

**FINDINGS OF FACT
PLANNING BOARD
TEMPLE, NEW HAMPSHIRE**

**Regarding an application by
Douglas Guy
Tax Map 2B Lot 71 (77.4 acres)
118 Peterborough Road, Temple NH**

FINDINGS OF FACT

Owner Name & Address:

Douglas R. Guy, Jr. Trustee
Hadley Lot Realty Trust II
PO Box 157
Temple NH 03084

Other Parties to the application:

Graz Engineering
323 West Lake Road
Fitzwilliam, NH 03447

Zoning District

Rural Residential & Agricultural

Description of the existing use(s) of the property:

The property includes one two bedroom/1 bath residence on the eastern side of the property, and a road to a cell tower located on abutting parcel 71-03-TWR on the western side of the property. The proposed new lot includes unmanaged moderately sloped and rolling acreage with some wetlands, an intermittent stream, and an abandoned dirt road.

Description of the proposed use(s) of the property, and the nature of the application:

The Minor Subdivision application proposed creating 1 new lot with 14.516 acres and 300.21 feet of road frontage. The new lot will be sold as a buildable lot.

Comprehensive list of materials submitted by the applicant and/or designee as part of the application:

- Conceptual design plans submitted on June 15, 2022 by surveyor.
- Preliminary plans and application submitted July 19, 2022.
- Revised Plans were received on November 1, 2022.
- Application and plans were reviewed on November 15, 2022.

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- Checks were received to cover the application fee, applicant and abutter notice fees and Registry of Deeds fees on November 21st, 2022.
- Final plans received on November 21st.

Date(s) of which the Planning Board met to consider the application:

- Preliminary Application reviewed at November 1st, 2022 Planning Board meeting.
- Final Plan reviewed at December 6th, 2022 Planning Board meeting.

Date(s) on which the Board conducted a public hearing on the application:

- Hearing conducted on December 6, 2022 after proper notices sent to applicants and abutters and public posting, per RSA 676:4, I (d) for previous version of the application.

Brief description of the substantive materials and testimony received at the public hearing:

Two abutters were present for the hearing, and one abutter inquired in person prior to the hearing. All requested a more concise description of where a potential home would be located in relation to the wetlands and streams on the property. The Temple Road Agent, Kent Perry, sent comments via email regarding the proposed location of a driveway. He noted that although there is a gentle pitch and that the surface water could be addressed with ditching, and that the wetlands were not located nearby to the proposed driveway. General follow-up questions were regarding the slope, streams, and wetlands.

CONCLUSIONS OF LAW

The Planning Board has jurisdiction over the subdivision application per NH RSA 674, the Temple Zoning Ordinance (Revised March 2019), and the Temple Subdivision Regulations (Revised February 15, 2017).

This subdivision application meets the criteria outlined in the Temple Zoning Ordinance for the Rural Residential and Agricultural District:

Lot Area and Dimensions: The area of each lot is at least three acres and is capable of containing a square two hundred fifty feet by two hundred fifty feet and the minimum road frontage for each lot is at least three hundred feet on a class V or better road.

The subdivision application meets the criteria outlined in the Temple Subdivision Regulations:

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Section IV Plan Requirements

4.01 Compliance with Regulation

Applicant's surveyor attended two Planning Board meetings, and TPB Vice Chair Bruce Kullgren consulted with the applicant to assist with the application.

4.02 Character of Land for Subdivision

The Planning Board judges these lots to be of such character that they can support development without danger to public health or safety or to the environment, with consideration given to the wetlands and streams on the property.

4.03 Reserved Strips

Not applicable.

4.04 Lot Layout

Lot lines are generally at right angles to straight street lines.

4.05 Preservation of Existing Features

There is an intermittent stream on the eastern edge of the property, and wetland on the northern edge of the property. There is a former road crossing the property that was abandoned by the town, with existing stone walls still running the length of it on both sides. The proposed 250' square development area avoids these features, and the Road Agent feels the driveway will not interfere with these features in order to access the development site. However, should wetland needs be crossed to access, a NH DES permit may be required.

4.06 Survey Phase

1. Site survey map shows boundary of subdivision area, topography, streams, existing features and foliage lines, existing roads, structures and adjacent development.
2. Site location map shows proposed subdivision in relation to major roads.
3. Soils data shows results and locations of percolation tests and test pits undertaken with Section 4.07 of these regulations.
4. Preliminary map shows the proposed drainage fields and proposed wells within 1000' radius of the proposed drainage field.

4.07 Soils Data

Soil tests were performed and a report was provided to the Planning Board and included on the plans. The Temple Health Officer approved the soils data and test pits.

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4.08 Preliminary Layout

Each plan included names, boundaries, abutters, locations of existing buildings, existing driveways, streets and lot lines, preliminary locations of proposed driveways, locations of building setbacks, watercourses, and wetlands.

Lots are determined to be suitable for residential development, with consideration given to the wetlands and streams on the property.

4.09 Final Plat

Mylars have been received.

Fees were received for Hillsborough County Registry of Deeds.

Final plans are of acceptable size and contain space for all applicable statements and stamps relative to compliance with state and local regulations.

Final plans include all data required in the preliminary layout.

Locations of all monuments are set

4.10 Minor Subdivision

Plans meet the requirements to qualify for as a minor subdivision.

4.11 Legal Data Required

Not applicable

4.12 Performance Bond

Not applicable

4.13 Open Space

Not applicable

4.14 Trees and Plantings

Not applicable

4.15 Development of Open Space

Not applicable

4.16 Street Design

Not applicable

4.17 Street Improvement

Not applicable

4.18 Pedestrian Walks

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Not applicable
4.19 Utilities, Drainage
Not Applicable

DECISIONS

Application Acceptance Date

December 6th, 2022

Decisions Voted on by the Planning Board

Motion to schedule the hearing for December 6th made and approved at November 15th, 2022
Planning Board meeting.

Preliminary Plan Approval Date

November 15th, 2022

Final Plan Approval Date

December 6th, 2022

Conditions of Final Approval

Activities located in wetlands, such as excavation, fill, dredge, removal, and/or construction of structures in or on any bank, flat, marsh, or swamp in or adjacent to wetlands and waterbodies, will require a permit or authorization from the NHDES Wetlands Bureau, unless otherwise specified per NH RSA 482-A.

Expiration Date (if conditions are not satisfied)

Not applicable