



# Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

## ZONING BOARD OF ADJUSTMENT MINUTES

Meeting of May 16, 2023

Middleton Old Town Hall

200 Kings Highway

Middleton, NH 03887

**Meeting Called to Order by:** Charles Therriault at 6:35 pm

**Pledge of Allegiance**

**Invocation:** Dan Saliga

**Roll Call:**

Members present: Charles Therriault (Chair), James Keegan (Vice Chair), Vickie Crouteau, Lorri Gunnison (Secretary), Tim Cremmen (BOS Ex-Officio)

Members present via teleconference: Dan Saliga (Alternate)

**Invited Guests:** Bonnie Rutledge and Brenden Flagg

**Attachments:**

Application for Appeal to Board of Adjustment – Flagg  
Norway Plans Association Property Sketch of 11 Jordan Drive, Middleton  
Meeting Sign in Sheet

**Special Items:** None

**Review Minutes:**

**Motion to approve minutes of April 18, 2023**

**Motioned by:** L. Gunnison

**Seconded by:** V. Crouteau

**Vote:** Unanimous

**Motion Carried**

**Administrative Actions:** None

**Correspondences:** None

**New Business**

**Subject:** Application for Use or Area Variance – Brendan Flagg, 11 Jordan Drive

**C. Therriault** said we have some quests here. Please let us know who you are and what you're here for.

**B. Flagg** said Brenden Flagg, Middleton, New Hampshire. I'm here to request a variance for a minor addition to our home.

**C. Therriault** asked what's the address.

**B. Flagg** said 11 Jordan Drive. If you blink and drive by it, you'll miss it. It's pretty small.

**C. Therriaul** asked how big is the lot.

**B. Flagg** said the lot is just under an acre.

**L. Gunnison** asked how big is this addition.

**B. Flagg** said the existing structure is 850 square feet. We are looking to bump it out eight feet on one side. The reasoning for it is to make the bedroom a little bit larger and expand the bathroom as well.

**L. Gunnison** said because you are touching the pipe with water, have you worked out the septic at all. Do you want to get the variance first? If you're doing any type of sewerage, you don't need a new septic, however you're going to need a possible plan if the current one you have fails. That is a guideline.

**B. Flagg** said certainly. We're not looking to increase the bedroom size at all. We're looking at moving the wall out which would enable us to create a full bath. It's currently a half bath with shower and toilet and it would give us a little more breathing room in the bedroom. The reason for the variance, from what I understood when we started this process is we are encroaching upon the neighbor's land. We've spoken to him and he said he had no problem with it. But we are within the 20 feet guidelines. The house was built prior to that process and the house is already within the 20 feet.

**L. Gunnison** said it was probably grandfathered because they didn't have the 20 foot requirement then.

**C. Therriault** asked has the property line been surveyed.

**B. Flagg** said we have a rough survey.

**C. Therriault** asked what do you mean by rough.

**B. Flagg** showed the board a sketch.

**L. Gunnison** asked is his name Randy Orvis.

**B. Flagg** said I think so.

**L. Gunnison** said he's done a lot of designs and septic

**B. Flagg** said they surveyed this gentleman's property and while they were there they did this for us. We paid for this. It's not a full on survey, it's a sketch to give the overview.

**B. Flagg** explained his plan on the sketch

**B. Flagg** said they talked about a bunch of ideas. It was either this or a second floor which we really don't need and is fiscally out of our range as well. So we thought we can bump it out eight feet.

**C. Therriault** asked if it is a 20 foot setback in this zone

**L. Gunnison** said there are so many lots that are not 20 feet.

**C. Therriault** said we have to follow what the zoning is now. Granting this variance will cause the home to be 7' from property line.

**C. Therriault** asked what's on the other side of the house.

**B. Flagg** said 47 acres of conservation land.

**L. Gunnison** said there are houses that are ten feet from the side of the road.

**C. Therriault** said you're going to be seven feet from his property.

**C. Therriault** asked if there were wetlands.

**B. Flagg** said there are no wetlands.

**L. Gunnison** said the board needs to see an official survey.

**C. Therriault** asked if the home was on cinder blocks and had a crawl space.

**B. Flagg** said yes, it's a crawl space and cinder blocks.

**B. Flagg** explained what he would have done differently if he originally built the house.

**B. Flagg** said they talked to their neighbor and if they built up, either way they would be obstructing his view.

**J. Keegan** said he likes the idea of not building higher because that often causes animosity for obvious reasons when you're over by the lake.

**L. Gunnison** asked do they need a survey for an addition. This is a small addition.

**C. Therriault** said yes because they are requesting a variance.

**C. Therriault** said we have something that's non conforming now, it's hard for us to grant a variance to make it less conforming.

**C. Therriault** said what I'm hearing from everybody is you need to get a stamped plan of your lot.

**B. Flagg** said that will cost thousands. The house is already out of variance.

**C. Therriault** it doesn't matter. You're going to make it less conforming. You're not conforming now so you do have a little bit of a good thing there. We can do it, but we can't grant a variance to go over the neighbors property line.

**B. Flagg** my understanding is that's why we're filing for a variance. Because we're going closer to his property line and we have his consent, so you would have legally his consent.

**L. Gunnison** said we something to be comfortable that he knows exaC. Therriaultly where his property line is.

**B. Flagg** said we would absolutely do that as part of it, but what I'm not going to do is he pay someone \$3,000 to get a this and have it denied, it that makes sense. It was my understanding coming into this that basically, okay, do we file for a variance. When we started this we found that the 20 foot was the variance, then we had this done and found that we were outside of that already. Based on that, we needed to get a variance from him saying that's okay.

**C. Therriault** said variance doesn't come from your neighbor. We make the decision. They can put their input at the public hearing. It's irrelevant, we make the decision. He could say he hates you and it's irrelevant to what we decide.

**B. Flagg** said got it.

**C. Therriault** said you have to meet the five criteria, which you have all they monetary reasons and all that. What I'm hearing from everyone here is they want this surveyed before you come back. If you come back and put the variance in, we're going to say we need to know where that line is.

**L. Gunnison** said you come back and say we're going to be six feet from his property line or five feet exactly from the property line. I don't think you need full survey.

**B. Flagg** said that's what this is.

There was a discussion about the sketch from Norway Plains Associates, Inc.z (\$250) vs. a stamp (\$3500).

**B. Flagg** said that's fine if that's the requirement, if that's what I have to do, it is what it is.

**L. Gunnison** said that's a lot of money. I can give you Randy Orvis number.

**B. Flagg** said I'll get more information to present to the board.

**C. Therriault** asked if there is there a mortgage company on record. May want to contact them and see if they have a survey.

**L. Gunnison** said mortgage Company won't know.

**B. Flagg** said they didn't do a survey.

**V. Crouteau** said this is more for your protection. If you and your neighbor become enemies he could make you take it down.

**B. Flagg** said I understand things happen.

**B. Flagg** talked about why the survey was done on the neighbor's property.

**L. Gunnison** said Ashly Rhode is a good contact. Therriault at Norway Plains. Ashley was working closely with Randy who is retired. My suggestion is to call Ashly first. BG gave BF her email and number.

**B. Flagg** said we're not looking to make waves. It's just that 850 square feet is small and we have a half bath. We are looking to do it as least impact. Therriaultful to the neighbor. Whatever you guys require, we're going to do that.

**L. Gunnison** talked about someone else doing an addition in Milton adding two bedrooms not even touching the bathroom. They had to call Environmental Services. The Milton Building Inspector. Therriaultor said the needed to draw up a plan for a new septic in case the current one fails.

**B. Flagg** said he was in contact. Therriault with Carl Roy who referred him to Carol in the front office.

**B. Flagg** talked about other options he has, possibly jogging off the back, but they would have to relocate the bathroom.

**C. Therriault** said moving forward we suggest you get a stamped lot plan showing the property line and bring that with you.

**B. Flagg** said we filled it out. It's our understanding we bring that here and then go to a hearing.

**C. Therriault** talked about going through the process on the application and sending out notices to abutters.

**C. Therriault** said thank you for coming in.

**B. Flagg** said thank you for your time.

B. Flagg and B. Ruttledge left

**L. Gunnison** asked if there was an application.

**C. Therriault** said yes, but it's not complete.

**L. Gunnison** said I would like to suggest, in the future, can we send it out to everyone so we have something to look at ahead of time.

**C. Therriault** suggested meeting monthly.

**C. Therriault** said we still need to deal with a request from Come Together LLC Day Care, 63 Silver Street.

**L. Gunnison** said she's applying for a home business.

**C. Therriault** said the request went to the Planning Board and they sent it here.

**V. Crouteau** said she is requesting a home business be approved. She referenced an email Janet Kalar sent.

**L. Gunnison** said they need to look at article 36.

**C. Therriault** said all we can do is look at zoning regulations. We are supposed to look at the Master Plan and see how it fits in with our Zoning Regulations.

**Action Step** – R. Willis to send copy of master plan to all.

There was some discussion about the proposed day care facility and the boards roll in the approval.

Motion for **C. Therriault** to talk to Janet Kalar and find out more about the situation with Come Together LLC.

**Motion by:** C. Therriault

**Seconded by:** J. Keegan

**Vote:** 6 Yeas, 0 Nays, 0 Abstain

**Motion carried**

**Action Step:** R. Willis to call **C. Therriault** with Janet's contact information

**Next meeting to be on Tuesday, June 20, 2023 at 6:30 pm**

**Motion by:** C. Therriault

**Motion carried**

**Motion for meeting to be adjourned at 7:27 pm**

**Motion by:** C. Therriault

**Seconded by:** L. Gunnison

**Vote:** 6 Yeas, 0 Nays, 0 Abstain

**Motion carried**

Respectfully submitted by:

Robin Willis