

September 28, 2020

Zoning Board of Adjustment
Town Offices NH Route 45
Temple, NH 03084

Re: Special Exception application by Ben's Pure Maple Products LLC

Dear Members of The Zoning Board of Adjustment:

In response to the application by the above-captioned business (hereinafter, the "Applicant"), I am submitting written comment and testimony as part of the Special Exception consideration process being undertaken by the Zoning Board of Adjustment (the "Board"). I am an abutter to the west of the property for which the application has been submitted for Tax Map 2, Lot 17 (the "Whiting Field").

Like other neighbors in the area, I remain generally supportive of the Applicant and welcome the expansion of the Town tax base and entrepreneurial enterprises by residents. Therefore, let me preface my subsequent comments and testimony with the following statement: I am supportive of the Applicant's request to be granted a Special Exception by the Board for commercial use on the Whiting Field with a 16,000 square foot production facility (the "Facility") including 3,000 square feet of retail.

If the Applicant can meet the criteria in the Town Zoning Ordinance to obtain the Special Exception, they should be allowed to pursue the project with allowance for stipulations by the Board and whatever conditions placed on the project during the site plan review before the Town Planning Board. I am hoping this project can be a win-win for the neighborhood, the Town and the Applicant.

For that to happen, I think the Board needs to consider:

1. If there is ample parking indicated for both employees (ask Applicant for where his employees will park and the number at this Facility), customers and tractor trailers. This goes to **Section 13A (1)** of the Town Zoning Ordinance (2019).

It is not clear that there will be enough spaces for all to eliminate the on-street parking along Old Revolutionary Road and to avoid any on Webster Highway. Applicant states they have 26 employees. The applicant now parks about six vehicles on Old Revolutionary Road on the north side of the Whiting Field. This is in addition to vehicles parked at the 3-bay 2-story garage facility at 5 Old Revolutionary Road (the "5 Old Rev").

2. If tractor trailer traffic numbers and hours of use will allow the project to meet **Section 13A (6)** of the Ordinance, where traffic generated by the proposed use shall not present a safety hazard to the community for either vehicles or pedestrians.

Though there are no town sidewalks along Old Revolutionary Road and Webster Highway, both of these roads sit in quiet residential areas where people run, walk, cycle and dog walk along both roads throughout the day including evening and early morning. I would ask that the Board i.) stipulate that no tractor trailers can use Old Revolutionary Road (a town-designated Scenic Road) and ii.) that their hours of arrival/departure be limited to generally daylight hours – 7 a.m. to 7 p.m. so that residents can continue to enjoy the quiet of the neighborhood without risk of injury from the increased vehicular traffic including during dawn and evening hours before and after normal business hours.

3. If appropriate buffering landscaping shall be provided within the setback areas, of a type and amount deemed appropriate by the Planning Board during site plan review per **Section 13A (7)** of the Zoning Ordinance. The plans do not appear to indicate the addition of any new tree plantings on the west side of the Whiting Field, just along the southern and eastern flanks. Those additions are welcome and will likely add to the aesthetics of the property. However, buffering evergreens should be added to the western and northern sides to provide screening for Old Revolutionary Road residents. Furthermore, the Board should stipulate that no further timber harvesting or gravel/sand removal be done from the glacial esker at the western end of the Whiting Field. The Applicant has previously cut timber there and exposed neighbors on Old Revolutionary Road to additional glare from vehicle headlights on Route 101. Additionally, the Applicant should be required to screen any tractor trailers on the property (whether or not garrisoned overnight) with attractive and appropriate (15-foot+ tall wood) screen fencing on both the western and northern sides to improve the aesthetics of the operation. Without adequate buffering and strong mitigation efforts to reduce noise and night-time light pollution, the Applicant's project will likely not be able to completely meet **Section 13A (3)** of Zoning Ordinance.
4. If the lighting plan described by the Applicant includes dark sky-compliant ("DSC") lighting for the building after-hours to avoid an increase in light pollution for the neighborhood. This DSC lighting does not sacrifice security or marketing while protecting property values and rural life. The Board should stipulate this requirement for the project to meet **Section 13A (3)** of the Zoning Ordinance.
5. What specific retail foods (a products list) are to be served? In what manner? And if any food and drink ordering process will be used by the Applicant in the 3,000 square feet of retail space within the Facility? And what counter or table service, if any, will there be? Are fried doughnuts the reason for the use of the grease trap on the site plan? Or are there plans for meal service? The Board should stipulate that no meal service is to be done at the Facility other than is customary during New Hampshire Open House Maple Sugar Days, e.g., doughnuts and maple sugar treats.
If the Applicant is proposing restaurant service, the Applicant should be asked to revise their application and resubmit with revisions and additional information. Restaurants produce certain odors and food waste refuse, and can attract rats and other vermin, which collectively would likely not allow the Applicant to meet **Section 13A (3) of the Zoning Ordinance**. Increased vehicle traffic not now projected by the Applicant would likely also result; again, this would decrease the Applicant's ability to comply with **Section 13A (3)**. Also, the Board should stipulate that the Facility retail space not be allowed to carry products typical of convenience stores already sold in Town at other locations, e.g., beer, cigarettes, tobacco, snack foods and drinks, excepting coffee and water.
6. For items 1-5 above, the Board should consider requesting input from the Planning Board before finalizing its deliberations and decision, per **Section 13A (8)** of the Zoning Ordinance.
7. Conduct a site visit of both the Whiting Field and 5 Old Rev to see from the Applicant where the building will be situated, where tractor trucks will enter/exit and will possibly remain overnight, and the operations now conducted on the Applicant's premises in the immediate neighborhood. The site visit would allow the Board to properly gauge the application in light of the Ordinance criteria in **Section 13A (1-18)** and note the topography, see the soils, roads, and rural character.

