

James N. Decoulos, J. D.  
226 Rowley Bridge Rd.  
Topsfield, MA 01983  
978-609-1089  
james@decolawyer.com

May 23, 2023

Lynne Bermudez, Coordinator  
Zoning Board of Appeals  
Topsfield Town Hall  
8 West Common Street  
Topsfield, MA

Re: Response to Application for Special Permit by Connemara Farm

Dear Members of the Zoning Board of Appeals:

I offer the following in response to the Application for Special Permit by Connemara Farm to conduct a Conference and Event Facility pursuant to the Zoning Bylaw Article III, Table of Use Regulations 2.17.

I am opposed to the issuance of a special permit because Connemara Farm is referred to as an "Outdoor Wedding Venue." My property is approximately 200 feet away from the Connemara Farm property, and my home is approximately 1000 feet away from the large tent open to the environment in all directions under which it plays loud music at such a volume that I find disturbing. Conducting these events under a 960 ft.<sup>2</sup> open air tent is inappropriate because it sharply contrasts with other event venues that are conducted within a building from which the volume of music can be controlled. Connemara Farm has four buildings totaling 5615 ft.<sup>2</sup> in which it may conduct the Conference and Event Facility.

The relevant purpose of the Zoning By-Law is "to conserve the value of land. . . The prevention of blight and the pollution of the environment. . . [t]o encourage the most appropriate use of land. . . [w]ith reasonable consideration to the character and of the district and to its particular uses. . . [i]ncluding the making of Topsfield a viable and pleasing place to live, work and play."

Rowley Bridge Road is a scenic road quote from the Topsfield scenic roads page of the website, "these roads include the earliest byways of the Town and contribute significantly to Topsfield's rural character. . . ." The 2018 Topsfield Open Space and Recreation Plan relates that most town residents want to preserve the rural nature of the Town.

The proposed use of land in a ORA residential district to conduct the commercial operation of an Outdoor Wedding Venue is not consistent with preserving the rural nature of the town.

Connemara Farm has told me that it will continue to play music at volume of approximately 85 dB. Football stadiums can average between 80 and 90 dB, a shouting voice is above 85 dB, a normal voice level is between normal sixty and 70 dB. This volume is not necessary for the conduct of its business, and it cannot be controlled in an open environment so as not to disturb the neighbors.

Topsfield has a standard above which noise is determined to be a nuisance.

ZA:3.7 Nuisances of the Topsfield Zoning Guidelines and Performance Standards for Activities Subject to the Provisions of the Topsfield Zoning Bylaw found at Appendix ZA:1 provides as follows:

Noise at ground level from permanent installations such as air-conditioning units shall not exceed three (3) decibels (dB) above ambient noise level when measured at a time when said ambient noise is at least. Said ambient noise measurements shall be taken at the wide boundaries of the site at ground level elevation.

The Topsfield Zoning Bylaw provides that public address systems are not permitted in the business district between sunset and sunrise per 3.08 of the Bylaw.

In its application, Connemara Farm significantly downplays the disturbances that it has caused to the neighbors and suggests only that its hiring a sound engineer and installing equipment to remediate the noise somehow resolves the noise issue.

A serious problem with the Connemara Farm application is that it contains a paucity of information relative to how it will control the volume of music. Connemara Farm recently filed with the ZBA an April 23, 2022 proposal which does not contain any empirical data.

There is no report from the sound engineer and no identification or specifications of the sound equipment or indication as to how it will control the sound. The ambient sound level is not mentioned in Connemara Farm office standard by which Connemara Farm will control the volume of sound at its proposed Conference and Event Facility.

Because the application fails to substantiate in any detail by which the sound levels generated will not appreciably add to the ambient sound level and that it will not be heard by the neighbors, I ask the application to be denied.

The City of Peabody recently granted a special permit to conference in the event facility. In sharp contrast to the business proposed by Connemara Farm, the Peabody facility is entirely indoors. The conditions of that special permit were as follows:

Owners will make ongoing reasonable efforts to prevent noise from becoming disruptive to residential abutters.

Owner contact information will be provided to direct about his to facilitate addressing issues that may arise.

There will be no amplified noise or music permitted on the back deck or out doors at any time.

The garage door will remain closed whenever possible to limit noise.

All outdoor cooking equipment will be offered only by professional staff and with limited noise.

See attached Peabody's decision.

