



Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

OFFICE OF THE PLANNING BOARD

PLANNING BOARD MINUTES

Meeting of Thursday, January 19, 2023

Middleton Old Town

200 Kings Highway

Middleton, NH 03887

Call to Order: Chair Janet Kalar called it to order at 6:33 p.m.

Members present: Janet Kalar (Chair), John Mullen (Vice Chair), Roxanne Tufts-Keegan (Selectboard Rep.) John Quinn (SLVD rep.), Ken Kalar Alternate).

Review of Minutes: None

Opening Remarks: None

New Business: Review Hertel Accepted Subdivision Application for Map 12, Lot 15:

Janet Kalar said it was correct for the board to approve the application at the previous meeting. However, they did not vote to approve the plan at the time.

John Mullen said the plan as presented was complete. The documentation was properly filed with the board and was available at the Municipal Office.

John Mullen said Devin Thomas read the following passage, during the previous meeting, from Page 30 of the "Guide to New Hampshire Timber Harvesting Laws" by UN Cooperative Extension 2012:

"Timber cutting for land conversion purposes, other than timber growing and forest uses, is exempt from the basal area law if those persons intending to convert the use of the land have secured all required local and/or state permits including, but not limited to, building, subdivision or zoning permits, excavation permits, wetland/shoreland permits, or site plan approval necessary for the use to which the land will be converted and can furnish proof of such permits."

Mullen said he believed the board's response to Mr. Thomas was inadequate and further explanation is needed.

After reading the statute and the guide several times Mullen said he concluded the passage and statute do not apply to the Hertel situation. However, Mullen wanted to confirm my conclusions. He first contacted the NH Division of Forest and Lands Jan. 18 and was referred to Tom Trask, Forest Ranger, NH Division of Forest and Lands, who confirmed the conclusions. Mullen also contacted

Jason Stock, of the NH Timberland Owners Association, who also confirmed them Jan. 18.

What the guide appears to reference is RSA 227-J:9 II. That reads:

"Timber cutting for land conversion purposes, other than timber growing and forest uses, shall be exempt from this section if those persons intending to convert the use of the land have secured all required local permits including, but not limited to, building, subdivision or zoning permits, excavation permits, or site plan approval necessary for the use to which the land will be converted, and can furnish proof of such permits."

Mullen said the statute would apply if you had not harvested the land before seeking a subdivision.

Mullen said the law allows any property owner to harvest timber and may do so by following certain rules such as acquiring an Intent to Cut permit along with all its requirements. After the harvest is complete, he can do anything the laws allow. If a property owner decides later to seek a subdivision, site plan, etc. later, then would apply for the appropriate permit(s). However, if he has a piece of property that has not been harvested and the property owner wants to convert its purpose from timber growing and forest uses, he must secure the appropriate permits before he harvests.

Mullen thought this was a clarification of the circumstances.

Motion:

John Mullen motioned: to approve a subdivision application as accepted by the Planning Board Jan. 12, 2023, from the Raed Hertel Family Trust on Map 12 Lot 15 to subdivide a 59.71-acre parcel into seven lots per submitted plan signed by Paul F. Zuzgo, LLS Nov. 16, 2022 and documents submitted with the application were received Nov. 23, 2022.

Seconded by: Ken Kalar.

Motion: passed unanimously.

Mullen said the board will send out a letter of notice to the landowners.

Old Business: None

Public Comment: None

Member Comments: Roxanne Tufts-Keegan said there is plenty of space in the Municipal Office since the Strafford Regional Planning Commission (SRPC) digitized the files.

Adjournment:

Motion to adjourn at 6:46 p.m.

Motioned by: Roxanne Tufts-Keegan.

Seconded by: Janet Kalar.

Motion carried unanimously.

Respectfully submitted by John Quinn.