

**Town of Northwood  
Planning Board  
December 10, 2015**

Chairman Robert Strobel calls the meeting to order at 6:33 p.m.

**PRESENT:** Chairman Robert Strobel, Vice-Chair Lucy Edwards, Selectmen Representative Rick Wolf, Richard Bojko, Lee Baldwin, Betty Smith, Victoria Parmele, Town Planner Matthew Sullivan, and Board Administrator Linda Smith.

**ABSENT:** Alternate Joseph McCaffrey, and Alternate Ken Rick.

**VOTING DESIGNATION:** Chairman Robert Strobel, Vice-Chair Lucy Edwards, Selectmen Representative Rick Wolf, Richard Bojko, Lee Baldwin, Betty Smith, and Victoria Parmele.

**MINUTES:**

**November 19, 2015**

**Ms. Edwards makes a motion, second by Ms. Parmele, to approve the minutes of November 19, 2015, with edits that do not alter the content of the wording. Motion passes; 5/0/2. Mr. Bojko and Mr. Wolf abstain as they were not at the meeting.**

**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.

Mr. Sullivan states that he has reviewed the checklist and recommends that the case is incomplete. He adds that the drainage report will likely need to be reviewed by the town's engineer upon receipt of a completed application. The applicant and the land use department will work to amend the application for January.

**CASE: 15-08: Millstone Realty Trust, 1090 First NH Turnpike. Map**

**217/Lot 35.** Applicant seeks an amendment to an existing major site plan that would extend excavation operations through 2020.

Mr. Sullivan explains that the conditional approval for the entire 3 phase project expires on December 31<sup>st</sup>, 2015. He states that there have been some discussions relative to an extension to the approval.

Mr. Sullivan reads two letters sent from Holden Engineering requesting a five year extension and status reports of the conditions from the 2009 approval. He adds that there are a few other conditions from the 2009 approval: landscaping that needed to be completed along Rte. 4, a chain-link fence to be constructed

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along the eastern side of the site, and several conditions related to the site reclamation plan and reclamation surety agreement.

Mr. Sullivan reads the second letter with Mr. Docko's comments regarding the status of existing conditions of approval. He asks the board members to compare the approved 2009 plan and the as-built plan that was just received, 12/1/15. He proceeds to review the plans with the board and states that based on the as-built plan, it can be seen that the site has been significantly excavated beyond the Phase 1 reclamation line. Mr. Sullivan continues to explain the phasing on the plans.

Mr. Sullivan states that he has met with Mr. Docko, and contacted the town's engineer; however, there are several issues that may prevent Mr. Docko from moving forward into Phase 2 specifically that the Phase 1 reclamation may or may not be complete at this point in time.

Mr. Sullivan states that the board needs to receive the engineering report documenting reclamation progress from the Town's engineer before the board can make any conclusions.

Ms. L. Smith states that at the time of this application in 2009 Mr. Hickey, who was a P.E., was the code enforcement officer/building inspector and he agreed that he would do the inspections. She adds that language was added that a designee could also do the inspection and it could also revert back to the town's engineer. *A designee was not appointed before Mr. Hickey's retirement.*

Mr. Sullivan explains that Mr. Docko has excavated on the eastern portion of Phase 1; however, has encroached on the limit of Phase 2 on the eastern side of the property. He states that in order for Mr. Docko to proceed from Phase 1 to Phase 2, the inspection must be done because of the reclamation surety agreement as it requires certain activities of reclamation be completed. He adds that the board can still vote to extend the 2009 project; however, depending on the findings from the engineering report Mr. Docko would either be staying in Phase 1 or he could proceed with Phase 2 as the plan was originally approved. If the reclamation of Phase 1 has not been completed adequately, then the board may need to have CMA do another inspection of the site when Mr. Docko feels that the reclamation is adequate.

Mr. Strobel asks if the reclamation required between Phase 1 and Phase 2 will impact or can it even be completed if the detention pond blasting and the excavation for Phase 1 have not been completed. Mr. Sullivan states that Mr. Docko has only been approved for the operation of Phase 1 as of this point and time unless the reclamation is adequate.

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In addition, Mr. Sullivan states that one condition on the plan was that slopes that are greater than 2:1 cannot be reclaimed and those are bedrock slopes. He states that there is a potential that a majority of the area is bedrock slope and may not be able to be reclaimed and therefore may not be subject to the 50% requirement. He states that there may be some federal guidance available for this situation. Ms. L. Smith states that the 50% of the phase reclamation is required to be complete before proceeding.

Discussion ensues as to the conditions and percentages of completion of the reclamation. Mr. Sullivan states that the reclamation percentage is 50% for all three phases. Work can proceed if 50% is completed.

