

Town of Milton

424 White Mtn Highway
Milton NH, 03851



Zoning Board of Adj.

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Meeting Minutes

October 26, 2017

6:00 PM

Members in Attendance: Larry Brown, Stan Nadeau, Bruce Woodruff, Brian McQuade Nancy Wing
Alt. Also in attendance, Dana Crossley Land Use Clerk

Excused Members: Michael Tabory

Public Attendance: Christa Capello, Mark Main, Jen King, Jian Holway, Norm Turgeon, Dan Flores,
Wendy Beckwith, Tom Kachoris, Betsy Kachoris, Andy Rawson

Vice Chairman Nadeau called the meeting to order at 6:03pm. S. Nadeau commented that he was filling in for the chairman who was unable to attend the meeting, Alternate N. Wing will be attending the meeting tonight and sitting in as a full voting member.

Board held a moment of silent for Leo Lessard, a previous selectman, board member and respected resident of Milton who recently passed away.

Board members were introduced.

Public Comment: None.

Request for Extension: Case2015-7 Special Exception for a Kennel at 1262 White Mountain Highway.

Christa Capello: Christa Capello was in attendance at the meeting, explained to the board the background behind the request for an extension for the Special Exception granted in December 2015, C. Capello read to the board her submitted letter, *with this letter we respectfully request a one year extension of the special exception granted to us by the Zoning Board of Adjustment in December 2015 for the use of 1262 White Mountain Highway to be specially extended to include a dog kennel facility. After our ZBA special exception application was successfully granted in December 2015, we proceeded to purchase the farm at 1262 White Mountain Highway on February 26, 2016. We began to remove the contents left by the previous owner that filled the barn structure and undertook the painstaking task of clearing away debris that had accumulated in the barn for decades. By late spring 2016 we were at the point where we could contract with a professional kennel designer to create on paper what we will eventually bring to life as the Maindog Pet Resort & Daycare. The preliminary design process began with detailed measured drawings of the structure. After several months of plans and revisions, by early fall of 2016 we had in hand our plan. In July of 2016 Mark and I moved from Portsmouth to the farm. As new residents to Milton, we committed ourselves to not only residing here, but to investing in the community and creating our livelihoods in Milton. We recognized the potential of the town and are proud to contribute our skills. In good faith we have begun the detailed and extensive process of bringing to life our vision of the pet facility. In September 2016 a second opportunity in Milton presented itself to us and we purchased "The Pink House". Due to the seasonal nature of the ice cream shop business we proceeded immediately to completely renovate and revitalize that facility. We hired 27 young people, primarily residents of Milton, and opened for business in June 2017. All of our focus and physical efforts since September 2016 have been spent designing, developing and running the Pink House. We have found our first season to be phenomenally successful and we look forward to next season*

when we can grow that business even more. As we bring our season at the Pink House to a close this weekend, we now have the resources of time and effort to continue the hard work of design and planning that the Maindog Pet Resort & Daycare facility requires. We have an even greater desire to invest and commit more of our resources into the Milton community, after having had a very successful venture at the Pink House this year. We attest that the circumstances relating to the property at 1262 White Mountain Highway and the surrounding neighborhood have not changed substantially since December 2015, the date of the original ZBA special exception decision. We respectfully request a one year extension from the ZBA so we may proceed with our Planning Board submission and subsequent construction of the Maindog Pet Resort & Daycare Facility.

S. Nadeau questioned if the original plan had changed, revisions had been mentioned. Mark Main and Christa Capello replied nothing had changed to their plan that was submitted, the revisions are in regard to the measured drawings matching the barn, and the scope has not changed. C. Capello expressed they are not asking to change anything from the original approval, just to extend the approval time. S. Nadeau asked if the board has the authority to say this is the only extension they can get. D. Crossley noted that their rules say applicants are allowed only one, one year extension. (N. Wing arrived 6:07pm) **S.**

Nadeau motions to allow the one year extension to date of the original special exception approval.

L. Brown seconds the motion. All in favor (5-0), motion carried. Extension approved, the special exception granted for 1262 White Mountain Highway has been extended till December 16, 2018.

