

TOWN OF TEMPLE, NEW HAMPSHIRE PLANNING BOARD

DECEMBER 6, 2006
FINAL MINUTES OF PUBLIC MEETING

Board members present: Randy Martin, Bruce Kullgren, Tedd Petro, Will Wildes, Richard Whitcomb, Allan Pickman, John Kieleley

Call to order by Kullgren at 7:35 p.m.

1. Review of minutes from meeting of 11/8/06. Move by Petro to accept minutes as written, second by Pickman, and voted in the unanimous affirmative.
Review of minutes from meeting of 11/15/06. Move by Petro to accept minutes as amended, second by Pickman, and voted in the unanimous affirmative.
Review of minutes from meeting of 11/29/06. Move by Pickman to accept minutes as amended, second by Whitcomb, and voted in the unanimous affirmative.
2. Martin, as owner of Fly-Way Farm, asked the board for their opinion of a plan involving a proposal to sell six existing horse stalls in the stable at Fly-Way Farm (Map/Lot 8-2-1) as shares to Stonegate landowners. One board member referred to the idea as "condo horse stalls". Martin said he was not changing the use, just the ownership. He stated the owners would pay an operational fee, like owning a boat slip or parking space. Six people would own the building, with a long-term lease for the use of nearby fields. Whitcomb wondered about payment of property taxes and Martin said each owner would pay a one-sixth amount of the tax bill for the stable. Wildes asked Martin why he would want to do this, and Martin stated the people want to know they always have a stall for their horse and equity in the stable. He stated it was not a change of use, just a different company owning the building. Wildes stated he felt the PB has no bearing or ruling on the matter. Pickman said if they were considered as condo ownership there would be deeded ownership to real estate. Martin stated he could also do a separate lot with 300 feet of frontage and sell it. Kullgren stated the six stalls must stay horse stalls and be used for agricultural purposes only, with no other title or use. Pickman asked if a building could be sold without the land under it, separating the ownership with a limited partnership. He felt this is a gray area as far as town zoning. Petro asked Pickman why he was referring to the stalls as condos, and Pickman replied that condominium is just a form of ownership. Kullgren reiterated that the biggest issue is that they stay stalls. Petro suggested that Martin put his request in a letter format that the board can use to further investigate the issue.
3. At 8:04 p.m. Kullgren opened the hearing for a minor subdivision for Douglas R. Guy, Jr. involving Map 2 Lot 71. Guy's wife, Amie, provided the board with a note from Doug stating he authorized her to represent him in this matter. Guy presented the board with revised plans that members reviewed and discussed. Petro asked if there were any more houses within 100 feet that were not shown on the plan. Wildes stated he thought the Walsh house might be within that range. Kullgren stated that any houses located in that area would have no bearing on the proposed subdivision, as they were not located near where the lot line would be changed. Kullgren proceeded to run down the application checklist. There was brief discussion over soils data and existing approved septic. Guy said that health officer Pete Caswell had signed off on the septic. The right-of-way from Grover Road and a separate ROW easement near the stone house were mentioned. Several items were waived, including soils map, perc test data, road profiles, road cross sections, statement of responsibility & liability, topographic contours, surface water drainage system, and stations-radii-curve data.

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Wildes brought up again the Walsh house not being shown on the plat, and after a short discussion, board members voted to waive the requirement to show all buildings within 100 feet, with Kieley recusing himself as an abutter. Kullgren asked if any abutters were present, and those in attendance viewed the plans and asked questions. Kullgren asked the board to accept the application and then approve the plan. Kieley was recused from the vote as an abutter. Pickman moved to accept the application, seconded by Petro, and voted in the unanimous affirmative. Pickman moved to approve the plan, conditional upon the signature of Pete Caswell, seconded by Whitcomb, and voted in the unanimous affirmative. Hearing was adjourned at 8:32 p.m.

4. Attorney Tom Hanna came before the board to present plans for several lot line adjustments involving property owned by Ann Sargent. He presented copies of the plans, a letter documenting Sargent's request and intentions, an application form, list of abutters and mailing labels. The board reviewed the plans and Hanna explained the changes. There were two surveys, one showing all of the involved properties, and one detailing of a portion of one of the proposed changes. Kullgren noted that one plan did not have the requested statement indicating a non-buildable lot. Hanna suggested defining the plans as Sheet 1 and Sheet 2. Martin advised just adding the note to the other plat, and Kullgren stated he was concerned about clarifying them for future understanding. Hanna will have the note added to the Bean plan. Kullgren noted that as the involved changes were considered lot line adjustments, no notice needed to be published, just notification to the abutters.

Kullgren ran down the application checklist. Petro noted the name "Whippoorwill Farm" and Ann Sargent's name should be added to one drawing. Martin agreed and also said setback lines and buildings needed to be added. There was discussion about deed restrictions and whether to document these on the plat. Kullgren asked if Pete Caswell's signature was needed, and it was decided to waive this requirement, as all units exist with previously approved systems and no new lots were being created. Martin asked if the second plan needed to be referenced to the first, and Hanna said he would add a note for cross-reference. Pickman stated he could write in the map number on the second plan after the first plan was recorded. Petro moved to accept the application, seconded by Pickman, and voted in the unanimous affirmative. A hearing date was set for December 20th, 2006 at 8:00 p.m. The recording secretary will mail out abutter's notices. Hanna provided two checks to cover cost of application fees and mailings and recording the two plats at Hillsborough County Registry.