Because I did not want to hear the music played by Connemara Farm at its wedding events for this summer and because I did not think that the ZBA had the authority to stay enforcement of its decision that Connemara Farm has violated the zoning bylaw by operating a Conference and Event Facility without a Special Permit, I appealed the decision of the ZBA to the Land Court and attached hereto a Preliminary Injunction issued by the Judge Foster on May 19, 2023. Connemara Farm has been ordered to commission a sound study to be completed by June 2, 2023 to measure the ambient broadband sound level and broadband sound level of weighting activities. The order provides further that "[u]pon receipt of the affidavit, the court will enter a further order limiting the noise from Connemara Farm to a level at or below an increase of broadband sound level of 10 dB above ambient. . . ."

I would accept that if the ZBA were to grant the special permit on the condition that Connemara Farm will emit no noise that can be heard by neighbors and that upon verification by Topsfield police that noise can be in fact heard, the special permit will be revoked.

Other conditions that the ZBA may consider:

Implement the standard of Nuisance limiting sound 23 dB above ambient noise found in the guidelines appendix to the zoning bylaw at ZA:3.7.

Implement the standard from 3.08 of the tonsil zoning bylaw prohibiting public address systems after sunset.

No amplified sound.

No sound level above zoning appendix guidelines.

Ongoing monitoring reported to Topsfield administration police and neighbors that request it.

No live bands.

Sound Limiter: training of all Connemara Farm personnel, provide specifications of system with a preset volume at 75 dB and position of the microphone on the dance floor.

Public address system only.

Sound barrier. Acoustic block makes a sound barrier fence and offer other sound attenuation systems. Their website is at <https://acoustiblok.com/>.

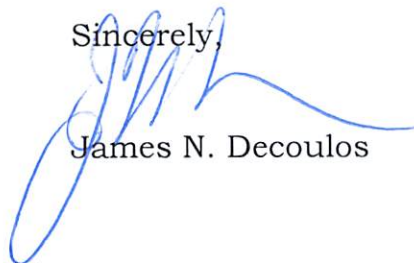
Sound attenuation plan to be prepared by a licensed professional.

The special permit is to be seasonal for operation of the conference and event facility from May 1 until October 31.

Expiration of the special permit on December 1, 2023.

There is simply no reason that Connemara Farm cannot turn the volume down so that sounds emitted from its Outdoor Wedding Venue cannot be heard by the neighbors.

Sincerely,



James N. Decoulos



**Ward Councillors**

Jon G. Turco, Ward 1  
Peter M. McGinn, Ward 2  
James Moutsoulas, Ward 3  
Edward R. Charest, Ward 4  
Joel D. Saslaw, Ward 5  
Mark J. O'Neill, Ward 6

**Councillors at Large**

Thomas L. Gould  
David C. Gravel  
Anne M. Manning-Martin  
Ryan Melville  
Thomas J. Rossignoll

**Clerk of Council**  
Timothy E. Spanos

**City Council  
Stenographer**  
Allyson Danforth, RPR

City Hall  
24 Lowell Street

978-538-5900  
FAX (978) 538-5985

# PEABODY CITY COUNCIL

**Special Permit #4**

**Map 085 Lot 115**

**February 26, 2018**

**Building Inspector  
City Hall  
Peabody, MA**

**Dear Sir:**

At a Regular Meeting of the Peabody City Council held on Thursday evening, February 22, 2018, the following Special Permit was approved:

**COUNCILLOR TURCO – BE IT ORDERED** by the City Council of the City of Peabody that the application from Sarah Narcus, 24 Saxony Road, Framingham, MA for a Special Permit to allow for community and event space at 43 Main Street, Peabody, MA as filed in accordance with Sections 4.2.5, 6.1 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following conditions:

**Reason:** The City Council has determined that the application as submitted and approved meets the general requirements of Section 6.1 of the Peabody Zoning Ordinance, specifically, 6.1.2 which satisfies a desirable local need, that its design and appearance will not be injurious to the established or future character of the vicinity and the neighborhood, and that said approval is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Peabody.

**Conditions:**

- 1) Hours of operation for events and/or business administration:
  - a. Sunday through Thursday, 7:00 a.m. – 10:30 p.m. (with back deck closed and outdoor cooking & related cleanup to cease by 8:00 p.m.)
  - b. Friday and Saturday, 7:00 a.m. – Midnight (with back deck closed and outdoor cooking & related cleanup to cease by 10:00 p.m.)
- 2) Hours of operation event setup &/or cleanup:
  - a. 1.5 hours before or after event hours of operation
- 3) There will be no trucks and no loading or unloading of vehicles in the rear of the building between the hours of 1:00 a.m. and 6:00 a.m. Saturday; 1:00 a.m. and 9:00 a.m. Sunday; and between the hours of 11:00 p.m. Sunday through Thursday and 6:00 a.m. Monday through Friday. Trucks that are not able to make a three point turn on the property to exit the property shall not be permitted in the rear of the building at any time and shall utilize the Main Street loading zone only.
- 4) There will be no idling of any vehicles permitted in the rear of the building.
- 5) There will be no smoking of any type or vaping anywhere on the property.



#### **Ward Councillors**

Jon G. Turco, Ward 1  
Peter M. McGinn, Ward 2  
James Moutsoulas, Ward 3  
Edward R. Charest, Ward 4  
Joel D. Saslaw, Ward 5  
Mark J. O'Neill, Ward 6

#### **Councillors at Large**

Thomas L. Gould  
David C. Gravel  
Anne M. Manning-Martin  
Ryan Melville  
Thomas J. Rossignoll

**Clerk of Council**  
Timothy E. Spanos

**City Council**  
**Stenographer**  
Allyson Danforth, RPR

City Hall  
24 Lowell Street

978-538-5900  
FAX (978) 538-5985

# *PEABODY CITY COUNCIL*

- 6) Use of parking at the rear of the building will be limited to use by employees and event support staff.
- 7) Owners will make ongoing reasonable efforts to prevent noise from becoming disruptive to residential abutters.
- 8) Owner contact information will be provided to direct abutters to facilitate addressing issues that may arise.
- 9) There will be no amplified noise or music permitted on the back deck or outdoors at any time. The garage door may remain open to allow flow in/out of the building to and from the deck during the hours the deck is permitted to be open. The garage door will remain closed whenever possible to limit noise and the garage door will always be closed during the hours deck is not permitted open.
- 10) As soon as economically feasible, a visual buffer (latticework and/or landscaping or other), will be established around the back deck to provide some degree of privacy to residential abutters.
- 11) All outdoor cooking equipment (temporary propane, charcoal, or electric powered grills, smokers, roasters or similar equipment) will be operated only by professional staff and with limited noise. All outdoor cooking activity will take place on, to the extent permitted by fire safety codes, or adjacent to the back deck as far from residential abutter's property as possible.
- 12) Any lights at the rear of the building will be designed and situated such that they do not illuminate abutter's properties and all lights at the rear of the building will be off during times that back deck use and outdoor cooking activity are not permitted except to the limited extent lighting is required by code to illuminate emergency egress and to facilitate loading or unloading activity.
- 13) The primary means of access and egress of event participants in and out of events shall be by way of the Main Street doors. Except for the purpose of accessing the back deck, the rear doors to the building shall only be utilized by event participants as an emergency exit.
- 14) Trash, recycling and other debris related to events will be removed from the site on a daily basis by visitors/vendors who utilize the event space to prevent the accumulation of any such materials. A dumpster on the site utilized by the restaurant or other commercial use tenant shall be placed such that it does not create a nuisance condition (objectionable odors, rodent attraction etc.) to abutters and, if moved from current location, shall be screened in some manner to minimize abutter's visibility to the dumpster.
- 15) Construction hours of operation shall be from 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. Saturday with no Sunday hours.



**Ward Councillors**

Jon G. Turco, Ward 1  
Peter M. McGinn, Ward 2  
James Moutsoulas, Ward 3  
Edward R. Charest, Ward 4  
Joel D. Saslaw, Ward 5  
Mark J. O'Neill, Ward 6

**Councillors at Large**

Thomas L. Gould  
David C. Gravel  
Anne M. Manning-Martin  
Ryan Melville  
Thomas J. Rossignoll

**Clerk of Council**  
Timothy E. Spanos

**City Council  
Stenographer**  
Allyson Danforth, RPR

City Hall  
24 Lowell Street

978-538-5900  
FAX (978) 538-5985

# PEABODY CITY COUNCIL

16) If food is to be prepared on-site for service to the public, a commercial kitchen meeting the requirements of the federal food code must be installed. A plan review must be conducted by the Health Department prior to start of renovation.

17) The building shall comply with all current life safety codes that are required by the Building Code, Mass General Laws, and NFPA Codes.

(Carried 9-0, 2 absent; Councillors McGinn and Moutsoulas)

**NOTICE OF DECISION: IN ACCORDANCE WITH CHAPTER 40A, SECTION 17 OF THE MASSACHUSETTS GENERAL LAWS, AN APPEAL OF THIS DECISION MUST BE FILED WITHIN TWENTY (20) DAYS FROM THE DATE OF FILING OF SAID DECISION WITH THE APPROPRIATE COURT AND OFFICE OF THE CITY CLERK.**

**IF SAID SPECIAL PERMIT WAS APPROVED, YOU MUST OBTAIN A CERTIFIED COPY OF THE SPECIAL PERMIT FROM THE OFFICE OF THE CITY CLERK, AND A BUILDING PERMIT MUST BE APPLIED FOR AND ISSUED BY THE INSPECTOR OF BUILDINGS AFTER THE TWENTY DAY APPEAL PERIOD HAS EXPIRED. IF THE 20<sup>TH</sup> DAY FALLS ON A WEEKEND DAY (SATURDAY OR SUNDAY), THE NEXT BUSINESS DAY IS CONSTITUTED AS THE 20<sup>TH</sup> DAY. SAID SPECIAL PERMIT MUST BE EXERCISED WITHIN TWO YEARS FROM THE DATE OF TIME STAMP WITH THE OFFICE OF THE BUILDING INSPECTOR. IF NOT, SAID SPECIAL PERMIT SHALL EXPIRE**

**THERE SHALL BE NO TRANSFER OF THIS SPECIAL PERMIT UNTIL WRITTEN APPROVAL OF THE SAME IS OBTAINED FROM THE SPECIAL PERMIT GRANTING AUTHORITY, OR ITS DESIGNEE**

**A COPY OF YOUR SPECIAL PERMIT MUST BE POSTED UPON THE BUSINESS PREMISES IN A CONSPICUOUS PLACE VISIBLE TO THE PUBLIC AT ALL TIMES.**

**THE LAST DAY TO FILE AN APPEAL IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 40A, SECTION 17 IS MARCH 19, 2018**

**IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON MARCH 20, 2018 IF NO APPEALS ARE FILED. IT IS REQUIRED THAT SAID PERMIT BE OBTAINED FROM THE BUILDING INSPECTOR, AND A CERTIFICATE OF BUSINESS BE OBTAINED FROM THE CITY CLERK IN ORDER TO COMPLETE THE SPECIAL PERMIT REQUIREMENTS.**

PEABODY CITY COUNCIL  
COUNCILLOR EDWARD R. CHAREST  
CITY COUNCIL PRESIDENT

Timothy E. Spanos  
City Clerk

cc: Planning Board, Community Development Department, Police Department,  
Human Services Department

**COMMONWEALTH OF MASSACHUSETTS**

**LAND COURT**

**DEPARTMENT OF THE TRIAL COURT**

SUFFOLK, ss

MISCELLANEOUS CASE  
NO. 23 MISC 000103 (RBF)

JAMES N. DECOULOS,  
Plaintiff,

v.

TOPSFIELD ZONING BOARD OF APPEALS,  
ROBERT MORIARTY, DAVID MERRILL, JODY  
CLINEFF, GREGOR SMITH, DAVID MONIZ, as  
they are members of the Topsfield Zoning Board of  
Appeals, and KEVIN J. GUINEE, Trustee of the  
Rowley Bridge Road Realty Trust, CONNEMARA  
HOUSE FARM, LLC,  
Defendants.

**PRELIMINARY INJUNCTION**

*Introduction*

In his Complaint filed on March 23, 2023 (Complaint), plaintiff James N. Decoulos (Decoulos) brought an action under G.L. c. 40A, §17 (§17), naming as defendants the Topsfield Zoning Board of Appeals (ZBA) and individuals in their capacity as members of the ZBA, and Kevin J. Guinee as trustee of the Rowley Bridge Road Trust and Connemara House Farm LLC (collectively, Connemara Farm). The Complaint is an appeal of the decision of the ZBA filed with the Topsfield Town Clerk on February 21, 2023, overturning the decision of the Topsfield Building Inspector's denial of Decoulos's zoning enforcement complaint to prohibit Connemara Farm from operating a conference and event facility at 252 Rowley Bridge Road (Connemara property) without a special permit (ZBA Decision). Decoulos appeals so much of the ZBA



Decision that stayed enforcement of the Topsfield Zoning Bylaw (bylaw). On March 28, 2023, Decoulos filed Plaintiff's Motion for Preliminary Injunction (PI motion).

In the PI motion, Decoulos seeks a preliminary injunction enjoining Connemara Farm from operating the conference and event facility (specifically, as a venue for weddings and private events) without a special permit issued in accordance with the bylaw. In the alternative, Decoulos seeks a preliminary injunction enjoining Connemara Farm from emitting noise of a sound level that exceeds that specified in the bylaw, specifically ZA:3.7 Nuisances of the Topsfield Zoning Guidelines and Performance Standards (guidelines). A hearing was held on May 11, 2023, and the PI motion was taken under advisement. For the reasons and on the conditions set forth below, the PI motion is **ALLOWED IN PART**.

#### *Discussion*

Generally, a preliminary injunction may issue only if the moving party, Decoulos, demonstrates (a) a likelihood of success on the merits, (b) that he faces a substantial risk of irreparable harm if the injunction is not issued, and (c) that this risk of irreparable harm outweighs any risk of irreparable harm which granting the injunction would create for Connemara Farm. *GTE Prods. Corp. v. Stewart*, 414 Mass. 721, 722-723 (1993); *Packaging Indus. Group, Inc. v. Cheney*, 380 Mass. 609, 617 (1980).

Decoulos owns and resides at 226 Rowley Bridge Road in Topsfield (the Decoulos property). Compl. ¶ 2. Connemara Farm is located on approximately 12 acres at 252 Rowley Bridge Road in Topsfield (the Connemara Farm property). Compl. ¶ 10, 12. The Decoulos property abuts the Connemara Farm property. Compl. ¶ 14. In or around 2021, Connemara Farm began hosting weddings and private events. Compl. ¶ 19. Decoulos is disturbed by the loud music volume that accompanies weddings and events at Connemara Farm. Compl. ¶ 22. On

November 29, 2022, Decoulos appealed the Topsfield Building Inspector's determination that Connemara Farm could conduct weddings and events on their property without a special permit to the ZBA. Compl. ¶ 31. After notice and public hearing, the ZBA overturned the Building Inspector's determination and deemed that Connemara Farm required a special permit to operate as a wedding and event venue. Compl. ¶ 34, App. at 4. The ZBA stayed enforcement of their decision for 90 days from the date of their decision to allow Connemara Farm to file a request for a special permit to operate a conference or event facility under the bylaw, and such additional time as it might take for the ZBA to render a decision on the application if filed. Compl. App. at 4. Decoulos contends that the ZBA lacks authority to stay enforcement of the bylaw.

Decoulos has demonstrated a likelihood of success on the merits sufficient to warrant issuance of a preliminary injunction. The ZBA determined that Connemara Farm's current operations violate the bylaw. Compl. App. 4. Decoulos correctly argues that the power to stay enforcement is not enumerated in the ZBA's discretionary authorities under G.L. c. 40A, § 14, nor in the bylaw. The ZBA could enforce the ZBA Decision itself, or remand to the Building Inspector to reconsider his enforcement decision in light of the ZBA Decision. Furthermore, in their Opposition to Plaintiff's Motion for Preliminary Injunction, the ZBA stated that "a special permit is likely to include conditions which would alleviate or mitigate impacts on the neighborhood...." This suggests that if the ZBA decides to grant Connemara Farm's special permit, conditions will require them to mitigate noise. In either case, whether the ZBA grants or denies the special permit, Connemara Farm will almost certainly be required to mitigate noise, and should not be allowed to continue to impair Decoulos's use and enjoyment of the Decoulos property without restriction in the interim.

It is undisputed that Decoulos has an interest in the Decoulos property. Because of the unique nature of real property, “money damages will often be inadequate to redress a deprivation of an interest in land,” and preliminary injunctions often issue to prevent such deprivation. *Greenfield Country Estates Tenants Ass’n v. Deep*, 423 Mass. 81, 88 (1996). Decoulos faces a substantial risk of irreparable harm to his interest in the Decoulos property if noise from the Connemara Farm property is not addressed and controlled. Interference with his right to quiet enjoyment of the property is “not capable of vindication by a final judgment, rendered either at law or in equity.” *Packaging Indus. Group, Inc.*, 380 Mass. at 617 n.11.

Connemara Farm disputes that Decoulos has alleged any harm, irreparable or otherwise. Opp. at 9. However, their understanding of harm is incorrect. Pursuant to authority granted by G.L. c. 111, §§ 142A – 142J, the Department of Environmental Protection (DEP) regulates “noise” as a form of air pollution. DEP defines noise as sound of sufficient intensity and/or duration as to cause or contribute to a condition of air pollution. 310 CMR 7.00. In the noise context, “[a]ir pollution means the presence in the ambient air space of [noise] in such concentration[] and of such duration as to...cause a nuisance ... or ... unreasonably interfere with the comfortable enjoyment of life and property ... 310 CMR 7.00. DEP regulations provide that “[n]o person owning, leasing, or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise.” 310 CMR 7.10(1). DEP further states that the preceding regulation “shall pertain to, but shall not be limited to ... suppressible and preventable ... commercial sources of sound, and other man-made sounds that cause noise.” 310 CMR 7.10(2). These regulations are universal in Massachusetts, and apply to Connemara Farm in spite of their contention that

Topsfield “has no noise bylaw.” Opp. at 7. Decoulos has sufficiently alleged activities by Connemara Farm depriving him of his interest in Decoulos property, by inundating the Decoulos property with wedding music, that, if continued, could not be redressed by a decision in his favor after adjudication of the merits.

Decoulos’s irreparable harm must be balanced against that of Connemara Farm, which has also demonstrated that they may suffer irreparable harm if an injunction removes the stay on the ZBA’s decision and thereby entirely prevents them from conducting weddings and events for the pendency of their special permit application. Connemara Farm has 34 wedding events booked for the 2023 season, 13 of which are scheduled before the anticipated ZBA decision date on their special permit application. Opp. at 9. Connemara Farm contends that if the preliminary injunction is allowed they will suffer economic harm, reputational harm, and be exposed to risk of litigation. Opp. at 9. Economic loss alone does not generally constitute irreparable harm for the purpose of preliminary injunction. *Packaging Indus. Group, Inc.*, 380 Mass. at 621.

However, the damage dealt to Connemara Farm’s reputation by being ordered to cancel several weddings scheduled many months in advance on extremely short notice could undermine trust in the venue by current and potential customers and constitutes irreparable harm. Moreover, and more important, the cancelling of weddings would cause harm to the innocent third-party betrothed and their family and friends. The court need not, and does not, enjoin Connemara Farm from conducting weddings entirely; a reduction in noise will address Decoulos’s irreparable harm with limited impact on Connemara Farm’s operations for the pendency of their application for special permit.

The question is how best to order noise from Connemara Farm reduced. The best course is to order Connemara Farm to comply with the DEP noise regulations referred to above, at least

until the ZBA directs otherwise as a condition of a special permit. The first issue, then, is just how loud is the noise, and does it exceed the DEP regulations. Noise in violation of 310 CMR 7.10 includes any sound that increases broadband sound level by more than 10 decibels (dB) above ambient as measured at the boundary. DEP Policy 90-001 (Jan. 16, 1990). Connemara Farm will be ordered to conduct a sound study of both the ambient sound and the sound from its events at the border with the Decoulos property, and provide an affidavit report to the court so that it can enter a further order based on the results of the study.

In summary, because Decoulos has demonstrated a sufficient likelihood of success on the merits and a substantial risk of irreparable harm, and because the risk of harm to Connemara Farm if they are enjoined from producing noise that impacts the Decoulos property does not outweigh the irreparable harm to Decoulos, issuance of a preliminary injunction is proper.

#### *Conclusion*

For the foregoing reasons, until further order of the court, Connemara Farm and their employees, tenants, agents, contractors, licensees, or invitees are hereby **ORDERED** to commission a sound study, to be completed within 14 days of the date of this Preliminary Injunction, and submit an affidavit by a sound engineer, to be submitted to the court within seven days after the completion of the sound study, measuring the ambient broadband sound level and the broadband sound level of wedding activities at Connemara Farm, as measured at the shared boundary between the Decoulos property and the Connemara Farm property. Upon receipt of the affidavit, the court will enter a further order limiting the noise from Connemara Farm to a level at or below an increase of broadband sound level of 10 decibels (dB) above ambient as measured at the shared boundary between the Decoulos property and the Connemara Farm property.

As it appears that Connemara Farm will have suffered no harm if this order is subsequently lifted, no bond is required.

The findings and rulings contained herein are necessarily preliminary in nature. Thus, these findings and rulings are neither intended, nor should they be construed, as having any precedential weight or effect in further proceedings in this case, all of which shall be determined in the light of the evidence offered and admitted on those occasions. Should further-developed evidence or circumstances warrant, any party may move for the modification or dissolution of this order at any time.

**SO ORDERED.**

By the Court (Foster, J.) /s/ Robert B. Foster

Attest:

/s/ Deborah J. Patterson  
Deborah J. Patterson, Recorder

Dated: May 19, 2023