

April 19, 2024

To the Town of Newfields - Board of Selectmen:

Dear Chairman Sununu and Selectboard Members,

Over the past two years, the Vernon Family Farm's activities and events have escalated significantly in both scope and frequency and now include an illegal open-air restaurant and bar, as well as amplified musical events. These public events present not only a safety hazard to the neighbors and traffic on Route 87 (requiring police presence), but also to the event attendees. This also further diminishes the property value of all the surrounding properties.

The modified site plan was approved by the Planning Board but is not being properly enforced. The Vernons should not have been permitted to open the restaurant and bar last season without complying with all requirements and they should not be allowed to open the restaurant and bar again this season without demonstrating full compliance with the terms of the site plan as well as the laws of the Town of Newfields and the State of New Hampshire.

Therefore, as an abutter, I am filing a formal complaint regarding the Vernon Family Farm, LLC, Vernon Kitchen, LLC, and their owners, Jeremiah and Nicole Vernon, all located at 301 Piscassic Road, Tax Map 211-Lot 14, Newfields, NH.

At a minimum, the Vernons have failed to comply with the building inspector's report and the site plan modification prior to opening their open-air restaurant and bar in a residential neighborhood.

1. The modified site plan (#13) states "no restaurant use of the property shall be made unless **all required municipal and state permits and approvals** have been granted for said use..."

Restaurants are not a permitted use in a Residential/Agricultural district (RA) according to the Newfields zoning ordinance section 3.4.13. Restaurants are only a permitted use in a commercial district in the Town of Newfields. No change of use for the Vernon Family Farm property has been permitted or granted. If granted, said use would have to be properly licensed through the State of New Hampshire (RSA 143-A:4) and include inspections from the Department of Health and Human Services (RSA 143:4).

RSA 143-A:3, IV (Food Service Licensure), specifically includes catering in the definition of a "food service establishment." RSA 78-A:3,XX defines a restaurant as an "eating or drinking establishment that is primarily engaged in providing meals for which a charge is made." The term restaurant includes a catering business in this definition.

RSA 155-A:2 State Building Code and RSA 485-A Water Pollution and Waste Disposal require an adequate commercial septic system, bathrooms, drinking fountain and service sink to be installed for their commercial building prior to occupancy, which includes opening the facility to the general public. This was noted by the Newmarket building inspector's Inspection Report (dated 2/14/23), as

being required prior to any use of the restaurant and bar that the Vernons have constructed at 301 Piscassic Road. They needed, but did not obtain, a NH DES septic permit and two approvals (construction and operational) to meet this requirement for the commercial septic system.

2. The modified site plan (#17) states "Vernon Family Farm shall ensure that all other entities, if any, utilizing the Property or providing services or operations thereon, comply with these conditions of approval."

Vernon Family Farm, LLC and its owners, Jeremiah and Nicole Vernon, allowed Vernon Kitchen, LLC, a separate legal entity, to prepare, cook and sell food (including poultry, which is considered a "potentially hazardous food" under RSA 143-A:12) and beverages (including alcoholic beverages) to the general public, knowing full well that 1) the state and local sanitation requirements had not been met, 2) the aforementioned restaurant is not a permitted use at 301 Piscassic Road and 3) the required food service licensure under RSA 143-A:4 and Inspections under RSA 143:4 had not been granted or performed.

Given these significant violations, the Site Plan Review Modification should be revoked under RSA 676:4-a, I (b) or at the very least, the Town of Newfields should deny any and all extensions to the Temporary Certificate of Occupancy that has been issued for the illegal open-air restaurant and bar, until all required permits and approvals applicable to the Vernons, their businesses, and their property at 301 Piscassic Rd, have been sought, granted and complied with.

Respectfully,

A handwritten signature in black ink, appearing to read "Scott E. Wachsmuth", with a long horizontal line extending to the right.

Scott E. Wachsmuth

306 Piscassic Rd