

**Temple Planning Board
Minutes
Tuesday, August 15, 2023
7:00pm, Temple Town Hall Annex
*Zoom Recording available***

Present: Christine Robidoux, Chair; Bruce Kullgren, Jr, Vice Chair; Carter Sartell, Secretary; Murray Collette; Keith Charlton; George Willard, ex officio, Select Board; Russ Huntley, Alternate

Absent: Brian Kullgren

The meeting was called to order at 7:00pm.

Board Chair Christine Robidoux chaired the meeting.

Approval of Draft Minutes

July 18, 2023 Meeting

The minutes were discussed and Bruce motioned to approve the minutes as amended. Carter seconded. Approved by a roll call vote with all in favor.

Christine Robidoux appointed Alternate Russ Huntley as a full member of the board for this meeting and he joined the board.

Public Comment:

None.

Old Business:

1. Middleton Subdivision Application: Application has been signed and delivered. Thanks to Keith for bringing it to the Hillsborough County Registry of Deeds (HCRD). Keith noted that they changed the fee for the second page, charging \$15 instead of \$25. Their website is not clear about this so Christine will follow up with them. Also note that Temple is registered under the Select Board, not the Planning Board. Keith requested that for future applications, whoever has the receipt should please send Keith the docket number. Christine has not heard from Avitar regarding the acreage correction; Carole is contacting them.
2. InvestNH HOP Grant
 - a. Steering Committee Update: Carter shared that they have engaged with around 40 people in the community so far. The purpose is to encourage folks to start talking and thinking about housing in Temple, not getting into the details of specific changes. At the last meeting they reviewed the results of those

engagements and are preparing for upcoming interviews, focus groups, and the Harvest Festival. Also continuing to review updates to the Master Plan including Carol Ogilvie's Economic Development chapter.

- b. HOP Grant Committee Update: Christine attended a check-in with the HOP Grant Committee. The state's first round of funds have been fully expended and they expect to hear about additional funding soon. Christine asked about reallocating some of our current grant funding for converting our maps to GIS because without this conversion it is difficult to overlay our Master Plan and Zoning Ordinance maps. The answer was maybe: they are allowing subcontractors to do special projects that fit within the grant request. Christine later spoke with Alissa Del Tufo who said the project would likely be approved, especially if we work with a known company. We need to submit a letter explaining the why along with a proposal for who we want to work with. Further discussion:
- Keith noted that after the conversion is done, there will be future savings because tax map updates will be easier. The conversion will also benefit residents, anyone considering purchasing a property, hunters, planners, surveyors.
 - Christine reached out to Carol and Ivy and they can work with this. Moosewood Ecological's report noted that Temple's lack of GIS maps made it difficult for them to move forward with some of their NRI work.
 - The Master Plan has the bulk of the maps, so this conversion work fits in with the Needs Analysis and Planning.
 - What we are considering is the first level of GIS conversion. Russ looked at other towns and all have the basics like hydric soils, zoning, poorly drained soils and wetlands, many have aquifers; much of this data can be pulled from FEMA flood maps and NRCS soils maps. The second level is to link to all related online documents like deeds and subdivision plans. The first level will result in our tax maps being more accurate. We will also need a maintenance contract.
 - Timing wise, the grant money must be spent by July 2024. The updates to the Master Plan maps cannot be done until the GIS conversion occurs, so the GIS work is best done sooner than later.
 - Carter made the motion to submit a request to the HOP Grant Committee to use funds to pay for the GIS conversion. Russ seconded. Approved by a roll call vote with all in favor.

- Keith and Russ have viewed proposals from vendors and recommend CAI: they already manage our tax maps, and they also handle many towns in the area. Avitar proposes using a third party and their proposal lacks clarity. Moosewood Ecological's proposal was received today and we need more detail; it is unclear what "digitize the tax maps" means. Christine will share CAI's proposal with PB members and will invite CAI to present at the next meeting and clarify which options are included in their proposal, and also discuss maintenance contracts.
- c. Regulatory Development Grant Application: During the HOP Grant Committee checkin, Christine asked whether we should submit this grant application even though our list of proposed regulatory changes (see attachment #3) does not include items specific to housing choices. The answer was yes because they want to know how many towns are applying. Pam Kingston has offered to help Christine draft the application.
- The grant is for technical assistance with writing the regulations. We might use our current consultants, or Southwest or Nashua Regional Planning Commission. Any funding received from this grant must be spent by July 2024.
 - Carter shared her concern that applying for this grant is premature because the Steering Committee (SC) hasn't begun to ask the community about what changes we might want to make. The SC has not had any discussions about zoning changes with the consultants; the latter has provided a zoning audit however the SC has not discussed it yet. The application deadline is November. We could delay applying until the SC has gathered more information. The stated purpose of the grant is "increasing the supply of housing in the community... Communities must commit to making a good-faith effort to bring regulatory changes to a formal vote for adoption." Russ noted that simply reformatting our regulations may qualify for this because our current regulations are difficult to read and understand.
 - Christine explained that the first phase of regulatory development is bringing our regulations into compliance with the state and updating the maps. There are also changes based on legal review. Keith suggested that he and Russ could work on improving the readability and formatting of the regulations to present to voters next year. For ease of understanding, Murray suggested presenting voters with two ballot questions: one version that has only been reformatted, and a second version that also brings our regulations in line with the state. If we have additional changes by then, we could add a third version with those changes.

