

Temple Planning Board
Approved Minutes, Tuesday December 6th, 2022
7:00 pm, Temple Town Hall

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

Absent: Brian Kullgren

The meeting was called to order at 7:07pm.

Approval of Draft Minutes of November 1st 2022 Meeting

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

**7:10 PM Public hearing on proposed Minor Subdivision on Peterborough Road
Map 2B Lot 71, owned by Douglas Guy**

Christine introduced the hearing for a Minor Subdivision for Lot 71 on Tax Map 2B. The lot is located on Peterborough Road in the Rural Residential and Agricultural District and is owned by Douglas Guy.

The proposed minor subdivision, if approved, will create new lot 71-6 (14.516 acres). The existing lot 71, currently 78.3 acres, will be reduced to 63.8 acres. This application will remain on the agenda until approved or disapproved. Christine reviewed the history of the application and reported that the completed application and fees have been received and shared with the board.

Abutters were invited to speak. Priscilla Wheeler asked whether the application is for one home or more. Christine explained the application is for just one house on 14 acres. Priscilla observed there was a lot of water on land about halfway up the property, even though it had been a dry winter.

Murray questioned the proposed driveway. Christine replied that Kent Perry had walked the property today and had reported it would be fine.

Russ asked whether a buyer would be required to have a wetlands permit, and Christine said that a permit would be required to cross the wetlands.

David Webber asked where the house would be located on the property, and Christine pointed out the 250-foot square identified on the plat that was projected on the screen.

The hearing was closed at 7:21pm.

George moved acceptance of the application as complete. Bruce seconded the motion, which carried by unanimous roll call vote.

Murray noted that the minutes should record the requirement of a wetlands permit from NH DES. Christine pointed out the requirement would also be included in the Findings of Fact, which is part of the Notice of Decision. There is an intermittent stream on the eastern edge of the property, and wetlands on the northern edge of the property. There is a former road crossing the property that was abandoned by the town, with existing stone walls still running the length of it on both sides. The Road Agent feels the driveway will not interfere with these features. However, should wetlands need to be crossed to access, a NH DES permit may be required. Christine said it looks as though the markers have been set, so it appears that requirement has been met.

George moved approval of the Minor Subdivision of Map 2B lot 71 on Peterborough Road in the rural district owned by Doug Guy to create new lot 71-6 (14.516 acres). The existing lot 71, currently 78.3 acres, will be reduced to 63.8 acres. Bruce seconded the motion which carried by unanimous roll call vote.

Christine will be in discussion with Doug Guy, who has overpaid, to get correct fees. Murray and Christine will sign the documents, and get Pete Caswell's (Temple Health Officer) signature, as well. Murray will take the documents to the Hillsborough County Registry of Deeds for recording.

7:31 PM 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 introduced the application and reviewed its history. She reported that Pete Caswell had not witnessed the test pits on lot 24; as a result the Planning Board cannot approve the minor subdivision tonight. The Board can proceed to review the lot line adjustments.

Craig Francisco of Bedford Design Consultants described the change in the plans being presented tonight and the corrections to the dates on the map he had made. Craig then introduced changes he had made to map T-1.

On the last sheet, T-3, he explained that he had added two wells and had included several other pieces of information. He has spoken with an attorney who suggested someone should go to the probate court to determine whether heirs of Alvin Holt still own the little piece of property in the middle of what was his property. Christine reported the town could create an Unknown Owner lot of this parcel, and if not claimed in two years it could be sold. Craig thought there would be a third year for someone to object. Mr. Rowe indicated they may pursue a "Quit Claim Deed" to acquire the property sooner, if possible.

George offered to speak to Alvin Holt's progeny, pointing out that his oldest daughter administered the estate.

Starting with the Lot line adjustment between lots 25-1 and Lot 25 (Parcel B) (Wills), Rob Wills reported that the Wills property is an L-shaped piece; the concept now is to square up both the Rowe land and the Wills land. Parcel B is being transferred from lot 25-1 to lot 25.

