



Approved By  
Board of Selectmen

*Roxanne Tufts-Keegan*  
*Christine Maynard*  
*Laura Parker*

## Board of Selectmen Regular Meeting

Minutes

Wednesday, January 4, 2023 at 6:30 pm

### 1. Call to Order

**Minutes:**

Meeting called to order at 6:30 PM

### 2. Pledge of Allegiance

### 3. Roll Call

**Minutes:**

Roxanne Tufts-Keegan, Chair - Present, Christine Maynard, Vice, Chair - Present, Laura Parker, Member - Present

## Approval of Minutes

### 4. 12-28-2022 BOS Meeting Minutes

**Minutes:**

Laura Parker made a motion to approve minutes as presented, Christine Maynard seconded, motion passed. Laura Parker made a motion to include the 12/28/22 Non-Public Session Minutes with the Regular Meeting Minutes since they were not sealed, Christine Maynard seconded, motion carried.

## Signature Action

### 5. Letter of Commitment

**Minutes:**

Letter of Commitment signed to DiPrizio's GMC - New Truck Purchase (attached)

### 6. DMV Appointment Letter

**Minutes:**

Appointment Letter signed appointing Deputy Town Clerk Roy Parece as DMV Agent (attached)

## Old Business

### 7. Town Clerk Services

**Minutes:**

Current Town Clerk/Tax Collector Diana Bourdeau will postpone her resignation by one week in order to collect taxes, making her last day Thursday, January 12th. Daniel Cullity will continue to work Wednesdays 8-4 to offer DMV services to our residents. Deputy Town Clerk/Tax Collector Roy Parece is willing to move to the Town Clerk/Tax Collector position two days per week. Also, he will be taking the DMV certification class at the end of the month.

**New Business**

**8. Subdivision Correspondence**

**Minutes:**

Correspondence attached regarding the Hertel Subdivision application.

**9. 91-A Process**

**Minutes:**

Roxanne Tufts-Keegan has been handling all 91-A Requests. BOS Secretary Carol Long will now handle them, making the Board aware of incoming requests.

**10. Tanglewood Beaver Issue**

**Minutes:**

Beth Kimmey from Tanglewood looking for Town to trap the beavers in Tanglewood due to their dams causing flooding. She will provide Jim Keegan from the Highway Dept with the trapper's information.

**Public Comment**

Andrea Bowden asked for the current Town Clerk hours.

Tuesday 10 AM - 6 PM

Wednesday & Thursday 8 AM - 4 PM

**Non-Public**

**Adjournment**

**11. Motion to Adjourn**

**Minutes:**

Laura Parker made a motion to adjourn at 6:50 PM, Christine Maynard seconded, motion passed.

**Upcoming BOS Meetings**

Monday, January 9th

Monday, January 23rd

Monday, January 30th

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Contact: Carol Long (ssbk@middletonnh.gov (603) 473-5202) | Minutes published on 01/09/2023,  
adopted on 01/09/2023



# Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

January 4, 2023

Di Prizio GMC Trucks  
10 Kings Highway, Route 153  
Middleton, NH 03887

Re: Letter of Commitment

On December 28, 2022 the Board of Selectmen voted unanimously to commit to purchase a 2024 International Plow Truck with a 300 HP Cummings Diesel Engine and 6 Speed Allison Automatic Transmission from Di Prizio GMC Trucks. Please accept this Letter of Commitment from the Town of Middleton in regard to this purchase.

Respectfully,

\_\_\_\_\_  
Roxanne Tufts-Keegan, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine Maynard, Vice Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Laura Parker, Member

\_\_\_\_\_  
Date



# Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

January 4, 2023

Director John C. Marasco  
NH Dept. of Safety, Division of Motor Vehicles  
23 Hazen Drive  
Concord, NH 03305

Re: Main contact in Middleton for the DMV/Audit

On December 6, 2022 the Board of Selectmen appointed Roy Parece as Deputy Town Clerk/Tax Collector for the Town of Middleton.

The Board of Selectmen approve the appointment of Roy Parece as the Municipal Agent for the Town of Middleton.

Respectfully submitted,

\_\_\_\_\_  
Roxanne Tufts-Keegan, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine Maynard, Vice Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Laura Parker, Member

\_\_\_\_\_  
Date

Dear, Town of Middleton Planning Board, Board of Selectmen, residents of Middleton and whomever else this may concern.

