

# SHEEHAN PHINNEY

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April 14, 2022

*Via Hand Delivery*

Temple Zoning Board of Adjustment  
423 N.H. Rt. 45  
PO Box 191  
Temple, NH 03084

Re: Stepping Stones Event Center Special Exception Application

Dear Members of the Temple Zoning Board of Adjustment:

This firm represents Woodcock Farms, LLC (“Woodcock”) in connection with a special exception application filed by Isabella Martin (the “Applicant”) by which the Applicant seeks a special exception to utilize the Stepping Stones Farm & Event Center (“Stepping Stones”) for weddings and gatherings (the “Application”). Stepping Stones’ buildings and amenities span two parcels—Map 9B, Lots 9-14 and 9-15 (together, the “Property”). Woodcock owns property located at Map 9B, Lot 9-16 (“Woodcock Farm”) and, as such, is a direct abutter to Stepping Stones. I write to express Woodcock’s respectful opposition to the Application because the proposal set forth therein does not—and cannot—satisfy the special exception criteria set forth in Article IV, Sections 13A and 13B of the Temple Zoning Ordinance (the “Ordinance”).

The New Hampshire Supreme Court has held as follows with respect to the standard applicable to a special exception application:

In applying for a special exception, the applicant has the burden of presenting sufficient evidence to support a favorable finding on each of the requirements for a special exception. It is generally recognized in this State that, in considering whether to grant a special exception, zoning boards may not vary or waive any of the requirements set forth within the zoning ordinance. In addition, there must be sufficient evidence before the board to support favorable findings on all of the ordinance’s requirements.

McKibbin v. City of Lebanon, 149 N.H. 59, 61 (N.H. 2003) (internal citations and grammar omitted). With this precedent in mind, the Board should deny the Application at its April 14, 2022 meeting for at least two reasons. First, the Application should be rejected outright because it does not accurately represent the scope of the proposed use. Second, even setting aside those

initial deficiencies, the Application should be denied because the Applicant cannot satisfy a number of the applicable criteria set forth in Sections 13A and 13B of the Ordinance.

**1. The Application Should Be Rejected Because it Inaccurately Reflects the Scope of the Proposed use.**

The Application should be rejected as incomplete and/or inaccurate because the Applicant's representations regarding the scope of the proposed use are demonstrably inaccurate.

Specifically, the Applicant inaccurately represents in the Application that "the proposed use will be limited to the Barn." Application, at 3. The Applicant has also specifically represented that she "does not seek permission to use the 'Homestead' as part of her wedding/event business[,]" that "the Homestead is thus not a part of [the] application[,]" and that "[t]he Applicant intends to lease the Homestead as a long-term single family home rental." Application, at 1. These representations are troublingly inconsistent with the marketing materials available on Stepping Stones' website. Per those materials, the proposed use expands well beyond the Barn itself, and includes not only parking areas (see above and Exhibit A to Application), but also lodging at both the Lodge (located on Lot 9-14)<sup>1</sup> and the Homestead. See Exhibit 1 hereto. Stepping Stones' marketing materials also offer an outdoor ceremony site on the property, which is not referenced in the Application or addressed in the Applicant's discussion of the special exception criteria. Given this information, and given that the Application does not accurately represent the scope of the proposed use, the Application should be rejected. Should the Applicant wish to pursue a special exception, she must be required to submit an application which accurately represents the scope of her proposed use.

**2. The Application Should be Denied Because the Applicant Cannot Satisfy All of the Applicable Criteria.**

In the event the Board elects to consider the Application on its merits despite the deficiencies referenced above, the Application should be denied because Applicant cannot satisfy several of the applicable criteria. At a minimum, the Applicant cannot satisfy (a) Section 13A(1); (b) Section 13A(3); (c) Section 13A(4); (d) Section 13A(6); and (e) Section 13B(1).

**a. The Applicant cannot satisfy Section 13A(1).**

Section 13A(1) provides that:

The proposed use shall be set back at least five hundred feet from any existing dwelling of another owner; provided, however, that, at the discretion of the Board of Adjustment, this distance may be reduced in any amount to a minimum of two hundred feet, but only

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<sup>1</sup> The fact that the Lodge is located on Lot 9-14 and will be utilized in connection with the proposed use provides additional support for the conclusion that the Application is incomplete because it pertains only to Lot 9-15.

if written permission is obtained from the abutting owners affected[.]

For at least three reasons, the Application does not contain sufficient evidence to support a favorable finding as to this criterion, and therefore, the Application must be denied.

First, the Application contains insufficient information for the Board to determine whether this criterion is satisfied. While the Applicant has attached plans as Exhibit A to the Application, the plans do not even depict structures or dwellings on any lots other than Lots 9-14 and 9-15, much less do they contain surveyed information demonstrating the distances between the proposed use and any nearby dwellings. Instead, the Applicant simply states, without any supporting evidence, that this criterion is satisfied. This is insufficient as a matter of law. See McKibbin, 149 N.H. at 61 (providing that the Board cannot grant a special exception application absent “sufficient evidence before the board to support favorable findings on all of the ordinance’s requirements”). Unless the Applicant can present a reliable survey demonstrating that no existing dwelling of another owner is less than five hundred feet from the proposed use, the Application must be denied.

