

TOWN OF TEMPLE, NEW HAMPSHIRE  
PLANNING BOARD  
May 4, 2016  
MINUTES OF PUBLIC MEETING

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

Call to order by Pickman at 7:01 p.m.

Approval of minutes: Motion by Petro to approve the minutes of 04/20/16 as written, second by Lockwood, and so voted.

Driveway Regulations: Road Agent Tim Fiske was present to speak about the regulations and answer any questions. He stated some people in town believe the regulations under-regulate, and other people feel they over-regulate, with most falling somewhere in the middle. Pickman asked Fiske how the regulations seem to be working. Fiske explained the process of creating the regulations, and said he believes the formula works for the town. He said since their inception in 2009 there have been only five new houses built, and thus no real test yet of the regulations. He mentioned some people would like to see the allowable grade levels raised, but given the topography of the town he had to “protect people from themselves”. He continued that many existing driveways cause problems with town roads, such as water rushing or gravel washing down, and that is why steep grades now require the use of culverts and rip-rap. Fiske stated he put a lot of time into developing the regulations, but certainly feels they can be reviewed and tweaked. He further stated he felt the previous practice of driveway plowing by the town contributed to the development of the regulations.

Lockwood offered that the issue of driveway permits should be part of Site Plan Review. Pickman reminded her that the board cannot do SPR on residential property. He also said he thinks the PB does not have the authority to review driveways. Both Pickman and Petro said they do not want to be involved with driveways. Pickman indicated a commercial use might be different, but for the subdivision process the driveway is not always laid out, and it makes sense to do as a separate process. Fiske said that usually common sense is used for the layout, culvert placement, etc. He mentioned a recent new driveway that ended up being put in differently than expected due to hitting ledge and rocks. He said one expensive proposition would have been to blast the ledge, but they chose to alter the plan by having the developer widen the road and remove rocks. Fiske acknowledged that area of the road was challenging and the results are not perfect, but drainage has been improved. He admitted the driveway has a somewhat steep grade but said emergency vehicles would have access. Fiske suggested each driveway should be taken on a case by case basis and all factors be assessed. He continued that years ago lots of “bad” driveways were built.

Petro asked Fiske a question about the level of expertise needed – are the regulations too technical or not enough for the future? Fiske responded that he has years of experience to draw on, but believes the formula is okay to work for someone who has knowledge of roads and driveways. Petro then asked if Fiske believes too much authority is given for the Road Agent alone, and was there a need for Planning Board or Selectmen involvement? Fiske responded he feels it is not too much authority for a Road Agent, but if the PB or BOS see something, they are free to bring it to his attention and he would be willing to discuss it.

Lockwood then cited RSA 236:13(V) as proof that the PB does have the capability to regulate driveways. She read from the Town of Dublin regulations, and said he PB has complete authority if the board wishes to. Pickman stated the PB has authority to draft regulations and review plans, and regulate gravel pits. He

TOWN OF TEMPLE, NEW HAMPSHIRE  
PLANNING BOARD  
May 4, 2016  
MINUTES OF PUBLIC MEETING

continued that once a subdivision is approved, the Road Agent or an engineer performs inspections, and then asked Lockwood if she feels the town should require an engineer to review plans for driveways? Willard said the regulations are up to the BOS to enforce. Lockwood brought up the recent Memorial Highway driveway and noted the board had discussed it before it was built, but then the driveway was changed. She mentioned DES stormwater controls, and said the PB can mandate that from the beginning and should make it part of the approval process. Pickman then asked for a straw poll from board members, and inquired who is in favor of the PB regulating each driveway? Lockwood was the lone board member in favor. Pickman then asked who is in favor of leaving the regulations as-is regarding the Road Agent's involvement in the driveway process? All board members but Lockwood were in favor.

Fiske stated he is working as an agent of the PB and the BOS, and the alternative of hiring an engineer would be expensive. He continued that the PB accepted the subdivision on Memorial Drive, and for that particular lot there was only one place the driveway could go. He said perhaps the PB should review driveway access if a large subdivision is presented. Pickman said if a large subdivision with a new road was presented, that would be a different situation and the board might then review driveway locations. Lockwood asked Fiske to not take her position personally, but she feels driveways need more safety and the designs need to be examined up front. She stated back in 2009 there was a focus on safety issues, and was the proposed Tamposi development the only reason? Pickman responded that the Tamposi development was a large PRD and houses would have been placed on small lots, and the plan did need to designate the driveway locations. If a subdivision involves a typical 3-acre lot in the Rural-Agricultural district, there could be a number of places to put a house and a driveway. He also said a septic perc test and leach field are shown on a plat, but they are suggested locations, are not binding, and can be moved. He said there is no one-size-fits-all.

Sartell asked for clarification of the subdivision process regarding having to show the septic and well, but not the driveway location on the plat. He said he remembered the discussion about the Memorial Highway driveway, and wondered if the PB could issue conditional approval for a driveway design, assuming the driveway could be done? Fiske responded that safety issues such as line of sight can be modified, and the developer was asked to modify the edge of the road to improve sight distance, although unfortunately in this case that was not done. He said he feels most recent driveways have not been a problem, and mentioned Sara Drive, Josiah Lane, and a San-Ken subdivision as examples where there have been no problems with driveways. He said some of the problematic driveways in town seem to have been built before the Driveway Regulations, and the regulations have not really been put to the test yet.

Lockwood brought up the issue of grades, saying a 12% grade was mentioned, but she thinks an 8-10% grade is more reasonable. Pickman stated some town roads have grades that run 17-18%, including ones that are school bus routes. Lockwood commented about PB follow through, such as site evaluation, and Fiske said he would be willing to inspect. Bruce Kullgren offered that the board could approve the plan based on certain criteria, with Petro and Sartell responding that they could do this now. This was followed by more conversation about the Memorial Highway driveway and the work that was done by both the contractor and the Highway Department make improvements to the road. Bruce Kullgren asked Fiske about Section IX of the Driveway Regulations that deals with shared driveways, and Fiske stated this still works. Pickman said problems with shared driveways usually turn out to be from one or more of the owners not performing necessary maintenance. Lockwood said she thought the town should not consider common driveways. Fiske

TOWN OF TEMPLE, NEW HAMPSHIRE  
PLANNING BOARD  
May 4, 2016  
MINUTES OF PUBLIC MEETING

responded that from the town's perspective it must deal with only one entrance onto the road. He agreed the owners' lack of maintenance is a problem. Pickman mentioned PRD's can also share a private road. Fiske pointed out a past proposed subdivision of 3 lots on Route 101 would have shared both a bridge and a driveway, and that would have been the only way the land could have been accessed. Pickman mentioned other existing lots in town with homes that share a particularly steep driveway.

Fiske reiterated he is happy to work with the PB regarding changes to the Driveway Regulations. Sartell asked if there would be anything in the regulations to review/remove in regard to the town's past history of plowing private driveways. Fiske recalled one guideline to site wells 25 feet from driveways, and said that could be changed. Lockwood wondered if there should be a designated setback between driveways and property lines, with Brian Kullgren responding there is already a 10 foot setback in the regulations. Fiske suggested perhaps this would be on the town's Building Permit application.

Bruce Kullgren asked Fiske how he feels personally about driveways and safety issues, i.e. access for emergency vehicles. Kullgren pointed out specifically if property owners could meet the approved apron with the road, regarding the town's liability, how does Fiske feel about that? Fiske responded he thinks the property owner should be able to do what they want, but the town does run into problems. He feels the town should not have to control, but in some cases this leads to regrets later on. Connie Kieley asked Bruce Kullgren why he is on the PB if he didn't want to work with planning and controlling. Bruce Kullgren responded that he feels he represents a lot of people in town that feel that way, i.e. less control is preferable. Sartell asked where the line should be drawn. Lockwood said there is control over the septic, the well, and construction – so why not driveways, and mentioned safety for Temple residents.

Fiske stated people have to decide what they could accept. He mentioned the towns of Amherst and Hollis as being very controlling, but people live there and must accept the regulations of the town. He said the PB must decide. He stated some property owners have in the past built what they wanted for driveways, and later had regrets; the regulations are a compromise.

Brian Kullgren asked Fiske about the Road Agent being able to waive any design requirements. He asked if this is done, and later there are problems, who decides fault? Petro stated the group can "cleanup" the regulations, but he feels questions are being aimed at "who" and "why". Fiske responded that some people feel offended. Sartell said the regulations are voted on by PB, not the town, with Lockwood noting there is a disclaimer in the regulations already.

Petro suggested PB members review the regulations and make individual changes, then come back to the next meeting prepared to discuss them, adding the BOS can be involved to review. Fiske agreed the board should make a list, and said he will come back in to discuss.

Pipeline update: Gail Cromwell updated the board on two recent developments related to Kinder Morgan's "suspension" of the NED pipeline. One was a written motion sent to FERC by NH-PLAN to "dismiss...with prejudice" the NED project application, which would effectively "kill" the project. The other was a letter sent by various towns to the NH Attorney General inquiring about possible restitution.

TOWN OF TEMPLE, NEW HAMPSHIRE  
PLANNING BOARD  
May 4, 2016  
MINUTES OF PUBLIC MEETING

Dark Skies Ordinance: Connie Kieley said that “seasonal lighting” is allowed and asked the board if they could review this. Pickman ventured that this would appear to be in regard to the outdoor lights at the Inn which serve as driveway lighting. He read from the ordinance about regulation by number of lumens, and said those type of lights would not exceed the current limits. Bruce Kullgren stated the town just voted to allow the ‘neon’ open signs, and that the board had felt “pushed” to act on this issue to change zoning. Kieley asked if going to the Selectmen to enforce zoning would be the next step, and was told it was.

Status of Mamone subdivision: Nothing further at this time; waiting for confirmation of removal of the old sheds plus arrival of updated plats to be signed by the board and then recorded at HCRD.

Accessory Dwelling Units: Lockwood reminded the board the new law won’t take effect until June of 2017, and said there would be additional workshops. She also suggested the concept should be worked in the town’s Master Plan. Pickman stated he had checked and feels the town is pretty much in compliance.

Master Plan: Not addressed at this meeting.

Move to adjourn by Lockwood, second by Petro, and so voted at 8:22 p.m.

Minutes submitted by Betsy Perry

~ Next regular meeting to be held on May 18<sup>th</sup>, 2016 at 7:00 p.m. ~