

**Town of Northwood
Planning Board
February 26, 2015**

Chairman Robert Strobel calls the meeting to order at 6:30 p.m.

PRESENT: Chairman Robert Strobel, Vice-Chair Lee Baldwin, Rick Wolf, Richard Bojko, Lucy Edwards, Joseph McCaffrey, Alternate Victoria Parmele, Alternate Ken Rick, Planner Matthew Sullivan, and Board Administrator Linda Smith.
Selectman Representative Timothy Jandebour arrives at 6:35 p.m.

VOTING DESIGNATION: Robert Strobel, Lee Baldwin, Rick Wolf, Richard Bojko, Lucy Edwards, and Joseph McCaffrey.

MINUTES:

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Mr. Bojko makes a motion, second by Mr. Wolf, to approve the minutes of February 12, 2015, as written. Motion passes 6/0.

Mr. Jandebour arrives and is added to the voting designation.

NEW CASE:

CASE: 15-02: Duane Helton, 124 Allen Farm Rd. Map 220/Lot 12. Applicant seeks minor subdivision to create two lots from existing 4.59 acre lot: 2.30 acs. & 2.29 acs.

Ms. Edwards makes a motion, second by Mr. McCaffrey to accept the application as complete.

Mr. Sullivan states that he has received a new plan set and a response from Mr. Berry relative to the comments and concerns from the board's work session on February 12. He reads the letter from Berry Surveying as follows. (Planning board comments are italicized and applicant's responses follow in bold.)

1. The board has expressed concern about the oddly shaped lot (that with an existing residential structure), please be prepared to discuss this lots shape. The reason for the lot shape is not clear in the waiver letter from Section 3.01(E), which states that no portion of a lot shall be less than 100 ft. in width.

In both cases the lots shape is dictated by the minimum standards for total lot size, 2 Ac., and the minimum buildable contiguous upland area of 1 Ac. In addition, the lot width, addressed in the waiver request is driven by the requirement to not have the driveway within 20' of a lot line whereas it is considered a structure, or burden either lot with the need for an assessment. As discussed in the wavier request, the location for the proposed driveway is driven by the location of the wetlands on site.

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2. *The applicant will need a permit from the town's road agent to access Allen Farm Road on the proposed lot, per regulations 3.03(A)(2) and 4.10(F)(5).*

We would ask that if the board were inclined to approve the proposed subdivision that it be conditioned on receiving this permit. There is ample sight distance, and it is our opinion that there is no reason for that permit to be denied in the future; we see no reason not to proceed.

3. *The board will likely request that in light of 3.03(A)(1), regarding NHDOT permit for any private driveway entering the right-of-way or a town road, that the applicant close the existing entrance onto Rte. 202A from the proposed non-developed lot.*

We would request that if the board were inclined to approve the proposed subdivision that it be conditioned on closing this driveway with two large boulders and loaming and seeding the entrance, or some other mutually agreed upon action by the board and the applicant. We would request that this be placed as a condition subsequent to signature of the final plat, and that this task be completed prior to the issuance of a certificate of occupancy.

4. *The applicant shall provide sight distance information for the proposed driveway on Allen Farm Road, per regulations 3.03(C)(1) and 3.03(C)(3).*

We have provided the board with an overview plan which includes and aerial photo. On it we provide a note showing a minimum of 380 linear ft. if sight distance is provided. This note will also be added to the final plan provided for signature.

5. *The applicant will need to submit a certificate of monumentation if approved, per regulation 3.06.*

If approved, and after the snow allows, we will set the required monuments and provide certification.

6. *The plans indicate that the proposed septic leaching area is within 75 ft. of the proposed dug well location. The applicant will need to request a waiver for this encroachment.*

This was an oversight and has been corrected on the plans submitted for final review.

7. *The applicant will need the stamp of a licensed land surveyor, per regulation 4.04.*

The plans submitted for final review have been stamped and signed by Kenneth A. Berry, one of the land surveyors in our office.

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8. *The applicant should confirm that revisions listed on pages 3 and 5 are related to this plan, per regulations 4.03 (D) and 4.06(D).*

Plan revisions on these sheets are intended for this project.

9. *The applicant should indicate that this lot is within the Wetlands Conservation Overlay District in note #5 on the plan, per regulations 4.06(D)(2) and 4.10(C).*

If the board is inclined to approve the proposed subdivision that it condition the modification of note #5 to include the verbiage requested.

10. *The applicant should indicate which waivers and substitutions granted by the board, per regulation 4.06(D)(5).*

If the board is inclined to approve the proposed subdivision that it condition the modification to the plan as requested.

11. *The applicant should indicate driveways within 50' of the lot, per regulation 4.10(A)(3).*

As described above an overview plan with an image is provided for the board's review of the compliance to this regulation. The closest driveway is 150' from the project site.

