

Monday May 31, 2021

Dear Mr. Drescher and ZBA Members,

I was upset and concerned when I was told that your letter dated May 26th had been posted on the Temple ZBA website. I would very much like to respond to this letter, and the prior letter of May 18th.

First, let me say that this was our first public wedding that was not for a family member or friends that we have ever hosted at the farm. Prior to hosting this event, we had consulted many people to set up the necessary protocols and safety measures. I will outline them in this letter because it is simply not true that I disregarded the basic requirements and mandates. I implore you to remember that I have spent my life keeping people safe and have always been genuinely concerned for the life/safety of all who enter the farm.

In the letter to me dated on May 18th, you said that it was recently brought to the Selectboard's attention that I have been booking large scale events prior to having gone through the proper Town approvals. The event last weekend was our first large scale event. You and all the three boards' members know that I have been diligent, conscientious and responsive to every request from all three boards. Since January of 2020, I have followed the process to seek approval to shift the business at my farm. I first went to the Planning Board 17 months ago with my plan for the farm. The response from Bruce Kullgren, as the Chair was that "Temple is lucky to have you and that farm in it. Go for it." With that ringing endorsement, echoed by several members like Bill Ezell saying "How can we help". I started making the plans to once again open the farm.

I then was asked to present at the end of the summer to the Select Board. I immediately filled out all the appropriate paperwork that they requested. Ken Caisse helped me find the right tax maps and surveys as well as the notes and minutes from other permits to continue to run a commercial business at the farm much as I have done now for 50 years. I also began meeting with Wil Wildes, as Building Inspector, and George Clark, as Fire Chief, about fire safety, building codes and preparedness. I also got Peter Caswell to sign off on the paperwork that I submitted per the Select Board's request.

They in turn said that I should go back to the Planning Board to do a Site Visit. After several more presentations to the Planning Board, a Site Visit took place on January 9th, 2021. Once again, I asked what I should do. I was told at the end of the meeting by Bruce Kullgren that, as long as I continued to meet and present and revise our plans, I could continue booking events so that I could meet my financial obligations to the town and to meet the expenses for the farm while making the necessary improvements.

Both the Planning and Select Boards were not sure how to handle this change of business from a horse farm to an event space. Thus, they reached out to you for your input. In a letter dated March 1st, you said that I only needed to apply for a Change of Use, followed up by a Site Plan Review.

To meet the needs of a Site Plan Review, I immediately sought the expertise of people who knew about Fire Safety, Building Codes, Dark Sky Ordinances and Noise Ordinances. George Clark and I have met 4 times to go over the barn requirements. I hired Allison Brackett of Triangle Fire Consultants to do a Code Review for Banquet Event Use. I have met with Wil Wildes at least 5 times about the need for a new breaker system in the barn, change of lighting for the parking to meet Dark Sky Ordinances, and to upgrade some of the lighting in the barn for this change of use. I have worked with Claude Simard of

Electrical Supply of Milford. I have also hired two professional Sound Engineers recommended by the Executive Director of Monadnock Music. In addition, I have reached out to the owners of a number of event venues to see what they do to meet all the requirements. In short, I have done a great deal of due diligence to do things correctly and to mitigate the concerns of the neighbors.

Our team was then asked to present to the ZBA and file a full application. We immediately began the process to honor their request with a completed application and two zoom presentations.

We have respected the process. We are not trying to tip toe around our obligations. We are trying our very best to do things correctly despite having been sent back and forth between the three boards for 17 months.

In your letter of May 18, 2021, you stated that “The Selectboard, in light of the fact that you are currently endeavoring through the proper channels and processes in order to obtain said approvals, has opted to withhold enforcement against you, provided certain conditions are met.”

Said conditions are:

1. *Provide to the Selectboard a certificate of insurance.* DONE: Not only did we provide our insurance, but also Eventsure that we require of our couple to insure them as the Event Host.
2. *Provide an approved Fire Watch for the large events as per the Fire Chief's order.* We sincerely tried to do this. Again, in several site visits and phone conversations with Chief Clark, who took great interest in our barn's safety and also spent a lot of time reviewing the Fire Engineer's report, he was unable to offer to do a Fire Watch for this one event because the state Fire Marshall person was not yet able to come. There are 3 state inspectors. Two of them have a conflict of interest because of knowing or working with my family for years. Despite Mr. Clark's great effort, the inspector still can not come until Tuesday June 1st.
On Thursday before the wedding event with 68 guests in the barn, Chief Clark said to go ahead with the wedding but that I needed to take full responsibility for the safety of the guests. To fulfil my promise to him and for the safety of the guests, I did so. I had four of us who remained either in the barn with the guests, in the office, or taking sound readings around the perimeter of the barn. We also repeatedly walked the grounds to ensure that guests were safe. A detailed report of the safety measures in place as recommended by Fire Safety Engineer and Chief Clark will be enumerated elsewhere. It is important to note that we will certainly hire a Fire Watch in the future. Chief Clark and I have already discussed an Orientation for the Fire Watch personnel and the Day of Coordinator provided by the farm. We fully intend to comply with this reasonable and helpful request for our guests as well as our own peace of mind!
3. *Provide a certificate of a licensed bartender:* Done. We will post this again as well in our Martin file with the ZBA.
4. *The events planned shall adhere to the restrictions that are stated in your pending ZBA application relative to noise and hours of operations.* Done. We measured the sound emanating from the barn during the wedding. With our personnel guarding the noise and implementing the Last Call at the bar, the end of the DJ at 10:30 and the end of the time in the barn at 11PM, we did what our protocols presented required.
5. *Subject to the town's insurance company confirming that the Town has no liability (the town will follow up on this prong).* This was not under our purview.

