

TOWN OF TEMPLE, NH
ZONING BOARD OF ADJUSTMENT
June 1, 2021 Public Hearing
Minutes
Applicant – Stepping Stone Farm and Event Center LLC

ZBA Members present: John Kieley, Deb Deleso, Greg Robidoux, Mary Beth Ayvazian and Gail Cromwell. Bill Ezell had previously recused himself as an abutter.

Others present: 20+ interested people.

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 non-recused board member to state their name and indicate whether they were alone. All members present stated their name and indicated they were alone.

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

Kieley asked if any members of the Board had any reason to recuse themselves. All members confirmed that they had no reason recuse themselves. Kieley confirmed that the voting members will be Kieley, Ayvazian, Deleso, Cromwell and Robidoux.

Kieley summarized the case which is an application for a special exception under Temple's zoning ordinance, to operate a commercial event center in a residential zone. Kieley also commented on:

- The Select Board's "side deal" with the applicant allowing them to continue to operate the business while the Special Exception application was pending. Kieley confirmed that this arrangement had nothing to do with the ZBA or the application.
- The fact that once the Board makes its decision, that decision would apply to any business booked by the applicant for future dates. If the applicant is booking business into the future it does so with the risk that they might not be able to deliver on such contracts.
- Two "requests" for variances had been received a few hours before the hearing from the applicant. Variances require a separate application, posting in the newspaper, abutter notices etc so cannot be discussed tonight.

Bill Ezell confirmed as a SB member that the side agreement expires when the ZBA makes its decision.

Kieley summarized the regional impact notifications that had been sent to SWRPC, NRPC, Wilton and Lyndeborough. Responses were:

- Lyndeborough won't participate
- Wilton has submitted a letter from the SB Chair asking that Temple pay attention to concerns of Wilton residents and their land use clerk plans to provide testimony in a few weeks.
- SWRPC plans to review the file and will consider whether to get involved
- NRPC has not responded after the letter and a phone conversation. Kieley will call again.
- All written correspondence is on the Town website.

Alec McDaniel (AMD) summarized their response to the 13B standards:

1. All buildings except the homestead meet the 100' setback and that building was built before zoning.
2. There are now 3 driveways all of which are narrower than 32'.
3. Less than 3% of the land area is covered by buildings so the 1/8 rule is satisfied.
4. The site is on a Town road so that condition is satisfied.
5. Food would be served and consumed inside buildings only.
6. No drive thru service would be offered.
7. Total land area is 20+ acres so 5-acre minimum satisfied.
8. No retail sales
9. No outdoor display of goods

Greg Robidoux questioned the application of the 100' setback given the building's age. Kieley confirmed that a commercial business in an old building still has to meet the requirements for a Special Exception. AMD asked if the setback just applied to new construction; Kieley confirmed that it applied to all buildings.

Kieley asked for clarification of the requirement that food be served and consumed within the buildings. AMD committed that that was their business model.

Kieley asked about tents. AMD confirmed that the business would be operated within the buildings and tents would not be used.

The Eastern most driveway was discussed and it was agreed that it would be permanently blocked off. The driveway at the arena was discussed and it was agreed that that too would be permanently blocked off to comply with the two-driveway restriction. The eastern driveway was reconsidered and the applicant agreed to block it beyond the cottage so that it would not serve any of the event spaces.

Boo asked about guests using an outdoor grille. It was agreed to discuss further at a subsequent hearing.

Gail Cromwell asked if liquor was considered a “food” for purposes of the “served and consumed” standard. AMD confirmed that any liquor served by the applicant would be inside buildings. Robidoux asked about liquor brought by guests and consumed outside. Boo commented that it would be overly restrictive to prohibit guests from having a glass of wine on the porch etc. Kieley commented that good to be having this conversation now to avoid problems later.

Arlene Laurenitis asked about an event advertised by Monadnock Music with picnics and a food truck. Boo confirmed that this was an unpaid event and could be cancelled.

AMD stated that they would reconsider their response to 13B5 to clarify the food and liquor issues.

Bill Ezell stated that there is a difference between a business serving food and guests bringing their own.

With the 13B topics thoroughly discussed, Kieley asked that the discussion switch to 13A.

I. 13A1...500’ set back

- Kieley asked how the measurement from the Ezell dwelling to the homestead was conducted.
- AMD stated that satellite mapping was used and that the Ezell’s had been asked to reduce the 500’ requirement to 400’.
- Kieley asked if the applicant would consider doing a survey so that the various measurements submitted could be verified and a record could be established of where all the buildings and their intended use are located. Similarly parking locations could be documented.
- AMD stated that they don’t intend to do a new survey since one had been done in 1977. It was confirmed that that survey located the lodge, barn and leech field
- Boo stated that the problems were timing and costs. AMD stated that perhaps there was a middle ground with measurements but not a full survey. Kieley suggested getting a few quotes for a survey. AMD stated that photos submitted locate the buildings but they would look into a survey.
- Alec MacMartin (AMM) suggested that there were other reasons for doing a survey including wetlands mapping, the higher level of activity planned for the site, the many uses planned for the site (hotel reference), arena vehicle storage (over aquifer) and fact that wetlands drain into Mill Brook and then into Wilton’s backup reservoir.
- Boo commented that the new use would be lighter than the prior horse farm.

