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April 14, 2022

Temple Zoning Board of Adjustment
423 N.H. Rt. 45
PO Box 191
Temple, NH 03084
Via email at boardassistant@templenh.org

Re: Boo Martin/Stepping Stones Event Center Special Exception Application

Dear Zoning Board:

This firm represents Alec MacMartin and Arlene Laurenitis, both individually and in her capacity as Trustee of the Arlene Laurenitis Revocable Trust. In addition to residing in close proximity to the proposed Stepping Stones Event Center, my clients own the abutting properties to the north and east of the Event Center. We are writing in opposition to Stepping Stones' request for a special exception to allow commercial uses on the properties and ask that you find that Stepping Stones' application does not meet the criteria of Article IV, Sections 13A & 13B of the Temple Zoning Ordinance. The Supreme Court has recognized that "In an application to obtain a special exception from a zoning board, the burden of proof is on the applicant to present sufficient evidence to support a favorable finding on each of the requirements for a special exception." *Jensen's, Inc. v. City of Dover*, 130 N.H. 761, 765 (1988). Stepping Stones has not met its burden of proof for several criteria in the Temple Zoning Ordinance and, therefore, the application must be denied. **In fact, Stepping Stones' application cannot even be considered as Notice of Regional Impacts have not been sent and the property is unable to meet the mandatory 100 foot setbacks of Article IV, Section 13(B)(1) of the Temple Zoning Ordinance.**

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NATURE OF THE APPLICATION

Stepping Stones has applied for a special exception to operate a commercial event center. The Property is defined on page 1 of the application as including both Lot 9B-14 (3.54 acres) and Lot 9B-15 (23.5 acres). It will provide housing for weddings and reception area for up to 99 guests. The advertising describes a variety of indoor and outdoor uses of the property including their Gold Package as follows:¹

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)

The applicant claims to only need special exception approval for Barn claiming that nonconforming commercial lodging of the Lodge was permitted by the 1977 zoning approvals.

THE 1977 ZONING APPROVALS DID NOT PERMIT COMMERCIAL HOUSING AND EVEN IF IT DID IT WAS ABANDONED BY 2000 TO 2020 HORSE BUSINESS

Stepping Stones argues in its special exception application that the property has been used for commercial purpose for many decades and such use was permitted by 1977 zoning approvals. First, the 1977 application was not for a commercial event center across both properties but was for a religious retreat center limited to Lot 9B-14. In fact, the minutes from 1977 make clear that “If Retreat Center disbands, Diocese of NH (Episcopal) receives assets.” It was not a large-scale commercial operation but a small religious retreat center to be operated separately from the Barn on a separate lot. Second, even if the 1977 application was to have permitted commercial lodging, that use was terminated in 2000 when the property owner (Boo) obtained special exception approval for a change of use. In particular, the Temple Zoning Board minutes of July 6, 2000 indicate that Boo McDaniel agreed that there would be “no residential component: and no “evening hours” to her new use of the property for commercial horseback riding and training. Pursuant to Article VII, § 1, ¶ 1 of the Temple Zoning Ordinance, non-use for a period of two years or more would require new approvals. Where any lawfully permitted lodging use was interrupted by almost two decades of non-use, the applicant must obtain a special exception for the entirety of its proposed residential use including for the Lodge and the Homestead.

¹ See advertisement accessed on April 13, 2022 from <https://www.steppingstoneseventcenter.com/wp-content/uploads/2021/05/2021-22-Stepping-Stones-Wedding-Packages.pdf> at Exhibit A.

APPLICANT'S WEDDING USE DOES NOT CONSTITUTE AGRITOURISM AS A MATTER OF LAW

Throughout the applicant's application, it repeatedly argues that it need not comply with the special exception criteria because the use constitutes agritourism. See, e.g., page 4, footnote 5. The applicant, through its previous attorneys, requested an administrative determination that its proposed use constituted agritourism. The Temple Board of Selectmen determined that the applicant's proposed use did not constitute agritourism. In particular, in a January 11, 2022 decision, the Selectmen determined that using the property for weddings and retreats "do not constitute agritourism, and therefore are not permitted uses under Farm, Agriculture, Farming in the [Temple] Zoning Ordinance." See attached as Exhibit B. Having made such a zoning determination, the applicant had 30 days to appeal to the ZBA or forever waive the ability to claim the uses were agritourism. Where no appeal of the Selectmen's decision was filed, the applicant is foreclosed from arguing that the use is agritourism and therefore does not have to comply with the special exception criteria of the Temple Zoning Ordinance.

The Barn Violates Setback Requirements

Pursuant to Article IV, Section 13(B)(1) commercial uses for which a special exception is required "SHALL . . . be set back at least 100 feet from all lot lines." The Barn, located on lot 9B-15, is located within 100 feet of lot 9B-14. This is admitted in the application. See Application, p. 8. The applicant claims that the ZBA can ignore this violation as it is a pre-existing structure. Nevertheless, the special exception is not required for the pre-existing structure but for the new commercial use. The Barn could continue to be used for non-commercial purposes but not for commercial purposes. Therefore, a special exception cannot be granted for a commercial use within 100 feet of the lot line.

