

**Town of Northwood
Planning Board
November 15, 2012**

Chairman Robert Strobel calls the meeting to order at 6:55 p.m.

PRESENT: Chairman Robert Strobel, Joe McCaffrey, Babette Morrill, Rick Wolf, Town Planner Elaine Planchet, and Board Administrator Linda Smith. Selectmen's Representative James Hadley arrives at 7:05 p.m.

VOTING DESIGNATION: Bob Strobel, Joe McCaffrey, Babette Morrill, and Rick Wolf; Jim Hadley 7:05-7:50 p.m.

ABSENT: Vice-Chairman Tim Jandebeur, Herb Johnson, Alternate Adam Sprague, and Alternate Victoria Parmele.

MINUTES

October 25, 2012

Mr. McCaffrey makes a motion, second by Ms. Morrill, to approve the minutes of October 25, 2012, as written. Motion passes unanimously; 4/0.

Visioning Notes/Minutes

Mr. Strobel states that he had intended to listen to the tapes from the visioning sessions and will do this soon. He states that he will get the tapes in the correct order and have a conversation with Ms. Parmele about how to proceed.

Further discussion ensues regarding the additional time needed for Ms. Parmele to review the tapes. Ms. Planchet states that the minutes of the visioning sessions would be important if indeed the board bases its master plan update decisions on the visioning sessions. Ms. Morrill expresses concern with the fact that something may have been left out. Ms. Planchet states that it is not a good approach to accept the minutes now with the intention of changing them later.

Ms. Morrill makes a motion to accept the draft minutes for the visioning session which include Ms. Parmele's notes and the easel sheet wording typed by Ms. Planchet as final minutes. Second by Mr. McCaffrey. Motion passes; 3/0/1. Mr. Wolf abstains.

Jim Hadley arrives at 7:05 and is added to the voting designation.

NEW CASE

Case 12-12: Ledgewood Realty Trust/Millstone Realty Trust, 1090 First NH Turnpike. Map 211; Lots 2, 14-17; Map 217; Lots 34-36.

Applicant seeks major site plan review for a quarry/excavation site. Applicant David Docko and Bernie Temple from Holden Engineering are present.

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Ms. Planchet states that the plans and documents along with her review notes have been provided in the members' packets. She states that it first appeared that there was enough information to go forward with the application but upon further review she does not believe that the major site plan application is complete. She adds that the excavation application portion was not noticed separately and she believes that this is not complete either. Ms. Planchet states that her recommendation is that the board not accept the application as complete. She further explains that if the board does not accept the application as complete, then the board needs to be specific and include what is required to make the application complete in its notice of decision.

Mr. Docko states that he requests that Mr. Wolf recuse himself from this case. Mr. Strobel states that there is no need to state the reason for the request. He explains that the applicant has stated that there may be a possible conflict of interest. Mr. Strobel asks if Mr. Wolf would recuse himself and he adds that the board can also take an advisory vote *on whether or not* to recommend that he step down from the case. Ms. Planchet explains that if the board votes to recommend that the member should be recused, the member can still say that they do not believe that they should recuse themselves. She states that each applicant should have the expectation that his or her application is treated fairly by the board, with the decision based solely on the regulations and application provided.

Ms. Smith states that if a case is challenged and members felt there were reasons to be recused and that person did not recuse, that could taint the decision. She explains that it could be a matter of appearance of a conflict. Ms. Smith recommends that the board not get into specific reasons and she always asks that a member step down from a case if there is a perceived concern. Ms. Smith states that board members have a responsibility to the community.

Mr. Strobel makes a motion, second by Mr. Hadley, to take an advisory vote for Mr. Wolf to recuse himself. Mr. McCaffrey states that, with no lack of respect to Mr. Wolf, since the applicant feels that there is some adversity with the member, he feels that he will go along with the applicant to make this as smooth as possible. He states that the board needs to move forward, right or wrong. Mr. Hadley states that he has nothing against Mr. Wolf; however, there appears to be a potential conflict. He adds that the board acts as jurors and he would like to just move forward with the application. Mr. Strobel states he agrees with the comments of the board members. **Motion passes; 3/0/1. Ms. Morrill abstains.** Mr. Wolf did not vote. Mr. Wolf states that he will not recuse himself from this case.

