

1 ZONING BOARD OF ADJUSTMENT
2 268B MAMMOTH ROAD
3 LONDONDERRY, NH 03053
4

5 DATE: DECEMBER 16, 2009

6
7 CASE NO.: 11/18/2009-1 (CONTINUED)
8

9 APPLICANT: MICHAEL D. FAIRBROTHER
10 4 SHERIDAN DRIVE
11 LONDONDERRY, NH 03053
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13 LOCATION: 4 SHERIDAN DRIVE, 16-50, AR-I
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15 BOARD MEMBERS PRESENT: VICKI KEENAN, CHAIR
16 YVES STEGER, VOTING MEMBER
17 NEIL DUNN, VOTING MEMBER
18 JIM SMITH, VOTING MEMBER
19 MICHAEL GALLAGHER, NON-VOTING ALTERNATE
20 MATTHEW NEUMAN, NON-VOTING ALTERNATE
21 JOE GREEN, NON-VOTING ALTERNATE
22 LARRY O'SULLIVAN, CLERK
23

24 ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/
25 ZONING OFFICER
26

27 REQUEST: SPECIAL EXCEPTION TO ALLOW A HOME OCCUPATION
28 TO OPERATE A SMALL SCALE WINERY BUSINESS IN A
29 SINGLE-FAMILY RESIDENCE IN ACCORDANCE WITH
30 THE PROVISIONS OF SECTION 3.12.
31

32 PRESENTATION: CASE NO. 11/18/2009-1 WAS READ INTO THE RECORD WITH ONE
33 PREVIOUS CASE LISTED.
34

35 MICHAEL FAIRBROTHER: Hello, my name is Michael Fairbrother, 4 Sheridan Drive,
36 Londonderry, New Hampshire, 03053. I have no idea about the storing of the materials [of
37 previous case read into the record]. I have my building and that's not what I'm asking for. I'm
38 asking for the privilege...sorry, I'm a little nervous...to put a small winery in my garage. I'm
39 looking to make five (5) gallon batches of wine and sell it commercially. Not have any sales on
40 site, on the premise. I know I originally specified that. I talked to my neighbors and came to the
41 conclusion that's something that I don't wanna do and upset the neighborhood, so...Basically,
42 carting the wine, a couple cases at a time, in the back of my vehicle, off site to a store to sell. I've
43 won the New England Regional Home Brewer Mead Maker of the Year for the last three (3)
44 years running. Mead is a honey based wine. There's not a lot of fruit by-products. A typical

45 batch of mead with fruit would take eight (8) ounces for a five (5) gallon batch. All waste
46 material will be carted off the property. It's not gonna produce a lot of odiferous aroma. I've
47 been legally producing mead and beer for my own personal consumption for the last ten (10)
48 years on the property, so the only difference is I'm looking for the variance to have a business
49 and sell the product.

50
51 VICKI KEENAN: Would you take a few minutes and just walk through the points on your
52 application?

53
54 MICHAEL FAIRBROTHER: Sure.

55
56 VICKI KEENAN: And you can start with number four (4).

57
58 MICHAEL FAIRBROTHER: So, a small scale winery that will focus on honey wines, meads.
59 The TTB defines any non-malt based alcohol as a wine, so I'm looking for a winery. The
60 premise is my garage. I'm looking to do this on a part-time basis. This is not gonna be a full-
61 time job. Honey will be delivered in a fifty five (55) gallon drum. That's enough honey to make
62 a two hundred (200) gallon batch of mead. I'm not looking to make more than four (4) batches
63 at a two hundred (200) gallon volume per year. And like I stated before, I'm looking to make
64 five (5) to six (6) gallon batches of mead at a time. (4.A), there are almost a dozen federal and
65 state licenses that I need to acquire before I can commercially produce anything on my
66 property. I expect to acquire all said licenses and go through all the requirements that might be
67 needed. That includes an environmental waste disposal as well as any impact, so there's quite a
68 bit of requirements around the commercial production of any alcoholic beverage and I would
69 expect to meet all those and I wouldn't be granted a license if I didn't meet any of those
70 requirements, so, I will not commercially produce anything until I can and that's my
71 expectation. Days of operation, item number five (5), I'm looking to operate on Saturday and
72 Sunday from ten (10) to four (4) PM. Like I said, that's a part-time basis. I'm looking for full-
73 time work at the moment. My house square footage is twenty one sixty four (2164) square feet,
74 item number seven (7). I will not be looking for a sign, that was item number six (6). There will
75 be nothing stored outside the building. I don't know where that is. Will the home be...be
76 carried out by the...Yes, I will be living at the home. There will be no exterior construction or
77 changes to the building. And yes, I will be residing at the property. And it's not a child care
78 facility. I think I've identified all the points on the list.

79
80 LARRY O'SULLIVAN: You have no outside employees?

81
82 MICHAEL FAIRBROTHER: No outside employees. This is a single person business.

83
84 VICKI KEENAN: Can you check the math on the [indistinct].

85
86 YVES STEGER: I'm sorry?

87
88 VICKI KEENAN: Can you check the math, just on the area, for the location of the winery? I
89 think it's okay. Quick and dirty.
90
91 YVES STEGER: No, he said zero (0) percent. It's not considered a living space anyway.
92
93 VICKI KEENAN: You're right. You're right, I'm sorry.
94
95 YVES STEGER: So...
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97 VICKI KEENAN: Yup.
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99 YVES STEGER: Am I correct?
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101 LARRY O'SULLIVAN: Would you be using the entire garage?
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103 YVES STEGER: Am I correct?
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105 LARRY O'SULLIVAN: Will you be using the entire garage?
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107 MICHAEL FAIRBROTHER: Yes, I would be using the entire garage, so my vehicles would not
108 be parked inside the garage as they are now. I have one (1) vehicle that I currently park in the
109 garage and that vehicle would be parked in my driveway.
110
111 LARRY O'SULLIVAN: Mm-hmm.
112
113 NEIL DUNN: So, Richard, I think the question is if it's in the garage and the winery is
114 contained within the garage, that's not considered living space, so that's not...the zero (0)
115 calculation would be fine for his submittal? Of square footage used for the business?
116
117 RICHARD CANUEL: Yeah, we can't calculate the garage as living space by definition of our
118 ordinance...
119
120 YVES STEGER: Yeah, exactly.
121
122 RICHARD CANUEL: ...it's not considered part of the living area. However, to the applicant's
123 benefit, based on the information we have in our assessing records and our building records, the
124 actual square foot area of the living space calculates to be about two thousand five hundred and
125 forty four (2,544) square feet. So, with that, that would allow him at twenty five (25) percent to
126 utilize six hundred and thirty six (636) square feet of the space for his home occupation. If he's
127 looking to use the garage and five hundred and twenty eight (528) square feet, he certainly
128 qualifies.
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130 VICKI KEENAN: Mm-hmm.

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YVES STEGER: Okay.

VICKI KEENAN: Okay. Thank you.

MICHAEL GALLAGHER: How are you gonna sell it?

MICHAEL FAIRBROTHER: Through stores. Bert's Better Bears in Manchester has already agreed to be a retailer for me. I'm looking for a very small, niche market. I'm looking at a high end price point, thirty (30) dollars per bottle. This is not a beverage that people are typically gonna drink in a high quantity. It's typically sweet. There is several commercial meaderies in the State now. Pisquataway is one of them and it's operated out of Newfields in the basement of their house. That's what got me intrigued with the idea of possibly putting it in my residence. I formed the company two (2) years ago and shelved it, basically. I didn't think that I could make a financial go with it, but this is an opportunity where I don't have to spend a significant outcome of money and it takes a fairly lengthy amount of time to age mead. It's eight (8) months or so or more to get it ready to be commercially produced and ready for sale. It needs to be clear and brilliant. But, you know, I'm very passionate about what I do and this is a part of my passion which is to make a beverage that nobody's ever had and bring it to market. And if it succeeds, the first thing I wanna do is get it out of my house and make a real go at it.

