Town of Northwood
Planning Board
August 28, 2014

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

PRESENT: Chairman Robert Strobel, Vice-Chair Lee Baldwin, Selectman Representative Timothy Jandebeur, Lucy Edwards, Richard Bojko, Rick Wolf, Joseph McCaffrey, Alternate Victoria Parmele, Alternate Ken Rick, Board Administrator Linda Smith, and Board Secretary Lisa Fellows-Weaver, and Strafford Regional Planning Commission Representative Matthew Sullivan.

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

ABSENT: Alternate Adam Sprague

Ms. Smith introduces and welcomes Matthew Sullivan from Strafford Regional Planning Commission. She states that he will be working in the planning office and will be doing reviews, public assistance, etc.

MINUTES:
August 14, 2014
Mr. Jandebeur makes a motion, second by Mr. Bojko, to approve the August 14, 2014 meeting minutes, as amended as follows:
Page 1: Change: …2… to …*5*…
Page 10: Change: …maybe… to …*may be*…
Motion passes; 6/0/1. Mr. Wolf abstains as he was not at the meeting.

August 5, 2014
The minutes of August 5 are postponed until September 15, 2014.

Preliminary Consultation:
Scott Frankiewicz: Winding Hill Rd. Map 228; Lot 15. 3 Lot Subdivision
Mr. Frankiewicz of Brown Engineering is present. He provides preliminary plans for review and an overview of the project. He explains that the property is almost 8 acres. The property has been surveyed, test pits are completed, and wetlands are delineated. He states the lot is a wooded area with 975 ft. of frontage along Winding Hill Road with the end of the property approximately 100 ft. before it turns to gravel. He states that there is one out building and one small wetland area as well as a wetland area that runs north, through the entire boundary. He states that there is a prime wetland in the area into property with a protected easement.

Mr. Fankiewicz explains that the proposal is a 3 lot subdivision; Lot 1 will have 275 ft. frontage with 2+ acres; Lot 2 has 150 ft. of frontage with 2 acres; and Lot 3 is 3.7 acres with 550 ft. of frontage. He adds that there are no steep

slopes and no wetland crossings. He states that he will need state subdivision approval.

Ms. Edwards asks if this portion of the road is a town maintained road. Mr. Strobel states that the road is town maintained to the edge of the paved portion of the road.

A discussion is held regarding the power lines, which are noted on the third lot, and the driveway distance. Mr. Frankiewicz states that there is no issue with sight distance. He states that this is NH Electric Co-Op. and he has not completed the entire research to date; however, there is no recorded easement. He states that other plans have been recorded in the area. He adds that he is unsure if there is an easement. He states that the proposal will avoid the power lines. He states that he is unsure at this time of where the driveway will be located. Mr. Frankiewicz notes that these are standard power lines.

CASE: 14-09: Maureen Cahill and Sandra Hassett, 10 Welsh Rd. Map 242; Lot 23. Applicants seek a minor site plan review for a pet rescue, boarding and temporary quarantine facility for dogs and cats.

Mr. Jandebeur recuses himself for this case.

Mr. Strobel reads a letter received from the applicant today requesting to withdraw the application.

Mr. McCaffrey makes a motion, second by Mr. Wolf, to accept the request to withdraw Case 14-09.

Ms. Smith states that she received an email from the applicants notifying they may resubmit a home business application.
Motion passes unanimously; 6/0.

Ms. Smith states that she has been asked to allow abutters to speak regarding the planning board process.

Nancy Haskell has provided a letter to the chair addressing concerns and comments of the process of planning board applications. She states that the process does not seem to have any notations for withdrawing a case. She states that it is a great concern to every abutter of this property with the fact that applications can be withdrawn last minute and there is no process for notification to the abutters. She suggests that there be a deadline or the process looked into to establish a deadline of when an application can be withdrawn to avoid the last minute withdrawals. She states that she and many

abutters keep coming to these meetings and it is an inconvenience for her, all abutters, and the board.

Mr. Strobel explains the 15-day disclosure rule established by the State of NH, stating that any information coming before the board needs to be in the office for a minimum of 15 days prior to the meeting. He states that this rule has been established for specifics like this issue. He states that this planning board has been specifically strict for reviewing new information.

Mr. McCaffrey states that the issue is a concern and is worth taking about. He agrees that a request to withdraw at a meeting is a late notice. He states that the board should consider talking about this at the next meeting.

Nancy Neadeau asks for more notice if an applicant cancels. She states that this process could occur for many months.

Ms. Smith states that she has received some phone numbers to notify abutters if there was a last minute cancelation. She states that by law, the only information that is required to be available to staff is the abutters names and mailing address. She adds that the board would also have to agree to incur costs for mailings, if time allowed.

Mr. Strobel states that it is the responsibility of the abutters to contact staff regarding the agenda. He states that it is something that he will think about and the board can discuss in the future.

Bob Knowlton asks what the next step is in the application process. Mr. Strobel explains that an application must be filed by the deadline, which is 10 A.M. on the first business day of the month. Further application process is explained. Ms. Smith states that if a new application is filed then new notifications are sent out to the abutters. She adds that an applicant can send in a request for a continuance right up to the meeting time and the board typically accepts those requests. She explains that the danger is that the board could take action on a case and proceed at the meeting regardless of the request. If calls were made or letters sent to abutters because a request from an applicant was received, the abutters would not be present to participate at the hearing.

Ms. Haskell asks what happens if there is an application that is deemed to not be complete; the abutters would not be able to speak and the application is again continued to another month. Ms. Smith states that when an application is not complete the board has been considerate of the applicant and the public and has continued discussions of completeness to the following month's meeting. She adds that the board does not have to do this and can deny the application with reasons and the applicant would then need to reapply.

Ms. Smith states that the board hears these concerns. She states that all abutters have the right to come in to the town hall and look at the case file, ask about the proposal, and put their concerns in writing.

Ms. Haskell asks what the process is to address a business that is operating without approvals and/or permits. Ms. Smith states that those types of issues should be addressed with the code enforcement office.

There are no further comments.
Mr. Jandebeur returns to the board as a voting member.

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. Property is owned by Peter Horne.

Scott Frankiewicz of Brown Engineering is present representing the applicant.

