

Town of Milton
424 White Mtn Highway
Milton NH, 03851



Zoning Board of Adjustment
PO Box 310
(p)603-652-4501
(f)603-652-4120

Thursday, February 17, 2022
Meeting Minutes
6:00 PM

Present Members: Chair Stan Nadeau, Steve Baker, Phil Bean, Larry Brown

Absent Members: Mike Beaulieu, not excused

Staff Present: Bruce Woodruff, Town Planner; Suzanne Purdy, Land Use Clerk

- I. **Call to Order:** Chairman Nadeau calls the meeting to order at 6:05 PM.
- II. The attendees recited the Pledge of Allegiance.
- III. **Public Comment:** There were no members of the public present.
- IV. **Review/Approval of Minutes:** P. Bean made a motion to approve the meeting minutes from the ZBA meeting of 12.17.2021. Seconded by Nadeau. All in favor. Motion passed.
- V. **Old Business:** S. Nadeau made a motion to replace the incorrect date of October 8, 2021, on the Notice of Decision for the Libby property, 424 Applebee Rd, with the correct date of October 7, 2021. Seconded by P. Bean. All in favor. Motion passed. Planner Woodruff noted only this document needs to be file with the Strafford County Register of Deeds, not the entire set of minutes from the meeting.
- VI. **New Business:** Application for variance by Henderson Hydroseeders, LLC was introduced. S. Nadeau noted to the applicant, that if the board of four members is at an even split on the approval / denial, then the motion fails, and the applicant can schedule another hearing at a future ZBA meeting.

Dana Henderson chose to proceed with the hearing.

Planner Woodruff gave a summary of the intent of the applicant to manufacture goods in a Commercial / Residential Zone, where these activities are not permitted. The applicant is asking for relief from the Zoning Ordinance, Article 3, Section 3.5, Item G. in the Table of Principal Uses.

D. Henderson added that his company assembles Hydroseeders.

S. Baker asked how large the Hydroseeders are.

D. Henderson replied approx. 50” x 100”; with a 500-gallon max capacity for tank size.

L. Brown asked about a dumpster necessary for operation.

D. Henderson indicated one is on site already.

S. Nadeau read from the application:

1. The Variance will not be contrary to the public interest because: *(In responding to this question, please address: (1) Whether granting the variance would alter the essential character of the locality, and (2) Whether granting the variance would threaten public health, safety or welfare.).*

D. Henderson responded:

This variance will not bring any negatives to the town. We will not disturb health & safety to surrounding public buildings, land or water. We do not use any chemicals. We will not make any changes to the character.

S. Baker noted that is a fairly large space . D. Henderson noted part of it will be used for storage. S. Nadeau called for a straw vote. All in favor.

S. Nadeau read from the application:

2. The spirit of the ordinance is observed because:

D. Henderson responded:

We will help the master plan to revitalize the economic development to the Milton village by bringing in new business and helping increase revenue to surrounding business. He added this will be good for the neighborhood. S. Nadeau asked if they intend to sign a multi-year lease. D. Henderson replied yes. Planner Woodruff noted to the board that they should add a stipulation to the variance, if approved, that if the business moves elsewhere, it could sunset the variance. S. Nadeau called for a straw vote. All in favor.

S. Nadeau read from the application:

3. Granting the variance would do substantial justice because:

D. Henderson responded:

The previous use of this building is similar to what we do, although they had a lot more retail. It was used for welding, fabrication, manufacturing, and light retail. It is still configured to support a similar business like ours.

L. Brown asked if they will be welding . D. Henderson replied some tack welding will occur on premises, but most of the welding (as well as painting) is sub-contracted out. S. Baker asked if they anticipate any parking issues. D. Henderson replied no since they do not anticipate much foot traffic; most of their orders are online.

S. Nadeau called for a straw vote. All in favor.

S. Nadeau read from the application:

4. The values of surrounding properties are not diminished because:

D. Henderson replied the building is newly renovated outside and is beautiful. We will keep it that way with nice, clean landscape. We will not bother neighbors or disrupt the flow or use of parking in the village. The retail portion of our business will be very small and not offensive to the town.

S. Nadeau called for a straw vote. All in favor.

S. Nadeau read from the application:

5. Literal enforcement of the provision of the ordinance would result in an unnecessary hardship. Special conditions of the property distinguish it from other properties in the area because:

D. Henderson responded:

This building is set up and was previously used for the same type of use we need. It is unnecessary hardship to the owner as well as the town to have it empty. We will also use local stores, gas stations and restaurants. It would be unnecessary hardship for them to not have our business.

(A) Denial of the variance would result in unnecessary hardship because:

(i) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

The site is appropriate for the use we are asking for. Retail is not harmful or offensive to Milton's principles. No undue hazards or nuisance to traffic flow, parking or use is anticipated. The board already approved facilities, utilities, and parking.

(ii) The proposed use is a reasonable one because:

This building is ready to open again. It is configured perfectly for the work we need to do. We love Milton, have family on the lake, and spend most of our summers there. We want to help revitalize the village.

(B) If the criteria in subparagraph (A) above are not established, explain why the property cannot be used in strict conformance with the ordinance and why a variance is therefore necessary to enable a reasonable use of it:

Proposed use is consistent to the spirit and master plan. Retail is very small for us, but all around us in the village. This place is perfect for us.

S. Nadeau called for a straw vote. All in favor.

S. Baker said this is a great business with low impact, and very nice for the town

L. Brown said he has followed this project at the former Ray's Marina. The new owner has put in considerable effort to revitalize the village and thinks this is a great use for the property.

P. Bean agreed and wished them the best of luck.

S. Nadeau feels this building has sat vacant too long.

S. Nadeau made a motion to accept the application with terms. Planner Woodruff noted that the condition should be that when this principal use of manufacturing, fabrication and assembly, with minimal retail, should cease, then the variance shall cease with that occurrence. L. Brown seconded the motion. All in favor. Motion passed.

S. Nadeau noted that the 30-day appeal period on this variance begins tomorrow, Friday, February 18, 2022. Members of the public may oppose the acceptance of the variance until Monday, March 21, 2022.

VII. Other Business: S. Baker will not be attending the March meeting.

S. Nadeau commented on M. Beaulieu's attendance, wondering why he is running for an open spot since he hardly comes to meetings.

VIII. Adjournment:

*** L. Brown motions to adjourn, Seconded by P. Bean. The vote is approved unanimously. The Motion Passes adjourning the meeting at 6:55 PM. ***