

Proposed Changes to the Temple Zoning Ordinance
Temple Planning Board Public Hearing
Minutes: December 15, 2020

Present: Bruce Kullgren, Jr., Chair; Allan Pickman, Vice Chair; Nicole Concordia, Secretary; Brian Kullgren; Randy Martin; Christine Robidoux; George Willard; Olivia Holmes, Clerk.

The meeting was called to order by the Chair at 7:00pm

Bruce offered words of welcome, a reading of the Covid-19 checklist, and introductory remarks.

Current Zoning Ordinance Overview

Bruce reviewed current zoning ordinance requirements in the Village District, the Rural and Agricultural District, and the Mountain District. All buildings must have a septic system and have a 35-foot setback. Accessory Dwelling Units (ADUs), both attached and detached, are allowed under certain circumstances.

PRD Historical Review

Randy reviewed current zoning ordinance requirements for planned residential developments (PRDs). He pointed out that PRDs are one of the many planning tools for residential development. They can be used to organize the preservation of land efficiently. There is much interest in Temple for farmland and open space. PRDs can be very helpful to a town and also to a developer as there are cost benefits, such as shared roads. The most practical aspect of PRDs is the wide range of housing a PRD allows. The Conservation Commission can review the land and the layout being considered for a PRD. Often each parcel is different, and may have its own intent. With a PRD there is a channel of approval to be met.

People have discussed agrihoods, workforce housing, senior housing, and middle housing, which is basically multiple units offering affordable housing. Temple already has a few PRD projects. Randy was involved in Stonegate, which was the first one in town. At the time, Randy's parents were preparing to retire, and there was no allowance for PRDs in Temple. Stonegate was organized for open space and recreation. Randy worked with the Regional Planning Commission and other boards to develop the original plan. Randy reported that there are 6 houses on Stonegate's 109 acres, with acreage for 4 more.

The other PRD near Stonegate is Sara Drive. It had a different intent. They have tarred roadways, and do have some open space, some of which is trails the residents can use. The Brown Road development is another PRD in Temple, which took into consideration land for conservation, and utilized the land in very efficient and creative ways. They all provide a flexible plan for land use.

The Community Housing Survey sent to Temple residents this fall was 4 pages long, and two pages of that concerned PRD concepts.

There were no audience comments or questions offered at this time.

Accessory Dwelling Units Review

Christine explained that Accessory Dwelling Unit (ADU) legislation came from the state in 2017 and she recognized that Temple is facing a shortage of affordable housing. There are currently no houses for sale in Temple, although there is land. We understand there are no rentals available, either. Some existing stock, such as Priscilla Weston's farm, offers an option to put in an apartment that she could live in and manage when she sold her house. We know families are having children move back home who want to raise their children near the home where they grew up. Christine offered links to a couple of reports in the chat (Christine's notes with these links will be appended to these minutes). ADUs provide an opportunity to accommodate family, friends, or added income. In Temple we allow one attached accessory unit per house, with a minimum of 400 square feet, and a maximum of 40% of total footage, or 750-square feet, whichever is greater. The ADU must have an interior door, and proper building and occupancy permits. ADUs are not allowed with manufactured housing. Acreage requirements for detached ADUs would be 4 (Village), 6 (Rural and Residential), and 10 (Mountain), and setback requirements would apply.

The Homeowners Guide to ADUs is very useful. Costs can range from \$20,000 to \$200,000. Energy efficiency can be factored in during the planning phase. The Planning Board recommends consultation with the Building Inspector before applying for a building permit, which the Select Board approves. Additional signatures are required from the town Building Inspector, Health Officer (for septic and water) and Road Agent (for driveways and parking)

Workforce housing is described as housing which is intended for sale and which is affordable to a household with income of no more than 100 percent of the median income for a 4-person household for the county in which the housing is located.

Workforce housing also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the county in which it is located. The Planning Board does not have any rental cost data to understand whether we comply with the regulations. The Board does know there are a number of properties in town that have multiple kitchens, but we do not know how they are being used. Therefore ADUs may or may not be considered workforce housing.

Allan said Temple Zoning has always had an option for some sort of ADUs.

There were no audience questions and comments at this time.

The Need for the Recommended Changes

Bruce explained that the proposed changes are mostly house-cleaning changes recommended by Atty. Drescher, our Temple town attorney. Bruce sent the proposed changes as they are being presented tonight to Atty. Drescher's office last week, and he responded they are all appropriate as presented. A copy of the recommended changes is attached to these minutes.

First and Second Changes: Attached Dwelling Units

Allan explained that the first two changes being recommended have to do with ADUs and the maximum size allowed. For attached units state law requires that size may not be restricted to less than 750 square

feet, whereas Temple's ordinance sets the maximum size of an ADU at 40% of the floor area of the combined residences.

