

TOWN OF TEMPLE, NEW HAMPSHIRE
PLANNING BOARD
January 24, 2018
MINUTES OF PUBLIC MEETING

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

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

Public Hearing for proposed amendment to Zoning Ordinance re: definition of agriculture: The hearing was opened at 7:00 p.m. and copies of the proposed language were made available. It was noted a small 'housekeeping' issue would also be addressed to correct a typographical error currently showing an incorrect RSA reference number. Pickman stated the proposed changes would amend the town's definition of agriculture. Sartell explained the board had been working on the issue for several months due to questions that arose while creating a Master Plan "Vision Statement". He spoke of the state's broad definition of agriculture under RSA 21:34-a, and said the proposed amendment would insert the state's definition into the town's Zoning Ordinance. He mentioned New Hampshire's "right to farm" and said those rights are delineated within the state RSA. There was a brief review of the structure and content of RSA 21:34-a, paragraphs I. through V.

Several questions and comments were offered by audience members:

Q. Why this was the only ag issue being addressed at this time, given that other issues had arisen in the past?

Pickman responded the board does recognize there are other ag issues but would like to talk with residents first, and part of that would be in the public forum portion of this meeting. He indicated the board wishes to move forward with incremental changes and an informed public.

C. This change only makes things worse, especially in regard to highlighting agritourism and making it more prominent; could become more of a problem. Discussion followed regarding the state's definition of agritourism as well as a separate RSA mandating it must be allowed. A worry was expressed that if the town adopts the exact RSA language, and then in the future the state repeals agritourism, the town would be "stuck with it". One suggestion was to just make reference to the current RSA so the town's definition will always match. Pickman related a legal opinion obtained from town counsel regarding municipal vs. state definitions and related case law.

Q. What is the most significant change in the new RSA language? Sartell explained that agritourism was moved under marketing as an incidental practice to a farm operation. This limits agritourism as an accessory use to the primary operation of farming.

Q. When does commercial status apply? The board has been looking at this and perceives it as a judgement call that relates to definitions plus determining exactly what is being considered. It was noted further details and discussion will be offered in the public forum following the current hearing. A suggestion to make another edit of the Definitions section of the Zoning Ordinance was proposed, but it was considered too late in the process to now introduce another version.

C. If the entire RSA 21:34-a language is inserted into the Zoning Ordinance, there would need to be a zoning amendment every time the state language is updated; perhaps just make reference to the RSA. In current

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zoning the definition can be read, and if further information is needed the state RSA would have to be accessed. Utilizing the entire state language within zoning would provide more detail up front.

Q. Would the board consider not going forward with this proposed change? After the hearing the board will vote whether to present to voters by ballot in March.

The public hearing was closed at 7:32 p.m.

A motion was made by Pickman that the draft language be placed on the ballot to go to the voters in March, seconded by Petro. Lockwood then offered an amendment to utilize only a reference to the new RSA language rather than listing the entire text. Pickman asked if there was a second, and none was forthcoming. Discussion ensued. Lockwood said her proposed change to update the title and add the RSA reference would keep things simple. An audience member agreed, saying if the language is hard coded into the ordinance it could become immediately out of date, which could create issues for town boards. Two choices were seen as 1) to hard code the state RSA text and then have to follow every state RSA regarding agriculture, or 2) clean up the existing language plus utilize the RSA reference. After further suggestions and refinements, Lockwood reread her motion, as "to delete the existing definitions of "Agriculture/Farm/Farmstand" and "Farm Stand", and insert a new definition "Farm, Agriculture, Farming" with a reference to state RSA 21:34-a, paragraphs I through V".

Pickman again asked if there was a second to Lockwood's amendment, with Bruce Kullgren then providing a second. An audience comment was made that the board did not seem to be in agreement on this issue and urged them to go back and discuss it further before presenting to the public. Pickman called for a vote on the amendment. Six members were in favor, with Pickman opposed. The amendment passed.

Pickman then asked for a vote on the original motion as amended, and all board members were in favor. The motion passed unanimously.

The public hearing was closed at 8:05 p.m.

Public Forum for discussion of the possibility of requiring Site Plan Review for agriculture: At 8:05 p.m.

Pickman announced the public forum portion of the meeting was meant to seek public input on agriculture and consider if Site Plan Review (SPR) may be warranted in some instances. Bruce Kullgren explained the history of agriculture not requiring SPR and said there are basically three options: 1) continue to keep agriculture exempt from SPR, 2) mandate SPR for agriculture and utilize current SPR rules, or 3) mandate a modified format SPR for agriculture. The board discussed the current exemption (located under Article VIII: Administration, Section 2: Building Permit Required). Size of buildings and amount of disturbed land were seen as main considerations. Examples in town where SPR would have been helpful were described.

Audience members joined board members to contribute their thoughts to the conversation:

- Zoning helps people live in harmony and some large scale projects need SPR
- Farming is difficult and towns should help them to grow, not throw more rules at them
- SPR can be expensive

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- An instance of a large metal horse barn being built close to a small home on an abutting lot
- A large lot that has been clear cut could become an agricultural operation
- Overloading of animals on land, managing animal waste, and controlling runoff need oversight
- SPR would ensure Best Management Practices (BMP's) would be utilized
- History of a large pig farm in a nearby town that was allowed by town but shut down by the state
- Ag enterprises can have an effect on neighboring property values
- How to define a large scale (commercial) agricultural operation
- Suggestion that PB support farming, and research ordinances in other towns to determine large scale vs. small scale
- Size and type of building can have impact and be an issue
- Need fairness for everybody in Temple
- Example of old farm in Bedford that became surrounded by a development and was subject to complaints
- Need more farms in town
- Suggestion to have residents vote on deleting "those three words" under Building Permit Required so agriculture would no longer be exempt from SPR, then
- Create an SPR "light" version for agriculture

Bruce Kullgren noted the PB would like to hold several forums in the months ahead to hold further discussion.

A raise the hand "sense of the people" audience poll regarding SPR for ag was done, which showed an almost even split on those in favor and those opposed, with a few being neutral. The board was encouraged again to research other town's ordinances.

At 8:35 p.m. Pickman thanked the audience for attending and speaking.

Approval of minutes of 01/17/2018: Motion by Pickman to table until the next meeting, seconded by Bruce Kullgren, and so voted.

Motion to adjourn by Pickman, seconded by Bruce Kullgren, and so voted at 8:36 p.m.

Minutes submitted by Betsy Perry

~ The next regular meeting will be held on February 7th, 2018 at 7:00 p.m. ~