

From: Amy Tate <amygtate@gmail.com>
Sent: Friday, September 9, 2022 8:18 AM
To: Michele Decoteau
Subject: Re: Follow up on Planning Bd mtg 8.18.22

Hi Michele,

Thank you for reaching out. Unfortunately myself and family will be away on the weekend of the 23-26. As Tracy may have mentioned, I believe this point keeps getting crossed, but we have two very different concerns. I believe Tracy keeps getting upset because her concerns seem to keep getting ignored.

I also feel like my concerns keep getting pushed aside, especially after getting dazzled by your visit to AHV.

I would like to go back and explain my side and hopeful you and the board will better understand.

Back when AHV first opened I was excited about a small business being so close. I even on a few occasions stopped in to sample some of their wines. They have a very nice facility. As the years continued they started to have more outside events. On a few occasions the speaker system was very loud. I reached out to the AHV and explained the situation. The father was very pleasant, apologized and told me to reach out any time in the future if the music is too loud so that they can turn it down. A few weeks(This was a while back so I can not be certain on dates or how many weeks) they hosted another outdoor event with live music. Again the sound was very loud so I reached out to them to let them know. At this point the daughter was a bit rude and told me I should just learn to like it. This continued a few more events of loud music, and me reaching out and receiving rude responses. By then I realized reaching out was not going to go anywhere. Then one of their events, not only being very loud, had a comedian who was excessively swearing. Knowing that reaching out to AHV would not produce anything I reached out to the local PD to get some advice. They let me know that unfortunately there is nothing they can really do beyond asking them to turn it down and to stop the swearing. Feeling defeated and frustrated, I dropped the matter.

Then covid hit and not much of anything happened anywhere.

As covid restrictions eased up I saw they tried their best to get creative like many other businesses to keep afloat. I can only imagine how hard it was for every business.

As last season progressed the live music came back, and this time with a vengeance. I was frustrated with not knowing what I could do and sad that the home I purchased to raise my family and enjoy for many years now became a place I could no longer relax at.

At this point I did not have many opportunities to speak with the Perry's. So the conversation about AHV never came up. I also never reached out to any of my other neighbors because the location of their homes couldn't possibly be affected like mine.

Then AHV had an extensive amount of trees removed and land leveled. I personally had no feelings good or bad about this. Not my trees, not my land. I assumed they were doing it to plant more vines, but again I did not put much thought into the matter beyond knowing there is some conservation land in that area and wasn't sure if the removal of trees would affect this or not.

Tracy reached out to me during this time regarding a post she had seen on facebook. I believe the post was from the tree removal company and mentioned that AHV was expanding so that they may host Wedding events and other larger events.

This post got us concerned because weddings and other large events can create more traffic, possible trash, possible drinking and driving, and more noise. So this is what we brought forth to the town. SO to clarify. We are not saying they are currently causing excessive traffic, they are not currently causing excessive trash, and I do not believe they are causing excessive drinking and driving. So we were very frustrated at the meeting we had in the spring. It was NOT focused on our FUTURE concerns if they were allowed to expand, it was focused on if they were already causing this. So

again our frustration was that that was all a waste of time. We did discover at that meeting that they are denied expanding to a wedding venue and hosting larger events then what they are already doing. So we were happy about that outcome. But still concerned that they may try to keep pushing it since it seems the lines drawn and the lines crossed seem a bit fuzzy.

Going into this spring meeting my concerns were, not allowing them to host weddings and larger events, Excessive lights on to late hours, excessive noise from live music and comedians.

My concern for weddings and larger events sounds like that is squashed.

AHV was able to remove my concern of excessive lights and I believe they put their extra lights on a timer.

They stated they will reposition the speaker system so that it no longer faced in my direction to decrease sound traveling in my direction (that was my take away from the spring meeting)

I gave it the summer to see how things carried on and to be rediscussed at the fall meeting. From my perspective the sound levels are the same. I brought my concerns up at the meeting held last month. No resolution proposed by board or AHV. new meeting scheduled 30 days from then.

