

TOWN OF TEMPLE, NEW HAMPSHIRE
PLANNING BOARD
September 21, 2016
MINUTES OF PUBLIC MEETING

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

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

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

Driveway Regulations: The board resumed its ongoing discussion on how to approach revisions. Pickman said the board needs to make a decision regarding whether to regulate the entire length of a driveway, or control just the first 30 feet and have guidelines in place for the remaining length plus a written waiver. Extended discussion ensued. Lockwood suggested utilizing the Plan-Link process to inquire from other municipalities how they handle driveway regulation, saying this would provide a broader view and experience. Sartell felt this would delay but not solve the problem, and the PB could decide for themselves. Both Brian Kullgren and Bruce Kullgren, Jr. read from earlier PB minutes regarding the original development of the regulations, describing what Road Agent Tim Fiske was discussing with the board during that time.

Lockwood mentioned the issue of waivers and indicated she would like to obtain a broader opinion on how to handle them. Sartell was not in favor of attaching waivers to deeds. Pickman said if a waiver was recorded it would show up on every title search, and any new buyer would know. He stated the waiver process would require affirmation in writing that the property owner accepts the risk. Sartell questioned if the town would need to inspect a new driveway after it was built, and what guidelines might be established. This led to discussion about possibly mandating that a potential driveway location be shown on a subdivision plan, which would require changes to Subdivision Regulations. It was pointed out there are existing requirements by the State that a driveway location needs to be shown on septic plans, which would be available for any subdivision. The issue of affordability of construction vs. need for safety was also brought up. Lockwood commented there is an opportunity for the PB to prevent bad driveways from happening again.

The need to alter certain elements of Section V: "Design Requirements" was discussed. Also brought up was the impact of road frontage on driveway design, with the recent Memorial Highway driveway used as an example of a deficient design. Brian Kullgren asked whether the board was going to agree to control the first 30 feet or keep on discussing the matter. Pickman stated the board needs to find a compromise. He suggested control be mandated for the first 30 feet, with design/construction waivers by the Road Agent, and have recommended guidelines beyond 30 feet along with a written liability waiver. A suggestion was made that town counsel be consulted before taking an actual vote. Sartell reminded the board the motion is how to proceed with editing. Petro asked how the Board of Selectmen (BOS) would be involved in the waiver process. Pickman responded that the Road Agent would perform an inspection, and if a waiver was suggested then the BOS would inspect and sign off. Pickman stated the only thing the PB actually regulates by law is gravel pits, and urged the board to try and reach a consensus. He continued that when problems are noted there can be different ideas on how to fix them. Willard noted the BOS has oversight of the Road Agent. Sartell said he feels the Road Agent should not have complete authority regarding waivers and there should be some BOS oversight.

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Pickman said he would like a “sense of the board” as to whether Driveway Regulations should control the first 30 feet vs. the entire length of the driveway, as this would dictate the format of the document. He asked board members to consider designating the first 30 feet as “shall”, with the remaining length falling under “may” plus inclusion of a waiver to be signed and recorded at HCRD. Kullgren commented he does not like the deeding aspect, and Petro indicated he is concerned about liability issues. Pickman asked for a show of hands from all those in favor of this 2-tier system, with Willard, Sartell, Bruce Kullgren, Jr., Brian Kullgren, and Pickman indicating their support. Lockwood and Petro were opposed. Pickman stated there is no way of knowing how well the current regulations are actually working, as they were adopted in 2009 and there have been few houses built in town since then. He said a reasonable effort regarding liability needs to be made. Discussion will continue at the next meeting.

Agriculture vs. Commercial business: Pickman reminded board members that the Zoning Board of Adjustment (ZBA) will be holding a hearing the following evening re: Ben Fisk. He thought perhaps the PB should wait to see what the ZBA decides. He added the PB may want to develop their own definition of Agriculture that is different from the state’s version.

Possible zoning changes: Pickman mentioned the board needs to consider if they wish to put forward any zoning changes this year. He felt rules concerning Accessory Dwelling Units will need to be looked at since a new state law has been adopted concerning these. He recommended the board review the existing “auxiliary apartment” rules, and said he believes the town is pretty much in compliance but may need to tweak minor things. Petro suggested at the next meeting the board address the issues of Agriculture and Driveways, and then at the following meeting deal with zoning issues.

Other business: Lockwood told the board they need to consider asking for additional funds in the upcoming budget to help with updating the Master Plan. She read from PB minutes in 2013 where an amount of \$4,500 had been previously considered. She suggested hiring Southwest Regional Planning Commission (SWRPC) to advise on technical issues and relevant RSA’s. Pickman asked Lockwood to speak with SWRPC and find out what services might be available and at what cost. Kullgren asked that a representative come in and speak to the board.

Move to adjourn by Lockwood, second by Sartell, and so voted at 8:21 p.m.

Minutes submitted by Betsy Perry

~ Next regular meeting to be held on October 19th, 2016 at 7:00 p.m. ~