

Temple Planning Board
Approved Minutes, Tuesday February 15, 2022
7:00 pm, Temple Town Hall
2022/02/15 TPB Minutes-OH

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

The meeting was called to order at 7:02pm.

Approval of Draft Minutes of 2/1/22 Meeting

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

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

Public Hearing: Driveway Regulations. Nicole opened the Hearing at 7:09pm.

Brian and Kent Perry, Temple's Road Agent, presented a brief overview of the proposed changes to the 2017 Driveway Regulations, the purpose of which is to clean up the extraneous language that doesn't apply beyond the first 30 feet of the driveway, since the regulations only apply to those first 30 feet.

Invitation for Comments from the Audience: Cam Lockwood expressed concern about the limitation of regulations to the first 30 feet of a driveway, and that "best practices" are being removed. (See attached document submitted to the Board by Cam.)

Murray Collette expressed his desire to keep the requirement of a Public Hearing in the regulations, and suggested a separate document or appendix be created to outline recommendations for the full length of the driveway to aid homeowners.

The Public Hearing was closed at 7:23pm; and was followed by Board discussion.

Christine pointed out the Board has not voted on these recommendations yet. She raised questions about responsible bodies regarding various aspects of the regulations. She observed that significant responsibility is being placed with the Road Agent. She raised questions about emergency vehicle access. She also raised a question about engineer approvals. She had spoken with the principal planner of the state of New Hampshire. Christine had concerns about language around safety, around public hearings, and about whether regulations should apply to the entire driveway.

Bruce agreed the language requiring the Board to have public hearings when discussing driveway requirements should be retained in the document. Regarding building permits, Bruce said a certificate of occupancy cannot be provided without inspection by the road agent prior to

the driveway being constructed, and again after the driveway has been completed. Bruce also said that there are one or two RSAs that protect the town regarding emergency vehicles. Bruce explained that the reason for the reduction in regulations to the first 30 feet (instead of the entire driveway) is to allow land owners to build a driveway to suit their needs, regardless of the steepness of the slope involved. He suggested that whether 30 feet is enough is an arguable point.

In addressing the question of whether to include “recommendations,” Bruce explained that in the Temple Zoning Ordinance there is nothing that is “recommended” anywhere, except in the driveway regulations. He said recommendations have not been included since at least 1972, so beginning to make recommendations of what people should do after the first 30 feet does not feel like the right thing to do from his perspective.

Brian believes that public hearings are required when driveway regulations are being proposed, so the language is not necessary.

Keith does not believe regulating the first 30 feet is sufficient. He felt that 50 feet would be more realistic for emergency vehicles to get to a property, and he believes making recommendations is totally appropriate.

Alan suggested delivery vehicle drivers aren’t paid enough to have to deal with difficult-to-navigate driveways.

Bruce clarified that the Planning Board makes the regulations, but the Select Board has enforcement responsibilities.

Bruce moved to keep the language regarding public hearings in the regulations. Keith seconded. The motion carried with Brian voting no.

Keith moved to keep the various items in section 5 that had been recommended for deletion (Section V (A), (C), (D), (E), and (G)). Christine seconded the motion which failed. Four members voted against it, including George, Brian, Nicole, and Bruce. Keith, Alan and Christine voted in favor of the motion.

Nicole moved the use of the permanent driveway application form, dated 2019, currently in use by the Town Office, instead of the one currently in the Driveway Regulations adopted by the Planning Board in 2017. Keith seconded the motion, which carried with Brian voting no.

Brian pointed out that the newer application form does not reference that it applies to the first 30 feet only; and it does not reference Section V.

Nicole recommended adding the box from the bottom of the 2017 application form, page 8, to the new 2019 form. Brian agreed that would help. George moved that the box be added. The motion was seconded by Nicole and carried with Brian abstaining.

Bruce thinks the biggest issue for the Board is on page 4, in the section devoted to design requirements.

Christine moved to modify Section II – Purpose as follows (deletions and additions highlighted in red): “Inasmuch as driveways and entrances are, in effect, intersections, they require certain controls as to size, location and construction in order to provide safe and efficient access to property fronting on the public way, as well as surface drainage in and around said driveway, ~~and for the purpose of such control this regulation is enacted.~~ The purpose of these regulations is to establish criteria, standards, application forms, and fees charged if any, for the location and design of driveways within the Town of Temple. Keith seconded the motion, which carried with Brian voting no and with George abstaining.

Bruce believed legal counsel was not consulted when the 30-foot limit to regulations was included in the 2017 regulations. He recommended consulting with legal counsel.

Bruce moved to accept the proposed changes, as amended at this meeting, pending legal review. George seconded the motion, which carried with Bruce, George, Brian and Nicole voting yes, and Keith, Christine, and Alan voting no.

Nancy Armstrong: 91 Cutter Road

Nancy and Shelly Guy (attending by telephone) explained the lot line change they are considering and the 4-lot subdivision Shelley is considering on her property. Both Shelley and Nancy want to learn of any red flags the Board may have regarding both their plans for lot line changes and subdivisions. The plan adds 1.3 acres to Nancy’s 4.7 acres to give her 6 acres in total. The Board reminded Shelley that she needs to be sure she has 300 feet of frontage for each potential new lot. No major issues were noted by the Board for either the lot line adjustment or subdivision.

New Business: Given the lateness of the hour, Nicole invited Sean Radcliffe to speak on behalf of the Conservation Commission regarding the Natural Resources Inventory for the Master Plan before Board discussion of old business matters.

Sean explained that Greenfield has an excellent natural resources inventory document which is well presented, and recommended that Temple follow that model. The Southwest Regional Planning Commission (SWRPC) has proposed they could create a similarly detailed model for Temple for \$12,000. SWRPC felt the town could pay the \$12,000 amount over more than one year if that would be helpful. Sean does not know whether there are grants available to help with the cost. SWRPC also offered to reduce the scope of work if the town can’t afford the \$12,000; but Sean feels the resulting document wouldn’t be worth the cost savings. Sean will forward the Greenfield document to the Board.

Sean will ask SWRPC what a simple update of the current document would cost. It is possible that an extended, multi-year budget could be created to spread out the cost; Sean will get a range of quotes from SWRPC and an explanation of what different levels of funding could yield.

Old Business: Nicole proposed tabling the old business agenda items until the next meeting. Nicole distributed an article related to affordable housing initiatives at the State Legislature she hoped Board members would find time to read.

A motion to adjourn was made by Bruce, seconded by Brian; and unanimously approved by roll call vote.

The meeting was adjourned at 9:05pm.

Next meeting: Tuesday, March 1, 2022, 7:00 pm, Temple Town Hall

Respectfully submitted by Rev. Olivia Holmes, Clerk

Attachments: Cam Lockwood's document

Nicole Concordia's Article

Temple 2004-2005 Natural Resources Inventory

Greenfield's Natural Resources Inventory