

TOWN OF TEMPLE, NEW HAMPSHIRE PLANNING BOARD

APRIL 5, 2006
FINAL MINUTES OF PUBLIC MEETING

Board members present: Rae Barnhisel, Bruce Kullgren, Allan Pickman, Richard Whitcomb, Wil Wildes, Randy Martin

Call to order by Kullgren at 7:32 p.m.

1. Review of the minutes from meeting of March 15, 2006. Move by Barnhisel to accept minutes as read, second by Whitcomb, and voted in the unanimous affirmative.
2. Members were advised that the 2006 land use and planning manuals are available and need to be picked up from SWRPC in Keene.
3. Kullgren welcomed newly elected member Wil Wildes to the board. Kullgren read a brief note from John Kieley stating that as the newly appointed ex officio member of the PB he looked forward to serving, but could not be in attendance at this meeting due to a conflict with his position on the selectmen's advisory committee to ConVal.

Review of mail – Kullgren presented a brochure from SWRPC for review; a notice from the town of Roxbury, NH with information about a new telecommunications tower; and a brochure offering workshops for local public officials.

4. Election of officers: Pickman nominated Kullgren as chairman, second by Martin, and voted in the unanimous affirmative. Kullgren nominated Barnhisel as vice-chairman, second by Martin, and voted in the unanimous affirmative. Kullgren nominated Pickman as secretary, second by Martin, and voted in the unanimous affirmative.
5. Continuation of discussion of Martin's proposed minor subdivision and lot line adjustment involving Map 8 Lots 8-2-1 and 8-1. A new 4-acre lot (8-2-1-5) would be created and the lot line between 8-2-1 and 8-1 would be altered. Revised plans showed a slight change to road frontage after Martin had discussed the status of McCrea Road with road agent Tim Fiske. It was noted the plans should indicate a 35-foot setback from an existing building. Resident Connie Kieley questioned whether Martin should recuse himself from deliberation and voting on this subdivision. Martin stated at this point he was just explaining the plans to the board members. It was also noted that Whitcomb could not vote on the project, as land he owns is involved. Abutter Kerry McDonald asked for more information about McCrea Road, and Martin explained there is an existing house, a state flood control dam, and gates at the end of the town road portion. Further consideration of the plans was put on hold until later in the evening.
6. At 8:00 p.m. Kullgren turned the meeting over to Pickman, who opened the continuation of the hearing for the Tamposi PRD. Martin recused himself from the board. Pickman stated he had spoken with Steve Keach of Keach-Nordstrom Associates regarding whether a site visit had been performed in conjunction with the independent hydrology report. Keach said he would check into this, and also would be conferring with project engineer Earl Sandford. Jim Tamposi stated Sandford was currently working on obtaining state permits. It was noted that Tim Fiske has yet to receive anything in writing from the state regarding Route 101. Kullgren read a letter addressed to the PB from town health officer Peter Caswell regarding concerns about the PRD and a lack of

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information to review. Kullgren stated he had hand delivered copies of plans to Caswell and discussed details with him, and Caswell indicated he was satisfied.

Tamposi questioned whether the PRD hearing should be kept open and continued every two weeks, or closed and re-noticed when updated information was available. Kullgren stated the board had previously received an extension from Tamposi, and since conditional approval of the PRD had been granted he questioned the need to have the hearing continued. Pickman agreed that in the past if conditional approval was granted no further hearings had to be held. Tamposi mentioned that there could be a compliance hearing later for the state permits. Barnhisel suggested developing a timeframe for meeting certain conditions, such as digging the pond and making improvements to Route 101. Tamposi replied that DES had extended his pond permit until September, and once highway plans were approved a bond would be set. Tamposi suggested closing the PRD hearing, and when permits became available a compliance hearing could be scheduled with the re-notification of abutters. Pickman felt this would be a good solution and any interim paperwork could be noted in the PB minutes and be available to the public until the compliance hearing was held.

