

**Town of Milton  
Planning Board  
Tuesday, January 6, 2015  
Nute High School Cafeteria  
6:30PM  
Meeting Minutes**

Members in attendance: Chairman Brian Boyers, Bob Bourdeau, Robbie Parsons, Robert Graham, Peter Hayward, Tom Gray and Larry Brown. Also in attendance was Kimberly Ladisheff Land Use Clerk and Town Attorney Jim Sessler.

Public in attendance: Joseph Durgin, Lawrence Labrie, Adam Govoni, Bob Monahan, Sandy Blanc, Timothy Richards, Virginia Long, Mike Beaulieu, Jock McKenzie, Mike Currier, Diane Currier, Marcia Boneau, Cubbi Lirette, Chris Albers, Todd Keene, Shawn Perreault, Dave Corwin, Joan Corwin, Kathy Lacoss, Doug Lacoss, Timothy Long, Arlene Marquis, David Marquis, Eric Knapp, Kimberly Doe, Wayne Sylvester, Mary Burke, Joseph Burke Sr., Cynthia Wyatt, Mike Grant, Roberta Pelletier, Gerard Pelletier, Janet Knapp, George Knapp, John McCallister, Thomas McDougall, David Levesque, Steve Baker, Bob Henderson, Barb Henderson, Nancy Hubbard, Miranda Myhre, David Ahon, Robert Hart, Donna Marie Currier, Catherine Leslie, Karen Golab, Mike Dubois, Kenneth Houle, Chip Gehres, Barb Berry, Penny St Cyr, Roger St Cyr, Jay Cloutier, Jessica Estevao, Bob Garnett, Joe Stanley, L Brownell, Ellen Prang, Gail Karcher, Charlie Karcher, Daniel Audet, Jane Audet, Kathy Donlon, Doug Donlon, Marilyn Dupuis, Richard Lover, Judi Lover, Steve Coyne, Nancy Coyne, Doug Bouchard, Tom Drew, Nancy Drew, Donna Elliott, Tom Vachon, Alfred Banks, Loretta Banks, Josh Rapp, Janice Greene Long, Walter Marchisio, Barry Carr, Rose Ham, James Armstrong, Joan Lygren, John Lygren, Claire Williams, Les Elder, Kari Lygren, Garrett Blair, Gail Hughes, Jennifer Duprat, Joseph Levesque, Barb Gehres Susann Brown, Timothy Levesque, Megan Levesque, Elias Estevao, Charles Ek, Roxanne Weymouth, Sue Tudisco, Betty-Mae Russo, Hank Isenberg, Rollande Isenberg, Jill Guptill, Mark Guptill, Ellen Kriete, Ernie Kriete, April Siraco, Ashli Grimaldi, Jim Haney, Margaret Trout, John Grimaldi, David Paey, Dana Hodgkins, John Kane, Linda Kane, Joseph Burke, Jr., Rebecca Rapp, Ferenc Gyurcsan, Chris Hammond, Rick Bessette, Colleen Bessette, Paul Blanc, Brett McKenzie, James Hill, Steve Hayes, Esther Culverhouse, Glenn Scott, Bryan Poisson, Colleen Bellows, Wendy Beckwith, Susan Roy, June Cornwell, Maureen Fleming, Angela Kane, Steven Kane, Zach Gerard, Louise Laplante, Brian Meehan, John Giunco, Lenore Ekusurtzel, Rick Curlee, Robert Myrick, Margaret Braze and Paul Berry.

Chairman Boyers called the meeting to order at 6:33 and appointed alternate Robert Graham as a full voting member.

Public Comment

Kari Lygren asked about the Master Plan and would like to know how it is coming along. B. Boyers told her she can keep an eye on the PB agendas to know when they would be working on it.

Approval of Minutes

R. Graham motioned to approve the December 2, 2014 minutes. Motion seconded by B. Bourdeau. Motion carried.

## Public Hearing

Chairman Boyers opened the Public Hearing and stated this was not for questions and answers but for comments only. He stated he would like the residents to address the board only and each person would be allowed 3 minutes for their comments.

