

**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**  
**December 18, 2018**  
Emma Ramsey Center  
6:30 PM

Members in Attendance: Bob Graham Alt. Peter Hayward, Brian Boyers, Lynette McDougall, Matthew Morrill, Also in attendance, Dana Crossley Land Use Clerk, Bruce Woodruff Town Planner

Excused Members: Joseph Michaud, Ryan Thibeault Ex. Officio. Larry Brown

Public Attendance: Andy Rawson, Mary Perkins, Molly Wilson, Gary Wilson, Leo Howe, Stan Finch, Marie Finch, Kelly Eaves, Nancy Ohlenbusch, Eric Ohlenbusch, Wayne Blair

Chairman Boyers called the meeting to order at 6:30

Chairman Boyers brought B. Graham to sit in for excused member J. Michaud.

Public Comment: None

**Public Hearing:** To receive public input on the proposed zoning amendment to Amend Article III, special exception sections to revise general criteria and add new specific criteria for certain special exception uses. To revise Section 3.5 Table of Principal Uses Regarding special exceptions and Article II 'Definitions' to add the missing definitions for uses requiring a Special Exception of the Milton Zoning Ordinance: Chairman Boyers noted this is lengthy document, *Chairman Boyers opened to the public:*

Town Planner B. Woodruff explained that the PB recognized there is an issue with all of the uses that are allowed in the zoning districts marked as Special Exception only, meaning they would need to go to the ZBA to get approval to do the use the in the zoning district, especially that in the Commercial Residential zone in order to have a retail business developers needed to get a SE approval from the ZBA. That was the impetus to the PB taking a closer look at the Table of Principal Uses in the Zoning Ordinance, the PB reviewed the entire table and for the most part they pulled back on some of the Special Exceptions to change to either permitted or have new specific criteria be written that the ZBA would have to look at and applicants would have to prove to that board prior to approval of the use, language change is centered on the table. Board looked at the history of why and the reason the use is a Special Exception, realized many had no reason to be a Special Exception, those they believed were Special that required additional monitoring and criteria to be met by the developer they left as requiring a SE. Second part of the amendment is that uses requiring a SE did not have specific criteria to be met, board also asked him to write those. Lastly the board addressed that the definitions section was not complete, not all of the uses were defined, added the missing definitions as well. The board updated the general criteria for Special Exceptions as well, to make it more fact based and easier for the ZBA to make their determinations.

Board thanked Town Planner B. Woodruff

*Molly Wilson* questioned if there is requirements for buildings going forward to be built to certain specifications.

B. Woodruff explained the Site Plan process that addresses concerns like that noted that the board did update their Site Plan Regulations, does have some guidelines for how buildings should look, guidelines are to try to maintain village motif.

*Chairman Boyers Closed the public hearing.*

No further board discussion.

P. Hayward motion to approve the proposed zoning amendment and send to the voters. M. Morrill seconds the motion all in favor, motion carried.

**Public Hearing:** To receive public input on the proposed zoning amendment for Potential Re-Zoning of a 52.4 acre parcel known as Map 45 Lot 23 located off Rte. 75 from the current Low Density Residential to add it to the existing Industrial Commercial Zoning District abutting the lot and Rte. 75:

Town Planner B. Woodruff explained that this is a proposal to take one large lot that is currently zoned Low Density Residential there is currently not a lot of interest in developing it as house lots/subdivision and lots of new homes is not what Milton needs without commercial industrial development that would help lower the tax rate. The reason this lot, 52.4 acres, has come to the notice of the PB who has endorsed proposing a re-zoning from LDR to Industrial Commercial where developers have more options, there is a local business who is interested in developing the lot for a warehouse use, that cannot happen unless 1. The Town re-zones the land to Industrial Commercial, or it they could go to the ZBA and ask for a variance. PB realized that the IC is right next to this lot, the abutting lot to this parcel has frontage in IC. Proposal is to take lot 23 and add it to the IC zone. It is a good thing because there is a local business owner who is interested in developing the parcel, it will add to the industrial tax base and employees. First step is to go before the voters. The access that is yet to be determined and is being worked on, is separate but related to the zoning proposal, access has to come off of Rte. 75, not off of the residential street like Elm St. Lot is a very wooded lot, being over 50 acres, if there was a warehouse use in the future, would you be able to hear it, see it, smell it, see the traffic and thinks answer is probably no. Lastly the Master Plan recommends that the surrounding area of Exit 17 be zoned to the highest and best use, board feels that it being zoned as IC is the highest and best use, areas around Exit 17 and 18 are going to be magnets for future development, goal is to gain more and maintain good development.

*Chairman Boyers opened to the public:*

*Gary Wilson:* questioned who owned the triangle piece in front of the lot.

B. Woodruff explained that the Town holds a tax deed on the lot, believes the Town does not know the true owner, Town cannot just put an access on the land without dealing with the tasks in front of them and ensure that no-ones rights are trampled on.

