



APPROVED

**PLANNING BOARD
PO BOX 310
MILTON NH 03851
Phone (603) 652-4501 x 5
Fax (603) 652-4120**

January 18, 2011~Meeting Minutes

Members in attendance: Brian Boyers, Tim Molinero, Robbie Parsons, Bob Bourdeau, Peter Hayward, Joseph Michaud, Tom Gray- Selectmen's Representative, Bob Graham-Alternate.

Public in attendance: Michael Tabory, Emrys Tabory. Laurie Palmera, Savannah Brennan, Anne Clarke, Dana Hodgkins, Larry Brown, Tim Levesque, George Knapp, Janet Knapp, Nancy Drew, Tom Drew, Judi Lover, Richard Lover, Walter Marchisio, April Siraco, Ellen Prang, Bob Naezer, Steve Baker, Robin Baker, Jen Palmatier, Gordon Parsons, John Katwick, David Atton, Paul Steer, Suzy Strom, Zerek Selby, John Nolan, Cherie Corbett, Jennifer Duprat, Janice Lang, David Paey, Timothy Long, Paul Carlson, Roy Cochrane, Donna Cochrane, Joseph Burke Sr., Joseph Burke Jr., Dianne Wilkinson, Barry Bittner, Linda Hescock, John McCallister, Darlene Marquis, David Marquis, Fran Voisine, Charles Ek, Kassandra Belcher, Karen Johnson, Karen Paquette, Mary Crossley, Myron Corssley, Sarah Levasseur, Jamie Berry, Harriet Hodgkins, Jeanne Skillen, Steve Young, Gail Beckwith Myrick, Wendy Beckwith, Eldred Thurlow, Lianne Wallace, Ryan Braze, Margaret Braze, George Gagne, Patricia Gagne, Ann Abraham, Samantha Margins, Sheldon Holmes, Mary Holmes, Virginia Long, Roland Hersey, Roger Paquette, John Lygren, Loan Lygren, JJ Poisonetti, Amy Poisonetti, Stacey Wood, Andrew Wood, Robert Myrick, H. Joseh Stanley, Susan Roy, L. Ekwurtzel, Ann McKenzie, Chris Cumming, Kathryn Chatt, Jessie Esterno, Elias Esterno, Matt Trudeau, Wayne Abram, Brian Wood, Lisa Murdough, Noel Murdough, Russell Neal, Jill Guptill. Kari Lygren, Cynthia Wyatt, Mark Hughes, Rachel Shields-Towne, Fran Pertillow, Robert Silva, Laura Turgeon, Harry Wallingford, Art Haussler, Larissa Muller, Amy Mann, James Poisonetti, Lisa Stewart, Charlie Karcher, Gail Karcher, Penny Williams, Ari Goldenberg, Kirsten Lygren, Kathryn Boyers, Amy Sosman, Thad Hall, Amber Hall, and Michael Currier.

Due to illegible writing, some names of public members in attendance may have been omitted.

Chairman Boyers called the meeting to order at 6:50 pm.

Chair Boyers opened and stated: "in this meeting we are here to discuss only the wording of the proposed warrant article and not speak on the proposed landfill".

Chairman Boyers read a letter from Jerry Coogan, Town Planner, into the record. Please see attached.

Chairman Boyers made those in attendance that per RSA the Planning Board is legally bound to hold this meeting and that the Land Clerk had checked with the Local Government Center to affirm.

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Chairman Boyers read a letter from Susann Foster Brown into the record. See attached.

A letter from Attorney Tupper Kinder, legal counsel for Solid Waste Solutions, was read into the record. Please see attached.

A letter from Linda Seeward was read into record. See attached.

Chairman Boyers reminded the Board and those in attendance that this meeting is to determine whether we (The Board) will place on the Warrant wording to possibly change the zoning to allow possible landfills or other enterprises. Chairman Boyers then read into record the proposed ordinance. See attached.

Mr. Boyers clarified to those in attendance that the only item being added to table of uses is the environmental uses.