Mr. Frankiewicz states that he met with the ZBA for a variance, which was denied; therefore, he filed with the ZBA for a special exception for a wetland crossing and also filed for a wetlands permit with NHDES. He states that he has met with the Northwood Conservation Commissions (NCC) regarding the wetlands permit to build on the back portion of the lot. He states that the NCC wrote to the ZBA indicating that there were no issues with the crossing. He adds that the ZBA granted the special exception to cross the wetlands. He states that he will be meeting with the NCC next week to sign off on the wetlands permit.

Mr. Frankiewicz states that he has an approved driveway permit from NHDOT as well as state subdivision approval. He states that there is 530 ft. of sight distance to the left with the new location of the driveway, pushed farther down towards Signal Ave. He states that the driveway is proposed to be a gravel driveway.

Previous minutes are reviewed and Ms. Smith states that there were two issues that were missing that were the cause of the case to be deemed incomplete. These issues were the need for a driveway permit and the one acre needed of contiguous uplands, which have both been addressed.

Mr. Jandebeur states that he had an issue with the distance between Signal Ave. and the new driveway as it appeared to be only 5-6 ft.

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

Mr. Strobel opens the public hearing of this case and reads the abutters list. Abutters present are Chris Quinn and Leigh Hansen.

Mr. Frankiewicz provides an overview of the proposal. He explains that the proposal is to subdivide 5.3 acres into two lots. He states that there is 445 ft. of frontage on Rte. 4. There is an existing house and two outbuildings. The lot has about 3.5 acres that are mostly wooded. He states that there are two wetlands on the site connected by a culvert. He notes that one lot will be 2.56 acres, which will include the house and the two out buildings. The new lot to be created will be 2.85 acres; the house lot is 2.2 acres; and the new lot includes 1.48 acres in the rear and .82 acres up front. The access to the new lot will be as far west as possible to allow for the sight distance. He states that each lot has at least 1 acre of upland soils.

Mr. Frankiewicz states that two test pits have been completed and the driveway has been extended. He adds that he has applied for a wetlands permit. At this time, there is an approved septic design for the house. He notes that the system has failed and is not usable. He states that a new system will be installed when the house is sold. He states that there is an approved NHDOT permit for this driveway, for a single residential use. He adds that this driveway is not proposed for any commercial use; if there were to be any other use, a new permit would be required. State subdivision approval was received in May and the wetlands approval to cross the wetland is pending. Mr. Frankiewicz notes that there is some steep slope area in the rear of the property.

Mr. McCaffrey asks about the setback of the driveway. Mr. Frankiewicz states that the driveway is not considered a structure as it is proposed to be gravel. He states that the ZBA approved the special exception for a gravel driveway.

Mr. Jandebeur states that the driveway should be 20 ft. off of the side lot lines. In addition, he adds that there is a business driveway, which has different requirements. He reads Section 3.03 (A)(3)from the subdivision regulations noting that this is a very busy area.

Mr. Strobel states that a gravel driveway does not constitute as a structure and the 20 ft. rule does not apply in this case as this is a subdivision. Ms. Smith states that the ZBA does not vote on site plans only the zoning ordinances.

Discussion ensues regarding the driveway. Mr. Frankiewicz states that he can move the driveway to the 20 ft. point and then request the permit be amended. Ms. Edwards asks about the 100 ft. requirement from a major driveway. She states that it will not meet the requirement if moved only to 20 ft.

Mr. McCaffrey states that he feels the business driveway description is open ended and there should be some concern noted with the volume. He states that the proposed driveway is not a high volume driveway. Mr. Jandebeur states that this board will have to determine if this business driveway (Signal Ave.) is a major driveway entrance. Further discussion is held relative to the business driveway and the impact.

Mr. Strobel states that the subdivision regulations are the only thing we have to define driveways and the wording is "a major driveway".

Ms. Edwards asks where the entrance to the ball fields is in relation to the proposed driveway. Mr. Frankiewicz replies that it is currently right across the street. Ms. Edwards states that she feels that the ball fields driveway is a major driveway. Mr. Frankiewicz states that the regulations do recommend aligning driveways with ones that are across the street. He adds that with the approval of the NHDOT permit, the pavement in front of the two outbuildings will be removed, which will increase the safety in the area.

Abutter Chris Quinn expresses concern with the location of the driveway. He states that living in the area you know what this area is like. He states that there is no traction with a gravel driveway. He states that he is suspect of the driveway site distance being 500 ft. He also expresses concern with having an area of deceleration and having cars sit to turn out while others are trying to make the corner with the potential that someone could be pulling out. He states that he too is concerned with the safety factor.

Abutter Leigh Hansen states that she lives across the street. She explains that it has been stated that this is a residential driveway. She states that it is not just potentially one or two cars that will access this driveway. She asks that the board consider that there are many kinds of vehicles along Rte. 4; panel trucks, towing vehicles, horse trailers, etc. and these vehicles could also be pulling out of this driveway and it could be extremely difficult.

Ms. Hansen states that she will challenge the line of sight and asks the board to do the same. She explains the area and states that there is some elevation, which causes you to lose the line of sight. She states that this line of sight is dependent on the adjoining property. Pictures are passed and reviewed. Ms. Hansen provides an overview. She notes the mailbox, existing trees, a "for sale" sign, which are all items that are in the line of sight and have a significant impact on any line of sight. She also notes snow and snow storage during the winter months. She states that you typically do not think of your neighbor and the line of sight when you do things to your property. She states that this subdivision will be very dependent for sight distance on what the neighbors do on their property.

Ms. Hansen states that the ZBA mentioned the 20' driveway distance but indicated that the matter was not within their jurisdiction.

Ms. Hansen states that she feels the recreation driveway area is a major driveway.

Ms. Hansen requests that the letters and remarks relative to case 14-02 be brought forward for this case making note to comments relative to traffic, weather, topography, and recreation area entrance that affect the safety portion of the road. She states that she is extremely concerned with safety in this area. She states that these letters are all applicable to this case and provides pages of a letter previously submitted noting the accidents that have occurred along this stretch of road.

Ms. Hansen refers to page 2 of the previous report of the town engineer indicating a minimum of 495' for a stopping distance should be provided. She adds that the report also states that the sight distance is inadequate at the existing residential driveway and, at that time, the proposed parking area.

