

**Town of Northwood  
Planning Board  
December 12, 2013**

Chairman Robert Strobel calls the meeting to order at 6:32 p.m.

**PRESENT:** Chairman Robert Strobel, Vice-Chairman Timothy Jandebour, Lucy Edwards, Lee Baldwin, Rick Wolf, Alternate Adam Sprague, Town Planner Elaine Planchet, and Board Administrator Linda Smith. Alternate Victoria Parmele arrives at 6:34 p.m. Selectmen's Representative Scott Bryer arrives at 6:47 p.m.

**VOTING DESIGNATION:** Robert Strobel, Timothy Jandebour, Lucy Edwards, Lee Baldwin, Rick Wolf, and Alternate Adam Sprague. Scott Bryer - 6:47 p.m.

**ABSENT:** Joseph McCaffrey

**MINUTES**

**November 21, 2013**

**Mr. Jandebour makes a motion, second by Ms. Edwards, to approve the minutes of November 21, 2013, as amended, as follows:**

Page 2: Add: ...uses...

**Motion passes; 4/0/2.** Mr. Jandebour and Mr. Sprague abstain.

**PRELIMINARY CONCEPTUAL CONSULTATION:**

**598 First NH Turnpike, LLC, 598 First NH Turnpike. Map 222; Lot 23**

Ms. Planchet explains the preliminary consultation process.

Scott Frankiewicz, of Brown Engineering is present along with the owner Peter Horne and Greg Bauer of Bauer Construction.

Mr. Frankiewicz provides plans for review.

Mr. Frankiewicz states that they are proposing a holistic healing center and plan to have application materials submitted for the January deadline. He states that the upstairs will remain as a residential use with the business being located in the downstairs area. There are currently outbuildings and one residential structure on the property.

Mr. Frankiewicz states that they will be reducing the paved area for parking from what was previously proposed. He states that 34 spaces are proposed in total with 13 paved and 21 to be gravel. He states that a traffic study has been completed and will be submitted to NHDOT. He explains that they will need to remove the access points in front of the garages and return this area back to grass. He states that there will be only one access to the house. He states that the parking area will be the field and the rear of the property will be cleared to hold festivals, possibly up to three times per year. Mr. Frankiewicz states that a drainage study will be submitted along with professional plans.

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Mr. Frankiewicz introduces Peter Horne to explain the business. Mr. Horne explains that presenters of lectures may need to stay over which is why they propose the second floor remain residential. He states that the building will stay as is. He states that there will not be employees but self-employed sub-contractors who will practice various forms of healing including energy healing. He states that later on they may have a naturopath doctor or a chiropractor. He states that there is not enough space for everyone to have their own offices so they will share. He explains that he will not start out using all the parking lot.

*Selectman Bryer arrives at 6:46 pm and is a voting member.*

A discussion is held regarding the sight distance. Mr. Bauer states that he has met with Jim Driver from NHDOT on the proposal and believes they are "on board". Ms. Parmele asks if NHDOT mentioned any concerns regarding the site for the town's recreation fields across the highway. Mr. Bauer states that NHDOT mentioned the distance only; he states that a traffic study has been done.

Discussion ensues regarding the traffic and the amount of people that would attend the festivals. Mr. Horne states that he would hope for an estimate of at least 10-50.

Ms. Planchet explains that this could be filed as a mixed use application due to the residential and commercial uses. She adds that the number of offices should be identified for the impact on land use, rather than the number of practitioners.

Mr. Jandebour asks if there are uses proposed for the external garages. Mr. Horne states that he will rebuild and come in from the other way.

Ms. Parmele asks if there were too many people at a festival, would there be any consideration to bus in. Mr. Horne replies yes, if we are that fortunate to have too many.

**NEW CASES:**

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

The applicant Christine Welsh Bucci is present with Vincent Bucci, Attorney Mark Puffer, and Richard Turner, LLS.

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Mr. Jandebour recuses himself from this case as he is an abutter and leaves the table. Ms. Parmele is added to the voting designation.