12. *The applicant should indicate buildings, wells, and septic systems within 100' of the project, per regulation 4.10(B)(4).*

As described above an overview plan with an image is provided for the board's review of the compliance to this regulation. The closest abutting well and effluent disposal field is now shown.

Mr. Sullivan notes that the wetlands permit has been received.

Motion passes unanimously; 7/0.

Mr. Strobel opens the public hearing and reads the abutters list. No abutters are present.

Christopher Berry, of Berry Surveying and Engineering, is present along with Mark Jacobs, Certified Wetlands Scientist, and the applicant Duane Helton.

Mr. Berry explains that Mr. Sullivan has described plans with minor revisions as a result of the board's work session. These were provided via email this morning. Hard copies are now provided.

Mr. Berry provides an overview of the property and the proposal. He explains that there is an existing driveway on site; however, for development reasons it is not the safest area on the site for a driveway. He states that the driveway entrance is

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located on Rte. 202A, which has a speed limit of 40 MPH. He adds that the driveway does not meet the minimum requirement of 400' of sight distance in the northerly direction; it does not meet the Intersection Sight Distance required by NHDOT for the speed limit in the area. It is not a safe position for any driveway that will be used for anything greater than a recreational use, which is the current use. Mr. Berry explains that the proposed driveway location is the existing skidder trail.

Mr. Berry refers to the driveway profiles and explains the areas of wetland impacts and the wetlands crossings on site. He explains that they met with the conservation commission and have an approval from NHDES. He adds that they have an approval for a special exception from the zoning board for jurisdictional impacts and the 20' buffer impacts within the linear line of the proposed driveway.

Mr. Berry states that driveways are a structure and must meet the 20' setbacks. He states that the proposed configuration does meet this requirement.

Mr. Berry states that Mr. Jacobs has determined that four locations for test pit information could be gathered. He adds that the 75' requirement has been met for poorly drained soils. Test pit data is noted on the plans.

Mr. Berry states that the topographic information has been provided. He adds that elevation information is also provided, along with wetland impact plans. In addition, wells, existing structures, disposal system, drainage areas and paths are all provided on the plan.

Mr. Berry states that the regulations require abutting driveways within 50' be shown. He refers to an overview plan provided and states that he believes that this plan provides the necessary information.

Mr. Berry explains the sight distance. He states that sight distance would require 250' on Allen Farm Road. He states that there is sight distance to the driveway of 380'. He adds that they also meet the 100' intersection separation distance to Rte. 202A.

Mr. Berry provides a waiver request for lot width; 100' for width is required. He explains that with the position of the driveway, which has been created by the locations of the wetlands crossings, the lot width could not meet the requirement of 100' or greater. He explains that they believe that the proposed location is the best location for the boundary line. This will not allow for any additional building area. He states that the area that is less than 100' in width will be owned by Mr. Helton or landowners that already have existing space for wells, leach fields, and buildings around their property.

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Mr. Berry states that they believe that the proposed new lot has ample area for a well, septic, and land space around the structure.

A discussion is held regarding the well radius. Mr. Berry states that the well will be an artesian well not a dug well as indicated on the original plan.

Mr. Sullivan confirms that there will be two large boulders placed at the entrance on Rte. 202A; however, it is requested to be before the certificate of occupancy is issued. Mr. Berry explains that when NHDOT has a driveway shutdown, boulders are placed at the entrance to deter use. He adds that they do not want this to prohibit the signing of the subdivision plan because until the new lot is built on, the driveway could still be used for a recreational use to the current owner. Mr. Helton adds that the driveway is the only way into the back area, which is used for storage. He states that he intends to develop this property with a smaller home and sell the existing property. Mr. Sullivan asks if it is possible for construction vehicles to enter and exit the property using this driveway. Mr. Helton replies no, as the construction would begin via Allen Farm Rd. and then build the driveway in. He states he does not want to cut off his access until he is ready to move.

Ms. Smith expresses concern with the fact that the board has heard testimony from the applicant's representative indicating that the existing driveway is not safe. She asks what would happen if there were a problem and the board had signed the plan without having a state DOT permit. She suggests a note be added to the plan. She explains that once the lot is created it is a separate lot and allowing the driveway to be used until an occupancy permit is received, then brings into question the construction occurring on the lot. Mr. Helton suggests that verbiage indicate that upon completion of the new driveway to the site the existing driveway would be closed. He states that this will allow him access through Allen Farm Rd.

Mr. Berry explains that the testimony for this driveway is that it is not safe for active daily use as a standard driveway, which it is not being used for currently. He states that there still needs to be room during construction for access and egress and it could be tied to a permit or certificate of occupancy. He adds that by the time Mr. Helton requests a building permit, the driveway will be installed.

Ms. Smith suggests that no permits be issued for the lot until the driveway is closed, excluding the driveway permit onto Allen Farm Rd. A discussion is held regarding conditions to add to the approval. Mr. Berry explains that there are conditions that are prerequisites to the board signing the plans. He adds that there could be notes that needed to be added to the plans and subsequent conditions can be added. Ms. Smith states that she does not believe that there

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are any subsequent conditions. She adds that notes can be added. Mr. Sullivan suggests a condition that no permits will be issued until the driveway is closed.

Mr. Sullivan states that he has not had the opportunity to review the plans provided today.

Mr. Sullivan reviews the checklist.

- *2.04(5)(a): Letters to appropriate town officials regarding town emergency services review, and connection to the municipal water supply system if applicable.*

Mr. Sullivan states that not all letters from town departments have been received to date.

- *2.04(5)(b): Copies of applications for state permits including but not limited to subdivision, wetlands, septic, driveway, site specific, and underground storage tank.*

Mr. Sullivan states that the NHDES wetlands permit has been received.

- *3.01: Oddly shaped lots not permitted. See item 3.01 (E)*

Mr. Sullivan states that the board has received clarification on the lot shape in the applicant's response letter. A waiver request is submitted.

- *3.03(A)(2): A permit is required from the road agent or selectmen's designee for any private driveway entering the right-of-way of a town road.*

Mr. Sullivan states that this has been addressed in the applicant's response letter.

- *3.03.C(1): Driveway entrances onto town roads with speed limits of 30 mph or less shall have an all season safe sight distance of 250 ft. in each direction.*
- *3.03.C(3): The applicant shall show a proposed location for a driveway for each lot and provide the sight distance in each direction for each lot.*

Mr. Sullivan states that the sight distance has been indicated on the updated plan set.

- *3.06: Proper and complete survey monumentation shall be installed on the properties involved prior to final approval of the application. Certificate of Monumentation will be required.*

Mr. Sullivan notes that this will be a condition of approval.

- *3.08: All subdivisions shall demonstrate and provide adequate area for sanitary on-site sewage disposal. The sewage disposal location and its*

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protective radius, if required by the state, shall be indicated on the plat.

Proposed leaching area is within 75 feet of the proposed dug well location.

The revised plan set no longer shows the protective well radius and leach field encroaching on one another.

Mr. Sullivan states that the revisions provided are relevant to the plan, and notes that the plans are stamped by a licensed land surveyor. He adds that the Wetlands Conservation Overlay District has been added to the plan. He notes that there should be a list of waivers and substitutions granted by the board, which has been addressed in the applicant's response letter. He notes that the driveway locations within 50' of the lot are not indicated; buildings, wells, and septic systems within 100' of the site are indicated.

Mr. Sullivan states that the closing of the driveway was added; it was an item within the applicant's response letter but not originally addressed in the checklist.

Mr. Strobel states that the above items were from the checklist and have now all been received.

Mr. Strobel states that updated plans have been submitted tonight. There are changes that were made and town staff has not had a chance to review the updated plans prior to the meeting. Mr. Berry comments that the requests from the planner were received three days ago and are minor changes, with all having been adequately addressed in the plans. He states that he understands the state law concerning application material submission; however, the board has the purview to decide if these changes are substantial or not.

Mr. Berry submits a written waiver request for Section 3.01(E), relative to oddly shaped lots not permitted.

A discussion is held regarding the application material submission rule. Mr. Jandebour states that he would like Mr. Sullivan to review the plans and add it as a condition of approval.

Mr. McCaffrey makes a motion, second by Mr. Wolf, to grant the waiver request for Section 3.01(E), for 100' minimum lot width. Motion passes unanimously; 7/0.

Mr. McCaffrey makes a motion, second by Mr. Bojko, to grant the waiver request for Section 3.01, for oddly shaped lots. Motion passes unanimously; 7/0.

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A discussion is held regarding a list of conditions of approval. Ms. Smith explains that the condition noted relative to review by the planner would be administrative only. She states that another public hearing would be required if there were something on the plan that was incorrect and needed to be changed. She states that the planner typically does another review when final plans are submitted and this does not need to be a condition if the purpose is for completeness, as requested by the board. Discussion ensues. Mr. Strobel mentions that the board could allow time for the planner to review these new plans and continue the case to the work session. Mr. Berry requests that the board grant a conditional approval at this meeting. Mr. McCaffrey states that the conditions are minor items. Mr. Sullivan understands; however, would prefer to continue the case to the March work session to allow time to review the amended plans.

