



Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

**PLANNING BOARD MINUTES
Middleton Old Town Hall
200 Kings Highway
Middleton, NH 03887**

October 12, 2023

Meeting called to Order by: Janet Kalar at 6:31 PM

Pledge to the Flag

Roll Call

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

Attachments: NHMA Important Dates for Local Officials 2024 Traditional March Town Meeting Calendar, proposed revisions to Impact Fees and Aquifer Ordinances

Opening Remarks: John Mullen said there were a lot of documents to go over, but it should go quickly. If they don't get to everything, it will wait until the next meeting.

He went over important dates for the 2024 Traditional March Town Meeting Calendar.

November 13, 2023 is the first day to accept petitions to amend the Zoning Ordinances...

December 13, 2023 is the last day to accept petitions to amend the Zoning Ordinances...

January 11, 2024 is the last day to post and publish notice for first hearing on proposed adoption or amendments...

January 12, 2024 is the last day for voters to present application to select board to call special town meeting prior to the 2024 annual meeting...

February 5, 2024 is the last day for the planning board to hold final public hearing on adoption or amendment of zoning ordinance...

J. Kalar asked if there can be one public hearing instead of separate hearings for each proposed change.

R. Tufts-Keegan said yes, one public hearing is adequate.

R. Tufts-Keegan asked if the proposed Aquifer, Impact Fee and Solar Ordinances would be ready.

J. Mullen said yes.

R. Tufts-Keegan asked if there were any other ordinance updates they were trying to add this year.

It was agreed there wasn't enough time for the planning board to make more changes.

J. Kalar said the Zoning Board was supposed to come to them with suggested changes.

J. Mullen said they can look at them if there is time.

Motion to accept the Minutes of August 10, 2023 as transcribed.

Motioned by: J. Mullen

Seconded by: C. Maynard

Discussion:

J. Kalar said on page 2, under Solar Ordinances "Permits are not required for residential use." Should be added after "There was some discussion about the solar exemption that Middleton has and the need to have a permitting process for installation in the future."

J. Kalar said on page 3, "The 5-acre lot minimum cannot be enforced in a mobile home park" should be added after "**Kate Buzard** said the 5-acre lot minimum was put into effect because decisions made in the 1960's that allowed building on smaller lots adversely affected the lake."

Motion to accept the Minutes of August 10, 2023, as amended.

Motioned by: J. Mullen

Seconded by: C. Maynard

Summarize: Unanimous

Motion Carried

Motion to accept the Minutes of September 28, 2023, Planning Board Workshop

Motioned by: R. Tufts-Keegan

Seconded by: C. Maynard

Summarize: Unanimous

Motion Carried

New Business

1) Code Enforcement

J. Kalar noted the CEO was not present.

R. Tufts-Keegan said the BOS gets a monthly report from the CEO that summarizes the activity related to building permits and they will forward that to the planning board. If more detailed information is needed, they can request it. She suggested they start with that process and see how it goes.

J. Kalar said what she asked for was a list of six months of activity to use as a starting point.

J. Mullen said the BOS just gets a number, not a list of who they were and what they were.

R. Tufts-Keegan confirmed that was correct. She asked the Administrative Clerk if we could run a report of more detailed information for a specific time period. The Administrative Clerk said yes.

J. Kalar said her concern is what the permits are for and where they are located.

R. Tufts-Keegan asked the Administrative Clerk to run a report with the date, map and lot, type, and address.

J. Mullen said it will give the planning board a better view of what is going on in terms of ordinances.

J. Kalar said, for example, there is someone is trying to turn a garage into an apartment and there are different building codes for a house than for a garage.

J. Mullen said in that example, the resident should go to the CEO. If the code enforcement officer says he cannot do that, the resident needs to go to the NH Superior Court to appeal.

J. Kalar said that situation is what prompted her to ask for a report of building permits.

C. Maynard asked if someone does work and does not pull a permit, is there any liability on the town.

There was discussion about the process that should be followed. If someone doesn't pull a permit for a job where it is required, the onus is on the property owner.

New Business

1) *Aquifer Ordinance*

J. Mullen went over the proposed ordinance and the changes he made based on Attorney Harinarayan (Huddy) Grandy's recommendations.

J. Kalar asked if they had a Conditional Use Permit form.

J. Mullen said no, and he will address this.

Motion to accept Article 7, The Aquifer Conservation Overlay Zoning District portion of the zoning ordinances as written (copy attached).

Motioned by: J. Mullen

Seconded by: C. Maynard

Summarize: Unanimous

Motion Carried

J. Mullen will revise the document to incorporate the edits discussed and present it to the residents at a public hearing. It can then be further revised based on comments at the public hearing.

R. Tufts-Keegan said once the public hearing is done, the board will approve the final version and that gets posted.

C. Maynard asked if it will go on the ballot.

R. Tufts-Keegan said yes. Once the warrant articles and everything is ready, including the budget, this document will be attached.

J. Mullen said at the hearing someone could mention something that we didn't think of and we can change it.

R. Tufts-Keegan said yes, that's the idea. We open the regular meeting, go to the public hearing, and get all the input. If there's something we need to tweak, we come out, we make the update and approve it.

2) *Impact Fee Ordinance*

J. Kalar said this is ready to go as it is.

Motion to accept the impact Fee Ordinance with Revisions dated 6-19-2023 (copy attached).

Motioned by: J. Mullen

Seconded by: J. Quinn

Summarize: Unanimous

Motion Carried

3) *Voluntary Merger Form*

J. Mullen presented and reviewed a new proposed form. He said it's longer than the current form. However, it incorporates all instructions as well as the law so that it will be easier for residents to understand and follow. It also incorporates language that says if there is a lien on the property, the lienholder must agree to the merger.

J. Mullen reviewed the proposed form with the board members. He will add text to the front page to indicate the fee is \$50.

J. Kalar said we should update them yearly.

C. Maynard asked if there is some place where all town forms are housed so that when forms are updated there is a history of the changes and the most up to date version is identified and readily available.

J. Mullen says that is the responsibility of the Correspondence Management Committee.

There was some discussion about ideas on how to keep town forms up to date, how to identify various versions and who should be involved.

J. Mullen said that's part of a Standard Operation Procedure.

4) Budget

J. Kalar said all the planning board accounts are in line except for legal fees. They should put in somewhere between \$7,500 and \$10,000. She requested copies of invoices billed to the planning board from the town bookkeeper and noted the costs are increasing. They need to be sure money is budgeted for the review of any ordinances they update in the future.