Second, as noted above, the proposed use will not be limited to the Barn. Accordingly, the Applicant is required to demonstrate not that the Barn is set back at least five hundred feet from any existing dwelling of another owner, but that every area of the Property that will be utilized in connection with the proposed use is set back at least five hundred feet from any existing dwelling of another owner. With respect, Woodcock feels that the Applicant has taken the demonstrably inaccurate position that the proposed use is limited to the Barn because she is well aware that she cannot satisfy Section 13A(1) if it is applied to the full scope of the use. Woodcock requests that the Board decline to not condone the Applicant’s efforts to misconstrue scope of the proposed use in order to skirt the Town’s special exception requirements.<sup>2</sup>

Finally, the Application inaccurately lists the Woodcock property as “[v]acant except a shed.” Application, at 3. The Ordinance defines the term “dwelling” as “[a]ny building, or portion thereof, which is designed or used exclusively for residential purposes.” Ordinance, at Article III. The structure currently in existence on the Woodcock Property is not a shed, but rather a camping cabin, lovingly referred to as “Woodcock Lodge,” which is used for intermittent residential purposes (overnight stays) and fits within the Ordinance’s definition of a dwelling. In fact, Woodcock Lodge fits squarely within the Ordinance’s more specific definition for a “seasonal dwelling,” defined as “[a] camp or cottage dependent on season for usage. Often without running water, or up-to-date septic system.” Id. Accordingly, in order to satisfy Section 13A(1), the Applicant must demonstrate—again, with reliable survey information—that the proposed use is set back at least five hundred feet from Woodcock Lodge.

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<sup>2</sup> It is also notable that the “Wedding Package Special Pricing Details” document reflects the Lodge as being part of the proposed use. Because the Lodge is part of the proposed use, and because the Lodge is located on Map 9B, Lot 9-14, the Application is incomplete to the extent it reflects a request for a special exception *only* as to Map 9B, Lot 9-15.

**b. The Applicant cannot satisfy Section 13A(3).**

Section 13A(3) of the Ordinance provides that:

The proposed use shall not adversely affect the value of adjacent property. An adverse affect on adjacent property is one which would be obnoxious or injurious or limit the use of neighborhood property by causing such problems as excessive noise, odor, smoke, refuse matter, vibration, traffic, dust, fumes, light, glare, drainage, or other conditions that are associated with the intended use but are not typical of permitted uses in the area.

At a minimum, the excessive noise and traffic that the proposed use will generate prevent the Applicant from being able to satisfy this criterion. The Applicant argues that the proposed use will not adversely affect the value of adjacent property because, among other things, (1) the barn is located on a 23 acre property; (2) the Applicant intends to mitigate potential excessive noise; (3) the Applicant will require a \$1,000 security/noise deposit for all weddings, which will be forfeited and donated to the Town or a nonprofit if the Town's noise regulations are violated; (4) signatories to a certain petition appended to the Application affirmed no incidences of excessive noise during weddings that were held in the Barn in 2021 (the "Petition"); and (5) two realtors—Andrew Peterson and Sally Mann—have opined that there will be no adverse impact on property values. Woodcock respectfully disagrees with the Applicant on all of the above points.

The fact that the Barn is situated on a 23 acre property does not support the conclusion that the proposed use will not generate noise at a level that will adversely affect the value of adjacent property. First, the size of the property is rendered irrelevant by the fact that the Barn is situated close to the road and close to a number of residential uses. Even if that were not the case, and the size of the Property were relevant, the size of the Property does not support a decision to grant the Application. While 23 acres may be large for a residential property, it is not large enough to support the proposed use in a manner that would avoid impact to neighboring properties. Notably, similar nearby uses are situated on much larger lots—for example, Mayfair Farm is on 70 acres, Aldworth Manor is on 170 acres, and Cobb Hill is on 750 acres. Because it is smaller in size, and because the buildings that will host the proposed use are situated near to the road and abutters, events taking place at Stepping Stones can be seen and heard by abutters, including Woodcock, and those abutters are likewise affected by the traffic those events generate.

With respect to noise, the Applicant cannot show that it will not create "excessive noise . . . not typical of uses permitted in the area." Ordinance, at Section 13A(3). Article IV, Section 31(5) sets forth the standards for compliance with the Temple Noise Ordinance, which limits noise in the Rural Residential and Agricultural District to 35 dBA for nighttime noise "anywhere at any time on another property." The Applicant has demonstrated, time and time again, an inability to satisfy this standard. Specifically:

- On May 5, 2021, the abutters and others met with the Applicant for a sound check using a home stereo, without a subwoofer, playing at 85 dBA in the middle of the barn space, which resulted in readings of 40 to 45 dBA at the property lines (in excess of the 35 dBA limit).
- On May 24, 2021, a wedding event took place at the Property during which abutters measured the sound at 50-65 dBA from various locations on their properties throughout the night.
- The Applicant filed a variance seeking relief from the sound ordinance in connection with her previously filed special exception application in which she admitted that “it is impossible to meet this [noise] standard[.]” See **Exhibit 2** hereto.

