

**Town of Northwood
Planning Board
January 28, 2016**

Chairman Robert Strobel calls the work session to order at 6:35 p.m.

PRESENT: Chairman Robert Strobel, Selectmen Representative Rick Wolf, Lee Baldwin, Betty Smith, Victoria Parmele, Alternate Joseph McCaffrey, Town Planner Matthew Sullivan, and Board Administrator Linda Smith.

VOTING DESIGNATION: Robert Strobel, Rick Wolf, Lee Baldwin, Betty Smith, Victoria Parmele, and Alternate Joseph McCaffrey.

ABSENT: Vice-Chair Lucy Edwards, Richard Bojko, and Alternate Ken Rick

MINUTES:

January 14, 2016

Ms. B. Smith makes a motion, second by Mr. McCaffrey, to approve the minutes of January 14, 2016, with edits that do not alter the content of the wording. Motion passes; 5/0/1. Mr. McCaffrey abstains, as he was not at the meeting.

NEW CASES:

CASE: 15-07: John Ovadek, 1064 First NH Turnpike. Map 217/Lot 45.

Applicant seeks a major site plan review application for an 82 unit self-storage facility.

Scott Frankiewicz of Brown Engineering is present representing the applicant.

Ms. B. Smith motions and Ms. Baldwin seconds, to accept the application as complete. Motion passes unanimously; 6/0.

Mr. Strobel opens the public hearing and reads the abutters list. Abutter present is Joe Gunter for the Town of Northwood.

Mr. Strobel recommends the board schedule a site walk. **Ms. B. Smith makes a motion, second by Mr. McCaffrey, to schedule a site walk for Case 15-07; Ovadek, Tuesday, February 2, 2016, at 3:00 p.m. Motion passes unanimously; 6/0.** Ms. Parmele offers to record and complete minutes of the site walk.

Mr. Sullivan states that the applicant has submitted a drainage analysis and he recommends that the board consider an engineer review of it. The applicant has indicated that they are agreeable to said review. Mr. Strobel suggests the board determine the need for the engineer's review on the February 2nd site walk. The board agrees.

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Mr. Frankiewicz explains that there has been a change to the circulation plan; it is now one-way traffic circulation throughout the site.

Mr. Strobel comments on the infringement of the driveway on the western side setback. Mr. Sullivan states that this is shown on the plan.

Mr. McCaffrey asks about the lighting and expresses concern with light pollution onto the road. Mr. Frankiewicz explains that the lighting will only be on the buildings.

Mr. Strobel closes the public portion of the meeting and continues the case to February 25, the regularly scheduled monthly meeting.

CASE: 16-01: Robert Graves, III, 284 First NH Turnpike. Map 231/Lot 6.

Applicant seeks to amend the existing site plan to add food service with seating and relocate retail space.

Robert Graves, III, is present.

Mr. Sullivan recommends the application as complete. **Ms. B. Smith makes a motion, second by Mr. McCaffrey, to accept the application as complete. Motion passes unanimously; 6/0.**

Mr. Strobel opens the public hearing and reads the abutters list. Abutters present are Arthur and Pauline Marston, Scott Martin, Mike Carlton (spouse of property owner), Robert Graves, Jr.

Mr. Sullivan reviews the waivers for an existing conditions plan, proposed site plan, and details of traffic signalization.

Mr. Strobel recommends the board schedule a site walk. **Ms. B. Smith makes a motion, second by Mr. McCaffrey, to schedule a site walk for Case 16-01, Tuesday, February 2, 2016, at 4:00 p.m. Motion passes unanimously; 6/0.**

Mr. Graves reads a letter provided to the board regarding the proposal and mission of the proposal.

Mr. Strobel opens the public comments:

Mr. Robert Graves III explains the existing site conditions. He states that he cut a driveway into Green Street and began to reclaim the lawn and parking area where it appeared that there had been an existing exit. He states that a culvert was installed to improve drainage. He states that this exit onto Green Street was never proposed or suggested to be used by customers; it was for he alone

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to access the parking area and with minimal business disruption. Mr. Graves states that he would like to maintain the driveway as it exists and install a locked gate to be used only when he needs to access the land to the rear of the site. Mr. Graves distributes a diagram of where the gate is proposed.

Mr. Graves states that on the proposed site plan they have established a location for a food trailer/kitchen. He explains that the food truck will be stationary and will house a kitchen. The truck will be framed into the existing building with a serving window.

