

**Town of Northwood
Planning Board
November 19, 2015**

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

PRESENT: Chairman Robert Strobel, Vice-Chair Lucy Edwards, Lee Baldwin, Victoria Parmele, Town Planner Matthew Sullivan, and Board Administrator Linda Smith.

ABSENT: Selectmen Representative Rick Wolf, Betty Smith, Richard Bojko
Alternate Joseph McCaffrey, and Alternate Ken Rick.

VOTING DESIGNATION: Chairman Robert Strobel, Vice-Chair Lucy Edwards, Lee Baldwin, and Victoria Parmele.

MINUTES:

October 22, 2015

Ms. Edwards makes a motion, second by Ms. Baldwin, to approve the minutes of October 22, 2015, amended as follows:

Page 3: Add: ... onsite traffic and security...; and with other edits that do not alter the content of the wording.

Motion passes; 4/0.

STAFF ITEMS

Boundary Line Adjustments (BLA)

Ms. Smith speaks to RSA 674:41 as it relates to boundary line adjustments (BLA's). She explains that the state has provided specific criteria for road frontage that must be met before a building permit can be issued; however, municipalities may be more restrictive. She states that the selectmen have recently approved a revision to their guidelines for processing buildings permits on Class VI and private roads. She states that the planning board is still required, per statute, to review and provide comments on building permits that either are not on a Class V road, those who have not received subdivision approval from the planning board, or if before the planning board was given subdivision authority, a signed plat by the selectmen. She further explains the process.

Further discussion is held regarding the statute requirement for a subdivision plat. Ms. Smith states that a boundary line adjustment is actually considered *by* RSA 674:41 to be a subdivision. She states that the board typically does not view a BLA as a subdivision; however, if the board approves a BLA that has private roads, Class VI roads, and/or private easements that cross it, the roads should be reviewed in the context of future building development.

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Ms. Smith further explains that the town's zoning requires road frontage and may be more stringent than the statute; however, the zoning board may grant relief from the frontage requirement.

Ms. Smith shows examples of approved boundary line adjustments. The plans are reviewed and general discussion ensues.

Mr. Sullivan reads a note from an approved plan as follows:

“Approval of this plan by the Northwood Planning Board is an approval of the boundary line adjustment only and does not grant approval for issuance of building permits under RSA 674:41. Prior to the issuance of a building permit the access will be subject to review and approval by the planning board or the zoning board of adjustment for the criteria noted in RSA 674:41.”

Ms. Smith states that the note may not be sufficient and she suggests obtaining a legal opinion on potential language to be added to a plan should the board want to review and comment on BLA's prior to a building permit being issued on a lot.

Ms. Parmele asks if there are any other examples from other towns for language. Ms. Smith states that she has not researched other towns. She adds that the past few months is when she began working more with the selectmen and building department regarding this process. She adds that one thing that has not changed is that the selectmen do not have the authority to remove the planning board's authority to provide comments under state statute. She notes that the selectmen did remove the public hearing requirement in their guidelines. She further explains the process and the extensive length of time that the process was taking.

Mr. Strobel states that he is not interested in the review or commenting for a building permit that is for interior work, or does not change the use or expand the living space. He, personally, is interested in increasing septic loading and other environmental issues.

Ms. Smith states that she has created a new application for building permits on private and class VI roads.

Accessory Dwelling Unit (ADU)

Ms. Smith explains new legislation relative to Accessory Dwelling Units (ADU's). She states that if the ADU legislation that is currently proposed is approved in 2016 it will not go into effect until 2017; all towns will need to adjust their

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ordinances if they are not consistent with the state statute. She notes that Northwood's ordinances are not consistent with the proposed statute. She adds that the statute is being described as a right to be able to have an ADU in any single family residence in NH and that planning boards will now not be able to regulate the size of the lot for an ADU. She states that if a person wants to add an ADU they will have the right to do it; however, the setbacks will need to be met.

Mr. Sullivan mentions septic systems. He adds that there are concerns with communities with significant amounts of seasonal homes on waterbodies and nutrient loading. He adds that there have been discussions regarding allowing ADU's by right.

Ms. Smith states that a suggestion offered is that if a community is not able to regulate by lot size, they can set maximum lot coverage.

Mr. Sullivan states that the housing community supports this new bill. He explains that he is on the board of the Workforce Housing Coalition of the Greater Seacoast and they voted to not support this bill. However, the rest of the housing community does support the bill for the reason that it offers an alternative to single-family homes. He adds that there is a potential to regulate effectively by lot coverage; although, he is not sure as to what the threshold would be.

Ms. Smith states that the board would need to amend the ordinances accordingly.

Signs

Ms. Smith states that the Supreme Court of the United States has recently made a decision that sign ordinances cannot be based on content. She adds that in the current Northwood Zoning Ordinance, this decision only affects temporary signs. Discussion continues. She states that the signs size and tenure can be regulated.

Mr. Sullivan explains that currently the ordinance states that a real estate or construction sign is permitted on the property being sold and is to be removed once it has fulfilled its function.

Free Speech ~ Public Comment

In addition, Ms. Smith explains that there is a legal case regarding free speech and a board may no longer restrict a person for their comments during a public

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comment period. She provides an explanation of the case and states that a person is allowed to come to a meeting and speak during a public comment portion if there is a time allowed for **public comment**. The board can limit comments to a specific amount of time. Ms. Smith adds that the board can have a procedure that all public comment must be related to a topic listed on the agenda.

Mr. Sullivan states that a **public hearing** is still regulated for content; the content must still be germane during a public hearing.

Ms. Smith states that any member of the public could come in to a meeting and speak about any public official. She states that public employees are not exempt either. She states that the public comment time is a way for citizens to address the government.

Further discussion is held regarding the board's Rules of Procedures and having public comment on the agenda.

Mr. Strobel speaks to when the public comment section would be appropriate to have. He explains that he feels it is appropriate to have at the work session and have it open to any topic. Ms. Smith states that she did not support having a public comment time. She explains that the public should only be commenting on cases during public hearings. She believes that what the board originally wanted to have for a public comment time was some general feedback of random topics. She asks what is germane at a work session and how will it be controlled. Mr. Strobel replies that he does not believe it was to make it germane to the work session. Ms. Parmele states that the work session is a less formal board meeting. Ms. Smith states that this is still controlling the content. Discussion ensues as various opinions and understandings are expressed. Mr. Sullivan suggests that more research be done relative to public comments and topics.

Preliminary Conceptual Consultation (PCC)

Mr. Sullivan reads the definition of what a preliminary conceptual consultation (PCC) is: A preliminary consultation may be used for the purpose of discussing proposals in conceptual form only, as they relate to the master plan, the desirability of types of development and other policies and procedures established by the planning board. Preliminary consultation may occur without giving formal public notice and shall not be binding on either the board or the applicant. Mr. Sullivan states that in the future the board should be a bit more cautious during PCC until an application is formally submitted.

Official as of December 10, 2015

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Rte. 4 Inventory

Mr. Sullivan states that there has been some interest in conducting some sort of an inventory of parcels, approximately 350 properties, along Rte. 4 to determine their development status, what type of use is approved for the parcel, and to provide pictures. He states that he has been able to create a *software* application that may assist with this project for the spring. He states that the economic development committee has also expressed an interest in an inventory. He explains the attributes that would be looked into for the inventory as well as the quantitative data. Mr. Sullivan states that this is a high priority item; however, it is seasonally regulated.

Ms. Parmele states that this is good idea as it looks into various areas of town and what exists as well as begins planning for those areas.

TIF District

Mr. Sullivan states that the TIF District was discussed at the last selectmen's meeting. Jack Dugan from the Monadnock Regional Development Counsel spoke at that meeting relative to TIF Districts. He adds that Gulf Road is being considered with possible road improvements as well as a community center. He states that this will be discussed in detail in the coming year.

Site Plan Regulations Update

Mr. Sullivan explains that the current regulations are 68 pages. He states that he is working on a condensed version and has about 35 pages. He states that he is implementing alternative methods to synthesize some information from the original copy. Copies are provided for review and Mr. Sullivan provides an overview of the format. He asks the board members to review and he will provide a draft content at the December work session.

Master Plan Update

Mr. Sullivan states that the Master Plan Update is on hold until the final draft of the site plan regulations is completed. He plans to move forward as the case-load allows.

OTHER

Scenic Byway Committee

Ms. Parmele provides an update of the Scenic Byway Committee meeting from the beginning of November. She states that the Town of Deerfield Board of Selectmen felt that it was not worthwhile to a participant in the byway at this time. She states that the committee is trying to figure out where to go from

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here. Ms. Edwards notes that Raymond is now interested. Additional discussion ensues.

Ms. Parmele suggests using the information for Northwood for corridor planning. Ms. Edwards states that her feeling is that Deerfield was more interested in the scenic and cultural aspects more than the economic development aspect. She adds that Northwood has the most traffic and notes what the weekend traffic was like many years ago.

Mr. Sullivan states that the commission supports the byway program, although he is concerned with the applicability to the town and Rte. 4. He does not feel that Rte. 4 is compatible with the scenic byways program. He adds that he also has concerns with the priorities of adjacent communities in the byway. He notes that this is a great program when applied correctly but he is not sure that this is the appropriate solution for the town of Northwood.

He states that economic development may be a more compatible solution and that increasing density is the key to reducing speed limits. The scenic byway will not increase the density; there are other ways to accomplish that.

Ms. Edwards states that it helps her to view Rte. 4 in a different manner. Mr. Sullivan states that the participation of other towns should not compromise the work that Northwood has done identifying and inventorying cultural resources along Rte. 4. He states that efforts should be made towards making it more public and exposed rather than saving the byways program. He adds that if Northwood succeeds then other communities may join in.

Discussion ensues as to having more information online. Mr. Sullivan requests that members look on line for ESRI story maps.

Agritourism

A discussion is held regarding the law lecture focused on agritourism. Ms. Smith states that this is different than agriculture. She explains that the town does not have any regulations and would follow the state's regulations.

ADJOURNMENT

The meeting adjourned at 8:16 p.m.

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary

Official as of December 10, 2015