13A2...55' set back

- New documents show intended parking locations
- Kieley asked about the number of spaces near overnight rooms vs number of rooms and how applicant intends to delineate the spaces on the ground.
- AMD to provide pictures of sample signage and stated that there would be a parking attendant at all events. Boo confirmed that posts now installed in riding ring showing 55' distance from lot line.
- George Russell (GR) stated that what's important is the total parking pressure when there's an event at the barn, others renting hotel rooms and a riding event going on.
- AMD explained that the intent is to run a "small business" not operating multiple businesses at once. There will not be more than 10 horses at any time. Would consider discontinuing vehicle storage.
- Kieley asked if the applicant would envision renting the barn to Group A for an event while renting the lodge or homestead to Group B for an overnight stay.
- AMD stated that their commitment is to no more than 20 weddings a year and would agree that wouldn't rent lodge/homestead to other groups at the same time. It is not their intention to have multiple events going on.
- Kieley asked for clarification of 20 weddings vs 20 events of any kind per year.
- EMD committed to limit to a total of 20 events and will submit documentation so clarifying.
- Boo commented that limit would be 20 over May to October. Kieley commented that that was essentially an event every weekend.
- AMD read from Temple Master Plan siting facility as a community resource for functions, lodging etc. Kieley commented that this showed a Special Exception application should have been filed a long time ago.
- Robidoux asked about the 99-guest limit. Applicant confirmed that that is a limit that they imposed.
- Arlene Laurenitis asked if that limit included staff etc. Applicant confirmed that staff was on top of guest limit. Arlene asked if going over 100 then required a sprinkler system. Boo confirmed that a report from the State fire personnel was coming.
- Temple Fire Chief George Clark added that square footage of barn is such that 153 total people could be in the building at one time. A sprinkler system will be required but, once all other code requirements are satisfied, a fire watch could be used until the sprinkler was installed. George referenced a letter that the ZBA would be receiving.

II. 13A3....Property Values

- Kieley pointed out that the Board had received three letters from realtors and sale information from an area surrounding an event site in Greenfield and asked if the applicant intended to provide any testimony from independent real estate experts.
- AMD stated that they felt that Peterson was an independent expert and that the only additional information they would submit was a spreadsheet they had prepared.

- AMM stated that he would be providing all submitted information re property values to Richard Rockwood an independent appraiser for his review.
- Ayvazian asked about noise and the new report submitted by Ben Rogers was discussed. Kieley asked for background on Rogers' qualifications and AMD agreed to provide. Boo offered that Rogers had been recommended by Monadnock Music.
- Ezell commented that the Rogers testing was flawed in multiple ways...no calibration data, no model number of measurement device, didn't follow instructions stated in zoning ordinance, etc.
- Patrick commented that real estate agents are more independent than appraisers because they set values, asking prices vs just work to protect banks.
- AMM stated that he had hired Herbert Singleton who would be providing a noise report. Boo confirmed that it was ok for this expert to go on site etc.
- Robidoux commented that it would be important to understand the noise impacts with the barn full of people vs empty.
- Boo commented that it had been suggested that they acquire their own speakers so that the maximum volume could be better controlled. Alternatively they are looking into sound deadening curtains...subject to fire code. AMD stated that they would take every effort to mitigate and monitor sound.
- GR stated that with weddings every Saturday night they would be very comfortable if applicant meets the Town's noise standard.
- AMM added that it's the lower frequencies that we all hear.
- Robidoux commented on fact that with property values escalating everywhere its hard to prove what the impact of a commercial business is. Ezell added that the comparables suggested from Stonegate were sold before the proposed business really got going so buyers didn't know what was going to be there.
- Kieley stated that applicant had committed to meeting Temple's dark sky ordinance with exterior lights. No other comments re exterior lighting.
- Kieley commented that we now have estimated number of vehicles and have heard comments re alcohol, windy roads etc. Boo commented that Kent Perry has commented on local road being "fine for use" and was supposed to attend this hearing. AMD added that new traffic would be only 40-50 cars per week.
- GR commented on cars exiting onto Putnam Road (dead end with adjacent stream and steep banks) and needing signage, guardrails etc for safety. AMM noted that traffic would be leaving late at night and that the Temple Master Plan talks about quiet neighborhoods.

13A4....Appropriate Location

- Kieley mentioned that this area is now a residential neighborhood and that the most important issues before the Board are traffic and noise.
- AMD stated that ag is no longer able to sustain this property. Events do bring traffic and noise and they will work to mitigate. The benefits of the proposed use are

employment, attracting visitors to the area, economic development and educational opportunities. The property doesn't have residential appeal.

- AMM stated that this proposal is not compatible with surrounding land uses and this is a wealth transfer. The applicant has not been able to control activities on the property. Real estate value issue is not will local values go up but will they go up less than they otherwise would have. Loud music is not compatible with the neighborhood. Concern re inorganic pollution from cars very different from livestock issues.

Administrative Issues:

- Minutes from May 11 hearing.....Board agreed to postpone review.
- Appeal of decision in Ben's case....have 30 days to consider.
- If applicant in Stepping stone case intends to apply for variances that will take 3 weeks for postings, notifications etc. Kieley briefly summarized hardship requirement and agreed to send NHMA document. AMD stated applicant will engage additional parties with more experience.
- It was agreed to continue the Stepping Stone hearing until June 22 at 5:30 PM.
- The Ben's appeal will be considered on June 15 at 5:30 PM. Board membership will also be discussed at the meeting on the 15th.

Motion be Kieley, second by Ayvazian to adjourn the Stepping Stone hearing until June 22 at 5:30 PM likely at the Temple Town Hall. Roll call vote; unanimously approved.

Meeting adjourned at 7:38 PM.

Minutes by Kieley