

Temple Planning Board
Minutes, Tuesday, March 2, 2021; by Zoom, 7:00pm
030221 TPB Minutes-F

Present: Bruce Kullgren, Jr., Chair; Allan Pickman, Vice Chair; Nicole Concordia, Secretary; Brian Kullgren; Randy Martin; Christine Robidoux, George Willard, 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 Minutes: February 16, 2021

Approval of the minutes as amended was moved by Nicole, seconded by Brian, and unanimously approved by roll call vote.

Invitation for Comments from Audience Members:

Connie would like to be able to comment after agenda items have been discussed. Abutters requested permission to offer comments after the discussion of the Stepping Stones Farm and Event Center. George Russell thought that the correct procedure for Stepping Stones would include an application which could be reviewed by abutters.

Isabella Martin: Stepping Stones Farm and Event Center

Given the Planning Board's joint meeting with the Zoning Board of Adjustment (ZBA) and town counsel, the Board's work this evening should include a vote regarding sending to Boo the letter from Atty. Drescher regarding the proper steps for achieving her change of use. The question arose as to whether only lot 9-14, the lot with the indoor arena, would require the change of use process. It was suggested that a building permit is required whether an applicant is building anything or not. It was pointed out that the Select Board decides whether an applicant needs to go before the ZBA. It was said that to be in full compliance with Article 4, Section 13, of the Temple Zoning Ordinance Boo does need to go before the ZBA. Boo would come to the Planning Board, after she meets with the ZBA, for the site plan review.

Christine moved to discuss the conversation the Board and ZBA had with town counsel in a non-public meeting and to put town counsel's letter in the public record. The motion was seconded by George and approved by Allan and Bruce, with Randy, Brian, and Nicole recusing.

Town counsel's opinion is that Boo does need to apply for a special exception from the ZBA for lot 9-15 which includes the homestead and the barn. He also believes Boo needs to apply for a special exception for the change of use of the indoor arena on lot 9-14; and that she can apply for both at the same time.

Town counsel affirmed the Planning Board's ability to advise Boo on the steps she needs to go through. First, she needs to go to the Select Board for the building permit application. George Willard, on behalf of the Select Board, invited Boo to attend their next meeting, to be held on Monday, March 8th by zoom. Boo accepted the kind invitation.

There is a separate application she will have to fill out for the site plan review by the Planning Board. **Updating the application for the site plan review is to be put on the agenda for the next TPB meeting.**

Alec pointed out that the minutes from when the indoor arena was approved say there would be no evening use. He thinks that's why she's being asked to apply for a change of use.

The lots have two separate owners. They are both owned by Boo, but the Lodge property, lot 9-14, is held in a revocable trust.

Boo understood that she needs to go to Select Board to acquire a building permit so she can apply for a change of use on lot 9-14 which she understands includes the arena and the Lodge. Then she understood that for lot 9-15, including the homestead and the barn, she needs to apply to the ZBA for a special exception. After she receives the special exception, and her abutters will have input to that, and she has her change of use approved, she will be sent back to the Planning Board which will require an application for her site plan review. She is already well on her way through preparing for that, so it will probably just be finishing up on Dark Sky and noise regulations. Boo: Lodge and ring are 9-14; house and barn are 9-15.

Allan had overlaid a lot map on an aerial view of the farm which indicates the indoor arena is included in lot 9-15 with the house and barn, and that the Lodge is on lot 9-14. He will forward this overlay to the Board.

Christine said the clerk can forward town counsel's letter to Boo with draft minutes.

George Russell offered the following questions and requests:

- a. Make sure the letter they sent two weeks ago is attached to the minutes of the 2/16/21 TPB meeting.
- b. He would like to have a copy of town counsel's letter if it is made available to Boo.
- c. He would really like to see an application for the change of use and the special exception so he can understand concretely what is being asked.
- d. In the site plan review the abutters were not invited to participate. If there is a formal site plan review, he would ask that the abutters be invited to participate.

Alec MacMartin thanked the Board for their consideration of the questions and concerns of the abutters.

George Willard will call town counsel tomorrow to ask his opinion whether the Planning Board can make his letter part of the public record. If he says yes, it could be attached to the minutes

of this meeting. He reassured the abutters that the Board will work with Boo to make sure their concerns are addressed while also working to Boo's satisfaction.

The question arose as to who has authority to determine hours of operation and noise. Allan suggested that in Temple, in general, because these are questions of special exception, the ZBA has historically had this authority. **Alec suggested the Planning Board ask town counsel whether the purview of the ZBA prohibits the TPB from placing restrictions on operations.**

Boo asked whether she could continue to recruit business for Stepping Stones while continuing the process through the select, zoning, and planning boards. Christine replied that this is a question for the Select Board. She added that town counsel said he would probably advise her not to do it, but that is not up to the Planning Board.

Boo read a statement updating the Board on plans for Stepping Stones, which is attached to these minutes.

Other Business

1. Lisa Beaudoin request for LUCT reduction: Update from Allan on his findings and decision on next steps.

LUCT is a Land Use Tax. Allan explained that after Lisa subdivided the house lot with about 8 acres, the Select Board assessed a land use tax of \$3000 based on the idea there is enough acreage and frontage to do a further subdivision on that lot between the house and the new cemetery. Lisa believed that part of the lot was not buildable. Allan then created a sketch showing it is possible. Lisa emailed Allan back it would not meet the sightlines requirement and would not meet the requirements of the state. Allan has not yet responded. She wanted a tax abatement. The lot has 800 or 900 feet of frontage, and the house is at the east end of the existing parcel, but the sightlines are questionable; so if she were to do a subdivision, she would have to get a permit from the DOT. She feels she was assessed too much for taking it out of current use. The determination needs to be made by the Select Board. **Allan will let Lisa know she needs to go before the Select Board.**

2. Update from George and Bruce on their research into whether the TPB or ZBA has authority to change regulations in the zoning ordinance. (This is in reference to Nancy Armstrong's possible request for a subdivision on her property.)

George sent an email to the Municipal Association, and received an answer from Natch Greyes, who said 6 acres would be required. She would have to go to the Select Board, which would have to deny her application. Then she could go to the ZBA, and if she meets the variance criteria the ZBA could give her permission. Then, she would need to come back to the Planning Board for other requirements. Allan pointed out that the Planning Board only does a site plan review for multi-family or commercial applications.

He felt that this is not a Planning Board issue. Connie told the Board that Nancy did reach out to John Kieley, as chair of the ZBA, so she does understand the process.

3. Hoop barns updates: Update on research regarding whether carports are taxable under the statute. It was determined that this is a Select Board issue, and not a Planning Board issue.
4. Review of Kathy Boot's ADU concerns: **It was decided to include ADUs in the plan for the coming year, under the affordable housing umbrella.**

New Business

1. Randy Martin Timberdoodle Subdivision update

Randy explained that this is a small lot subdivision below the Timberdoodle club house. The potential buyer has sent along pretty much his final plan, which Randy has forwarded to Allan. **Allan will forward it to the rest of the Board once he has had a chance to look at it.** Randy would be happy to address any questions that come up. The question has already arisen about where the driveway would be; Randy explained that it would be off Webster Hwy., with a long drive off the hill. There is already a driveway there. Allan said that driveway location is now required on subdivisions, at least for the first 20 feet or so. He also felt there are some slopes on the lot that need to be taken into consideration. Randy should plan to recuse himself from Board deliberation on this subdivision. **Randy will provide documents to Board and Olivia before the next meeting. Perhaps if Board members have questions, they could get them to Randy in advance of next meeting so he could have answers prepared.**

2. Christine brought up the concern that people are asking what zoning ordinance changes they will be voting on on March 9th. The ballot went out without the specific recommendations of the Board. Stephen Buckley of the Municipal Association told Christine that each specific zoning amendment being recommended must be on the ballot. He said that if the way it's being presented were contested, it will not hold up in court. The Board decided to post the recommended changes in as many places as possible immediately, and to have a Board member sharing information sheets outside Town Hall on Election Day if possible. **Christine will forward Stephen's response, as well as town counsel's response to the board members.** It is possible the vote cannot take place this year if the process is challenged, or that people could vote no because they haven't had sufficient information. **Christine volunteered to broadcast the information about the recommended changes on the town Facebook page and in as many other places as possible. Copies will be available at the ballot booth for distribution. Olivia volunteered to pass out information sheets at Town Hall if the Board wishes, and suggested information sheets could be passed out to voters with their ballots.**

Connie suggested Planning Board members take advantage of training opportunities. She felt that board members are required to deal with a great deal of information, and training would help. Information about a May 14th Office of Strategic Initiatives training was sent to Planning Board members by Christine today.

3. Timing of Notice of Hearings/Site Visits given USPS deliberate mail slow-down. Given the deliberate slow-down of US Postal Service mail delivery initiated by the Postmaster General, Nicole suggested having applicants pay the cost of 2-day mail delivery, so that hearings or site plan reviews could continue to be scheduled with a two-week time frame. Bruce agreed. **The clerk was asked to remind board members of this idea. The requirement should be added to application forms somewhere. It can be put on site plan review application. Who will do this? Is a vote required?**

Next Meeting: Tuesday, March 16, 2021, 7:00pm by Zoom

A motion to adjourn was made by Brian. It was seconded by Randy and unanimously approved by roll call vote.

The meeting was adjourned at 8:52pm

Respectfully submitted, Rev. Olivia Holmes, Clerk

Attachments:

Stepping Stones Presentation of 03/02/21

Letter from town counsel if determined appropriate to include it in the public record