

TOWN OF TEMPLE, NEW HAMPSHIRE
PLANNING BOARD
February 1, 2017
MINUTES OF PUBLIC MEETING

Board members present: Camilla Lockwood, George Willard, Tedd Petro, Brian Kullgren, Bruce Kullgren, Jr., Allan Pickman, and Ted Sartell

Call to order by Pickman at 7:00 p.m.

Public Hearing for zoning amendment re: Accessory Dwelling Units (ADU's): Pickman provided background information about the history of the town permitting "in-law apartments". He explained there is a new state law mandating ADU's be allowed in all towns, and the board has suggested minor changes to zoning to make sure Temple is in compliance. Gail Cromwell asked to speak, and said the state is considering legislation to address Airbnb's, and asked the board for clarification regarding potential use of an ADU as an Airbnb. Cromwell stated the Selectmen have the responsibility to enforce zoning, and wondered how to distinguish an Airbnb. She provided copies of a chart that compared current regulations for "Accessory Apartments" and "Bed & Breakfasts". Pickman responded that while B&B's are clearly defined within zoning, an Airbnb is fairly new term that signifies a short-term rental. He agreed it could be difficult for the Selectmen to determine a long-term rental vs. a short-term rental. Lockwood mentioned an Airbnb rental is done through an agency, which provides an end-around from town oversight. Following further discussion, Pickman stated dealing with an Airbnb is really a separate issue from ADU's. He said if new legislation comes from the state regarding short-term rentals, the board could address this by making further changes to zoning as the need arises. Sartell asked if there is anything currently in zoning that precludes someone from renting a room in a house. Pickman referred to language in zoning that regulates boarding houses. Sartell agreed the Airbnb issue is new and different from ADU's, and suggested the board may want to become better informed and look at the issue later. Pickman urged the board to table discussion of Airbnb's for now. Lockwood mentioned the board might consider addition of a Purpose statement to the ADU language, which did not result in the board making any changes. The board also reviewed a suggestion by Lockwood to readjust the order of language in the second sentence in Article IV, Section 7:30. Lockwood made a motion to adjust the language in Section 7:30 to change the order and emphasis, seconded by Bruce Kullgren, Jr., and voted all in favor. Petro made a motion to present the zoning amendment to voters, seconded by Lockwood, and voted all in favor.

Continuation of public hearing for Davis property subdivision: At 7:30 p.m. Pickman reconvened the hearing for the Davis subdivision. Board members reviewed copies of the revised plat and confirmed the necessary changes had been made. Pickman stated he had communicated with the town attorney, who had suggested one more legal document be obtained. Pickman said this had been provided, and confirmed Robert Davis to have legal standing to subdivide the property that is under ownership of the Estate of Helen Davis. Lockwood referenced the so-called ravine lot with its existing test pit designation, and said she would like a note placed on the plat stating the lot is absolutely not a buildable lot. There was brief discussion but no action was taken, and Lockwood stated she would like her objection noted. A question was asked about the possibility of placing a mobile home on the ravine lot. Pickman indicated this would not be possible because of measurable size constraints due to the layout of the lot. Willard noted anyone trying to build on that lot would have to come before the BOS for a Building Permit.

Bruce Kullgren, Jr. stated it appears this subdivision meets all requirements and as such should be approved. He then made a motion to accept the application as complete, seconded by Petro, and voted all in favor.

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There was a question about interest in the subdivision by the town's Conservation Commission, and one possibility suggested was the location and access to the town-owned White Ledges. Another question was asked about the size of setbacks for any new buildings. The plats were looked at by abutters and the setback requirement of 35 feet from all lot lines was explained.

Brian Kullgren made a motion to approve the subdivision, seconded by Petro, and voted all in favor. The Mylars and one paper copy were signed. The town's Health Officer will be contacted to sign off as well.

Approval of minutes: Minutes of 1/18/17 were reviewed. Motion by Pickman to approve the minutes as amended, second by Bruce Kullgren, Jr. and so voted.

Master Plan update: According to Budget Advisory Committee minutes the funding for both the chapter work to be done by Southwest Region Planning Commission (\$4,750), and the tax map updates (approximately \$2,000) has been included in the proposed budget for 2017. Lockwood offered to have some information available for town meeting in March.

Driveway Regulations: Pickman suggested the board consider making minor changes to Subdivision Regulations in conjunction with the proposed changes to Driveway Regulations. He passed out copies of text showing two new conditions referring to driveways in Section IV, paragraph 4.08 and paragraph 4.09. Brief discussion followed. Motion by Pickman to consider and discuss these changes to the Subdivision Regulations along with the proposed changes to Driveway Regulations, seconded by Petro, and so voted.

Tedd Petro and Brian Kullgren questioned existing language within Driveway Regulations in Section V. Design Requirements, paragraph A. The specific statement currently reads: *"The Selectmen, or their appointed agent, may waive any of the design requirements when it is shown that strict compliance would cause undue or unnecessary hardship, so long as such waiver shall not result in any injury to the public health or welfare."* Brian Kullgren said he felt that could become a trap for the BOS, and Petro agreed any action taken could put the responsibility on the town instead of the owner. Discussion followed, and Brian Kullgren suggested contacting town counsel regarding possible legal ramifications of this statement.

Lockwood referred to Section V., Design Requirements, paragraph L. and suggested removing the mailbox language, but leaving in language about house numbers. All were in agreement.

Other business: Lockwood agreed to pick up the new Planning and Land Use Regulation Manuals at SWRPC.

Move to adjourn by Brian Kullgren, second by Petro, and so voted at 8:10 p.m.

Minutes submitted by Betsy Perry

~ The next regular meeting will be held February 15, 2017 at 7:00 p.m. ~