A discussion is held regarding the driveway on Green Street. Mr. Sullivan states that the board needs to determine if this entrance/exit is in fact a driveway. He explains that if it is deemed to be a driveway then it is an additional driveway on the site and would require a driveway permit on a parcel with three existing driveways. Mr. Graves states that the alternative to accessing the back of the property is to travel along Route 4. Mr. Sullivan notes that there is an approved driveway on the west side for the residential rental unit and perhaps could be used. Mr. Graves replies in the affirmative *that there is a driveway* and notes a potential conflict with renters. Additional discussion is held regarding the driveway location. *Mr. Graves states that he prefers this driveway as he would not have to drive over the septic system.* Mr. Sullivan states that this plan is proposing an additional driveway that is not on the existing site plan. Mr. Graves asks about the access onto Rte. 4. Mr. Sullivan states that there is no issue with the Rte. 4 access and adds that the proposed site configuration includes safety improvements to the site.

Mr. Strobel states that he does not have any issues with the Rte. 4 access; however, the potential access onto Green Street needs to be reviewed on the site walk to determine if it constitutes a driveway. Ms. L. Smith expresses concern with the enforcement of the proposed gate being locked. Mr. McCaffrey states that this is a reasonable request and will be for occasional use only.

Mr. Gunter refers to the site plan regulations and notes the off-street loading section stating that he does not feel that there will be any impact.

Mike Carlton states that the owners have been making improvements to the site. He states that he is seeing safe travel back and forth from the site and is in favor of the proposal. He does not have any issues with the tractor accessing the site through the rear unapproved driveway.

Scott Martin, states that he owns the property next to the site. He states that he has witnessed this property change ownership seven times and expresses concern for the proposal. Mr. Martin states that he observed the unapproved driveway cutting on May 6, 2015. He states that he did contact the road agent

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regarding the construction of the Green St. driveway, but the project was completed after the road agent had resigned. Mr. Martin states that there are four entrances proposed for a one acre lot. Furthermore, in the event that a gate is installed, vehicles will still utilize the access.

Mr. Martin expresses concern with parking within the side setback on the eastern side of the property. He refers to the site plan regulations regarding to the design standards for parking; parking is to be at the rear and side of principal structures.

Mr. Martin states that with the curb cut, there is to be no paving or parking within 20' of the side setback lines. He explains that this summer there was additional asphalt added to the side lot line that is infringing on the 20' requirement. He states that this should be observed by the Board during the site walk. Mr. Graves states that the paving that was done was only done over existing spaces. Mr. Martin provides a letter he wrote to David Hickey, the prior building inspector, dated November 27, 1996, and received a reply February 4, 1997 noting certification of completion of the site plan approval.

Discussion ensues regarding establishing a date when the additional asphalt was added.

Mr. Martin requests that there be screening around the dumpster.

Mr. McCaffrey observes that Mr. Martin's residence is also close to the side setback on his property. He adds that this increases concerns.

Mr. Sullivan states that the regulations do not state that parking needs to be to near structures. He states that it is not defining principal. He adds that the plan is designed to the regulations as the parking shown is to the rear and side of the structure.

Ms. B. Smith asks if the specific distinction for language is to the side and rear instead of front. Mr. Sullivan replies the reasoning is for emergency services and access to the building. He adds that parking spaces close to the structure impedes emergency access. Ms. B. Smith states that this is for parking spaces to be on the side and rear as opposed to the front. Mr. Sullivan replies in the affirmative.

Mr. Graves states that he understands the concerns and offers to have pictures available at the site walk as he feels that it is vital for pictures of the site to be available to show the parcel throughout the years. He adds that there were seven 60 degree parking spaces on the east side of the property when they purchased the property. They have added four.

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Arthur Marston, abutter, asks about the days and hours of operation. He also expresses concern with a liquor license. Mr. Graves states that the hours will be 6 a.m. to 10 p.m. He states that they understand the concerns and are considering service of beer and wine only. He states that he did speak to the state liquor commissioner and they are not proposing to have a wait staff or a full bar. Ms. Smith states that a liquor license is an issue that the selectmen address, not the planning board.

Additional discussion is held regarding the store and the café uses being collocated.

Mr. Strobel closes the public hearing and the case is continued to February 25, 2016 6:30 p.m.

Town Report

A discussion is held as the board reviews the chairman's annual report submission; edits are suggested.

VOLUNTARY MERGER:

VM: 16-01: LeCompte, 221 Long Pond Rd. Map 207; Lot 1; Map 206; Lot 64. The materials were previously provided. Members have conducted a drive-through of the area. **Mr. Wolf makes a motion, second by Ms. B. Smith, to approve the VM: 16-01: LeCompte, 221 Long Pond Rd. Map 207; Lot 1; Map 206; Lot 64. Motion passes; 6/0.**

APPLICATION to BUILD on a PRIVATE ROAD, RSA 674:41

Petrin, 27 Ash St. Map 122; Lot 113.

The materials were previously provided. Members have driven by the area. Ms. L. Smith states that the proposal is for a double-wide mobile home to be placed on the property. She notes that the zoning board has granted the necessary variances for the project.