**VOTING DESIGNATION:** Robert Strobel, Scott Bryer, Lucy Edwards, Lee Baldwin, Rick Wolf, Victoria Parmele, and Alternate Sprague.

Mr. Strobel mentions ex-parte communications and states that conversations with members of the board with the public about the case are not permitted and that since Mr. Jandebour has recused himself on this case that applies to him.

Ms. Planchet states that the application was received November 1. She states that Staff prepared review notes and additional information was received by the applicant prior to the last meeting; however, not within the time frame of the 15 day rule. She states that the application was not deemed complete at that time and the discussion on completion was continued to this meeting.

Ms. Planchet states that she has prepared two reviews; revised plans were received on Nov 27 with several small copies and some large copies. Mr. Bryer asks if there is a staff recommendation on completion. Ms. Planchet states that in her opinion, the information was provided including the written waiver requests and she has questions on the quality of information provided, but her recommendation is that the application is complete.

**Mr. Bryer makes a motion, second by Ms. Edwards, to accept the application as complete. Motion passes unanimously; 7/0.**

Mr. Strobel reads the abutter list for this case. Abutters present are Nancy Haskell, Nancy Nadeau, Flora Gardner, and Tim Jandebour.

Attorney Puffer states he only became involved with this case yesterday.

Mr. Turner gives an overview of the project explaining that this is a proposal for a two lot subdivision of 42 acres. He states he has added the Gardner and Webster house across the road with septic systems and wells. He adds that there is a note 11 now, 100' scale plans and road frontage now noted. Mr. Turner states that there is an existing features plan which notes a gate as mentioned in the BOS minutes.

Mr. Turner states that he will apply for the state subdivision approval as the project moves forward. He states that he has also requested waivers from showing the wetlands and conservation overlay district on the large lot, and sight distance, as well as the driveway because it is too close to the lot line.

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A letter received from abutter Tim Jandebaur is distributed and read.

Mr. Strobel states that he believes that the status and location of the Class V portion of Welsh Rd has been discussed recently at the Board of Selectmen meeting and that they intend to address it at the next meeting. He states that since the road status is the purview of the selectmen then they will not address it at this meeting.

Ms. Planchet refers the board to the handwritten waiver requests and the copy of the Waiver Request Forms provided in member packets.

Mr. Strobel opens the public comment portion at 7:25 p.m. and asks for abutters comments.

Nancy Haskell, Saddleback Campground, states that she has a concern regarding the wood cutting operation that was going on and what was told to them. She states that she has heard that someone is going to purchase the larger portion of the land and build many houses or condos. She asks what the intent is for the 39 acres. She states that there is a lot of wetland in this area and feels that there will be some impacts to the area. She mentions that she has heard that there are stipulations over the types of houses that can be built and believes that this is from the realtor. In addition, she states that this section of road is old and bad.

Ms. Gardner expresses concern with run-off. She states that there is a culvert in front of her yard which she cleans out. She states that the road is very narrow. She expresses concern with safety.

Nancy Nadeau states that there is a sharp corner on this road that does cause some problems with sight distance. She states that it is very narrow; two vehicles cannot always pass through. She adds that you really cannot see over the hill. She too notes that the run off and expresses concern with additional drainage.

Mr. Jandebaur states that he lives at the end of the road, there is no one else living on the road. He states that his first concern is the frontage as the proposal does not meet the 150' per lot requirement. He states that all or most of this property is in a steep slope overlay district. He states that the road was a Class VI when he built his home. He explains that because the road agent has maintained the road to the garage of the Bucci's driveway, beyond that is the Class VI portion. He states that two cars cannot pass; it mostly is 11' wide. Mr. Jandebaur states that the line of sight requirement is 250', and reads a definition of line of sight. He states that there is no accuracy in the numbers that are provided. He states that he cannot see the road beyond the rock in the

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road as there is a large dip in the road. He again states that he believes the figures are inaccurate on the map.

Mr. Strobel states that he closes the public comment portion of the hearing; however, reserves the right to re-open the public comment portion as permitted.

