

Selectboard's Recommended Conditions if Special Exception is Granted

The Town of Temple Selectboard respectfully requests that the Zoning Board of Adjustment, if it considers granting the special exception, impose the following minimum conditions in addition to any which the Board determines are also appropriate:

1. Only machinery connected with the applicant's antique equipment enterprise that is owned by the applicant may be kept on the premises.
2. All antique equipment and parts of antique equipment shall be kept out of view of the public and abutters by means of storage inside a permanent structure, or by suitable fencing which, at a minimum, complies with the fencing requirements of *RSA 236:123*, the text of which is set forth at the end of these proposed conditions, or by trees or shrubbery sufficient to block visual access year round.
3. Any combination of antique equipment or parts of antique equipment that are not stored inside a permanent structure shall otherwise comply with the requirements of this section and shall not exceed a total amount of 5 vehicles. For purposes of this section, the sum of the parts of antique motor vehicles that equal in bulk to one antique motor vehicle shall be counted as one antique motor vehicle.
4. All mechanical repairs and modifications are performed out of view of the public and abutters.
5. Not more than one unregistered and uninspected motor vehicle that is not over 25 years old shall be kept on the premises.
6. It is expressly found by the ZBA that the applicant did not intend to have this enterprise be open to the public and any special exception granted hereunder shall not be deemed to allow for the public display of the equipment or sanction any form of public 'museum' or other gathering.
7. The use of the premises shall continue to be in compliance with all municipal land use ordinances and regulations.
8. Additionally, the applicant shall apply to the Town of Temple Planning Board for site plan review approval of the enterprise and the ZBA recommends that the Planning Board require the applicant to address and the Board consider, at a minimum, the following operational elements and impose such reasonable conditions as the Planning Board deem necessary:
 - hours of operation
 - noise or other emissions from repair and/or renovation of equipment
 - storage of equipment, parts, tools, etc., in a manner that is not viewable from adjacent properties, or from the road.

- require that in the event that the enterprise ever evolves into a 'museum' or is available to the general public, whether on a part time, full time or occasional basis, that the applicant be required to return to the Planning Board for a site plan review of the parking, traffic and other concerns associated with the increase in the scope of the operation.

RSA 236:123. Fencing.

Before use, a new junk yard or automotive recycling yard shall be completely surrounded with a solidly constructed fence at least 6 feet in height which substantially screens the area and with a suitable gate which shall be closed and locked except during the working hours of the junk yard or automotive recycling yard or when the applicant or his agent is within. All motor vehicles and parts stored or deposited by the applicant shall be kept within the enclosure of the junk yard or automotive recycling yard except as removal is necessary for its transportation in the reasonable course of the business. All wrecking or other work on such motor vehicles and parts and all burning of vehicles shall be accomplished within the enclosure. Where the topography, natural growth of timber, a natural barrier, or other considerations accomplish the purposes of this subdivision in whole or in part, the fencing requirements hereunder may be reduced by the local governing body, upon granting the license. Any citizen of the municipality may apply for writ of certiorari to the superior court for the county in which the new junk yard or automotive recycling yard is located to review the action of the local governing body.