

Temple Planning Board
Approved Minutes, Tuesday December 20th, 2022
7:00 pm, Temple Town Hall

Present: Christine Robidoux, Chair; Bruce Kullgren, Jr., Vice Chair; Murray Collette, Secretary, by Zoom; Keith Charlton; Alan Fox; George Willard, ex officio, Select Board; Russ Huntley, Alternate; Rev. Olivia Holmes, Clerk.

Absent: Brian Kullgren

The meeting was called to order at 7:00pm.

Approval of Draft Minutes of December 6th 2022 Meeting

Bruce moved approval of the minutes as amended. George seconded the motion which carried by unanimous roll call vote.

7:10 PM Continuation of Public hearing on:

- Lot line adjustment between lot 25-1 & 24 (Parcel A) (Wills/Rowe/Thompson)
- Lot line adjustment between lots 25-1 & Lot 25 (Parcel B) (Wills)
- Lot line adjustment between lot 25 & 24 (Parcel C) (Wills/Rowe/Thompson)
- Lot line adjustment between lot 24 & 54 (Rowe/Thompson/Judkins)
- Minor Subdivision of Lot 24 into 2 lots (Parcel D) (Rowe/Thompson)

Christine reported she had heard from Pete Caswell that he was not able to witness the test pits over the weekend, so the hearing will be continued until the next meeting.

Public Comment: Connie Kieley asked for the microphones to be checked.

Christine called for a motion to close the hearing and continue it until the January 3rd meeting. Murray made the motion. Bruce seconded it, and it carried by unanimous roll call vote.

The hearing was closed at 7:11pm.

Regular Business (as time allows)

Invitation for Comments from the Audience:

Christine asked the audience specifically whether they had any questions about Accessory Dwelling Units (ADUs).

An audience member and Temple resident, Nate Sartell, asked what problems are being addressed by the Board. Bruce responded that the Board has been working on ADUs for several

years to try to come up with some ideas for the town to do its fair share toward affordable housing and housing in general. He explained that the Board decided just to address ADUs this year, and Carol Ogilvie, a Municipal Land Use Consultant and a guest invited to speak at this meeting, will address the acreage issue specifically. He said that currently 6 acres are required for a detached ADU in most of Temple, and the Board may decide to move forward with asking the voters to reduce the required acreage to 3.

Nate asked again what problem is being solved. Christine responded that there is a housing shortage in the state. Alan added that 50% of people between 18 years of age and 28 or 29 are living in their parents' house. Christine also said two Temple families had asked to add an ADU to their property in town, and were turned down.

Connie Kieley asked how much we have to do to help. She said, "We understand the town is going to change and grow, we all accept that, but I wish we had an overall plan. I don't see this as a small adjustment, I see it as part of an overall plan. I suggest you work with the Conservation Commission (ConCom). I see the first step as an overall plan."

Keith remarked that, from his point of view, the Charrette was the beginning of the overall plan. He added that the Board is working with the ConCom on the overall plan; this is just a simple fix to help people in the short term.

Connie asked what place the ADUs will take in the overall plan. George responded that the state has an appeals court now, and if the towns don't do something about affordable housing, the state could become involved. Bruce pointed out that since 2016 Merrimack has averaged 2-3 detached ADUs per year. He also pointed out that Temple currently has 500 housing units.

At 7:25pm the chair appointed Russ Huntley, Board Alternate, as a voting member of the Board.

Old Business

1. The Affidavit correcting the lot labels for Shelley Guy's subdivision has been filed by Sam Ingram at the Hillsborough County Registry of Deeds (HCRD), in the town office, and on the town website. Proposed lot 5B-2 is now 5B-6 and proposed lot 5B-3 is now lot 5B-7.
2. Pete Caswell has signed Doug Guy's Minor Subdivision plans, and Murray will take them to HCRD.
3. ADU Preliminary Legal and Planning Review has been done since our last meeting. The feedback was shared with Planning Board members and Carol Ogilvie, our guest this evening.

Christine introduced Carol Ogilvie and asked for her take on the suggestions and feedback from Joe Driscoll, Land Use Attorney, and Stephanie Verdile, Principal Planner with the Office of Planning and Development at NH Department of Business and Economic Affairs.

Carol explained, in response to Nate's question, that there is a state law that has been on the books for a long time that says all towns need to offer a reasonable amount of housing for people of all income levels. She said that the need is not seen so much in this part of the state. Also the state law requires ADUs, although detached ADUs are not required. She said detached ADUs could be offered, for example, only in a garage or existing building, which some towns have done. She continued to make the following points: There are towns that were allowing ADUs before there was a state law. Homeowners build ADUs, not developers. People don't do this just because they can. It can be added, for example, for an elderly family member, or just to have someone else on the property to help out. She said she does not see these things proliferating everywhere just because people can do it; the town would have standards and criteria that would have to be met, of course.

