

**Temple Planning Board  
Approved Minutes September 7, 2021  
7:00pm, Temple Town Hall**

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

Absent: Brian Kullgren

The meeting was called to order at 7:01pm.

**Approval of Draft Minutes**

1. 8/17/21: Bruce moved approval of the draft minutes as amended. Keith seconded the motion, which was unanimously approved by roll call vote.
2. 8/25/21: George moved approval of the draft minutes without amendment. Christine seconded the motion which carried unanimously by roll call vote.

**Invitation for Comments from the Audience:** Mr. Alex MacMartin, abutter to Stepping Stones Farm and Event Center, suggested that the owner of the farm may want to merge the two lots which comprise the farm complex. He said that there are 3 residential structures on one lot and one business on the other lot; and he said the zoning ordinance does not permit 4 residences on one lot. He referred to Article 4 VII and said various others may also apply.

**7:15 pm Hearing Continuation, Site Plan Application Merits, Ben's Maple Products, LLC.**

Nicole opened the hearing and formally acknowledged receipt of the 8/17/21 letter from Beth Fox. She also acknowledged receipt of additional lighting spec sheets for the Meru wall packs and the Kax LED parking lot lights. There was a lengthy discussion about the permitted height of the parking lot pole lights.

Jim Phippard explained that Ben's team had submitted documentation for compliance review by the Zoning Board of Adjustment (ZBA) regarding lighting on 9/30/2020. He explained the option selected, specifically two 30' poles, provides safety over the steps, for example, where more lighting is required than would be possible with a 20' pole. He said the goal is to provide a minimum of 1' candle wherever anyone is walking. These pole lights will be on timers which will come on automatically, but can be turned off manually. The wall-mounted lights will stay on for security.

Bruce suggested the Board should accept what the applicant is proposing, unless the state requires something else, as it is 10' under Temple's zoning requirement. Bruce felt it would not be fair to start changing the requirements in the middle of the process. Keith agreed.

Nicole reviewed the ZBA report which indicated the Planning Board should look at lighting, outdoor display of goods, screening, and buffering.

Lighting criterion: 1800 lumens.

The Meru cut sheet shows 1600 lumens, so these lights are within the requirement.

The possibility of light trespass over the property line was brought up. Jim explained that the Meru lights can only shine directly down and meet Planning Board criteria. He then explained that the Kax pole lights for the customer parking lot well exceed the 1800 limit, so must be fully shielded. The cut sheet of these lights shows that they are. He explained how the 30' calculation was made and said it is well within Temple's 40' requirement. The light poles are over the sidewalk (north) side of the parking lot; so about 120 feet away from the property line, Jim said; full shut off, permanent downward mount, dark sky compliant.

Keith made a motion to formally waive the potential for the 20' height limit that may be the state limit, and to accept the 30' limit proposed by the applicant. George seconded the motion and it was unanimously approved by roll call vote.

The ZBA agreed there should be lights mounted on the two existing telephone poles on Webster Hwy., one at each proposed driveway. The agreement with Eversource is that Ben will pay for lights to be mounted that are fully dark sky compliant; which are the only lights that are available today. Jim will forward a cut sheet to the Planning Board Clerk if and when he receives it.

Allan Pickman suggested bollards with reflectors so that overhead lights would not be necessary.

The Board agreed that the applicant has met all the lighting criteria by roll call vote.

Bruce pointed out that signage should not be confused with lighting, and there is a signage ordinance that needs to be followed. Ben explained that the town only has authority over Webster Hwy.; the state controls lighting along Rte. 101. Illuminated signs are not included in the application.

13B, Condition #9, of the ZBA's decision indicates Planning Board review of appropriate plans for screening of any outdoor storage of goods, materials or equipment.

Jim used the color-illustrated version of drawing C3 to detail screening plans. There will be a 6'-high solid fence around the dumpster. Nine Fraser firs will be planted to close the two gaps on the Old Revolutionary Rd. side of the building. There will be a retaining wall just south of and below the berm on the northern, Old Revolutionary Rd., side of the lot. Christine asked about screening in addition to the 9 firs, pointing out that abutters did request additional screening that is not deciduous. Ben volunteered to plant extra evergreens to screen Old Revolutionary Rd., as requested by Paul Clifton-Waite.

There will be decorative post-and-rail fencing along Rte. 101. There is an area designated for 3 vehicles next to the dumpster screening, but additional screening is not planned.

Ben said he has no intention to have outdoor displays except, perhaps, for mums or pumpkins in the fall for decoration and not for sale. The farmer's porch is just for people to move in and out, and for conversation.

There will be no tractor trailers allowed to be parked on the property beyond the hours designated by the ZBA.

Ben wants a footpath/barway toward the northeast corner of the property landscaped with a granite stone and pillar. Bruce suggested such a footpath should be permitted by the Planning Board along the screening to the east of the berm.

The Board agreed that the requirements for screening and displays have been met, with the four additional Fraser firs planted across the old barway on Old Revolutionary Rd.

Section 13B, Condition 5, specifies that "all food is to be consumed inside, except that a seasonal outdoor dining area and/or take out services may be approved during Site Plan review." Ben said that as of now there is no plan for outdoor food service. He explained that if he wanted to put up a tent, for example, he would need to get Select Board approval. Ben said he has no plans to use tents in the parking lot. He would like to have 6 or so picnic tables along the corner of Webster Hwy. and Rte. 101, on the grass. There would be no outdoor service.

