

TOWN OF TEMPLE, NEW HAMPSHIRE
PLANNING BOARD
August 17, 2016
MINUTES OF PUBLIC MEETING

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

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

Approval of minutes: Motion by Brian Kullgren to approve the minutes of 7/20/16, as amended, second by Petro, and so voted.

Status of Mike Darnell boundary line discrepancy: Pickman contacted Sandford Surveying via email to inquire about the status of the new pin Darnell had previously brought to the board's attention. Ray Shea from Sandford advised the new pin was for centering purposes only, is not shown on the Mamone plat, and has no legal standing. Pickman advised Darnell of this information, and although told the pin could be removed, Darnell decided to leave the pin in place.

Status of Anna Meigs conceptual project: Pickman told the board he had been contacted by Meigs, who had had been contemplating a purchase of property in the north side of town with subdivision to follow. After further consideration Meigs has decided not to pursue this project.

Agriculture vs. Commercial business: Sartell passed out copies of a personal study to help identify agricultural vs. commercial operations, including possible implications for the Planning Board. He noted that after completing his research, he believes at some point Ag does cross over into commercial. Included were two recommendations for the board to consider, including communication with the Board of Selectmen (BOS) regarding the town's Building Permit process, and obtaining advice from town counsel. Sartell urged the board to conduct a study of Ag vs. commercial, saying without the use of Site Plan Review (SPR) the Planning Board does not get to address it. He then stated he does not want new processes, but would like to see existing procedures utilized. Lockwood concurred with Sartell. Petro said SPR could be indicated here.

Willard asked Sartell if the example in his review regarding maple syrup business was geared toward Ben Fisk, and Sartell acknowledged it was. Willard asked Sartell if he feels the BOS should have denied Fisk a Building Permit. Sartell stated a small business expanding should follow all existing rules, regulations and laws. Willard then questioned how a business becomes determined as commercial. He stated this topic, as well as others, will be brought to town counsel shortly. He said the Fisk Building Permit was properly signed off by the town's Building Inspector Will Wildes, the town's Health Officer Pete Caswell, as well as Road Agent Tim Fiske. Willard said Marty Connolly had attended a previous BOS meeting to express concerns about discharge of water on Fisk's property, but had expressed no problems with the actual Building Permit. There was also an issue with one BOS member saying P. Caswell would redact his signature based on a need to have the Department of Environmental Services (DES) perform an inspection. Willard explained that DES did the inspection and found no problem with water discharge, and a letter stating this was received by the BOS.

Pickman said the BOS should look at expansion or conversion to see where it falls under zoning. Sartell mentioned wholesaling, and said addressing this should be made a process of what the BOS does. He said, however, he does not want all Ag to go under SPR. Sartell suggested a neutral mutually agreed upon third party could be engaged to evaluate the nature of the business. Petro stated as a BOS member he would have

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signed the Building Permit. Willard commented that one BOS member was upset the Building Permit had been signed.

Marty Connolly spoke from the audience and advised the board to forget about SPR, and come up with something to limit Ag on a 3-5 acre lot, when issues such as number of animals, water, smells, manure, etc. could be addressed. He spoke about his own large farm and how they were working to take care of the environment. Brian Kullgren commented that the state addresses enforcement of these type of issues already. Connolly then stated he had spoken with DES and questioned whether the state did a thorough job on the Fisk property, saying they do not always "see the small stuff" and should have dug down and performed a soil sample. Connolly then accused the board of being too divided to function, and said they should help all people in the town.

Reference was made about the status of a town Ag Commission, which had been previously set in motion but has not yet formed. There was also mention of consideration of utilizing third parties (i.e. an engineer) to examine facts. Brian Kullgren said he would prefer to review Sartell's information before any further discussion. Sartell offered to email his documents to all board members.

Driveway Regulations: Lockwood spoke again of having Fire Chief George Clark come in to speak to the board about safety issues related to driveways. She asked why steep driveways in town should be allowed, comparing them to a "luge run". She expressed that safety involves others, including children, animals, abutters, and land. Sartell then addressed his motion made at a previous meeting (see minutes of 7/20/16), and explained it was his intent to provide a method of dealing with revision of the document. He was not suggesting the board approve the Driveway Regulations yet, just finding a way forward as they continue editing. Lockwood said the town does have responsibility issues, and they cannot refuse to put in safety elements. She provided two examples of difficulties with steep driveways, including potential hazards trying to stop when descending in winter conditions, and also erosion and drainage issues affecting abutting land and town roads. She stated from an engineering perspective these things should be addressed up front. Sartell commented he "will take freedom and more rights over restrictions any day". Bruce Kullgren Jr. asked how to find a compromise. There was further discussion on how to proceed with editing and what portions of the driveway should be controlled. Although no formal vote was taken, a sense of the board indicated a 4-3 mandate to control only the first 30 feet of driveway, and recommend guidelines for any length beyond. A recently built driveway on Memorial Highway with perceived problems was brought up again. Sartell reiterated his motion was to continue making edits as well as include previous ones, but keeping the motion in mind. Petro expressed that he would like time to think more about it. Pickman said he will revise the Driveway Regulations document with the edits done to date, and also will tackle updating the Zoning Regulations document as well.

Other business: Reminder that in September the board will resume a schedule of holding 2 meetings a month.

Move to adjourn by Lockwood, second by Sartell, and so voted at 8:09 p.m.
Minutes submitted by Betsy Perry

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