

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



**Zoning Board of Adj.**  
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**Meeting Minutes**  
**June 22, 2017**  
**6:00 PM**

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

Excused Members: Brian McQuade

Public Attendance: Andy Rawson, Dennis Wing, Nancy Wing, Kelly Eaves, Eric Ohlenbusch, Nancy Ohlenbusch, Stan Finch, Marie Finch, Michelle Beauchamp

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

L. Brown was appointed to sit in as a full voting member for excused member Brian McQuade.

Public Comment: None

Chairman Tabory took a moment of silence for Nancy Johnson who recently passed away, she participated in many boards within the Town and was also a State Representative for many years.

Letter of Resignation from Board Member: Chairman Tabory reported that Sean Skillings submitted his resignation. S. Nadeau motions to accept the resignation, B. Woodruff seconds the motion. All in favor, resignation accepted. Nancy Wing has submitted a letter of interest to become an alternate member of the zoning board for one year. L. Brown motions to appoint Nancy Wing for one year as an alternate member. S. Nadeau seconds the motion. All in favor, motion approved. The board signed the appointment sheet for N. Wing.

S. Nadeau motions to appoint Larry Brown to the open full member position. B. Woodruff seconds the motion. All in favor, motion passed. Larry Brown will fill in as a full member till the 2018 election. The board signed the appointment sheet for L. Brown. Town Clerk Michele Beauchamp stepped into the meeting to swear in Nancy Wing and Larry Brown.

N. Wing was brought to the board as a full voting member.

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: Chairman Tabory asked if anyone was present representing the case. There was no representative present for the case. S. Nadeau would like to make a motion to put this case the rest tonight, if it needs to be with no prejudice then so be it, but under default of not showing, thinks it should come to an end tonight. B. Woodruff seconds the motion.

Board Discussion: B. Woodruff thinks they should hear from the Selectmen present if there has been any discussion between the applicant and the selectmen regarding the right of way access to this property, if no he is all in favor to deny this application. Chairman Tabory responded that he

has had discussion with the Town Attorney and he reported that there has been no discussion between the applicant and Town Council in the last two months and the Selectmen have withdrawn any interest in giving an easement over what might be town property. L. Brown thinks it would only be fair to ask the Selectmen present who is not acting as the Selectmen, if there are materials from the public meeting of the Selectmen that he could quote. S. Nadeau thinks that the chairmen talking to the Town Attorney supersedes that.

Andrew Rawson as a resident not representing the Selectmen, he has discussed with the town attorney, the town does not have clear title to the property therefore they cannot sell it, it would be an expensive process, the selectmen made a motion at one of their meetings to take it off the table.

Chairman Tabory commented that there is nothing saying they may not be able to find access to the property from other areas in the future, thinks the motion should be without prejudice. B. Woodruff added that his vote in support to motion to deny without prejudice is really predicated on one finding, and that is that the applicant nor a representative is not here tonight to tell the board anything when the case was last before the board the board said they would give them a chance to go away for a time period, he was informed of the meeting date and he is not here tonight.

S. Nadeau motion to deny the application without prejudice. B. Woodruff seconds the motion. Board Vote: All in favor (5-0). Application has been denied.

Chairman Tabory explained what it means by denying without prejudice to the public.

Review and Approve Decision Letters from Case 2017-3 and Case 2017-4: The board received a new format of formal decision notices that breaks down how the case was voted on, board reviewed the notices. B. Woodruff explained that he assisted the Land Use Clerk with these drafts, this notice of decision is a formal letter that would be recorded it lays out all of the points of the testimony, and there was some difficulty mining out the findings and facts.

Board reviewed the Case 2017-3 Variance Denial letter. Board decided to add to point #6 'the ZBA did not do this, as this is not their roll' S. Nadeau motions to approve as amended. All in favor (N. Wing abstained)

Board reviewed the Case 2017-4 Variance Approval letter. S. Nadeau motions to approve, the chairman sign and record a registry of deeds. L. Brown seconds the motion. All in favor (N. Wing abstained). Motion approved.

Board reviewed an 'individual board member variance worksheet' which B. Woodruff brought forward to the board to assist the board in making variance decisions. Board decided to move forward in using the worksheet during future meetings.

Discussion and Approval of Minutes: April 27, 2017 meeting minutes and May 25, 2017 meeting minutes: S. Nadeau motions to accept the April 27, 2017 as written, L. Brown seconds. All in favor (N. Wing and B. Woodruff abstained) minutes approved.

Chairman Tabory motions to table the May 25, 2017 meeting minutes, S. Nadeau seconds the motion. All in favor, minutes tabled.

Other Business: B. Woodruff got legal advice from OEP about his role as town planner and as elected zoning board member as to what the dividing line is, the instance is if he meets with an

applicant and gives them council on how to answer the criteria or advice, he cannot sit, if he does not give more than basic information to the applicant he would be able to sit.

S. Nadeau motions to adjourn. L. Brown seconds the motion, all in favor, meeting adjourned at 7:14pm.

Respectfully Submitted,

Dana Crossley, Land Use Clerk