

Town of Milton
Planning Board
Tuesday, January 5, 2016
Meeting Minutes

Members in Attendance: Peter Hayward, Joseph Michaud, Brian Boyers, Bob Bourdeau, Tim Long, Tom Gray, Larry Brown, Also in attendance Dana Smith, Land Use Clerk

Missing Members: Alternate Bob Graham

Public Attendance: Bob Frizzell

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

Public Comment: No comment.

Approval of Minutes: December 1, 2015 meeting minutes. T. Gray motions to approve, J. Michaud seconds. All in favor (T. Long abstained) December 1, 2015 minutes approved.

Discussion of Exit 17 Commerce Center: The Planning Board invited Bob Frizzell to attend the meeting to discuss the businesses that are approved to be at the location. The board was provided with a packet of minutes that discussed various times B. Frizzell went to the Planning Board and Zoning Board for the Exit 17 Commerce Center dating from 1999 to 2015. B. Bourdeau commented that the first issue is the approval of the storage facility, even though B. Frizzell does not still own it the conditions of approval travel with the sale. One of the conditions of the approval is no outside storage, he feels that the new owner needs to be notified by the town that he is in violation of the Planning Board approval and he has 30 days to clean it up or the town will start fining him. Chairman Boyers commented that he did research back to 1999 and all that could be found were minutes. B. Frizzell added that 1999 was when he had owned the storage unit property. B. Bourdeau noted that the board has issued approvals for B. Frizzell's facility, vehicles on the property were brought up a number of times, it references 25 parking spaces, it was vague at times about how many cars he was going to work on, how long they were going to be there, he found no limitations on vehicles. He stated that from his observation the one clear offense and it has been mentioned a number of times not only in the Planning Board minutes but also the ZBA minutes and that is no unregistered vehicles that is clear and the property is in violation of that. B. Frizzell replied that he has unregistered vehicles. B. Bourdeau reiterated the approval says no unregistered cars on the property. Chairman Boyers added that during one of the ZBA minutes where Mr. Atkins received his approval and that was just for that one building, in an existing 5 unit commercial building and that is the only one that can be found for approvals anywhere for the buildings back there. B. Frizzell stated he has an \$11,000 a month mortgage, if he does not have any tenants he cannot pay the mortgage. He continued that his taxes this year on those pieces of land is almost \$39,000 for those three empty lots, and three acres with buildings on them. B. Frizzell added that last month his mortgage went up \$130 a month because taxes went up. Chairman Boyers stated that the point is he only has approvals for one building. B. Frizzell questioned what the board wants him to do, he continued that Aktins pays \$35 more a month than he paid in 2004 and right now he just paid his September rent. Chairman Boyers pointed out that that is not a problem of the Planning Board, they are asking if B. Frizzell has any more approvals, because the board can only find the one for Atkins in the back buildings.

L. Brown commented on both sides of the street, the plan and the way Mr. Frizzell worked things out moving from one step to another, sub division properties and the original plans were an elegant plan. He continued with the warts that he has with the property, back in 1999 with Chris Jacobs as the agent there were no plans for added greenery, and still feels there should be a vegetated buffer on route 75. L. Brown noted that the extreme western property was also not to have any vehicles on it besides active contractors, without trespassing he has counted there to be about 23 cars outside of the buildings. He added that he thinks the school district has been treated fairly and finished by asking what can be salvaged and what can be most fair.

B. Frizzell inputted that the SAU is not going to need half of the space if the school separates, currently he is trying to refinance right now. Chairman Boyers stated that the front buildings are not the problem, it was approved for retail sales/services it is the buildings in the back that are cause of issue. B. Frizzell commented that he knows that there are more cars now than there ever has been because junk prices have gone through the floor. B. Bourdeau stated that a lot of the complaints from town's members that work back to the Planning Board are because of the cars, if the car issue was tackled it would take some attention away from Commerce Center. J.