Tim Molinero stated that in the interest of time, it is his opinion that the meeting be limited to 9:30 pm. Chairman Boyers stated that he will be limiting all comments to 3 minutes.

John Kane stated that the proposed change to incorporate solid waste sanitary into the Milton Zoning Ordinance (MZO), takes it out of the hands of the public and puts it in the hands of 8 people (Planning Board). He pointed out that there is still being cleanup done at the former dump site in Milton Mills. Mr. Kane further stated that he does not believe incorporating another solid waste facility complies with the 2004 Master Plan and he reiterated that he does not believe 8 people should be making the decisions for the town.

Chairman Boyers stated that depending on the vote this evening, if this proposed warrant article is to be placed on the March ballot, then the town's people will have the final vote.

John Kane stated that it would leave it up to the Planning Board to have control to place this "Monster" where people do not want.

Rick Fernald stated that he has been fishing the lake since a kid and always dreamed of living here. He finally moved here and is disheartened to think that a landfill could be coming in to town. Mr. Fernald further stated that he has worked for 23 yrs with public works in Portsmouth. While repairing machinery, he witnessed a truck from NY that came in to drop off asbestos in which the 2 men were dressed in Tyvek suits and had respirators, then proceeded to drop the materials and bags broke sending stuff into air.

Cynthia Wyatt, Chairman of the Milton Conservation Commission, read a letter to the Board from the Commissioners. In the letter she stressed the rights of the abutters. Please see attached letter.

Chairman Boyers inquired if there was anyone who would like to speak on behalf of the zoning change.

Sarah Levasseur asked the PB to explain WHY they may want to propose this zoning change.

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Tom Molinero stated that this proposed warrant article came before the Board of Selectmen and then on to the Planning Board. He asked how many people in this room think their taxes are too low. Two people raised their hands. He continued to state that one reason we (Planning Board) are even looking at this is the potential revenue steam which may come in to help with taxes. There are ways we can cut things from the budget which is a band aid, but you can only cut so much before things start failing. He said that bringing in any type of industry will help with the tax rate.

Sara Levasseur inquired if the zoning change has to happen to bring industry in? She further inquired what good reasons there are to propose this warrant article and what is lacking in Milton to bring business in.

Tom Gray stated that the town's infrastructure is lacking, so a lot of business are looking at those issues (water and sewer issues).

Brian Wood conceded that it wring in revenue but reminded everyone to look at natural gas lines, they come in bring jobs but ruin the water. He inquired if the people vote no to this proposed change in March, if the Planning Board could still allow this use. When we are all gone what about the children? This town has not changed. We can do solar power options but allowing other states to bring their trash in is not a good thing.

Robbie Parsons stated that the reason we (Planning Board) are doing this is that they do not want to make this decision for the town and want the people to make this decision for themselves. This meeting would be for allowance of it to go to vote for people to vote.

John Kane stated that part of the responsibility of the Planning Board is to protect the town and they are not doing their jobs.

Jennifer Dupret stated that there is obvious intent and that such a change (in the MZO) would open the door for negative consequences. She inquired if we want to mortgage the future of Milton in this way.

Kari Lygren stated that her grandfather owned Greene tanning which had been located her in Milton. The technology at the time it (the tannery) was open, they were just was told to put it in river and lagoons. Obviously that was not a good thing to do, but the point she is making is that technology always changes, and what may be considered good technology now may not be god in the future.

Charles Ek said that he does not recall ever seeing a sign saying welcome to Milton home to biggest landfill in Northern Strafford County. He further stated that this proposed ordinance change undercuts what we have been trying to do as a community for years, strikes at the heart of the master plan, and this is back door attempt to undercut it.

Russell Neal stated that he is neither for nor against this and for clarification that this meeting would give everyone a chance to vote on the proposed MZO change in March. Before he makes a decision he would like all the facts on the table. It is easy to say no but there are other things in the proposal, methane gas can be useful. He continued to say that it strikes him as shortsighted to say no at the outset

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without exploring all the facts and making an informed decision which the voters will get a chance to do in March.

Brian Boyers confirmed that this is only the first step in the process and that tonight's meeting does not guarantee there would be a landfill but only to change to MZO to allow the change in zoning to include language to permit one. Tonight's vote, if affirmative to place the proposed change on the warrant, will send this on to a March vote and it is then up to the people. The Planning Board has been trying to giving everyone an opportunity to hear what the proposed zoning change would be. He reminded everyone that this meeting is on the proposed language and not specifically about any one landfill. He continued to state that the company everyone has heard about did ask to do a presentation at this evenings meeting, however he has made it clear several times that this is not about one company but about the proposed language only.

Lora Turgeon stated that less than ½ mile from her house is a proposed location of the landfill and she remembers years ago fighting with planning and zoning and fighting a dig,. If people on Rochester Neck road could vote down the Waste Management site in Rochester today they would. They cannot use their wells now. She is concerned about her well as she is downhill from proposed site. She does not think a solid waste landfill would be appropriate for this town and that there has to be other options that will not ruin water and livelihoods.

Larry Brown stated that he would like to speak on both sides of the issue at hand. One is a letter of Feb. 23 1996 signed by the present CEO and Chairman of this Board; the last Paragraph speaks to bio mix soils. Section 5D prohibits disposal of solid waste, organic waste and dioxin laced materials. Open pit landfill technology is a dying technology and the town will be left with a 54 acre parcel of dead land with no tax base. Even using solid stream could get him more use of that parcel and not destroy it. There is only one defect to a landfill zoning for Milton, it smells funny and it smells funny 4 different ways: dumb, cheap, kiss off, smells a great deal like Massachusetts money.

Walter Marchisio stated that if this is allowed it will wreak havoc with him and his neighbors. He is aware that the town needs money and in 25 years he would like to still live here, but if this zoning amendment is passed and a landfill comes into the town then he will go. He further stated that he moved from Massachusetts to get away from issues like this. According to the paper the Master Plan was done in 2003, and the people then did not want a landfill. We are trying to do our best by recycling and do not want to fill the ponds with hazardous waste.

Jenny Palmatier stated that she has two concerns. First is labeling the definition as environmental use as she feels it is misleading and should maybe say sanitation use. She is not aware of all areas in town zoned Industrial/Commercial and is aware that one area in particular is being discussed. From what she remembers is that all of the areas have sandy porous soils and she would think some areas are better suited for this action. She is asking the Planning Board to not consider putting this proposed change to ballot. .

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Jamie Berry, thinks this is against anything the town stands for and while he understands bringing down taxes, he thinks we should look at other options instead of having someone exploit this town in this manner. This is a good community. He is concerned that this issue came up at the last minute thinks it is bad timing and a bad idea overall.

Lenore Ekwurtzel stated that she previously lived on Rochester Neck Road. She understands that the Board of Selectmen are supposed to be dealing with a broad tax base. Our lake brings in a lot of people who are summer residents. Her opinion is that the minute a landfill comes in, the property values go down. There would be increased traffic and the smell of methane, which was why she sold on County Farm Road. She stated that the smell from the Rochester landfill now goes into Barrington. The methane gas which was supposed to be going to UNH is not making it there because there is not enough pressure to get it there. When she complained to the city of Rochester in regards to her issues, she had four accidents of dump trucks in her yard. When all the houses in the area got together to speak to the mayor at that time they were told Waste Management could run the landfill 24 hrs per day. The property of the Rochester site is between Cocheco and Isinglass River and the dump is at the convergence of largest aquifer in the state. It is to the point they are running out of room for dumping. She is concerned that property values will go down, and the town has already cleaned up one site on Applebee Road which cost us a lot of money. The population of seagulls will increase. Zoning should not be changed and we need to attract better and more responsible businesses.