*Leo Howe:* main concern is that if that property goes commercial, concerned with the water flow, he is downhill from it, will be effected by erosion, water and noise. The trees in there have been cut substantially, rotted trees have contaminated his well.

Chairman Boyers noted that if it makes it to development it would be required to come before the PB and stormwater would need to be managed. B. Woodruff added that a new owner would not be able to go in a clear cut the lot also that the state and PB regulations address watershed onto other properties.

*Eric Ohlenbusch*: questioned if there is a push to have this be rezoned, is there a possibility to add buffers in the zoning to require any future owner to maintain buffers before the Town votes on this.

Chairman Boyers replied that regardless of how the vote goes, if they develop the property it would need to come before the PB in Site Plan Review where they can require buffers.

*E. Ohlenbusch* expressed concern of previous logging and trespass, concerned about the minimal response from state and local officials. Concerned with previous track record of people doing whatever they want without proper repercussions and lack of people overseeing the procedures. Biggest concern is that they are looking for the tax money, want to have an industrial area, but not saying what exactly they will put up with or not put up with before making the big change, only affects a small handful of residents, not beneficial to his property to have an industrial complex in his backyard.

Chairman Boyers noted that the State controls timber cuts, the Town does not have jurisdiction there. B. Woodruff noted that the PB decided not to come up with a brand new type of zone that may have included mandatory buffers in the Zoning Ordinance, to be able to present this due to time limits, absent the mandatory buffers for any developers, natural buffer cover is a reason for site plan review, the goal is for a good steward and citizen for Milton to purchase the land, has faith in the PB in their purview to approve the site plan that is a contract with the developer, can tell developer that there must be tree buffers, process to enforce and revoke site plan if necessary. Chairman Boyers explained that the PB has also contracted with an Engineer that is paid by developer to oversee the building process.

*E. Ohlenbusch* questioned in regards to the current owner of the property they went before the ZBA in the application one of the criteria is that the use won't adversely affect the abutters property values and if there is a process that Town does to review that, it seemed previously the Town did not want this to be an industrial complex and now the Town wants it, questioned if there will be one owner or will there be a developer. Expressed concern that there is much potential to what could happen.

Chairman Boyers replied it would all still need to come before the PB for subdivision. Unless the property owner asks for a variance from the ZBA the zoning would need to be changed on the parcel to be used as IC.

*Leo Howe*: prior to the sale of the owner who did all the cutting, 17.1 acres were owned by another person, that lot was cut prior to the 52 now, the access was through Brown St.

*Wayne Blair*: noted that the parcel was logged in the past and accessed through Brown St. and then again off RTE. 75 Questioned if this will open up to the current owner to put a development in.

Chairman Boyers replied he cannot answer that but any development there would need to come before the PB and that the logging is done through the State.

*Gary Wilson*: questioned when it would be voted on.

Answer: March

*Eric Ohlenbusch*: questioned if this would be the only meeting on the topic.

Chairman Boyers replied it would be the only one for the PB, the Selectmen could hold a meeting if they wish.

*E. Ohlenbusch* questioned if they would be notified of future meetings or they would just have to watch for the meeting.

B. Woodruff explained that the State statues in regards to hearings. Discussion in regards to procedure of meetings for zoning amendments.

*Leo Howe*: last meeting he went to was with the Selectmen but could not talk.

B. Woodruff explained why they would hold a second meeting, zoning amendments cannot be changed during deliberative, and it would be done during this meeting or with the Selectmen.

*Gary Wilson*: questioned if the intent was for a warehouse.

B. Woodruff replied it is his understanding it would be a warehouse.

*Mary Perkins*: commented that it seems like they finally have someone decent who wants to buy the land and not abuse it, town has been asking for industry and work, seems like a good plan to have them come in, opens up the rest of 75 on that side of the road, and seems like a perfect opportunity.

*Andy Rawson*: questioned that the Selectmen only had purview on money articles.

B. Woodruff replied that the Selectmen have to say if they recommend zoning amendments as well.

*Chairman Boyers closed the public hearing.*

Board discussion: B. Graham motions to approve and send to the voters. L. McDougall seconds the motion. All in favor, motion carried.

Town Planner Comments: B. Woodruff noted that he was supposed to have an amendment to the CIP report, and he is not done with it at this time, sat down with the Town Administrator with the new spreadsheet and reviewed it to assist her with preparing the warrants, those are done in draft form.

Approval of Minutes: December 4, 2018 meeting minutes, discussion of Scribner errors. M. Morrill motions to approve. B. Graham seconds the motion. Vote: 4-1 in favor, motion carried.

Other Business: D. Crossley brought up to the board that their normal meeting in January falls on New Year's Day, asked if the board was in favor moving the meeting to the 8<sup>th</sup> and 22<sup>nd</sup>. Board was in favor of holding their January meetings on the second and fourth Tuesday of the month.

B. Graham motions to adjourn, M. Morrill seconds the motion, all in favor meeting adjourned at 7:15 pm.

Respectfully submitted,

Dana Crossley  
Land Use Clerk