Michaud questioned if the complaints are directed at particular tenants or in general. Chairman Boyers stated that the complaint was directed towards the unregistered, uninspected vehicles. T. Long questioned if there was a State statute that says one cannot have more than 2 unregistered/uninspected cars, and if it was his own personal yard if he would be under the same scrutiny. Chairman Boyers replied yes and reiterated that the Planning Board are not enforcers, Code Enforcement is the one to enforce these regulations, but he wanted the Planning Board to be aware of the situation. B. Bourdeau commented that the only strongly stated item in the all the minutes is that there is not to be unregistered/uninspected cars.

B. Frizzell said he will see what he can do, he has a new tenant that fixes late model cars and sells them. Chairman Boyers asked if something can be done by the end of the month. J. Michaud asked how many businesses there work on cars. B. Frizzell said that Atkins works on cars and a guy in the end unit that works on fixing cars, he said he has stuff there that is unregistered because it cannot be fixed. T. Long asked what the enforcement will be. Chairman Boyers replied it will be through Code Enforcement, he will give B. Frizzell 30 days to clean up the cars and if they are not cleaned up in 30 days a cease and desist will be issued. T. Long asked if there was a financial commitment attached to that. Chairman Boyers replied \$75 per day per car.

Discussion of Sign Ordinance Update: B. Bourdeau stated that he read through the sign ordinance information that D. Smith provided at the last meeting and read up on the case Reed vs. Town Gilbert and he found they had 23 different categories of sign regulation, Milton only has 12 and the Supreme Court only found fault with 3 of their 23 ideological signs, temporary directional signs which neither of those are part of the Milton Sign Ordinance. He continued that third one that there was an issue with was political signs, however the Town of Milton's political signs are regulated by a NH RSA which NH would have to deal with that issue not the town. B. Bourdeau added that after reading the Do's and Don'ts provided by the NHMA he does not see how you can write a sign ordinance and comply with the suggested Do's and Don'ts. He finished with based on the fact that they only found fault with three categories, two of them which Milton does not even cover, he would lean towards leaving the sign ordinance the way it is, if the board went along with the suggested Do's and Don'ts he expressed that the ordinance would lack any substance.

P. Hayward commented that the document prepared by the NHMA, on the second to last paragraph talks about road signs and mail box signs and that is actually a bigger area than we allow in the Town's ordinance and it implies it is an additional one, he would have thought the board could plug that in but he does read that as a separate requirement, even though when the board has talked about the ordinance in the first place they talked about home businesses, the implication they had was the sign allowed to have has your address on it. He continued that the section J paragraph 3 more clearly describes the NHMA's suggestion for the address and mailbox sign requirements, he offered that it may just be their suggestion not a requirement. B. Bourdeau reiterated that out of the 23 categories of Gilbert the court only found fault with 3, 20 of them were fine, and two of those three Milton does not address and he believes the town's political one is fine since it is regulated by the state.

L. Brown found in addition the one thing that was not discussed in detail is that there are in addition to having your mailbox 36 inches back from the edge of the road the postal authorities also have specific requirements for what you may and may not do for a mailbox. He was looking to see if what was suggested by the NHMA was going to destroy everything we have for sign ordinance and he did not find it. P. Hayward commented that the NHMA recommends that the Code Enforcement Officer issue a sticker for temporary signs with a date stamp to easily tell when they are obsolete. L. Brown inputted that one of the mosquito bite sources of revenue the town over looks is to have a yearly sign fee, because it is visual pollution. Chairman Boyers commented that the Code Enforcement officer is not allowed to take signs off of the telephone poles, only the police officers can since it is considered private property.

The board agreed to leave the sign ordinance as is until further issue. D. Smith thanked the board for doing research and considering the changes happening the legislature.

Other Business:

D. Smith reported to the board that they used roughly 75% of their budget from 2015.

B. Bourdeau motions to end the meeting, L. Brown seconds the motion, meeting ended at 7:05pm.

Respectfully Submitted,

Dana Smith
Land Use Clerk