In light of all of this evidence, the Applicant’s statement that she “is committed to meeting” the standards of the Noise Ordinance (which she tellingly and inaccurately asserts does not apply) is insufficient to satisfy the special exception standard.

The Applicant’s requirement that wedding clients forfeit a \$1,000 deposit if the noise ordinance is violated is irrelevant, and has no bearing on the Applicant’s ability to satisfy the standard. The fact that wedding clients will forfeit a \$1,000 deposit in the event of a noise ordinance violation does nothing to prevent the adverse impact of that violation on neighboring property values.

With respect to the Petition, Woodcock hereby incorporates the March 16, 2022 letter from Kerry McDonald and Richard Redding, which is part of the Board’s record in this case, and which details numerous reasons why the Petition is not reliable and should not be considered. Woodcock joins in the arguments set forth in the McDonald/Redding letter, and respectfully requests that the Board disregard the Petition or, at a minimum, give it the very limited weight it is due.

Finally, the letters from Mr. Peterson and Ms. Mann—while confirming the well-known fact that residential property values have risen across the board over the past several years—provide no support for the conclusion that abutting property values will not be adversely impacted. From a common-sense standpoint, there can simply be no question that a residential property located next to a wedding event venue will sell for less than a similarly situated residential property that is not located next to a wedding event venue. This is particularly true for buyers considering Temple, who are likely looking for a quiet, rural lifestyle.

**c. The Applicant cannot satisfy Section 13A(4).**

Section 13A(4) of the Ordinance provides that:

The proposed site shall be in an appropriate location for the use. Among other factors the Board of Adjustment will consider are: lot size, topography, soils, water resources, road access and locations of driveways, condition of existing structures and other relevant

characteristics such as whether the proposed use is compatible with the surrounding land uses.

Put very simply, for all of the reasons set forth herein, the proposed use is not compatible with the surrounding land uses. All of the surrounding land uses are quiet residential and/or agricultural uses which do not generate excessive noise, traffic, and light during evening hours. As set forth above, this incompatibility is exacerbated by the relatively small size of the Property, the fact that the buildings that will be utilized in connection with the proposed use are situated close to the road and close to abutters, and the fact that traffic going to and from the Property will travel along winding and in some places very narrow dirt roads, past abutting properties, to reach the Property for events.

In addition, it is worth noting that the water resources available on the Property are insufficient to support the proposed use. Specifically, the well that would serve the proposed use has been approved for a population of 54 people. See **Exhibit 3 hereto**. This is insufficient to serve the proposed use which, as proposed, would include 119 people (99 guests and 20 staff). The Applicant must be required to address this deficiency and, if she cannot do so, the Application must be denied on the ground that the Property is not an appropriate location for the use.

**d. The Applicant cannot satisfy Section 13A(6).**

Section 13(A)(6) requires that “[t]raffic generated by the proposed use shall not present a safety hazard to the community for either vehicles or pedestrians, nor shall it cause excessive wear and tear to town roads.” In support of her argument that she can satisfy this criterion, the Applicant has submitted a letter from the Southwest Region Planning Commission (“SWRPC”) in which the SWRPC notes that traffic associated with the site is unlikely to cause serious capacity or congestion issues. See **Exhibit G** to Application. The SWRPC letter is insufficient to satisfy Section 13A(6) for two reasons.

First, the SWRPC letter does not analyze whether traffic generated by the proposed use will present a safety hazard for pedestrians as required by Section 13A(6). As noted above, the roads that wedding and event guests will take to reach the Property incorporate sharp curves and are, in many places, very narrow dirt roads with choke points at which two cars traveling opposite directions cannot pass simultaneously. In light of this reality, and particularly given that the proposed events will frequently conclude after dark and will involve alcohol, there is a legitimate concern regarding the safety not only of the wedding guests and other drivers on the road, but also the safety of pedestrians. The Applicant has failed to present any evidence to demonstrate, as required by Section 13A(6), that the proposed use will not present a safety hazard for pedestrians. For this reason, the Application must be denied.

Second, the SWRPC letter does not analyze traffic traveling to or from the property from Putnam Road, which could be impacted depending on event participants’ starting locations, particularly should those guests be following gps systems.

For these reasons, the materials submitted in connection with the application are insufficient to satisfy Section 13A(6), and the Application must be denied.

**e. The Applicant cannot satisfy Section 13B(1).**

Section 13B(1) requires that “[a]ll buildings shall be set back at least one hundred feet from all lot lines.” As the Applicant has admitted, this criterion is not satisfied because the Barn is less than 100 feet from the lot line for Lot 9-14. Because “zoning boards may not vary or waive any of the requirements set forth within the zoning ordinance[,]” the Board cannot grant the Application unless and until the Applicant remedies this deficiency. See McKibbin, 149 N.H. at 61. Even if the Applicant were to do so, the Board must still deny the Application because it fails to address this criterion in connection with any other building that will be used in connection with the proposed use. In a variance application submitted to the Board in connection with her previously filed special exception application, the Applicant acknowledged that the Homestead “is situated less than 100 feet from the property boundary.” **Exhibit 4 hereto**, at 1. Accordingly, it is not possible for the Applicant to satisfy Section 13B(1), and the Application must be denied.