Vivian Wills asked the actual acreage of lots 25-1, and 25. 25-1 is 5.10 acres; the other lot is currently 5.36 acres.

Lot A between 25-1 (Wills) and lot 24 (Nick Rowe, Leah Thompson, and Kerry Thompson): Rob Wills explained that the well identified on Lot 25-1 is an old well that could be used for agriculture but is not used currently. There are two active wells on Lot 25 owned by the Willses. The well furthest away from the road on Lot 25 serves both lots 25 and 25-1. Boundary lot markers have not yet been set.

Craig will correct the maps to confirm which wells are active and which are inactive.

Parcel C lots 24 (Rowe Thompson and Thompson) and 25 (Wills): Rob Wills indicated this was a field. The adjustment will make the two lots square, and would have made the Rowe property square if not for the roughly one acre "owner unknown" parcel.

For the Minor Subdivision of Lot 24 which would create Lot 24-1, Craig explained that Parcel D (sheet T-3) needed another 300 feet of frontage which is identified as Parcel F. Nick Rowe reported giving Jeremy Judkins some land to make his lot conform to the 3-acre regulation. This cannot be voted on until the Board receives the test pit results from Pete Caswell.

Bruce moved acceptance of the proposed lot line adjustments as follows:

- Lot line adjustment between lots 25-1 & Lot 25 (Lot B) (Wills)
- Lot line adjustment between lot 25 & 24 (Lot C) (Wills/Rowe/Thompson)
- Lot line adjustment between lot 25-1 & 24 (Lot A) (Wills/Rowe/Thompson)
- Lot line adjustment between lot 24 & 54 (Rowe/Thompson/Judkins)

Murray seconded the motion, which carried by unanimous roll call vote.

Christine will provide a Notice of Decision and Findings of Facts. She pointed out that a lawyer would be needed to draw up a conveyance of those parcels. The Planning Board will file the lot line adjustments and plans with the Registry, and it is up to the applicants to take care of the conveyances.

It was noted that filing with the Registry cannot happen until all the documents involving this application are approved, which includes the Minor Subdivision.

In further discussion it was said that lot 24 will be divided into two lots: 24 and 24-1. Lot 24-1 would be 3.387 acres; and lot 24 would be 13.227 acres. Lot 24-1 now shows a well on sheet T-3. There was some discussion about old maps showing various property owners of the land in question.

Nick said the proposed house would be placed to the north of the wetlands. Stakes have not yet been placed. The conditions of approval must include stipulation that the state of New Hampshire has to approve the subdivision. The “mystery” lot has prevented Nick from squaring up that land.

Ken Caisse asked whether the Board could approve the plan pending approval by Pete Caswell. Christine had asked Pete about this, and Pete advised the Board not to do that because complications could arise with the approval of the pits. If we approved it and there was an issue with the well and plans had to be redrawn, a new hearing with notices would be required. A continuation of the hearing, properly noticed, would not require a new application and notices to abutters.

George moved continuation of the hearing to the next meeting on December 20, 2022. Russ seconded the motion which carried by unanimous roll call vote.

Christine reviewed the fees required: 5 lots at \$15 each; the application fee at \$35, notices to abutters totaling \$140 for a total of \$250 plus the public notice cost of \$112.75 making the total fees owed to Temple \$362.75.

Keith moved approval of the fees as stated, Russ seconded the motion which carried by unanimous roll call vote.

Christine explained that Nick needs to prepare two checks for the Hillsborough County Registry of Deeds: one for \$25 for the LCHIP; and 4 times \$24 plus \$2 for the recording fees, for a total of \$98.

The hearing was closed at 8:23pm.

Regular Business

Invitation for Comments from the Audience: No comments were offered at this time.

