

# TOWN OF TEMPLE, NEW HAMPSHIRE PLANNING BOARD

JANUARY 22, 2007  
FINAL MINUTES OF PUBLIC MEETING

Board members present: Randy Martin, Bruce Kullgren, Will Wildes, Tedd Petro, Allan Pickman, Richard Whitcomb, John Kieley

Call to order by Kullgren at 7:35 p.m.

1. Kullgren announced that this was the first hearing to address proposed amendments to the zoning ordinance that would be brought to the voters in March. Changes could be made, and a second hearing would be held. Pickman noted no changes could be made to the petition warrant article.

PETITION ARTICLE: The board first addressed the petition article involving change to Article VII, Section 2. Kullgren summarized the change as placing agriculture under site plan review requirements, and asked to have a proponent speak on the purpose of the petition. Honey Hastings said the goal was to remove the exception for all agricultural buildings and to require large agricultural buildings to undergo site plan review. She stated the goal was not to prohibit large agricultural buildings, but to have them undergo similar review as for any other purpose. Pickman reminded the board they must decide to approve the measure or not, and their recommendation will be placed on the ballot.

The board discussed the article and accepted input from the audience. Pickman stated he felt the ordinance should relate to the size of the operation rather than the size of the building. Connie Kieley said the size of 3,000 square feet was guesstimate and a starting point to encourage buildings to undergo site plan review. Wildes stated he would not support the article as written. John Kieley said obviously the impetus was large riding arenas being built in town and noted they are actually helpful to the tax base. He explained there was one example of a 16,000 square foot arena that had been built just 35 feet from an abutter's lot without any type of screening buffer. He felt large agricultural buildings should have to undergo site plan review, and stated it would be good public policy to prevent reduction of property values and a negative impact on the character of the town. C. Kieley said there had been many comments made and lots of support for this issue and asked if the board would decide its position tonight. Pickman advised the board does not have to decide on its position at this hearing.

One resident expressed concerns that without town oversight this type of situation could occur again. Kullgren stated he felt the current setback for a large agricultural building was not unreasonable and could be buffered. He said the state has agricultural regulations that require best management practices and examination of water issues, etc. Kullgren stated he thought requiring site plan review could be burdensome and the town should promote agriculture. J. Kieley said the state does not define agriculture separately and does not limit what the town can do. Honey Hastings referred to RSA 674:32-c and said the town can have a dimensional requirement unless it serves as a prohibition, and large buildings were likely to have impact. Petro stated he was not in favor of the petition and had wanted the board to act. He also said he did not feel the figure of 3,000 square feet was perfect, but would vote in favor to have something in place. Pickman reminded the board that they have discretion to waive requirements under the site plan review process. He acknowledged that site plan review could be burdensome, but felt the board would be reasonable. He stated right now the board's ability to stop an inappropriate project is limited. C. Kieley made the statement that if the board does not support this, there could be a loss of quality of life and not just a reduction

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in property values, and the board "should protect the 1400". There was further discussion about controlling setbacks, permitted uses under agriculture, and state vs. local regulation. C. Kieley clarified that if the ordinance was enacted, existing buildings would be grandfathered. Petro suggested the board had spent a great deal of time discussing this issue and should move on to the next topic.

**HOME INDUSTRY AND RELATED ORDINANCES:** Hastings related the history of how the ZBA had determined the need for the proposed changes to Articles II and IV. Members of the audience had many comments and questions concerning types of businesses, how to determine business size, definition and use of vehicles, lessening visual impact, and enforcement of regulations. Resident Tom Hawkins expressed concern over the possible effects on his existing home business, and was told he would be grandfathered. Pickman summarized that these changes were designed to allow small businesses in town yet make sure they were compatible with the neighborhood and offered protection to abutters. He said the board was trying to find a balance, and there was a need to draw a line between home industry and commercial business. He said any commercial business would need to go before the ZBA to obtain a special exception.

Kullgren asked Tom Hawkins for his thoughts related to experience with his own business. Hawkins thought the 1,000 square foot size seemed too small. Wildes suggested staying with the formula of one-half the floor area. Whitcomb noted that small houses would have less room using one-half the floor area and larger houses would have an advantage to maintain a larger size business. Wildes said he thought the new wording regarding storage of vehicles and materials was restrictive and would not allow a small business to grow. He also stated he was grandfathered but felt the ordinance would "close the door" to new businesses. J. Kieley spoke on the possible affect on aesthetics and property values in town. He stated the board needed to provide a reasonable scale with provision for home business but not commercial business in a residential neighborhood. He noted a commercial business would need an exception from the ZBA, and the PB should work to keep home industry and commercial business separate. This was followed by discussion about the differences between a home industry or professional service and a commercial business. Board members used examples of existing businesses in town to help explain the need to distinguish between the two. Pickman concluded that the board needs to draw a line; that a certain level of business is not a problem but anything beyond that needs to be looked at through commercial exception.

In response to all the comments and debate, John Pierce of the ZBA suggested making a change to Section 11: e) to read: "materials, vehicles or inventory associated with the home industry or professional service shall be screened from view." After further deliberation, Hastings offered alternative wording for Section 11: e) to read: "vehicles being constructed, manufactured or repaired shall be kept inside." Pierce also suggested a change to Section 11: b) to read: "the professional service or home industry does not occupy more than one-half the floor area, including the basement, or 1,000 square feet, whichever is larger." Kullgren noted there was still no definition of professional services or commercial.

Kullgren brought up the proposed language that would require a business owner to file a notice of business with the town. Wildes stated he had a problem with that whole idea. Pickman thought it would be a good idea and allow the BOS some preliminary review to discern the category and extent of the business. Kullgren stated there is currently no filing,

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approval, or permit process in place. J. Kieley said the notice of business would provide protection for grandfathered status. Bruce Kantner wondered about enforcement, and Kullgren answered there was no violation. Pickman added that there was no penalty but the process would help the BOS remind the business owner of related issues such as the town sign ordinance, etc.

The next portion of the ordinance to be analyzed involved changing (c) to reduce the number of non-resident employees from four to two. Tom Hawkins was concerned it would limit growth and any expansion would require the employer to approach a town board without an attorney. Pickman asked Hastings how many people come before the ZBA with a lawyer, and Hastings answered that most do not, although some have sought legal advice. She further stated the ZBA is not used to seeing lawyers and the board considers itself to be flexible. Kullgren stated this has been on the books since 1972 and perhaps it should be left alone until a problem develops. Kieley offered that a reasonable scale and perspective needed to be ascertained. Pickman asked Hastings if the number of employees qualifies as a use requirement or dimensional requirement test for the ZBA. Hastings responded that she did not know, but that most towns do require a permit for a business, and most towns allow two non-resident employees. Kullgren felt perhaps compromising at three non-resident employees might work, but J. Kieley felt the number two was fine and if more were needed the business should come talk to the town. He stated the town should limit the scope of what can be done at home without approval. Pickman moved to change the number of non-resident employees under Article IV, Section 11: (c) to three, second by Wildes, and voted Pickman, Kullgren and Wildes in favor, with Petro, Kieley and Whitcomb opposed. This resulted in a tie, as Martin had left the hearing earlier, and the motion did not pass.

MOUNTAIN DISTRICT PRD: The third area of discussion was a revised ordinance developed by the PB to again allow a Planned Residential Development (PRD) within the Mountain District. C. Kieley stated that this ordinance would need several hearings and urged the board to wait another year and keep working on it. Kullgren stated that the board had the option of adjourning the meeting and continuing the hearing to another meeting. Due to the late hour the board agreed to continue the hearing to the following night, January 23, 2007 at the Town Hall at 8:00 p.m. A notice of the continuation will be posted. The board also set a date for the second hearing of Monday, February 5, 2007 at 7:30 p.m. at the Municipal Building.

Kullgren then asked for general comments on the ordinance. C. Kieley said that steep slope and elevation issues were not addressed. There was discussion on lot sizes and calculation of density for a PRD. Bob Treadwell asked about the 5-acre minimum lot size, and suggested using a 10-acre minimum lot size. Kullgren noted most houses with 10 acres are located in the RA District. C. Kieley once again recommended the board wait on this ordinance for another year. Other audience members also urged the board to hold off, stating it was an important issue and needed more work. J. Kieley moved to defer consideration of the Mountain District PRD ordinance until after town meeting, explaining that he was postponing it going to the voters, not postponing the work. Petro seconded the motion, and the vote was J. Kieley and Petro in favor, and four opposed. Kullgren stated he would notify PB members the following day if the continuation of the hearing to January 23<sup>rd</sup> was not legal.

Move by Petro to adjourn, second by Kieley, and so voted. Meeting adjourned at 11:27 p.m.  
Minutes submitted by Betsy Perry