



# Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

## PLANNING BOARD MEETING MINUTES

Middleton Old Town Hall

200 Kings Highway

Middleton, NH 03887

September 12, 2024 at 6:30 p.m.

These minutes serve as the legal record of the meeting and are in the form of an overview of the Planning Board meeting. It is neither intended nor is it represented that this is a full transcription. A recording of the meeting is available online at <https://www.youtube.com/@townofmiddleton9741/streams> for a limited time for reference purposes.

**Meeting called to order** by John Mullen at 6:33 PM

**Pledge to the Flag**

### Roll Call

Members present: John Mullen (Chair), Christine Maynard (Vice Chair), John Quinn (SLVD Rep), Roxanne Tufts-Keegan (BOS Rep)

Members absent: Janet Kalar (Alternate)

### Attachments

Meeting Sign in Sheet

Agenda

Sindorf site plan and application

Gunnison notes and sketch

Building Permit Report 2024-07-01 to 2024-09-11

### Subdivision

Map 8, Lot 6, Pinkham Road

Raed Hertel Family Trust

### J. Mullen re-opened the Public Hearing

**J. Hertel** said they revised the site plan to two acres since the Town requires five acres, not including wetlands. One lot is 7.19 acres with 5.79 acres excluding wetlands; the other is 7.85 with 5.9 acres excluding wetlands.

**K. Buzard** said Note #3 indicates the setbacks as side/rear 15 and front 20 feet; it should show 20 and 50 feet respectively.

**R. Tufts-Keegan** made a motion that the application be accepted with the condition the front and side/rear setbacks be corrected to 50' and 20'.

**J. Quinn** seconded the motion.

Motion carried.

### ***New Business***

#### **Gunnison Preliminary Consultation**

**Map 1, Lot 2**

**470 Siver Street**

**L. Gunnison** explained House Bill 1361 requires municipalities to provide opportunities for manufactured housing parks and subdivisions. She said this primarily applies to parks and Middleton does not have any.

**L. Gunnison** said Middleton does not currently have any elderly housing either and she has a family compound that she would like to add homes to. Under the Family Compound Ordinance, Article 23, she is allowed to put one more unit on her property for a total of three. She said Community Home Loan Funding will help finance the third home if the Town approves it. She said she is coming to the Planning Board for advice. Ideally, she would like a third home and an Accessory Dwelling Unit. She would like the Board to conduct a site visit.

**L. Gunnison** suggested the Planning Board become familiar with House Bills 1361, 1399 and 1291.

There was some discussion about whether 1291 had passed the Senate.

**L. Gunnison** said several New Hampshire towns have reduced their minimum lot size requirement. She said Middleton should look at how the Town is going to be sure they have their fair share of affordable housing.

**L. Gunnison** showed the Board drawings that show options for her land, one of which involves purchasing an additional acre of land from a neighbor.

**L. Gunnison** asked about getting written approval for financing.

**J. Mullen** said when a decision is made she can give that written decision to the lender.

**R. Tufts-Keegan** asked when she entered into the family compound.

**L. Gunnison** said around 2017 or 2018 John Mammone told her about the Family Compound article. She said she filled out the application in 2020. She said she also spoke with three or four other people including Arthur Capello.

**J. Mullen** said there should be a record in their file.

**R. Tufts-Keegan** said they want to be sure residents understand if they have a Family Compound and put three houses on five acres, they cannot subdivide that in the future.

There was discussion about the septic systems for the Gunnison property as well as septic system requirements for Family Compounds and ADUs in general.

**J. Mullen** said the ADU would come under state guidelines.

**J. Mullen** closed the Public Hearing for the Hertel Subdivision at 6:52 p.m.

**R. Tufts-Keegan** said the building permit is good for a year.

**L. Gunnison** said she is not planning to move ahead for a year so she will wait to file a building permit. She needs to get the funding approved first.

