

Zoning Board of Adjustment
Town of Temple, NH

Ladies and Gentlemen:

We understand that a prior application for a special exception (the “prior application”) to conduct a range of commercial activities on lots located at 19 Putnam Road and 11 Pony Farm Lane in Temple (the “Lots”) has been amended and resubmitted to the Temple Zoning Board of Adjustment (“you” or the “Zoning Board”) by Isabella Martin, presumably on behalf of the owners of the Lots and Stepping Stones Farm & Event Center LLC (the “renewed application;” together with the prior application, the “applications”). You determined that the prior application could have regional impact, as described in NH RSA 36:56, and Wilton has since been treated as an abutter, including for purposes of the renewed application.

The Wilton Planning Board (“we” or the “Planning Board”) appreciates the opportunity to reiterate its concerns, which apply to the renewed application at least as much as they applied to the prior application. Although we did not receive the requisite prior notice, we believe our reply to the renewed application is nevertheless timely.

Neither Alec MacMartin nor Matt Fish participated in the Planning Board’s discussion.

As a preliminary matter, we note that prior Zoning Board approvals specifically limited to non-profit retreats or riding camp activities on the Lots appear to be irrelevant to the unrelated activities proposed by the applications and so do not affect the standards and requirements by which the renewed application must be judged. Moreover, the Temple Select Board in January determined that the proposed activities do not constitute “agritourism,” so they are not entitled to any exceptions applicable to agritourism.

Based on the documents of record in this case, those on file for the prior application, and information currently available on the Stepping Stones Farm & Event Center website (the “website”), the renewed application appears to contain a number of inconsistencies that highlight the difficulty of accurately assessing either the applicant’s intent or the potential adverse effects of the renewed application on the residents of Wilton. Nevertheless, it is clear that the

renewed application, like the prior application, raises a number of significant issues for residents of Wilton.

Our Understanding of the Renewed Application

As noted in our previous comments, dated June 17, 2021, one of the Lots abuts Residential/Agricultural properties in Wilton. The larger Lot fronts on the Webster Highway, which is the continuation of Burton Highway from Wilton. The Burton/Webster highways connect major Routes 31 and 101 in Wilton and Temple.

We understand that the Lots are located, at least in part, in the Aquifer Protection Overlay District in Temple; the aquifer continues into Wilton and is protected there under its Aquifer Protection District ordinance. In addition, Mill Brook, the only Class A water in the Wilton watershed, originates in Temple before converging downstream with Stony Brook. The Wilton Watershed District protects Mill Brook.

The renewed application requests approval to conduct up to 30 weddings and other commercial retreats and events per year in the barn on Lot 9B-15, 15 of which may have up to 99 guests (not including staff and other service personnel). Unlike the prior application, the renewed application does not seek permission to use the Homestead, the Lodge, or any outdoor area in conjunction with the proposed activities, although it appears to rely on proposed parking elsewhere on the Lots, as did the prior application.

The limited nature of the renewed application is in stark contrast with the existing website. The website not only contemplates, among other things, outdoor weddings, but also details available lodging in both the Homestead and the Lodge in connection with weddings, other events and in general. It is difficult to reconcile the renewed application with the website, which clearly identifies the extensive other facilities on the Lots to be utilized for the proposed activities.

The renewed application contains even less detail as to the conduct of the proposed activities than the prior application. The renewed application indicates that alcohol maybe provided at any event. Meals presumably are intended to be provided at weddings, as well as at other events (based on the website). It is unclear where they will be prepared and/or consumed. The renewed application does not address continuing objections to the prior application with any relevant new information.

Commercial lodging at the site appears to range from individual room rentals to use of an entire building (based on the website). We understand that this would likely qualify the venue as a hotel for state licensure and permitting purposes, including fire and sanitation requirements.

