

Dear Members of the Temple ZBA:

We are writing as abutters in the Boo Martin case currently being heard by you.

Our concerns are generally the same as the other abutters have expressed. Here are our comments on both the proposed activity and on statements made in the applicant's presentation during the meeting of May 11th:

- There must be some specification by the applicant of all intended commercial uses, and corresponding stipulations in any granted exception. The proposed uses seem to be growing in scope.
- The building called the 'homestead' has been mentioned as part of the requested use. It is unclear that it meets the 500 foot separation from our house required by Temple zoning. I will also note that a guesstimate based on Google Maps being used by the applicant is not an accurate assessment. It is not a survey tool. My use of that same tool shows a separation of 492 feet, which again is not necessarily accurate but does indicate the need for an actual surveyed distance. That said, we are not opposed to allowing less separation as allowed in the zoning.
- The location of the proposed barrier in the parking area to satisfy the 55 foot setback requirement was not measured properly. The setback is to be measured perpendicular from the boundary, not parallel to the feature. Again, an accurate measurement is required.
- The current lighting for the parking area does not comply with the Dark Sky provisions in the Temple Zoning Ordinance. The applicant has stated that 'a machinist' is going to 'make some shades' to satisfy the requirement. There is no guarantee that the fixtures will actually meet the requirements. How is compliance going to be measured? The Dark Sky provisions are very specific and without proper equipment compliance cannot be stated.
- The applicant stated that a 'music test' had been performed using 'very powerful' equipment. There was a test, but the equipment was basically a small home sound system with only 2 small speakers. This does not in any way duplicate what an actual band would use. In particular, there was no subwoofer or even large bass speaker. Bass notes are the most likely to be heard at a distance, and it has not been demonstrated that such sound will be contained. Additionally, the applicant stated a cell phone app will be used for measurement. A cell phone is not a calibrated sound meter. While it can provide an indication, it cannot provide an accurate measurement unless calibrated.
- Traffic has not been addressed other than anecdotally. There is a difference between a commercial location next to Rte 101 and a commercial location 2 miles from a highway. Given the proposed hours of use, it is likely that significant traffic will occur at night on an unlighted road with narrow sections and numerous curves. Additionally, traffic coming from the east is likely to come in from Wilton on Burton Highway. Wilton should be advised and allowed to comment.
- The hours of operation extend to 11PM every night of the week. Many residents in this area chose the location for its rural nature, and in particular the isolation from such things as neighbors playing loud music and heavy traffic noise, as well as the ability to enjoy

dark skies (as much as is possible in Southern NH). Sitting outside on a quiet evening is something to be enjoyed, not an opportunity to hear live bands and noisy people.

- The location is already renting out housing on a regular and continual basis. Are there any requirements for the operation of what seems to be something similar to an inn? Are the septic systems adequate for the number of guests? Do the rental units meet code?
- The applicant stated multiple times during the May 11th meeting that various uses and conditions had ‘always been this way’. This is not justification for ignoring ordinances. A change of use from agricultural to commercial requires that the current zoning ordinances be met.

In closing, we summarize our concerns are primarily lighting, noise, traffic and the ad-hoc methods being used to meet town and state requirements. We would support a properly-planned business that addresses the above issues, but cannot support the application as it has been presented.

Respectfully,
William and Marilyn Ezell
As Abutters

13-May-2021