5. Petro suggested that the recording secretary be allowed to look into obtaining a fire resistant file cabinet to store planning board records. Sources and pricing will be obtained.
6. Road agent Tim Fiske came in to speak to the board regarding his suggestions for developing driveway regulations. He passed out copies of notes he had compiled for the board to review and discuss. Kieley asked about the site distance formula and Fiske explained it was based on road speeds. The possibility of requiring that aprons be paved was brought up and Kieley asked Fiske to list the advantages. Fiske stated it helps prevent edges of road from breaking off, provides safety for a vehicle pulling out onto the road, prevents changes of location of driveways and protection for culverts. Fiske noted it does add expense. Fiske stated he would like to mandate only one driveway entrance per lot, with a waiver for certain

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circumstances. Wildes asked Fiske about problem driveways in town, and Fiske stated due to topography and lack of town regulation, there are several that exist. Driveway widths were discussed and ranges of 12-18 feet were mentioned. Fiske stated he would like to keep formulas as simple as possible. Driveway grades were discussed, and Fiske stated most towns allow 8 percent and anything greater must be engineered. He said the state allows a 15 percent grade. Fiske stated he took grade shots around town and provided examples. He stressed that the grade formula should be established to include length. Kullgren stated there is a state RSA that protects the town from liability of bad driveways. Fiske stated town specifications would be helpful so people can know up front what is expected, and said the board must decide what to include. He also suggested slopes and drainage could be considered, and Kullgren stated that would involve disturbance of more land. Fiske stated that he expects more bridges to be built as odd land is developed, and asked the board if bridges should be engineered. Pickman mentioned considering the sizing of culverts, and Wildes asked Fiske about current culvert use. Fiske replied that currently a minimum of 15" culvert is required, but if streams are checked for what is sufficient, a larger size may be needed. Kullgren mentioned that any wetlands crossing involves filing with the state DES. There was brief discussion of the bridge design for the Jennifer Kullgren subdivision.

Kieley suggested that Fiske review specifications from other towns regarding bridges. Fiske stated he feels the town will run into this more often as time goes on, and mentioned one bridge to a residence in town that a fire truck cannot use and which makes plowing difficult. Kieley stated DES cares about wetlands impact, not the actual bridge structure. Kullgren mentioned that a temporary bridge can be constructed for a lumbering operation, etc. Fiske stated most of the town specs control length for grade only, not width or paving. Kullgren stated since the town is not liable per RSA, he suggested the board not dictate many specifications, except perhaps for the entrance area. This led to further discussion over limitations on grade vs. the realities of the topography of Temple, and Kullgren reiterated his opposition to strict driveway regulation. Petro asked Fiske what the worst driveway grade in town was, and Fiske estimate 20 percent. Petro asked Fiske what grade would be tolerable, and Fiske stated probably 12-15 percent. Issues of shared driveways, public safety, snow plowing, and the turning radius of a fire truck were also mulled over. Pickman urged the board to set some limits on driveways. Kullgren suggested that instead of regulations, the town should have a form that explains the extent of the town's liability with regard to providing emergency services on a challenging driveway, and have the homeowner sign it to indicate their understanding of the situation. Pickman then proposed that the town could require any house with a driveway of greater than 12 percent to have a sprinkler system. Petro stated the board must start with something basic, and Fiske said he would work up a rough draft. Pickman said when the final driveway ordinance was ready to adopt, a public hearing would be needed and then it could become part of the subdivision regulations.

6. Kullgren mentioned setting a date for a hearing on the reworked mountain zone PRD ordinance. He referred to the timeline necessary to get a notice published and hold the public hearing. After discussion, Petro suggested the board meet on 12/13/06 to serve as a work session. Kullgren urged board members to list subjects/topics of interest they wished to work on. Kieley stated the board should develop a list and limit the time for discussion, and then draft a revised document. Petro brought up the subject of regulating agriculture, and Kieley

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mentioned possibly requiring site plan review for agriculture. Honey Hastings suggested using a square footage size on the building permit to determine if non-traditionally large structures should undergo review. Kullgren said that the state makes certain entities (such as the town, farms, and non-profits) exempt from site plan review. There was general discussion regarding defining agriculture vs. commercial, and the oversight of state and federal regulations. Pickman stated that if agriculture is not defined in local zoning, then regulations default to the state. Kullgren suggested getting someone from the state to come talk to the board on this subject. Connie Kieley stated that she feels any large size building needs to undergo site plan review. Pickman advised that interested parties draft an ordinance for review or present a petition.

Move by Petro to adjourn, second by Pickman, and so voted. Meeting adjourned at 11:07 p.m.

Minutes submitted by Betsy Perry