

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

April 9th, 2020
Meeting Minutes
6:00 PM

Present Members: Mike Beaulieu, Sean Skillings, Stan Nadeau, Steve Baker, and Larry Brown

Absent Members:

Staff Present: Bruce Woodruff, Town Planner (Electronically), Ernest Creveling, Town Administrator

- I. Call Meeting to Order**
- II. Pledge of Allegiance**
- III. State of Emergency Notice:**

I, Stan Nadeau, as Chair of the Milton Zoning Board of Adjustment, find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically. Please note that there is no physical location to observe and listen together to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are: a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means: We are utilizing the following means to join remotely with the meeting to listen and watch via: 1. Conference call, for people who don't have the means to watch the live stream. a. The Zoning Board are together meeting at the Town Hall and have the ability to communicate together during this meeting through this platform, and the public has access to listen and, if necessary1, participate in this meeting by dialing the toll free phone number +1 (844) 855-4444 and upon the prompt, enter Access Code 145672 and push # (the pound sign), or by going to the

following website address: <https://join.freeconferencecall.com/milntonta> (the online meeting ID is milntonta) 2. Town YouTube Live Stream: a. The Town's normal live stream broadcast on its YouTube Channel, which can be accessed from the Milton Town Website at <https://www.miltonnh-us.com>, then clicking on the Social Media tab. 3. During the public comment portion of the public hearing: a. To help prevent feedback, I ask that all callers mute their phones until instructed to unmute for public comment. b) Providing public notice of the necessary information for accessing the meeting: 1. We posted notice to the public of the necessary information for accessing the meeting on Tuesday, April 7th, 2020, including how to access the meeting telephonically and on the YouTube live stream. Instructions have also been provided on the website of the Milton Zoning Board of Adjustment at: <https://www.miltonnh-us.com/zoning-board-adjustment> and posted on the front door of Milton Town Hall. c) Providing a mechanism for the public to alert the public body during the meeting if there are problems 'with access: 1. If anybody has a problem, please call 603-545-4956 or email at: milntonta@miltonnh-us.com d) Adjourning the meeting if the public is unable to access the meeting: 1. In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. 2. Please note that all votes taken during this meeting shall be done by roll call vote.

IV. Roll Call Attendance:

Mike Beaulieu, Sean Skillings, Stan Nadeau, Steve Baker, and Larry Brown are present during this meeting.

V. Public Comment:

There was no public comment at 6:08

VI. Continued Public Hearing for Case Z2020-1

Special Exception from Article III Section 3.5 Table of Principal Uses (E) Sales, rental of recreation equipment; applicant proposes to open a motorsports dealership starting out with primarily used product of motorcycles, ATVs and snowplows at property location 818 White Mountain Highway, Milton in the Commercial Residential Zone (Map 32 Lot 143); Owner; ZJBV Properties LLC, Applicant; LoBo Realty LLC. Stan N. explains to the applicant the rules of meeting. Charlie Karcher from Norway Plains is representing the applicant in front of the board. On the first Criteria, location, Charlie explains that the location was once as a convenience store so that would mean that it could hold up a greater deal of traffic. Steve Baker asks Charlie if he could explain if the pavement will be paved or flattened gravel. Charlie explains that another site review will have to be done about this, but that is dependent on the board's approval of the property. The reasoning that there is flattened gravel is because of the fuel tanks that were removed from the site and it is anticipated that area would be paved later. (Bruce Woodruff joins the meeting at

this point). Larry Brown asks the Charlie if he will be able to identify if the company will have to go through the department of motor vehicles to become a repair shop. Charlie explains that he is not entirely sure of the intent of the owner, but that the organization that he is representing does have plans on selling Motorcycles which would require state licenses to repair. Larry asks if the applicant had contacted the representative with information to the number of vehicles that could be potential on the property. Charlie explains that he has not been told this information, but he does understand that the applicant is attempting to get into partnership with a franchise that sells similar recreational equipment. Steve Baker makes a comment to the board that since this is a shop that will be selling machines that operate on gasoline and use oil, the board will need to ensure that if they approve this lot that it understands that storage of this is important. Bruce, town planner, explains that he is under the perception that they will need a dealer's license. This license will come from the state and goes to the community to ensure that they are following the zoning regulations of the region. With no more questions the board takes a straw vote about criteria one. Sean asks how long the site will be open and Charlie explains that the location is planning on being open regular business hours. Stan questions the lighting of the location. As of right now there is no additional site plans that will add lighting to the location. Stan opens the straw vote.

Mike Beaulieu: Yes

Sean Skillings: Yes

Steve Baker: Yes

Larry Brown: Abstain

Stan Nadeau: Yes

Stan Nadeau reads criteria number two. In this it explains that the site will not be noxious or detrimental to the neighborhood. Charlie explains that the best way to reference if this newly proposed site will be safe for the community is to compare it to what was there prior. He states that the heavy traffic that was generated by the previous gas station that was there along with the health hazards of the large tankers of gasoline that was deposited is much less detrimental to the 8 hour recreational vehicle shop that will be replacing the location. Steve Baker notes that a large quantity of noise complaints from the location is a possibility. Charlie explains that he thinks there will be much less traffic then the previous gas station, and their target audience is primarily targeted towards off-road recreational vehicles. During this explanation he notes that he believes that the applicant is going to turn half of the store into a mechanics shop and the other half of the location into a showroom for the vehicles that they are hoping to sell. Larry Brown states that he believes that the tanker delivery drivers and the rubbish are overstated. He thinks that testing the bikes at the location will be similar if not more then the drivers testing at the location.

Mike Beaulieu: Yes
Sean Skillings: Yes
Steve Baker: Yes
Larry Brown: No
Stan Nadeau: Yes

Stan asks if there was anyone in the audience that might have any questions. Ernest Cartier Creveling, the town Administrator, notes that the system was working because they did have someone call in to test it. Ashely notes that there was nothing on the computer.

Stan Nadeau reads criteria number three. With no questions regarding access to the property because DOT will control most of these studies, the board moves to a straw vote.

Mike Beaulieu: Yes
Sean Skillings: Yes
Steve Baker: Yes
Larry Brown: Yes
Stan Nadeau: Yes

Stan Nadeau reads criteria number four. In this criterion it requires that the site will have a structure adequate for the public. Charlie notes that the property is connected to town water and has a septic system that can maintain multiple members of the community. After noting that the entrance to the property from the road is something that DOT will cover in the application process, the board has no further questions regarding this topic.

Mike Beaulieu: Yes
Sean Skillings: Yes
Steve Baker: Yes
Larry Brown: Yes
Stan Nadeau: Yes

Stan Nadeau reads criteria number five. In this criterion it requires that the building will be accordance and the spirit of the master plan. Charlie notes that the location does hold in accordance to the master plan because the site is bringing business-oriented growth to the community. Stan Nadeau explains that he thinks that this location is a clear example of what the master plan is looking to achieve as it removes deterioration from the community. Larry Brown notes that as a business he is concerned that the location may suffer from difficulties from the owner and this is not the problem of the Zoning Board to

change through zoning alterations. Larry also states that he does not think applies to the achievement of growth for the community as this is a cheap sell for the owner. Mike B. explains that the economic development committee has been looking for businesses in the region and filling an empty lot in the community is a shared community goal.

Mike Beaulieu: Yes

Sean Skillings: Yes

Steve Baker: Yes

Larry Brown: Yes

Stan Nadeau: Yes

Stan Nadeau explains that the board still needs to participate in open discussion about the topic and then will do a final vote. Planner Bruce Woodruff explains that now would be a good time to check and see if the public has any comment on the topics discussed so far.

***Stan Nadeau motions to take a four-minute break to allow for public comment from the community, Seconded by Sean Skillings. The vote is approved unanimously. The Motion passes. ***

Reconvening: As of 6:44 there has been a maximum of 11 people watching the livestream and a total of 8 people are currently watching the livestream. Upon entering session there was no public comment from either Ernie or Ashley regarding the topics already being discussed. Ashley noted that there were no letters of opposition from the public nor was there any conflict from the Police, Fire or Department of Public Works.

Mike Beaulieu starts the final discussion by stating that he votes yes because the town has always approached accepting business. Sean Skillings agrees with Mike B. in that he believes that the town will need a new business on the area. He thinks that town should support small business. He votes yes. Steve Baker votes yes in that this piece adds a new place for some members of the community to work and it will support those that are already in the community. Larry B. believes that once you introduce a motor repair shop to the community it will start to define the community. He does not that there are no comments from the community, and this says something about those that already live here. He does fear that this will continue the decrease in property value for the area and will not stimulate growth though. Even with this said, Larry B. votes yes. Stan N. votes yes in that he plans on entering a dealership. He knows that by joining a partnership they will control the shop and how it looks for the public. He then notes that since the voting has been completed, the results are a 5 to 0.

VII. Review/Approval of Minutes of January 23rd & March 26th, 2020

*** Larry Brown motions to accept the minutes of January 23rd, Seconded by Steve Baker. Mike Beaulieu abstains from the vote because he was absent from the last meeting. The vote is 4/0/1. The motion passes accepting the minutes of January 23rd. ***

***Larry Brown motions to accept the minutes of March 26th, Seconded by Steve Baker. Mike Beaulieu abstains from the vote because he was absent from the last meeting. The vote is 4/0/1. The motion passes accepting the minutes of March 26th. ***

VIII. Town Planner Comment

Bruce has noted that there was one comment on the YouTube live stream, and it was simply, “I am here.”

IX. COVID-19 Related plans

Stan reads a letter that was created by the Land Use Clerk, Him and the Legal counsel that will be sent out to members of the public that apply for hearings with the ZBA. This letter explains to the applicants that the board will reconvene when they know that it is safe enough for them to do so and that they will still be accepting applications.

***Stan Nadeau motions to accept the new COVID-19 policy that would accept plans from the public but would not meet on them until available to do so, Seconded by Larry Brown. The vote is approved unanimously. ***

X. Adjournment:

***Steve Baker motions to adjourn, Seconded by Larry Brown. The vote is approved unanimously. The Motion Passes adjourning the meeting. ***