

**Town of Northwood
Planning Board
May 23, 2013**

Chairman Robert Strobel calls the meeting to order at 7:02 p.m.

PRESENT: Chairman Robert Strobel, Vice-Chairman Tim Jandebaur, Joseph McCaffrey, Richard Wolf, Lee Baldwin, Lucy Edwards, Town Planner Elaine Planchet, and Board Administrator Linda Smith. *Selectmen's Representative Scott Bryer arrives at 7:14 p.m.*

VOTING DESIGNATION: Bob Strobel, Tim Jandebaur, Joe McCaffrey, Rick Wolf, Lee Baldwin, and Lucy Edwards. *Selectmen's Representative Scott Bryer at 7:14 p.m.*

ABSENT:
Alternates Victoria Parmele and Adam Sprague

PUBLIC:
Mr. and Mrs. Baker; Surveyor Richard Turner, Christine Bucci, Babette Morrill and another.

MINUTES
May 9, 2013

Mr. Jandebaur makes a motion, second by Ms. Edwards, to approve the minutes of May 9, 2013.

Page 2: Add: ...request(s)...; Add: ...10 year list as a potential project.

Motion passes unanimously; 6/0.

Rules of Procedure

Mr. Strobel states it has become necessary to remind members to follow the board's Rules of Procedure and Robert's Rules of Order for planning board discussions. He explains that members who wish to speak first be recognized by the chair before speaking, and that all comments should be directed to the chair.

PRELIMINARY CONSULTATION:
Rick Turner, LLS; 10 Welsh Rd; Map 242; Lot 23
(Property currently owned by Christine Bucci)

Mr. Jandebaur recused himself from this discussion.

Mr. Turner states that he is representing Ms. Bucci. He explains that they would like to create one new lot at the intersection of Welsh Rd. and Deerfield Rd. and keep the house remaining on the rest of the property of 43 acres. Mr. Turner states that much research has been done by Don Wilson regarding the road layout dating back to the late 1700's to 1805. Mr. Turner states that this research includes an 1805 map which shows this as a public road.

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Ms. Planchet refers to the Northwood Development Ordinance and the requirement for road frontage. She states that the town's 1981 road map shows 300 ft. of Welsh Road. She states that the regulations include the requirement that a road be brought to current town road standards for a lot to be created. Mr. Turner states that the town maintains the road to the current home.

Mr. McCaffrey asks for further explanation of the original proposal. Mr. Turner explains the location and layout of the lot on two roads. He states that the proposal is to subdivide one lot of the 43 acres with the majority of the lot being on Welsh Rd.

Scott Bryer arrives at 7:14 p.m. and is added to the voting designation.

Ms. Planchet states that most of the lot is within the steep slopes overlay district; there could be some restrictions. Mr. Turner states that he believes that the area of the lot that is in the steep slope is not a concern.

Mr. Bryer asks about the proposed location on Welsh Rd where this will occur. Discussion ensues relative to the road classification. Mr. Turner presents a rough plan which is reviewed by some members of the board. Mr. Turner asks if the applicant would be expected to provide all the research they have on the road with their application. Ms. Planchet suggests that the applicant provide minimum information with their application and if there are disagreements between the town and applicant, more information could be provided at that time.

Mr. Jandebour returned as a voting member.

Case 13-02: NeXtGeN Northwood, Pastor Kimo and Kristin Baker; 166 First NH Turnpike; Map 234/Lot 3.

Applicant seeks minimal impact site plan review to add a "Street Fair" on Thursdays from May to October on church property. *(Property currently owned by First Baptist Church)*

Pastor Kimo and Kristin Baker are present for NeXtGeN Northwood.

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

Ms. Planchet provides an overview of the application. She explains that additional information was provided to the board for the May 9 work session along with an updated plan. She adds that there are no waiver requests provided. She states that she believes that the board has all the necessary information now to deem the application complete.

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Ms. Baker states that she has a signed letter from Hannaford regarding the parking, which was an item in the planner's review notes.

Motion passes unanimously; 7/0.

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

Ms. Planchet states that a comment has been received from the police department indicating that a police detail may be necessary during the street fair time.

Ms. Edwards comments that the farmer's market always has a sign out front indicating no parking on Rte. 4. Ms. Baker states that the Hannaford entrance is an asset as the Hannaford entrance will be used as it is nearer to where the activities will be and can be used for overflow parking. Additional discussion is held regarding signage. Ms. Baker states that they would be using cloth flags. Mr. Strobel states that if there is to be a sign in conjunction with the farmer's market sign, a sign permit would be necessary. Additional discussion is held regarding placing portable "No Parking Signs" along Rte. 4.

