

Town of Milton
Planning Board
April 4, 2016
Meeting Minutes

Members in Attendance: Peter Hayward, Joseph Michaud, Tim Long, Brian Boyers, Bob Graham, Also in attendance Dana Smith, Land Use Clerk

Absent Members: Bob Bourdeau, Tom Gray

Public Attendance: Mike Nye, Jason Pohopek, Steve Panish, Eric Knapp, Michelle Beauchamp, Larish Kane, Stan Nadeau, Gail Pennell, Laura Turgeon, Nick Turgeon and Thomas McDougall

Chairman Boyers called the meeting to order at 6:34pm.

Public Comment: None

Chairman Boyers brought alternate B. Graham to the board to sit for missing member B. Bourdeau.

Public Hearing: Site Plan Review- Gold River, LLC applicant/owner. Site plan review for a proposed Multi Restaurant Facility located at 584 White Mountain Highway, Tax Map 42 Lots 128 & 129 in the Commercial/Residential Zone, Milton NH:

Jason Pohopek attended the meeting as the land surveyor of the project representing the applicant Gold River LLC along with the applicant Mike Nye of Gold River LLC. J. Pohopek explained the applicant would like to change the use from the former marina to a multi-restaurant facility. He told the board that they have done a boundary survey, and pointed out that the parcel itself is fairly restricted in area, the parcel comes to a total of 1.28 acres, and the way that the property is configured makes it very narrow. J. Pohopek explained the constrictions of the parcel, on the northerly side is White Mountain Highway which the State has a right of way onto the property and comes as close as three feet from the building, on the southerly side of the property is the NH North Coast Corp Railroad tracks and part of their right of way goes through the building. He told the board the history of the parcels. The applicant recognizes they are on a State highway and has been in contact with District Six in Durham in regards to curb cuts, they have met with Jim Hewitt who deals with the commercial properties who suggested adding the landscape barriers depicted on the plan that are only four feet off the white lines. J. Pohopek explained that as the State looks at access points typically what they want is to narrow down the access to certain spots and not through the entire parcel, currently the property can be accessed from anywhere off of the road and the State sees that as a safety hazard and would like to limit the access which is the purpose of the landscape islands. After making Jim Hewitt aware of the status of the property, the applicant has been allowed for three different curb cuts. They have proposed singular lane traffic into angular parking. The applicant only wishes to occupy less than half of the building for the restaurant businesses. The rest of the building would be left undeveloped and would come back to the Planning Board before future development.

T. Long questioned the seat capacity of the restaurant. Mike Nye responded that it would be 30 seats. J. Pohopek added that of the two restaurants one would be a sit down which is the 30

proposed seats and the other would be strictly take out Chinese. T. Long asked if the proposed parking would be enough for the restaurants. J. Pohopek replied that the regulations says three seats per space. T. Long further asked if they have contacted sewer and water departments. D. Smith inputted that the sewer and water departments have been informed and there is a written response from the Sewer attendant, Dale Sprague. Stan Nadeau attended the meeting to represent the Water Department and expressed that as long as the applicant follows all the regulations they have no issues with the project and if there is a sprinkler system there is going to be a cost for that because it will need to be run off a separate line. Chairman Boyers read into the record the Sewer response: *Building connected to town sewer, so no connection fee required. Sewer use ordinance uses .15 sewer unit per seat for restaurants to determine user fee with 1.0 sewer unit minimum. Should determine number of seats if sit down restaurant to calculate. If take out then may have to go by number of bathrooms or try to determine water usage by comparisons.*

L. Brown asked in terms of the most intense or extensive secondary use what traffic might that generate and what effect would that have on parking and any additional curb cut request? J. Pohopek replied there would be no additional curb cut request than what has been presented, it is recognized that the space is limited, there is some additional room for more parking and understand the parking restrictions. Anything that would happen in the future with the building other than the proposed restaurants would come back before the Planning Board. L. Brown asked if there was anything discussed in theory that would require a variance for a use that is not allowed in their current zoning. J. Pohopek replied no.

