



## 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>  
[scasella@strafford.org](mailto:scasella@strafford.org)



Phone: (603)679-9597

Fax: (603) 679-1013

Phone: (603) 994-3500

## Plan Review

<b>PROJECT NAME:</b>	Kubota Trust	<b>CASE NUMBER:</b>	21-003-SIT
<b>PLAN REVISION DATE:</b>	July 19, 2021		
<b>MEETING DATE:</b>	<b>Property Owner(s):</b>	<b>APPLICATION TYPE:</b>	
July 14, 2021	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		
<b>APPLICATION STATUS:</b>	<b>Engineer (s):</b>	<b>REVIEWED BY:</b>	
<input checked="" type="checkbox"/> <b>Accepted: 02/10/21</b>	Scott R Frankiewicz, LLS	Stefanie Casella	
65 days expires: 4/16/2021	NH Land Consultants, PLLC	SRPC Circuit Rider	
<input type="checkbox"/> <b>Approved:</b>	683C First NH Turnpike	2/8/21 2021, updates through 4/14/2021	
<input checked="" type="checkbox"/> <b>Extension to: July 28, 2021</b>	Northwood, NH 03861	Jen Czysz, SRPC Interim Circuit Rider	
		<b>July 27, 2021</b>	
<b>EXECUTIVE SUMMARY</b>			
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.			
<b>3/22/2021 Update</b>			
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.			
<b>4/12/2021 Update</b>			
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.			
<b>4/14/2021 Update</b>			
Board delegated variance guidance to staff and zoning department			

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 Sylvania for additional town staff comments.

7/27/2021 update  
 On July 20<sup>th</sup> the Zoning Board granted a motion for re-hearing the watercross variance. A full rehearing will occur on 8/17/2021.

The following report has been updated to remove all items that have been resolved. Staff comments below are a merger remaining items to be resolved as outlined in prior reports by the SRPC Staff Planner, Conservation Commission, Safety Dept's Technical Review, Fire Chief.

**BACKGROUND**

<b>TAX MAP/LOT:</b>	69/8 and 68/10
<b>AREA</b> (ACRES, SQUARE FEET):	88.15 ac (3,839,814 sq ft)
<b>EXISTING LAND USE:</b>	Gravel pit (Commercial) and Residential
<b>STEEP SLOPES:</b>	Steep slopes are present on property
<b>ROAD ACCESS</b> (FRONTAGE):	No Frontage, access via easement from Raymond Rd
<b>CLOSEST INTERSECTION:</b>	Raymond Rd and Dolloff Dam Rd
<b>ZONING DISTRICT(S):</b>	Residential/Agricultural
<b>OVERLAY DISTRICTS:</b>	<input checked="" type="checkbox"/> Aquifer <input checked="" type="checkbox"/> Wetlands <input type="checkbox"/> Floodplain <input checked="" type="checkbox"/> Steep Slopes
<b>LOCATED ON A SCENIC ROAD?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>FEMA 100-YEAR FLOOD HAZARD ZONE?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>WATER BODIES:</b>	<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. **The variance has been appealed and will be reheard on 8/17/2021.**

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; 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

**Please view the 7/12/2021 staff report for a history of prior staff review comments that have since been resolved.**

**The [applicant has submitted a narrative response](#) to prior comments issued by the SRPC circuit rider, conservation commission, technical review committee, and fire chief. Pages 66-87 of the linked document.**

1. Elements in need of clarification, additional information, or provision before approval:
  - a. 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.
  - b. There seems to be some sort of trail or access leading into 69-10 from the southern property line. Please articulate what this is and if it has associated easements.
  - c. Setbacks have been 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)?
  - d. 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? While the current owner may not object, the town needs to ensure the regulatory standard is met.
  - e. The applicant has stated that prior events had an approximate total of 1,200 attendees over the three-day event and that the next approved event will be monitored closer. To ensure life safety (potential need for traffic control, adequate toilet facilities, etc.) the maximum number of attendees should be identified as part of this application approval. Numbered bracelets and tally counters will be used to count personnel and attendees. How will attendance be limited to not exceed the maximum attendance numbers?
  - f. Note 9 has been revised to note that 6 portable toilets are proposed to be onsite for the events rather than on-site septic is to be provided? Is the number of portable toilets adequate to meet code for the anticipated number of attendees? Will there be hand washing stations provided?