The Applicant's current operation includes a number of entrances to the Whiting Field - as many as 6 including 3 from Old Revolutionary Road and a third on Webster Highway to the farm stand shed (in addition to the 2 now proposed) - and to 5 Old Rev. **Per Section 13B (2)**, the Facility shall have not more than 2 driveways. The Board should stipulate that there be no driveways or unofficial "bar way" access for on- or off-road vehicles to the White Field via Old Revolutionary Road and that the farm stand egress be eliminated (that area can be accessed from the Facility front parking lot going forward).

Both properties should be thoroughly walked. The 5 Old Rev property includes a parcel that now houses extensive stacks of plastic and metal containers. The Applicant should explain where these containers and other equipment including trailers will go once the Facility is operational (Will any remain on the 5 Old Rev parcel? If so, what screening will be added? In consultation with town officials and neighbors?). If this equipment and materials are to remain, why does the Facility site plan not include reference to these and a surveyed parcel map with setback delineation and markings for commercial operation? The Applicant must address this per **Section 13B (9)** of the Zoning Ordinance that states there shall be no display of goods and no outdoor storage of materials or equipment unless screened from roads and surrounding properties by natural or structural means ...” Again, the Board should ask the Planning Board to weigh in on the appropriate screening of any equipment and materials that will remain on 5 Old Rev.

The Applicant should also explain future use of several unregistered vehicles present on the two adjacent parcels. This question goes to the heart of the criteria per **Section 13A (3)** of the Zoning Ordinance, that the proposed use shall not adversely affect the value of adjacent property. The unregistered vehicles and scattered items (e.g., snowmobile and trailer) on the property remain an eyesore that negatively impacts abutting neighbors' property values. Their removal and cleanup of the 5 Old Rev parcel would solve the Applicant's likely inability to completely meet the Zoning test for this Facility. One unregistered vehicle now sits on the side of Old Revolutionary Road, weeds growing out of the open bed of the truck, one of about 6 vehicles parked on the side of the road that neighbors see whenever passing the Applicant's operation. Also, per **Section 13B (9)** of the Ordinance, the Applicant should be requested to limit shoulder parking along Old Revolutionary Road (other than the garage driveway) to 1 in front of the garage and one the shoulder, if not adequately screened per consultation with town officials and abutters.

8. The Board should ask the Applicant why he has not proposed pursuit of a Route 101 curb cut for tractor trailer and/or customer visits. A Route 101 egress would permit the Applicant to more easily meet the Zoning test per **Sections 13A and 13B** of the Zoning Ordinance and preserve more of the residential character of the neighborhood and protect people's safety and enjoyment of the neighborhood roads, all while not pushing additional traffic to the Facility through the known dangerous intersection that is Webster Highway/Route 45/Route 101. Without a curb cut for the Facility and turning lanes from both directions on Route 101 (and, possibly, installation of a light (vis a vis the new light on Route 101 in Peterborough at the bottom of Route 101 and 202 before the main intersection)), this Facility will only increase the number of serious vehicle accidents at the intersection with bodily injury and, possibly, death resulting. The Board should consider commissioning a traffic study for turns onto/off Route 45 and Webster Highway at the intersection before making a final decision on the project.

The Applicant needs to be complimented for his business acumen for growing a successful small business into one that can consider financed expansion. The building design for the Facility, from the façade drawing that I have seen on the Applicant's Facebook page, looks attractive. It appears to look like a Bass Pro Shops fishing store – an outdoorsy, attractive retail shop from the front. The Applicant has proposed nice landscaping additions to the eastern and southern flanks of the Facility and neatly positioned the store to be southeastern facing for maximum marketing and access to Route 101 traffic.

However, the same design puts its exposed production Facility tractor trailer loading bay looking back at Old Revolutionary Road which, without adequate screening and landscape buffering, will not allow the Applicant to successfully comply with the Zoning Ordinance criteria. The Board needs to clarify with the Applicant the screening and the number of tractor trailers that will typically be housed overnight at the Facility. The Board should place a limit on the Facility (either by decree or conditional stipulation for the Planning Board) that will serve as a marker while not needlessly restricting the Applicant's business operations.

Again, I hope this Facility will prove a win-win for the Applicant and the Town and its residents, including the neighbors. I think with a thoughtful, careful review process before the Board with complete transparency and humble responsiveness by the Applicant's team, this win-win can be achieved.

The Applicant should provide the Board with a copy of a business plan used to obtain financing for this project so that there is no misunderstanding as to intents and purposes going forward. This production Facility will process syrup trucked in from not only taps owned and leased by the Applicant in New Hampshire & Vermont, but from wholesalers around New England and Quebec. This is the purpose for the Facility's majority space. A detailed explanation of that process should be given to the Board for its consideration of the project.

The Town will mark a major expansion of its commercial tax base with approval of this project, located at the gateway to both the Town and the Monadnock Region. This project will forever enhance or detract from the Town's charm and our neighborhood's rural character and appeal. The Board and Applicant must do everything within reason so that this review process not only works as intended but is transparent and gives residents confidence that their investments are being considered alongside those of the Applicant.

Good enterprise is exactly that. With proper investment now of civic capital by the Applicant, the Town and its residents can see that this project is going to make this review process a model for future business enterprises in the Town. I look forward to working with the Applicant's team throughout this process.

Respectfully,

Paul Clifton-Waite