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Woodcock greatly appreciates the Board having taken the time to review this submission, and respectfully requests that the Board deny the Application for the reasons set forth herein.

Very truly yours,

*/s/ Megan C. Carrier*

Megan C. Carrier

Enc.

cc: Michael Tierney, Esq.  
Israel F. Piedra, Esq.

# **EXHIBIT 1**



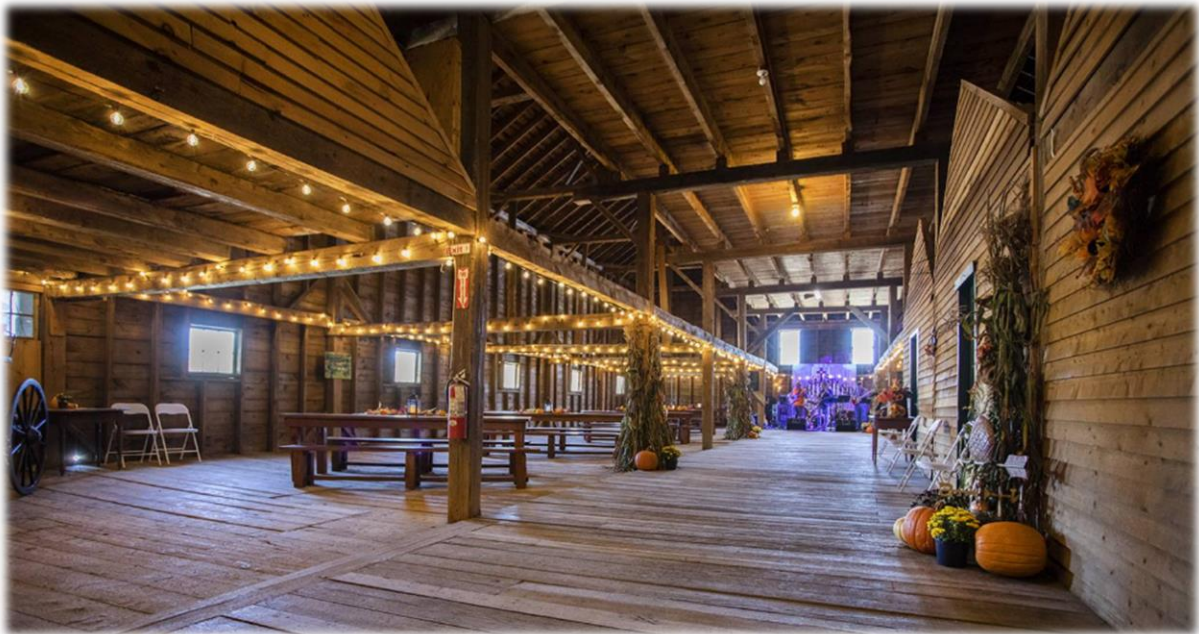


## WEDDING PACKAGE SPECIAL PRICING DETAILS

PRICING FOR PEAK SEASON FROM MAY TO OCTOBER; INQUIRE FOR OFF PEAK PRICING

### WHY CHOOSE US?

- Family owned and operated for almost 50 years in beautiful, scenic Temple, New Hampshire
- Idyllic setting with charm and ambiance on a historic farm—you will be our only wedding on the farm during your stay Big enough to accommodate large groups yet small enough to insure the personal touch
- Dedicated planning support and 'day of' coordinator included at no extra charge
- On-site lodging for up to 38 of your closest family and friends; local lodging for additional guests nearby Recommended (but not required) Vendors to assist with planning, catering, DJ, live music, and more
- Unlimited free parking on-site, including handicapped parking near ceremony and reception areas
- Flexible reschedule and cancellation policies around COVID-19 pandemic and state guidelines



### WHAT DO WE INCLUDE WHEN YOU BOOK?

- ✓ Ceremony Site with Arbor
- ✓ Lighted Barn Reception Venue
- ✓ Bride and Groom Suites for Reception
- ✓ Exclusive Dining Table for Couple
- ✓ Ten Farm Tables with Chairs
- ✓ Dedicated Support and 'day of' Coordinator included
- ✓ Wooden Bar (bartender required)
- ✓ Audio Equipment and Piano included
- ✓ Free Parking Near Sites
- ✓ Rooms for On-site Catering Services
- ✓ Indoor Composting Toilets
- ✓ Dance Floor included
- ✓ Cake and Banquet Tables
- ✓ Ten Benches at Ceremony Site

19 Putnam Road | Temple, NH | 603.321.5255

w: [www.steppingstoneseventcenter.com/](http://www.steppingstoneseventcenter.com/) e: [info@steppingstoneseventcenter.com](mailto:info@steppingstoneseventcenter.com)



## The Barn at Stepping Stones

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The Barn is a special and historic place to host your wedding and make a most special day! We can host up to **99 guests** for an **outdoor ceremony** and **indoor seated reception** with alternate ceremony site inside the Barn for inclement weather. We specialize in **all-inclusive packages** that include many amenities that are typically an additional cost with other venues.



