

TOWN OF TEMPLE, NH

ZONING BOARD OF ADJUSTMENT

May 11, 2021 Public Hearing

Minutes

Applicant – Stepping Stone Farm and Event Center LLC

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

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 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 special exception under Temple's zoning ordinance, to operate a commercial event center in a residential zone.

Kieley asked if any members of the Board had any reason to recuse themselves. All members confirmed that they had no reason recuse themselves except Bill Ezell who recused himself as an abutter. Kieley confirmed that the voting members will be Kieley, Ayvazian, Deleso, Cromwell and Robidoux. Kieley mentioned that alternate members may participate in the dialog tonight but will not vote.

Kieley confirmed that the Board had just received a letter from an abutter which would be available on the Town website shortly.

Kieley confirmed that the subject of potential regional impact would be taken up later in the hearing.

The applicant was invited to make a brief presentation of the application. That presentation which was made by Alec McDaniel is attached to these minutes. Boo Martin followed with a history of the property, comments on cost of maintaining the property and belief that a commercial use is the only realistic use going forward.

After the presentation Kieley confirmed that it only covered the 13A requirements as did the application and that the applicant needed to provide answers to the 13B requirements as well.

A Board discussion on the proposal followed:

- Ayvazian: Is there a sound study available. Applicant agreed to provide a report. Ayvazian asked that the experts' qualifications be included.
- Kieley: Is there a document that confirms use of each building/site? Applicant agreed to provide.
- Cromwell: What is the staff size? Response that renters will hire caterers, music etc; applicant will have a staff of five to be sure of compliance with rules etc. Staff will also park on site. If more than 50 guests there will also be a "fire watch" person onsite.
- Boo confirmed that there would be no riding lessons on site and that there would be 6 to 10 horses there. The arena could be used for events.
- Robidoux: Sound travels further at night so need to test then.
- Kieley: Who will be measuring sound during an event? Applicant confirmed that a staff person would monitor using an "app" every hour.
- Applicant offered that bar will close at 10:30 PM.
- Kieley: Where will sound measurements be taken from? Application says from abutters' homes. Applicant will provide additional details.
- Kieley: Looks like distance from Ezell house to "homestead" is less than 500'. Applicant will remeasure using Google.

- Cromwell raised the regional impact question. Kieley summarized Stated ZBA manual and RSA's and asked Board if they were ok with taking up later in the hearing vs stopping discussion on proposal. Board agreed to continue and take up later.
- Robidoux: Question on prior events on site. Applicant confirmed that prior events had involved more than 100 guests. Applicant offered that if new business had 99 guests "half" would be staying overnight so not everyone leaving at the same time.
- Applicant offered that most events would be weekend long and that weddings would be mostly in June, July, August and September.
- Kieley: Asked the applicant to provide more detailed information on the business model (including VRBO) and provide clarification of events in lodge and homestead.
- Robidoux: Won't there be mid-week events too? Need for application to be clear on what would actually be taking place. Will the homestead and/or lodge be rented in the winter?
- Kieley: Comparisons have been made between traffic generated under agriculture exception and likely traffic to be generated under commercial application. Board needs to be careful that ag based traffic not used as an allowed starting point. More thought and discussion needed.
- Kieley: parking around overnight buildings doesn't seem adequate given capacity for 30 people.
- Ayvazian: Is there a report that accompanies the Peterson letter? Board needs data to support the conclusion expressed.
- Deleso: Will a horse-based business continue? Applicant confirmed that n\there is a non-compete with former horse business on the property that prevents them from training, lessons etc.

