



WELTS, WHITE & FONTAINE, P.C.  
Attorneys at Law

ISRAEL F. PIEDRA  
ipiedra@lawyersnh.com

April 25, 2022

**HAND DELIVERED**

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

**RE: Variance Application**  
**Lot 9B-15**  
**Applicant: Isabella Martin, Trustee of Isabella Martin Revocable Trust**

Dear Honorable Members of the Zoning Board:

Enclosed is the application packet to the Zoning Board of Adjustment (“ZBA”) by Isabella “Boo” Martin requesting a variance for the Barn on Lot 9B-15. This application pertains to Ms. Martin’s pending special exception application for Lot 9B-15, which seeks a special exception to use the Barn for occasional weddings and other gatherings. Specifically, during the application process it has been suggested that the Barn does not satisfy Section 13B, paragraph 1, of the Zoning Ordinance. This special exception condition provides that “All buildings shall be set back at least one hundred feet from all lot lines.”

Ms. Martin believes that the 100-foot setback requirement should not apply to her pending case for the reasons stated in that application. In the event the ZBA disagrees, Ms. Martin believes a variance from the requirement would be appropriate. The filing of this variance application does not waive any prior arguments made by Ms. Martin.

More information is contained within the enclosed application.

The enclosed application packet includes the following:

1. Signed General Application Form.<sup>1</sup>
2. Application for a Variance.

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<sup>1</sup> Please note, the required fees will be delivered in hand by the Applicant along with this package.

Town of Temple  
April 25, 2022

3. Two copies of plot plans depicting the property.
4. Copies of photographs depicting the Barn in question.
5. Two sets of mailing labels for all abutting property owners, as well as the towns of Wilton, Lyndeborough, the Southwest Regional Planning Commission, and the Nashua Regional Planning Commission.

If you have any questions or if I have omitted anything, please contact me.

Very Truly Yours,



Israel F. Piedra

Enclosures  
cc: Client

# TOWN OF TEMPLE ZONING BOARD OF ADJUSTMENT

## GENERAL APPLICATION FORM

Revised June 2019

**Type of Application:**  
(check all that apply)

- Special Exception  
 Variance  
 Appeal of Administrative Decision  
 Equitable Waiver of Dimensional Requirement

**2. Applicant:**

Name(s): Isabella Martin (by her attorneys Welts, White & Fontaine, PC)  
Address: 19 Putnam Road  
City: Temple State: NH Zip: 03084 Phone: 603-321-5255  
Email: boomartin603@gmail.com

**3. Property Owner(s):**

Name(s): Isabella Martin, Trustee of Isabella Martin (McDaniel) Revocable Trust  
Address: 19 Putnam Road  
City: Temple State: NH Zip: 03084 Phone: 603-321-5255  
Email: \_\_\_\_\_

**4. Primary Contact:**

Name(s) Israel Piedra, Esq.  
Phone: 603-883-0797  
Email: ipiedra@lawyersnh.com  
 Applicant     Owner     Attorney     Surveyor/Engineer

**5. Project Name:** Stepping Stones Farm & Event Center

Street Address: 19 Putnam Rd, Temple, NH 03084  
Tax Map: 9B Lot: 15  
Acreage: 23.5

**6. Zoning District(s)**

(check all that apply):  
 Village and Historic Preservation  
 Rural Residential and Agricultural  
 Mountain

**7. Request**

Please explain what you are seeking from the ZBA.

A variance from Section 13B(1) of the Temple Zoning Ordinance, to allow a building being granted a special exception (specifically, the Barn) to be set back less than one hundred feet from all lot lines.

\*\*This application is made in connection with the Applicant's pending special exception application should the ZBA wish to grant said application and should the ZBA determine that that application fails Section 13B(1)\*\*

# TOWN OF TEMPLE ZONING BOARD OF ADJUSTMENT

## GENERAL APPLICATION FORM

Revised June 2019

### Attachment 2

#### Zoning Board of Adjustment Application Fee

A fee will be charged sufficient to cover the ZBA's administrative fee, the mailing of legally-required notices and placing a notice in the local paper. The ZBA is authorized to select and retain outside technical, investigative, or legal assistance when the ZBA deems such assistance to be necessary to properly evaluate any application and the ZBA may charge those expenses to the applicant.

