

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



**Planning Board**  
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Meeting Minutes  
October 15<sup>th</sup> 2019  
6:30 PM

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

Absent Members: Joseph Michaud

Public Attendance: Paul Blanc, Lisa Delimont, Roxane Weymouth, Mike Currier, Diane Currier, Michael Lajoie, Tom McDougall

Chairman B. Boyers called the meeting to order at 6:35 pm.

Chairman Boyers brought Alternate L. Brown to the Board as a full voting member in place of J. Michaud.

Public Comment: No public comments were made.

Voluntary Merger: Applicant: Keith and Diana Gingras; Map 4 Lots 12.3 and 12.4. **R. Thibeault motions to approve the voluntary merger for Map 4 Lots 12.3 and 12.4. M. Morrill seconds. Vote U/A**

P. Blanc presented the plan to create a three one bedroom and one two bedroom apartment at the former fire station on behalf of his client, Owner; Real Estate Advisors, Inc. (Walter Cheney).

Applicant requests two waivers-

Waiver 1. Site Plan Review Regulation Waiver Request Section 10.C10:

*Drainage on all site plans shall be designed to adequately treat storm water runoff for a 24-hour, 50 year event. Page 7*

Reason being- the proposed site has decreased the impervious area by 12% or 3,108 square feet. This decrease will result in the overall reduction of runoff leaving the site.

2. Driveway Regulation Waiver Request Section VI I:

*No construction permit shall allow a driveway entrance, exit or approach to be constructed more than 30-feet in width. The Driveway shall not funnel to less than 12-feet in unobstructed width. The Material shall be suitable to maintain the weight of a fire apparatus. Page 3*

Reason being- the existing parcel, Tax Map 42, Lot 168, has an existing driveway width of 96 feet. The applicant requests that the width of driveway remain the same. Decreasing the width will not allow for the vehicles to maneuver in and out of the site with ease.

P. Blanc also stated they are proposing to close the existing entrance from NH 125 by using a fence. P. Hayward asked if they plan to take out the driveway on the NH 125 side. P. Blanc stated no they would block it off using a fence.

**L. Brown motions to review the waiver requests. Graham seconded. Vote U/A.**

**L. Brown motions to deny waiver request 1.** Site Plan Review Regulation Waiver Request Section 10.C10: *Drainage on all plan shall be designed to adequately treat storm water runoff for a 24-hour, 50 year event. Page 7*

**R. Thibeault seconds for discussion**

L. Brown stated leaving the pavement on the NH 125 side would have an impact on the pervious / impervious surface and it's not prudent to use an existing 24 -hour, 50 year storm event given the extreme weather events that we have had. Also stated if anything those standards should be higher.

P. Blanc stated he used the standard guideline in the town's regulations. L. Brown stated that the property has the potential to slosh both north and south. P. Blanc stated because they would be decreasing the amount of impervious surface it would decrease the amount of the rate and volume runoff. L. Brown stated if they removed the pavement on the NH 125 side and turned that to pervious surface that would have more of an impact. P. Blanc stated that the state owns 32 –feet. M. Morrill asked how many feet are there from the building to the proposed fence. P. Blanc replied- 15/20 –feet. R. Thibeault stated they can remove the pavement up to the road but cannot touch the state road. P. Blanc said they could and referenced speaking with NH DOT which said they are in favor of the property owner closing off access from the NH 125 side. P. Blanc also stated NH DOT cannot force anyone to remove the pavement and their recommendation of the cutoff line is where the fence would be. B. Graham asks for the footage from the building to the fence, which P. Blanc confirmed roughly 20 –feet. R. Thibeault asked if the state is concerned about the runoff because they have been in past to the point that carwashes were no longer allowed there. P. Blanc noted the NH DOT stated once the fence is up they will request for the pavement to be removed, but they cannot force it to be done. R. Thibeault asked why they are not removing the pavement now before putting up the fence if NH DOT will recommend it be removed afterwards. M. Morrill stated by removing the pavement it would decrease the amount of impervious surface. W. Cheney stated if the Board would like for him to have the pavement removed he'd be happy to do so and that he was trying to avoid dealing with

the state. R. Thibeault asked for clarification because first they didn't want to deal with the state but also stated they can remove it up to their line in the right-away. P. Blanc stated the NH DOT cannot force them to remove it. R. Thibeault replied stating it will be the NH DOT's recommendation to remove the pavement once the fence is in, why not do it now.

**R. Thibeault seconds L. Brown's motion to deny waiver request 1. Motion fails.**

**M. Morrill motions to approve waiver request 1 with the condition that the pavement on the NH 125 side is removed and replaced with grass and landscaping up to the state property line. B. Graham seconded. Motion passes.**

**The Board began to review waiver request 2.**

Chairman B. Boyers stated the applicant has a preexisting condition to support the fire apparatus and asked if there would be any changes. P. Blanc stated no, the only change will be is that all traffic coming and going from the building will be from Charles St.

