



FERNALD, TAFT, FALBY & LITTLE  
PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW  
14 GROVE STREET  
P. O. BOX 270  
PETERBOROUGH, NEW HAMPSHIRE 03458-0270

Tel: 603-924-3361      FAX: 603-924-4277

SILAS LITTLE  
MARK D. FERNALD

RETIRED:  
RICHARD R. FERNALD  
ROBERT TAFT  
J. RODERICK FALBY, JR.

December 2, 2020

Town of Temple  
Zoning Board of Adjustment  
423 Route 45, P O Box 191  
Temple, NH 03084

Re: Application of Ben's Pure Maple Products, LLC for Special Exception to allow a  
16,080 sq. ft. building, etc. on Tax Map 2, Lot 17, NH Route 101 and  
Webster Highway

Dear Members of the Board:

I am writing to the Board to address the colloquy occurring between Thomas Hanna, Esq., attorney for the applicant, and the Chair, John Kiley, of the limitations on the proposed development at Webster Highway and Route 101. I have practiced in the area of municipal law, land use, litigation involving covenants, easements, and restrictions on land and commercial lending on real estate. Without conceding, if the Board should act favorably on the application, I do think the Board needs to keep in mind that any limitation placed as to the nature of the use as a result of the favorable decision on the special exception should be recorded in the Hillsborough County Registry of Deeds. Were the decision of the Board not to go beyond the grant of a generic special exception, no third party would be on notice that there was a limitation imposed by the Board in its decision. I am disturbed that Mr. Hanna resists the idea that such a limitation would be incorporated in the Board's decision if Mr. Hanna truly believes this application for special exception is limited specifically to what is stated in the application. As I have stated in earlier communications to the Board, this decision transcends Mr. Fisk's ownership of this parcel and his use of the parcel. Once the property is developed to a 16,000 sq. ft. commercial building, third parties not privy to these hearings and these representations will have no notice of the statements that Mr. Hanna has made. Similarly, no mortgagee or other lien holder on the property would be on notice of these limitations unless Mr. Fisk disclosed them.

To reiterate, without conceding or endorsing this application before the Board, were the Board to act favorably, the Board should take all steps necessary to inform third parties of any conditions attached to such a decision. Those necessary steps would including recording notice of the Zoning Board decision in the Hillsborough County Registry of Deeds.

Temple ZBA  
December 2, 2020  
Page 2

Very truly yours,

Fernald, Taft, Falby & Little  
Professional Association

By:



Silas Little

*Direct Line: 603-924-3364 Ext. 14*

sl/djh

cc: Thomas Hanna, Esq.  
William Drescher, Esq.