



Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

PLANNING BOARD MINUTES

Meeting of July 13, 2023

Middleton Old Town Hall

200 Kings Highway

Middleton, NH 03887

Meeting called to Order by: Janet Kalar at 6:30 p.m.

Pledge to the Flag

Invocation: Daniel Saliga

Roll Call:

Members present: Janet Kalar (Chair), John Mullen (Vice Chair), Christine Maynard Alternate, Ken Kalar (Alternate), Roxanne Tufts-Keegan (Selectboard Rep.), John Quinn (SLVD Rep.)

Attached: Tax Map 8, Survey Tax Map 8, Lot 11

Action Steps: J. Kalar will send the notice to Van Hertel approving the subdivision Map 8, Lot 11

Invited Guests: Van Hertel

Review of Minutes

Motion to accept the Minutes of May 25, 2023 and June 8, 2023

Motioned by: C. Maynard

Seconded by: J. Mullen

Discussion: None

Summarize: 4 Yeas, 0 Nays, 2 Abstain (J. Quinn, R. Tufts-Keegan)

Motion Carried

New Business:

1) C. Therriault Application for Vehicle Repair Business

J. Kalar said she got two applications from the state for Charles Therriault. One looking for a car dealership, which Chuck said was wrong, the other for a Repairer Registration. The State also sent a copy of the RSA. (Attached).

J. Kalar said you can't get a repair plate for those vehicles unless you have a repair shop or a dealership.

C. Therriault said according to the state you can have a repair plate if you're working on your own equipment.

J. Kalar read RSA 261:136-a. The State put a note on number three saying it is not applicable to the application because you're not selling anything.

C. Therriault said this situation comes under number two.

J. Kalar asked what are you using the plate on.

C. Therriault said we have a conveyor belt that stacks our stone. It's over fifty feet long. They said that's the type of plate we need to tow it.

J. Kalar said I talked to Robin (at the State Offices) a number of times and she said that's not acceptable.

C. Therriault said that comes from the state. Robin's the one who suggested it when we called the state.

J. Kalar said Robin is the one at the State I've been dealing with. Robin and Lisa.

C. Therriault said Robin is the one who said to do it because we were going to use a regular plate for each one and she said it's too long and we aren't allowed to do that. We can't put it in our low beds because it sticks out too far. That's why she said to do it under number two. You can put it in the notes. It's only under number two. We don't want a repair shop.

J. Kalar said if that's the case it's out of the Planning Board's hands. It's supposed to be the code officer for that. We want to make sure it's not a repair shop or dealer, because if it was, you'd have to follow different criteria. If this is just for the repair plate and they're approving it, I've been told once this is signed and sent in the State Police are going to come out and investigate anyway.

C. Therriault said they do that for a repair shop.

J. Kalar said no, for the repair plate, they will come out. She told me that. We don't have to deal with this. You can go. I can notify Carl to sign off on it.

J. Kalar said this was to find out what was going on and how it was going on. If all he's looking for is a repair plate for his equipment, that's no longer in our purview. He already has the equipment up there and is open. He has permits, I hope, for the business.

C. Therriault said yes.

J. Kalar said the only thing he's looking for now is a plate to move pieces of equipment that are not registered.

J. Kalar opened the Public Hearing on the Pinkham Road Subdivision, Map 8, Lot 11 at 6:50 p.m.

V. Hertel introduced himself and said he has about 130 acres of land on Pinkham Road and is proposing a four-lot subdivision on the westerly side. Lot one is 31 acres, lot two is five acres, lot three is 21 acres, lot four is 20 acres. We do have 51 acres left. We have surveyed this land and also done extensive soil sampling which is mapped on here. We did the soils and then we located where it would be best to have the four lots as well as the shapes and sizes.

J. Kalar asked do you have the report for that.

V. Hertel said yes and handed out copies of the report.

V. Hertel said Damon Burt is very thorough and makes the determination based on town and state requirements. He makes the statement each lot has a suitable building area and meets all the requirements. They all have paved road frontage.

V. Hertel said we did make the first lot larger because there was an old gravel pit we wanted to include. We believe Ken and Jen, the neighbors, are going to buy it so we had to make the lot a little bigger to include an old sand pit/gravel pit area.

