

**Temple Planning Board
Minutes
Tuesday, July 18, 2023
7:00pm, Temple Town Hall
*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 7:01pm.

Board Chair Christine Robidoux chaired the meeting. Christine appointed Alternate Russ Huntley as a full member of the board for this meeting.

Approval of Draft Minutes

June 6, 2023 Meeting

There were no edits to the minutes and Carter motioned to approve the minutes as written. Keith seconded. Approved by a roll call vote with all in favor except George, Murray, and Russ who abstained.

June 20, 2023 Meeting

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

Russ recused himself from the board.

Vote on Waiver Requests for Odell-Middleton Minor Subdivision Map 2A Lot 60

1. Christine read the waiver requests as listed in the attached Order of Business. At the previous meeting, the board discussed not waiving:
 - a. The Soils Data: the perc test is complete (see attached Soil Log).
 - b. The statement of condition as to suitability for residential development: it seems suitable for development.
2. The board requested additional information on the watershed and aquifer. Russ responded with a letter (see attached Watershed Areas, Drainage and Aquifers), and added aquifers to the topographic plan. The aquifer has nearly the same

footprint as the wetland, so the wetland buffer required by the state also provides protection for the aquifer.

3. Bruce motioned to approve the applicant's aforementioned waiver request. Murray seconded. Approved by a roll call vote with all in favor.

Vote on Completeness of Application for Odell-Middleton Minor Subdivision Map 2A Lot 60

1. There are questions about the monuments and acreage which will be discussed during the hearing. The plans need two minor corrections: Russ will add a place for Pete Caswell's signature, and he will correct the name of the road. Russ will supply the mylars and the check for Registry of Deeds after the hearing.
2. George motioned to accept the application as complete, with the exception of the items mentioned in 1) above. Bruce seconded. Approved by a roll call vote with all in favor.

Public Hearing for Odell-Middleton Minor Subdivision Application Map 2A Lot 60

1. Christine opened the public hearing at 7:18pm.
2. Christine introduced the application (see attached Introduction and Application History) for a 2 lot Minor Subdivision of Lot 60 on Map 2A, located on Peterborough Road. Russ Huntley did the surveying and completed the application on behalf of Julie. The acreage on the tax map (64.1 acres) is not correct and Christine has reached out to Avitar; will send Russ' survey so they can update the acreage.
3. Russ shared the history of the property, which was originally 3 different parcels. Russ surveyed the entire parcel according to monuments and pins. His guess is that the acreage was miscalculated when an abutting subdivision was created and this property's southeast corner was mistakenly moved westward when maps were redrawn, effectively removing a triangular piece on the eastern boundary. Christine searched the Planning Board (PB) files and found evidence that the lot was 73.8 acres, but found no evidence that the size was subsequently changed. Russ noted that an earlier "corrected survey" includes an image of our current tax map with the 64.1 acres, so it is likely the parcel was not completely surveyed at that time. The deed is confusing and refers to multiple tracks which do not correspond to our current information. Also, the tax card refers to the deed for Lot 2A 60-3.
4. Russ explained that the lot is currently half wooded, half field. West of the stream is field, wetlands and an old barn foundation. East of the stream is field and woods. The application proposes to use the stream as a natural boundary, creating a 12.5 acre lot to the west of the stream to be used as a building lot, and a 61 acre lot to the east to remain in current use. Perc tests were done on both lots, and Russ delineated the wetlands himself, being a wetland scientist.
5. Public comment:
 - Dave Hedman is an abutter along the eastern boundary. Dave asked if his property line was shifted when Lot 2A-60's line was mistakenly redrawn. Russ

does not believe so because the boundary is along a stonewall which still exists. The only way to ensure that the acreage is correct is to survey the property. Keith suggested that Dave download the information for his property from the Hillsborough County Registry of Deeds, and bring any concerns to the PB.

- Keith noted that updating Temple's tax maps to include GIS data will make it much easier to determine lot boundaries.

6. Bruce recused himself from the board because his brother is an abutter.

Deliberation for Odell-Middleton Minor Subdivision Application Map 2A Lot 60

1. Christine explained that since this is a minor subdivision, many technical pieces of the subdivision application were waived. She detailed the steps of the application process that have occurred prior to this meeting (see attached Introduction and Application History, "Application Timeline"), noting that two abutters did not retrieve their notices. Then she read the draft of the Findings of Fact (see attached Notice of Decision, "Findings of Fact").