### Zoning Amendment #1:

Are you in favor of the adoption of zoning amendment #1, as proposed by the Milton Planning Board for the Milton Zoning Ordinance as follows: To add the following language to Article III Establishment of zoning Districts, Section 3.2 b at the end of 1) “note in order to receive the benefits of the High Density Residential (HDR) zoning district, the parcel shall be served by municipal water and sewer” as included in the Milton Zoning Ordinance?

Peter Hayward stated this article was to clearly define the HDR districts as they were not clear, by tying to water and sewer this lays foundation for any future growth.

No public comments

### Zoning Amendment #2 (Submitted by Petition):

1) To amend Article II, Definitions of the Milton Zoning Ordinance to include the following definition”

“Solid Waste Management Facility” means a facility as defined in RSA 149-M:4, IX, namely “a location, system, or physical structure for the collection, separation, storage, transfer, processing, treatment and/or disposal of solid waste.” The term “solid waste” specifically excludes hazardous waste as defined in RSA 147-A, radioactive waste and biological waste.

The term “Solid Waste Management Facility” excludes “Incineration Facilities” for solid waste.

2) To amend Article II, Definitions of the Milton Zoning Ordinance to include the following definition:

“Recycling Facility” means a location, system or physical structure for the collection, separation, storage, transfer, processing and/or distribution of recyclable materials to markets for recycling.

3) To amend the Table of Uses within the Milton Zoning Ordinance to provide proper and integrated management of solid waste by providing that the uses under Category F of the Table of Uses be amended to permit Solid Waste Management Facilities and Recycling Facilities, and permit such uses to the extent that such use is conducted subject to and in accordance with the requirements, restrictions and/or dimensional regulations set forth within RSA 149-M, et. seq., and to the extent the use is granted a special exception by the Zoning Board of Adjustment pursuant to Article VIII of the Milton Zoning Ordinance.

### Public Comment

No one spoke in favor of the petition warrant article. Many residents spoke against, comments as follows:

Timothy Long – thought we had this resolved a couple years ago, we don’t need our air and water polluted any more than it is, we need to strengthen our resolve. We are a poor town and have to act frugally and don’t need multimillion dollar companies to ruin our town.

Steve Panish from Tennerife Rd. – spoke on behalf of the MCC stating they are a strong proponent of recycling but being in favor of recycling does not mean allowing recycling facilities or landfills anywhere

in the town. The proposed warrant article removes any ability of the town to regulate siting of recycling facilities and solid waste facilities and any resident who favors local control should oppose this article.

Sue Tudisco – there would be more noise and air pollution due to trucks, people’s well water would be affected, we wouldn’t want to be eating the crops from the farms we have here, there would be long term health issues, Milton will be a ghost town and she certainly doesn’t want a landfill here.

Barbara Berry of Bolan Rd – read advisory statement from MCC stating they follow state RSA directives regarding sound local land use planning and the Milton Master Plan and accompanying ordinances, whose stated purposes are to guide the town in achieving and maintaining principles of “smart growth, sound planning and wise resource protection”. The MCC advises that the proposed petition warrant article is capricious and contrary to the goals and principles set forth in the MP and they strongly and unequivocally oppose this warrant article.

Jock McKenzie who owns McKenzie’s Farm – stated the latest NRCS soil survey of 2014 shows over 70% of the soils in Milton are excessively well drained and the other 30% are bedrock or moderately well drained. This allows any leakage from a landfill to very quickly infiltrate Milton’s water table and thus our streams and lakes. Milton does not possess any impermeable soils such as clay to help prevent this. The proposed landfill is extremely likely to leak toxic materials into the aquifer and river, which feeds Milton public drinking water supply, Milton 3 Ponds, and other drinking water supplies downstream such as Somersworth. Companies are well versed to say that their landfills use impermeable liners that do not allow seepage. However, EPA engineering studies determined that there are no composite liners available that do not have pinhole leaks. These leaks can allow up to 90,000 gallons of seepage per acre of a landfill per year. He urges people to not recommend this proposed change in zoning.

