



# Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

## PLANNING BOARD MINUTES

Meeting of June 8, 2023

Middleton Old Town Hall

200 Kings Highway

Middleton, NH 03887

**Meeting called to Order by:** Janet Kalar at 6:33 PM

**Invocation:** Daniel Saliga

**Pledge to the Flag**

**Roll Call:**

Members present: Janet Kalar (Chair), John Mullen (Vice Chair), Christine Maynard Alternate, Ken Kalar (Alternate), Michael Green (Selectboard Rep.). Members absent: John Quinn (SLVD Rep.)

**Attached:** Letter to C. Therriault

**Invited Guests:** None

**Opening Remarks:** None

**Review of Minutes:**

**Motion** to table the review of Minutes of May 25, 2023 Meeting until the July 13, 2023 Meeting

**Motioned by:** John Mullen

**Seconded by:** Christine Maynard

**Discussion:** None

**Vote:** Unanimous

**Summarize:** 5 Yeas, 0 Nays, 0 Abstain

**Motion Carried**

**New Business:**

**1) C. Therriault Application for Vehicle Repair Business**

**J. Kalar** said she received a letter from the state about this that is confusing. On one side it says he is looking for a retail dealer's license and registration. On the back side it's checked that he wants to open a repair shop. She put together a letter to Mr. Therriault that will go out via certified mail, return receipt requested and read it to The Board. (Copy attached.)

**K. Buzard** (resident) asked what map and lot it is.

**J. Kalar** said it's rural residential; 120 Ridge Road is the only thing it says on it.

## **New Business:**

### **1) Planning Board Applications**

**J. Mullen** reminded the Board of their previous discussion about revising this form. The reason is it does not request all of the information needed to make a decision, nor does it give the applicant enough information or guidance about what documentation they need to provide to the Board. He proposes combining this application with some of the others.

**J. Kalar** said they recently updated the Merged Lot Application.

**J. Mullen** said he doesn't propose they include that form in this update. He handed out an example of an application form he is proposing. It's used for Subdivisions (major or minor) Open Space Application, Site Plan Review (major or minor), Lot Line Adjustment and an Amendment of Approved Subdivision site plan. All of the requirements are referenced back to the checklist for what they need. He went over the proposed form and noted some of the items that would be useful to the Board and the Applicant, including a waiver to allow access to the property, references to monuments, and fee schedules.

**C. Maynard** suggested leaving the fee schedule as a separate attachment so it could easily be updated and kept current as opposed to being part of the application form itself.

**J. Mullen** said he put Impact Fees on the schedule in case the Town decides to adopt them.

**K. Buzard** suggested they include a statement on the checklist that it must be complete, however other information may also be required.

**J. Mullen** suggested the Board look it over and discuss it at a future meeting.

### **2) Impact Fees**

**J. Mullen** reiterated some of the points made by consultant Mark Fourgere at the last meeting, including growth, administration, possible refunds, and ordinances. It will be easy for them to create an ordinance; the difficulty is to define a process on how to fairly calculate the fees. The consultant said the first thing to do is get the ordinance in place and say the calculation will be made later.

**C. Maynard** said keeping them updated could be included as part of the Master Plan.

**J. Mullen** suggested at the June 22 workshop they plan to draft an ordinance.

**J. Kalar** pointed out they need to consider how the fees are calculated and who pays them. For example, it may not be fair to expect older people to pay for a new school.

**J. Mullen** said all construction, including single family homes, can have an impact fee. However, you have to consider what the construction will be impacting in the calculation.

**C. Maynard** said the City of Dover did a good job detailing the impact fee dollar amount attached to each type of building and where the money would be used. She also expressed concern that an over 55 community, in reality, can sometimes have children

living there because of circumstances in people's lives changing. How would that be handled? Would the town incur any costs?

**J. Kalar** said the owner of the community would be responsible for enforcing the rules and handling evictions.

**C. Maynard** said there still could be children in school affecting the costs taxpayers are responsible for.

**J. Kalar** said impact fees are based on the cost of the project.

**J. Mullen** said they would put things in the ordinance to cover things that may pop up.

**J. Kalar** said they can't use impact fees to cover the cost of roads. For a project like a mobile home park, we would require a bond.