A brief discussion is held regarding the property and location. Mr. Strobel expresses concern with the portion of the road affected by the location of the driveway. Ms. Smith states that the applicants have agreed to maintain the road open to access their property. Discussion ensues regarding a maintenance agreement and a homeowner's association in the development. Ms. L. Smith states that if there is a road maintenance agreement that they will keep the road open, neighbors may be able to hold them accountable for that agreement. She states that this is an agreement with the selectmen for access to the property. She adds that the board can recommend items to the selectmen.

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Mr. Strobel suggests adding comments that the board notes that this is developing on a private road, in a developed area; however, a homeowner's association should be formed.

Mr. McCaffrey notes that the area is overburdened by development, particularly due to its proximity to the waterbody. He states that he does not like to restrict property rights; however, these are small lots masquerading as *buildable* property.

Ms. L. Smith states that there are two separate issues. This request is for comment only per state statute and the selectmen. She adds that the selectmen may or may not approve this. She adds that private roads are private property. She explains that the selectmen can say that they will not approve another building permit in Harvey Lake Estates for a new residence until there is a home owner's association formed.

Mr. McCaffrey asks when the development was created. Mr. Strobel states that these lots are lots of record. Ms. L. Smith replies that they are lots of record; however, that does not make the lots all building lots. Building lots receive a building permit and must be 2 acres in size with 150' of road frontage.

Discussion ensues regarding this area and effects of small lots along with the original intent of these small lots. Ms. L. Smith notes that there is a formula used for undersized lots for setbacks and adds that the lot size is 80,000 sq. ft.

Mr. McCaffrey asks when the building in this area will cease and notes that this area was not designed for non-seasonal single-family housing units.

Mr. Strobel reads the comments from the board as follows:

The planning board expresses concern with constructing year round single family homes on what were intended to be seasonal lots with limited requirements for wells and septic systems.

Ms. L. Smith states that the comments are relative to the private road access.

This item was postponed to later in the meeting.

INTERNAL BUSINESS:

Staff Items

Site Plan Regulations

Mr. Sullivan continues with the proposed changes to the site plan regulations.

General discussions are held as follows:

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Section VII:

Fees

A discussion is held regarding inspection fees; third party review of pin inspection. Mr. Sullivan states that this will now be removed as it is not performed. He states that excavation fees are proposed and discussion ensues.

Waivers

A discussion is held regarding noting the intent and purpose of the development ordinances or the Master Plan. Mr. Sullivan states that this decision falls to the board. However, the Master Plan is problematic as it is subjective in nature; however, he understands the intent with noting it. Mr. McCaffrey feels it should not be listed. Mr. Strobel would like to leave the notation as stated. Ms. Parmele states that the standards in the Master Plan are not regulatory; this is the purpose/vision, which the ordinance should reflect. She does not feel that there is a conflict as this is only a purpose. Discussion ensues. Mr. Sullivan states that there is no legal precedent and a decision relying on the language in the master plan would not be defensible in court.

A discussion is held regarding obtaining a legal opinion. Ms. L. Smith notes that the language is both very vague; nothing is being cited. Ms. Parmele asks why the wording could not state *...intent and purpose of the regulations...* Mr. Sullivan offers to continue to rework the language for this section.

Section VI

Applications

Mr. Sullivan provides design review language to the members for review. General discussion is held regarding design review and amendments are recommended.

Mr. Sullivan states that he will continue to refine the language.

Section IV

Definitions

Mr. Sullivan reviews his suggestions regarding proposed changes to the definitions.

Section X

Design Standards and Required Improvements

Mr. Sullivan states that he has suggested minimal changes to this section as these are very technical items and many do not change. A discussion is held regarding the need of the purpose section. Mr. Sullivan states that he does not feel that it is necessary in this section and notes that there is a purpose section at the beginning of the regulations and covers this. Ms. Parmele recalls that the

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group who created the design considerations felt it important to include such a section. Discussion ensues as to the essence of architectural standards for Northwood. Ms. Parmele feels that placing this verbiage in the beginning is important. Mr. McCaffrey states that he has concerns with the language.

Further discussion is held regarding the purpose and restrictions for businesses and character. Discussion will ensue at the next work session.

APPLICATION to BUILD on a PRIVATE ROAD, RSA 674:41

Petrin, 27 Ash St. Map 122; Lot 113.

Discussion continues regarding this project and the need for the creation of a homeowner's association for road maintenance.

Ms. B. Smith makes a motion, second by Mr. Wolf, to authorize the chair to provide comments for the development on a private road for Petrin, Map 122; Lot 113. Motion passes; 5/0/1. Mr. Strobel abstains.

ADJOURNMENT

Ms. B. Smith makes a motion, second by Ms. Baldwin, to adjourn. Motion passes unanimously; 6/0 at 9:45 p.m.

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary