



Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

ZONING BOARD OF ADJUSTMENT MINUTES

February 20, 2024

Middleton Old Town Hall
200 Kings Highway
Middleton, NH 03887

Meeting Called to Order by Charles Therriault at 6:30 PM

Pledge of Allegiance

Invocation by Dan Saliga

Roll Call

Members present: Charles Therriault (Chair), Jim Keegan (Vice Chair), Lorri Gunnison, Dan Saliga, Joe Vargas (Alternate), Tim Cremen (BOS Liaison)

Members absent: Linda Adamo was present for part of the meeting via telephone

Review Minutes:

Motion to approve minutes of December 19, 2023

Motioned by J. Keegan

Seconded by L. Gunnison

Vote - Unanimous

Motion Carried

New Business

C. Therriault suggested March 12 be set as a date for the Public Hearing for Middleton Workforce Housing.

J. Keegan the board needs time to retain counsel.

R. Tufts-Keegan (resident) said the town does not have a contract for legal services and can use any attorney they chose.

J. Keegan suggested they hire Laura Spector-Morgan. He said he would contact her.

C. Therriault said normally they would schedule a public hearing first.

R. Tufts-Keegan asked **C. Therriault** if this involves property he owns.

C. Therriault said yes. All they were discussing was the date they were going to set the public hearing.

R. Tufts-Keegan said he should recuse himself from the whole process.

C. Therriault said only when it comes to discussion not setting a public hearing date.

J. Keegan said they are discussing what attorney to hire to help them through the process so yes, they are discussing it.

C. Therriault said that's fine. He thought they were just setting a date.

Motion to have C. Therriault recuse himself from discussion on the subject from this point on.

Made by D. Saliga

Seconded by J. Keegan

Motion Carried

J. Keegan entertained a motion to make L. Adamo a regular member of the board.

Seconded by D. Saliga

J. Keegan talked about L. Adamo's background and why he felt she was well qualified.

Motion Carried

Motion to make J. Vargas a voting member of the board through this issue.

Made by L. Gunnison

Seconded by D. Saliga

Motion Carried

There was some discussion about the date the hearing must be scheduled by.

J. Vargas said he believes the number of days starts from when the application was submitted.

There was some discussion about the timeline and criteria for submitting an application and when the public hearing needs to be scheduled. There was also discussion about whether or not an application has to go before the Planning Board before it goes to the Zoning Board. It was decided the Zoning Board would seek legal counsel to answer those questions definitively.

Motion to table further discussion about the application from Middleton Workforce Housing until the board speaks with legal counsel.

Made by D. Saliga

Seconded by L. Gunnison

Motion Carried

New Business

Leonard Melanson (resident) is requesting he be able to sub-divide his 5 acre family compound into two separate lots.

J. Vargas asked if he had submitted a formal application.

Robin Willis (Administrative Clerk) said he had not submitted the fee or abutters list. She said **L. Melanson** told her he was interested in finding out if it was possible and what he needed to do to have this happen. He told her he has been trying to get in front of the ZBA to discuss his situation for several months without success.

L. Melanson said he has two addresses on the lot but was unable to obtain financing because one of the houses was not finished. That's why he was requesting to be able to subdivide the lot. He said he's not sure if he is supposed to go for a variance or a waiver. He said he thinks a waiver is easier to obtain than a variance.

D. Saliga asked if this has been to the Planning Board.

L. Melanson said the family compound was. He said the post office gave him two addresses.

R. Willis said E-911 gave him the addresses, not the post office.

R. Tufts-Keegan said when **L. Melsanon** came to the Planning Board it was for the family compound. She said has not come back to the Planning Board because he now wants to subdivide that family compound.

L. Melanson said he thought he would just have to go get a variance because that's what he was told earlier by other people.

