

Town of Milton

424 White Mtn Highway
Milton NH, 03851



Zoning Board of Adj.

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Meeting Minutes

September 7, 2017

6:00 PM

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

Absent Members: Nancy Wing Alt.

Public Attendance: Dennis Lapointe, Lucien Rouleau, Prudence Thresher, David Thresher, Marie Robinson, Paul Borges, Alice Granlund, George Petrillo, Daryl Carlson, Janice Carlson, Rhonda Burke, Richard Burke, Sharon Ponte, Joel Ponte, Steve Ames, Marilyn Ames, Kevin Gilman, Richard King, Mac Ford, Mark Stafford, William Thurber, Patricia Thurber, John Locke, Karen Locke, Cubbi Lirette, Marcia Bomrean, Doug Lacoss, Mary Lane, Bob Myrick, Steve Baker, Wendy Beckwith, Roland Meehan, Stan Berry, Holly Berry, Norm Turgeon, Thomas Kachoris, Elizabeth Kachoris, Robert Taatjes, Susan Corning, Judy Boucher, Gene Boucher, Tania Butler, Wayne Sylvester, Andy Rawson, Joan Goulet, David Duchesneau, Andrea Duchesneau, Paul Tentindo, Anne Tentindo, Robert Blair, Deborah Blair, Frank Bridges, Carol Bridges, Dave Reynolds, Roxanne Reynolds, Robert Parker, Elaine Parker, Dennis Woods, Sandra Woods, Sally Miller, Robert Silva, Gail Beckwith-Myrick, Nick Marique, George White

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

Public Comment: L. Brown apologized, he was in a meeting in Laconia that was told he would be out by 5 last meeting and was not and there was much road construction, he apologized for not being at the meeting.

Continuation Case 2017-7: Request for a Special Exception from Article III Section 3.5 Table of Principle Uses, C. campgrounds: to expand MiTeJo Campground at 111 MiTeJo Rd, Milton NH, Tax Map 28 Lot 4 in the Low Density Residential Zone. Owner Three Ponds Resort, LLC. Applicant SFC Engineering Partnership, INC: Dan Flores of SFC Engineering Partnership Inc. was in attendance to present the application to the board. Chairman Tabory explained to the public the course of the presentation of the case.

Point of Order Question: Dennis Lapointe, 98 Sewell Shores Lebanon: given the importance of this hearing and strong possibility of an appeal taking place, is there a possibility of this hearing be recorded and it be made a matter of record. Chairman Tabory replied it is voice recorded. D. Lapointe questioned if they will maintain a copy of the recording incase the court requested it. Secretary D. Crossley stated that the recording is put onto her computer, but once the minutes are approved those become the official record. Chairman Tabory stated it would be appropriate to hold the recording until the appeal period is done. D. Lapointe also questioned the issue of what is an abutter, he read in NH statue 672.3 the definition of an abutter, he continued that Northeast Pond is really a river, in addition all waterfront residents of Milton Three Ponds are directly affected, he continued that NH issues a ZBA handbook for

guidance for all Zoning Boards to use, they recommend a plot plan, he did not see a plot plan online and found it hard to understand what is going on, but had everyone gotten a notice they would have gotten a plot plan and feels it is a major error to not have a plot plan readily available with the notice, he requested to enter into the record a three page memorandum that he wrote that deals with the conditions and the definition of an abutter. S. Nadeau questioned for conformation that the plot plans are available to the public at the Town Hall. D. Crossley replied yes and on the website. Chairman Tabory asked B. Woodruff for his expertise on the subject of abutters. B. Woodruff commented that first the one definition of abutter really has to do with whether or not those people are allowed to speak at the public hearing that is people who directly touch the property lines of the subject lot, people who directly across the street or stream, it is his understanding that when you go to the other State, you do not notify them because they are in another State, that is just the way it is, but the second definition of abutter really has to do with notice and notice is strict on this one touching directly across the street, across the stream they do not mention anything about people who may have standing if you have standing or feel you have standing to speak that is a different story. Chairman Tabory added that they would not stop someone from speaking.

Dan Flores presented the case to the board brought a map showing the overview of the property and the area, explained he was here to request a special exception from Article III section 3.5 Table of Uses of the Milton Zoning Ordinance to expand the campground, the map showed MiTeJo as of today (existing campground, roads, entrances). D. Flores described to the board the existing campground briefly it is on Tax Map 28 Lot 4, it is 225 acres, the campground itself occupies 45 acres, the campground has existed for decades, it has one septic approval from 1970, the campground has 2 State subdivision approvals for 220 campsites and three cabins, the campground received site plan approval in May 2012, it is served by 15 State approved septic systems, it is also served by two active wells, the campground entrance is one mile down Townhouse Road from Route 125. He continued that when they laid out their plans they first looked at wetlands and where they are, wetlands were flagged by wetlands scientist and then located in a field survey. The proposal takes place in two separate areas, the East area located along the existing entrance road and a smaller development in what they refer to as the west area. The East area will be comprised of 118 sites, there will be a new entrance off of Townhouse Road approximately 650', so the road will stay the same, the check in will be relocated, the area will include a bathhouse, covered pavilion, playground and check in with parking. D. Flores continued that they are proposing two areas for septic areas for services, as required by State law the nitrate setback is maintained within the property boundaries, the nearest abutter is approximately 280' away and 280' from the nearest campsite, the nearest parking is 100' from the nearest dwelling. In the West area they proposed 35 campsites and 20 tent sites, there will be two bathhouse, small one for the tents and another for the other 35 sites, there will be two septic areas, the maintenance area will be expanded, an amenities area is also proposed with pools, mini golf, jumping pad, and a future amenities area. D. Flores addressed that one of the concerns is Townhouse Road and the traffic impact that this development could have, MDM Transportation Consultants used an automatic traffic recorder on Townhouse Road and Route 125 over a 96 hour period the week prior, they found between 2,345-2,675 vehicles per day on Townhouse Rd, and approximately 4,400 vehicles per day on Route 125, they measured Townhouse Road itself and the width is between 21-22 feet wide, it is recommended 20 feet for recreational road with that volume, recognizing that the bridge is closed at the moment and estimating the bridge re-opening would bring the daily trips to approximately 3,300-3,600 for the average daily trips which is not the expected trigger for lights or supplemental traffic controls, so the road as it exists is suitable for the current and increased for expansion traffic. He continued that if they do make it through the special exception tonight, they would have State permitting such as alteration of terrain or land disturbing activity that will require a full

engineer analysis of the site, they will receive public water supply approval for the expansion, they will need subdivision approval from the State for the increased number of campsites, and lastly they will need septic system approval for each septic system, with successful completion tonight they will then submit to the Technical Review Committee for the Planning Board.