J. Quinn said attorney fees are rising like everything else and maybe they should increase it to \$10,000.

R. Tufts-Keegan said the issue is there is a 2% tax cap. You could put money in at the cap and then any increase would have to be brought up at town meeting. You can override the tax cap at town meeting.

J. Quinn said he's not interested in overriding the tax cap. It's just that everything is going up, there's no sense in going down.

J. Kalar said it's not that the attorney prices are going up, it's that we are using them for things we've never used them for before. She is going to budget \$7,500.

5) Septic Systems

R. Tufts-Keegan read from Article 17 of the 2017 Zoning Ordinances which indicates holding tanks are not permitted for seasonal dwellings.

R. Tufts-Keegan said people who live here year-round need to have septic systems.

J. Mullen said that's for conversions. There are people who have holding tanks right now that are grandfathered in.

R. Tufts-Keegan said there is nothing about grandfathering in the ordinances. People who are living in a home that is their full-time year-round home need to have a septic system not a holding tank.

C Maynard asked what about people that were seasonal, but now they are here six to eight months of the year.

R. Tufts-Keegan said it depends where their residency is. What she is suggesting is that they start addressing the homes they know went from seasonal to year-round.

C. Maynard asked how you keep track of those. There are so many houses in her neighborhood that were seasonal and now people live there year-round.

J. Mullen said other towns have health ordinances that cover septic systems. He said the Emergency Management System is concerned with septic systems that are not working properly.

There was discussion about septic systems, state requirements, recordkeeping, and documentation. One reason ensuring systems are adequate is a concern for the town is because 98% of the dwellings on the lake were originally built as seasonal.

R. Tufts-Keegan read the definition of seasonal dwelling on page 98 of the 2017 Ordinances.

There was discussion about how to best address the situation.

R. Tufts-Keegan suggested they reach out to Strafford Regional Planning for assistance.

J. Mullen said the Sunrise Lake Watershed Management Committee has a draft for a sewer septic ordinance system based. Several other towns are developing programs. Strafford Regional Planning can help provide guidance.

J. Quinn said it's important to maintain the character of the community. We all want clean water and nice properties, but we don't want to be intrusive.

C. Maynard said it's a health issue.

J. Quinn said it is, but it's up to people to maintain their properties.

It was agreed it's important to get people to buy into doing their part to maintain their s to protect the lake and to prevent health issues. It was agreed it will take time and education is key.

It was agreed to work on the proposed revisions to the Solar Ordinance at the board's next workshop.

Motion to adjourn at 7:38 PM

Motioned by: J. Mullen

Seconded by: C. Maynard

Summarize: Unanimous

Motion Carried

Respectfully submitted by:

Robin Willis



Important Dates for Local Officials
2024 TRADITIONAL MARCH TOWN MEETING CALENDAR

NOVEMBER 2023

Monday, November 13, 2023

First day to accept petitions to amend zoning ordinance, historic district ordinance or building code for consideration at the 2024 town meeting. [RSA 675:4-120 days prior to town meeting]

DECEMBER 2023

Wednesday, December 13, 2023

Last day to accept petitions to amend zoning ordinance, historic district ordinance or building code for consideration at the 2024 town meeting. [RSA 675:4- 90 days before town meeting]

JANUARY 2024

Thursday, January 11, 2024

Last day to post and publish notice for first hearing on proposed adoption or amendment of zoning ordinance, historic district ordinance or building code if a second hearing is anticipated. [RSA 675:3; 675:7 – 10 clear days before January 22]

Friday, January 12, 2024

Last day for voters to present application to select board to call special town meeting prior to 2024 annual meeting. Number of petitioners required depends on size of town. [RSA 39:3 – 60 days before town meeting]

Friday, January 12, 2024

First day to hold public hearing on bond or note issue over \$100,000. Notice of time, place and subject of hearing must be published in a newspaper of general circulation in the municipality at least 7 days before hearing. [RSA 33:8-a, I – not more than 60 days before town meeting]

Friday, January 12, 2024

Last day for governing body to vote to extend polling hours at 3/12/24 elections. [RSA 659:4-a, IV- extension of polling hours may not go into effect sooner than 60 days after its adoption]

Tuesday, January 16, 2024

Last day to publish notice for January 23 session for checklist correction. [RSA 654:27; RSA 669:5 – notice posted in 2 appropriate places, one of which shall be the town's Internet website, if such exists, or shall be published in a newspaper of general circulation at least 7 days prior to the session]



Important Dates for Local Officials 2024 TRADITIONAL MARCH TOWN MEETING CALENDAR

Monday, January 22, 2024

Last day to hold first public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code if a second public hearing is anticipated. [RSA 675:3 – 14 days prior to last date to hold public hearing on zoning/building/historic district ordinance amendment/adoption on February 5]

Tuesday, January 23, 2024

Supervisors must hold session for correction of the checklist from 7pm to 7:30pm. Change in party registrations may be accepted. [RSA 669:5 – session for checklist correction must be held on the day immediately prior to the filing period for candidates on January 24]

Wednesday, January 24, 2024

First day for candidates in towns with non-partisan official ballot system to file declarations of candidacy with town clerk. [RSA 669:19; 652:20 – seventh Wednesday before town meeting]

Thursday, January 25, 2024

Last day to post and publish notice of final planning board public hearing on proposed adoption or amendment to zoning ordinance, historic district ordinance or building code. [RSA 675:3; 675:7 – 10 clear days before February 5]

FEBRUARY 2024

Friday, February 2, 2024

Last day for filing declarations of candidacy with town clerk in towns with non-partisan official ballot system. Town clerk's office must be open at least from 3 to 5 p.m. [RSA 669:19; 652:20 – the Friday next following the first day for candidates to file declarations of candidacy on January 24]

Friday, February 2, 2024

Last day for party caucus to nominate candidate for town office in towns using partisan system. [RSA 669:39- sixth Friday before town meeting]

Monday, February 5, 2024

Last day for planning board to hold final public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code. Planning board must also determine final form. [RSA 675:3 – one day before deadline for delivery of final zoning/building/historic ordinance ballot proposals to town clerk on February 6]



Important Dates for Local Officials 2024 TRADITIONAL MARCH TOWN MEETING CALENDAR

Tuesday, February 6, 2024

Last day for official copy of final proposal to adopt or amend zoning ordinance, historic district ordinance or building code to be placed on file at the town clerk's office. [RSA 675:3, V-fifth Tuesday before town meeting]