Ms. Hansen states that it is not unusual to have to wait for at least a minimum of 10-15 cars before getting out onto Rte. 4. She asks that the board approve the application for residential only. She states that she is not against the project; however, she wants to express a huge concern for safety.

Mr. McCaffrey asks for clarification regarding the line of sight. He states that he would have difficulty in approving the existing house *in the context of the previous commercial application*. Ms. Hansen states that in the town engineer's report there was another driveway referred to, and this proposed driveway is further down, which makes the line of sight worse.

Mr. Rick asks if Ms. Hansen lives in the house year-round and requests an overview of the winter months regarding the icing, slopes, etc. Ms. Hansen replies that she does live in this house year round and adds that all of the information being requested is included in the previously provided letters, and pictures, which she has requested to be resubmitted into this case file.

Mr. Quinn asks what the intent of the proposal is. Mr. Strobel states that the proposal is for a subdivision. He notes various regulations including lot lines, setbacks, conservation areas, septic and the well radius, and driveway also need to be shown.

Ms. Hansen states that relative to the winter months, one thing that will compromise the line of sight is the snow storage of the current house and where they will put their snow from the driveway. She states that there is a lot

of snow and ice on the Ridge area. She states that the weather is different on the Ridge.

Mr. Quinn states that the State of NH used to install a snow fence to keep the snow from blowing the snow across Rte. 4. He states that this is not done anymore. Ms. Hansen states that reflector posts have now been installed by the state, may also impact the line of sight.

Mr. McCaffrey states that he is concerned with the existing outbuildings; one is falling down on its own, and they do interfere with sight line. He states that if these buildings were removed it would help improve the sight distances. Ms. Hansen replies that from the proposed driveway these buildings cannot be seen as the curve blocks the view of the outbuildings along with the trees and lay of the land.

Ms. Smith asks if the driveway permit has been filed with NHDOT. Mr. Frankiewicz replies yes and adds that it was approved in June. She states that a waiver needs to be submitted for the 20'. Mr. Frankiewicz states that he is planning to apply for an amended permit. Ms. Smith asks if the board would want to make a decision if this is a major driveway or if the 20' is sufficient based on the regulation. Mr. Strobel explains that there would be three driveways on opposite sides of Rte. 4, not directly across from each other.

Ms. Smith states that the town's engineer could look at the new driveway sight and provide the board with some feedback. She notes that it was the engineer's recommendation on the other application to move the driveway west. He could comment on this location, as well as, matters relating to the sight distance. She states that the board can vote to send this out for review. Mr. Frankiewicz notes that the last review was for a commercial driveway.

Mr. Strobel asks if re-aligning the ball fields driveway would be an option. He states that there are three driveway crossing Rte. 4 as a "T". He states that this is a contradiction to the regulations. He states that the board should decide if these driveways constitute a major driveway.

Mr. Bojko states that moving the driveway 20' east would satisfy the setback issue. He asks if there are any other issues to address other than the safety issues that have been discussed. Mr. Strobel states that he would prefer to review the information that has just come in as it is a significant change. He adds that he is comfortable discussing the type of the driveway; major or minor.

Mr. Strobel states that the new information does not meet the 15 day time requirement. He states that he would like some time to review the materials. Mr. Frankiewicz states that when the driveway matter is resolved he will provide updated plans within the time requirements.

Ms. Parmele asks if the concept of a shared driveway has been thought about and may be an option to look at. Mr. Frankiewicz states that typically common driveways are not accepted well.

Ms. Smith states that if the town's engineer does a peer review it also may be a good time to receive input on the issue of what is typically considered a major driveway. Mr. Strobel states that he would like to have the town's engineer review the proposal and provide some recommendations; specifically if the ball fields and Signal Ave. both constitute as major driveways.

Mr. McCaffrey makes a motion, second by Mr. Wolf, to send the subdivision plans to the town's engineer for review to determine if the recreation ball field's driveway and Signal Avenue constitute as major driveways; and to review the driveways as proposed by the applicant, once revised plans are received.

Mr. Jandebeur suggests that the town engineer review the sight distances as well. Ms. Smith states that this will probably be done as part of the process. Mr. Wolf states that this has been done already and was determined to be okay. He adds that if this driveway does not have sight distance than the existing driveway for Signal Ave. would not have sight distance either. He states that the town also chose to put the ball fields driveway in without the approval from the planning board.

Mr. Strobel states that the driveway is now proposed in a different location and adds that this is a new application. Mr. Jandebeur states that there are many people concerned with the sight distance and he would like it verified. Ms. Smith states that the peer review will include the sight distance.

Mr. Wolf states that the board needs to be consistent with driveway issues; this is no different than the one at the Northwood Garage. He states that the board always needs to be looking at sight distances and this has been previously addressed and is not relevant. Mr. Strobel states that in this case there is a disagreement whether there is enough sight distance with what has been presented by the applicant and what his provided by the abutters. He adds that an independent party should be involved.

Motion passes unanimously; 7/0.

Mr. Jandebeur makes a motion, second by Mr. Bojko, for the town's engineer to verify the sight lines of the proposed driveway, once revised plans have been received. Mr. Bojko states that he feels that this motion will allow for the concerns of the abutters to be addressed. **Motion passes; 6/1.** Mr. Wolf is opposed.

Ms. Smith states that abutters have requested that the prior abutter's letters from the prior case file relative to safety and the driveway, be forwarded and included in this current case. **Mr. Wolf makes a motion, second by Mr. Bojko, to not bring any old information from the prior case forward to this new case.** Mr. Bojko and Mr. Wolf comment that these are separate cases. Mr. Bojko adds that the prior application was for a commercial use. Ms. Smith states that all of the information is still public information. Mr. Jandebeur states that the abutters can resubmit the documents. Mr. McCaffrey concurs and adds that the information can be modified accordingly. **Motion passes; 6/1.** Mr. Strobel is opposed.

Mr. Strobel states that the information provided tonight has been added to this case file. Ms. Hansen asks if it is sufficient to resubmit the exact same letters from the prior case with a new date. Mr. Strobel replies that abutters can resubmit any documents if it pertains to this application.

The case is continued to September 25, 2014.

