

Conditional Use Permit Application for the Powder Major's Farm (5.16.17)

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, and other educational programs that involve exploring 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.

There will be no more than 15 "high impact" events per season (those with 100-150 guests) (with the option to expand this number upon a successful review)."Low impact" events with 100 or fewer guests will be unlimited. No event would exceed 150 guests without special permission from the appropriate town authority. The owner/operator of the CUP will reside on-site.

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. There would be no more than one wedding per weekend. Operating hours would not begin before 8AM or conclude after 11PM, per town ordinance. Any amplified sound would be contained to the barn after 8PM.

Water:

Water to the barn will be provided by a new well designed to meet the volume requirements for a place of assembly and proposed use.

Sewer/Septic:

A new septic system will be installed to accommodate the maximum capacity of visitors. The approved septic system and leach field will likely be located on the north side of the barn which has an appropriate slope. We are currently working with a professional civil engineering firm to site the well and septic system with both primary and secondary sites. The system will meet all standards set forth by the town of Madbury and approved by the NHDES.

Electric:

The barn currently has electric 220 volt service provided by Eversource. Any additional electrical needs will be installed if required. Any installed lighting to illuminate the parking area and adjacent barn areas will be directed downward to prevent any glare.

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. Alcohol will not be served after

10:30 PM. The applicant is requesting a “warming only” kitchen at this time, not a commercial kitchen, and will adhere to any related 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. Should any additional trash disposal be required a private waste disposal contractor would be utilized.

Safety:

All appropriate Life Safety and fire code requirements will be satisfied. A fire safety engineer 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, for example if the fire protection plan calls for interior barn walls to be treated with a fire resistant coating material, it will be done. Regarding emergency access, Madbury Fire Chief Thomas 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 that all required fire and safety conditions have been met before issuing a certificate of occupancy.

(See letter from Tom Perley)

Traffic:

Police Chief Joe McGann has indicated that he sees no issues with traffic. The chief supports our plan to apply for a new driveway curb cut to provide separate ingress and egress access to and from the venue. We have offered to notify Madbury Police of all high impact events and will provide a police detail or traffic attendant, if requested by the police chief.

(See: Letter from Joe McGann)

(See: Attached Ingress/Egress plan)

General Parking:

There will be no off-street parking on Cherry Lane or on Cemetery grounds. The cemetery and the farm are separated by a gate, stonewall and vegetative barrier. We have established a communication plan with the Madbury Cemetery trustees to ensure that parking at the cemetery is not an issue and that there will be no disruption at graveside services.

The on-site parking area will be designed to accommodate approximately 75-80 vehicles. Each parking space shall be not less than 9' x 19' and have a maneuvering aisle (per Madbury requirements). The parking area will consist of permeable materials and on well drained soils. These materials would prevent mud and/or ponding and will allow for water to percolate directly into the soil instead of creating storm runoff.

(See attached: NRCS soils map on Powder Major's farm)

(See: attached parking lot site drawings)

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.

(See: Attached drawing on driveway access)

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.

A new water well will be drilled and specifically serve all the proposed needs. A new septic system will be designed and installed on the north side of the barn and it will be adequate for the maximum capacity usage.

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, per town ordinance. Any exterior lighting used would be negligible as it would be oriented to the back and far side of the barn, or directed downward --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 adjacent to the barn and should the need arise any additional parking could be accommodated directly off of Cherry Lane in the adjacent field.

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-guests would require no more than 75-80 parking spaces. That amount of parking could easily be accommodated 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 a limited 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 will be maintained to provide a vegetative barrier. The property 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 100-250 foot thick vegetative barrier that obscures visibility, which will be maintained,

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: 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 have no more than 150 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 after 11:00PM, per town ordinance. Any amplified sound would be contained to the barn after

8PM and be curtailed by 10:30 pm. We will not be using Pole/Ridge tents for any wedding events. Small tents for shade or for caterers are acceptable.

Sound mitigation in the barn:

Barn walls will be sheathed with existing interior barn board, a felt underlayment, another layer of paneling for insulation, and a final layer of shiplap timber to help provide additional noise attenuation. We plan to use acoustic door seals that comply with fire regulations and provide a good seal when closed preventing noise from escaping. At both gable ends of the barn, additional doors will be added internally to provide further sound insulation and prevent noise from escaping from the existing barn doors. Also, the door on the gable facing Cherry Lane will be closed internally after 8 PM to reduce noise escaping from the building.

Given the seasonal nature of the new usage and the extensive renovations required to bring the barn up to code, the new authorized use shall begin no later than September 2019 and may begin earlier, if all CUP conditions have been met and a certificate of occupancy has been granted.

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.