

Town of Milton
424 White Mtn Highway
Milton NH, 03851



Zoning Board of Adjustment
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**Zoning Board of Adjustment
Meeting**
Milton Town Hall
June 27, 2019
6:00 PM

Members in Attendance:

Stan Nadeau – Chair, Larry Brown, Sean Skillings, Steve Baker, Michael Beaulieu, Bruce Woodruff
Town Planner, Ashley Morrill Land Use Clerk, Steven Whitley Attorney

Public Attendance: Bob Carrier, Shari Gaesser, Norm Turgeon, Richard Burke, Rhonda Burke, Kathy Baribault, John Baribault, George Petrillo, Fran Petrillo, Roland Meehan, Skip Bridges, Wayne Sylvester, Lori Smith, George White, Michael Paradis, Steve Hayes, Marilyn Hayes, Kay Maggart, Jen King, David Alexander Jr., Matt Alexander, Andy Rawson

Chairman Nadeau called meeting to order at 6:04PM

A. Rawson swore in Shari Gaesser as a Zoning Board Alternate.

Public Comment: No public comments were made

Public Hearing for Case 2019-2 for a Variance from Article III, Section 3.5 Table of Dimensional Requirements and Article XVII, Section H4 of the Zoning Ordinance to allow for the construction of a 2-bedroom residential dwelling that replaces the existing grandfathered dwelling located within the 50-ft. Shoreland Primary Structure setback where 50-ft. is required, and 10-ft. from the front property boundary where 40-ft. is required on property located at 308 Bolan Rd, Milton in the Low Density Residential Zone and Shoreland Protection Overlay District (Map 23 Lot 62);

Owner/Applicant David Alexander. Chairman S. Nadeau explained the process to applicant David Alexander.

Board Determination of Potential Regional Impact: S. Skillings motions that there is not potential for regional impact for this project. All in favor, motion carried that there is not potential for regional impact.

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.)*

Applicant David Alexander: *Granting of the proposed variance will not alter the essential residential character of the locality and will not threaten public health, safety, or welfare. The new structure, while larger than the existing structure, will be sited further back from the shore line than the existing cottage.*

M. Beaulieu asked for the size of the expansion. Expansion will be by 384ft. Chairman S. Nadeau asked if the cottage was still standing. Cottage is standing. Applicant stated he received a shoreline permit from the state of NH.

S. Skillings motions that the variance would not alter the character or threaten public health, safety, or welfare. S. Baker seconds. Vote- four (4) to one (1)-Chairman S. Nadeau voted No.

2. *The **spirit** of the ordinance is observed because:*

Applicant David Alexander: *The use of the lot will continue to be exclusively residential. The proposed new construction will be more conforming with regard to the shore line setback than the existing structure.*

L. Brown asked how this would impact the abutters. Applicant explained that moving the structure will move it further away from the two side abutters and centers the structure. The structure is moving towards the back of the property where there is no abutter.

L. Brown motions that the spirit of the ordinance is observed. S. Skillings seconds. Vote-four (4) to one (1)- Chairman S. Nadeau voted No.

3. *Granting the variance would do substantial **justice** because:*

Applicant David Alexander: *The Variance will permit replacement of the now existing grandfathered, non-conforming structure with a new dwelling that will be located so as to be more in conformance with the setback requirements. Residential use of the property will not change and the new structure will be able to accommodate the two related families who now own the lot.*

S. Skillings asked if the septic will be able to support two families. Applicant states yes.

S. Baker moves that the applicant met the requirements of #3. L. Brown seconds. Vote -five (5) to none (0)

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

Applicant David Alexander: *There will be no change in the current residential use of the property.*

L. Brown asked if there would be an increase of cars. Applicant stated it would be same amount. Further discussion about rain run-off from driveway.

L. Brown moves that applicant satisfied conditions of #4. S. Skillings seconds. Vote -five (5) to none (0)

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:*

Applicant David Alexander: *Because of the size and shape of the lot a usable dwelling cannot be located thereon which complies with the shoreline setbacks. The structure which is proposed to replace the existing grandfathered cottage will be less non-conforming than the existing structure.*

L. Brown moves that a denial of variance would result in unnecessary hardship because the property is distinct. S. Skillings seconds. Vote -five (5) to none (0)

By a vote of four **(4) in favor, one (1) opposed**, the Board voted to grant the Variance from Article III, Section 3.5 Table of Dimensional Requirements and Article XVII, Section H4 of the Zoning Ordinance to allow construction of a 2- bedroom residential dwelling that replaces the existing grandfathered dwelling located within the 50-ft. Shoreland Primary Structure setback where 50-ft. is required, and 10-ft. from the front property boundary where 40-ft. is required on property located at 308 Bolan Rd, Milton in the Low Density Residential Zone and Shoreland Protection Overlay District, (Map 23 Lot 62) with no conditions; Owner/Applicant David Alexander.

Public Hearing for Case 2019-3 for an Appeal of a Planning Board decision that zoning was met as evidenced by the act of acceptance of an application for revision to an existing 2012 Site Plan that proposes to add accessory uses (campground amenities) and to relocate existing trailer storage at the Mi Te Jo Campground on property located at 111 Mi Te Jo Rd, Milton in the Low Density Residential Zone (Map 28 Lot 4) by Owner, Three Ponds Resort, LLC; Applicant, SFC Engineering Partnership, Inc.; Chairman Nadeau brought Alternate Shari Gaesser to the board as a full voting member in place of S. Baker: The attorney representing the concerned citizens of Milton, C. Boldt called 2 points of order. S. Baker recused himself and S. Gaesser stepped in as Alternate for S. Baker. L. Brown recused himself due to the fact he was on the Planning Board when the decision was made, leaving only 4 Board members. C. Boldt asked Chairman S. Nadeau if he still has an outside relationship with B. Woodruff Town Planner and if that relationship could lead to not being able to render an opinion that is impartial. Chairman S. Nadeau said no and reminded C. Boldt that he offered to step down previously. Mr. Boldt said it was not necessary. Mr. Boldt confirmed he was not requesting Chairman S. Nadeau to step down. C. Boldt was in agreement of postponing until the next scheduled Zoning Board meeting on July 25, 2019.

Approval of Minutes: April 25, 2019 meeting minutes, L. Brown motion. S. Skillings seconds.

Other Business: B. Woodruff Town Planner explained he is the staff representative appointed by the Board of Selectmen. His role is to assist with guidance with the Zoning Ordinance and any questions that could potentially require Counsel. B. Woodruff Town Planner also advised placing conditions upon approvals is something he commends.

Chairman S. Nadeau recommends to start saying the Pledge of Allegiance beginning at the next meeting. Chairman S. Nadeau motions. M. Beaulieu seconds. **Vote -five (5) to none (0)**

B. Woodruff Town Planned explained to the Board the importance of completing the ZBA Worksheet: Statement of Reason – Variance. S. Nadeau motions to start using the form. **Vote five (5) to none (0)**

Chairman S. Nadeau asked the Board to review the Zoning By Laws and make any recommended changes.

Adjournment: L. Brown motioned. S. Skillings second at 7:00pm

Respectfully submitted,

Ashley Morrill
Land Use Clerk