

TOWN OF TEMPLE, NEW HAMPSHIRE

ZONING BOARD OF ADJUSTMENT

November 16, 2006

FINAL MINUTES OF PUBLIC MEETING

ZONING BOARD: Chair John Pierce; members Nate Chamberlin, Honey Hastings and Don Kraemer; alternate member David Martz.

AGENDA: Douglas R. Guy, Jr. – Request for Rehearing

John Pierce called the meeting to order at 7:40 p.m. and introduced the board members.

Request for Rehearing – Douglas R. Guy, Jr. regarding Case # 10/5/2006-1 – Junkyard

Honey disqualified herself from the case and John appointed Dave to sit in her place.

Board members discussed specific questions raised in the Motion for Rehearing:

1. (h) Was the town guilty of laches for failing to enforce the licensing requirement prior to 2006? Board members felt it wasn't the duty of the town to remind Mr. Guy to get his junkyard licensed.
5. Did the ZBA legally err because member Pete Caswell recused himself from the original hearing. Board members said and the minutes reflected that both attorneys agreed to go ahead with a four-member board that night.

MOTION: Dave/Nate to find that there is no new evidence in the Motion for Rehearing. All in favor.

1. (c) Did the ZBA err by hearing this Appeal of Administrative Decision regarding the Cease and Desist Order given by the Selectmen knowing that the Selectmen refused to meet with Mr. Guy after he had filled out the Town of Temple Motor Vehicle Junkyard application? Board members felt that the Selectmen had the right to issue the Cease and Desist Order, and the ZBA was the correct board to hear the appeal by the applicant.

MOTION: Don/Nate to find that no errors were made in the hearing for Case #10/5/2006-1. All were in favor.

MOTION: Dave/Nate to deny the Motion for Rehearing, based on the two findings of fact. All in favor.

Motion for Reconsideration – Douglas R. Guy, Jr. regarding Case # 7/6/2006-1 Dealer Plates

Attorney Glavey, for Mr. Guy, submitted a Motion for Reconsideration regarding the decision that the ZBA made to rehear this case at the request of the Town of Temple. It is scheduled to be reheard on December 7.

His Motion stated that neither he nor Mr. Guy were given a copy of the Motion for Rehearing by the Town of Temple or its attorneys. Therefore appellant was not afforded a reasonable opportunity to object to the Motion, nor to be present when the Motion was considered.

Board members considered all the items in the Motion.

John read a letter objecting to the Motion for Rehearing from Dwight Sowerby, attorney

representing the Town of Temple.

MOTION: Don/Nate to deny the Motion for Reconsideration. All in favor.

OTHER BUSINESS

Minutes – November 2, 2006

MOTION: Honey/Nate to approve the 11/2/06 minutes as submitted. Four voted in favor. Don abstained.

Revised Ideas on Updating Temple Zoning

Board members discussed possible suggestions for updates to the Zoning Ordinance.

MOTION: Don/Dave to approve the proposed corrections. All in favor.

Procedures

A section was added to III C., and VI D, was rewritten.

MOTION: Honey/Dave to approve the Procedures. Four in favor. Don was undecided.

The clerk reported that the Town of Temple had not provided the \$45 application fee nor the abutter fees for the rehearing scheduled for September 7th.

MOTION: Honey/Don that the ZBA hold Town of Temple to the same requirements as all other applicants and that they provide the fees that are due to the ZBA for the Douglas R. Guy, Jr. rehearing case. All in favor.

The next meeting is December 7th at the Town Hall.

John will arrange for the Town Hall.

MOTION: Nate/Don to adjourn the meeting. All in favor.

The meeting adjourned at 9:55 p.m.

Submitted by Diane Nilsson, Clerk