

NOTICE OF DECISION
TOWN OF TEMPLE
ZONING BOARD OF ADJUSTMENT
423 NH Rt 45
PO Box 191
Temple, NH 03084

June 16, 2021

Ben's Pure Maple Products LLC
83 Webster Highway
Temple, NH 03084

You are hereby notified that the application for a Special Exception submitted by Ben's Pure Maple Products, LLC has been APPROVED by vote of the Temple Zoning Board of Adjustment (ZBA). See minutes of the Board's April 29, 2021 and May 4, 2021 hearings.

The following summarizes the Special Exception requirements deemed to have been met and conditions placed on this approval:

13A Standard #1:

"The proposed use shall be set back at least five hundred feet from any existing dwelling of another owner; provided, however, that, at the discretion of the Board of Adjustment, this distance may be reduced in any amount to a minimum of two hundred feet, but only if written permission is obtained from the abutting owners affected."

Conditions: None

13A Standard #2:

"The Board of Adjustment finds that the proposed use shall have off street parking which will be ample to serve the proposed use; provided, however, that any such off street parking shall, at a minimum, be set back at least fifty-five (55) feet from all lot lines."

Conditions: None

13A Standard #3:

"The proposed use shall not adversely affect the value of adjacent property. An adverse affect on adjacent property is one which would be obnoxious or injurious or limit the use of neighborhood property by causing such problems as excessive noise, odor, smoke, refuse matter, vibration, traffic, dust, fumes, light, glare, drainage, or other conditions that are associated with the intended use but are not typical of permitted uses within the area."

Conditions:

- No tractor trailer truck parking on town roads
- No more than fifteen (15) tractor trailer trucks may access the site per day.
- Tractor trailer trucks can access the property only between the hours of 7:00 AM and 6:00 PM Monday through Friday. No tractor trailer truck access on weekends.
- Heavy evergreen buffer to be required along north boundary/Old Revolutionary Road as part of Planning Board Site Plan Review
- Retain current natural vegetation buffer along western property boundary. Can be supplemented.
- No other buildings or businesses may be on the lot.
- Special events must be approved by the Select Board and Temple Greenville Police Department. Tents, including the period they are to be up, must be approved by the Select Board.

13A Standard #4:

“The proposed site shall be in an appropriate location for the use. Among the factors the Board of Adjustment will consider are: lot size, topography, soils, water resources, road access and locations of driveways, condition of existing structures and other relevant characteristics such as whether the proposed use is compatible with the surrounding land uses.”

Conditions:

- Discharge of evaporator byproduct into the aquifer must be certified by the State of New Hampshire or verified as safe by a hydrology expert.
- Existing shed on the property to be removed and existing driveways onto the property to be blocked off.
- Applicant must retain a certified commercial building inspector to assure that the construction is consistent with the application and meets Town and State of New Hampshire standards.

13A Standard #5:

“No hazardous waste shall be permanently stored on or disposed of on the property.”

Conditions: none

13A Standard #6:

“Traffic generated by the proposed use shall not present a safety hazard to the community for either vehicles or pedestrians, nor shall it cause excessive wear and tear to town roads.”

Condition: Require applicant to secure a bond to protect the Town from road damage.

13A Standard #7:

“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.”

Deferred to Planning Board for Site Plan Review

Conditions: See 13A Standard #3

13A Standard #8:

“The Board of Adjustment shall, when appropriate, request a recommendation from the Planning Board, the Conservation Commission, Road Agent and/or the Health Officer concerning the proposed use.”

Conditions: None

Section 13B

13B Condition #1

“All buildings shall be set back at least one hundred feet from all lot lines.”

Conditions: None

13B Condition #2:

“Access shall be provided by not more than two driveways, not more than thirty-two (32) feet wide.”

Conditions: None

13B Condition #3:

“The total footprint of all buildings and structures shall occupy no more than one-eighth (1/8) of the lot or parcel of land.”

Conditions: None

13B Condition #4:

“Proposed use shall be located on a Town or State maintained road or street.”

Conditions: None

13B Condition #5:

“All food shall be served and consumed within the building(s), except that a seasonal outdoor dining area and or take out services may be approved during Site Plan review.”

Deferred to Planning Board for Site Plan Review

Conditions: None

13B Condition #6:

“No drive through services shall be provided “

Conditions: None

13B Condition #7:

“New facilities shall be located on a lot at least 5 acres in size.”

Conditions: None

13B Condition #8:

“Any retail store shall not exceed 3000 square feet of floor space”

- Conditions: Retail space to be limited to 3000 square feet inclusive of deli, bathrooms, meat and fish, product display, dining etc. and an allocated share of the other spaces that support the retail operations. Any interior dining must be incidental to the retail operation.

13B Condition #9:

“There shall be no outdoor display of goods, and no outdoor storage of materials or equipment unless screened from roads and surrounding properties by natural or structural means to such an extent and in such manner as may be specifically required and approved by the Planning Board during Site Plan Review. One business related vehicle may be stored on site without required screening.”

Deferred to Planning Board for Site Plan Review

Conditions: None

Additional Conditions for Special Exception:

- Applicant to pay all fees before Notice of Decision is executed.
- Existing buildings on Webster Highway will not be used in the Ben’s Pure Maple Products LLC business.
- Proposed building can be used only for maple syrup processing and the retail store described in the submitted materials
- At least one-third of the retail space to be devoted to the maple syrup and related products
- No retail sales of beer, wine, lottery tickets or tobacco products.
- No tractor trailer trucks to be directed onto Old Revolutionary Road.

DECISION

It was confirmed by unanimous vote that the Ben’s Pure Maple Products, LLC application for a Special Exception was approved and that a Notice of Decision would be prepared and sent to the applicant, Select Board and Planning Board subject to the referenced payment of fees.

John Kieley
Chair, Zoning Board of Adjustment

Note: Within thirty days after this decision, the Select Board, any party to the action or any person directly affected by this action has a right to appeal this decision. See NH Revised Statutes Annotated Chapter 677. This notice has been placed on file and made available for public inspection in the records of the ZBA on May 10, 2021. Copies of this notice have been distributed to the applicant, Select Board, Planning Board and Town Clerk.