The Homestead is Part of this Application and Violates Setback Requirement

The setback requirement in Article IV, Section 13(B)(1) also applies to the Homestead. There is no dispute that the Homestead is within 100 feet from the property line and that Stepping Stone proposes to house their guests in the Homestead. Their advertising makes clear that they will house 24 people in the Lodge and 14 in the Homestead for a total of 34 people on site. See Wedding Advertising at Exhibit A. The application for a special exception includes commercial use of all buildings. See site plan attached to Application, p. 10. Therefore, pursuant to Article IV, Section 13(B)(1), the special exception must be denied.

Stepping Stones, knowing that the Homestead violates the setback requirement, argues that a special exception is not required for the pre-existing structure. The Homestead is a pre-existing structure that has been used for residential purposes. It is proposed, as part of this

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special exception application, that the prior use be changed to be a commercial lodging. This is a change of use, not a continuation² of the use.

A Lot Merger to Remedy Setback Violations Would Create a Multiple Dwellings Violation

In an attempt to get around the setback requirements for commercial uses, the applicant suggests that while the Lodge will be used as a commercial dwelling, the Homestead will be used as a residential dwelling. More than one dwelling on the same property would violate Article IV, Section 7.20 of the Temple Zoning Ordinance. Where the Lodge dwelling and the Homestead dwelling are currently on two different lots, it would not currently violate Section 7.20. Nevertheless, if the ZBA requires the lot merger to fix the 100 foot setback issue, it creates a violation of Section 7.20. Therefore, the ZBA must deny the special exception for commercial use.

ZBA Secretary Sliviak Should Recuse Herself

Finally, ZBA Secretary Emily Sliviak should recuse herself from hearing this case. Included in the applicant's special exception application is a petition from Amber L Fisk of 83 Webster Highway. Upon information and belief, Ms. Fisk is Emily Sliviak's mother-in-law. In addition to the familial relation, Amber and Wendell Fisk own the land (HCRD Bk 5082, Pg 030 and dated 1/11/1989) where Ms. Sliviak and her husband, Ben, currently run Ben's Sugar Shack at 83 Webster Highway. Pursuant to RSA 673:14, no zoning board member "shall sit upon the hearing of any question which the board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law." Given the factual assertions of Ms. Sliviak's mother-in-law have been raised in the application for a special exception, Ms. Sliviak should recuse herself from considering this application and the board should move forward with either an alternate or a smaller board.

DEVELOPMENT OF REGIONAL IMPACT

Prior to considering the merits of this application, the ZBA needs to determine if this constitutes a development of regional impact as defined in RSA 36:55. It clearly is a development of regional impact as this property abuts the Wilton town line. Therefore, the ZBA must follow the procedures in RSA 36:57 prior to acting on the application.

² Former ZBA Chair Kieley recognized this fact at the June 1, 2021 ZBA meeting. The Minutes reflect that "Kieley confirmed that a commercial business in an old building still has to meet the requirements for a Special Exception."

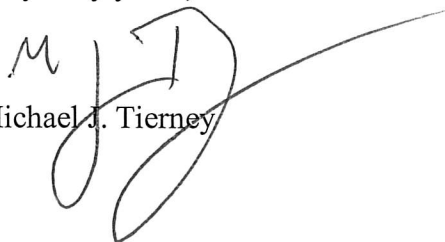
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CONCLUSION

Stepping Stones' application for a special exception to utilize their property as a commercial event center cannot be considered as presented. Stepping Stones has not demonstrated that it meets the requirements of Article IV, Section 13(A) and cannot meet the conditions of Article IV, Section 13(B).

Very truly yours,

A handwritten signature in black ink, appearing to read "MJT", with a long horizontal flourish extending to the right.

Michael J. Tierney

MJT

Enclosure

cc: Mr. Alec MacMartin
Ms. Arlene Laurenitis

A



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

19 Putnam Road | Temple, NH | 603.321.5255

w: www.steppingstoneseventcenter.com/ e: info@steppingstoneseventcenter.com



The Barn at Stepping Stones

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/ e: info@steppingstoneseventcenter.com



The Homestead at Stepping Stones

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/ e: info@steppingstoneseventcenter.com



PRICING AND PACKAGES

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/ e: info@steppingstoneseventcenter.com



DETAILS AND POLICIES

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.

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!](#)



B

**TOWN OF
TEMPLE, NEW HAMPSHIRE
03084
OFFICE OF THE SELECT BOARD**

P.O. Box 191
Phone: 603-878-2536
FAX: 603-878-5067

**NOTICE OF DECISION
MEETING OF SELECT BOARD, JANUARY 11, 2022**

February 11, 2022

Request for a Change in Use application dated November 30, 2021, submitted by Attorney Thomas J. Leonard, on behalf of Isabella Martin, regarding the Property located at 19 Putnam Road, and 11 Pony Farm Lane (Lot 9-14 and Lot 9-15).


The above referenced Request for a Change in Use application was addressed by the Select Board at its January 11, 2022 meeting, Select Board chair Bill Ezell recused himself. The Select Board made the following decision:

Member Caisse moved to deny the Request for a Change in Use application dated November 30, 2021. The use proposed in the application, specifically agriculture, is the current use of the property and is permitted. To the extent the application includes commercial uses, specifically using the property for weddings, but also possibly retreats and fundraisers as they have been described in the application, those uses do not constitute agritourism, and therefore are not permitted uses under Farm, Agriculture, Farming, in the Zoning Ordinance. As such, the applicant is required to obtain a special exception from the Zoning Board of Adjustment consistent with the Zoning Ordinance.

Member Willard seconded the Motion, and the motion passed.

Town of Temple Select Board

Ken Caisse



George Willard