- Christine will generate cost estimates for this work. If we decide not to apply for the grant, then this can be requested in next year's budget.
 - Public comment: Connie Kieley asked if legal counsel is included in the grant; Christine has not seen that included. Having technical assistance with drafting the changes may simplify the legal review.
3. Tax Map Updates: Keith has updated his spreadsheet and is researching some complex changes, gathering docket numbers, and will then work with Carole to get accurate data from the HCRD to submit for updating the tax maps. In the past the data used to update the tax maps was not obtained from the HCRD, which is likely why there have been errors. After the GIS conversion, map updates could happen in real time rather than once every year or two, and will be less costly. This year's Planning Board budget includes money for updating the existing tax maps and correcting mistakes from 2021 through present day. This is separate from the GIS conversion.
 4. Natural Resources Inventory: We received Moosewood Ecological's proposals today for a regulatory audit with respect to protecting Temple's natural resources, and for a buildout analysis (see attachment #2). We will discuss these at a future meeting.
 5. Driveway Regulations: Murray shared a new law (House Bill 296, see attachment #4) going into effect October 3rd of this year regarding state regulations for new driveways for detached one- and two- family units. Murray's interpretation is that the state fire marshal will not override local regulations as long as the minimum driveway width is 12' for driveways longer than 150'. He would like legal advice to clarify the meaning, noting that Temple driveway regulations refer only to the first 30'; should we reference the state regulations, and add consulting with the Temple Fire Chief? Murray wondered if the law's intent is to limit the scope of the state fire code to make it easier for these small detached units to be built; it does not apply to larger multi-family housing or commercial buildings. Christine forwarded this to the town attorney for advice. When attending a recent NH Fish & Wildlife conference, Russ heard that National Fire Protection just passed standards about driveway width and slopes; he will try to learn more and share at the next meeting. Christine noted that NHMA and NH OPD usually offer webinars whenever new laws are passed.
 6. Subdivision Regulations Audit results: We have steps in our process that aren't in the Planning Board handbook or that use different terminology, so it needs to be cleaned up, with fewer steps, to make it easier for applicants. A flow chart has been suggested.

- Russ pointed out formatting issues including 1) many 4.08 sentences that are unnumbered and cannot be referenced, 2) an incorrect statement in 4.07 that soil testing is supervised by the state - it should state that testing is performed by a licensed septic designer and witnessed by the Temple Health Officer), 3) Survey Phase 1 through 4 are specific and should be under Final Plat, whereas the rest can move under Preliminary. Russ also suggested reorganizing the 4.08 items into groups for all subdivisions, for minor subdivisions, and for major subdivisions; he will draft this regrouping and share with the members.
 - Christine noted that in 3.02 we can keep the timeframe at 15 days because the RSA allows the local land use board to specify 15. In 3.05 the timeframe needs to be 65 days rather than 90; the Findings of Facts should be part of the written endorsement; and based on the RSA we have an additional 30 days to determine if there is regional impact. RSA 674 was recently amended (see attachment #5) with language about alterations, completion of improvements, and bonding. This needs to be updated in the Site Plan Regulations and is recommended to be added to the Subdivision Regulations rather than referring the reader to another document. When duplicating information, we'll note this in each document so future updates are made accordingly. Christine will share section 4.16 with Kent Perry for his review.
 - There was discussion whether 4.13 is specific to PRDs and should be moved to a PRD-only section. Murray noted that 4.13 as it is authorizes the board to require that open space (up to 15% of the total area) be part of any subdivision. Our zoning requires open space only for PRDs. It was agreed to leave 4.13 and 4.14 as is.
 - Christine will draft another version, with Russ' input, and share with members.
7. Site Plan Regulations Audit results: Site plan reviews are initiated by the ZBA for special exceptions. Christine will check whether PRDs initiate a review.
- Russ asked about the 2 mylars: one is stored at the town office and the other is delivered to HCRD. Russ noted that Cheshire County will not take them. The HCRD needs boundary information; the mylars contain a lot of additional information specific to plats and plans and are very difficult to read.
 - Russ shared additional comments: He noted that the word "adequate" is used throughout without any details, so the interpretation is very subjective. For example, what does section 5 F mean by "adequate protection of groundwater"? We need to either reference documents that contain the details or specify the numbers/details here. Also, sections 13, 11A, 11B need to be relabeled; these sections were adopted because of the natural gas pipeline project.
 - Russ is familiar with Innovative Wastewater Treatment Systems; the state regulations vary based on the type of system.
 - Keith noted that section 5 M references the Temple Zoning Ordinance, so we need to decide whether to keep the reference or duplicate the information in

here. For the latter, we need to be consistent about how we handle information that is in multiple documents.

