeault seconds the motion all in favor. Motion carried and waiver granted.

Board Discussion: L. Brown when you look at the sign for Milton Crossing, expressed concern of lighting of the sign there. Board discussed the conditions of potential approval.

Motion: **B. Graham motions to approve the site plan with the following conditions:**

1. **To have pavers going up to two closest handicap van parking spots, in accordance with ADA requirements.**
2. **The Applicant shall comply with Section XX of the Zoning Ordinance regarding signage.**
3. **Conditions of approval shall be noted on the recorded site plan.**

R. Thibeault seconds the motion. All in favor, motion carried.

B. Woodruff informed the applicant that the conditions are precedent conditions, precedent to the Chair signing the Site Plan once it is signed, anything beyond is ad ministerial in nature.

The McKenzie's Farm 'The Greenery' for Agritourism Accessory use for proposal 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 approved by the Milton Planning Board.

Public Hearing: 2019-2024 Capital Improvement Program: Chairman Boyers opened the public hearing to the public: No Public comment.

Chairman Boyers closed the public hearing.

L. Brown motions to approve and endorse the 2019-2024 Capital Improvement Program and send to appropriate designees and to be posted. B. Graham seconds the motion all in favor, motion carried.

Continued: Discussion of potential Zoning Amendment-Table of Principal Uses, Uses Requiring Special Exceptions: B. Woodruff has been doing some research on similar communities that have for uses as SE, will have the list for the board at the next meeting. Brought to the board sample specific criteria for SE's such as for Family Childcare, Family Childcare Home and Family Group Childcare Home. Also for New Telecommunication Towers, is a SE here in Milton but has no specific criteria. L. Brown questioned buffering if it is sound or visual. B. Woodruff replied the general answer is a combination of a wood fence with vegetative screening in front of it.

Discussion of why updating the SE and benefits. Chairman Boyers felt that all the uses needed to be defined and possibly done before deciding what should be changed for the SE. B. Woodruff will find out what of the list has definitions and what needs to be defined. Asked for individual comments from board members on the uses.

Town Planner Comments: B. Woodruff informed the Planning Board that the charge and policy document for the CIP that was approved in 2016 by them and the BOS, if there is a proposer of a Capital Item and they try to do an end-run around the process, thinks the PB should know, there is a talk for a new heating system for the Townhouse that would exceed the \$10,000 project, they should come to the PB immediately and amend the report one way or the other. R. Thibeault noted he would share that with the Board of Selectmen.

B. Woodruff noted to keep in mind for applicants, unless an applicant puts it on the plan do not count on just testimony, property and business uses almost never stay in the same hands but the site plan stays with the property until revised and approved by the PB.

Approval of Minutes: September 4, 2018 meeting minutes, R. Thibeault motions to approve, B. Graham seconds the motion, all in favor motion carried.

Other Business: D. Crossley reported the budget presentation is October 1st, asked if the Chairman would be presenting that, he agreed he would.

D. Crossley reported that Dubois & King has been keeping tabs on the Exit 17 construction, would forward any more reports from them to the board.

B. Graham motions to adjourn, L. Brown seconds the motion all in favor meeting adjourned at 8:28pm.

Respectfully submitted,

Dana Crossley
Land Use Clerk