MICHAEL GALLAGHER: So, essentially, you will be delivering it...

MICHAEL FAIRBROTHER: That is correct.

MICHAEL GALLAGHER: No traffic generated...

MICHAEL FAIRBROTHER: I have a F-150 pickup truck and the product would go in the back of the truck.

VICKI KEENAN: You mentioned that there would be waste and that it would be removed from the site. What is that waste and how would it be stored and how often would it be removed?

MICHAEL FAIRBROTHER: So the waste material would be yeast that's a by-product of the fermentation, so honey ferments very cleanly, there's not a lot of...it's not like a wine where you have a lot of fruit added to it. I do make fruit based meads. Fruit based meads would be, you know, that would be part of the waste. As an example, a boysenberry mead that I just made that won Best of Show at the New England Regional Home Brew competition had eight (8) ounces of dried boysenberries added to a six (6) gallon batch of mead. So, that waste would be gathered up and I would seek a farm in the area to distribute the waste material to so, it's...yeast is a very healthy by-product and it works great for helping soil and all that kind of stuff, so it would all be carted off. I wouldn't store any of the product on site. So as I bottle the batch of mead, I would work to bring any waste material off site at that point in time.

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NEIL DUNN: If I could take in more clarification on that...so you're gonna bring in a fifty five (55) gallon drum of honey...

MICHAEL FAIRBROTHER: Mm-hmm.

NEIL DUNN: ...what would the resulting waste from that one (1) batch be, if you were to put that into a volume configuration?

MICHAEL FAIRBROTHER: So, a fifty five (55) gallon drum of honey, if produced all at one point in time, would produce two hundred (200) gallons of mead. That two hundred (200) gallons of mead would produce one (1) gallon of yeast material and that one (1) gallon of yeast material would be brought off site.

JOE GREEN: Could you describe a little bit more the process that it has to go through, because one of the questions that we have to answer is about the smell and the noise and I know you did mention it briefly, but I can't imagine that there will be no smell or no noise, so, just...it would help me to understand a little bit more if you went through the process quickly.

MICHAEL FAIRBROTHER: Sure. So, honey is mixed with water...

JOE GREEN: Mm-hmm.

MICHAEL FAIRBROTHER: That honey and water mixture conforms a must. That must is then added with yeast, usually a five (5) gallon batch of mead has a two (2) gram packet of yeast added to that. The yeast then produces alcohol and carbon dioxide as a process of fermenting the sweet sugar that the honey provides. The aroma by-product of that is fairly minimal at best. I mean, you might smell it if you were within a foot or two from the container fermenting, but not typically. I am legally...or when I was married, I was legally allowed to make two hundred (200) gallons of beer or mead or wine in my house per year, which was made in my basement. My ex-wife never could smell the mead or beer fermenting ever. So, you know, the by-product is fairly minimal. You know, there's no noise. The only noise that is produced is the air lock releasing CO2 out of the fermenter. You couldn't hear that from across the room, from you to me. Basically that happens for approximately a week and a half worth of time where the yeast is in active fermentation, digesting the sugars in the mead, producing the carbon dioxide and the alcohol. Once that it's done, you're waiting at that point for the yeast to settle out of the mead and to drop down out of clarity so that you have a brilliant product, versus a cloudy product. You can't sell a cloudy product. It doesn't do you any good to rush the process, try to filter it or push, you know, augment the process, the natural processes. Typically, the best way to go about producing the best meads and the reason I want to produce that small batch is because I really wanna bring that quality and passion to the marketplace and not try to produce a mass produced quality product. I wanna produce something that you can't typically get in the marketplace.

219 LARRY O'SULLIVAN: There's no boiling involved, there's no fire involved, there's no...

220

221 MICHAEL FAIRBROTHER: No heat whatsoever. This is a non-heat, there's some sulfites that
222 can be added to the mead, but that's specific to the recipe formulation that has to be approved
223 by the federal government. So, for any batch of mead that I wanna make, I have to approve or
224 submit a recipe or a formula to the government, then have them approve that recipe. That
225 includes the heat or sulfites or non-sulfites. I've never made a mead in my life that has required
226 heat. I've never made a mead that has required sulfites. I'm not sure the federal government
227 will allow me to make mead in that way. I don't expect to add heat to my mead because heat
228 ages honey and that changes the flavor of it and makes it taste older. Sulfites has it's own set of
229 drawbacks with it but ninety (90) percent of the wine that's made today commercially is all
230 made with sulfites, so I'm not really opposed to it but I think it really detracts from the natural
231 perspective I'm trying to bring to the product.

232

233 YVES STEGER: Do you need to regulate a temperature inside the garage? Because obviously,
234 the fermentation will not work if it starts freezing in your garage.

235

236 MICHAEL FAIRBROTHER: No, that's a great question. My garage was insulated when the
237 house was built. And there's heating ducts in my garage at this point, so there would be no
238 external modifications whatsoever to my existing building structure. My thoughts were, when I
239 built the house, was to possibly make a living room, so when my builder asked me, you know,
240 he wanted to sheetrock the garage, I said, 'well, let me insulate it,' and I did that, so the garage
241 is fully insulated and would be temperature controlled, not freezing, not boiling, but, you know,
242 living temperature.

243

244 YVES STEGER: Do you need some ventilation to remove the CO2?

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246 MICHAEL FAIRBROTHER: That's a good question.

247

248 YVES STEGER: If you did it in your basement, you may have taken a risk.

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250 MICHAEL FAIRBROTHER: Well, I've always run a CO2 monitor...

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252 YVES STEGER: Okay.

253

254 MICHAEL FAIRBROTHER: ...inside of my basement and I would fully run one. I'm not
255 looking to put my family in jeopardy at all.

256

257 LARRY O'SULLIVAN: Mm-hmm.

258

259 MICHAEL FAIRBROTHER: You know, I have two (2) children living with me and I expect to
260 fully keep this a safe, commercially, you know, a viable operation. To be honest, I don't know
261 the answer to that question and I would need to work with the government to understand...

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YVES STEGER: If you work with a small batch, the amount of CO2 is probably not important. If you were doing big batches, like two hundred (200) gallon, it may become an issue.

MICHAEL FAIRBROTHER: Right.

JOE GREEN: So, if you...I think you need to probably find that out because then there would be an augmentation to the exterior of the building if a ventilation issue comes up. I think that's where you were going with that, right?

YVES STEGER: What is the size of each of the batches?

MICHAEL FAIRBROTHER: I'm looking at a five (5) gallon batch of mead that I'm looking to make and worse case scenario, I'm looking at a vent out the back of the building which nobody would see. So that if there was an augmentation, it would be pretty benign, I would believe.

YVES STEGER: Okay.

NEIL DUNN: Richard, would you have any thoughts on the CO2 issue and...or anything that you're aware of the Town should be concerned about?

RICHARD CANUEL: I wouldn't think so. I mean, the quantity that he's talking about being in the area, I don't think that that would be an issue at all.

MICHAEL FAIRBROTHER: The one...

NEIL DUNN: But unless we limit him to five (5) gallon batches, then can he do two hundred (200) and then are we concerned, I guess would be...?

RICHARD CANUEL: That's a good question. I don't know if we would, to tell you the truth. The CO2 regulations that are being implemented now are from heat by-products, not necessarily a by-product of processing, so I wouldn't know if the effect of that would qualify. That's a good question.

