

TOWN OF TEMPLE, NEW HAMPSHIRE  
PLANNING BOARD  
January 23, 2019  
MINUTES OF PUBLIC MEETING

Board members present: Brian Kullgren, Bruce Kullgren, Jr., Allan Pickman, and Ted Sartell

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

Public Hearing on proposed zoning amendment re: regulation of Junkyards: At 7:01 p.m. Pickman opened the public hearing. He explained to audience members that the board is recommending an update of the language defining junkyards to match the current State of NH definition (under RSA 236:112). They also wish to clarify that commercial junkyards are also subject to town zoning regulations under Article IV Section 13, which would include obtaining a special exception from the Zoning Board of Adjustment (ZBA) as well as undergoing Site Plan Review with the Planning Board.

Pickman asked for comments or questions from members of the audience, and began by reading a letter submitted by resident John Kieley, who was unable to attend the meeting. Kieley urged the board to consider dropping use of the term "commercial" in two areas within the proposed language changes, and explained his reasoning. Pickman thought doing this would be considered a substantive change and said there was not enough time left to address it this year and still meet statutory deadlines. Sartell said he did not consider it to be a substantive change. Pickman stated the term "commercial" had been inserted on purpose to help protect residents from being considered as having a junkyard if they were just a hobbyist or involved with casual vehicle repair/restoration. Sartell felt this type of situation is already covered under current statute.

A comment from the audience suggested the board should address water protection issues as related to junkyards. Pickman acknowledged it is indeed an important issue and referred to the town's existing "Aquifer Protection Ordinance". He also advised the only consideration at this public hearing would be the specific amendment language being proposed.

Another comment concerned the definition of "commercial" as not applying to junkyards under current RSA language, and the belief that the proposed change would allow the town to take precedent over the state. Sartell said he believed this proposed change would make the town more stringent than the state. The board was asked if they had ever considered an outright ban on junkyards, the answer was "no". Sartell said the term "junkyard" is wide open to interpretation and the state has struggled to do that, and this was an attempt to clarify and prevent further confusion.

A suggestion was offered that the board might consider deleting the entire second sentence they had added under Article IV Section 10 that would require the need for commercial junkyards to go through the ZBA and PB processes. Bruce Kullgren said he agreed with Sartell that dropping use of the term "commercial" would not be a substantive change, and continued that the board is unanimous in not wanting more motor vehicle junkyards in town, but their main pause was protecting the hobbyist.

There was further discussion about the utilization and consequences of retaining the definition of "commercial", and whether removing it at this point would be a substantive change.

Sartell stated he would be willing to make a motion to drop the term "commercial". He stated he believes that Kieley's recommendation to drop the use of "commercial" makes town zoning more consistent with state

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regulations, and urged the board to fix the language, indicating the second sentence being referred to was not part of the original discussion. Pickman urged the board to keep the second sentence in and leave the proposed language as-is. Brian Kullgren then spoke about not having the full board available to vote at this meeting, although it was noted a legal quorum was present. He continued that he agreed with Pickman, and would prefer the full board who developed this to discuss it, although he allowed he felt it was not a substantive change. Bruce Kullgren noted there could be a tie vote at this meeting with just the four members, and there would be no time for another hearing. Pickman then offered that the board has held a legal hearing, and could hold off on voting until the next regular PB meeting after being able to further discuss whether a substantive change and how to move to ballot this year. Sartell asked for an informal poll of the audience and offered three choices: a majority voted to delete the word "commercial"; one voted to keep the language as-is; and a few chose deletion of the entire second sentence.

Sartell made a motion to *delete the use of the word "commercial" and agree this would not constitute a substantive change*. A second was provided by Bruce Kullgren. This motion was put on hold and followed by brief conversation about including the full board on a vote. Sartell then made an amendment to his motion, to now say: *delete the use of the word "commercial", agree this would not constitute a substantive change, and present at their next meeting to a full board*. This was seconded by Bruce Kullgren. The amended motion was put on hold while legal time-frames were checked. Pickman stated the next PB meeting on February 6<sup>th</sup> would not make the necessary deadline, as February 4<sup>th</sup> is the last day to hold another hearing, and February 5<sup>th</sup> is the last day to have a copy on file with the Town Clerk. Brief discussion about trying to meet on the 4<sup>th</sup> to make the deadlines. Sartell then amended his motion, to now say: *delete the second sentence, and agree this would not constitute a substantive change*. Second provided by Brian Kullgren. Pickman called for a vote, with three in favor and Pickman against. Motion carried. Bruce Kullgren advised bringing this to ballot as just a "housekeeping" change. The only modification will be to omit the second sentence.

Sartell reminded the board that the Zoning Ordinance will need continued maintenance to stay current with state regulations.

The board was thanked for their time and effort in pursuing this topic. The hearing was closed at 7:49 p.m.

Approval of minutes: The minutes of 01/16/19 were reviewed. Motion by Bruce Kullgren to approve the minutes as written, second by Sartell, and so voted.

Move to adjourn by Pickman, second by Bruce Kullgren, and so voted at 7:54 p.m.  
Minutes submitted by Betsy Perry