

**Temple Planning Board
Minutes**
Tuesday, December 5, 2023
7:00pm, Temple Town Hall

Present: Christine Robidoux, Chair; Bruce Kullgren, Jr, Vice Chair; Carter Sartell, Secretary; Keith Charlton; Russ Huntley; George Willard, ex officio, Select Board

Absent: Brian Kullgren, Murray Collette

Guests: Allan Pickman, Robin Downes, Pam Kingston, Nicole Concordia, Ken Caisse

Board Chair Christine Robidoux called the meeting to order at 7:01pm.

Approval of Draft Minutes

November 21, 2023 Meeting

There were no edits to the minutes and Keith motioned to approve the minutes as written. Bruce seconded. Approved by a roll call vote with all in favor.

Public Comment: None.

Board Chair Christine Robidoux appointed Alternate Russ Huntley as a full member of the board for this meeting and he joined the board at the table.

Old Business:

- Application for Minor Subdivision (Pickman, Colburn Rd, Map 2B Lot 37):** Allan Pickman presented an updated survey and three checks; the survey includes additional streams, the wetlands labels, and nearby buildings and driveways. Christine shared that we have a completed copy of the current application. The NH DES subdivision application was submitted online so there is no paper copy; any approval by this board will be dependent on NH DES approval. Russ noted that the survey is missing a place for Pete Caswell's signature, and the statement from Subdivision Regulations Section 4.09 needs to be added; Christine will send Allan the text to include. George motioned to accept the application as complete and open the hearing. Russ seconded. Approved by a roll call vote with all in favor.

7:09 Hearing Minor Subdivision Application – Pickman/Downes, Colburn Road, Map 2B Lot 37: Christine summarized the application (see attached Introduction). She highlighted that the tax card/tax map are showing different acreage than the survey, which is common when lots have not been surveyed previously.

- Allan offered a brief history of the lot through the years. He noted that the old portion of his house was moved there in 1812. He also noted that the existing curb cut may

be used during construction; the driveway location will be determined by the new owners and the sight lines are excellent on that portion of the road.

2. Comment from abutter: Jameson Hannon shared that Allan and Robin were good neighbors and followed all the necessary procedures. He was disappointed that the forested land was being developed rather than left undisturbed.
3. The hearing was closed at 7:15.
4. Board comments:
 - a. Bruce motioned to waive the Preliminary Design Review. Russ seconded. Approved by a roll call vote with all in favor.
 - b. Christine read through the Findings of Fact (see attached Findings) to ensure the application was complete. She pointed out that regulations call for the lot lines to be square to the road, however the original lot was not square to the road. She also highlighted the significant amount of wetlands on the property and explained that any activities within the wetlands will require a permit from NH DES.
 - c. Christine asked Allan to provide a PDF of the final survey. She reminded Allan that this application will not be submitted to the Registry of Deeds until NH DES gives their approval, and reiterated the two modifications to the survey (see Old Business #1). Bruce made a motion to approve the applicant's Minor Subdivision Application with conditions (see attached Decisions: Conditions of Final Approval.) Keith seconded. Approved by a roll call vote with all in favor.

Old Business, continued:

2. **InvestNH Housing Opportunity Planning (HOP) Grant:** Pam Kingston shared that the second forum had the biggest turnout yet and many new faces, which was wonderful to see. They previewed clips from the Communities and Consequences films. The next forum is December 11th; Ivy Vann is gathering together all the comments shared by residents and will outline possibilities for Temple. Today's mail noted that the next Conval School District meeting is at the same time so the Steering Committee will discuss whether to move the date. Going forward, the committee will be offering one-on-one interviews and small focus groups.
3. **Subdivision Regulations — Legal Review Discussion:** Tabled until the next meeting.
4. **GIS Mapping Conversion:** Keith and Russ are still searching for another company to request a quote for the GIS mapping conversion.
5. **Tax Map Updates:** The 2022-2023 tax map updates have been sent to CAI, along with a request to verify some changes in the previous update. The invoice has been sent to the town. CAI results will not be done until January 2024.

6. **Natural Resources Regulatory Audit:** Christine received an email from Jeff Littleton confirming that Moosewood Ecological can use the DWG files to reasonably update the maps in the Master Plan. Specifically they will use the DWG files to create Shape files, which will provide a rough image of lot lines to overlay on the existing base maps (soil maps, wetlands maps, etc).
 - Public Comment: Jim Kingston noted that Temple's lot lines are not where they should be. The presentation by CAI earlier this year verified this.

7. **Driveway Regulations:** No update.

8. **Site Plan Regulations Audit Results:** This is tabled until the Subdivision Regulations are finished.

9. **NFIP-FEMA Flood Maps:** No update.

New Business:

1. **Annual Report:** This needs to be written for inclusion in the town report; the deadline is in February. Carter offered to review the first draft.
2. **Clerk's End-Of-Year Review:** Cathy Joly's review is due. Christine will share the date with Board Members so they can attend if available. Ken Caisse offered to participate since Cathy is an employee of the town.

Other Business:

1. **Filing Project:** Cathy continued work on the filing. She and Christine will meet about how to organize the regulations and zoning folders. When the work is complete Cathy will provide a summary to the board.

