

Averill House Vineyard-02/07-2023

Hello Planning Board,

Thank you for taking time to let us update you on our past, current and future.

Since October we have had an extensive review of the State of New Hampshire RSAs for Agriculture with further consultation with Michele DeCoteau, Town Planner, and Shawn Jasper. Commissioner of the New Hampshire Department of Agriculture, Markets, and Food.

After this review it has been reaffirmed that we are acting within the RSAs of the State of New Hampshire which provide the guidelines for operating a farm and define what ordinances and uses are allowed in the agriculture district. These mirror our original intention and supported uses. A brief surmise follows:

RSA 21:34-a clearly defines us as a farm. Farm and agriculture mean all operations of the farm including production and agrotourism. This includes the residence and all outbuildings used in agriculture and farming.

RSA 21:34-a prohibits agriculture from being classified commercial when at least **35%** of product sales are produced on the farm. We produce about **90%** of our product with sales of about 900 gallons of wine in 2022.

RSA 432:23 and RSA 672:1 (III-b) support agricultural operation and compels the State and Town to support agriculture, sparing farms from unwarranted nuisance claims, and planning boards interpretation of power.

RSA 674:32-b,c,d create special protection for agricultural uses, so long as they comply with the commissioner of agriculture's best management practices. No municipality shall adopt an ordinance, bylaw, definition, or policy regarding agritourism activities that conflicts with the definition of agritourism in RSA 21:34-a. The Commissioner in his own words wrote: ["I love what you are doing with the "bottle your own event", what a great idea. You are doing agritourism as it should be done, and you may quote me on that. The number of tours you are doing are very impressive as well."](#)

Past History

On May 17th, 2018, the Planning Board was presented updated diagrams for an additional Service Usage area and approved, this was submitted and approved by the NH State Liquor Commission.

On April, 27th, 2020 we provided Valerie Rearick of the planning board with our business updates, parking, hours and site plans for an additional crush pad/gazebo, rebuilding the spring house and a new production barn. Valerie as a Planning Board member, conferred with building inspector, Romeo Dubreuil, and asked us to apply for a variance and referred us to the zoning board, which we did.

The Brookline's Zoning Board wrote a Finding of Fact on 6/10/2020 that confirmed the production of wine and cultivation are permitted agriculture activities and all buildings in support did not need a variance. On June 11th, 2020, these updated site plans were posted with copies going to the Planning board, selectboard, assessors, building inspector and Conservation Commission.

On June 12th, 2020, we submitted the approval letter from the Town of Brookline to the State of New Hampshire Liquor Commission. And on June 16th we received notice from the Town Planner and Planning Board Member Valerie Rearick that no further Town Planning Board meeting was required.

Recent History

In February 2022, Valerie Rearick, Town Manager, received a nuisance claim which protracted to a yearlong permit review. Each City department spent hours reviewing and trying to substantiate these nuisance claims, which were found to be grossly inaccurate. On a personal note, fighting off the nuisance claims has been an emotional and trying time that I wish on no one.

January 2023, Michelle asked us to define where we are headed, reflect on our objectives for the next five years. She also asked us to outline employees, lighting, parking, traffic, hours & noise.

We have committed close to half a million dollars in property and materials to produce quality products on our farm. Our immediate family and our hired associates are committed to presenting the best wines and farm experience possible. We take great pride in being part of Brookline's future and sharing Brookline's unique history with people from around the world.

In 2022 we presented the History of Brookline to over 1000 visitors on guided vineyard tours. We average over 500 unique visitors a month, **55%** visit from outside of New Hampshire. We are proud that several patrons have returned to be married and now reside in Brookline. **70%** stay in the Brookline area to explore and eat. About **20%** of our revenue comes from agrotourism. An aside, it would be helpful to have more approved lodging partners to support out of state visits. These would also enhance our study and learning programs and house potential short-term summer employees.

Our Brookline family of patrons supports us year-round and we are very appreciative. Reaching out to them we ask for references for local products, entertainers, and craftspeople to share with the community. We are a proud recipient of a highly coveted grant from Hannaford for local crafts people and entertainers. We support local causes, serving and supporting many charities each year.