At this point resident Kerry McDonald addressed the board and mentioned the town vote against allowing PRD's in the mountain district that came just one day before the board voted to approve the Tamposi PRD. McDonald stated she was surprised that given the results of the town vote the board did not take another look at the development. McDonald also directed comments to Barnhisel regarding another matter and suggested possible misuse of her standing as a PB member. McDonald then stated the town has indicated it does not want this type of PRD and the board should reconsider. Barnhisel asked Kullgren to explain to McDonald how the Tamposi PRD was 'grandfathered' with regard to the town vote. Kullgren stated that the board cannot discriminate and the rules and laws were there to govern all, and while the abutters group and other citizens had spoken "from the heart", the board cannot operate that way and everything must be legal or the town would face a lawsuit. Pickman noted that the voters had re-elected Kullgren and voted in Wildes to the planning board and indicated the winning margin on the town PRD vote was not a clear mandate.

Tamposi said he would like to consider the hearing closed and would come back to the board when further material was gathered. McDonald inquired about obtaining copies of plans, documents and minutes. The recording secretary told McDonald that a list of all documents pertaining to the PRD was available and copies could be requested. Abutter Tom Hawkins asked the board when and where further issues could be raised, such as pre-blasting surveys of wells and foundations. Tamposi stated he would have the contractor talk to Hawkins. Pickman suggested that Hawkins discuss his concerns with the board of selectmen and also with road agent Tim Fiske, as the planning board does not oversee construction or administer the bonds. McDonald questioned the board about the amount of blasting needed, and Tamposi answered that this was not yet determined as there is no information available on existing ledge. Pickman stated that blasting is a normal part of construction procedure and is common in this area. He mentioned having a "pre-blast" survey done for Hawkins would be wise as it offered protection for both the abutter and the developer. Hawkins then asked if Fiske would be in charge of the flow of heavy construction vehicles and mentioned concerns with the old bridge and also the far end of Old Revolutionary Road. Both Kullgren and Pickman stated that Fiske had already discussed this

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with Tamposi. Bruce Fox mentioned that the old stone canal and culvert on the far end of Old Revolutionary Road needs protection from further deterioration. Pickman stated construction traffic could be a phasing and access issue to be taken up with the BOS. Barnhisel asked Fox for an update on arsenic levels in the water on Old Revolutionary Road and Fox replied that several houses on the road were being monitored. At 8:40 p.m. the hearing was closed. Kullgren returned as chairman and reminded the audience to contact board members with any concerns.

7. At 8:42 p.m. Martin returned to the board and discussion resumed regarding his minor subdivision. Martin mentioned the survey lines were going to be re-shot. The board ran down the application checklist for the new lot and determined the plans would need to show the updated survey lines and an additional abutter. The board then voted on accepting the applications and all were in favor. Martin and Whitcomb recused themselves from voting. A hearing date of May 17, 2006 was set. Martin will provide the recording secretary with labels for the abutter notices.
8. Kullgren mentioned having the board start the process of getting the PRD option back into the mountain district. Discussion involved considering possible changes including minimum lot size, rezoning the mountain district by elevation, identifying potential PRD mountain district areas at risk, defining further restrictions relating to setbacks and tree cutting, and building a neighborhood of smaller clusters of homes. Pickman stated that a PRD should allow different things to happen. Whitcomb stated that while PRD's are one possibility, he felt development should not be just PRD's with their limitations, as there can be many reasons people want to live in town. Honey Both Kullgren and Hastings suggested contacting SWRPC for professional planning guidance.

Kullgren handed out copies of a recent Weekly Market Bulletin article about arsenic and lead levels from pesticide use in orchard lands. The article stated recent research shows the contamination stays in the topsoil levels and does not move as long as the land is not disturbed. Kullgren suggested the board should identify and map areas in town that have been orchards, and be proactive and creative with zoning to deal with possible development in these areas. Barnhisel suggested asking for copies of the studies. Pickman suggested creating an overlay zone of known orchard land, and as part of subdivision regulations requiring the applicant to do soil testing and provide mitigation planning to prevent pollution. Kullgren stated there are no laws yet in the RSA's to regulate this.

Kullgren suggested in the upcoming year the board should work on redefining the zoning ordinance with regard to home industries. John Kieleley stated that references to this were scattered throughout the zoning ordinance and he would make a list for review.

Kullgren mentioned that Marty Connolly wants to erect a 199-foot ham radio tower and Connolly feels he is exempt from zoning as this falls under FCC rules. Pickman said section V paragraph C (page 21) of the telecommunications zoning ordinance excludes "any antenna used exclusively in the amateur radio services...". The board will further research this.

Move by Pickman to adjourn, second by Whitcomb. Meeting adjourned at 9:55 p.m.

Minutes submitted by Betsy Perry