

**Temple Planning Board  
Minutes, Tuesday, July 20, 2021;  
Town Hall Annex 7:00pm**

Present: Nicole Concordia, Chair; Bruce Kullgren, Jr., Vice Chair; Keith Charlton, Secretary; Alan Fox; Brian Kullgren; Christine Robidoux; George Willard (Select Board Ex-Officio); Olivia Holmes, Clerk.

Chair Nicole Concordia called the meeting to order at 7:00pm.

**Approval of Draft Minutes: June 15, 2021**

Approval of the minutes, as amended, was moved by Bruce, seconded by Brian, and affirmed by unanimous roll call vote.

**Comments from The Audience:** No comments were offered at this time.

**Suspension of Meeting to allow for a Non-public Meeting of the Board**

Nicole moved to suspend the public meeting and to move the Board into a non-public session in the Town Hall Annex to discuss advice from Town Counsel on recusals. The motion was seconded by Bruce and approved by unanimous vote.

At the end of the non-public session, Bruce moved adjournment. Christine seconded the motion. The motion was approved by unanimous roll call vote.

The public session was brought back to order at 7:20pm.

**Ben's Maple Products, LLC., Site Plan Application Review**

At the beginning of this discussion Nicole explained that any outcome of this Board's work would be conditional on the outcome of the Superior Court case relevant to this application.

Brian Kullgren is an abutter and a Planning Board member, and recused himself.

Tom Hanna, representing Ben's Maple Products, LLC., objected to Alan Fox's participation and presented his concerns as to why Alan Fox should recuse himself. He distributed to the Board an affidavit of Ben Fisk stating Ben's concerns about Alan participating as a Board member. The affidavit was notarized by Mr. Hanna. He asked that the affidavit be read by Board members before continuing the meeting. He explained that, if the Board denies the site plan, he would counter that the process was tainted.

Alan agreed with the action presented in point number 8 of the affidavit, on one occasion when, he said, Ben was blocking the public way with two semi-tractor trailer delivery trucks. Regarding point number 7, Alan explained that his truck is 45 years old; saying that it doesn't do burnouts or speed up very quickly either.

George Willard spoke to point out that he wrote a letter to the Planning Board and the ZBA supporting Ben's application. Since that time, he said, "I have not spoken one word in all the ZBA meetings I have gone to." George reported that he had asked town counsel whether he should recuse himself. Tom Hanna observed that in his opinion the real issue is whether George believes he can be fair, and whether he can apply the site plan regulations to this process. George responded that he believes he can follow the rules.

Mr. Hanna explained that the statements in the affidavit were made under oath, and the man making the statements, Ben Fisk, swore that he was telling the truth.

Nicole reiterated that members of the Board can only deliberate on a case if they can be fair and impartial. She explained that the Board could take an advisory vote regarding recusal of an individual member, but individual members do not have to adhere to the outcome of such a vote.

Tom Hanna expressed concern regarding animus and bias he believed had been expressed by Alan Fox, as detailed in the affidavit. Nicole asked Alan whether he felt he could continue to participate, and Alan said he would like to mull that over for a bit.

Tom pointed out that the process is starting now and it will be participatory. Nicole recommended that Tom proceed with the Site Plan Application presentation without comment from the Board, and that before comment could be made, Alan would need to state his decision about participation. That was acceptable to Tom. Tom said he knows that Alan's parents were not represented by attorney Silas Little. However, Tom said Alan's parents did file a motion for rehearing.

Tom then objected to the participation of Board member Keith Charlton, saying that two months ago Keith's opposition to this project was on documents written by "his lawyer."

Tom's point was that he believed Keith had spent a year in opposition to this project, including a document that was filed on May 6, 2021. Keith replied that his questions and his wife, Kristin's, had been satisfied by the ZBA's decision. Keith said he has in no way added his name to any document since then. Silas Little has never been Keith's attorney, he said.

Keith added that December, 2020, was the last time he participated in any work with attorney Silas Little. He explained that he had not participated in the document of May 6<sup>th</sup> to which Tom referred, and added that he has never paid any money to Silas Little. He did participate in a discussion meeting at one point. Tom accepted Keith's statement that he can be fair.

Jim Phippard of Brickstone Land Use Consultants, LLC., then began his presentation, the purpose of which was to review the documents being provided by Ben's Maple Products, LLC., in response to the requirements of the Planning Board and the checklist in the Site Plan Review Application form (version 6/21/21).

