

To: The Town of Temple, New Hampshire
Zoning Board of Adjustment

From: Tom Hawkins
203 Old Revolutionary Road, Temple, New Hampshire 03084

RE: Application for Special Exception –
Tax Map 2, Lot 17 – Property of Ben’s Pure Maple Products, LLC Date:

September 29, 2020

Dear ZBA Committee Members:

As a resident of Old Revolutionary Road, I have an interest in the Application for Special Exception by Ben’s Pure Maple Products, LLC to construct a 16,000+ square foot production facility at the foot of the hills that serve as the gateway to Old Revolutionary Road, the Center of Temple and the access to Temple and Pack Monadnock Mountains.

My wife, Deborah, and I moved our residence and our home-based carved wood sign business to 203 Old Revolutionary Road in 1999, having been attracted to the Town of Temple by its rural character, dirt roads, historic homes and quaint town center. We have enjoyed the tranquil and natural beauty of the surrounding hills and have a deep interest in preserving the character of these hills from the uncontrolled development that has overtaken many surrounding Southern New Hampshire communities.

However, I believe it is important that our town be open to, and supportive of businesses in our community, as long as their growth and operation are respectful of, and consistent with the residential and rural character of the neighborhoods in which they are located and in which they operate.

When we first moved to town, Ben Fisk had only recently begun his maple sugaring operation at his parents address on Webster Highway. He was, at the time, about 11 years old – having developed his business interest only three or four years earlier. We discovered that he had great dreams to become the largest supplier of maple products and maple production equipment in New England – impressive goals for a pre-teenage boy. As some of the trees that Ben tapped in those early years grew on our Old Revolutionary Road property, and because we were anxious to support this budding entrepreneur, we entered a business arrangement with Ben’s Little Sugar Shack, where we supplied him unlabeled pint jugs, he filled them with his sweet product, we “private- labeled” them with the label below and then gave them as gifts to our sign clients throughout the Northeast. We loved it ! Our clients loved it !



"Doing business with Northroad is a sweet deal!"
**PURE
NEW HAMPSHIRE
MAPLE SYRUP**
Expressly bottled for
Northroad Wood Signs & Sign Graphics, Ltd.
203 Old Revolutionary War Road
Temple, New Hampshire 03084
by Ben's Little Sugar Shack
ONE PINT-16 FL.OZ.

Nutritional Facts: Serving Size 4 tbsp (60 ml) Calories 200
Total Fat: 0g | Sodium 7mg | Total Carb. 53g | Protein 0g

Ben's Sugar Shack, Pure Maple Products
Webster Highway, Temple, New Hampshire

Ben has been tapping the local maple orchards, sugaring off the sap and bottling maple syrup since he was seven years old. Now, 24 years later, his business annually taps over 11,500 trees, harvests more than 130,000 gallons of raw sap and sugars it off to produce over 2,800 gallons of pure maple syrup. Some of these trees grow on Northroad property on the slopes of Pack Monadnock where the cold nights and warm days of late winter produce a high sugar sap. Enjoy this sweet syrup on pancakes, waffles, french toast, cereals, fruit and ice cream. It is 100% pure. It contains no preservatives. REFRIGERATE AFTER OPENING.

We have watched, with interest (and even a bit of pride), as Ben has grown his business such that we regularly see his products on the shelves of large super market chain stores throughout the region and even on Cape Cod. Ben has been very shrewd and very persistent in growing his business.

Having made the point that we have been generally supportive of Ben and Ben's Pure Maple Products, LLC, and wanting to remain supportive of Ben's dreams to continue growing, I must also register my genuine concerns about this application to construct a 16000+ square foot production facility on the property in question.

Foremost, this is a significant change in use for the property, which is zoned rural residential/agricultural. Although the letter from Attorney Hanna that accompanies the application states Ben's Pure Maple Products, LLC is "applying for a Special Exception even though the majority of the 16,080 square foot building consists of agricultural use," the intended use, in fact, is not agricultural. This is not an application for an agricultural farm operation. Under New Hampshire State Law, agricultural designation is for farms – properties used for both residences and farming production by those people in residence. Certainly, agricultural activities on a farm *include* maple syrup production, but maple syrup production on its own does not constitute a farm. Furthermore, under New Hampshire Statutes Title I Chapter 21:34-a II, "The words 'agriculture' and 'farming' mean all operations or activities of a farm including . . . (11) The production . . . of any agricultural . . . crops including, but not limited to . . . maple syrup, . . ." – the word "crops" here implying the production of maple trees on the "farm". There is no separation of the crop from the farm in the agricultural context.

In fact, this application is for a change from agricultural farming use to an industrial and commercial retail use. The facility proposed is a large-scale processing facility (a factory) for the following industrial and commercial uses: (1) to process *imported* sap into syrup, (2) to import bulk syrup from all over New England (and Canada) to be re-packaged for resale and shipment throughout New England, and (3) to support a commercial-retail establishment for sale of food products – maple and otherwise. These proposed industrial and commercial uses necessarily include a trucking terminal, much like Monadnock Water, in Wilton. It is no more an agricultural farm operation than Stoneyfield's Yogurt Production and Distribution Facility in the industrial area south of the Manchester Airport, or H.P. Hood's Milk Processing and Distribution Facility in Agawam, Massachusetts – both highly commercial and industrial operations properly located in industrial parks.

At the outset, the proposed industrial use -- the repackaging of syrup not processed from trees on the applicant's farm -- is an industrialization of our currently pastoral neighborhood, inconsistent with the existing rural residential/agricultural district and the as-of-right uses currently permitted on the property. What follows is a list of impacts that make this use incompatible.

Mass and Scale: The proposed factory building appears to have dimensions close to 200 feet long by 80 feet deep. The mass and scale of the proposed building is demonstrably inconsistent with surrounding nearby homes and barns. There is not a single structure even close to this scale within *many miles* of the property. The proposed building is significantly larger than the NHDOT Highway Barns several hundred feet up Route 101. In fact, the closest large commercial building along Route 101 would be RE Marble & Granite, which is set well off the road at 139 NH-101 in Temple and is much smaller. Certainly, the scale of this production facility dwarfs even the largest homes across the fields and up and down the adjacent roads. See accompanying illustration << **Bens Sugar Shack Project Overlaid on**

Google Earth 09-Sep-20.PDF >>.

Traffic: Although the application includes a study of NHDOT data for Route 101, there appears to have been no analysis of data for traffic on Webster Highway, Route 45 and Old Revolutionary Road. The intersection of Routes 45 and 101 with Webster Highway creates a dangerous situation resulting from the interaction of high-speed downhill traffic with stopping and turning traffic at the intersection. Increased seasonal traffic along 101 requires police administered cones for turning traffic at the entrance to Miller State Park, just 1.5 miles beyond this site. Similar increased traffic at the site would require similar police administration. In addition, the application appears to dismiss pedestrian traffic as “virtually” non-existent because there are no sidewalks. This is a false equivalence. A sidewalk does not a pedestrian make. There are no sidewalks anywhere in Temple because of the rural/agricultural nature of the area. However, the lack of sidewalks in Temple cannot be equated with a lack of pedestrians and cyclists who regularly enjoy the roads that surround this project and on whom the propose trucking terminal would have a considerable impact. The Old Revolutionary Road, Old Peterborough Road, Route 45 Loop is a favorite of many walkers.

Lighting: It appears from the application that there will be significant onsite lighting during operating hours, and then building mounted security lighting during overnight hours. This neighborhood is currently free of light pollution – a highly valued atmosphere in which the stars in the sky are visible and greatly enjoyed by those of us who choose to live in this wooded, pastoral setting. I have concerns about the number, the lumens and the temperature of the all-night lights proposed for this site. Additionally, I feel strongly that any security lighting should be triggered by motion detection technology in order that both security and continued enjoyment of the pastoral environment can be maintained.

Noise and Exhaust: Noise and Exhaust are impacts of the proposed trucking that arises out of this proposed industrial use. Nowhere in the application does the applicant discuss impacts of noise or exhaust from the increase of freight haulers in and out of the neighborhood. Residents already live with the occasional sound of jake breaks down 101. By introducing a freight turn-off from 101 at the Webster Highway, that disruptive noise will increase, become regularized and will upset the current balance of the residential/agricultural use of our neighborhood. Air quality in the lower neighborhood of Webster Highway and Old Revolutionary Road will degrade with the increase of truck traffic – especially that of commercial freight haulers that down-shift, stop, pull-in, out and then away from the proposed processing plant. Idling should be strictly prohibited.

Soils: What is the status of the soils and the water table on the project site? I see that the septic system for the residence at 5 Old Revolutionary Road, which is located within this site, is raised, apparently due to poor percolation or a high water table, or both. There exists an old historic stone canal at the east side of the field along Old Revolutionary Road and Webster Highway that shunts water from the edges of the field to the culvert under Webster Highway. What provisions will be made to protect that historic feature from damage by the new truck curb cuts on Webster Highway?

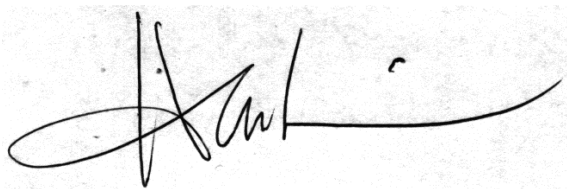
Beyond these specific concerns, even with careful review and rigorous control by the Town of Temple, the proposed project will radically alter the character of the Webster Highway-Old Revolutionary Road-Route 45 neighborhoods, diminishing the value of surrounding properties and restricting the rights of neighborhood homeowners to the quiet enjoyment of their respective homes and properties.

Neighboring property values are derived from the maintenance of peace and tranquility of the neighborhood, the pastoral beauty of the surroundings, and the natural environment. Without question, it is the responsibility of the Zoning Board of Adjustment to provide protection of the rights of citizens like the applicant to use their properties in appropriate ways. It is also the responsibility of the Zoning Board of Adjustment to provide protection of the rights of the greater neighborhood to ensure that those properties in the neighborhood are not adversely effected by increased traffic, increased light, loss of property value, loss of enjoyment of, and safety within that neighborhood.

I would ask that the board carefully review this application, consider its inappropriateness in scale and in activity for this neighborhood, and reject it. If the board must find that this industrial use is appropriate to operate within this neighborhood, then the board must consider placing stringent controls on the business operation to prevent its becoming a detractor from the neighborhood's quality of life.

I would also ask that the Zoning Board of Adjustment make a site visit prior to any decisions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Hawkins", written on a light-colored, textured background.

Tom Hawkins