

Conditional Use Permit Application for the Powder Major's Farm

Location: 6 Cherry Lane, 40 acres in the residential/agricultural district.

Owner/Applicants: Beth and Chuck Goss

Proposed Land Use: Agritourism use for the barn at the Powder Major's farm

Proposed Plan

Our plan is to host special events at the farm under the town's new agritourism ordinance. Events would include on-farm weddings and special events such as memorials or anniversary gatherings, farm-to-table dinners, equestrian events, educational sessions with groups such as the Forest Society to showcase sustainability and the NH Preservation Alliance to showcase barn preservation and restoration, or maybe a summer program with kids to learn about agriculture and explore the farm and nearby forest. We also envision having a Madbury Community Day, an open house of sorts, for those wishing to visit the farm and learn about its history. Events would be limited to no more than 250 guests. The barn might also serve as a base for activities year-round for such things as games or hikes utilizing the fields and trail system.

Operating Hours

Our vision is to host these events, primarily on-farm weddings, on a seasonal basis from May through October. The historic barn would serve as the venue for these events with the majority of them taking place on weekends with an occasional weekday event. There would be no more than one wedding per weekend (25 total). Operating hours would not begin before 8AM or conclude after 11PM. Any amplified music or sound after 8PM would be contained to the barn.

Water:

Water to the barn will be provided by an existing artesian well. An underground water pipe is already in place and ready for connection. Should proposed water volume warrant an additional source of water we would consider another well.

Sewer/Septic:

A new septic system will be installed to accommodate guests in compliance with all local and state regulations. The approved septic system and leach field will likely be located on the north side of the barn which has an appropriate slope.

Electric:

The barn currently has electric service provided by Eversource. Any additional lighting needs will be installed, if required.

Food/Beverage

Food is to be provided by off-site caterers with all required permits. Any alcoholic beverages will be served by a properly certified and/or licensed individual. The applicant is requesting a "warming only" kitchen at this time, not a commercial kitchen, and will adhere to any fire code requirements.

Sanitation:

Trash will not remain on site and disposal will be the responsibility of the contracted party, typically the catering company. Trash containers would not be visible to neighbors.

Safety:

All appropriate safety and fire code requirements will be satisfied. A fire safety engineer or licensed architect will provide a stamped plan that includes ingress/egress paths, exit/emergency lighting, fire extinguishers and any other pertinent information required to meet state fire code and ADA compliance. New sheathing on barn walls will be treated with a fire retardant. Madbury Fire Chief Tom Perley has confirmed that the driveway leading to the barn can accommodate a fire truck and any emergency vehicles should they be needed. Parking in front of the barn will remain open during events to accommodate any emergency vehicles. The premises will be inspected by the Fire chief and/or Building Inspector to determine capacity and to provide a certificate of operation.

Traffic:

Police Chief Joe McCann has indicated that he sees no issues with traffic. If events were to be over 200 we would notify police in case there was a need for any kind of traffic control.

General Parking:

There will be no off-street parking on Cherry Lane. On-site parking could accommodate 130 cars or more. Each parking space shall be not less than 9' x 19' and have a maneuvering aisle (per Madbury requirements). The plan is to use permeable pavers to create a grass parking area which would prevent mud and ponding. It also allows for water to percolate directly into the soil instead of creating storm runoff.

Handicap accessibility:

The barn has a cobblestone ramp on the gable end which can accommodate handicap access. There will be an ADA compliant restroom. Handicapped parking space(s) will be provided, if needed.

Madbury Zoning Ordinances: Section 9 Conditional Use Permit:

D. Approval Criteria for Conditional Use Permit: *The site is suitable for the proposed use. Considerations include:*

a. Adequate vehicular and pedestrian access for the intended use.

The barn does have adequate vehicular and pedestrian access. The on-site parking area for cars is just steps away from the barn. Incoming vehicles will use the 6 Cherry Lane driveway; outgoing vehicles will use the 8 Cherry Lane driveway.

b. Adequate public services to serve the intended use including emergency services, schools, and other municipal services.

In general, municipal services will not be needed. Should emergency services be required

police and fire personnel are a short distance away and both the police and fire chief have assessed their access needs on the farm and find them adequate.

c. The absence of environmental constraints (e.g., floodplains, steep slopes).

No floodplains or steep slopes are in the area under consideration.

d. Appropriate utilities to serve the intended use including water, sewage disposal, storm water disposal, electricity, and utilities.

There is an existing electrical service in the barn, a water line to the main house is ready for hook up, and a new septic system will be designed and installed on the north side of the barn.

2. External impacts: *The impacts of the proposed use on abutting properties and the neighborhood shall be no greater than the impacts of adjacent existing uses or other uses permitted in the zone. Considerations shall include traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. The location, design, nature and intensity of the use shall not have an adverse effect on the surrounding environment.*

Current athletic events in town as well as meetings at Town Hall, church events and everyday elementary school use bring increased traffic to both Town Hall road and Route 155 on a regular basis. Any event we might schedule at the Powder Major's farm would bring no more wear and tear on roads than existing events. DOT officials say an influx of 50-60 cars on a given weekend day would have minimal impact on a roads surface. With any amplified sound after 8PM contained to the barn, noise would be kept to a minimum. Odors, dust and fumes are not applicable. Hours of operation would be no earlier than 8AM and no later than 11PM. Any exterior lighting used would be negligible as it would be oriented to the back and far side of the barn and given the remote nature of the property it would not be visible to neighbors. With only one farm-wedding per weekend any impact on the surrounding environment would be minimal. Visually, the site will appear "agricultural" in nature with little change to the barn's exterior.

3. Character of the site development: *The proposed layout and design shall be compatible with the established character of the neighborhood and shall mitigate any external impacts of the use on the neighborhood.*

The 1806 barn is compatible with the rural/ agricultural character of the neighborhood and has long stood as a cultural landmark in Madbury.

4. Preservation of natural, cultural, historic, and scenic resources:

The proposed use including all related development activities shall preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such resources identified on abutting properties.

We will be restoring the barn to its former glory and hosting events that share the history and legacy of the farms celebrated owner, John Demeritt, aka the Powder Major. Using the historic barn for events will not degrade any resources, on the contrary, it will help pay for the maintenance of the farm's natural resources and scenic qualities.

Madbury Zoning Ordinances: Agritourism Criteria for Conditional Use Permit:

A) Sufficient off-street parking is provided to accommodate any employees & visitors.

With nearly 40 acres of land surrounding the Powder Major's barn, there is no need for any off-street parking on Cherry Lane. There is ample land to accommodate parking on-site next to the barn and if there were to be a need for additional parking we could utilize the landing area (aka log yard) next to the Cherry Lane field, which is approximately 1400 feet from the barn.

Local ordinances often call for parking to be provided at a rate of one parking space for every three guests or, 4 patrons per vehicle. If we use that standard, an event with 150-200 guests would require no more than 50-60 parking spaces. That amount of parking (and up to 130 vehicles) could easily be absorbed on the farm property.

B) Any internal vehicular roadways can accommodate any employees & visitors

The internal roadways at the Powder Major's Farm consist of two driveways that lead to the parking area adjacent to the barn which would allow for a circular flow of visitor traffic and could easily accommodate parking and proposed traffic volumes. The Cherry Lane landing (aka log yard) also has a driveway that leads to a wide open area that could also accommodate any additional parking, if ever required.

C) The proposed site design is configured in a manner that minimizes and mitigates any impacts to environmental resources and neighboring properties.

The site design of the existing barn (circa 1806) remains largely unchanged. The Powder Major's farm is an environmental resource to the community and that will not be altered by the proposed use change. The proposed site is not visible from the tree-lined Cherry Lane except during the winter months and therefore would have little or no impact on neighboring properties.

D) The scale, size, frequency of events and operating hours shall not produce unreasonable impacts or nuisances to the surrounding neighborhoods.

The Powder Major's farm is setback from the road in a private setting, buffered by a forested perimeter that is bordered by Madbury athletic fields, the Madbury town cemetery, and 190 +/- acres of land conserved by the Goss family with a sale to the Society for the Protection of New

Hampshire Forests. Given the remote nature of the site, the impact on a few nearby houses would be minimal.

The Powder Major's property has abutters on one side only and they are located across the street from the farm with a roughly 1-200 feet dense tree line that obscures visibility. Our closest neighbor is nearly 600 feet from our barn, the venue site. (See exhibit)

- 1 Cherry Lane: David Olds & Jennifer-Miksis-Olds (800 feet)
- 3 Cherry Lane: David & Carrie Ayers (575 feet)
- 5 Cherry Lane: Darlene & Randall Stillwagon (700 feet)
- 7 Cherry Lane: David & Shawna Coppola (1,100 feet)
- 9 Cherry Lane: MaryAnne Lustgraaf & Laura Fant (1,000 feet)
- 11 Cherry Lane: Anne & Kurt Kimball (1,450 feet)

Proposed events would likely have no more than 250 guests – in an area where athletic events draw as many as that number on a regular basis to the abutting Tibbetts fields often with public address systems utilized.

Events at the Powder Major's farm would utilize the barn and activities would be concentrated in the area behind the barn which would minimize noise to any adjacent property. Proposed events, the majority of which would occur on weekends, would not begin before 8:00AM or conclude by 11:00PM. Any amplified music or sound would be contained to the barn after 8PM and be curtailed by 10:30 pm.

Area farms are already practicing agritourism with no real issues. The DeMeritt Hill Farm in Lee, which is only one mile away from the Powder Majors farm, hosts the annual Haunted overload, which brings in 15,000 visitors in a season, as well as a farm stand, special event rentals and hay rides. The Coppal Farm located on North River Road in Lee operates a corn maze, and offers wagon rides and sleigh rides. The Flag Hill Winery, also in Lee, offers weddings and events. The Emery farm in Durham offers a farm stand, corn maze and wagon rides. The Kitz farm in Strafford, NH, (population 3,991) provides weddings from May to October (24 events) with an average attendance of 150-200 guests, and the town has been very supportive of their operation. We hope to have the same supportive relationship with neighbors and the town and require flexibility to accomplish our goal of sustainability.

Background and Farm History

In conserving the Powder Major's Farm the Goss family wishes to fulfill a dream of preserving this historic farm for future generations while embracing Madbury's Master Plan goal of maintaining the town's rural and agricultural character.

With the sale of the Powder Major's forest to the Society for the Protection of NH Forests, Beth and Chuck Goss will retain the farm house and the fields effectively keeping the farm intact and preserving the legacy of the Demeritt family who helped found and build this town. They love the history of the property and its ties to the American Revolution and have great admiration and respect for the patriot John Demeritt (the Powder Major) and the role he played in the cause for liberty at a most critical time in our history. As you may know, in the early spring of 1775, Demeritt transported gun powder to Bunker Hill (actually Breed's Hill) which he and other patriots had removed from Fort William and Mary as the first offensive action of the Revolutionary War. A portion of that gunpowder, which was stored in his Madbury barn, was successfully used against the world's best army in the name of American freedom. Because of Demeritt's action the NH line held and the rest, as they say, is history! Beth & Chuck Goss want to make sure that history is not forgotten.

Their hope is to make the Powder Major's Farm a place that provides a teaching moment for any and all that come here. To that end, they plan to use their 211-year-old barn as a venue for special events and a variety of gatherings that could help showcase the farm and its history and also help pay for its restoration and maintenance. This is how other farms have managed to stay in families and out of developer's hands. The Powder Major's farm has survived for 294 years they'd like to see it go another 300 years. All too often, "exhaustion of resources" is cited as the reason to sell the family farm.

The Powder Major's farm has been a landmark in town since the early 1700's. From raising sheep, to running a lumber operation, to crop production, and maple sugaring, the farm has a long history of agricultural production. That's why the NRCS, Natural Resources Conservation Services, is pursuing an easement at the Powder Major's farm to preserve much of the open farmland for current and future agricultural use, including agritourism.

The Goss family has been a good land steward for several generations. As Chuck and Beth Goss continue that stewardship and take on the sole ownership of the Powder Major's farm in 2017 and the Forest Society conserving the Powder Major's forest, it is their hope that the town will support their efforts to make the farm sustainable and forever preserve Madbury's role in the history of this country.