

NOTICE OF DECISION

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

November XX, 2019

Case Number 2019-B

You are hereby notified that the applications for a Special Exception and Equitable Waiver of Dimensional Requirements submitted by Douglas and Margaret Heck have been APPROVED by vote of the Temple Zoning Board of Adjustment (ZBA). See minutes of the Board's November 12, 2019 meeting.

Reasons/facts supporting the approvals:

SPECIAL EXCEPTION STANDARDS:

1. Five hundred foot setback from neighbors dwellings. There are two dwellings within 500' and both owners submitted letters of support thus reducing the requirement to 200'. Neither residence is within 200'.
2. Parking. All parking will be beyond the 55' setback. No appreciable increase in vehicular traffic is anticipated. Applicant committed that no non-customer vehicles will be stored on site.
3. Property Values. In the 31 years Heck has run the business there have been no complaints. During that period, neighboring properties have been sold and several new houses have been built and sold. His business does not generate excessive noise or other irritants to neighbors.
4. Site Appropriate. The property is in a residential zone. The area does include one other garage public as well as the Lukas Foundation. Again, neighbors have not complained and abutters have issued letters of support.
5. Hazardous waste. Heck committed that no hazardous material (oil, antifreeze etc) has or will be stored on site.
6. Traffic Hazard. No appreciable increase in vehicular traffic is expected.
7. Site Plan Review. Site Plan Review will be conducted by the Planning Board.

SPECIAL EXCEPTION CONDITIONS:

1. One-hundred foot setback. The setback requirement from Memorial Drive to the commercial building cannot be met thus requiring an approval by the ZBA for an Equitable Waiver of Dimensional Requirements. Heck agreed, as a condition of any approval by the ZBA, to move a secondary structure beyond the 100' setback by May 30, 2020.
2. Driveways. Only one driveway exists on the property.
3. Footprint of buildings. The property meets the 1/8th build out requirement.
4. Road. The property is on a State road.
5. Food sales. Not applicable.
6. Drive through. Not applicable.
7. Five-acre minimum. The property does not meet this requirement thus requiring an approval for an Equitable Waiver of Dimensional Requirements by the ZBA.
- 8 and 9 The case will require Site Plan Review by the Planning Board.

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

Board determined that alternative two was most applicable to this case.

Alternative two requires that the situation has existed for ten years or more and that there have been no complaints filed by any Town or State agencies. The Heck commercial business has been operated in a residential zone without approvals for more than thirty years and has never received any complaints from the Town or State.

The two-dimensional relief items for a Special Exception (100' setback and 5 acres) were determined to have been met

DECISION

It was confirmed by unanimous vote that the Heck applications were approved and that a Notice of Decision would be prepared and sent to the applicant, Select Board and Planning Board.

Mary Beth Ayvazian
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 November XX, 2019. Copies of this notice have been distributed to the applicants, Select Board, Planning Board and Town Clerk.