Mr. Bryer requests to hear the presentation from the applicants at this time. Mr. Bryer states that the proposal is for one lot only and this application is specific to this one lot. Mr. Strobel states to the abutters that this application is not addressing the remaining 39 acres and additional proposals for the remaining acreage would be a separate application.

A discussion is held regarding the waivers. Mr. Bryer expresses concern with the sight distance comments provided requesting the waiver. He states that the request states that the road meets the 250' requirement; however, the abutter's comments have provided other comments.

Ms. Parmele asks how much of the area of the larger lot is not a steep slope. Ms. Bucci states that the lot is not for sale and nothing will be developed on that lot at this time. Mr. Strobel states that the applicant has provided a wavier request to not show the steep slopes. Mr. Turner adds that a ground topo would need to be done in order to determine what is and is not steep. He states that the town's maps do not provide a good indication of what is out there. He states that there is no answer to that question without doing the ground work. Mr. Strobel states that the town's maps provide a guideline and part of the applicant's requirement is to determine the site specific information. Mr. Strobel states that this matter will be discussed again when the waiver request is addressed.

Ms. Planchet states that the requirement is based on there being an all season safe sight distance, based on the speed limit, and on a road that is 30 mph or under, the sight distance must be 250' in each direction. She states that the discrepancies noted by the abutters are also a part of the equation; however, nobody is saying that 250' is there.

Mr. Jandebaur asks if he may speak to clarify information about the road. Mr. Strobel states he may. *Mr. Jandebaur states that there is 550' from the end of the maintained section to the driveway, then there is another 500' to the end of the public roadway.*

Atty. Puffer states that the speed limit is only 20 mph, which is 1/3 less than the maximum for this amount. He states that this is the best location for the driveway.

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Mr. Turner states that the 250' could be met if the driveway was placed on the intersection but that would not be a safe place. He states that typically cars are not going 20 mph on the road; they probably are doing between 10-15. Ms. Planchet states that if this location were proposed, the applicant would need to get a waiver for having the driveway too close to the intersection.

Mr. Wolf states that another subdivision was denied for the lack of 20' of sight distance.

Mr. Turner asks how the sight distance on a corner lot can be met when the requirement is 150' for frontage. Mr. Strobel replies that the sight distance can travel beyond the land.

Discussion ensues regarding the driveway location and sight distance. Mr. Bryer asks if there is a need to do a site walk. Mr. Bryer suggests that the board may want to consider having the town engineer review the plan and do a site walk. Atty. Puffer states there are new homes across the road and have driveways with limited sight distance. Further discussion ensues.

Mr. Bryer states that the regulations have not been met, which is why the waiver is requested. He asks what will happen if the waiver is not granted. Mr. Strobel states that he would like to discuss other location options for the driveway.

Mr. Jandebeur states that the sight distance is not 250' in either direction. He suggests that someone measure this and he encourages the board to view the area. He questions the surveyed plans and the accuracy of the figures presented on the plans.

Mr. Turner states that he takes exception to the comments. He states that if there is a question of the measurements then he suggests a professional engineer look at the area.

Ms. Edwards states the conditions of the waiver that must be met. She states that there are unknowns and she needs more information before she would approve the waiver. Mr. Strobel suggests Mr. Turner put stakes out at the driveway area and allow the members to drive by and see it. Atty. Puffer states that the applicants would welcome a site walk. Mr. Strobel states that the board would be doing drive-bys rather than an actual site walk meeting.

**Mr. Bryer makes a motion, second by Ms. Edwards, to table discussion on the waiver for sight distance. Motion passes unanimously; 7/0.** Additional discussion is held regarding having an engineer look at the plan. Mr. Bryer states that the engineer could be contacted after the drive-bys are done.

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A discussion is held regarding the waiver request for Section 3.03(A)(4), driveway location. The consensus of the board is to consider this request after they drive by the property.

**Mr. Bryer makes a motion, second by Ms. Edwards, to grant the waiver request 4.06(B)(2), for the overlay districts to be shown on the larger lot.**

Mr. Turner states that the waiver is for the larger lot as the existing improvements exist. He states that the overlay district maps are not always accurate. Ms. Smith states that the grades are on the smaller lot. Mr. Turner states that there are no steep slopes on the ground; the maps show there are. Atty. Puffer states that the large lot is not applicable.