Christine asked Carol for her reaction to the response the Board got from the town's land use lawyer relative to the potential inconsistency with "permitted uses" restricted to "one-family year round dwellings." Carol thought the response strange. She commented that even though you have an ADU in your house, the inhabitants would be considered a separate household. And even if it is detached, the requirements would be the same. She explained that you could have two houses on one lot, but the traffic, number of people, water and septic requirements would still have to be considered.

Christine asked for Carol's opinion about abutting towns' regulations on this matter. Carol answered that a household would live in the primary residence, and a household would live in the ADU. She said that she did not see the need for that specificity.

Keith pointed out that the owner could live in either the primary residence or the ADU, and let the kids or grandkids live in the big house. Bruce said Wilton and Lyndeborough allow that.

George pointed out that in 1940 there were 200 people living in Temple. He said the town has grown exponentially. It was suggested that the people who have moved here think it is paradise, and want to close the door against the people they moved away from.

Alan pointed out that although he has two college degrees, there is no housing he could afford in Temple. He has chosen to live with his parents in Temple, where he grew up, to support the local food system.

Carol Ogilvie offered the idea that many people don't want the responsibility of a big house, and would prefer a smaller residence. Points made at the Charrette included starting with what you already have in town, noting that ADUs in Temple already exist.

Bruce focused on the reduction in acreage being considered (from 6 acres to 3 acres for an ADU) that Carol and Ivy Vann have pointed out has become the ordinance in some surrounding towns. Carol pointed out, and Russ agreed, that if the soil meets requirements, you could have water and septic on just one acre of land. Russ pointed out that the system would have to be approved by the state.

Christine mentioned that Stephanie Verdile recommended the Board update the language in the ordinance to match state requirements around water and septic.

Bruce asked whether other towns are deviating from what the state requires. Carol responded that there are some towns that allow 1,000 square feet or more; but most are 800 square feet or less. They can't be smaller than 750 square feet. Christine replied that Temple's zoning currently uses percentages rather than square footage.

Carol replied that percentages may be a bit confusing, but if someone decided to build a 10,000 square foot house, they could have a big ADU. A requirement of 800 to 900 square feet is understandable for everyone. She suggested that using percentages allows more opportunity, but the requirement should certainly be easily understood.

Bruce said that if the town offers too much information before and during any town meeting, the voters will not vote in favor of an ordinance change, because the change/s is/are too confusing. This is why the Board wants to present this one concept.

Christine said that if the Board plans a first hearing at the January 3rd meeting, 2023, and a second at the January 17th meeting, the February 9th deadline could be met.

Carol responded that moving forward could depend on how much time the Board feels the townspeople should have to be able to respond.

Murray pointed out that in Temple Zoning Ordinance 7B.30 there is a minimum size but not a maximum.

Christine asked whether other towns do number of bedrooms instead of size. Carol replied that there are a few that do, but most use square feet.

Alan pointed out that 400 square feet is like an average garage. A young person living modestly can live in that. Carol said the town can't do less than 750. Christine noted that Temple's zoning ordinance says 400 square feet.

Bruce felt that if someone builds a 10,000-square-foot house, it will probably be on 50 or 100 acres, and he couldn't see such a person limiting an ADU to 800 square feet.

Murray asked whether a person, as Bruce described, would need to go to the ZBA for a larger ADU. Bruce and Christine do not believe so.

Carol affirmed the requirement of owner occupancy, and said that right now zoning does not require it except at the time of the building permit application.

Bruce pointed out that an ADU can't be sold. Alan asked whether the owner occupancy requirement would prevent investment firms from building. Christine answered that it would.

George assured Nate that the town already has attached and detached ADU requirements in the ordinance. Keith spoke in favor of moving forward with a hearing, if the Board makes some changes to the existing ordinance. The Board agreed.

The Board discussed possible changes to the ADU ordinance. Motions regarding specific sections of the ordinance are listed below. A new draft reflecting the Board's decisions is attached to these draft minutes.

The Board approved adding the word, "within," between "attached to" and "and part of the primary residence in Section 7A.10.

Keith proposed a motion to replace the existing language in Section 7A.25 with the following, from Mason's ordinance: The owner of record of the principal dwelling unit must reside in either the principal dwelling unit or the accessory dwelling unit. Murray seconded the motion which carried by unanimous roll call vote.

Regarding Section 7A.30, Carol asked whether the town identifies the area required for an ADU anywhere else in our ordinance. The answer was no. Carol quoted the RSA requiring a minimum of 750 feet. RSA 64-73 (?). Carol pointed out that these standards are for either attached or detached ADUs (VII under 672).

An audience member pointed out that 40% of the combined area could be something like 67% of the existing dwelling.

Bruce moved leaving the wording of Section 7A.30 as is for now; George seconded the motion, which carried by roll call vote, with Christine abstaining.