1. Application fee:		\$ 150.00
2. Required notices:	\$ <u>7.33</u> x <u>12</u> *	\$ <u>87.96</u>
3. Newspaper notice: **		\$ <u>TBD per</u> Town
4. Professionals retained by the ZBA: ***		\$ _____
5. Total Application Fee		\$ <u>237.96</u>

#### Notes to above:

\* Actual cost times number of notices

\*\* Actual cost

\*\*\* To be assessed by ZBA

To find out about specific fees, or to get answers to questions, contact the Town Office at 878-2536.



# TOWN OF TEMPLE ZONING BOARD OF ADJUSTMENT

## APPLICATION FOR A VARIANCE

Revised June 2019

Applicant Name: Isabella Martin
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**When filing for a Variance, the applicant must complete the ZBA's General Application Form as well as this specific application.**

As the applicant, it is your responsibility to provide evidence that you meet each of the requirements for the type of decision you are requesting. simply stating that the standard is met is not sufficient.

You may want to consult with an attorney or other professional as you prepare your application.

In order for the ZBA to grant a Variance, it must determine that each of the following conditions are met. At the time of application for a Variance, you must submit documentation regarding the following conditions which, in your judgment, are relevant including discussions with and responses from neighbors.

You must provide answers to the following five questions:

1. Granting the variance would not be contrary to the public interest because:

The variance requested in this Application poses no threat to public health, safety, or welfare. The pending special exception application pertains to the use of an existing barn on Lot 9B-15, which is 23.5 acres in size. The barn is less than 100 feet from the lot line of Lot 9B-14. Both lots are owned by the Applicant (through different trusts). No members of the public will be impacted by waiving the 100 foot setback requirement in connection with the pending special exception application. No new buildings will be built and so the distance between existing buildings on the lots will not change.

2. The spirit of the ordinance is observed because:

The purpose of setback requirements is to prevent the overcrowding of lots and to protect adjoining landowners from unreasonable intrusion of their privacy or use of their own property. Neither of these purposes are served by strict application of the 100 foot setback in this case. As noted, no new buildings are proposed, meaning the lots will contain the same building density whether or not the applications are approved. Both lots have ample acreage. Most importantly, both lots are owned by the same person, who obviously does not object to encroachment of the prescribed setback. Granting a variance from the 100 foot setback would comply with the spirit of the ordinance by allowing the Applicant to use her property without unreasonable restriction from a setback requirement that serves no purpose in this instance.

3. Substantial justice is done because:

Substantial justice is done because the Applicant would be allowed a reasonable use of her property without arbitrary restriction. Granting of the variance would allow the Applicant to use her property while still fulfilling the spirit of the ordinance. It would be unjust to deny the Applicant's special exception application based on the technicality of a setback requirement that benefits no one, if the ZBA finds that all the other requirements of the special exception are satisfied. This is especially true given that the building in question predates the zoning ordinance, and because the ZBA has not applied the 100 foot setback requirement in similar situations (specifically the Applicant's 2000 special exception for the indoor riding arena, which is less than 100 feet from her shared lot line), creating an administrative gloss that the setback should not apply in this context.

4. The values of surrounding properties are not diminished because:

The requested variance would not increase density, would not change the distance between buildings on the lots, and does not otherwise impact other landowners. Waiver of the 100 foot setback requirement would not change anything about the property.

# TOWN OF TEMPLE ZONING BOARD OF ADJUSTMENT

## APPLICATION FOR A VARIANCE

Revised June 2019

5. Literal enforcement of the provisions of the ordinance would result in an “unnecessary hardship” because:

The barn is an old structure that pre-dates the zoning ordinance. It is one of several structures on the lot. The lot has several non-conforming features such as multiple dwellings and at least one building (the Homestead) that does not meet setback requirements. Lot 9B-14 was previously granted a special exception in 2000 for commercial use. Lot 9B-15 was granted a variance in 1977 for a commercial use. Both lots have the same effective owner and have been historically used as a coterminous unit. All of these features constitute "special conditions" on the property.

- a. For purposes of this paragraph, “unnecessary hardship” means that special conditions of the property distinguish it from other properties in the area.

(i) Owing to these special conditions, no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

Because of the above-described special conditions, the purposes of the 100-foot setback provision would not be furthered by application in this case. There is no adjoining landowner to protect, and the distance between buildings will not change because no new buildings will be constructed. The variance would also allow this unique property to be used in a financially-viable manner with a use that is harmonious with the zoning ordinance and master plan.