R. Tufts-Keegan asked so you are going from one lot to five lots, correct.

V. Hertel said yes.

J. Kalar said I'll open it up for questions. When you ask your question, please state your name.

T. Racine said my name is Tom Racine and I live on New Durham Road. It's going to be abutting the backside of my property. How many homes are we talking about in your development. I know you said five lots.

J. Kalar said this property doesn't affect New Durham Road.

T. Racine said I have 22 acre property going back from New Durham Road that abuts Pinkham.

V. Hertel said we are proposing these four lots. With the rest of the frontage, we are going to wait to see what the demand is a year, two or three years down the road. We actually own this piece (referring to Map 8, Lot 14). The Diprizio piece. Here we would have larger lots, maybe in the 15 to 25 acre range. For the amount of acreage, total maybe 200, I think we are talking about ten, maybe eleven lots and certainly no more than fifteen. The number of acres in each lot average is pretty large.

R. Tufts-Keegan said right now there is a five-acre minimum lot in Middleton to be able to build on.

R. Tufts-Keegan said I have a follow up question. You are just looking to sell these as they are. You are not actually putting homes there.

V. Hertel said that's right.

R. Tufts-Keegan said you're selling the lot as is. It would be up to the person buying it, if they wanted to put additional buildings up. They would have to come to us and subdivide because you have to have a minimum of five acres. You're just selling the property.

V. Hertel said that's correct. In fact, I believe we have a buyer for this 20-acre piece. The person lives in the neighborhood, but his home is on a very small piece of property. He wants to have an area to store things and have room, so I don't think he's even interested in building according to Jeff (Hertel). Maybe in two or three years there will be maybe two homes. People don't build right away. It takes time.

Ross Belson asked are there any restrictions on the type of building that could be put there. For example, residential, commercial, whatever.

J. Kalar said Jeff was talking about covenants when he was here for the last meeting. I don't believe there is going to be a building size restriction.

K. Buzard asked what zone is this; it's not in the business one area.

V. Hertel said it's rural residential I believe. As far as protective covenants are concerned, yes, we are going to put some on. We are going to encourage homes. They are being priced for nice homes. It's not a less expensive area. I don't know if we are even going to allow mobile homes.

J. Kalar said they are not mobile homes anymore. A mobile home is a travel trailer. When you're talking about a double wide, even a single wide, they are built now to be put on a foundation. Once they are delivered to the place where they will be set up, the axle, the wheels, and the hitch are removed and sent back to the manufacturer. They are no longer mobile. They stay put. Let me tell you, some of those homes...

V., Hertel said they are nice living.

J. Kalar said yes. They've changed a lot. Even the state definition has changed.

V. Hertel said in the past we would specify if it's a one-story building, it has to be so many square feet. If it's two stories so many finished square feet and the home must be finished within a year. If there's going to be a garage it has to be finished within two years.

V. Hertel said If it's going to be the type of home Janet was referring to, we would require it be at least 100 feet off the road with a curved driveway. If you have a customer who can spend a good amount of money on a nice property and wants to cut size and expenses and have a moderate home, we probably would allow it as long as it was out of sight of the road with a curved driveway and placed to help promote privacy in the neighborhood.

C. Maynard asked why did you make the small lot (11-2) and not make the 21-acre lot a larger one?

V. Hertel said we could have done that, but with this wet area in the front and this wet area in back, it kind of cuts the piece almost in two. These soils in here are very nice. The slope is pretty much ideal for septic systems. We decided where this wet area would be a good place for a boundary.

R. Belson asked has there been any study on the impact on Sunrise Lake?

J. Kalar said there's no impact on Sunrise Lake. It's not within the Lake District.

R. Belson says the water flows into the stream and into the lake that could be impacted by the development there.

J. Hertel Mr. Burt has looked into that. Based on these lots being so large I wouldn't expect there is any impact.

R. Belson said my question is has there actually been a study of that.

J. Hertel said yes, Mr. Burt is a soil scientist, and he feels that they are very suitable.

R. Belson asked is there a written report we can look at.

J. Hertel said yes. I'll be glad to get you a copy.

J. Kalar said we're going to put it on the website.

J. Kalar said at the last meeting that was asked of Jeff and he said there would be no impact to the lake.

V. Hertel said that's exactly right. There won't be any impact to the lake. The lake has about 200 smaller lots around it. Here we have lots that are farther away and average at least ten times as big as those lots.

