

Temple Planning Board
Approved Minutes, Tuesday January 17th, 2023
7:00 pm, Temple Town Hall

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

Absent: Brian Kullgren; Murray Collette, Secretary

The meeting was called to order at 7:01pm.

Approval of Draft Minutes of January 3rd 2022 Meeting & Hearings

Tabled to the next meeting.

Invitation for Public Comment:

Connie Kieley asked which of the SW Regulatory Review InvestNH 3 grants identified in the Charrette were used. Christine responded that the review the town has received includes the first two phases of the grant Connie identified: Needs Analysis and Planning & Regulatory Audit. Connie asked whether the purpose of the grant is to increase housing, as written in the Charrette Report.

Christine explained that it is a housing needs analysis, and that the Charrette document is not the document the TPB submitted for the grant. The grant application (revised version) is available through the town office.

Old Business

1. Update on Doug Guy Minor Subdivision (Map 2B Lot 71)
Christine has not yet heard back from the Registry about the returned LCHIP check. Keith is going to the Hillsborough County Registry of Deeds tomorrow and will ask about it.
2. Update on Rowe/Thompson Subdivision (Map 5A Lot 24)
Everything has been received. The Notice of Decision and Findings of Fact were sent to all applicants both electronically and via USPS and have been posted on the town website. Keith will deliver plans to the Registry tomorrow.
3. SWRPC Regulatory Review/InvestNH Grant
 - a. Master Plan updates
 - b. Regulatory ReviewTwo SWRPC staff members have resigned in the past month, so the organization can't commit to moving forward at this time. The question for the Board is whether we want to wait for them to restaff, or prefer to put out an RFP to other providers. Ivy Vann and/or

Carol Ogilvie might be able to help. We are limited by the budget amount we submitted for SWRPC. Christine will invite Ivy Vann to speak to the Board for advice, but the board member consensus was that the TPB prefers to work with SWRPC.

4. Planning Board Clerk Responsibilities 2023
 - a. Agendas & Minutes
 - b. Management of Records

Olivia shared an old job description with Planning Board members and noted the amount of work former clerks did, that she was not aware of. This should be considered for the new hire.

Christine and Keith will work on job definition and processes with Olivia. Christine thanked Olivia for her years of service to the Planning Board.

5. NFIP – Preliminary FEMA Flood Maps Review: Nothing New

Christine appointed Russ as full member with vote at this time.

6. Driveway Regulations: no new information
7. Tax Map Updates – Keith. Nothing is to be done until after Town Meeting, when the budget is finalized and approved by voters.
8. Master Plan Natural Resources Inventory – Conservation Commission
Nothing new at this time.

New Business

1. Review of Plan NH Temple Charrette Recommendations relative to Housing & Zoning

There is a lot of information in the Charrette Recommendations regarding ADUs. The leaders of the Charrette shared ideas of housing that have worked in other communities. They pointed out that ADUs are typically done by a homeowner, and not by property investors. They showed examples of ADUs already existing in Temple. The leaders were not in favor of owner occupancy nor of double lot size requirements.

Christine felt the Charrette Recommendations would be a good foundation for a housing forum. Bruce pointed out that Jessica Hipp is on the Community Advisory Committee (CAC) and has volunteered to help the Planning Board plan for a forum. Bruce suggested a forum this spring would be helpful. Having a forum in April, another in May, and possibly a 3rd in June might be appropriate. We should bring in knowledgeable speakers like Ivy Vann and Carol Ogilvie.

Public Comment:

Connie Kieley expressed concern that the Charrette did not reflect what Temple residents want but rather what Plan NH wants. She wanted to be sure the public would be encouraged to speak at a forum.

John Kieley thinks quadruplexes and triplexes are what Plan NH wants and not what the people of Temple want.

Again, Board members reiterated the Charrette Recommendations are not the opinions of the Planning Board. Bruce will work with Jessica Hipp from the CAC to put together a draft format for a forum to share with the TPB at a future meeting.

2. Work Session on Proposed Revisions to the Accessory Dwelling Unit Zoning Ordinance

Christine shared with the Board information from attorney Joe Driscoll regarding the ADU regulations and concerns from the public at the last meeting/hearing.

A question arose regarding the intent of ordinance 7.30. Christine explained that the intent of the law is “to expand the supply of housing without further development, as well as to encourage efficient use of housing stock and infrastructure, and provide” reasonable “housing” opportunities “in communities, per the state legislature.” Christine pointed out that “reasonable” and “opportunities” are in Temple’s Master Plan Vision Statement.

Regarding 7A.25, legal review discouraged the use of the word “domicile,” and recommended adding criteria that are more specific regarding how the owner should prove they would occupy one of the units; suggesting voting registration or car registration and similar possibilities.

On the square footage issue (Sections 7A.30 and 7B.30), Mr. Driscoll suggested using minimum and maximum square footage would be sufficient. If the zoning ordinance defines size elsewhere, the same measurement language should be used.

