

**Town of Milton**  
424 White Mtn Highway  
Milton NH, 03851



**Planning Board**  
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**Meeting Minutes**  
**July 19, 2016**  
**6:30 PM**

Members in Attendance: Tom Gray, Larry Brown, Tim Long, Bob Bourdeau, Brian Boyers, Joseph Michaud, Bob Graham Alternate  
Also in attendance, Dana Smith Land Use Clerk, Bruce Woodruff Town Planner  
Excused Members: Peter Hayward

Public Attendance: Fire Chief Nick Marique, Bob Carrier, Larish Kane, Eric Knapp, Mike Nye,

Chairman Boyers called the meeting to order at 6:30.  
Bob Graham sat as a full voting member in place of P. Hayward.

Public Comment: Eric Knapp as a resident of Milton wanted to comment that he thinks it is great there is two site plan reviews in one night, it is exciting.

Approval of Minutes: May 17, 2016 work shop meeting minutes, T. Long moves to approve, J. Michaud seconds all in favor minutes approved (3-0) (T. Gray, L. Brown, B. Bourdeau and B. Graham abstain)  
June 7, 2016 meeting minutes, B. Bourdeau moves to approve as written, T. Gray seconds the motion. All in favor, minutes approved. (4-0) (B. Graham, B. Boyers and J. Michaud abstained)  
June 21 2016 workshop meeting minutes T. Long moves to approve as written, B. Bourdeau seconds the motion, all in favor minutes approved. (5-0) (T. Gray and B. Graham abstained)

Continuation 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:

Applicant Mike Nye of Gold River was present for the meeting. Chairman Boyers received an email from Jason Pohopek, the designer that shows the discussion between the designer and the State, with no conclusion yet to parking. M. Nye requested another continuance from the board on this public hearing. Chairman Boyers suggested that Mike Nye and Jason Pohopek sit down with the Economic Development Committee at their next meeting along with the State Rep Bob Graham. Mike Nye agreed that he could attend that meeting. Chairman Boyers made the motion to continue the public hearing to August 2<sup>nd</sup> at 6:30. B. Bourdeau seconded the motion. All in favor. Public Hearing will continue on August 2<sup>nd</sup> at 6:30.

Public Hearing: Yogi Patel applicant. Site Plan review for a proposed Gas Station with Convenience Store located at Commerce Way, Farmington Rd, Milton NH. Tax Map 45 Lot 76-1 in the Industrial Zone:

Chris Jacobs, Chris Berry of Berry Survey and Engineering and Seth Cohen attended the meeting to present the site plan for the proposed gas station for applicant Yogi Patel. C. Jacobs explained to the board some of the history of the site. He explained a previously proposed gas station on this lot and that the plans being presented at this meeting are much more detailed than anything else previously presented. Chris Berry presented the proposed site plans to the board. C. Berry explained he was given ten days to create these plans and was able to do this because of all the previous work C. Jacobs and himself have done with the property. C. Berry explained the plans to the board, he showed the location of wells for lot 73 and explained that lot 76 does not have utilities, this is important because they are proposing underground storage tanks for diesel fuel and there is a certain radius they have to keep from public water supplies, municipal water supplies and private wells. He continued the lot is located off of the Spaulding Turnpike and RT 75, there is one curb cut which is to remain and they are in the process of working with DOT to upgrade the curb cut to allow for the larger turning vehicles. The wetlands have been delineated as part of the subdivision in 2006 and have recently been updated in July of 2016. The current proposal will not disturb any of the jurisdictional wetland impacts. The building being proposed is smaller than what was originally proposed and approved by the board, the architect will be providing additional information in order to properly place the building on the site, it is increasing 4 feet in one direction and 5-10 feet front to back. He added that it would not impact any of the proposed turning movements required on site. C. Berry continued discussing the square footage of the building, que space provided for the proposed drive through. He commented the set-up is similar to the Shell Station in Rochester off of Rt 16, but at this point they are not proposing a car cleaning station. Three fast diesel pumps are being proposed. Parking is proposed along RT 75, in the rear of the building and the front of the building to meet the parking standards. They are proposing two ADA spaces with an ADA ramp and larger side walk (8 foot sidewalk) and explained the location of the proposed dumpster. Fuel storage has moved around in the design stages in order to keep the radii to public water supply and private water systems. The well that would service the site would be considered a public water supply, they are doing the permitting for this through DES and it would be located off the actual site and on Bob Frizzell's land, there would be an easement for the well with a maintenance road. C. Berry explained the basins that are proposed on the property, the basins are linked to a rain garden they have designed, where water flows in a filter mix of bio media which is loam, wood chips and sand along with lots of plants, grants 100% treatment of all storm-water prior to discharge. A drainage analysis and erosion and sediment control plan was included with the site plans. He explained the landscaping plans to the board. He went over the lighting plan, they have proposed less lighting that would leave any of the perimeter boundary lines but provides ample lighting on site, they try to keep a general ratio between 5:10, all of the lighting under the canopy is down lit, and perimeter lighting is down lit and shielded meeting night sky compliance.

T. Long commented that he did not see anything on the plan in reference to sewage control. C. Berry replied they have a septic designer the applicant prefers to work with, he is currently designing the septic plans to be in the front of the site, outside of the well radii.

B. Bourdeau commented he did not see anything about a sign. C. Berry replied they have a proposed location for the sign, but not the sign criteria yet, it would be brought back to the board for further review. B. Bourdeau asked if they are trying to grab attention from the highway. C. Berry said it would be difficult to do that with this sign which would be to grab attention off of 75, currently he has not talked with the applicant on signage from the highway, they do have a note about signage that they are aware that when a sign is conceived it would need to be approved.

L. Brown asked if C. Berry was an agent who can act for the applicant. He replied he was. L. Brown commented that he can take it for granted then that C. Berry can affirm that he has read, is aware, and

will follow the sign ordinance, the wetlands and the lighting ordinance. In particular he continued he has concerns of the brightness of internal lighting, snow bounce, wall packs that do not cut down completely, the use of a decorative element of the corporate entity to throw more light horizontally and he is concerned that there will be internally lit signs and would like to make sure that everyone understands it is part of the record that there is no internally illuminated signs and he particularly is concerned about exclamation point signs, the signs that flop around endlessly, he continued that he is concerned on the amount of different businesses on one lot being proposed. C. Berry responded the proposed car wash is not part of the plans at this point. L. Brown asked if the applicant anticipates four separate signs or one. C. Berry replied they are working on three business currently one sign with the multiple on it.

Town Planner B. Woodruff had only the chance to look over the electronic copy of the plans on a small screen from those plans he created a list of concerns. The board and applicant received copies of the list of concerns. He expressed the concern about storm water quality, he was unaware there were drainage calculations and would like the chance to review those. B. Woodruff thinks it is important to look at the pre and post, pre- before there is any development there and post- once there is development what goes off the site and away from the property lines should be the same. His other issue the environment it is close to wetlands the wetlands run into a brook and it needs to be looked at closely, it is a great idea to have a business here but the overarching thing he advises the board to look at is drainage, storm water quality leaving the site, the rain garden goes a long way but he recommends to have a professional engineer do a peer review of the drainage system, the rain garden and drainage calculations. He seeks the board's permission to get together with the engineer and go over his list. The board saw no problem with that. C. Berry commented that White Mountain Survey and Engineering has done some prior work with the site, if the board is inclined to go with a peer review he would like to request to use that company again.

L. Brown back to lighting the canopies have lighting which extends below the canopy which have recessed lighting. C. Berry responded the lights are proposed to sit up inside the canopy they do not hang down. L. Brown asked if that was a mobile corporate policy or independent applicants are free to choose. Seth Cohen replied he was to go by Mobiles guidelines and imaging. L. Brown asked the type of architecture they intend to use. S. Cohen replied they would like a concrete building. L. Brown asked if it would resemble a traditional New England building. S. Cohen replied they have not gotten that far yet. C. Berry added that because this is a corporate store there needs to be some corporate elements as well, they are working with an architect and will have more information.

B. Bourdeau asked how quickly they wish to proceed in terms of showing the board what they have proposed and other loose ends. C. Berry replied they would like to come back next month for those loose ends. B. Bourdeau replied their next meeting is in two weeks. Seth Cohen is pushing the architect to get the plans done in the next 5-7 days, the building plans are just about completed and the final gas plans. C. Berry noted that this site is highly specialized, very specialized engineer goes over the containment of the gas tanks, and they will have more information for the board soon.