Tuesday, February 6, 2024

Last day to finalize collective bargaining agreement "cost items" for submission to annual meeting. [RSA 273-A:1, IV; 32:5-a; 32:19-a – fifth Tuesday before town meeting]

Tuesday, February 6, 2024

Last day for 25 or more voters or 2% of the total, whichever is less, but in no case fewer than 10 voters, to petition select board to include an article in the warrant. [RSA 39:3 – fifth Tuesday before town meeting]

Friday, February 9, 2024

Last day for giving notice of February 16th public hearing on annual budget. [RSA 32:5, I – 7 days before budget hearing]

Friday, February 16, 2024

Last day to hold at least one public hearing on annual budget (can hold supplemental public hearings after 2/16 provided the first public hearing is on or before 2/16). [RSA 32:5, I & V – 25 days before town meeting]

Monday, February 19, 2024

Last day for select board to publish notice of time, place and subject of public hearing on bond/note issue over \$100,000. [RSA 33:8-a, I -7 days before February 26]

Monday, February 19, 2024

Last day to post and publish notice of hearing on question of establishing a special revenue fund. [RSA 31:95-d, I(b) – 7 days before February 26]

Wednesday, February 21, 2024

In budget committee towns, last day for budget committee to submit 2 copies of annual budget to select board for them to post with warrant. [RSA 32:16, IV- at least 20 days before the town meeting]

Saturday, February 24, 2024

Last day to post and publish notice of the day, hour and place of March 2 session to correct the checklist. Notice must be posted in 2 appropriate places, one of which shall be the town's Internet website, if such exists, or shall be published in a newspaper of general circulation at least 7 days prior to the session. [RSA 669:5; 654:27-:28]



Important Dates for Local Officials 2024 TRADITIONAL MARCH TOWN MEETING CALENDAR

Monday, February 26, 2024

A public hearing must be held on the establishment of a special revenue fund at least 15 but not more than 30 days before the question is voted on. If the business session of the meeting is held on the same date as the official ballot voting day, March 12, then this is the last day for that hearing. If the governing body has chosen another day for the business session, this public hearing must be held at least 15 days before the date chosen for the business session. [RSA 31:95-d, I(b)]

Monday, February 26, 2024

Last day to hold public hearing on bond or note issue over \$100,000. Notice of time, place and subject of hearing must be published at least 7 days before hearing. [RSA 33:8-a, I – at least 15 days before town meeting]

Monday, February 26, 2024

A public hearing must be held by the local governing body on the adoption of SB2 at least 15 days, but not more than 30 days, before the question is to be voted on. Under RSA 40:14, III, the question on the adoption of SB2 must be voted on at the business session and cannot be placed on the official ballot. If the business session of the meeting is held on the same date as the official ballot voting day, March 12, then this is the last day for that hearing. If the governing body has chosen another day for the business session, this public hearing must be held at least 15 days before the date chosen for the business session.

Monday, February 26, 2024

Last day for select board to post warrant and budget at all polling places and at clerk's office or town hall. Warrant shall state place, day and hour of election, hours polls are open, and which items are to be voted on by ballot. [RSA 39:5; 31:95; 669:2 – 14 clear days before town meeting]

Tuesday, February 27, 2024

Last day to notify affected landowners if town meeting warrant contains an article to discontinue a highway. [RSA 231:43, II – 14 days prior to town meeting]

MARCH 2024

Saturday, March 2, 2024

Last day for town clerk to accept voter registration applications for town meeting day (Voters may register on election day for all town elections). [RSA 654:8; RSA 654:27; 669:5, deadline for town clerk to accept voter registration is the same date as the date for the last checklist session correction - the Saturday no less than 6 and no more than 13 days before town meeting]



Important Dates for Local Officials 2024 TRADITIONAL MARCH TOWN MEETING CALENDAR

Saturday, March 2, 2024

Supervisors to hold session for correction of checklist prior to annual meeting for no fewer than 30 minutes. No corrections or additions may be made after this session until election day, except as provided in RSA 659:12. [RSA 654:27; 654:28; 669:5]

Saturday, March 2, 2024

Reports of transfer, reports of death and removal of names are acted upon by supervisors of the checklist. [RSA 654:27; RSA 654:36-:37; RSA 654:44]

Tuesday, March 5, 2024

Annual town report with budget must be available by today. [RSA 31:95; 41:14 – at least 7 days before town meeting]

Tuesday, March 5, 2024

Last day to submit zoning ordinance protest petition to require 2/3 vote at town meeting. [RSA 675:5- at least 7 days before town meeting]

Friday, March 8, 2024

Last day for supervisors to post (by midnight) final corrected checklist. [RSA 654:28 - checklist to be posted on the Friday next following the checklist correction session on March 4]

Friday, March 8, 2024

Certification of checklist; 2 copies filed with town clerk. [RSA 654:28-:29]

Monday, March 11, 2024

The town clerk's office shall be open to receive applications for absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive returned ballots on the Monday immediately prior to an election at a minimum from 3:00 p.m. to 5:00 p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided the individual has taken the oath of office and has been trained in the requirements for using an absentee ballot and the procedures for issuing and receiving absentee ballots. [RSA 657:1, II (c)]

Tuesday, March 12, 2024

Last day for town clerk to accept completed absentee ballots; clerk, or clerk's designee, must be available at least between 3 and 5 p.m. No absentee ballots may be accepted after 5 p.m. [RSA 669:29; 657:22; 652:20]

Tuesday, March 12, 2024

Town Meeting. Voters may register at the polls on election day. If new tax collector is elected or appointed, select board audits accounts and issues a new warrant. [RSA 39:1; 669:1; 654:7-a; 41:36]



Important Dates for Local Officials 2024 TRADITIONAL MARCH TOWN MEETING CALENDAR

Friday, March 15, 2024

Last day for any person for whom a vote was cast to apply to town clerk for a recount (to be conducted not earlier than 5 nor later than 10 days after receipt of the application). Town clerk must be available at least between 3 and 5 p.m. to receive application and must provide at least 3 days' notice of recount date to candidates for that office. [RSA 669:30-:31; 652:20 – Friday next following town meeting/election] Provided, however, if the total number of affidavit ballots submitted for that election would, if counted in favor of any candidates, alter the outcome of the election, the deadline for filing recount requests shall be extended until Tuesday, March 19, 2024 [RSA 660:17-a].

