



**TOWN OF  
BROOKLINE, NEW HAMPSHIRE**

**PLANNING DEPARTMENT**

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<b>MEETING DATE:</b> February 17, 2022 <b>Compliance Hearing</b>	<b>APPLICANT:</b> Robert Waite	<b>APPLICATION TYPE:</b> Site Plan – <i>Home Business</i> “Averill House Vineyard.”
<b>APPLICATION NO:</b> NRSP # 2016-D:J-50	<b>APPLICANT’S REP:</b> Robert Waite	<b>REVIEWED BY:</b> Valérie Rearick, Town Planner Michele Decoteau, Town Planner
<b>EXECUTIVE SUMMARY:</b> In 2016, the applicant was granted a site plan to operate a farming / vinery home business at the property located at 21 Averill Road, which is located in the Residential / Agricultural District. <b>Update: February 17, 2022: Compliance Hearing.</b>		

**BACKGROUND**

*Location:* 21 Averill Road  
*Lot Size:* 2.7 acres  
*Zoning:* Residential / Agricultural  
*Land Use:* Residential / Agricultural  
*Wetlands:* No (part of the property in the wetland buffer)  
*Aquifer:* n/a

**SUMMARY**

Review any changes and confirm compliance with letter provided to Robert Waite in February with the following conditions:

- Remind the content of Section 1700.00, Home Business Ordinance
- Request that any modification on the property related to the home business be submitted to the Planning Board for review and approval
- Clarify that any activity on the property not related to agriculture and/or agritourism is prohibited unless discussed with the Board (other activities may be allowed after a complete site plan review).

**Case History**

2016: The applicant was granted a special permit to operate a Home Business “Averill House Vineyard” and grow vines, fruit trees and small gardens. An existing cellar will be for production, with an aging room and bonded storage area. The farm retail area is in the existing barn with an area for storage, retail sales and sampling.

2018: The Board approved outdoor wine tasting, in addition to the indoor wine tasting. The applicant also demonstrated that there was plenty of parking (able to fit 30 vehicles, cars and delivery trucks).

2020: The applicant applied for a Variance with the Zoning Board of Adjustment to build 24x28 production barn to house fermentation tanks and bottled wine. The ZBA found that “a Variance was not necessary because the space intended to be used by the home business, namely the wine tasting and other public-facing portions of the business, in contrast to the cultivation and production of wine, which are permitted agricultural activities, will not exceed 1500 sf nor 25% of the gross floor area of the structures, especially when the proposed building is completed.”

2020: The Planning Board was provided with an updated diagram of the property showing improvements to the property since approved in 2006. All permits were properly obtained, including State, Building Inspector, and assembly permit from the fire department. The applicant has also used Agritourism to attract visitors to the winery. Agritourism is widely used and falls under many categories including education, recreation, hospitality and entertainment associated with the agricultural activity on a property.

### **Concerns raised in February**

Emails from residents raised concerns about expansion of the business and tree removal. Other concerns cited: traffic, increased incidents of drunk driving, noise and light disturbances until late night hours every weekend, decreased property value, well water concerns, crime and safety concerns of the neighborhood.

### **Site Visits**

Friday January 28, 2022. (Building Inspector and Town Planner, Valerie Rearick)

Notes from Valerie Rearick

- Tree cutting and excavation: It appears that the owner has cut a few large pine trees, not 30 as previously stated. Mr. Waite shows some pictures of the trees that were cut. The goal is to provide more sun to the vines already planted, and yes, to provide additional and practical parking space in addition to the one in front of the house and barn. Excavation is not what was expected and is mainly to remove the tree stump and smooth the area. There was no excavator on the site, only a small backhaul. The wetland area is on the opposite side of the property from where the trees were cut, and stumps removed. Some dead and rotten smaller pine trees were cut close to the wetland. They were also located very close to the house and were a hazard. These cut dead trees were still on the property during the site visit.
- Noise / Traffic / Lights: Mr. Waite explained that he had hosted a few comedy-shows during the summer months with, in mind, the promotion the vineyard using agritourism. Lights are around the barn and in some vines and there is a long distance between the area and abutting properties. We discussed noise and timing. Mr. Waite indicated that in the future he would move any outdoor event to the other side of the house (no direct abutters there). Some events lasted until 8:30 pm or so but he would make sure that all activities would end no later than 8:00 pm.
- Parking: the reason is to provide additional parking space on the property for visitors, further away from the house.
- Buffer: There are plenty of trees between the vineyard and abutting properties. During the summer months, it seems that the buffer should look denser with renewed vegetations (leaves, etc.). Note: no buffer is required on Mr. Waite property as it is an original single lot.

- Future weddings (as posted on Facebook by the logger): Mr. Waite was clearly told that the home business could not include weddings or advertise the property as a wedding venue.
- Meeting with the Planning Board on February 17, 2022. Staff informed Mr. Waite that he would need to attend the meeting to address any additional concerns the Board may have. Abutters will be notified of the meeting by regular mail (as this is not a site plan update, but a compliance hearing).

Tuesday, July 26, 2022. (Town Planner – Michele Decoteau)

Met with Robert (Bob) Waite and toured the tasting barn where tastings and events are held. The upstairs is not part of the tasting/event space. Currently there are two outside spaces used for tastings and events: the vineyards have tables interspersed and there is a large area behind the tasting barn with a tent, tables and chairs, and heaters.

We also toured the wine cellar and new production barn with a small office space. These spaces were clearly used for the production, bottling, and labeling of wine.

We reviewed the parking location and numbers. The area in front of the house (on the southern end of the lot) was cleared is used for parking and the new area on the northern side of the lot (where trees were recently removed). And additional parking area is available in front of the grape vines. Mr. Waite reported that the neighbor across the street offered additional parking. There is one parking space immediately in front of the house behind. He reported that six spaces were needed for residents and two spaces for additional staff who were not family or residents. He said that for some very popular special events, he needs more than two non-residential staff members. There were 30 spaces remaining.

Visitors must reserve a time to visit the vineyard. This limits the number of visitors at any one time. We didn't discuss the number of visitors per day.

Special events were reviewed. The events were moved closer to the barn and amplification was adjusted to be facing the barn. The outside events he schedules are comedians (once a month on Saturday), acoustic musicians during the day, and blues bands on Sunday afternoons. Events in the barn include bottle your own wine, small group wine tasting, and private parties/events. He said all events are over by 7pm, most are over by 6pm.

He does host weddings on site. Wedding ceremonies currently are held in the vineyard and he is planning on landscaping the area on the southern side of the lot as a wedding ceremony location. Weddings are reserved times and the time is not available for other visitors. He said that the wedding ceremony guests may enjoy a glass of wine to celebrate, receptions are held elsewhere.

## **STAFF RECOMMENDATIONS**

Review and clarify:

1702.05 – Number of staff outside of resident family members who can work at any one time in a Home Business

1702.07 – Hours of operation.

1702.08 – Sufficient parking – is there sufficient parking? Could temporary or seasonal barriers be added to the parking area on the southern side of the lot to direct all visitors to use the driveway for egress & ingress? This would preserve safe sight lines.

1705.05 – Traffic generated is more than 24 business trips per day as they have 30 parking spaces that are filled at least once per day on the weekend. Clarify “average”

Other observations:

1. At what point does a Home Business outgrow the home business designation? This is a very successful and growing business that needs to seek a commercial location for some of the more heavily commercial or visitor intense events.
2. Clarify “wedding venue” and if weddings can or cannot be part of a home business.
3. If they add to the home business, what would be next? Clarify uses such as catering, weddings, and a bed and breakfast would be allowed in addition to what is currently permitted.

#### Comments from other departments

Police Department: Only complaint was a noise complaint from 8/1/2020. No reports of impaired driving on that section of Averill Road since 2017.