

Town of Temple, NH

ZONING BOARD OF ADJUSTMENT

April 21, 2022 Public Hearing- Special Exception

APPLICANT- Stepping Stone Farm and Event Center LLC

ZBA Members Present: Emily Sliviak, Deb Harling, Allan Pickman, James Stein, Bill Ezell, Lucas Tabolt

Harling called the meeting to order at 6:01 p.m.

Ezell recused himself due to being an abutter to the applicant

Harling made a motion to reopen the public hearing. Second by Sliviak

Harling stated she received a letter from the Wilton Planning Board, additional information from Attorney Carrier, a copy of the State Inspection report from the Dept. of Safety, an email from Kathy Boot and additional information from Arlene Laurenitis. Harling gave an opportunity to anyone who wanted to add new information not yet heard from the previous hearing.

Brian Bouchard representing Woodcock Farms made a statement that based on his review of record he does not know how the board could enter a decision tonight. RSA 657, "notices must be sent to abutting towns 14 days prior to the public hearing". The notices were sent April 6th and the first hearing was April 14th, not leaving the abutters enough time to respond. This is appealable to Superior Court which would result in a further delay compared to closing the hearing tonight and properly notifying the abutting towns.

Harling stated that because the board made a previous decision on regional impact on the prior application, and this is an application for the same use, the applicant provided all abutters. In the prior application the board heard from the Town of Wilton and Southwest Regional Planning, but not Nashua Regional Planning Commission or the Town of Lyndeborough. We have reopened this hearing to reintroduce the Town of Wilton's information into the record. There has been no correspondence from Southwest Regional, Town of Lyndeborough or Nashua Regional Planning Commission.

Bouchard stated that by reopening the hearing, it does not correct the mistake that was made in sending the notifications. Any decision the board makes will be appealed by the losing party, when the appeal happens and if to his clients, they will file an injunction. By filing an injunction this would only delay the matter, "lets reschedule for May and not risk the threat of a court injunction".

Steven Bennett, representing MacMartin and Laurenitis stated there is an issue with the notices and his concern is the surrounding towns did not have enough time to respond. The notices were not sufficient and if brought to court, the requirement cannot be waived.

Piedra, representing Martin, stated the board had not found the application to require regional impact, therefore there is no prejudice that has been shown. Piedra hopes the board limits the scope of this proceeding, we heard a lot of testimony at the first hearing and rehashed submittals. The meeting was continued for the sole purpose of seeking legal counsel on the 100-foot setback requirement. All elements have been discussed and decided.

Point of Order, a brief recess was requested for advice of counsel.

Harling recessed the meeting at 6:15 p.m. for the board to consult with counsel.

Harling continued the session at 6:24 p.m.

Harling made a motion to continue the hearing to May 12 at 6 p.m. and will resend the notification to Town of Wilton, Town of Lyndeborough, Southwest Regional Planning Commission and Nashua Regional Planning commission to correct the notifications at the Towns expense. Second by Pickman

All in Favor, motion carries.

A date was set to May 11, 2022 at 6 p.m. for the Dewzen, LLC application.

Harling made a motion to accept the April 14th, 2022 minutes as amended, second by Pickman.

All in Favor, motion carries. Ezell abstained.

Harling made a motion to adjourn, second by Pickman.

Minutes by Sliviak