

Protectworth Brewery
Tim Fraser and Adam Bray
P.O. Box 52
Springfield, NH 03284

April 25, 2022

Zoning Board of Adjustment
Town of Grantham, NH
300 Route 10 S
Grantham, NH 03753

Dear Chairman and Committee Members,

We are writing to request a continuance of the Special Exception hearing of March 24, 2022 to the May 26th ZBA meeting, for the purpose of providing the Board with the attached document outlining our rationale that our proposed nanobrewery is neither in conflict with nor contradictory to the stated purpose or spirit of the Zoning Ordinance. We hope you agree the proper course is a Special Exception from the ZBA and Site Plan Review from the Planning Board. We believe that requesting a Variance to the Ordinance is neither desirable to the town or us, as applicants.

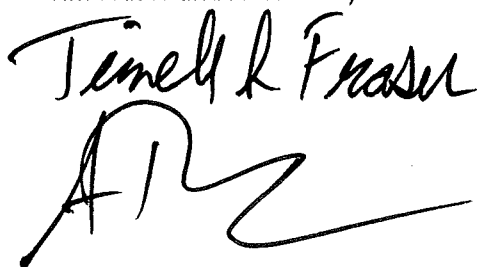
Additionally, we believe our proposal is in alignment with the Town's Master Plan, and we would like the opportunity to make the case that it is completely hospitable to and in harmony with the "Community Values" as stated in the Plan adopted by the Planning Board on September 7, 2017

Review by the ZBA of our explanation and justification for the granting a Special Exception to operate a nanobrewery will provide equity within the zoning ordinance and help provide insight to other like businesses that strictly speaking could have a so called "light industry" component to their overall retail operation.

We thank you for your consideration,

Sincerely,

Tim Fraser and Adam Bray

Handwritten signatures of Tim Fraser and Adam Bray. The signature for Tim Fraser is written in a cursive style, and the signature for Adam Bray is a stylized, bold signature.

development, protecting the value of homes and lands, and preserving the Towns character and environment, ensuring wise and efficient expenditure of public funds, and providing for adequate public utilities and other public requirements. (Grantham Zoning Ordinance: updated 3/8/22)

The proposed nanobrewery is neither in conflict with nor contradictory to the stated purpose or spirit of the Ordinance.

Permitted Uses. (i) Agriculture *It is our contention that boiling sweet wort (mashing is a step in the brewing process that combines crushed malts with hot water in a grain mash to convert complex starches into simple, fermentable sugars.) The resulting liquid is called wort which is pumped to fermentation tanks. This activity is quite analogous in process to “sugaring” operations that boil maple sap down to syrup and candies, which are then bottled or packaged for sales and distribution.*

Permitted uses by Special Exception:

Restaurant, excepting that drive-in, drive-through, and take-out restaurants are prohibited. However, take-out food services are permitted so long as they are subordinate and incidental to another business and housed in a structure associated with that business. *We would argue that a nanobrewery tasting room is operationally, very much like a restaurant that takes raw ingredients, applies processing by heating, boiling or other preparatory measures, then packages the product for on-site consumption.*

Examples of other approved or potential businesses examples that could technically involve “light industry”, not mentioned as permitted uses:

Bakeries

Ice Cream Shops

Donut / Bagel Shops

Soup shops

Free standing Delicatessens

Candy Shops (ex. Taffy makers, chocolates, etc.)

Butcher shops that process meat products to sausage, various cuts and packaging

Specialty coffee shops that grind their own coffees, make blends using processing equipment

As important to the words of the Zoning Ordinance, are the spirit or intent of the citizens of Grantham in voting for its adoption. This is perhaps best reflected in the “Community Values” as stated in the Town’s Master Plan. (Adopted 9/7/17, p.36)

The Community Survey conducted in 2017, shows that residents of Grantham want to conserve the small-town atmosphere, rural character, and open space. There is notable concern about too rapid residential development in town. Highlights of these views are summarized below:

“Recommendations” (p. 40)

“Continually assess the inventory of commercial, industrial and residential lands that are eligible for development and the need to rezone to accommodate future development needs”

In 2014, New Hampshire Revised Statutes, Title XIII allowed for operation of the so-called nanobrewery in the state of New Hampshire. This was a new type of retail business that most likely was unforeseen by the authors of the Zoning Ordinance in 1990, so it is not surprising that it is not specifically listed under “permitted uses”. However, it is reasonable to conclude by the intent outlined in the Master Plan that “townspeople” may wish to initiate this type of business within the Business District, if considered desirable and compatible with community objectives.

Also of note to this discussion is NH Rev Stat, Sec 78-A:3 (2015) which defines a restaurant as such: "Restaurant" means an eating establishment where food, food products, or beverages including alcoholic beverages are served and for which a charge is made. The term includes, but is not limited to, a cafe, lunch counter, private or social clubs, cocktail lounges, hotel dining rooms, catering business, tavern, diner, snack bar, dining room, food vending machine, and any other eating place or establishment where meals are served, even if the serving of a meal is not the primary function of the establishment such as but not limited to convenience stores, gas stations, or supermarkets, but only as to the portion of such establishment that serves a "meal" as defined in this chapter. The term includes eating establishments whether stationary or mobile, temporary or permanent.

