

# PUBLIC STATEMENT REGARDING SWEET HILL FARM

## PLAISTOW SELECT BOARD

OCTOBER 26, 2023

The Plaistow Select Board issues this statement to address certain allegations and concerns that have been communicated regarding the Town of Plaistow's alleged treatment of Sweet Hill Farm, Inc. and its proprietor Daniel Kane.

The Town supports the growth of businesses in the community. However, the Town is responsible to the community as well. Part of the Town's responsibility to the community is to ensure that the growth of business does not come at the risk of the health, safety, and welfare of its citizens and that the laws and rules are applied fairly to everyone. The law does not allow the Select Board or any Town official or any other board to exempt a business from the procedures necessary to ensure that growth is being done in a manner that will not jeopardize the health, safety, or welfare of the community or otherwise violate the law.

Recently, Sweet Hill Farm had a consultation with the Planning Board regarding a potential subdivision of its property, claiming that subdivision is necessary because the Town has obstructed its business as a farm. To be clear, the Select Board takes no current position on how Sweet Hill Farm lawfully uses its property, whether it be as a farm or for housing. That is a matter for the Zoning Ordinance and the Town's land use boards. The Select Board, however, disagrees with Sweet Hill Farm's characterization.

Initially, Sweet Hill Farm sought permits to build various structures associated with its business. The Town has a process for all individuals and entities who are seeking to develop property and erect structures. This process is the same for anyone seeking to make improvements or develop land and does not vary depending on the strength of support for the project or the personal opinions of Town employees or community members. The Select Board believes that the Town's Building Department has appropriately sought to ensure that Sweet Hill Farm follows the same rules as everyone else.

- When Sweet Hill Farm sought a building permit to construct two, two-story 24' x 28' barns (called Livestock Pen Extensions) and represented that the anticipated cost was going to be a combined total of \$30,000 for both, the Building Inspector sought further information to confirm that \$30,000.00 figure. Sweet Hill Farm supplied a Construction Contract which contained no detail as to where that \$30,000.00 figure came from, and the Town sought a more detailed breakdown. Instead of supplying that breakdown, Sweet Hill Farm decided to appeal the matter to the ZBA and the Superior Court. The Superior Court dismissed the appeal because Sweet Hill Farm did not follow the process for challenging the Building Inspector's decision. The ZBA denied Sweet Hill Farm's appeal because the ZBA

agreed that the \$30,000.00 was low enough that the Building Inspector was reasonable to question it.

- Sweet Hill Farm sought a Building Permit to construct a Bee House. The Building Permit stated that the cost was expected to be \$6,000.00. The Building Inspector researched the cost of materials and determined that the anticipated cost of materials would far exceed that \$6,000.00 amount by several multiples. The Building Inspector asked for further detail from Sweet Hill Farm as to the reported \$6,000.00 cost. Instead of supplying the information and receiving the Building Permit, Sweet Hill Farm challenged the Building Inspector's right to seek a cost breakdown with the ZBA. The ZBA determined that the Building Inspector was, again, reasonable in questioning the stated costs. The ZBA went so far as to question why Sweet Hill Farm incurred this delay instead of just supplying this information asked for.
- When Sweet Hill Farm sought to construct a "Hops Barn" and a "Mudroom Extension," the Building Inspector acted on Sweet Hill Farm's building permit applications by issuing Foundation Permits in accordance with the Town's policy, which has been on display at the Building Department for nearly twenty years. That policy says that foundation permits will be issued first for new construction, and once a foundation certificate has been supplied as to the location of the structure, the remainder of the building permit will be issued. Sweet Hill Farm had been told on several occasions that, if it constructed the foundation where it said it was going to, the Building Department would waive the requirement for a foundation certification in accordance with historic practice. In fact, the Building Inspector had waived the requirement on three prior occasions with Sweet Hill Farm. Sweet Hill Farm disagreed with the policy and challenged the policy with the ZBA, inaccurately claiming that the "foundation certificate" was simply a way to submit Sweet Hill Farm to "site plan review," a notion which both the ZBA and the Building Inspector dispelled at the public hearing. Sweet Hill Farm proceeded with its appeal with the ZBA regarding the mudroom extension even though Sweet Hill Farm had been allowed to construct the mudroom without needing to submit a foundation certificate. In an effort to try to resolve the dispute, the Building Department agreed to provide a confirmatory building permit as to the mudroom extension and to revise its "foundation permit" policy to provide clarity as to the availability of waivers and what information is required. Sweet Hill Farm voluntarily withdrew its appeals with the ZBA. Additionally, the Building Department agreed to amend its policy, which it since has done.

The Select Board has sought to work with Sweet Hill Farm. While the Select Board believes its Building Inspector acted appropriately, the Select Board and Town Administration offered to have an outside building inspector review matters involving Sweet Hill Farm. The Select Board encouraged Sweet Hill Farm to come before the Planning Board to discuss its plans

for the Farm, including its planned brewpub and other potential uses, and identify what information would be expected to get all lawful permits and approvals. The Select Board expressed its willingness to add signage within the Town's rights-of-way to bring traffic to Sweet Hill Farm. Despite that proposal, Sweet Hill Farm stated at the Planning Board that it would rather leave resolution of this matter to the court system and all of the costs and delays associated with it.

The Select Board will not comment on that position other than to say that it remains committed to the fair and equitable treatment of all citizens and businesses operating in the Town. This includes a commitment to discussing what issues and concerns Sweet Hill Farm has in order to facilitate a lawful resolution of those issues. That, however, cannot include creating a separate process specifically for Sweet Hill Farm, which is different from all others; the law does not allow for that. Regardless, there is no shortage of desire or effort on the part of the Select Board to work with Sweet Hill Farm.