Chairman Tabory clarified with the applicant the labeling of the new camp sites and old campsites along with what the abutting lots were labeled as. S. Nadeau asked when he says public water does he mean private wells. D. Flores responded yes, they would be private wells, but the State considers it to be a transient community public water supply. Chairman Tabory questioned if he was correct in saying that if there was an emergency the public would have access to those wells. D. Flores replied that he was unsure of that, he had not heard that before, he continued that given the nature of the water supply and transient population, compared to residential when people are living there it is considered less stringent in requirements than residential. S. Nadeau questioned that it was seasonal and not year round. D. Flores replied that was correct.

1. *That the specific site is an appropriate location for the proposed use or structure:* D. Flores explained that specific site is an appropriate location for the proposed use because the expansion is adjacent to a campground that has existed for decades, the existing campground has Site Plan approval granted in 2012, the parcel consists of 225 acres, which exceeds NHDES minimum lot size for sewage loading by soil type (Env-Wq 1005.03). The proposed design flow for the entire campground is 30,190 gallons per day. The design flow requires 15 acres of land. The campground lot provides approximately 147 acres of land, when factored for soil type and unsuitable land areas such as protective well radii, open water and very poorly drained wetland areas. The proposed use on the lot is permitted by Special Exception within the underlying zoning district.

L. Brown: you said it was adjacent and an expansion, you did not define why it was appropriate. D. Flores replied it is appropriate because the existing campground has existed for decades and they are expanding now. L. Brown asked why it was appropriate. D. Flores replied it is a suitable location for a campground, it has water access, when they look at the criteria for development it meets the criteria as described. B. Woodruff noted that the applicant also noted they have the room. D. Flores replied yes, they far exceed the required area for the expansion, they are expanding the existing campground. B. Woodruff commented that he feels the answer to L. Brown's question is that campgrounds are an allowed use in the table of uses, as a special exception but they are a permitted use, it is not as if they were here asking for a variance for something the ordinance says they can't do, the ordinance says you can do campgrounds, when the campground was established there was no zoning and so everything was permitted but when zoning was enacted campgrounds began a special exception so that's why they are here, because they have to get the special exception to move forward with any expansion. L. Brown commented the answer he is looking for is that it is appropriate for expansion without degradation. D. Flores agreed to that point.

Public Comment: *Frank Bridges 65 Lakeside summer resident:* expressed that he has always loved the campground, but opposes the proposed expansion does not feel it is appropriate to expand and that with 153 new RV sites it will be closer to a trailer park than campsite, feel that they are trying to convert it into a resort with the proposed amenities like the café which is not permitted in the zone, expressed concern with density of the campsites that it would become 1 campsite per .57 acres and feels that is like high density not low density. Continued that only 20 of the proposed new campsites are tent sites, the 153 rest are either cabins (3 cabins and would want to know if they want to add more cabins) the rest are RVs, believes that the density is the same as a residential area because people will be there all summer. Thinks of a campsite as a tent, but adding the 153 RV sites makes it

close similar to Pineland Park and that there would be two trailer parks in the Northeast Pond area. Expressed concern that the septic plans look to be underneath Lyman Rd and reiterated that he is opposed to the expansion.

Dennis Lapointe: expressed that the concern was not just the campsite to review if appropriate but the increase in boats or jet skis when there are 35-40 there already, the need for docks and ramps for them and that the proposed use is not just a campsite.

John Giunco: questioned the site approval of 2012, read the minutes and could not find the approval, asked if there was a plan from 2012 he missed. *D. Flores* explained that approval was for the existing campground, it was developed prior to the requirement for an approval, in 2012 was an after fact, and has nothing to do with the expansion. *J. Giunco* replied that the minutes ask the previous owner to identify the buildings they had built over the years and how the property was being used at the time so the property could be properly assessed, when you look at those minutes it says there are 209 acres and now there is 224, questioned what they are doing with the present use of land and was it ever shown in 2012. *S. Nadeau* commented that in 2012 the past owner brought a lawsuit against the Town he felt his taxes were too high, through court action there was an agreement with the town, bottom line the town agree to accept what was existing plus the new buildings that the town was unaware of, it did go in front of the board and was part of a legal action, minutes do not have to be verbatim, asked Nick Marique for his input. *Nick Marique* replied there has always been 250 acres, in 2012 there was a site plan approval based on historical buildings for various reasons to get everything there approved and documented with the town, as far as the lawsuit it was an abatement of the taxes not a lawsuit, it was a new building that triggered the site plan review, but it has all been taken care of.

Public Comment Closed.

Board Comment: L. Brown questioned if he understand correctly if they are proposing an additional 3 cabins. D. Flores no. L. Brown questioned if the cabins that are there will continue as they are. D. Flores replied they propose no changes to the existing campground. Chairman Tabory asked if they were adding cabins in the new section. D. Flores replied no, there are some park models at the RV sites, it is an RV unit on a chassis, meets recreational campsite requirements of under 400sq feet, they are not changing the existing campground. L. Brown asked if D. Flores was a managing partner with executive authority. D. Flores replied no (is a third party engineer).

