



# Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

## PLANNING BOARD MEETING & HEARING MINUTES

Middleton Old Town Hall  
200 Kings Highway  
Middleton, NH 03887

January 16, 2025 at 6:00 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 6:06 p.m.

### ***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  
Proposed Amendments to Driveway and Access Way Regulations  
Proposed Amendments to Zoning Ordinance  
Sketch of Map 7, Lot 3-38

### ***Preliminary Conception Review - Melanson Map 11, Lot 1-20***

**L. Melanson** said he wants to put a third home on his existing Family Compound.

**R. Tufts-Keegan** said the Board wants to be sure he understands the intent of a Family Compound and what is entailed. The Board needs an affidavit from the people living in the homes testifying that they are a relative of the owner, what that relationship is and that they are not paying rent. She said homes on a Family Compound are supposed to share a driveway. Only one driveway per lot is allowed. In the future, should the property be subdivided (providing the subdivision meets all of the Zoning Ordinance requirements at the time and a subdivision is approved) he could then apply for an additional driveway permit. Currently only one driveway per lot is allowed.

**R. Tufts-Keegan** said the same stipulations would apply to **C. Allard** if he decided to pursue a Family Compound.

**J. Quinn** asked if the driveway could be made into a private road.

There was discussion about building the additional home he is requesting with "an eye toward the future" as is indicated in the Family Compound Article. If a subdivision were requested in the future, each lot and house would have to meet the zoning requirements in place at that time.

Currently, the requirement is each lot must be 5 acres or more of uplands in order to subdivide. Therefore, Map 11, Lot 1-20 cannot be subdivided.

***Preliminary Conception Review – Allard  
Map 7, Lot 3-38***

**C. Allard** said he wants to have three homes on his 21-acre lot under Article 23 Family Compound of the Zoning Ordinance.

**C. Allard** said there are no wetlands on his property.

**K. Buzard** described her knowledge of the wetlands in that area.

**J. Mullen** advised **C. Allard** that if his family situation changes in the future and he chooses to subdivide a Family Compound, he would need a survey and a professional opinion as to where the wetlands are.

**C. Roy** said he is going to need a survey before building to show the delineation between homes.

**K. Buzard** asked how the septic was going to be designed.

**L. Melanson** said the law changed recently and the homeowner is no longer allowed to install their own septic system.

**J. Mullen** verified **C. Allard** and **L. Melanson** are aware there is currently a proposal to rescind the Family Compound Article.

**J. Quinn** said if a property is approved for a Family Compound it is exempt from future changes to the Family Compound Article.

**J. Mullen** cautioned that not having the property surveyed will most likely cause problems in the future.

**C. Roy** said he cannot give either of the applicants any building permits without state approved septic designs.

**R. Tufts-Keegan made a motion** that the Board approve the Family Compound request for the Allard property, 248 New Durham Road, Map 7, Lot 3-38 with the following conditions: 1) the applicant comes to the Board's April 10, 2025 meeting with approved septic plans and/or gives the Board an update on the progress toward that and building permits, 2) provides an affidavit saying he understands the intent and provisions of the current Family Compound article and 3) each resident living in the compound will sign an affidavit verifying they are not paying rent and what their relationship to the owner is.

**J. Quinn seconded the motion.**

**Motion carried.**

**L. Melanson** said he is requesting a building permit for a third home on his Family Compound. He showed the Board Members and **Carl Roy**, CEO a septic design plan dated August 2024 for two, two-bedroom homes.

**R. Tufts-Keegan** said there should be one address and one driveway for this Family Compound.

There was discussion about how this property was incorrectly given two driveway permits and two addresses. There will be no more driveways allowed on this lot and the lot should be assigned one address.

Currently the tax map indicates 113 Pheasant Drive. There is a note in the narrative saying the lot has a second driveway and an address of 109 Pheasant Drive also assigned to it.

The Administrative Clerk will get back to the Board with a recommendation on how to handle the driveway, mail and address situation. She will also draft affidavits for both applicants and their families to sign.

**R. Tufts-Keegan** made a motion to allow the CEO to consider a building permit for a third and final home on the family compound located on Map 11, Lot 1-20 on the condition the previously mentioned affidavits are completed and the rules for the Family Compound are followed.

**C. Maynard** seconded the motion.

**C. Roy** advised **L. Melanson** and **C. Allard** they must be sure the driveway length and width comply with emergency access requirements.

**L. Melanson** asked if he could operate a "Mom and Pop" market on his lot at 684 NH Route 153.

The Board advised **L. Melanson** to look at the Zoning Ordinance on the Town of Middleton website for the rules that apply to lots in the Rural Residential Zone.

**J. Mullen** read the sections applying to permitted uses from the Zoning Ordinance. The requirements for a store are listed start on page 9. It appears the lot at 684 NH Route 153 will not meet the 2-acre minimum requirement.

**L. Melanson** asked if he can operate a food truck.

**J. Mullen** suggested he ask the BOS Secretary/Bookkeeper to see the Town Ordinance.

**C. Maynard** suggested he also check the State regulations.

**C. Roy** agreed with the Board's proposed wording (Warrant Article 2) to amend Article 6 – Lot Standards Section 8, Paragraph 4 to add: delineating where the maximum height of a structure is measured which is "measured from the average finished grade to the highest peak."

**J. Mullen** opened the Public Hearing on the Proposed Amendments to the Middleton Zoning Ordinance and Driveway Regulations and Amendments at 7:01 p.m.

**J. Mullen** read the Proposed Amendments as they will appear on the ballot.

**K. Buzard** presented the Road Agent's proposed verbiage for changes to Page 7, #5 of the Driveway Regulations.

**R. Tufts-Keegan** made a motion to add the verbiage to the Driveway Regulations as recommended by the Road Agent.

**J. Quinn** seconded the motion.

**Motion carried.**

**R. Tufts-Keegan** made a motion to amend item #20 on page 9 of the Driveway Regulations to read "...a minimum of 10' in length back from connection to the edge of the pavement unless approved by the Planning Board. "

**C. Maynard** seconded the motion.

**Motion carried.**

**J. Quinn** wants to be sure the way the proposed changes will be presented to the public is acceptable to the board.

**R. Tufts-Keegan** said the list summarizing the Warrant Articles will be on the ballot; the detail will be available also.

There was discussion about the best way to present the proposed changes to residents so they are understandable, complete and meet the requirements of the law.

**J. Mullen** closed the hearing on proposed changes to Driveway Regulations at 7:16 p.m.

**J. Mullen** closed the hearing on proposed changes to the Zoning Ordinance at 7:17 p.m.

There was discussion about whether another hearing will be necessary on January 22, 2025.

**C. Maynard** wants to add the Zoning Map to the Zoning Ordinance.

**K. Buzard** says it also needs to be available at the municipal building; they are in the process of ordering one.

**J. Mullen** said there is about \$700 left on the contract with Strafford Regional Planning.

There was discussion about the need to make material such as where the watershed is, GIS data and similar information easily available to the public and how to accomplish that.

**K. Buzard** asked why the residents came before the Planning Board today to discuss Family Compounds.

**J. Quinn** said the Board previously had a site visit for a resident on Silver Street who wanted a Family Compound.

**Kate Buzard** said that visit was site regulation.

**J. Quinn** said the two residents that came to the Board tonight were looking for clarification on the rules for a Family Compound.

**R. Tufts-Keegan** said it might not be necessary, but it's good practice.

The Board agreed if the Family Compound Article is not rescinded there needs to be clarification on what is required.

The Administrative Clerk verified the tax card for Map 11, Lot 1-20 includes two buildings and a note there are two driveways and two addresses but does not indicate it is considered a Family Compound.

**R. Tufts-Keegan made a motion** to approve the minutes from January 9, 2025.

**C. Maynard seconded the motion.**

**Motion carried.**

**C. Maynard** asked how rescinding the Article 14 – Private Campsites would affect existing campsites.

**J. Mullen** said he would investigate it.

The next meeting is scheduled for February 13, 2025.

**R. Tufts-Keegan made a motion** to adjourn the meeting at 7:31 p.m.

**C. Maynard seconded the motion.**

**Motion carried.**

Respectfully submitted by:

Robin Willis

All driveways and access ways shall conform to the following requirements:

1. Driveways and access ways shall be placed no closer than forty (40) feet to a street intersection.
2. The driveway or access way must be graded so that water from the lot does not flow onto the street or the right-of-way.
3. Any driveway or access way located over a culvert shall slope to drain into the culvert.
4. Any culvert within the driveway or access way shall meet specifications as determined by the Road Agent or designee. In the absence of Road Agent approval of the culvert must be a minimum of twelve (12) inches in diameter and have at least twelve (12) inches of cover.
5. The Road Agent may require a driveway or access way that will be used by heavy vehicles, or used frequently by any vehicles, to have a paved apron.

The paved apron shall be: *10 to new width*

- a. As wide as the access way;
- b. Constructed in such a way as to protect the edge of the road from deterioration, and
- c. A minimum of six (6) feet in length back from connection to the edge of pavement.

6. The pavement or cover shall match the grade at the edge of the road pavement or cover. It must have a dip before meeting the street so that the driveway or access way does not drain onto the street and shall not be constructed in a way that blocks street drainage. If there is no culvert, the dip shall match the grade at the bottom of the ditch line.
7. No construction shall allow:
  - a. A driveway, entrance, exit or approach to be constructed more than fifty (50) feet in width, except that a driveway, entrance, exit, or approach may be flared beyond a width of fifty (50) feet at its junction with the highway to accommodate the turning radius of vehicles expected to use the particular driveway, entrance, exit or approach.
  - b. More than two (2) driveways, entrances, exits or approaches from any one highway to any one parcel of land unless the frontage along the

"Storm Water Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire" (1992, as amended)

- b. Access ways on slopes greater than 25% require a Conditional Use Permit from the Planning Board.
14. A driveway or access way may go sideways across a slope exceeding 15% if the slope of the driveway itself is less than 15%. If more than twenty-five (25) feet of the driveway crosses such a steep slope, the applicant shall submit a driveway design for that section that is prepared and stamped by a New Hampshire licensed engineer.
  15. Any driveway or access way that slopes toward a public road in the twenty (20) foot long section approaching the road shall be constructed so as not to discharge runoff onto the road.
  16. No curve on the access way shall have an inside radius less than thirty(30) feet.
  17. Commercial lots located above the street level may require a gate across the driveway entrance that can divert water and prevent it from adversely affecting the road or Right Of Way.
  18. All curbed driveways must have catch basins at the back of the sidewalk.
  19. Driveways shall be a minimum of thirty (30) feet in width within the right-of-way and a minimum of fourteen (14) feet in width beyond the right of way.
  20. Unless waived by the Planning Board or Road Agent, driveways and access ways that abut paved streets shall be constructed with paved aprons that shall be as wide as the driveway. The paved apron shall be constructed in such a way as to protect the edge of the road from deterioration, and shall be a minimum of ~~six (6) feet~~ 10' in length back from connection to the edge of pavement. *unless approved by Planning Board*
  21. Driveways longer than five hundred (500) feet shall have a turnout space every five hundred (500) feet that is at least fifty (50) feet long and that creates a total driveway width of eighteen (18) feet.





# Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

OFFICE OF THE PLANNING BOARD

## PROPOSED AMENDMENTS TO MIDDLETON ZONING ORDINANCE for 2025

**Warrant Article 1:** Are you in favor of the adoption of Amendment No. 1 as proposed by the STANDARDS' Board for the Middleton Zoning Ordinance as follows: Amend Article 5A-BASE ZONING DISTRICT USES, Section B to add paragraph 5, delineating the maximum height of fences to be 48 (48) inches?

**Warrant Article 2:** Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Middleton Zoning Ordinance as follows: Amend Article 6-LOT STANDARDS; Section A, Paragraph 4, adding: delineating where the maximum height of a structure is measured which is "measured from the average finished grade to the highest peak.?"

**Warrant Article 3:** Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Middleton Zoning Ordinance? Amend Article 14-PRIVATE CAMPSITES to be rescinded entirely?

**Warrant Article 4:** Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the Middleton Zoning Ordinance as follows: Amend Article 23-FAMILY COMPOUNDS to be rescinded entirely?

**Warrant Article 5:** Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Middleton Zoning Ordinance as follows: Amend Article 24A-ACCESSORY DWELLING UNITS, Section C, Definitions: delete paragraphs 1 and 2; Section E, Paragraph 1 delete "and must be located within or attached to the principal single-family dwelling unit."; Section E, Paragraphs 1,2, and 10 clarification language for Criteria of Approval?

**Warrant Article 6:** Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board for the Middleton Zoning Ordinance as follows: Amend Article 27-PERSONAL WIRELESS SERVICE FACILITIES to remove words "Special Use" and replace with "Conditional Use?"

**Warrant Article 7:** Are you in favor of the adoption of Amendment No. 7 as proposed by the Planning Board for the Middleton Zoning Ordinance? Article 33-CONDITIONAL USE PERMIT to rescind Section B entirely, "change to Sections, A, B and C?"



**THE FOLLOWING AMENDMENT TO  
DRIVEWAY AND ACCESS WAY REGULATIONS**

**ARTICLE III: GENERAL REQUIREMENTS AND DESIGN, Section 3**

**Number 5 amended to read:**

**The Road Agent may require a driveway or access way that will be used by heavy vehicles or used frequently by any vehicles, to have a paved apron. A paved driveway apron shall be required for new construction on paved roads: A Ten-foot (10) deep paved apron is required the width of the proposed driveway. Three-foot (3) radius to connect to connect to existing roadway constructed on a suitable subgrade, free of any organics, and placed on Eighteen inches (18) of Six inches (6) minus bank run gravel and Six inches (6) of crushed gravel. The driveway apron will be maintained by the homeowners at the homeowner's expense. Final Inspection will be required by the Road Agent or a designee before paving.**

**Number 20 amended to read:**

**Unless waived by the Planning Board or Road Agent, driveways and access ways that abut paved streets shall be constructed with paved aprons that shall be as wide as the driveway. The paved apron shall be constructed in such a way as to protect the edge of the road from deterioration and shall be a minimum of Ten (10) feet in length back from connection to the edge of pavement.**

Map 7

LOT  
3-38



Charles Allard

284 New Durham Road

284 New Durham Rd

16  
Thousand

Planning Board Mtg OTH

1-16-2025

Charles S. Allard  
Leonard Marone