2. **Webinars & Trainings**

- NH Office of Planning and Development (OPD) Planning Lunches At Noon (PLAN) Monthly Webinar Series: "A Review of 2023 Planning & Zoning Legislation and Preview of 2024" December 21, 2023, from 12 to 1:00 P.M.
<https://www.nheconomy.com/office-of-planning-and-development/what-we-do/municipal-and-regional-planning-assistance/osi-planning-and-zoning-training/monthly-webinar-series>

7:40 Hearing 2024 Proposed Zoning Amendments

Christine read through each amendment (see attached).

1. Amendment #1, Permissive Zoning:

- a. Public comment: Jim Kingston read a prepared statement (attached) opposing this amendment. He felt that the term "permissive" was confusing and was concerned that this places more burden on the landowner and limits their right to use their property. What happens if the definitions change for land uses? Jim

suggested adopting a restrictive zoning ordinance and understood that this would require the board to come up with a list of prohibited uses. Nicole Concordia also opposed this amendment and suggested leaving the ordinance as is, noting that the proposed change will increase the length of Temple's ordinances, making them more difficult to understand. She also offered that any commercial uses would have to go through the special exception process.

- b. George agreed with Jim about the conflicting verbiage and explained that the town's lawyer suggested this. Christine further explained that in recent legal cases, the judges first wanted to know whether the zoning was permissive or restrictive, and our current zoning is a hybrid of both. So this change is essentially labeling our type of zoning, without making any further changes [other than those proposed here.]

2. Amendment #3, Code Enforcement:

- a. Ken Caisse shared that the town has faced challenges by not being able to enforce our zoning, so this allows for timely and effective enforcement. Additionally, the state requires us to adopt the building and fire codes.
- b. Public comment: Jim Kingston agreed and suggested that the town needs the ability to adopt sections of the latest National code. He shared the example of the National Electrical Safety Code becoming progressively restrictive for outlets on islands and then recently removing those restrictions; NH has not adopted the latest code so the earlier restrictions are still in place. Christine shared that the state does allow this, however any changes proposed by the Select Board need to be approved by the state. Ken concurred that this amendment was a necessary first step.

3. Amendment #5, Land Use Tables: Christine highlighted that these tables were created from what we currently allow in our zoning, solely for ease of understanding.

- a. The board received a comment from Jamie Jones via email (see attached) regarding tiny homes and efficient off-site home-building techniques. Christine confirmed that we allow both of these. Temple does not have a minimum square footage requirement, however tiny homes must meet the standard lot requirements and have a permanent foundation. (See minutes from December 19th for a correction to this statement.) Our definition of manufactured housing is the state definition and cannot be changed.

4. Amendment #6, Definitions: "Lodging House or Boarding House" needs to retain the "to." Public comment: Nicole Concordia was concerned that the removal of "5 or more" from this definition negatively affected Bed and Breakfasts (B&B) in town. Christine explained that B&B are allowed by special exception and have their own definition which does not specify a number of guests. (See minutes from December 19th for clarification.)

5. The hearing was closed at 8:09. The board will deliberate at the next meeting and will schedule a second hearing.

8:10 Hearing 2024 Petition Zoning Amendment

This petition was presented by Nicole Concordia and proposes to change the way Temple chooses Zoning Board of Adjustment (ZBA) members. They are currently appointed by the Select Board (SB) and Nicole proposes that they be elected. She highlighted that out of 1,064 registered voters in town, 3 SB members choose the ZBA members who decide all special exceptions. Nicole wants this to be a Ballot question rather than a Warrant Article so that more voters will see it.

1. Bruce asked for clarification on the number of ZBA members and how their terms would be determined. Nicole explained that the ZBA would remain a 5-person board, and the SB would be responsible for setting terms for existing members.
2. Christine questioned the legality of electing alternate members, citing the RSA for ZBA that states elected boards appoint their alternates. Nicole referenced RSAs 669-17 and 41-2 in support of her decision, and said that she sought legal counsel and received approval to submit this as written. If it is later determined that we cannot elect alternates, then this part of the proposal will not be implemented.
3. Nicole requested an immediate decision due to personal hardship. Christine suggested waiting until the second hearing in January because few residents attended tonight's hearing. She also noted that this was posted as a Warrant Article for Town Meeting rather than a Ballot question, citing RSA 675-4. Nicole offered that both are generally referenced as "Warrant" whereas Temple colloquially references "Ballot" for Tuesday's voting and "Warrant" for Town Meeting.
4. Christine asked each board member whether they supported the petition. Approved by a roll call vote with all in favor except Christine who abstained. The petition as written will be submitted to the Town Clerk.
5. The hearing was closed at 8:22.

Bruce motioned to adjourn the meeting and Keith seconded. Approved by a roll call vote with all in favor. Adjourned at 8:22 pm.

Upcoming HOP Steering Committee Housing Forum:

December 11th at 7 PM in the Friendship Hall

Choice and Possibilities: Presentation of possible housing solutions for Temple

Next Planning Board Meeting: Tuesday, December 19th at 7:00pm, Temple Town Hall

Minutes respectfully submitted by Cathy Joly.

Attachments:

1. Pickman Subdivision
 - Introduction & Application History
 - Findings of Fact & Decisions
2. Proposed Zoning Amendments 2024
3. Public Comment re Permissive Zoning
4. Public Comment re Tiny Homes
5. Petition Warrant Article 2024