

TOWN OF TEMPLE, NEW HAMPSHIRE
PLANNING BOARD
November 5, 2014
FINAL MINUTES OF PUBLIC MEETING

Board members present: Camilla Lockwood, Randy Martin, Tedd Petro, John Kieley, Allan Pickman, Mary Beth Ayvazian, and Rose Lowry

Call to order by Pickman (as Vice Chair) at 7:32 p.m.
At 7:36 p.m. Pickman ceded chair to Lowry.

Approval of minutes: Motion by Pickman to approve the minutes of 10/22/14 as amended, second by Lockwood, and so voted.

Site Plan Review for Old Brick School: At 7:50 p.m. Lowry opened up the continuation of the public hearing for Site Plan Review for Map 7A Lot 17 at 23 Hadley Highway, known as the Old Brick School. The property owners, Howard Shafman and Randy Santos, were in attendance. Board members reviewed revised paperwork submissions, with proposed edits/changes as noted below:

- Pg. 1 after the date, add a reference to provide following information:
Re: Shatos Realty Trust, LLC
Site Plan Review application for Historic School Building
23 Hadley Highway, Temple, NH
Map 7A Lot 17
- Pg 2 delete letter format address at top, and rename page as "Response to... (similar to title used on page 6.)
#5. Do not need statement "To be presented...".
- Pg 5 paragraph 3 – first sentence has typo – remove the word "with" after "...typical New England residential style...".
- Pg 6 #2 – correct date to read "October 31, 2014".
- Pg. 7 #6 – paragraph 1 – third sentence – delete "if available" after "...dark sky compliant will be used."
#6 - paragraph 3 – second sentence has typo - delete word "be" after "It will however..."
#8 – paragraph 1 – first sentence has typo – remove "for" just before "garbage".
- Pg. 12 #5 – paragraph 1 – third sentence – add words "as screening" after "will be maintained".
- Pg. 13 Section 5. A.- last sentence - add "2003" before "Master Plan" to denote correct version.
- Pg. 15 Section 5. K. – second paragraph – delete last sentence "All septic requirements will be met prior to final approval".

Section 5.K. addressing water and septic systems generated discussion, particularly in regard to the timing of obtaining state or town permits in conjunction with the Planning Board granting approval of the project. Lowry suggested that final approval by the board be contingent upon state septic approval. Pickman said approval by the town's health officer should be sufficient. Kieley said the board could vote to approve contingent upon the septic and well approvals being granted. Reference was made to the town's Site Plan Review regulations (Section 7 - Waiver) that indicated the board could waive the state approval of well and septic.

Kieley moved to "Waive state approval of well and septic requirement, and make a condition of Site Plan Review approval that the town will not issue a Certificate of Occupancy until state approval obtained". After further discussion he withdrew this motion.

Kieley next made a motion to "Waive state approval of well and septic, understanding that the town of Temple cannot issue a Certificate of Occupancy until those approvals have been received". Lockwood read parts of RSA 676:4(i) regarding conditional approval. After further discussion Kieley asked to withdraw this motion.

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Kieley then made a motion to address a waiver of Section 5.K. as follows: "Waiver granted by the Planning Board on 11/5/14 from the requirement to receive state water and septic approval before Site Plan approval can be given". This was seconded by Ayvazian, and voted 6 in favor with Lockwood abstaining.

Lowry asked the board to consider if the project had regional impact, and they decided there was none.

The Landscape Plan was reviewed for changes. Pickman noted the revision as presented was not to scale, being about 20% smaller and printed on smaller size paper. Shafman agreed to have the plan printed on larger paper at 100%. Board members agreed the requested changes such as driveway angle, landscape notes, vegetative screening and corner of the Forrest residence, and size of plantings looked good and were acceptable.

Lowry summarized the board's review of the plan, and asked for any public input, with none forthcoming.

Motion by Kieley to grant Site Plan Review approval to Shatos Realty Trust for the property known as Map 7A Lot 17, located at 23 Hadley Highway in Temple, NH, second by Petro, and so voted unanimously at 8:32 p.m.

Lowry asked about approval being contingent upon the edits decided upon in the meeting. Kieley then made a motion to nullify the previous motion, second by Lockwood, and so voted.

A new motion was then offered by Kieley to grant Site Plan Review approval to Shatos Realty Trust for the property known as Map 7A Lot 17, located at 23 Hadley Highway in Temple, NH, subject to requested changes discussed at the Planning Board meeting of 11/5/2014, second by Ayvazian, and so voted unanimously.

