

**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 27, 2017**  
**6:00 PM**

Members in Attendance: Michael Tabory, Sean Skillings, Stan Nadeau, Bruce Woodruff, Brian McQuade, Also in attendance, Dana Crossley Land Use Clerk

Public Attendance: Denise Brozeau, Mary Jacobs, Derek Eger, Kristin Eger, Jeff Theriault, Alexx Monastreno, Walt Chenney, Andy Rawson, Jason Poth, Bob Bourdeau, Jen Duprat, Scott Duprat, Larry Brown, Eric Ohlenbusch, Nancy Ohlenbusch, Stan Finch, Marie Finch, Kelly Eaves, Wayne Blair, Roberta Blair, Molly Wilson, Charles Dezrbom, Charles Theriault, Mary Perkins, Nichole Hunter, Craig Lancy, Kathy Lancy, Brad Winn, Russell Neal, Bob Carrier

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

Public Comment: No public comment.

Election of Officers: S. Nadeau nominates for M. Tabory to be chairman, B. Woodruff seconds the motion. Discussion: None. Vote: All in favor (M. Tabory abstained) motion passed. S. Nadeau motions for B. Woodruff to be vice-chair, S. Skillings seconds the motion. Discussion: Chairman Tabory commented that B. Woodruff does have to step down more often than anyone else with cases as he is the Town Planner and if he himself is not available it would put the board out of commission. S. Nadeau withdraws his motion under the thoughts and reasoning of the chairman. Chairman Tabory motions for S. Nadeau to be the vice-chairman. B. Woodruff seconds the motion. Discussion: None. Vote: All in favor, (S. Nadeau abstained) motion approved. M. Tabory will be the Chairman and S. Nadeau will be the Vice Chairman.

Adoption of By-Laws: Chairman Tabory noted that on Page 2 it should say 24 hour not just 24. S. Nadeau motions to approve and adopt as corrected. B. Woodruff seconds the motion. All in favor, by-laws approved and adopted as corrected.

Chairman Tabory brought up as part of the by-laws the board needs to appoint any alternates, Larry Brown has volunteered to be an alternate. S. Nadeau motions to appoint L. Brown as an alternate for 3 years. S. Skillings seconds the motion. Discussion: None. Vote: All in favor. Motion passed. L. Brown accepts. The board signed the appointment sheet. L. Brown was sworn in by Town Clerk Michelle Beauchamp.

Continuation of Case 2016-4: Request for a Variance from Article III, Section 3.5 to allow the following uses not otherwise permitted within the LDR zone: contractor office/yard/storage yard and accessory structure. Site located at Map 45 Lot 23, Off Rt. 75, Milton NH in the Low

Density Residential Zone. B. Woodruff stepped down from this case, as if this variance is approved he will be assisting the developer in the process with the Planning Board. Chairman Tabory brought alternate L. Brown to the board as a full voting member in place of B. Woodruff for this case and remainder of the meeting.

Chuck Therriault was in attendance, informed the board that the attorneys are working back and forth on their stuff as he was told that day. He requested a continuation of the case for an additional two months, there is something with the boundary they are trying to figure out he explained. S. Nadeau motioned to table case 2016-4, till June 22, 2017 at 6pm. S. Skillings second the motion. Discussion: B. McQuade will be out of town at that time. C. Therriault was informed it would be a four person board at this time. He expressed no qualms to that. L. Brown noted there will be no further public notices sent out and public that would like to be present at the meeting should make note of the date. Vote: All in favor, motion passed. Case 2016-4 will be back in front of the board on June 22, 2017 at 6pm.

**Case 2017-2: Real Estate Advisors, Inc- Request for a Variance from Article III, Section 3.2 of the Milton Zoning Ordinance to allow the entire lot of Tax Map 42 Lot 11 (approximately 90 acres) to be zoned High Density Residential, not just the first 200 feet as described in the zoning ordinance. Site located at Map 42 Lot 11, Elm St. Milton NH 03851 in the HDR and LDR zone.** (L. Brown remained sitting in place of B. Woodruff who stepped down from this case as well for the same reasons as state prior). Chairman Tabory asked the secretary if the all the public notices and abutter notices had been sent out. D. Crossley responded yes notices were sent out, but it has been brought to her attention today that there were 2-3 abutters that were not included on the abutter list and did not get proper noticing of the case. B. Woodruff (as town planner) addressed the board that the notice states that they are asking for a certain thing, which is not in the purview of the zoning board to give, it can only be given by the voters of the town, that is re-zoning of a certain parcel or lot. He continued that what the applicant is really asking for is relief from Article III section 3.5 the table of principal and accessory uses in the zoning districts, what they want is to allow multi-family housing along with the density rules from the high density to be allowed on their parcel, which is primarily located in the LDR with some HDR in the frontage, he believe this is what they are going to amend their application to say, not trying to put words in their mouth, but the lack of proper abutter notice and the need to change their application to reflect what he just said, leads itself to either a tabling or withdrawing. Chairman Tabory commented that there were a couple of amendments that were submitted after the original application was submitted that helped to clarify some of that, but unfortunately not all of the abutters were notified. S. Nadeau asked if it is not under their authority should they hear it. Chairman Tabory replied that the amendments submitted bring it back under their authority as the Zoning Board, he continued that the original application came in and asked to change the parcel zoning from LDR to HDR, it is not the roll of the Zoning Board to change zoning, their role as a board is to be effectively a release valve for when cookie cutter zoning doesn't fit the particular and unique qualities of a given property; but the amendments bring it back into the scope of what the Zoning board can review when they specify they are asking for multi-family housing with the HDR density. L. Brown commented that based on past experience and preference is always for clear process and standards, he thinks that the clarity of a public notice with the final detailed intent of the application is most useful, and not certain that the general public has the knowledge of the submitted amendments.

Applicant Alexx Monastreno of the Real Estate Advisors, addressed the board that she is in agreeance with B. Woodruff and L. Brown that they would prefer to withdraw the application and start fresh to make sure everything is as clear as possible, it would be most clear to withdraw their application and re-submit before the next meeting in a clearer fashion.

L. Brown motions to allow the applicant 'The Real Estate Advisors' to withdraw the application without prejudice, B. McQuade seconds motion. No Discussion. Vote: All in favor. Motion passed, application withdrawn.

Discussion and Approval of Minutes: February 23, 2017 meeting minutes, S. Nadeau motions to approve as written. L. Brown seconds the motion. All in favor (B. McQuade abstained.) motion passed.

Other Business: None.

L. Brown motions to adjourn, B. McQuade seconds the motion. All in favor, meeting adjourned at 6:22pm.

Respectfully Submitted,

Dana Crossley, Land Use Clerk