Brian Boyers again stated that this meeting is only for changing the wording in the zoning. If we change any wording at this meeting then we cannot hold another public hearing. He reminded everyone in attendance that the Planning Board has three choices, they can recommend the change on the ballot, not recommend the change on the ballot, or withdraw the issue completely.

Cherie Corbett stated that she would like to thank everyone for coming out and thinks everyone is here because we love the town. Her concern is that voters who are not present here will come to the polls and see "recommended by" and vote the change in. She inquired with this meeting tonight, where exactly does the recommendation go? She inquired if the decision will be made tonight.

Chairman Boyers stated the final discussion of whether or not this proposed language goes on the ballot will solely be up to the Planning Board and reminded everyone of the three options the Planning Board has.

Chairman Boyers stated we got this by default. The Selectmen were given a presentation by a company on January 3rd and it was recommended by the Selectmen that the company then see the Planning Board on the 4th of January. At that time SWS did a presentation for the PB and the PB then voted to bring the matter of proposed language change to the MZO to a public hearing. At this time, the PB will decide whether or not the language will go on the ballot and if it does whether it will be recommended or not recommended

Tom Gray stated that SWS is willing to come back and put on another presentation to give more information to the public.

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Rachel Towne inquired if it is about money and how much of our taxes are being burdened for clean up of land fills. She stated that if people are interested then look into the type of money that can be generated by this.

Chairman Boyers stated that we cannot talk about a specific company.

A person in the audience inquired if the procedure is to normally to go to the Board of Selectmen or the Planning Board first with an issue like this.

Chairman Boyers stated that the PB has not received any application for a site plan. He then explained again how it got this far (re-read a portion of Jerry Coogan's letter) and that it was presented by the BOS to the PB.

Tom Gray stated it came before the Board of Selectmen on January 3rd and they knew the Planning Board had a deadline for additions to the Warrant Articles for zoning so they suggested to immediately go to the PB.

Tom Gray reminded everyone that this is a baby step in the process and that any company would have many obstacles and hurdles to overcome before they can put a shovel in the ground. Even if the town says ok at the March voting, no company can come in until they go to State, DES, Planning Board, etc.

Steve Baker stated that if the weather was good there would have been more people. He further stated that the TPPA was started to make the lakes water better, but if we start talking about a landfill we can kiss this town goodbye, he is willing to pay over \$8000 in taxes, people on the water push the tax revenue. People will run out of this town and not be able to sell their property. It is his opinion that the BOS and PB are not thinking long term. Why do we think the people of MA want to send their trash here? Because they do not want it there.

Amber Hall stated that when things are put in the ground with a landfill we then own it forever. What does \$562,000 do for the tax base if we do not have that for 20 years?

Ann Abrahams , pleads with the PB to withdraw this. She did not realize that she lived in an I/C zone until another issue came up. She was concerned that they were not notified as abutters that this meeting was taking place this evening. She is concerned that if an adverse company comes into her area of town she will not be able to sell her property

Mary Holmes- She also woke up that find out someone wanted to put in a landfill across from their house, there are so many other green technologies that can be brought into the town and all the Master Plan says is that the Town wants green business. She is offended that the BOS and PB would consider this and she was not notified.

Brian Boyers stated that for clarification no one is directly notified unless a site plan or other plan comes before the PB or the ZBA, and then it is limited to abutters getting direct notification. He further stated that everyone has the same idea, that we need industry, and suggested people start putting together

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exploratory committees. Again, he reiterated that this was handed to the PB by the BOS after a presentation on January 3rd and the PB heard of this on January 4th and decided to hold a public hearing on this so that the town's people would be aware of what the language for the proposed warrant article means.

Susan Roy. Zoning is the first line of defense to know we are protected and she would like to see this proposal withdrawn. She is not against change, but wants well thought out change and most are here because they care about town and would like to see good changes.

Tim Leveque stated that the showing of the community should be weighing on the PB heavily to withdraw this proposal. He continued in saying that the PB is going to bring in trucks upon trucks between exits 17 and 18 which is considered one of the worst stretches of highway in the state. The state is working on expanding the roadway and the answer is not a landfill, there are more options on the exits. He cannot imagine his kids growing up with a landfill. Look at the people standing here, that should be enough to say no.

Gordon Parson, wants to go on record for the BOS to withdraw this, master plan says we did not want this.

Wayne Abraham cannot believe the PB thinks this is a good idea and it should be brought before the town.

Brian Boyers stated that no decision has been made on whether this will go to the ballot and that is why this meeting is being held. He further instructed that insults toward the Board Members will not be tolerated.

Willy Palmatier stated that he understands where the BOS is coming from to bring in revenues, and he understands the temptation, what he does not understand is why it has to be done now. Why can't we wait a year to decide on this? He does not want to go near this, why don't we take the year and find out what happens when these types of companies come into town and the environmental impact and let the people be made aware. He further stated that if it had of been done over a longer period of time then people have felt like they were given the chance to make an educated decision the thoughts may be different and that a lot of people here are running on gut feeling. He would like to think he is voting educated but right now he does not think people are feeling they could make an educated decision.

Maureen Flemming stated that if this zoning is changed then she could open her window and throw her trash into the landfill. She understands this is a change to language, money talks, we can say now that we would not allow it, but money in the future could talk and they will not have to go through this entire step which is being called a baby step.

Mike Currier spoke to the general audience and stated that the Planning Board is obligated by law to bring it in front of the people and they are doing their jobs, which is voluntary to the best of their ability and within the law. He continued to state that "these 8 people are being persecuted for doing their job".

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Eric Knapp stated he has heard many concerns on the urgency and that no one was made aware, if this goes through and goes on ballot and accidentally gets voted in, then we will be here for every meeting for the rest of their lives fighting this. Every single IC zone property will be a target. He fears that persistence and money will eventually win.

'Tim Long asked those in the audience how many a week ago did not know about this meeting? He thanked Cynthia Wyatt for bringing this to everyone attention.

Brian Boyers reminded the public that if this warrant article gets withdrawn it does not mean that a waste management company cannot go before the ZBA for a variance.

David Aiden stated that he works as a civil engineer and understands the variance process and one of the criteria is that they will need to show that they will not affect the surrounding property values (for a variance) and that is probably be why the ZBA will not approve this in the future. Abutters will have to be noticed if there is an application.

Brian Boyer stated that if an application comes to the PB or ZBA then the immediate abutters to the property will have to be noticed. Chairman Boyers further stated that he is not for or against the proposed change in language but reminded everyone that any company looking to come before the PB, or if necessary the ZBA, has a long process which could include third party engineers, other permitting by the state, reviews, studies and more.

David Aiden stated that the problem is that people are feeling that this is being rammed down their throats. He requested that the PB have a long view instead of something quick.

Kassandra Fontneau stated that if it were not for the orange signs all over town then she would not be here tonight. She had no idea this was all going on. She feels that there are other ways to go green instead of a landfill.

Susanna Strom inquired why this was not on the town website and people were not adequately noticed.

Chairman Boyers stated that this does not need to be noticed on the town website and that it was posted in the Fosters and at two public places as per RSA.

Janice Lang stated that we have now heard several people ask to have this withdrawn and for clarification asked if it can be withdrawn or if this is a done deal

John Kane would like to apologize for his previous heated remarks, he did not know about this meeting until Saturday morning and he felt as if the townspeople were being dumped on. He hopes that his apology is accepted.

Susan Goldenberg stated that we are talking about taxes being based on property values and if something like a landfill comes in to town then the property values would go down. She suggested that the PB withdraw this proposal and something be proposed to state that landfills would never be allowed in Milton

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Brian Boyers stated that it is too late for a petition warrant article to be filed.

Richard Lover asked for the PB to take their vote on the matter.

Roger Libby stated that he would like to personally thank Selectmen and PB for doing this and holding these meetings.