- Keith shared that the HCRD wants each sheet of multiple-page plans to be signed and stamped, so this should be added to the checklist.
 - Section 6 needs to be updated according to RSA 674 amendments (see attachment #5) and we will need legal advice. Also see prior discussion of Subdivision Regulations.
 - The Failure To Act section in both Site Plan and Subdivision Regulations needs to be added or updated, respectively, according to RSA 676:4. We also need to add the language about a mutually agreeable extension.
 - For reference, NH OPD's website has a Planning Board Handbook which explains the failure to act and the bond information.
 - Keith noted that on page 5 under Large Scale Construction we are asking for 5 complete sets of plans. This is due to the regional impact, so copies would be shared with the Conservation Commission, Regional Planning Commission, and who else? We should state who receives them; Christine will check the RSA.
 - Our goal is to make these changes before October 3rd when the new law goes into effect, however the timing is tight for editing, legal review, the public hearing, and further updates and reviews.
8. NFIP - FEMA Flood Maps: Flood Plain Management Basics for NH Community Officials in-person training in Lancaster, Thursday, September 28th, 9am-12pm. Christine is supposed to attend Radically Rural which is at the same time; Bruce may be able to attend.

New Business:

1. Watershed Conservation District Zoning: Ivy Bibler shared this information (see attachment #7). Seven of the nine towns within the watershed district have some zoning regulations. Temple does not have a designated watershed district. We have no major rivers but we do have inflow streams that feed into the Souhegan River. There is a process to designate streams as protected inflows which includes research, collecting scientific data, hosting a public hearing, and bringing a ballot question to voters to change the zoning. Keith will review this prior to the next meeting. Temple does have two flood control dams that head into Wilton. Souhegan River Local Advisory Committee has already mapped the streams so we could invite them to present the work they have done.
2. Legal Consultation regarding Proposed Zoning Amendments for 2024: Joe Driscoll shared a list of items that have come up over last 2 years for our review (see attachment #3). Christine will invite him to present at the next meeting.
3. Planning Board Budget Update: The budget is in good shape for this year. Note that the payment for Phase II of the NRI work has not yet been made.

4. 2024 Planning and Land Use Regulation Manuals: Next year's manuals must be ordered by August 23rd. Keith suggested getting one electronic copy so it can be searched during meetings, and 3 hardcopies total: two for new members and one to have on hand at meetings.

Other Business:

1. Filing Project: Christine and Cathy started this work last week and will continue.
2. Upcoming Webinars & Conferences
 - NH OPD Planning Lunches At Noon Webinar "It's Zoning Amendment Time.....Again! (2023 Version)" on Thursday, August 17, 2023 from 12 to 1 PM.
<https://www.nheconomy.com/office-of-planning-and-development/what-we-do/municipal-and-regional-planning-assistance/osi-planning-and-zoning-training/monthly-webinar-series>

Bruce motioned to adjourn the meeting and Keith seconded. Approved by a roll call vote with all in favor. Adjourned at 8:38 pm.

Next Planning Board Meeting: Tuesday, September 5th at 7:00pm, Temple Town Hall

Minutes respectfully submitted by Cathy Joly.

Attachments:

1. Tax Map GIS Conversion Proposal from CAI Technologies
2. Moosewood Ecological Proposal for Natural Resource Protection Audit (A), Buildout Analysis (B), & Digitized Parcel Map (C)
3. Potential Zoning Ordinance amendments (2024)
4. HB 296 Relative to local authority for granting driveway permits (RSA 153:5)
5. Draft Subdivision Regulations
 - SB 78 Relative to Subdivision Regulations on the completion of improvements (RSA 674:36, III & IV)
 - Regulatory Audit Results HOP Grant
6. Draft Site Plan Regulations
7. Registration Info for Floodplain Management Basics (NFIP)
8. Watershed Conservation District documents
 - RSA 483 RMPP Full Statute
 - Souhegan River Watershed Management Report 2013
 - Souhegan River Watershed Management Plan 2013
9. Year-To-Date 2023 PB Budget