Some points I would like to make:

1. As a resident in a residential neighborhood per town regulation any Home Business is not allowed to be a nuisance. This is clearly stated. I understand that nuisance can be interpreted differently by different people. But I am the resident who is affected by this, not anyone else, so I believe I should be the one who determines what is a nuisance and what is not as it pertains to this particular situation. Meaning, I can not say what is a nuisance from a Home Business that does not abut my property because it does not pertain to me. I am not trying to argue about typical residential noise such as lawn mowers, children laughing, backyard radios or get-togethers. I am strictly referring to excessive noise being created by a Home Business. As clearly indicated in the town regulations, Home Businesses need to follow a specific set of rules and standards different then those of just a residence.

I also understand that if I was just a patron visiting AHV then I can agree live music or a comedy show would be fun. But Again, I am looking at this from an abutters perspective and I ask the board members to consider this from my perspective.

2. The excessive nuisance is a noise factor that again is coming from a Small Business and not a residential home. Also, since they have changed the dynamics of the neighbors after the point of me moving to the neighborhood I believe they are the ones to make any and all changes to rectify the situation. Meaning, if I knowingly moved in next to an event center, shame on me for not getting full disclosure. But they turned their residence into a small business after I purchased my home. Also, the description they have presented was small, almost part time hours at the time they were initially approved. Their hours of operation have grown outside their original approval. I personally do not have an issue with what hours they operate. My only concern is that their operation has grown beyond an acceptable level to the point they have become a nuisance.

3. AHV got permission to have events for agricultural tourism. I understand this statement from NH Agricultural is a bit vague. But the town's laws and regulations still will always trump to what extent that may be. I strongly believe these events need to be clarified so that there are not more grey zones on this matter. I also believe that these matters need to be considered on a case by case situation. For example a small business wanting to host events but the property sits on 5 plus acres is very different then a small business wanting to host events on 2.5 acres. A neighbor being 4 miles away will not hear the same thing as a neighbor only 350 feet away.

Which brings me to another point. At the last meeting the owner of AHV stated that he can hear noises coming out of our neighborhood. He mentioned he can hear the sounds of children playing and back yard radios. While I certainly hope he wasn't trying to say that the sounds of children playing outside during the day should fall into the same category as small business noise nuisance I would like to point out that he mentioned radios sounds that can be heard at his property. I personally do not have any outdoor speakers or sound systems at my residence. To the best of my knowledge, only one of my neighbors has an outside sound system and they are located across the street from me, further from AHV. Only on occasion while sitting on my deck or playing in the pool will we play some music off my phone using only the phone's speakers. So he is either able to hear my neighbors outdoor speaker system or he is able to hear music playing on a cell phone. So to put that into perspective. If he can hear the music playing from a cell phone, and while cell phone speakers have gotten better over the years I do not consider them to be able to amplify to

the same quality as an actual speaker system. So please consider if he can hear this, how loud do you think amplified music from a professional speaker system can be.

So I ask the board to put in place that AHV must install a minimum of a 8 foot fence surrounding the back half of their property which abuts my property line or remove/ discontinue use of any outdoor speakers for home business purposes.

Thank you,
Amy Tate
6 Muscatanipus Rd

On Tue, Aug 30, 2022 at 10:07 AM Michele Decoteau <mdecoteau@brooklinenh.us> wrote:

Hello Tracy and Amy!

I would like to take you up on your offer to visit your property on a day that there is an event at the Vineyard. I promise it won't take long, I'd like to see and listen to the sound levels and maybe capture some decibel readings. I think the next event with music is Sept 24 but if there is something else you'd like me to see/hear, just let me know. I will do my best to come visit.

Thank you!!

Michele

From: Tracy Perry <tracysaxtonperry@gmail.com>
Sent: Friday, August 19, 2022 10:58 AM
To: Michele Decoteau <mdecoteau@brooklinenh.us>
Subject: Follow up on Planning Bd mtg 8.18.22

Dear Michelle,

I am writing to follow up on one point from last night's meeting. Averill House Vineyard still has events ending after 7 PM. As you can see from their website and the images attached, there is an event tonight with a psychic from 6-8 PM. There is a painting workshop on Saturday from 6-8 PM.

Thank you,

Tracy Perry