



Milton Planning Board

Milton NH 03851
Phone (603) 652-4501 x5

Meeting Minutes December 6, 2011

In attendance: Chairman Brian Boyers, Vice Chairman Tim Molinero, Jerry Coogan, Town Planner, Stan Nadeau, Selectmen's Rep., Bob Bourdeau, Robbie Parsons, Joseph Michaud, Peter Hayward, and Bob Graham, Alternate. Also in attendance was Wendy Keane Recording Clerk.

Public in attendance: Nick Marique, Wayne Reynolds, Dolores Shevenell, Gary Marique, Wendy Beckwith, Bob Myrick, Joanne & Steven Scott, Tom Varney, Jim Heighten, and Susan Marique.

Meeting was called to order at 6:34 pm

1. Public Comment: There being none public comment session was closed.
2. Public Hearing Re: Site Plan Review. MTJ Realty, LLC property owner. Site plan review for property located at 111 Mi-Te-Jo Road, Tax Map 28 Lot 4 in Milton, NH.

Brian Boyers stated that there is a memo from Jerry Coogan referring to this case as well as a newly submitted letter from Mi Te Jo requesting waivers from all site plan process'.

Jerry Coogan stated that there have not been any fees received at this time. Mr. Varney stated that the check for the fees are en route. Bob Bourdeau stated that as long as the fees are paid tonight, the Planning Board (PB) could potentially hear this case. Jerry Coogan stated that the PB may want to revisit the way things are done and receive fees at time of application. The PB was in agreement.

Jerry Coogan read from a memo given to the PB the 16 points of concern:

Comments on the Site Plan: At a minimum, the site plan for MI-TE-JO Campground lacks the following items:

1. Abutters and addresses with location listed on the plan – 3.01 (A) 1.
2. Name of NH licensed Land Surveyor – 3.01 (A) 7; reference to previous plans;
3. Complete boundary plan for the entire site – 3.02;
4. Complete topographical plan for the entire site – 3.03;
5. Benchmarks – 3.01 (A) 9;
6. Error of closure 1 to 10,000 – 3.01 (B);
7. Easements and rights of way – 3.05 (B);
8. Location of test pits and proposed leachfield – 3.07 (D) and (E);
9. Identification of site improvements and cost estimate – 3.09;

10. General Design Standards – 4.01; location of proposed new buildings; adequate provisions need to be shown for traffic circulation, water supply, wastewater treatment, solid waste disposal among other items;
11. Stormwater Drainage and Erosion Control – 4.03;
12. Traffic flow – 4.04
13. Parking – 4.06;
14. Signs – 4.07;
15. Landscaping – 4.08;
16. Stormwater Management and Erosion Control Regulations – 4.11;

Since there is not enough info to invoke the jurisdiction of the Planning Board, Jerry Coogan does not feel the application should be accepted as complete and should require a current plan which outlines the info as put forth in his memo. There are approximately 200 acres in current use on this parcel and a plan should be made to show the current use portion as well as that which is not in current use and being used for the campground. He is aware that there are also buildings that have not received building permits and that the town needs this information before going forward. It is his opinion that the public hearing should not be opened as the application is not complete.

Brian Boyers stated that he received a letter (request for waivers) from Gary Marique regarding Mi Te Jo. See attached request for waiver.

Bob Bourdeau asked if Jerry Coogan is prepared to comment on site plan review as stated in 2.01 B and 2.01 C, of the Site Plan Review Regulations, as to whether it is in fact correct or incorrect.

Jerry Coogan stated that the letter presented is also new to him this evening. He further stated that 2.01 B of the Site Plan Review Regulations read as:

(B) Minor Site Plan Review. A Minor Site Plan Review by the Planning Board shall be required for the following:

1. Change of use of a non residential site which maintains or decreases the intensity on the site with respect to parking demand and traffic generation, and for which no changes to the exterior of the building are proposed (excluding sign changes and facade improvements).
2. Expansion of non residential floor space by 500 square feet or more, with no change of use.
3. Within the Village area, any change of use of a n existing non residential building, which will be accompanied by a renovation of the façade of the building, which, in the opinion of the Planning Board, will enhance its aesthetic contribution to the heritage and visual qualities of the Village.
4. Addition of site improvements on a multi family property.
5. Establishment of a Bed and Breakfast.

