

TOWN OF TEMPLE, NEW HAMPSHIRE PLANNING BOARD

FEBRUARY 21, 2007
FINAL MINUTES OF PUBLIC MEETING

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

Call to order by Kullgren at 7:34 p.m.

1. Review of minutes from meeting of February 5, 2007. Move by Wildes to accept as amended, second by Petro, and voted in the unanimous affirmative.
Review of minutes from meeting of February 7, 2007. Move by Wildes to accept as written, second by Kieley, and voted in the unanimous affirmative.
2. At 7:42 Kullgren stepped down as chairman and Pickman became acting chair. Earl Sandford from Sandford Engineering presented a preliminary plan for a PRD subdivision for Map 2 Lot 34-2 owned by Bruce Kullgren, Jr. The drawing showed the existing 9.6 acres divided into two residential lots sharing a private driveway and an open space area. Sandford explained how the calculations conform to PRD zoning and said there were some steep slopes but no wetlands. He also displayed a drawing showing a conventional subdivision plan for comparison. Sandford asked the board for their input to determine if the PRD plan was worth pursuing. Petro noted this would be the first small-sized PRD in town. He asked if there would be a homeowner's association, and was told a simple version would be created. Pickman addressed the design of the open space and board members discussed various possible layouts that included the mandatory 35' buffer. Martin suggested utilizing an upside down "E" configuration for the open space and using a deed restriction to define a no cut zone between the houses. Kullgren, Jr. stressed that he wished to create privacy for both of the residences. Sandford said there was flexibility in the design and he had obtained a consensus of the board's views. Sandford and Kullgren, Jr. will return to the PB with revised plans to begin the application and hearing process.
3. At 8:23 p.m. Pickman relinquished the chair and Kullgren, Sr. returned as chairman. Jim Tamposi addressed the board and explained the status of his PRD. He said Earl Sandford was working to obtain the four permits required by the state, but they would not be finished by the conditional approval completion date of March 15, 2007. Tamposi would like the board to grant an extension of 1 year. Kullgren explained to the board that no changes were being sought, just an extension of time. He provided PB members with copies of pages 16-19 from "The Planning Board in New Hampshire" regarding conditional approval. He stated he had checked with the legal department of SWRPC and had been advised the PB was within its rights to grant an extension. Kieley suggested the SWRPC opinion should be obtained in writing, and Kullgren replied that the law was clear and he was satisfied the board could grant the extension. Wildes moved to extend the deadline for compliance from March 15, 2007 to March 15, 2008, seconded by Petro. There was further discussion of authority for the extension and review of corresponding RSA's. Kieley said he was not sure the PB had a legal basis to grant the extension without holding a hearing, and a written legal opinion would protect both Tamposi and the town. Kullgren asked for a vote on the motion. Petro, Wildes, Pickman, and Kullgren voted in favor, with Martin recused, Kieley opposed, and Whitcomb abstaining. Kieley asked for the record that it be noted he was opposed "because the document given to the PB does not refer to extensions and there is no authority from counsel to do this." After the vote, Petro moved to get a written legal opinion, seconded by Kieley.

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Petro and Kieley voted in favor, with Martin recused, Whitcomb abstaining, and Kullgren, Wildes, and Pickman opposed.

4. Road agent Tim Fiske came before the board to ask for their comments and input concerning his current draft of driveway regulations. Members asked Fiske questions about various topics including PB involvement with driveway bridges, problems associated with shared driveways, town right-of-way for emergency vehicle access, specifications for commercial driveways, length of time allowed for completion, and allowable grade percentages. The most discussion was generated over the steepness of driveways. Fiske recommended language be added to dictate that the town will not plow driveways over a certain grade percentage. He stated this would help curb the intent to build new steep grade driveways and also reduce the town liability for emergency vehicles. Kieley suggested the driveway regulations do not go far enough to restrict steep driveways. He stated there would still be a risk for the town and potential problems for emergency vehicle access. Kullgren said there was no need to restrict people's driveways because state law says the town has no liability. Fiske stated he is not in favor of steep driveways, yet if property is located on a hill the town should not dictate driveway design. He added that property owners must bear responsibility. Pickman said developers will build houses anywhere and there is no consequence to them once they are sold. Fiske stated he hoped buyers would not be blind to the problems involved with having a steep driveway, and there were comments about how to make buyers aware. Connie Kieley asked Fiske how other towns handle slope restrictions, and was told the allowed percentages from the four towns he checked vary from 0 to 19 percent. The PB commended Fiske for his efforts and asked him to return after further refining the regulations.

Move by Petro to adjourn, second by Martin, and so voted. Meeting adjourned at 9:45 p.m.

Minutes submitted by Betsy Perry