



Town of Newfields
Planning Board Application

Please fill out this application to appear before the Newfields Planning Board.

Application for: [X] Site Plan Review [] Subdivision [] Minor Lot Line Adjustment

Type of Hearing: [] Preliminary Consultation
[] Design Review Public Hearing
[X] Final Public Hearing

Name of Applicant: Vernon Family Farm LLC

Mailing Address: 301 Piscassic Rd, Newfield, NH 03856

Location of Property: 301 Piscassic Rd, Newfield, NH 03856

Owner of Record: Vernon Family Farm

Map # 211 Lot #: 14

Site Plan Review:

Type of business proposed: Agritourism

Is there a site plan on file? [X] Yes [] No

Give brief description of proposal: Please see attached letter

Subdivision:

Number of lots to be created:

Public sewer service available? [] Yes [] No

Is a new roadway part of the application? [] Yes [] No

This form should be accompanied by a separate list of names and addresses of abutters (including owner), mylar and five (5) copies of required plans, and a check payable to the Town of Newfields for the appropriate fee (see regulations for details). Check with Planning Board for application submission deadline.

Amy Manzeri Amy Manzelli, Esq - Agent for Vernon Family Farm LLC 9/28/2022
Signature of Applicant or Agent Date

Jeremiah Vernon, Owner 9/28/2022
Signature of Owner Date

PLANNING BOARD USE ONLY

Date Received: Time Received: am/pm

Received by:

Public Hearing/Consultation Scheduled for:

September 28, 2022

Via Email
Town of Newfields
Planning Board
c/o Glenn Greenwood, Town Planning Consultant
glennkgreenwood@gmail.com

Re: Site Plan Application – Agritourism at Vernon Family Farm

Dear Chair Couture and Members of the Planning Board:

On behalf of Vernon Family Farm, I submit this letter and the enclosed site plan in support of Vernon Family Farm's request for Site Plan approval to continue agritourism at Vernon Family Farm located at 301 Piscassic Road, Newfields, New Hampshire 03856 ("Farm" or "Property"). RSA 674:32-b, II authorizes the Planning Board to review this request to ensure that traffic and parking from agritourism do not adversely impact adjacent properties, streets, or public safety. Agritourism does not adversely impact adjacent properties, streets, or public safety, therefore, I respectfully request that the Board approve this request at the Board's October 13, 2022 meeting.

Vernon Family Farm Chronology

- Nicole and Jeremiah bought the Property in 2014.
- The Vernons formed Vernon Family Farm, LLC on July 10, 2014.
- Vernon Family Farm began farming operations in 2014, including agritourism.
- The NH Department of Transportation issued the Driveway Permit on April 10, 2015.
- The Conservation Commission approved agricultural structures on April 23, 2015.
- The Planning Board approved site plan to operate a farm stand on July 15, 2015, following the Planning Board's decision on April 14, 2015 that site plan approval was required for the farm stand.
- The Planning Board approved an amendment to that site plan approval to extend hours of operation to 8:00 p.m. on July 21, 2016.
- The Conservation Commission received legal advice that the Farm's agritourism likely did not violate the Conservation Easement on January 5, 2017.
- The Vernons formed Vernon Kitchen, LLC, their catering business, on July 29, 2021.
- The Building Inspector issued a building permit for the pad ("24' x 32' deck to put a walk-in cooler and walk-in freezer on") on September 9, 2021.
- The Farm applied for a building permit to construct walls and a roof over the pad on March 23, 2022, and then had the construction performed without a permit in reliance on

advice of the Building Inspector who said that no permit was required because the Farm had said the structure was for agriculture, including agritourism.

- The Fire Department issued a Permit of Assembly for up to 300 people on May 5, 2022.

Vernon Family Farm Agritourism Activities

As part of the Farm operations, Vernon Family Farm has regularly engaged in agritourism since the Farm's inception.

The farm hosts outdoor dining, and lawn games, generally on Thursdays, Fridays, and one Saturday a month May through October, often paired with other events. This includes regular farm-to-table dinners, music events, yoga classes, art classes for kids, and paint nights for adults. Additionally, they offer farm tours to give people an inside look into their farm operations and have a chance to interact with the Farm's animals on a closer basis.