In closing, we would like to thank the Zoning Board of Adjustment for their thoughtful responses, recommendations, and encouragement during the public hearing of March 24th. We have taken time since that hearing to review the Ordinance and Master Plan, tour the BD and BLD zoning areas and to speak with numerous experienced zoning experts including Alex Belensz at the Upper Valley/Lake Sunapee Regional Planning Commission. Although Alex couldn't specifically speak to our zoning application in the town of Grantham, he did share with us that many New Hampshire municipalities have struggled with providing equity within their zoning regulations for the nanobrewery.

A nanobrewery is a hybrid type of business that most probably fits within a zoning region based on its size, ability to integrate with area businesses, and co-exist in harmony within the area neighbors. Rigid classification of a nanobrewery as a manufacturing enterprise that should only operate among industries such as Yankee Barn, large scale milling operations like Kennebec or huge garage facilities down by the old airstrip, seems to focus more on the minimal “manufacturing” component of the business rather than the central nature of the nanobrewery which is to provide a craft beer tasting room in retail setting in a symbiotic relationship with a adjoining hamburger restaurant.

Thank you for your time and consideration

Protectworth Brewery, a nanobrewery owned and operated by Tim Fraser and Adam Bray

RECEIVED

MAY 06 2022 yrw

Town of Grantham

ZONING BOARD OF ADJUSTMENT
TOWN OF GRANTHAM, NH
300 ROUTE 10 S
GRANTHAM, NH 03753
(603) 863-6021
www.granthamnh.net

APPLICATION FOR A SPECIAL EXCEPTION

Name of Applicant Protectworth Brewing - Tim Fraser and Adam Bray

Name of Property Owner Northwind Security Products

Mailing address PO Box 52, Springfield, NH 03284

Property address 151 Rt10 North, Grantham, NH

Tax Map and Lot number Map 226 Lot 020 BD1 Zone _____

A Special Exception is requested from Article IV-A Section 2-f-5 of the Grantham Zoning Ordinance to permit: To operate a Nano brewery as described in NH Section 178:12-a.

Including a tasing room.

Please state in writing how your project meets each of the following conditions. The applicant must be prepared to prove the conditions at the public hearing. Please provide any additional information on separate sheets of paper if necessary.

1. The use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation or undue violation of the character and kind of the neighborhood.

Please see addendum to ZBA Special Exception.

2. The use will not be injurious, noxious, or offensive and, thus, detrimental to the neighborhood.

Please see addendum to ZBA Special Exception.

3. The use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal, or similar adverse causes or conditions.

Please see addendum to ZBA Special Exception.

4. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the proposed use, and the location of the site with respect to the existing or future street giving access to it, shall be such that it will be in harmony with the neighborhood. The location, nature and height of the buildings, walls and fences will not discourage the appropriate development and use of the adjacent land and buildings or impair the value thereof.

Please see addendum to ZBA Special Exception.

5. Operations in connection with such a use shall not be more objectionable to nearby properties by reason of noise, fumes, odor, or vibration than would be the operation of any permitted uses in this district which are not subject to Special Exception procedures.

Please see addendum to ZBA Special Exception.

Applicant Signature



Property owner signature _____

Date 5/4/22

**ZONING BOARD OF ADJUSTMENT
LIST OF ABUTTERS**

Property Owner Name and Address

Applicant/Agent Name and Address

Northwind Security Products

Tim Fraser and Adam Bray - Protectworth Brewing

PO Box 184, New London, NH 03257

PO Box 52, Springfield, NH 03284

Please list map and lot reference number in addition to name and mailing address of all abutters.

SJG 2014 Revocable Trust

c/o Janice Lee Vien & Sean Lyon

PO Box 76, Grantham, NH 03753

Rum Brook Place, Inc

c/o Saralyn Carr

PO BOX 10, Grantham, NH 03753

Chris Dimaggio

9 Union Street

Newport, NH 03773

Robert & Jacqueline Diebold

PO Box 1442, Grantham, NH 03753

ECA

PO Box 53, Grantham, NH 03753

Emily Owens

From: Karen <kseamans@northwind-security.com>
Sent: Monday, May 9, 2022 1:01 PM
To: 'Protectworth Brewing'; Emily Owens
Subject: RE: Special Exception Application

[**NOTICE:** This message originated outside of the Town of Grantham mail system -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Good Afternoon Emily,

Please accept this as my authorization for Protectworth Brewing to resubmit their application for a Special Exception.

Thank you,
Karen

Karen Seamans | Chief Operations Officer, Northwind Security Products, LLC | 603-763-0102 x333

From: Protectworth Brewing <protectworthbrewing@gmail.com>
Sent: Monday, May 9, 2022 12:23 PM
To: Emily Owens <eowens@granthamnh.net>; Karen Seamans <kseamans@northwind-security.com>
Subject: Re: Special Exception Application

Hi Karen and Emily

@Karen Seamans - per the voicemail that Adam left you if you could please respond to all with your approval of the updated Special Exception Application in lieu of your written signature we would greatly appreciate it. See attached.

Thank you
Tim

On Wed, 4 May 2022 at 18:28, Emily Owens <eowens@granthamnh.net> wrote:

Can you? If not I will accept a letter/email from Northwinds.

Regards,
Emily

Get [Outlook for iOS](#)

From: Protectworth Brewing <protectworthbrewing@gmail.com>
Sent: Wednesday, May 4, 2022 4:40:37 PM