

Temple Planning Board
Minutes Tuesday, February 16, 2021; by Zoom, 7:00pm
Possible action items are highlighted in bold-faced type.

021621 TPB Minutes-PDF

Present: Bruce Kullgren, Jr., Chair; Allan Pickman, Vice Chair; Nicole Concordia, Secretary; Brian Kullgren; Randy Martin; Christine Robidoux; George Willard (Ex-Officio, Select Bo; Olivia Holmes, Clerk

The meeting was called to order at 7:00pm.

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

Approval of Draft Minutes: February 2, 2021

Approval of the draft minutes, as amended, was moved by Brian, seconded by Allan, and affirmed by roll call vote with abstentions from Randy and Nicole who had not been present at the meeting on the 2nd.

Invitation for Comments from Audience Members: No comments were offered at this time.

Isabella Martin: Stepping Stones Farm and Event Center Abutters Hearing

Isabella, "Boo," Martin presented her updated lighting plans to the Board. A copy of her presentation is attached to these minutes.

Bill Ezell felt Boo has addressed the lighting concerns he had. Allan agreed, as did Alec MacMartin and Arlene Laurenitis. All three lighting models she presented met the requirements of the Dark Sky ordinance.

Abutters present at the meeting expressed the following concerns:

1. How many nights a week the lights would be used. Boo thought possibly one night a weekend in general, for special events. She also explained that Airbnb guests would park near the lodge, so the parking lot lights would not be used for Airbnb guests. She also suggested the possibility of wedding guests parking in the indoor riding arena to avoid the need for lighting in the big parking lot. Bill has no objections to the project as an abutter as long as the Dark Sky Ordinance is met.
2. How often Boo expects to host events for 200 or more people. Boo has not yet had any requests for events that large, though she has successfully held events for 200 or 250 people in the riding arena in the past. She also pointed out that she has not had any

potential event requests for the arena, and she feels ill prepared to handle a such a large event.

3. If Boo has a tent outdoors for crowds above 100, what the noise potential would be. Would the music be indoors or outdoors? Boo said she has not yet had any requests for outdoor events; but were she to receive one, she thought the tent would be set up in front of the Lodge. Boo believes there will be less traffic and noise than when riding events were held at the farm. Alec felt that if Boo complies with the Temple noise ordinance she would probably be OK. Arlene also suggested that there should be a firm time for music to stop in the evening, and suggested 10 or 11pm.
4. In response to a question about fireworks, Boo said she would not allow that. In addition, they are not allowed in Temple.
5. Boo was asked what she expects her hours of operation to be. Allan explained that normally in Temple a change of use needs a special exception Article 4:13, and that would include hours of operation and uses. He said that because the Board assumed this was not a change of use, they did not feel Boo needed to go before the Zoning Board of Adjustment. He pointed out that the Planning Board does not look at what the uses are or at the hours of operation. Allan explained that the Select Board would decide questions of hours of operation and numbers of people when a building permit is requested, and then it would go to the Zoning Board of Adjustment.

Boo explained that her primary focus will include weddings, which has been the easiest thing to promote because of the wedding websites. She has also had inquiries around special interest group retreats, for watercolor painting, for example. Boo expects Airbnb to be the primary source of income during the winter months. She is hoping to attract in-person meetings for businesses whose employees work remotely. Boo said she doesn't do the catering or bar tending; the role of her business is to provide a pretty venue. Boo reported having the ability to host up to 35 guests overnight between the Lodge and the Homestead. People who have contacted her are interested in a weekend wedding event, for which they arrive Friday night and leave on Sunday. The weddings she has hosted or planned so far range between 60 and 70 people. Boo is hoping to be able to recruit retreats by May.

6. A request for a definition of what is allowed on the property was made. Abutters would like to know exactly what an owner following Boo would be allowed to do.
7. Abutters expressed concern that they had not had sufficient time to figure out what questions and concerns they might have regarding the limits to operation of the farm, and requested more time to think through their concerns. While some abutters had been present for Boo's presentation to the Board on January 5th, not all abutters were aware of that presentation. They expressed concern that they were not aware of the site plan review, and suggested it would have been helpful to have been invited to that.

8. The question was asked whether Putnam Road, which is a dirt road, would be able to take traffic to the arena in mud season.
9. Abutters asked to see Boo's application, and the Planning Board was asked to outline the Board's process. Bruce explained that Boo came to the Board about a year ago to talk about her idea for running a business at the farm as an event center. She got in touch again this past fall to begin sharing what she would like to do. The Board had to figure out whether she actually needed to go through the site plan process: was this a change of use? The consensus was that the Board would run an abbreviated site plan review and waive a lot of items on the checklist because Boo's been running a business there for decades with large numbers of people, traffic and events. The Board did not think the change of use was dramatic; their purview is in the areas of parking, lighting, drainage, fire protection and noise. The Board's expectation was that events would not exceed 100 guests. Bruce apologized for the lack of information for the abutters; and felt the onus would have been on Boo to keep her abutters informed. He explained that the Board's job is to receive the information and vote on the project.

Bill Ezell reported that town counsel said Boo's plan is a change of use. Town counsel said the farm was a non-profit business, and changing it to a for-profit business is definitely a change of use. Procedurally, a building permit is how you ask for a change of use. Then the Zoning Board of Adjustment will review the plan and decide hours of use, how many cars, etc. Then it goes to the Planning Board. Nicole said the Temple zoning ordinance says there is a change of use only in bed-and-breakfast houses and residential group homes. **She suggested it would be really helpful to get something in writing from our town counsel.**

Ken Caisse, a member of the Select Board, said that this whole effort was to make sure Boo's change of operation was in the Temple guidelines and registers that she has a change of use. The ZBA application thing has not come up before nor was it announced at the Select Board's meeting with counsel. Counsel wanted the Select Board to have her go to the Planning Board for a site plan review and document this change of use. Ken did not think going to the ZBA would be a problem since the exception already exists. This is hard on Boo, being asked to do this and that, but it's the right thing to do to be sure everyone is on the same page. Bruce has found the notice of decision with the Planning Board files. It says use needs to comply with Article 4:13. **John asked Bruce to email him the notice of decision. Carole could be asked to find minutes of ZBA meetings for the year 2000.**

Bruce called on John Kieley as chair of the ZBA to explain to Boo what the process, timing and costs would be for her to come before the ZBA. John explained that the ZBA has not been a part of this process, so they don't yet know what this special exception 20 years ago was. The ZBA will need to go through a learning process to make sure this is right for Boo and for Temple. If asked to get involved John said the ZBA will

investigate any prior decisions and move forward as quickly as possible. **John said that the ZBA would want to know what questions have been asked of town counsel and what the answers are. John suggested a joint meeting of the ZBA, the Planning Board, town counsel, and maybe the Select Board where the history, including the 20-year-old exception is documented and brought forward and there's a conversation about how we move forward.** He pointed out that the ZBA has two other active cases in the works and they are a small committee.

Christine apologized to Boo for the process going this far without her receiving correct procedural information.

Boo asked whether she can proceed with planning events. Bruce said yes, she's been running events there for years, though he's not sure about weddings.

John pointed out that this is a commercial business. A lot depends on what that special exception said and what Boo plans to do now. **So the first thing is to see what the special exception allows, and if Boo wants to continue doing what that special exception allows that's acceptable.**

It was suggested that Carole should also look for that 2000 exception while she's looking for the minutes. Boo pointed out that Horse Power started in 1989. The whole organization became non-profit in 2011. Horse Power merged with Touchstone in 2011 with the intent for them to buy the property.

Bill Ezell said that if Boo got a commercial exception in 2000 she should be all set. **Bruce said he will email John to authorize someone to dig through the files to find minutes and an application.**

10. The farm property abuts Wilton. The question was asked whether that makes this a regional impact decision. If so, is this an issue for the Planning Board?

Allan expressed concern that Boo's application is not yet complete because she is still considering what the best lighting alternatives would be. The Board needs to understand which fixtures go where on the walkways. There is also a question about lighting at the Lodge. **The Board should have a listing of the number of lights, types, and where they go in the plan.**

Christine pointed out that Boo got a special exception back in 2000, and the Board thinks it was for the riding arena; but they have not seen it. It's up to the Select Board to decide whether this is a change of use. Boo said she presented to the Select Board early this fall, and the Board gave her a go-ahead. George pointed out that, procedurally, the Board is referring to an application they have not seen, and the planned use is being grandfathered from another application they haven't seen. **It would be helpful to create an application the Board could all agree on. It would be helpful to know whether there were any constraints on the exception for the riding arena.**

The abutters present, Boo, and Boo's son, Alec McDaniel, all agreed that they all want this to work for Boo and for the abutters, and the abutters want reassurance that the activities at the farm after Boo retires will not expand dramatically. **Alec McDaniel felt Boo's team can put something together to help clarify the plan.** He went on to say that the fall may be the time people really want to be there. There may be 12-14 weekends that might be right for weddings, involving both Friday and Saturday. In the events being considered so far fewer than 100 guests are expected. Alec felt Boo's team is happy to define their plans better.

Boo shared her concern about the negative impact of lengthy delays. Bill reassured her she could apply for a building permit tomorrow and the Select Board could review it on Tuesday. George Russell suggested Boo might focus on lodging and venue for retreats and meetings for small groups or businesses while a shared understanding of limits on large events, such as weddings for 200 to 300 people, is created.

Bruce suggested suspending this hearing until this information has been collected. **John said the records will be put in the public domain, which means putting it on the town website.**

Ken emailed Carole to ask Chris Drescher to set up a time for a ZBA and Planning Board joint meeting with him. Bill suggested Boo should expect to hear from the Select Board as a first step.

Bruce moved closure of the hearing portion of this meeting. The motion was seconded by Christine and approved by unanimous roll call vote.

Other Business

1. Update from George on the existence of a zoning waiver clause in Temple's ordinance or in the state's. George does not have anything more on Nancy Armstrong's property. That said, he read the provisions of RSA 674:36 II (copy attached in an email sent to Olivia, who requested the exact wording). He did not find this in Temple's zoning regulations. Allan said the Board can waive procedural regulations. He added that the Board waived the full property survey for Lisa Beaudoin. However, the Board cannot change regulations in the zoning ordinance; rather, the Board would have to ask the ZBA. George disagreed and agreed to do some more research. RSA 674:36 is under Roman numeral 2N. **Bruce will do a little homework on that.** Christine asked whether George is anticipating a subdivision of land. George believes that is possible, but he hasn't heard anything from Nancy Armstrong.
2. Hoop barns updates: Christine explained that if a structure is needed too close to wetlands or an abutter, a temporary structure might be possible. Taxation is not a Planning Board issue. 79F status as a farm would get different taxation for that structure, but that's a Select Board issue. Christine understands the Select Board has already granted Mark Salisbury an abatement. Regarding fairness, that's also a Select Board question. Christine has not looked at every record in Avitar to see who else has

carports. The structure is taxable under the statute if it is classified as a carport. **Bruce asked the two members of the Select Board present whether they would look into this. Ken Caisse said yes.** Mark will be reevaluated every 5 years, and **Christine said she can absolutely look into this issue more for those types of structures.**

3. Review of Kathy Boot's ADU concerns: Christine pointed out that it is too late to make any zoning changes this year. Kathy emailed the Board her concerns about owner-occupied ADUs and having owners validate, once a year, that they were actually there and not absent and turning it into a duplex. The appearance of the property was also a valuable point, just to keep everything consistent. Kathy has looked at state regulations regarding accessory dwellings. **Detached units are becoming very popular, and the town needs to clarify its regulations.** Kathy also looked at limiting the number of occupants. Christine asked whether Kathy is looking at current legislation being proposed. Kathy had attended a meeting a couple of weeks ago, and has looked at Hollis's regulations. Christine reported that HB189 being proposed is a partisan bill that would allow 3 accessory dwelling units. HB132 has a hearing on Thursday, relative to acreage for single family housing; it is a bipartisan bill. **Does the Board want to look at this more closely this year?** HB132 requires people to build on smaller plot sizes, but only applies to towns having water and sewer.

Bruce thinks that affordable housing should still be the Planning Board's focus. ADUs come under that, and Kathy's concerns can certainly be addressed. Kathy felt that if you don't have someone on site to monitor the property, people behave differently. Bruce said that enforcing such a regulation would be a duty for the Select Board. Christine said that the number of ADUs in town is unknown. For example, nobody knew about the Coppertino's on Webster Hwy. for a long time.

The Board will come up with a plan for the year after the elections.

New Business

1. Randy Martin: Purchase and Sale update Timberdoodle Lot Division
It's a small lot subdivision on the clubhouse lot, which is just over 12 acres. It's 5 acres. The survey and perc test have been done, and someone is very interested in purchasing it, so Randy is thinking of proceeding with notice of abutters and the mylars.

Christine pointed out that Randy would have to recuse himself from voting on this.

2. Christine reported that a couple of people have emailed her for zoning changes. They may have gotten buried. Could they be repositioned. **Olivia will handle this.**

Bruce called for a motion to adjourn. Adjournment was moved by Nicole, seconded by Randy, and approved by unanimous roll call vote.

The meeting was adjourned at 9:13pm.

Next Meeting: Tuesday, March 2, 2021, 7:00pm by Zoom

Respectfully submitted by Rev. Olivia Holmes, Clerk

Attachments:

1. Isabella Martin Presentation and Lighting Cuts (as available)
2. George and Julie Russel Letter of 02/16/21
3. George Willard RSA 674:36 email to Olivia, as requested