(ii) The proposed use is reasonable since:

The proposed use is reasonable because strict application of the setback requirement would not serve any purpose in this case. The distances between buildings will not change and no one but the Applicant will be affected. The underlying special exception is a reasonable use for the reasons stated in that pending application. As a private landowner, Applicant has the right to use her property in a reasonable manner and she has proposed a modest use that is appropriate for the area. To enforce the ordinance requirement literally in this instance would result in an unnecessary hardship for the Applicant.

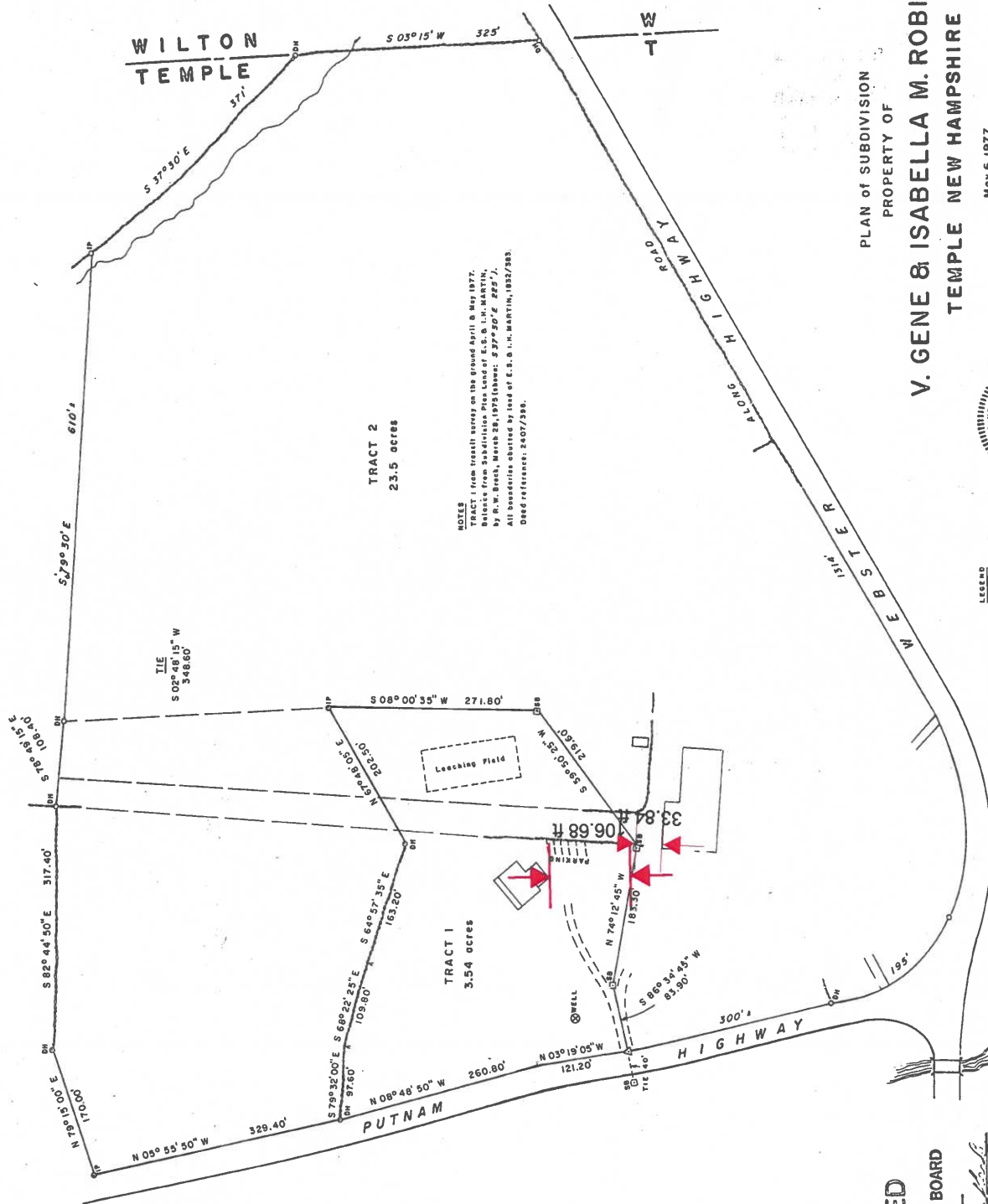
- b. If the criteria in subparagraph (a) are not established, an “unnecessary hardship” will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The following special conditions of the property make the variance necessary in order to enable a reasonable use of it:

JUL 27 9 50 AM '77

RECEIVED  
HILLSBOROUGH COUNTY  
REGISTRY OF DEEDS

#10306  
Dr. 15



**APPROVED**  
BY  
**TEMPLE PLANNING BOARD**

Chairman: *William C. Macadam*  
Secretary: *Anna S. Bisset*  
Member: *Carl D. Heenan*

The Subdivision depicted hereof of the Town of TEMPLE are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said Subdivision depicted hereof, except that only any variances or modifications made in writing by the Board and attached hereto.

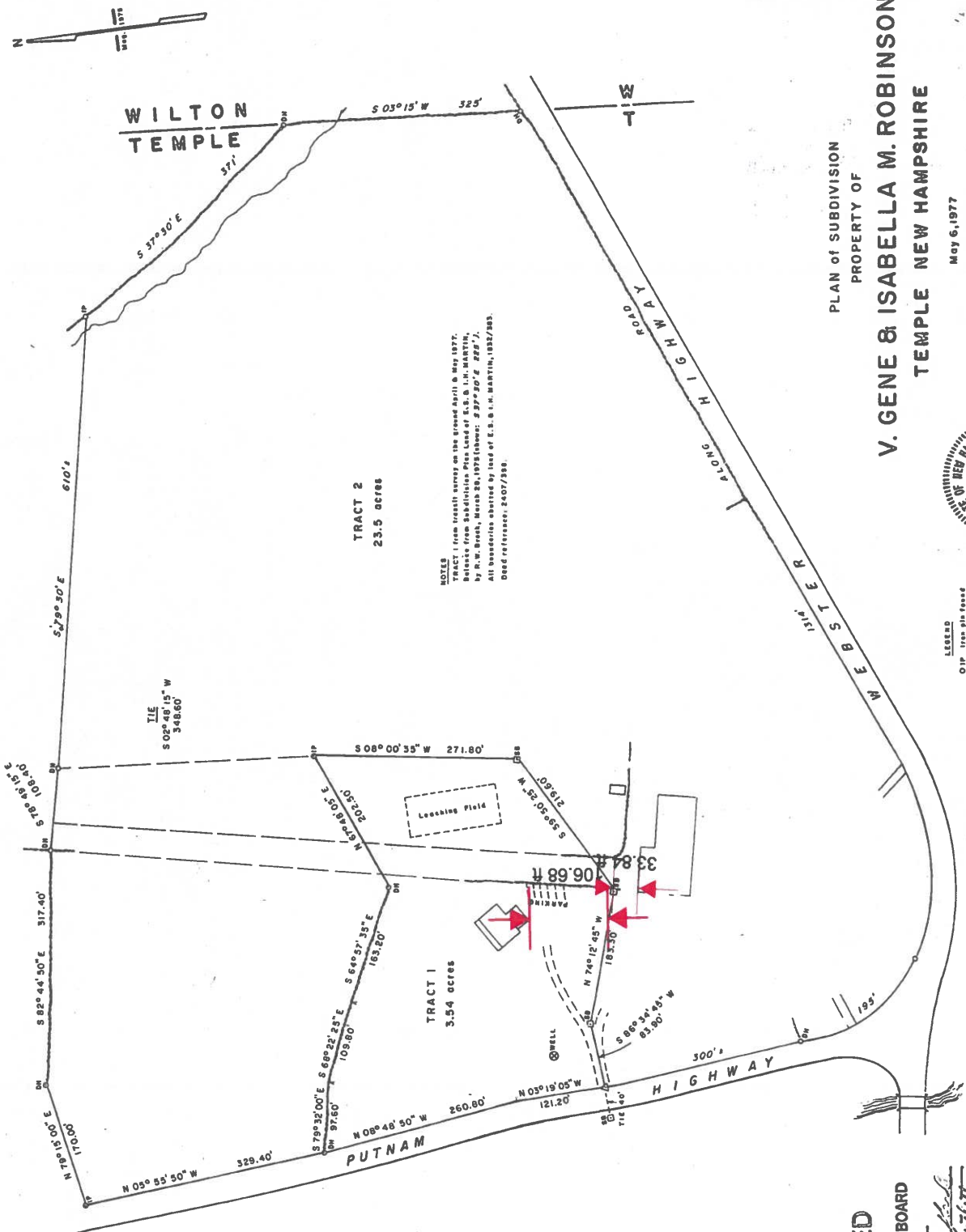
WILLIAM C. MACADAM & ASSOCIATES  
Land Surveying - Forestry  
FRANCETOWN, NEW HAMPSHIRE 03043