Jerry Coogan then stated that part of the issue here is that we don't know what the existing use of the property is, but apparently new buildings have been added in the past several years and new buildings are being proposed. He opines that because of these new

buildings being proposed it then triggers a major site plan. Bob Bourdeau stated that he agrees with that last statement.

Mr. Coogan stated that from the information which was given to the Planning Board it is not clear what is being proposed.

Tim Molinero asked for clarification on 2.01 B as read by Mr. Coogan. He then stated that it is an unknown as to the potential traffic change.

Brian Boyers stated that what partially triggered this site plan is a greenhouse that will house kiln dried firewood which will be sold to campers thereby making it a commercial operation.

Jerry Coogan stated that on the plan it reads: A proposed greenhouse, pavilion and event site areas. There are 223 sites as a recreational park on a 254 acre parcel.

Bob Bourdeau stated that his feeling is that we should hear the applicant out tonight so that everyone on the Board, and that the abutters present can hear what is proposed and decide what is needed and what is not needed. Bob Bourdeau further stated that whether we (the Board) accept the application or not he feels we should have the representative speak on behalf of the plan so that the Planning Board knows exactly what it will be addressing.

Jerry Coogan stated that we are trying to do things in rectifying what has been done in the past and what is proposed to be done in the future. Jerry Coogan stated that maybe an informal conversation would be of benefit.

Chairman Boyers stated that if the Board approves this plan as it is then we are approving buildings that are in non compliance so the PB at this time is stuck.

Tim Molinero feels that the PB is missing too much information at this time.

Mr. Marique inquired what Tim Molinero meant specifically.

Tim Molinero stated that the two maps which have been provided for the Board do not represent one another. Jerry Coogan stated that some of the land is in current use and most plans would show that information.

Bob Bourdeau asked why showing where the current use is located is so important? How would showing 209 acres of current use land have any affect on those two buildings proposed? Stan Nadeau stated that he wants to be sure that there are not any violations of the current use.

Bob Bourdeau stated that we had an application recently that had pre a pre built building that the Board approved. Bob Bourdeau further stated that when there is a memo with 16 items he is concerned.

Brian Boyers inquired if there were anymore questions from the Board.

Tom Varney stated that he has a map that shows current use and he has a copy of a map that shows all of the buildings and he can certainly add any information needed. He stated that a plan by scale would have a 10 page plan, the plans he has show what exists and does not show the boundaries outside.

Bob Bourdeau stated that in fairness he thinks we should discuss with Mr. Marique and Mr. Varney what should be required.

Jerry Coogan stated that he thinks the 1st recommendation on his memo to the Planning Board is very important which will show what is out there existing right now and showing where existing land in and out of current use is and to submit building permits for those not submitted.

Mr Coogan then recommended that Mr. Marique and Mr. Varney should provide a site plan which shows the proposed buildings.

Mr. Marique stated that all of the sites on the plan dated March 7th presently exist. Mr. Marique stated that event sites would be for bigger groups. Mr. Varney stated that these are on the plans. There is also a survey from 1986/7.

Brian Boyers inquired if the original surveyors have the prior survey. Brian Boyers further inquired if the survey could be stamped by the previous surveyor and then the proposed buildings added in.

Bob Bourdeau stated that this is a pre existing campground that has been there for 40 years and is not infringing on anyone else and does not feel it is fair to any businessman in Milton in this economy to do all of this due diligence.

Peter Hayward stated that the kinds of waivers we may be inclined to approve are some of the items on Jerry Coogan's memo. He continued to state that the waivers from those things would eliminate small stuff.