P. Hayward asked about changes to the face of the building. M. Nye replied he intends to change the siding, to pressure treated wood on the bottom and vinyl siding horizontal for the top.

Since B. Bourdeau was unable to attend the meeting he sent an e-mail with his concerns, Chairman Boyers read B. Bourdeau's concerns into the record. *"In regard to the application submitted by Gold River LLC I would recommend NOT excepting the application as it is incomplete. The plan lacks adequate parking, propane tank locations, dumpster locations, lighting, and signage and doesn't give clear direction on development of buildings.*

Other Thoughts:

On the parking I would like to see the town assist in freeing up the state owned property so there can be double parking. All the years Ray's used this property registered cars were allowed in this space.

Would applicant consider taking down the northern most part of the building? This was the former camp turned into storage. Current ADA regs will make this hard to develop and removal will clean up the lines and provide for an attractive northern entrance.

Would applicant consider removing first shop bay that extends closest to road? This bay was an add on, so removal wouldn't be bad. This would clean up the front sight lines, allow for street side parking for takeout and really assist the development of the existing bays."

J. Pohopek replied that he would need to consult with the applicant before answering to those concerns, to make sure that he understood what is being asked.

Chairman Boyers asked the applicant about the intent for the placement of the propane tanks and dumpster. They responded it is intended to put the tanks in the same location as they had been when the property was a marina. J. Pohopek replied that there is a dumpster shown on plans but it is not properly labeled that has fencing around it. Chairman Boyers asked about the lighting and sign descriptions. J. Pohopek replied that he can add the sign and lighting plans onto the plans. L. Brown requested particularly that the person doing the electrical work and the sign work particularly come to the town and get a copy of the sign ordinance and lighting requirements. J. Pohopek replied they will be aware of the regulations. L. Brown replied awareness is nothing follow through is everything.

Chairman Boyers asked if all the fees had been paid. D. Smith replied yes.

Chairman Boyers read into the record the review forms from the Fire Department: *FD will require full plans to review prior to beginning of construction phase and also requires access to three sides of the building no more than 150' from any point*, Highway Department: *No concerns as it is a State maintained road*, and Police Department: *would like to see a 12 foot space between white fog line and landscape buffer, safety due to vehicle turning and entry*.

Chairman Boyers read into the record the waiver request from the applicant, *I, Jason Pohopek, authorized agent of the applicant for the above referenced Site Plan Review, formally request that the planning board consider waiving the following requirements of the Site Plan Review Regulations:*

- *Two foot topography*
- *Storm water/erosion control report*

Our junction for these waiver requests is for the reason that this Site Plan Review proposes no changes to the building footprint or grading of the site. The applicant is only changing the use of the property and only proposes to change only the interior layout of the existing building to fit the needs of the proposed use.

L. Brown commented that his understanding is that the storm water goes east which is the ballast of the railroad and asked if without doing a full report it can be shown how it drains currently. J. Pohopek replied he can show the existing catch basins and how the water travels off the site on the plan.

P. Hayward moves to accept the waivers, J. Michaud seconds the motions, comments L. Brown is content with the added detail of how the water runs on the plans. All in favor, waivers accepted.

B. Graham moves to conditionally accept the application, T. Long seconds the motion, all in favor, applications conditionally accepted.

The board discussed when would be a good time for a site walk. It was decided to be held April 16th 9am.

Public Comment: Gail Pennell: Asked what are they going to be using the north end of the lot for, there is currently the barriers, will anything be put up in that northern part? J. Pohopek replied no because of how narrow that part of the land is. Where the 14 parking spots are shown on the plan is how far they plan on using the property.

