

Town of Milton
424 White Mtn Highway
Milton NH, 03851



Zoning Board of Adjustment
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August 24, 2023
Meeting Minutes
6:00 PM

Present Members: Stan Nadeau-Charmian, Mike Beaulieu, Larry Brown
John Alberghini-Alternate

Absent Members: Phil Bean (excused), Lee Howlett (excused) and Billy Walden (not excused)

Public Attendance: Craig Salomon- representative for Tayzach Realty, Daniel Nihan-Applicant, Patricia Nihan- wife of applicant, Sean Nihan- son of applicant. All the following public are here for Nihan- the applicant: Stephen Weston Sr, Nick and Renata Gamache, Susan Oliveira, Karen Diamant, Becky and Frank Luponi, Nicholas Demarais, Cynthia Maya, Katie Gan, Kate Gan, Jake Brooks, and Joanne Gagnon.

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

- I. **Call to Order:** Chairman Nadeau called the meeting to order at 6:02. S Nadeau sat J Alberghini in for P Bean.
- II. **Pledge of Allegiance**
- III. **Public Comment:** There were no public comments.
- IV. **Review/Approval of Minutes:** July 27, 2023, meeting minutes

L Brown made a motion with discussion to accept the minutes as read. S Nadeau 2nd with discussion , all in favor. M Beaulieu abstained.

Add to public hearing number 2: L Brown asked the applicant if he would stipulate that any building on the site would be residential, applicant would not answer that question and then during the board's discussion J Alberghini asked if a condition could be added to a decision that limits any new building to residential and the chair explained that was not possible. When J Alberghini considered this, he said that this is why he could not support the application.

- V. **Public Hearing #1:** Continuation of public hearing for an Application to seek a variance from Milton Zoning Ordinance Article III, Section 3.5, Table Note 2 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. Applicant & owner Jerome Ken Sakurai Trustee of Tayzach Realty Trust, 426

High Street, Hampton, NH: Mr. Salomon asked the Land Use Clerk who was present on the board for the last meeting dated May 25, 2023. She stated that she would have to look into that.

S Nadeau made a motion to reopen the public hearing. J Alberghini second. All were in favor.

Tayzack objected to the reopening of the public hearing and will proceed under protest because the public hearing had been previously closed. S Nadeau explained that it was closed due to it being rescheduled to a set date. On that set date there was no representative at that time to be heard again. S Nadeau thought that they didn't want to be heard at all. He thought they were discontinuing the application. Mr. Salomon stated that he wasn't there because the public hearing was closed, and he thought the board was just going to vote. S Nadeau said that they couldn't just vote because they had submitted new information, there's questions to be asked and the public has a right to ask their questions. Mr. Salomon stated that as long as the public hearing is limited to the information he submitted at the board's request and questions about that then he would not have any objections. He understands that additional correspondence came in this afternoon, and he objects to those. He will proceed under protest and S Nadeau said that the board will accept that but that they are going to also read the letters that were submitted for the minutes. Mr. Salomon said before we do that, he thinks he has the right to have the board members that heard his petition in May to be present to deliberate and vote and he doesn't think that L Brown was seated at that time to hear the petition. Mr. Salomon asked for 5 minutes to call his client. S Nadeau granted that 5 minutes. Mr. Salomon consulted with the applicant about postponing the hearing until September so they could have all the members present. He asked if the board could look over the new plans and read the minutes now so that it will be done before the September meeting. S Nadeau suggested waiting for that so the members that were at the original meeting would be there to hear the letters and to see the new plan. Mr. Salomon agreed to this. Next meeting will be September 28th, 2023.

- VI. Public Hearing #2:** Public hearing for an application to seek a variance from Milton Zoning Ordinance Article III, Section 3.5, Table of Principal Use of the Milton Zoning Ordinance to allow service and sales of automobiles where this type of use is not permitted for Daniel Nihan, Trustee, Nihan Revocable Trust, at the property located at 182 Elm St (Map 45/Lot 1) in the Low-Density Residential Zoning District. This is a split-zoned lot with the front portion of the parcel also in the High-Density Residential zone: Mr. Nihan gave a brief summary on why he needs the variance.

S Nadeau made a motion that this is not a regional impact. M Beaulieu 2nd. L Brown opposed. 3 yes's and 1 no.

S Nadeau explained that the board will go over the paperwork again and the board will do a straw vote on each question and the straw vote doesn't necessarily mean that in the end that's what's going to happen but then the applicant will have an idea on what the boards thinking on each individual question and at the end the board will take the final vote. Mr. Nihan understands. S Nadeau will read the letters that were sent in at the end. S Nadeau informed the applicant that there are not 5 members present so the applicant has the right to proceed with the four members but if there is a tie then the applicant is denied his request. He has the right to delay this hearing until the next meeting to have 5 members present. The applicant asked for the continuance because this is a huge deal for his family.

S Nadeau made a motion to continue this to the September 28th meeting. M Beaulieu second. All were in favor.

VII. Other Business:

VIII. Adjournment: *J Alberghini made a motion to adjourn. M Beaulieu second. All were in favor.*