

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
April 5, 2018
6:00 PM

Members in Attendance: Larry Brown, Michael Tabory, Stan Nadeau, Brian McQuade, Steve Baker, Also in attendance, Dana Crossley Land Use Clerk, Walter Mitchell Town Attorney

Public Attendance: Jill Guptill, Mark Guptill, Deborah Blair, Robert Blair, Andrew Rawson, Tim O'Malley, Lori Smith, George White, Paul AcVaslea, Wayne Sylvester, Ray Jerome, Zachary Bossenbroek, Jen King, Jim Ackerly, May Lume, Deborah Wilson, Bill Lane, Sharone Joel Ponte, Mark Desrochers, Ken Aoule, Sue Aoule, Bob Carrier, Andy Lucier, Carol Bridges, Skip Bridges, Steve Hayes, Marilyn Hayes, Richard Burke, Rhonda Burke, Chris Boldt, Dan Flores, Peter Malia, George Petrillo, Fran Petrillo, Elizabeth Kachoris, Thomas Kachoris, Susan Egan, Kevin Egan, Mac Ford, Heidi Ford, Rich King, Jean King, Dan Dumais, John Goldthwate, Jean Marie Presutti, Don Presutti, Doris Presutti, Chip Harlow, Pat Thurber, William Thurber, Cindy O'Tash, Alice Granlund, Judy Boucher, Wendy Beckwith, Robert Myric, Dana Coull, Scott Martin, Janice Carlson, Daryl Carlson, Matthew Morrill, Peter Adams

M. Tabory called the meeting to order at 6:00 pm.

Public Comment: None.

Election of Officers: S. Nadeau motions to nominate Michael Tabory for chairman. L. Brown seconds the motion. All in favor (M. Tabory abstains) motion carried, M. Tabory will be chairman. L. Brown motions to nominate Stan Nadeau as vice chair, B. McQuade seconds the motion, all in favor (S. Nadeau abstained) motion carried, S. Nadeau will be vice chairman.

Review and Adoption of By-Laws: Board reviewed the by-laws, there are a few words changes and an addition of determination of potential regional impact to the board' procedures. S. Nadeau motions to accept the By-Laws with changes. L. Brown seconds the motion. All in favor, 2018 By-Laws adopted.

Appointment of Alternates: Andrew Rawson has volunteered for a three year term, L. Brown motions to appoint Andrew Rawson for 3 years, S. Nadeau seconds the motion all in favor, motion carried. Board signed the appointment sheet for Andrew Rawson, Andrew Rawson was sworn in by Town Clerk Michelle Beauchamp.

Chairman Tabory welcomed Steve Baker to the board as a newly elected member. Chairman Tabory went over public comments, S. Baker stepped down from the board as he is an abutter of the following case, Chairman Tabory asked Andrew Rawson to step up to the board as a full voting member in place of S. Baker. Bringing the board to a full 5 member board.

Continued: Public Rehearing of: Case 2017-7 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:

Project Narrative: Dan Flores of SFC Engineering Inc, Attorney Peter Malia of Hastings Malia Law, Zachary Bossenbroek owner and Dan Dumais of MDM Transportation, George White Mi-Te-Jo Campground manager were in attendance. *Peter Malia* went over brief overview of the project and events leading to this meeting, Mi-Te-Jo Campground is on a parcel land being 225 acres, the existing campground occupies 45 acres, containing 216 RV sites, 7 rental cabins, 2 beaches, camp store, playgrounds, ball field and variety of other recreational amenities. The proposed expansion would add 163 new sites, totaling 386 campsites with other recreational amenities to be added. Recapped the path the application has followed from the initial hearing to now the full rehearing with potential regional impact, addressed the differences between Planning Board criteria and Zoning Board criteria that Zoning Board criteria are more subjective than PB, noted that the Strafford Regional Planning Commission review comments that the Planning Board can address setbacks and buffering during site plan review, referenced the Milton special exception criteria, specially addressed criteria 3 can only find against the applicant if there is undue nuisances and serious hazard, asked to consider the new information received, the third party review by Dubois and King's report supports the traffic report submitted by the MDM referenced the conclusion of the Dubois and King report, addressed that the SRPC report discusses traffic concerns and that the traffic studies and the technical review does not indicate adverse safety of Townhouse Rd, concluded that based on the reports by MDM, Dubois and King and Strafford Regional Planning Commission does not think there is any evident that this project would create an undue nuisance of serious hazard to pedestrian or vehicular traffic and feels that criteria 3 should be found in favor and again on the other four criteria.

Dan Flores of SFC Engineering, began with a narrative of the project, the existing campground is 223 sites, they are looking to expand two areas, the east area (east area 1 and east area 2) and the west area (west area 1 and west area 2), expansion to the maintenance area and amenities area, east area 1 will have 30 back in sites and 39 pull through sites, east area 2 will be 27 back in sites and 12 pull through sites, west area 1 will be 26 back in sites and 9 pull through and west area 2 will be 20 tent sites, proposing a new entrance at the east side, will have a check in area and parking will be gated, proposed a bathhouse and covered pavilion, west area will have two new bath house, amenities area will have water amenities not available to the general public accessory use to the campground only, noted the septic's and the water supplies have four wells currently only use two but the expansion will activate one more, will get water approval from the state, addressed the new septic locations, will be getting an alteration of terrain permit from the State of NH dealing with grading, drainage and water quality, State Subdivision approval for the expansion of number of sites looking at the types of soils and how much sewage can be handled which will determine how many campsites they can have.

