



Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

PLANNING BOARD HEARING & MEETING MINUTES

Middleton Old Town Hall
200 Kings Highway
Middleton, NH 03887

January 9, 2025 at 6:30 p.m.

These minutes serve as the legal record 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 6:34 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), Kate Buzard (Alternate)

Attachments

Meeting Sign in Sheet
Agenda
Building Permit Report for December
Letter from D. Chesley

J. Mullen said **K. Buzard** is an alternate member. Since all regular board members are present, she will participate as a non-voting member tonight.

J. Mullen explained the process for the hearings tonight. He said the abutters for both the Hertel and Sindorf properties were noticed twice. They were incorrectly notified via certified mail of a Public Hearing before the applications were accepted by the Board. This was not required. They were also notified via certified mail about tonight's Public Hearings, which is the correct process.

J. Mullen reopened the Public Hearing for the Hertel Subdivision at 6:37 p.m. and closed the Public Hearing at 6:38 p.m.

Consideration of Application & Hearing

Raed Hertel Family Trust Major Subdivision
Map 8, Lots 11 & 14 Pinkham Road

J. Mullen went over the information that was noted as missing at the previous meeting, and confirmed it has since been provided.

J. Hertel explained a property line adjustment will be made as a result of a meeting with him, resident David Dufresne, and a representative from Prospect Mountain Surveyors. He does not have an updated plan yet since the change was just agreed on today. He showed the Board Members where a 38-foot change to the front of the property line will be made.

D. Dufresne explained his understanding of the agreement and said he was willing to accept it.

K. Buzard pointed out the plan they have in hand is incorrectly dated 12/13/2023.

J. Mullen said a new plan needs to be submitted with today's date that shows the lot line revision agreed to by the landowners.

K. Buzard said snowmobile trails should be noted on the plan. She said the Board needs to know how important the trails are to abutters and the community in general.

C. Gagne, abutter, confirmed there is an old unused snowmobile trail on the land.

There was discussion about the old trails.

K. Buzard asked about responses from Department Heads requesting their input on the subdivision and said the Conservation Commission asked for more time.

J. Mullen said there were no other responses.

R. Tufts-Keegan made a motion the Hertel application be accepted with the condition an updated plan is submitted showing the correct date and the lot line adjustment.

C. Maynard seconded the motion.

Motion carried.

J. Mullen opened the Public Hearing on the Hertel Subdivision at 6:55 p.m.

C. Gagne asked if there were two cellar holes found on the property.

J. Hertel said they found one.

K. Buzard said she would like there to be a deed restriction saying no further subdivisions are allowed on these lots in the future. She also asked about vernal pools and the effect of the recent forestry on the ecological environment.

J. Hertel agreed to add a deed restriction on future subdivision to the plan.

There was discussion about the addition of a fire pond.

K. Benedetti asked who would be responsible for any road damage that occurred.

There was discussion about impact fees and how they are assessed. The Town of Middleton added an Impact Fee Article to the Zoning Ordinance last year. Impact fees are assessed on a case-by-case basis.

There was discussion about the Highway Department's responsibility for maintaining roads and preventing/controlling damage.

L. Beucler, abutter, said it sounds like the town created impact fees and they are in the regulations, but not currently assessed.

J. Mullen said that's correct. He explained how they will be assessed in the future and why the impact fee article and development regulations were created the way they were.

There was discussion about the possible impact of homes that may be built if the subdivision is approved.

J. Quinn said there is no way to predict who will buy the lots and what or when something may be built.

R. Tufts-Keegan said financial impact on the town, including the school, could come from a variety of sources, not necessarily a subdivision of land.

J. Cowell, resident, asked if the town has assessed any impact fees since the article was accepted.

C. Maynard said they could assess impact fees on builders in the future.

R. Tufts-Keegan said impact fees are not unique to what's happening on Pinkham Road. They need to determine a fair and legal way to decide what should be assessed and who should pay.

There was discussion about how fees should be assessed in the future. The majority of the board members think they should be determined when a building permit is requested.

J. Mullen says once a subdivision application is accepted, the Board has 65 days to make a decision on the plan.

K. Buzard said because the departments did not respond to the request for input on the effect of this subdivision, they have nothing to go on to consider assessing impact fees.

C. Maynard explained the rationale for the fees and that they are meant to offset the effects of cumulative development on a town's infrastructure. However, there are practical considerations involved in costs, assessing, administering, and accounting for the fees and there are considerable ramifications for not doing it correctly. More work is needed to figure out how the Town will assess and implement them in the future.