Ms. Planchet states that she spoke to code enforcement who indicated that a sign permit would be necessary for the proposed signs. She adds that this could be a condition of approval.

A brief discussion is held regarding a petting zoo. Mr. Baker states that this is not something that they are going to pursue at this time. Ms. Planchet suggests that the designated area could remain on the plan- with an option for a vendor *also*- should the church decide to add a petting zoo at some time in the future.

Ms. Planchet states that there should be a note added to the plan stating *that* the church functions will be occurring on the site since this plan would be the current approval.

Ms. Planchet states that code enforcement has stated that the proposed sanitary facilities would be sufficient.

Ms. Smith states that there are side setbacks of 10 ft. and it appears that the sign locations are along the property line. She adds that there is no indication as to the distance of the vendors from Rte.4. She asks if there is a visibility issue along Church St. Discussion ensues.

Further discussion is held regarding the property line of Hannaford. Ms. Smith states that it appears that the plan includes utilizing an area of land that is owned by Hannaford; if that is the case then abutters of Hannaford will need to

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be notified. Mr. Baker explains the area in discussion. Ms. Smith states that the area on the plan should be their property and not show Hannaford's parking. Ms. Smith adds that there is adequate parking on site and the parking at Hannaford is optional. Mr. Bryer refers to the letter from Hannaford. It is stated that the park and ride is there as well for additional parking.

Mr. McCaffrey makes a motion, second by Mr. Jandebour, to approve the application with the following conditions:

**A sign permit is required; Add a box to site plan for church related functions; and, Add .../vendors to petting zoo;
Motion passes unanimously; 7/0.**

Ms. Planchet states that the applicant will now need to return the updated site plan sketch to the staff who will review and then obtain the chair's signature for approval.

Case 13-03: Jessica Belair and Robert Graves III, 997 First NH Turnpike, Map 217/Lot 11. Applicants seek site plan review for expansion of retail use from 4 days to 7 days a week with increased hours and to expand parking area from 1,350 sq. ft. to 3,300 sq. ft.

Mr. Graves is present.

The board members are provided with a revised Written Waiver Request which has the April 29, 2013 typed date with a "Received May 23" stamp along with Follow-up Staff Review Notes dated May 22, 2013.

Ms. Planchet provides an overview of the application. She explains that this is now being presented as a minor site plan review application due to the proposed expansion of the parking lot which is considered a change to the exterior of the site. Ms. Planchet summarizes the waiver requests and other information provided. She states that she believes that the board has all the necessary information in order to deem the application complete.

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

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

Mr. Graves explains that this is the former quilt shop. He states that the proposal is to sell mostly their own products, generally meats, and to collaborate with other local producers. The shop is proposed to be open up to 7 days per week.

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A discussion is held regarding the waiver requests and the rationale. Mr. Bryer states that the proposal is similar to what has been previously approved on the site. He states that the applicants have provided reasons for the waiver requests and he believes they are reasonable. **Mr. Bryer makes a motion, second by Mr. Jandebour, to accept the written waiver requests as outlined in the applicant's letter dated April 29, 2013, as received on May 23, 2013; Mr. Bryer reads the waiver section numbers. Motion passes unanimously; 7/0.**

A discussion is held regarding the possibility of needing a condition relative to the change of use and if a driveway permit will be required from NHDOT. Ms. Planchet recommends that the applicants check into this. Ms. Smith states that a tax map with abutters' names was to be provided as an addendum to the application. A discussion is held regarding the lighting on the site. Mr. Graves states that lighting already exists and they are not proposing to make any changes.

Mr. Strobel states that there is a proposal to pave the additional parking spaces. He notes that this area is zoned prime wetland and the requirement is for a loading zone paved. Mr. Strobel suggests that alternative permeable surfaces be used due to the location of the prime wetlands. Mr. Graves states that they would prefer to not pave. Mr. Graves states that there is a significant distance from the wetlands. Further discussion is held regarding the prime wetlands.

Mr. Jandebour temporarily left the meeting.