**C. Maynard** asked if the 5-acre minimum excluding wetlands will affect Gunnison's plans.

**R. Tufts-Keegan** said no, that only applies to subdivisions.

**J. Mullen** read a section of Article 8 on page 23 "No part of a wetland may be considered as part of the minimum size requirement of any lot." He said she already has the lot. It would be different if they were subdividing.

**K. Buzard** said they are two different things – Family Compound and ADU.

**J. Mullen** said a Family Compound is a single lot that has up to three dwellings on it.

**C. Maynard** asked if they can have an ADU in a Family Compound.

**R. Tufts-Keegan** said yes and read the ADU ordinance.

**J. Mullen** said all other rules apply to a Family Compound.

**R. Tufts-Keegan** said the ADU should be attached since there are already going to be three dwellings on the lot.

**L. Gunnison** said manufactured housing is not addressed in the Zoning Ordinance.

**R. Tufts-Keegan** suggested the Board visit the site on September 19, 2024 at 6:00 p.m., just prior to the previously planned workshop.

### **Sindorf Minor Subdivision Application Map 16, Lot 9, Kings Highway**

**J. Mullen** said he will contact Mr. Sindorf concerning the need to re-do his plan allowing for 5 acres, not including wetlands, per site.

The Board agreed to waive Section 4.6.11 of the Middleton Development Regulations and allow wetlands and wetland buffers to not be depicted on the plan for the rear of the lots.

**Merge Town Forest Properties**  
**Kate Buzard**

**K. Buzard** presented the merger application, plan, and documentation to finalize the previously approved merger of Town Forest lots Map 6, lots 14, 13-2 and 24 where they have common borders.

**J. Mullen made a motion** to approve the merger of the Town Forest properties on Map 6, Lots 14, 13-2 and 24.

**C. Maynard seconded the motion**

**J. Quinn** asked if this is public land open to hike, snowmobile and other recreational activities.

**K. Buzard** said they do not have a forester yet and are looking for one, but yes, that's the intent.

**Motion carried**

***Review of Minutes***

**R. Tufts-Keegan made a motion** to approve the minutes of August 8, 2024 with the changes indicated on page 2.

**C. Maynard seconded the motion**

**Motion carried**

***Communications***

**J. Mullen** received a notice for a hearing on a New Durham lot line adjustment. It will not affect property in Middleton.

***Budget***

**R. Tufts-Keegan** said the budget is \$13,526 of which \$2,500 has been spent which leaves approximately \$11,000.

**J. Mullen** said there will be more expense for Strafford County Regional Planning.

***Building Permits***

There are three building permits on the report from 7/1/2024 to 9/11/2024.

## ***Report of Members***

There was some discussion about the upcoming NHMA Annual Conference.

## ***Unfinished Business***

### **Zoning Ordinance Review**

**J. Mullen said** creating a septic ordinance will take planning. They will need to have a public meeting, get input from residents, and put together a presentation educating people as to why this is important.

**J. Quinn** said the presentation should be available on line for those who cannot attend a meeting.

There was discussion about the current condition of Sunrise Lake.

**J. Mullen** said there will be more testing done on 9/23/2024 for milfoil.

There was discussion about which ordinances to prioritize updating since time is limited.

**J. Mullen** suggested next year the Board should hire someone, possibly an attorney, to help with the updating.

**J. Mullen** said realtors involved in a sale are required to be sure septic systems are inspected and if necessary, be repaired or replaced by the buyer or seller within 6 months.

**J. Quinn** said the drawdown of the lake will start October 14.

## ***Adjournment***

**R. Tufts-Keegan made a motion** to adjourn at 7:41 p.m.

**C. Maynard seconded the motion**

**Motion carried**

Respectfully submitted by:

Robin Willis

#### 4.12 OFF-SITE IMPROVEMENTS

If the Board determines that the proposed subdivision or site plan development will adversely affect existing public facilities, roads, sidewalks, drainage, sewer or water supply, causing them to be inadequate to meet the additional needs created by the subdivision, then the applicant shall pay a reasonable share for such upgrading of the public facilities to an extent necessary to protect the public interest.

If other properties benefit from the upgrading of such off-site public improvements, the Board shall determine the portion of the cost to be paid by the applicant, taking into consideration the following elements:

1. The character of the area.
2. The extent that other public and private property will be benefited by the upgrading and;
3. Any other factors that the Board deems appropriate to establish a rational connection between the needs created by the development and the amount to be paid by the applicant.

#### 4.13 ACCEPTANCE OF IMPROVEMENTS

The applicant shall grant easements and/or deeds in a form certified as satisfactory by Planning Board of any on or off-site improvement, road, utility or open space to be accepted by the Town as part of the completed plan. Approval of the plan by the Planning Board shall not constitute an acceptance by the Town of the dedication of any road, on or off-site improvement, utility or open space.

#### 4.14 TAX LIEN DISCLOSURES

No subdivision shall be finally signed until the Planning Board is provided with confirmation, in writing, from the Tax Collector that all tax liens (other than those that apply to April 1 of the tax year in which the subdivision is being approved) have been paid and cleared; or that a written agreement between the Tax Collector, the Board of Selectmen and the applicant has been signed.

#### 4.15 DEVELOPMENT AGREEMENT

The Planning Board may require the applicant to enter into a Development Agreement with the Town in which the timetable, off-site improvements, responsible parties and methods of payment of the proposed development will be laid out.

#### 4.16 WAIVER APPLICATIONS

The Planning Board may grant a waiver from a specific section of the Development Regulations in a special case when:

1. The strict application of these regulations would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the affected property or;
2. An alternative site plan or subdivision design approach which meets the purpose of the regulations equally well or better than compliance with the existing regulations.
3. In either of the forgoing circumstances, the waiver may be granted so that justice may be done and the public interest secured, provided that such waiver will not have the effect of nullifying the intent and purposes of these Regulations, the Zoning Ordinance or the Master Plan.

The Planning Board shall approve or disapprove waivers based upon the evidence presented to it in each specific case.

An applicant shall request in writing to waive specific requirements of these Regulations as they pertain to the application, by the application deadline for a regularly scheduled Planning Board meeting. The Planning Board's publicly noticed agenda for the particular meeting shall clearly indicate that a waiver request(s) has been received, a copy of which is available at the Land Use Department and that the waiver request(s) will be considered at the meeting.

Abutter notification is required for all waiver requests.

All approved waivers shall be noted on the plans, indicating the sections waived and a general description of the waivers.

#### 4.17 AMENDMENTS

The following provisions shall govern the approval of amendments to an approved development plan:

1. Minor amendments, as determined by the Planning Board or its designee and Code Enforcement officer, after consultation with appropriate departments may be approved.
2. The Planning Board or it's designee may approve engineering changes related to field conditions, provided that the change(s) do not have a detrimental effect to abutting properties and provided that all changes are consistent with the Planning Board's and the Town of Middleton's regulations and standards.
3. All minor amendments shall be shown on an As-Built plan to be submitted to the Town Assessor.
4. All major amendments as determined by the Town Assessor or its designee

CONDOMINIUM CONVERSION: The division of an existing or approved building or group of buildings into units owned individually and the common areas and facilities are all owned all the owners on a proportional, undivided basis.

(-,

LOT LINE ADJUSTMENT: A subdivision where no new buildable lots are created. A lot line adjustment may not create a more a non-conforming lot per the Town of Middleton Zoning Ordinance, save those cases where a variance has been granted for such.

MINOR SUBDIVISION: The division of a lot, tract or parcel of land which would result in three (3) or fewer new building lots and which does not require the installation of any new roads (public or private) or the extension of any municipally owned utilities (sewer and water).

