

**Temple Planning Board**  
**Minutes, Tuesday, January 5, 2021; by Zoom, 7:00pm**  
***Action Items are highlighted in boldfaced type***

**Present:** Bruce Kullgren, Jr., Chair; Allan Pickman, Vice Chair; Nicole Concordia, Secretary; Brian Kullgren; Randy Martin; Christine Robidoux; George Willard (ex-officio, Select Board); Olivia Holmes, Clerk

The meeting was called to order at 7:01pm.

Reading of the "Checklist To Ensure Meetings Are Compliant With the Right-to-Know Law During the State of Emergency."

**Approval of Draft Hearing Minutes: December 15, 2020**

A motion to approve the minutes of the December 15, 2020 Hearing and meeting as amended was made by Randy, seconded by Nicole, and approved by unanimously roll call vote.

**Invitation for Comments from Audience Members**

Gail Cromwell reminded the Board that in 2015 Temple was fighting the pipeline. George Stolz wrote a document called Large Scale Heavy Construction General Conditions. She believes the Planning Board adopted it on November 4, 2015, and that the Board decided to include it in the site plan review application process. Apparently, it has not yet appeared in the site plan review regulations. Gail spoke with Allan to make this update. **Gail offered to forward the 11/4/15 minutes with George's document to Olivia. Allan said he had the documents and would send them to the Board.**

Richard Redding asked whether the Board is taking comments on Ben's Maple Sugar building project. Bruce replied that the Planning Board is only involved after the ZBA has completed its work. Ken Caisse alerted all that the ZBA will hold another Hearing on the project on January 19<sup>th</sup> at 5:30pm. Christine mentioned Mr. Redding can sign up at the town website to receive ZBA announcements.

Connie reiterated her thought that it would be much better if comments from the audience could be offered at both the beginning and the end of meetings so folk could offer responses after hearing Board member deliberations.

Ken Caisse spoke in favor of Isabella Martin's event center. He reported that the Select Board went to a meeting to learn what Isabella (Boo) would have to do to change her venue to an event center. He said the Planning Board can ask her to go through a site plan review, but that nothing really changes except for her purpose. Ken believes the town lawyers just want us to document her change of use. So the Planning Board could vote not to put her through site plan review; and would have to vote for the change of use to an event center. Ken reiterated that

the town does need documentation that she has changed the use. George agreed with Ken's understanding of what the Select Board learned is required.

### **Isabella Martin: Stepping Stones Farm and Event Center Presentation**

Boo presented a comprehensive and detailed account of the history of the farm since 1754, current plans for the farm, plans already in place, proposed procedures and future investigations, of which she enumerated eight, with a final summary paragraph. Her presentation is attached to these minutes in full.

Boo asked for questions. Christine asked whether a site plan review was done in 2000. **Boo said yes and offered to look in her board document files for that review.**

Bruce opened the floor for questions and comments. Allan did not recall ever doing a site plan in 2000. He did do a walk-through of the site when they were starting the indoor ring, during which Boo explained plans regarding sprinklers and egress, and those issues are strictly for the fire chief, the building inspector, and the Select Board. The TPB looks at aspects such as parking and drainage. Allan was not sure whether the Board could waive a site plan review. However, he thought the Board could consider an informal walk-through to review parking, etc. Boo would welcome the PB for a walk-through.

Christine thinks it would be prudent for the Board to have documentation; not having it leaves everyone vulnerable. She said that Chris Drescher suggested to her it would be in the town's best interest to do a site plan review, and she agreed. She felt the Board needs something that says the Board did its due diligence, to ensure neither Boo nor the town is challenged in the future.

Boo responded that they did something with the barn that established it as historic; the outside of the property has not changed a whit, and she has no plans to change it.

Christine asked what was used for sanitation when the Pony Farm was operational. Boo responded both porta potties and the septic systems at the Lodge and Homestead. The Homestead hasn't changed except for paint and a new septic system in 25 or 30 years.

Bruce said he has the notice of decision from July 6, 2000, of the ZBA, signed by Don Kraemer, then ZBA Chair. Special exception was granted with the condition that the permitted use qualify under RSA article 4 section 13. The indoor arena is the only change, so that exception would have been for the arena. Bruce suggested Ted Petro could be asked about that. Boo offered that there was quite a process at that time; the farm had to make sure wetlands were not involved. Bruce suggested that if it was voluntary on Boo's part to have a site plan review, it makes sense that Ted or Bruce's father (Bruce Kullgren) did a relaxed walk-through evaluation of the site. He added that the Board knows Boo didn't have to go through the formal site plan review process for that building. **Bruce said that Ken asked him to see the Select Board to make sure there would never be an incident in future.**

Ken reported that when the Select Board talked to Chris and Bill Drescher, they didn't seem to think it was a big thing; just that we have to document the change in use. As a venue, Boo has to abide by state laws for a place of assembly; the town has no such laws; and that's why we have to document the change of use; so the responsibility for taking care of those issues is Boo's responsibility. The Fire Department would come down for fire watch if she does have an event. Boo reported that she asked her insurance agent whether a policy for extra coverage for the Fire Department and town could be received for events, and the agent assured her that's entirely possible. Ken reiterated that the town cannot be held responsible for the changes Boo is required to make to comply with state law.

Allan proposed that the Planning Board's next step should be to do a walk-through so most of the Board can see what's there; ideally soon, before deep winter sets in. He felt the Board could refer to the check list in the site plan review regulations, but the Board could also vote to waive some of those formalities; something the Board has done many times in the past; for example with Kindred Spirits in the Andersons' old place, and for Doug Heck in 2020, the last site plan review we did. Allan proposed it can be informal; it doesn't have to be drawn up by a surveyor, just a plan we need to see on paper, including, for example, so many parking spaces here, so many there, more or less to scale.

Nicole asked whether abutters need to be noticed if the review is informal. Allan said yes, but the process can still be informal, as it was with RE Granite and the old brick schoolhouse when it was converted to condominiums.

Boo asked for clarification of the process envisioned by the Board, so she can continue working productively on planning events. She pointed out that it would be a financial hardship if she has to stop promoting events. Bruce reassured her that most likely there will not be any kind of denial; it's just the need for documentation that the Planning Board looked at the property, acknowledged the change of use, and waived, maybe, most of the items on the checklist.

Nicole reiterated Ken's opinion that the attorneys' perspective was that the Board could waive the site plan review, just document the change of use. Christine understood, in her conversation with Chris Drescher, that there is the need to do a site plan review with a change of use. She noted the sad death of Bill Drescher at Christmastime, so Chris may not be available immediately.

Alec McDonald, Boo's son, offered that he has been working closely with Boo to get all the t's crossed and l's dotted. His view is that the property is really unchanged: it can still be understood as agribusiness; hosting events, hosting retreats, all of which he remembers growing up on the farm.

Bruce then asked the Board's opinion on whether this really is a change of use. Randy offered that he was part of the RE Granite walkthrough. He said, "I'm an abutter to the farm and a relative of Boo's. Would it satisfy everyone's thoughts to have a site plan review fairly soon,

and have a document written up by the Board or whoever is appropriate with the parking, etc., as we did with Doug Heck and Chuck Ray, which abuts me as well. That document satisfied everyone; something like that might satisfy everyone in this case.” Christine replied that yes, having that documentation is the issue. Christine asked for any historical documentation for the Pony Farm. Randy offered that it seems having some appropriate documentation in the files is what most people think is important. George recommended a site plan review.

Boo asked whether she needs an engineer and survey. George thinks not, just notice to abutters and some type of plan on paper. Boo suggested she could talk to Touchstone whether they have anything on paper; but Pony Farm was opened in 1971, and the process was very informal.

Bruce suggested that if Boo could offer a plot plan or a copy of what the town has of the property, with the buildings, parking, drainage, etc., drawn in, that might be sufficient. He asked for a motion for an abbreviated site plan review with some sort of map with a drawing, with a formal hearing via Zoom so the abutters can be noticed properly. The Board will bring the site plan checklist for the walk through with the ability to waive as many items as appropriate.

Nicole pointed out that if the Board is required to do the formal site plan review, there are the fees, the notice of abutters, etc., which wouldn't be required for agribusiness. This is only an issue because The Board is contemplating a change of use. Allan agreed, pointing out that The Pony Farm was considered agriculture, and this is no longer an agricultural use. Christine pointed out that Boo's special exception just says commercial or non-commercial industrial (RSA article 4, section 13); and Chris Drescher did not think it was a change of use. Alec asked whether a formal change of use is necessary given that the use is still agritourism. Christine asked how the process is different for a change of use. Under the change of use clause, the Select Board makes decisions in residential care and bed and breakfast facilities, not the Planning Board. Allan agreed that the Planning Board has nothing to do with the change of use; simply for a non-agricultural use we do a site plan review. If this is agritourism (there's no horseback riding instruction, there are no crops, so it's not agricultural), it's up to the Select Board to decide whether the change of use is properly documented and whether Boo can continue to function under the 2000 special exception. A bed and breakfast facility must show adequate parking, septic and water; Nicole asked whether the TPB should review those things. Christine pointed out that Boo did not get a special exception for a B&B, and that Lisa Beaudoin's exception was for a B&B which has very specific regulations.

Boo asked how you answer the question of whether this is or is not agritourism. She said they will not offer riding lessons again. They do hope to have a few horses for sleigh or wagon rides, some goats for goat therapy, and some chickens. Brian offered that he hays and seeds her fields; that's farming, and he's been doing it there seasonally for years, and plans to continue. In his view it is an active farm.

Ken thinks the Select Board needs to clarify with Chris Drescher, when he's able, whether Boo's plan is a change of venue or a change of use. If it's venue, that's up to the Planning Board. Chris needs to help us clarify whether Stepping Stones is a farm, an agribusiness, etc., and what documentation we need for the change of status. Christine thinks Chris thought there was a site plan review back in 2000 and suggested that maybe Boo and Bruce should meet with Chris and the Select Board.

George suggested that given Chris's loss of his father, maybe the Planning Board should just schedule an abbreviated site plan review, notify the abutters, with no plan in writing from Boo just yet. He offered this suggestion as a motion. Christine agreed but would like to see a drawing at the same time, even if Boo does it herself. Bruce suggested that if Boo gets a copy of the tax plan showing the buildings, that would that be acceptable. Brian seconded the motion, which was read back to the group as follows:

Motion to pursue an abbreviated site plan review walk through with notices to abutters of a hearing with some sort of map from the town office. Boo offered to have Will Wildes add anticipated lighting locations to the drawing, and she will add where drainage will be.

Nicole and Randy recused themselves as abutters. The motion carried with affirmative votes from Christine, Allan, George, and Bruce. Christine asked whether Brian should have recused himself because he hays the fields. Bruce pointed out that the motion would still carry with four affirmative votes.

Randy pointed out that Stonegate residents are not abutters, since Bill Ezell's property is between Stonegate and the farm property. Thus, technically, Nicole did not have to recuse herself.

Christine pointed out that the public has to be given 24 hours' notice for a site visit. Allan suggested the Board walk through the site before the abutter review and hearing. Abutters would include Alec Mac Martin, George and Julie Russell, Randy Martin and the Ezells.

All Board members agreed by roll call vote to meet at the Lodge on the property at 1pm Saturday, January 9<sup>th</sup>. Boo and Ken Caisse will meet at the town office on Wednesday, January 6<sup>th</sup> at 4:45pm to get the tax map for Boo. **Allan will write the notice and get it to Carole by Thursday for posting at the town office and Willard's store, and forward it to Carol Mamzak for posting on the front page of the town website. Olivia will send the motion to Allan on Wednesday morning.**

Boo and Alec thanked the Board for their help.

**Housing Survey Update:** Nothing to update at this time.

**Zoning Ordinance Amendment Proposal:** Possible second hearing in January.

Christine alerted the Board to a bipartisan proposal at the state level to allow towns to postpone their town meetings until July, suggesting the Board might want to wait for the decision on that before deciding on a follow-up hearing. Bruce said that the current state consideration of town meetings in 3-part sessions with drive-up voting seems logistically hard, so it makes sense to consider postponing. Allan felt it would be unwise for the town to be six months into the new fiscal year without budget approval. Nicole asked whether the Select Board makes this decision. George replied that the Select Board needs to hear from the state.

Nicole moved to table a vote on a second hearing until the date of town meeting is known. George seconded the motion. The point was made that if town meeting is to happen in March, then language for the proposed amendments needs to be available to the townspeople by February 2<sup>nd</sup>. The motion passed by unanimous roll call vote.

**Site Plan Review Application Form review (Allan, George Bruce, Randy?):** Schedule timeframe for updating and finalizing the form, and assign a team. Not taken up at this meeting.

### **New Business**

1. Planning review and updating of TPB rules and procedures provided by Allan.
2. Nicole noted that Stonegate neighbors want to join 2 lots. Her understanding is that historically this sort of thing has been informal: a formal site plan application is not required, just a letter explaining the purpose with all the information required, since no form for merged property yet exists. In this case, one lot has a house and the other is empty. It is understood that no fees are required, and the owners would take care of recording, not the TPB. George said that Ken Sullivan did that with his lots. Nicole asked whether the process she outlined, which was accepted when Ken Sullivan joined his two lots, is all that this Board requires. Randy suggested that on the basis of precedent, this would be acceptable. He also pointed out that these two properties add to less than is required for common use.
3. Bruce reported that a new resident, Nancy Armstrong of 91 Cutter Rd., had written to the Board regarding the possibility of building a detached accessory dwelling for her daughter and son-in-law. This used to be the Carolyn Myrick house at the corner of Cutter and Moran. Bruce reported that they have 4.7 acres and the ordinance requires a minimum of 6 acres. He added they could approach the Zoning Board of Approval, but the Planning Board would not be involved.

4. **Allan reminded the Board that their report for the Temple Annual Report is due soon. Bruce suggested he will draft it, send it to Allan for review, and they will forward it to the Board members for review in time to meet the deadline of next Friday, January 15.**
5. Christine reported a conversation with Cathy Joly from the Conservation Commission about the Natural Resources Inventory. The NH Municipal Association suggested the ConCom ask that the Inventory be delegated to them. Ultimately the Planning Board would be the authority to accept it for the Master Plan. The ConCom will meet next week to discuss this.

There being no further business, Allan moved adjournment. The motion was seconded by Brian and was passed by unanimous roll call vote.

The meeting was adjourned at 9:01pm.

**Next Meeting: Tuesday, January 19th, 7:00pm by Zoom.**

Respectfully submitted by Rev. Olivia Holmes, Clerk

Attachment: Stepping Stones Farm and Event Center Presentation