

TOWN OF TEMPLE, NEW HAMPSHIRE
PLANNING BOARD
December 05, 2018
MINUTES OF PUBLIC MEETING

Board members present: Tedd Petro, Bill Ezell, Allan Pickman, Ted Sartell, Brian Kullgren, and Bruce Kullgren

Call to order by Pickman at 7:00 p.m.

Approval of minutes: The minutes of 11/28/18 were reviewed. Motion by Petro to approve as amended, second by Bruce Kullgren, and so voted.

Master Plan chapters: Petro said a graph in the "Economic Development Analysis" chapter might not be accurate, and suggested it should be corrected or withdrawn. Other board members agreed that the list of largest employers in Temple seemed suspect. Some businesses were unknown, some were single person enterprises, and other businesses known to have multiple employees were not listed. The origin of the data was from NH Employment Security figures in 2016. Petro made a motion to remove the graph, but this was not carried forward. After further discussion it was decided to find out if the data is real and valid for that year. The clerk will contact SWPRC to clarify if data is gathered from Worker's Compensation or Unemployment figures, or elsewhere.

Board members had no further questions or comments regarding any of the chapters. The next step in the approval process will be to hold a public hearing to present the chapters to residents, and then the board can vote to adopt. The hearing must be published and posted. If any of the chapters are determined to contain flaws that need remediation then a second hearing may need to be held. The date for the first hearing was set for January 16, 2019.

Possible Zoning changes re: Junkyards: Sartell presented copies of proposed changes to the town's zoning concerning junkyards. These were drafted after he completed research of both the state RSA language and the current Temple zoning regulations. He indicated there is more to the topic than having just a couple of junk vehicles, and the state is strict on regulating junkyards to include obtaining a license. Also, rules are different for antique vehicles. He felt the town is obligated to fix zoning and clarify what the rules are. Ezell commented the town attorney has already stated the town's current approach, which defers to the state RSA, is not a good idea. Bruce Kullgren clarified that the board is not intent on prohibiting new junkyards in town, just refining regulations regarding them. Pickman mentioned location requirements for junkyards, and said the state currently regulates setbacks from roads differently than setbacks from abutters. He suggested the board consider a simple change to modify zoning to say that junkyards need to meet the state RSA and town zoning Article IV, Section 13: "Industry, Commercial and Non-Commercial Enterprises".

Bruce Kullgren asked about a current case where a local property owner faces court action by the town, which led to discussion about vehicles considered as antiques, as well as the issue of selective enforcement. Sartell said the current zoning language is misleading, and stressed his proposal is meant to simplify and clarify Temple zoning, not to promote any further regulation. Ezell commented the town attorney indicated people should not have to review the entire RSA to figure out what town rules are – the town should have its own language. Sartell wondered if the board could contact attorney Drescher, with Ezell explaining that Pickman as Chairman can talk with the attorneys at New Hampshire Municipal Association (NHMA).

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Further discussion ensued about consideration of utilizing a reference to Article IV, Section 13 regarding commercial businesses. Finally Pickman recommended adding the following language to zoning: "Commercial junkyards or motor vehicle recycling yards shall also be subject to the requirements of Article IV, Section 13 of the Temple Zoning Ordinance"; he will run this by NHMA. Sartell will update his proposal by adding this new language, and email a revised version out. Bruce Kullgren commented these changes do not make zoning any more enforceable by the Selectboard, and Sartell responded that the state seems sensitive to this issue and that is made clear in the RSA language.

Petro made a motion that the Planning Board agree to move this zoning change forward, but the motion was put on hold due to a suggestion that absent board member Randy Martin be involved, and also the board should first hear what NHMA has to say. Pickman advised the board will need to develop a draft, hold a public hearing, and then the board will vote whether to present to voters. A target date for the hearing was set for January 16, 2019. Bruce Kullgren said he felt if many people show up at the hearing and lots of questions arise, there would be insufficient time to have a second hearing and the issue would be dead for this year. If only a few people show up, the issue probably moves forward. *Sartell made a motion to advance the proposed junkyard changes, seconded by Pickman, and so voted.*

Possible Zoning changes re: Building Permits: Sartell passed out copies of potential changes to the town's Building Permit process, with his suggestions shown in red. He said his intention is to make things be clear and concise so everyone follows the same rules, not to offer more regulation. He said the town is not currently meeting its obligation regarding building codes, and went on to explain proposed changes. Pickman stated the town has no building codes of its own, and defers to the state codes. Sartell responded he feels the changes he inserted will provide documentation and tighten up the language, and also provide 'outs'. There was a question on inspection rights, with Ezell commenting the town does not currently have a Code Enforcement Officer and needs to adopt an RSA.

Sartell asked board members what they thought about the changes. The most discussion was generated around the exception process, which requires an applicant to submit a building permit application to the Selectboard for a procedure that does not need their approval, and then the office will file the application. Bruce Kullgren said these changes would need to be run by Will Wildes (Building Inspector), Tim Fiske (Road Agent), and Pete Caswell (Health Inspector). Brian Kullgren said he understands the need for changes, but wants time to review and respond. He said he was worried about the costs of inspections. Bruce Kullgren agreed, and said if the town is serious about looking at more affordable housing options, inspections and fees hurt. Petro said he worries about over-regulating, over-burdening, and excessive fees. Both Ezell and Sartell said if following the current rules, these changes with exceptions will make it easier. As an example, Sartell said he did not envision a fee if putting in a new sink, just documenting it. The board did agree there is no reason to change the 125 square foot language. Brian Kullgren will bring the proposed changes to Will Wildes for his opinion. Board members will review the changes and discuss at the next meeting.

Move to adjourn by Bruce Kullgren, second by Ezell and so voted at 8:40 p.m.
Minutes submitted by Betsy Perry