MAJOR SUBDIVISION: The division of a lot, tract or parcel of land which creates four (4) or more additional building lots or an application which requires the installation of new roads (public or private) or the extension of municipally owned utilities (sewer and water).

#### 4.6 SUBMITTAL REQUIREMENTS- MINOR SUBDIVISION, LOT LINE ADJUSTMENT AND CONDOMINIUM CONVERSION APPLICATIONS

A fully executed and signed copy of the application. Five (5) reduced [11"x17"] copy, Six (6) [24"x36"] large copies, and one digital (PDF) copy of a plan drawn at a scale sufficient to allow review of the following items:

( ;,

1. Name, address and signature of applicant.
2. Name, address and signature of owner(s) of record, if different from applicant.
3. Name and address of person or firm preparing the plan.
4. Names and addresses of all current abutting property owners as displayed in the Assessing Department's records within five (5) days of application due date.
5. North arrow.
6. Scale.
7. Date prepared.
8. Locus map showing general location of the site within the Town.
9. Property boundary lines, inclusive of distances and angles plotted to scale.
10. Areas of proposed lots in square feet and acres.

(



( 11. Delineation of all wetlands and wetlands buffers. *wame ?*

12. Delineation of slopes over twenty-five (25%) percent.

13. Location of buildings within fifty (50') feet of the subject site.

14. Location of all roads or driveways within two hundred (200') feet of the subject site.

15. Existing access roads, recreational trails and boundaries (such as stone walls, barbed wire, etc.).

16. Existing and proposed buildings and driveways on-site.

17. Current zoning classification of property, and location of district boundaries if located in two or more zones.

18. The location of all building setbacks required by the Zoning Ordinance.

19. On-site flow of traffic.

( 20. All existing and proposed services such as sewer, water and utilities.

21. A note defining the purpose of the plan.

22. Brief history of the property, including other disturbances that have happened on the property.

23. General description of the existing characteristics such as: developed, productive farmland, meadow, forest, viewshed, archeological site, areas contiguous with other open space, wildlife corridors.

24. Summary description of drainage upstream onto property and discharge downstream from property.

25. Flood hazard information provided in conformance with the requirements of 5.012 SPECIAL FLOOD HAZARD AREAS.

26. A note referencing and delineations on the plan of all easements, rights-of-way and deeded property restrictions.

27. State of New Hampshire Alteration of Terrain permit number(s), if required.

C 28. All parcels shall be numbered in a consecutive manner with no omissions or duplications. The notation of the plan shall contain a list of the map and lot numbers of the parent tract(s) as identified in the Town of Middleton assessing

records.

29. Planning Board approval block with space for Chair's signature and date, and Approval number and Approval date.

30. The seal of a duly registered and licensed land surveyor shall be affixed to the final plan attesting that the final plan is substantially correct and which certifies that all bounds have been set and that the survey will close within one ten thousandth of a foot (1'/10,000').

31. Any approved waivers indicating the sections waived and a brief general description of the waiver.

The Planning Board may require the plans be stamped by a NH Licensed Civil Engineer, Soil Scientist or Wetlands Scientist, as necessary, to certify all regulations have been adhered to and the plan conforms to applicable Federal, State and Town regulations.

The Planning Board may require outside and interdepartmental review.

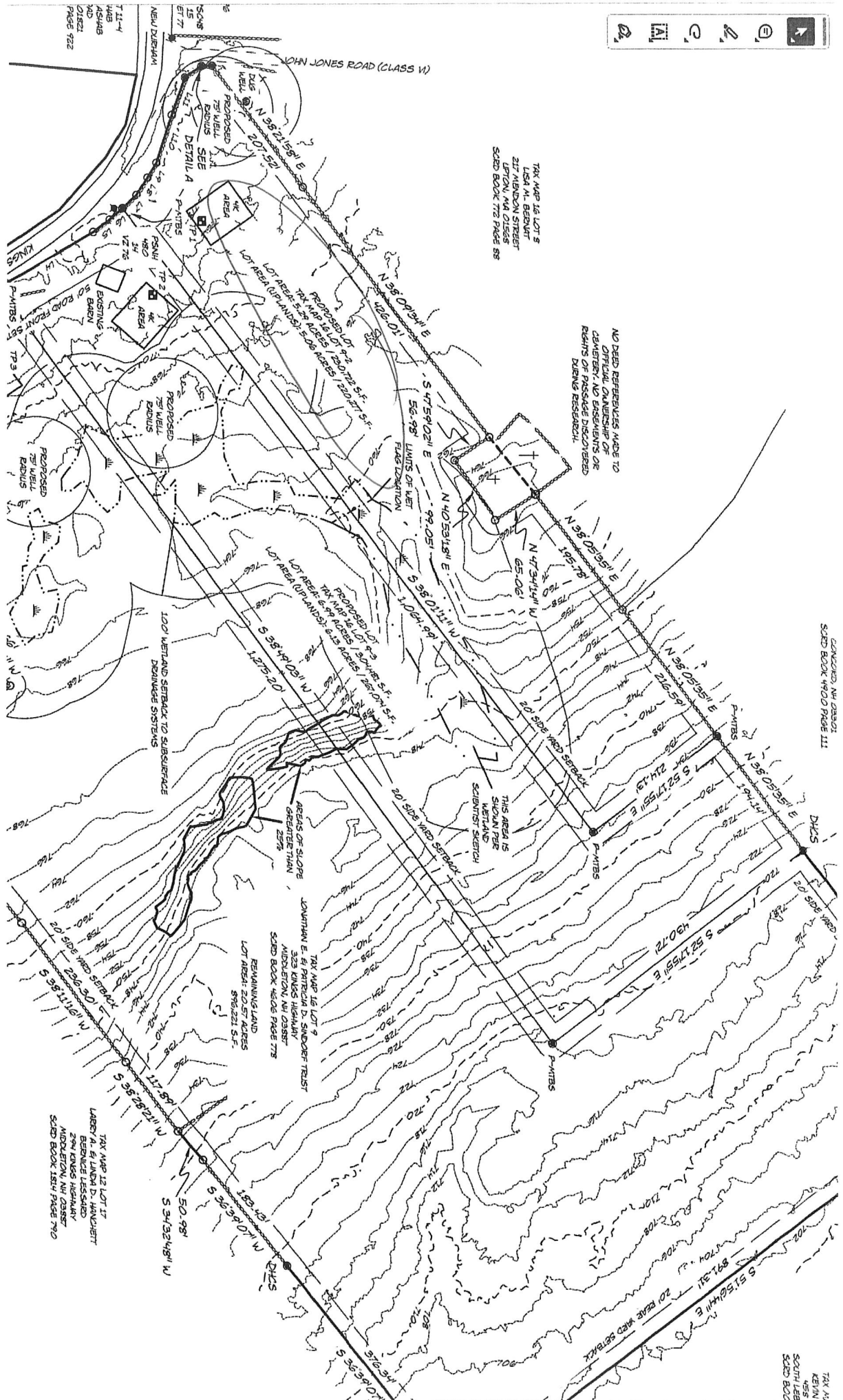
The Planning Board may require a Storm Water Management and Erosion Control plan be submitted in accordance with Section 5.010 SURFACE DRAINAGE/ NON-POINT SOURCE WATER POLLUTION.

The Planning Board may require additional information as deemed necessary in certain situations and is not limited to only those submittal requirements listed in this section.

#### 4.7 SUBMITTAL REQUIREMENTS-MAJOR SUBDIVISION APPLICATIONS

A fully executed and signed copy of the application. Five (5) reduced [11"x17"] copy of a plan and Six (6) [24"x36"] large copies and one digital (PDF) copy to be determined at the time of application, shall be drawn at a scale sufficient to allow review of the items listed under the following requirements:

1. Name, address and signature of applicant.
2. Name, address and signature of owner(s) of record, if different from applicant.
3. Name and address of person or firm preparing the plan.
4. Names and addresses of all current abutting property owners as displayed in the Assessing Department's records within five (5) days of application due date.
5. North arrow.