MICHAEL FAIRBROTHER: I can at least give you some anecdotal information on that. So, the one meadery I did visit, Pisquataway Meadery over in Newfields, they're using five hundred (500) gallon batches and they have no ventilation augmentation to their basement and the meads are...it's a legally meadery in the basement of their house, so I don't know if that helps or hurts any, but...

LARRY O'SULLIVAN: People live in the house, too?

MICHAEL FAIRBROTHER: Hmm?

306 LARRY O'SULLIVAN: People live in the house?

307

308 MICHAEL FAIRBROTHER: Yes, they do. It's been commercially producing mead for five (5)
309 years.

310

311 YVES STEGER: It would be okay to do it in the basement only. CO₂ is a dense gas, so it would
312 go low.

313

314 MATT NEUMAN: What's the largest batch that you would anticipate ever doing on site before
315 you'd consider moving off site?

316

317 MICHAEL FAIRBROTHER: Well, the largest batch I would look at producing would be twenty
318 (20) gallons, which is four (4) times what I'm making. It's easier to make five (5) gallon batches
319 of mead, because then I have more control over each batch and the finished product, so, you
320 know, making a two-case batch of mead and then being able to sell that is much more attractive
321 to me than trying to make a much larger batch and trying to find a market for it. Like I said, I'm
322 looking for a high price point on the product. It's not your typical ten (10) dollar or eight (8)
323 dollar bottle of wine and as such, you know, I wanna have very picky markets that I wanna sell
324 the product in.

325

326 MATT NEUMAN: Did you happen to bring a sample?

327

328 [laughter]

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330 MICHAEL FAIRBROTHER: Not with being on TV, that might be frowned upon, but...

331

332 MATT NEUMAN: No problem.

333

334 YVES STEGER: You're gonna be bottling it yourself?

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336 MICHAEL FAIRBROTHER: Yes, I would.

337

338 YVES STEGER: You do the cleaning of your bottles yourself?

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340 MICHAEL FAIRBROTHER: Yes, I would.

341

342 YVES STEGER: And where do you do that, in the garage or in the house?

343

344 MICHAEL FAIRBROTHER: I would be putting a sink in the garage that would fit into the
345 normal system of the house. All chemical products that I would be using are biodegradable.
346 They're made for home brewing. They're made by Five Star Chemical. They are specifically
347 made so that they...at the dilution levels that we're talking about, and I'd be using a clean-in-
348 place process, so I wouldn't be filling vessels and just wasting a lot of chemicals as I go through
349 each vessel, but...so you can literally use, not even like three quarters (3/4) of a gallon to clean a

350 vessel and that dilution ratio is...it's biodegradable and the septic system, the natural organisms
351 in the septic system naturally digest these products, so it's not bleach, it's not iodine, it's...I can
352 get you material data sheets on each one of these chemicals I'd be looking for but basically
353 there's a cleaner and a sanitizer and the cleaner is basically...I wanna say it's like oxy-clean, but
354 it's not quite oxy-clean, it's a professional brewer's wash made by Five Star and then Star Stan is
355 the chemical I would use. It's a no-rinse sanitizer, so that any yeast that's left in the mead
356 digests the product and it basically...I'm looking nor to create any kind of harmful environment
357 for where I live and this is how I've been home brewing for ten (10) years now on this property
358 and I really don't want to create a hazardous environment for my family and for anybody in my
359 neighborhood.

360
361 JOE GREEN: But I think what you're saying is you're going to commercial production, so we
362 can't, we have to kind of separate the two. Is this a process that he has to go through first where
363 it's a variance, then the several state and federal licenses that he alluded to earlier would then
364 kick in once he gets the variance? Because some of the questions that we have probably are
365 more on that side, you know, the health department, et cetera, as far as regulations, you know
366 what I mean? Just thinking about myself, I mean, not to say anything bad, but I mean, getting a
367 bottle that was made from a garage, I'm kinda thinking, oh, I don't know about that, you know?
368 Is the facility being cleaned? I mean, obviously, I know you do that but that's kind of like into
369 the state and federal licensing process, right?

370
371 RICHARD CANUEL: Yeah, those would be state licensing issues. Any time someone does a
372 discharge to the septic system, similar to our salons, when we do salons as home occupations...

373
374 JOE GREEN: Right.

375
376 RICHARD CANUEL: ...they're required to submit what's called a water discharge permit or
377 something. That's something that would be part of the licensing process, so, I would say if he's
378 not granted the variance to do the home occupation, then he's obviously not gonna get a license
379 for that location, so...

380
381 JOE GREEN: 'Cause anything that has to do with food, there's an awful lot of regulations with
382 sanitization processes and you gotta basically tell them every chemical that you're using and all
383 that, I'm sure.

384
385 MICHAEL FAIRBROTHER: That's correct.

386
387 JOE GREEN: When you get into the commercial side of it. Home brewing, I'm sure, is a little
388 different but I know the commercial side of it's very, very strict, so...

389
390 MICHAEL FAIRBROTHER: So, I view this as a first step in many steps along this path. I mean,
391 I'm trying to save myself time and energy from applying for my federal and state permits until I
392 know that this is cleared.

393

394 VICKI KEENAN: Beyond the sink, will there be any other construction or changes to the garage
395 and the interior?
396

397 MICHAEL FAIRBROTHER: Yes, I would need to create a storage facility inside the garage
398 where...to have any sort of winery or brewery, you need to have a place where you put your
399 finished product that has ...under lock and key, the owner of the winery or brewery, myself,
400 would have access to that. That's where, if the federal/state would come in and do an audit for
401 finished product, they could look at that. My goal is to have that be as small as possible, so that,
402 you know, I'm not keeping finished product on site and that finished product is in the stores,
403 being sold. But I do have to have a closet, if you will, in my garage that would be a finished
404 product room.
405

406 YVES STEGER: So, each batch, you said, it's about...five (25) gallons?
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408 MICHAEL FAIRBROTHER: Five (5) gallons or two (2) cases.
409

410 YVES STEGER: That's about twenty five (25) to thirty (30) bottles?
411

412 MICHAEL FAIRBROTHER: Yeah, twenty five (25) seven fifty (750) milliliter bottles.
413

414 YVES STEGER: Okay, so I was right on the [indistinct]. So, are you're gonna wash the bottles
415 by yourself?
416

417 MICHAEL FAIRBROTHER: Mm-hmm.
418

419 YVES STEGER: Okay. In most wineries or other bottling operations, the noise of the bottles is
420 quite significant. In your case, that will not happen.
421

422 MICHAEL FAIRBROTHER: I would not expect there'd be a lot of noise from that.
423

424 YVES STEGER: I've been into breweries, you know, you should hear the noise that the bottles
425 are doing. But that's completely automated, so that's no problem.
426

427 JOE GREEN: I'm looking at the picture of your home and the driveway. Looks like it's quite a
428 tight turn. One of the things we have to actually talk about, too, is the parking for the
429 customers. I know that you said Saturday and Sunday from ten (10) to four (4).
430

431 MICHAEL FAIRBROTHER: Yeah. Like I...
432

433 JOE GREEN: How many customers do you imagine?
434

435 MICHAEL FAIRBROTHER: Well, like I earlier stated, I originally asked for the opportunity to
436 sell on premise. I'm retracting that portion of it. I will not be selling on-premise.
437

438 JOE GREEN: So no deliveries, you'll be making all the deliveries out of your home but
439 no...when the product comes in, you'll actually be bringing it...

440
441 MICHAEL FAIRBROTHER: Yeah, there will be no customer sales on-premise.

442
443 JOE GREEN: [indistinct]...sorry.

444
445 MICHAEL FAIRBROTHER: So no customers on site ever.