## DETAILS

The Barn is available for single day weddings during off-peak seasons. For our peak season to rent the Barn, we require a minimum two night stay at the Lodge. The Barn includes all amenities listed above and full access during your stay for decoration and set up. All weddings booked at Stepping Stones also include a dedicated support and 'day of' coordinator to assist with planning and set up. Please contact us directly with questions or requests for off-peak pricing!





## The Lodge at Stepping Stones

The Lodge is our flagship lodging accommodation that sleeps up to **24 guests in ten bedrooms** including a **private suite with private bathroom**. Many couples choose to offer this option to **wedding parties, friends or family members** during their wedding weekend! The Lodge has a beautiful stone fireplace inside and gorgeous back porch with fire circle and seating outside. We have a fully equipped kitchen with all the comforts of home in a pristine setting!



### DETAILS

The Lodge offers ten bedrooms with varying configurations including twin, full and queen beds. Eight main guest rooms are adjoined by shared bathrooms with a toilet & shower and each room has a sink and mirror. One additional guest room downstairs with a queen bed and private bath, and one suite upstairs with a queen bed and private bath.

- ✓ Sleeps up to 24 guests in 10 bed rooms
- ✓ Bride & Groom Suite with private entrance and bath
- ✓ Great Room
- ✓ Full kitchen
- ✓ Front porch with rocking chairs
- ✓ Fire Circle with wood
- ✓ Lawn Games
- ✓ Game Room
- ✓ BBQ Grill
- ✓ Use of Swimming Pool (seasonal)

19 Putnam Road | Temple, NH | 603.321.5255

w: [www.steppingstoneseventcenter.com/](http://www.steppingstoneseventcenter.com/) e: [info@steppingstoneseventcenter.com](mailto:info@steppingstoneseventcenter.com)



## The Homestead at Stepping Stones

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The Homestead is a unique lodging accommodation that sleeps up to **14 guests in six bedrooms** in a rare and historic New England farm house. Many couples choose to offer this option to **friends or family** looking for a quiet and peaceful setting! The Homestead is about a five minute walk from the Lodge and steps away from the Barn and Ceremony Site.



### DETAILS

The Homestead offers a unique lodging experience in what used to be a Stagecoach Stop between Boston and Montreal. This property is walking distance to the pool and right next to our farm animal barn with miniature goats, chickens and all the charm of a New England farm!

- ✓ Historic Living Room
- ✓ Full kitchen
- ✓ Sunroom for rocking and eating
- ✓ Lawn games
- ✓ Gazebo
- ✓ BBQ Grill
- ✓ Access to Swimming Pool

19 Putnam Road | Temple, NH | 603.321.5255

w: [www.steppingstoneseventcenter.com/](http://www.steppingstoneseventcenter.com/) e: [info@steppingstoneseventcenter.com](mailto:info@steppingstoneseventcenter.com)





## PRICING AND PACKAGES

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We offer both standard pricing options and custom packages to make your day truly amazing. Below are our individual and package pricing guides. Please note **weekend weddings require a two night minimum stay** at the Lodge! If you choose to stay more than two nights, additional nights are subject to a 15% nightly discount—many couples love coming in on Thursday and making it a weekend affair!

### STANDARD PRICING

**Barn Reception Venue and Ceremony Site** **\$5,500/event** plus tax

Overnight Lodging at **Stepping Stones Lodge** for 24 guests **\$1,500/night** plus tax  
Lodge style accommodations with 10 bedrooms including bridal suite, full kitchen, outdoor fire circle and game room

Overnight Lodging at **The Homestead** for 14 guests **\$1,250/night** plus tax  
Six bedroom private farmhouse with full kitchen and gardens

One Time Cleaning Fee of \$500 will be charged for lodge, homestead and barn. Clients have the option of hiring their own professional cleaning service at their own cost at which time this fee will be waived.

### WEDDING PACKAGE SPECIAL PRICING – 5% discount applied to all package bookings

We specialize in providing an immersive, intimate experience allowing you and your loved ones to celebrate together and without interruption! Weekend packages are our most requested offering and we can customize to your liking! See some of our most popular packages below!

**GOLD PACKAGE** **\$10,450** plus tax

Exclusive access to entire property for the weekend!

**Barn** Reception Venue and **Ceremony Site** choice

Two night stay at **Stepping Stones Lodge** for 24 guests (perfect for wedding party)

Two night stay at **The Homestead** for 14 guests (perfect for family or friends staying longer)

**SILVER PACKAGE** **\$9,260** plus tax

Exclusive access to entire property for the weekend!

**Barn** Reception Venue and Ceremony Site choice

Two night stay at **Stepping Stones Lodge** for 24 guests (perfect for wedding party)

One night stay at **The Homestead** for 14 guests (perfect for family or friends travelling locally)

**PERFECT PACKAGE** **\$8,075** plus tax

Exclusive access to entire property for the weekend!

