

TOWN OF TEMPLE, NEW HAMPSHIRE
PLANNING BOARD
April 20, 2016
MINUTES OF PUBLIC MEETING

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

Call to order by Pickman at 7:03 p.m.

Approval of minutes: Motion by Petro to approve the minutes of 04/06/16 as written, second by Sartell, and so voted.

Driveway Regulations: HISTORY: The current regulations were created and approved after two public hearings in February of 2009. Previously the Road Agent had referred to a 1972 diagram titled "Specifications for Roads and Driveways" that was approved by the Selectmen on 11/20/1972, plus a 1973 diagram of a "Typical Drive Profile" that was prepared by the NH DPW and Highway Design Division. Recently the board agreed to revisit the document and determine if revision/updates should be considered. DISCUSSION: Brian Kullgren stated he felt the town should only concern itself with the first 30 feet of a driveway, where issues of construction, drainage and sight distance could be adequately addressed. He indicated after that point he felt the property owner should be able to build whatever driveway they wanted. He also pointed out the current regulations still refer to the town plowing driveways (page 2, Section V, paragraph B), although this practice was discontinued years ago. This was followed by a brief dialogue about the town continuing to plow roads which basically serve as driveways to private residences. Willard said this topic had been addressed previously with no changes being made.

Lockwood said the town's Site Plan Review Regulations help ensure safety, and driveways need to be safe as well. She suggested a "purpose paragraph" could be put into the Driveway Regulations. She also suggested the town might consider utilizing a civil engineer during the approval process for driveway applications. Lockwood also brought up the possibility of setting limits on grades, suggesting 10% as a maximum. Brian Kullgren stated there are currently roads in the town with grades over 18%, and some existing driveways could not have been built with such a limit in place. Lockwood responded that 'bad' does not make a tradition, and the board should not go backwards, but ought to try to improve the regulations.

Brian Kullgren spoke about the Road Agent's singular power of discretion in approving driveways, and thought the Board of Selectmen should have some oversight. Lockwood stated it should be the Planning Board that has the oversight. Willard noted the Board of Selectmen is given the authority to enforce the regulations. Brian Kullgren then spoke about how under Section V, Paragraph A the Road Agent is allowed to waive design requirements. He said he believes the Selectmen should work with the Road Agent on certain matters such as a waiver. Lockwood again said she thinks this is a Planning Board issue, not Board of Selectmen. Others thought the Selectmen should be involved. Willard commented the State of New Hampshire gives the Selectmen responsibility for the roads. Sartell suggested the Selectmen could designate a person. This was followed by brief conversation about liability for emergency vehicles accessing driveways. Lockwood stated that towns do hire civil engineers for roads and driveways, as a Road Agent is not always qualified. She also mentioned "small town issues" sometimes arise and create interference. She said the new driveway just built off Memorial Drive is "awful" and does present some difficulties.

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Sartell said it appears that parts of the regulations are influenced by the town's former policy of plowing driveways. He also asked about State safety codes, with Brian Kullgren questioning if these codes are a requirement or a recommendation. Sartell wondered about environmental concerns state agencies such as NRCS and DES might have regarding runoff, etc. Sartell then asked what if, in the future, a Road Agent was not qualified to make these judgements, i.e. was not an engineer. He said he believes the regulations should be looked at to address this, as it would not seem appropriate to give all that power to the Road Agent. Pickman responded he thought most Road Agents were certainly qualified with regard to gravel driveways.

Pickman read from the 2009 Planning Board minutes describing the two public hearings regarding Driveway Regulations. This shed some insight into why and how the Driveway Regulations were developed, though Sartell noted there seemed to be no public input. Sartell commented that after reading the regulations he was unsure if he decided to establish a new entrance into one of his fields if a driveway permit would be necessary, and said clarification would seem to be needed. Sartell suggested that since the regulations were done back in 2009, the board should ask Road Agent Tim Fiske to come in and explain their development. Lockwood thought Fire Chief George Clark should be contacted as well. *Motion by Pickman to ask Tim to come in to speak with the board (about Driveway Regulations), second by Brian Kullgren, and so voted.*

Pipeline: Good news was received that Kinder Morgan just announced it had "suspended indefinitely" the NED project. However, it was noted that until the application submitted to FERC is withdrawn, there is still a possibility the pipeline threat could return. It is felt the anti-pipeline groups should keep pressing on to deal with pipeline issues at the state level, such as the pending bill before the legislature that would modify eminent domain.

Other business: Cathy Joly of the Temple Conservation Commission stopped by briefly to invite board members to a NH-DES presentation "Managing Stormwater" on Thursday 4/21 at 6:00 p.m. in the Town Hall.

Move to adjourn by Petro, second by Lockwood and so voted at 7:45 p.m.

Minutes submitted by Betsy Perry

~ Next regular meeting to be held on Wednesday, May 4th, 2016 at 7:00 p.m. ~