Sunday, March 17, 2024

Last day to publish notice of March 19 reconsideration of a March 12th vote on a bond or note issue over \$100,000 (statute requires notice at least 2 days before reconsideration). [RSA 33:8-a, IV]

Monday, March 18, 2024

Select board must appoint town treasurer by today if annual meeting fails either to elect one or to vote to authorize the appointment rather than the election of the treasurer. [RSA 41:27; 41:26-e – appointment must be made within 6 days from town meeting]

Tuesday, March 19, 2024

Last day for 10 voters of a town to petition clerk to recount ballots on any question printed on official ballot. [RSA 40:4-c – last day to seek recount is 7 days from date of town meeting]

Tuesday, March 19, 2024

Earliest day on which reconsideration of a March 12th vote on a bond or note issue over \$100,000 may take place (statute requires reconsideration at least 7 days after vote to reconsider). [RSA 33:8-a, IV]

Friday, March 22, 2024

Town clerk to forward to select board and treasurer certified copy of any vote to transfer surplus to capital reserve funds within 10 days of such vote. Surplus must be transferred by treasurer to trustees of trust funds immediately after receipt of order of select board. [RSA 35:11]

APRIL 2024

Monday, April 1, 2024

Town clerk must report names and addresses of all town officers to commissioner of revenue administration after annual election. There is an ongoing duty to report changes as they occur.



Important Dates for Local Officials 2024 TRADITIONAL MARCH TOWN MEETING CALENDAR

[RSA 41:19; NH Admin Code Rev 1707.13 – report to be made within 20 days of the town meeting]

Monday, April 1, 2024

Minutes of town meeting and various reports must be filed with the Department of Revenue Administration within 20 days after the close of town meeting. [RSA 21-J:34]

Thursday, April 4, 2024

Town clerk to send 2 copies of town report to State Library and 1 copy of town report to UNH Library. [RSA 41:22; RSA 201-A:18 – within 30 days of March 5, the date by which the town report must be made available to the voters]

Thursday, April 11, 2024

Within 30 days after town meeting, town clerk to report on town library to assistant state librarian. [RSA 41:20]

Thursday, April 11, 2024

Appointed municipal budget committee members must be named within 30 days of town meeting. [RSA 32:15, II]

MAY 2024

Saturday, May 11, 2024

Ballots and absentee voting materials for election of town officers at town meeting may be destroyed by the town clerk. [657:16; 657:22; 659:100–:101; 669:25; 33-A:3-a, XXXVII— clerk shall retain until the contest is settled and all appeals have expired or at least 60 days after the election, whichever is longer].



Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

OFFICE OF THE PLANNING BOARD

MEETING SIGN-IN

Meeting Date: 10-12-2023

Please Print Legibly

Name	Address	Phone/E-mail (optional)
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Ken KA'sr	20 Dudley Dr.	
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ARTICLE 7 – AQUIFER CONSERVATION OVERLAY ZONING DISTRICT

A. AUTHORITY. The Town of Middleton hereby adopts this Ordinance pursuant to the authority granted under **RSA 674:16** as an Innovative Land Use Control in accordance with **RSA 674:21**. This Ordinance shall be administered, including the granting of conditional permits, by the planning board.

PURPOSE AND OBJECTIVE. To help maintain the quality of living in the Town of Middleton, as set forth in the Master Plan, the Town believes that an adequate water supply is indispensable to its citizens' health, welfare, and safety. Such an adequate supply is also essential to the maintenance of the ecological balance of the natural environment of the Town, an environment that the Town wishes to protect. These water resources are subject to an ever-increasing demand for new and competing uses. Thus, the Town declares and determines that such water resources, whether occurring above or below ground, constitute a precious, finite, and invaluable public resource. These resources should be protected, conserved, and managed in the interest of present and future generations. This Ordinance intends to preserve the water resources from contamination by regulating land uses that could contribute pollutants to designated wells and aquifers identified as being needed for present and future public water supply.

B. BOUNDARIES.

1. The Aquifer Conservation District is an overlay district that is superimposed over the existing underlying zoning and includes within its boundaries:
 - a. Wellhead Protection Areas for public water supply wells. Wellhead protection areas are defined as the surface and subsurface area surrounding a water well or wellfield supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.
 - b. All mapped primary and secondary recharge areas. Areas in Town that fall into the soil categories listed in Appendix C entitled "County Listing of Potential Unconsolidated Deposit Aquifers By Soils," of the book entitled, A Practical Guide to Groundwater Resources and Their Protection, dated June 1986 and prepared by the Nashua Regional Planning Commission. All such areas are delineated as "Potential Aquifers" by soil type on the Map on file in the office of the Planning Board.
2. The Aquifer Conservation Overlay District is shown on the Map entitled, Town of Middleton Aquifer Conservation District, dated May 11, 2023. This Map is on display in the Conservation Commission offices of the Town of Middleton and is deemed part of the Middleton Official Zoning Map.
3. The boundaries of this District may change to include or exclude an area based on a site-specific investigation completed by a qualified Professional Engineer with expertise in hydrology. If there is a question or dispute regarding the boundary of this overlay District, the property owner or any abutter may petition the Town of Middleton Zoning Ordinances

Commented [H(KG1): The map should be accessible online, if the Middleton Official Zoning Map is online.

Planning Board to hire a qualified hydrologist to examine the area and report all findings to the Town. The petitioner shall pay the cost for such action and investigation.

C. SPECIAL CONDITIONS. The following conditions shall apply to all uses in this District unless exempt under Article 7 Section H:

1. Any new or expanded uses that will render impervious more than 15 percent or more than 2,500 square feet of any lot, whichever is greater, must apply for a Conditional Use Permit. A stormwater management plan must also be prepared, which the planning board determines is consistent with New Hampshire Stormwater Manual Volumes 1-3, December 2008, NH Department of Environmental Services.
2. All regulated substances stored in containers with a capacity of five gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains.
3. Facilities where regulated substances are stored must be secured against unauthorized entry utilizing a door and gate that is locked when authorized Personnel are not present and must be inspected weekly by the facility owner.
4. Outdoor storage areas for regulated substances, associated material, or waste must be protected from exposure to precipitation and must be located at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems.
5. Secondary containment must be provided for outdoor storage of regulated substances in regulated containers, and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s).
6. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when the material is not being transferred from one container to another.
7. Before any land-disturbing activities, all inactive wells on the property, not in use or properly maintained when the Plan is submitted, shall be considered abandoned and must be sealed by the property owner or their designee per We 604 of the New Hampshire Water Well Board Rules.
8. Blasting activities shall be planned and conducted to minimize groundwater contamination and shall require a Conditional Use Permit. Excavation activities should be prepared and performed to mitigate adverse impacts on hydrology and the dewatering of nearby drinking water supply wells, and in conformance with the Middleton Earth Excavation Regulations.
9. Sanitary wastewater discharge to septic and leaching systems shall conform to the regulations set forth in the New Hampshire Water Supply & Pollution Control Division Regulation.
10. All liquid or solid waste other than normal septic effluent shall be temporarily stored on-site and disposed of in a manner approved by the Planning Board.

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11. Monitoring wells shall be established for all industrial and commercial uses utilizing or storing hazardous or toxic materials. The Planning Board shall determine the number, construction, and location of these wells. These wells shall be checked for compliance with the Interim Primary Drinking Water Regulations and Secondary Drinking Water Regulations as provided for in the Safe Drinking Water Act of 1977 or subsequent revisions. The checking of wells shall take place periodically as required by the Planning Board, and the results reported to the Planning Board and such other boards and officials as the Planning Board deems appropriate.

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12. All transfers of petroleum from delivery trucks and storage containers over five gallons in capacity shall be conducted over an impervious surface having a positive limiting barrier¹ at its perimeter.

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13. Use of pesticides, herbicides, animal manures, and other potentially dangerous leachables shall comply with **RSA 430:28, et seq.** and the NH Code of Administrative Rules. It must be stored in accordance with the Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food (June 2011) and any subsequent revisions. No fertilizer, except low phosphate, slow-release nitrogen fertilizer, or limestone, may be used on lawns or areas with grass. Storage of these materials shall not be outdoors.

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14. Site plan review shall be required by the Planning Board when an industrial or commercial use is altered within this District to a service that involves the use, storage, or disposal of hazardous or toxic materials.

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15. No more than **fifty (50) percent** of the buildable area of a lot shall be rendered impervious.

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16. Stormwater drainage shall be handled according to the best management practices.

D. PERMITTED USES. All uses permitted by right in the base zoning district where the property lies are permitted in the Aquifer Conservation District unless they are Prohibited Uses or require a Conditional Use Permit. All uses must comply with the Special Conditions unless specifically exempt under Article 7 Section H.

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E. PROHIBITED USES. The following uses are not permitted in the Aquifer Conservation District.

1. Storage of petroleum or related products, except within the buildings, to be heated by such products, and except in small quantities of several gallons for use in small engines, such as lawnmowers or rototillers.

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2. Automobile service stations and junk or salvage yards.

3. The development or operation of gasoline stations.

¹ A positive limiting barrier (PLB) is a depression (e.g., groove) in the surface of an otherwise level impervious area designed to impede the flow and contain spilled substances within the perimeter of the impervious area. PLBs are typically constructed and maintained to contain small spills or releases (five to fifteen gallons).

4. Outdoor storage of road salt or other de-icing chemicals or dumping or storing of snow.
5. Disposal of liquid or leachable waters, including on-site disposal of septage generated off-site or wastewater and septage lagoons, except for one-unit residential subsurface sewage disposal systems.
6. Disposal of solid waste, including developing or operating a solid waste landfill.
7. Disposal or storage of hazardous materials and wastes except:
 - a. Household hazardous wastes may be stored at the residence where they intend to be used. This in no way implies that such storage may occur for commercial purposes.
 - b. Temporarily as necessary in the ordinary course of business. A permit and adequate containment facilities are required for such temporary storage.
8. Use of leach field degreasing materials.
9. Industrial use and discharge of process waters or other wastes generated by industrial uses.
10. Removal of sand and gravel within ten (10) feet of the seasonal high-water table unless the Planning Board grants an exception in accordance with all Middleton Earth Excavation Regulations in effect and RSA 155-E:11.

Commented [H(KG3)]: RSA 485-C:12 doesn't contain this level of specificity, so the ordinance shouldn't either.

Deleted: containing road salt or other deicing chemicals as a result of removal from other areas

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Commented [H(KG4)]: Are multi-family dwellings or duplexes allowed in any of the underlying zoning districts? If so, this should be modified if necessary to reflect the types of subsurface disposal systems used for those residential uses.

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Commented [A56]: MID was using SE as relief valve. I may still suggest using CUP instead, but language should stay relatively the same. If you could just review F1, because its worded a bit different than the model.

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Deleted: permitted by Special Exception shall be the same as those in the base zoning district unless listed as prohibited in Article 7 Section E of this Ordinance or otherwise involved in one or more of the following:

F. CONDITIONAL USES.

1. A Permitted Use in the base zoning district that involves, requires, or generates the following conditions may only be permitted with a Conditional Use Permit issued by the Planning Board:
 - a. Storage, handling, and use of regulated substances in quantities exceeding 55 gallons or 660 pounds dry weight at any one time, provided that an adequate spill prevention, control, and countermeasure (SPCC) plan, in accordance with Article 7 Section F, subsection 4, is approved by the local Fire Department, Health officer or Emergency Management officer.
 - b. Any use that will render more than 15 percent or 2,500 square feet of any lot impervious, whichever is greater.
 - c. Any activities that involve blasting.

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2. No use that is prohibited in Article 7 Section E of this Ordinance may be permitted through a Conditional Use Permit.
3. In addition to the special exception requirements of **Article 32** of this Ordinance, the following information shall be provided to the Planning Board during the

Conditional Use Permit application process:

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- a. An environmental impact study completed by a registered professional engineer with expertise in groundwater hydrology concluding that the use will impact the aquifer equal to or less than an average single-family dwelling.

4. Applications for Conditional Use Permits shall include stormwater management and pollution prevention plans and include information consistent with Developing Your Stormwater Pollution Prevention Plan: A Guide for Industrial Operators (US EPA, Feb 2009). The Plan shall demonstrate that the use will:

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- a. Meet minimum stormwater discharge setbacks between water supply wells and constructed stormwater practices as found within the Innovative Land Use Planning Techniques: A Handbook for Sustainable Development, Section 2.1 Permanent (Post- Construction) Stormwater Management, (NHDES, 2008 or later edition)
- b. Minimize, through a source control plan that identifies pollution prevention measures, the release of regulated substances into stormwater;
- c. Stipulate that expansion or redevelopment activities shall require an amended stormwater plan and may not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI);
- d. Maintain a minimum of four feet of vertical separation between the bottom of a stormwater practice that infiltrates or filters stormwater and the average seasonal high-water table as determined by a licensed hydrogeologist, soil scientist, engineer, or other qualified professionals as determined by the Planning Board.

