

TOWN OF TEMPLE
ZONING BOARD OF ADJUSTMENT
March 6, 2024 Meeting

ZBA Attendees: Deborah Harling, Emily Sliviak, Lucas Tabolt, James Medeiros, Richard Redding

Missing: Allan Pickman, James Stein

Also in attendance: Cara Nicholl (Minutes), Derek Long, Denise Long, Benjamin Fisk

Harling called the meeting to order at 6:35.

The first order of business is a public hearing for a request for a Variance by Derek and Denise Long. There was a post in the Monadnock Ledger and abutter notices sent out. The Longs want to add a first-floor bedroom to their house. The setback would measure 35 feet by 22 feet.

Derek Long stated that he wants a first-floor expansion to his house. He has provided drawings and measured the land. Because of the nature of their land, this is the only place to add an addition. He does not think there will be much of an impact on the house's physical appearance from the road and the addition would not be visible to neighbors.

Harling asked for clarification as to the exact locations of the planned setback, citing Article IV, Section 5 of the Town of Temple's Zoning Ordinance:

"Except as noted elsewhere in this ordinance, each new building, addition or accessory building shall be setback at least thirty-five feet from all lot lines. New lot lines shall be at least thirty-five feet from any existing building and/or accessory building."

Long stated that the measurements he took were from the property tax map.

Sliviak asked about the abutter who would be impacted. Long stated it would be Shirley Quinn and Mary Gerard. His neighbors gave permission for the setback.

Tabolt asked which sides the proposal would be abutting. Long said it would be closest to the northeast side.

Sliviak asked if there is an update on the septic verification, as septic records establish the house as a three-bedroom, yet state records only identify two rooms in the house. Long said they have requested the septic records from the state. They should be available in 5-10 business days.

Harling stated that the septic approvals need to be sent to the town.

Harling went over the requirements for Variance, reading from Article VI, Section 5:

"Section 5: Variances: The Board of Adjustment shall authorize upon appeal in specific cases a variance from the terms of this Ordinance as will not be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. The Board shall

grant a variance provided the following conditions are satisfied: 1. No diminution in the value of surrounding properties would be suffered. 2. Granting the permit would be of benefit to the public interest. 3. Denial of the permit would result in unnecessary hardship to the owner seeking it. 4. By granting the permit substantial justice would be done. 5. The use must not be contrary to the spirit of the Ordinance.”

Long stated that the property will be maintained as a family residence. The proposed location is the only option within the property.

Sliviak was concerned about the provided measurements being approximate. Harling agreed that they need to see concrete numbers in order to make a decision. Long said he could get exact measurements but wanted approval from the Zoning Board before calling in a contractor. Harling said to call Temple’s Building Inspector, Will Wildes, or the Deputy Inspector, Brian Kullgren, to do the measurements.

There was debate about whether to preapprove the presented plans. Harling argued the ZBA would not be able to approve the plans if the exact measurements exceeded those of the current proposal.

Harling said to wait until the Longs have a more exact measurement for the lot from Will Wildes. The ZBA will continue the hearing.

Sliviak motioned to continue the hearing to March 21, 2024, at 6:30. Redding seconds.

Sliviak temporarily recused herself for the next section.

Next on the agenda is Ben's Sugar Shack with questions on the condition of special exceptions.

Sliviak states that the approval for Ben’s Sugar Shack included the condition for no outdoor display of goods. They initially agreed to the condition because they didn't need/want an outdoor space but they wanted to be proactive because people complained about the Christmas trees they put out for sale. They want to see what the ZBA would recommend as far as updating the condition.

Fisk stated they will have seasonal displays like mums, pumpkins, and Christmas trees under the farmer's porch.

Harling read the requirements for Special Exception conditions in Article III, Section 13B:

“There shall be no outdoor display of goods, and no outdoor storage of materials or equipment unless screened from roads and surrounding properties by natural or structural means to such an extent and in such manner as may be specifically required and approved by the Planning Board during Site Plan Review. One business-related vehicle may be stored on-site without required screening.”

Harling’s opinion is that a revision of the site plan review, according to the original Planning Board approval notice, says to defer to the Planning Board.

Sliviak asked if a Variance could be granted. Harling said that she didn't see any conditions to the Exception, except that it's been deferred to the Planning Board.

Ben asked if there are ZBA rules that state they cannot have displays.

Harling said that the original decision from the ZBA was deferred to the Planning Board.

Harling took a roll call:

Medeiros stated to request a Variance from the ZBA or go to the Planning Board for clarification. Either one should work.

Redding concurred.

Tabolt said it is written with no conditions to defer to the Planning Board. He said to see what conditions you have in place or the interpretations they have.

The next order of business was to discuss the three Zoning Board positions up for reappointment. She asked if they wanted to recommend anybody for reappointment. Allen is interested, Redding is interested in continuing, and Harling is on the fence. As Medeiros is up for election on the Planning Board, he has no objection to staying on as long as he can but he can't do both.

Harling says that if the warrant article passes, we'll have to elect ZBA members. But this wouldn't go into effect until 2025. 3-year terms would still run for this year at least.

The last order of business was an application from All-Purpose Storage requesting a Special Exception to increase their size by 27,000 square feet. The property is currently just over 5 acres.

Sliviak asked if the proposal is for an expansion all around or toward the back.

Harling said they do have written permission from the abutters for a 300-foot setback and a 240-foot setback.

Harling would like to look at the original special exception and their plans. Sliviak agreed that without the actual plans, they can't see all of the proposal.

Medeiros asked about the time of day and the ability to access the storage center. Harling stated that the storage areas usually have a fenced area and a code or a key to get in. Medeiros was concerned about hours of operation and Harling said they could put hours of operation as a condition for approval.

Redding said there is no plan for a setback request. Harling said these are written approvals to waive the fees. The approvals do state 240 and 300 feet respectively. Sliviak said that the approvals don't specify square footage and could potentially be confusing. The abutters might not know the significance of the new plan, especially since one of the abutters signed in 2021.

Sliviak said the ZBA should have access to a PDF to review it.

Harling stated that the application was received on February 26th. The ZBA has 90 days from the date of the application's submittal to make a decision, which makes it May 24th.

They will request that Carole get the plans from Fieldstone in a PDF. They need to pull out the original special exception file and see the conditions that were put on it originally.

Sliviak motioned to approve the February 5, 2024 minutes as is. Tabolt seconded.

Sliviak motioned to adjourn.

The meeting ended at 7:55 pm.