Lora Turgeon stated that if this passes and something like this gets brought to the ZBA, they can they say no. She inquired if the Town Government is able to say no to things like this.

Chairman Boyers clarified that if warrant passes, then the ZBA will not hear this as it will be allowed.

A member of the audience asked if the town liable (if this is approved) to the towns down river if we ruin their water. It was suggested that the PB check with Town Counsel.

Tom Gray reminded the audience that if this were to get to a point where this passes there will be many many more steps to take on this.

Rick Fernald stated that if this is killed this evening then it could be proposed again next year.

Charlie Karcher stated that one of the things he would like considered is if something like this were to pass what does that do to the potential future development in that zone? How do we get a green company to potentially come in?

Brian Boyers closed the public hearing and made the public in attendance aware that there would not be any further questions or statements allowed from the audience.

Bob Bourdeau stated that he would like to start with the master plan which was started in 2001 and adopted in 2004. During that time a questionnaire was sent out to residents and the overall response was poor. People come out for the big stuff but not for day to day items and though it is nice to see this many people out for a cause, the attendance at town meetings is historically lacking. We have three aquifers in town, one in center of town, and we have built two unlined landfills on the aquifer but everyone is worried about a possible third landfill. The town built sewer treatment plant on one of them. We have a groundwater protection act and a person who sat on this board when the legislation went through. It is legal to have a snow dump on the aquifer because everyone turned their eyes the other way when they discussed where to place the snow. Mr. Bourdeau opined that it seems a little hypocritical and to place all blame on PB is not fair. (Some applause).

Peter Hayward inquired if the requirement of the wording of alternate electrical generating, implies incorrectly that this sort of thing is not permissible in other zones in town. If this is true then he hopes we have not overlooked that opportunity to put it in other zones. He would like to put that question to the town attorney because it is not mentioned anyplace else. Now we have a line that appears no where else and potential implication is that it is not allowed in other zones.

Chairman Boyers asked if there were any other questions or comments from the Board.

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Joe Michaud stated that if this is not allowed in this area then it is not allowed anywhere else (electrical generating).

Bob Bourdeau stated that this is all overwhelming with what these people are saying and he thinks a lot is based on frustration and emotion. We have opened exit 17 and 18 and would disagree with some about methane gas, and thinks something done with railroad could be a boom. In master plan they have laid out exits 17 and 18 for these reasons. This came on us quick and the only reasonable thing was to bring it forward to the public.

Tim Molinero stated that he appreciates everyone coming out, but one of the things he hears a lot is that people did not know about this. We live in a small town and we have to keep ourselves involved the best we can and some concerned citizens got the word out. He grew up in a small town and they never knew what was going on and with the coal mines it ruined the aquifers. He further stated that the Planning Board is here to listen to all sides.

Joseph Michaud stated that part of the reason this was brought to a public hearing, is to let the voters decide on this and the Board as a whole did not feel it should be left up to 8 people.

Brian Boyers re-iterated the options of the Planning Board: Recommend on ballot, not recommend but still on ballot or to withdraw.

Bob Bourdeau asked if the BOS could put this on the ballot. Brian Boyers stated that this has to come from the Planning Board only.

MOTION: Robbie Parsons moved to withdraw the proposal from the warrant article. Seconded by Tim Molinero. Motion carried 6-1 with Tom Gray being the dissenting vote as he is obligated to vote the way of the BOS. Chairman Boyers traditionally does not vote unless there is a tie.

Brian Boyers called the meeting back to order for last order of business.

Approval of minutes from December 21st.

MOTION: Tim Molinero moved to approve the minutes as written. Seconded by Robbie Parsons. Motion Carried 5-0 with Tom Gray and Bob Bourdeau abstaining due to absence from that meeting.

Motion: Robbie Parsons moved to approve the meeting minute of January 4th, 2011 as written. Seconded by Joseph Michaud. Motion carried 7-0.

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

Respectfully submitted,

Wendy L. Keane
Land Use Clerk

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REGULARLY SCHEDULED MEETING.**