Mr. Strobel calls for a recess at 8:25 p.m. Session resumes at 8:35 p.m.

<u>CASE: 14-07:</u> James & Linda Grant-Piper Cove Properties, 258 First NH Turnpike. Map 231; Lot 9. Applicants seek an amendment to an existing site plan to add an Aroma Joe's Drive-Up Window to existing business/retail complex.

Licensed Land Surveyor William Wormell is present representing the applicants. He states that he has new plans based on results of the site walk. Mr. Wormell provides an overview of the revisions noting the changes and additions as follows:

- Arrows have been added to the plan to delineate the travel way;
- 80' of 6' stockade fence is now proposed along the Elliot side of the property;
- Do Not Enter signs have been installed between the two buildings to help direct and slow down the two way traffic
- Signage locations are indicated on the plan

Mr. Wormell states that NHDOT has requested a list of engineering requirements for review. He states that a traffic engineer has been hired and is currently working on the study requested by the state. Queuing has been

completed of the parking lot. He states that will have the final traffic information within a few weeks. Mr. Strobel states that he would like a copy of the NHDOT queuing study.

Mr. Jandebeur notes that there are a few discrepancies on the plan with the size of the fence and the scale.

Mr. Wolf asks about a parking space opposite the restaurant as it appears to be into the parking lot more and is a concern. Discussion ensues as to the overall parking spaces. Mr. Wormell states that this area has been striped for three spaces. Additional discussion is held regarding parking near the concrete pad. Mr. Wormell states that there was a parking space next to the concrete pad that was on the previous plan; it has since been eliminated.

A discussion is held regarding the delineation of the permeable pavement. Mr. Wormell states that this area begins at the back of the garage, shown on the plan as edge of pavement. He explains the pad is concrete and is where the drive-thru windows are located. He states that the concrete pad is being removed and will be replaced with permeable asphalt to match the rest of the area.

Ms. Edwards asks about parking in front of the entrance and asks if a parking space has been removed. Mr. Wormell replies that he has removed a parking space and notes that this space has been added towards the Rte. 4 side. He notes that there was plenty of room to add this space. Ms. Smith states that this space will now not meet the regulation of 20 ft. and a waiver request will be needed. After discussion, Mr. Wormell states that he could add the space in the rear of the property.

Mr. Wolf states that there should be no parking signs posted in the breakdown lanes as is similar in other areas of the breakdown lanes near businesses. Ms. Elliot states that the state would need to install the signs. Ms. Smith states that this could be a condition of approval that the state add these signs; it is no different than requiring a de-cell lane. Mr. Wormell states that he will request this.

Mr. Strobel opens the public portion of this case.

Abutter Debbie Elliot is present and expresses concern with the amount of traffic in and out of the site and there will be an increase of accidents. She hopes that this is considered by the board and the state.

Abutter Fred Bernier states that Green St. is 6/10 of a mile long and when an accident occurs on Rte. 4 all of the traffic is diverted onto Green St. He states

that the road is really not wide enough for two cars. He states that there is plenty of access on Rte. 4. He states that many people walk on Green St. He expresses concern with the street being used as a bypass by the state. Mr. Strobel understands that if there is a blockage on a state highway the traffic is diverted onto another state road.

Scott Martin states that this site is already over developed. He states that the board needs to look at impervious surfaces in the regulations. He states that he feels that this site is already 80% covered with asphalt. He notes that there is a chambered septic system in the rear of the property. He adds that there will be pervious asphalt used on the site now; however, this area will still need to be salted. He asks where that salt will go; into wells and the ground? He asks if this site has had an engineered study done? He adds that the board should have walked farther to see all of the drainage that goes off this site. He states that the traffic study does not include human nature; it's another friction point. He also notes that Green Street has been used as a bypass for accidents two to three times a year now. He states that there will need to be a lot of coffee sold to cover the costs of repaving ½ mile of road. In addition, Mr. Martin comments that there are other locations in town that would be better served for this proposed business.

With no further comments, the public portion is closed.

Ms. Baldwin asks about the well and if this is the well where all of the water for the site comes from. Mr. Wormell replies yes and explains that the well is often tested because there is a restaurant onsite. He states that he will provide the draw test reports.

Ms. Smith asks if the business will add volume to the septic. Mr. Wormell replies that he will provide the information regarding the septic system design. He adds that the system was designed to handle 1,000 sq. ft. of retail floor space. He states that all loads of business on site were considered and the system was made large enough to handle the businesses.

Mr. Strobel asks if there is a need for restrooms because of the counter service. Mr. Wormell states that there will be restrooms and the septic system will handle this use. He explains that the chamber system was designed for the total retail floor space. Mr. Wormell states that the property owners have individually metered water usage for each business. He states that the amount is well below the limits. He states that he will provide the information.

The waiver for the driveway will be addressed at a future meeting.

Mr. McCaffrey asks if anything has been determined regarding the buffer and notes that there is much existing deciduous brush. He expresses concern with exhaust fumes. Mr. Strobel replies that there will be a fence for the first 80'. Ms. Smith states that there needs to be 20' of a natural buffer whenever a commercial business is against a residential structure and the fence can replace that. She states that a waiver would need to be added if the buffer is not added. Mr. Jandebeur states that the brush was deciduous. Ms. Smith states that the planting requirements must be met with 20 ft. of natural woodland buffer or add the fence.

Mr. Strobel notes that a concern was mentioned at the site walk regarding the headlights. He states that the stockade fence ends beyond the edge of the Elliot's house and should address that concern. Ms. Elliot asks if the trees will be removed and the fence added. Mr. Strobel replies that it appears that the trees on their property will remain and the fence will be behind the trees, away from the house. Ms. Elliot states that where the fence leaves off, it will leave the backyard open to the public. Mr. Strobel states that the 20' requirement of natural buffer cannot be met but can be met by adding a fence. Discussion ensues regarding an additional 140 ft. Ms. Elliot feels that there should be a fence along the entire length.

Ms. Parmele refers to the impact statement, which indicates that since the property has already been approved for retail then there will be no additional impacts anticipated to the public safety. She feels that there should be more input and she feels that the statement is insufficient. In addition, she notes concerns of the traffic and she does not feel that the traffic flow is marked out well.