Lengthy discussion ensues relative to the information provided as compared to the new materials provided. Mr. Helton respectfully requests that the board vote on the project tonight. He believes that the issues were raised and that the information has been provided to address the concerns/comments. Ms. Smith states that the planning board has 65 days to decide on a case and deciding on a case is not based on how long it takes for comments to be received and/or returned; it has to do with the time that the board needs to be comfortable to make their decision. She states that if there were something on the plan that was questionable a compliance hearing would be needed. She feels that everything outstanding is minor; however, it is the board's responsibility to determine that everything that they want on the plan is on the plan when it is approved. Ms. Parmele states that taking a few more weeks for review is a reasonable request. Mr. Sullivan requests additional time to review. He states that the final review would be complete within the next few days and he will then provide comments to the applicant.

Mr. Strobel reviews a list of conditions of approval, as follows:

- Certification of monumentation; and,
- Modify note 5 to include that the project is within the wetlands conservation overlay district; and,
- Add note to plan: Except for the driveway permit on Allen Farm Road, prior to the issuance of permits on lot 12-1, the driveway on Rte. 202A will be closed; and,
- Driveway sight distance to be added to the plan; and,
- Town driveway permit to be obtained; and,
- Plans to be approved and signed by the chairman or his designee within one year from date of decision; and,
- Note added to the plan listing approved waivers; and,
- Note added to the plan: Special exception details from the ZBA decision; and,
- All local, state, and federal permits be obtained.

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Further discussion continues regarding approving the application with the noted conditions.

Mr. McCaffrey makes a motion, second by Mr. Wolf, to approve the case with conditions as discussed.

Mr. Sullivan states that there is an additional sheet provided in the plan set presented tonight that has not been reviewed and should be. He requests time for himself to do due diligence for the board.

VOTE: YES: JM, RW. NO: LE, RB, LB, TJ, RS. Motion does not prevail; 2/5.

Mr. Jandebaur makes a motion, second by Mr. Bojko, to continue the case until March 12, 2015. Motion passes unanimously; 7/0.

OTHER:

Staff Items

Master Plan Update

Mr. Sullivan reminds the board that all agreed to review the outline at the March work session, which he will provide in advance.

Strafford Regional Planning Commission (SRPC)

Mr. Sullivan explains that there was a very successful meeting held this week including himself, Ms. Smith, Mr. Strobel, and Colin Lentz from SRPC. This meeting was part of the NHDOT Project Solicitation process. He notes that when SRPC visited Nottingham the intersection of Rte. 152 was mentioned. He adds that the Rte. 4, and 43 intersection has a NHDOT work order relative to the signalization and that may be changing with the next few weeks. He adds that a final project list will be revealed in the future.

Mr. Strobel states that he attended the SRPC meeting as a private citizen. He requests that the board authorize him to add his title of planning board chair for his participation in providing comments to SRPC. **Mr. Jandebaur motions to authorize Mr. Strobel to add his title as planning board chairman for his comments for SRPC information collection. Ms. Baldwin seconds. Motion passes; 6/0/1. Mr. Strobel abstains.**

Mr. Sullivan reviews the list of projects to be discussed at the meeting and general discussion ensues.

Town	Type	Location
Northwood	Intersection Improvements	Intersection of Route 4 and 152
Northwood	Intersection	Intersection of Route 4, 202/9, 43

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	Improvements	
Northwood	Intersection Improvements	School Street, NH 107, Route 4/202
Northwood	Bridge	095/113 Bridge on Bow Lake Road over Sherburne Brook
Northwood	Corridor Study	Route 4 Corridor Study
Northwood	N/A	Gulf Road Access
Northwood	Intersection Improvements	Route 107/ Main St./ Old Pittsfield Road
Northwood	Bridge	045/100 Bridge on Old Canterbury Road over Narrows Brook

Mr. Jandebour mentions the NHDOT meeting that occurred at CBNA. He feels that this was a great process and was very successful. He states that he believes there will be reactions by NHDOT to the complaints and comments made. Additional discussion is held regarding scheduling another meeting similar to the Rte. 4 meeting.

Plans to be Signed

CASE: 14-19: Millstone Realty Trust, 1090 First NH Turnpike. Map 217; Lot 35. Applicants seek minor site plan review to add construction scales for retail sales.

CASE: 15-01: Camp Yavneh, Inc., 18 Lucas Pond Rd. Map 124; Lot 15 and Map 125; Lot 1. Applicants seek minor site plan review to construct a new interior roadway and bridge (*Map 124; Lot 15*) and to utilize the residential structure on the newly acquired adjoining property (*Map 125; Lot 1*) as guest housing for the camp.

Mr. McCaffrey makes a motion, second by Mr. Bojko, to adjourn. Motion passes unanimously at 8:16 p.m.

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary