

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

**Regarding an application by
Julie Barker Middleton Revocable Trust and the Gertrude M. Odell Revocable Trust
Tax Map 2A Lot 60 (64.1 acres)
Peterborough Road, Temple NH**

FINDINGS OF FACT

Owner Name & Address:

Julie B. Middleton, Trustee
Julie Barker Middleton Revocable Trust
& Gertrude M. Odell Revocable Trust
242 Peterborough Road
Temple NH 03084

Other Parties to the application:

Russell J. Huntley
Huntley Survey & Design, PLLC
659 West Road
Temple, NH 03084

Zoning District

Rural Residential & Agricultural

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

The property is in current use with a portion hayed.

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 12.585 acres to be used for a single family home and includes 1,641 feet of road frontage. The remaining 61.39 acres would remain in current use.

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

- Preliminary plans, application, and waiver requests submitted May 16, 2023.
- Preliminary plans, application, and waiver requests reviewed on June 6, 2023.
- Checks were received to cover the application fee, applicant and abutter notice fees and Registry of Deeds fees on June 29, 2023.
- Final Plans received on July 11, 2023.

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- Public Hearing held on July 18, 2023. Application and plans were reviewed by the Planning Board.

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

- Preliminary Application reviewed at June 6, 2023 Planning Board meeting.
- Final Plan reviewed at July 11, 2023 Planning Board meeting.

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

- Hearing conducted on July 18, 2023 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:

On the Temple tax map, Lot 60 is currently shown as 64.1 acres. This is incorrect. The original deed reflects the amount of acreage that corresponds to the survey done by Russ Huntley (73.8 acres). The Planning Board will work with Avitar (the town assessor) and the Select Board to get the tax map and tax card updated using the survey provided by Mr. Huntley and the deed on file at HCRD. Mr. Huntley believes a triangle section abutting Lot 2A-52 (owned by C. David & Ellen Hedman), may have been incorrectly attributed to Lot 52 instead of Lot 60. Mr. Hedman spoke at the hearing and asked for clarification. The Hedmans will check their deed and tax card/map for accuracy. The application was reviewed and Mr. Huntley described the protections in place for the wetlands and aquifer per our regulations. There were no further concerns or questions.

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 is an alternate member of the Planning Board, so is familiar with the regulations. He recused himself for the discussions of this application to represent the applicants.

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 aquifer, wetlands and stream 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

The proposed 250' square development area avoids the aquifer, brook, and wetlands features on the proposed lot 60-4 (12.585 acres). There is an existing curb cut to access the buildable area, which is located a significant distance from the wetlands, brook, and aquifer. The applicant reports that the larger lot will remain in current use.

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. *Waived*: Preliminary map showing 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.

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

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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 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

Not applicable

4.19 Utilities, Drainage

Not Applicable

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DECISIONS

Application Acceptance Date

July 18, 2023

Decisions Voted on by the Planning Board

Motion to schedule the hearing for July 18, 2023 made and approved at June 6, 2023 Planning Board meeting.

Motions to waive items requested by the applicant's representative made and approved at July 18, 2023 Planning Board meeting prior to the hearing.

Preliminary Plan Approval Date

June 6, 2023

Final Plan Approval Date

July 18, 2023

Conditions of Final Approval

Applicant understands that 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