It does require a love of serving to prepare, plan and implement farming and agrotourism. Over a years' time these are estimates of our usage, visits and schedule:

- Most events last two hours.

- We seldom hold more than one large event a month (Large being 50-100 patrons).

- Most our business is from noon to 3pm on weekends.

- Our average visit is 1.45 minutes with average party size of three adults.

- Private events average about one a week. (See below for explanation)

- Usually once a weekend at midday a musician or an entertainer are invited to perform.

- Seldom do we have music after 3pm

- We host several Club Membership drives with a Private dinner ending at or before 9pm.

- All our public and private events are posted weeks or months before they occur:

Noise-We measure sound at the street and usually the decibel level is the same as talking.

Employees-Farming requires an ever-changing amount of helping hands. One day we are picking and pruning, the next shoveling and setting up for our Harvest party. In addition to family, we usually schedule two associates. Events, farming, training, Caterers, entertainers, and traffic safety add to those totals. Currently six family members, four part time associates and one full time key holder.

Lighting is crucial to the safety of our workers and patrons. We have added timers and motion sensors to all outside lights, none face upward. Barring loss of power/memory they turn off one hour after closing, safety lights turn of around 10pm.

Parking-Agriculture due to the nature of seasons requires flexibility. Our two parking areas and the off-street grass can accommodate our employees, support staff and guest. Over the year we usually average about 160 vehicles a week and comfortably accommodate around fifty vehicles. In 2022 we did not exceed our available parking space. Using local companies, we invested over \$20,000 in parking & continued landscaping improvements.

Hours-Farming and agrotourism require flexible hours. We cannot tell the plants when to be pruned or picked and we certainly cannot attract guest if we are not conscientious of their time. We do our

best to begin the day of farming after 8am and usually end the day by dusk. The tasting room and agrotourism usually open at 11am and end regular **public service**, at or before 7pm (indicated by our open flag). **Private events**, those that are not open to the public (open flag will not be out), usually are inside and usually end before 8:30pm with some Holiday events ending around 9pm. All events have wine tastings and promote Adopt-A-Vine, our wine club with the objective of selling our product.

Where are we headed the next five years?

We anticipate that we have reached or are close to our capacity for comfortable weekend visits. We are focused on enhancing the experience of those visits. We do see tour buses returning at pre Covid levels and continue to schedule the bulk of them on off peak hours mostly during weekdays.

We will finish repairing the Spring House/Gazebo, we anticipate we can bring it back to its water pumping days. We will incorporate it into our farming and tours displaying early farm life. We may look at an elevated or tiered stairway to access the Spring House from the vineyard.

We may move two sheds from the side of the vineyard to the back of the vineyard for easier access.

We do plan to redo the Northeast corner of the tasting barn as it has settled significantly over the last 100 years. During that process we may expand the wine cellar or rebuild it to accommodate more aging barrels and possibly bottles as supply restraints require infrequent and large orders. We will re-asphalt the entrance area to the tasting room.

We will continue to use temporary structures, usually igloos in the winter and a tent in the summer.

We have no plans to build a hospitality building. We are focused on finding an additional facility nearby to host larger events. And hopefully can focus on that this year.

We do have additional tree work to perform on infected trees. We are studying and planning additional fruit bearing trees/shrubs to plant that will give us a year-round buffer to our neighbors and more fruit to make wine with. We planted a stand of cold weather olive trees in 2022.

In Conclusion

After consulting with the Commissioner, legal counsel, and local farmers we find we are in Compliance with the permitted use in the agricultural district as framed by the State of New Hampshire. We ask that the town of Brookline Planning Board adopt the RSA's mentioned for all current and future farms, embracing and enabling agriculture to become a vibrant, and welcome home to farmers.

We invite our neighbors to email, message, text or call. We hold no animosity and welcome them to join us and enjoy what New Hampshire farm life has to offer over a glass of wine.

As we have for over five years, we will continue to work our farm, abiding to the RSAs while understanding the task the Planning Board has. My family and associates appreciate your time, suggestions, guidance, and support.

Robert C Waite
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