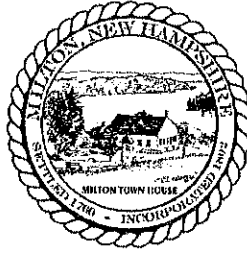


Town of Milton
424 White Mtn Highway
Milton NH, 03851



Zoning Board of Adjustment
PO Box 310
(p)603-652-4501
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June 23, 2022
Draft Meeting Minutes
6:00 PM

DRAFT]

Staff Present: Bruce Woodruff, Town Planner; Chris Jacobs, TA – recorder

Public Present: Charles Karcher – Norway Plains Association, Aaron and Carol Picard, Andrew R, Stephen Palmisano, Carol and Todd McLeod, Jim and Carol Bryant (taken from sign in sheet).

I. Call to Order- Roll Call @ 6:00pm

Stan Nadeau- present
Philip Bean - present
Steve Baker - present
Andrew Rawson (alternate) - present
Lee Howlett - present
Larry Brown - present
Mike Beaulieu – not excused.

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II. Pledge of Allegiance

III. Public Comment - none

IV. Review of By-Laws and Rules for Procedure, Milton Zoning Board of Adjustment, 2020 Edition. Motion by Steve Baker and seconded by Larry Brown to postpone reviewing the By-Laws to a future meeting. Motion carried. (Rawson did not vote).

V. Review/Approval of Minutes: April 28, 2022, Meeting Minutes. Motion by made by Andrew Rawson to accept as written and seconded by Larry Brown to approve. An amendment needs to reflect that Mr. Bean was excused from that meeting. Motion carried as amended. 4-0-0.

VI. Motion by Phil Bean and seconded by Lee Howlett to approve the minutes of May 26, 2022 as written. Motion carried. 4-0-0 The record shows that Steve Baker and Mr. Rawson

were excused from that meeting.

- VII. Motion by Andy Rawson and seconded by Phil Bean to approve the site walk minutes of May 11, 2022 as written. Motion carried. 5-0-0. Mr. Brown was excused from the site walk.

VIII.

- IX. Planner Comments – Mr, Bruce Woodruff @6:10pm regarding procedural matters. Worksheet for the 5 criteria in the case before you tonight.

- X. Continuation of Application to seek a variance from Milton Zoning Ordinance Article III, Section 3.5, Table of Dimensional Requirements to allow an existing parcel (241 Nutes Rd. Map 46, Lot 13) in the Low-Density Residential Zone to have its boundary line adjusted that results in the lot having 171.18-ft. of road frontage where 200-ft. is required. Applicants and owners of record of M46, L13 are Carol and Aaron Picard, 239 Nutes Rd, Milton, NH. Arron Picard would like to amend the application to present the lot frontage as 187.72 feet.

Motion made by S Nadeau and seconded by P Bean to accept the amendment to 187.72 feet. L Brown no additional cost and within their right. Motion carries 4-0-0 (Nadeau, Bean, L. Brown, L Howlett)

ZBA determines that S Baker will be seated on this case. L Howlett is seated in place of M Beaulieu.

A. Picard addresses criteria one, Public Benefit. Mr. Brown asks if the driveway as presently located will stay the same? Picard - It will. Mr. Howlett asks if this decision sets a precedent with this Board? B Woodruff explains that each case stands on its own and it does not set a precedent. B. Woodruff points out that the applicant does not need go before the ZBA because the applicant could do a boundary line adjustment before the planning board and give each lot 200 feet of frontage. A. Picard does not want to proceed down that path because he has a P & S on one of the other lots. P Bean is in agreement with Public Interest. S Baker agrees. L Howlett is in agreement that it meets Public Interest. L Brown also is in favor.

A. Picard address the Spirit of the Zoning and feels that it meets the spirit and intent of the ordinance because it will still be a 2 acre lot. The question is if the lot does not alter the neighborhood and not have adverse effect. P Bean feels it does not alter the neighborhood and no will have no adverse effect. L. Brown has issues with layout of the lots and the reliance of frontage on the remaining lot by shared easement. Straw vote – L. Brown agrees. L Howlett feels that the sprit of the is maintained. S Baker feels it maintains the

spirit. P Bean feels it meet the spirit of the ordinance. S Nadeau feels it meet the spirit of the ordinance.

A. Picard address is their substantial justice. P Bean feels that it is just because safety is maintained. S Baker no discussion. L Howlett no discussion. L Brown the justice to the applicant is person gain by the applicant. S Nadeau feels that the applicant has created the issue by where he built the driveway and the grade (steepness) because the applicant created his issues. A Rawson points out that at the time the applicant created the initial subdivision the frontage was only 150 feet and they were trying to stay away from wetlands. C. Karcher affirms that it was the firm's advice to build the driveway in that location due to the location of wetlands and the size of the roadside ditch. Straw vote – Phil Bean because of the wetlands substantial justice is maintained. S Baker meets substantial justice. L. Howlett meets substantial justice. L. Brown does not meet meets substantial justice. S. Nadeau does not meet meets substantial justice

A Picard address diminution of value. L. Brown there is no loss of value to the abutters. That is his straw vote. L. Howlett no diminution of value. S. Baker no diminution of value. Phil Bean no diminution of value. Stan Nadeau no diminution of value.

Picard addresses hardship. B Woodruff reads the definitions of hardship. Bruce Woodruff states that there is no hardship because it has been shown that they could go to the planning board and plan out 3 lots with 200 feet of frontage each. A. Picard states that with two (2) driveways they simply don't want to share a driveway going forward. L. Brown feels that they have owned the property for more than 7 years and they have an reasonable use to the property. Straw vote - Phil Bean feel that safety is the key element. S Baker feels that he cannot deny a reasonable use. L. Howlett feels that they have not proven a hardship because they can remedy before the planning board. L. Brown does not meet hardship. S. Nadeau does not meet hardship because they can remedy this in other ways.

Stan Nadeau asks if there is anyone from the public wishing to speak for or against the application. No other person rises to speak. Arron Picard points out that he has a ground source heating system.

L Brown makes a motion to deny the applicant.

Phil Bean – no

Baker – no

Brown -abstains

Howlett – yes

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Nadeau – yes

Phil Bean makes a motion to grant the application.

Phil Bean – yes

Baker – yes

Brown -yes

Howlett – no

Nadeau – no

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Motion carries 3-2-0

P Bean feel's that safety is the key element. S Baker feels that he cannot deny a reasonable use. L. Howlett feels that they have not proven a hardship because they can remedy before the planning board. L. Brown does not meet hardship. S. Nadeau does not meet hardship because they can remedy this in other ways.

Other Business: Request for Motion to Rehear Application for *Appeal from an Administrative Decision*, Owner Three Ponds Investments, LLC for Open Space Subdivision, Map 23, Lots 40 & 44 Northeast Pond Rd and Bolan Rd.

This is a procedural matter from the Applicants Attorneys who has requested a Motion to Rehear. Motion made to deny the Request to Rehear the application, seconded. Motion carries, 5-0-0.

XI. Motion to Adjournment by Steve Baker and seconded by Phil Bean 7:35pm.

by Phil Bean Stan Nadeau

These minutes shall be considered draft minutes until approved at the next noticed meeting of the Zoning Board of Appeals.

END OF MINUTES FOR JUNE 23, 2022 **DRAFT**