There was a similar problem with the detached ADU ordinance, and again, the purpose of the change is just to comply with state law, so that the ordinance reads "The accessory dwelling unit shall have a minimum floor area of 400 square feet, but in no case shall the floor area comprise more than 67% of the floor area of the primary residence **or 750 square feet, whichever is greater.**"

Third Change: ADUs in Planned Residential Developments

Nicole explained that Temple cannot have more restrictive zoning than the state. Thus, Accessory Dwelling Units may not be more restricted in PRDs than in the underlying zoning. We can restrict attached townhouses to have ADUs, and we can refuse to allow condominium conveyance. The recommended change is highlighted in bold-faced type: 7A.90 Accessory Dwelling Units shall not be allowed in Planned Residential Developments **with multiple single-family dwellings attached to each other, such as townhouses, and with manufactured housing as defined in RSA 674.31. Subsequent condominium conveyance of any Accessory Dwelling Unit separate from that of the principal dwelling shall be prohibited.**

Randy explained that if you have 10 approved lots in a PRD, the intent would be to keep development to 10 approved lots.

Audience participants offered no questions or comments at this time

Fourth Change: Private Roads

Allan explained that the 4th change is technical, having to do with private roads. Atty. Drescher recommended adding "**and otherwise meets the requirement of RSA 674:41**" at the end of this section in order to capture the provisions of RSA 674:41.

Fifth Change: PRD Language Improvement

Allan explained that the language in the original 2002 PRD ordinance was a little fuzzy: the open space could be given over to the town or be given to the homeowners' association. Atty. Drescher wants a phrase added to the second paragraph: "**unless determined to be owned by the town, the land shall be transferred to the homeowners' association**". This cleans up the contradiction.

Audience participant questions and comments.

Honey Hastings asked whether a detached ADU could be made into a separate lot later on. Allan replied that it could, if it meets all the zoning requirements.

Randy pointed out that sometimes the homeowners association rules might not allow that in a PRD. Bruce added that a homeowners association rules would supersede the town ordinance. Randy said that would be correct, in certain cases.

John Kieley said that he appreciated Randy's presentation. In future, he suggested that if you have a member of the planning board present a perspective, you should have time for others of a different perspective to speak.

John also pointed out that the newspaper notice presented clarifications, which Christine and Allan have done well in presenting; but this is not Atty. Drescher's evaluation of the entire Zoning Ordinance, but just the proposals put forward a year ago. Allan responded that in essence that is correct. Allan sent Atty. Drescher the proposed changes in January, 2020 embedded in the Ordinance. So this was Atty. Drescher's review of the PRD and ADU sections of the ordinance. Atty. Drescher did not review the entire ordinance. John suggested it would be appropriate to make that clear to the townspeople.

Allan replied that he thought Atty. Drescher did, in fact, look at the whole thing. Allan said he gave Atty. Drescher the whole PRD section and the whole ADU section. John thought it would be helpful to clarify that to voters.

Audience participant questions and comments

John thought during a forum in the Annex that a clarification was made that an attached ADU is 40% and not less than 750 feet. Then, at that meeting, Honey asked whether the owner could live in the 40% and the renter live in the 60%. John's question now is why have the 40%. Why not just say no ADU can be less than 750 square feet? You can have an ADU so long as the minimum is 750 feet. John asked whether that would be wrong.

Bruce responded suggesting John's perspective would mean that someone having a 2000-square-foot house now, could build a 2000-square-foot ADU. Honey's question was if we have an 800-square-foot section and a 1200-square-foot section, why do we have to say where the owner can live.

Christine suggested that the 400-square-foot minimum is state law; the maximum is up to the town.

Allan reiterated that the Board's intention in all of these proposed changes was to correct the ordinance to state law, and to make the corrections as small as possible to comply with state law.

RSA 674:72 VII. A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 750 square feet.

At 8:00pm Randy moved ending the hearing section of the meeting. Allan seconded the motion and it was unanimously approved by roll call vote.

New Business:

Bruce reported that Isabelle Martin would like to present her planned renovations to Stepping Stones Event Center on the agenda for our meeting on the 5th of January. Christine offered that she had spoken to Atty. Drescher about Isabel's property, and he thought the Board does need to do a site plan review. It's not a change of business because it's considered agritourism. George agreed. Allan suggested that if the event center does fall into agritourism and falls into exceptional zoning, it states that agritourism does not require

a site plan review. He thought the Board can certainly review her plans, but that the review would not be required. Christine has a ZBA special exception determination that the event center is commercial.

Christine will send a copy of the exception to Allan.

It was pointed out that when Isabel built her riding arena she volunteered to go through site plan review, and the Board did that. If we don't have documentation of site plan review, we're open to liability.

Bruce will speak again with Isabelle to make sure she brings full documentation.

Approval of Meeting Minutes from 11/17/2020

With no amendments offered, Nicole moved to accept the minutes of the 11/17/2020 meeting as presented. Christine seconded the motion, and it was approved by roll call vote with Brian Kullgren abstaining.

Lisa got her letter from Bruce.

The question of holding a second hearing in January will be decided at the 01/05/21 meeting.

Randy moved adjournment of the meeting. Allan seconded and the motion was approved by unanimous roll call vote.

The meeting was adjourned at 8:15pm.

Next Meeting: Tuesday, January 5, 7:00pm by Zoom

Respectfully submitted by Rev. Olivia Holmes, Clerk

Attachments:

1. Proposed Changes to the Temple Zoning Ordinance
2. Christine Robidoux's ADU presentation notes with report links