

TOWN OF TEMPLE, NEW HAMPSHIRE
PLANNING BOARD
September 7, 2016
MINUTES OF PUBLIC MEETING

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

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

Approval of minutes: Motion by Bruce Kullgren, Jr. to approve the minutes of 8/17/16 as amended, second by Pickman, and so voted.

Driveway Regulations: Pickman provided copies of Sections I – IV with the edits/changes agreed upon so far shown in handwriting. Board members briefly reviewed them and discussed how to further proceed in editing the document. Fire Chief George Clark came in to speak with the board about safety issues with driveways as perceived from a firefighting perspective. He indicated he believes in some sort of grade limits to reduce constraints on fire truck access. Clark stated he had done some research, and some towns do have grade limits and some do not. He said consideration of width and departure angle is also important. Clark reported there are a few existing driveways in town that he feels fire trucks could not get up. An example was provided of a past fire call where a steep driveway to the involved house impeded fire truck access and caused damage to a truck.

Pickman referred to a recent example of a new driveway being built in town that did not meet regulations, primarily due to the existence of ledge. He said the main issue before the board is whether there should be mandatory requirements to control the entire length of a driveway, or just the entrance area onto the road (first 30 feet) and have the owner sign a waiver that releases the town from liability should emergency equipment not be able to get to the house. Clark responded that a waiver could be acceptable with the understanding there is nothing the Fire Department could do. He gave an example of an existing driveway belonging to an emergency responder that fire trucks would probably not be able to access, and the homeowner is aware of that. Clark was asked his position about the town dictating grade and what the property owner could do vs. signing a waiver of responsibility. Clark responded that as a firefighter he agrees with regulating safe driveways; as a citizen he feels people should have the option to decide. He then stated a bigger issue for the department is lack of house numbers at the end of driveways. The board thanked Clark for his input.

There was discussion of how a driveway liability waiver would be documented. Pickman noted such a waiver could have impact by increasing property insurance and/or lowering property values. One suggestion was to have it designated by deed so if/when the property was sold the future homeowner(s) would be aware. Lockwood spoke up and suggested the board take a hard look at what she felt are major issues of safety, welfare and health, including for the FD and the public. She said she did not like the waiver issue and believes it is beyond the board's purview, and that a realtor would not advise deeding. She stated there should be environmental requirements and a reasonable slope for the entire length of the driveway to prevent erosion and flooding. She felt the board would be violating their obligation if they allowed the property owner to dictate how a driveway is built.

Brian Kullgren responded by saying he disagreed with Lockwood, and felt controlling the first 30 feet was adequate. He said he felt there must be a waiver available, and the town cannot tell people they cannot use

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their own property. He added that he hoped the board would continue under Sartell's previous motion to address only the first 30 feet of driveway. Sartell concurred, saying the town cannot dictate people's choices (i.e. build for view vs. a safer location) and cannot deprive owners the use of their property.

Brief discussion of the following: a need to change the Driveway Permit Application form; possible creation of a steep driveway inventory; why the board is addressing revision of Driveway Regulations; when and how Driveway Regulations were developed; existing driveways not built to current standards; use of a zig-zag style driveway for steep slopes. Pickman asked the board if they wished to continue with the review at this meeting or wait until the next meeting. He also suggested conducting a straw poll when all members are present.

Agriculture vs. Commercial business: Pickman told the board that Marty Connolly had appealed the Fisk building permit to the Zoning Board of Adjustment (ZBA), and there is a hearing scheduled for September 22nd. He said the basis of the appeal is that the business is commercial. Willard passed out copies of a document written by Amber Fisk that pertained to the appeal. Sartell commented that the appeal is separate from any PB discussion and this board should not hear the appeal here. Pickman advised the board wait and see how the appeal and decision play out. This led to discussion about the responsibility of the BOS in the Building Permit process, as well as when expansion of a business dictates a change from Ag to Commercial. Use of Site Plan Review was discussed. Sartell indicated a person coming before the PB with a subdivision process gets reviewed, while a person with a Building Permit application does not get to SPR directly. He asked where the trigger should be to examine, and gave a hypothetical example of a "cow-to-milk-to-cheese-to cheese plant" scenario, and asked where the distinction is as to the "product of the farm". Sartell also said he thinks there is a hole in the Building Permit process, but it is not his intention that Ag has to go through the whole SPR process. He is trying to understand what is there and properly respect and apply the existing rules. There was further generalized conversation about when Ag might become commercial in nature, and having BOS oversight with perhaps a third party involved. Sartell said he has spoken to Lorraine Merrill at the NH Dept. of Agriculture and Ag is still a hot button issue. Lockwood said there might be a benefit to look again at developing an Ag Commission in town.

Move to adjourn by Lockwood, second by Sartell, and so voted at 8:08 p.m.

Minutes submitted by Betsy Perry

~ Next regular meeting to be held on September 21st, 2016 at 7:00 p.m. ~