R. Tufts-Keegan said he was not told that by the Planning Boad.

L. Melanson said they advised him to put the second house far enough away in case he wanted to subdivide later.

J. Keegan said we have an ordinance that says you have to have 5 acres.

L. Melanson said he's not trying to change the ordinance, he just wants to subdivide the lot in half. He said the waiver doesn't change the law, it just allows him to do it on his property.

There was some discussion about how laws have changed over the years and how they affect the ability to leave property to relatives.

L. Melanson said you cannot borrow money against a house on one lot and have another house on the same lot.

C. Therriault said the address is for emergency responders to be able to locate you. There can be several addresses in one location.

L. Melanson said all he is asking for is a variance like they said he could get several years ago to take his 5 acres and make it into two lots, 2.5 acres each.

J. Keegan said the ZBA does not have the authority to do that. They have to follow the ordinances and the process.

J. Vargas said again, there is the question of whether he has to go to the Planning Board first, and they are going to check on that with legal counsel. He said this is going to be a variance in his opinion and **L. Melanson** is going to have to answer the five questions and the ABA will have to rule in favor for the board to accept it.

R. Tufts-Keegan read the family compound ordinance.

There was some discussion about the spirit of the law.

C. Therriault said he can ask for a variance. That's what the process is.

L. Gunnison said **L. Melanson** has to make a more detailed application.

There was some discussion about the application process.

J. Vargas said he does not believe he (**L. Melanson**) has an application right now.

S. Ferguson (resident) said it sounds like there is a question of when an application is accepted in both situations discussed tonight and there needs to be a specific procedure and timeline to follow in the future.

C. Therriault said they are going to get clarification from legal counsel.

J. Vargas said they need three things clarified. 1) Planning Board or Zoning Board first, does it matter? 2) when does the application process start (email vs. meeting) and 3) who is considered an officer of the board and able to accept/receive an application?

There was more discussion about what **L. Melanson** should do to try to get approval to subdivide his lot. It was decided **T. Cremmen** would get back to him.

R. Tufts-Keegan said the next Planning Board meeting is March 14.

Old Business

Open Ended Questions to Use in a Survey for Residents

J. Keegan said he found out very few towns in the state have Family Compound Ordinances. He believes it's because it can cause problems similar to what **L. Melanson** is dealing with. He recommends they do away with it.

L. Gunnison said Milton, Wakefield and Sanbornville all have Family Compound ordinances. She said they have updated theirs and they are not as detailed as Middleton's.

J. Keegan said the Zoning Board does not write ordinances. They are going to make recommendations to the Planning Board.

J. Vargas said he came up with two questions for a survey: 1) Would you be in favor of reducing family compound lot size to 2 acres when the family compound ceases to exist? 2) Do you feel a family compound needs to remain in tact for x amount of time before it splits or ceases to exist? A) 2 years, B) 5 years, C) 10 years D) other (specify number).

J. Vargas said the current Family Compound ordinance is well written in that it tells you to be careful and make sure you are following all the current zoning laws and consider that zoning ordinances may change and if the family compound ceases to exist you may not be in compliance.

Janet Kalar (resident) said the ordinance says all houses in a family compound must have the same owner and he/she cannot charge rent. The ordinance advises if you do decide to have a family compound, make sure there enough property so that if you want to get rid of the family compound in the future each home meets the set back and minimum lot requirements.

J. Keegan suggested it may be appropriate to change the ordinance to say you have to have enough property to meet the minimum lot size for each home.

J. Kalar said she has been asking the ZBA for recommendations as to what should be changed in the ordinances.

C. Therriault said they have been discussing that since he became Chairman.

Joe Bailey (resident) said if the board wants to change ordinances they have to submit it to the taxpayers.

The board emphatically agreed any suggested changes to ordinances have to go to the Planning Board and then Town Meeting. There was discussion about the process, timelines and possible joint meetings.

Motion to adjourn at 7:26 PM

Motioned by D. Saliga

Seconded by L. Gunnison

Motion Carried

Next meeting: March 19, 2024 at 6:30 PM

Respectfully submitted by:

Robin Willis
Administrative Clerk

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