Charles Ek from Evergreen Valley Rd. – he practiced environmental law, both the civil and the criminal side. If Milton opens itself up to solid waste disposal no one from Milton is going to be watching what goes in those trucks. He had a press release from US Attorney’s office dated 1/16/13 that he read into the record, which a portion of it read: Manhattan US Atty. Preet Bharara said, “As alleged, organized crime still wraps its tentacles around industries it has fed off for decades, but law enforcement continues to pry loose its grip. Here, as described in the indictments, organized crime insinuated itself into the waste disposal industry throughout a vast swath of counties in NY and NJ, and the tactics they used to exert and maintain their control come right out of the mafia playbook—extortion, intimidation, and threats of violence. And while these accused mobsters may have hidden themselves behind seemingly legitimate owners of waste disposal businesses, law enforcement was able to pierce that veil through its painstaking, multi-year investigation. Out of 32 individuals facing charges, as of May, 21 of them have been indicted.

Janice Long of Carleton Rd – first moved to Milton Mills in 1954 and have resided in our current home since 2000. We currently manage a tree farm located on the Branch River. Our dream is becoming a nightmare. Landfills emit the noxious poisonous hydrogen sulfide gas. H<sub>2</sub>S as it accumulates is corrosive, flammable and when dissolved in water changes to sulfuric acid. It is heavier than air and would tend to settle in low areas which, in Milton, would be along the Jones Brook, the Branch and Salmon Falls Rivers and the Three Ponds. Landfills also produce toxic leachates which when the barriers are breached would be released into the surrounding soils and waterways. You, as PB members and thus town leaders, hold the responsibility for maintaining the quality of life which now exists in our town. Please do not support any solid waste facilities or recycling facilities anywhere in Milton.

Ellen O’Connor - owns land on Applebee Rd – love this town and this saddens and confuses me. A town’s community is its spirit but its land is its soul. Rest assured that opening ourselves to landfills will make the town known for just that. I beg you to use your office to help protect the soul of this wonderful little town. Nobody anywhere has ever, ever, regretted conserving and protecting the health of their environment. All regret flows in the other direction.

Barbara Hughes of Applebee Rd. – the landfill issue places in your hands the stewardship for the future of Milton and our surrounding area. The permanent damage a landfill will do to our town’s viability can’t be overstated, long after you have fulfilled your terms on the PB the ugliness, dirt, and noise, the trucks ten hours a day and potential for environmental harm will still be with us. Perhaps when you placed your name on the ballot, it never occurred to you that your role would carry with it such a huge responsibility as this. The current proposal includes acreage for additional commercial development. As the PB, what type of development do you envision here if landfills are approved? What commercial use do you really think is going to find Exit 18 desirable? Or will you be gone by then, having served your term and moved on, leaving Milton stuck with the permanent blight of a landfill or the annual fear of yet another landfill proposal on every ballot. A PB recommendation to allow landfills is going to create far more concerns and problems forever than it will ever solve for Milton.

Kari Lygren of Carleton Rd. – would like to address the PB and elected officials and ask why we are here. I understand we need the money but I think there are other business’ that can come to this area. I am also a member of MMRG and we have a huge corridor that brings tourists up this way. There are thousands of tourist attractions that we can create that will bring beautiful economy to this town so please think about that.

Dean Cornwell of Willey Rd – when you look around we are surrounded by mountains so whatever happens here pollution wise, we pretty much did to ourselves, we want to think about that. Second, we couldn’t even renew our own landfill and had to shut it down so why are we opening it up to someone else. Even when we had that landfill there, there were a lot of times we didn’t know who was putting what in it, and that was on a small scale. If we do this on a larger scale it will be much worse. If we trade of for money we get what we pay for.

Penny Williams of 37 Piggot Hill Rd. – I moved to Milton in 1990 and I have a nice area that’s secluded. I don’t know why we are going through this again. If this does pass my house would be overflowing with rats and the smell would be awful. Who in their right mind would want to buy my house? I just hope and pray this doesn’t pass.

Les Elder of Casey Rd – everyone here tonight is here because they care about Milton, the past, the present and the future. We each are here for only a short time, in that short time we owe it to the future generations to protect our environment. A clean and healthy environment is part and parcel of the wealth and quality of life that we desire for ourselves now and for our children in the future. People demand that the air they breathe, the water they drink, and the food they eat is free of pollution and contaminants; they want to live undisturbed by noise, and they want to enjoy the beauty of the countryside, unspoiled lakes, rivers and forest areas. Milton is fortunate to have so many natural resources at our fingertips. We enjoy lakes, rivers, streams as well as an abundance of forested land areas that are home to a myriad of wildlife. Once they are damaged it will take years at the very least to repair the damage that so easily can be avoided by prudent planning. What happens in Milton does not necessarily stay in Milton. The Salmon Falls River flows directly through several towns in Maine and NH. The Salmon Falls River joins the Cochecho River near Dover to form the Piscataqua River and then empties into Great Bay. Tourism is NH’s second largest industry. How many tourists are going to want to come to Milton to see our landfill?

Rick Fernald of Bolan Rd – many experiences with landfills. Nobody is going to be policing what comes in and out of the landfill. I was working on a truck one day that was broke down and while I was there I saw a tractor trailer truck pull in. I didn’t think anything of it until two guys with tyvec suits on and respirators got out of the truck. They dumped 16 tons of asbestos filled bags in the middle of Turnkey landfill. The taillights hadn’t even disappeared yet when over comes a steel wheeled loader and busted open every single one of those bags and tried to bury them before anybody saw what was happening. I watched a cloud of asbestos go off through the woods, through the trees and right down to the stream. You

can talk about all the rubber liners you want it's not going to stop what goes in the air. So if you want to see more seagulls on Milton Three Ponds than loons, then put this through.

Kirsten Lygren of White Mtn. Hwy. – just giving this a brief overview I don't see where this makes any financial sense, it is horrible for the environment. Studies show all these best technology liners will leak. I don't think any amount of money from any landfill will result in any financial benefit as we will be stuck with the cleanup.

James Hill owns property on Piggot Hill – have been coming to Milton since I was 5. When I moved here full time I saw moose, deer, fox, owls, loons, eagles, all kinds of wildlife. I'm a self-appointed spokesperson for the animals. There are 800 acres of conservation land on Piggot Hill, land owned by UNH, all this land why would we want to put something in to scare the animals away. These people that have put their land into conservation were counting on us to protect that. For all of us here that don't want the noise of the trucks, that don't want the risk of pollution. Down the river we have all kinds of towns right up against the river, do we dare open ourselves up to a potential lawsuit when their property values drop because we have polluted the watershed. I ask you, don't let this happen to Milton, don't let it happen to our community or our animals, and don't let this happen to our watershed.

Eric Knapp of Allen Hastings Way – we are one of the abutting properties to the proposed site. As written this proposed amendment would allow a landfill anywhere in Milton. This is extremely concerning to me for many reasons. One is the negative impact that such a change will have, and in fact is already having on property values in Milton. With the threat of a potential landfill site that would directly abut our historic farm, we consulted a realtor and found that our property value had already greatly diminished. The exact amount was hard to quantify, as no one would want to be a farm next to a landfill, and no realtor would want to represent a farm next to a landfill. But now it's not about me, it's not about my farm, it's not about Exit 18 anymore. The pain we have lived with personally and the threat to our own prosperity is something now facing all of Milton. I did some research into property values, landfills will decrease property values by anywhere from 10 to 26%. Any damage to water quality of the Three Ponds could further devalue waterfront property values by an additional 20%. That came from our own TPPA. Approximately 60% of our tax revenue comes from waterfront properties. In short the threat of a landfill anywhere in Milton would devalue our tax base considerably. I wouldn't wish the suffering that we've been through personally the past 6 months on anyone else, I certainly don't want to wish it on everyone. I ask the PB not to recommend this article.