Larish Kane: Asked if the concrete barriers are temporary now? J. Pohopek replied yes they have always been considered temporary. L. Kane asked what they will be replaced with. J. Pohopek

explained there is to be four foot wide landscaping island to prevent vehicular traffic. L. Kane asked if there is the intent to add any additional lighting along that strip and if the lights would be on all night. J. Pohopek replied that there is, there is going to be some change in the lighting, they would propose to do was to add lighting over the door ways and on the deck and the lights would only be on during open hours. L. Kane asked if they intend to change the chain link fence. J. Pohopek replied that there has been no discussion of that nature, the fence is owned by the railroad company. L. Kane asked if there was concern with the increase of businesses and traffic increase in the terms of turning and accidents. J. Pohopek replied it would be District Six in Durham that would take up the concern with this.

Steve Panish: Thanked the board for inviting the Conservation Commission to the meeting and to Mike for buying the old marina and expressed that it sounds like it will become a more attractive property, he has no concerns with the parking. From the perspective of Conservation the amount of impervious surface is not good because it creates untreated drainage into the ponds and it would be nice to be able to do something about that, but is unsure what that is. He continued that the strip along the northern part of the property it would be nice if something could be done about that impervious surface, maybe not at all of the applicants expense, maybe it could be turned into a buffer that could filter some of the drainage and be more physically attractive. J. Pohopek asked if the Conservation Commission would have any funds that could help with turning that part of the land into landscape, as it is showing to be a costly adventure internally. S. Panish replied one option is to deed part of the property to the town and the town could then take that on, in terms of the funds the conservation funds are restricted by State Law and would take a lawyer to decide if they could use the funds for that and he does not speak for the entire commission they would need to vote on that as a board.

Stan Nadeau: Added that from the water districts dealings with the Railroad Company they are not flexible.

J. Pohopek asked if back lit signage was allowed in the town, illuminated within. The board replied no, it can only be illuminated from the top going towards to ground.

L. Brown asked to step down and speak as a member of the public. Chairman Boyers allowed it.

L. Brown stated that he has specifically and would like to think courteously closed his eyes to every circular neon sign that he sees in an open business window in the community to protect the value of the small business we have if asked as a Planning Board member he would give a different answer.

The public hearing will continue Mary 3rd at 6:30pm.

CIP Discussion: Review of CIP Charge & Establishment of Project Cost

Chairman Boyers explained the charge review puts the Planning Board in charge of the CIP process and documents the process. The board looked over the charge. Chairman Boyers added the second topic of discussion is the cost of the projects in the CIP and what the board would like to see as a catalyst number for projects entering into CIP. It has been discussed to use \$10,000 or \$20,000. P. Hayward commented that it is important that the timelines match since the proposed Charge is not SB2 compatible, the timeline the board adopts needs to match with notification dates and town meeting dates and this may be more important to do first than to determine the dollar amount. T. Long commented that someone should light a fire under the school board to get them going on their CIP. Chairman Boyers replied that he is attempting to gain Bruce Woodruff as a part time planner and he will be good at lighting a fire to get the School Board going. He has

also been in touch with Doug Shute who has expressed interest in being a part of the process as a school representative.

Master Plan Update: L. Brown provided the board with some suggestions for additions to the master plan. He explained that he reviewed the past documents previous Town Planner Gerald Coogan put together and the policies that it was written in and what crossed his mind for the last 25 years there has been no good history of how the town developed throughout the years. L. Brown explained to the board what he has drafted.

E. Knapp commented (as a member of the public not a member of the Economic Development committee) he has read the draft of the Master Plan put together by Gerald Coogan and noted that it went into very specific detail on economic development plans and personally feels that those details are too specific for a Master Plan.

Approval of Minutes: March 1, 2016 meeting minutes T. Long motions to approve, J. Michaud seconds all in favor minutes approved.

March 22, 2016 workshop meeting minutes, J. Michaud motions to approve, T. Long seconds motions all in favor workshop minutes approved.

Other Business: No comments

B. Graham motions to adjourn, J. Michaud seconds the motion. Meeting adjourned at 7:33pm.

Respectfully Submitted,

Dana Smith
Land Use Clerk