1. That the specific site is an appropriate location for the proposed use or structure.

Applicant Response: D. Flores this location is appropriate because it is an approved use with special exception, campground is within LDR zone, use is approved with special exception, project does not require any variance, land has sufficient area for the use, wooded area, expansion of existing use, has existed for decades asking to expand, development meets all requirements of the Zoning Ordinance, the existing campground did get site plan approval in 2012, the parcel consists of 225 acres, existing campground is 45 acres, noted the wetlands (38 acres) total developable land of 142 acres, roughs out to

one site per acre, area exceeds NHDES minimum lot size per sewage holding by soil type, there is no density requirement for campgrounds in Milton then looks to the State for regulations, the proposed design flow is 29,590 gallons per day, with that design flow and NHDES requirements needs 14 acres for the septic soils, Mi-Te-Jo has 147 acres of land that will be part of the state subdivision.

Board Comment: Chairman Tabory noted that the board has received letters of concern from abutters and other citizens and are part of the record. The board has received these letters for review.

Chairman Tabory Opened to Public: *Chris Boldt* asked if the board would listen to the applicant's testimony of all five criteria and then open to the public. Applicant commented that they would proceed however the board chose. Board comment: L. Brown noted that he would forget questions he has now if waited. S. Nadeau feels they should continue as they have always. B. McQuade agreed with S. Nadeau. Chairman Tabory agreed. S. Nadeau motions to continue as usual for the hearing (by hearing each criteria testimony, public comment on each and board discussion), L. Brown seconds the motion. All in favor motion carried.

Judy Bouche 220 Townhouse: felt the specific site is not an appropriate site for the proposed structure, researched allowed uses in the zoning ordinance, discussed the definition of campground from different dictionaries, and camping ground defined in the zoning ordinance, addressed the dictionary definition of resort, feels that it is apparent that they are not only asking to expand the campground but to transform it into a resort, in the MZO table of principle use discussed what is not allowed in LDR, addressed the amenities available currently at Mi-Te-Jo, addressed franchises, feels that it is not a campground already that it is a resort, discussed the Northgate Resorts' other campground amenities, feels it is a commercial business.

Chris Boldt, legal representative for a number of abutters: also feels it has moved from a campground to a resort, proposal is not just for tents and RV's but now park models as well has previously given the board a copy of information on park models, passed out pictures of park models at the applicants New York facility, addressed that the Milton zoning definition of campgrounds expressly states temporary and the park models are not temporary expressed concern that the NY campground does not have trees, asked that be added to the record. Told the board they need to look at the verbiage of the MZO to grant a special exception, feels this project should require a variance, pointed out Article 8 of the MZO of how special exceptions should be granted, discussed different definitions in the MZO, public accommodations definition in the zoning ordinance and finds the park models fit the definition, seasonal dwelling has a definition, LDR is defined in section 3, feels that you have to ignore that there are current sites and think if you would approve this proposal on a virgin site, discussed the Shoreland Ordinance, there is no impervious coverage calculations, asks the board to consider it is the burden of proof for the applicant, recognizes this is not a virgin site, have 147 acres of developable land, addressed the census of Milton population, commented that their expansion could add up to 3000 guests being comparable to the Town's population.

Steve Hayes Lakeside Drive: questioned, that the lot is 225 acres, asking if part of the lake is considered in that. (Due to the line that goes through lake on the plans)

Chip Harlow, Lebanon, Selectmen Chair: Town of Lebanon expressed concern with the proposed expansion specifically with water quality of Northeast Pond, the nonpoint source pollution from stormwater runoff, harmful algal blooms in freshwater produce a liver toxin, to permit the proposed expansion abandon the goal of the master plan to protect Three Ponds, invasive species, aquatic invasive species especially with more boats and people using the lake, potential increased risk of importing invasive insects and disease on fire wood, air quality, more camp fires will worsen the frequent clouds

of smoke that blanket Lebanon shoreline and woods, traffic/public safety, concern with New Bridge Rd (Townhouse) the bridge being put back felt the traffic study was flawed since the bridge was closed and unclear the occupancy of the campground when the study was done, increased boating will cause public safety issues of collisions, noise and pollution increase, environmental impacts, increased fishing putting pressure on fish population, increase potential total phosphorus spiking to threaten fish population, potential impact on the loon populations due to increased boating traffic, quality of life, expansion has potential to impact the scenic vista, increased noise, increased watercraft traffic, and decreased market value along shoreline. Those concerns he feels are relevant to the five criteria, a 73% increase in land-use density is not appropriate for LDR being adjacent to an already overburdened Northeast Pond, second would question what is considered the neighborhood, thinks of Three Ponds as part of the neighborhood and feels it would be injurious, noxious and detrimental to the Ponds, thirdly feels the traffic study is too flawed major concern of the bridge, fourthly harming the environment can cause health concerns and public safety is at risk with the higher boat traffic and lastly if to protect the Three Ponds is a goal of the Master Plan the risk to them should not be taken lightly with this expansion then. Town of Lebanon does not feel the criteria has been met.