- g. The applicant has shown a second means of egress through the SELT Land Logging trail. Has permission been granted by SELT for this route to be used as a secondary means of egress? Please provide confirmation of their concurrence.
  - h. Board should review and discuss the adequacy of the submitted Emergency and Safety plan (mapped locations of emergency gathering locations) and supplemental safety information attached to the event licenses. The applicant has noted that there will be EMS and Police Detail present during all race times. Staff recommendation would be to add this information to the staff report to also include the minimum of days in advance of an event in which the applicant is to coordinate with the Town's Police, Fire and EMS services.
  - i. The board should determine whether additional information is required to assess the adequacy/capacity of the bridge over the only egress. The applicant is not sure what the rated capacity is but it has had very heavy equipment and triaxles crossing it for years.
  - j. What is the area of the delineated spectator viewing areas? How many people can each location accommodate? Additionally, while the start and finish is denoted on the plans, what is the racecourse route and how are spectators separated from it?
  - k. Board should discuss the adequacy of proposed noise protection. Noise study results are included in the applicant's narrative response and a YouTube video link of the testing has been provided to the board. Plans to mitigate noise include placement of two trailers to block event noise to the closest abutters. Fending is planned in this location when financially viable.
  - l. The conservation commission recommends events not occur during the typical April – July peak breeding and nesting season for wildlife. Events are proposed to occur in spring, summer and fall.
  - m. Regarding water quality, the applicant has testified that the snowmobiles are modified with gas tanks limited to 1-2 gallons, less than the five gallons that constitutes a HazMat spill. The emergency plan includes availability of absorbent pads should there be a spill.
2. Notes changes, corrections, and additions:
- a. Please add a plan note that all food trucks will be required to have a state peddler's license, NH DHHS Mobile Food Unit License, and any other applicable state or local licenses. Additionally, they must comply with NFPA (1) and NFPA (96) and the Authority Having Jurisdiction reserves final decision authority in these matters.
  - b. Please add a plan note that fires and fireworks are prohibited.
  - c. Please add a plan note that no grey water will be discharged on site.
3. Additional Staff Planner Comments and Recommendations
- a. The applicant has added a note on plan sheet 3 of 4 stating that the parcel is in the Aquifer Protection District and listing prohibited uses and activities.

<b>ACCEPTANCE AND APPROVAL PROCEDURES</b>
---

1. Reconvene hearing
2. Presentation of updates by applicant
3. Staff review report
4. Abutter testimony
5. Board discussion, comments, questions
6. 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 remaining staff comments and the Zoning Variance rehearing to conclude. The applicant will need to agree to an extension to do so.)

## CONDITIONS OF APPROVAL

- |   |  |
|---|--|
| <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Plan copies with professional seals &amp; signatures<ul style="list-style-type: none"><li>- Surveyor</li><li>- Wetlands Scientist</li></ul></li><li><input checked="" type="checkbox"/> Original Mylar with professional seals &amp; signatures</li><li><input checked="" type="checkbox"/> Electronic submission per regulations (As-builts as required)</li><li><input checked="" type="checkbox"/> All fees paid</li><li><input checked="" type="checkbox"/> Additional items to be determined as part of the plan review hearing (List):<ul style="list-style-type: none"><li>• See above</li></ul></li><li><input checked="" type="checkbox"/> Changes to Plat as detailed in minutes and <u>this report</u> (refer to notes section and list):<ul style="list-style-type: none"><li>Conditions Precedent:<ul style="list-style-type: none"><li>• To be determined at the hearing</li></ul></li><li>Conditions Subsequent:<ul style="list-style-type: none"><li>• 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.</li></ul></li></ul></li><li><input type="checkbox"/> Others (List):</li></ul> | <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> State Permits –<ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Curb-cut (approved),</li><li><input checked="" type="checkbox"/> Subdivision (Sub Surface/<u>Septic</u>) or letter stating a permit is not required</li><li><input checked="" type="checkbox"/> Wetlands – Dredge and Fill (to be submitted),</li><li><input checked="" type="checkbox"/> Alteration of Terrain (to be submitted in order to be up to date for existing uses)</li><li><input type="checkbox"/> Shoreland Protection</li></ul></li></ul> |
|---|--|