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March 1, 2021

Via email

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

Re: Variance Application of Ben's Pure Maple Products, LLC, Tax Map 2, Lot 27

Dear Members of the Board:

On behalf of my clients, I write to urge the Board to consider the following:

1. There should be an independent review of the assumptions of Mr. Pernaw's traffic report. We have credible evidence that Mr. Pernaw has under counted the traffic to be generated from this site. The assumptions he made in his report should be reviewed by a qualified traffic consultant. Particular attention should be given to the representations that the facility will be operating year round and not just during maple sugaring season, with the retail store offering sundry items not related to maple syrup and maple syrup products.
2. The Board needs to focus on the meeting of 3,000 sq. ft. retail space under the ordinance. The applicant excludes the necessary support areas for an operable retail space from his retail space calculation. This is a fallacy. The retail space encompasses all the supporting areas within the building, including restrooms, storerooms, freezers, and refrigeration units. To exclude those from the calculation of the 3,000 sq. ft. ignores the reality of what a retail space offering food products means.
3. As I stated to the Board before, if the Board is treating this as the application of Mr. Fisk to run a maple syrup processing facility solely, then the Board should assure that that grant of a special exception specific to that use is recorded at the Hillsborough County Registry of Deeds. The existing buildings are repurposed and the new use may have a significantly different effect on the community. If the Board focuses solely on Mr. Fisk and his Horatio Alger story, then the Board should make certain that that is the end result of the project and that the project is incapable of changing to another use not tied to Mr. Fisk and the personality cult this application process has become. Possibly Board members remember Derby's on Grove Street in Peterborough. What was Derby's is now office space, small retail space, café/deli, and the former Sharon Art Center. The distinction I draw is that nothing in the creation of Derby's or the subsequent development of that building was linked to a personality and a limited proposal for use.

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4. I submit this letter without withdrawing or waiving the objections that I have made with respect to this proposal. As an example of the personality cult that this application has become, I refer to the recent letter of Mr. Cabana addressed to the Board dated February 28, 2021. Nowhere in the discussion of that letter is the consideration of what this proposal would mean were it not Ben Fisk's proposal. I make the same note with respect to the comments of Mr. Underwood and his focus on "whether the proposed maple syrup production facility will impact surrounding property values." To reiterate, this application has changed into the focus specifically on what Mr. Fisk is proposing and not on the overall nature of a commercial/industrial use on this particular parcel without regards to the operator or tenant.

Very truly yours,

Fernald, Taft, Falby & Little  
Professional Association

By

  
Bilas Little

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sl/djh

cc: Mr. Thomas Hawkins (via email)