Vote for Odell-Middleton Minor Subdivision Application Map 2A Lot 60

1. Keith motioned to approve the Odell-Middleton Minor Subdivision Application as Christine described in detail. Murray seconded. Approved by a roll call vote with all in favor.
2. Christine will send the Notice of Decision and Findings of Facts letters to Russ, and Russ will give the mylars and Registry of Deeds check to Christine tomorrow. Carter will sign the documents as Secretary, and Keith will deliver them to the Registry of Deeds after obtaining Pete Caswell's signature.

Bruce and Russ rejoined the board.

Public Comment:

None.

Old Business:

1. InvestNH HOP Grant
 - a. Steering Committee Update: The committee has participated in two community events to engage residents on the topic of housing. The consultants provided a series of exercises to use for gathering input. They reviewed Carol's draft of the Economic Development chapter and provided feedback. A couple more engagement events are planned before the fall Harvest Festival. The next meeting is Monday, July 24th at 7pm in the Town Hall Annex.
 - b. Member Resignation: Clay Lennartz has joined the new highway department committee. Carter motioned to accept Clay's resignation, with gratitude from the PB. Bruce seconded. Approved by a roll call vote with all in favor.

- c. Member Appointment: Marie Lennartz has offered to take Clay's place and the board appreciates that she has already attended meetings and events. Carter motioned to appoint Marie to the HOP grant committee. Bruce seconded. Approved by a roll call vote with all in favor.

2. Driveway Regulations

- a. Murray presented a draft of Driveway Regulations updates (see attachment). He incorporated the comments from SWRPC's 2022 technical review and the comments from a legal review (both highlighted in red), in addition to his recommended updates to ensure emergency vehicle access for new driveways (highlighted in blue). Murray noted that the date of his edits should be 07/16/23. The 2017 update changed the regulations to only apply to the first 30' of driveways; unsure what was changed in 2022.
- b. Murray had technical issues changing the page headers and Keith will help with formatting.
- c. These updates apply to new driveways and to driveways being significantly altered, including resurfacing. Russ questioned a section about maintenance that mentions keeping sight distances clear, and Christine noted that Temple does not have code enforcement. Keith mentioned that these updates could be applied in a similar manner to the electrical code: whenever there are any changes to the wiring in a building, the entire system must comply with the current code. Kent Perry clarified that when paving a driveway, the grading must prevent water from draining into the road; for a dirt road, any bump at the end of a driveway must not be within the plowing or grading area.
- d. Discussion of the edits in red (SWRPC/legal review):
 - Section 3 - Previous discussions noted that in several places it was unclear who to contact; specifying "Road Agent" resolves this.
 - Section 5 A - Replace "appointed agent" with "Road Agent". Kent raised the concern that a bridge/culvert would require a DES permit; at the end of the paragraph add "A DES permit may be required."
 - Section 5 B - These edits suggest a forever requirement, and for the entire driveway. Ken Caisse noted that no parameters are specified, leading to different interpretations. Numbers were specified in a previous version but were removed to transfer the liability and responsibility to the homeowner. Murray's edits in 5 C address this.
 - Sections 5 K and L - The "site distance" numbers are not consistent with those on the driveway application. Use the DOT height of 3'9" and only specify the numbers here. Update the driveway application to reference these sections. Kent also mentioned that the police chief is not interested in being consulted; consultation does occur in other towns.

