

Zoning Board of Adjustment
Town of Temple
Temple, NH 03084

November 13, 2020

Re: Ben's Sugar Shack Application for Special Exception

(I apologize for the length of this letter. I felt it was useful to include relevant quotations, even if the referenced documents were available.)

Greetings, Members of the Temple Zoning Board of Adjustment:

Any time residents learn there may be a possibility of a new business coming to town, or in this case an expansion of an existing business, there is naturally considerable interest and hope for an increased tax base and perhaps more employment opportunities.

Commercial activities, which are not common in small country towns, are subject to public approval through the town's zoning ordinances. This process is necessary, especially in a town like Temple, where "Rural" is the adjective most often used when describing the town, considered it's most outstanding and valued feature, and which appears most often in surveys concerning the town's future. Rural is at the top of things that make Temple special and that is reflected in the Vision Statement of Temple's Master Plan (2018).

A Master Plan provides the framework and background on which a town's zoning ordinance depends. In fact, there can be no zoning ordinance unless there is a Master Plan supporting it. When a town considers an application for a new commercial activity or expansion of an existing one, it relies on its zoning ordinance, and therefore on its Master Plan.

Quoting from the Master Plan's Vision Statement:

"Temple should remain a rural town.....agriculture, forestry, trails and outdoor recreation should be encouraged to maintain Temple's rural character."

A special exception is required when a business, not a home business, of "a scale and impact compatible with the town's rural character", seeks to develop. Such a "business.....should be developed and integrated into the town's working landscape, be environmentally suitable, and be acceptable to neighboring residents."

"Temple should provide protections for its natural environment including surface waters, aquifers, mountain ridges, view sheds, dark skies, and quiet background noise levels."

"Unless a particular use for which an application is submitted is stated in the ordinance as being explicitly allowed by special exception, the board of adjustment is powerless to grant a special exception for that use." New Hampshire Office of Strategic Initiatives (2020)

Here are my observations and concerns:

Section 13A – Standards

2) Requirement of ample off-street parking, at least 55 feet from all lot lines.

The accepted size of a motor vehicle for the purpose of creating parking spaces is 9 by 18 feet. This is 162 square feet for each vehicle. If there is anticipated parking for 26 employees, the space required will be 4,212 square feet. The space behind the building designated for parking and deliveries is 55 feet deep from the building to the vegetated berm. Is that parking edge 55 feet from the rear lot line?

Shipping by truck is an essential part of this business. Tractor trailer trucks deliver sap and syrup for bottling; tractor trailer trucks deliver bottled syrup to customers. These trucks will be coming off of Route 101 onto Webster Highway, accessing the rear parking lot, and presumably backing up to a loading dock or docks. The loading dock apron space required for maneuvering an eighteen wheel tractor trailer truck can be determined by taking the combination measurement of tractor and trailer and multiplying this dimension by two and adding a safety factor of five to ten feet.

3) Possible adverse effects, not typical of usual activities in the area, are noise, lights and drainage. The existing boiling and bottling establishment is noisy. These are not rural sounds. Traffic on 101 does not create the amount of noise and light which will suddenly materialize in what is otherwise a residential and agricultural neighborhood.

Section 31 of the Temple ordinance: Commercial and Industrial Noise (2016),
Paragraph 1 Purpose:

“This ordinance is enacted to preserve quality of life, peace and tranquility, and protect the natural environment. Residents shall be protected from adverse health effects from exposure to adverse health effects from excessive noises emitted from commercial and industrial development by regulating noise levels and sound quality”.

Paragraph 2.a. Applicability and Limitations:

“This section applies to all commercial and industrial development noise(s) generated by operating equipment and devices that can be detected by the human ear on another property.”

External lighting sufficient to the needs of the application will extend around the building and will be required to illuminate all parking areas for safety. There will be incidental lighting near entrances to building and parking areas. To keep this very large area from throwing light all around the neighborhood, the style and attributes of fixtures need to be carefully considered.

Section 30 of the Temple ordinance: (2013) Lighting/Dark Sky Protection.

II Purpose:

“The intent of this ordinance is to maintain the rural character of Temple, in part by preserving the visibility of night-time skies. This ordinance recognizes the importance of lighting for safety and security while encouraging energy efficiency, and promotes good neighborly relations by preventing glare from outdoor lights from intruding on nearby properties or posing a hazard to pedestrians or drivers.”

The impervious large areas of paving coupled with the 16,000 square feet of roof, require careful consideration of drainage. The runoff cannot be allowed to run into the nearby brook, nor onto Webster Highway and adjacent properties. Snow plowing must be planned so that snow melt likewise drains to suitable locations.

4) The soils on the rear of the site hold water after heavy rains. The porosity of this soil needs to be tested by a certified soil scientist to determine if any special systems are needed for proper drainage. (This can be done when the septic system is reviewed for expansion).

There will be two driveways entering the property from Webster Highway, one to the front for customers; one to the rear for employees and shipping. The various existing openings along Old Revolutionary Road need to be closed securely and the gaps ameliorated with substantial plantings. . This is consistent with the mandate of the Master Plan. (Old Revolutionary Road has been designated as a Scenic Road pursuant to NHRSA 231:158, and is deserving of care and respect.)

6) Webster Highway, despite its imposing name, is an old, narrow country road, which leads from Route 101 to the north side of Temple. Along that old road there are many residences, farms, The Timberdoodle Club, Stepping Stones Farm and Event Center, and it continues for many rural miles to Wilton.

This road now, in the area of the site, is uneven, cracked, and poorly drained. The rebuilding of this road to standards that will withstand the frequent traffic of tractor trailer trucks should not be the duty of the town.

Because of its size, condition and its historic and continued residential/rural use, there should be a study of the traffic on Webster Highway. A study of the NH 101 corridor shows 11 accidents at the Route 45/Webster Highway intersection for the period 1993-1997. An updated report for this intersection should be reviewed.

7) Buffering landscaping is essential on the two sides of the proposed site that front on town roads.

Section 13B Special Exception Conditions

1) Is the building set back 100 feet from all lot lines? (Impossible to see on the plan I have)

2) Access no more than two driveways, not more than 32 feet wide (See 4. In Standards). Eliminate various accesses from Old Revolutionary Road. Install buffering plant materials along edge.

9) Outdoor accumulations of materials and equipment should be removed from field north of the site, on the far side of Old Revolutionary Road or, alternatively, concealed. (See Master Plan).

At this time there is more than the one "business related vehicle", which would be allowed to park on the site. (See 2, in Standards) This requirement cannot be waived per RSA.

Respectfully,

Camilla Lockwood
56 Perkins Lane
Temple

References:

- *Office of Strategic Initiatives: Zoning Board of Adjustment Frequently Asked Questions
- *Town of Temple Master Plan (2018)
- *Dock Planning Standards Guide, Nova Technology, Menomonee Falls, WI
- *Loading Dock Apron & Access, Chalfont Dock Equipment, Cleveland OH
- *Town of Temple Zoning Ordinance, Section 31 Commercial and Industrial Noise (2016)
- *Town of Temple Zoning Ordinance, Section 30 Lighting/Dark Sky Protection (2013)
- *RSA 231:158 Scenic Roads
- *NH 101 Corridor Study – Report to the Commissioner of the NH Department of Transportation (December 1999)
- *Basic Functions of The N.H. Zoning Board of Adjustment, H. Bernard Waugh, Jr. Esq. (September 2003)