446
447 NEIL DUNN: If I may, on the fermentation process or whatever, you talk about a pressurized
448 vessel. What kind of pressures could build up and if your relief valve that lets out the CO2 or
449 whatever didn't work, would there be any concerns or what is it constructed of?

450
451 MICHAEL FAIRBROTHER: It's constructed of two (2) pieces of plastic with water in between.
452 The water is an air lock between the two vessels...it's called a fermentation lock. Basically, it's a
453 one-way out, so the CO2 builds up, the little top piece sits over a tube that sticks out and there's
454 water in between and it bounces up and down as CO2 pressure. It's not possible for it to get
455 stuck. If you should mechanically stick it onto the other piece so that it couldn't actually work,
456 the cork that it's tied into the vessel would pop out, so it's not possible for it to explode or
457 to...In my ten (10) years of experience in making beer and...actually, fifteen (15) years of
458 experience making beer and mead, I've never seen an air lock stick or get stuck and explode.
459 It's basically a two (2) piece design, so there's a cap, a...I don't know how to describe it, like an
460 upside "U" and that sticks over this tube and in between that is water and that as the CO2
461 pushes up, the air lock moves out of the water and the gas escapes out the side and comes out
462 the top of the air lock.

463
464 YVES STEGER: They have to have it closed, otherwise it would not be an aerobic fermentation,
465 so...

466
467 NEIL DUNN: Right, and that's what my concern is, can it build up and explode or something?

468
469 YVES STEGER: Is there a lot of foam coming out?

470
471 MICHAEL FAIRBROTHER: No, mead does not foam up like beer when it ferments. I use a
472 specific type of yeast, narrowbone (?) style of yeast that's been used for making wine for
473 centuries. This yeast is low flocculation, so it doesn't make a lot of foam at the top. Usually it
474 settles in very cleanly at the very bottom of the fermentation tank.

475
476 JIM SMITH: What would be the pressures, actually? One, two, three, four pounds?

477
478 MICHAEL FAIRBROTHER: If you were to cap it, seal it? Yes, that could build up. Typically,
479 it's pretty light. I mean, it's probably less than a pound of CO2 pressure at all that's happening
480 at any one point in time. If you were to try to make a fermentation in the completely closed
481 vessel without any kind of release at all? Yeah, you're talking a problem. You know, it could be

482 a problem. But there's no advantage point in doing anything like that because you want the
483 CO2 to come out of the solution so that the yeast can actively grow and digest the sugars that it
484 wants to. As it's digesting sugars, it's releasing CO2. CO2 is a by-product, you want that by-
485 product out of the product that you're trying to make and that's the whole point. I would not
486 be making carbonated beverages for sale. I'm looking at still wines that are gonna be sold in
487 wine bottles, not capped and carbonated to any degree whatsoever, so CO2 I want out of the
488 product.

489
490 YVES STEGER: There is no mead champagne?

491
492 MICHAEL FAIRBROTHER: You can make it that way but it's more of an acquired taste than
493 without.

494
495 JOE GREEN: The reason why...I know I read...I hate to keep beating up on this point but I
496 know I read something that confused me. I understood that you said there was no customers
497 coming and I just wanna clarify one more thing on number four (4), you wrote "on premise
498 sales will be very limited to just a few hours per week," and that's really what confused me and
499 actually made me ask that question again, so what was that...?

500
501 MICHAEL FAIRBROTHER: So let me state again, so at the last meeting...in between the last
502 meeting and this meeting, I got a chance to meet with my neighbors. They expressed concern
503 about me having any kind of on site sales. I made a verbal agreement with them that I would
504 not have any on site sales, so from the date that I filed this adjustment to today, I've changed my
505 mind. My expectation was to only sell to couples that were looking to get married. I wanted to
506 make a custom batch of mead. The term "honeymoon" is based off of mead and you provided
507 mead for the period of time that the honeymoon happened, so I'm not gonna do that. I'm
508 looking to just deliver. I'm not gonna file for my licenses to have any on site premise sales
509 whatsoever, so while I originally thought that it would be nice to do that, I've changed my mind
510 and I will not be seeking that.

511
512 JOE GREEN: How do we adjust that here on the paperwork?

513
514 LARRY O'SULLIVAN: No problem.

515
516 VICKI KEENAN: We can make a restriction.

517
518 JOE GREEN: Restriction? Yeah? Okay.

519
520 VICKI KEENAN: Yeah, on the motion. Any other questions from the Board? Okay, let's move
521 to the public portion. Is there anyone in the audience that would like to speak for the applicant?
522 Please remember to state your name and address.

523
524 PAUL WILLIAMS: Yes.

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VICKI KEENAN: Thank you.

PAUL WILLIAMS: Hi. My name is Paul Williams and I live at 9 Sheridan Drive in Londonderry. And first of all, what I say is nothing personal, Mike, but we have very strong concerns, first of all, about running this type of a business in our neighborhood. Mike also sent us a nice letter saying that he didn't want to make any changes that will impact our beautiful neighborhood. And that's why I'm here. Because I also feel like my neighborhood is a beautiful neighborhood. But our concerns are, you know, once licensed or approved, what types of wines...can he be changing what he wants to do as far as...you know, he seems to be on one track, but I know in business, people seem to go on one track and then [indistinct] track. You know, if he's not making money here, does he change to a different type if allowed? He also said he wanted to start with a fruit juice. And he said it's much more expensive. I've talked to a lot of people who make their own wine at home and actually have talked to people that work for the State of New Hampshire in the alcohol...the alcohol beverage, I don't know what they call it in the State, but I also spoke to someone there and they told me that there's a lot that goes into it as far as the waste products and that the stink from the waste products and, you know, that's our concerns. And I know that from where we live, we're not far from where Waste Management parks their trucks. I don't know if they happen to have any kind of rodent problems but I don't want them in my neighborhood either. Because I guess there's...I don't know if he's gonna have this...I was told something about a stint grain. I don't know if that pertains to what you're doing from when you're making wines. There's, you know, just that this is really going to be a commercial business. I know he spoke about the barrels of honey. He didn't say how many or how many five (5) gallon containers that he was going to produce. You know, this could be a very large production as well as it could be a small production. We don't know this. And now he also mentioned something about bringing the bottles in, which they need to be brought in as well. Do we happen to have a picture of how he's setting up his garage? Drawings or anything of the garage?

LARRY O'SULLIVAN: No, there's nothing submitted.

VICKI KEENAN: No interior drawings.

PAUL WILLIAMS: Okay.

VICKI KEENAN: But Richard...?

PAUL WILLIAMS: Because, you know, for all we know, he could have it from wall to wall shelves, from top to bottom, and...

JOE GREEN: And that was where my question came from before. I wasn't sure where the legalities fell as far as, was that state, federal regulations that somebody had to inspect that as far as the business went? We're just kind of concentrating on can this be, can this happen in this garage, basically, right?

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RICHARD CANUEL: Well, as far as the operation of the business, the licensing bureau with the state would do the inspections for the license. You know, they would actually do inspections initially and on a regular basis. So they would control the type of product that was used, the amount of product that's on site and so forth. As far as our special exception requirements in our ordinance, there are no provisions in our ordinance that limits the amount of product someone can make on site at their own private home, so, I don't know how this Board could actually regulate that without having at least some basis in the ordinance to direct that to, so...

PAUL WILLIAMS: Well, according...excuse me, according to the gentleman I spoke to from the state, he told me that according to state and federal laws, you're allowed to make up to two hundred (200) gallons per year in your home without being licensed. Anything above that needs to be licensed. But he said there's no limitation because, you know, if he sold a million gallons of wine a year, how could he...they wouldn't be allowing him to run his business. So, and also, they said that the, as far as the federal government, the federal government does not come out and do any inspections. It's all done by the state. These people were pretty well informed that I spoke to. But also, all the people that I know that brew their wine all kind of said the same thing, that, you know, this is a great thing to do but it should be done more in a commercial type environment and not in a residential. I understand we're in an agricultural/residential neighborhood but it's all residential, basically. Any questions?

VICKI KEENAN: Thank you.

PAUL WILLIAMS: Thank you.

VICKI KEENAN: Is there anyone else in the audience that would like to speak?

JIM GODIN: Yes, I would. Hi, I'm Jim Godin, I live on 1A Shelley Drive, which is just down the street from where Mike and across the street from where Paul lives. To start off with, our neighborhood, it's cul de sacs, it's one way in, one way out. Now, I've been told and I've heard in this meeting that there's not gonna be any sales from home or anything else but I still am concerned about any kind of traffic impact. We've got a tight neighborhood. I'll tell you what, I've been living there for quite a few years and there was a period of time where it was really rough and right now it's an awesome neighborhood. You know, like years in past, the police were down at our area constantly. You know, like there's some tough people. We don't want to ever go back to that. We've got some nice young families. There's condos, there's single family residences and with that, there's a lot of young children, toddlers and whatnot and we'd like to keep it as a safe environment for all of these. Now, with the winery, no matter what scale it is, if it goes out to market, my concern is that word gets out and is there gonna be any kind of attraction for people to try to get in and, you know, like young kids trying to break in and sample this product? You know, like I'm concerned with security, there's a lot of issues. I guess if I wanted to talk about everything that I think of, you know, we'd be here for hours and hours and hours but that being said, I'd like to know if there's any kind of guarantee where there's no

613 chance of advertisement, no chance of sales on the property, and the other thing is I'm
614 concerned about how many businesses are allowed at a family residence. Mike told us that he
615 was starting some sort of a consulting firm. He's doing his brewery to a degree and now he's
616 trying to start a winery. And, you know, like I don't wanna stop anybody from working but the
617 point is that, you know, like is there any limit to the amount of businesses one person can have
618 on their personal home, you know? There's a lot of issues that we're concerned with and we're
619 not really informed about too much of this. My wife and I found out about Mike's desire to do
620 this through our neighbors. We weren't aware. I guess we're not strictly... in the strict sense,
621 we're not abutters but we're just down the street and in the area and again, it's a one way in,
622 one way out area, so we certainly have concerns. And, you know, like there's a lot of
623 unanswered questions that don't give us any kind of comfort in knowing that this is going to
624 happen, you know, like we'd like to know that things are gonna be safe and secure for all of us.
625 We want a good neighborhood. That's our desire as well as... I'm sure you folks feel the same
626 way, you know, like you don't want to live in a place... if I wanted to have a tough
627 neighborhood, I'd be in inner-city Manchester or something, you know? We love what we have
628 and we'd like to keep it that way.

629
630 VICKI KEENAN: Thank you.

631
632 JOE GREEN: You said you're on Shelley Drive, you said?

633
634 JIM GODIN: Yes.

635
636 JOE GREEN: Okay.

637
638 VICKI KEENAN: Is there anyone else in the audience that would like to speak for or against
639 the application? Michael, would you like to come up and address the comments?

640
641 CHRIS DUDDY: [indistinct]

642
643 VICKI KEENAN: Oh, sure.

644
645 CHRIS DUDDY: And I wouldn't mind saying something [indistinct].

646
647 VICKI KEENAN: Come on up.

648
649 CHRIS DUDDY: Chris Duddy, I live on Woods Ave, the street right before the other one. You
650 know, hearing the neighbors talk...

651
652 JIM SMITH: Can you state your name?

653
654 CHRIS DUDDY: Chris Duddy, 12 Woods Ave. You know, hearing everybody speak and
655 everything, I have no problem, you know, with people that wanna start businesses. The
656 company I work for was started by a guy who started his medical company out of his garage,

657 you know, Londonderry, in jail now, Jay Brooks, but anyway, just kinda getting back, but my
658 whole thing is, I go to work, you know, I have four (4) small children and it's kind of a concern
659 to me, just as far as the traffic, you know, I don't know if this thing is okayed, how big can it get,
660 you know? Where does it stop? Where does it, you know, are the...you know, I come here
661 pretty uneducated in the matter. I know how to consume it. I don't know much about how it's
662 made or how far you guys are gonna allow this to go. I go to work in an industrial park, I don't
663 wanna live in an industrial park when I come home. That's pretty much...and obviously,
664 concerns for my children. I have no problem with somebody starting a business. I just wanna
665 be...I want the assurance at the end of the day that you guys are keeping into consideration,
666 you know, how big can this get? It's...like I said, I have no problem with it happening. I just
667 wanna make sure that, you know, it's controlled as far as how big it can get. I don't wanna live
668 next to Budweiser ten years from now.

669
670 LARRY O'SULLIVAN: Mr. Duddy, I didn't know if you'd been here for the entire presentation,
671 but from what we've been told is that the business is small, it will stay in the garage, it doesn't
672 draw any traffic, has no smells, there's no sounds. May I ask what your objection is?

673
674 CHRIS DUDDY: My objection is just how far can this go? If you guys grant it to be okay, how
675 far...I mean, can he start moving into his house and doing it? Can he start... 'well, I was gonna
676 do it my'...you know, 'now I bought a bigger truck and now I got another truck that,' you
677 know, 'somebody...that I'm gonna'...you know, 'I got two trucks,' and where does it stop? I
678 mean, I have no problem with him doing what he stated. My only concern is how far can it go?

679
680 VICKI KEENAN: Richard, can I ask you a question? Can we...I don't know how we would
681 enforce this, but can we limit the quantities produced?

682
683 RICHARD CANUEL: I suppose the Board can make that a condition of their approval, if they
684 see fit, based on the presentation by the applicant and stating that is his intent to make a
685 maximum five (5) gallons at a time. I suppose you could base the condition on that proposal.

686
687 MATT NEUMAN: But who's going to enforce that?

688
689 RICHARD CANUEL: Well, it would be enforced based on a complaint. I mean, we wouldn't
690 otherwise know what happens inside the privacy of someone's home unless we were to receive
691 a complaint from someone stating that he's exceeding the conditions of the Board's approval.

692
693 LARRY O'SULLIVAN: And typically, that would be because of increase of traffic or increase of
694 delivery trucks in the neighborhood, that kind of thing.

695
696 VICKI KEENAN: That's right.

697
698 RICHARD CANUEL: Right.

699

700 LARRY O'SULLIVAN: And that's the red flag. I live on Lawson Farm. We have a home
701 brewer on Lawson Farm...

702

703 CHRIS DUDDY: Yup.

704

705 LARRY O'SULLIVAN: That makes far more beer in a year than what's being applied for and
706 you would never know it. It's done in the premises. Inside the house. We have another one on
707 Shas...I'm sorry, High Range Road that makes a good portion more than what Mr. Fairbrother's
708 proposing. Also beer. Much smellier, it smells great to me, but nobody complains. All for self
709 consumption and parties and what have you for himself. There's another brewery and winery
710 on Lawson Farm...I'm sorry, winery, on Lawson Farm. Somebody makes maybe a hundred
711 gallons a year. No smell.

712

713 CHRIS DUDDY: But you said for personal consumption, right?

714

715 LARRY O'SULLIVAN: Yes.

716

717 CHRIS DUDDY: Yeah.

718

719 LARRY O'SULLIVAN: But a hundred (100) gallons a year. He's talking about making two
720 hundred (200) gallons.

721

722 CHRIS DUDDY: And you know what? To be honest, I have a fish tank, I know how big that is,
723 I don't have a concern with that. My only thing is how far can it go? You know, and...

724

725 VICKI KEENAN: If it grows.

726

727 CHRIS DUDDY: Yeah, I mean...

728

729 VICKI KEENAN: Yeah.

730

731 LARRY O'SULLIVAN: Everybody's...

732

733 CHRIS DUDDY: I mean, I don't...I mean, that's capitalism.

734

735 LARRY O'SULLIVAN: That's everybody's concern.

736

737 CHRIS DUDDY: Like I said, the company I work for started in a garage.

738

739 LARRY O'SULLIVAN: Mm-hmm.

740

741 CHRIS DUDDY: I thought about it a lot, would I like him being next door to me wanting to
742 make medical trays? No. You know, but, I'm working there. You know, I'm all for the
743 capitalism, my concern is just for my kids, my four (4) kids.

744
745 LARRY O'SULLIVAN: Absolutely.

746
747 CHRIS DUDDY: Traffic and...I love the stuff, I drink it, you know...

748
749 JIM SMITH: I think the limiting factor is the fact that it's gonna be in the garage. That's the
750 area of the building which he says he's gonna operate from, that's what the special exception
751 would be based upon, him using the garage. So if the outgrows the garage, he's gonna have to
752 stop this operation and move it to some other location.

753
754 VICKI KEENAN: Actually, can I ask Michael a question? Michael, what would be the quantity
755 limitation, from your perspective? You know this business.

756
757 MICHAEL FAIRBROTHER: Yeah, so some several good points were brought up, so...and as I
758 talked to my neighbors about, the size is a limiting factor. You can only produce so much, and
759 there's only so much square footage in this garage. There's only so much you can make at any
760 one point in time. You can't rush the process. Like I said, it takes upward of eight (8) months to
761 age mead finish, so even if I was to fill every square inch of that garage, and that can't happen,
762 but if I were to fill every square inch with [indistinct] space, there's only a maximum amount
763 that I can produce in a year. If I get to anywhere close to where, you know, I talked about
764 buying four (4) barrels of honey a year, so two hundred and twenty (220) pounds of honey per
765 year, if I get above that volume, I've already outgrown my garage. And so I don't expect to be
766 taking mass quantities of fermentable products to my house to produce. And I expect to make
767 small batches of mead and if it gets anywhere close to being successful, the first thing I wanna
768 do is move it out of there so I can really put my time and energy into this in being a successful
769 venture.

770
771 JOE GREEN: Could you explain one of the comments that were made earlier and I don't if this
772 is...if anybody else has any knowledge about this to verify but someone said that over two
773 hundred (200) gallons...under two hundred (200) gallons can be home and then over two
774 hundred (200) is commercial, is that something that...?

775
776 MICHAEL FAIRBROTHER: Yeah, so, back in 1978, Jimmy Carter passed a law that allowed for
777 the home brewing of mead, beer and cider on a premise. It's based on a hundred (100) gallons
778 per legal adult, so I used to be able two hundred (200) gallons per year when I was legally
779 married. I'm now restricted to a hundred (100) gallons a year for personal consumption because
780 I solely live in the house with my two (2) minors. To become a commercial venture, which as
781 I'm looking to do, which I can't blend the two, you know, I can't take what I make commercially
782 and say it's home product and vice versa. My passion for brewing beer and my home brewery
783 is completely segmented and it has to be. You can't have malt on premise for a winery. And
784 thus, the garage is gonna be the winery so I can legally not store any malt based products in the

785 winery. And this is all tightly controlled by the federal government. My neighbor mentioned
786 spent grains. There's no spent grains in a winery. There's no malt at all allowed for a winery.
787 It's all a sugar fermented product, typically produced from agricultural product, usually fruit.
788 In my case, honey. There's no waste product from honey. It's completely fermentable. If I do
789 make a fruit based mead, that fruit would be carried off site and could not be stored on site. I
790 don't know if I answered your question, but...

791
792 JOE GREEN: No, I just doing calculations, that's what I do automatically in my head, but
793 you're looking at a thousand (1,000) bottles for two hundred (200) gallons. A thousand (1,000)
794 bottles is a lot. You just said for five (5) gallons, you get twenty five (25) bottles, right? So, I'm
795 just looking at that, saying when we talk about the noise and the traffic and some of the people
796 that spoke were concerned about that and a thousand (1,000), I mean, again, if you were just
797 doing it privately and not commercial, which, again, you're applying to be commercial, so
798 you're kind of saying that you wanna go into more than two hundred (200), or in your case one
799 hundred (100), you know, with a single person. So that means more than five hundred (500)
800 bottles or more than a thousand (1,000) bottles you'd be producing. I'm just trying to make an
801 assumption.

802
803 MICHAEL FAIRBROTHER: At a maximum, that is correct. And like I stated, that I don't
804 expect to hit a maximum because of the amount of size, so...

805
806 YVES STEGER: This is per year, correct?

807
808 MICHAEL FAIRBROTHER: Right, that is correct.

809
810 VICKI KEENAN: Right.

811
812 YVES STEGER: So a thousand (1,000) bottles per year, that's three (3) bottles a day. Or twenty
813 (20) bottles a week.

814
815 LARRY O'SULLIVAN: And it takes eight (8) months.

816
817 MICHAEL FAIRBROTHER: And we're talking two (2) cases per batch. Two (2) cases of bottles
818 per batch. So, at any one time, I'm bottling twenty four (24) bottles or twenty five (25) bottles at
819 a time.

820
821 JOE GREEN: That's the point I was trying to make, was that's under a commercial regulation,
822 so, just to say we can make an assumption if he's going for a commercial, he's gonna want to
823 produce more than that. That's the reason why he's doing it.

824
825 VICKI KEENAN: But that...

826
827 LARRY O'SULLIVAN: Mm-hmm.

828

829 JOE GREEN: So to some people's concerns, I mean, we have to make some assumptions 'cause
830 we haven't...
831
832 VICKI KEENAN: Well we can make a restriction on the quantity, so that it doesn't go beyond...
833
834 JOE GREEN: That's what I'm concerned about.
835
836 VICKI KEENAN: Right. So let's talk, let's have that discussion under the Board deliberation.
837
838 MICHAEL FAIRBROTHER: All set?
839
840 YVES STEGER: One other question. What is the alcohol content of mead?
841
842 MICHAEL FAIRBROTHER: It's typically wine strength. Around twelve (12) percent. That's all
843 typical...it's controlled. The recipe formulas can be very high or very low. It can be as low as
844 six (6) percent, it can be upwards of fourteen (14) percent. There's a lot of pros and cons for
845 either one. But again, that's all tightly controlled by state and federal regulations. So, I'd be
846 working with them to formulate recipes and get those approved.
847
848 VICKI KEENAN: Jim, you have the last question, okay?
849
850 JIM SMITH: Yeah. The storage facility for the finished product, that has to be, how would you
851 say, secure enough to keep people from breaking into it? Is that what...?
852
853 MICHAEL FAIRBROTHER: Yes, as well as the brewery or winery has to be secure, so there
854 was an original question about the security of the premises and concern about break-ins. So the
855 TTB requires that you define, in their application, the security measures that are in place for the
856 winery and that's all reviewed as well, as part of the standard application.
857
858 VICKI KEENAN: Alright, we will bring it back to the Board for deliberation. And I just wanna
859 remind the Board, we've got one, two, three, four (4) more cases plus some old business and we
860 cannot continue anything until our next regularly scheduled meeting, which is January, you
861 know, so let's try and keep...let's ask only the same question one time and sort of...
862
863 NEIL DUNN: May I? Before we bring it back to the Board, may I ask him just one question on
864 what he can live with if we were trying to limit production, so that we're not, first of all,
865 under...?
866
867 VICKI KEENAN: I thought he said two hundred (200) gallons was the limit.
868
869 NEIL DUNN: Would you live with a limit of two hundred (200) gallons? Is that...I think it's
870 more than...
871
872 VICKI KEENAN: That's the maximum production, right?

873

874 MICHAEL FAIRBROTHER: So, right now, legally, if there are two (2) adults on property,
875 twenty one (21) years or older, I can produce two hundred (200) gallons a year today, without
876 your permission. That's the federal law that's in effect. Am I asking to produce less than two
877 hundred (200) gallons? No. I would like to produce, you know, mead that I can produce there
878 and sell. Do I expect it to exceed two hundred (200) gallons my first year? Not really. That
879 would probably be my maximum output my first year. I can't really anticipate making more
880 than four hundred (400) gallons per year in the space that I have. And if I'm selling four
881 hundred (400) gallons per year, it's profitable enough for me to move it off site and make a real
882 go at it, so, two hundred (200) gallons seems a bit restrictive. Four hundred (400) gallons, to me,
883 seems quite reasonable. Ideally, I'm looking at meaderies like Pisquataway, who's making five
884 hundred (500) cases per year on their property. The same space that I'm talking about. It took
885 them five (5) plus years to get to that quantity. I don't know, make of it what you will, but...

886

887 NEIL DUNN: Just to follow up with that, and I'm trying to be realistic, I don't wanna set a limit
888 that's not gonna let you...

889

890 MICHAEL FAIRBROTHER: Sure.

891

892 NEIL DUNN: ...that's reasonable to the neighbors and the Board, so four (4) fifty five (55)
893 gallon drums of honey was for how much?

894

895 MICHAEL FAIRBROTHER: Right, so, I said at a maximum four (4), I was looking at producing
896 that. That would produce eight hundred (800) gallons. So I'm anticipating much smaller
897 quantities than that. I can't quite work out in my head the mathematics and the logistics of
898 aging and storing and fermenting that much product in that small of a space in that time frame.
899 I just can't see how it's possible. So I said up to a maximum of four (4) deliveries per year of
900 honey is what I was looking for and to be honest, I'd probably pick up the four (4) barrels of
901 honey at one (1) period of time and just store it in the garage instead of trying to coordinate the
902 delivery of it four (4) different times, but...And again, I can't anticipate how I could produce
903 that much mead in that small space in that time frame and let it age and mature as it needs to to
904 produce the crafted product I'm looking to produce. I'm really...I don't want to produce a mass
905 quantity product. I wanna produce something that's based off of the passion I brought to it
906 from a home brewing perspective, why I've won so many awards in the last fifteen (15) years,
907 and that's based on taking attention to detail, small quantities and putting my heart and soul
908 into it and that's really what I'm looking to do here.

909

910 VICKI KEENAN: Okay.

911

912 NEIL DUNN: Thank you.

913

914 JIM SMITH: One follow-up question. The finished product, are you going to be personally
915 delivering it to your retailers?

916
917 MICHAEL FAIRBROTHER: Yes.
918
919 JIM SMITH: So there will not be any other commercial [indistinct]?
920
921 MICHAEL FAIRBROTHER: That is correct.
922
923 VICKI KEENAN: Okay. We are going to close the question and comment period. We're gonna
924 bring it back to the Board for deliberation.
925
926 DELIBERATIONS:
927
928 VICKI KEENAN: Can I just start with a few comments?
929
930 JOE GREEN: Sure.
931
932 VICKI KEENAN: I am inclined to grant this exception and I have several restrictions that I
933 would like to see on this that maybe should be part of this discussion. The first is to limit this
934 production to the garage. He needs to receive all the state and federal licenses that are
935 appropriate. No sales on the premises. Limit the production of honey mead wine or honey
936 wines or meads to four hundred (400) gallons per year and only to that type of wine. And that
937 all waste disposal be off site.
938
939 JOE GREEN: You don't need to put 'no signs' because it's already in there, right?
940
941 LARRY O'SULLIVAN: Right.
942
943 VICKI KEENAN: Right.
944
945 JIM SMITH: He didn't ask for one.
946
947 YVES STEGER: No, he did not. That's why we have to put it in there.
948
949 VICKI KEENAN: Oh...
950
951 YVES STEGER: If there's no...
952
953 LARRY O'SULLIVAN: There's no sign requested.
954
955 VICKI KEENAN: Okay, so we should...
956
957 JIM SMITH: No sign requested.
958
959 JOE GREEN: No sign requested, but...

960
961 VICKI KEENAN: We should put no sign.
962
963 YVES STEGER: So we put 'no signs.' No on site customers, garage only...
964
965 LARRY O'SULLIVAN: Well, what you need to make to make that more precise is we keep 'no
966 premises,' 'no on premise customers.'
967
968 YVES STEGER: No on...
969
970 LARRY O'SULLIVAN: Right?
971
972 VICKI KEENAN: No on premises sales, period.
973
974 LARRY O'SULLIVAN: Customers.
975
976 VICKI KEENAN: Or customers.
977
978 JIM SMITH: Customers.
979
980 JOE GREEN: Customers.
981
982 VICKI KEENAN: Yeah, so both. Yeah.
983
984 LARRY O'SULLIVAN: The limit to four hundred (400) gallons a year of mead, is that what
985 you're suggesting?
986
987 YVES STEGER: Yes.
988
989 VICKI KEENAN: Yeah.
990
991 LARRY O'SULLIVAN: Okay.
992
993 JOE GREEN: Well, four hundred (400) gallons of finished product, right? It's different than
994 mead.
995
996 VICKI KEENAN: Yeah.
997
998 YVES STEGER: Yes.
999
1000 VICKI KEENAN: Yeah, the mead. The honey wine.
1001
1002 LARRY O'SULLIVAN: Mead is the finished product.
1003

1004
1005 MATT NEUMAN: Well, that's the finished product...
1006
1007 YVES STEGER: Yes.
1008
1009 MATT NEUMAN: ...is mead.
1010
1011 LARRY O'SULLIVAN: And the production to the garage. Right now, he can expand inside his
1012 home to twenty five (25) percent.
1013
1014 YVES STEGER: No. Because it was not in his proposal.
1015
1016 VICKI KEENAN: That's right.
1017
1018 LARRY O'SULLIVAN: Well, no, if he wanted to expand the home occupation...
1019
1020 YVES STEGER: No...
1021
1022 VICKI KEENAN: That's why I said we...
1023
1024 LARRY O'SULLIVAN: When we grant a special exception, would there be any reason to even
1025 know that his business has expanded to inside the home?
1026
1027 VICKI KEENAN: I think we should limit it to the garage only.
1028
1029 LARRY O'SULLIVAN: Just leave it at that.
1030
1031 VICKI KEENAN: Yeah.
1032
1033 YVES STEGER: Yeah.
1034
1035 NEIL DUNN: So he can't do paperwork in an office in the house?
1036
1037 LARRY O'SULLIVAN: Well, you have to be careful. You don't wanna take any rights away
1038 that are standard for everybody else.
1039
1040 VICKI KEENAN: Maybe the production as such.
1041
1042 MICHAEL GALLAGHER: Production...
1043
1044 MATT NEUMAN: Yeah, production...
1045
1046 MICHAEL GALLAGHER: The production piece of it only in the garage.
1047

1048 VICKI KEENAN: The production is limited to the garage. I think that's right.
1049
1050 LARRY O'SULLIVAN: There you go.
1051
1052 VICKI KEENAN: Yeah, okay.
1053
1054 NEIL DUNN: The other thing I would...my thought was on another was talk of possibly
1055 people can do a heat processing, would we restrict 'no heat processing'?
1056
1057 LARRY O'SULLIVAN: He has no intention of doing it, but...
1058
1059 JOE GREEN: The fact that we...
1060
1061 LARRY O'SULLIVAN: Why would you put a limitation on something he has no intention of
1062 doing?
1063
1064 NEIL DUNN: Because he could do it if he...I mean, intentions change. We all...
1065
1066 JOE GREEN: I think we covered that though by saying that it's gonna be only this type of wine
1067 because they said before that other types of wine would need a different process, right?
1068
1069 LARRY O'SULLIVAN: Okay. Yes. Our Master Plan, for everybody, encourages home
1070 business. Home occupations. Our Master Plan is a device that this Board has read again and
1071 again and again. It's a couple of hundred pages, available online, every few years, every six (6)
1072 or so years, it's modified or changed, tweaked a bit, renumbered, and it encourages home
1073 occupations. Now, the reason for that is because the industry is forcing it and we need the tax
1074 base in town. The encouragement that this Master Plan provides helps guide this Board to
1075 making decisions. What we need to be concerned about and what we are concerned about is
1076 your safety, your children's safety, the things that are going to happen in your neighborhood.
1077 We live in neighborhoods, we've had it happen in our neighborhood where somebody wants to
1078 do something that we don't like and we show up here for the first time ever. That's one of the
1079 reasons why I'm on this Board is twelve (12) or so years ago, something was built in town that I
1080 objected to and came again, again and again to see if I could make a change. I couldn't do it
1081 from that side. We're looking for volunteers for this Board, by the way. Just to make that pitch.
1082
1083 VICKI KEENAN: Thanks.
1084
1085 [laughter]
1086
1087 VICKI KEENAN: I was gonna make that pitch in a little while. Well, who wants to be the
1088 scribe for the restrictions? 'Cause there are quite a...
1089
1090 LARRY O'SULLIVAN: I got it.
1091

1092 YVES STEGER: I already got it, yeah.
1093
1094 VICKI KEENAN: Oh.
1095
1096 LARRY O'SULLIVAN: Are we ready? Any more discussion on this? Who's the five (5) voting?
1097
1098 JIM SMITH: All regular five (5) members.
1099
1100 VICKI KEENAN: All of you. We already have five (5).
1101
1102 LARRY O'SULLIVAN: Everybody here?
1103
1104 VICKI KEENAN: Yup, okay.
1105
1106 LARRY O'SULLIVAN: Okay.
1107
1108 VICKI KEENAN: Then let's entertain a motion. Anybody?
1109
1110 LARRY O'SULLIVAN: I'd like to make a motion to approve case 11/18/2009-1 with the
1111 restrictions that no on site or premise customers be permitted, that production is limited to
1112 mead to the extent of four hundred (400) gallons a year and production is limited to the garage
1113 only.
1114
1115 JOE GREEN: Honey mead, though, right?
1116
1117 VICKI KEENAN: Same thing.
1118
1119 JOE GREEN: Well...
1120
1121 LARRY O'SULLIVAN: We can discuss it.
1122
1123 VICKI KEENAN: Yeah, finish the motion with the restrictions and then let's talk about it.
1124
1125 LARRY O'SULLIVAN: That was all I had.
1126
1127 YVES STEGER: Plus meets all state and federal laws.
1128
1129 VICKI KEENAN: Yup. And no sales on premises, right? Did you do that one? Okay.
1130
1131 LARRY O'SULLIVAN: I don't see the need to put anything for state and federal because he
1132 can't do anything without that.
1133
1134 YVES STEGER: Yes, but remember, a special exception...that doesn't go with...doesn't stay
1135 with the house, correct?

1136
1137 LARRY O'SULLIVAN: No.
1138
1139 YVES STEGER: It doesn't...
1140
1141 VICKI KEENAN: That's okay. Alright. And you did 'no sales'? I missed that, I'm sorry.
1142
1143 YVES STEGER: Yeah.
1144
1145 LARRY O'SULLIVAN: Yeah, no on site...
1146
1147 VICKI KEENAN: No customers? Okay.
1148
1149 LARRY O'SULLIVAN: Right.
1150
1151 VICKI KEENAN: Mead is honey mead or honey wine by definition? Did we get it covered
1152 there?
1153
1154 MICHAEL FAIRBROTHER: Yes, there is legally no definition for mead from the government's
1155 perspective. Mead is wine. Mead, by definition, outside of the federal government, is a honey
1156 based wine, so, mead defines it being primarily fermented with honey.
1157
1158 VICKI KEENAN: Okay. Alright, so any other discussion around the motion? Okay.
1159
1160 LARRY O'SULLIVAN: I didn't get a second.
1161
1162 VICKI KEENAN: Excuse me, I was gonna...
1163
1164 JIM SMITH: I'll second.
1165
1166 VICKI KEENAN: Second. Any discussion around the motion? Sorry. Questions? No? Okay,
1167 let's go to a...
1168
1169 LARRY O'SULLIVAN: You okay with that?
1170
1171 JOE GREEN: Not really, but if you guys don't wanna change it, I think to the concerns that we
1172 already heard, it was very clear that people were concerned about other types of wines and
1173 other processes that could happen, so we are saying that we're gonna allow any other types of
1174 meads, am I...? 'Cause he just said that...there was a...a kind of a loose definition of that, so...
1175
1176 LARRY O'SULLIVAN: Well, we've just limited to his production on site to four hundred (400)
1177 gallons of mead.
1178
1179 VICKI KEENAN: And mead is...

1180
1181 LARRY O'SULLIVAN: If he makes it with honey or makes it with, you know...
1182
1183 JOE GREEN: If you're comfortable with the definition of mead, that's fine, but I think that you
1184 just said that it was kind of loosely defined.
1185
1186 MICHAEL FAIRBROTHER: Well, so, I was trying to be very clear based on the federal statutes
1187 of what meads are.
1188
1189 JOE GREEN: Yup.
1190
1191 MICHAEL FAIRBROTHER: So the name of the business is "Moonlight Meadery, LLC." So, I
1192 have no plans, and if you wanna say that no other types of wine can be made, that's fine with
1193 me. I'm planning on making mead, which is a honey based wine, period. So, I don't plan on
1194 importing grapes or strawberries or blueberries or anything else to make any other types of
1195 wine.
1196
1197 LARRY O'SULLIVAN: Thank you. Joe, to your point then, I'll make a modification to honey
1198 mead.
1199
1200 JOE GREEN: Mm-hmm.
1201
1202 LARRY O'SULLIVAN: Limited to honey mead.
1203
1204 VICKI KEENAN: Okay, do you accept...?
1205
1206 JIM SMITH: I'll second the change.
1207
1208 VICKI KEENAN: Okay. Any further discussion? Okay, all those in favor, signify by saying
1209 'aye.'
1210
1211 LARRY O'SULLIVAN: Aye.
1212
1213 VICKI KEENAN: Aye.
1214
1215 YVES STEGER: Aye.
1216
1217 NEIL DUNN: Aye.
1218
1219 JIM SMITH: Aye.
1220
1221 VICKI KEENAN: Opposed? Abstentions? Okay, please fill out your sheets.
1222

1223 RESULT: THE MOTION TO GRANT CASE NO. 11/18/2009-1 WITH RESTRICTIONS WAS
1224 APPROVED, 5-0-0.

1225
1226 RESPECTFULLY SUBMITTED,

1227
1228
1229
1230 LARRY O'SULLIVAN, CLERK
1231 TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

1232
1233 **APPROVED JANUARY 20, 2010** WITH A MOTION MADE BY , SECONDED BY AND
1234 **APPROVED 5-0-0.**

DRAFT