

**Town of Northwood
Planning Board
November 14, 2013**

Chairman Robert Strobel calls the meeting to order at 6:40 p.m.

PRESENT: Chairman Robert Strobel, Vice-Chairman Timothy Jandebaur, Joseph McCaffrey, Rick Wolf, Lucy Edwards, Lee Baldwin, Alternate Victoria Parmele, Town Planner Elaine Planchet, and Board Administrator Linda Smith. Selectmen's Representative Scott Bryer arrives at 7:05 p.m.

VOTING DESIGNATION: Robert Strobel, Timothy Jandebaur, Joseph McCaffrey, Rick Wolf, Lucy Edwards, and Lee Baldwin. Scott Bryer at 7:05 p.m.

ABSENT: Alternate Adam Sprague

MINUTES

October 24, 2013

Mr. Jandebaur makes a motion, second by Mr. McCaffrey, to approve the minutes of October 24, 2013, as amended, as follows:

Page 2: Replace: ...and... with *...but...*

Page 2: Add: *...and to regain their licenses back,*

Page 2: Add: *...in his opinion...*

Page 4: Amend to state: *...she feels that alcohol and drugs go...*

Page 4: spelling correction

Page 6: Add: *...discussion of the...*

Motion passes; 6/0.

November 4, 2013

Mr. Jandebaur makes a motion, second by Mr. McCaffrey, to approve the minutes of November 4, 2013, as written and amended. Motion passes, 5/0/1. Mr. Wolf abstains as he was not at this meeting.

OLD CASE:

Case 13-10: 598 First NH Turnpike, LLC, 598 First NH Turnpike. Map 222; Lot 23. Applicant is seeking a major site plan review to change the use of the existing structure from a residence to a holistic healing center and add parking.

Applicant representative Scott Frankiewicz of Brown Engineering and Surveying is present.

Mr. Strobel reads a letter, dated November 6, requesting a continuance to allow for additional time for completion of requested items. Ms. Smith states that the board voted not to accept the application as complete in October. She states that the statute allows for the board to make a decision within 30 days of filing and she does not feel that the board should continue the application. She asks if the board has the right to continue the application again after it was deemed incomplete.

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Ms. Planchet states that it was her understanding that when the board continued the discussion of the application from the October 24 meeting, it was to allow staff ample time to review the new materials that were just received that day at 2 p.m. She states that based on the staff review of that material, her recommendation is that the application is still not complete. She states that the statute reference mentioned by Ms. Smith is RSA 676:4,I(c)(1). Discussion ensues.

Mr. Frankiewicz states that they will continue to work on the information requests, and file a new application with funds to re-notice for the December 19 meeting.

Discussion ensues as to the process.

VOTING DESIGNATION: Robert Strobel, Timothy Jandebour, Joseph McCaffrey, Rick Wolf, Lucy Edwards, and Lee Baldwin. Scott Bryer at 7:05 p.m.

Mr. Jandebour makes a motion, second by Mr. Wolf, that application 13-10 is deemed to be not complete, based on the town planner review notes dated October 31, 2013. Motion passes unanimously; 7/0.

NEW CASES:

Technical Review of New Cases:

Case 13-13: Dog House Retreat, LLC, 813 First NH Turnpike. Map 222; Lot 55. Applicant seeks minimal impact review to change the use of the property to general business/retail/office space.

Ms. Smith recuses herself from the table for this case, as she is an abutter.

Ms. Planchet provides a brief overview of the proposal. Members review the application material. She states that there was a condition added with the 2002 approval that the business was exclusively for the developmentally disabled excluding criminal offenders and that changes to the stated use of the property would require a site plan amendment. She states that in 2004 there was a change to add a residential unit there. She explains that the board recently discussed a request for a potential change of use for this property and the board decided that there a site plan review application would be required.

Ms. Planchet states that she believes that the minimal impact application is the correct application for this proposed change and that the board should make this determination based on the 14 point criteria. She states that the applicant has requested a “general business/retail/office space” approval to offer options for tenants.

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Ms. Edwards asks about the traffic as that may vary with the proposed use. Ms. Planchet states that the board would need to decide if there were traffic impacts. She states that the retail use would be the most intensive use of the property. Discussion ensues relative to the traffic and the minimal impact application.

Hours of operation are discussed. Mr. Jandebour states that the hours of operation should be specified with proposed days.

Mr. Wolf states that he feels that approving this generic retail application allows for anything to be able to go in to this space and the board will not be able to regulate it.

Ms. Parmele left the meeting at 7:30 p.m.

A discussion is held regarding the parking spaces. Mr. Jandebour states that the applicant does not meet the requirements for a retail space. Ms. Planchet states that she believes she had asked the applicant in the review notes to identify which portion of the building will be used for what purpose. Mr. McCaffrey states that there are a number of items that need to be asked. Ms. Planchet states that this is the purpose of the TRC and she will forward board questions to the applicant.

Discussion ensues as to the applicant's requests. Ms. Planchet states that she believes that the applicant intends to keep the residential use where it is and that the other space is proposed for other uses. Parking proportions are further discussed, which will also put limitations on the parking due to the square footage with the apartment.

The board requests that the Planner's review notes be sent to the applicant.

