

**Town of Northwood  
Planning Board  
June 26, 2014**

Vice-Chair Lee Baldwin calls the meeting to order at 6:35 p.m.

**PRESENT:** Vice-Chair Lee Baldwin, Selectman Representative Timothy Jandebeur, Lucy Edwards, Richard Bojko, Rick Wolf, Joseph McCaffrey, Alternate Victoria Parmele, Board Administrator Linda Smith, and Board Secretary Lisa Fellows-Weaver.

**VOTING DESIGNATION:** Lee Baldwin, Timothy Jandebeur, Lucy Edwards, Richard Bojko, Rick Wolf, Joseph McCaffrey, and Victoria Parmele.

**ABSENT:** Chairman Robert Strobel, Alternate Ken Rick, and Alternate Adam Sprague.

**MINUTES:**

**June 12, 2014**

**Mr. Jandebeur makes a motion, second by Mr. Bojko, to approve the June 12, 2014 meeting minutes, as amended, as follows:**

Typo: *Sight distance*

**Motion passes; 6/0/1.** Ms. Parmele abstains as she was not at the meeting.

**PRELIMINARY CONSULTATION:**

Ms. Smith reminds the board that a preliminary consultation is a time for the board to have an opportunity to meet the applicant and to hear a broad overview of the proposal. This is a time for general feedback, which is nonbinding for the applicant and the planning board.

**Lake Shore Farm, 275 Jenness Pond Rd. Map 203; Lot 2.**

Alden Beauchemin, a land consultant from Keyland Enterprises is present along with Dick Daniels, who is one of the property owners.

Mr. Beauchemin explains that the site has been a bed and breakfast for many years. He provides a preliminary plot plan showing the site. He explains that there is currently an inn and function facility on the site, including a cottage unit. He notes that previously there was a small engine garage on site. Mr. Beauchemin states that the proposal is to keep the use as a bed and breakfast, keep the function room facility as well as the cottage unit. They would like to subdivide to create a new lot to allow for a new single family home.

Mr. Beauchemin refers to the plan and states that one lot is proposed as 5 acres and the other lot will be 21 acres. He states that they have looked into other options including an open space subdivision; however, they feel that this is the best option based on what is needed for the B&B. He adds that Mr. Daniels would like to build a house on the larger lot.

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Mr. Beauchemin states that they will probably request a waiver from topography and wetland delineation. They will show that there is enough buildable land on lot 2, the larger lot, and will delineate the entire 5 acre parcel.

Mr. Daniels states that they have contacted Bear Paw regarding a conservation easement. He explains that the more value there is in the land the better easement is available. Discussion ensues regarding the possibility of future development. Mr. Daniels mentions that they are also looking into getting an easement on the property across the street, which is 150 acres. Mr. McCaffrey asks about the potential for additional lots in the rear of the property with the restrictions of frontage. Mr. Beauchemin explains that there would be a 50 ft. right of way to the rear and Mr. Daniels's lot would have frontage on the new road. He adds that the intent is to show a yield plan for purpose of discussion Bear Paw.

Ms. Smith notes that should this plan come forward as an application any approvals should be conditional based on what exists on the 5 acres today.

Mr. McCaffrey asks if the use will remain as it exists and Mr. Daniels replies that he does not anticipate a change in the use.

Mr. Beauchemin states that they are aware of the shoreland protection regulations and the new house will need to be in compliance. He adds that a state septic approval will be needed along with the driveway permit for the new lot.

Ms. Smith states that if the board determines that this is an existing condition of an inn or bed & breakfast, then the lot can be subdivided as intended on the plan provided. She adds that if the lot is considered to be residential units then the 21 acres cannot be subdivided because it would be taking a non-conforming use and making it more non-conforming.

***Aroma Joes-Derek Congram & Adam Gauthier, 442 First NH Turnpike.  
Map 230; Lot 2.***

Ms. Smith states that she received a phone call today and the applicants are currently working on the potential of the proposed site. She adds that they will come in next month. In addition, she states that an application for the same type of proposal may also be submitted on July 1 by another applicant at a different location.

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**OLD CASE:**

**CASE: 14-05: 598 First NH Turnpike, 598 First NH Turnpike. Map 222/Lot 23.** Applicant seeks minor subdivision to subdivide one new lot of 2.85 Acres from existing 5.4 acre lot.

Ms. Smith provides an update for this case. She states that the board deemed the application as not complete for two issues and the discussion for completeness was continued to tonight. She adds that the applicant did file an application with the zoning board and that application has been continued to July 21. She states that Mr. Frankiewicz has submitted a request to continue this case to July 24, 2014.

**A motion is made by Mr. McCaffrey, second by Mr. Bojko, to accept the request to continue the case to July 24, 2014. Motion passes unanimously; 7/0.**

**NEW CASE:**

**CASE: 14-06: Maureen Cahill and Sandra Hassett, 10 Welsh Rd. Map 242; Lot 23.** Applicant seeks home business application for a pet rescue, boarding and temporary quarantine facility for dogs and cats.

Mr. Jandebaur recuses himself from the case as he is an abutter and moves away from the table.

Mr. Bojko indicates that he has had business dealings in the past with the applicants. He states that this will not affect his judgment. The applicants indicate that they do not have any issues with Mr. Bojko remaining as a member of the board. Board members do not have any concerns with Mr. Bojko remaining as a voting member.

Ms. Cahill and Ms. Haskell are both present.

Ms. Smith refers to a memorandum dated June 23 that she sent to the board regarding this application. She explains that with further review of the information it has come to her attention that the site plan application that was submitted may not meet the criteria for Home Business Use as required in the zoning ordinance. She explains that there is outside activity proposed on the site plan for a pet exercise yard located next to the proposed pet housing (garage). She states that there were some e-mail communications between town staff and Ms. Cahill regarding the filing of the application and it appears that there was no indication of the outside yard at the time of the communication.

Ms. Smith states that she feels that there are only two options that the board may consider tonight:

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- Vote to not accept the application as complete, with the understanding that a minor site plan application may be filed, with any waiver requests considered by the planning board as part of their review of the application.
- At the applicant's request, continue the discussion on application completeness until a specific date following the July 28 zoning board meeting, should they chose to file an application for variance to the zoning ordinance, and continue with the Home Business designation.

Ms. Smith explains a site plan application and states that there are different levels of site plans, each having different criteria and requirements as well as the amount of information necessary to make the application deemed to be complete.

Mr. McCaffrey states that the applicants could seek a variance through the zoning board who may or may not approve the request. Discussion ensues relative to the use of outside activity. Mr. Bojko asks for clarification on what defines outside activity. Ms. Smith states that if the board attempts to determine what outside activity is and what threshold meets that, then any abutter could file an appeal of an administrative decision with the zoning board. She states that because the language is clear and that the planning board does not interpret zoning ordinances; it would be an easier process to re-apply with a minor site plan application to the planning board and provide the necessary additional information.

The members and applicants review the differences in the checklist items that are required for the minor site plan application. General discussion ensues. Ms. Cahill states that they will re-apply to the planning board with a minor site plan application.

**Ms. Edwards makes a motion, second by Mr. McCaffrey, to not accept the application for Case 14-06 as complete based on the fact that it does not meet the zoning ordinance requirements for a home business. Motion passes unanimously; 6/0.**

A recess is called at 7:25 p.m. Session resumes at 7:37 p.m.

**OTHER:  
*Staff Items***

Ms. Smith references RSA 676:4 and states that this statute references the board's procedures regarding plats. She states that a few years ago there was a change in the statute based on the submission or approvals from other state or government bodies. The change also allows an applicant the ability to go to whichever entity it chooses first. She explains that for many years the planning

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board has always required an applicant to go to zoning board first to obtain their approval. The planning board would not even process an application until an approval was obtained from the ZBA. She states that when this change occurred, it was advised as NHMA law lecture that it could no longer be required that an applicant appear before the ZBA prior to the planning board, which she feels is a dramatic change for land use in general as to how the process plays out.

Ms. Smith states that she contacted town counsel regarding this issue based on the fact that there have been a few items that relate to this issue that have recently come up. Copies of counsel's opinion is provided for the board's review. Ms. Smith states that counsel's opinion states that it appears that the planning board can still require an applicant to obtain ZBA approval prior. Ms. Smith states that she feels that it would be very helpful to proceed in this path.

