



TOWN OF NOTTINGHAM, NH - PLANNING BOARD

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Plan Review

PROJECT NAME:	Kubota Trust	CASE NUMBER:	21-003-SIT
PLAN REVISION DATE:	July 19, 2021		
MEETING DATE:	Property Owner(s):	APPLICATION TYPE:	
July 14, 2021	Tami Defrancesco Kubota Trust 214 Raymond Road Nottingham, NH 03290	<input type="checkbox"/> (SD) Subdivision <input checked="" type="checkbox"/> (SP) Site Plan <input type="checkbox"/> Sign <input type="checkbox"/> Design Review	<input type="checkbox"/> (EX) Excavation <input type="checkbox"/> (HO) Home Occ. <input type="checkbox"/> (LLA) Lot Line Adjustment
	New owners to be updated		
APPLICATION STATUS:	Engineer (s):	REVIEWED BY:	
<input checked="" type="checkbox"/> Accepted: 02/10/21 65 days expires: 4/16/2021 <input type="checkbox"/> Approved: <input checked="" type="checkbox"/> Extension to: September 22, 2021	Scott R Frankiewicz, LLS NH Land Consultants, PLLC 683C First NH Turnpike Northwood, NH 03861	Stefanie Casella SRPC Circuit Rider 2/8/21 2021, updates through 4/14/2021 Blair Haney, SRPC Circuit Rider September 22, 2021	
EXECUTIVE SUMMARY			
<p>Applicant is applying for a new site plan to approve event space in addition to the existing residential and commercial use of the property.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>4/14/2021 Update Board delegated variance guidance to staff and zoning department</p>			

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 20th 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.

9/22/2021 update
 The Board will review documents pertaining to the proposed Emergency Spill Response Plan submitted by the applicant. The Board will discuss and consider the vote by the Zoning Board regarding the appeal of the use variance decision. The Board will receive into the record any additional information submitted by the applicant or public during the meeting.

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. **The variance has been appealed and will be reheard on 9/21/2021.**

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

The [applicant submitted documents](#) regarding a proposed Emergency Spill Response Plan received by the Board at the August 25, 2021 meeting. The [applicant submitted a marked-up plan](#) on August 6, 2021 to address several outstanding items.

1. Elements in need of clarification, additional information, or provision before approval:
 - a. The applicant stated in the marked-up plan and subsequent email that “no more than 1500 total or full parking whichever comes first,” will be the maximum number of site occupants at one time, including staff, volunteers, vendors, and spectators. The Board may wish to make this a condition of approval and request that it is stated clearly on the final plans. It should be applicable to all events covered by this approval.
 - b. The Town emergency services departments must review and approve the Emergency Spill Response Plan submitted by the applicant.
 - i. Spill Plan states that refueling will occur on land. Can the applicant install a permanent non-pervious surface in the pit area/refueling area and place fuel-absorbent mats on top of hard surface?
 - ii. Spill Plan states that two recovery boats will be on-site. How long does it take to recover a submerged snowmobile and driver and transport both safely to land? Does the race stop and all other racers exit to land? How long does it take to clean gas spills from the water?
 - iii. The snowmobiles are modified with gas tanks limited to 1-2 gallons; this is less than the five gallons that constitutes a HazMat spill. Could more than one snowmobile be submerged at the same time, for example an on-water crash? Would this be treated as a HazMat spill and follow those protocols?
 - iv. Does a submerged snowmobile and driver require both recovery boats to be safely extracted? What is the protocol if two or more boats become submerged?
 - v. What fire suppression equipment will be on-site?
 - c. The Board may wish to request a consolidated plan (text and maps) for emergency and safety protocols to cover the following outstanding issues, in addition to the plan for spills referenced in item (a) above:

- i. Locate a secondary emergency vehicle access to site, or designate areas of limited or prohibited parking and other obstructions so as to not impede emergency vehicles;
 - ii. Provide documented approval from land-owner for emergency pedestrian route;
 - iii. Identify on-site fire suppression, particularly for oil, gas, or brush;
 - iv. Provide bridge weight limit and current condition of bridge on driveway access;
 - v. Determine minimum number of days in advance of an event in which the applicant is to coordinate with the Town's Police, Fire, and EMS services;
 - vi. Show on plan location of temporary fencing, and identify in application the number of days before an event the fencing will be installed and number of days after an event the fencing will be removed.
- 2. **Continued** elements from July 27, 2021 staff report in need of clarification, additional information, or provision before approval:
 - a. The Board must determine if adequate parking, sanitation facilities, and traffic management requirements can be met based on the applicant's site plan and supporting documents. The applicant must also identify how the number of occupants will be enforced to remain below the stated maximum.
 - b. 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.
 - c. 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. Applicant proposes the following solutions:
 - i. Plans to mitigate noise include placement of two trailers to block event noise to the closest abutters;
 - ii. Fencing is planned in this location when financially viable;
 - iii. Provide noise cancelling headphones to abutters that want them.
 - d. 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.
- 3. 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.
- 4. 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.

ACCEPTANCE AND APPROVAL PROCEDURES

- 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

- | | |
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| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Plan copies with professional seals & signatures <ul style="list-style-type: none"> - Surveyor - Wetlands Scientist <input checked="" type="checkbox"/> Original Mylar with professional seals & signatures <input checked="" type="checkbox"/> Electronic submission per regulations (As-builts as required) <input checked="" type="checkbox"/> All fees paid <input checked="" type="checkbox"/> Additional items to be determined as part of the plan review hearing (List): <ul style="list-style-type: none"> • See above <input checked="" type="checkbox"/> Changes to Plat as detailed in minutes and <u>this report</u> (refer to notes section and list): <p style="margin-left: 20px;">Conditions Precedent:</p> <ul style="list-style-type: none"> • To be determined at the hearing <p style="margin-left: 20px;">Conditions Subsequent:</p> <ul style="list-style-type: none"> • 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. <input type="checkbox"/> Others (List): | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> State Permits – <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Curb-cut (approved), <input checked="" type="checkbox"/> Subdivision (Sub Surface/<u>Septic</u>) or letter stating a permit is not required <input checked="" type="checkbox"/> Wetlands – Dredge and Fill (to be submitted), <input checked="" type="checkbox"/> Alteration of Terrain (to be submitted in order to be up to date for existing uses) <input type="checkbox"/> Shoreland Protection |
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