Mr. Strobel calls for a recess at 7:45. Session resumes at 7:50 p.m. Ms. Smith returns to the table.

Case 13-14: Christine Bucci, 10 Welsh Rd. Map 242; Lot 23. Applicant is seeking to subdivide 42± Ac. into two lots. New lot: 3± Ac.; remaining lot: 39± Ac.

Mr. Jandebour has recused himself for this case, as he is an abutter.

Members review the plans and the planner's review notes.

Mr. Wolf asks about the ownership of the road. Mr. Bryer explains that the selectmen have voted on the road. Mr. McCaffrey states that the town's road

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agent has been plowing to a certain area on this road and is paid for this as an employee. Mr. Bryer states that this has been going on for 20 or more years. Ms. Planchet reads the meeting minutes of the September 24, 2013, selectmen's meeting into the record and states that town counsel was present and had provided an opinion that the road is a town road and should continue to be maintained as the town has been maintaining the road. She adds that a motion was made by the selectmen at the October 8, 2013 meeting to accept the road. Further discussion ensues. Mr. Bryer states that the selectmen did not want to accept the road; however, felt that there was no other option.

Ms. Planchet states that a legal opinion has been received by the town from town counsel relative to the status of the road. Mr. McCaffrey states that only one legal opinion has been received and typically an issue would go to court where a judge would decide.

Ms. Smith states that the highway advisory committee put a list of roads together. The document was provided to staff for review, then to town counsel. *She states that state law only allows the selectmen to expend funds on Class V roads.*

Mr. Bryer states that the people that reside on this road bought their property with the understanding that they were on a town road and have been taxed as if they were on a town road.

Mr. Wolf asks what is being considered to be maintained. Mr. Strobel replies that any public expenditures on a Class VI road means it becomes a town road. He states that there are many legal cases relative to this matter. He states that this is not the purview of the planning board; it is that of the selectmen. He adds that the road agent is an elected official.

Lengthy discussion ensues.

Mr. Bryer states that the Board of Selectmen minutes should designate the actual road distance. Ms. Planchet states that it is beyond the Bucci home. Ms. Planchet asks the planning board for their opinion of the status of the road. Discussion ensues. The consensus of the board is that the board of selectmen accepted it as a town maintained road to a point beyond the Bucci home.

Case 13-15: Town of Northwood, Masten Estates-Masten Dr. Map 234; Lot 41-4, 43, 44. Applicant seeks to amend approved subdivision plan to remove condition of sidewalk requirement.

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Ms. Smith and Mr. Bryer recuse themselves from this case as the Town is the applicant.

Ms. Planchet states that the town now owns the road; there was a request in 2007 to remove the sidewalks and which was denied by the planning board. She states that the planning board may want to ask why the selectmen are requesting this; there is no evidence provided in the submitted materials.

Mr. Strobel provides an overview of the project. Ms. Planchet states that the application is missing detail. She refers to the 2007 Notice of Decision and indicates that the conditions were met and the sidewalks were to be installed. Ms. Smith states that information will be provided to the board for the meeting.

Additional discussion ensues. Mr. Wolf states that he feels that the sidewalks should have been put in.

Mr. Bryer states that there has been a recent court case and because of this the town will now need to maintain the sidewalks and will need to purchase a machine to do that.

Ms. Smith and Mr. Bryer return to the table; Mr. Bryer is designated as a voting member.

Case 13-16: Ron and Valerie Chase and Alfred and Patricia Leffel, 710 First NH Turnpike. Map 222; Lots 12 & 12.1. Applicants seek a lot line adjustment to convey 10 Ac. from lot 12.1 to lot 12.

Mr. Frankiewicz is present and receives a copy of the town planner's review notes.

The board reviews the application materials. Ms. Planchet explains the proposal. She states that she verified that the intention is to adjust the lot line to convey 12 acres not 10. General discussion ensues. Ms. Planchet states that there are two existing houses on the lots. She states that the overlay districts are not shown.

Additional discussion is held regarding waiver requests. Mr. Strobel states that it is not the board's duty to requests waivers; it is the applicant's responsibility to provide any waivers.

Capital Improvements Plan (CIP)

Ms. Planchet states that she has provided copies of the Draft 2014 CIP Spreadsheet to members. She explains that she has only received CIP responses from the library and recreation. She states that she has added in the highway maintenance building at the request of the town administrator for

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\$125,000. Mr. Strobel states that he still needs to provide the highway advisory proposal.

Mr. Strobel asks about the status of the CIP Subcommittee. Ms. Planchet states that Hal Kreider expressed an interest to be on the CIP Subcommittee and she is not aware of other letters of interest from the public.

Status of Master Plan Update

Mr. Strobel states that the board held a work session November 4 at which members worked on their master plan update drafts. Ms. Planchet states that she has provided copies of the water resources, agriculture, and economic development draft sections. Mr. Strobel states he will provide copies of the housing draft. Mr. McCaffrey states that he is still working on the land use section. Mr. Strobel states that transportation is still being worked on as well by Ms. Parmele.

Mr. Jandebour states that he distributed information to the economic development committee and that he revised his draft based on their comments.

ADJOURNMENT

Mr. Bryer makes a motion, second by Ms. Edwards, to adjourn. Motion passes unanimously at 9:12.

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary