

**Town of Northwood  
Planning Board  
July 23, 2015**

Vice-Chair Lucy Edwards calls the meeting to order at 6:31 p.m.

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

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

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

**MINUTES:**

**July 9, 2015**

**Ms. B. Smith makes a motion, second by Mr. Bojko, to approve the minutes of July 9, 2015, with edits that do not alter the content of the wording. Motion passes; 6/0/1.** Mr. McCaffrey abstains, as he was not at the meeting.

**Public Hearing**

Ms. Edwards reads the public hearing notice as follows:

Pursuant to RSA 231:158, the Northwood Planning Board will hold a public hearing at the Town Hall on Thursday, July 23, 2015 at 6:30 p.m. to consider the following: removal of approximately 90 trees, with a circumference of 15" or more at a point of 4' from the ground, on Sherburne Hill Road, a designated scenic road for purpose of road work/maintenance by the Town of Northwood for public travel.

Mr. Sullivan gives a summary of the public hearing process. He explains that the planning board's duty tonight is to decide upon the request to cut the 90 trees, per RSA 231:158.

**Ms. B. Smith makes a motion, second by Ms. Baldwin, to open the public hearing. Motion passes unanimously at 6:37 p.m.**

Mr. Sullivan reads the definition of a scenic road, per the request of a member of the audience; RSA 231:157.

Ms. Edwards reads an email noting the plan scope of work according to the highway advisory committee (HAC).

*As per the June 17 2015 Highway Advisory Committee meeting*

*The planned scope of work for Sherburne Hill Road includes:*

*- Replacement of 6 metal culverts running underneath the road with equal*

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*diameter plastic ones. Length to be the width of the road bed (typically 26 feet) plus 2 feet of exposure on each side. Slope to match the existing grade, and to be backfilled with gravel to match the road surface. Headwalls and flared ends to be specified as needed per each location.*

*- Ditch alongside the road within either the right of way and/or stone walls; stone walls are not to be disturbed. Ditches are to be a depth of 24 inches below the road crown or to ledge. Turnouts to be within the ROW, and to connect to the culverts. Check dams to reduce the flow velocity to be installed as per best practice.*

*- Road shoulders are to be a minimum width of 24 inches of gravel with an inside radius of 36 inches where possible.*

*- Road surface is to be reclaimed (the existing surface is ground up and placed within the road bed as underlayment) and topped with at least 2 inches of asphalt.*

*Highway Advisory Committee  
Steve Bailey, Chair*

Sid Carlson of 55 Sherburne Hill Rd. states that in 2003 he and his wife were on the conservation committee. He explains that in 2003 the historical society had proposed that 9 roads be designated as scenic roads. They were looking for volunteers to be in charge monitoring the road. He states that he and his wife took charge of Sherburne Hill Road. He adds that this is the only scenic road in town. He states that designating this road to become a scenic road was a lengthy procedure to go through. Mr. Carlson asks who would be getting the wood from the cut trees. Ms. Edwards replies that the wood from the trees belongs to the property owner and the tree company will remove the brush for the property owner.

Heather Heigis, 202 Sherburne Hill Road, states that approximately 45 of the 90 trees are on her property. She states that she spoke to Selectman Jandebeur who explained the reasoning behind the proposal and it helped her understand why this is being done.

Mr. Jandebeur, speaking as a public citizen, explains his knowledge. He states that there was an agreement with the highway advisory committee (HAC) and the board of selectmen (BOS) that this road needed to be repaired. He provides an overview of the process of marking the trees and the misunderstanding that occurred with the diameter and circumference of the trees. He continues to emphasize the need for the ditches in order to properly repair the road. He

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further explains the construction process and order of the construction that process.

Bob Jozokos, 113 Sherburne Hill Road, asks about emergency situations and imminent dangers as reasons for removing trees from a scenic road. Mr. Sullivan replies that is one reason to remove the trees. Mr. Jozokos refers to the 2004 Master Plan vision statement noting that it states “to maintain the rural and historic character”, which is a main reason why he moved to Sherburne Hill Rd. He requests that the board consider maintaining the visions of the Master Plan as the board continues to make decisions. He adds that he agrees that the ditches are a reason as to the condition of the road; however, the earth along the road has risen about 10 inches and the ditch has not been cleaned in many years. He suggested that cleaning the ditches yearly could help solve problems.