Peter Malia: addressed that the applicant does not plan on building any houses in Milton on this site as shown in the pictures from the NY site, there is a campground on the existing site, campgrounds are allowed on the site by special exception, seeking an expansion of the existing campground, read the MZO definition of camping ground, what is there now meets the MZO definition of camping ground, what is proposed meets the MZO definition of camping ground.

Dan Flores: informed the board that in regards to impervious area and property line set backs are depicted on the plans, because the parcel is within the Milton shoreland protection area the max coverage for impervious is 20%, their layout is less than 14%, addressed how that number is determined, below the 20% threshold, looking at the area just within the shoreland protection 250' off the waters edge, for the entire campground including the expansion of that area they represent 2.8% impervious. The site itself, do not have a seek variances, meet all the property set backs, provided a plan that speaks to the existing campground now, they have no intent in clear cutting, the intent is to have large sites that fit within the trees, will be buffer of trees between camp sites, fit within what existing, not dwelling units, will not be used year round, seasonal campsites, meet requirements of the zoning ordinance for this development.

Richard Burke 36 Lakeside: asked where the septic systems will be on the development, asked if additional trees will need to be removed.

Dan Flores: provided information on where the septic systems would be, this is a plan area could be reduced depending on the technology used, subject to NHDES approval, plan uses stone and pipe septic systems currently, anticipates less will have to be cleared than what is proposed, it is an existing campground it is an appropriate location.

Tim Leck 1071 WMH: asked if anyone has done the research on how it will affect the water levels.

Dan Flores: that has not been addressed, pointed out where the 4 wells on the property exist, 2 are currently in use and anticipate that with the expansion will start using one more.

Chris Boldt: questioned if there is a calculation of how much water will be used for the water park.

Dan Flores: informed the board that at this time there is not.

Zachary Bossenbroek Owner: added that once they apply for the permit to build the pool, at that point they would deal with those kinds of issues.

Chairman Tabory asked what the water park amenities are intended to look like. Z. Bossenbroek replied it is about 8 inch deep pool, very appealing to kids has interactive features, spray guns, dumping water bucket, like a water playground, slides (100ft) and smaller 20ft ones as well. Chairman Tabory

questioned if from the other parks have an understanding of how much water will be used. Z. Bossenbroek replied he was unsure of how much are used at other parks, some parks have water hauled in at the beginning of the season other parks it comes off of the well but does not have the calculations off the top of his head.

George White, General Manager of Mi-Te-Jo: added that a lot of those parks the water is recyclable fill it up once a year and it recycles, it is chlorinated. Z. Bossenbroek noted there will be some evaporation and loss but not sure what that is.

Richard King, Micah Terrace: questioned when the traffic impact study was done, winter or summer.

Dan Dumais from MDM: explained actual traffic counts were done the last weekend in August, then the counts were adjusted to consider the historical counts at the State line having just under 600 vehicles two way flow at July peak condition, added that to assume it went all the way to RT 125.

Michael O'Brian Sewell Shores Lebanon: expressed concern on the increase of sites compared to traffic increase shown in the traffic study. *Dan Dumais:* explained how the traffic study was done. S. Nadeau: noted that the ZBA did hire a third party engineer to review the traffic study, done by Dubois and King and they came back with pretty much the same as what the MDM study said. *Michael O'Brian* questioned when the boat traffic will be studied and if the capacity of the lake has been considered.

Chris Boldt: asked if there is a calculation of how large the water park is to be, the pavilion is to be, and is there a commitment that no outside users, if not staying at the campground overnight.

Dan Flores; it is on the plan on sheet number 2, each usage does have a size, the pavilion is a picnic pavilion not a concert pavilion being 6,000sq ft, the amenities area on sheet 3 reserving approximately 1 acre for that, and 2 acres for future amenities. Chairman Tabory asked what the future amenities would be. Dan Flores replied the notes on sheet 3 state that amenities are for campers only and not open to the general public, amenities area to consist of pools, mini golf attractions etc. Building with rest room snack bar and showers. Would be further detailed during site plan.

Chris Boldt: asked where the concert amenity will be located, website says they will have a music event on the weekends, comedies shows, questioned where those would be.

George White: informed the board that currently those events take place at the existing pavilions.

Zach Bossenbroek: added that they are not building anything for that, the new proposed pavilion is a picnic pavilion. Chairman Tabory asked if those events had been occurring over time or if it was a new since the change of ownership. *George White:* those events have been occurring the same place for years.

Gene Bouche 220 Townhouse Rd: the LDR is not a commercial zone, reviewing the Northgate Resorts at other venues offer day passes and noted they do not mention that in the application submitted, concerned on the occupancy number not considering the day pass users, noted that Gilford NH has a resort community zone and that Milton does not, feels that with the increased amenities, day passes and resort attractions that it is transforming into a commercial zone, questioned if the board has the authority to approve the transformation.

Deborah Wilson Lebanon: there is currently day use, has attended Native American pow-wows, there is the ice races, money is collected at the gate, have been to several events and have never camped there, concern of day use, with the expansion.