Chairman Tabory asked if there was food and drink offered now, or café now. D. Flores replied no. Chairman Tabory followed up with asking if the café piece serves food and beverages would it fall within a variance requirement. B. Woodruff noted he did not think it would. D. Flores explained that the café would be open only to the campers, it would be an accessory use to the campground.

L. Brown asked if he was familiar of if any entity familiar with making a distinction between a cabin and a tent, concerned about the collection of room and meals tax for the cabin as a structure opposed to a popup or RV, does he have any information on that. D. Flores replied he did not, but had heard questions about it at various campground shows, does not know how it has been resolved.

L. Brown asked if anyone of the board feel that argument of density for usable acreage regard it as significant. B. Woodruff and B. McQuade both agreed that it was not a valid argument. B. Woodruff added that the Milton Zoning Ordinance does not have per campsite density requirement in it, the MZO says campsites are allowed in LDR but nothing in regards to density, campsites are not single family homes. B. Woodruff feels it is an appropriate location because it is there and they have lots of acres of land, if they can prove they can fit those campsites in and have a buffer to the abutters, not affect the environment, staying out of the wetlands and 50' buffers, locating septic in the right place and will get the right permits, believes that it is an appropriate location.

Motion: B. Woodruff moves that the specific site is an appropriate location and the applicant has proven so. S. Nadeau seconds the motion.

Vote: 5-yes 0-no motion passed, that the site is an appropriate location for the proposed use.

2. *That the use will not be injurious, noxious, offensive or detrimental to the neighborhood:* D.

Flores explained that the proposed expansion exceeds all property line setbacks required within the underlying zoning district. The proposed use is an expansion to the existing use, the nearest home to a proposed site is 250' away.

Public Comment: *Frank Bridges*; We think that the location is inappropriate for expansion because it is right on Northeast Pond and the Salmon Falls river, expressed concern in the decline in the water quality, that they will not be able to water ski due to too much boat traffic, wave action from boats causing erosion, how they will avoid Naiad, the smoke from campsites that causes homeowners to close their windows, the swimmers effect on wildlife and quality of water. Expressed concern of traffic on Townhouse, only access for those on the road, the event of a disaster, the traffic will be difficult to live with.

Bob Myrick 42 Lakeside: expressed that his biggest concerns were, the back access to the eastern corner off of Lyman (D. Flores commented it was gated emergency access) if they would begin maintaining the upper part of Lyman that they do not maintain now but they own, where the new boats will be moored, the culvert needs to be repaired on Townhouse, who will control how much weight is going over it.

Elaine Parker Townhouse Rd: expressed that her concerns are the noise, noise travels across the water, there is going to be a lot of noise right in their backyard, they are tax payers they pay for quality.

Prudence Thresher 319 Micah Terrace: when they first had their cottage were told they could not build on the acreage across the street because they did not want added apartments so to not have added people and boats in the lake.

Paul Tentindo 351 Micah Terrace: expressed that on Friday afternoons and Saturday mornings one cannot go on Townhouse Road without death.

Dennis Lapointe: the traffic study that was done the week prior would not show the end of June-July traffic which would be much heavier, not as many people come up the last week in August, feels it is misleading.

Steve Hayes 101, 103, 104 Lakeside: has serious concerns about boats, knows MiTeJo is limited to 19 slips, but jet skis get tied to trees at night and pontoon boats are tied to other pontoons, expressed his displeasure of the pontoon boats at midnight with loud music and drunks, will anyone at the campground be limiting access to boats at night or policing this, does not know how to know where the boats come from, what restrictions and control will be on the additional boats.

Deborah Blair 83 Lakeside: questioned who and how other than MiTeJo would benefit from the expansion.

Barry Barca Lakeside: questioned if the 250 from the nearest residence was from current homes or buildable lots, said there are closer empty lots, believes that is disingenuous. Feels that this is zoned for a reason as Low Density and that is the infrastructure in the area can only support low density, thinks the board needs to regard it the same as a variance for high density, feels the effect is the same.

Gene Bouche 220 Townhouse: explained the points of why he felt the proposed use would be offensive and extremely detrimental because noise to surrounding homes will impact property values, impact the view, local realtor told him that expanding the campground would decrease property values, the dust and noise from RV's requires them to close their windows, increase of non-

residents on the lake increases the chance of invasive plants, and frequent people unfamiliar with the area who do not follow the no wake zone has great concern on the street side and water side.

John Locke Bolan Road: he has had four interactions with the new owners and they had not been good interactions, asked them to put up no trespassing signs, has had people on his property, if these people cannot manage the people now, concerned that they won't be able to manage the expansion request, his property line is loaded with trash he told MiTeJo and they never did anything, questioned how are they going to monitor the new addition, frustrating to him as a neighbor, campers are on his property fishing, cutting trees, making bonfires, with the old owners he never had a problem, with the new people running the place they don't seem to care, thinks it is a horrible impact on everyone, concerned of fire hazard and safety of his family.

Wendy Beckwith 42 Lakeside: expressed that they are a neighborhood, all of the campground traffic has to drive through the neighborhood, all of this traffic is on a dead end road goes by all of their houses where people are trying to walk, jog, walk dogs, kids from Pineland park to their beach, traffic is tight already due to parking on the side of the road for neighborhood events.

John Giunco: is 250 off their development huge concern for safety, people are going to wander around looking for wood to burn and places to play, the campsite smoke is dangerous, noise of dogs, the traffic studies seem to be flawed to if the bridge re-opens, also the wildlife is dense around the marsh and feels it should be considered.

Steve Baker Micah Terrace: here to speak for the ponds, the three ponds are the economic engine for this town, the water is getting dirtier every year with contamination of nitrogen overload, new weeds they are trying to kill and there are too many people trying to use the water now.

Daryl Carlson 165 Townhouse: asked if there had been an environmental impact statement done on the expansion.