Bruce moved leaving the existing language in Sections 7A.40 and 7A.50, and referencing RSA 674:72 V. Russ seconded the motion, which carried by unanimous roll call vote.

Keith moved acceptance of the suggestion to remove Section 7A.70 as it is already stated in Section 7A.10 and since there already is a section for "Detached ADU" this may be unnecessary language. The suggestion included adding the word "within" to Section 7A.10 for clarity. Bruce seconded the motion, which carried by unanimous roll call vote.

Bruce moved to remove language after "permitted" in Section 7B.10. Russ seconded the motion which carried by unanimous roll call vote.

The Board agreed to leave Section 7B.30 as currently written.

Bruce moved referencing RSA 674:72 V in Section 7B.40. The motion was seconded by Russ, and carried by unanimous roll call vote.

Bruce moved that the Board hold a hearing at the January 3, 2023, Board meeting. Russ seconded the motion which carried by unanimous roll call vote.

Old Business

4. NFIP – Preliminary FEMA Flood Maps Review

Christine reported she has received and distributed the preliminary FEMA maps to Planning Board members. FEMA is requesting comments related to town limits, road name, and stream names. Any modifications to technical data would be through an appeals process and would have to be scientific or data specific, not just anecdotal. She reported that Jennifer Gilbert, State Floodplain Management Coordinator, said there is probably nothing the town can do now, but the maps will probably go into effect in 2024. If Temple participates in the National Flood Insurance Program, homeowners and buyers affected may choose to take out flood insurance through the NFIP, which is significantly cheaper than private insurance. The Board reviewed the FEMA maps describing flood zone areas in Temple.

The deadline for public comment is January 12th. The letter came to the town back in October, but Christine just found out about it last week.

Christine recommended sending out a town e-blast now, with the Preliminary FEMA maps. This action was agreed by consensus, and Christine will put the information out in the next few days.

5. Driveway Regulations: discussion postponed to next meeting.

6. Tax Map Updates – Keith:

Keith reported on documents he has received today. There was a discussion of a 50-foot sliver of land on the corner of 101 and Webster Hwy. Keith will check with the Registry.

7. Master Plan Natural Resources Inventory – ConCom

Christine has received the invoice on the second part of Phase I, and the final \$ 1,000 for Phase I will be carried forward to 2023. The total paid in 2022 was \$4000.

8. SWRPC Regulatory Review/InvestNH Grant Application

- a. Master Plan updates
- b. Regulatory Review

Christine reported that Temple has been awarded a grant for \$ 55,744 for needs analysis and planning.

Christine explained that a motion to accept the grant is required, and Bruce read the specific language suggested:

Motion to accept the InvestNH Municipal Planning and Zoning Grant in the amount of \$55,744, funded by the NH Department of Business and Economic Affairs as part of the \$100 million InvestNH initiative with ARPA State Fiscal Recovery Funds. The award is being administered jointly by NH Housing, Plan NH, and UNH Cooperative Extension.

Bruce moved to accept the InvestNH grant using the suggested wording for the motion. Keith seconded the motion, which carried by unanimous roll call vote.

The Housing Academy is part of the grant award and we can identify up to three people to participate in this training. Christine thought a commitment of one day a month or something like that would be required by a participant. No decision was made. Alan will consider it, and Christine will send the flyer to Planning Board members and attach it to these minutes. Christine will approach the Conservation Commission to see if a member would like to participate. Jessica Hipp from the CAC has also expressed an interest.

9. Community Advisory Committee Updates - Christine/Keith.
 - b. Plan NH Charrette Report
 - c. Housing Forum (Bruce)
10. Other 2022-2023 Initiatives

New Business

1. Annual Report Submission
Christine sent a draft of the report to the Board. Murray suggested including a paragraph about moving forward with ADUs. Christine will draft the paragraph.
2. Upcoming Webinars/Conferences

Ongoing Action Items: no updates offered.

1. Reformatting Zoning Ordinance for easier updating, online more user friendly
2. Town Office Filing Project - Keith/Olivia
3. Create Zoning Ordinance Historical Index - Christine
4. Planning Board webpage review

Bruce asked Clayton Lennartz for more information about the ADU square footage calculations. Clayton explained that 40% of the combined square footage of a house with an ADU means the ADU is actually 67% of the size of the original house (7A.30). Further down in the ordinance (7B.30) regarding detached ADUs specifically refers to the 67% square-footage limit. He pointed out that these are identical equations worded differently. So a 2000-square-foot house can have an ADU of 1300 square feet. The Board agreed to consider this at the ADU hearing on January 3rd.

Keith moved adjournment of the meeting. Bruce seconded the motion which carried by unanimous roll call vote.

The meeting was adjourned at 8:54pm.

Next meeting: Tuesday, January 3rd at 7:00pm, Temple Town Hall and by Zoom

Respectfully submitted by Rev. Olivia Holmes