Zachary Bossenbroek: understands there are some events that are historical, as a favor to the community allows the events, if in the future the PB decided they did not want that occupancy to occur, could be fine with that, for the use of new amenities discussion that can be had with the PB, some communities want them to sell day camp passes, people can use the amenities, but the number of sites dictates the occupancy if the sites are full they cannot let in extra people, allows people in the community to use the facilities, but discussion could be had with the Planning Board.

Chairman Tabory Closed Public Comment.

Board Comment: L. Brown noted that from comments there are 7 cabins at Mi-Te-Jo, questioned if those are for rent. Z. Bossenbroek replied yeah, knows they have 7 on site as of the past summer. L. Brown questioned if the applicant agreed they are commercial motel rental cabins. Z. Bossenbroek replied they are defined as park model RVs. L. Brown questioned if they charge a NH meals and rooms tax for people staying in those rental cabins and that the applicant miss-spoke calling it a rental cabin. Z. Bossenbroek replied that according to federal regulations it is a park model RV but their attorney does say they have to pay the meals and rooms tax. L. Brown asked if the applicant would agree that any right acquired in zoning runs with the land and does not then require any further review to exercise that right. Peter Malia replied that there are different types of rights that attach to lands. L. Brown clarified the right of special exception would not need to be asked for twice, as presented here anything in that SE would travel indefinitely. P. Malia replied Mi-Te-Jo as it currently exists would not have to ask for another SE, but where it is seeking to expand it does. L. Brown questioned the reason they are asking for the SE is that they do not have the rights it would confer. P. Malia replied it was their understanding they had to ask for a SE for the expansion. L. Brown feels the context of the presentation seems to suggest by bringing it up it is proof they should have it, noted that the Supreme court uses dictionaries in deliberations, use of plain English and what the community understands is appropriate is an integral part of the discussion, would not disregard dictionary.com. P. Malia added he believes that the Town's Attorney would advise that if a word is not defined in the MZO then you could turn to the dictionary, camping ground is defined in the Town's ordinance.

Chairman Tabory: questioned if some of the other sites owned by their company is reflective of what they want to do here at Mi-Te-Jo, is it fair to say they will model it after their other successful locations, and they can expect what they advertise at other resorts, if that is a fair representation of the vision for this property. Z. Bossenbroek if you view the Mi-Te-Jo website you'll see the park model cabins available to rent, if there is market demand would certainly add more of those park models, pointed out the pictures provided are of a campground they inherited without trees, their intent is to maximize tree coverage, it is good for their business, customers want to camp in the woods. Chairman Tabory questioned what the size and look of the park models are. Z. Bossenbroek showed an example close to the Mi-Te-Jo park model RVs and explained that dimensionally they have to be under 400sq feet livable space to constitute a park model RV. Chairman Tabory noted that the definition of manufactured housing says that those structures need to be at least 320sq feet, potentially does fall into that definition. Z. Bossenbroek felt federal law pre-empts that, has very specific regulations to what constitutes a park model RV, their units constitute a park model RV. Chairman Tabory questioned if the applicant could tell him what percentage at the other properties, do they typically populate with the park models over people coming in with their own RVs. Z. Bossenbroek replied roughly 10-20%. Chairman Tabory questioned if that is a fair estimate to what would happen here, questioned the permanency of the park models. Z. Bossenbroek replied that they are considered personal property and would not have to be registered, added that the same regulations that define these as park models, define 5th wheel campers and motor home RV's all that can be significant sq. footage. Discussion on the taxation or registration on the campers. Chairman Tabory questioned if the trees will stay as what is naturally there or be re-planted. D. Flores explained the intent is to save what is there now, it is mix of mature forest and newer. L. Brown questioned how many units will be connected to a single disposal field. D. Flores replied it does depend, one sized for the East area would take 69 sites.

Chairman Tabory questioned if they have a boat launch (Z. Bossenbroek Yes) do some people put their boats in and out daily (G. White replied yes if they do not have a boat slip they have to pull their boats

out daily and have to store it in the parking area) how many slips exist (G. White believes it is a total of 28 but it is two boats per docks) how many additional boats are being parked because there is not enough slips (G. White said about 6 depending)

S. Nadeau commented that they need to remember that the first criteria is asking if it should be permitted, gone everywhere else but what is being asked, other four will entertain the rest. Chairman Tabory explained his questions are trying to figure out what they do have there, trying to understand, he typically pictures a campground with the tents and regular campers but maybe never went to one with water parks, is it a proposal for a campground expansion or something else. L. Brown on what basis does the board conclude that the historic use of camping will stay in place with double capacity that changes in nature of its own history, that we are facing an unspecified number of 'stick built not a cabin rental unit' with a Portsmouth style Saturday night, they are to understand this is an appropriate proposed use.

A. Rawson commented he is an avid camper does not sway him either way, a lot of campgrounds in today's society have these amenities and it is not uncommon, liked camping as a kid with only a tent and trees but today this is what it is.

Straw Vote: That the specific site is an appropriate location for the proposed use or structure. Yes vote is that the criteria has been met.

Vote: L. Brown (no), B. McQuade (yes), S. Nadeau (yes) A. Rawson (yes) Chairman Tabory (yes, concerned with scope though). Passes 4 in favor that the criteria has been met, 1 not in favor.

2. That the use will not be injurious, noxious, offensive or detrimental to the neighborhood.

Applicant Response: Dan Flores, proposed expansion exceeds the setbacks in the underlying zoning district, is an expansion to an existing use, the plans were revised for the rehearing, as follows: campground entrance was discussed as difficult to discern detailed a change keep the sign remove gravel with grass to clearly depict between entrance and Lakeside Dr., check in area had previously shown 4,000 sq foot building reduced to 1,500 sq. ft reconfigured the parking to allow for more distance from lot 33-280 also will be planting trees to add additional buffer, in East area 1 revised to pull sites further into the campground increase to distance from abutting properties, reduced campsites and added a fence for additional buffer, reduces campsites to 163, provided handout from the NH Lakes Lay Monitoring Program from UNH cooperative extension provides recommendations for improving water, to encourage shore-side vegetation to provide a buffer the wetland conservation ordinance in Milton requires a 25 foot vegetated buffer around all wetlands their plan has 50 feet, limit fertilizer applications not proposing any development on the water front the proposed expansion will not require fertilizer, prevent organic matter loading are maintaining a 50 foot buffer, limit loss of vegetative cover the Milton shoreland protection overlay district requires 25% the layout provided has a total of 14% or less, try to develop with how water leaves the property the project requires NHDES permit of Alteration of Terrain due to the size that permit protects NH surface waters drinking water supplies and groundwater by manage stormwater and run off, discourage feeding ducks and geese the campground prohibits feeding ducks signage at the beach, maintain septic systems the expansion will include new septic systems as shown will be permitted by DES, the project is not subject to State shoreland but the Town has a shoreland overlay and is identified on their plans meet requirement of max 20% impervious, demonstrating that do have the ability to design the site so that it is not injurious, noxious, offensive or detrimental to the neighborhood, all those items will be reviewed thoroughly with the Planning Board and State. Adjustments made since the first submittal are things that could happen during planning process.

Chairman Tabory Opened to Public: *Wendy Beckwith 42 Lakeside*, questioned how it will be beneficial to the neighborhood and Milton in general.

Peter Malia: replied that is not the standard or what they have to prove.

Mike O'Brian: questioned how a 73% increase and by doubling the population in town in a residential area if that itself would be considered offensive and against the criteria to be met.

Chip Harlow: questioned what the brown area is depicting in the wetlands buffer. (D. Flores explained the brown area is the 50 foot offset)

Frank Bridges 65 Lakeside: notice they want to dwell on the use of the soils, wetland buffers, but ordinance talks about the use heard tonight going to have laser shows, concerned with what is going to be happening on the property. Does not care if they have the right soils.

Z. Bossenbroek stated there are no laser shows planned, have never been or ever will be. Amenities planned: pool with splash pad feature with playground, mini golf, jumping pillow, along with items mentioned in footnote.

Frank Bridges: commented that mini golf takes up a lot of space, questioned if should address conditions being placed on any approval.

Deborah Wilson, questioned what noxious is. (Walter Mitchell, Town Attorney: to him it is harmful, Chairman Tabory: harmful, poisonous or very unpleasant) commented that the wind carries the smoke across the lake, concerned with air quality, water quality, and quality of life in Lebanon, felt that both sides of the pond are not being considered.

Fran Petrillo: expressed what noxious is to her and that the fires are going till late in the night.

Darrell Carlson 165 Townhouse: has not seen any updates on where the campsites would be, concerned about lighting and felt it had not been addressed.

Dan Flores: the material given to the board tonight has the Mi-Te-Jo Rules and Guidelines speaks to fires (*George White*: the rules have stayed the same from the previous owners to current owners) campgrounds in nature are dark, there won't be lights around the campsites themselves, lights at the bathhouses, lights would be submitted with the Site plan for Planning Board, to be dark sky friendly, campground is meant to be dark not lip up like Vegas.

Frank Bridges 65 Lakeside: expressed concern that with the expansion his part of the neighborhood would experience increase of smoke, loves the campground as it has been, concerned with doubling the population of the town by adding the campsites, does not hear about policing or if the rules are not enforced, evidence to enforce the rules, how will they prevent the smoke.

Tom Kachoris 59 Lakeside: detrimental to the environment, guy from Lebanon nailed it as far as 500 more people on the lake, expressed concern that the lake would not be able to handle the increase.

Joel Ponte Lakeside Dr: water on the weekends is very crowded, adding in the additional boats won't be able to enjoy the lake.

Jean Marie Presutti: questioned that there were already ordinances in place for lighting and fire permit restrictions that the applicant would have to follow.

Gene Bouche 220 Townhouse; if this is approved, feels it is offensive, injurious, and detrimental in a variety of ways specifically water quality, water wells excessive expansion could have detrimental effects on the wells, traffic coming and going makes a lot of noise, impact on property values referenced Business Insider about decrease in value of homes, dust makes them have to close their windows it becomes offensive and detrimental, touched upon increase of boats and invasive plants.

Chip Harlow Lebanon Select board: feels that this is a resort, addressed that with the regional impact Lebanon becomes part of the neighborhood, concern with the smoke blowing into houses, water quality issue commend all the things they intend to do, they do not get a do-over if they screw up the pond, density of people on the water, land, expressed the concern of added boats and invasive species issues,

boat washing station does not always get used. (S. Nadeau asked as a Selectman in Lebanon if there is a requirement or restrictions on the Marina in Lebanon on how many boats are allowed on the lake) C. Harlow replied not that he knows of. (S. Nadeau not agreeing or disagreeing with him, but confused to why hasn't Lebanon addressed the Naiad issue on their boat ramp, where the Milton Town beach does) C. Harlow explained Lebanon does not have a public beach, the boat launch is private has no control, here to represent the resident's concerns, Lebanon does not have zoning and cannot force private entities to do that. (A. Rawson noted that Everett's Cove does have a boat washing station, S. Baker added that TPPA has a grant that funds that from the State of Maine)

Dan Flores: explained the campground does have a boat wash station, as part of the rules and guidelines before entering and leaving are to wash down the boats and trailers (*G. White* in the past did not inspect this year will be) *Z. Bossenbroek* added they have a vested interest in the lake, adding the pool to pull people off of the lake, want to protect it too.

Deborah Wilson: questioned where the chlorinated pool water will be drained, for the boat washing Everett's Cove is very thorough. Expressed concern that Mi-Te-Jo will bring in weeds.

G. White added that the pools would not drained all the way down, would be covered.

Kevin 103 Lakeside: expressed his knowledge on pools and that the pumps and pipes need to be drained.

Tim Leck 1071 WMH; noted the increase traffic during the spring around Townhouse, questioned what good the applicant will bring, feels it will cost more in taxes.

Mike O'Brian; questioned if they are willing to pay for the eradication of the Naiad, other parts of the country have done boat traffic assessments and how it impacts the lake or carrying capacity, would like those studies to be looked at and done.

Jen King 38 Lakeside: came up here for the quality of life, did not plan to move next to a water park, feels there will be a very detrimental effect on Lakeside Drive.

Peter Adams 73 Lakeside, expressed concern that they are trying to bring a water park destination to a place that is already a destination, concerned that they only want to keep the lake profitable concerned that they will let things slip to ensure profits, feels should focus on the future.

Chris Boldt: feels it is important to note it 'will not be injurious, noxious or offensive' have to be very confident that it will not be, feels the entire eastern lobe development will be detrimental to the neighborhood around it, his clients feel that way, how can the second exit not be detrimental to Lyman Rd, questioned the intended lighting and amenities hours.

Dan Flores; informed the board that the second gated access from the east area to Lyman road is for emergencies only not for normal traffic, noted where the amenities are located.

Board questioned the hours of operation for the amenities. (*Z. Bossenbroek* replied that it has not been fully thought out, but at other parks the water amenities do close at dusk, that is controlled by local code) Chairman Tabory questioned if there were two emergency exits. *D. Flores* replied no, there is a snowmobile trail that connects on the property as well.

Kevin Gilman Lakeside: questioned if it has been considered with the expansion if there is a forest fire how the peninsula of this area would evacuate. Expressed concern that they have no emergency evacuation plan.

Frank Bridges: questioned how the fire engines going to get in when everyone is going out.

Chip Harlow: commented that he felt it would be injurious to Milton, Three Ponds becoming a resort, believes the business that went to restaurants in town will stay on the property.

Z. Bossenbroek: feels the fallacy in the argument because they will need to hire local people to staff their business, even if it was their intent to keep everyone on site there is still the labor force to be hired.

William Thurber Lebanon: expressed that there is a vast increase of jet skis on the pond in the past years and the expansion will bring in more boats and jet skis, feels it will affect Townhouse Pond.

Chris Boldt: commented that the argument that they will hire locals is the same defense big box stores use, may hire but will put some out of business.

Steve Hayes: asked for clarifications on the boundaries listed on the plan specifically the one that goes over the lake, concerned with noise, (S. Nadeau explained how the Police Department handles noise complaints) wondering about curfews for Mi-Te-Jo, lives north of Boston referenced the planning and experience with Big Dig, asked for skepticism on federal standards.

Peter Malia: regarding the water park, it is an 8 in pool with some accessories for kids to play in, referred to a 1998 Supreme Court case *Cormier vs. Danville ZBA*, need more than a recitation of conclusion need evidence which has been provided by the applicant.

Kevin Gilman: expressed vehemently his concern with the lack of fire evacuation plans presented, feels that since they know they have to present that to the PB should present to the ZBA.

Dan Flores: replied that part of the Site Plan review is fire evacuation plan, it would be submitted to the Fire Department for their review and approval, he explained the black line in question, and it was an error in the plan that just ties the boundaries together the property line is the water's edge. Explained that the plan they put together, the roadways have to conform to the Town's standards to allow travel of the Fire Apparatus and will be ironed out with Site Plan.

Chairman Tabory explained that a lot of those issues would be addressed at the Site Plan level with the Planning Board.

Chris Boldt, feels there is evidence.

Frank Bridges: it is the applicant's burden to show it will not be noxious, wants studies to show how much smoke, wants studies on boat traffic, feels it is already noxious and detrimental to the neighborhood.

Tom Kachoris: expressed concern that campground may have second exit but that Lakeside Dr. does not

Richard Burke 36 Lakeside: has found information about living next to an undesirable land use, stated that if there is a stigma it creates an undesirable and feels there is one.

Chairman Tabory Closed the Public comment.

Board Comment: L. Brown noted that anecdotal comments do not mean they are wrong, still wondering when intensity of use the general and specific uses planned, not the roads going in or size or septic field, when that intensity of use is no longer a difference of degree but difference of kind, noted that after 11pm is the quiet hours, there is nothing in residential lighting that the town can control, but specific regulations for commercial operations, still dealing with what is injurious, noxious or offensive to the community, no discussion about what the quality of sound systems might be presenting an evening program

B. McQuade questioned as far as the other boat ramps that exist elsewhere what is the maximum of boats allowed through. A. Rawson answered that there is not an ordinance that he knows of limiting the number of boats on the lake, but knows the Town's beach is diligent with washing of the boats, there is no set number that he is aware of. S. Baker noted that it may be limited just by how much parking is available. B. McQuade understands the concern but feels it is unreasonable to ask the applicant when it is not being done in the public sphere. Chip Harlow added that Lebanon does not have a public launch. A. Rawson noted that TPPA does have a wash station at Mi-Te-Jo.

Chairman Tabory from an engineering perspective the soils with site approvals feels the criteria would be met, but this does not count the people factors that cannot be controlled, smoke, noise, there are going to be some that do not follow the rules, does not feel the burden of proof has been met, comes back to scope for him, feels it is too big and cannot go backwards if it has detrimental effect to neighbors or lake, does not feel the criteria has been met.

A. Rawson questioned how the manager or owners will police the fires, knows other campgrounds rules and regulations. (Z. Bossenbroek noted that there could be a ranger that would go around, like at their other parks, to enforce the fire issue, feels those issues could be presented to the Planning Board, does not understand the sound concern, at their other locations have neighbors 800 feet from the property lines that do not complain about noise)

Straw Vote: That the use will not be injurious, noxious, offensive or detrimental to the neighborhood. Yes vote says the burden of proof has been met and it will not be injurious, noxious offensive or detrimental, a no would mean the criteria has not been met.

Vote: L. Brown (No) Chairman Tabory (No) S. Nadeau (No) B. McQuade (No) A. Rawson (No) 0-5, the board has found the criteria has not been met.

3. That there will be no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking.

Applicant Response: Dan Dumais from MDM spoke to an overview of the traffic impact analysis, which has been peer reviewed by Dubois and King hired by the Town, who agreed with MDM's findings that it would not be an undue nuisance or serious hazard. Explained how the procedure to gather the data went, explained that since the bridge is closed but expected to reopen looked at NHDOT's historical numbers, which indicated 575+/- vehicles at the State line in 2014 when the bridge was open carried that traffic through onto Townhouse Rd, counted 24 hours a day Thursday-Sunday, found a 25% increase. Also looked at safety criteria worked with NHDOT and the Milton Police Chief, almost all but one crash between 2011-2014 happened in the winter months when the campground is closed, data found that most traffic was cars and not RVs, addressed where they expect the traffic to flow, from the peer review did put together a 10 year projection, the peer review found in like with the MDM findings.

Chairman Tabory Opened to the Public: *Deborah Wilson:* questioned why they did not study the Maine roads and traffic coming from Maine, expressed concern of increased traffic of the people tenting not hauling campers.

Dan Dumais: explained during the review they did consider the Maine traffic, felt that the traffic from 202 would connect into White Mountain Highway to access the property of the larger roads with campers, felt the traffic going into Lebanon would be negligible.

Denise Gilman: did not see any studies done at the time of their check in, check out.

Dan Dumais; informed the board that they did count for check out time.

Kevin Eagan 106 Rocky Point: did not see much about pedestrian or bikers, road is very hazardous to walk, feels they are increasing the probability of accidents with pedestrians and bikes, expressed that the road should be updated.

Jen King: disturbed because they are saying they could let in day passes, concerned about day use. (S. Nadeau noted that believes applicant said that the maximum sites would be the maximum people allowed)

Marilyn Hayes: questioned the actual date of the traffic study (D. Dumais 24th in August) the company must have been putting together in the summer, so why wasn't it done in July or August. (D. Dumais reported that when they did the traffic study there was only 10 empty sites so operating at almost full capacity and their other NH site shows similar traffic patterns)

Mark Guptill; most of his seasonal neighbors were gone at that time feels it was disingenuous, feels they should have done the traffic study earlier.

Chip Harlow: disagreed with the peak hours, questioned the ten year projection.

Kevin Eagan: questioned if he missed a lot on the pedestrians and bikes, if there would be hazard to them.

Dan Dumais: did not count any walking trips coming out of the campground during their research, but did count roughly 25 across the entrance. Chairman Tabory noted they talk about the pedestrian traffic at the entrance of 125/Townhouse and Townhouse/Mi-Te-Jo but they are not studying any pedestrian traffic in the middle, concerned with the numbers between the intersections. D. Dumais replied they did not study the pedestrian traffic in the middle did review it for safety purposes with the Police Chief, he is not aware of any pedestrian crashes, no pedestrian safety issue, not generating that much of an increase so not expecting to increase safety issues for pedestrians. Chairman Tabory questioned that they are doubling the traffic. D. Dumais replied from the campsite but not on the road, during peak hours they have up to additional 67 cars on the road, the road itself has 3,000 cars it is one car per minute. Chairman Tabory questioned 34 existing how often. D. Dumais replied that is per hour. Chairman Tabory questioned if the how the increase in traffic does not increase the risk to pedestrians. D. Dumais replied they looked at existing problems, spoke with the Police Chief, looked at crash records, there is no records of any incident, they know people from the campground are not walking out on the road, so it is not adding pedestrians walking.