**Barn** Reception Venue and **Ceremony Site** choice

Two night stay at **Stepping Stones Lodge** for 24 guests (perfect for wedding party)

We also offer custom wedding services and will work together to create a solution to bring your vision for your special day to life! Please contact one of our Wedding Consultants for more information on how we can make your day spectacular! Pricing varies.

19 Putnam Road | Temple, NH | 603.321.5255

w: [www.steppingstoneseventcenter.com/](http://www.steppingstoneseventcenter.com/) e: [info@steppingstoneseventcenter.com](mailto:info@steppingstoneseventcenter.com)



## DETAILS AND POLICIES

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We offer a dedicated support coordinator who will be available throughout the planning process and will be on-site during your event. This cost is included in the pricing.

All amplified music in the Barn must cease by 10:30pm. Any violation of this policy will result in a \$1,000 fee and/or other penalties.

We offer a vast selection of recommended vendors to make your special day come to life! Please see a full listing of vendors on our website under the About Us section.

We offer on-site parking for up to 99 guests within walking distance of all amenity sites. We highly recommend that guests staying off-site arrange for alternate transportation.

Due to the historic and antique nature of our Barn, a fire watch patrol will be on-site during indoor receptions. This cost is assumed by Stepping Stones and the crew will not be disruptive to your event.

Professional Bartending service is required for all weddings if alcohol will be served. Couples serving alcoholic beverages are welcome to provide their own alcohol but must hire Martinis's etc. of Hooksett, NH for the reception portion of the wedding.

Event Host Liability Coverage from Eventsured is required for all weddings. You must purchase a one-day event host policy naming Stepping Stones Farm & Event Center, LLC as an Additional Insured. The cost for this coverage is under \$120. Proof of insurance will be required one month prior to the wedding.

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We recommend that you visit our [website](#) for more information and photos. Stepping Stones Farm is also a Professional Partner with [The Knot](#) and [Wedding Wire](#).

Be sure to acquaint yourself with our extensive list of Recommended Event Vendors to assist you as you plan your special day. For more information or a tour, please call Isabella Martin, Owner, at 603-321-5255 or [email us!](#)



# EXHIBIT 2

## TOWN OF TEMPLE ZONING BOARD OF ADJUSTMENT APPLICATION FOR A VARIANCE

You must provide answers to the following five questions:

**1. Granting the variance would not be contrary to the public interest because:** The sound levels that were recorded in numerous tests on May 24<sup>th</sup> by professional audio engineers Ben Rogers of Loud Sun Studio in Jaffrey, NH and Henry Moreau of More Sound Company of Jaffrey, NH did not represent a disturbing level of noise when compared to ambient background sound levels. With music on louder than it would be for any event, we recorded an increase of only two decibels when compared to ambient noise levels in and some cases no increase at all.

**2. The spirit of the ordinance is observed because:** We are not creating excess noise. Although the readings of both professional sound engineers listed above and our own measurements done with a calibrated sound machine exceed the 35dB requirement, they remain less than or equal to the readings of the background ambient noise. There is no appreciable difference when there is a large event when compared with typical background noise levels. However, in an effort to minimize sound pollution even during these events, we will take the following steps to further mitigate sound disruption:

We purchase our own audio equipment (speakers, amplified) and position them down into the dancefloor and guests to absorb sound and minimize leakage.

We will set the sound levels of the sound equipment to a maximum volume equivalent to 80dB (10 dB lower than the volume during the tests) and all DJs, bands and guests will be required to use this equipment and maintain this maximum volume level.

We will proactively work with our neighbors, guests and staff to ensure we are mitigating all sound and taking proper steps to ensure the rural and quiet nature of the neighborhood remains.

**3. Substantial justice is done because:** This property belongs to a loyal citizen of Temple, NH who has run a safe and successful business in this town for 50 years. According to the Temple Master Plan, "Agriculture, as traditionally defined, will not be a notable land use, nor will it be a significant contributor to the local economy." The town recognizes that agricultural use will not be a notable land use and there are very few alternatives for a property of this unique style. With a large, antique barn; a large 10 bedroom lodge and large farm house, there is no other viable use for the currently zoned use of the property. The granting of this variance allows one of the largest tax payers in the town to not only meet her financial obligations to the town but also to run a successful operation that will attract guests and visitors to the area and other local businesses and keep with the rural and friendly values of the town.



**4. The values of surrounding properties are not diminished because:** Please reference opinion of Andrew Peterson that was provided for the initial application. There are two lots that have recently been sold in the area with the buyers being aware of the potential for this type of business in the area. The sound levels, as previously stated, do not cause harmful levels of noise pollution. Please keep in mind that these readings were taken from the lot lines and that for two of the three abutters, their dwellings are many thousands of feet away from the lot lines.

**5. Literal enforcement of the provisions of the ordinance would result in an “unnecessary hardship” because:** It is impossible to meet this standard due to the background ambient noises levels measured by sound experts stated above. The ambient noise levels as measured by professional engineers exceed the maximum 35db requirement in Section 31 of the Town Ordinance when there is no one on the property and no noise, sound or music being generated. The infusion of guests, music and noise during an event raises these readings by only 2dB which is an inaudible difference. Enforcement of this ordinance creates an unnecessary hardship as literal enforcement would cause the applicant to shutter her business and list the property for sale on the general market. The historic and unique layout of the property is of significant historical and cultural value to the town and has no alternative suitable use as stated in section 3 of this application.

a. For purposes of this paragraph, “unnecessary hardship” means that special conditions of the property distinguish it from other properties in the area.

(i) Owing to these special conditions, no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

(ii) The proposed use is reasonable since:

b. If the criteria in subparagraph (a) are not established, an “unnecessary hardship” will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The following special conditions of the property make the variance necessary in order to enable a reasonable use of it: the unique layout and historical significance of the property and the limited alternative use require that the variance be granted to allow noise levels of up to 45dB to be measured from the property lines.

# EXHIBIT 3



Friday, Aug. 27, 2021

## OneStop - Public Water Systems

Document Retrieval Problems? [Learn More](#)

Record Navigation

[Master Sampling Schedule & Sampling Forms](#) | 
 [Permits to Operate](#) | 
 [PWS Contacts](#) | 
 [System Data](#) | 
 [Lead and Copper 90th Percentile](#) | 
 [Sample Results](#) | 
 [Violations](#) | 
 [Request Sample Containers](#) | 
 [Map It](#) | 
 [Program Info](#) | 
 [Program Contact](#)

If you have any questions about or corrections to the information below, please contact us. Click the Program Contact button above for contact information.

PWS Id:  System Type:

System Name and Address:  System Category:

System:

System Status:  Population Served:

Statup Date:  Service Connections:

### Permits to Operate

Total = 0

Permits to Operate not required or unavailable

[▲ TOP](#)

### PWS Contacts

Total = 3

Row	Type	Name and Address	Phone	Primary Contact
1	OWNER	ISABELLA MCDANIEL REVOCABLE TRUST ISABELLA MARTIN 13 PONY FARM LN TEMPLE NH 03084	603-654-6308	NO
2	OWNER'S REPRESENTATIVE	STEPPING STONES FARM ALEC MCDANIEL 19 PUTNAM LN TEMPLE NH 03084	617-784-3472	YES
3	SAMPLING AGENT	ISABELLA MCDANIEL REVOCABLE TRUST ISABELLA MARTIN 13 PONY FARM LN TEMPLE NH 03084	603-654-6308	NO

[▲ TOP](#)

### Lead and Copper 90th Percentile

Total = 0

Lead and Copper 90th Percentile Information not required or unavailable

[▲ TOP](#)

### Samples

Total = 86

Note: Only samples processed by laboratories that report samples electronically are shown here.

Sort By:   [A|Z](#) [Z|A](#)

1 2 3 4 5 6 7 8 9

Row	Collected Date	Sampling Location	Sample Number	Sample Type	Laboratory
1	08/17/2021	009-KITCHEN SINK /LODGE	<a href="#">21080264-001</a>	TOTAL COLIFORM RULE	CHEMSERVE INC
2	06/24/2021	009-KITCHEN SINK /LODGE	<a href="#">21060324-001</a>	TOTAL COLIFORM RULE	CHEMSERVE INC
3	06/24/2021	001-KITCHEN SINK/LODGE	<a href="#">21060324-002</a>	CHEMICAL MONITORING	CHEMSERVE INC
4	09/29/2020	001-KITCHEN SINK/LODGE	<a href="#">20090322-002</a>	CHEMICAL MONITORING	CHEMSERVE INC
5	09/28/2020	009-KITCHEN SINK /LODGE	<a href="#">20090322-001</a>	TOTAL COLIFORM RULE	CHEMSERVE INC
6	08/31/2020	009-KITCHEN SINK /LODGE	<a href="#">20080386-001</a>	TOTAL COLIFORM RULE	CHEMSERVE INC
7	06/02/2020	009-KITCHEN SINK /LODGE	<a href="#">20060024-001</a>	TOTAL COLIFORM RULE	CHEMSERVE INC

8	06/02/2020	001-KITCHEN SINK/LODGE	<a href="#">20060025-001</a>	CHEMICAL MONITORING	CHEMSERVE INC
9	09/18/2019	009-KITCHEN SINK /LODGE	<a href="#">19090239-001</a>	TOTAL COLIFORM RULE	CHEMSERVE INC
10	06/03/2019	001-KITCHEN SINK/LODGE	<a href="#">19060033-001</a>	CHEMICAL MONITORING	CHEMSERVE INC

