

Town of Milton
155 White Mtn Highway
Milton NH, 03851



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

February 22, 2024
Meeting Minutes
6:00 PM

Present Members: Stan Nadeau-Chair, Larry Brown, Mike Beaulieu, Phil Bean, Lee Howlett (Alternate), John Alberghini (Alternate)

Absent Members:, Billy Walden

Staff Present: Bruce Woodruff, Town Planner (Via phone)

Public Attendance: Thomas Wentworth, Tracy Sudhalter, Fezi Garcia, Johnathan Chanley, Chris Reino, Robert Dietel, Dayna Chanley, John Chanley, Trinity Grant, Sandra Garcia, Jeff Jackson

- I. Call to Order:** S. Nadeau calls the meeting to order at 6:00. There was a quorum. Alternate Lee Howlett was seated in place of B. Walden for Case #1; Alternate John Alberghini was seated in place of B. Walden for Case #2.
- II. Public Comment:** There were no public comments.
- III. Review/Approval of Minutes:** L. Brown made a motion to approve the minutes of September 28, 2023. Seconded by M. Beaulieu. Vote 5/0/0, Motion passed.
- IV. Public Hearing for application from Johnathan Chanley, owner/applicant in seeking a variance from Milton Zoning Ordinance Article XXI, Section III-A Accessory Dwelling Units,** Definitions of the Milton Zoning Ordinance to allow a 1-bedroom accessory dwelling unit above a detached garage where detached accessory dwelling units are not allowed at 41 Middleton Road (Map 34/Lot 27) in the Low-Density Residential Zoning District.
Lee Howlett, selected as alternate for 1st case.

S. Nadeau – Motion that variance does not create any negative regional impact.
Seconded by L. Brown

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes
Yes= 5 No=0

1. Granting the variance would not be contrary to the public interest:

S. Nadeau – Motion that variance would not be contrary to the public interest. Seconded by L. Brown

Yes= would not be contrary No= would be contrary

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes

Yes= 5 No=0.

2. The spirit of the ordinance would be observed:

L. Brown motion for a straw vote. M. Beaulieu seconded the motion.

Yes= would be No= would not be

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes

Yes= 5 No=0.

3. Granting the variance would do substantial justice:

M. Beaulieu motion for a straw vote. L. Brown seconded the motion.

Yes= Will do justice No= Will not do justice

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes

Yes= 5 No=0.

4. The values of the surrounding properties would not be diminished:

L. Brown motion for a straw vote. Seconded by M. Beaulieu

Yes= Would not be diminished No= Would be diminished

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes

Yes= 5 No=0.

5. Unnecessary Hardship: Owing to special condition of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship:

M. Beaulieu motion for a straw vote. L. Howlett seconded the motion.

Yes= There is a hardship No= There isn't a hardship

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes

Yes= 5 No=0.

S. Nadeau asks if there is any opposition to granting the variance? Mr. Felipe Garcia, abutter to the property has issues with water and flooding. He talked to B. Boyers – the original plan includes a wetlands permit. S. Nadeau – this is not under ZBA and is under Planning & Code. B. Woodruff (via phone) agreed and said Mr. Garcia should submit the documentation to the Code Enforcement Officer. S. Nadeau explained this is just the first step in granting a variance. B. Woodruff will answer his questions and work to address concerns.

S. Nadeau asked to close public hearing.₂

L. Brown motion to approve the requested variance, according to Article 11, 3-A, to permit freestanding ADU in detached garage for good cause. Seconded by L. Howlett.
M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes
Yes= 5 No=0.

- V. Public Hearing for application by Public Service Co NH DBA Eversource Energy, 780 N. Commercial St., Manchester for property located at 34 McKeagney Rd, Milton (Map 47, Lot 16) in the Commercial Residential zoning district for variance relief from Milton Zoning Ordinance Article XXII, Solar Facilities, Section IV, Table of Permitted Solar Uses to allow the construction of a “Large Commercial Solar” facility where that use is prohibited in the Commercial Resident zoning district:**
S. Nadeau – J. Alberghini, Alternate selected for Case #2.
Robert Dietel, Legal Counsel for Eversource presented their summary of regional impact analysis.

S. Nadeau- Motion that variance does not create any negative regional impact. Seconded by L. Brown.
M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, L. Howlett-Yes
Yes= 5 No=0

1. Granting the variance would not be contrary to the public interest:

L. Brown – Motion that variance does not create any negative regional impact. Seconded by M. Beaulieu
Yes= would not be contrary No= would be contrary
M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, J. Alberghini -Yes
Yes= 5 No=0

2. The spirit of the ordinance would be observed:

M. Beaulieu motion for a straw vote. J. Alberghini seconded the motion.
Yes= would be No= would not be
M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, J. Alberghini -Yes
Yes= 5 No=0.

3. Granting the variance would do substantial justice:

P. Bean motion for a straw vote. M. Beaulieu seconded the motion.
Yes= Will do justice No= Will not do justice
M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, J. Alberghini -Yes
Yes= 5 No=0

4. The values of the surrounding properties would not be diminished:

L. Brown motion for a straw vote. Seconded by M. Beaulieu
Yes= Would not be diminished No= Would be diminished
M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, J. Alberghini -Yes

Yes= 5 No=0

5. Unnecessary Hardship: Owing to special condition of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship:

P. Bean motion for a straw vote. L. Brown seconded the motion.

Yes= There is a hardship No= There isn't a hardship

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, J. Alberghini -Yes

Yes= 5 No=0

S. Nadeau asks for public to comment on request?

Tom Wentworth – abutter to property: No issue with request.

S. Nadeau closed the public hearing.

Board comments: L. Brown – any potential impact to snowmobile club use of property?

No impact to them using ROW.

M. Beaulieu: Will the entire property be fenced? Fence only around substation.

M. Beaulieu – Motion to approve petition. Seconded by J. Alberghini.

M. Beaulieu- Yes, L. Brown- Yes, P. Bean- Yes, S. Nadeau- Yes, J. Alberghini -Yes

Yes= 5 No=0

VI. 2024 meeting and deadlines schedule: S. Nadeau recommends waiting for new Board and new Chairman.

VII. Other Business:

S. Nadeau states this is his last meeting on the board; he will miss it. Thanks to the two Alternates; they were a big help this past year.

M. Beaulieu – on behalf of the Board, appreciates his years of service.

L. Brown – it was a pleasure serving with Stan.

P. Bean – motion to request BOS and ZBA send letter expressing thanks for Stan's service. Seconded by L. Brown. All agreed.

VIII. Adjournment: P. Bean made a motion to adjourn. M. Beaulieu second. All were in favor. Meeting adjourned at 7:25PM