

Town of Milton
424 White Mtn Highway
Milton NH, 03851



Zoning Board of Adj.
PO Box 310
(p)603-652-4501 (f)603-652-4120

Meeting Minutes
February 22, 2018
6:00 PM

Members in Attendance: Larry Brown, Michael Tabory, Stan Nadeau, Brian McQuade, Nancy Wing Alt.

Also in attendance, Dana Crossley Land Use Clerk, Town Attorney Jae Whitelaw

Excused Members: Bruce Woodruff

Public Attendance: George Petrillo, Fran Petrillo, Chris Boldt, Steve Hayes, Marilyn Hayes, Robert Silva, Kim Silva, Carol Bridges, Skip Bridges, Dan Flores, Robert Michaud, Peter Malia, Steve Baker, Andrew Rawson, Jamieson Holway, Richard Burke, Jen King, George White, Lori Smith, Elizabeth Kachoris, Tom Kachoris, Gail Myrick, Bob Myrick, Wendy Beckwith, Daryl Carlson, Janice Carlson, Judy Boucher, Mike Desrochers, Joel Ponte

Chairman Tabory called the meeting to order at 6:02pm.

Chairman Tabory brought N. Wing to the board as a full voting member in place of B. Woodruff.

Public Comment: None.

Continuation Limited Rehearing of Criteria #3 for: Case2017-7 Special Exception Request from Article III Section 3.5, Table of Principle Uses, C, Campgrounds; to expand MiTeJo Campground, 111 MiTeJo Rd, Milton, Low Density Residential Zone, Dan Flores, SFC Engineering Partnership Inc, Applicant, Three Ponds Resort LLC, Owner:

Chairman Tabory addressed that the board has been made aware when they first received the application they should have reviewed it in terms of potential Regional Impact according to RSA 36:54, in order to correct a wrong and moving forward all applications will be reviewed in this manner from this point forward, now as a board they will take a look at the application as a whole, make a determination on if they believe it to be regional impact and from there make a decision on how to proceed. According to RSA 36:54 the board needs to consider potential regional impacts meeting items such as relative size and number of dwelling units compared with existing stock, proximity to borders of neighboring communities, transportation networks, anticipated emissions such as light, noise, smoke, odors or particles, proximity to aquifers or surface waters which transcend municipal boundaries and shared facilities such as schools and solid waste disposal facilities. S. Neadeau after discussion with the Town's attorney it is obvious that this qualifies as a Regional Impact to him. Chairman Tabory clarified that the attorney advised the board to look at the criteria and make a determination. L. Brown looking at the MiTeJo application looking at an increase of dwelling units, thinks dwelling units is broadly defined and would cover the tents, RVs and other rental units, proximity to the borders of the neighboring communities of both Acton and Lebanon divided by the Salmon Falls River,

transportation network discussion has been brought forward on both the possibility on the bridge reopening at an unknown date, as well as the capacity of the Townhouse Rd to handle the increase in traffic, and concerns were raised about the use of Stevens Rd (or current name), must consider the anticipated emissions of light, noise, smoke, odors or particles particularly of possibility of human waste from boating accidents and fuel contamination and the introduction of noxious foreign plants, with the Salmon Falls River directly at the boundary of MiTeJo obviously it is in proximity of surface water, does not believe they are dealing with as a temporary campground not dealing with schools or solid waste, would say I-IV (of RSA 36:54) apply to this application. Chairman Tabory agrees with some of L. Brown's concerns, brought up concerns smoke increase being a factor, aquafer surface water would be a given consideration location, potential impact for transportation depending where the drivers are coming from, is where he sees potential regional impact. B. McQuade shares some of L. Brown's concerns but not all, particularly sees the concern of surface water and the emission of whatever waste being that they share the water with other towns (IV&V). N. Wing agrees to four and five, and to what L. Brown points out, also the current major impact is the European Naiad and the additional boating will have an impact on fighting the EN, believes Lebanon and Acton should be notified of the impact this could have.

L. Brown motions it is the determination of the Town of Milton Zoning Board Adjustment that Case #2017-7 has the potential for regional impact regarding the towns of Acton and Lebanon Maine, as noted in RSA 36:55. S. Nadeau seconds the motion. Vote: (5 in favor 0 opposed)

Chairman Tabory explained that with that passing the two towns need to be notified, to give them an opportunity to come before the board in discussion of this application, based on their input the board will proceed from there. Board held discussion of dates to continue the meeting to. Applicant requested to have a full board for review of the case. Board discussed setting a secondary date for the meeting if for some reason there was not a full board at the first potential meeting date. Board decided on March 15th and back up date of April 5th.

P. Malia questioned if the board had decided if they will stick with their notice to just limit the hearing to criteria three or if they will open up to all of the special exception requirements, as requested by Attorney Boldt. Chairman Tabory replied that for the regional impact piece they need to be allowed to speak to the whole application, based on that feedback is where the board will need to make a determination based on if any and what is presented for impacts. P. Malia questioned that only Acton, Lebanon and the Strafford Regional Planning would be able to speak to the other four criteria. Town Attorney Jae Whitelaw replied that she thinks it would go back to square one, to start the process all over again, like if an abutter was missed in notification, it is a notice issue, so if it is a notice issue you have to start over, it would be the same evidence before the board, noted the lawyers will think more on the matter of how much of the case is to be reviewed.

P. Malia noted that the Town hired Dubois and King to conduct the peer review, at the end there were three bullet points of recommendations, MDM Transportation representative Robert Michaud has responded to those points and would like to submit his response now, he will also send the Clerk an electronic copy.

L. Brown motions to continue Case #2017-7 Special Exception Request from Article III Section 3.5, Table of Principle Uses, C, Campgrounds; to expand MiTeJo Campground to the date certain of March 15th 2018 with an alternate date of April 5th 2018, should the 15th not have a full five member board meeting commencing at 6pm. S. Nadeau seconds the motion. All in favor, motion carried. (5-0)

Discussion and Approval of Minutes: December 28, 2017 meeting minutes, S. Nadeau motions to table the minutes. L. Brown seconds the motion, all in favor minutes tabled.

Other Business: D. Crossley noted again that she would be unable to attend a regularly scheduled meeting

B. McQuade motion to adjourn, L. Brown seconds the motion all in favor meeting adjourned at 6:35pm.

Respectfully Submitted,

Dana Crossley, Land Use Clerk