**Motion passes; 5/1/1.** Mr. Strobel is opposed. Mr. Wolf states he abstains.

Mr. Bryer states that the applicant has also requested a waiver for 2.04(5)(B), regarding application for state subdivision approval. He states that this will need to be provided and should be a condition of approval. Mr. Turner states that they are just waiting for the town to take action. Atty. Puffer states that the applicant will withdraw this request based on this being a condition of approval.

Atty. Puffer states that there will be 75' between the driveways from the 39 acre lot and the proposed 2.66 acres, if this is approved. He adds that the 75' is from the closest point from the existing driveway to the closest point of the proposed driveway. He adds that from the midpoint of the existing driveway to the midpoint of the proposed driveway appears to be 100'.

Mr. Strobel mentions that there are some corrections that need to be made to the plan. He states that there is some additional information that should be added to the plan for clarification.

A discussion is held regarding road frontage. Ms. Planchet states that this was addressed at the last selectmen's meeting. She states that this should be clarified and that if road frontage does not exist for both lots then relief would be necessary from the ZBA. Mr. Strobel states that the road is not the purview of the planning board.

Mr. Strobel asks about additional staff reviews of the plan. Ms. Planchet states that she has completed two reviews thus far on the plans that have come in. She states that she will continue to review per the board's request and adds that with additional specific comments, it could be a consult to the applicant at this point.

Mr. Strobel asks about the quit claim deed noted on the plan. Mr. Turner states that when the property was originally purchased in 1952, there were

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three parcels that were to be conveyed to encompass the 42 acres and that one parcel was omitted. He states that the title search has been done and no title source has been found. He adds that this does not have anything to do with this subdivision.

**Mr. Bryer makes a motion, second by Ms. Parmele, to continue the case to January 9, 2014. Motion passes unanimously; 7/0.**

**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.

**VOTING DESIGNATION:** Robert Strobel, Timothy Jandebeur, Lucy Edwards, Lee Baldwin, Rick Wolf, and Alternate Victoria Parmele.

Mr. Bryer recuses himself as he is the applicant. Board Administrator Linda Smith has also left the table to assist the applicant.

Ms. Parmele asks if the town is exempt from regulations. Mr. Bryer states that the town typically submits applications for projects. Ms. Planchet refers to RSA 674:54 which provides that the town does follow the same procedures and is required to notify the planning board. Ms. Smith states that town counsel has advised that this statute does not apply because it's a different scenario as the town's situation is to now finish up a project.

Mr. Bryer states that the town would be using the funds in an escrow account to install the sidewalks, which will complete this project. He states that funds that are left over will be returned to the developer.

**Mr. Wolf makes a motion, second by Mr. Jandebeur, to accept the application as complete. Motion carries unanimously; 6/0.**

Mr. Strobel reads the abutters list and opens the public portion for this case. No abutters are present; however, letters have been received by three abutters and are read into the record.

Mr. Bryer explains the selectmen's point of view relative to the sidewalks. He explains that this section of sidewalk will not connect to the existing sidewalks. He states that the town is now responsible to maintain the sidewalks per a Supreme Court case, concerning the disabilities act. He states that costs of maintenance and equipment were researched. He adds that with SB2 do we want to add to the budget and ask the residents for a refurbished sidewalk plow and employee's costs. He states that the selectmen agreed to not add these costs to the town.

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Ms. Smith states that the original subdivision was about 10 years ago. She states that the planning board did grant a waiver for the sidewalks on Masten Drive and the developer voluntarily added the sidewalks. She states that the two abutters who wrote in agreement to the request would benefit the most with the sidewalks in place. She states that the developer began the construction phase for the sidewalks and was stopped by NHDOT as they had concerns regarding drainage. She states that this plan was reviewed again and the developer requested to remove the sidewalk plans; however, re-designed the drainage to accommodate these two sidewalk areas.

