

RE: Martin - Temple ZBA [WSP-ACTIVE.FID136305]

External

Inbox



Michael J. Tierney

12:19 PM
(17 minutes ago)

to me, Megan, Pauline, cboldt@dtclawyers.com, ipiedra@lawyersnh.com

Please share with the ZBA the attached (1) Objection to Variance and (2) Objection to Special Exception.

We respectfully request that the ZBA consider the variance prior to the special exception but needs to first vote, as required by RSA 36:56, that the variance application constitutes regional impact. A public hearing on the variance prior to the ZBA's determination required by RSA 36:56 regarding the variance application would be void.

Once the ZBA considers the variance application, it must be denied as decreasing the 100 foot commercial setback to just 33 feet as requested does not comply with the spirit of the ordinance and there are no special conditions of the property necessitating a variance. Self-created ownership patterns is not sufficient hardship under the statutory variance criteria.

While the ZBA should deny the special exception as the criteria are not met, if the ZBA were to adopt conditions, it should include something such as: **"The Barn shall not be used for events and the Lodge shall not be used for commercial lodging until the applicant has first obtained final site plan approval from the Temple Zoning Board for all activities taking place on the property."**

Thanks,

Michael

Michael J. Tierney, Esq.
Wadleigh, Starr & Peters, PLLC
95 Market Street
Manchester, NH 03101
603-669-4140
603-206-7239 (Direct)
603-669-6018 (Fax)

From: Michael J. Tierney

Sent: Thursday, April 14, 2022 8:18 PM

To: Board Assistant <boardassistant@templenh.org>

Cc: Megan C. Carrier <mcarrier@sheehan.com>; Pauline Desfosses

pdesfosses@wadleighlaw.com; cboldt@dtclawyers.com; ipiedra@lawyersnh.com
Subject: Martin - Temple ZBA

See attached.

Michael