Kevin Gilman 103 Lakeside: if the lake goes bad the campground will leave, and so will the tax payers, the town will go away, feels it would be wrong to vote this in because they live here and the applicant does not.

Nick Marique: expressed his biggest concern is that the proposed parking lot is 50' from his property line, may be 100' from his home but is 50' from his property line.

Jen King 38 Lakeside: is new here, came because it was beautiful and quite, agrees with everyone's comments, believes there is no way this will not devalue her property and life.

Roland Meehan 4 Hideaway: amplified that it would be irresponsible to not consider the lake, concerned with additional traffic on the already constricted lake.

Closed Public Comment.

Board Comment: Chairman Tabor asked if the owner was in attendance. D. Flores replied no. B. Woodruff asked is the campground intending to allow the same number of boats as number of new campsites. D. Flores replied that has not been discussed they are not proposing any new docks at this time, number of boats has not been discussed. B. Woodruff listened to the comments about 19 places for boats to dock, but it is true there can be more boats grounded up on the shore or tied to trees, is the applicant willing to offer to limit the total number of boats allowed if they get to the planning board for site plan review. D. Flores responded he has not discussed that with the owner so cannot answer that. B. Woodruff asked if they are planning to expand the existing beaches. D. Flores replied no. B. Woodruff asked what the closest distance of the new campsites parking or amenities are to abutting property lines, not building or residences. D. Flores does not know that at the moment, does show the property line setbacks required in the zone and they are very much away from those, the table on the plans does not reference what structure but shows the distance. B. Woodruff commented it looked like the least is 46', asks because the Fire Chief has concern with the parking lot near to his property line, it looks to be about 50' by the scale, assuming you get to site plan review are you

going to show that you will add adequate screening from automobile headlights and noise by vegetation, fencing or both in areas like that. D. Flores replied yes. B. Woodruff commented there is a portion of Lyman or Lakeside that is on the property of the campground, he questioned if they will upgrade those roads, regularly maintain those roads or upgrade those roads as part of your proposal. D. Flores replied at this time they have not discussed that. B. Woodruff asked if the campground maintains those roads. D. Flores no. B. Woodruff, asked if the campground will continue to treat the gravel entrance to keep dust down or do something else to improve the road to minimize the dust. D. Flores replied at this time they will be still use gravel, but have not discussed dust control but it is something that could be discussed. B. Woodruff commented he has read the traffic memorandum, there is safety concerns to the width of the road, your study says that the road is variable between 21-22 feet, it has inadequate shoulders and not striped, he questioned as part of any impact the increase in traffic might have with the proposal moving forward are they considering things like constructing shoulders and possibly stripping the roads for safety. D. Flores replied like the boat issue they have not discussed it directly but would discuss it at the Planning Board level. B. Woodruff mentioned the Planning Board has the authority to require that those things happen. D. Flores noted he understood. B. Woodruff questioned the intersection of Lyman Road and Lakeside, the entrance it is very undefined, are they willing to reconfigure the intersection. D. Flores replied he has not spoken to the owner yet, but is sure they would consider it. B. Woodruff reminded him again if the expanded traffic study show the PB these things are required they will require the applicant to do so, he asked if the applicant could comment in regard to the European Naiad and the other invasive plants in the lake, what the real reason those happen, where it comes from, a lot of it comes from the nitrates from either fertilizers or septic systems, not necessarily from boats though it does contribute, he wanted to highlight for the other board members whether or not this criteria is met or is testified that it can be met at the next step which is PB site plan approval, the permitting at the state, federal and local level with site plan review have a tendency to take care of the issues like storm water runoff. B. Woodruff asked, are you adding new campsites near the lake, (D. Flore no) he continued are you going to maintain the trees to the maximum extent around each area for expansion and between campsites. D. Flores answered yes, on sheet 3 of the plans there is a detail of a typical campsite, when they layout the campsites the plans show these rectangles the intent is to not exceed the rectangle, it is the campsite envelope, it provides enough space to show there is room for parking of the unit, area to sit, parking for car, etc. the intent is to keep as many trees as possible within that campsite, the rectangle is there for planning it is an envelope to ensure they can lay it out, they have even placed a note stating that development can shift if there is something of value in the envelope, to preserve tree cover, does not want to give the intent they will clear cut, wants to give it a wooded feel with as many trees as possible. B. Woodruff noted that the vegetation assists to knock down the noise, and feels his question in regards to the trees has been answered.

L. Brown commented regarding fast traffic on Townhouse Road, the lack of a double line, cars going over the double line or any hypothetical that is subject to third party control (would include Marine Patrol on Three Ponds) when there is third party control an enforcement rests in that third party and that third party does not have a vigilant and proactive competence that is still no reason or authority to deny an applicant a use of the property. B. Woodruff replied that he agrees with L. Brown, the idea that campground expansion being the only one to add boat traffic is not grounded in reality, there is a public boat launch on the Maine side and in Milton, the roads issue can be measured when you look at the scope the traffic engineer needs to look at. L. Brown noted the reason he brought up third party is that he is concerned about those noxious or detrimental factors that is under the control of the Three Ponds Resort, for example outdoor public address systems (public announcements or music playing) if there is a plan to increase outdoor lighting, if there will

be a prohibition of fireworks, prohibition of target practice erratic (irregular and unexpected) gun fire, drone of generator noise, curfew for sound light and fires, on the expansion of septic's to serve additional campsites, is that itself going to be extensive enough of excavation and removal of trees to come under terrain alternation. D. Flores replied the curfew, fireworks, guns, outdoor lighting, playing music over speakers, the campground and people there are subject to rules which the owners take serious that is all addressed and could be further addressed if need be, regarding the septic areas they will be applying for alteration of terrain permits through DES, but also for the roadways and campsites themselves.