Old Business

1. Correction to Shelly Guy Subdivision (Map 5B Lots 84 & 84-1)

There is a lot labelling error on lots 84-2 and 84-3: they already exist in the tax database. They need to be relabeled as 84-6 and 84-7. Christine spoke with Temple’s land use attorney, a representative from Avitar, and the Registry of Deeds. She reported that an affidavit from the surveyor is required and needs to be recorded at the registry. She has spoken to Sam Ingram who will take care of it and notify us when it is completed so we can file it with the Registry of Deeds. Sam will notify the new owner.

Keith has prepared a spreadsheet for the tax map work. He has also created 6 line items for the tax map for the Wills-Rowe-Thompson lot line adjustments.

2. Driveway Regulations: Murray has asked for more time.

3. ADU Regulatory Review:

Bruce reported Brian suggested the Board could move forward with the reduction of acreage requirements from 6 to 3 for an ADU. Brian also suggested the Board should consult with a lawyer to be sure the correct language is put forward to the town on the ballot. Ken Caisse confirmed this is an advisable “best practice” to avoid future potential corrections.

Christine reminded the Board that Professional Planner Carol Ogilvie’s opinion is quoted in the July 19, 2022 minutes. See the minutes of the TPB on the town website to get the full opinion. Essentially, she said:

“ADU ordinances typically require that “adequate water supply and septic disposal” can be demonstrated. That might mean having the applicant provide documentation that the system is state approved, and proof that the existing system can handle the additional load. If the existing system does not have the capacity, then a new state-approved system would have to be constructed. If one takes the “accessory” in the name literally, there should not need to be any increased acreage for an ADU if it is using the same septic system, and assuming the system can sustain the additional bedroom.

Septic systems are sized these days for four bedrooms; and the capacity of a system is based on the soils. In New Hampshire, DES has determined that a half-acre-ish can support a septic system. Therefore, I think additional acreage requirements cannot reasonably be based on soils; there is no scientific basis for it.”

In summary, Bruce shared that Brian proposed removing the text from 7B.10 that reads:

“A detached accessory dwelling unit shall be permitted **on lots that are at least twice the minimum lot size for the district.**”

Bruce proposed having a first hearing during the Planning Board meeting on January 3rd, 2023.

Public Comment: Ken Caisse explained that, in practice, an ADU could be attached to an existing septic system even if it doesn’t meet the bedroom requirements. However, if the septic system fails, then the bedroom requirement has to be met.

Christine will prepare the wording proposed and get feedback from the Land Use Attorney and Professional Planners to present at the next Planning Board meeting, on December 20th.

4. Short Term Rentals

5. Tax Map Updates - Keith

6. Master Plan Natural Resources Inventory – ConCom

Christine has received an invoice for phase I for this year, which she will approve.

7. SWRPC Regulatory Review/InvestNH Grant Application
 - a. Master Plan updates
 - b. Regulatory Review

Christine reported on modifications she has made to the application as requested by the grant committee; most notably, the addition of a Master Plan Implementation chapter, and clarity on the goals and outcomes.

“The goal of our project is to increase public awareness of current regulations and the challenges those regulations present for the future of Temple. We seek to determine the best path forward based on community input and support for regulatory changes that reflect residents’ desires and development “best practices”.

Phase III was removed from the grant application, with associated costs (\$25K). We are invited to apply for Phase III funding based on the outcome of the first two grant phases.

The revised grant request totals \$55,744.

8. Community Advisory Committee Updates - Christine/Keith
 - a. Plan NH Charrette Report
 - b. Housing Forum (Bruce)
9. Other 2022-2023 Initiatives
 - a. National Flood Insurance Program (NFIP)

New Business

1. The Forest Monastery has returned their signed Affidavit of Religious Use of Land or Structures for filing at the town office.
2. In the interest of time, other agenda items were tabled to a future meeting.

Bruce moved adjournment, which was seconded by George. The motion carried by unanimous roll call vote.

The meeting was adjourned at 8:55pm.

Next meeting: Tuesday, December 20th at 7:00pm, Temple Town Hall

Respectfully submitted by Rev. Olivia Holmes