Christine moved to approve a seasonal outdoor picnic area without lighting or any permanent structures, to be accessible from the parking lot/driveway area in the southeast corner of the property. George seconded the motion which was unanimously approved by roll call vote.

Restrooms were an issue Jim and Ben reported that they discussed at length with the ZBA; specifically whether bathroom footage is to be included in calculating retail space. The ZBA report says bathrooms are included in retail space. Ben says his team rejected the ZBA's position. He would have to ask his lawyer, Tom Hanna, whether the team has appealed. The bathrooms would add 84 feet to the 2908 retail space. It was agreed that this is not a Planning Board issue.

The driveways are 24'- and 30'-widths respectively, and there is turn-around space on the north and northeast sides of the building, near the dry fire hydrant. There is also an overflow parking area to the south of the parking lot. Ben will have police officers in attendance to manage traffic at the first sugaring weekend, and will decide after that whether their presence would be required throughout sugaring weekends, or whether parking signs will be sufficient.

Two cupolas are designed to be placed at the roof peak, which is 38'; so the two cupolas would make the building over the 40' limit. Christine moved "to waive the height restriction of forty feet for the two cupolas, citing the additions as contributing to the aesthetic rural character

they add to the structure, which the Planning Board believes is in the spirit and intent of the regulations and is compatible with the Vision Statement of the Master Plan.” The motion was amended to include the following phrase at the end of the sentence, “pending legal review.” Christine moved the amended language, Bruce seconded the amended motion, and it was passed by unanimous roll call vote.

ZBA 13A, Standard #4, states that “Applicant must retain a certified commercial building inspector...” Connie Kieley spoke to the importance of having an outside group of certified inspectors. Ken Caisse explained the requirements the town inspectors have to meet, including commercial and residential certification and continuing education. Ken also pointed out that the state will have to approve Ben’s commercial kitchen.

Paul Clifton-Waite thought the idea of having an independent building inspector was to eliminate the possibility of the perception of conflict of interest. He and Connie pointed out that this issue is not within the purview of the Planning Board. The Board agreed by roll call vote.

Request for audience input: Allan Pickman asked whether there are plans on how the pond is constructed, and whether the distilled water from sugaring will be running year-round, or whether there are seasons when the pond could dry out. Ben replied that January thru mid-April is sugar season. Jim explained the contour of the pond, and observed that it should always have water unless there is dramatic drought. He explained that the sub-surface is 90% stone at about 3’ down into the ground. The drainage report, about 4-5 pages in, tells what the storage possibilities are. Jim offered a detailed explanation from the plans.

It was recommended that Temple should change expectations for a “rainfall event” from 20 years to 25 years.

Nicole led the Board in a review of decisions made during this meeting.

1. The Board has given provisional approval of the plan based on a favorable decision in the court case.
2. Four additional Fraser firs will be planted to the northwest of the property to screen Old Revolutionary Rd.
3. The Board has approved a footpath just east of the berm, over the canal, at the northeast section of the property.
4. The Board has approved 30’ for the placement of dark sky lighting on the two parking lot poles, and has waived any 20’ requirement that might exist.
5. The Board has approved the proposed picnic area.
6. The Board has waived the cupola height requirement pending legal review.

Bruce moved to approve Ben’s application given that these 6 criteria will be met. George seconded the motion which was approved by unanimous roll call vote. Nicole will get the approval letter to Ben.

Jim will provide a revised plan, with 4 paper and 2 mylar copies with the 4 trees, etc. The Board will need them to be submitted with the necessary recording fees and recording postage. The fees were stated to be \$25 for the LCHIP fee and \$26 for the mylars, depending on how many sheets.

Keith moved closure of the hearing portion of this meeting. Bruce seconded the motion which was unanimously approved by roll call vote.

#### Old Business

1. Community Advisory Committee (Christine & Keith)
  - a. Charette. Christine reported that there was a presentation last Thursday by Plan NH Executive Director, Robin LeBlanc, and Tiffany Tononi McNamara, attended by about 12 to 15 people. The presenters outlined what a Charette would look like, and what the steps and scope of the project would be. There will be more information after the Community Advisory Committee meets next week.
  - b. Zoom; Keith is still collecting data.
2. Email Retention (Keith)
  - a. As long as the important files which are submitted at a meeting are documented, dated and stored in paper at the town office, electronic files can be deleted. That is the legal procedure, he reported.

#### New Business

1. The budget for next year has to correct the clerk's hours and wages working with the Budget Advisory Committee. Christine and Nicole will work on updating the budget.

Bruce moved meeting adjournment. Keith seconded the motion which was approved by unanimous roll call vote.

The meeting was adjourned at 9:17pm.

Next meeting: Tuesday, September 21, 7pm, Temple Town Hall Annex

Respectfully submitted, Rev. Olivia Holmes

#### Attachments:

1. Email from Allan Pickman on Structure Height Ordinance
2. Email from Christine Robidoux including the wording of the motion she proposed waiving the structure height restriction
3. Temple Zoning Board of Adjustment Notice of Decision
4. Outdoor Lighting Design requirements from DES-NH Section 3: Site Level Design, page 366 (when available from Keith)