Steve Baker of Micah Terrace and also the founding member of TPPA – I worked for 35 years as a finance person, I understand what it is to balance a budget, but to think about adding a landfill as a source of revenue is just preposterous. No one is going to want to live in Milton, it will kill the property values, and it's going to kill the ponds. You're asking your kids to clean up the mess that we created. It's not worth it, don't do it. I understand one of the Selectmen felt that it was important that the Town's people vote on it. The Town is here, we don't want to vote on it, we want you to not put it to vote. We are asking you to not make it a voting issue. Keep this town the way it is now.

Chairman Boyers explained a petition warrant article needs 25 registered voters signatures. The PB has no control over that and has to hold a public hearing.

Tim Richards of Milton Mills – bottom line is the decision we make we are going to live with but more importantly those that come after will have to live with it forever. We really need to consider do we really want the money that badly to put something like that in our area. This isn't a charitable organization showing up to help poor Milton Mills out. Somebody pays a lot of money to get rid of the crap they don't want. I don't want Milton to be that place.

Thomas McDougall of White Mtn. Hwy. – I'm going to take a contrary approach here and would like to thank whoever put this petition before the board because how many of us would be here if there wasn't a big stink about this. As I read the way it was written, I am against having a landfill, but the verbiage talking about recycling, I have seen recycling done in a clean manner. Concerning recycling, I'm not talking about dismantling cars, I'm talking about electronics, recycling electronics and maybe recycling solar panels, it can be done clean. It's the verbiage part about recycling coupling with landfills, it woke a lot of us up.

Judi Lover of Ripley Lane – asked if we can change the wording of a petition warrant article at deliberative session. The answer was no. Judi asked when deliberative session is. February 7<sup>th</sup>.

Steve Coin of Micah Terrace – I am new to the town, have been campers at Mi-Te-Jo for 15 years. Now own a year round home. Will the snowbirds and people that have cottages on the lake be informed?

B. Boyers stated if they are residents and registered voters. Steve said if you know Mi-Te-Jo it is probably the best campground in New England, so you talk about tourism, those are the people that come into town every summer and they spend money in Milton. Exit 18 looks like a great place to put a Market Basket. As a new resident I recommend that you recommend we all vote against this.

Mike Dubois of Northeast Pond Rd. – has been a resident for 16 years. The reason we moved here was because of the natural beauty, streams, lakes, rivers. I'm definitely against the landfill. Someone talked about a study that properties will decrease in value. Is it worth putting in a temporary windfall of cash to the town when people are going to lose their biggest asset, their homes? Mr. Dubois went on to talk about what can go wrong with the liners. There was a study from cleanair.org done in 2008, a survey of landfills found that 82% of surveyed landfill cells had leaks while 41% had a leak larger than 1 sq. ft. Newer lined landfills leaked in narrow plumes making leaks only detectable if they reached the landfill monitoring wells. But all the new landfills are usually located near bodies of water making the detection of leaks and their clean-up difficult. Is it something we need when the biggest asset is our lakes? Please don't recommend this.

Dave Eaton of Piggot Rd – not familiar how landfills work. Even if one has said they are going to pay us, once this goes through if it's not in writing they are probably not obligated to pay us. If you want a landfill in Milton pass something to protect the Town, make sure that we get our money for it, since that's the reason for doing this. But if you really want to do something about it, don't recommend there is no guarantee of money coming from this

George Knapp of Grandview Rd – back in 2010 the town almost went bankrupt because the town had to pay off the balance of the Applebee Rd. landfill. Now we are proposing to put in something 1,000 times bigger than Applebee. Who is going to pay for the cleanup of this in the end? It will be the Town of Milton. I strongly recommend this not be recommended.

Brian Braze of Governor's Rd – relocated here from Florida in 2007, beautiful town, and clean air. What are the fallouts talked about if we put this landfill in, we already know, it's been talked about. We are here again, we are saying no again, we recommend that you don't recommend the landfill be any part of the language.