JUL 27 9 50 AM '77

RECEIVED  
HILLSBOROUGH COUNTY  
REGISTRY OF DEEDS

#30308  
Dr 15



NOTES  
TRACT 1 from tract survey on the ground April & May 1977.  
Belongs from Subdivision Plan Land of E.B. & L.M. MARTIN,  
by R.W. Brook, March 29, 1975 (book: S 27°20' E 289').  
All boundaries inherited by land of E.B. & L.M. MARTIN, 1922/1923.  
Deed reference: 2407/188

PLAN OF SUBDIVISION  
PROPERTY OF  
**V. GENE & ISABELLA M. ROBINSON**  
TEMPLE NEW HAMPSHIRE

May 6, 1977  
SCALE IN FEET  
0 100 200 300



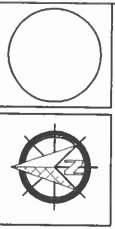
- LEGEND
- OIP Iron pin stake
  - OIP Iron pipe stake
  - OIP Iron pipe stake
  - ODH Drill hole stake
  - ODH Drill hole stake
  - ODH Stone based set

WILLIAM C. MACADAM & ASSOCIATES  
Land Surveying - Penacook  
FRANCESTOWN, NEW HAMPSHIRE 03043

APPROVED  
BY  
TEMPLE PLANNING BOARD

Chairman: *[Signature]*  
Secretary: *[Signature]*  
Member: *[Signature]*

NOTE:  
The Subdivision Regulations of the Town of TEMPLE are a part  
of this plan, and approval of this plan is contingent on compliance  
of all the requirements of said Subdivision Regulations, except that  
only any variances or modifications made in writing by the Board  
and attached hereto.



ISSUED	DATE	DESCRIPTION
<input type="checkbox"/> SOCCASUN DESIGN	DATE	
<input type="checkbox"/> DESIGN DEVELOPMENT	DATE	
<input type="checkbox"/> COST EST.	DATE	
<input type="checkbox"/> PERM SET	DATE	
<input type="checkbox"/> CONSTRUCTION SET	DATE	