Nicole asked Alan Fox for his decision regarding recusal. He said he believes he can use numbers and he can uphold the rule of law. Tom Hanna, responded by saying, "absolutely we object."

Nicole pointed out that the first plat, the Boundary Survey, was not included in the paper documents submitted to the town. Allan Pickman added that it is not on the website either. Jim handed the Planning Board the printed copy included in the presentation and said he would send a pdf copy to the Board and drop off additional paper copies to the Town Office.

Keith Charlton suggested that there was an omission on some of the legal documents presented, namely the "bens\_sugar\_shack\_stormwater\_study\_1.pdf", dated June 17th, 2020, where the creator of the document had omitted the legal representative responsible for the report on pages 4 through 11 and possibly other locations where the creator had left the generic name " {enter your company name here}." For legal purposes it should state the "responsible person's name or entity", otherwise it looks like a generic document.

Keith also observed that there was no full detail regarding the drilled well asking what mitigation might be planned for any arsenic in the aquifer. Jim replied that the water quality will be tested before the state allows the project to continue. Allan Pickman was invited by the Chair to address the question. He said that this question should be addressed with the building permit process; it's not a Planning Board issue. Allan questioned the location of septic systems on adjacent parcels. Jim explained that plat C5 shows the septic system. In 2015, he said, the septic system was put in for the house across the street (Old Revolutionary) and a small manufacturing facility.

Christine asked whether Pete Caswell inspected the septic system when it was installed. Ben Fisk assured her he had done so. Ben reassured the Board about the appropriateness of the distance to abutter septic systems.

Bruce observed that the plans are very detailed, so the ZBA may have been doing some of the Planning Board's work. Bruce asked Allan Pickman how much work would be required for the Planning Board to review the plans. Allan said the Board should look at the parking plan. Clearly the ZBA passed on the responsibility for screening along Webster Hwy., and recommended the Planning Board do a site walk-through. Allan believes the plans seem quite complete and detailed. Barring the Board wanting to hire an engineer to review drainage, it looks pretty straight forward, he said.

Nicole moved to accept the application as complete, Bruce seconded the motion, which was approved with one recusal from Brian as an abutter.

A hearing on the merits was then scheduled for August 17<sup>th</sup>. Nicole pointed out that she will be traveling, so Bruce Kullgren, as Vice Chair, will run the meeting. The Planning Board meeting will begin at 7:00pm, with a first agenda item of approving the minutes of this meeting. The hearing to discuss merits of the case will begin at 7:15pm. The Planning Board will follow regulations regarding notice to the town and specifically to abutters.

Christine Robidoux told those present that she was recording the meeting. Ken Caisse asked the purpose of the recording and stated that an individual cannot record as a private individual if she sits on the Board. Olivia said she would be grateful for the use of the recording in getting the minutes right. That was OK with Ken as long as the recording is destroyed after that use.

Nicole said she will consult with Chris Dresher tomorrow in regard to this question. The RSA says you can discard the recording after the minutes have been drafted.

**Invitation for Comments from Audience Members:** None were offered at this time.

### **Old Business**

1. Site Plan Application Process Posted Online (Olivia): Done.
2. Additional Whitcomb Mylar Received/Signed (Bruce/Nicole): Done.
3. NHMA Updated List (George): Done.

4. PB Email Forwarding (Olivia). Done.
5. Webpage Updates (Nicole/Olivia). Done
6. Affordable Housing (Christine, Alan and Keith).

Christine introduced Jessica Hipp, who spoke on behalf of the Community Advisory Committee (CAC), which was formed by Select Board in 2019 specifically to look at affordable housing. The CAC has also been working on renewable energy, land use, and broadband. There is an idea for renewable energy to be created with a solar array on the 18 or so acres near the elementary school, but it's much more affordable if it is combined with affordable housing. There are a lot of questions making the rounds. CAC is proposing this, and has taken it to the Select Board.

The project being considered would apply for a \$5,000 grant from the New Hampshire Housing Finance Authority (NHHFA) which would cover the basic costs of a "charette," which is a fancy name for a community-wide discussion with a number of relevant experts who volunteer to address issues. The CAC is asking for Planning Board support for the charette and the grant, and for a liaison from the Planning Board to the CAC to be appointed. Nicole spoke in favor of support, and suggested the Anniversary Fund might help with food costs.

It was reported that about 60 New Hampshire towns have used this process, including Wilton for their River Walk project. Lancaster, NH., has done one including housing. Brian requested a report on what comes out of such a project. Jessica offered to proceed to apply for the grant if the Board can offer some positive support; approve moving forward with the grant and appoint a liaison to the CAC.

