

**Town of Northwood  
Planning Board  
February 11, 2016**

Chairman Robert Strobel calls the work session to order at 6:37 p.m.

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

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

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

**MINUTES:**

**January 28, 2016**

**Ms. B. Smith makes a motion, second by Ms. Baldwin, to approve the minutes of January 28, 2016, as amended, as follows:**

Page 3: Add: *...that there is a driveway...; Mr. Graves states that he prefers this driveway as he would not have to drive over the septic system.*

Page 6: Add: *...buildable...*

**Other edits are made that do not alter the content of the wording. Motion passes; 6/0/1. Mr. Bojko abstains, as he was not at the meeting.**

**NEW CASES:**

**CASE: 16-02: Millstone Realty Trust (Docko), 1090 First NH Turnpike. Map 217/Lot 35.** Applicant seeks an amendment to an existing major site plan that would extend operations through 2020.

The board reviews packet information including a letter from Holden Engineering and a memo from Mr. Sullivan. Mr. Sullivan explains that the proposed changes to the reclamation surety numbers are intended to reflect current construction and volume costs. In addition, Mr. Sullivan refers to the letter from Mr. Holden and states that the original intent of the project was never to be retail; that use was approved at a later time, approximately 2011.

Mr. Sullivan reviews the plans and the three reclamation phases. He continues to provide comments for this site plan and notes that the proposed surety figures have been updated based on a three phase reclamation plan. The fencing on the eastern side of the property has been installed along with erosion control measures as suggested by CMA Engineering in their report.

Mr. Sullivan specifically refers to Holden Engineering's letter and states that he has comments regarding statements made therein, as follows:

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- *The purpose of the excavation plan was to manage the removal of material which eventually would result in a retail site that David would use to sell sand, stone and other similar materials, there was no restoration plan.*

Mr. Sullivan states that there was a restoration plan provided in 2009.

- *The final surface for the site would be a gravel storage and sales area.*

Mr. Sullivan states that the retail sales activity was not approved until 2011.

- *Phase 1 has not been completed, but it was never the intent that an entire phase be completed before David could proceed into the next phase.*

Mr. Sullivan states that it is important to keep in mind that Holden Engineering at several points in the document is ambiguous when speaking to the reclamation and excavation. Mr. Sullivan states that the above statement is addressing excavation and that Phase 1 has not been completed. Mr. Sullivan states that it was never the intent that the entire phase be completed before Mr. Docko could proceed into the next phase.

- *As I pointed out at the planning board meeting the approval that we received for this site 2009 allowed that 50 percent of one phase needed to be completed before proceeding into the next phase.*

Mr. Sullivan states that there was a condition added that in order to proceed with excavation into the next phase reclamation of 50% of the prior phase must be completed. He states that the applicant has moved forward into Phase 2; however, no reclamation has been done in Phase 1.

- *Based upon the as built site plan we have calculated that 67 percent of phase 1 has been completed to the proposed finish grade. Based upon that information it seems that David should be able to proceed into Phase 2.*

Mr. Sullivan states that the grade may have been a part of the final proposed reclamation; however, there are other items that are included in the surety agreement (noting other measures that were to be taken) that had to be 50% completed before the applicant could proceed into Phase 2 of excavation.

- *The reason that David wants to proceed into Phase 2 is to develop enough area so that he can store material still to be excavated in Phase 1 and to develop enough area so that he can store material that will be excavated in*

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*the location where the storm water detention facility will be constructed in Phase 1.*

Mr. Sullivan explains that this location is on the western side of the property. He refers to the project phasing plan submitted to NHDES and states that the storm water detention facility being mentioned is significant in size and was to be installed during Phase 1. The second detention facility was to be installed between Phase 2 and 3.

Mr. McCaffrey notes that it was indicated by Mr. Holden that there was a holding area until they install drainage infrastructure at a later time. He adds that they had indicated that the grading was naturally draining to the area in the middle of the site. Mr. Sullivan states that he cannot speak to what is actually happening on site for drainage; the alteration of terrain (AOT) permit issued by NHDES is based on a plan that is not being implemented. He adds that his opinion is that the applicant would need to resubmit for a new permit.