Brian Winslow, 97 Range Rd., states that he does not feel that it is a very scenic idea to leave stumps along a beautiful road. He hopes that there is more discretion given to this road. He explains his location and feels that there are some safety issues along the road and there will be more issues relative to speed as the road is widened. He notes that having some pot holes in the road may help to mitigate unsafe speeding.

Bob Pevery, 256 Ridge Road, states that Ridge Road does have some drainage issues too. He asks for clarification as to the remaining stumps. Mr. Sullivan states that the trees being cut have a circumference of 15” or more at a point of 4’ from the ground. The trees are not being cut off and left at 4 ft. high.

Heidi Carlton, 99 Sherburne Hill Road, asks if all of the trees will be stumped and how the drainage ditch will be created. She also asks about the materials of the culverts. She notes that she is interested in the scope of the work specifically as to where the work will begin and end. Ms. Edwards replies that she believes that the work will be for the entire road. Ms. Carlton asks about the timeline of the work and if the ditching will be done on both sides of the road. She asks if there will be any maintenance scheduled for the ditches. She asks who will be doing the work, the town or is it contracted out.

Ms. L. Smith notes that the selectmen’s representative to the planning board could answer the questions from the public or he could defer answering to the other selectman present. Mr. Wolf states that Mr. Jandebaur has been more involved in the project; however, he will answer if he can.

Ms. Edwards repeats the questions noted by the public. Mr. Wolf explains that the stumps will be ground level or removed completely; they will not be left in

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the ditches. He states that culverts today are not steel, they are plastic. At the request of Mr. Wolf, Mr. Jandebaur adds that water flows through a smooth bore culvert much greater than a twisted and ribbed culvert. He adds that because the road is so close to the level of the swamps on either side of the road the culvert diameter is limited to 12”.

Ms. Edwards asks for an explanation relative to the ditching. At the request of Mr. Wolf, Mr. Jandebaur explains that the all but one tree is on the right side of the road. He states that they intend to put in ditches wherever possible.

At the request of Mr. Wolf, Mr. Jandebaur explains the scope of work. He states that this year, if approved, the selectmen would like to get as much work done as possible. He states that once approved, Requests for Proposals (RFP's) must be sent out and bids must be received. He adds that there will be maintenance done. He states that potholes have been filled and ditching is being done along Ridge Rd. He adds that there will be more maintenance done throughout town. He adds that the work for the project will be contracted out and done professionally.

Priscilla Merrill, 72 Sherburne Hill Road, asks how the cutting of the wood takes place. Mr. Jandebaur replies that the property owner owns to the center of the road and any wood cut belongs to the property owner. Any wood will be cut into chunks and set on the property and the brush will be removed or chipped. The chips will be used for a picnic area. As far as rock walls, they will be restored to existing or better condition.

Tim Colby, Bryant Road, asks the width of a town maintained road and will it be the same width as it exists. He also asks about the grinding of the road. He also mentions the culvert and the subgrade of the road. At the request of Mr. Wolf, Mr. Jandebaur states that the selectmen will be putting out an RFP. Mr. Jandebaur adds that the selectmen will be seeking professional assistance with this project. He explains that the culverts will not be able to be made any larger as that would require a significant amount of product to be placed on top of it to protect it from frost.

Mr. Jozokos asks how many planning board members viewed the area. All members raised their hands. Mr. Jozokos requests that the board inquire if all of the trees need to be cut in order to have a ditch that can be maintained and a road that can be well constructed.

Ms. L. Smith states that the planning board's role is for the public to provide input relative to this road being a scenic road and as far as how the trees are cut and the amount cut is within the purview of the selectmen.

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Ms. Parmele asks for clarification regarding the board's role relative to making a decision based only on the scenic road definition. She states that the board is not just looking at the trees and must consider the factors of the road. Ms. Edwards suggests continuing the public portion specific to the impact to the scenic road.

Ms. Carlton states that she appreciates the roles of the planning board and selectmen. She appreciates the time allowed by the board to listen and answer questions. She adds that the explanations provided tonight have been very helpful to her.

Mr. Winslow urges the board to consider a least intervention first and as the work is done on Ridge Rd. and continued onto Sherburne Hill Rd. there could be some improvement noted before the trees are cut down. He does not think that cutting the trees down is a scenic option.