Chairman Tabory commented he is hearing is that since the ownership has changed the noise, volume, control of people, litter, fireworks, late hours it has gotten substantially worse and now they are proposing doubling that, it sounds to him they have not been effective or capable of enforcing the rules, finds it difficult to understand how the expansion will make it better, reference to this being a neighborhood, he got the impression that before the sale, the campground was felt to be part of the neighborhood does not feel it is being felt, that is where his concern, based on the size the campground has been for a long time, property values should be stable to the size that exists, doubling that it potentially puts those closest and on the road at risk for property value detriment by sound or traffic. B. Woodruff commented unless there was a way for the new owners to buy into the neighborhood, be part of the neighborhood, the way the previous owners did.

S. Nadeau noted that he finds it weird that the new owners did not attend knowing there was opposition, rather than just the third party engineer. D. Flores commented that this is the second project he's worked on for this company, they are interested in a family friendly campground, they are not interested in a nuisance, it's in their best interest to run it best they can, protecting the lake, water quality and environment, surprised to hear there are issues with the campground since they took ownership, knowing them he's very surprised, in the past ownership has been to all of the meetings but it could be a scheduling issue, the general manager of the campground is present and he could speak on their behalf. S. Nadeau is not opposed to the General Manager adding comments, B. Woodruff thought it could be helpful to get some answers.

George White general manager of MiTeJo: explained he worked prior with the old owners and tries to run the park like they did, does the security like the previous owners and surprised to hear complaints of loud noises afterhours, does not know where the complaints are coming from, runs it just like Gary and Sue did, understands the concerns, and will do his best job to run it as it has been for the past years. Encouraged the public to come see him at the campground with their concerns.

Motion: L. Brown motions the materials as presented are not convincing that the operation will not be noxious, offensive or detrimental to the neighborhood as it exists. (Yes vote would mean they have failed this criteria) Chairman Tabory seconds the motion. Discussion: B. McQuade will be voting no because a lot of the concerns brought up should be going to public safety officers, these are issues that seem to only come up now that this presentation is being made, gotten no sense that individuals have been contacted for the nuisance complaints. B. Woodruff will be voting no because believes the Planning Board process can handle many of the concerns brought up tonight by the public, has gone over the plan and knows that because of the language and criteria it is so open the criteria for this special exception should be unique to campgrounds and it is not, there should be a density requirement, confident the concerns like noise can be taken care of during site plan, the one open question was brought up by the chair, unless there is a big outreach by management there is a question in his mind, really believes they have addressed almost all concerns or have an assurance to take care of this at the planning board session. L. Brown stated the reason he brought this forward is the fact that a condition exists and the third party had not done enough on their end to remediate it not a mark against the applicant, what can't be controlled by planning board, or zoning board, the

three criteria of real-estate location location location, their property interest will be negatively affected by the expansion. Chairman Tabory commented he's happy to hear each lot will not be clear cut and will be contained in the slots, but there concern with control, or if it can be controlled. S. Nadeau does live on the lake, with an RV and it can be controlled, does feel similar to B. Woodruff does have concerns of boat traffic, but there is a police boat in Milton, PD needs to be aware to resolve traffic issues, does believe in Planning Board process to enlist control.

Vote: 2-yes 3-No, passes that the criteria has been met.

3. *That there will be no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking:* D. Flores explained that all campground roads will be a minimum of 20' in width and designed to safely pass a fire apparatus, circulation within the proposed expansion is provided by loop roads and turn-arounds, the expansion proposes a new gated entrance approximately 650' from the intersection of Townhouse Road, each RV campsite will have parking provided at the site, the 20 tent sites will have 20 parking spaces near the sites, additional parking for up to 47 cars and 8 RVs will be provided at the new entrance, additional parking is provided near the new entrance and the amenities area for motorized carts, the speed limit within the park is enforced at 5 mph, an assessment of trip generation memo for the proposed expansion was prepared by MDM Transportation Consultants, Inc. and shows only a modest increase in trips from 86 for the existing campground during a Saturday midday peak hour to 67 additional trips for a total of 153 Saturday midday peak hour trips due to the expansion (approximately 78% increase). (The memo is attached to the application)

Public Comment: *Dave Duchesneau Micah Terrace:* expressed that Townhouse Rd has not been improved in many years, feels the project will have a big impact on everyone because the taxes will go up to improve Townhouse, commented one person cannot do security for current and the increase.

George White General Manager: commented that he currently secures the original park, with the expansion they will hire full time security who will be securing the park 24hrs, more than one person.

Gail Beckwith Myrick: Requested that the board hears the public's comments and not just say they will move it along to the Planning Board or other board to make a decision.

Chairman Tabory replied this board is a quasi-judicial board, they are to come in with an open mind, must listen to facts presented by the applicant, listen to the public's opinion and point of view, they are not supposed to come in with a decision in their mind already, cannot promise they will say no, but they will promise to listen to the argument made by the applicant and comments from the public, the board will be responsive but it is not popular vote that is going to determine the answers, they have to answer based on the criteria by law if they meet the criteria or are capable of meeting it through site plan, they are required to vote yes according to the statutes.

Frank Bridges: expressed that the application only addresses traffic within the campground, nothing with Townhouse Rd, how will it be handle and how much traffic that will be has not been addressed, the only traffic study was done in an off season week and does not feel it is enough evidence of it being safe. Expressed concern for people running on the side or skating down the middle of the road with the new traffic of temporary campers who do not care about the neighborhood or know the traffic pattern or dangers. Does not think there is real traffic evidence to find in favor.

Dennis Lapointe: feels that the board should deny the application and require the applicant to come back with more information and then it may go to the planning board.

L. Brown stated this is a point of order and courtesy comments indirectly addressed to B. Woodruff you are seriously off based, and would suggest it is the responsibility and authority and courtesy of this board to have a dialogue of information with any person presenting on behalf of an applicant.

John Giunco: expressed concern of the traffic and possibility of hitting pedestrians since the large vehicles cannot stop easily, noted the lack of traffic study information.