R. Belson said I'm thinking of streams that are a source of water into the lake.

V. Hertel said not with this size lot according to our specialist. He's a very expensive man and does a thorough job.

Kelly Benedetti asked do you live in town. It seems like you care about what happens to this.

J. Hertel said I do. When we were first in our land business in 1969 to 1970 we did a lot of business in Middleton. We did a lot with DiPrizio and their land. The town has always been very fair and good to us. I feel now we can go for high quality. We are interested in trying to do something for the town with one other lot. We really have more land than we need.

K. Buzard said I'm concerned about the wetlands and the drainage as well. That stream that goes through there, one branch I believe goes straight across and feeds the aquifer on 153. Doesn't one branch go into Sunrise Lake? Have you seen an increased flow from the logging.

J. Mullen said no.

K. Buzard said but there will be increased flow once you get those hardscape houses and pavement. Your counter would be that the area is so large it will be able to absorb all of that.

V. Hertel said absolutely.

K. Buzard asked would the report have the percentages.

V. Hertel said we know that there is more than enough. This is the wetland area and the wetlands have been well defined. I didn't figure a percentage.

K. Buzard sometimes the Planning Board requests that on the report. Does anyone know where the culverts on Pinkham Road that the town is replacing are located on that.

R. Tufts-Keegan pointed the culverts out on the map.

K. Buzard said so they are replacing those two. Is there a third that is not being replaced?

R. Tufts-Keegan said I'm not sure. I'll have to check with Dan on it.

K Buzard said so we feel the drainage we have is adequate to deal with the increased flow. When you cut trees you get more water.

V. Hertel said yes, that's true. If it were twenty years ago when we were building, this area would probably yield 14 lots. But, yes, you're right anytime there's a change like someone builds a house and a driveway that changes the water a little bit.

K. Buzard said people who live down the shoreline need to be prepared. Possibly for flooding.

V. Hertel said from this there shouldn't be any negative consequences. If any of the people down there have children this would be a potential place for them to live.

R. Belson said when do you anticipate construction will start.

R. Tufts-Keegan said he's subdividing the land. He's not building. Whoever purchases the lot will build.

V. Hertel said we're not planning on building anything. We are subdividing the land and selling the lots. My best guess out of the four lots is you may have one or two homes three years from now, but no big developments with a ton of houses. We do have one buyer for the 20-acre piece who is planning to build a barn there and not planning on building a house.

J. Kalar said I suggest he look at the covenants because I don't believe that's permitted unless there is a home on the lot.

R. Tufts-Keegan said the covenants are not complete yet. Are you looking for additional covenants Kate.

C. Maynard asked so will you write in the covenants that it can't be divided into a smaller area.

V. Hertel said we have one customer who may be interested in making the larger piece for two or three children. We aren't going to restrict further subdivisions, but it would be impractical because building paved roads are so expensive. You can't do it economically.

K. Buzard asked what does the dash line mean on tax Map 8, Lot 11-1.

V. Hertel said the black heavy dash line is the soil side. It's averaged drained. I'm relying on the expert.

V. Hertel said Middleton requires five acre lots. If this were in Barrington where you could put in two-acre lots, to have 30 or 50 two acre lots would be too close to the lake.

K. Buzard said we have to have five acres because we have so many quarter acre lots around the lake that are severely impacting it so we have to mitigate that.

New Business

2) Solar Ordinances

J. Mullen went over information he has from a presentation done by the Strafford Regional Planning Commission in June. It was a panel discussion with experts who talked about what's happening in the state with solar energy including farms, panels, the direction of solar panels, and cost. The main thing they talked about was what are towns and cities doing to ensure that solar activity is within the wishes of the community.

He talked about the increase in solar demand in various local communities and how there are challenges for land use regulations. Various towns have ordinances around solar energy. Right now Middleton has none.

He said when you start looking at solar energy, you need to consider three areas: Private, Commercial, and Industrial.

Communities in the state have various amounts of levels of activity and regulations. Rochester has been actively updating their ordinances because of the increase in activity there, particularly commercial. There is a tremendous amount of information available including a model solar ordinance for New Hampshire and it's something we need to address.

He talked about the state rules in existence. There was a discussion about rules and regulations in general and the level of regulations the residents want. No one wants over-regulation, but we have to have some rules.

The Planning Board is responsible for helping the town maintain a way of life and part of that is protecting the environment. We need to be sure that solar devices do not adversely affect what we are trying to do in the community. Ordinances don't address individual or utility energy costs. They address environmental impact, visual impact, environmental, safety, etc.

There was a discussion about permits in general and those concerning solar energy.

J. Mullen read some definitions of solar systems.

J. Kalar closed out the Public Hearing at 7:21 p.m.

C. Maynard said the town has to vote on ordinances and at that time any resident can have input.

J. Mullen said the Planning Board meets at least once a month. Any ordinance requires at least one Public Hearing for the public to make comments and suggestions. This is before it gets to a Warrant Article.

R. Tufts-Keegan suggested they discuss Solar Energy at the July 27 Planning Board Workshop.

Old Business

1) Impact Fees

J. Mullen said he sent out a final draft to the Board Members. He will ask the BOS Bookkeeper/Secretary who to send it to at the attorney's office for legal review.

Motion to add the Aquifer Plan as developed by the Strafford Regional Planning Commission to the Master Plan and remove the verbiage that we don't have one.

Motion by: J. Mullen

Seconded by: C. Maynard

Vote: Unanimous

Motion Passed

Motion to accept the plans for the Hertel Subdivision Map 8, Lot 11

Motion by: J. Kalar

Seconded by: J. Mullen

Vote: Unanimous

Motion Passed

J. Mullen said there will be a meeting on Saturday, July 29, 2023 from 10:00 to 12:00 about cyanobacteria in Sunrise Lake. There will be an expert there from the State Department of Environmental Services.

Motion to adjourn the meeting at 7:44 P.M.

Motion by: C. Maynard

Seconded by: R. Tufts-Keegan

Vote: Unanimous

Motion Passed

Respectfully submitted by:

Robin Willis
Administrative Clerk

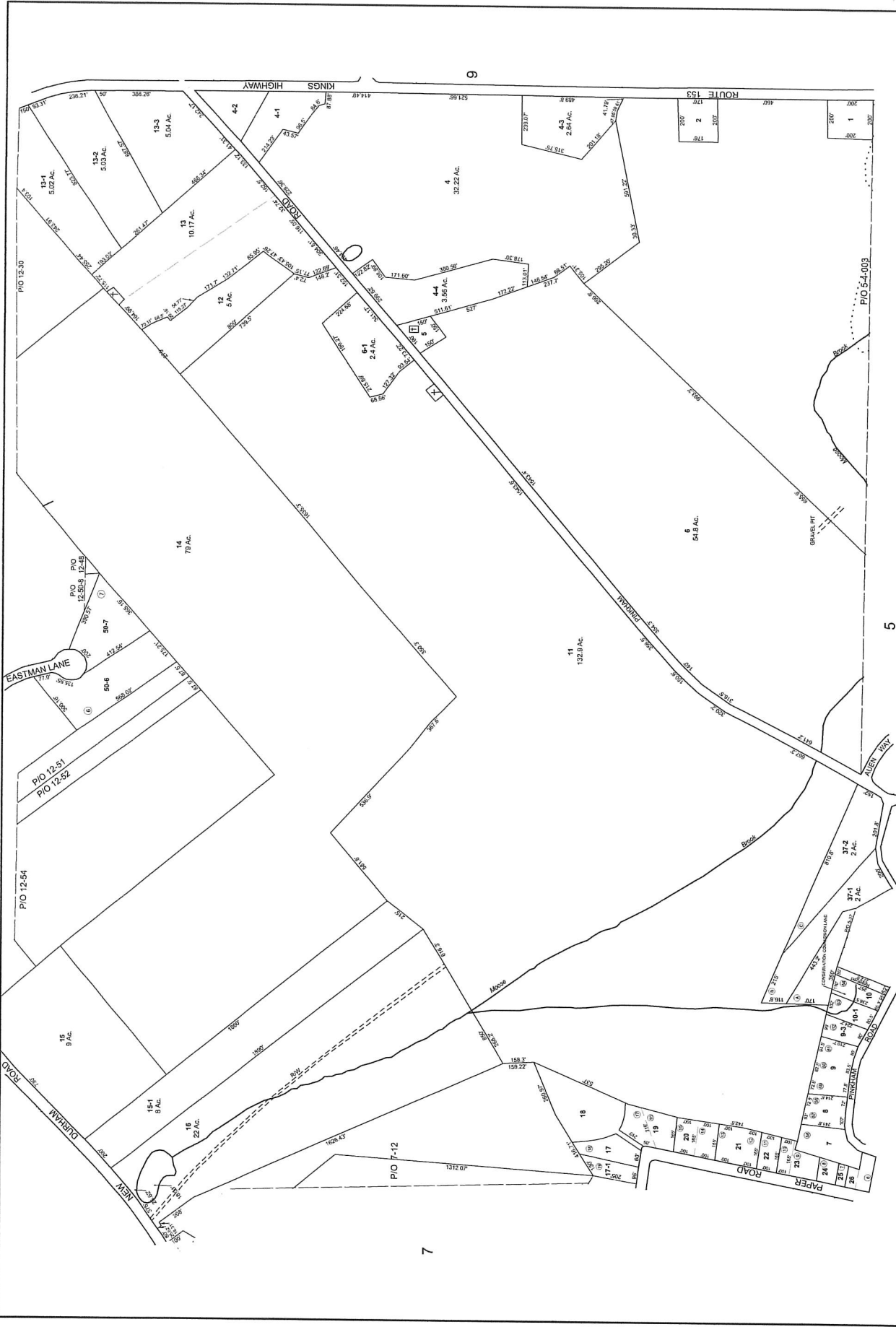
RSA 261:136-a

I.A repairer may use a repairer registration on unregistered vehicles not owned by the repairer and temporarily in the repairer's custody for transport to or from the repair facility for the purposes of repair, adjustment, reconditioning, or to install after market equipment.

II. The repairer may use a repair plate on tow trucks or service vehicles, provided the vehicle is clearly marked not for hire.

III.The repairer may use a supplemental repair plate on vehicles owned by the repairer and offered for sale for the sole purpose of allowing a customer to test drive the vehicle.

IV.A repairer shall not make personal use of the repair plate or the supplemental repair plate.



MAP NO. 8



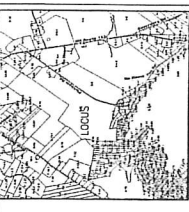
PROPERTY MAPS
MIDDLETON
NEW HAMPSHIRE



REVISOR & REPRINTED BY
CAI Technologies
Professional Surveying & Mapping
1100 WOOD STREET, SUITE 100
MIDDLETON, NH 03750

THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.
THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM, NAD 83.
ORIGINAL MAPPING BY JAMES W. SEWELL COMPANY

REVISED TO: APRIL 1, 2022



- NOTES:**
- OWNER OF RECORD - TAX MAP 8 LOT 11, VAN E. HERTEL TRUSTEES, 617 FOUR BAYS DRIVE, NICHOLS, FL 32475, S.C.D. 3087 PAGE 739
 - THE PURPOSE OF THIS PLAN IS TO SHOW A SUBDIVISION OF TAX MAP 8 LOT 11
 - ZONING-RAR SETBACKS: FRONT - 20' SIDE/REAR - 15' NH GRANIT
 - WETLANDS CONTOURS AND STREAMS SHOWN ARE FROM NH GRANIT

- REFERENCE PLAN:**
- BOUNDARY SURVEY - FOR - WALTERS C. & MARJORIE M. ECCLESTON - DATED JUNE 1983 - RECORDED SC80 PLAN 24A-20

- TAX MAP 8 LOT 15-1**
 183 KINGS HUNT, MIDDLETON, NH 03867
- TAX MAP 8 LOT 16**
 179 NEW DURHAM RD, MIDDLETON, NH 03867
- TAX MAP 8 LOT 17**
 231 NEW DURHAM RD, MIDDLETON, NH 03867
- TAX MAP 8 LOT 18**
 183 KINGS HUNT, MIDDLETON, NH 03867
- TAX MAP 8 LOT 19**
 75 PRESCOTT ST #2, NEWTON, MA 02460
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- TAX MAP 8 LOT 36**
 210 PINKHAM RD, MIDDLETON, NH 03867
- TAX MAP 8 LOT 37-1**
 198 PINKHAM RD, MIDDLETON, NH 03867
- TAX MAP 8 LOT 37-2**
 67TH WADSWORTH RD, MIDDLETON, NH 03867

- TAX MAP 8 LOT 11**
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- TAX MAP 8 LOT 4**
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- TAX MAP 8 LOT 5**
 PHILIP B DAY, MIDDLETON, NH 03867
- TAX MAP 8 LOT 6**
 JANA BLACKBURN, MIDDLETON, NH 03867
- TAX MAP 8 LOT 7**
 JANA BLACKBURN, MIDDLETON, NH 03867
- TAX MAP 8 LOT 8**
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 1,353,932.11 SF, 31.39 AC

- TAX MAP 8 LOT 4**
 MIDDLETON LAND SUPPLIES INC, MIDDLETON, NH 03867
- TAX MAP 8 LOT 5**
 PHILIP B DAY, MIDDLETON, NH 03867
- TAX MAP 8 LOT 6**
 JANA BLACKBURN, MIDDLETON, NH 03867
- TAX MAP 8 LOT 7**
 JANA BLACKBURN, MIDDLETON, NH 03867
- TAX MAP 8 LOT 8**
 JANA BLACKBURN, MIDDLETON, NH 03867
- TAX MAP 8 LOT 9**
 JANA BLACKBURN, MIDDLETON, NH 03867
- TAX MAP 8 LOT 10**
 JANA BLACKBURN, MIDDLETON, NH 03867
- TAX MAP 8 LOT 11**
 JANA BLACKBURN, MIDDLETON, NH 03867
- TAX MAP 8 LOT 12**
 JANA BLACKBURN, MIDDLETON, NH 03867
- TAX MAP 8 LOT 13**
 CHRISTOPHER A CABRE, MIDDLETON, NH 03867
- TAX MAP 8 LOT 14**
 CHARLES JAMES JR., UNION, NH 03867



LEGEND

- WHITE □
- PF □
- RF □
- DHS ●
- RBS ●
- WELL ○
- WETLANDS ---
- SETBACKS ---
- STONEWALL ○○○

GRAPHIC SCALE
 1 inch = 200 ft

REVISIONS

DATE	REVISION PER CLIENT	DESCRIPTION
07/20/23	PFZ	PFZ
07/20/23	PFZ	PFZ

THE WETLAND DELINEATION WAS COMPLETED ACCORDING TO THE FOLLOWING STANDARDS:

Corps of Engineers Wetland Delineation Manual, Technical Report 4-97-1, U.S. Army Corps of Engineers, Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0, U.S. Army Engineer Research and Development Center, 3909 Hatteras Street, Vicksburg, MS 39180-6199, January 2012, DR00/EL TR-12-1

Classification of Wetlands and Descriptive Habitats of the United States, Cowardin, Lewis M., Gale, Francis C. and Larson, Edward T., USFWS, Dept. of the Interior, Office of Biological Services, Washington, D.C., 1979, Version 8.1, 2017 (including corrections to version 8.0, 2016, on pages 21, 25, and 34) New England Hydroic Soils Technical Committee, 2017 Version 4, 2017, New England Hydroic Soils Technical Committee, New England Interstate Water Pollution Control Commission, Lowell, MA.

Danony E. Burt
 Environmental
 NH Certified Wetland Scientist #163
 FREnvironmental@gmail.com 603-959-5574

THE PLANNING BOARD OF THE TOWN OF MIDDLETON APPROVED THIS SUBDIVISION ON 7/13/2023

[Signature]
 SECRETARY

PROSPECT MOUNTAIN SURVEY
 LAND SURVEYORS - LAND USE CONSULTANTS
 PERMITTING - CAD DRAFTING
 P.O. BOX 1481 - ALTON, NH 03809 - 603-560-6088

SCALE: 1" = 200'
 DATE: 8/23/22
 FILE NO.: 22-074

SUBDIVISION PLAN FOR TAX MAP 8 LOT 11
 RAED HERTEL FAMILY TRUST
 VAN HERTEL TRUSTEE
 PINKHAM ROAD
 MIDDLETON, NEW HAMPSHIRE

DRAWN BY: PFZ
 CHECKED BY: PFZ
 SHEET 1 OF 1

DATE: 7/21/23
 PAUL F. ZUZCO, LIS