A discussion is held regarding the board's deliberation process and continuing the hearing or closing the public hearing. With no additional comments, **Mr. McCaffrey makes a motion, second by Ms. B. Smith, to close the public hearing.** Ms. Parmele states that it is not clear to her if the questions have all been answered. Additional public input may be necessary. Mr. McCaffrey states that the comments and concerns have been expressed tonight and some of the questions should be addressed to the selectmen. Ms. Parmele states that the hearing does not need to be closed tonight in case the board has additional questions for other departments. Discussion ensues.

Mr. Sullivan states that if the board feels that significantly more information is required then the best course of action is to continue the hearing. He adds that the board's role is to provide written permission for the cutting in the context only of the scenic road.

Ms. L. Smith adds that should the public hearing be continued, it is not up to the planning board to gather additional information and provide it back to the public; it is the responsibility of the planning board to review the statute relative to the scenic road and the scenic concept of the statute. She adds that the planning board should be addressing the issue of whether or not the trees are to be cut and how that cutting relates to the scenic aspect of the road only.

Ms. Parmele states she was involved with an experience with a planning board in another town relative to a scenic road. That decision was an integrated one based on both safety and scenic components.

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Mr. Sullivan states that threat to safety and property is an element of the board's decision; however, it must be relative to the scenic aspect of the road. He adds that they are not to be considered independently.

**VOTE: 6/1. Ms. Parmele is opposed.**

Ms. Edwards asks for comments from the board members. She states that beyond the concerns expressed by the public relative to the process, there were no comments supporting the project in the manner proposed or any claiming that fixing the road was more important than *keeping* the trees.

Mr. McCaffrey states that the comments provided seemed to indicate leaving the road as scenic as possible. The residents appear to enjoy living on the road as it exists. He adds that there were some concerns relative to the quality of the road. He adds that most roads in town deteriorate faster than they should as there are poor foundations on many roads. He adds that this is an effort to improve this road; however, there are many trees along this road that are very old, and some may be dying. He feels that there may be a compromise to complete the ditching and improve the road. He states that if the road needs to be done it needs to be done correctly.

Mr. Bojko states that he did not hear anyone demanding for a good road for the amount of taxes that they pay. He states that based on comments provided it seems that the residents would prefer a scenic road over road improvements. He adds that the residents are looking for some improvement but not to the detriment of the scenic quality.

Ms. B. Smith asks if it will cost more in the long run if the trees are saved and each year minor fixes are done on the road. Ms. Edwards states that is making the decision relative to the financial aspect and she is not sure if, as a planning board member, she is capable of making that kind of decision simply on that.

In addition, Ms. Edwards states that the town voted for this road to become a scenic road. She adds that she is also aware that there have not been any other votes taken to make other roads scenic roads. She refers to the RSA regarding procedures to remove the scenic designation from a road. She adds that when the town voted to designate this road as a scenic road, there were no criteria set for the board to decide. She adds that the board could decide to do some research to see how other towns have addressed scenic roads; however, this will delay this process.

Ms. Parmele mentions that there is an option where the road agent can remove trees without a hearing; however, only with written permission from the

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selectmen. She adds that currently there are no criteria and because this is a scenic road there should be more consideration given to the trees. She states that she does not feel that she has enough information and is not comfortable saying that all or none of the trees should be removed. She feels more thought should be put into it without delaying the process. She suggests a site walk be held with the property owners.

Mr. Bojko states that his understanding is that there were no complaints relative to repairs to the road; the matter was brought up due to general road conditions. Mr. Wolf replies that is not correct. Mr. Bojko asks if the planning board decides not to grant the cutting of the trees would the road just go back on the Town's to do list. Mr. Wolf states that there have been complaints regarding the condition of the road, mainly from the bus company. He states that the selectmen agreed that the road is in rough condition in certain areas and that the road should be addressed rather than just doing temporary repair work. He adds that if the residents do not want to have the work done, then that is acceptable. Mr. Bojko asks what the process would be if a few years from now there are complaints about the condition of the road. Mr. Wolf replies that the highway advisory committee has a plan for this road. He states that he is not sure as to the time frame of the work if the road is not approved now.

Ms. Edwards states that the purpose of the public hearing was to hear from residents relative to the cutting of trees along this road. The people that are concerned about the condition of the road do not appear to be here tonight. She adds that the board needs to make a decision based on part of public input received at the hearing. She states that she has not heard comments or concerns from the residents that they are not willing to live with the road in its existing condition.

Mr. Wolf states that if the work to the road is done over a period of years the cost increases.