1 2 3 4 5 6 7 8 9

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**Violations**  
Total = 6

Sort By:  ▼

Row	Violation Description	Contaminant or Rule	Begin Date	Returned to Compliance	Regulator
1	REPORTG-FAILURE /SAMPLE RESULTS	REVISED TOTAL COLIFORM RULE	07/13/2021	08/23/2021	FEDERAL
2	MONITORING/REPORTING VIOLATION	NITRATE	04/01/2021	07/29/2021	STATE
3	MON-FAILURE TO COLLECT ROUTINE/REPLACEMENT	REVISED TOTAL COLIFORM RULE	08/01/2019	10/02/2019	FEDERAL
4	REPORTG-FAILURE /SAMPLE RESULTS	REVISED TOTAL COLIFORM RULE	08/01/2019	10/02/2019	FEDERAL
5	GWR-TM MONITORING/ REPORTING VIO	ESCHERICHIA COLI (E. COLI)	08/24/2017	08/31/2017	FEDERAL
6	SANITARY SURVEY SIG DEFICIENCIES	SANITARY SURVEY SIG DEFICIENCIES	07/23/2015	11/27/2015	STATE

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New Hampshire Department of Environmental Services | PO Box 95 | 29 Hazen Drive | Concord, NH 03302-0095  
603.271.3503 | TDD Access: Relay NH 1.800.735.2964 | Hours: M-F, 8am-4pm

NH.gov | [privacy policy](#) | [accessibility policy](#)

The Department of Environmental Services is dedicated to making more environmental information more readily available to more people while maintaining user confidence in the information. The information is the best available according to the procedures and standards of each of the contributing programs and of this system. The different programs are regularly maintaining the information in their databases, and the system is periodically being modified to respond to user needs. As a result, the system may not always provide access to all existing information, and it may occasionally contain unintentional inaccuracies. The Department has made every effort to present the information in a clear and understandable way for a variety of users. We can not be responsible, however, for the misuse or misinterpretation of the information presented by this system.

# EXHIBIT 4

## TOWN OF TEMPLE ZONING BOARD OF ADJUSTMENT APPLICATION FOR A VARIANCE

### Re: 13B – Standard 1—100 feet from lot lines

You must provide answers to the following five questions:

**1. Granting the variance would not be contrary to the public interest because:** The home in question (referred to as The Homestead) was built in 1754 and is situated less than 100 feet from the property boundary. This home has served in the proposed use (housing of staff and/or guests) for many years and has never been a concern. There is overwhelming public support for the application and proposed use of this property. This is a historic home on a unique property that holds special value for the town. Under the proposed use, it will be used occasionally for lodging of guests staying on-property for events and for some daytime single event uses. This home previously served as lodging for students at a recognized and accredited teaching program and has been used to sleep camp kids and staff. This will not be used as a bed and breakfast as defined in the Town Ordinance, rather as a quiet and peaceful lodging option for guests staying on-site for an event. There are quiet hours mandated during evening hours and there will be little to no disruption to the neighborhood or surrounding area as a result of this property's use.

**2. The spirit of the ordinance is observed because:** This is a unique and historic farm house that contributes significantly to the rural look and feel of the property and surrounding area. It's construction predates We have mandated that guests observe the Temple Town Ordinance specifically referencing Noise and Lighting Ordinances and have made significant visual and aesthetic upgrades to the property to increase curb appeal.

**3. Substantial justice is done because:** This property belongs to a loyal citizen of Temple, NH who has run a safe and successful business in this town for 50 years. According to the Temple Master Plan, "Agriculture, as traditionally defined, will not be a notable land use, nor will it be a significant contributor to the local economy." The town recognizes that agricultural use will not be a notable land use and there are very few alternatives for a property of this unique style. With a large, antique barn; a large 10 bedroom lodge and large farm house, there is no other viable use for the currently zoned use of the property. The granting of this variance allows one of the largest tax payers in the town to not only meet her financial obligations to the town but also to run a successful operation that will attract guests and visitors to the area and other local businesses and keep with the rural and friendly values of the town.

**4. The values of surrounding properties are not diminished because:** Please reference opinion of Andrew Peterson that was provided for the initial application. There are two lots that have recently been sold in the area with the buyers being aware of the potential for this type of business in the area. The sound levels, as previously stated, do not cause harmful levels of noise pollution. Please keep in

mind that these readings were taken from the lot lines and that for two of the three abutters, their dwellings are many thousands of feet away from the lot lines.

**5. Literal enforcement of the provisions of the ordinance would result in an “unnecessary hardship”**

**because:** It is impossible to meet this standard due to the background ambient noises levels measured by sound experts stated above. The ambient noise levels as measured by professional engineers exceed the maximum 35db requirement in Section 31 of the Town Ordinance when there is no one on the property and no noise, sound or music being generated. The infusion of guests, music and noise during an event raises these readings by only 2dB which is an inaudible difference. Enforcement of this ordinance creates an unnecessary hardship as literal enforcement would cause the applicant to shutter her business and list the property for sale on the general market. The historic and unique layout of the property is of significant historical and cultural value to the town and has no alternative suitable use as stated in section 3 of this application.

a. For purposes of this paragraph, “unnecessary hardship” means that special conditions of the property distinguish it from other properties in the area.

(i) Owing to these special conditions, no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

(ii) The proposed use is reasonable since:

b. If the criteria in subparagraph (a) are not established, an “unnecessary hardship” will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The following special conditions of the property make the variance necessary in order to enable a reasonable use of it: the unique layout and historical significance of the property and the limited alternative use require that the variance be granted to allow noise levels of up to 45dB to be measured from the property lines.