

TOWN OF MARLOW
PLANNING BOARD
REGULAR MEETING
THURSDAY, DECEMBER 7, 2023

UNAPPROVED MINUTES

(Unapproved Minutes are written by the Secretary, posted for the public benefit, and are reviewed and accepted by the Board at the next regular meeting.)

CALL TO ORDER: 7:02

ROLL CALL: Deb Monte, Chair, Robert Allen, Judi Ryner, Secretary. Barry Corriveau, absent. Quorum established.

Also in attendance: Lyle Handy, Linda Handy, Shawn Handy.

Board agreed to jump over **Consideration/Acceptance of Minutes** on the Agenda to accommodate the Handys who were under **Old Business**.

OLD BUSINESS: ROCKY HILL RACEWAY The Handys, Lyle, Shawn and Linda, attended the meeting in response to the letter sent to them from the PB requesting that they come in to discuss what Rocky Hill Raceway is, how it is managed and how it functions in order to determine whether or not it falls under permitted uses for the underlying R-10 District.

Bob Allen apologized to the Handys for the request from the PB for more information as the Selectmen had met with the Handys and felt that the information given at that meeting was adequate. No action was taken regarding the Rock Hill Raceway at the meeting. See Select Board Minutes 10/10/23.

History: Chair presented the background leading up to the request sent to Rocky Hill Raceway to attend the meeting. After a complaint from neighbors to the Police Chief about noise from RHR, on August 29th, the Marlow Town Administrator reached out to Noah Hodgetts of OPD regarding this new "business enterprise" called Rocky Hill Raceway. Hodgett's opinion was that because our ordinance does not specifically prohibit this type of activity, the best way to regulate it would be through the Noise Ordinance. Lack of decibel limits, though, make enforcement of a Noise Ordinance difficult to regulate. Marlow's Noise Ordinance has no decibel limits nor does the town have access to a decibel reader. The PB received an email dated 9/26/23 from the TA regarding her call to Stephen Buckley, the Attorney from NHMA which provides legal assistance to member towns. The advice from Attorney Buckley was that this was a land use issue and therefore a Planning Board issue. The Select Board then sent a letter to Shawn Handy informing him that he needed to appear before the PB to seek approval of the racetrack. This last email regarding redirection of the RHR to Planning Board was dated 9/26/23 and signed by Sandy Pierre, Marlow Select Board. Deb contacted attorney Buckley regarding how to proceed and his advice was to do Site Plan Review to determine how/if the operation fit into the zoning. PB sent a letter to RHR requesting their attendance at the December 7 meeting after reviewing the letter at the November 2 meeting.

Discussion: Lyle asked why Site Plan Review? Deb answered: to determine if the operation complies with underlying zoning. According to Buckley, when land is altered that constitutes a change.

Deb noted that the Rocky Hill Raceway FB site was no longer accessible. Shawn said that it had been changed from public to private.

Shawn went on to say that this land has undergone many changes since bought by Lyle. Questions were asked about the viewing stand. It is on wheels and not affixed to a foundation. It is not bleachers but a drivers' stand to monitor their cars.

Bob noted that there were complaints by particular neighbors and some others because of the noise from the loudspeaker and from the RC cars which are mostly gas powered and not electric. The response was that there is noise, much like a yard full of weed whippers but the track was built in a natural bowl surrounded by trees and noise is fairly well contained. Also hours of operation were limited to daytime and the group only met once a month. There was a bigger gathering one time in August which attracted about 50 people. Usually events draw around 25 people. Group has been getting together for about three years.

No cars are parked on RTE 10 and there is plenty of area for an emergency vehicle to come in and out if need be.

Shawn described the cars as "bigger" remote control cars and that the group that meets is a group of friends with a common interest who come together to "play" with their cars.

There is no fee to get in. Everything is based on donations. No group or member fees.

Food service is provided and that is based on donations. No admission fee for spectators.

No fees to camp overnight.

Approximately 1 to 1 1/2 Acres is covered by a dirt track.

Question of transfer of money: yes, by donation, to cover basic expenses.

What about future plans....the Board reminded the Handys that they would like to do a visit in the future when the track opens. They were welcomed to do that. The Board also noted that if the future plans are to grow this into a business, then RHR will need to come before the PB for review.

Board thanked Handys for coming in.

Board Summary: In the current operation as described as a 'group of friends enjoying a hobby together' the Board agreed that there was no provision in the zoning to find RHR as presented in conflict with the underlying zoning. When RHR opens again in the spring, member(s) will do a Site Visit at an event to get a better sense of what is happening and how it impacts the area.

REVIEW AND ACCEPTANCE OF NOVEMBER 2 MINUTES: Unanimously approved and accepted.

NEW BUSINESS: Calendar: Sec. will send note to TA to indicate that PB has articles to submit to Town Warrant.

Next Meeting will be January 18th. The first Public Hearing on the proposed warrant articles will be held within the regular meeting that night also.

BUILDING PERMITS: One on Flag Road, new construction.

ADJOURNMENT: 9:13

Respectfully submitted,
Judi Ryner, Secretary

APPROVAL OF MINUTES OF NOVEMBER 2, 2023 Approved unanimously as presented.