Robinson, Micah Terrace expressed that there is a Pineland Park Beach, kids walking and people parking there.

Dan Dumais questioned if that means that that beach needs its own parking lot.

L. Brown noted that right now the lane width of Townhouse RD is acceptable to the State of NH, the Town of Milton has not requested a lower speed limit, not requested a double yellow line, in terms of the qualities of the road, pylon tested legal site distance for curbs have all been met, the technical qualities of the road are not the discussion.

Peter Adams 73 Lakeside: discussed the percentage increase of total volume of vehicles, the type needs to be considered, vacationers are not cautious, concerned with type of vehicles.

Steve Hayes Lakeside: expressed concern with increase of traffic for the store in the middle opening up again

Tim Leck: feels it is a dangerous road and a lot of near misses, would like a survey on near misses.

Ken Houle: Runs routinely on the road, expressed concern on increase of delivery trucks for the amenities.

D. Dumais; noted the peak traffic they saw was 65, slightly higher than Saturday midday, total traffic from their site and on the road is going to be lower than what was analyzed, Thursday traffic was lower than Friday so showed Friday to be more conservative, generally traffic on a Friday is higher. Chairman Tabory, questioned if study counts cars passing each other on road (D. Dumais, correct) and pedestrians crosses, but not anywhere else. (D. Dumais replied they would count pedestrians coming down the driveway, across the driveway and other intersection of 125/Townhouse, but not down by the beach to say how many people walked in that specific portion of the roadway, know how many crossed at the intersections)

Wayne Sylvester Micah Terrace: reiterated that unhappy with the time of the study. Noted that they are a peninsula with 500 homes and one egress, to add another 173 campers and potential day trippers, feels data is flawed not showing Sunday.

D. Dumais the traffic study does break down by traffic type from Thursday-Sunday.

Tom Kachoris: Townhouse Rd he's been told is 22 feet at its widest, with RV's passing each other no place for pedestrians, feels the road is not safe, will get worse and someone will get killed.

Gene Bouche: feels there are large and minor hazards expressed, that there will be at least minimum undue nuisance, increase risk of death, questioned the weddings and events they will have that is

additional to the traffic study, questioned State mandates on road widths, express concern of back up at the gate and looking for information on that.

Deborah Blair Lakeside: Mi-Te-Jo Rd into their property is wider than Townhouse.

Chris Boldt: believes the data is flawed because of the date they are basing bridge traffic, believe the bridge was closed in 2013, flawed because it is not peak season, the question of it being safe or legal, does not think it is safe for this expansion.

Deborah Wilson: expressed concern for the influx of RV's at the one gas station in Town.

Dan Dumais: reported that they did receive their information from NHDOT form July of 2014 starting at the Maine State line.

Tom Kachoris: noted that the board was given a Memorandum from MDM stating the bridge was open in 2014 at the February meeting.

Doris Presutti: applauds neighbor's hope ZBA listens.

Chairman Tabory Closed the Public.

Board Comment: S. Nadeau all agreed to have a third party review the traffic study and came back with results he was not expecting on the positive side, but concern with potential flawed NHDOT information. B. McQuade feels they have counted vehicles they may not have had to count, gone above and beyond in being conservative, understand and feel the resident concerns are valid but those could be something the Town needs to address. L. Brown discussed nuisances, when traffic study was first done concerned with the impact of major side roads did not see enough attention to the summer impact of the Pineland Park beach, walkers, for him the traffic study is done to the professional standards but does not accurately represent patterns by walkers, bikers, runners and other cars on the road. Chairman Tabory struggles with this one, had someone else look at the study, one of his original questions is of the space, trusts the traffic in and out of Mi-Te-Jo and end of Townhouse and the site lines are good, concern is the in between for traffic, walking, bicyclists, wants to trust the professionals with the standards feel that the concern was never fully addressed in their study or the third party review, what is it really like during the middle of the summer on the road, acknowledged that SRPC says they use the right methodology, not question of their knowledge or skill, does not feel the foot traffic was considered.

Motion: A yes vote would suggest the criteria has been met and there will be no undue nuisance or serious hazard to vehicular or pedestrian traffic.

Vote: B. McQuade (yes) M. Tabory (No) L. Brown (No) A. Rawson (No) S. Nadeau (No)

1-4 the criteria has not been met.

S. Nadeau motions to continue to a set date, May 3rd 6:00 pm at the Town Hall, L. Brown seconds the motion all in favor motion carried.

Discussion and Approval of Minutes: March 15, 2018 meeting minutes: S. Nadeau motions to accept as written, L. Brown seconds the motion all in favor (A. Rawson abstained) motion carried.

Other Business: D. Crossley reminded the board she would be out of the office that last week of April.

B. McQuade motions to adjourn, L. Brown seconds the motion all in favor meeting adjourned at 10:04 pm.

Respectfully Submitted,
Dana Crossley, Land Use Clerk