Ms. Smith states that the funds were received to complete the sidewalks and should the sidewalks not be completed, the funds will go back to the developer. She explains that paving and shoulders have been completed within the past 6-8 weeks.

Ms. Smith states that the only other *application* that has come before the board requiring sidewalks is Family Dollar. She states that the board did grant a waiver for those sidewalks. Mr. Jandebour states that the Supreme Court decision had just been made at that time as well. He states that this is an issue that the board needs to look into; however, he does not believe that the board can ask the town to install the sidewalks with the Supreme Court ruling. He adds that the board needs to change the ordinances or create a sidewalk plan.

Ms. Parmele states that there are funds available to build these sidewalks. She states that she believes that the board should lean towards a sidewalk plan and begin on the other end. She states that sidewalks are in the ordinances. She suggests asking the residents if sidewalks are important to them, noting safety etc. She states she disagrees with the abutters comments and states that this is important. Mr. Bryer replies yes; however, there are no funds to maintain them. He suggests asking the tax payers to approve the equipment and if they are willing to do that then we put in the sidewalks, but then we have the cost to maintain them. Discussion ensues.

Further discussion is held regarding the liability issues with these sidewalks and the maintenance. Ms. Parmele adds that there is also a liability issue with people that are walking along Rte. 4. Ms. Smith adds that the concept of a sidewalk plan is well taken and the board can develop that. However, with this case, the lot beside it has a waiver already and the development to the east, which was part of this development only thorough another phase does not have a sidewalk.

Mr. Wolf states that the sidewalks near the doctor's office were granted a waiver based on a hardship request. He states that he disagreed with that at the time although he was not on the board at the time.

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Ms. Smith states that legal opinions have been provided in the past to the board due to the fact that the board has the requirement for sidewalks in site plan that in doing so, if someone was required to follow through and contested it, it is likely that the town would not prevail because there is no sidewalk plan. She states that the town is not setting aside funds every year for sidewalks which makes it difficult for a town to enforce a regulation when no plan is approved to do so. Mr. Wolf states he agrees and states that the sidewalk regulation needs to be removed. Ms. Planchet states that they have been waived for the past 6 years. She states that this regulation is in site plan and subdivision.

Mr. Strobel states that this is the only area in town where there is foot traffic and a large part of that is from the bank, library, church, farmers market, etc. Ms. Parmele states that there could be more development in this area in the future.

Ms. Planchet asks if the recorded maintenance agreement for the sidewalks will now need to be negated. Mr. Bryer states that if there is no sidewalk to maintain then there is no agreement to follow.

Lengthy discussion ensues regarding sidewalks, taxpayers, planning and funding options.

**Mr. Jandebour makes a motion, second by Ms. Baldwin, to approve the amendment for Masten Estates, Case: 13-15, to remove the condition of sidewalks so that the town does not have to install sidewalks. Motion passes; 5/1.** Ms. Parmele is opposed.

Mr. Jandebour suggests adding a section called “kick the can” to the agenda and add the sidewalks issue to the list.

**OTHER**

***Status of Master Plan Update/CIP***

Mr. Strobel reminds board members of their topics/sections that are outstanding. He states that he is still working on his section, along with Ms. Baldwin, and Mr. McCaffrey. He adds that the implementation process needs to be addressed.

Ms. Parmele requests that the information from the regional master plan be added to the agenda as a discussion item.

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***Consideration of December 19 Meeting***

A discussion is held regarding the next meeting scheduled for December 19.

**Mr. Jandebaur makes a motion, second by Mr. Wolf, to cancel the December 19 planning board meeting. Motion passes unanimously; 7/0.**

Mr. Jandebaur expresses his opinion on the previous minor subdivision for 21 Deerfield Rd. in which the 250' sight distance was discussed; he believes the process was flawed and the driveways are now located with less than 250' of sight distance.

**Mr. Jandebaur makes a motion to adjourn. Mr. Bryer seconds. Motion passes unanimously at 9:45.**

Respectfully submitted,

Lisa Fellows-Weaver  
Board Secretary