Ms. Elliot states that the site walk was done on a Saturday when there is very little traffic or fundraising car wash events. She states that the patrons will go where they want to go.

Further discussion is held regarding the fence and the 20' regulation. Ms. Smith states that something needs to be added to meet the regulations. Mr. Strobel suggests the applicants and abutters resolve the matter. Mr. Wormell asks how far the brush line should be extended. Ms. Smith states that the applicant needs to provide a proposal and the board can vote on what is presented.

Additional discussion is held regarding receiving the queuing study. Mr. Strobel requests that the information be provided when available and if not received in ample time to review, a request to continue could be submitted.

Ms. Smith asks if the board would want a peer review of the traffic study. Mr. Strobel replies that he would want to see the report first. Mr. Wormell states that the traffic study is done by an engineer based on District 6. Ms. Parmele asks if the study will be in detail of the site or Rte. 4 only. Mr. Wormell replies that he is unsure and he will forward the information as requested.

The case is continued to September 25, 2014.

CASE: 14-10: Lake Shore Farm, LLC., 275 Jenness Pond Rd. Map 203; Lot 2. Applicants seek a minor subdivision of 26 Acs. into two lots; one lot with existing Lake Shore Farm Inn to become 5 Acs.; remaining lot to be 21 Acs.

Alden Beauchemin of Keyland Enterprises is present along with property owner Dick Daniels.

Mr. Beauchemin submits revised plans. He states that the new plans are a result of additional requests from the last planning board meeting. He explains that there are two sheets submitted with highlighted changes. He states that the first change is next to the existing gravel parking area and refers to note 15, which refers to the portion of the driveway serving lot 2 that extends onto proposed lot 2-1; this area will be loamed and seeded. He states that this will now eliminate the need for the easement. He adds they are proposing a sign easement with the intent to accommodate the existing sign. He states that the location of the sign will remain; however, if the sign is taken down there will be a provision in the deed that the easement will be extinguished if removed.

Mr. Beauchemin explains that there was some concern of the driveway to the lot. He states that he will now show a future driveway on the plan to show that the new lot can support a driveway on its own.

Mr. Beauchemin notes that a note has been added to the plan regarding the sight distance and is noted on the plan for reference purposes only.

Mr. Beauchemin states that the shoreland has been identified on the plan, 250' setback from the lake.

Mr. Beauchemin states that one waiver has been addressed; however, the waiver request for Section 4.09 for reduced area of coverage of topography due to the size of the lots needs to be addressed. He states that the lot was 28 acres and 4-5 acres is being shown in topo and details. The other lot with the inn is shown in its entirety.

Mr. Beachemin refers to the well easement, which was provided at the July 24 meeting. Mr. Strobel states that this is still a draft.

Mr. Beauchemin states that the language relative to the use of the inn as a bed and breakfast has been added to the plan.

Mr. Jandebeur makes a motion, second by Mr. McCaffrey, to grant the waiver request for Section 4.09 to allow for the reduced coverage of topography and delineation of boundaries based on the large size of the parcels, as all 4 criteria have been met. Motion passes unanimously; 7/0.

Mr. McCaffrey states that he has visited the site. He asks if the corner area is marked. Mr. Beauchemin states that the corner itself has not been marked.

A discussion is held regarding granting an approval tonight however, the 15 day requirement has not been met. Mr. Strobel states that he would prefer more time to review the plans rather than granting any approval tonight. Ms. Smith states that most of the information is items that the board has previously discussed. She suggests continuing to the work session, September 15, 2014.

No additional public comment is provided.

Ms. Smith states that the only outstanding item is the certification of monumentation.

Mr. Jandebeur states that the board needs to be consistent and follow the 15 day rule.

The case is continued to 9/15/14.

CASE: 14-11: Richard Chandler, Gulf Rd. Map 114; Lot 8. Applicant seeks to subdivide 34.25 Acs. into two lots: one lot of 19.860 Acs. and one lot with existing buildings of 14.391 Acs.

Surveyor Webster Stout is present along with property owner Richard Chandler. Revised sheet 1 of 2 is provided showing a change to the rear property line on lot 8 where the "tail" goes up towards the abutting property. He states that it was 100 ft. from the property line or wall and it is now 112'. This revision also changed the area of the lots. Mr. Stout notes that the Deerfield abutter's address has been corrected.

Mr. Stout states that after the site walk was held the only item in question is relative to identifying the wetlands, how much, and if it is necessary.

Conservation Commission Chairman Steve Roy is present and refers to note 7 on the new plan and asks what specific wetland mapping was performed on the

site. Mr. Stout notes areas on the plan and replies that the area is designated as Pleasant Lake North, this is the area that has been electronically reproduced from the plans within the town hall. Mr. Roy states that it does not look like there is the standard 20 ft. boundary from the delineated line. He adds that it does look like there is 100' buffer shown on the Pleasant Lake North prime wetland.

Mr. Roy refers to a letter from the conservation commission, which was provided a few months ago. The letter referenced the commission's position regarding the issue of not having a certified wetlands scientist delineate better than 90% of what is shown for wetlands on the site. Mr. Roy states that he is present to reiterate the commission's position. He states that it is simply not suitable to digitize the town map and drop it on top of a site with a scale of 1 to 100. He explains that the thickness of the line alone invalidates the process of dropping the information on a site this small. He adds that through the late 1980's to the 1990's the town went through an extensive process with a certified wetlands scientist and a team of resident volunteers to determine which wetlands should be designated as prime. The warrant article process was followed and the wetlands were adopted as prime. In addition, he states that the buffer was also established in the zoning ordinance. He states that both the town's ordinances and subdivision regulations refer to the need of a certified wetlands scientist to define these boundaries.

Mr. Roy states that the planning board should consider what is written in the town's regulations. He adds that the commission also called out that there may be other limiting conditions to the placement of structures on this parcel and if they are limiting conditions such as steep slopes, then that could further bump structures into the buffer areas of wetlands or in the wetlands boundaries. This further reiterates the need to have someone with credentials to establish them in the field as opposed to lining them into the map.

Lastly, Mr. Roy states that the town, in the commission's perspective, needs to position people with the ability to comply with the town's regulations. He states in order to do this, the person needs to have an accurate plan they can view to know where they can fill and build.

Mr. McCaffrey states that he understands the concern for a clear delineation of where the wetland boundaries are. He states that at the entrance of the property are several acres that are not wetlands. He asks if it would be possible to only establish the usable portions.

Mr. Stout states that he appreciates the conservation commission's concerns. He states that the property is 34 acres and the proposal is to divide the parcel in size and cut in half. He states that if the proposal were for more lots and

smaller lots, then the wetlands would be delineated. He states that the lots are 19 acres and 15 acres. He states that the smaller lot has the structure. He states that he has done enough topo to prove that there is a buildable area on each lot. He states that what has been digitized is very close and he has walked the site. He states that there is approximately 3,200 linear feet of wetland to be flagged.

Ms. Smith states that the town's regulations require that the wetlands conservation overlay district be shown and in doing so it is required that a certified wetlands scientist would delineate the wetlands. She states that if the board considers not doing that then there should not be any wetlands shown; they should be removed from the plan. She adds that the board will need to waive the requirement.

Ms. Smith suggests another option would be to have a small portion of the lot delineated rather than requiring the entire lot be delineated.

Mr. Sullivan states that there is a real lack of precision associated with this prime wetlands overlay district and it may be an issue. He adds that he would also express some concern with the scale of the map being presented in relation with the data being used. He states that more precise data would be supplemental to this.

Additional discussion is held regarding the prime wetlands and the delineation requirements. Mr. Jandebeur states that this is very important as these are prime wetlands. Mr. Strobel states that also pointed out is the stone line spring at the end. He notes that there are other structures in the vicinity of the prime wetlands. He adds that he would like to see where the wetlands are if this were his own property.

Mr. Stout states that he is also a septic designer and augers the land. He states that this map is not far off and suggests a portion of the wetlands be delineated by a wetlands scientist.

Ms. Smith states that the zoning ordinance requires a 100 ft. buffer that must be left in its natural vegetative state; it is much more restrictive than a standard wetland.

Ms. Edwards states that she has a great concern with subdivisions in this area due to the lack of access with only one road, which crosses a dam, is very narrow, and is through another town. She states that she is concerned of the precedent being set when subdividing in the Gulf Rd. area. She states that the board needs to think about the master plan and if this is an area where lots are subdivided then there are more people living in this area. She explains that she

was a selectperson and this area was one of the most concerning things she heard about where people were building houses because there were already existing lots and there is only one way in and one way out. She explains the liability waivers submitted for rescue services. She is concerned with approving to create new lots in this area. She states that she feels strongly enough and can't see how she can vote for the proposal regardless of what is delineated. She states that this goes against the master plan and is dangerous. The planning board is to be concerned with safety. In addition, she states that this is a prime wetland and is very important as much time was spent on these prime wetlands. She adds that there is a gravel aquifer in the area that in the future may become the town's water supply. She states that these are items that need to be considered.

Mr. Strobel agrees and adds that the former board found that the 1,000' begins at Rte. 107 and Gulf Rd. and this is beyond that point. Ms. Smith states that the 1,000' is only for new road design. She states that the only way to address the matter is stating that the development is scattered and premature.

Ms. Edwards notes that there are other pieces of land and approving one subdivision is setting a precedent. She states that this is an issue that the board should be aware of.

Ms. Smith states that the board may want to consider, if approved, to send a letter to the selectmen because they have jurisdiction with working with the Town of Deerfield to develop a second access. Mr. Strobel states that there have been a few letters sent to the selectmen relative to access in this area. Mr. Jandebeur states that roads are an issue with the selectmen at this time. Mr. Chandler states that there have been many building permits issued in this area.

Mr. Bojko states that it is the board's responsibility to make sure that the regulations are met and subjective issues cannot be brought to the table. He states that the voters have approved these regulations and this is what needs to be focused on.

Mr. Wolf states that he does not see how this board could deny the subdivision proposal. He explains that there were many lots created by lot line adjustments for an employee while Ms. Edwards was a member of the board of selectmen. Ms. Edwards states that the selectmen do not subdivide lots. She states that subdivisions are approved by the planning board and the selectmen only sign off on the fact that an applicant had an existing lot and were waiving their rights to guaranteed rescue, fire and police services because they lived in an area with only one access. Mr. Wolf states that this is no different than any Class VI road. Ms. Edwards states that this area is very unique as 500+ people

live in that area with only one access. Mr. Wolf states that these residents chose to live in the area and they pay taxes. Discussion ensues. Ms. Smith states that the former employee came to the planning board meetings and applied to the board as a private citizen just as everyone else. She adds that the fact that the person was an employee had no bearing on the proposals. Mr. Wolf replies that this is his opinion and each project went right through the process.

Ms. Edwards makes a motion for the prime wetlands to be delineated by a certified wetlands scientist. No second is provided; the motion fails.

Mr. Chandler states that he feels like he is being singled out. He explains that his family did not develop the area. He states that this land has been in his family for hundreds of years. He states that the town came in and designated a portion of the property as prime wetlands and essentially encumbered the land without any compensation for it, and now he is being forced to spend more money to delineate boundaries that the town said was prime wetlands. Ms. Smith states that the proposal for the prime wetlands, including the cost of doing the study, and the zoning ordinance, which designated the prime wetlands was voted on by the townspeople. Mr. Chandler states that by doing this process the town encumbered his land. Ms. Smith states that all zoning ordinances encumber land. Mr. Chandler states that if the position of Ms. Edwards is that there is going to be no development in the Gulf Rd. area then why have the discussion regarding the wetlands. Mr. Chandler states that he could just sell the entire property. Ms. Edwards states that there is really no way for the planning board to stop the subdivision of the property.

Mr. Chandler states that he was the chairman of the Gulf Rd. committee and explains that the committee spent 2½ years working on Gulf Rd. He states that Deerfield is not interested in the road and considers it to be Northwood's issue as Northwood has allowed the building in the area. He adds that he did include the map and recommended route that the committee came up with, which was to restore the Old Gulf Rd. area. He mentions the right of way which has been closed due to gates and bars. He states that this proposal will not change the road. Ms. Edwards replies that it is an issue that she feels is important and that she needed to mention. She thanks Mr. Chandler for his work on this committee.

