



TOWN OF NOTTINGHAM, NH - PLANNING BOARD

NOTTINGHAM TOWN OFFICE • 139 Stage Rd., P.O. Box 114 • Nottingham, NH 03290
<https://www.nottingham-nh.gov/planning-board>
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Plan Review

PROJECT NAME:	Kubota Trust	CASE NUMBER:	21-003-SIT
PLAN REVISION DATE:	<u>April 8, 2021</u>		
MEETING DATE:	Property Owner(s):	APPLICATION TYPE:	
<u>July 14, 2021</u>	Tami Defrancesco	<input type="checkbox"/> (SD) Subdivision	<input type="checkbox"/> (EX) Excavation
	Kubota Trust	<input checked="" type="checkbox"/> (SP) Site Plan	<input type="checkbox"/> (HO) Home Occ.
	214 Raymond Road	<input type="checkbox"/> Sign	<input type="checkbox"/> (LLA) Lot Line
	Nottingham, NH 03290	<input type="checkbox"/> Design Review	Adjustment
	New owners to be updated		
APPLICATION STATUS:	Engineer (s):	REVIEWED BY:	
<input checked="" type="checkbox"/> Accepted: 02/10/21	Scott R Frankiewicz, LLS	Stefanie Casella	
65 days expires: 4/16/2021	NH Land Consultants, PLLC	SRPC Circuit Rider	
<input type="checkbox"/> Approved:	683C First NH Turnpike	2/8/21 2021, updates through 4/14/2021	
<input checked="" type="checkbox"/> Extension to: <u>July 14, 2021</u>	Northwood, NH 03861	<u>Jen Czysz, SRPC Interim Circuit Rider</u>	
		<u>July 12, 2021</u>	
EXECUTIVE SUMMARY			
Applicant is applying for a new site plan to approve event space in addition to the existing residential and commercial use of the property.			
Lot 69/10 abuts the town of Raymond. Nottingham planning staff have sent as email to the Raymond planning staff requesting comments on the application according to RSA 674:53.			
Board should consider and discuss if this project will have a regional impact, and if this application will require a variance due to its lack of frontage.			
3/22/2021 Update			
Application was determined a Development of Regional Impact at the February 10 meeting. Additional abutters were listed including Raymond, Epping, Strafford Regional Planning Commission, and the Rockingham Regional Planning Commission. On 3/10 the case was continued again due to notices returned by mail. This second continuation was to insure adequate abutter notice time.			
4/12/2021 Update			
At the 3/24/2021 meeting the board voted to send the project for legal review regarding existing and proposed uses of the lots for camping and event. Additionally, the Lamprey River Advisory Committee has received communication regarding the project area and has provided comment.			
4/14/2021 Update			
Board delegated variance guidance to staff and zoning department			



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Site walk requested
Continuance and extension of deadline to 5/26

5/26/2021 Update

Applicant requested the hearing be continued to July 14, 2021 pending their continued case before the ZBA

7/12/2021 Update

The site walk was schedule for and held on May 5, 2021.

Several new items have been submitted and are available on the Planning Board's 7/14/2021 agenda webpage.

Please refer to the 5/6/2021 memo from Dale Sylvia for additional town staff comments.

BACKGROUND

TAX MAP/LOT:	69/8 and 68/10
AREA (ACRES, SQUARE FEET):	88.15 ac (3,839,814 sq ft)
EXISTING LAND USE:	Gravel pit (Commercial) and Residential
STEEP SLOPES:	Steep slopes are present on property
ROAD ACCESS (FRONTAGE):	No Frontage, access via easement from Raymond Rd
CLOSEST INTERSECTION:	Raymond Rd and Dolloff Dam Rd
ZONING DISTRICT(S):	Residential/Agricultural
OVERLAY DISTRICTS:	<input checked="" type="checkbox"/> Aquifer <input checked="" type="checkbox"/> Wetlands <input type="checkbox"/> Floodplain <input checked="" type="checkbox"/> Steep Slopes
LOCATED ON A SCENIC ROAD?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
FEMA 100-YEAR FLOOD HAZARD ZONE?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
WATER BODIES:	<input checked="" type="checkbox"/> Shoreland Protection

OTHER PERMITS AND APPROVALS

<input type="checkbox"/> Special Exception(s)	<input type="checkbox"/> Waivers	<input checked="" type="checkbox"/> Variance(s)	<input type="checkbox"/> Easement(s)	<input type="checkbox"/> Excavation Permit
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Condo Documents	<input checked="" type="checkbox"/> State Permits	<input type="checkbox"/> Road Cut	<input type="checkbox"/> Road Bond

STATUS NOTES:

Variance from Article II, Section C: On June 15, 2021 the Zoning board approved the variance application to allow water cross events with incidental camping as a permitted use three weekends per year. Conditions include no practice or other events outside of preapproved and noticed dates agreed upon with the Town of Nottingham and no vents to be held on major holidays.