B. Bourdeau asked the board how the prior approvals from 2007 and extensions come into play. C. Jacobs added that it does and does not pertain, this is the same or similar usage to what was proposed 10 years ago, in terms of pure zoning there has been no substantial completion of any work on site, he wanted to give an update to some of the newer board members when he gave the background of the site. B. Bourdeau feels that a lot of work was done in 2007 and on. L. Brown has always complimented Bob Frizzell for being one of the best chess players we have and planning moves out far down the board, he voted against the extension, but is still in favor of the project, what has happened is regulations and specifications of use have tightened. C. Jacobs commented as a resident, the times are changing, the

growth projection that DOT has used none of them have hit their mark, he looks at downtown Milton and as a driver he is always worried about someone coming out into the road, the downtown Milton is changing radically but thinks the road network system downtown is a choke point that long term will control Milton villages growth for the good and bad, there is a need for a diesel pump in town, the town vehicles have to go to Rochester since the State garage shut down. He has always thought this site would pull people off of the turnpike and bring them to Milton businesses.

J. Michaud likes the concept and think the town needs it, just is concerned about how fast people come off the off ramp.

B. Bourdeau would like to make the motion to accept the application, the reason is the RSA's are pretty clear about accepting an application as complete, if they did not have a fairly complete set of plans they would not have gotten the list of B. Woodruff's concerns, this is a much more detailed set of plans that were approved in prior circumstances. B. Graham seconds the motion. T. Long feels that the applicant can address the concerns the board has expressed. L. Brown commented when the board does not know the hours of operation for the drive through, septic information, sign design, etc. if the applicant is working with multiple individuals and has the general sense of the support of the board and the most that he wants is when every I is dotted and T is crossed but does not see anything wrong with the town enforcing the standards it says it wants. B. Bourdeau thinks also its important for the board to be consistent with the applicants, if you look at the application previously talked about this evening there were many things missing from the first plans they submitted, but the board accepted that one, this plan here is much more detailed.

**Board Vote: (5-1) in favor.**

Chairman Boyers opened the floor to public comment.

Nick Marique agrees with C. Jacobs, on the vision of downtown and the work of the Economic Development Committee.

Larish Kane, is there some part of the engineering that will look at the roadway designs. Chairman Boyers replied the DOT will be the one to look at that, as it is a State road.

Bob Frizzell, he pulls out of that site every day and thinks the site lines are pretty good, his complaint is there is no painted turning lines when you are headed west on 75 and would like to see that addressed in the redesign.

Chairman Boyers closed the public hearing.

Seth Cohen commented the family that's building this gas station is from Methuen MA, they have locations in Seabrook NH, the family as a whole have 150 gas stations scattered about New England, this group is a brother, sister and husband, they have been very profitable in their locations, they looked at a lot of the aspects of this property, they want to be involved locally, he is the 'keeper of the files' but they want to be involved locally, this is about ongoing business, they want people who come in every day and it is important to do that through image, Mobile Oil is the biggest oil company, this family is strong a good family to have involved in business and community, Yogi is on vacation currently but will be at the next meeting, he wants the board to be assured that this person is not buying and building just to flip a business, they would be hiring local people.

T. Long asked approximately how many people would be hired. S. Cohen replied 3-5 people depends on the operation, Yogi will be there hands on, it is tough to say they are still looking at some of the outside things it depends on how many people come with the businesses like the sub shops.

B. Bourdeau motions to continue the site plan review for Yogi Patel to August 2<sup>nd</sup> at 6:30, J. Michaud seconds the motion. All in favor.

L. Brown motions for the applicant to use White Mountain Survey for a source of review/second opinion. B. Bourdeau seconds the motion. All in favor.

CIP/Master Plan Discussion: Chairman Boyers explained B. Woodruff looks like he has had a busy month. B. Woodruff agreed, he's been moving along with the bullet points and has almost finished the draft. He is proposing that he will send the draft by email on Monday the 25<sup>th</sup>, changes can be discussed on August 2<sup>nd</sup>, and he will make the changes for August 8<sup>th</sup> and at the August 16<sup>th</sup> set the public hearing date.

Other Business: None

B. Bourdeau motions to adjourn, L. Brown seconds the motion, all in favor. Meeting ended at 7:53pm.

Respectfully submitted,

Dana Smith  
Land Use Clerk

Approved: 8/2/16