Ms. Smith states that a waiver request is needed regarding the delineation or the wetlands need to be delineated. She states that she does not believe that the board has the authority to allow the delineation other than what is based on the zoning ordinance to be on the plan.

Mr. McCaffrey states that wetlands change. He states that the town has had these wetlands designated and now there is an applicant who has to define where the lines are. He feels that the town has a placed vague imposition on an applicant who has to show where the line is and the town should know this. Ms. Parmele states that scales change and each application is different. Mr. Strobel states that wetlands do change and when property is developed and/or subdivided then that becomes the time to address the delineation of wetlands. He states that the regulations need to be followed.

Mr. Jandebeur asks Mr. Roy if it would be sufficient to delineate the wetlands from the new lot. Mr. Roy replies that speaking only for himself and not as the commission chair, he does not think it unreasonable for the board to consider a delineation from the southernmost section of the prime wetland as it extends southerly to the abutting property line.

Mr. Jandebeur makes a motion to delineate the wetlands, from the wetlands line that goes completely across the new lot all the way back to Gulf Rd. No second is provided; the motion fails.

Mr. Stout suggests delineating the wetlands from the culvert westerly to the Deerfield town line.

Mr. Strobel states that the property could be sold and the points from the NCC should be noted. He states that new owners may or may not know where the prime wetlands lines are unless it is delineated.

Ms. Smith suggests a waiver request be submitted. Mr. Stout provides a plan with cross hatching noting what will be delineated. Ms. Smith states that a waiver requests will still need to be provided.

Mr. Stout states that the plan is designated as a grid. A waiver request is submitted relative to the wetlands delineation.
Mr. Jandebeur makes a motion, second by Mr. McCaffrey, to grant the waiver requesting the wetland delineation, to be completed using the portion as marked on the plan. Motion passes unanimously; 7/0.

Ms. Smith states that there was a question with the driveway being within the 20'. She states that the applicant mentioned that the woods road was a temporary road. She states that she has spoken to the road agent who indicated that there is no permit on file with the town for the driveway. She states that the road agent confirmed that the woods road was a temporary logging road. Ms. Smith states that this should not be in 20' setback or a waiver request will be necessary.

The case is continued to September 25, 2014.

Ms. Smith states that this lot is still constricted by the boundary line adjustment, Case 14-04 approved 5/22/14, due to the fact that the Certification of Monumentation has not been received.

CASE: 14-12: Sharon Barrett & Paula LaBelle, 504 First NH Turnpike. Map 221; Lot 35. Applicants seek an amendment to site plan to add a second driveway; existing art studio/gallery and retail business.

Sharon Barrett is present. She states that they are seeking to amend the site plan. She explains that it was their intention to utilize the second driveway entrance from the beginning of the business proposal; however, there was no permission granted from NHDOT. She states that the driveway was there when the property was purchased and it was used to make a horseshoe style driveway. When they originally applied with the site plan there had been some delays in opening the business so they agreed to use just the one driveway and were able to get NHDOT's approval. She states that they added a flower bed and did change the direction of the parking, which they feel is better and safer. She states that the two driveways are a much better proposal.

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

Mr. Strobel reads that abutters list. Abutter present is Mr. Jandebeur for the town and school board.

Mr. McCaffrey states that he feels that it is a safer situation if there are two driveways.
Mr. Strobel states that he recalls that there was discussion relative to the access on Rte. 4 and reducing the amount of conflict points by not having so many driveways along Rte. 4.

Ms. Smith states that she believes that a state driveway permit would be required regarding the second access. Mr. Strobel states that there is a letter from NHDOT noting that a new permit is not necessary. Ms. Smith states that is for an increase in volume. She states that there is no record that the second driveway has been added. Ms. Barrett states that the driveway was existing when the property was purchased. She states that NHDOT has come to the site and indicated that there is no need for an additional permit and that the visibility and access was fine. Ms. Smith states that at the board's work session, board members did recall seeing the second driveway put in.

Mr. Jandebeur states that the older plans indicates that there was a grassy area where the driveway is now located. He states that the parking has also changed. Ms. Barrett explains that the parking area has been there and is gravel. She states that they added the flower bed to keep people from driving out onto Rte. 4. Mr. Jandebeur states that he recalls discussions of the second driveway and the board decided to not put in the second driveway, which limited access onto Rte. 4. He adds that NHDOT and the town have felt that limiting driveway access to Rte. 4 is very much in favor of the safety for the travelers on Rte. 4. He states that across the street is the school and fire station; it is a congested area. He asks why one driveway is not sufficient.

Ms. Barrett states that this proposal is very minimal and will not increase the traffic that much. She feels it is much safer to have cars access and egress through two ways.

Mr. Strobel states that the proliferation of driveways on Rte. 4 is more intended for lot development and subdivision.

Ms. Smith mentions that Northwood has its fair share of driveway/conflict points along Rte. 4 from here to Portsmouth. She states that the original site plan shows that there was all grass along the front and she had also suggested adding wheel stops. She states that the driveway did not exist in the sense of it being a permitted driveway and it needs to be addressed now as a part of the application. She states that the board could grant a conditional approval and not be concerned as to what the state approves.

Ms. Smith refers to the checklist and states that if the board grants the driveway, then there should be some detail added to the driveway noted on the plan including the width and distances between the two driveways.

Mr. Bojko asks if there is an older plan showing these two driveways on the property. Ms. Barrett explains that there is a cement sidewalk that looks like it is the same age as the sidewalk that connects to the house. She states that it was grown over at that time. She states that this is an overflow parking area; they added a berm and a flower bed.

Mr. Wolf states that he recalls requesting that there be some rocks or something added along Rte. 4 so that people would not be able to access Rte. 4. At that time, he was not sure if the driveway had existed or if it was newly added. He adds that if the flower box was not there then it would be one large driveway.

Mr. McCaffrey states that with Antique Alley there have been many driveways along Rte. 4 including home businesses. He adds that the speed is higher in

this area and the area is busier with the fire station and a school; however, there are three lanes. He continues to describe the area. He states that this is a request to make the driveway wider with some separation. He states that a wider driveway is a safer driveway. It does not change the number of cars going in and out or change the traffic.

Ms. Barrett states that NHDOT is fully aware of the use of the driveway and have come to look at it. Additional discussion is held regarding the original plan. Ms. Barrett states that they were late opening their business and did not have time to apply for another driveway permit.

