

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

**Regarding an application by
Nicholas Rowe, Kerry Thompson, Leah Thompson, Vivian Wills, & Jeremy Judkins
Tax Map 5A
Lot 24 (17.2 acres), Lot 25 (5.36 acres), Lot, 25-1 (5.10 acres), & Lot 5-54 (3.1 Acres)
Hill Rd & Hudson Road**

FINDINGS OF FACT

Owners Name & Address:

Lot 24

Nicholas Rowe
754 Elm Street
Milford, New Hampshire 03055

Kerry Thompson
29 Adams Street
Greenville, NH 03048

Leah Thompson
56 N Mast Road
Goffstown, NH 03045

Lots 25 & 25-1

Vivian Wills
PO Box 8
Temple NH 03084

Lot 54

Jeremy Judkins
106 Hudson Road
Temple, NH 03084

Other Parties to the application:

Craig Francisco
Bedford Design Consultants, Inc.
592 Harvey Road
Bedford NH 03103

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Zoning District

Rural Residential & Agricultural

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

Lot 24 (Rowe/Thompson/Thompson) is currently undeveloped. It includes 5 acres of wetlands, according to the tax card. The rest is unmanaged, mild and rolling topography. There is frontage on both Hill Road and Hudson Road.

Lots 25 & 25-1 (Wills) include one single family residence each. Both properties share a well located on Lot 25. Both lots also include some farmland, and share a solar array and windmill. There is a well located on Lot 25-1 which is no longer in use. Frontage for both lots is on Hill Rd.

Lot 54 (Judkins) has one single family residence, a shed and 2 small lean-tos. Topography is mild, and frontage is on Hudson Road.

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

Applicants are seeking 4 Lot Line Adjustments to “square off” the lots and gain some road frontage on Hudson Road for a new proposed lot labeled 24-1. If approved, the lot line adjustments would result in Lot 24 reduced to 13.227 acres, Lot 25 adjusted to 5.547 acres, Lot 25-1 adjusted to 5.295 acres, and Lot 54 adjusted to 3.169 acres. The proposed new Lot 24-1 would be 3.387 acres with access coming from Hudson Road. Applicant plans to build a single family residence on Lot 24-1 and a single family residence with a detached ADU on Lot 24, if approved. Applicant has also indicated a desire to add agricultural uses to the property in the future.

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

- Conceptual design plans reviewed on July 19, 2022.
- Preliminary plans and application submitted November 1, 2022.
- Revised Application & Plans were received on November 21, 2022.
- Checks were received to cover the application fees, applicant and abutter notice fees on December 6, 2022 and Registry of Deeds fees on January 3rd, 2022.
- Final plans received on January 3rd, 2023.

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

- Preliminary Application reviewed at November 1st, 2022 Planning Board meeting.
- Revised Plan reviewed at December 6th, 2022 Planning Board Hearing.
- Final Plan reviewed at January 3rd, 2023 Planning Board Hearing.

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

- Initial Hearing conducted on December 6, 2022 after proper notices sent to applicants and abutters and public posting, per RSA 676:4, I (d).
- The Hearing was continued to December 20th, and then again to January 3rd, 2023.

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

December 6th: There was a brief discussion regarding an “orphan lot” located right in the middle of Lot 24, just behind Lot 25. The owner is unknown. Applicant (Rowe) will seek advice on how to acquire the property. The “owner unknown” parcel is roughly 1 acre in size and has no road frontage. Applicants (Wills/Rowe) pointed out how the lot line adjustments would square off their properties. The applicant showed how the Lot Line adjustment with Lot 54 (Judkins) will give the applicant the required 300’ of road frontage on Hudson Road for the new lot. The test pit data has not yet been approved by the Town Health Officer, so the Hearing was continued to give the applicant more time to get this accomplished. There was no public comment.

December 20th: Hearing was continued to January 6th to give applicant additional time to get the test pits/soils data approved by the Temple Health Officer.

January 3rd: Verbal approval was received by the Temple Health Officer. Monuments have been set and a correction was made to the plans to show the well on Lot 25-1 as inactive and the well on Lot 25 as shared with Lot 25-1. Application was approved with conditions relative to NH DES wetlands regulations, written approval of test pits and soils data from the Temple Health Officer, and receipt of other state, local, and federal approval where applicable, including state subdivision approval for proposed lot 24-1.

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.

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

Section IV Plan Requirements

4.01 Compliance with Regulation

Applicant's surveyor and at least one applicant (Rowe) attended all meetings and hearings where their applications were presented. Materials were delivered in a timely fashion as requested.

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 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

Given the amount of wetlands on the property, the applicant was made aware by both the Temple Road Agent and the Planning Board that any 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. There are no other existing features or elements of concern.

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.

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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. *See note from Temple Health Officer.*

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 located 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 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

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- 4.16 Street Design
Not applicable
- 4.17 Street Improvement
Not applicable
- 4.18 Pedestrian Walks
Not applicable
- 4.19 Utilities, Drainage
Not Applicable

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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. The Hearing was continued to December 20th and January 3rd, 2023.

Preliminary Plan Approval Date

November 15th, 2022

Final Plan Approval Date

January 3rd, 2023

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.

Written approval of Temple Subdivision Regulation Section 4.07 - Soils Data by the Temple Health Officer.

All necessary state, federal and local approvals shall be obtained prior to the approval becoming final, including state subdivision approval for lot 24-1.

Expiration Date (if conditions are not satisfied)

Not applicable