The discussion was opened up to the public:

- Bill Ezell:
  1. Scope of operation needs to be tightly defined and included into conditions

2. Determination of distance between abutting houses and commercial buildings needs to be done by a licensed surveyor.
  3. 55' setback barrier in the parking ring should be perpendicular to the property line
  4. Exterior lights need to comply with Town's dark sky ordinance
  5. Noise test needs to be done by a professional and follow the Town noise ordinance requirements.
- Alec MacMartin:
    1. Temple noise ordinance requires sound to be measured at property line
    2. When recent test conducted sound measured 80-85 DBA in barn and 40-45 DBA at property line depending on wind. Temple ordinance specifies limit of 35 DBA from 7:00 PM to 7:00 AM.
    3. Any amplified outside sound is a "non-starter". Applicant agreed to no outside amplified music.
    4. Temple's master plan specifies that commercial activity should be on rt 101 or in the village center.
    5. Comparison with the old ag use isn't appropriate. That was in the daytime while this is night time.
    6. MacMartin dwelling is about 2000' away not 2700'.
    7. MacMartin property extends to the north of proposed site as well.
    8. MacMartin will provide testimony from an appraiser re impact of commercial operation on abutters' property values.
    9. Board should require an engineered plan that shows how the proposal will work.
  - Patrick O'Malley:
    1. Applicant needs income
    2. Town taxes the property as commercial
    3. Board should consider burden on a citizen
  - George Russell:
    1. Temple's master plan calls for "quiet solitude"

2. When the Special Exception was approved for the arena in 2000, the surrounding land was owned by the Martin family. Today that property is largely owned by others.
3. Property value diminution must be carefully considered with expert advice vs a real estate sales person.
4. This proposal is not consistent with a residential neighborhood.
5. Board needs to evaluate the total commercial activity that would take place on the property.
6. A survey should be required that includes all of the buildings and uses. This would accurately reflect approved businesses for future compliance monitoring.
7. Businesses today include rental of the lodge, house and wedding venue.

- Patrick O'Malley:

1. Proposed business would support many other local small businesses.

- Alec MacMartin:

1. Spoke with the Deputy State Fire Marshal who suggested that they get involved early
2. Reminder that, if approved, this special exception "goes forever".

- Cam Lockwood: Read the RSA on Regional Impact

- Temple Fire Chief George Clark: Confirmed that he has been working with the applicant to assure compliance with NFTA and that the State Fire Marshal's office has also been involved.

- Bill Ezell

1. Need to use a real sound meter vs an "app"

2. Would there be a problem if he's running a chain saw on his property during a wedding?

- Alec MacMartin: Confirmed that "forestry" is exempt under Temple noise ordinance so Bill's chain saw would be ok.

Potential regional Impact:

Kieley opened the subject to the Board and confirmed that the public would have a chance to provide their opinion before any vote. Following were Board comments:

- Robidoux:
  1. In the ZBA's last case the traffic generated was right at Rt 101
  2. In this case some will flow onto Wilton's roads
  3. Don't want this to come up later and we have to start all over
- Harling: Should add Lyndeborough
- Ayvazian: Should err on the side of caution and include Lyndeborough.
- Kieley: Noise drifting. Over the town line is an issue.
- Applicant: Could instruct guests to enter/exit via Temple roads
- Alec MacMartin:
  1. Traffic count at Webster/Putnam measured at 280-300 per day
  2. Traffic count on Rt 101 is 7200-7500 per day

Motion by Kieley: Motion that application from Stepping Stone Farm and Event Center LLC has regional impact and that notification of the next hearing should be

sent to the towns of Wilton and Lyndeborough as well as Southwest Regional Planning Commission and the Nashua Regional Planning Commission. Second by Cromwell. Roll call vote: Unanimously approved.

Question by Cromwell re requiring a survey. Ayvazian confirmed that many subjects had been discussed that the applicant needs to follow up on. Ayvazian also confirmed that the ZBA is required to make a decision on whether the 13 A&B standards have been met and that the Board must rely on data and facts.

The draft minutes from the April 4, 2021 hearing on the Ben's case were discussed and modified. Motion by Kieley to accept the minutes as modified, seconded by Robidoux. Roll call vote: unanimously approved.

Motion by Kieley, second by Ayvazian to adjourn the Stepping Stone hearing until June 1, 2021 at 5:30 PM. Roll call vote: Unanimously approved

Meeting adjourned at 7:43 PM

Minutes by Kieley

