

*Town of Newfields  
65 Main Street  
Newfields NH 03856*



*[www.newfieldsnh.gov](http://www.newfieldsnh.gov)  
603-772-5070-phone  
603-772-9004-fax*

April 14, 2015

Jeremiah Vernon  
301 Piscassic Road  
Newfields, NH 03856

Nicole Vernon  
301 Piscassic Road  
Newfields, NH 03856

**Re: Administrative Decision re: 301 Piscassic Road, Newfields NH  
Requirement of Building Permit, Site Plan review for proposed Farm Stand Use**

Dear Mr. and Ms. Vernon:

This administrative decision arises in response to your attorney's March 16, 2015 letter to me, which takes the position that the Vernons need not seek either site plan approval or a building permit in conjunction with their proposed construction of a new farm stand at their 301 Piscassic Road, Newfields, NH property.

**Site Plan Review:**

It is my opinion that site plan review and approval is required prior to the commencement of the proposed farm stand use. Section 10.4.1.2 of the Newfields Site Plan Review Regulations requires site plan review "before a change or expansion of a non-residential use; before any construction, land clearing or building development is begun; before any permit for the erection of any building may be granted." Each of these circumstances applied to the proposed new farm stand use.

Further, RSA 674:32-b(b) expressly provides that a farm stand may be subject to "other local land use board approval", which in this instance means site plan review, when the farm stand use proposed is "a change or expansion of a non-residential use", or it involves "construction...or building development". Such review must precede "any permit for the erection of any building...".

Your attorney's argument that because your property is being used for agricultural purposes, therefore the farm stand use is an agricultural use that can be changed, altered or expanded without restriction to another agricultural use is unpersuasive, because it would render meaningless the express authority to regulate farm stands that is set forth in RSA 674:32-b(b). In addition, your attorney's argument that the Newfields Site Plan regulations, at section 10.5.3 defines "development" as "any construction or grading activities...other than agricultural...practices" so as to exempt the farm stand from having to obtain a building permit is also not persuasive, as the existence of a farm stand is not an "agricultural practice" as that term is commonly used.

**Building Permit:**

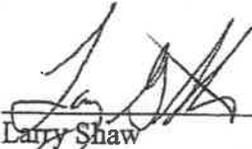
A building permit is required for the farm stand construction such as you have proposed, unless it is somehow exempt. There is a building permit exemption set forth in section 10.3.1 of the Newfields Zoning Ordinance for a very small set of farm buildings, but it is limited to "small dairy rooms, root cellars, poultry houses, farm and storage sheds and other similar structures." The hallmark of these buildings is that the public is not coming to them for retail uses, or for public transactions, as is the case with a farm stand.

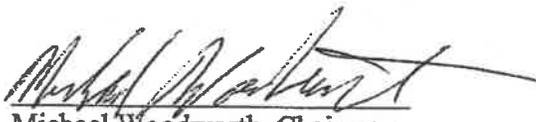
The plain language of RSA 674:32-b(b) is clear. It specifies that "any new establishment, re-establishment after disuse, or significant expansion of a farm stand, retail operation, or other use involving on-site transactions with the public, may be made subject to special exception, building permit or other local land use board approval and may be regulated to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety."

This is a decision of the administrative officer as that term is used in NH RSA 676:5 and shall be appealable to the Newfields Zoning Board of Adjustment by any person aggrieved by this decision within 30 days of the date of this decision and not thereafter.

Very truly yours,

**TOWN OF NEWFIELDS**

  
\_\_\_\_\_  
Larry Shaw  
Newfields Building Inspector

  
\_\_\_\_\_  
Michael Woodworth, Chairman  
Board of Selectmen