

TOWN OF TEMPLE, NEW HAMPSHIRE PLANNING BOARD

April 6, 2011
FINAL MINUTES OF PUBLIC MEETING

Board members present: Richard Whitcomb, Randy Martin, John Kieley, Bruce Kullgren, Allan Pickman, Mary Beth Ayvazian, Rose Lowry

Call to order by Pickman at 7:32 p.m.

Review of minutes: Motion by Whitcomb to accept the minutes of March 16, 2011 as written, second by Kullgren, and so voted. Kullgren said he wished to correct a statement made by Pickman within the minutes. He reminded Pickman that the Planning Board, not the Board of Selectmen, could fill a vacancy on the board until the time of the next elections.

Wind farm: Kieley mentioned a recent phone inquiry asking how the town might assess a wind farm. He stated there is currently a controversial wind energy project being proposed in the town of Antrim. He suggested the board may want to consider formulating an ordinance to regulate wind farms. He stated currently this type of plan would seem to fall under Article IV Section 13 (Industry, Commercial and Non Commercial Enterprises). Pickman agreed, and said most issues with wind turbines seem to relate to impact on property values as well as the effect of noise and vibration. He said under current regulations a wind farm proposal would have to go through Site Plan Review and the Special Exception process. Kullgren spoke of a wind farm being installed in the northern part of the state and also of the controversial Northern Pass electric line project. Kieley said Antrim has turned to the state for advice, as they feel they do not have the expertise to deal with this type of project. It was decided board members would research the issue and work towards establishing some kind of regulation.

Upcoming Work Projects: Pickman asked about the status of creating a survey to gather information regarding zoning changes in the Village District. Ayvazian said she and Lowry will work on this. Kieley mentioned updating the Subdivision Regulations. Martin thought Planning Board forms should be standardized, and indicated some work on this had already been done by a previous board member. Kullgren suggested creating a new form to request annual gravel pit renewal.

Bartolomeo subdivision: At 8:00 p.m. Pickman opened the public hearing to address a proposed 2-lot subdivision for map 9 lot 22 owned by the Edward and Rebecca Bartolomeo Revocable Trust. The property owners were represented by surveyor Jacques Belanger. Board members looked at copies of a revised plat and asked questions. A previous list of requested changes was reviewed and it was determined that several stipulations remain outstanding. Belanger presented an overview of the project and said it was a simple breaking off of the existing farmhouse, which contains three rental units, onto a six-acre parcel. He said the town health officer witnessed the two test pits that were dug, and also said wetlands are present but were not completely delineated as there is no impact from this subdivision. He indicated the present owners have no intention of doing anything further at this time, but might sell the house if an offer came along. There was a question about location of the septic system for the house; Belanger indicated it was not specifically known, and Kullgren said he believes he worked on it years ago and it is located right behind the house.

Marty Connolly asked if the six-acre parcel could be further subdivided. The preliminary plan had shown a five plus acre lot, which was changed to six plus acres at the board's request.

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Pickman explained the board's previous discussions regarding the three rental units in the house, resulting in the board's decision to request at least two acres per existing unit and to allow no further subdivision unless one rental unit was gone. Kullgren noted this was a rather arbitrary decision with no legal basis, and said the owner could push the issue if so desired. Kieley quoted part of the 3/2/11 PB minutes that detailed the board's discussion and resulting recommendations regarding this issue. Abutter Ken Sullivan said he had spoken by phone with the property owner and intent to sell the house was indicated. Sullivan also asked if perhaps the board was making the question of future subdivision worse by not leaving the lot at roughly five acres, which would not be subdividable.

Connolly then asked if the board could clarify the septic location. He stated it was an old system with previous failures, and questioned whether the size was adequate for three dwelling units with an unknown number of occupants. Belanger said there was no way of knowing and the system would have to be exposed to examine it, and this would not need to be done unless the system was in failure. He reiterated that test pits had been dug on both lots. Kieley stated this issue should not have any bearing on the subdivision plan. Belanger also noted that if the property were to be sold a home inspection would address this issue.

Sullivan advised the board that the property owner had told him the larger back parcel could support four house lots. Sullivan said he was concerned about future development there, and did not want to look at houses from his abutting property. He said he felt he did not have all available information as an abutter and referenced discussion within previous in PB minutes. Pickman stated the owner has rights to develop his land that the board cannot deny. He continued that the board cannot base their decision on any possible future plans, but must consider the plan that is before them. Belanger stated any plan to develop the back acreage would be more complicated, as it would involve a road, drainage, wetlands and water crossings, etc. Kullgren spoke up and said the board must address only the plan before them. Kieley noted if a PRD development were to be proposed in the future that abutter impact would be taken into consideration as part of that process. Sullivan asked the board why the town bothers with a Master Plan or Open Space Plan if not best utilizing them. Kullgren responded that the board must follow the law and cannot make things up as they go along.

Connolly brought up seasonal wetlands and vernal pools and wondered if they should be considered and delineated. Lowry explained the town of Peterborough is currently dealing with a similar issue, and acknowledged they could impact development. Connolly urged the board to look into this and possibly consult with a water expert to develop more clear definitions.

Kieley reviewed a list of changes needing to be made on the plat, to consist of: 1) remove line for "Town of Bow/Merrimack County" and replace with "Town of Temple/Hillsborough County"; 2) get signature of Town Health Officer; 3) revise signature block to show Chairman, Secretary and date; 4) indicate map and lot number 9-22 on original (farmhouse) lot; 5) indicate map and lot number 9-22-2 on new (back) lot; 6) show bounds set; 7) eliminate 'floating' symbols on plat; 8) check setback for Redding/McDonald house and show on plat if within 100' of boundary line; and 9) include statement precluding further subdivision of the six acre (farmhouse) lot. At this point Connolly again brought up the vernal pools/wetlands issue and asked that these types of areas be delineated on the plat. He suggested a consultation with local hydrologist Gerry

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Rosenberg. Pickman said he was reluctant to stipulate this, as the present plan is only subdividing an existing house off and does not include development at this time. Kieley said a Building Permit application at some point would open up the wetlands issue. Belanger then asked if the board would consider a conditional approval of the plan at this meeting. Kieley moved to approve the subdivision, conditional upon the list of requested changes, with a second by Kullgren, and voted in the unanimous affirmative. Connolly repeated his opinion that wetlands definitions and related issues need to be looked at. Sullivan reiterated that he is aware from personal contact that the property owner does wish to subdivide in the future. Sullivan said he would prefer to keep the area of north Temple in its current state. The public hearing was closed at 8:58 p.m.

Move to adjourn by Kieley, 2nd by Lowry, so voted at 9:00 p.m.

Minutes submitted by Betsy Perry