

Town of Milton
424 White Mtn Highway
Milton NH, 03851



Zoning Board of Adjustment
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September 28, 2023
Meeting Minutes
6:00 PM

Present Members: Stan Nadeau-Chairman, Mike Beaulieu, Larry Brown, Phil Bean, Billy Walden, Lee Howlett- alternate, and John Alberghini-Alternate

Public Attendance: Daniel Nihan-Applicant, Patricia Nihan wife of applicant, Sean Nihan- son of applicant. All the following public are here for Nihan- the applicant: Stephen and Ruth Weston Sr, Nick and Renata Gamache, Susan Oliveira, Don and Karen Diamant, Becky and Frank Luponi, Cynthia Maya, Kate Gan, Keith Rayeski, and Tony and Joanne Gagnon.

Staff Present: Jennifer Conti- Land Use Clerk and Bruce Woodruff- Town Planner

- I. **Call to Order:** Chairman Nadeau called the meeting to order at 6:00 pm.
- II. **Pledge of Allegiance**
- III. **Review/Approval of Minutes:** August 24, 2023, meeting minutes
L Brown made a motion to accept the August meeting minutes. P Bean 2nd with an added amendment to say that he and L Howlett were excused from this meeting. All were in favor.
- IV. **Public Hearing #1:** Continuation of public hearing for an Application to seek a variance from Milton Zoning Ordinance Article III, Section 3.5, Table Note 2 to permit two, two family homes on one lot located on Willey Rd (Map 5 Lot 7) in the Low-Density Residential Zone on 11.98 acres. Applicant & owner Jerome Ken Sakurai Trustee of Tayzach Realty Trust, 426 High Street, Hampton, NH.

Mr. Salomon asked who the members of the board were going to be for this meeting. S Nadeau stated that it was going to be himself, J Alberghini, L Howlett, B Walden and M Beaulieu. Mr. Salomon agreed with that.

Mr. Salomon submitted a letter referencing the two letters that were submitted at the last meeting. With the Chairs permission he would like to start with discussing the plan that was submitted and then it was up to the Chair on how we would go about entering the correspondence into record. Mr. Salomon stated that he did get in touch with a neighbor with a proposed lot line adjustment and they responded that they were not interested. J Alberghini asked where the proposed driveway would go. Mr. Salomon showed him where it was going to go. S Nadeau asked if there were any more questions from the board on any of the new information that was submitted. There were no more questions.

S Nadeau read two letters that were submitted from Virginia Long and the other was from Joshua Megyesy. Mr. Salomon read his letter in response to the two letters that were submitted.

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

Yes= would not be contrary No= would be contrary

M Beaulieu- Yes

B Walden- Yes

L Howlett- Yes

S Nadeau- Yes

J Alberghini- Yes

Yes=5 No=0

2. The spirit of the ordinance would be observed:

Yes= is consistent with No= is not consistent with

M Beaulieu- No

B Walden- Yes

L Howlett- Yes

S Nadeau- Yes

J Alberghini- Yes

Yes=4 No=1

3. Granting the variance would do substantial justice:

Yes= Will do justice No= Will not do justice

M Beaulieu- No

B Walden- Yes

L Howlett- Yes

S Nadeau- No

J Alberghini- Yes

Yes=3 No=2

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

Yes= Would not be diminished No= Would be diminished

M Beaulieu- Yes

B Walden- Yes

L Howlett- Yes

S Nadeau- Yes

J Alberghini- No

Yes=4 No=1

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:

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

M Beaulieu- No

B Walden- Yes

L Howlett- Yes

S Nadeau- No

J Alberghini- No

Yes=2 No=3

S Nadeau closed the public hearing at 7:02 P.M.

S Nadeau made a motion to grant the variance with a 75-foot setback. B Walden second. All were in favor.

M Beaulieu- Yes

B Walden- Yes

L Howlett- Yes

S Nadeau- Yes

J Alberghini-Yes

Yes= 5 No=0

Members agreed that given the size and shape of the parcel and the nature of the wetlands and pond at the rear, the lot was unique in the neighborhood, and therefore the request was a

reasonable one. They also agreed that it appeared as if the requirements in the zoning ordinance itself became the hardship in this case. Some members felt that granting this variance was the lesser of two evils: one being the approval for two-two family dwellings, and the other being a subdivision of the lot into two or three new lots with a road system. The variance would be less detrimental to the natural environment than the potential subdivision, hence the unanimous granting of the variance.

V. **Public Comment:** There were no public comments.

VI. **Public Hearing #2:** Continuation of Public hearing for an application to seek a variance from Milton Zoning Ordinance Article III, Section 3.5, Table of Principal Use of the Milton Zoning Ordinance to allow service and sales of automobiles where this type of use is not permitted for Daniel Nihan, Trustee, Nihan Revocable Trust, at the property located at 182 Elm St (Map 45/Lot 1) in the Low-Density Residential Zoning District. This is a split-zoned lot with the front portion of the parcel also in the High-Density Residential zone.

In a previous meeting there was a motion stating that this variance was not a regional impact.

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

Yes= would not be contrary No= would be contrary

M Beaulieu- Yes

B Walden- Yes

L Howlett- Yes

S Nadeau- Yes

J Alberghini-Yes

Yes= 5 No=0

2. The spirit of the ordinance would be observed:

Yes= would be No= would not be

M Beaulieu- Yes

B Walden- Yes

L Howlett- Yes

S Nadeau- Yes

J Alberghini-Yes

Yes=5 No=0

3. Granting the variance would do substantial justice:

Yes= Will do justice No= Will not do justice

M Beaulieu- Yes

B Walden- Yes

L Howlett- Yes

S Nadeau- Yes

J Alberghini-Yes

Yes=5 No=0

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

Yes= Would not be diminished No= Would be diminished

M Beaulieu- Yes

B Walden- Yes

L Howlett- 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:

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

M Beaulieu- Yes

B Walden- Yes

L Howlett- Yes

S Nadeau- Yes

J Alberghini-Yes

Yes=5 No=0

P Bean made a motion to grant the variance with the following 6 conditions

1) For sale vehicles shall not be displayed

- 2) *There shall be no signage except for the NH Repair Station sign*
- 3) *The hours of operation shall be Mon-Fri 9 am to 6 pm and Sat 9 am to noon*
- 4) *The business shall accommodate a maximum of 10 vehicles at any one time*
- 5) *The owner shall apply for site plan review approval by the Planning Board if any additional business structures are planned for.*

M Beaulieu second. All were in favor.

The motion passes Yes=5 No= 0

- VII. **Planner/Staff comment:** The Planner suggested that at the next meeting, if there aren't any cases that we should have a Zoning Board of adjustment training.
- VIII. **Other Business:** None
- IX. **Adjournment:** *L Brown made a motion to adjourn. P Bean seconded. All were in favor.*