**J. Mullen** said they should get an impact fee ordinance drafted and passed by the attorney, as all zoning ordinances should be, and get it on the warrant for March.

**J. Mullen** said he made some minor changes to the proposed Aquifer ordinance, primarily grammar, and would like the Board to review it again.

**K. Buzard** talked about the importance of the Aquifer ordinance and wants the Board to look at the ordinance with an eye toward each of the districts. Are the boundaries adequate and how will they be maintained?

**C. Maynard** wants the Town to be sure there is verbiage in an Impact Fee ordinance that would protect The Town from liability from someone claiming the fees are not imposed in accordance with the law and they were treated unfairly.

**K. Buzard** asked if the results of a survey asking peoples' opinions taken from last year are on line.

**J. Kalar** said that was part of the Master Plan.

**C. Maynard** said it may have been published on the old web site and not migrated to the new site. Carol would be able to find it for her.

### **3) Growth Management**

There was a conversation about the discussion on Growth Management with the consultant Mark Fougere and what his suggestions were. Some of his comments were read from the draft of the minutes of the May 25, 2023 meeting.

There was a discussion about the proposed manufactured home park and the affects it may have on the Town's resources.

**J. Kalar and K. Buzard** talked about the importance of water and road studies before a park goes in. There needs to be more research done to be sure there are enough resources, including water, to support more homes.

**J. Mullen** asked **K. Buzard**, concerning the proposed Aquifer ordinance, what she would suggest in terms of making sure that the boundaries are correct and updated.

**K. Buzard** said it's important the map referenced in the ordinance is available and people know what it is. She suggested they get help from the Department of Environmental Services.

**J. Kalar** said concerning impact fees they should have something to go over at the workshop; **J. Mullen** said he would put together various paragraphs from other towns that the Board can review and discuss. The book he previously put together has a lot of information.

**J. Mullen** read from the May 25, 2023 draft meeting minutes what the consultant said about growth management.

**C. Maynard** re-iterated her concerns about the reality of children living in homes designated for people over 55 only and the possible costs associated with enforcing an impact fee ordinance.

**J. Mullen** said that's something they should discuss with an attorney - how to word the ordinance and how to mitigate any possible damage to the Town.

There was discussion about 55 and older communities that already exist in other towns and how they handle situations. **J. Kalar** suggested someone talk to the people who run those communities and get more details on their policies.

**M. Green** described a situation he was aware of and how the eviction process worked.

**J. Kalar** said that the park owners had to do that, not the town.

**J. Kalar** said they cannot prohibit a 55 and older park going in. They can only make regulations and requests.

**J. Kalar** brought up the subject of a resident who wants to have a day care center. She thought it was settled. The person does not need a special exemption from The Board if it is in a home. She said there are three people interested in having day care centers. She called the licensing board and they said to direct the people to them.

**J. Kalar** talked about the inspections that were required.

There was discussion about how the Town's 5 acre ordinance does not apply to manufactured homes. Also that the water supply would most likely come from a community well.

**J. Kalar** said they could request a bond from the developer to resurface and build up parts of the Silver Street and New Durham Road if a manufactured home park were to go in there.

There was discussion about the difference between trailers and manufactured homes.

**K. Buzard** asked how would a manufactured home park affect real estate taxes.

**J. Kalar** said residents pay taxes on the homes, not the land.

There was discussion of requirements for a park.

**J. Mullen** said requirements and resources would be questions to ask at a Public Hearing if plans for a development moved forward.

**Action Steps:** R. Willis to mail letter to C. Therriault, J. Mullen will put together information on impact fee ordinances for Planning Board workshop on June 22, 2023.

**Motion to adjourn** at 7:56 PM

**Motion by:** J. Mullen

**Seconded by:** C. Maynard

**Vote:** Unanimous

**Summarize:** 5 Yeas, 0 Nays, 0 Abstain

Respectfully submitted by:

Robin Willis  
Administrative Clerk