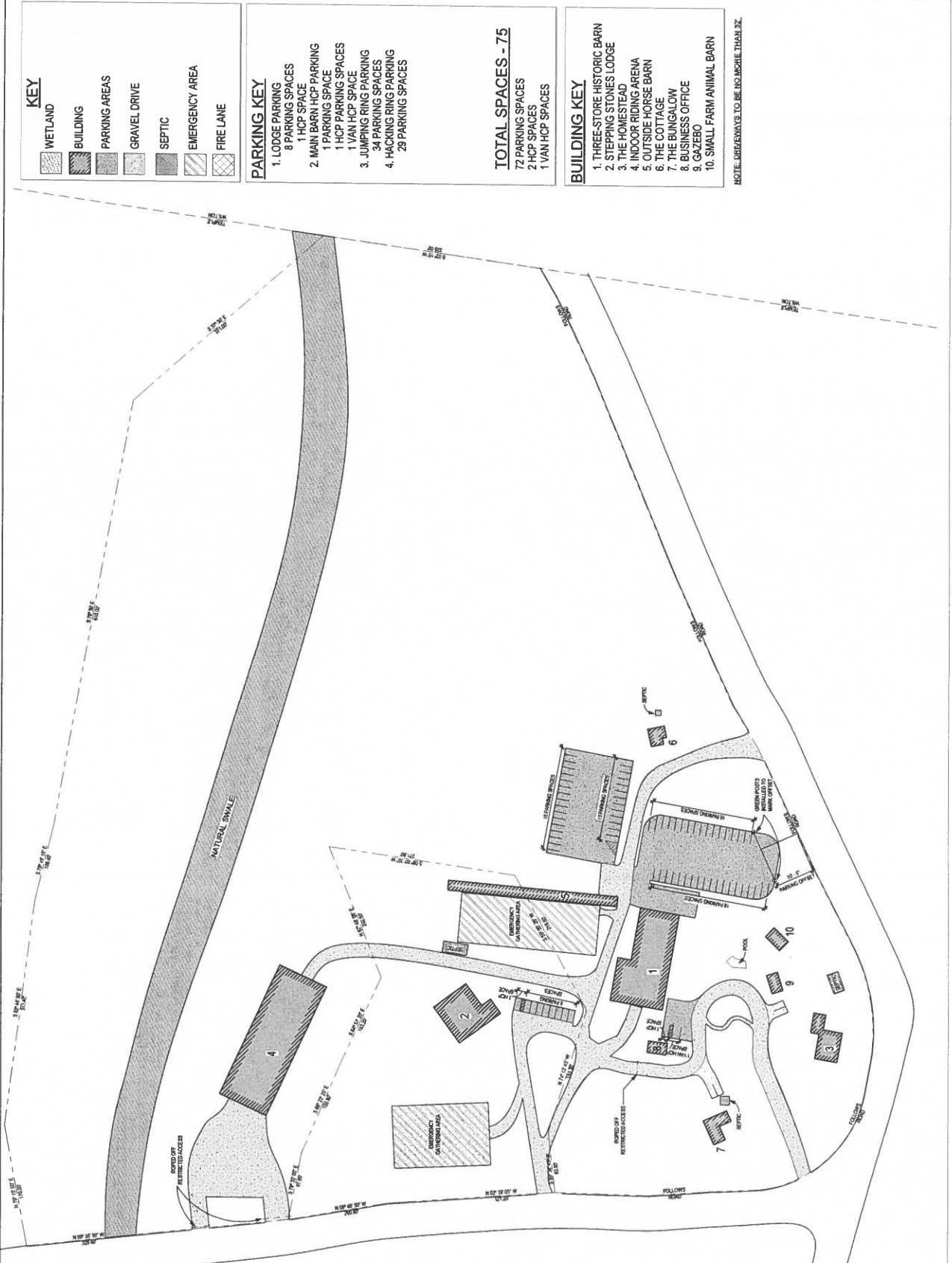
PLAN BASED ON SURVEY DONE BY:  
**WILLIAM C. MACADAM & ASSOCIATES**  
 MAY 6, 1977

AND

**SANFORD SURVEYING AND  
 ENGINEERING**  
 AUGUST 13, 2021

No.	Description	Area

Project Title:	STEPPING STONES
Client Name:	145 RIVINGTON RD TEMPLE, NH
Sheet Title:	SITE PLAN
Sheet Number:	A1.0
Scale:	1" = 60'-0"
Issue Date:	3/11/2022 10:29:34 AM



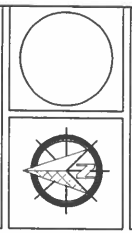
- KEY**
- WETLAND
  - BUILDING
  - PARKING AREAS
  - GRAVEL DRIVE
  - SEPTIC
  - EMERGENCY AREA
  - FIRE LANE

- PARKING KEY**
1. LODGE PARKING  
8 PARKING SPACES  
1 HCP SPACE
  2. MAIN BARN HCP PARKING  
1 PARKING SPACE  
1 HCP PARKING SPACES  
1 VAN HCP SPACE
  3. JUMPING RING PARKING  
34 PARKING SPACES
  4. HACKING RING PARKING  
28 PARKING SPACES

- TOTAL SPACES - 75**
- 72 PARKING SPACES
  - 2 HCP SPACES
  - 1 VAN HCP SPACES

- BUILDING KEY**
1. THREE-STORE HISTORIC BARN
  2. STEPPING STONES LODGE
  3. THE HOMESTEAD
  4. INDOOR RIDING ARENA
  5. OUTSIDE HORSE BARN
  6. THE COTTAGE
  7. THE BUNGALOW
  8. BUSINESS OFFICE
  9. GAZEBO
  10. SMALL FARM ANIMAL BARN

*NOTE: DRIVEWAYS TO BE NO MORE THAN 32'.*



DESIGNED	DATE	09/12/22
SCHEMATIC DESIGN	DATE	
DESIGN DEVELOPMENT	DATE	
CFR 106A	DATE	
ISSUE SET	DATE	
PERMIT SET	DATE	
CONSTRUCTION SET	DATE	

**PLAN BASED ON SURVEY DONE BY:**  
 WILLIAM C. MACADAM & ASSOCIATES  
 MAY 6, 1977  
 AND  
 SANDFORD SURVEYING AND  
 ENGINEERING  
 AUGUST 13, 2021

No.	Description	Date

Project Title:	STEPPING STONES
Project No.:	19 PLUMHARD
Sheet No.:	TS.PLAN.01
	SITE PLAN

Project Number:	A1.0
Scale:	1" = 60'-0"
File Name:	3/11/2022_10:28:34 AM

KEY	
	WETLAND
	BUILDING
	PARKING AREAS
	GRAVEL DRIVE
	SEPTIC
	EMERGENCY AREA
	FIRE LANE

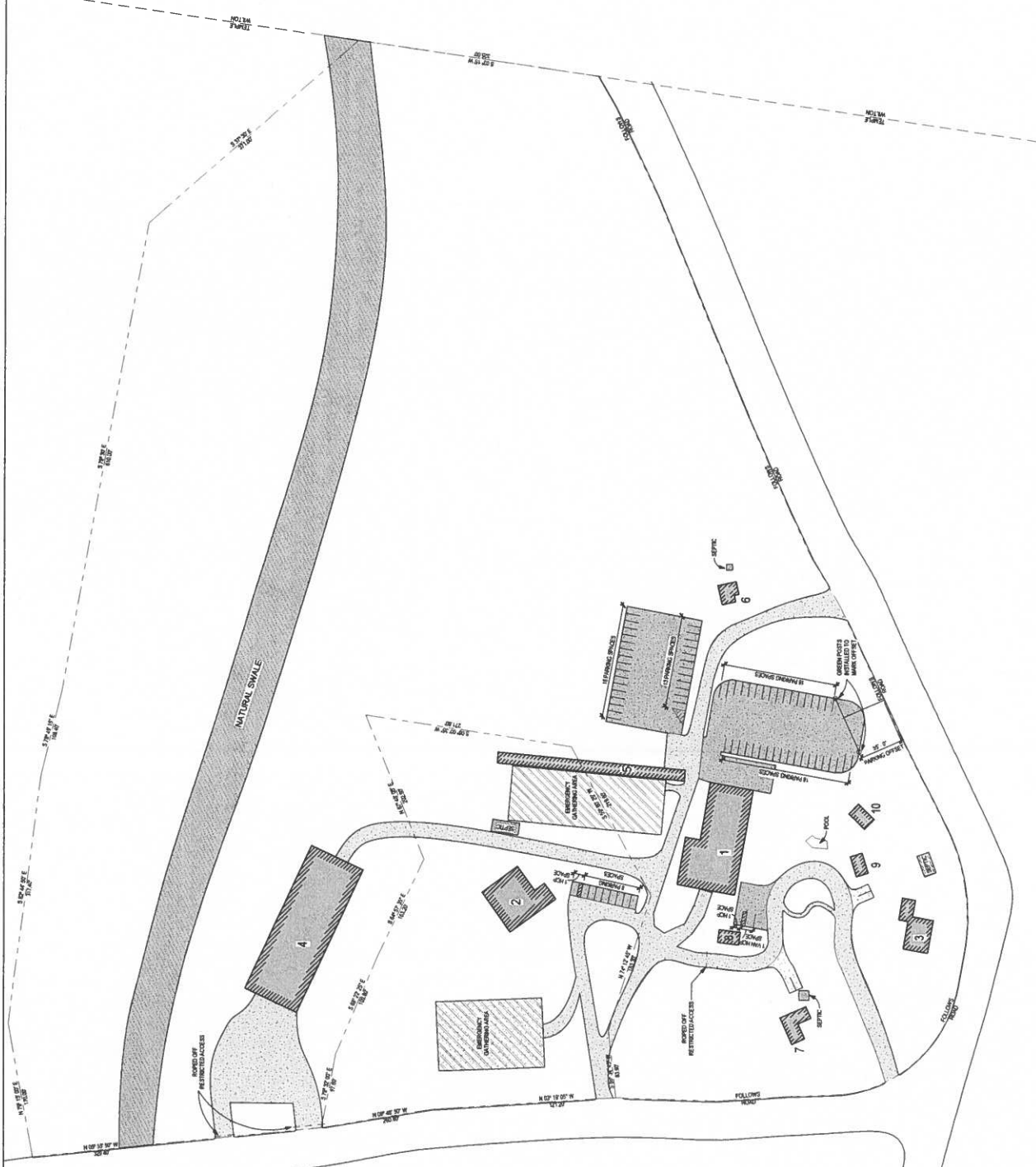
PARKING KEY	
1. LODGE PARKING	8 PARKING SPACES
2. MAIN BARN HCP PARKING	1 HCP SPACE
1. PARKING SPACE	1 HCP PARKING SPACE
1. VAN HCP SPACE	1 VAN HCP SPACE
3. JUMPING RING PARKING	34 PARKING SPACES
4. HACKING RING PARKING	29 PARKING SPACES

TOTAL SPACES - 75	
72 PARKING SPACES	
2 HCP SPACES	
1 VAN HCP SPACES	

BUILDING KEY	
1. THREE-STORY HISTORIC BARN	
2. STEPPING STONES LODGE	
3. THE HOMESTEAD	
4. INDOOR RIDING ARENA	
5. OUTSIDE RIDING ARENA	
6. THE COTTAGE	
7. THE BUNGALOW	
8. BUSINESS OFFICE	
9. GAZEBO	
10. SMALL FARM ANIMAL BARN	

**NOTE: CORRIDORS TO BE NO MORE THAN 32'**



**SCALE: 1" = 60'-0"**

**SITE PLAN**



Isabella Martin Trustee  
Isabella McDaniel Revocable Trust  
305 Webster Highway  
Temple, NH 03084

Isabella Martin Trustee  
Isabella McDaniel Revocable Trust  
305 Webster Highway  
Temple, NH 03084

Isabella Martin Trustee  
Isabella Hagner Revocable Trust  
305 Webster Highway  
Temple, NH 03084

Isabella Martin Trustee  
Isabella Hagner Revocable Trust  
305 Webster Highway  
Temple, NH 03084

Fly-way Farm LLC  
c/o Randall Martin  
26 Timberdoodle Drive  
Temple, NH 03084

Fly-way Farm LLC  
c/o Randall Martin  
26 Timberdoodle Drive  
Temple, NH 03084

Stonegate Farm, LLC  
c/o Randall Martin  
26 Timberdoodle Drive  
Temple, NH 03084

Stonegate Farm, LLC  
c/o Randall Martin  
26 Timberdoodle Drive  
Temple, NH 03084

Woodcock Farm, LLC  
467 Country Club Road  
New Canaan, CT 06840

Woodcock Farm, LLC  
467 Country Club Road  
New Canaan, CT 06840

William and Marilyn Ezell, Trustees  
Ezell Family Revocable Trust  
10 Stonegate Farm Road  
Temple, NH 03084

William and Marilyn Ezell, Trustees  
Ezell Family Revocable Trust  
10 Stonegate Farm Road  
Temple, NH 03084

Arlene Laurenitis  
Arelene Laurenitis Revocable Trust  
46 Collins Road  
Wilton, NH 03086

Arlene Laurenitis  
Arelene Laurenitis Revocable Trust  
46 Collins Road  
Wilton, NH 03086

Town of Wilton  
42 Main Street  
Wilton, NH 03086

Town of Wilton  
42 Main Street  
Wilton, NH 03086

Town of Lyndeborough  
9 Citizens' Hall Road  
Lyndeborough, NH 03082

Town of Lyndeborough  
9 Citizens' Hall Road  
Lyndeborough, NH 03082

Southwest Region Planning Commission  
37 Ashuelot Street  
Keene, NH 03431

Southwest Region Planning Commission  
37 Ashuelot Street  
Keene, NH 03431

Nashua Regional Planning Commission  
30 Temple Street  
Suite 310  
Nashua, NH 03060

Nashua Regional Planning Commission  
30 Temple Street  
Suite 310  
Nashua, NH 03060

Israel F. Piedra, Esq.  
Welts, White & Fontaine, PC  
29 Factory Street  
Nashua, NH 03060

Israel F. Piedra, Esq.  
Welts, White & Fontaine, PC  
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Nashua, NH 03060