**L. Brown motions to approve waiver request 2 and stated the pavement that exists meets the criteria. B. Graham seconds. Motion passes.**

**The Board opened the Public Hearing.**

P. Blanc pointed out snow storage locations and stated he put two large SUVs in the plan showing the piles would not be in the line of site. Stated there will be 12 parking spots then went over lighting plan. Stated there will be no spill over and all lights will be down casting. L. Brown confirmed that the bulbs will not be below the shades. P. Blanc pointed out landscaping. R. Thibeault stated the application meets zoning requirements however, the property was sold to the applicant by the BOS and part of their decision to sell to the applicant was because it was their understanding part of the building would be kept for commercial use. The BOS was left with the impression that part of the building would be used for a real estate office and finds it disappointing that it's all apartments. A. Monastiero stated it was their original intent to use the upstairs area for a real estate office but couldn't make it work with the floor plan and felt their new proposed use would be the best fit for the building. W. Cheney stated the exterior stairs that would lead up to the attic space would not look good but he could make it work down the road if needed. W. Cheney noted if they have more units in town it would make sense for them to have an office here. W. Cheney went on to say rent for the units will up to \$2,000.00. R. Thibeault pointed out that the applicants went into the building and they knew what they were getting prior to the BOS accepting their offer. R. Thibeault went on to say that he finds it disappointing and unfortunate that they lead the BOS to believe that the building was going to have some commercial space, especially on one of their first ventures in the town and also knowing the BOS was very clear they wanted some commercial use. R. Thibeault stated that W. Cheney did not attend one of the BOS meetings in regards to the purchase, A. Monastiero went to all of them. W. Cheney stated if that's what A. Monastiero said then he will make one of the apartments a commercial unit for a real estate office (the fire chiefs old office). W. Cheney requested to meet with the BOS to try to clear up any misunderstanding. L. Brown asked how many square feet are the one bedroom units. P. Blanc stated 800/1000 feet. R. Thibeault asked if

the Board should table the hearing until after W. Cheney and BOS meet to discuss. Chairman B. Boyers stated the application meets zoning and it's the Planning Board that will decision the application. Chairman B. Boyers also stated they already made a compromise with turning one unit into commercial space.

**Public Comment opened** - M. Currier asked if the applicant has had the property surveyed and do they know where all the markers are. P. Blanc stated yes years ago by Norway Plains. M. Currier asked if the applicant will be required to remove all the pavement from the left hand side of the building. L. Delimont stated she is concerned with drainage and flooding. She mentioned she had to be evacuated during the Mother's Day floods and has flooding in her basement in the past due to runoff. P. Blanc stated there will be more grass which will help. L. Delimont then asked if all vehicles will be entering and existing from Charles St. M. Lajoie asked confirmed the parking will be both outside and underneath the building. L. Delimont asked about snow storage locations. M. Currier questioned the applicant's property lines which he feels doesn't match up with his property lines. M. Currier stated he has 140 –feet of frontage which based on what he's looking at he would own Mill Street. L. Delimont asked if the address would change to a Charles St. address. R. Weymouth stated it's sad to see more apartments, she'd rather see more commercial units and single family homes.

L. Brown confirmed there is no monument on the northeast side.

**Public Comment Closed.**

R. Thibeault confirmed that the snow storage on the NH 125 side would not be sitting on pavement. L. McDougall stated she sees the removal of the pavement as an improvement and it will help with the drainage concern.

L Brown recommended plants for landscaping to help with water flow.

**L. Brown motions to approve both waiver requests with the following conditions,**

- 1. Have four corner monumentations, with fourth corner of record of current survey**
- 2. All light fixtures meet dark sky regulations**
- 3. 1<sup>st</sup> floor commercial unit with approximately 800/1,000 square feet with separate public access.**

**B. Graham seconds. Motion passes.**

L. Brown stated every applicant to the Planning Board has the full right to apply for any legal use of the property permitted under zoning, undisirregardless of the pervious conditions or uses of the property.

**Planner Comments** B. Woodruff stated that the consultant engineer for the NH 75 gas station informed him that the contractor did not build the Rain Garden to plan, they build it larger than it was supposed to be and in doing so, the top of the self was not 4 -feet wide its 2 -feet wide. Also stated the slopes are closer to 1 to 1 rather than 2 to 1. B. Woodruff also stated if they don't use a different way to hold that steeper slope in place they could lose the whole thing in the wetland.

B. Woodruff informed the engineer that they would need to build that slope using a fiber bond material and before they get a CO they must agree to:

The Owner shall perform a 3-year structural stability observation on Rain Garden No. 1. The observation shall be performed every 3-months the first year and every 6-months on the last two years by a NH licensed professional engineer. Stability observation reports shall be submitted to the Town identifying areas (if discovered) of instability, recommended corrective measure(s), and date the repair(s) was(were) performed.

L. Brown said and documentation must go into the Planning Board files.

The Board agreed to B. Woodruff's conditions.

B. Woodruff handed out the updated CIP spreadsheet. The Board scheduled a special meeting for CIP on October 22, 2019 at 6:30pm

**P. Hayward motions to table the rest of the agenda till the next meeting. L. McDougall seconds. Motions passes.**

**Adjourn: P. Hayward motions to adjourn. R. Thibeault seconds. Motions passes. Meeting adjourns at 8.15pm**