

**Planning Board
Town of Milton, NH
P.O. Box 310
Milton, NH 03851**

**Meeting Minutes
September 4, 2012**

Members in attendance: Chairman Brian Boyers, Peter Hayward, Joseph Michaud, Bob Bourdeau, Robbie Parsons, Vice Chairman Tim Molinero, Bob Srnec, Selectmen's Representative and Bob Graham, Alternate. Also in attendance Wendy Keane, Land Use Clerk.

Public in attendance: Bob Bridges and Bob Frizzell.

Meeting called to order at 6:30 pm

1. Public Comment: There being no comments, the session was closed.
2. Approval of meeting minutes from August 7th, 2012. Remove Robbie Parsons name from the minutes as he was not in attendance. Robbie Parsons also stated he will abstain as he was not here.

MOTION: Tim Molinero moved to accept the minutes with the change. Seconded by Peter Hayward. Motion carried 6-0. Robbie Parsons abstained.

Frizzell: Bob Frizzell has requested an extension as his site plan has expired with the economy being poor at this time.

Brian Boyers asked if everyone had read the letter from Mr. Frizzell and Jerry Coogan (Town Planner)

Robbie Parson stated that he believes that Mr. Frizzell is correct in his statement that these times have been unique in Milton and in the country and he feels that we should truly consider the extension with the economy being what it is.

Bob Bourdeau stated that his comments mirror Robbie Parsons in that with the economic times and that the Town Planner is off a little with his memo in regards to not investing in the site because years ago when the plan was approved, it was not Mr. Frizzells intent to build but to market the property with a site plan in effect. He thinks that the fact that he has not posted a security bond is a non issue.

Bob Srnec stated that Jerry Coogan's letter states it was a conditional approval and he is not aware of the conditions at that time. Wendy Keane pointed out that the information is in the packet which was handed out this evening. He inquired if the Fire Department ever received the plans. Wendy Keane stated that in reviewing the files she noticed that there were memo's from the Fire Department in the file leading her to believe that the plans were forwarded to them.

Tim Molinero inquired why if this has expired, why we are sitting here considering a plan that has defaulted by a year. Mr. Frizzell stated that it is his fault that this has defaulted and he is asking for the Board to look at the economy and times being what they are. Tim Molinero stated that business is business and he sees people losing their homes and they do not get extensions and he feels that business is business and he should have been here at the latest of September 2011 to begin the process.

Peter Hayward stated that the way he sees this is that there is a history here and on the horizon, the economy has been an issue and real estate has been a big part of the issue and that we are so overbuilt now, he would not be optimistic for the future within the next two year period (technically 11 months for an extension).

Bob Bourdeau stated it is a plan the board approved previously and inquired if this plan came before the Board today would the Board approve it.

Peter Hayward stated that there is a piece of the past that was not brought up and that is that he does not have the plan. He is confused by Jerry's note .."has failed to perform any conditions of the approval.." which clearly there have been some completed. Bob Srnec stated that he is in the same boat and that he is not familiar with the plan. Including fire suppression plans.

Bob Frizzell stated that there have not been any plans submitted to the Fire Department in regards to suppression plans as there was never anything built or planned to be built. He also inquired what may have changed.

Brian Boyers stated that over 5 years wetlands, fire codes and other items may have changed that this Board may not be aware of.

Joe Michaud stated that had there not been a lapse we may be looking at a different story but it did lapse.

Bob Frizzell stated that he was under the impression that the Board approved this item with the review by the Town Attorney.

Brian Boyers stated that another thing we could do is send out the plans to an engineer and or Jerry to review.

Bob Frizzell stated that he would not be able to afford to be able to pay for a review engineer to look at the plans.

Bob Graham stated that it goes back to what Bob Bourdeau and Robbie Parsons have stated that if he came in 12 months ago would we have approved it.

Chairman Boyers stated that even at our level site plan regulations have changed and we are not aware of the state or even federal level.

Bob Bourdeau stated that at the time of approval it was a conception idea only and was approved based on conceptual and that the person who would want to develop anything would have to come back to the Planning Board.

Bob Srnec stated that there have been wetlands changes and other changes that would need to be reviewed.

Peter Hayward stated that expecting that at some point we will vote yea or nay he is asking if Brian Boyers is offering a third option to have an engineer review for current rules and regulations.

Tim Molinero stated that looking back on the conditions, the conditions cannot be met until the actual building is started and we did not want to box in the applicant at the time.

Chairman Boyers asked if there were any questions from the public. There being none, public session was closed.

MOTION: Bob Srnec moved to not approve the extension at this time due to the 5 year lapse. Brian Boyers seconded for discussion.

Peter Hayward asked if this can be done as a yay, nay or third option to be sent to an engineer to meet standards of today. It was explained that Peter Hayward could make a new motion including that information and the other motion would be withdrawn. Tim Molinero inquired what would happen if the plans do not meet current standards. Bob Srnec stated that at that time it would not be approved. Tim Molinero asked if there is a cost difference. Brian stated that if we were to deny he would then have to reapply.

Bob Srnec withdrew his motion. Seconded by Brian Boyers

MOTION: Peter Hayward moved to have the existing plan looked at and then determine based on their results whether the site plan could be approved. Seconded by Bob Srnec. Tim Molinero inquired if we want to put a time frame on this.

Bob Frizzell inquired who would do the review. Brian Boyers stated that we can provide him with a list.

Motion amended to read that there is a three month time frame for review to be completed. Motion carried 5yes 2 no.

Plan will go to engineering for review.

PB 9.4.12

Other business:

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

Meeting adjourned at 7pm

Respectfully submitted.

Wendy L. Keane
Land Use Clerk