- Section 7 - Need more clarification from SWRPC and legal about approving waivers because this section specifies “PB or Road Agent” yet section 5 A specifies “Select Board or Road Agent”.
 - Section 10 A - This should be “or”, not “nor.”
 - Section 10 B - Change “police chief” to “Road Agent.”
 - Section 11 B - The dollar amount will be removed so the Road Agent can determine the proper amount. This section will be combined with section 6 which also covers bonding.
 - Recommended updates to Permanent and Temporary Driveway Applications - the applications ask whether the driveway can accommodate heavy duty or commercial trucks, however this is not mentioned in the regulations. Kent will consider this.
- e. Discussion of the edits in blue (Murray’s suggestions after talking with the fire chief and reviewing the driveway regulations in surrounding hilly towns):
- Section 5 C, Highlighted Text - This details that the requirements in this section refer to the full length of the driveway, for new driveways only. Reformatting would be helpful to differentiate these regulations from those that apply to the first 30’.
 - Section 5 C 2 - Keith thought the height was 18’.
 - Questions on Section 5 C: How to enforce these regulations over time, and how to obtain the state’s approval for driveways that enter state roads? Have we seen issues in town around emergency vehicle access? (A rescue truck almost slid sideways down a snowy steep driveway.) Are these numbers accurate? Is Hancock a good comparison with their stricter regulations? (Perhaps Mason and Lyndeboro are a closer match.) Brian Kullgren asked questions via Bruce [CJ: Need to attach], wondering if there have there been issues with driveway permits since 2017. (Kent shared that there are some driveways and hillsides that wash into the roads during storms; he repairs the roads as needed.) Do these regulations make driveway construction too expensive? What is the cost of delaying emergency assistance?
 - Additional comments on Section 5 C: This could be part of the building permit for new construction. During home construction, driveways are built to accommodate many heavy and large vehicles - skidders, logging trucks, form trucks, cement trucks, dump trucks, lumber trucks. Lack of maintenance or proper design will slow down the rescue or fire truck; rescue personnel will do their best. The clause requiring the homeowner to maintain the driveway places the liability on them. The fire chief has not reviewed this verbiage yet.
 - Murray reiterated that this is only for new residential driveways; existing driveways are grandfathered; this does not apply to driveways for farms or utilities. Do these become regulations, or design guidance for developers and homeowners during site plan reviews?

- Section 5 G - Murray questioned whether this bridge regulation should apply to the entire driveway, rather than just the first 30'. A DES permit will be required if crossing a wet area; what if the bridge crosses a dry gulley?
 - The driveway permit application will need to be updated when these regulations are updated. The driveway permit also needs to be updated to specify the newly assigned street number.
 - Thanks to Murray for the thorough review. Murray will follow up on the questions above.
3. Subdivision Regulations Audit results: Christine will send this to board members for review. The process section needs to be more user friendly; Russ has input from going through the process himself. The HOP Grant Steering Committee has reviewed this and will review again after the PB updates, then a public hearing will be held before voting on the changes.
 4. Site Plan Regulations Audit results: Christine will send this to board members for review.
 5. Natural Resources Inventory: Christine signed the contract and sent it to Moosewood Ecological. She has not received the quote for the zoning audit.
 6. Tax Map Updates - GIS Mapping Options: Avitar shared their proposal. Keith and Russ will review both the Avitar and CAI proposals. Russ checked area towns and many are using CAI. Avitar contracts with another company to do the work.
 7. NFIP - FEMA Flood Maps - The Contoocook Flood Map meeting is July 27, 2023 at 10am, online. Please register online.

New Business:

1. Planning Board CIP member appointment 2023-2024: CIP requires a PB representative; they meet on Wednesdays, twice a month from September through January. Christine will attend the meetings and Bruce will cover as needed. Bruce motioned to appoint Christine to represent the PB on the CIP. George seconded. Approved by a roll call vote with all in favor.

Other Business:

1. Upcoming NHMA Webinars, please register online:
 - The Workings of a Planning Board, Wednesday July 20, 2023, 12pm. Christine and Murray will attend this.
 - Legislative Wrap-up Webinar, Wednesday August 2, 2023, 12pm.
 - Charter Government in NH, Thursday, September 7, 2023, 12pm.

Bruce motioned to adjourn the meeting and George seconded. Approved by a roll call vote with all in favor. Adjourned at 9:01 pm.

No Meeting on August 1st

Next Planning Board Meeting: Tuesday, August 15th at 7:00pm, Temple Town Hall

Minutes respectfully submitted by Cathy Joly.

Attachments:

1. Odell-Middleton Subdivision Application Hearing
 - Order of Business
 - Introduction and Application History
 - Revised Plans
 - Soils Data
 - Response to request for information related to the request to waive the storm drainage computations requirement, as it relates to the wetlands and aquifer on the property.
 - Notice of Decision
2. Draft Driveway Regulation Updates
3. Brian Kullgren's email regarding Draft Driveway Regulation Updates