



# Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

## ZONING BOARD OF ADJUSTMENT MINUTES

September 19, 2023

Middleton Old Town Hall  
200 Kings Highway  
Middleton, NH 03887

**Meeting Called to Order by:** Charles Therriault at 6:52 PM

**Pledge of Allegiance**

**Invocation:** Lorri Gunnison

**Roll Call:**

Members present: Charles Therriault (Chair), James Keegan (Vice Chair), Lorri Gunnison (Secretary), Michael Green (BOS Ex-Officio)

**Members absent:** Dan Saliga

**Review Minutes:**

**Motion to approve minutes of** August 15, 2023

**Motioned by:** Lorri Gunnison

**Seconded by:** James Keegan

**Vote:** Unanimous

**Motion Carried**

**C. Therriault opened the Public Hearing on the Flagg Variance Request, 11 Jordan Drive, Map 5, Lot 20 at 6:55 PM**

***No members of the public were present.***

**L. Gunnison** asked to verify that the public received proper notice of the hearing. The Administrative Clerk said certified letters were mailed to abutters, notice was posted in the Foster's Democrat, on the Old Town Hall bulletin board, at the municipal offices and on the Town website. Copies of documentation was given to all board members.

**C. Therriault** asked the applicant to verify that he was requesting relief from the 2017 Middleton, NH Zoning Ordinances, Article 5A, Section B3 also known as Base Zoning Districts Uses, Sunrise Lake District, Setbacks.

**B. Flagg** said that was true. He said the request is for an 8' addition to the south westerly side of the home which is toward Map 5, Lot 21, also known as Jordan Drive LLC.

**C. Therriault** said there are five criteria the Board needs to address. He asked the applicant to explain why he thinks it won't diminish property values.

Resident **B. Rutledge** on behalf of the application read from the application, Section 3, #1. She said granting the variance will not diminish home values or the use and enjoyment of other property owners and will be the least obstructive in terms of their view of the lake and surrounding area. It would additionally increase home values. She explained where the lot was in relation to Sunrise Lake.

**L. Gunnison** showed **C. Therriault** a map to clarify this.

**C. Therriault** asked if the proposed addition would interfere with the view of the lake for any of the residents of Beech Tree Drive.

**B. Rutledge** explained no one on Beech Tree Drive can see the lake now. She said they took the neighbor's view into consideration before they applied for the variance and are sure this request is the best choice for everyone.

**J. Keegan** asked the applicant to read the section again from the application. He reiterated that the Board needs to be sure they address the five variance criteria before making a decision.

**B. Rutledge** re-read Section 3, #1.

**J. Keegan** asked the applicant to confirm he talked to the neighbors about their plans and the neighbors agreed it was the least obstructive and no one had any issues with the project.

**B. Flagg** said that is correct. He said he spoke with all of the listed abutters, except two who he was not able to connect with.

**J. Keegan** said he could see how the improvement in the exterior of the home would increase the neighborhood values.

**C. Therriault** said the requested variance is really an exception to dimensional requirements not an area variance as indicated in the application.

There was some discussion about the differences. It was agreed that the criteria for approval is the same and it's clear what the applicant is looking for.

**B. Rutledge** read 3.2a and b from the application as well as #4.

There was discussion about #5 and whether or not the request is contrary to the spirit of the ordinance.

**J. Keegan** talked about the importance of the applicant thoroughly addressing the five criteria on the application. He said the Board must consider each item carefully.

There was discussion about the applicant's efforts to discuss their plans and options with the neighbors and ensure they were in agreement.

**B. Rutledge** read the applicant's response to number criteria #5 from his application.

There was no one in attendance from the public at the Public Hearing other than the applicant and his friend. There were no questions or concerns expressed by any members of the public.

**C. Therriault closed the Public Hearing on the Flagg Variance Request, Map 5, Lot 20 at 6:55 PM**

**Motion to approve the Flagg Variance Request, 11 Jordan Drive, Map 5, Lot 20**

**Motioned by:** James Keegan

**Seconded by:** Lorri Gunnison

**Vote:** Unanimous

**Motion Carried**

## **New Business**

### *Lot sizes*

There was discussion about the five acre lot minimum ordinance and whether or not it is still in the best interest of the residents. This will be reviewed as part of the 2017 Town Ordinance update process.

**C. Therriault** suggested maybe there should be different lot size requirements for different zones. There was further discussion about the pros and cons of smaller lot size requirements. It was decided there must be further investigation and review before a recommendation is made.

### *Old ZBA Files*

None of the Board Members have old files in their possession. **L. Gunnison** will send the Administrative Clerk the former Chairman's email so she can attempt to contact him.

### *New Forms*

**R. Willis** presented a new Abutters List Form. She also suggested the ZBA update the variance application form to include directions to make it easier for applicants to supply the needed information. She will put some suggested updated forms together for the

ZBA to consider at the next meeting. She will also research what other towns are charging for fees to present to the Board so they can make a recommendation to the BOS.

**R. Willis** will find out what account the fees from the residents go to and who can change them if appropriate.

**Next meeting:** October 17, 2023 at 6:30 PM

Respectfully submitted by:

Robin Willis



# Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

Website: Middletonnh.gov  
603-473-2261

Zoning Board of Appeals  
zba@middletonnh.gov

## Abutters List

### Applicant information:

Printed Name \_\_\_\_\_ Contact Phone \_\_\_\_\_

Addresses: Mailing \_\_\_\_\_ Email \_\_\_\_\_

Owner/Agent Information			
Map	Lot	Name	Address

Abutter(s) Information			
Map	Lot	Name	Address

(Attach additional sheet if needed)

I certify that to the best of my knowledge the above is an accurate and complete abutters list.

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Date

**672:3 Abutter.** - "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.