

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

August 10, 2023

Meeting called to Order by: Janet Kalar at 7:36 PM

Pledge to the Flag

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.)

Invocation: Dan Saliga

Review of Minutes

Motion to accept the Minutes of July 13, 2023 as transcribed

Motioned by: J. Mullen

Seconded by: J. Quinn

Discussion: J. Kalar wanted to be sure the changes she requested on the first draft were included in the version they were approving. The Administrative Clerk confirmed they were.

Summarize: Unanimous

Motion Carried

Motion to accept the Minutes of July 27, 2023 as transcribed

Motioned by: J. Mullen

Seconded by: C. Maynard

Summarize: Unanimous

Motion Carried

Old Business

1) *Impact Fee Ordinance Final Review*

Motion to accept the proposed impact fee ordinance with revisions dated June 19, 2023

Motion by: J. Mullen

Seconded by: C. Maynard

Vote: Unanimous

Motion Passed

J. Mullen recommended they forward the proposed ordinance to the Board of Selectmen so they can send it to the town attorney to review. It can then be placed on a warrant. Once the proposed ordinance is approved by the attorney, it will be on put on the town website.

2) *Aquifer Ordinance*

The Planning Board has already approved this ordinance so they will send it to the Board of Selectman and the attorney for final review. Once approved by the attorney, it will be posted on the town website.

New Business

1) *Solar Ordinances*

J. Kalar said she found an interesting RSA about solar skypace easements. You can have an easement to the air space around your building so that no one can build anything higher.

J. Mullen said they do that often in large cities.

J. Mullen talked about the Strafford Regional Tech Planning Meeting he attended. He learned that since we have no solar ordinances, a party interested in building something would have to go to the ZBA for a variance. If it's not mentioned, it's not allowed. The Zoning Board could put conditions on the variance and then the party would go before the Planning Board. This applies to commercial and individual solar projects.

J. Quinn brought up existing solar panels in town and there was some discussion about those and solar ordinances that other New Hampshire towns have.

J. Kalar went to the American Planning Association; they have a lot of information on solar.

There was some discussion about the solar exemption that Middleton has and the need to have a permitting process for installation in the future. Permits are not required for residential use.

J. Kalar said if solar is being used to power a building – residential or commercial – that system is not taxed, provided the energy is for immediate use and not sold to anyone else.

There was discussion about what should be included in the proposed ordinances concerning the type and use of solar power by different entities. This would include credits or selling energy back to a supplier.

It was decided more work needs to be done in this area. Some assignments were made to do further research.

2) *Manufactured Home Park Ordinances*

J. Kalar said the ordinance that we do have is not straight forward and does not cover a lot. There are state RSA's that govern some aspects. We have to allow manufactured homes in town, but we can make certain requirements. For example, the town can have standards regarding foundations, sewerage, parking, etc.

There was discussion about the existing state laws, what type of requirements the town should have, what surrounding towns are doing and impact fees. Existing minimum lot sizes were also discussed.

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. The 5 acre lot minimum cannot be enforced in a mobile home park

J. Mullen suggested all board members read RSA 674:32 – Manufactured Housing. He and **J. Kalar** read portions of the law aloud.

There was much discussion over whether or not New Hampshire law requires towns to allow manufactured home parks. **J. Mullen** said New Hampshire Housing Authority should be able to answer that question. **J. Kalar** suggested also looking at case law.

Accessory dwelling units, condominium complexes and multi-family homes were discussed.

3) Future Ordinance Reviews

J. Mullen said any changes to zoning ordinances must go before the town and must have a public hearing. Site regulations do not have to go before the town. They can be adopted by the Planning Board, but there still has to be a hearing on changes that are made. This will be a big task for next year.

J. Mullen commended the Planning Board members for the amount of work they have done and the number of things they have accomplished in a short period of time.

J. Kalar said the town does not have clear requirements for child care centers in the home. It's vague in the ordinances and is causing confusion as to who is responsible for what. The licensing board needs to do inspections; we need to spell this out.

J. Kalar said we don't have an adequate sloping ordinance. She is concerned that digging into a wall (specifically right now the house on the corner of Sunrise and Silver) is going to cause a problem for the house up on the hill. A retaining wall should be required. Our ordinance only explains what sloping is. The International Building Code does have specific requirements and we can enforce those. The CEO is the one to do this and/or answer any questions.

Dan Saliga asked if anyone from the Planning Board was invited to the ZBA meeting on Tuesday, August 15 to discuss what the Planning Board wants the ZBA to do to help update the ordinances.

J. Kalar said no, but she can tell him. The ZBA should go over the ordinances to see what needs to be updated and brought into 2023 versus when they were done in 2017. If they find anything they should take it to the Planning Board and tell them this should be changed and why. Just start going through them one by one. Don't expect to get them all done at once. If you get three or four on the ballot, that's fine. We have all next year.

J. Mullen said there hasn't been a lot of activity recently. It may be helpful to look over the history and see what has come up. If there isn't anything, that's fine.

There was discussion about the timing of meetings and public hearings in order to get updated ordinances on the next voting ballot and make the process as smooth as possible.

Motion to adjourn the meeting at 7:53 PM

Motion by: C. Maynard

Seconded by: J. Quinn

Vote: Unanimous

Motion Passed

Respectfully submitted by:

Robin Willis
Administrative Clerk

