

TOWN OF TEMPLE, NH

ZONING BOARD OF ADJUSTMENT

November 17, 2020 Public Hearing (Con't)

***Applicant - Ben's Pure Maple Products, LLC***

**ZBA Members present:** John Kieley, Deb Deleso, Greg Robidoux, Gail Cromwell, Bill Ezell, and Mary Beth Ayvazian.

**Others present:** Tom Hanna (BCM Environmental Land Law), Jim Phippard (Brickstone Land use Consultants), Silas Little (Attorney) and 20 + Temple Residents.

*Chair John Kieley called the hearing to order at 5:30 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 mentioned that all of the required public hearing notifications were successfully implemented.*

Kieley summarized the application for special exception under Temple's zoning ordinance, to construct a 16080 square foot building for production purposes which includes 3000 square feet of retail space for the sale of a wide variety of products. Under the special exception rules, the applicant must prove that the conditions of Section 13A Special Exception Standards, and 13B Special Exception Conditions, are or will be met.

Kieley named the voting members and asked if any of them had any reason to recuse themselves. All answered they had no reason. Kieley mentioned that the last hearing covered those who were in favor of the project and tonight's meeting will start with input from those opposed to the application.

Kieley mentioned that a lot of legal questions have been brought up by the parties and said that all legal issues will be discussed with our legal counsel. John mentioned tonight's mission is fact finding. Kieley summarized each of the letters received from those that are opposed to the project. Some of the issues presented were tractor trailer activity, parking inadequacies, waste water permits, property value impact and light pollution. Also questioned was the scale of the building. Kieley then asked if anyone in opposition wanted to speak. Silas Little who is representing several residents on Old Revolutionary Road, spoke about the concerns mentioned above. He also sent the board and Attorney Hanna a detailed letter and analysis which he believes identifies several deficiencies in the application for special exception.

Several residents from Old Revolutionary Road spoke of their concerns. One of them clarified that he is not speaking against the application and is generally in support as long as it complies with Temple's zoning ordinances. He feels it may end up with a mini mart atmosphere and if approved, he feels strongly that the sale of Tobacco, Lottery and Alcohol (unless maple product related), not be allowed.

Kieley asked if anyone in favor wanted to speak. Tom Hanna mentioned the board should include all of the letters including those in favor, in the public record and read them at the next hearing. Kieley agreed if any were missed he will include. Tom mentioned he did not have time to read all of the letters that were

submitted late. He also realizes he sent some information late as well once he discovered issues previously brought forward, needed more details provided. He mentioned he hired an expert to do an impact letter on the intersection at 101 and Webster, which was submitted to the board. Tom also provided replies to Silas Little's letter which he summarized. The board will review these comments for the next hearing. Jim Phippard was asked to address the recent findings on the traffic analysis. Kieley recommended since sufficient time was not allowed to read everything yet, it would be better to wait so the board can review and formulate their questions. Mr. Phippard therefore spoke about the parking and he screened shared the plans so everyone could see. Kieley asked about the elevation statistics and Gail Cromwell and John Kieley asked about DES requirements and necessary permits. Gail asked about the special permit required by the DES if the land disturbance is 100K square feet. The project is showing over 99K of disturbance which is very close to that limit and she asked how they came to that calculation. Mr. Phippard showed some plans on the screen and provided an explanation and stated they will not exceed the limit.

John Kieley asked if anyone from the ZBA would like to speak. Mary Beth asked if the consultant who wrote the impact letter, could be available at the next hearing in which Tom Hanna agreed.

Kieley made a motion to accept the minutes from October 14<sup>th</sup> as amended. Mary Beth Ayvazian seconded. Roll call vote was unanimous in favor. Kieley made a motion to accept the minutes from October 20<sup>th</sup> as written. Ezell seconded. Roll call vote was unanimous in favor.

Dates were discussed on when to continue the hearing. December 1<sup>st</sup> at 5:30 was agreed upon by all parties. At 7:09 pm Kieley motioned to adjourn the meeting to a date and time of December 1<sup>st</sup> at 5:30 via Zoom. Ayvazian seconded, roll call vote unanimous in favor.

Minutes respectfully submitted by Carole Singelais