Tim Molinero stated he would like to see everything on a large plan, not necessarily by a surveyor, but would like to see a plan that matches.

Brian Boyers stated that in locating these buildings in a code enforcement role he needs to know the setbacks of the buildings.

Bob Bourdeau stated that in scale we can see the buildings are quite far from any boundary lines.

Tim Molinero stated that he would like to see something with the current use to make sure that nothing is encroaching upon the current use.

Bob Bourdeau stated that he would like to see the Board try to help clean up this mess and move on.

Brian Boyers stated that in reference to the 5 recommendations from Jerry Coogan, he would like to hear from the Board what they would like to do.

Jerry Coogan stated that his position is that despite it being a well managed site the Town needs a set of plans which shows the site in it's entirety with the current use shown as well as existing buildings and recreation areas. He does not think the Board would be making it difficult for the property owner however, it is a large site and the Town and Planning Board need to be aware of the entire site prior to making any decisions on the proposed review.

Gary Marique stated that the proposal is for the greenhouse which will be a temporary structure and only be pinned in the ground.

Brian Boyers inquired if the Board wished to act on the letter provided by Mr. Marique.

MOTION: Bob Bourdeau moved to *not* accept the letter provided requesting to waive the entire procedure. Seconded by Robbie Parsons motion carried 6-0. Brian Boyers abstained.

Bob Bourdeau stated that with the motion being made, he would like to give a clear indication to Mr. Marique on how to proceed.

Tim Molinero, referring to the memo from Jerry Coogan, stated that he would like to see all of the buildings represented on the large plot, and everything to match up and it does not necessarily need a surveyor to do this but that ALL buildings are represented on 1 full plan.

Bob Bourdeau stated that it is hard to look at a reduction of the plan.

Tom Varney stated that Jerry Coogan did not have the plans that Tom Varney has with him this evening which show a lot of the information that the Board is seeking.

Tim Molinero recommended that the Board refer to Jerry Coogan's memo items #2, 3 & 4 which read:

2. The Planning Board should require an existing conditions plan prepared by a NH licensed Land Surveyor showing all existing buildings, date of construction, location of each RV site, location of water supply lines, location of wastewater disposal lines, location of the leachfield, exact amount of water frontage and other required items;
3. The Planning Board should require a plan prepared by a NH licensed Land Surveyor showing the existing land in current use and land used for the campsites;
4. For all existing buildings, not currently permitted, the owner / applicant should submit the appropriate building permits and have the buildings inspected by the Town.

Jerry Coogan summarized that the Planning Board would like to see all buildings located on a large plat/plot in which the entire property can be seen, everything on site shown in its existing condition and to have the current use shown. To follow the recommendations of #2, 3, & 4. He then stated that the Marique's may apply for waivers and requests would be taken under consideration by the PB. .

Tim Molinero stated that it is his opinion that this plan should only be done by a licensed surveyor.

MOTION: Robbie Parsons moved to continue this hearing until January 3, 2011. Seconded by Tim Molinero. Motion carried 6-0. Brian Boyers abstained.

3) Discussion with Jerry Coogan regarding proposed Milton Zoning Ordinance (MZO) changes and updates. Jerry Coogan reminded the Board that last year there were 2 items, Sign Ordinance and definitions, which were passed by Warrant, however due to clerical error have to be put back on to the 2012 Warrant.

Stan Nadeau stated that people say there is a complaint about the Moose sign and the size. Brian Boyers stated that the sign existed when it was the restaurant.

Discussion was then held on the proposed change to Article VII in the MZO regarding non-conforming lots and an additional definition added to the MZO.

Robbie Parsons inquired where the proposed 12 month period under abandonment came from. Jerry Coogan stated that 12 months is the general standard.

It was requested that the timeframe be moved to 24 months. Peter Hayward inquired if every 24 months someone comes and does something small to the property, does that restart the clock?

Discussion was held on Article III, and Jerry Coogan reminded the Board that at the last meeting the board thought there should be more information. Mr., Coogan re worked the language which is proposed to be:

Residents and business owners, who may from time to time seek to change or amend the use of or minimally alter or expand existing non-residential or multi-family buildings or sites, may apply for site plan determination. The Planning Board may, after submittal of an executed application for site plan determination, conduct a duly noticed public hearing and grant approval to such applications without benefit of formal site plan review. In order for any proposal to be eligible for approval through site plan determination, the site or building to be modified or expanded must have previously received site plan approval from the Planning Board. Proposals eligible for approval through site plan determination shall be similar in nature to those involving one or more of the following activities: (1) change of use of an existing building or site from one permitted use to another permitted

use; (2) additions to and/or renovations of existing structures such that the gross floor area of any existing structure does not increase by more than 10-percent or 1,500 square feet, whichever is less; (3) proposed site improvements or modifications which alter not more than 15,000 square feet of terrain; and (4) other minor site plan proposals which the Planning Board may elect to consider. All non-residential development or multi-family residential land use proposals which do not have benefit of prior site plan approval or contemplate a scope of work or an activity which exceeds the limitations specified above must obtain formal site plan approval from the Planning Board prior to issuance of a building permit and/or commencement of construction as applicable.

Mr. Coogan explained that if there is an existing site plan on file it may be utilized for future proposals with waivers. It would then be up to the discretion of the Board as to whether it is a site plan determination or a major site plan. .

Article IV design and construction standards: Jerry Coogan directed the Board to Section 4-1C: Private roads or access drives may be permitted within an approved site plan by the Planning Board. The following note shall appear on the site plan:

“The ways shown on this plan are intended by the applicant and the Town of Milton to be platted, constructed and maintained as private ways. The recording of this plan shall not be construed as an offer of dedication of those ways as public highways under New Hampshire Law of Dedication and Acceptance.”

What that says is that the applicant can show a private road but it will not be taken over by the town.

Bob Bourdeau stated that in A-5, *A minimum of 10% of the interior area of any proposed parking area and aisles shall be provided as interior landscaped green space in all parking lots containing more than 20-parking spaces*, he does not remember reading anything about this in the prior paperwork. He further stated that some of the existing businesses would have a hard time conforming to this green space reasoning. Robbie Parsons inquired where the 20’ amount derived from and stated that the winter maintenance would be difficult. If it were 200 spaces it would be fine but at 20 spaces it would be difficult.

Tim Molinero reminded the Board that applicants could always ask for waivers from this.

Stan Nadeau agreed that the Board could leave this in the proposed Site Plan Regulations, with the ability to waiver it, but to leave the tool there in case it is needed.

The Board had a lengthy discussion on Section 4-3 Landscape and buffering.

Jerry Coogan stated that in replacement of this section, the Planning Board could just ask the applicants to submit a landscape plan

Lighting plan: Bob Bourdeau stated that our current lighting plans are more stringent than those proposed and people have learned to accept them. He would not like to lose what exists.

Jerry Coogan stated that in the MZO we presently have a lighting ordinance.

Section IV F: Jerry Coogan stated that this refers to primarily odors thought to be offensive. Specifically a manufacturing company that would make repetitive noises or a fragrance company where a lot of smell comes out.

Jerry Coogan made the Board aware that he is working part time for the town on economic development and received a \$4500 grant from PSNH to work with PSNH to develop Milton.

MOTION: Bob Bourdeau moved to approve the minutes from November 1, 2011 as submitted. Tim Molinero seconded with the amendment that the date be changed on the first page. Motion carried 6-0. Robbie Parsons abstained as he was not present.

MOTION: Bob Bourdeau moved to adjourn. Seconded by Robbie Parsons. Motion carried 7-0.

Meeting adjourned at 8:40pm.

Respectfully Submitted,

Wendy L. Keane
Land Use Clerk

Brian Boyers
Planning Board Chair