Bruce expressed support for anything regarding affordable housing for the elderly and the young. Paul Clifton-Waite asked whether there is a way to have a combined Zoom and in-person meeting to draw more people in. Christine explained that the process would invite all (or almost all) town committees and boards to participate.

Jess recommended she come back with more information addressing Brian's questions before asking support for the charette. Keith volunteered to be the liaison.

Christine moved to support the CAC moving forward (she'll send the wording to the clerk) pursuing the grant application in the amount of \$5,000. Keith seconded the motion, which was unanimously approved.

7. Change of Use Laws & Effect on Temple Zoning (Nicole). (next meeting agenda)

8. Commercial Zoning (Christine)

George Willard reflected that in 1993 the Planning Board approved a number of rules for commercial zoning (whether it was called commercial or not). Allan and Brian thought it was either May 13 or 19, 1993, and included site plan review and parking. Christine asked how a decision not to allow commercial zoning came about.

9. Driveway Regulations (Brian). Nothing presented tonight.

10. Projector Research (Keith)

Regarding use of microphones and projectors and video, \$1,000 would be sufficient to start the project. A decision on whether portable or permanent placements are preferable would be needed. The 250<sup>th</sup> Anniversary fund is being considered. Ken Caisse pointed out that the town has been allocated \$148,000 from the American Rescue Plan for all sorts of ways to improve multi-platform efforts and needs to allocate the funds by the end of August. He suggested the Board can talk to the Select Board Assistant, Carole Singelais, about how to apply for the money. The CAC is meeting in early August, and will take this forward.

11. Rules of Procedure (Christine)

Brian asked for recording all decisions by roll call vote, but was not sure where in the rules of procedure such a procedure should be placed. Christine will add it to Rule 5, Meetings, and to the rule regarding recording. The conversation will be continued at the next meeting.

12. Tax Maps Update (Keith)

There are a couple of omissions from the 2020 tax map. The CORR Boundary date was not recorded, and the (whatever). Registry of deeds typo. And there's no HCRD number for the minor subdivision for Lisa Beaudoin's property. Lisa was allowed to record her documents at the Registry of Deeds; Keith will explore. Also, "HRCDD#" should be corrected to HCRD, which stands for Hillsborough County Registry of Deeds. Keith will connect with Allan to project a cost for 20-21 updating of deeds needing to be registered.

13. Timeline for 2022 Warrant Articles (Nicole)

Nicole handed out a timeline for ballot questions for 2022 which read as follows:

Voting Date:	3/8/22
Final Language to Town Clerk:	2/1/22
Final Vote on Language:	1/18/22
Attorney Review:	1/4/22
Final Hearing:	12/20/21
Revision:	12/6/21
First Hearing:	11/22/21
Vote on Recommended Ballot Language:	11/8/21
Preliminary Attorney Review:	10/18/21
Proposed Ballot Language:	10/5/21

### **New Business**

- 1.Email Usage (Nicole). Nicole gave an overview of the appropriate use of email. Olivia will talk to Bill about alias usage to keep PB emails for Olivia's use.
- 2.Member Resources (Nicole)  
Nicole has begun a list of resources and what the resources are; and requested any input from Board Members be emailed to her  
Christine will check the list of acronyms she made for Olivia and communicate with Nicole.
- 3.Office of Strategic Initiatives Reorganization (Nicole)  
Departments are being reorganized.
- 4.Education Corner (Bruce)  
Try to abide by not having meetings after 9pm.
- 5.Zoom: The Board has received two requests; Keith will research what other towns are doing. Ken will connect Keith with a person in Wilton doing similar research. It was noted that Jaffrey has been doing this as well.

### **New Business (Other)**

Christine reported that Tim Fiske is working on land use. Allan Pickman added Tim and others were across from the town offices today. Some of the work on Rte. 45 is subject to conversation with the owners of the property in the middle, and it would have to be worked out with the Select Board. Christine briefly mentioned a lot by the reservoir related to the potential to swap land with the state next to the state Department of Transportation (DOT) garage.

Bruce moved to adjourn the meeting, and was seconded by Brian. The motion was unanimously approved.

The meeting was adjourned at 9:21pm.

**Next Meeting: Tuesday, August 17 2021, 7:00pm in-person in the Town Hall Annex**

Respectfully Submitted by Rev. Olivia Holmes, Clerk