TRX MAP 12 LOT 5  
 LISA M. BERGUT  
 217 NEWTON STREET  
 UPTON, MA 01568  
 SCED BOOK 712 PAGE 88

NO DEED REFERENCES MADE TO  
 DIFFERENT OWNERSHIP OF  
 PARCELS. NO REFERENCES OR  
 REFERENCES TO OTHERS  
 BEING RESEARCHED.

CONVEYED IN DEED  
 SCED BOOK 4900 PAGE 111

TRX 11  
 KENN  
 SOUTH  
 SCED BOOK

5-29(5.06)

G.99(6.13)

PDF only

TRX MAP 12 LOT 17  
 LARRY A. & LINDA D. HANCOCK  
 BEDFORD MASSACHUSETTS  
 294 KINGS HIGHWAY  
 ANDOVERTON, MA 03827  
 SCED BOOK 1244 PAGE 790

TRX MAP 12 LOT 9  
 JOHNTAN E. & PATRICIA D. SANDOZ TRUST  
 323 KINGS HIGHWAY  
 ANDOVERTON, MA 03827  
 SCED BOOK 4206 PAGE 778

REMAINING LAND  
 LOT AREA: 20.57 ACRES  
 996,221 S.F.

AREAS OF SLOPE  
 GREATER THAN  
 25%

100' WETLAND SETBACK TO SUBSURFACE  
 DRAINAGE SYSTEMS

THIS AREA IS  
 SLOAN PIPE  
 SUBURBAN SERVICE







# Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

OFFICE OF THE PLANNING BOARD

## AGENDA

Regular Meeting

Thursday, September 12, 2024, 6:30 PM  
MIDDLETON OLD TOWN HALL  
200 KINGS HIGHWAY

1. Call to Order
2. Pledge Allegiance
3. Roll Call by the Chair
4. Consideration of Application
  - a) The Gunnison Work Force Housing Units, Map 1, Lot 2, 147 Silver Street
  - b) The Sindorf Sub-Division Plan, Map 16, Lot 9, Kings Hwy
5. Hearings
  - a) Continuation of Sub-Division Hearing on the Hertel Sub-Map 8, Lot 6, Pinkham Road
6. Other Business:
  - a) Kate Buzard-CC Merge Town Forest Properties
  - b) Public Comment
7. Review of Minutes:
  - a) August 8, 2024
8. Communications
  - a) New Durham Lot Line Adjustment
9. Budget Review
10. Building Permit Review
11. Report of Members

**12. Unfinished Business**

- a) **2024 Zoning Ordinance Review**

**13. Member Comment**

**14. Call for Adjournment**





# TOWN OF MIDDLETON

## Projects Report

Project Status: ALL  
 Project Dates: 07/01/2024 TO 09/17/2024  
 Project Types: ALL

PROJECT TYPE: ALTERATION					
PID	Project Date	Project Name	Project Owner	Project Status	Location
000003	08/26/24	SERVICE UPGRADE	SCHAAD, RONALD L.	OPEN	60 AUCLAIR ROAD
GROUP PROJECT COUNT:		1			
PROJECT TYPE: DECK					
PID	Project Date	Project Name	Project Owner	Project Status	Location
000004	08/19/24	DECK	LIONETTI, JULIANN T	OPEN	27 KAREN ROAD
GROUP PROJECT COUNT:		1			
PROJECT TYPE: GARAGE					
PID	Project Date	Project Name	Project Owner	Project Status	Location
000005	07/09/24	SHED	WELLMAN, MEGHAN A	OPEN	25 AUVEN WAY
GROUP PROJECT COUNT:		1			
TOTAL PROJECT COUNT:		3			