Ms. Smith states that the applicant is not going to be able to expand the parking area as there can be no activity within 100' buffer of the prime wetland; the designated prime wetland goes to the house. She adds that since the requirement for vegetation to remain in its natural state is in the development ordinance, then a variance from the Zoning Board of Adjustment would be required. She explains that the planning board cannot grant relief to a zoning requirement.

Mr. Graves explains that it had been previously determined that the barn was in a flood zone by FEMA. He states that this is not the case and information relative to that is provided in the application. Ms. Smith states that a wetland scientist would need to delineate the wetlands to determine the buffer, if there was to be any activity proposed within the buffer, as required by the zoning ordinance.

Mr. Jandebour returns to the meeting and is a voting member.

Mr. Bryer asks if the applicant needs the expanded parking area. Mr. Graves replies that it is not necessary at the expense of a wetlands scientist. Ms. Smith cautions the board with the fact that the proposal is to increase the hours of operation to 7 days per week and only adding a few parking spaces could be a

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concern. She states that the applicant could operate at the limited hours and with the current parking. She states that the parking is very limited and safety is a real concern.

Ms. Planchet states that the site plan review regulations requires one parking space per 250 sq. ft. of gross floor area for retail use. She states that this proposed retail area of 600 square feet would require three parking spaces. Mr. Graves states that there are currently four spaces. Additional discussion is held regarding parking options and turning radius. Mr. Graves states that five cars would be able to turn around in the parking area and head out onto Rte. 4. Ms. Smith states that the existing parking is not consistent with the approved plan. She states that the parking area was never built to the former site plan approval. Mr. Graves states that the parking proposed is to be 52'x64'. The 2005 approved site plan is reviewed.

Mr. Bryer comments that the approved site plan application on file was not in compliance with the approved site plan and the town did not enforce this. He states that if the parking spaces meet the requirements, the increase in business hours is irrelevant and does not tie into the parking. He states that what should happen is perhaps the applicant return next month and ask to extend the hours.

Ms. Smith states that the information that she has mentioned is not to prohibit the business or to slow down the process; however, the board needs to have the facts so that they know what the issues are that they are voting on. She explains that should code enforcement go out, they only have the approved site plan on file to look at. Ms. Smith states that at this time, since the board is now aware of the prime wetland and buffer requirements, the board cannot approve something that is contrary to the zoning.

Discussion ensues regarding the parking. Ms. Planchet states that the board could consider approving the change in hours of operation and deny the request to expand the parking. She states that this could work if the applicant could use the parking as used in the configuration of the approved 2005 site plan.

Mr. McCaffrey makes a motion, second by Mr. Jandebour, to approve the proposed changes in the Hours of Operation to Sunday through Saturday 8:00 am to 8:00 pm; to deny the request to increase the parking; with the condition that a revised site plan sketch be provided with parking shown as currently built on the site.

Ms. Smith states that it is important that any approval tonight indicates existing parking, not parking referred to on another plan. She states that nothing can be done other than what exists today. She adds that even with an approved plan, the applicant cannot violate the zoning ordinance. Additional discussion is held. Mr.

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Graves states that he will make the existing approved plan work relative to the parking. Ms. Smith states that the board is not going to penalize the applicant (based on the original site plan); he cannot expand on the property today to increase the parking. She notes that it is not known as to what is exactly on the site for parking area.

Mr. Graves notes that the parking area has been established and brought up to the same level by crushed stone. He requests a site walk. He states that he can fit six spaces without altering any landscaping. He adds that with the paved area he can only fit four spaces.

Motion passes unanimously; 7/0.

Recording Site Plan Decisions

A discussion is held regarding recording site plan decisions at the Rockingham County Registry of Deeds. Ms. Planchet states that recording these decisions would help out with potential buyers and sellers as well as town staff so that it is clear when non-residential approvals exist for the property. She states that staff is recommending that the board's site plan review notices of decision be recorded; at a fee of \$25. She states that the ZBA now records all decisions, approval and denials.

Mr. Bryer states that he is in favor of the recommendation. Mr. Strobel reminds the board that the approval goes with the land.

Mr. Bryer makes a motion, second by Mr. McCaffrey, to record Site Plan Notices of Decision at the Rockingham Country Registry of Deeds, and applicable fees be passed on to the applicant. Motion passes unanimously; 7/0.

Master Plan Work Session - June 13

Mr. Jandebour states that he is preparing for the upcoming master plan work session.

9:28 Mr. McCaffrey makes a motion to adjourn. Mr. Wolf seconds. Motion passes unanimously at 9:28 p.m.

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary