

Planning Board Meeting Minutes

Thursday August 12, 2021

Board Attendance:

Mackenzie Brisson (Chair)
Roland Simino (V. chair)
Steve Digiovanni (Member)
Janet Kalar (Alternate Member)
Roger Mains (Alternate Member)
Roxanne Tufts-Keegan (Member-Absent)

Public Attendance:

See attached sign in sheet

Mackenzie Brisson Calls the Public Hearing to order regarding the Temporary Moratorium on Building in the town of Middleton NH per RSA 674; 22 and 23 at 6:31 pm. On August 12, 2021.

Pledge of Allegiance

Mackenzie explains there is a lot of documentation to get through tonight and will get through it as quickly and thoroughly as possible. This public meeting is being held after properly being posted. Immediately following the Public Hearing, the Planning Board will be holding their normally scheduled meeting.

Introduction and roll call of the board is done. There is a quorum present. Janet Kalar is appointed as a member, from her alternate position, in place of Roxanne Tufts-Keegan who is not present tonight. The Chair asks if any members have a reason to want to recuse themselves from this and none do.

All referenced documentation is attached to these minutes for reading.

Mackenzie presents a summary of the application. The basis of this hearing is based on a case in the Town of Brookline New Hampshire. Earlier in the year they were facing many issues that we as a town are facing. They did hold a public hearing on a temporary moratorium, petitioned and held a Special Town Meeting that did pass. Based on Brookline, the Town of Middleton Planning Board wrote a letter and a finding of facts to the Board of Selectmen. (Letter Attached.) The Middleton School Board also presented a letter based on how building could cause classroom sizes to exceed NH Regulations. (See attached.) Scott Ferguson did answer a resident's question regarding the school's future, by stating there are active discussions going on now regarding the future of the school.

Janet Kalar presents information regarding Police and Fire Departments. The last 3 months the incidents for the Police Department are as follows:

April: 38 incidents
May: 49 incidents
June: 46 incidents
July: 47 incidents

It is going to get worse, and we will need more police. With the EMS reports, we are going to need to increase that as well. The Fire Department could become a full-time fire department instead of a volunteer department. Granted, we know this is only a temporary moratorium for a year but in that year

it gives us the ability to get the Master Plan updated and the Capital Improvement Plan and set up things that are going to protect us.

Mackenzie reviews the Planning Board Goals/wish list. (Attached.)

The Public hearing has the petition for the Planning Board to get 25 or more signatures. As long as the signee is a registered voter in the Town of Middleton the signature will count. Once the goal of the petition is reached, then the planning board will present all the documents to the Board of Selectmen to which it is approved to hold a Special town Meeting. Once at the Special Town Meeting the vote will take place for the temporary moratorium.

Some discussions ensued for clarification of the documentation.

Mackenzie declares the Public Hearing has ended at 7:34 pm on August 12, 2021.

Mackenzie now opens the regular Planning Board Meeting for August 12, 2021, at 7:35 pm.

She now commences deliberation by the board for the Public Hearing regarding the Temporary Moratorium per RSA 674; 22 and 23.

Board discussion: There are some changes for clerical errors only that does not require a second public hearing.

Mackenzie entertains a motion to approve, approve with conditions, does not approve or table discussion.

Janet makes a motion to approve the article for the temporary moratorium Roland 2nds all are in favor.

The recommendation for a temporary moratorium by the planning board passes. Residents have been welcomed to sign the petition.

New Business:

Reviewed an email with a question of how long a simple subdivision would take. An application needs to be filled out first, cannot give an exact time expectancy. Mackenzie will reply with an email.

Old Business:

Jim Knapp brings up the Town merger for Drew Drive. The Board reviews the application. Mackenzie entertains a motion for the merger for Map 11 lot 1-1 and Map 11 lot 1- 15. Roland seconds all in favor. Janelle will get the sign off from the Assessing Clerk and get it mailed into the Registry of Deeds.

Public Comments: None

Board Comments:

Roger Mains speaks. He announces he is stepping down from the Planning Board as he is relocating to Farmington. It has been a pleasure serving on the Planning Board again and wishes the Board well. He makes the recommendation for John Mullen to take his place as an alternate member.

The Board wishes Roger the best.

Mackenzie addresses the board: Be prepared for a lot of upcoming meetings. We have a lot of work to do. In the Packet that was given to the Board Members there is a excerpt that is about when does zoning apply to governmental use of land. She asks that the members read this.
Also read through the work force housing information.

John Mullen has and has offered to get Mackenzie all the original letters sent regarding the CIP to her on a thumb drive for reference.

Steve suggests that it is imperative that we start setting up workshops.

The Board decided to add extra time onto Thursday September 9, 2021 Planning Board meeting for workshop time.

Mackenzie entertains a motion to adjourn the meeting at 8:15 PM
Janet Motions Roland seconds

Meeting adjourned 8:15 pm.

Town of Middleton, NH: Petition to Call a Special Meeting

TYPE OF ARTICLE: Town By-Law ___ Zoning By-Law X Conservation ___ Statute
Acceptance ___ Street Acceptance ___ Subject Matter: Temporary Moratoria on Building
(RSA 674:23)

(Check one) Financial ___ Non-Financial X

Contact Information:

PETITIONER Name: Mackenzie Brisson Street Address: 192 Pheasant Drive

E-Mail address: brissonmackenzie@gmail.com Tel # (603) 973-4074

SPEAKER Name: Janet Kalar Address: 20 Dudley Drive (If different from above)

E-mail Address: janetkalar@yahoo.com Tel # (603) 755-4904

WE, THE UNDERSIGNED REGISTERED VOTERS OF THE TOWN OF MIDDLETON HEREBY
PETITION THE BOARD OF SELECTMEN TO CALL A SPECIAL TOWN MEETING PER RSA
39:3 AND TO INCLUDE IN THE WARRANT FOR SAID MEETING THE FOLLOWING
ARTICLE(S):

Shall the Town of Middleton, in accordance with RSA 674:23 and upon the recommendation and
written finding of the Middleton Planning Board adopt the following ordinance establishing a
moratorium on development in the Town of Middleton?

Ordinance Establishing a Moratorium on Development in the Town of Middleton (RSA
674:23)

This ordinance hereby establishes a moratorium on the issuance of building permits for new
single-family or multi-family housing and the granting of site plan and subdivision approvals
within the Town of Middleton for a period of 365 days which shall be effective immediately upon
the vote of the legislative body and is based on the recommendation and written finding of the
Middleton Planning Board which describes the unusual circumstances that justify the ordinance
and recommends a course of action to correct or alleviate such circumstances.

Statement of the Unusual Circumstances giving rise for the need of a moratorium

Please see attached Middleton School Board letter.

Planning Board's Written Findings

Please see attached letter.

Term of the Ordinance

The term of this ordinance is 365 days and shall be effective immediately upon the vote of the
legislature.

Types or categories of development to which the ordinance applies

This ordinance shall apply to the issuance of building permits for new single-family or multi-family housing and the granting of site plan and subdivision approvals for all types and categories of development unless exempted by or in accordance with this ordinance.

Description of the area of the municipality

This ordinance shall apply to the entire Town of Middleton.

Exemptions from the Moratorium

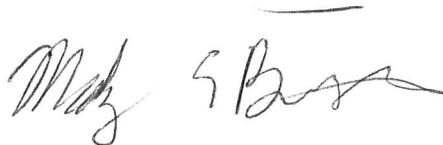
1. Building permits for Accessory Dwelling Units as defined in Article 36, page 87 of the Middleton Zoning Ordinance are exempt from this moratorium.
2. Building permits for lots created by subdivisions approved by the Middleton Planning Board prior to the adoption of any ordinance based on these findings are exempt from this moratorium.
3. Applications that have been approved by the Middleton Planning Board prior to the date of the adopted ordinance are exempt from this moratorium.
4. Applications submitted as Housing for Older Persons as specified in Middleton Zoning Ordinance Article 36, page 92 are exempt from this moratorium.
5. The Middleton Planning Board may provide for the exemption from the moratorium of those types or categories of development that have minimal or no impact on the ability of the Town of Middleton to provide adequate school services within the Middleton School District.
6. The Middleton Planning Board may provide special permit or conditional use permit to allow development that has minimal or no impact on the ability of the Town of Middleton to provide adequate school services within the Middleton School District.

Further, this ordinance establishes the following course of action to correct or alleviate the unusual circumstances that affect the ability of the Town of Middleton to provide adequate school services and requires prompt attention to develop or alter a growth management process under RSA 674:22, a zoning ordinance, a master plan, or capital improvements program.

We are requesting that the date for the above-referenced special town meeting be set for Saturday, September 11th, 2021 at 10:00 AM. Please do the necessary postings by Wednesday, 8/25/2021.

Respectfully Submitted,

Mackenzie Brisson



For Special Planning Board Meeting – Thursday, August 12, 2021Town of Middleton Planning Board Written Finding and Recommendation for Temporary Moratoria (RSA 674:22, 23)

Pursuant to RSA 674:23, the Middleton Planning Board finds that the legislative body of the Town of Middleton should adopt an ordinance establishing a moratorium on the issuance of building permits for new single-family or multi-family housing and the granting of site plan and subdivision approvals for a period of one year.

These findings are forward-looking. Applications that have been approved by the Middleton Planning Board prior to the date of any ordinance adopted based on these findings are exempt from the proposed ordinance. Based on the information provided by the Middleton School Board (SAU 69) (See Attachment 1), continued development will significantly impact the ability of the Town of Middleton to provide adequate school services within the Middleton School District. According to the School Board's letter, this could require potentially additional classroom sections; some of the projected class sizes for the next school year could exceed the specifications outlined in NH State Regulations (N.H. Code Admin. R. Ed 306.17) (See Attachment 2).

Due to the potential for unplanned stress on the capacity of the Middleton schools, the Planning Board recommends that any ordinance(s) adopted by the legislative body under RSA 674:22, 23 include the following:

- Establish a moratorium on the approval of site plans and subdivisions for a period of one year (365 days).
- Establish a moratorium on the issuance of building permits for new single-family or multi-family housing for a period of one year (365 days).
- Building permits for Accessory Dwelling Units as defined in Article 36, page 87 of the Middleton Zoning Ordinance are exempt from this moratorium.
- Building permits for lots created by subdivisions approved by the Middleton Planning Board prior to the adoption of any ordinance based on these findings are exempt from this moratorium.
- Applications that have been approved by the Middleton Planning Board prior to the date of the adopted ordinance are exempt from this moratorium.
- Applications submitted as Housing for Older Persons as specified in Middleton Zoning Ordinance Article 36, page 92 are exempt from this moratorium.
- The Middleton Planning Board may provide for the exemption from the moratorium of those types or categories of development that have minimal or no impact on the ability of the Town of Middleton to provide adequate school services within the Middleton School District.

- The Middleton Planning Board may provide special permit or conditional use permit to allow development that has minimal or no impact on the ability of the Town of Middleton to provide adequate school services within the Middleton School District.
- The Middleton School District shall establish a facilities study committee to address classroom space issues. Preliminary findings shall be submitted to the Middleton Capital Improvements Committee no later than June 30th, 2022 for inclusion in the scheduled publication of the 2023-2028 Capital Improvements Plan. Any warrant articles required to implement the recommendations of this facilities committee shall be included on the Middleton 2023 warrant.
- The Middleton Planning Board shall commission a study of school and town services to be performed in accordance with RSA 674:22 (a Growth Management Ordinance) to determine if there is a demonstrated need to regulate the timing of development based upon the Town's lack of capacity to accommodate anticipated growth. A report shall be submitted to the Planning Board no later than June 30th, 2022.

Goals of the Middleton Planning Board regarding the Temporary Moratorium:

- Create a separate CIP committee (RSA 674:5)
- Create a Growth Management Committee/Ordinance (RSA 674:22, p. II) [must have a time frame- recommended is 5 years]
- Create a Temporary Moratorium (RSA 674:22, p. II; 23) [additional may be adopted, but only if based on circumstances that did not exist at the time of the adoption of the previous moratorium]
- Create an assessment of the “collective impact” of all land use ordinances and regulations adopted per RSA 674 to determine whether the Town of Middleton is providing a “reasonable and realistic” opportunity for the development of workforce housing (as defined)
- Create an Impact Fee Committee to recommend Impact Fees to be levied for the off-site impact of developments upon municipal and school capital facilities (such as roads, water, and sewer systems, fire and police departments, recreational facilities, and school facilities) [RSA 674:21, p. V]
- Create a School & Town Services Committee (RSA 674:22) [“Direct Planning Board to commission a study of school and town services to be performed in accordance with RSA 674:22 to determine if there is a demonstrated need to regulate the timing of development based upon the Town’s lack of capacity to accommodate anticipated growth. Further, at the discretion of the study, to review the Town of Middleton, NH Zoning and Land Use Ordinance to determine any changes that may be necessary to address development within the Town of Middleton or any other business related thereto”]
- Update the Master Plan as needed (RSA 674:2, p. I) with the purpose and intention to “set down as clearly and practically as possible the best and most appropriate future development..., to aid the board in designing ordinances that result in preserving and enhancing the unique quality of life and culture of New Hampshire, and to guide the board in the performance of its other duties...[to] achieve the principles of smart growth, sound planning, and wise resource protection.” The information compiled for the Master Plan needs to include sections on the vision of the community and land use (RSA 674:2, II (a), (b)). Additional sections which can be included are transportation, community facilities, economic development, natural resources, natural hazards, recreation, utility/public service, cultural and historic resources, regional concerns, neighborhood plan, community design, housing, and implementation (RSA 674:2, III). The public is invited by the Planning Board to participate in the process (RSA 674:3, III). A Master Plan is typically updated every five to ten years (RSA 674:3, II).

Respectfully Submitted on August 12, 2021 by the Middleton Planning Board

Middleton School District
School Administrative Unit #69

Middleton School Board
182 Kings Highway
Middleton, New Hampshire 03887

August 9, 2021

Dear Members of the Planning Board,

I am writing to you on behalf of the Middleton School Board in regard to a Middleton Planning Board Public Hearing to be convened on August 12, 2021 about the following:

RSA 674:23 Temporary Moratoria and Limitations on Building Permits and the Approval of Subdivisions and Site Plans.
RSA 674:22 Growth Management: Timing of Development.

The Middleton School Board met on August 9, 2021 to discuss these public hearing topics.

- 1.) A motion was made by Mary Knapp in support of a moratorium per RSA 674.23 with the exception to a moratorium being applied to school construction projects. The Board voted 4 in favor and 1 abstained.
- 2.) A motion was made by Scott Ferguson in support of the Planning Board developing a Growth Management proposal per RSA 674.22. The Board voted unanimously in favor.

At our June 2021 School Board meeting we recently discussed our Elementary School enrollment. The school board toured the kindergarten classroom for a first-hand review of the classroom physical size. We learned our enrollment in kindergarten, 1st grade and 2nd grade are ranging with 23 - 25 students at that meeting. This is a very high student count resulting in our students and faculty on the verge of over-utilizing these academic classrooms.

To accommodate more students the board could review, with school administration consultation, available spaces in the elementary school. We would have to re-evaluate how our specials (music, art, and library) are taught. We would have to consider options such as taking back these locations to become traditional classrooms and move specials to a roll cart only if feasible or possibly discontinue these specials.

Alternatively, the school district could engage in the construction of an addition to the existing school. The existing school has a conceptual design for two additional classrooms adjacent the current 5th and 6th grade classrooms and a doubling of the multi-purpose room size. Construction costs could easily exceed \$1.5M. Please note that the construction of the existing elementary school was funded solely by the Middleton School District. The school district is currently 5 years into a 20-year bond note. New Hampshire School Building Aid was not available to the school district due to a state moratorium on this aid. Under the old building aid formula NH school districts would receive 30% - 60% of school construction costs depending upon community demographics such as income. Middleton would have been eligible for 60% of the cost of the school had building aid been available.

The school administration has provided enrollment data for the elementary school, 2017 to date. Please note enrollments are based on the month of October every year and are subject to increase and decrease during the school year. The Power School Numbers at the top of the page are from the close of School Year 2021 and include in process registrations for the upcoming School Year 2022. Please see below.

If you have any questions or if we can be of further assistance, please feel free to contact me. If you need immediate assistance please contact Scott Ferguson, Vice Chairman, as I will be on vacation until the 23rd.

Sincerely,



Ken Garry
Middleton School Board, Chairman

**MIDDLETON ELEMENTARY SCHOOL
ENROLLMENT REPORT FOR AUGUST 9, 2021 BOARD MEETING**

	<u>Pre</u>	<u>K</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>Totals</u>
Power School Numbers	4	20	21	24	15	18	18	18	138
In Process Registrations		10	1	1			1	1	14
DISTRICT TOTAL	4	30	22	25	15	18	19	19	152

	<u>Pre</u>	<u>K</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>Totals</u>
October 1, 2020	13	23	25	13	18	18	17	17	144
October 1, 2019	4	24	15	19	18	14	19	20	133
October 1, 2018	8	15	22	19	12	21	19	22	138
October 1, 2017	6	17	17	13	22	18	22	20	135

PLANNING BOARD

Public Sign-in

8/12/21

Shirley Kuehl

David Dufresne

Paula + Jason Proulx

Kevin E. Boudwin

Kathy Donahue-Laviolette

Mary Knapp

Linda Adams

TONY & JOANN COSKIE

ROLAND & TAWNIA BASSIERE

Calvin Dexter

Nicholas Romano

Patricia Sindorf

Jonathan Sindorf

Jill A. Brown

Rebecca Eastman-Darrow

Ann Donahue

Don Darrow

Valerie Burke

Joseph Burke

Karen Smith

JOE Bailey

Tammy Bailey

Jennifer Wainwright

Marc Wainwright

Susan Dun

Scott Ferguson

Bonnie Gagnon CHRIS KUEHL

JOHN MULLEN
Robin Bouchard.