Gene Bouche: noted that the traffic study information focusses on the inside of campground and the bridge is to be rebuilt in 2019 and that will increase traffic, DOT traffic studies show that traffic will increase by 37% when the bridge reopens, and additional increase of traffic to the campground will create a nuisance and serious pedestrian hazard, risk of vehicular accidents because of narrow road.

Elaine Parker Townhouse Rd: it seems that the application should prove it meets the criteria, feels they're taking half promises and illusions from a person who does not have the power to make the responses.

Marie Robinson Micah Terrace: explained that there are current issues making the road a single lane because of cars parked by the beaches all summer, always a worry that you will hit someone.

Wayne Sylvester Micah Terrace: feels that the expansion would change the relationship and atmosphere of MitTeJo.

Tom Kachoris 59 Lakeside: concerned with the ownership of the company, would expect them to come to address the community, feels they are only interested in money.

Barry Barca: expressed that the pedestrian traffic on Townhouse road is necessary, there is no sidewalks, no shoulders, need to be able to walk on the road, more traffic than should be on the road now and feels it is dangerous now, does not see how they can make a finding that increased traffic would not create a problem.

Bob Myrick 42 Lakeside: commented that one of the narrowest points on the road is the culvert and it already needs work, there are no shoulders that can be expanded without taking it from the lake or swamp, would like to see evidence that there won't be problems with the culvert.

Kevin Gilman 103 Lakeside: asked S. Nadeau if he would walk a child down Townhouse on Saturday's. S. Nadeau replied he has not walked the road.

Marilyn Hayes 103-104 Lakeside: feels that if the board walked down Lakeside or Townhouse it would make the public points much clearer.

Nick Marique: explained that the culvert is scheduled to be reconstructed October 10 and there is already a public hearing scheduled for that, it will widen the culvert, PH on Wednesday.

Public comment closed.

Board Comment: S. Nadeau feels that this is big concern, this is the first one that mentions pedestrians, until now he cannot be in favor of this passing, because of pedestrian concern he does not support it. Chairman Tabory commented that he sees no sidewalks or capability of sidewalks, does feel there is an issue now, not enough width to solve the problem, not the applicant's responsibility to make people obey the speed limit, but asked if the traffic study takes into account that they don't and does feel there is an issue now, not enough width to widen, not their responsibility to make people obey speed limit. Asked if the traffic study takes into account the speeding and if the study reflects inside the campground or Townhouse Rd. D. Flores replied the original memorandum included used published information and other campground projects they have worked on, since that time they have done data collection on RT 125 and Townhouse Rd, only has that information in an email as it came after they submitted the application, but will give a copy for the record, the average trip rate shows the average daily trip ranges from 2,345-2,675 vehicles per day on Townhouse, 4400 average daily trips on RT 125, they awaiting intersection counts, conducted measurements of road width it varies from 21-22 feet, State requires for recreational road standards 20 feet and clear zones for larger vehicles to pull aside if necessary, this supports that the

roadway width is appropriate for the use. Chairman Tabory commented that Townhouse Rd is a residential road, 20 feet would be appropriate within the campground. D. Flores added that he asked for clarification for if the bridge opened, assuming 100-70 homes were more directly served through Townhouse on the Maine side, it is estimated about 700-1000 additional daily trips, during peak hours it ranges from 100-200 trips which is modest in capacity terms, re-opening the bridge might increase the number 50-100 not expected to trigger the need for a light. Chairman Tabory commented that he does not think the data takes into account if the bridge opens the people who would use that road for their commute rather, feels the numbers are low, will note in the argument here the majority of the information talks inside the campground and not on Townhouse and his concern is the traffic outside of the campground, personally does not see how this could not be a nuisance and hazard levels for pedestrians and does not know that the road is wide enough for remediation possibilities.

B. Woodruff expressed concerns of the traffic memo in the application did not talk about possible mitigation, thinks that the criteria we have to live with them because they are in the zoning ordinance but does not know how board members can make a decision because the criteria is so subjective, but agrees with the Chairman that the applicant has not taken into account all of the bad things that could happen to this criteria, the traffic memo says nothing needs to be done, tends to disagree with the data but the idea that discount commuters and doesn't talk about the marina across the bridge that sells ice cream concerns him, does get back to the argument being a catch 22 how do you know if it can be taken care of if they do not do a full blown site plan review, a joint planning and zoning board meeting could possibly address this but it has to be requested. Chairman Tabory commented he does not see sufficient evidence. S. Nadeau commented that prior to this there were things that could be done to fix the problem, but does not see what can be done to fix the problem.

L. Brown added there is nothing that prevents an applicant from coming to the Planning Board on day one, or ZBA day one, taking the most intensive and proactive detailed mitigation plan and presenting that in detail for the hearing, left with the sense that the question is what can we get to fly, this is not the board who sets the site review conditions but is with the chair.

Motion: S. Nadeau motions they did not meet the requirements of criteria three. L. Brown seconds the motion.

Vote: 5-yes 0-No, motion carried the criteria has not been met.

4. *That adequate and appropriate facilities and utilities will be provided to insure the proper operation of the proposed use and structure so that the use will not be contrary to the public health safety, or welfare:* D. Flores stated that the proposed expansion will include Individual Sewage Disposal Systems that will be permitted through NHDES, four proposed Effluent Disposal Areas (EDA) designed for a total design flow of 16,500 gallons per day have been identified on the expansion plan for the new sites and located to meet State and local wetland setbacks and nitrate setbacks to the property line, the existing public water supply will be expanded and permitted through NHDES for the additional campsites, State Subdivision approval from NHDES will be obtained for the increased number of campsites on the property, a storm water management plan will be developed and submitted to NHDES as part of the permit application for an Alteration of Terrain permit for land disturbances as part of the expansion.

Public Comment: *Dennis Lapointe:* agrees that DES approvals will handle sewer and wastewater, his concern of public health of water front, doubling the swimmers, boats and jet skis will affect the health of the water.

Norman Turgeon 88 Lakeside: expressed concern of surface water quality, particularly the affect non-point source pollutants entering the lake and storm water runoff. The increase in land use will

increase the non-point source pollutants, the higher the density of use the higher the non-point source pollution potential to affect the lake.

Wendy Beckwith 42 Lakeside: expressed her concerns with the potential addition of 173 campsites and how that will affect the air quality, concerned with fire, emergency evacuation because of fire, noise pollution and light pollution.

Deborah Blair: asked what the septic systems consist of. D. Flores answered they have identified four septic areas, which includes the leach fields, inside the park will be sewer lines, septic tanks, conveyed to the leach fields, does not have the exact size with him of the leach fields but they were calculated on an assumption of the soils and loading required by the state they have been very conservative oversizing them, test pits were done last week, soils were better than anticipated, it will be refined once they get into the design of the system, based on a stone and pipe design which is a basic requirement by the state, septic tanks capture the flow, solids begin to break down, settle out and affluent goes to the leach field.

John Giunco: does not feel that trees would be a noise barrier.

Steve Hayes 104 Lakeside: Asked if it was the intention the have the leach field areas be clear cut fields. D. Flores explained there are four septic areas that are shown, leach fields are 40 wide x 100 feet long, yes they would be cleared and cleared beyond the field no trees, the nitrate setback is required to be on the property it would remain as it is today, they are located a good distance from the property line.

Frank Bridges: questioned if there was an evacuation plan for the Northeast Pond peninsula and if they have anything in the plans for fire suppression till the fire department arrives.

Closed public comment.

Board Comment: Chairman Tabor asked if there was any fire suppression plan. D. Flores replied no not, they provide acceptable access for the Fire Department as required. Chairman Tabor asked how high past floods have come up and if they would encroach the septic system areas. Nick Marique inputted that 12-14 of the existing sites were under water in past floods, but got nowhere near where the new sites would be. D. Flores added that the flood plains are identified on the plans, none of the new development or proposed septic's are in the flood plain.

B. Woodruff noted the wording of this criteria is 'adequate utilities and facilities provided to ensure proper operation of the proposed use so the use will not be contrary to the public...' it is not the entire gambit of health and safety it is about whether or not the facilities and utilities they put in are adequate and appropriate, he questioned if the plans they show the board for constructing water line utilities adequate and appropriate and are the storm water utility, sewer lines, and affluent disposal system they plan to build adequate and appropriate. D. Flores replied does not show utilities at this stage, it would show during site plan, the approvals would need to go through the state, first public water supply they need to show the state they have water source (wells) provide management of the wells water quality, sewer lines currently he shows adequate lines for septic disposal meeting required setbacks in the ordinance, individual lines for each site, electrical layout would be shown servicing the sites and road, along with storm water, all based off of design analysis of storm water flow, at this point they are proposing the use of this land, a number of campsites, have not done a full design would do so if they got special exception approval tonight..

L. Brown commented best practice by state agencies is set and controlled by state agencies, any application for a project under the control for documentation conformance and review is set by state agency. B. Woodruff concurred. L. Brown continued for non-point source solution concern, unknown underground hydrology may have such an affect that nutrient laden waters transferred from gravel and pipe into the lake, would you say the Planning Board would have the authority to require a higher level of treatment due to the fragility of the land. B. Woodruff replied yes and to note

that the septic's proposed here are still fewer than what is already in around the lake, nitrates and phosphates also come from laundry detergents, the fertilizers put on the lawns without a buffer contribute more to nitrates and phosphates than the campground would, found the answer from the applicant about needing and required to get the permits answers the question.

Motion: B. McQuade motions to approve this as being adequate and appropriate. B. Woodruff seconds the motion. Discussion: L. Brown noted will be required not met.

Vote: 5- yes 0-No motion passed, the fourth criteria has been found to be met with future permits.

5. *That the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan:* D. Flores stated that the use is permitted by a Special Exception within the underlying zoning district. The spirit of the Zoning Ordinance is met in the following ways: property lines setbacks established in the Table of Dimensional Requirements of Article III are met with the proposed expansion, there is no development proposed within the 50' wetland buffer established in Article XIII, section H, the impervious area on the parcel post expansion is less than 20% of the parcel area, as required by Article XVII, Section H (7), there is no development within the natural shore land buffer established in Article XVII, Section I (1)(b). He continued that the intent of the Master Plan is met in the following ways, a campground development promotes a rural character by preserving as much of the natural surrounding as possible. The intent of the expansion is to fit the new campsites amongst the trees to promote a secluded, wooded atmosphere for the campers, the proposed expansion considered the desire to protect natural resources by keeping campsite development away from wetland buffers.

Public Comment: *Dennis Lapointe:* expressed that there would be an increase in risk of damaging the waterfront and lake because the expansion would add pollution.

Norm Turgeon Lakeside: added that the Master Plan speaks to protecting water quality, it is allowed in Low Density only through special exception and needs to meet all 5 of the criteria, does not see how increasing the land use is consistent with the spirit and intent of ordinance.

Frank Bridges: expressed that it is low density in that area to allow for a lot of wildlife and woods, does not feel increasing the density is consistent with the ordinance.

Wendy Beckwith: commented that her experience will change and no longer be rural because of the increased number of unknown people.

Wayne Sylvester Micah Terrace: feels the capacity of the lake needs to be considered, asking for 40-50 campsites would be a different story but the capacity needs to be thought of.

Richard Burke 36 Lakeside: feels that there will be a loss of deer in the area and would be replaced by scavenger animals, taking out less vegetation goes along with the Master Plan.

Barry Barca Lakeside: point of information, in determining whether this proposal meets the spirit of the zoning ordinance, which is described as low density, what criteria the applicant has to meet, to show that this meets the spirit of a low density zone.

Chairman Tabory replied that it is a more difficult one to answer, it is subjective and does not have a concrete answer because it is so subjective.

Frank Bridges: understands that the Planning Board requires certain things, can the applicant go to the Planning Board with these same plans. The board replied no.

Norm Turgeon: feels the spirit of the ordinance is unambiguous it is low density residential.

Gene Bouche: with this expansion they would no longer view wooded lands it would be a field, pointed out the impact to the center of town by this traffic increase, and increased boats would impact the historic aspect.

Closed public input.

Board Comment: B. Woodruff commented the planning board must abide by site plan regulations that must be met, which is pretty inclusive to the permits that need to be shown, and the planning board can require the applicant to do other things, does think it is consistent to the ordinance because it is an allowed use, it would not be there unless the master plan (basis of creating zoning) said so, there are other parts of the Master Plan that were not touched on, point to this type of development done correctly, it is the type of business Milton says it wants, respectfully disagrees that campgrounds are a high density residential type use, it is an allowed use in the LDR, tie in with the Master plan is preserving nature while ensuring there are businesses that thrive in Milton while still preserving the rural character, the 2 acre zoning in LDR does not have anything to do with Natural Resource Chapter, the creation of the zone had to do with preserving Milton's character, farms and fields amid forests and not having a lot of density. Chairman Tabory added they need to look at the specifics of the property and those in relation to it, the scope (B. Woodruff never said what his thoughts were for the intensity...thinks it is too much) thinks the scope is too much, 50 would be a different story. L. Brown noted intensity is spirit and intent, part of the master plan is written to the deep underling interest of the community that is where the spirit of the ordinance and intent of the master plan, if you deal with the history of the campground you deal with the courtesy of the people towards their neighbors who already live there. B. Woodruff added there are other parts of the master plan that talk about appropriate businesses in the LDR businesses that fit where there location is one of the tenants is that there be appropriate businesses in appropriate places. Chairman Tabory commented that the master plan does encourage recreation around the protection of the water, does think campgrounds were thought out as an appropriate intent, back on scope and density. L. Brown said the PB has put in protective mitigation before, and sometimes the quickest and best way in doing that is to deny application on detail of information provided. Chairman Tabory commented that enforcement is an issue. B. Woodruff when you send an approved application for variance or special exception to the planning board the actual approval language is put on the plan whether or not the planning board makes it happen it is the controlling document. B. McQuade one of his concerns is undue hardship on the applicant how many thousands must they spend before the applicant comes before the zoning board not knowing if they will get an approval. B. Woodruff commented that the applicant has provided excellent plans for this stage, they provided a traffic memorandum that he does not think had the right in conclusion these are our recommendations and does not believe the applicant representative gave the proper answers to some of the questions that should have been easy to answer.

Motion: B. Woodruff moves that criteria has been met. B. McQuade seconds the motion.

Vote: 3- Yes 2-No, passes 3-2 criteria has been met.

Final Motion: L. Brown moves that the application be denied as the criteria for approval were not met by unanimous agreement on criteria two (2) and five (5) passed 3-2, criteria three (3) not met by unanimous vote, and one (1) and four (4) approved by unanimous agreement. S. Nadeau seconds the motion.

Final Discussion: S. Nadeau expressed he will vote against the application, has always voted consistently does not feel if you have not met all the criteria, does not feel that you should not get your approval, there are a lot of if's, a lot of answers that could have been answered, does not know how they could ever fix the Townhouse issues. B. Woodruff, is going to vote to deny, thinks that if he had gotten an answer from some of those questions which were generated from comments of public and abutters, all he needed was a yes we will address this, since he did not get the answers, will vote to not approve. Chairman Tabory feels he has been clear on why it has not been met, supports the idea campgrounds in low density, does benefit local businesses, would increase in tax,

other locations within this town could, does not feel this project, at that location, in this scope with that road meets the criteria. B. McQuade thinks there are some clear issues with the Master Plan that disagree with other things, and issues with the road. B. Woodruff followed with our job was almost impossible to what their true job as quasi judges because the criteria as worded is too subjective they are left with what the motion says, and that it is a function of the Planning board to work on the language. (Yes vote is a motion to deny)

Final vote: 4- Yes 1-No, Motion carried, request for special exception to expand MiTeJo Campground, has been denied.

Review and Approval of Case2016-4, Case2017-5 and Case2017-6 Decision Notices:

Notice of Decision for Case2016-4: First paragraph change 'public hearing' to 'case', second paragraph change 'public hearing' to 'meetings' and 8. Add 'to see if the board should hear the case as the applicant has no access to the parcel.' S. Nadeau motions to approve the notice of decision with corrections, authorize the Chairman to sign, send to applicant and place in file, with changes. B. Woodruff seconds the motion. All in favor motion passed and notice approved.

Notice of Decision for Case2017-5: Change 'four (5)' to 'five (5)' B. Woodruff motions to approve the notice of decision with corrections, authorize the Chairman to sign, send to applicant, place in file and record at the registry of deeds at the applicants expense. B. McQuade seconds the motion. All in favor motion passed and notice approved.

Notice of Decision for Case2017-6: Change 'four (5)' to 'five (5)' B. Woodruff motions to approve the notice of decision with corrections, authorize the Chairman to sign, send to applicant, place in file and record at the registry of deeds at the applicants expense. B. McQuade seconds the motion all in favor, motion passed and notice approved.

Discussion and Approval of Minutes: August 24, 2017 meeting minutes, B. Woodruff motions to approve the minutes, B. McQuade seconds, all in favor, motion carried and minutes approved.

Review 2018 Budget Proposal: S. Nadeau will defend the budget to the Selectmen and Budget committee. Board decided to increase the budget to \$1,500, the increase split between the registry of deeds line and postage line. S. Nadeau motions to approve the budget of \$1500. L. Brown seconds the motion, all in favor 2018 Budget approved.

Other Business: No Other Business.

S. Nadeau motions to adjourn, L. Brown seconds the motion, all in favor meeting adjourned at 10:16 pm.

Respectfully Submitted,

Dana Crossley, Land Use Clerk