Ms. Edwards states that it is also at the convenience of the applicant as they complete the process. Ms. Smith states that it is a much smoother process to proceed this way. In addition, Ms. Smith states her concern that there could also be pressure on the ZBA to make a decision based on what the planning board decides.

Further discussion ensues. Ms. Smith asks if the board would like her to draft something for review and to be considered to add to the board's procedures. The board agrees.

**SIGNATURE & PENDING FILES:**

**Case 13-09: Kirsten MacArthur, 1130 First NH Turnpike. Map 216; Lot 79.**

Applicant seeks a minimal impact site plan review to change the use of the property from a motel to a treatment/educational facility. (*Approved with conditions on 10/24/13. Letters sent 1/16/14 and 6/23/14; No response has been received to date.*)

Mr. Bojko states that he believes that Ms. MacArthur is operating the business at this time. Ms. Smith suggests that an email be sent to the code enforcement officer regarding activity on the site. Ms. Smith states that a letter was recently sent to the applicant requesting an updated plan for the conditional approval. Mr. Jandebaur states that he has spoken to the code enforcement officer regarding the activity on the site and he adds that a letter has also been sent by the code enforcement department.

Additional discussion is held regarding the policy for condition of approvals. Mr. Jandebaur states that it is the towns' responsibility to make sure that the approvals and conditions are met before the business is operating. **Mr. McCaffrey makes a motion, second by Ms. Parmele, for staff to send a**

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**letter from the planning board to the code enforcement officer regarding activities occurring on Map 216; lot 79, and the fact that not all conditions have been satisfied for the approval. Motion passes unanimously; 7/0.**

**OTHER:**

***Master Plan***

Mr. Bojko asks for clarification as to what the board is looking for from the members for the July 10 work session relative to the section for the Master Plan update. This leads to a lengthy discussion regarding the status of the update of the Master Plan and the productivity of the board. Various members provide comments regarding the fact that the update is not completed and it appears to be no rush in getting the individual chapters completed.

Throughout the discussion it is mentioned that this project was voted on by the board and the board agreed that the update would be completed “in house”, by the board. Mr. Jandebeur expresses disappointment that the update is not completed at this time. Mr. McCaffrey feels that what is completed is a good framework for making chapters and can quickly be completed as each member is responsible for specific sections. He adds that he feels it should be relatively easy to complete at this point. Others express concern with the fact that prior updates included a subcommittee that worked solely on the Master Plan, assistance was also obtained from outside resources, and some sort of expertise and professional guidance should again be provided.

Further discussion is held regarding the order as to how the update should be done. Both Ms. Edwards and Ms. Parmele agree that this is a very complicated process and that the land use section is the base section for the Master Plan and is one of the last sections that should be addressed. They agree that this section is really based on all of the new information that has been acquired for the rewrite of the Master Plan. Mr. McCaffrey does not agree.

Mr. Wolf notes that there has not been much interest from the residents with this process. He reminds the board of the small number of surveys received. He adds that very little public input has been received at the meetings. Ms. Smith states that there has not been public meetings advertised for the sole purpose of receiving comments from the public specific to the Master Plan, except for visioning sessions.

Ms. Smith states that it was decided in the very beginning that the planning board would do an update on the Master Plan. She states that the planning board did not decide to obtain outside assistance or request a certain amount of time from the previous town planner, have sub-committees, or a committee solely for the purpose of the update of the Master Plan.

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Ms. Edwards states that she was involved with the process that occurred for the 2004 update, which was very successful. She states that she does not feel that all members are on the same page as to what the update should consist of and what the Master Plan is. She states that a master plan is not a report; it is plan of Northwood's future.

Ms. Smith indicates that there could be a number of applications submitted for July 1 and she suggests that an additional work session be scheduled solely for the purpose of the Master Plan. She reminds board members of the information compiled by the town planner and feels that the summary sheets and comments are very helpful; they should be referenced and utilized. Ms. Smith will mention scheduling an additional work session with the chairman upon his return from vacation.

**Mr. McCaffrey motions to adjourn at 8:42 p.m. Mr. Jandebour seconds.  
The motion passes unanimously; 7/0.**

Respectfully submitted,

Lisa Fellows-Weaver  
Board Secretary