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**TOWN OF MILTON, NH
PLANNING BOARD
PUBLIC HEARING
September 06, 2011**

Meeting Minutes

Members in attendance: Brian Boyers, Bob Bourdeau, Stan Nadeau, Peter Hayward, Bob Graham, Alternate. Also present was Wendy Keane, Recording Clerk.

Absent and excused was Joseph Michaud.

Bob Graham was placed as a voting member in the absence of Joseph Michaud.

Public in attendance: Jerry Coogan, Town Planner.

Meeting called to order at 6:33 pm

Jerry Coogan spoke on the Milton Zoning Ordinance (MZO) and reviewed what has been done in the past few years: Definitions, Article III, Personal Wireless Svc Facilities has not been changed, Manufactured housing parks, and Open Space Developments was put in when Cluster Development was deleted. Jerry stated that tonight he would like to discuss nonconforming uses and lots. He reminded the Planning Board that the MZO was amended in 2010 to more conform to state law, shoreland protection was changed with help of Conservation Commission via a grant, and that transfer of development rights was put in a few years ago but does need some work to it. The language is there but there is no strategy or map to it. Robbie Parsons asked if that portion of the MZO had ever been used. Board members stated they do not remember it ever being used. Bob Graham asked why we needed it. Jerry Coogan stated it is used primarily for fast growing communities. Milton has an Impact Fee ordinance, but again, there is the language but no schedule of fees.

Jerry spoke on Article VII, and that in C-3 it stated that..." if the lot was part of an approved subdivision, the setback requirements in effect at the time of approval will apply". This language directly conflicts VII D-3 which states ..."no structure shall be constructed on a non conforming lot unless it shall have front and rear yards conforming to the minimum required for the zone in which said lot is located...". Abandonment should also be added to the definitions. Meaning that if someone has a non conforming use and they do not keep it up as it was before zoning then the use goes away. This would be for a use that does not conform to the MZO now.

Stan Nadeau stated that at these times he does not think the 12 month limit is feasible due to the economy and other factors. Jerry Coogan asked what time frame Mr. Nadeau feels would be reasonable. Stan Nadeau stated that in these economical times he feels that a 2 allowance would be fair. Stan Nadeau further stated that there needs to be attention paid to persons if they are maintaining the property. Brian Boyers stated that if it has been vacated and abandoned there could be a condemned

building sitting as a hazard for 2 years. The Board was overall in agreement for it to be changed to 24 months.

Jerry Coogan then spoke regarding the proposed sign ordinance which due to a technicality, even though it passed overwhelmingly, needs to be reposted for public hearing and put back on the warrant for March voting.

Brian Boyers stated that he has a question on the table of uses and putting several buildings on an industrial lot. Clarification needs to be made as to if only one building can be put on a lot or multiple buildings are allowed. Jerry Coogan stated that by primary structure it means one residence building. Jerry Coogan further stated that as long as setbacks and environmental issues are adhered to, there should not be a problem. Stan Nadeau suggested that language could be put in that as long as setbacks are met there should not be a limit to the amount of buildings. Stan Nadeau stated that it should be to the purview of the PB. Robbie Parsons agreed that as long as the site conforms it should be allowed. Stan Nadeau made the PB aware that any new company coming in is going to want water and sewer and exit 17 is the best place for development and that there could be multiple buildings put up.

Jerry Coogan stated that the fact that if there are no regulations to the amount of buildings then anyone could come in and put up as many buildings as they want. He used the example that someone could come in and put up a condominium with multiple buildings with a shared road.

Stan Nadeau stated that the water district has their new wells over by rocky point and there will be an effort made to include that in a protected area. Jerry Coogan inquired if it would be a watershed area. Stan Nadeau stated that per RSA there are many restrictions to drilling in the area, but the efforts need to be made to protect the water districts investments. Jerry Coogan reminded the Board that there is a groundwater overlay district. Stan Nadeau noted that it does not include the Rocky Point area and the Water Commission is going to be looking into making that area part of the Groundwater Overlay District.

Site Plan Review Regs were adopted in 1995 and a revision done in 1997. The regulations are in need of updating and we can either update what we have or we can toss and start anew which would be more compatible with the Subdivision regs that were done last year. Stan Nadeau stated that whatever is best for the town should be done. Bob Bourdeau stated that when we work on the old we can go step by step and looking at something completely new may be harder. Bob Graham stated that we could always do them side by side and marry them together. Robbie Parsons stated that at this time when it is quiet it is the best time to tie up all loose ends.

Brian Boyers inquired when the last Master Plan was done. He then stated that the Site Plan regs were originally written several years prior to when they were adopted.

It was a general consensus that the Master Plan needs to be re-written. Jerry Coogan asked who the primary writer of the last Master Plan was. Bob Bourdeau stated that the Conservation Commission was very heavily involved.

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Gerry Coogan made the Board aware that third party engineers are used by many other towns. The applicant would put funds in to an escrow account and the town would then utilize the funds to hire an engineering firm for help with large road developments and projects. Brian Boyers stated that our HW Dept is not an engineer and that it would be helpful to have a third party review.

Jerry Coogan stated that if the Board is ok, he would like to send out the letters to engineering firms for their interest and or proposals. Bob Bourdeau stated that we have done this on some of the larger projects. Jerry Coogan reminded the Board that funds would have to be put in escrow prior to them being used.

Mr. Coogan made the Board aware that Gary Michael will be going forward with a site plan review and will be working in a phased approach to just put a building up for now and go forward from there. Robbie Parsons stated that if there are any employees there he will need facilities. Bob Bourdeau stated he is talking cold storage for now.

MOTION: Bob Bourdeau moved to adjourn. Seconded by Robbie Parsons. Motion carried 6-0.

Meeting adjourned at 7:13 pm.

Respectfully submitted,

Wendy L. Keane
Land Use Clerk