

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



**Zoning Board of Adjustment**  
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May 25, 2023  
Meeting Minutes  
6:00 PM

**Present Members:** Stan Nadeau-Chairman, Philip Bean-Vice Chair (late), Larry Brown (late), Billy Walden, John Alberghini-Alternate, Lee Howlett-Alternate

**Absent Members:** Mike Beaulieu

**Public Attendance:** Rob Van Gelder, Jessica Cote, Jason Cote, Craig Salomon, Jeff LeClair and Virginia Long

**Staff Present:** Bruce Woodruff- Town Planner, Jennifer Conti- Land Use Clerk

1. **Call to Order:** Chairman Nadeau called the meeting to order at 6:03.

The chair seated L Howlett to sit in for L Brown and J Alberghini for P Bean.

2. **Pledge of Allegiance**

3. **Public Comment:** There were no public comments.

4. **Review/Approval of Minutes:** April 27, 2023, meeting minutes

*L Howlett made a motion to accept the minutes as read. J Alberghini 2<sup>nd</sup>, all in favor.*

5. **Introduced New Member:** Billy Walden

6. **Public Hearing-** Application to seek a variance to permit two, two family homes on one lot located on Willey Rd (Map 5 Lot 7) in the Low-Density Residential Zone on 11.98 acres.

P Bean came into the meeting late and excused himself from the public hearing because the applicant, Mr. Sakurai, is a customer of Mr. Beans.

S Nadeau asked for the applicant to come forward to give a brief summary on what he would like to do so the board can decide whether this would be a regional impact or not.

S Nadeau explained that they could proceed with the meeting with only a 4-member board or postpone the meeting to a later date to wait for a 5-member board. C Salomon asked to be

excused so he could call his client. Mr. Salomon informed the board that the applicant would like to proceed with the meeting with only a 4-member board.

V Long read her letter to the board which is the thoughts and recommendations of the conservation Commission.

***S Nadeau made a motion that it was not a regional impact. J Alberghini 2<sup>nd</sup>, all in favor.***

S Nadeau suggested that the board go over the 5 conditions on the Special Exception Checklist. The board will then take a straw vote after each condition.

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

No= not in favor Yes= in favor

J Alberghini- Yes

L Howlett- No

B Walden- Yes

S Nadeau- Yes

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

No= not in favor Yes= in favor

J Alberghini- Yes

L Howlett- Yes

B Walden- Yes

S Nadeau- Yes

3. The requested use will not have undo nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access-ways and off-street parking.

No= not in favor Yes= in favor

J Alberghini- Yes

L Howlett- Yes

B Walden- Yes

S Nadeau- Yes

4. That adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use and structure so that the use will not be contrary to the public health, safety, or welfare.

No= not in favor Yes= in favor

J Alberghini- Yes

L Howlett- No

B Walden- Yes

S Nadeau- Yes

5. That the proposed use or structure is consistent with the spirit if the zoning ordinance and the intent of the Master Plan.

No= not in favor Yes= in favor

J Alberghini- Yes

L Howlett- Yes

B Walden- Yes

S Nadeau- No

S Nadeau asked the town planner B Woodruff if he had any input.

B Woodruff stated that he was the one that recommended the applicant to take the path they are taking because of the benefits to not just the owner but to the land and the benefit that can be accrued to the surrounding Miller Pond, the woodlands and the other intermittent stream that crosses the other property and then goes onto this one.

His first recommendation is that the board, if they choose to grant the variance that they put a condition on that the owner will be required to submit either a site plan review application or a condominium subdivision application to the planning board that would meet all the requirements of said subdivision regulations mainly to delineate the wetlands and the shoreline protection areas and the setbacks on the property.

His second recommendation is that they condition the approval on a 75-foot buffer, that there are permanent steel stakes with 50-foot spacings and signs indicating that the stakes

are not tampered with and stating the purpose of the boundary. The CC or other town designee shall have the right of inspection with proper notification to the homeowners.

If the applicant is intending to have a condo the board could condition that they add to the “bylaws” that there could be a fine if motorized vehicles are used in or around Miller Pond or any of the smaller wetlands on the parcel.

S Nadeau opened the floor to any public comment from the abutters.

Some of the concerns from the abutters were- One of the proposed duplexes will be only about 100 feet behind his house, was under the impression that the land was unbuildable, doesn’t want a duplex built there. He is afraid they will be rentals, bring down the value of their homes, noise pollution, light pollution.

Mr. Salomon addressed the above issues. There is a recorded, stamped plan showing the property abutting the pond. A surveyor has been out there.

S Nadeau closed the public hearing

Some more discussion from the board. J Alberghini was not in favor of this variance because of the location of one of the duplexes being too close to the neighbor’s house and that the applicant doesn’t have an approved site plan. He suggests that the applicant might want to continue this hearing to have time to prepare some kind of site plan.

S Nadeau suggests that the applicant should either ask the board for a continuance, to withdraw or they can continue and risk losing the votes because there are only 4 people voting and one has already said no.

Mr. Salomon requests a continuance until the July 27<sup>th</sup> meeting due to the Chair being out for the June 22<sup>nd</sup> meeting.

*S Nadeau made a motion to accept the continuance from Mr. Salomon. L Howlett 2<sup>nd</sup>. All in favor.*

7. **Other Business:** If there is a June meeting S Nadeau is going to be out due to surgery so P Bean will be sitting in as chair.

8. **Adjournment:**

**\*L Brown motions to adjourn, Seconded by B Walden. The vote is approved unanimously. The Motion Passes adjourning the meeting at 7:55 PM. \***