As your letter ended, you said “we do appreciate your cooperation and attention to this matter.” We did fully cooperate and fulfilled our promises as best as we could for our first event.

However, where we did not provide adequate preparation prior to the weekend and during the event was on the night before and the night after the wedding. I know that the group was too loud. There was no amplified music but the guests were outside and having fun. While I had arranged for four of us to supervise the night of the wedding, we did not provide adequate coverage to minimize noise on the Thursday or Saturday night of their stay.

We are immensely sorry for this oversight on this event. We apologize to our neighbors and commit to working harder to prevent this kind of problem for future groups. A more detailed description will be posted in the Martin File, in addition to this letter. For the sake of brevity, let me highlight our new processes for outside noise by guests.

1. Inclusion of written information about Temple’s Noise Ordinance in the written contract to be signed by the hosts of an event prior to booking. To include a Security Deposit of \$1500 to be held in escrow by the farm in the event that group does not honor the Noise and Time agreement;
2. Written reminder of Noise Ordinance in the invoice sent out one month prior to event;
3. Written reminder of Noise Ordinance in the final invoice sent out one week prior to event;
4. Host identifies one Point Person, known and respected by the group, who can be called in the event of breach of Noise limits;
5. Welcome to the group in person with protocol for outside noise;
6. Written time line visibly displayed in each guest bedroom, and in kitchen and living room;
7. Day of Coordinator present to enforce these time limits;
8. Penalty of one warning, one call to the Point Person of the group, and the third time to call the Temple/Greenville police;
9. In the event that the Police have to come to the farm, the Security Deposit will not be returned to the guests but will be donated to the Temple/Greenville Police and the Temple Conservation Commission;
10. That group will be forever banned from coming to our farm again.

Let me say again that I am sorry that I did not handle the noise better for the evenings surrounding the event. It is extremely difficult to anticipate everything that needs to be done prior to hosting our first event of 68 people whom we did not know. We learned a lot and are already implementing changes to our booking policies and written agreements.

I would also like to address the Fire Code and lack of proper safety which caused the Selectboard to be concerned about the life/safety of the patrons that we are serving which is threatened by my disregard towards these basic requirements and mandates.

I am acutely aware of my personal and professional responsibility to my guests. I have operated a business serving the public for 50 years without one lawsuit for negligence. This is not luck. I have a high sense of attention to detail and the big picture to maintain safety for all who come to the farm.

Again, a more detailed and in-depth description of our SOPs, Check Sheets and Safety Features that we have implemented will be included in a separate report. Here is an overview of what was in place in the

Barn while guests were present on May 21. These improvements and changes were made at the suggestion of both Allison Brackett of Triangle Fire Consultants (TFC) and Chief Clark to ensure the building meets the requirements of existing assembly occupancies.

1. 68 guests were present with 2 DJs, 1 bartender, 2 caterers and 4 Day of Coordinators, myself included, thereby being well under the limit of 99 people.
2. A new fire escape door with crash bar, deck and stairs as recommended by TFC has been installed to the exact specifications required;
3. A Guard Rail/barrier 42" high was installed at the end of the barn to prevent anyone from falling from the 2nd floor;
4. The 3 other emergency exits had the doors locked OPEN with a padlock so that no one could by mistake close them. These doors exceeded the minimum of 32" wide;
5. The elevation on Exit 2 door was corrected and ready for use to safely allow guests to vacate in an emergency;
6. Visible Exit signs were posted in all four exits as we await the hard-wired emergency signage that have been ordered by Wil Wildes and to be installed;
7. Tables were set up with aisles at least 44" wide
8. All means of egress used to discharge guests were raked and smoothed, both by a tractor with a York rake on Friday morning, and raked by hand on Friday afternoon;
9. Two Gathering Places were identified by George Clark. One in the lawn of the Homestead where the one staff member would gather people who exit through the main big doors. The other Gathering Place was designated behind the barn in the white ring that is lighted. A bull horn was purchased to be used by the coordinators of these two Gathering Places;
10. All material that was deemed combustible such as paint was removed from the building;
11. No cooking was performed in the building;
12. No hanging tapestries, foam or plastic material was hung;
13. A full compliment of working and inspected fire extinguishers were in place and visible;
14. All means of egress were inspected by myself, as recommended before and during the event;
15. No open flames were permitted, i.e. candles;
16. Smoking was only allowed outside with a sign designating the area which was 20 feet away from the barn.

The remaining 4 things that still need to be completed are all to be done by Wil Wildes. He has ordered and is waiting for a new \$3,500 circuit breaker to get the building up to code. He has ordered the four emergency lighted exit signs with a battery in the event that the power goes out. He is also installing the Dark Sky Compliant lights on the poles in the parking area. Finally, he will be switching out some motion detector lights and installing flood lights to improve visibility when leaving the barn.

We were highly attentive to fulfilling all requirements set forth in the discussions with Allison Brackett and Wil Wildes, as well as in the written report provided by TFC, prior to hosting this event. I did not disregard any basic requirements or mandates.

We are eager to work with the Temple Fire Department and Chief Clark to recruit, train and hire a Fire Watch person for events over 50 and under 99 guests in the barn. These individuals will work with our Day of Coordinator and the hired Bartender to help insure guests are safe.

We are committed to working diligently toward a final permit so we can all enjoy the wonderful Town of Temple and share it with respectful, well-managed and quiet guests!

Sincerely and respectfully, Boo Martin