Bob Myrick of Lakeside Dr. and President of TPPA – we at TPPA as an organization trying to protect the lakes, there is enough risk involved in the proposal that we ask that the Selectmen don't go along with this idea and make the recommendation that it is voted down. Primarily because of the risk, the geologic base around the Salmon Falls and the Branch River watershed is ancient and structured from centuries of erosion and glacial work. The resulting structure is a granite sub-base topped by porous gravel and sand, creating a direct conduit into our waterways for any unwanted substances. This is a risk we cannot take. I recommend that you recommend for the Town not to vote on bringing in any kind of landfill.

Marie Robinson of 311 Micah Terrace – I have been here since 1974. My biggest concern is my children and my grandchildren are thoroughly enjoying living at the lake. We have no idea what they are going to be dumping in this. We have no idea what future materials will deteriorate in 30 years from now, how it is

going to deteriorate, where it is going to go. I am totally against any landfill anywhere in Milton. I don't want my great grandchildren to grow up on the love canal and also what diseases can be transferred.

Mike Beaulieu of Tenneriffe Rd. – You all know where I stand on this. I'm speaking as a Milton resident not as a Selectman. I want to thank everyone for coming out tonight and thank the company for bringing out the best in us. We are here tonight to prove we will not go quietly and to send a message to them....Go Away!

Linda Kane of Milton Mills – In the summer they complain about the ducks pooping in the lakes and now we are going to do this.

John Kane of Milton Mills – everyone is talking about taxes and depreciation of property. That goes deeper because we have a fairly large elder care that still own their homes in this town. The Town is never going to drop their budget so that when the land prices go down all of our taxes will go up. Tax base will change and put people out of their home. It could very easily make my property such that I can't afford to stay in this town, which is a crime.

Andrew Rawson of 16 Teneriffe Rd. – thank you so much for hosting this meeting tonight. I also want to thank CALM for all of your hard work, it doesn't go unnoticed. As I stated in a previous meeting, in my eyes moving Milton in the right direction would not be a landfill. It would lower our property values and destroy this beautiful, quaint little town. I'm not going to argue the fact that we need new businesses in this town, but a landfill is not one of them. Mr. Chairman, there's a landfill 10 miles down the road that has another 15 years of service. Please tell this company that's coming to go dump their mess there. I'm asking the PB to not support this warrant article for a landfill.

Mike Currier of 875 White Mtn. Hwy. – I came to this town 21 years ago and started my business 20 years ago. I've been to both of the public meetings in regard to the landfill proposal. I have had the opportunity to sit down and talk to business people as well as quite a few residents in the Milton community. At both of the public meetings I've listened to all the nays in regards to landfill zoning. I recently took it upon myself to put together a petition to put on the March ballot to change the zoning in regards to landfills. I put together 59 signatures from 59 residents of the Town of Milton. My belief is this, right, wrong or indifferent it should be up to the Milton residents to choose by way of vote on whether or not this should be approved. I don't believe that all the decisions in regards to this issue should be left to a handful of people. I believe the majority should choose. In the process of doing this I never realized or would have fathomed that the people that signed this petition would be bullied, threatened or belittled by a chosen few. The last time I looked in the Bill of rights for the US of America it clearly states that we have the right to vote. Everyone has their opinion and we are allowed to vote our conscience without fear of reprisal. My point would be this, send it to the voters in the town of Milton and let them decide.

Lenore Ekwurtzel of Jug Hill Rd. – I totally agree that the people of Milton should decide what's going to happen in this unique geological formation that we have, with the granite under the lakes that needs to be protected. If this landfill moves into this town, if any landfill moves into this town, we will be at the mercy of a large corporation that is owned by another corporation that has a number of lawyers that can fight us on every issue. When we moved up here from Rochester Neck Rd. we were on a quiet road that turned into a covered bridge. There weren't many people living on the road. There was a dairy farm that was purchased by TurnKey landfill. They only had to notify the abutters, not even the abutters on the other side of the Cocheco River. Turnkey landfill is on one of the largest aquifers in the state, it's between the Cocheco River and the Isinglass River and they expanded from the initial site to take every single property on that road. Besides the fact that initially we had trucks going by at 60 mph, accidents in my yard, roads ripped up by the heavy weight of the trucks and all of the waste being blown about. Then when I follow a truck in at 2 in the morning from NJ and follow it down to the entrance of the landfill they had someone waiting to let this truck in. We brought these issues up at a meeting on the landfill and Mayor Green got up and yelled at us. He was scared. Nobody starts yelling unless they're scared of some other pressure from

perhaps a giant corporation. He told us specifically we had no right to question what happens at Turnkey landfill. Once they get their foothold in we would be fighting against regulations and lawyers that we can do nothing about. Taking a once shot deal from one company when in 6 to 10 years we could have more beautiful homes built in this town unless they think it's just a dump. We can't allow large corporations to tell us what to do with our land and our water. Without the lakes this town has nothing.

Cynthia Wyatt of 100 Branch Hill Rd. – I am the Manager of Branch Hill Farm, I have the pleasure of managing 3,000 acres of conservation land. I asked a land use attorney to give us a legal opinion about the ramifications of these zoning changes. She sent a 6 page letter. I am going to read a few sentences on these ramifications. Current zoning in Milton does not allow landfills. However the 3 Currier petitions would allow landfills in all of Milton. The 3 Currier petitions would also create serious and significant inconsistencies in Town zoning, significantly limit local control over siting of landfills, and create legal risk of lawsuits against the Town. Promises of conservation should not be relied upon because they are unenforceable and unrealistic. Finally, allowing an industrial use throughout all of Milton is such a drastic change that it should be considered in the Master Planning Process. All of us urge you to not recommend this petition warrant article.

Zoning Amendment #3 (Submitted by Petition):

To see if the Town will vote to amend Article II (definitions) of the Milton Zoning Ordinance to define "Landfill" as follows:

"Landfill shall be defined as a facility which collects and: disposes of; or recycles or processes, waste by landfilling methods. The term includes facilities that collect and store waste indefinitely or recycle or process waste. Landfilling means a method of disposing of solid waste by the intentional placement of the solid waste in or on land where it will remain: after landfill closure; or until use for recycling or processing."

Cynthia Wyatt – These are protective petitions and are designed to prevent landfills from being sited inappropriately; would maintain local control over siting of landfills; and should bring finality to landfill siting issues.

Eric Knapp – The last time we were here in 2011 it was a much different scenario. I actually went back to the minutes of that and I was in the minutes predicting that we would be visiting this again in 3 years and we are. So if the additional petitions would provide finality to these issues and make it more difficult for landfill companies to continue to try and come to Milton then I support this.

Judi Lover – asked if she could get clarification on this because she didn't understand it. Chairman Boyers stated he can't clarify it nor can anyone on the board. We did not write it, we did not propose it. It was presented to us.

Zoning Amendment #4 (Submitted by Petition):

To see if the use category of "Materials recycling, processing" will not be permitted as an allowable principal or accessory use in the Industrial/Commercial zoning district as shown in Article III of the Town of Milton Zoning Ordinance at Section 3.5 Table of Principal and Accessory Uses in Zoning Districts.

Janice Long - asked to please support this.

Thomas MacDougall – seems to me that we are expressly prohibiting materials, recycling, and processing. Again back to my comment about you can do clean recycling of some wastes. It seems to me that this is limiting or disallowing that as a possibility. You're all upset about a landfill, but I see nothing in here that says anything about a landfill. I hesitate to say to recommend without more clarification.

