



Town of Milton
Zoning Board of Adjustment

Notice of Decision
Special Exception
GRANTED

Melanie Lynn and John C. Gilberti
Map 12, Lot 22

April 28, 2024

Applicant: Melanie Lynn
459 Applebee Road
Milton, NH 03851

Location: 459 Applebee Road

On April 25, 2024, the Zoning Board of Adjustment of the Town of Milton opened a public hearing on the a request by Applicant Melanie Lynn, John C. Gilberti and Melanie Lynn, owners for a special exception to allow a dog day care business (Kennel) where this type of use is permitted in Article III, Section 3.5-Table of Principle Uses as a special exception with approval of the Zoning Board in accordance with Article VIII, Section I.A of the Milton Zoning Ordinance for the property located at 459 Applebee Rd. (Map 12/Lot 22) in the Low Density Residential Zoning District.

Based on the application, testimony given at the hearing, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 459 Applebee Rd., Milton in the Low Density Residential Zone. (M12 Lot 22)
- 2) The property is owned by John C. Gilberti and Melanie Lynn who attended the meeting and presented the application.
- 3) The application is for a dog day care business (Kennel) on the subject property. The lot has a single family dwelling with a garage on it.
- 4) The parcel is exceptionally large with frontage on Applebee Rd. There is an existing fence enclosing an area around and between the garage and home with a gate at the driveway.
- 5) The Milton Zoning Board of Adjustment made the determination that this was not a project of potential Regional Impact.

The Milton Zoning Board of Adjustment made the determinations for all required special exception criteria that the applicant met or would meet (after application for site plan review with the Planning Board) based on the written narrative and testimony by the applicant:

- 6) **The Specific Site is an appropriate location for the proposed use** because the site is large enough to hold the requested number of day-cared dogs. It was noted that the site was appropriate because of its large frontage, the existing fencing and garage, and that the immediate neighborhood was primarily wooded with residential dwellings quite a distance away.
- 7) **The use will not be injurious, noxious, offensive, or detrimental to the neighborhood** because the use is not intensive given the controls the applicant testified to, given the distant residential neighborhood, such as the low number day care dogs, and the promise to restrict days and hours, and construct a doolie septic system or have the dog waste properly removed on at least a weekly basis.
- 8) **That the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan** because the additional use to the site will meet the expectations of the master Plan which is to help develop and maintain the town of Milton to be a rural, compact, historic New England town, and promote small business that fit in with the aforementioned as set forth in said plan.
- 9) On April 25, 2024, the Milton Zoning Board of Adjustment voted to **GRANT** the Special Exception to allow a dog day care business (Kennel) at the subject location with the following conditions: 1) The business shall have no overnight dog boarding; 2) The hours of operation shall be from 6am to 6pm, Monday through Friday; 3) There shall be a maximum of ten (10) dogs per day and if there is to be training, it shall not increase the ten dog maximum; 4) There shall be no parking on Applebee Rd.; 5) The owner shall apply for site plan review approval by the Planning Board; 6) The owner shall either install a "doolie" dog waste system or have the dog waste removed professionally more frequently than weekly; 7) The business shall be staffed full time; 8) That the complaint process shall be transparent to all-owner, abutters, Town officials; 9) That this special exception shall cease at such time as the owner transfers the property or ends the business, by a vote of five (5) in favor, none (0) opposed and no (0) abstentions.

The Milton Zoning Board of Adjustment approved this Formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision, record same in the SCRD, and send to the applicant and place same in the case file by a vote of five (5) in favor (Phil Bean, Bill Waldron, Nick Hادياريس, Lee Howlett, and Michael Beaulieu) none (0) opposed and no (0) abstentions.



Phil Bean, Chair Milton ZBA

Date 29 APR 24