Regarding requiring an ADU to be consistent with the appearance of the primary residence, Mr. Driscoll suggested that this is not enforceable. He suggested something like “resemble a single family dwelling” might be appropriate.

Regarding curb cuts, the driveway ordinance does limit curb cuts to one per lot currently. But there is an exception allowed should the Road Agent or Planning Board determine it is necessary for an ADU.

Regarding Planned Residential Developments (PRDs), Mr. Driscoll wanted more time to review the issues involved. He was not sure whether the existing ordinance is legal.

References to condominium conveyance in Section 7A.90 should be separated into two sections. This should be done for Section 7B.90 as well.

Regarding detached ADUs, the requirement on lot size square footage should be the same as attached ADUs, since one ADU is allowed by right. Mr. Driscoll is not sure that the requirement for double the minimum lot size is legal. His point is that the law should be the same for attached and detached ADUs. (Section 7B.10) This is contradictory from what the

TPB has read in RSA 674:73. The issue is we only allow one or the other, so if a homeowner has to choose, the regulations must be consistent with RSA 674:72.

Regarding 7B.20, concerning manufactured housing; Mr. Driscoll is not sure our ordinance is legal on this option, and will look into it.

Regarding special exceptions, Mr. Driscoll felt all ADUs should be treated the same way. Conditional Use Permits might be a better process, and they would be implemented by the Planning Board. Non-conforming lots should be a separate section. That said, setbacks and other ordinance requirements for non-conforming lots should be the same as those for single family dwelling lots, by law. However, he cautioned that this could affect property values negatively for non-conforming lots, and restrictions could be deemed discriminatory and be challenged in court.

Christine feels we should not move forward with a second hearing on ADUs in March because there is a lot more work to do to arrive at a revised document to present for the consideration of town residents. She suggested a viable timetable might include working sessions in the spring, forums during summer and maybe early fall, and preparation of a final document in the fall, to be presented to the public at hearings late fall, winter, and/or January.

Bruce volunteered to work with Jessica Hipp to put together a forum for April. Bruce and Jessica will create a draft for Board review before a forum is scheduled. The first forum could be a presentation of current zoning requirements, and not delving specifically into the details of ADU ordinance requirements.

As a point of interest, Christine shared that Temple has 6 PRDs. There are 7 non-conforming lots in the village (39%), a few of which are multi-family already. There are 2 non-conforming lots in the Mountain District (2%) and 8 that are less than double the acreage (24%). A lot of the land in the Mountain District is in conservation (about 45%). Rural Residential District has 71 non-conforming lots, which is about 11%.

Christine asked for Public Comment regarding concerns that members of the audience felt were not addressed from the last meeting/hearing.

Public Comments:

As a former Planning Board member, Cam Lockwood thinks the idea of using a conditional use permit is very important. RSAs 674:71-73 are continuing to be adjusted by the state, and moving forward too fast in Temple could be problematic. She also feels attached ADUs are easier to work on than detached ADUs. She will give the Planning Board a copy of her thoughts based on her research.

John Kieley felt some of attorney Driscoll's comments are inconsistent with some of the documents Bruce was sharing; possibly because of inexperience, perhaps Land Use is not his area of expertise. John recommends caution in working with attorney Driscoll.

Regarding forums, John Kieley recommended structuring them loosely enough so people feel invited to express their thoughts, ideas, and concerns. John expressed concern that detached ADUs could have a real detrimental effect on property values of abutting properties.

Gail Cromwell is concerned about the effect of detached ADUs on abutters. She said that Temple maps 5A and 5B have a number of 3-acre lots. These lots are designed with the minimum 300-ft frontage, and they're very close together. Her concern is that if you allow detached ADUs on those lots, they would be very close to neighbors. Perhaps you could have different setbacks on the sides and back; and she suggested perhaps 100 feet all the way around, which would get the ADU away from a neighbor's property.

Christine pointed out that if the setbacks are changed for detached ADUs, they would have to be changed for single-family dwellings as well.

Connie Kieley thinks the town residents do not want detached ADUs because they could be detrimental to neighbors' property values, and that having a house in your backyard is offensive.

Other Business

1. Upcoming Webinars/Conferences
Office of Planning and Development hosts Planning Lunches at Noon (PLAN) and the next one is this Thursday on the state legislative agenda relative to Land Use.
2. Planning Board coverage January 21 – February 4: Christine will draft the agenda and send it to Olivia and Bruce. It should be sent to Carole the Thursday before the next meeting for posting. Emails will be directed to Bruce in Christine's absence.

Bruce moved adjournment of the meeting. The motion was seconded by George, and carried by unanimous roll call vote.

The meeting was adjourned at 8:15pm.

Next meeting: Tuesday, February 7th at 7:00pm, Temple Town Hall