J. Mullen said they cannot predict the future the impact of six empty lots that are up for sale.

J. Quinn said this hearing is about dividing property, not developing it. He said they cannot hurt people financially for subdividing their land or harvesting their forest.

K. Benedetti suggested requiring a bond in case there is damage.

It was agreed to continue the Public Hearing until February 13, 2025. This will give the Conservation Commission time to make their suggestions and give the applicant time to make the previously agreed upon updates.

J. Mullen said the application has been accepted with the condition that the plan drawing be updated as agreed. The Board has 65 days to reach a decision on the subdivision. If they cannot reach a decision in 65 days - for example they need further time to review something - they have the option of extending the date if both parties agree.

J. Hertel asked the Planning Board and Conservation Commission to let him know as soon as possible what, if any, additional information they need.

J. Mullen closed the Public Hearing at 7:47 p.m.

Consideration of Application & Hearing
Sindorf Minor Subdivision
Map 16, Lot 9, Kings Highway

J. Mullen reopened the hearing for the Sindorf application at 7:48 p.m. and closed the hearing at 7:49 p.m.

J. Mullen said the Board will now review the application for completeness.

W. MacDuff explained the request for a waiver and how it applies to the current plan. 4.6.11 in the Development Regulations says "Delineation of all wetlands and wetlands buffers." He is requesting a waiver for the 50 feet in the back of the lot that border Map 16, lot 9-1.

K. Buzard read the criteria for accepting a waiver from page 34 of the Development Regulations, Section 4.16.3. She said she believes this waiver request meets those criteria.

R. Tufts-Keegan made a motion the waiver be granted based on the explanation of the criteria K. Buzard provided.

C. Maynard seconded the motion.

Motion carried.

W. MacDuff explained the latest update to the plan. He said the Sindorfs came to an agreement with abutter Kevin Hartford about the easement that was in question. He said there was a change in the amount of acreage since the initial plan and the property line adjustment is shown on the most recent version. He said each lot is more than five acres of uplands.

There was discussion about the old cemetery on the proposed lot Map 16, Lot 9-2.

J. Mullen reviewed each item on the checklist with the Board Members and the applicant.

R. Tufts-Keegan made a motion the application be accepted with the condition the plan is updated with the recent change to the right of way that was agreed on.

C. Maynard seconded the motion.

W. MacDuff clarified the plan has been updated with the change and showed the Board the most current version.

R. Tufts-Keegan amended her motion to accept the application as complete.

C. Maynard seconded the amended motion.

J. Quinn asked if the objection from other family members was resolved.

J. Sindorf said there is nothing to resolve because there is no legal standing. The legal ownership of the property is clear.

Motion carried.

J. Mullen opened the Public Hearing on the Sindorf Subdivision at 8:07 p.m.

D. Chesley spoke against the subdivision and would like to read a statement for the public record.

R. Tufts-Keegan said the statement relates to a private matter and has no affect on the Planning Board's decision. However, they can include the written statement in the record of the Public Hearing.

K. Hartford spoke in favor of approving the subdivision and appreciates the Sindorfs working to resolve the easement previously in question.

J. Mullen closed the Public Hearing at 8:10 p.m.

C. Maynard made a motion to approve the Sindorf Subdivision.

R. Tufts-Keegan seconded the motion.

Motion carried.

Approval of Minutes

R. Tufts-Keegan made a motion to approve the minutes of December 12, 2024 and December 19, 2024.

C. Maynard seconded the motion

Motion carried.

Communication

J. Mullen said there is a Public Hearing on the proposed changes to the Zoning Ordinance posted for January 16, 2025 at 6:00 p.m. A second Public Hearing will be posted for January 23, 2025 at 6:00 p.m. (it was later changed to January 22, 2025 due to scheduling conflicts) and is required if more changes are made.

J. Mullen suggested the Planning Board change the time of future meetings to 6:00 p.m.

K. Buzard said the 2024 tax maps are on the website now.

Budget Review

There was discussion about the legal expense line.

Building Permit Review

R. Tufts-Keegan said it's important new builds adhere to the setback requirements, particularly in the Village District.

Old Business

Zoning Ordinance Review

J. Quinn asked if there will be a summary of the changes available.

J. Mullen said yes.

Driveway Regulations: Driveway Aprons

J. Mullen read a change requested by the Highway Department. The Public Hearing for the change will be included in the notices for the hearings on the proposed Zoning Ordinance changes. If accepted, the new language will be added to the Driveway Regulations.

R. Tufts-Keegan made a motion to adjourn the meeting at 8:27 p.m.

C. Maynard seconded the motion.

Motion carried.

Respectfully submitted by:

Robin Willis



Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

OFFICE OF THE PLANNING BOARD

MEETING SIGN-IN

January 9, 2025 Old Town Hall

Please Print Legibly

Name	Address	Phone/E-mail (optional)
Jonathan Sindorf	323 Kings Hwy Middleton	jessie.fay
Patricia D. Sindorf	"	"
WILLIAM MACDUFF	31 MOONEY ST	WMACDUFF@NORWAYPLAINS.CO
Peter Sindorf	31 Belknap St Apt 3 Dover	603-986-3198
Breanna Sindorf	↑	↑
Jeff Hestel	Alton	
David Dufresne	38 Pinkham Rd Middleton	
Mr. & Mrs. Rawlinson	74 Eastman Ln.	
D. Christine Chesley	307 Kings Hwy Middleton	603-473-0026
Robin + Corey Eustman	(Charitable trust) 284 Middleton Rd Wolfeboro	603-834-2019
Kelly Benedetti Chrislogie	20 Pinkham Rd	603-754-3200
BRIAN & LORRAINE BEVELER	46 SHORE DR	
DAVID & JANNIE COWELL	54 Shore Dr.	202-899-9593
Kevin Hestel	400 River Rd Lebanon	603-473-9593
Therese Hestel	"	"

Thursday, January 9, 2025

Town of Middleton — Office of the Planning Board
Attn: Robin Willis, Planning Board / Administrative Clerk
182 Kings Highway
Middleton, New Hampshire 03887

RE: Jonathan E. & Patricia D. Sindorf Trust Application for Subdivision / January 9, 2025 Review

Dear Members of the Planning Board:

My name is Dorothy Christine Chesley, sister of, and abutter to, Jonathan Edward Sindorf. I am here tonight to continue to voice that my husband, Gary Chesley and I are opposed to the proposed subdivision. Gary would be here with me tonight if he wasn't sick, and needing to stay at home.

As I stated at the October 7 meeting, Gary and I were shocked when we received the certified letter from the town with the abutter notice for this subdivision plan, which made it obvious to us that Jonathan had decided to not honor the wishes of our parents, and was attempting to take our parents' entire estate for himself — cutting Joseph and me out of any inheritance from our parents, and ignoring the land that had been gifted to Joe and me and our spouses earlier, by our dad, as we outlined in our statement of protest that evening.

At the November 21 meeting, my husband Gary and I submitted a statement that even though our brother Joseph Sindorf and I had both reached out to Jonathan several times, in hopes of talking with him and hopefully coming to some common ground, so the land can be divided in keeping with our parents' wishes, Jonathan had, as yet, not responded to us at all. We also informed the board that we had spoken with a legal firm and the New Hampshire Bar Association on the matter.

We attended the December 12 meeting, prepared to make a statement, but this matter had been removed from the agenda for that evening.

Earlier this week, I emailed Jonathan again, this time asking him to withdraw the application for subdivision, until we three siblings, have the opportunity to meet, have a discussion, and come to an agreement concerning our parents' estate.

We understand that the planning board's options are limited. Yet, we also believe that it is important for us to continue to speak out in opposition to the proposed subdivision, for the public record. We continue to hope that Jonathan will withdraw the application for subdivision and will agree to meet with Joseph and me; in which case, we should be able to quickly come to an amicable agreement.

Respectfully,

Gary J. and D. Christine Chesley
307 Kings Highway
Middleton, NH 03887



Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

OFFICE OF THE PLANNING BOARD

AGENDA

Regular Meeting

Thursday, January 9, 2025, 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) Continuation of Hertel Sub-Division, Pinkham Road, Map 8-11 & 14 Application
 - b) The Sindorf Sub-Division Plan Map 16, Lot 9 Kings Hwy
 - i) Request for Waiver
 - ii) Sub-Division Review
6. Public Comment
7. Review of Minutes:
 - a) December 12, 2024,
8. Communications
9. Budget Review
10. Member Comments
11. Building Permit Review
11. Report from Members
12. New Business
13. Old Business.
 - a) ZO Ordinance Review
 - b) Driveway Regulations: Driveway Aprons
14. Call for adjournment

Next Regular Scheduled Meeting: Thursday, February 13, 2025