

TOWN OF TEMPLE, NH

ZONING BOARD OF ADJUSTMENT

February 16, 2021 Public Hearing

Minutes

Applicant – Thomas and Lauren Judd

ZBA Members present: John Kieley, Deb Deleso, Greg Robidoux, Bill Ezell, Mary Beth Ayvazian and Gail Cromwell (Alternate)

Chair John Kieley called the hearing to order at 5:30 PM and notified the participants that this hearing was being held electronically pursuant to Executive Order 2020-04, Section 8, Emergency Order #12, Section 3.

Kieley asked each voting board member to state their name and indicate whether they were alone. All members stated their name and indicated they were alone.

Kieley mentioned that all of the required public hearing notifications were successfully implemented.

Kieley summarized the case which is an application for a Variance to construct a second detached accessory dwelling unit (ADU) on the Judd property at 163 Old Revolutionary Road, Temple.

Kieley named the voting members of the board and asked if any of them had any reason to recuse themselves. All answered they had no reason. Kieley mentioned that Gail Cromwell is an alternate and will participate in the dialog tonight but will not vote.

Lauren Judd then summarized the application and generally described the nature of and current uses for their land. Those uses include a primary residence, a detached accessory dwelling unit, a detached garage that would be converted to a second ADU, various outbuildings and several agricultural and wildlife habitat areas. Judd confirmed that the garage structure is not visible from any adjoining properties and would not therefore, impact the property values of others. See attached application.

Keith Carlton, who is an abutter, confirmed that he didn't feel area property values would be impacted by the project. Another abutter, Bob Treadwell, indicated via e mail that he didn't oppose the project.

Kieley explained that the variance standards are set by the State and court decisions and not by the Town. The job of the Board is to assure that all of the standards are met so that the property owner and Town don't have any problems in the future. Kieley explained that when considering

the hardship standard (#5), it must be demonstrated that due to special conditions of the property, it cannot be reasonably used in strict conformance with the zoning ordinance. Further discussion ensued between the applicant and the Board about the topography of the property, wetlands, how the current buildings sit on the land etc.

Kieley outlined for the Board two directions that the hearing might take. The first would be for the Board to move into deliberations where the application could be denied. The second would be to continue the hearing to a date and time certain to give the applicant time to further research compliance particularly with the hardship standard. It was agreed to take the second approach. Kieley will send the applicant additional background information on the hardship standard.

Alternative dates were discussed for the hearing continuation. Motion by Kieley, second by MB to continue the hearing until March 4 at 5:30 PM. Unanimously approved by rollcall vote.

The Minutes of the February 2, 2021 Board hearing were reviewed and amended. Motion to approve as amended by Bill, second by Greg and unanimously approved by roll call vote.

Motion to adjourn at 6:21 PM by Kieley, second by MB and unanimously approved by roll call vote.

