

Temple Planning Board
Approved Meeting Minutes, May 20, 2020

Present: Bruce Kullgren, Jr., Chair; Randy Martin, Vice Chair; Nicole Concordia, Secretary, Brian Kullgren, Christine Robidoux; Allan Pickman; George Willard, Ex-Officio Select Board

The meeting was called to order at 7:00pm by the Chair, who then read the “Checklist To Ensure Meetings Are Compliant With the Right-to-Know Law During The State Of Emergency”.

Approval of Minutes of Board Meeting: April 15th, 2020

To comply with the Checklist Order, the minutes have to state that votes are taken by roll call with the results. The draft minutes will be amended.

Acceptance of the April 15th, 2020, minutes as amended was moved by Randy Martin., seconded by Nicole Concordia. Roll Call Vote: yea: Randy Martin, Brian Kullgren, Nicole Concordia, Christine Robidoux, Allan Pickman; abstention: George Willard, abstained (as he was not on the Board at that time).

Approval of Minutes of Board Meeting: May 6, 2020: Discussion

Christine Robidoux pointed out that there is already a lot of experience on the Planning Board; and what the Board needs now is someone who brings something different in order for this board to be more effective and sustainable going forward.

Bruce Kullgren disagreed with some of the information expressed in the statements of John and Connie Kieley, who asked that they be attached to the minutes. For example, it is the Select Board’s prerogative to remove or rotate the member of the Select Board appointed ex-officio to the Planning Board. Brian Kullgren rejected the spirit and intent of the two statements of the Kieleys.

There was a discussion about the appropriateness of attaching personal statements to the minutes at the request of members of the public attending the meeting.

Christine Robidoux suggested that the Right-To-Know Law requires a letter or statement a member of the audience requests be attached to the minutes must be attached in the paper copy at the town office, but not on the website or in electronic copies. They should be referred to in the electronic and website copies so that the public knows they are accessible. She posted relevant New Hampshire websites in the meeting chat.

<https://www.nh.gov/osi/planning/resources/conferences/spring-2015/documents/right-to-know-law-session-materials.pdf>

<https://www.nhmunicipal.org/sites/default/files/uploads/documents/rtk - gov records.pdf>

<https://www.nhmunicipal.org/right-know-law>

Christine also posted the following paragraphs in the meeting chat:

“any information created, accepted, or obtained by, or on behalf of, any public body, or a Quorum or majority thereof, or any public agency in furtherance of its official function. Without limiting the foregoing, the term “governmental records” includes any written communication or other information, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body. The term “governmental records” shall also include the term “public records.”

See RSA 91-a:1-a, iii. The word “information,” in turn, is defined as “knowledge, opinions, facts, or data of any kind and in whatever physical form kept or maintained, including, but not limited to, written, aural, visual, electronic, or other physical form.” See RSA 91-a:1-a, iv.

Bruce Kullgren reported following up with John Kieley, asking what he wants done. He shared that Mr. Kieley would like some surveys done, and more public hearings. Bruce reported that Mr. Kieley feels the Planning Board is biased toward the construction industry. Bruce wants to be sure Mr. Kieley knows that is not the case.

Mr. Kieley also took issue with Bruce referring to members of the Planning Board. as, “town fathers.” As an example of what he meant in using the term, Bruce cited the following:

George Willard has lived here his whole live, served on numerous boards and on the Select Board twice. Brian Kullgren has served 3 terms on the Select Board and 2 on the Planning Board. Allan Pickman has lived in town for 34 years and has served for 34 years on the Planning Board, and as a member of the Select Board as well. Bruce Kullgren, himself, at age 52 has served 4 terms on the Planning Board; 2 in the 1990s and 2 now. He has also served as town Moderator, having been elected 12 times; so at 52, he considers himself a town father. Randy Martin has been on the Planning Board for 26 years, and has served/is serving as well on the Nature Conservancy and on the Conservation Commission.

There will be a webinar on the Right-to-Know Law coming up. Christine Robidoux asked George Willard whether he knows about that meeting. George wasn’t sure the Select Board was aware of the meeting, or whether the Planning Board would be treated any differently from the Select Board.

Allan Pickman stated that Christine’s understanding is correct. Anyone could ask, for example, for all our emails and we would be required to respond, and entitled to charge for the cost of having the work done. The requirements for inclusion in the minutes, he reported, include names of members present, other people participating (not necessary to list everyone present); a brief summary of every subject discussed, and a record of any decisions taken. He said that minutes must be made available 5 days after any public meeting whether they have been approved or not.

Christine Robidoux believes the Right-to-Know Law should be the same for e-meetings as for in-person meetings.

Bruce Kullgren suggested asking legal counsel to advise the Board on requirements regarding inclusion of personal statements; with either the Municipal Association, which is free, or Bill Drescher.

Roll Call Vote: yea: Brian Kullgren; Randy Martin (with Bill Drescher); Nicole Concordia, Allan Pickman (but start with the Municipal Association; George Willard, Bruce Kullgren; abstention: Christine Robidoux.

Bruce Kullgren was concerned about Mr. Kieley's comment that the Board is biased toward the construction industry. He pointed out that most of the Board members who are related to the construction industry have been elected by the townspeople for many, many decades; so saying that is insulting the intelligence of the townspeople. He affirmed that the Board has rules to follow when they vote; no one member alone could do anything illegal. The Board must have a quorum and a majority vote, and if anyone has a connection to a specific project, they must abstain. Bruce would ask anyone who is against the Planning Board to prove what it is the Board has done wrong over these 34 years, or where the Board showed bias because some members are in the building industry.

Christine Robidoux appreciated Bruce's perspective, and added a concern of her own. She said that from talking to people at Harvest Festival and when she was running for the Planning Board, she learned that newer people in town are needing a bridge built between those who have lived here for many, many years, and those who have been residents more recently. She reported that because the more recent residents don't feel included or heard, they don't participate. She felt that for those people, terms such as "founding fathers" can feel exclusionary.

Approval of Minutes of Board Meeting: May 6, 2020: Decision

The Board decided, without vote, to hold off on approving the May 6th minutes until Bruce Kullgren could obtain legal counsel regarding inclusion of private letters or statements to the Board in the minutes, when specifically requested by members of the public.

Recorder Wages:

Allan Pickman reported that Betsy Perry gave her hours each meeting cycle, and she was generally paid the hours she actually worked or the hours she submitted. Sometimes meetings have been extremely long so her hours were longer; and sometimes there has not been a quorum, so her hours were fewer. In the summertime, generally, the Board has only meet once a month so the hours are fewer.

It was moved by Nicole Concordia, seconded by Randy Martin to pay the Recorder/Clerk \$19 per hour, allowing 4 hours per meeting (in general). The roll call vote was unanimous.

George Willard volunteered to check whether the Select Board needs to affirm the Planning Board's vote. He will report back at the next meeting.

Tax Map Updates

Christine Robidoux asked Allan Pickman about updating the tax maps. Allan got a quote for the year 2019 at the last minute. He reported he suspects with the Covid-19 pandemic and the unsureness about incoming revenue, the need for the update could be tabled for a year. Allan thinks there might be some minor corrections, and he thinks the Board could just put it on the agenda for next year. Christine asked that it be put on the list for 2020.

In discussion, the point was made that the last time we did it was 2017 and it was more expensive than \$2000. Allan got a bid from the company that does it, and got a quote; maybe there was more complicated stuff that went into it. In 2017 the work of coordinating this was not the Planning Board's work. When Deb Harling resigned and Betsy Perry reduced her workload, Allan took it over. It could as well be in the assessor's line item, not the Planning Board's, but Allan tried to take it on when that happened.

Potential 2020 agenda items

The Board worked on prioritizing the list of potential agenda items, and members took on assignments to spearhead some list items.

Affordable Housing: Affordable housing was put on the list because the Board just spent a whole year working on that, trying to come up with an idea or ideas that might be beneficial for Temple as a whole. It was suggested that if the Board continues to work on affordable housing, it should narrow its focus on one aspect of it. Last year the Board had 3 things on the table and it confused people. Accessory dwelling units is interesting; has already adopted that. Perhaps the Board could just work on that.

Nicole Concordia reported that Bill Drescher said the way the Board wrote the multi-family dwelling proposal might run against a condominium statute. Temple does not currently have one. Nicole volunteered to take this on and see what the condominium statute is and whether it's something the Board should take on. Christine suggested that if Temple is not in compliance, then the Board should know about it. Brian recommended that Nicole look into it. Allan reminded the Board that in the Board's proposed duplex ordinance, duplexes were prohibited from going to condominium ownership. The reason was that it was thought ideal if a dwelling would be owner occupied with a rental unit, and Bill Drescher said that was not legal.