"Middleton, New Hampshire was incorporated in 1778 and is located at the northern most point of Strafford County and is nestled between New Durham and Milton. It consists of ten square miles of forest, farmland, ponds and a lake. Middleton is a community rich in history, strong in volunteerism – **a community with small town dreams and values.**"

Our family moved here five years ago to get away from the busy city lifestyle and live our dreams in the countryside. Despite the high taxes we moved here in high hopes to raise our children, build our careers and eventually retire here. Our main goal while house hunting was privacy, peace and serenity, which we happily got, and now all of a sudden, that is being taken from us.

There are many concerns with this subdivision.

1. In July, Raed Hertel Family Trust came in, buying over 100 acres of land in Middleton. They logged it all, just in time for the moratorium that was in place for the past five years to be up. Seems like they knew what they were doing, considering Raed Hertel Family Trust have properties and have subdivided properties in Gilmanton, Madison, Tamworth, Belmont, Ossipee and now Middleton...This being done within a six month span, with very little discussion or questions not being answered is very concerning.

2. Our school is already full. It isn't even paid off and we already need an expansion. We don't have enough staff, classrooms or resources for the students we have now. We need to focus on the kids that are already in town. Our town services can't keep employees; the town hall was just closed for two months, for God's sake.

3. What's changed in the last year? This will cause a lot of unnecessary stress on the infrastructure and roads. We are not equipped for this type of development, especially this fast. It hasn't even been six months since the land was first purchased by the new owners. This project is being pushed on us way too fast. Not enough time is being provided to prepare for the impact it is going to make on the town of Middleton.

4. The town letter we received states a wet lands review was completed. The Raed Hertel family trust fund abutting property behind ours is at least a half acre of wetland. There is a high water table making it so our basement floods at least twice a year.

5. The zoning board claims one or more of the driveways doesn't meet requirements. Which would mean the town would give variance. To obtain a variance, an applicant must satisfy EACH of five factors: (a) the variance will not be contrary to the public interest; (b) special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship; (c) the variance is consistent with the spirit of the ordinance; (d) substantial justice is done; and (e) the variance must not diminish the value of the surrounding properties.

6. Our kitchen window currently looks out to a beautiful forest. If this subdivision is approved that won't be the case anymore. We'll get to look into someone's backyard. If for whatever reason this ridiculous project is approved, we are at the least asking for a fence around the properties at the builders expense.

The entire summer our family was woken up before 7 a.m from the loud, disturbing sound of logging and cutting. Yet again we'll be disrupted, but instead of just the loud sounds of logging and cutting all day long, it'll be more clearing and building. Our privacy, peace and serenity is now taken away. Just like the landscape, character and the uniqueness of Middleton. It is already changing negatively.

I had hoped because of our town's values that they would do the right thing and not even think about allowing this. But in the blink of an eye, behind everyone's backs, around the busy holiday season, this is thrown on us. The board claims transparency, but that doesn't seem to be the case. This town is nothing to them, just another project. This is our home! This decision will change our family and at least 28 other families' normal, everyday lives. Please don't make us consider selling and going to the state.

Thank you,

The Shea Family. 20 New Durham Road, Middleton, NH.

## Requirements for Granting a Variance: A Suggested Approach

**THE APPLICANT MUST ESTABLISH ALL OF THE FOLLOWING.**

Requirement	Explanation
1. The variance is not contrary to the public interest.	The proposed use must not conflict with the explicit or implicit purpose of the ordinance, and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."
2. The spirit of the ordinance is observed.	
3. Substantial justice is done.	The benefit to the applicant should not be outweighed by harm to the general public or to other individuals.
4. The values of surrounding properties are not diminished.	Expert testimony on this question is not conclusive, but cannot be ignored. The board may also consider other evidence of the effect on property values, including personal knowledge of the members themselves.
<p>5. Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship means:</p> <p><i>Because of</i> special conditions of the property that distinguish it from other properties in the area:</p> <p>(a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property; <i>and</i></p> <p>(b) The proposed use is a reasonable one.</p> <p><i>Alternatively</i>, unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance.</p>	<p>The applicant must establish that the property is burdened by the zoning restriction in a manner that is distinct from other similarly situated property.</p> <p>(a) Determine the purpose of the zoning restriction in question. The applicant must establish that, because of the special conditions of the property, the restriction as applied to the property does not serve that purpose in a "fair and substantial" way.</p> <p>(b) The applicant must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood.</p> <p>As an alternative to (a) and (b) above, the applicant can satisfy the unnecessary hardship requirement by establishing that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.</p>

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THE FIVE VARIANCE CRITERIA IN THE 21<sup>ST</sup> CENTURY





