

TOWN OF TEMPLE, NEW HAMPSHIRE
PLANNING BOARD
July 16, 2014
DRAFT MINUTES OF PUBLIC MEETING

Board members present: John Kieley, Randy Martin, Allan Pickman, Tedd Petro, Rose Lowry, and Mary Beth Ayvazian

Call to order by Lowry at 7:36 p.m.

Approval of minutes: Motion by Kieley to approve the minutes of 6/18/14 as amended, second by Ayvazian, and so voted. Motion by Kieley to approve the minutes of 6/25/14 as amended, second by Ayvazian, and so voted.

Robbins' gravel pit: Martin advised he has not yet heard back from Aaron Robbins.

Agriculture: Lowry summarized her meeting with town counsel, Bill Drescher, in regard to a consultation about agriculture. After his review of documentation, Drescher concluded that due to a lack of clarity in the town's zoning ordinance plus the results of a town vote in 2001, agriculture is currently exempt from Site Plan Review (SPR). Lowry said consideration of SPR for agriculture would require a change in zoning, including a public hearing followed by a vote of the town. To start this process, Lowry suggested the board could research how other towns have dealt with this subject. Extended discussion followed, including the following:

- Agriculture can be a high impact use for land
- Health concerns are already protected by state statute
- Agri-tourism uses are on the upswing and need to be considered
- Strict rules can be of benefit in some instances, especially when comparing similar uses on a small size lot vs. large size lot
- Subjective viewpoints cannot be unreasonable; may help promote conversation
- Protection for neighbors should be a prime consideration
- Agriculture is not exempt from building codes; some restrictions are already in place with powers of building inspector
- Comment from audience: Marty Connolly suggested any new big barns or other agricultural structures, such as large riding arenas, undergo close inspection by building inspector for safety reasons, especially in regard to engineering and pitch of roofing systems.
- The term 'agriculture' is much broader than it used to be and encompasses more than just what is normally considered 'farming'
- Agricultural uses would benefit from more specificity in town zoning
- Can zone by area instead of just within Rural/Agriculture zoning district
- Pickman commented the town cannot rely on the state for enforcement if there is nothing in town zoning, and there is no state law regarding the number of animals per acre.
- Town Health Officer has power regarding manure and water issues
- Zoning should encourage use of Best Management Practices (BMP's)
- A resident complaint would trigger enforcement, and then becomes a legal issue
- Kieley commented that he sees two separate issues : 1) people coming to town and going through a permit process to build or change something, and 2) some people living here who may "collect horses" and just do/don't do things which may affect their neighbors; perhaps look at limiting the number of horses per acre.
- Should differentiate between "creating" or "coming to" a nuisance

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- There is no state statute for “nuisance” but there is for “noise”
- Examples of land development around existing agricultural property and difficulties that presents
- Petro commented that for many years most local problems with neighbors over property have been able to be resolved, and questioned the need for further rules. Ayvazian responded that rules need to be in place for recourse if issue is not resolved.
- Comment from audience: Marty Connolly said if a health issue should arise, the town’s health officer can go to the state veterinarian to help determine the problem and find a resolution for both people and animals. He also feels the Board of Selectmen and Planning Board should not get involved, and asked “where are we going with this whole thing?”
- “Nuisance” must have a measurable standard; example of having a noise ordinance and the need for measurement of noise after a complaint
- Other agriculture-related ideas to consider: crops are different than animals; golf courses are a destructive use of land and quite polluting; fairs, rodeos, etc. have an impact on entire town
- Martin cautioned the board to be careful to not diminish neighbor’s property values
- Consider developing Agricultural Districts: Class I, II, or III – similar to Home Business Ordinance
- Could consider animal units – number of pounds of livestock per acre – measure acres/animals – with a reasonable limit – could help prevent overgrazing and manure issues – could serve as a guideline for basis of complaint
- Kieley commented there is a range of usage, for example three horses on one lot – some people could manage this well, others not. Refer them to BMP’s – educate people. If putting up buildings for animals, need a process to say here are the specs for agriculture and the criteria. Must consider the effect on neighbors – gave example of Connolly’s proposed new barn as having addressed certain issues and being found satisfactory.
- Pickman commented that SPR may not be the best process or even going through the Planning Board may not be the right way to go. Lowry spoke of the need for an agricultural section in the SPR regulations. Kieley responded there is a need for a document to layout BMP’s and explain that if they are not followed there will be consequences such as a visit from the state health officer. Martin suggested things start with the state. Lowry said the town needs a standard in writing. Petro offered that all that is needed is a one line statement in writing. Pickman said the board should proceed to gather all reference materials, and then write a reference for the town.
- Comment from the audience: Marty Connolly said Petro’s reference to having one line in zoning could possibly pass (with the voters), but too much regulation might not pass. Lowry responded that regulation should protect residents and property values, and the board was not creating something based on whether it will pass or not. She asked board members to think it over and decide by the next meeting if they feel development of SPR for agriculture is needed.
- Kieley suggested that Lowry’s handwritten notes from her visit with Drescher be typed up.
- Comment from the audience: Gail Cromwell asked how the board plans to address commercial agricultural development (i.e. a retail establishment) vs. traditional farming. This brought about a brief discussion of how to define “commercial agriculture” and how it should be addressed. Some suggestions included developing definitions, considering limits for a “grown on site” farmstand vs. a “brought in” commercial farmstand, wholesale vs. retails concepts, determining a reasonable impact and scale. Lowry said Drescher had addressed this and suggested the board seek help from the state, from local regional planning commissions, and by reviewing case law, especially in MA where these types of issues have been addressed over a longer period of time than in NH.
- George Hamilton at UNH Cooperative Extension will be contacted for information and direction

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- Lowry said if the board wishes to change zoning, they must develop a timetable by consulting the calendar to allow time for public input, and would need to decide by the next meeting if they wish to proceed. The board agreed to meet next on Wednesday, August 13th.

Master Plan: Lowry encouraged the board to keep moving along on updating the Master Plan. She advised she and Lockwood had met with Ivy Vann, and will report on their conversation at a later time.

Marty Connolly asked for Kieley's signature to complete a building permit application for a new barn.

Petro asked Marty Connolly to help in this process with making changes to rules regarding agriculture.

Motion to adjourn the meeting by Kieley, second by Ayvazian, and so voted at 8:40 p.m.

Minutes submitted by Betsy Perry

~ Next regularly scheduled meeting is August 13, 2014 ~