Allan asked whether an accessory unit could become a condominium. He suggested that if Temple had a PRD (planned residential development) ordinance, each unit would be independently owned, that would not be illegal. Nicole offered to research ADUs with PRDs.

George suggested that Temple does not currently allow condominiums. Allan pointed out that Temple does not allow multi-dwelling housing, but that the town does not mention condos per

se. The PRD is basically a condominium concept, but the word is not mentioned. Parts of the property are jointly owned and parts are owned independently.

Bruce volunteered to look into workforce housing, asking Mr. Regan about workforce housing #1, #2, and #3.

Christine suggested the Board review existing housing stock and how it can be retrofitted. She mentioned that a lot of families are passing on their homes to the next generation; and that people having apartments in their homes are making them available to family members. As a result, there's less open stock in the market. Millennials are more interested in buying land and building their own houses than in developments. Accessory dwelling and multi-family can go into workforce housing; it's up to a town to decide what that looks like for their community. Christine offered to send the document to which she referred to the Board.

It was pointed out that there are a lot of unknowns around housing and the Covid-19 virus. It is being suggested that people focus on what people need now. The alternative to affordable housing is homelessness, and we don't want that for anyone.

George said that some people joined the Community Planning Committee who had wanted to be on the Planning Board who don't want any affordable housing in Temple. That committee is focused on broadband right now.

The spring planning and zoning conference was on innovative land use, and it was cancelled. They're just having their meeting in the fall; October 31 is the schedule. Nicole will keep the board posted. Innovative land use gives a lot of control to local communities to think about the big picture of their town, considering areas of opposition. For example a town could have an ordinance for conditional use, not a town-wide ordinance.

Bruce offered that George Regan said most communities want to preserve their landmarks, their village center areas and their conservation areas. The Conservation Commission is looking at parts of town that should be protected. This work is in the Master Plan as well.

Nicole asked whether the town would be within compliance to exclude ADUs (accessory dwelling units). Allan agreed the Board should look into it and get some advice from the Municipal Association. Allan agreed to take this on. Nicole pointed out that he had been in communication with Bill Drescher and came back to the Board with a whole lot of issues that had not been in the original plan.

Floodplain

The Board discussed whether it would be appropriate to continue to table the ordinance. Christine and Randy signed up for the floodplain webinar tomorrow, and they'll report back at the next meeting. Allan said that the main reason the Board tabled it is that the government doesn't yet have floodplain maps for Temple; so it puts a big burden on any developer in terms of costs. Allan said it seemed better to wait until maps are available. Temple does not have a lot of floodplains that aren't already wetlands. Christine will ask tomorrow why there isn't a map

for Temple. You have to ask that the maps be done for you and you have a year to decide to participate in the program. The risk is if you decide not to, and there is some sort of flood in your area, you are not eligible for flood relief because you didn't sign up for the program. Specifically, homeowners would not have access to flood insurance. There is no cost to the town; the cost is born by the homeowners. Christine will check on this tomorrow.

Allan recalled that maps were scheduled and the plans were 2 to 3 years out and maybe longer; because they're just getting up to the watershed; which starts at Temple Mountain. Christine said that 210 towns in New Hampshire have them and 12 do not. Christine will ask about the wait period as well.

George said that early last year or this year some of his land was designated floodplain, and he agreed, but did not remember whether this was with the Select Board or Planning Board. Allan said that the Select Board signed on that they were interested in the program; but to confirm the town's interest, the town would have to enact a zoning ordinance. It was not clear whether the town would have to have the ordinance first.

The Board asked Christine to look into the innovative land use workshop. She agreed.

Ballot Questions

Christine recommended an attorney review before the first hearing, and a final review after a final hearing. The Municipal Association could possibly help. It was suggested there be an initial attorney review on November 18, 2020 and that the vote could happen two weeks later. Nicole suggested the reverse, having the attorney review the language on 11/4/20 before the Board votes on 11/18/20.

New Business

Christine pointed out that on a Municipal Association webinar she attended the suggestion was made to review town zoning to make sure town restaurant(s) is(are) ok for outdoor seating. She was not sure whether this applies to Temple. The Master Plan should also be reviewed to ensure it is being followed, given the Covid-19 situation.

Next meeting: Wednesday, June 3, 7pm by Zoom. The Board agreed to meet twice in June, the 3rd and the 17th.

Allan Pickman moved to adjourn, seconded by Nicole Concordia. The motion was supported by a unanimous roll-call vote.

The meeting was adjourned by the Chair at 8:36pm.

Respectfully submitted by Rev. Olivia Holmes