

**Board of Adjustment
Canterbury, NH
Minutes of Hearing
3 June 2013**

Case No. 2013-3 Special Exception

Present were: Chairman Joe Halla, Jim Wieck, Web Stout, Christopher Evans, Barbie Tilton and Gary Spaulding.

Chairman Halla presented a description of the nature of Mr. Meeh's application and gave a detailed explanation as to the conduct of the hearing procedure.

Mr. Meeh presented saying he wants to do something with his agricultural background in his retirement. He has seen the struggles people have been having with agriculture and not having a market for their quality foods. Less and less gardening is being done locally. He wants to build a "brandy cidery". Mr. Meeh read their Mission Statement::

"Our goal is to produce quality brandies and spirits from the fruits of local farms, while preserving the agricultural nature of the family's homestead, the conservation values of the family and the town and to provide market for local growers preserving the agricultural heritage and rural character of our region"

One of his inspirations is the Westford Hill Distillers in Westford, CT (see white tab). He described the history of the business and how it started. Pictures are included showing the property and the distillery equipment. HE described the process for distilling and fermenting. Their entire business is contained within the red barn shown in the attached picture. Their product is stored in wooden casks.

The blue tab section shows the Meeh farm. They would like to build a small shed for wood storage. It's location is depicted in the black and white photo in the same section. It would house an outdoor furnace. He wants to fashion it after the wood shed design at Shaker Village. He wants to take advantage of the southern exposure for a solar roof for water treatment of some kind. He has provided a site plan of the barn layout for his particular distillery.

As regards traffic patterns, there is a utility path behind the barn. He would extend that a little bit for loading and unloading and/or parking. He thinks the only time they would need that would be for some kind of special event. They have always managed the traffic flow during their cut flower, nursery plant business out of the little parking lot in front of the barn. That would be additional parking.

He has some numbers based upon Hermit Brook Winery that started in Sanbornton. They in their 2011 season turned over 1500 people in the 65 days they were open. It would be a long time before he could reach that number. That works out to 23 people per day for 65 days, three people a car, it would be almost 8 cars per day.

He thinks their schedule would be very similar to the Shaker Village schedule, probably with some extended hours, having more hours during the holiday seasons. He has met with the director of Shaker Village so there would be no surprises and she was very encouraging.

Water and waste disposal: He was very surprised at how little water this kind of operation uses for waste. They had a septic system installed when they had their dairy business. That was handling more water than they would use here. They would expect it to be more than adequate. The cider pressings they would try to work out with Brookford Farm to feed the swine. Anything that is not fed as animal feed is completely non-toxic and compostable, so they can use it as compost or fertilizer.

The last tabbed section addresses the zoning board conditions (yellow tab). The Board read it individually. Chairman Halla asked if the Board had any questions.

Jim Wieck asked what the setback would be for the proposed wood shed/furnace structure from the road. Mr. Meeh replied because it's a new structure he will have to meet with the building inspector.

Gary Spaulding asked if they plan to have a tasting room. Yes, they will house it in the upstairs portion of the barn. Gary asked how many people he anticipated serving per day. Mr. Meeh referenced the Hermit Brook Winery numbers noted earlier in the hearing. He thought they would have stools and a small table. It's highly regulated by the state. Gary asked if the state requires them to have food there when they are serving beverages. No, he is only allowed to serve 1.5 ounces and there is no other food consumption on the premises.

Hillary Nelson (Mr. Meeh's wife) noted the federal government regulations do suggest that anybody who is working take classes to make sure that everybody stays safe.

Web Stout asked about the hours of operation. They would be afternoons primarily, perhaps 11-6 PM. They would try to coordinate and pick up the last half of the Shaker Village Day. They would be open perhaps 3-5 days during the holiday season. It would probably be Thursday, Friday Saturday. In reality during the first season they would probably be open Fridays and Saturdays. Two non-family employees are permitted to work fulltime. This does not apply to tradespeople coming to build things. Ms. Nelson advised the State has strict limitations about on-site amounts of production. Once you exceed that you are no longer under those regulations and you have to move to an industrial facility.

Web asked about deliveries of apples, etc. They plan to use their own produce.

Gary asked about the sixteen gallons per day of wastewater, where did you get that? Mr. Meeh responded he got that from Hermit Brook Winery because they had to do an analysis of their wastewater use in order to design a septic system. Gary noted that seems low. It is super low and they were very surprised. For the most part it is washing and rinsing. Gary noted in the beer business the ration is one gallon of alcohol to ten gallons of wastewater. Ms. Nelson noted one of the partners at Hermit Brook is a water expert. She suspects they designed a system that is superior. Mr. Meeh offered to send the breakdown to the Board if they required it. He did not bring it with him tonight.

Web asked there is not much water used in the processing? That's correct.

Gary asked what chemicals they will be using during the washing. Dairy sanitizers. Mr. Meeh estimated they were using 100 gallons of water a day, seven days a week when they had dairy cows.

Chairman Halla asked if there were any other questions from Board members. He asked if anyone wished to speak in favor of granting this special exception. Jill McCullough spoke saying she is Greg's sister-in-law and neighbor. She is a member of the agricultural commission, is on the Board of the Farmer's Market. She has been farming in Canterbury since 1974. She has worked as hard as she can to see agriculture developed into something that will sustain a family. It is really hard to find an agricultural product that will sustain a livelihood. She spoke in favor.

Tory Dodge spoke saying she is another abutter and echoes what Jill said.

Tim Meeh spoke saying he thinks it's a great idea. He likes it when his brother is home.

No one spoke in opposition.

Chairman Halla asked if the applicant had anything further to add or if the Board had any further questions. Mr. Meeh said he was happy to answer any questions of the Board.

Gary Spaulding asked if the State defines this as an agricultural process. It is not regulated by the Agricultural Department so Mr. Meeh would say not. He considers it an agricultural product supporting it with as much as they can with the on-site orchard. He has been making the hard cider for several years. He has a barter relationship with Shaker Village getting apples from them as well as from Hackleboro Orchard. Ms. Nelson said it is similar to what Steve Allman is doing.

Christopher Evans said he recalled the legislature making a new rule allowing for nano-breweries. Does this endeavor come under that umbrella? Ms. Nelson responded theirs would be a nano-distillery. Mr. Meeh advised the nano word is actually in the law about breweries. It is not in the law about distilleries. But when they did that for the breweries, they also changed the liquor manufacturing law to allow for on-site sales for producers of less than 2,000 cases per year. If you go over that you can no longer sell on site

Chairman Halla asked if there were any other questions from Board members. He asked if anyone else was in favor or had anything else to add. No one spoke in opposition either. Testimony was closed at 7:25 PM.

Chairman Halla asked if any Board member had a problem with anything. No one spoke. Chairman Halla made a Motion to GRANT the special exception for the following reasons:

1. Granting the permit would be in the public interest. Canterbury promotes home occupations in all zones and certainly in the last five years promoted any kind of agricultural uses.
2. The proposed use would not adversely affect the property values in the district. The main building that is going to be used is already there. The proposed addition is basically insignificant and would increase his property value.
3. The specific site is an appropriate location for the proposed use because it is a home occupation and he is doing it at his home.
4. The proposed use would not adversely affect the health and safety of the residents and others in the area and would not be detrimental to the use or development of adjacent or neighboring properties. Basically nothing has changed aside from the small addition of an out building.
5. The proposed use would not constitute a nuisance because of offensive noise, vibration, smoke, dust,

odors, heat, glare or unsightliness. The process of producing the spirits is going to be inside not outside and nothing offensive is going to be produced.

6. The granting of the permit would be in the spirit of the ordinance because home occupations are allowed by special exception in this zone.
7. The proposed use would not constitute a hazard because of traffic, hazardous materials or other conditions. There are no hazardous materials. He has asserted he has adequate off road parking and traffic would not be a problem.

Chairman Halla called for a second to the motion. Jim Wieck seconded the motion. There was no further discussion. The Board voted to unanimously **GRANT** the application. Chairman Halla explained the thirty day appeal process.

Respectfully submitted,

Lisa Carlson, Clerk
Board of Adjustment