Mr. McCaffrey states that if the work is put off then the amount of trees to be cut may increase. He adds that the water will not drain properly as the brush continues to grow in the ditches.

Ms. Parmele asks if a modified version plan was discussed and would it make sense to get specific input from the residents. Mr. Wolf replies that this was discussed by the HAC. He explains that a ditch line should be 2 ft. lower than the center of the road and there are areas of this road where the ditches are higher than the tar so the water runs down the road.

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Ms. Edwards asks if the board can make a suggestion to the HAC and BOS to consider a different approach and perhaps find another alternative. Mr. Sullivan feels that the board could state that they do not approve the plan submitted; however, provide justification for the lack of consent. He adds that the issue could be revisited and another public hearing could be held. Ms. L. Smith states that the statute is clear that the trees cannot be cut except with written consent of the planning board or by the road agent if there were an eminent threat. She adds that the planning board can request a joint meeting with the HAC or BOS to discuss the matter further.

Ms. Edwards suggests postponing making any decision tonight and request a meeting with the HAC and road agent to discuss other alternatives. She adds that she understands that the HAC has indicated that if this proposal is not approved the work would not be done. She asks if there would be other options discussed if another meeting were held.

Mr. McCaffrey states that he does not feel that anything will be resolved by meeting with the HAC. He asks if there is a compromise with leaving some trees. He states that postponing will put the project off for a few years. He states that he thinks that a decision needs to be made.

Mr. Bojko states that should the project not pass tonight the work will be put off to at least next year. He suggests taking a vote now and allow the HAC to propose another option in the next year or so. In the meantime, the town will continue to do the regular maintenance.

Ms. L. Smith states that should the board decide to hold a joint meeting with the BOS or HAC then another public hearing for comments and discussions may be scheduled. She states that a vote could be taken tonight on what has been heard tonight and the board can address other plan options at another time.

**Mr. Bojko makes a motion, second by Mr. McCaffrey, to not recommend the cutting of the trees on Sherburne Hill Road, a designated scenic road. Motion passes; 6/1. Mr. Wolf is opposed.**

Mr. Sullivan notes that the board could develop decisional criteria. He adds that the board could also suggest another body to control the consent such as the conservation commission. Ms. L. Smith states that the planning board was given that consent at town meeting. Staff will develop a written response to be provided to the selectmen.

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Ms. Edwards calls for a recess. Mr. McCaffrey left the meeting during the recess.

**VOTING DESIGNATION:** Lucy Edwards, Rick Wolf, Richard Bojko, Lee Baldwin, Betty Smith, and Victoria Parmele.

**Ms. B. Smith makes a motion to include in the written response to the selectmen, a request to reconsider and revisit the plan to save some trees on Sherburne Hill Road without majorly impinging the road repairs. Ms. Baldwin seconds.** Ms. Parmele comments that she would prefer to have the entire plan revisited.

Mr. Bojko states that the board has voted no and he would prefer to let the process play out without any additional recommendations from the planning board. He adds that he feels that this would be giving a direction to the HAC and BOS and he would prefer to not do that.

Ms. Baldwin states that this board does not need to tell anyone to put more thought into this; we have a scenic road with residents on the road that do not want the trees cut down.

Ms. Edwards states that if there are people that want the road fixed then they need to talk to the selectmen.

**VOTE: 1/5. Ms. B. Smith was in favor. Motion fails.**

Mr. Wolf states that he will be relaying the comments of the residents and board to the selectmen.

**OTHER:**

**Staff Items**

***Rules of Procedure***

**Mr. Bojko makes a motion, second by Ms. B. Smith, to approve the Rules of Procedure as read by Mr. Sullivan at two consecutive meetings. Motion passes unanimously; 6/0.**

***Application Procedures***

**Ms. B. Smith makes a motion, second by Mr. Bojko, to approve the Application Procedures, as written. Motion passes unanimously; 6/0.**

***Master Plan***

Mr. Sullivan states that a meeting has been scheduled with Ms. Parmele relative to the Transportation chapter. He will be scheduling a meeting with

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Ms. Edwards to address the Natural Resources chapter. He notes that Mr. McCaffrey has indicated an interest with the Land Use section along with assistance from Mr. Strobel.

**Adjournment**

**Ms. B. Smith makes a motion, second by Mr. Bojko, to adjourn at 8:49 p.m. Motion passes unanimously; 6/0.**

Respectfully submitted,

Lisa Fellows-Weaver  
Board Secretary