Request for Rehearing: Case2016-4 Variance from Article III Section 3.5 to permit the following uses not otherwise permitted within LDR zone: Contractor Office/yard/storage yard and accessory structure, CSNH Development: (Property located off of Rt 75 and Elm Street, Map 45 Lot 23) S. Nadeau noted this is board business and therefore no public comment section. B. Woodruff commented the history of this case is that the applicant had to do something, had to gain access to get to their parcel because it is landlocked, they requested several tabling's of their application, it went on for a very long time, in the end they could not get the access, the board held a meeting, they were notified of the meeting and they did not attend the meeting, they cannot use that as an excuse that they did not know about the decision that the board made to deny the application for a variance the notice was put up in time and that happened a lot sooner than thirty days, the 30 days went by. **B. Woodruff motions to deny the request for rehearing, L. Brown seconds the motion.**

Discussion: L. Brown noted that the letter submitted by the applicant's attorney under point 9 of the letter, 'their council finds hurt feelings a reason for dismissal' just an observation. S. Nadeau commented that the motion for the case states that the application was denied without prejudice, so they could come back with a new application on the same topic. B. Woodruff noted that if they take care of that one issue of access, they could come back with an application similar to the one that has been submitted prior, unclear why they are asking for a rehearing when the 30 days is long gone by. S. Nadeau added that the board did receive legal opinion from the town attorney and how he interpreted it that the notice sent out may not have been worded correctly and if there was missing language the board does not have issue sending out a corrected notice with the appropriate language saying the application was denied without prejudice. B. Woodruff noted that they know it was denied without prejudice as it is here in their motion for rehearing under point 10. L. Brown asked if the motion should include the comments of the Town Attorney's in the motion. B. Woodruff and S. Nadeau both feel that it did not need to be added.

Vote: 5-Yes 0-No, motion to deny rehearing carried.

Request for Rehearing: Case2017-7 Request for a Special Exception from Article III Section 3.5 Table of Principle Uses, C. Campgrounds: to expand MiTeJo Campground, Three Ponds Resort: (Property

located at 111 MiTeJo Rd, Map 28 lot 4) Dan Flores, Engineer was in attendance. S. Nadeau explained that this is board business and there would be no public input at this time. S. Nadeau expressed that the applicant is upset at failing on one of the requirements, number 3, the fact that they could not get answers is the major reason to him that it failed, what they will discuss tonight is whether or not they are going to have a rehearing on the grounds of the third criteria. B. Woodruff commented it is not the issue with #3, the Town Attorney's advice did say that it is centered around that there were a number of questions asked of the applicant's representative whose answer was that 'I'm not feeling comfortable answering that without authorization ' 'I don't' know the answer' or 'we haven't discussed it' and so reading the advice of the attorney to grant a rehearing that only centers around criteria #3 and the board would focus on getting the answers, if they were to get special exception approval the next step is site plan approval where a lot of these things get answered because it is in the purview of the planning board. B. McQuade agreed with B. Woodruff's notes, sees no reason why they shouldn't have the opportunity to address that. N. Wing was in agreement. L. Brown commented that from his point of view it is reasonable to expect different traffic loads with the bridge in or out that is a side issue, and is content. B. Woodruff does not think they should discuss the case yet, but discuss if they are willing to grant or deny a motion to rehear, as the attorney said just for criteria #3, if they were to give the applicant a chance to answer the questions and if they meet the criteria or are willing to meet the criteria, what issues they may address on their plans and to mitigate any issues that came up in the hearing. S. Nadeau commented that there is no guarantee that it would result in an approval of the application, even if a rehearing was granted, he touched upon that at the hearing he was amazed the owner was not in attendance, and the application does not require the owner to be there the representative was adequate. N. Wing thinks it is telling and representative to not have a face to the owner, Milton is small place, think that the faces should be here. S. Nadeau commented it is his understanding if a rehearing is granted they would be here.

B. Woodruff moves to grant the rehearing limiting discussion to additional information by the applicant and public comment portion (just as any other hearing) on criteria number three (3) only. L. Brown seconds the motion. Discussion: L. Brown thinks it is important to make sure that there is full opportunity for the best project to be presented. S. Nadeau was in agreeance.

Vote: 5- Yes, 0-No, Motion carried, for a limited rehearing with public comment on criteria number three.

The rehearing will be on December 28th at 6:00 pm pending all applications submitted in full.

Discussion and Approval of Minutes: September 7, 2017 meeting minutes, B. Woodruff moves to approve the minutes, L. Brown seconds the motion. All in favor, motion carried.

Other Business: The November meeting will be held on November 30th.

D. Crossley reported to the board that the ZBA budget is being presented to the Selectmen on November 1st meeting at 5:30pm. Also that the 2018 Land Use Books have been ordered so to be able to purchase them at a cheaper rate through Strafford Regional Planning Commission.

S. Nadeau motions to adjourn, L. Brown seconds the motion, all in favor meeting adjourned at 6:35pm.

Respectfully Submitted,

Dana Crossley, Land Use Clerk