5. Applications for Conditional Use Permits involving the storage, handling, and use of regulated substances shall include a spill control and countermeasure (SPCC) plan submitted to the [Fire Chief, Health officer, or Emergency Management officer], who shall determine whether the Plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods or fires that may cause large releases of regulated substances. It shall include:

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- a. A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas.
- b. Contact list and phone numbers for the current facility response coordinator(s), cleanup contractors, and all appropriate federal, State, and local agencies who must be contacted in case of a release to the environment.
- c. A list of all regulated substances in use and locations of use and storage;

- d. A prediction of the direction, rate of flow, and total quantity of a regulated substance that could be released where experience indicates a potential for equipment failure.
- e. A description of containment and diversionary structures or equipment to prevent regulated substances from infiltrating the ground.
- f. List of positions within the facility that require training to respond to spills of regulated substances.
- g. Prevention protocols must be followed after an event to limit future significant releases of any regulated substance.

6. In granting approval for the Conditional Use Permit, the Planning Board must determine that the proposed use will comply with the Special Conditions in Article 7 Section C and all applicable local, State, and federal requirements, and must receive approval of any required SPCC Plan from the [Fire Chief or Emergency Management Officer]. The Planning Board may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure the completion of construction of any facilities required for compliance with the Special Conditions.

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G. EXEMPTIONS. The following uses are exempt from the specified provisions of this Ordinance as long as they comply with all applicable local, State, and federal requirements:

1. Any private residence is exempt from all Special Conditions;
2. Any business or facility where regulated substances are stored in containers with a capacity of fewer than five gallons is exempt from Article 7 Section C, Special Conditions, subsections 3 through 6;
3. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Special Condition 3;
4. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Special Conditions 3 through 6;
5. Storage and use of office supplies are exempt from Special Conditions 3 through 6;
6. The temporary storage of construction materials on a site where they are to be used is exempt from Special Conditions 3 through 6 if incorporated within the site development project within six months of their deposit on the site;
7. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI is exempt from all provisions of this Ordinance;

Deleted: <#>EXISTING NON-CONFORMING USES. Existing non-conforming uses may continue without expanding or changing to another non-conforming use. Still, they must comply with all applicable state and federal requirements, including Env-Wq 401 and Best Management Practices Rules.

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8. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Hw 401.03(b)(1) and 501.01(b) are exempt from Special Conditions 3 through 6;
9. Underground and aboveground storage tank systems that comply with applicable state rules are exempt from inspections under Article 7 Section K of this Ordinance.

H. INCORRECTLY DESIGNATED AREAS. When the boundary of the Aquifer Conservation District is disputed, the Planning Board, at the complainant's request and expense, may engage a professional geologist or hydrogeologist to determine the precise location of the Aquifer Conservation District boundaries in the properties affected. A report of their findings shall be submitted to the Planning Board and shall include but not be limited to the following:

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1. A revised soil map of the area in question prepared by a soil scientist qualified in hydrologic studies along with a written report of their on-site field inspection and test boring data.
2. A revised hydrogeological map prepared by a Professional Geologist ("P.G.") or a Professional Engineer ("P.E."), including a written report.
3. The Planning Board may adjust the boundary of this District based on the evidence provided as set forth above. It shall reserve the right to withhold action of any plat pending the results of an on-site inspection by the Board or its appointed agent. It shall act to approve or disapprove the Plan within **sixty-five (65) days** of submission, or such further time as deemed necessary, but not to exceed an additional **ninety (90) days**.

Commented [H(KG8): Which plan? The revised District boundary? Or pending applications before it?

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I. RELATIONSHIP BETWEEN STATE AND LOCAL REQUIREMENTS. Where the State and the municipality have existing requirements, the more stringent shall govern.

J. MAINTENANCE AND INSPECTION

1. For uses requiring planning board approval for any reason, a narrative description of maintenance requirements for structures required to comply with Special Conditions shall be recorded to run with the land on which such structures are located at the Registry of Deeds for Strafford County. The description so prepared shall comply with the requirements of RSA 478:4-a.
2. Inspections may be required to verify compliance with Special Conditions. Such inspections shall be performed by the Code Enforcement Office at reasonable times with prior notice to the landowner.
3. All properties in the Groundwater Protection District known to the [designated agent] as using or storing regulated substances in containers with a capacity of five gallons or more, except for facilities where all regulated substances storage is exempt from this Ordinance under Article 7 Section H, shall be subject to inspections under this Article.
4. The Town of Middleton may require a fee for compliance inspections. The property owner shall pay the fee. The Town of Middleton shall establish a fee schedule as provided for in RSA 41-9:a.

K. ENFORCEMENT PROCEDURES AND PENALTIES. Any violation of the requirements of this Ordinance shall be subject to the enforcement procedures and penalties detailed in RSA 676 or RSA 485-C.

Proposed



Town of Middleton Planning Board

IMPACT ORDINANCE STRUCTURE PROPOSED

A. PURPOSE The following ordinance shall govern the assessment of impact fees for public capital facilities to accommodate increased demand on the capacity of these facilities due to new development. This ordinance is authorized by RSA 674:16 and 674:21, as an innovative land use control to: promote public health, safety, convenience, welfare, and prosperity; ensure that adequate and appropriate public facilities are available and provide for the harmonious development of the Town of Middleton and its environs. (*Town of Milton Article XIX*)

B. AUTHORITY

(1) Impact fees may be assessed for new development to compensate the Town of Middleton and the Middleton School District for a proportionate share of the cost of the capital facility needs occasioned by new development.

Any person who seeks a building permit for new development may be required to pay an impact fee in the manner set forth herein.



Town of Middleton Planning Board

- (2) The Planning Board may, as a condition of approval of any subdivision or site plan, and when consistent with applicable Board regulations, require an applicant to pay an impact fee for the applicant's proportional share of public facilities **affected** by the development.
- (3) Nothing in this section shall be construed to limit the authority of the Planning Board or the Town to require exactions for off-site improvements, other conditions of approval, or to assess other fees governed by other statutes, ordinances, or regulations. *(City of Rochester 275-27.3 Impact Fees)*
- (4) Before assessing an impact fee for one or more of the public facilities enumerated above, the Planning Board shall have adopted such studies or methodologies and related fee schedules that provide for a process or method of calculating the proportionate share of capital improvement costs that are attributable to new development. Such calculations shall reasonably reflect the capital cost associated with the increased demand placed on capital facility capacity by new development. *(Town of Rollinsford)*



Town of Middleton Planning Board

C. DEFINITIONS

Impact Fee: A fee or assessment imposed by the Town of Middleton upon development, including subdivision, building construction, or other land-use change, to help meet the needs occasioned by the development for the construction or improvement of capital facilities owned by Town of Middleton District, including but not limited to; stormwater, drainage, and flood control facilities; public road systems and rights-of-way; Town office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing, and disposal facilities; and public recreation facilities, not including public open space.

Fee Payer: The applicant for the issuance of a building permit that creates new development.

Capital Facilities: Facilities and associated structures, included by not limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; stormwater, drainage, and flood controls facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; public safety facilities solid waste collection, transfer,



Town of Middleton Planning Board

recycling, processing, and disposal facilities; public library facilities; and public recreational facilities not including public open space. *(Town of Milton)*

New Development Construction: The creation of a new dwelling unit, or units in the habitable portion of a residential building; or the conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of dwelling units; or construction resulting in a new non-residential building or a net increase in the floor area of any non-residential building; or the conversion of a lawful existing use to another use if such change would result in a net increase in the demand on public capital facilities that are the subject of impact fee assessment; however, new development shall not include the replacement of an existing manufactured housing unit or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in size, density, or type of use that would increase the demand on capital facilities for which impact fees are assessed. *(Town of Durham, Chapter 75)*

Off-Site Improvements: improvements mean those improvements that are necessitated by a development, but which are located outside the



Town of Middleton Planning Board

boundaries of a property that is subject to a subdivision plat or site plan approval by the Planning Board. (*Town of Durham, Chapter 75*)

Public Open Space: means a parcel of land essentially unimproved and available to the public only for passive recreational uses such as walking, sitting, picnicking, table games, natural resource conservation, and similar uses. Town parks that do not include "public recreation facilities" constitute public open spaces within the meaning of this Article. (*Town of Durham, Chapter 75*)

Public Recreation Facilities: means the land and facilities owned or operated by the Town of Middleton, other than public open space, which is designed for the conduct of recreational sports or other active leisure time uses of an organized nature, which includes equipment or substantial improvements to the land to provide active indoor or outdoor public recreation programs. (*Town of Durham, Chapter 75-4*)

D. ASSESSMENT METHODOLOGY

Computation: Before assessing an impact fee required by the Planning Board for one or more of the public capital facilities listed above, the Planning



Town of Middleton Planning Board

Board shall adopt such studies or methodologies and related fee schedules that provide for a process or method of calculating the proportionate share of capital improvement costs that are attributable to new development. Such calculations shall reasonably reflect the capital cost associated with the increased demand placed on capital facility capacity by new development.

(Town of Milton)

Proportionality: The amount of the impact fee shall be calculated by the Planning Board to be a proportional share of municipal capital improvement costs that are reasonably related to the capital needs created by the development and to the benefits accruing to the development from the capital improvements financed by the fee. *(Town of Milton)*

Conversion or Modification of Use: In the case of new development created by conversion or modification of an existing use, the impact fee shall be based upon the net increase in the impact fee assessed for the new use as compared to the highest impact fee that was or would have been assessed for the previous use in existence on or after the effective date of this ordinance.

(Town of Milton)



Town of Middleton Planning Board

Existing Deficiencies: Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees. (*Town of Milton*)

E. ADMINISTRATION

(1) Accounting:

- a. In accordance with RSA 673:16, II and RSA 674:21, V(c), impact fees shall be accounted for separately, shall be segregated from the Town's general fund, may be spent upon order of the Board of Selectmen, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fee was collected to meet.
- b. If bonds or similar debt instruments have been or will be issued by the Town of Middleton or the Middleton School District for the funding of capital improvements that are the subject of impact fee assessment, impact fees from the appropriate related capital facility impact fee accounts may be applied to pay debt service on such bonds or similar debt instruments.



Town of Middleton Planning Board

- c. The Town Treasurer shall record all fees paid, by date of payment and the name of the person making payment, and shall maintain an updated record of the current ownership, tax map, and lot reference number of properties for which fees have been paid under this Ordinance, for each building permit so affected for at least nine (9) years from the date of receipt of the impact fee payment associated with the issuance of each permit.
- d. Impact fees collected may be spent from time to time by order of the Board of Selectmen and shall be used solely for the reimbursement of the Town and the School District for the cost of public capital improvements for which they were collected, or to recoup the cost of capital improvements made by the Town or School District in anticipation of the needs for which the impact fee was collected.
- e. If bonds or similar debt instruments have been or will be, issued by the Town or the School District for the funding of capacity-related facility improvements, impact fees may be transferred to pay debt service on such bonds or similar debt instruments.



Town of Middleton Planning Board

f. At the end of each fiscal year, the Town Treasurer shall make a report to the Board of Selectmen, giving a particular account of all impact fee transactions during the year. *(Town of Milton)* Additional reporting shall be made to NH DRA and IRS.

(2) **Assessment:** All impact fees imposed under this section shall be assessed at the time of planning board approval of a subdivision, site plan, or change of use as per the Planning Board approved Schedule of Fees. When no planning board approval is required or has been made before the adoption or amendment of this ordinance, impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with the development as determined by the Board of Selectmen. *(Town of Milton)*

(3) **Security:** In the interim between assessment and collection, the Board of Selectmen may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security to guarantee future payment of assessed impact fees. *(Town of Milton)*

(4) **Collections:** Impact fees shall be collected as a condition for the issuance of a certificate of occupancy. If no certificate of occupancy



Town of Middleton

Planning Board

is required, impact fees shall be collected when the development is ready for its intended use. The collection of impact fees shall be the responsibility of the *Code Enforcement Officer*. In projects where off-site improvements are to be constructed simultaneously with a project's development, and where the Town has appropriated the necessary funds to cover such portions of the work for which it will be responsible, the Town may advance the time of collection of the impact fee to the issuance of a building permit. Nothing in this section shall prevent the Board of Selectmen, with the review by the Planning Board, and the assessed party from establishing an alternate, mutually acceptable schedule of payment. *(Town of Milton)*

- (5) **Refund of Fees Paid:** The current owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest under the following circumstances:
- (a) When either the full or partial portion of the impact fee, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was collected within six (6) years from the date of the full and final payment of the fee; or



Town of Middleton

Planning Board

- (b) When the Town of Middleton, or in the case of school impact fees, the Middleton School District, has failed, within the period of six (6) years from the date of the full and final payment of such fee, to appropriate their proportionate non-impact fee share of related capital improvement costs. *(Town of Milton)*

F. APPEALS:

- (1) A party aggrieved by a decision made by the Code Enforcement Officer relating to administrative decisions in the assessment or, collection of impact fees authorized by this Section may appeal such decision to the Planning Board.
- (2) A party aggrieved by a decision of the Planning Board under this Article may appeal such decision to the Superior Court as provided by RSA 677:15, as amended. *(Town of Durham, Chapter 75-10)*

G. WAIVERS:

The Planning Board may grant full or partial waivers of impact fees where the Board finds that one or more of the following criteria are met concerning the public capital facilities for which impact fees are normally assessed.

- (a) An applicant may request a full or partial waiver of school impact



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fees for those residential units that are lawfully restricted to occupancy by senior citizens aged 62 or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The Planning Board may waive the school impact fee assessments on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age 62 or over for at least 20 years. Upon expiration of the specified waiver period, any proposed change in use or conversion of residential units from age-restricted occupancy may be subject to an assessment of impact fees.

- (b) A person may request a full or partial waiver of impact fees for construction within a subdivision or site plan approved by the Planning Board before the effective date of this ordinance. Before granting such a waiver, the Planning Board must find that the proposed construction is entitled to the four-year exemption provided by RSA 674:39, according to that statute. This waiver shall not apply to phases of a phased development project where active and substantial development, building, and construction have not yet occurred in the phase in which construction is proposed.

- (c) The Planning Board may agree to waive all or part of an impact fee



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assessment and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Before acting on a request for a waiver of impact fees under this provision that would involve a contribution of real property or the construction of capital facilities, the Planning Board shall submit a copy of the waiver request to the Board of Selectmen for its review and consent and hold a public hearing prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. The applicant shall pay all costs incurred by the Town for the review of such proposal, including consultant and counsel fees.

(Town of Milton)

H. ADDITIONAL ASSESSMENTS

Payment of the impact fee under this article does not restrict the Town or the Planning Board from requiring other payments from an applicant, including such payments relating to the cost of the extensions of water and sewer mains or the construction of roads or streets or other infrastructure and public capital facilities specifically benefiting the development as required by the



Town of Middleton Planning Board

subdivision or site plan review regulations, or as otherwise authorized by law.

(Town of Milton)

PROPOSED Revision 06192023

PLANNING BOARD

WORKSHOP MINUTES

Sept. 28, 2023

Middleton Old Town Hall

200 King's Highway

Middleton, N.H 03887

Call to Order: Janet Kalar called the meeting to order at 6:34 p.m.

Pledge of Allegiance

Roll Call: Janet Kalar (Chair), John Mullen (Vice Chair), John Quinn (SLVD rep.), Roxanne Tufts-Keegan (BOS rep.), Christine Maynard (alt.).

Opening Remarks: None.

Invited Guest: Jen Czysz, executive director of Strafford Regional Planning Commission (SRPC).

New Business:

Subject: SRPC visit

Discussion: J. Czysz, executive director of SRPC, introduced herself and outlined the organization which serves 18 communities, including three cities and 10 towns in Strafford County, Brookfield and Wakefield in Carroll County, and Newington, Northwood and Nottingham in Rockingham County. She added this was part of her annual visit to member communities.

Czysz said the SRPC was established as one of nine Planning Commissions throughout the state to provide assistance, economic development and information, such as data, analysis and maps. She added there is a variety of materials available online, including data on traffic patterns, pedestrian and bicycle information, hazard mitigation plans and storm water assessments.

When asked about workforce housing, Czysz said the SRPC continually assesses regional housing needs, demands from all income levels and status.

As for tax assessments, the town sets one rate for the community, based on the Municipal, local school, county and state school rates. Property owners in the Sunrise Lake Village District pay an additional amount to maintain the dam and lake.

Czysz said re-evaluated properties reflects market values, not actual sales prices. She added there is no relationship between workforce housing and the revaluation process, which all communities undergo every five years, per state statute.

As Middleton recently completed the process, some property values doubled. Other nearby communities have not completed their revaluation as they are staggered, according to Czysz.

She said local regulations cannot create unreasonable restrictions to limit workforce or other categories of housing.

As the Planning Board intends to review and update the town's Zoning Ordinances, the SRPC would review the product. If it required a significant amount of time or effort, there could be a cost for the assistance, Czysz said.

J. Mullen said Middleton's existing Zoning Ordinances was based on the one from Wakefield.

Czysz said the SRPC is currently working on several projects in Middleton, including:

- conducting a hazard mitigation assessment which provides access to FEMA programs involving natural hazards and incidents with culverts.
- writing watershed assistance grants to assess conditions at two of the seven local beaches, which assists septic system regulations in the health ordinance.
- promoting the Moose Mountains initiative via Moose Mountains Regional Greenways, an organization created in 1999 which is currently composed of nine communities.

When asked about the project to improve the drainage and alleviate flooding at the Old Town Hall, Czysz said SRPC can provide some assistance. She added it's important to know where the water is coming from and where it is going.

Czysz said SRPC has a variety of information about grants and has provided administrative oversight and assistance in the past.

Old Business:

Subject: Draft Solar Ordinance

Discussion: J. Kalar said she liked the Ordinances from Rochester, Durham and Pelham as they were succinct.

J. Mullen said he used those ordinances to draft one for Middleton. He reviewed the changes with the Board for future consideration.

J. Mullen said he submitted other proposed ordinances for legal review. He added the attorney suggested changes to the aquifer ordinance, but had none for the draft impact fee proposal.

Adjournment: The meeting ended at 7:57 p.m.



Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

**Per order of the
Planning Board
Chairman (Janet Kalar)
tonight's meeting is
canceled**

Thursday,
September 14, 2023



Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

**Per order of the
Planning Board
Chairman (Janet Kalar)
tonight's meeting is
canceled**

Thursday,
September 14, 2023