

TOWN OF TEMPLE, NEW HAMPSHIRE
PLANNING BOARD
January 2, 2019
MINUTES OF PUBLIC MEETING

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

Call to order by Bruce Kullgren at 7:00 p.m.

Approval of minutes: The minutes of 12/19/18 were reviewed. Motion by Petro to approve as written, second by Sartell, and so voted.

Building Permit process: Gail Cromwell came in to clarify terminology and related powers of enforcement in the permitting process, and provided related notes. The differences between the titles "Building Inspector" and "Code Enforcement Officer" and their duties as defined by law were extensively discussed. Cromwell had concluded through research that the town has never had a Code Enforcement Officer, and suggested the proper terminology in the town's Zoning Ordinance should uniformly refer to a Building Inspector. She also noted the Building Inspector does not have authority to enforce codes; that duty is currently assigned only to the Selectboard. Cromwell also noted the town's authority to charge fees for building permits is derived from RSA 674:51 and she can find no record that the town ever adopted that.

Ezell also mentioned RSA 674:51 regarding building code and enforcement procedures, and suggested the town needs to adopt it to close the loophole regarding its authority to set fees.

Sartell emphasized that his Dec 6th draft of potential changes regarding building permits was a preliminary draft he had hoped would be discussed and worked on by the planning board. It was not intended to be presented for public review until more work had been done on it by the planning board and the current building and health inspectors had been consulted for their inputs. He read the second sentence of Article VIII Section I of the current zoning ordinance. That sentence prevents the Selectboard from appointing any agent to enforce Temple's zoning ordinance. His draft did not change that language. He has searched Temple's current zoning ordinance and found eight instances where the term 'Code Enforcement Officer' is used. He has searched RSA's and cannot find any definition for "Code Enforcement Officer" and thinks that term should probably be removed from the ordinance altogether because it apparently has significant and misleading implications to various people.

Petro indicated the 2017 town report does not use the term Building Inspector for Will Wildes, although he currently performs those duties, but uses the term "Building Inspection". Cromwell said if necessary the Selectboard could appoint Wildes at their next meeting.

There was discussion about whether to try and put forth formal clarification of these terms this year. Sartell suggested at the very least the board make a uniform declaration of agreement that "The town does not have a Code Enforcement Officer; is not allowed a Code Enforcement Officer; current zoning says no enforcement except by the Selectboard; and the Selectboard cannot delegate enforcement." He also asked other board members to take a look throughout zoning, as it may not be just a simple substitution. Bruce Kullgren suggested the language could say "Selectboard and/or appointed agent". Cromwell said "Building Inspector" reflects the duties that Will Wildes actually performs for the town.

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Board members briefly reviewed "Section 7: Inspections" under "Article VIII: Administration" in the Zoning Ordinance. Bruce Kullgren suggested the possibility of considering one new inspection under the Building Permit process that many towns utilize, and recommended confirming correct measurements before the foundation is poured. He saw this as preventing problems early on, especially in regard to proper setbacks. Determining rules for right-of-way measurements was also mentioned.

Ultimately it was felt more work needs to be done, and as there is not enough time this year to do a thorough job all were all were in agreement the changes being considered would not move forward at this time.

Junkyards: Sartell said he would like the board to proceed with offering an amendment to zoning by utilizing the language as shown in his Dec 6th proposal, which would clearly indicate the town's Zoning Ordinance refers to current state laws and applies to all defined forms of junk yards. In addition, anyone seeking to establish a commercial junk yard of any type would be required to obtain an exception from the town's Zoning Board of Adjustment and undergo Site Plan Review. Also referenced was a response from a NHMA attorney that provided general information but did not specifically address Temple's draft zoning amendment.

The process and timing for publishing and posting was reviewed. Pickman advised they would have to hold a separate public hearing from the one already scheduled on Wednesday, January 16th, 2019 regarding updates to the Master Plan. After brief discussion it was agreed to hold another public hearing for the proposed amendments regarding Junkyards on Wednesday, January 23rd, 2019. This will allow time for the hearing to be properly published and posted, and be within the state's legal deadlines.

Master Plan chapters: Pickman had reworked and expanded a chart indicating Temple Businesses. Board members agreed the information appeared to be more accurate and up-to-date. Motion by Petro to accept the new chart with Pickman's changes, seconded by Sartell, and so voted.

Other business: Gail Cromwell provided another update on the Conval school situation. She related the following points: the School Board will be proposing a warrant article to consolidate schools; Antrim will propose a warrant article that would change the funding formula based on 60% property valuation and 40% enrollment; both of the aforementioned warrant articles would require a 2/3 vote to change the Articles of Agreement; Dublin would like to propose a warrant article but is waiting until a more complete study of changes vs. dollars; another aspect would be for the towns to seek to fund a default budget that could save 1.5 million and would need a 50% majority vote to pass; also could go after trust fund additions; the deadline to submit a petition warrant article is Tuesday, January 8th. Cromwell said the school situation continues to be "a mess".

Pickman and Petro signed a replacement Mylar for the Martin/Whitcomb lot line adjustment to replace a smudged copy.

Move to adjourn by Ezell, second by Petro, and so voted at 7:55 p.m.

Minutes submitted by Betsy Perry