The areas of the Property where these activities occur are depicted on the attached site plans. One plan is a more general site plan depicting the entire Property. The second is a close-up of the area of the Farm where most of the agritourism occurs so further details could be included.

The Vernons are determined to remain good members of the community, and therefore they donate a percentage of proceeds to local non-profit organizations, including Seacoast Eat Local, Newfields Public Library, Connor's Climb Foundation, the Newfields PTO, and Cross Roads House, among others. The Farm purchases locally, including wine from Blue Heron Wines for events, equipment from JM Hayden Equipment, provides staff lunches from Newfields Country Store, purchases sweets from Huckleberry Candies (owned by Newfields residents), hires bands from Newfields (Macrotones and New Norde are led by a Newfields citizen), and purchases and sells products from other Newfields farmers. The Farm is also an active community support, including that the Farm participates in Newfields' solstice, donates food to teachers for teacher appreciation week at NES, supported Art on Main Street, sponsors the Spanish after school program at NES, when Seven Rivers after school program could not happen at the school the Farm hosted it, sponsors the after-school robotics program, and donates funds to Newfields fire department.

The Vernons are thrilled to see the community's continuing and incredible support for the Farm's events. The Farm's agritourism events are crucial to the continued success of Vernon Family Farm.

Vernon Family Farm Management of Agritourism Activities

The Farm manages its agritourism activities, in accordance with RSA 674:32-b, II, so that traffic and parking do not adversely impact adjacent properties, streets, or public safety. Generally, this is self-evident because of the Farm's continued success with its agritourism; as

we all know, patrons do not come back when their experiences involve too much traffic and poor parking. Specifically, the Farm employs a number of expected and appropriate strategies, which the Farm would be agreeable to being included as conditions of approvals, and we have endeavored to write this accordingly.

The Farm's attention to safety is not only obvious when one arrives but is supported by never having a single safety issue reported to the Farm or any parking in Piscassic Road at any of the Farm's events in the eight years the Farm has been in business.

1. Upon entering the property, traffic is directed with signage, traffic cones, and a parking attendant.
2. The parking attendant is trained to make sure no traffic is stopped in Piscassic Road and all vehicles are directed to park in one of the predefined parking rows.
3. Parking for events occurs in distant fields (currently the western fields) so there are no vehicles being operated in and/or around guests as the event is ongoing.
4. Additional roped off fences add extra separation between guests and traffic.
5. Traffic entering and exiting the event is contained to one-way lanes.
6. Events are not oversold, ensuring that there is always additional parking available, and cars are not forced to be parked in an unsafe manner.
7. Guests are permitted to enter and leave the Property during the event, which alleviates traffic issues during the starting and completion of the event.
8. Farm events end by 8 p.m. with music scheduled to be done by 7:30 p.m. By having most events end before the sun goes down, there is minimal impact from car lights.
9. Only select events have live music. This, plus the ending time, are intentional decisions by the Farm to reduce the noise impact on neighbors.

State Law Supporting Local Agriculture

New Hampshire law recognizes and supports local agriculture, including agritourism:

Agriculture makes vital and significant contributions to the food supply, the economy, the environment and the aesthetic features of the state of New Hampshire, and the tradition of using the land resource for agricultural production is an essential factor in providing for the favorable quality of life in the state. Natural features, terrain and the pattern of geography of the state frequently place agricultural land in close proximity to other forms of development and commonly in small parcels. Agricultural activities are a beneficial and worthwhile feature of the New Hampshire landscape. Agritourism, as defined in RSA 21:34-a, is undertaken by farmers to contribute to both the economic viability and the long-term sustainability of the primary agricultural activities of New Hampshire farms.

Agricultural activities and agritourism shall not be unreasonably limited by use of municipal planning and zoning powers or by the unreasonable interpretation of such powers.

RSA 672:1, III-b.

The Granite State Farm to Plate Food Policy and Principles state, in pertinent part:

425:2-a The Granite State Farm to Plate Food Policy and Principles. -

- I) It is the policy of the state of New Hampshire ... to encourage and support local food producers, farming, ... including businesses engaged in agriculture, ... and the associated local and regional businesses that process, purchase, distribute, and sell such food throughout the state.
- II) a) Agriculture in New Hampshire represents a vital part of both the state's rural and urban economies and the larger food systems that connect it with the state's local and regional economies and the public.
 - b) Consumer demand ... for locally grown and produced food is growing and deserves support from the state and state agencies.
 - c) Support of local food economies is vital to public health ... and ... viability and livability of our communities.
 - e) ... Increased access to local, healthy food is needed to address [chronic diseases]
 - f) Local and regional food economies are a vital source of employment in our communities. Promoting the growth of such local food economies will enhance economic development and job growth throughout the state.

The Granite State Farm to Plate law speaks directly to Planning Boards in the following two sections:

- g) Economic development opportunities among New Hampshire's cities and towns are facilitated by state and local governments cooperating to remove obstacles and excessive financial burdens to farms and associated businesses

III) To the extent possible, local governments shall consider the policy and principles of this section when ... enforcing existing law and regulation.

This means that this Board, the Newfields Planning Board, is required to consider the Granite State Farm to Plate Food Policy and Principles when deciding the Vernon Family Farm site plan request.

Agritourism is an Agricultural Use Permitted by Right and Cannot be Prohibited

“Farming, Produce (commercial)” is permitted by right in the Residential-Agricultural zone. Newfields Zoning Ordinance § 3.4.2 Schedule I-Use Regulations. The zoning ordinance defines the term “farming” by reference to RSA 21:34-a, as follows: “Farming means all operations involved with the growing of crops, the raising of animals, and activities associated with marketing the products including agritourism and other activities under RSA 21:34-a. For the complete definition, refer to NH RSA 21:34-a.” Newfields Zoning Ordinance § 2.1.11.

Though the Newfields law seems consistent with this provision of state law, it is important to note that state law prohibits local laws from disallowing agritourism. *See* 674:32-d (“Agritourism, as defined in RSA 21:34-a, shall not be prohibited on any property where the primary use is for agriculture, subject to RSA 674:32-b, II.”)

Waivers

RSA 674:32-c, II calls for waiver of site plan requirements that are unreasonable in the context of agricultural applications, such as this. It instructs that the Board “shall grant a waiver” from such requirements. In keeping with that law, the Farm’s first site plan application for the farm stand was streamlined accordingly, as is this one. Following is a list of the site plan regulations from which the Farm requests waivers according to RSA 674:32-c, II:

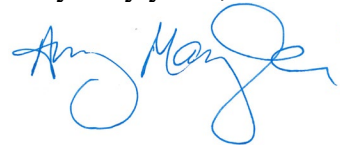
1. Because the Farm plans to submit a hand-drawn site plan, the following plan requirements are requested to be waived:
 - a. 10.9.1.1 The plan must be drawn in original ink on mylar or other material acceptable for recording purposes at the Rockingham County Registry of Deeds.
 - b. 10.9.1.4 Scale should be not more than 1" = 100' (one inch = 100 feet).
 - c. 10.9.1.8 Name, license number, signature(s), and seal of the N.H. registered land surveyor, and engineer, if applicable.
 - d. 10.9.1.10 All benchmarks shall be placed in reference to a permanent USGS point location.
 - e. 10.9.1.12 The final plan(s) shall include sufficient data acceptable to the Planning Board and the Town Engineer to determine readily the location, bearing and length of the existing and street and lot line, and to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half minutes. The error of closure shall not exceed a ratio of 1 to 10,000. The final plan(s) shall show the boundaries of the property and the bounds of any public or private streets and easements abutting or pertaining to the proposed site plan.
 - f. 10.9.2 Surveyed Plan
 - g. 10.9.3 Topographic Plan
2. 10.9.5 Septic System Siting Requirements

3. 10.9.9 Traffic Impact Analysis
4. 10.9.11.5 Parking Requirements
5. 10.9.17.6.10 Architectural Review

Conclusion

On behalf of Vernon Family Farm, I respectfully request that the Planning Board approve this request. Please let me know if you have any questions or concerns.

Very truly yours,



Amy Manzelli, Esq.
Licensed in New Hampshire & Maine
(603) 225-2585
manzelli@nhlandlaw.com

Cc: Client

GIRARD, MARK S.
GIRARD, LYNN M.
298 PISCASSIC RD
NEWFIELDS, NH 03856

JOHNSON, ASA
JOHNSON, COURTNEY
4 LILY LANE
NEWFIELDS, NH 03856

BOURASSA, NATHAN
BOURASSA, TAYLOR
285 PISCASSIC ROAD
NEWFIELDS, NH 03856

JACKSON, THOMAS L.
JACKSON, MARIE PIERRE
291 PISCASSIC RD
NEWFIELDS, NH 03856

PATTERSON, RUTH E. REV TRSUT
COX, GERALD D. REV TRUST
COX, GERALD D. & PATTERSON, RU
295 PISCASSIC RD
NEWFIELDS, NH 03856

VERNON, JEREMIAH
VERNON, NICOLE
301 PISCASSIC RD
NEWFIELDS, NH 03856

HASEVLAT, GREG P.
HASEVLAT, AMANDA S.
319 PISCASSIC RD
NEWFIELDS, NH 03856

NH FISH AND GAME DEPARTMENT
11 HAZEN DRIVE
CONCORD, NH 03301

NICHOLS, ANITA MARGARET IRREV
NICHOLS, EDWARD ANTHONY, ET. A
323 PISCASSIC RD
NEWFIELDS, NH 03856

NICHOLS FAMILY TRUST
NICHOLS, VIVIAN B. & EDWARD A.
14 CUBA RD
NEWFIELDS, NH 03856

NICHOLS, THEODORE W.
18 CUBA RD
NEWFIELDS, NH 03856

PETTENGILL, CHARLES P.
PETTENGILL, ANNETTE L.
322 PISCASSIC ROAD
NEWFIELDS, NH 03856

TRUEMAN III, RAYMOND E.
FAMILY REVOCABLE TRUST 1994
318 PISCASSIC RD
NEWFIELDS, NH 03856

DIFEO, ZACHARY
MCGONAGLE, ASHLEY T.
314 PISCASSIC ROAD
NEWFIELDS, NH 03856

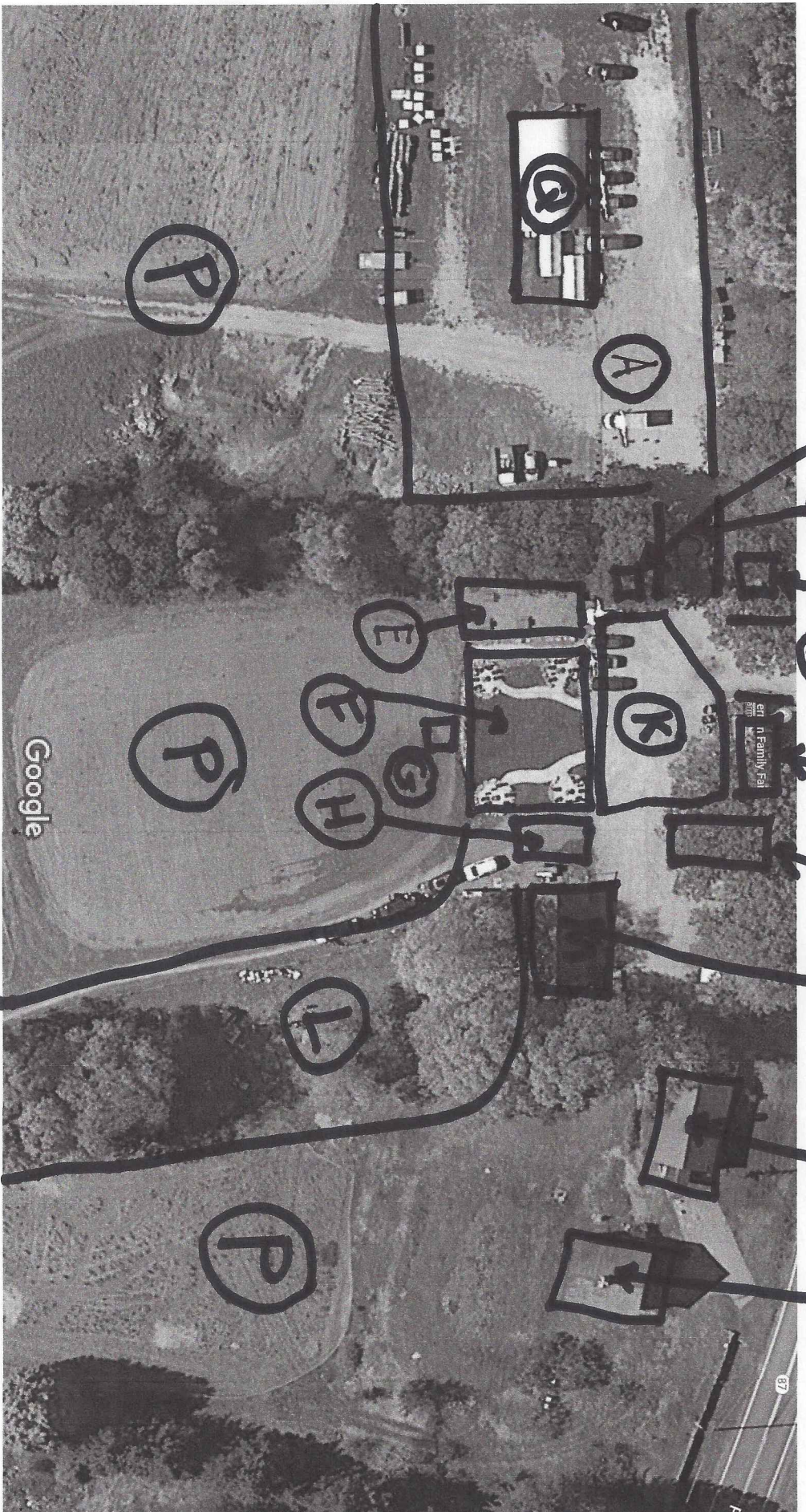
WACHSMUTH, DEANNA M.
WACHSMUTH, SCOTT E.
306 PISCASSIC RD
NEWFIELDS, NH 03856

Town of Newfields

Newfields Conservation Commission

Surveyor: Jim Franklin
Franklin Associates
173 Deerfield Rd
Candia, NH 03034

Google Maps



MAP 1

N ↑

Google Maps



D C B

MAP 2

N ↓

MAP 1 - Items in bold are utilized during an event

A. Barnyard and event and employee parking

- **450 ft x 120 ft = 54,000 ft²**
- **Excluded area for barn = 110 ft x 41 ft = 4,510 ft²**
- **Total area available for parking = 49,490 ft²**

B. Driveway

- **26 ft x 32 ft = 832 ft²**

C. Driveway connecting store parking to event and employee parking

- **65 ft x 30 ft = 1,950 ft²**

D. Bathrooms

- **8 ft x 12 ft = 96 ft²**

E. Picnic table area

- **44 ft x 55 ft = 2,420 ft²**

F. Patio with grassy area and four fire pits

- **50 ft x 75 ft = 3,750 ft²**

G. Stage

- **14 ft x 21 ft = 294 ft²**

H. Picnic table area

- **40 ft x 32 ft = 1,280 ft²**

I. Store

- **30 ft x 20 ft = 600 ft²**

J. Pavilion

- **24 ft x 46 ft = 1,104 ft²**

K. Store Parking Lot

- **75 ft x 95 ft = 7,125 ft²**

L. Side Field

- **241 ft x 42 ft = 10,122 ft²**

M. Barn

- **30 ft x 45 ft = 1,350 ft²**

N. House

- **30 ft x 40 ft = 1,200 ft²**

O. Barn

- **28 ft x 32 = 896 ft²**

P. Pasture and Wood Lot

- **~30 acres**

Q. Barn

- **110 ft x 41 ft = 4,510 ft²**

S. Office

- **20 ft x 15 ft = 300 ft²**

MAP 2 - Items in bold are utilized during an event

A. Barnyard and event and employee parking

- **49,490 ft²**

B. Driveway

- 832 ft²

C. Driveway connecting store parking to event and employee parking

- 1,950 ft²

D. Bathrooms

- 96 ft²

E. Event Space

- Includes picnic table areas, patio, stage, pavilion, store, store parking lot and side field
- 26,695 ft²

F. Residents

- Includes house, barn and grassy area
- 20,000 ft²

G. Pastures and Wood Lot

- ~30 acres