- *The storm water treatment facility has not been required to this point because all of the drainage from the site flows into the excavated area in phase 1 and soaks into the ground.*

A discussion is held regarding on-site drainage. Mr. McCaffrey asks if the applicant wants us to be tolerant of the fact that drainage is not an immediate hazard. Mr. Sullivan states that he did not see any pooling in middle area during the site walk. He states this is an important point in the project to adequately implement storm water management measures. Mr. Sullivan states that there is runoff evidence in the rear of the site and silt fencing has been added. Mr. Sullivan suggests that NHDES should receive a revised plan for consideration. Mr. McCaffrey states that this would be necessary as the original plan is not being followed.

Mr. Sullivan gives an overview of the AOT permit process. He states that Holden Engineering has submitted a revised plan for review. Mr. Bojko asks if there is a serious violation since the plan has not been followed. Mr. Sullivan replies he does not believe so and adds that he feels that this is an update violation as opposed to a lapse violation.

Ms. Parmele states that *even* if there isn't a major environmental impact, NHDES may still choose to comment. Mr. Sullivan states that NHDES has received an update to the AOT permit; however, he is not sure that DES is aware of the onsite conditions. He notes that CMA stated in their report that DES may not be comfortable with the deviation from the proposed plan.

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Mr. Wolf notes that last spring the water was high on the site and measures were taken to drain the area.

Mr. Sullivan mentions that the following comment is something that the board should consider and adds that this is for excavation.

- *The original purpose for having phases was to limit the amount of bonding that David would need to provide to the town.*

Mr. Sullivan continues with the following:

1. *The applicant proposes the following within that letter:*
  - a. *Combination of reclamation phases 1 and 2 into a larger reclamation phase 1*
  - b. *Existing reclamation phase 3 would become reclamation phase 2*
  - c. *Installation of stormwater management pond between new reclamation phases 1 and 2*

Mr. Sullivan states that moving forward the best course of action would be to ask for a new reclamation plan to reflect what has occurred on the site and what is being proposed. He recommends the following:

- A new reclamation plan be prepared by the applicant's agent to reflect the intent of the applicant to reflect the intent of the applicant
- New reclamation figures developed by the applicant's agent that correspond to the revised reclamation plan
- Review of the new reclamation plan and reclamation figures by the town's engineer
- New stormwater management plan be prepared that is comparable to Schematic Project Phasing Plan submitted to NHDES
- Review of the new stormwater management plan by NHDES in the context of the AOT permitting process
- Approval from NHDES on the status of the AOT permit following submission of a new stormwater management plan (Project Phasing Plan) (WPS-8291A)
- Possible extension of the project another month to allow for this work to be completed by the applicant, NHDES, and municipal staff

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- The excavation permit could go with the application, as amended

Mr. Sullivan states that there have been many violations that have occurred and he feels that the board is working with the applicant.

Discussion continues regarding the reclamation phases, the phase boundaries, and reclamation plan. He adds that the applicant could also redefine the reclamation areas allowing them to create a more compatible plan.

NHDES inspections are discussed.

Mr. McCaffrey notes the bonding structure. Mr. Sullivan states that when the project is complete, the bond is returned. Ms. L. Smith states that the only bond that the town has is for Phase 1 of reclamation.

Ms. L. Smith states that the town's former code enforcement officer has spent numerous hours addressing issues related to the site plan approval that were not done and operations continued. She states that there has been a real effort to try to identify the items that were missing and working with the applicant; and to try to determine if the applicant has moved forward into Phase 2.

Ms. L. Smith states that the numbers should be addressed now and the town should make sure that the funds are available should the town need to reclaim that parcel. The town's engineer or designated agent should also review for compliance and accuracy.

Mr. Wolf states that before the applicant moves into Phase 3, items for Phase 1 and 2 should be completed.

A discussion ensues as to having a motion for authorizing the planner to contact the applicant regarding the recommendations. Ms. L. Smith states that the board should not be commenting as to what they want; it should be simply a list of information that the board may be seeking from the applicant in preparation for the next meeting.

Mr. Strobel asks if the board agrees with the suggested recommendations from Mr. Sullivan and if the board would like to authorize him to speak with the applicant. Mr. Sullivan notes that these are his comments and are not from the board.

Ms. Parmele states that the applicant and engineer need to know that the planner's recommendations are supported by the board.

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Mr. Wolf states that he does not feel that the board can support anything formally. Mr. Strobel explains that the board is only approving to support Mr. Sullivan's comments.

Mr. Strobel states that the general consensus of the board is to support Mr. Sullivan's recommendations as presented.

Ms. L. Smith asks Mr. Sullivan if the board decides that they want these items and the applicant is not able to have these items ready for the next meeting, would he recommend that the board continue the application. Mr. Sullivan replies that it should be the same process and the board should extend the project by one month and the applicant will again need to re-apply.

**APPLICATION to BUILD on a PRIVATE ROAD, RSA 674:41  
George, 57 Fiore Rd. Map 116; Lot 53.**

The materials were previously provided. Members will do drive-by reviews before the regular meeting.

A short recess is taken.

**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:

**Section X**

**Design Standards and Required Improvements**

**B. Architectural Design Review**

***Finding/Purpose***

Discussion continues from the regular meeting relative to this section. Ms. Parmele states that she stands behind her statements at the last meeting relative to keeping the findings and purpose section. She recommends that the board look at other town's regulations. She states that she did look into other town's site plan regulations and this is customary to see. She adds that there are historical buildings in town and she feels that it is worth saying to developers that the character is important. She suggests that there be a paragraph added explaining why this is important to Northwood.

Mr. McCaffrey inquires as to why these regulations are being drafted now. Ms. L. Smith notes that these are guidelines only. Members correct Mr. McCaffrey, noting that this is the current regulation set. Mr. Strobel reads the section and

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discussion ensues as to the design style and materials that the board previously adopted.

Mr. Sullivan suggests that a vote be taken. He states that the intent to provide the materials prior to the meeting was so that members could read and prepare comments. Ms. L. Smith states that this is only pertinent to site plan developments; the board can waive these regulations if they see fit.

Mr. Strobel states that he is amenable to a few sentences for this specific section. He suggests that the board propose their own working for the Findings and Purposes section. Mr. Strobel asks if the board wants this section and Mr. Sullivan adds that this is specific to the Architectural Design section and if yes, it is a small paragraph or specific items. The consensus of the board is to review a small paragraph prepared by Mr. Sullivan.

**1. General Guidelines/Criteria for all Proposed Development**

Mr. Sullivan reviews his suggested amendments.

**3. Architectural Design Standards for Major and Minor Site Plans**

Mr. Sullivan explains his suggested edits to this section.

**C. Street and Access**

**3. Design Standards for Major and Minor Site Plans**

A discussion is held regarding sight distance regulation on private roads. Mr. Sullivan will research this matter further.

Further discussion is held regarding the 1,000' access; emergency access, for commercial business. Ms. L. Smith notes that non-residential structures cannot be more than 1,000 ft. from a single access point unless there is an agreement and release signed.

Mr. Strobel explains the reason for this distance regulation is really for safety purposes. Ms. L. Smith notes that RSA 674:41 would also be a factor and a lot would need road frontage that meets the criteria in the state statute.

**1. General Requirements**

Mr. Sullivan notes the following and a discussion is held.

*For expansion or modification of existing sites, the Board shall require that the existing access to the site be modified to reduce disruption to traffic flow on the arterial road, and may impose such conditions on an approval as are necessary to accomplish this purpose.*

Mr. Strobel explains primary purpose and adds that the board could add a secondary purpose, one driveway per site. Ms. L. Smith states that it is not

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clear as to why this is in the regulations as its legality has been challenged previously. Mr. Sullivan states that it should be removed. Mr. McCaffrey states that the board should review each situation and then render a decision. Ms. Baldwin states that if the board leaves this flexible, then it cannot deny applicants. Ms. L. Smith states that the board can waive their regulations and should *have* something in place. She further explains that there are two other areas where there were pre-existing businesses that were changed to a different use.

Mr. Strobel suggests that this wording be reworked. Mr. Sullivan provides optional wording to propose that for all developments, the board shall not allow more than one driveway per lot, and the board can waive this at their discretion.

Other amendments are suggested. Mr. Sullivan will rework this section and provide updated copies to the board for further discussion at the regular meeting.

Mr. Sullivan states the town should consider a comprehensive update to the storm water drainage section in the future. Mr. Strobel suggests adding “at least” to 40% and 80% to item D, “Water Quality” on page 21. Discussions ensue relative to additional wording changes.

**ADJOURNMENT**

**Ms. B. Smith makes a motion, second by Mr. Bojko, to adjourn. Motion passes unanimously; 7/0.**

Respectfully submitted,

Lisa Fellows-Weaver  
Board Secretary