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Mr. Strobel refers to the staff review notes and states that waiver requests were provided. Ms. Planchet states that the waiver requests themselves are insufficient as they do not address the criteria for granting waivers that are in the regulations. She states that the board must first decide if the application is complete before discussions on the application.

Mr. Strobel refers to the plan and the existing driveway. Discussion is held regarding the use of the driveway. Mr. Strobel asks if the proposal is to use the existing woods road to enter the site and suggests that perhaps the traffic study used for the previous site plan is intended to be used for this application.

Ms. Planchet states that the requirement is that a traffic study be provided for major site plan applications, this is a major site plan application and a traffic study has not been provided. She adds that this should be the end of the board's discussion of the traffic study requirement to decide whether the application is complete or not. Ms. Planchet suggests that the board follow her recommendation that the application is not complete and then the applicant and his agent could take the list of items and respond with a more complete application. Ms. Smith states that the dialogue with the applicant should not be occurring and the board needs to make a decision.

Mr. McCaffrey makes a motion, second by Ms. Morrill, to not accept the application as complete. Mr. Strobel notes that there are 13 items listed on Ms. Planchet's list of items that are incomplete. Ms. Planchet mentions an additional 33 questions and comments. She recommends that the list be included on the notice of decision. **Mr. McCaffrey amends the motion, Ms. Morrill seconds, to not accept the application as complete due to the fact that items 1-13 on the staff review notes requirements have not been provided. Motion passes; 4/0/1.** Mr. Wolf abstains.

Ms. Planchet states that an excavation application was also provided and that her opinion is that there was not enough information for that to go forward and it was not separately noticed

Jim Hadley leaves at 7:50 p.m.

VOTING DESIGNATION: Bob Strobel, Joe McCaffrey, Babette Morrill, and Rick Wolf.

VOLUNTARY MERGER

Case VM 12-02: John and Karen Fernandes, Map 233/Lots 5 & 6, North River Lake Rd.

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Ms. Planchet provides a confidential document from town counsel for the members to review. **Mr. McCaffrey makes a motion, second by Mr. Wolf, to make the e-mail of Nov. 2 from town counsel a document public. Motion passes unanimously; 4/0.**

Ms. Smith explains that one of the “lots” on the voluntary merger form is a portion of a lot that goes into Nottingham that was never subdivided by the Town of Northwood. She states that the ZBA heard a request to allow building on that portion of the lot in Northwood and the decision was that the lot was never properly subdivided by the town. She explains that based on the RSA, each part of a lot in a separate town must meet that town's zoning ordinances and that this did not occur with the deed conveyance for this property.

Ms. Smith states that the second parcel is a similar situation where the parcel is in both towns and was never subdivided. She states that she had recommended that the board request that the town attorney provide a recommendation on whether or not the board has to approve this merger based on the statute as it is basically looping the town into the activity that occurred, the conveyance of these deeds. Ms. Smith states that the ZBA, in its review of Map 233, Lot 6, determined that the lot had not been legally subdivided. Ms. Planchet states that the board had received guidance from town counsel in July when a minor subdivision application had been received. She refers to that opinion and states that the applicant withdrew that application. Discussion ensues regarding the lots. Ms. Smith states that the lots do not meet the town’s standards. Ms. Planchet states that the board needs to decide whether or not to approve the voluntary merger and in order to do that the board needs to know if the lots are two lots. She states that town counsel has stated that based on Northwood’s previous decision, Northwood does not consider these to be lots. She states that if they are not lots then they cannot be merged.

Mr. Wolf makes a motion, second by Mr. McCaffrey, to not approve the voluntary merger request, as recommended by town counsel. Motion passes unanimously; 4/0.

OTHER

Master Plan Update

Mr. Strobel states that he would like a task of the water resources subcommittee to be to make recommendations of water issues applicable to the master plan. Ms. Morrill states that when she had recommended that a subcommittee be established, her intention was not to revive what had occurred previously; however, she was focused on the master plan update. She states that when she read the minutes from the previous meeting, it seemed

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that this was not what was discussed and she would not be willing to serve on an ongoing water resources committee as the master plan is her priority. Mr. Strobel states that the task now is to address the update to the master plan and once that occurs, then come up with best management practices, and craft into ordinances. Mr. McCaffrey states that this is not the current priority.

Discussion ensues. Ms. Planchet explains that the notice prepared seeking members for the sub-committee did not mention the master plan update and should be revised if this is the intention of the board.

Mr. Strobel states that the board did not decide to give a purpose at this time; that was to be determined tonight. Ms. Planchet states that with a specific purpose and timeframe there may be a better level of interest from members of the public. Ms. Smith states that there should be a new notice done for the Master Plan Update only and perhaps there may be people out there that may just want to serve on this committee.

More discussion ensues on the approach to the master plan and how it should be done. Ms. Planchet states that the board could focus on water resource issues for the master plan update. She states that Mr. Holden had forwarded sample watershed ordinance documents and those are available for members. She states that having proposed watershed ordinances is not typical of a master plan but rather, the master plan is to set the overall goal of the community regarding issues and then perhaps a proposed objective could be to review the ordinances or regulations and to address those goals.

Ms. Planchet suggests that the board also review the 1998 Master Plan Update which is on the town website. She explains the difference in approach between the 1998 and 2004 master plan editions. She states that in 1998, the data/information was provided for the situation at the time, specific issues were identified, then recommendations were made based on that. She states that in 2004, the update used the 1998 update as its beginning point and included those recommendations and added others. She states the master plan has become a patchwork quilt. She states that the board could focus on major issues and not have to change or update every 2004 section. She states the board could review the survey and visioning sessions and fine tune the items then put them into several categories. Ms. Planchet states that when the board uses the previous plans as the starting point, they are limited in their review to look at the issues and opinions that were identified previously rather than looking at issues anew.

Ms. Morrill states that she feels it is easy enough to do. Mr. McCaffrey states that some things have changed and if there is no interest in the community, we

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need to recognize that. He states that it would serve for efficiency to look at the previous master plan and use it as a guide. He does not see substantial change.

Mr. McCaffrey makes a motion, second by Ms. Morrill, to charge the water quality subcommittee for the current focus to be on the master plan update. Motion passes unanimously; 4/0.

Mr. Strobel states that the planning board members who have expressed the intention to serve on the subcommittee are Mr. Wolf, Mr. Jandebour, Ms. Parmele, and Ms. Morrill. Discussion ensues regarding procedures of the subcommittee and the need for a notice and minutes. The consensus of the board is to repost the notice for the water resources subcommittee. Ms. Smith states that the subcommittee members are appointed by the planning board and do not need to be sworn in as they are advisory only.

Ms. Planchet states that she has received an e-mail from Karen Smith expressing her interest to serve on the subcommittee.

Mr. Wolf makes a motion, second by Mr. McCaffrey, to appoint Karen Smith to the water resource subcommittee. Motion passes unanimously; 4/0.

Mr. Strobel states that he recalls that Mr. Chase expressed interest in serving on this subcommittee while at the October 25 meeting.

Ms. Morrill makes a motion, second by Mr. McCaffrey, to appoint Tom Chase, to the water resource subcommittee. Motion passes unanimously; 4/0.

Capital Improvement Program

Ms. Planchet states that she has received some updated responses from recreation, library, and building departments. She states she has also received correspondence from the police department and other departments have indicated they have nothing to provide.

Mr. McCaffrey makes a motion, second by Ms. Morrill to adjourn at 9:02 p.m. Motion passes unanimously; 4/0.

Respectfully submitted

Lisa Fellows-Weaver
Board Secretary

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