

ZONING BOARD OF ADJUSTMENT
APRIL 25, 2019
MINUTES

Mr. Nadeau called meeting to order at 6:01PM

MEMBERS IN ATTENDANCE:

Mr. Stan Nadeau – Chair, Mr. Larry Brown, Mr. Sean Skillings, Mr. Steve Baker, Mr. Michael Beaulieu, Mr. Bruce Woodruff – Town Planner, and Mrs. Shari Gaesser – Recording Secretary

PUBLIC IN ATTENDANCE:

Mr. Bob Carrier
Mr. Chris Pena
Mrs. Michele Pena
Ms. Amy Mann

PUBLIC COMMENT – None

Public Hearing for Case 2019-1 for a Special Exception from Article III Section 3.5 Table of Principal Uses (D) Retail Sales and Services; applicant proposes to expand the existing (by previous special exception approval on 9/27/2018) antique shop by opening the second floor area of an additional 950 sq. ft. (total approx. 1910 sq. ft. retail area) at property located 1 Jug Hill Rd, Milton Mills in the Commercial Residential Zone (Map 9 Lot 97); Owner/Applicant Chris & Michele Penta.

Item #1 - That the Specific Site is an appropriate location for the proposed use or structure.

Mrs. Pena – We believe this site is appropriate for our business due to the location within the Milton Mills community, the on street parking availability and the potential off street parking (pending highway department approval). We also believe the structure/location is a convenient location to locals as well as out of town customers due to its proximity to Rte. 16 and 125.

Mr. Brown asked if the pending highway dept. approval is for the past parking request. Mr. Nadeau noted that he did have notes from Police and highway. Mrs. Pena – the additional square footage will not be in need of any additional parking. Though the customer count is naturally growing most do not realize that the second floor may be open. Mr. Brown asked if the additional square footage was part of the Albret family trust. Mr. Pena noted that the van is currently parked on our property. The property line is two feet from the hip roofed building. Mr. Brown asked if additional parking had been discussed with the highway dept. Mr. Pena advised that it has discussed with Mr. Pat Smith of the highway department.

Mr. Nadeau asked if there would be a regional impact issue. Mr. Brown noted that no it doesn't. Mr. Baker also advised no.

Motion was made by Mr. Baker noting approval and that this request doesn't have a regional impact. Seconded by Mr. Brown. The Board voted unanimously in favor of the motion. Motion passes 5/0.

Mr. Nadeau asked if the request had an Agenda of master plan have in mind. Mrs. Pena noted that they had just the vision of how it would be.

Mr. Beaulieu noted some concern about parking and street space and asked if there was no anticipation for additional parking. Mrs. Pena noted that there was and anticipation of additional revenue but that it doesn't make a huge difference that they could see.

Mr. Nadeau noted that currently the Police had provided no comments. Mr. Woodruff noted that there would be no need for new or previous sight plan but they must do the fire chief punch list. Mrs. Pena noted that they were in receipt of the punch list and had already complied by installing a new fire escape and new lights. Mr. Pena advised the Board that they completed the items on chiefs punch list.

Mr. Baker asked if they had received and letters from anyone that abutted the property. Mr. Nadeau noted that nothing had been received from anyone. All positive. Mrs. Pena noted that everyone has been very positive.

Mr. Baker asked if there had been any parking issues for not getting into the store. Mr. Pena noted that they have been busy but there are currently no parking limitations in Milton Mills.

Mr. Nadeau called for a straw vote on the Criteria #1. **Motion was made by Mr. Brown to approve the criteria presented in item #1 as written. Seconded by Mr. Beaulieu. The Board voted unanimously in favor of the motion. Motion passes 5/0.**

Item #2 – The use will not be injurious, noxious, offensive or detrimental to the neighborhood. Mrs. Pena – The property will be maintained and repaired as needed to be sure it is a very safe environment for our customers. We will be selling antique home furnishings and will not be providing any material or services that may be deemed noxious, offensive nor detrimental to the surrounding community. We will be restoring the building and painting the outside so we feel our neighbors will be quite happy with our appearance and our presence.

Mrs. Pena noted that the graffiti has been painted over. Mr. Beaulieu asked if there was handicap access. Mrs. Pena advised that yes there is a ramp.

Mr. Nadeau called for a straw vote on the Criteria #2. **Motion was made by Mr. Brown to approve the criteria presented in item #2 as written. Seconded by Mr. Skillings. The Board voted unanimously in favor of the motion. Motion passes 5/0.**

Item #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. Mrs. Pena – The building has been used in years past as a function hall and a meeting place. We will keep all walkways and access point's original to the building and there is also ample street parking on both

sides of the building so that our customers won't have to cross the street. I personally will insure that all vehicles will be parked legally and not block any sidewalks or thruways. Loading and unloading of furniture can be done on the side of the building (Church St.) with the use of the handicap ramp and eliminating the need to carry down any stairs as well as not interfere with the main access to the building.

Mrs. Pena noted that the building was previously used a function hall. Parking and loading can be done on the side of building with the use of handicap ramp so not interfere. Mr. Brown asked if are there any parking restriction on Church Street to prevent parking or loading a truck. Mr. Pena noted that this was not an issue.

Mr. Nadeau called for a straw vote on the Criteria #3. **Motion was made by Mr. Brown to approve the criteria presented in item #3 as written. Seconded by Mr. Skillings. The Board voted unanimously in favor of the motion. Motion passes 5/0.**

Item #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. Mrs. Pena - We will be compliant to all codes pertaining to our occupancy. We will maintain the building to be sure there will be no injury to our customers, ourselves or the neighboring community. We will also provide all necessary fire safety and first aid kits visible and available to our customers or anyone else that enters our shop. We will not be using paints, cleaners or any toxic chemicals in the building. We will not be using power tools or machinery in the building. We will not have a forklift or any other gas powered machinery on site.

Mr. Nadeau called for a straw vote on the Criteria #4. **Motion was made by Mr. Brown to approve the criteria presented in item #4 as written. Seconded by Mr. Skillings. The Board voted unanimously in favor of the motion. Motion passes 5/0.**

Item #5 – That the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan. Mrs. Pena – We believe that the proposed changes to the structure will not only meet but will exceed the expectations of the master Plan. Our mission and purpose is to help develop and maintain the town of Milton Mills to be a classic New England Village as set forth in the plan. We will follow all codes and ordinances in place and do our part to keep the small town charm and feel. This is why we chose Milton Mills as our home and a place to start a business.

Our building is currently zoned as commercial/residential and with all other Retail Trade that is currently permitted, we believe that Retail Sales and Services should also be permitted into the CFR zoning district.

Mr. Beaulieu noted that he drove by and noted that there appeared to be competition across the street. Mr. Pena noted that the person occupying the site and recently passed away and the building is for sale. Mr. Baker asked if any materials where left inside. Mrs. Pena said that the owner had an auction prior to passing. She also noted that their currently shop was quite unique. They have local crafters that sell on consignment.

PUBLIC PARTICIPATION – Ms. Amy Mann advised the Board that she frequents the shop and noted that the owners have high standards, beautiful products that are fairly priced. Ms. Mann talks about this business quite a bit. Mr. Nadeau asked if she supported this business. Ms. Mann – yes. Mr. Brown asked if the building would be eligible for historical site and would there be potential for a virtual tour for those clients that would not be able to access the second floor. Mr. Woodruff noted that any revitalization would require the use of approved materials and an application for local tax relief if they improved building for historical value. The amount of tax relief for improvements could take away for success of 75E.

Mr. Nadeau called for a straw vote on the Criteria #5. **Motion was made by Mr. Brown to approve the criteria presented in item#5 as written. Seconded by Mr. Skillings. The Board voted unanimously in favor of the motion. Motion passes 5/0.**

Mr. Woodruff had no other information but did remind the Board and the applicants that there was a 30-day period when someone can appeal this request. The conditions carry though for 2 years.

Motion was made by Mr. Beaulieu to approve request presented in items #1, 2, 3, 4, and 5 as written. Seconded by Mr. Brown for discussion. Discussion – Mr. Brown asked the Town Planner for his review for any formal conditions or requirements on the application. Mr. Woodruff suggests that there is no need for submittal of either previous or new site plan, as the owner is not changing anything outside on the property. Should the ZBA grant special exception, items on the Fire Chief's punch list prior to opening upstairs (receiving Certificate of Occupancy), and going to the Planning Board for Site Plan Determination. **The Board voted unanimously in favor of the motion. Motion passes 5/0.**

DISCUSSION STATUS OF ALTERNATES

The Board discussed the need for alternatives for the ZBA. Mr. Nadeau would like to accept applications for the alternates and will request the selectman to post.

REVIEW OF ADOPTED BY LAWS FOR POSSIBLE CHANGES

Mr. Nadeau reminded the Board that these had been voted on in last meeting but did ask the members to look at them again for next meeting.

APPROVAL OF MINUTES

October 25, 2018 – Motion was made by Mr. Brown to approve the minutes as written. Seconded by Mr. Baker. The Board approved the motion with Mr. Beaulieu and Mr. Skillings abstaining. Motion passed – 3/0/2.

March 28, 2019 – Motion was made by Mr. Brown to approve the minutes as written. Seconded by Mr. Skillings. Discussion - Mr. Woodruff noted that Mr. Carrier was listed as a Board member and should be listed under Public Attendance. **The Board approved the motion with Mr. Beaulieu and Mr. Baker abstaining. Motion passed – 3/0/2.**

OTHER BUSINESS

Mr. Nadeau noted that when responding to an email it is important that Board Members do not use reply all as this can be listed as a public meeting.

Regarding the Mighty Jo issued, Mr. Nadeau advised the Board that the Judge ruled in favor of the ZBA. It was noted that any member of the ZBA couldn't have any contact until this is 100% resolved. This potential does have the potential to go to the Supreme Court. Mr. Nadeau reminded that Board to have no further discussion. Based on the information that was presented, the Judge did not entertain anything other than item #3 and noted that the minutes presented by the Land Clerk was extremely helpful with this decision.

Mr. Woodruff has been named as staff liaison to the ZBA and he will remain mostly silent unless Board asks questions. Mr. Woodruff will write short notice of approvals and post them within 24 hours. Once minutes have been approved will Mr. Woodruff send to Land Office.

ADJORNMENT

Motion was made by Mr. Brown to adjourn at 6:45PM. Seconded by Mr. Baker. The Board voted unanimously in favor of the motion. Motion passes 5/0.

Respectfully submitted,

Shari Gaesser – ZBA Recording Secretary