Wilton Planning Board Concerns

We are concerned that the renewed application lacks sufficient information to allow us, others qualifying as abutters, or the Zoning Board to accurately assess the potential impact of this project. As noted above, information about the nature and conduct of the proposed businesses and the site is not only incomplete, but is in fact less detailed than the prior application and inconsistent with previously filed materials and the website. Details about each of the proposed uses, and how they will be conducted, should be provided. In addition, among other things, a current survey of the Lots, information about the septic systems that will serve the lodging facilities, additional projections about the impact on traffic from both directions along the Burton/Webster Highways, compliant sound level studies, specific identification of parking spaces and how they will be surfaced, stormwater management, and a comprehensive list of existing and required state and local approvals should be made available.

In the absence of more specific information that would further inform our review, however, the Wilton Planning Board has identified a number of general concerns about this project.

Danger to the Aquifer

As set forth in the Wilton Master Plan, the essential purpose of its Aquifer Protection and Watershed districts is to protect the quality of the Town's water supply, current and prospective, by, among other things, keeping organic and inorganic waste to a minimum. Activity in Temple that undermines water quality will affect that source in Wilton.

The contaminants likely to be generated by the proposed uses differ in nature and volume from those produced by agricultural activities. Extensive on-site parking, particularly in the absence of a stormwater management plan, increases the risk that petroleum-based products and other fluids and particulate contaminants from vehicles will infiltrate the aquifer, as well as affect the water quality of Mill Brook. Moreover, potentially insufficient sanitation facilities for the proposed uses could fail, with the same results. It is difficult without additional information to assess the extent of these risks. Because protection of

local water sources is paramount to Wilton, they must be further identified and addressed.

Noise

Although no reliable study about sound levels at abutting lot lines has been conducted (based on formal tests replicating actual conditions), it seems unlikely that the project will be able to comply with the Temple noise ordinance.

Proposed guest deposits and penalties payable to the applicant do not address the interests of abutters. Moreover, additional traffic along the Burton/Webster highways would generate objectionable noise, particularly at night, even beyond abutting property.

In addition, studies indicate that intermittent and/or continuous loud noise can detrimentally affect a wide range of wildlife in an area. Needless to say, Wilton and neighboring communities are committed to protecting the region's wildlife and their habitats.

Traffic on Burton/Webster Highways

The proposed uses will generate substantial additional concentrated vehicle traffic on the Burton/Webster highways, frequently late at night. In addition to excess noise, this traffic activity could accelerate wear and tear on the road, create congestion at intersections in Wilton, and increase the risk of accidents involving vehicles on this unlit, narrow and twisting road.

In addition, given the likelihood that online driving directions will route both westbound traffic travelling to events, and eastbound traffic returning from them, through the center of Wilton, the same risks will affect the roads from the Burton Highway/Forest Road intersection through the middle of Town.

Potential Burden on Police and Emergency Services Mutual Aid from Wilton

The prior application alone acknowledged further fire protection measures to be, but not yet, implemented in the barn, and neither application addresses the other structures that are advertised to be used in connection with the proposed activities. Fire hazards increase the likelihood that Wilton emergency resources will have to be deployed as mutual aid to Temple, reducing protection for Wilton. It is also difficult to assess whether emergency access to the facilities at the site would be impaired.

In addition, the risks of increased traffic on the Burton/Webster highways noted above could be exacerbated by alcohol consumption, making accidents more likely. They could require other Wilton emergency service assistance, to the same effect.

Summary

Based on the renewed application, the proposed project appears to be incompatible with surrounding land uses, particularly in Wilton bordering the Lots and along the Burton/Webster highways. The range of proposed commercial activities is not limited seasonally or to daytime hours; many will involve alcohol, are likely to create excess noise, increase traffic, especially after dark, and could endanger the aquifer and potential water sources shared with Wilton. Individually and collectively, the effects would adversely affect the area's rural environment and the quality of life of Wilton residents. In the absence of further reliable information otherwise, the proposed project would seem likely to cause the value of certain Wilton properties to decrease. Accordingly, the project as described should not be approved.