Kieley offered to work up a rough draft of a letter to be recorded at Hillsborough County Registry of Deeds to aid in any future title research regarding the property.

Motion by Petro to close the public hearing, second by Lockwood, and so voted at 8:35 p.m. Lowry thanked the audience for their patience as the board worked through confirmation of details associated with the hearing.

Mazza property: Four members of the Mazza family were in attendance, including Paul and Heidi Jordan, and Holly and Mark Martin, representing Herta and Chet Mazza as the owners. Lowry asked the family what their vision was for the land. Kieley spoke up and said he would like to provide an overview of the reason the family was coming in to meet with the board. He stated the Board of Selectmen had been working with the family on a number of issues for a couple of years. There are three actions that need to be taken that would involve the Planning Board, two being subdivisions of property owned by Herta Mazza, and one being a lot line adjustment between Herta Mazza and Chet Mazza. These actions would bring the residences currently on those properties into compliance with Temple zoning. In one case, a residence straddles a lot line. In two cases there are multiple residences on one lot. Kieley stated timing is of the essence, as the family has received a Notice of Violation issued by the town. There is a 90-day period where applications to the Planning Board need to be submitted, and it is anticipated some surveying will be required. Kieley said there is a 2006 survey to serve as a starting point, and a new configuration will need to be added. To avoid having the owner spend unnecessary money on a surveyor, it was suggested by the Board of Selectmen that they come in to the Planning Board for a discussion.

Paul Jordan stated there is a 2009 plat and a copy was made available for the board to view. Holly Martin explained the areas needing changes, and asked for guidelines on what process to follow. Lowry asked the family how they wished to use the property. It was noted that a Planned Residence Development (PRD) would not be an option, and each residence, except that owned by Chet Mazza, would require a minimum 3-acre lot plus 300 feet of road frontage with 35

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foot setbacks, unless a variance is obtained. The family indicated they would like to bring the property into compliance with as little cost as possible. Items mentioned in the ensuing discussion included:

- Location of existing residences and layout of existing driveways
- Land under Current Use (CU); some would need to be taken out
- Possibility of using frontage on Josiah Lane for one trailer
- Possibility trailers may disappear in future; family may not want permanent changes to land
- Family could approach the Zoning Board of Adjustment (ZBA) to ask for a variance
- Changes were done over 25 years ago; research older town records for permits
- Some of the current multiple residences are grandfathered; these are not a part of these applications
- Zoning Ordinances from 1970-1980's; family believes changes were in compliance at the time, especially in 1985 and 1987. Selectboard chair Gail Cromwell responded that the Board of Selectmen and town attorney believe after extensive research these properties are not in compliance. Pickman stated due to his long tenure on the Planning Board he may have older copies of the Zoning Ordinances, and believes changes back then may have been presented to the Selectmen but did not come before the Planning Board.
- Family is worried about survey costs and carving land into more pieces; they would like to know what the requirements were back then to see if grandfathered.
- Lot line adjustment process does not need a hearing; a subdivision would require a hearing with abutter notification and other associated costs. Mention by applicants of possible earlier agreement to allow driveway access onto Josiah Lane as part of approval of that subdivision, but not found in PB minutes. A new driveway would need a permit and approval by the Road Agent; a shared driveway would need approval by the PB.
- A question was asked about the non-conforming large lot currently not being able to be further subdivided at this time. It was noted that once the requested changes are made to place each existing residence on its own lot to meet zoning regulations, further subdivisions that meet regulations could be done.

Summary: The town has asked the family to make existing residences come into compliance with the town's zoning. This would require a lot line merger and two subdivisions. The family has expressed they would prefer not to do this, and is exploring options and weighing how to proceed. They would also like to know if the residences could possibly be grandfathered under existing regulations at the time. Gail Cromwell reiterated that the town attorney has reviewed the 1985 version of the town's Zoning Ordinance, and he has indicated the property changes made in 1987 and 1989 are not compliant. Lowry said this would be an atypical process but the PB is willing to help expedite.

Petro moved to adjourn at 9:34 p.m., but this motion did not receive a second due to brief discussion about the Mazza properties and what involvement will be required of the Selectboard and of the Planning Board.

Motion by Ayvazian to adjourn the meeting, second by Petro, and so voted at 9:38 p.m.
Minutes submitted by Betsy Perry

~ Next meeting to be held on Wednesday, November 19, 2014 ~