Cynthia Wyatt read the letter from the land use attorney explaining the Town has 4 zoning districts: High Density Residential, Commercial/Residential, Low Density Residential, and Industrial/Commercial. Landfills are not allowed in any of the 4 zones. That use is not listed in the table of Principal Uses in the Zoning Ordinance. Landfills are expressly prohibited in the Groundwater Protection Overlay District. The use category “Manufacturing fabrication of Goods” and “Materials recycling, processing” is allowed by right only in the Industrial/Commercial Zone, and not allowed at all in any of the other zones. So as it stands now, a facility that recycles or processes waste materials, such as construction and demolition debris, might be allowed to be sited in the Industrial/Commercial Zone, but the ZO is not entirely clear. If such a facility were to be sited, no landfilling activities, such as permanent storage of waste, would be allowed, unless by variance.

*Protective Petitions Designed to Prevent Landfills from being sited Inappropriately*

The PB should approve the Protective Petitions because they would clarify that landfills may be sited in Milton only with a variance. This is an appropriate measure of caution because landfills are well-known to be extremely intensive uses of the land. Further, the Protective Petitions define what a landfill is, based in part on the state’s definition, and removes the undefined term “Materials recycling, processing.” These changes would eliminate problematic points of ambiguity that currently exist in the ZO.

*Protective Petitions Would Maintain Local Control over Siting of Landfills*

Under current law, a variance would be required to site a landfill. The process through which the ZBA considers variance requests is comprehensive, allowing the Town significant input and scrutiny for any proposed use. The Protective petitions would maintain the ability of the Town, through the ZBA, to continue its current level of control.

*Protective Petitions Should Bring Finality to Landfill Siting Issue*

As the board knows, it has been many years now that folks have been discussing, debating, and even fighting about whether a landfill ought to be sited in Milton. This issue has been divisive, contentious, and cost significant Town resources to address. Clarifying the terms of the ZO as proposed in the Protective Petitions should bring finality to the issue: a land fill may be sited only with a variance. It is a reasonable and extremely clear standard for the Town and any prospective developer to work with. That clarity of standard would be a tremendous benefit over the current and historical contentiousness of this issue.

Planning Board member Bob Bordeau wanted to ask a question to the petitioner so when the board renders their decision they have a better understanding. Because that tackles “materials, recycling”, our largest employer, Index Packaging, recycles. Is it your intent that Index Packaging should be shut down in the operation they are doing? Cynthia stated no. B. Bordeau asked then why is that wording such. Cynthia stated because as it’s worded a company that does recycling can come into town and argue that that is the purpose of their business and their legal argument is that land filling is part of doing business. It happens and this is a way of preventing that from happening. Someone like Index would be grandfathered. B. Bordeau asked what if they wanted to expand. Cynthia said they would have to go to the ZBA. B. Bordeau stated we all know what the challenge that can be, so I just wanted to be clear so the board understands.

Kari Lygren – if the Zoning Amendments #3 and #4 will prevent us from doing this every 3 to 4 years I would like to recommend that the board recommend them.

Eric Knapp – the 3<sup>rd</sup> and 4<sup>th</sup> proposed zoning amendments are designed to enforce policy for people that would like to open new material recycling facilities. Under the assumption that existing companies are legitimate with recycling requirements could get the appropriate variance. It would be a little bit more work but it would be allowed. It would make it more difficult for people to open a landfill called a recycling facility, or an environmental park. For people that think that’s unrealistic, that somebody might want to try

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that bait and switch, it does happen. The land use attorney recommended that language be used. I think the board should recommend it.

Kirsten Lygren – might make a little more difficult for existing companies to expand in the way that they wish but I would much rather have the existing companies have to go through a little bit more paperwork then take the risk of having one of these other energy companies come in and do whatever they damn well please. It's not worth the risk. They'll get over it, we will not get over other kinds of landfills.

Close public hearing at 8:10pm

Chairman Boyers stated the Planning Board would not be making a decision tonight. There will be a meeting on Tuesday, January 20, 2015.

Motion by T. Gray to adjourn. Motion seconded by B. Bourdeau. Motion carried. Meeting adjourned at 8:15pm.

Respectfully submitted,

Kimberly Ladisheff  
Land Use Clerk