Ms. L. Smith states that it is very important that the board require and receive the report from CMA as part of the procedure to move forward. Mr. Sullivan states that the board could extend the project but it could be conditional on the report from CMA. He states that the existing conditions of the approval still remain. Mr. Sullivan states that Mr. Docko is required to *permit CMA to assess* the site and perform the work and should he choose not to do so then the project will technically lapse December 31, 2015. Mr. Strobel asks if the applicant will have the opportunity to re-open the case. Mr. Sullivan states that Mr. Docko would need to reapply for a site plan approval. He adds that the board is protected if they are to extend the conditional approval, to an extent, because of the reclamation agreement. Ms. L. Smith adds that the applicant can appeal the board's decision to superior court.

Ms. L. Smith states that typically the board votes to send items to an engineer. In this case, CMA provided an estimate for the applicant to proceed. Discussion ensues as to the receipt of the report prior to 2016. Mr. Strobel *inquires if* not having a deadline on the report to allow the applicant to operate. Mr. Sullivan states that the approval will lapse should a report not be received from CMA or action is not taken by the board. Mr. Sullivan recommends that at the next meeting the board conditionally approve the extension. He adds that this would be a site plan amendment that would allow the board to retain the conditions and requirements of the existing site plan with other conditions added, one of which would be the receipt of the report from CMA.

Mr. Sullivan states that additional discussions will be held with CMA and Holden Engineering. He states that if Mr. Docko had come in earlier or done the reclamation required and not entered Phase 2 then the report would not have been necessary, only a site inspection.

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**INTERNAL BUSINESS**

***Staff Items***

***Site Plan Regulations Revisions***

Mr. Sullivan provides a brief update as to his progress with the revisions to the site plan regulations.

Mr. Sullivan begins with **Section III: Interpretation**. He explains that this section seems to be subjective, although many towns include similar language. He states that he feels that referencing the Master Plan would be sufficient and suggests striking the second paragraph. Members agree. Mr. Strobel states that he feels that this section is a way to protect the board if requesting additional information, which is beyond the minimum required. Discussion ensues.

Mr. Sullivan reviews edits he is proposing in the **Purpose Section** and notes that he removed some language. Discussion ensues as to the purpose section. Mr. Strobel states that the Purpose does define the board and should be accurate to what we have in town. Ms. Edwards suggests headings that correspond to Master Plan sections and placing specific purpose statements below.

Mr. Sullivan states that the definitions have remained the same except for minor grammar and spelling edits. He states that there may need to be some changes made based on the changes to the design considerations that will occur in the coming months.

Mr. Sullivan states that he has made some changes to the types of applications. He states that he has made the thresholds for the Major Site Plan more stringent. He has changed the percentage thresholds from 10% to 25%. Ms. Parmele asks what the logic is for increasing the thresholds. Mr. Sullivan replies that a relatively small expansion would require someone to complete a minor site plan and that *maybe considered* unreasonable.

Mr. Sullivan states that he did not make any changes to the Minor Site Plan. However, he has removed the minimal impact application because it is not being used effectively. He states that applicants are unable to move through the process appropriately. He states that he has added a Change of Use application in its place.

Mr. Sullivan states that the Change of Use and Home Business applications now require less of the applicant. He adds that the Change of Use is specifically from one commercial use to another commercial use. He states that the criteria for a Change of Use are specific and if it does not meet those, then it will be processed as a Minor Site Plan or reviewed by the board in another manner.

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Mr. Strobel states that there were 14 criteria and now only 11 are proposed. Mr. Sullivan explains the items he removed and notes that there were some that were consolidated. Additional discussion is held regarding the public safety comments specific to fire department requirements. Mr. Sullivan states that a Change of Use will now be an administrative item and would not come directly to the board for review.

Ms. Edwards notes that there may be a problem with an administrative review if there is no staff member available for that review.

Mr. Sullivan refers to a new table he created and explains that this is the format he would like to use. He reviews the expanded items and categories. He states that there are permits specifically noted that may be required as well as specific items that must be included on the plans. Mr. Sullivan continues to go through the proposed table providing a brief overview.

Mr. Sullivan states that he will continue to make edits and work on the regulations.

Mr. Strobel requests that the site plan requirements be shared with the board digitally.

General discussion is held regarding suggestions of requirements to read and understand the plans better. Ms. Parmele and Ms. Edwards feel that colored plans for all major site plans should be required.

**ADJOURNMENT**

**Mr. Bojko makes a motion, second by Ms. Baldwin, to adjourn. Motion passes unanimously at 8:15 p.m.**

Respectfully submitted,

Lisa Fellows-Weaver  
Board Secretary