DOT Driveway Permit issued on 5/6/2021 with numerous conditions including, but not limited to, no structures, signs, etc. may be a place on, over or under the highway right of way; no parking or other activities may be conducted on the highway right of way; events will occur only 3 times per year (Friday 4-6pm, Sat and Sun 10am-6pm); any other access to the highway are to be prevented and the right of way may only be used for travel;



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drainage and sight distances shall be maintained; traffic interruptions are to be kept to a minimum and may require flaggers or uniformed officers when conditions warrant; the applicant is responsible for mitigation should future use of the driveway unfavorably impact the highway.

Alteration of Terrain: the applicant, per a letter from DES dated April 29, 2021, is working toward bringing unpermitted disturbances into compliance. An AoT permit application is due to NHDES by August 31, 2021 and an after-the-fact wetlands permit application is due by July 31, 2021.

COMPLETENESS/APPLICATION ACCEPTANCE

Application was accepted on February 10, 2021

STAFF TECHNICAL COMMENTS AND MEETING REVIEW HISTORY

Updates to the 4/12/2021 staff report are included below in red to highlight changes since that time.

1. Comments on submitted waiver request:
 - a. No waivers submitted at this time
2. Elements in need of clarification, additional information, or provision before approval:
 - a. Plan indicates that property is not in the FEMA 100 yr flood zone, staff data layers show that it is.
 - i. Existing Conditions Plan sheet 2 of 4, note 15, indicates that the site is located within the 100-year flood plan.
 - ii. The applicant has further submitted a letter of map revision from FEMA stating that any the residence at 214 Raymond Rd. is located outside of the special flood hazard area, however, other portions of the site remain in the floodplain.
 - iii. Please note that the FEMA letter of map amendment refers to a registry of deeds book and page number that is not consistent with that on the submitted plans and application materials. If there was a property transfer since the original plan submission the application materials and plans should be updated accordingly.
 - b. Please provide eEasement language for utility and access easement have been provided as part of the applicant's resubmittal package, refer to the two deeds book 2534, page 1812 and book 5650, page 2201.
 - i. Access easement language must be reviewed and possibly updated to reflect the use of access for events, particularly the access easement as lots 8 and 10 do not have frontage and rely upon an access easement that traverses abutting lots 69-6 and 7. The access easement is included in the book 5650, page 2201 deed and articulated as "subject to rights of others to use the right of way shown on the plan as "Quimby R.O.W." The Board should discuss whether this covers the proposed change of use or warrants legal review.
 - c. There seems to be some sort of trail or access leading into 69-10 from the southern property line.
 - i. Please articulate what this is and if it has associated easements
 - d. ~~Please add the protective radii for the wells (checklist section 3 item 11)~~
 - e. ~~Plan references "50' access per plan reference #4"~~
 - i. ~~Please clarify what reference #4 is~~



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- d. Setbacks need to be added to the plan set. The board should review the proposed site activities along the eastern property line, abutting lots 69-4 and 4-1. Does the camper sites, pit area or what appears to be the parking of tractor trailers constitute structures (required to be set back 50') or accessory structures (20' setback)? Further related considerations specific to this area:
- i. Are there adequate storm water and surface drainage facilities to minimize any potential impacts to the abutting property?
 - ii. Is the abutting residential property (69-4-1) protected against "undue noise, glare, unsightliness, or other nuisances..." (Site Plan Regulations 9.7.1(2)(b) from the internal road way, track and parking of vehicles along the property line and within the setbacks?

3. Notes changes, corrections, and additions:

- a. Wells and well radii are clearly labeled on both plan sheets. Please add "Well" label to all wells on sheet 3
- b. Is the access road for the property paved? If so please label Sheet 4 of 4, proposed site plan, clearly identifies which of the existing drives are gravel and paved.
- c. Digital copies of plans with a 4/8/21 revision date include only sheets 2 and 4 of 4. Is this correct and are there additional pages missing from the digital submission. Staff review was only conducted on those submitted digitally.
- d. Update notes 7 and 8 on the Existing Conditions Plan, sheet 2 of 4, to reference both lots 8 and 10 that are subject to this application.
- e. Update note 8 on the Existing Conditions Plan, sheet 2 of 4, to also include the proposed "incidental camping" to occur alongside the water-cross events.
- f. Note 9 indicates on-site septic is to be provided, the applicant will either need a permit from DES for this change of use or a letter stating that it is not required.
- g. Note 14 on the Existing Conditions Plan, sheet 2 of 4, states that the Friday event hours are limited to 4-6 PM however the plan notes state 2-4 PM, please clarify and correct accordingly.

4. Additional Staff Planner Comments and Recommendations

- a. Board should review and discuss the need for an Emergency and Safety plan
- b. Board should review if alcohol will be consumed at the event and the need for a liquor license Existing Conditions (sheet 2 of 4) plan note 13 states that "No alcohol will be served on site."
- c. Board should review the impact of night time noise
 - i. No racing after 6pm
- d. The property falls within the Aquifer Protection Overlay District. As such there shall be no disposal of solid waste; no on-site disposal, storage, processing or recycling of toxic or hazardous materials or wastes; no burial of petroleum products; no unenclosed or uncovered storage of road salt or de-icing chemicals or dumping of snow containing these same chemicals. Refer to Article III, Section A of the Town's Zoning Ordinance.

5. Technical Review Committee Review and Comments

- a. Please refer to: [case 21-003-sit- memo technical review committee event permit rec 20210506.pdf](#) as posted to the Board's 7/14/2021 agenda webpage.



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ACCEPTANCE AND APPROVAL PROCEDURES

1. Reconvene hearing
2. Presentation of updates by applicant
3. Staff review report
4. Abutter testimony
5. Act on submitted waiver request(s): NA
6. Board discussion, comments, questions
7. Act on approval, conditions, denial or continue to a date certain (staff recommendation: continue to date and time certain to allow applicant time to respond to staff comments above as well as the Town's 5/6/2021 public safety departments' technical review committee comment memo.)

CONDITIONS OF APPROVAL

- Plan copies with professional seals & signatures
 - Surveyor
 - Wetlands Scientist
- Original Mylar with professional seals & signatures
- Electronic submission per regulations (As-built as required)
- All fees paid
- Additional items to be determined as part of the plan review hearing (List):
 - Address any required plan changes as decided upon by the board to proposed activities within the property setbacks (staff technical comment 2.b.i)
 - Plan changes required to respond to the 3 public safety department's plan review memo dated 5/6/2021
 - Need for an Emergency and Safety plan
- Changes to Plat as detailed in minutes and this report (refer to notes section and list):
 - Conditions Precedent:
 - Correct references to the Rockingham County Registry of Deeds book and page numbers as applicable (staff technical comment 2.a.iii above)
 - Correct plan sheet numbering (comment 3.c)
 - Update notes 7 and 8 on the Existing Conditions Plan, sheet 2 of 4, to reference both lots 8 and 10 that are subject to this application.
 - Update note 8 on the Existing Conditions Plan, sheet 2 of 4, to also include the proposed "incidental camping" to occur alongside the water-cross events.
- State Permits –
 - Curb-cut (approved),
 - Subdivision (Sub Surface/Septic) or letter stating a permit is not required
 - Wetlands – Dredge and Fill (to be submitted),
 - Alteration of Terrain (to be submitted in order to be up to date for existing uses)
 - Shoreland Protection



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- Correct Note 14 on the Existing Conditions Plan, sheet 2 of 4, that states the Friday event hours are 2-4 PM to reconcile with the DOT driveway permit that states 4-6 PM.

Conditions Subsequent:

- Consistent with the Town's Aquifer Protection Overlay District (Article III, Section A of the Zoning Ordinance) there shall be no disposal of solid waste; no on-site disposal, storage, processing or recycling of toxic or hazardous materials or wastes; no burial of petroleum products; no unenclosed or uncovered storage of road salt or de-icing chemicals or dumping of snow containing these same chemicals.

Others (List):