



Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

ZONING BOARD OF ADJUSTMENT MINUTES

Meeting of June 20, 2023

Middleton Old Town Hall

200 Kings Highway

Middleton, NH 03887

Meeting Called to Order by: Charles Therriault at 6:33 pm

Pledge of Allegiance

Invocation: Lori Gunnison

Roll Call:

Members present: Charles Therriault (Chair), James Keegan (Vice Chair), Vickie Crouteau, Lorri Gunnison (Secretary), Tim Cremmen (BOS Ex-Officio)

Members absent: Dan Saliga (Alternate)

Invited Guests: Bonnie Rutledge

Attachments: Property Sketch 11 Jordan Drive, ZBA Rules of Procedure

Review Minutes:

Motion to approve minutes of May 16, 2023

Motioned by: J. Keegan

Seconded by: L. Gunnison

Vote: Unanimous

Motion Carried

Administrative Actions: None

Correspondences: None

Old Business

Application for Use or Area Variance – Brendan Flagg, 11 Jordan Drive

B. Rutledge presented a document "Property Sketch" pertaining to 11 Jordan Drive. The owner is requesting a variance to the ordinance requiring a 20' set back in order to add a bathroom and expand the bedroom of his single-family home. B. Rutledge said Norway

Plains, who did the sketch, felt it was "overkill" to do a survey because he already found the boundary line to survey lot 19. He offered to put stakes on the property line.

C. Therriault said they need Norway Plains Associates to stamp the sketch.

J. Keegan said Norway Plains must have surveyed several lots and if he stamps the sketch, they would be comfortable that he is sure of the boundaries. This document says on the top "This is Not a Boundary Survey".

L. Gunnison asked if the information in the bottom left corner of the sketch was as good as a stamp.

C. Therriault said no, they need an actual, official, stamp.

C. Therriault explained they understand the owner is friendly with the neighbor, but if something changes with the ownership of his property, his friendly agreement means nothing.

B. Rutledge asked if they could give an approval pending that stamp.

C. Therriault said no. She needs to bring in a stamped version and if the Zoning Board accepts the application, it would then go to a public hearing.

J. Keegan explained the abutters need to be notified and be given the opportunity to present any relevant objections.

B. Rutledge asked if he chose to go up instead of out, would that be a different process?

J. Keegan said yes.

C. Therriault said that's just a building permit.

L. Gunnison said we don't have to do a variance if it goes up.

C. Therriault says it depends on the height.

V. Coutreau said if you decided to go up, you wouldn't be 20 feet from the boundary line since the original home isn't 20 feet away. I don't know what happens then.

C. Therriault said that's not for us to decide.

C. Therriault said in any town in New Hampshire, the process is to go to the Building Inspector with whatever you want to do. He then guides you as to what you need to do.

B. Rutledge said that's not feasible to build up because of the expense. She said she will talk to the surveyor.

C. Therriault said even if it were only a foot less than the setback, they would still need a professional say this is where the line is.

J. Keegan said information on the process is available through the Town Offices and/or on the Town website.

T. Cremmen explained it's up to the resident to notify the Secretary/Bookkeeper at the Town Office they want to be on the agenda for the next meeting.

J. Keegan said from the time the application is accepted it would take three weeks to go through the rest of the process of getting to a public hearing.

C. Therriault said they don't have to wait for the next meeting to review the complete application and possibly approve it. He said he realizes they are anxious to start the project and the Board will try to accommodate them.

Come Together LLC Day Care

C. Therriault said he spoke with Janet Kalar and she said there are still some steps Come Together needs to take to finalize things with the Planning Board. Something about having more children and getting a site plan.

C. Therriault said Janet told him to hold off until Come Together finalized things with the Planning Board. Janet thinks they want to have 12 children now.

V. Crouteau asked what the ZBA role is in this. She asked what the special exception is.

C. Therriault said they have to go through the application and let them know what zoning ordinances they do and don't meet. There are Conditions of Approval from the Planning Board, for the original day care, but Come Together went back to ask for more.

C. Therriault said he is waiting for something else from Janet (Kalar) and thought he would have it before this meeting. Come Together knew they had to come in for a special exception. Ten is the threshold for day care. It seems they are operational now at the lower amount but want to expand in the future.

C. Therriault said he thinks Janet asked them for a site plan or a sketch. They haven't put in an application for a special exception.

V. Crouteau said they need a lot more information.

C. Therriault said this is all they have and this came from the State (Zoning Verification document attached).

C. Therriault said they need to verify it with the Building Inspector and Carl (CEO) agreed. The verification comes from the Building Inspector, and he verifies if it meets the zoning or doesn't. We at the Zoning Board get involved when someone comes in for a variance.

V. Crouteau said according to the book it is us.

C. Therriault said they go to the Planning Board with their plan and then come to the ZBA after.

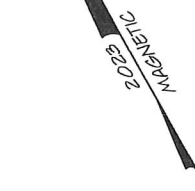
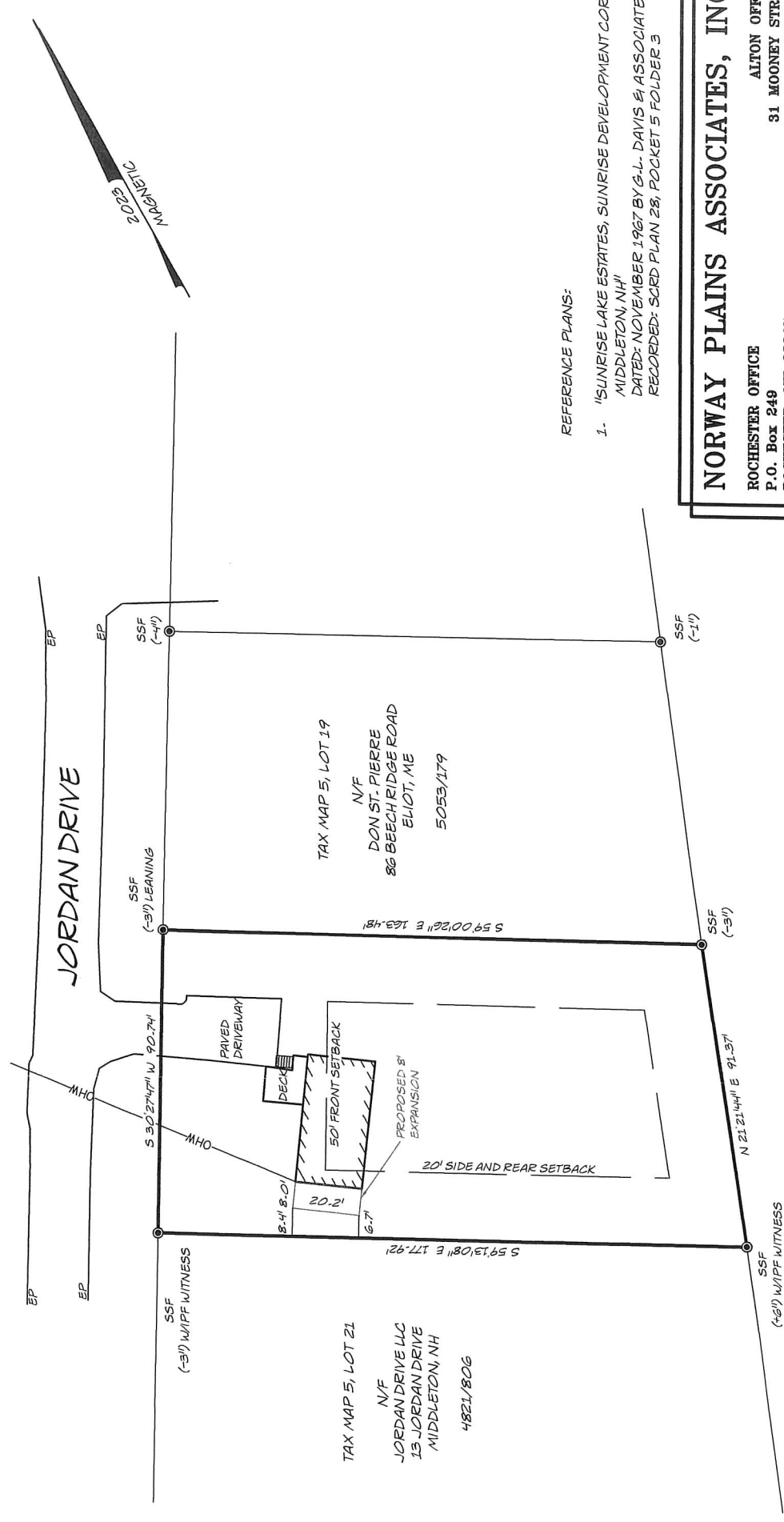
C. Therriault said he has been working closely with the Building Inspector on several questions.



CIVIL ENGINEERS

LAND SURVEYORS

LOCATION: 11 JORDAN DRIVE, MIDDLETON, NH OWNER OF RECORD: BRENDEN FLAGG REF. DEED: 4926/564 MAP & LOT NO.: 05-20 ZONE: SUNRISE LAKE



REFERENCE PLANS:
1. "SUNRISE LAKE ESTATES, SUNRISE DEVELOPMENT CORP, MIDDLETON, NH"
DATED: NOVEMBER 1987 BY G.-L. DAVIS & ASSOCIATES
RECORDED: SCRIP PLAN 28, POCKET 5 FOLDER 3

NORWAY PLAINS ASSOCIATES, INC.
 ROCHESTER OFFICE
 P.O. Box 249
 ROCHESTER, NH 08867
 (603) 335-3948
 FN: 197
 JN: 23079

ALTON OFFICE
 31 MOONEY STREET
 ALTON, NH
 (603) 875-3948

DATE: APRIL 2023
 SCALE: 1" = 30'

Board of Adjustment

Town of Middleton, New Hampshire

Rules of Procedure

Adopted April 2001

I. AUTHORITY

These rules of procedure are adopted under the authority of New Hampshire revised Statutes Annotated 1983, Chapter 676:1 and the zoning ordinance and map of the Town of Middleton, New Hampshire.

II. OFFICERS

1. A chairperson shall be elected annually by a majority vote of the board at the first meeting following Town meeting. The chairperson shall preside over all meetings and hearings, appoint such committees as directed by the board, and shall affix his/her signature in the name of the board.
2. A vice-chairperson shall be elected annually by a majority vote of the board at the first meeting following Town Meeting. The vice-chairperson shall preside in the absence of the chairperson and shall have the full powers of the chairperson on matters that come before the board during the absence of the chairperson.
3. A clerk shall be elected annually by a majority vote of the board at the first meeting following Town Meeting. The clerk shall maintain a record of all meetings, transactions, and decisions of the board, and perform such other duties as the board may direct by resolution.
4. All officers shall serve for one year and shall be eligible for re-election.

III. MEETINGS

1. **Meetings** shall be held at the Middleton Municipal Building at the call of the Chairperson, provided public notice and notice to each member is given at least 24 hours in advance excluding Sundays and Holidays.
2. **Quorum:** A quorum for all meeting of the board shall be three members, including alternates sitting in a place of members. If any regular board member is absent from any meeting or hearing, or disqualifies him or herself from sitting on a particular case, the chairperson shall designate one of the alternate members to sit in place of the absent or disqualified member and such alternate shall be in respects a full member of the board while so sitting.
3. **Disqualification:** If any member finds it necessary to disqualify himself while sitting in a particular case, as provided in RSA 673:14, he shall notify the chairman as soon as possible so that an alternate may be requested to sit in his place. When there is uncertainty as to whether a member should be disqualified to act on a particular application, that member or another member of the board may request the board vote on the question of disqualification. Any such request shall be made before the public hearing gets underway. The vote shall be advisory and non-binding.

- f) Any party to the case who wants to ask a question of another party to the case must do so through the chairman.
- g) The applicant shall be called to present his appeal.
- h) Those appearing in favor of the appeal shall be allowed to speak.
- i) Those in opposition to the appeal shall be allowed to speak.
- j) The applicant and those in favor shall be allowed to speak in rebuttal.
- k) Those in opposition to the appeal shall be allowed to speak in rebuttal.
- l) Any person wants the board to compel the attendance of a witness shall present his request in writing to the chairman not later than (3) days prior to the public hearing.
- m) The board of adjustment will hear with interest any evidence that pertains to the facts of the case or how the acts relate to the provisions of the zoning ordinance and the state zoning law.
- n) The chairman shall present a summary setting forth the facts of the case and the claims made for each side. Opportunity shall be given for correction from the floor.
- o) The hearing on the appeal shall be declared closed.

4. **Decisions**

The board will approve, approve with conditions, deny the appeal, or defer its decision. Notice of this decision or deferral will be made available for public inspection within 144 hours, and will be sent to all persons notified of the public hearing. If the appeal is denied or deferred, the notice shall include the reasons therefor.

V. **RECORDS**

- 1. The records of the board shall be kept by the clerk and made available for public inspection at the Middleton Municipal Building in accordance with RSA 673:17
- 2. Final written decision will be placed on file and available for public inspection within 144 hours after the decision is made.
- 3. Minutes of all meetings including the names of the board members, persons appearing before the board, and a brief description of the subject matter shall be open to the public with 144 hours of the public meeting.

VI. **AMENDMENTS**

These rules of procedure may be amended by a majority vote of the members of the board provided that such an amendment is read at two successive meetings of the board