Ms. Parmele asks if the driveway will be made as a loop. Ms. Barrett replies yes and it is basically used as such now. She states that there were some issues with only one access. Ms. Parmele agrees with the fact that the two driveways do make this area safer. She requests that another document be provided showing more detail. Mr. Strobel suggests adding additional detail to the plan for the driveway and parking area.

Sight distance is discussed. Ms. Smith states that a state driveway permit has not been issued. Ms. Barrett states that NHDOT told her that it was necessary for this permit. Ms. Smith states that the question asked to NHDOT was if the existing driveway could handle an increase in volume of the business that was being proposed. She states that the original driveway is there based on pre-dating the driveway permitting process. She states that there is no permit for a driveway for this house.

At the request of the board, Ms. Smith will research for a past plan showing more details and/or photographs.

Ms. Smith suggests the board request a more detailed plan and continue the case to the work session, September 15, 2014.

Additional discussion will be held regarding traffic volume increase from an antique business to a wood working business.

CASE: 14-13: Gloria Yeaton & Diane Bishop, 18 & 33 Yeaton Dr. and 12 Dimes Rd. Map 206/2; 205/3; 212/12. Applicants seek to subdivide lots 206/2 and 213/12 (41.61 Acs.) to create a new lot of 5.28 Acs. with existing residence; and further to adjust lot lines between 206/2 and 205/3, 205/3 to become 13 Acs.

William Wormell, LLS, is present representing the applicants. New plans are distributed.

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

Mr. Wormell reviews the changes he has made to the plans. He states that he has added sight distance from Catamount Rd. with a note added to the plan. He adds that he has also added a sight distance note for Dimes Rd. A wetlands conservation overlay district line has been added to the plan. Note 7 was also changed regarding the overlay district and the lot number is included in the note. All 4 pins have been set and added to the plans and he has stamped the plans.

Ms. Smith asks about the proposed shared driveway. Mr. Wormell provides draft language for the shared driveway. He explains that this is specific to Yeaton Drive, where there are currently two residences that use the driveway for access to their homes. He states that there is no formal agreement because it is currently all family and will remain as family.

Mr. Wormell states that when the deed passes for lot 206/2/1, 5.28 acre lot, there will be a shared driveway document recorded with the deed; Yeaton Dr.

Waiver Requests
3.01 (F):
Mr. Jandebeur makes a motion, second by Ms. Baldwin, to grant the waiver request for Section 3.01(F).
Mr. Wormell states that lot 206/2/1 was subdivided in 2005 and pins are already set. Lot 205/3 the original lot was rectangular and the proposal is to add 7+/- acres to the existing lot for current use purposes. The best way was to propose this specific lot configuration.
Motion passes unanimously; 7/0.

3.03(B)(2) – 3.03(B)(3):
Mr. Wormell states that the proposed language for the shared driveway is to be added to the plan; however, there is no room on the plan. Therefore, he has provided a waiver request to not add it to the plan. The language will be added to the deed. He adds that the maintenance agreement will also be added to the deed. **Mr. Jandebeur makes a motion, second by Mr. McCaffrey, to grant the waiver request for Section 3.03(B)(2) and 3.03(B)(3). Motion passes unanimously; 7/0.**

Section 4.10(F)(11):
A discussion is held regarding the test pits. Mr. Wormell states that both homes have state approved septic designs and approval numbers have been added to the plan. Test pits are with them.

Mr. Jandebeur makes a motion, second by Mr. McCaffrey, to grant the waiver request for Section 4.10(F)(11), due to the fact that the information exists on permits. Motion passes unanimously; 7/0.

A copy of the driveway permit for Yeaton Drive is submitted.
The abutters list is read and the public portion of this case is opened. No abutters are present. With no comments, the public portion of this case is closed.

Mr. Jandebeur makes a motion, second by Mr. McCaffrey, to approve Case 14-13, with the following condition:

- **All local, state, and federal permits to be obtained;**
- **Certification of Monumentation to be signed and provided; and**
- **Mylar to be recorded at the Rockingham County Registry of Deeds within one year after approval.**

Motion passes unanimously; 7/0.

The plans are signed by Mr. Strobel.

CASE 14-14 Revocation of Case 13-04: Loon Estates Cooperative Inc. Lake Shore Drive & First NH Turnpike. Map 109; Lot 97. Revocation of condominium subdivision. Approved with conditions on July 25, 2013.

Mr. Bojko has recused himself from this case and leaves the table.

Motion is made by Mr. Jandebeur, second by Ms. Baldwin, to approve the revocation of the subdivision approval, without prejudice, based on the fact that the conditions have not been met.

Mr. Strobel opens the public portion for this case. No abutters are present.

Motion passes unanimously; 6/0.

Mr. Bojko returns to the table as a voting member.

OTHER:
Voluntary Merger
Fahey, 11 Strafford Rd. Map 231; Lots 43, 43.1, 43.2.
Ms. Smith states that the prior owner subdivided the property without permission from the mortgage holder. She states that the properties were never conveyed; it has since been foreclosed. She explains that the current owner would like to have the lots combined back into one parcel and the voluntary merger is the simplest way for that process to occur.

A motion is made by Mr. Jandebeur, second by Mr. McCaffrey, to approve the voluntary merger for Fahey, Map 231; Lots 43, 43.1, and 43.2. Motion passes unanimously; 7/0.

Boundary Plat
Chase, Bell Cove Rd. Map 205; Lot 35.
A motion is made by Mr. Jandebeur, second by Ms. Edwards, to grant authority to the chair to review the boundary plat for Map 205; Lot 35. Motion passes; 6/0/1. Mr. Strobel abstains.

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. Letter sent 1/16/14; No response.)*

Ms. Smith states that an updated plan has been received. **A motion is made by Mr. Jandebeur, second by Ms. Baldwin, to grant authority to the chair to review and sign the plan for Map 216; Lot 79, if all conditions have been met. Motion passes; 6/0/1.** Mr. Strobel abstains.

ADJOURNMENT
Mr. Strobel makes a motion, second by Ms. Baldwin, to adjourn at 12:20 p.m. Motion passes unanimously; 7/0.

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary