

**Town of Northwood
Planning Board
September 12, 2013**

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

PRESENT: Chairman Robert Strobel, Lucy Edwards, Lee Baldwin, Rick Wolf, Joseph McCaffrey, Alternate Victoria Parmele, Board Administrator Linda Smith, and Board Secretary Lisa Fellows-Weaver. Alternate Adam Sprague arrives at 6:45.

VOTING DESIGNATION: Robert Strobel, Lucy Edwards, Lee Baldwin, Rick Wolf, Joseph McCaffrey, and Alternate Victoria Parmele.

ABSENT: Vice-Chairman Timothy Jandebour, and Selectmen's Representative Scott Bryer.

MINUTES

August 22, 2013

Ms. Edwards makes a motion, second by Mr. McCaffrey, to approve the minutes of August 22, 2013, as amended, as follows:

Page 4: Add: ...some of the display areas for future use.

Motion passes; 5/0/1. Mr. Strobel abstains, as he was not at the meeting.

Mr. Wolf states that he has some concerns with the fact that there is nothing specific noted for

NEW CASES:

Case 13-05: David Kingston, 442 First NH Tpke. Map 230; Lot 2.

Applicant seeks minimal impact site plan review to add outdoor merchandise display area to front of property. (*Property currently owned by Stephen Soucy, Big Dog Productions, LLC.*)

David Kingston is present along with Brenda Berry who works with Steve Soucy, the owner of Big Dog Productions.

Mr. Strobel states that the case has been continued from August 22.

Ms. Parmele refers to the planner's notes, and states that the motion to continue is very narrow. She feels that the purpose of the discussion tonight should be more involved than just relative to the scale of the dimensions of the display areas.

Mr. Wolf states that the new plan received tonight still shows future display areas that do not pertain to the proposal for the golf karts. He states that he is not in favor of approving this plan with unknown uses for the display areas. He adds that he does not have any issues with the proposal for the golf carts and the display areas related to them.

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Mr. McCaffrey recalls that part of the concern was that the current application and proposed use is being put forth for the entire location. He states that there could be future responsibilities and adds that there was also some discussion held regarding how many vehicles would be on the premises. He states that it was determined that the size of the display area would determine what kinds of items and the amount of items that would be added.

Ms. Parmele states that she agrees with Mr. Wolf relative to the unknown uses for the proposed display areas. She also adds that the retail use is very broad. She feels that the owner should come back to the board when the uses for the display areas have been determined.

Mr. Kingston states that the area that he would be using for the display area for the golf carts would be the parking lot as noted on the sketch and the yard area along Rte. 4. He states that he would like to display in the front area of the buildings; however, that could end up being another renter's display location. He states that the number of cars will vary; 10-40 staggered cars in the parking area.

Ms. Smith asks about the designated parking lot and if the use for this space is changing. Discussion is held regarding adequate parking. Ms. Berry explains that there will be no changes made to the parking lot. Mr. Kingston states that the parking area is 50' x 70'.

Adam Sprague arrives at 6:45 p.m.

Very lengthy discussion ensues relative to the proposal submitted. Members continue to express much concern with the proposed display areas and the fact that there is nothing specific stated for the contents of these display areas. Ms. Berry states that she has submitted the application to include all units in the building so that everything can be approved all at once. She explains that all the units in the building may or may not use their sectioned display area.

Additional discussion is held regarding modifying the plan that is on file. Ms. Smith explains that any modification to the approved site plan (such as parking) will require a new site plan application. Ms. Smith states that the public notice was relative to the golf cart display areas originally on the plan. Mr. Strobel also explains the code enforcement side of the application and states that the display areas and parking areas need to be specific for enforcement purposes. Ms. Berry states that the parking area is not changing. Discussion ensues and Ms. Smith states that the board needs the dimensions to appear on the plan along with setbacks. She notes that the bigger concern is if the display areas are amending the parking of the original site plan for the retail operation.

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Mr. Wolf recalls that abutters had expressed concern with the displaying of heavy equipment, which leads to discussions relating to impacts to the property and area. Ms. Smith explains that the board does have the authority to look at the potential impacts of the display areas. She adds that the original site plan did not have approval for outdoor display areas. Ms. Parmele states that she believes that the minimal impact application is appropriate; however, if there are additional display areas there could be more impacts.

Further discussion is held regarding a change of use. Ms. Smith suggests that the board consider the size and location based on the regulations so they can substantiate their findings. Then the board can determine if this application proposal is a reasonable request. She notes that the board should remember that this is a commercial property that has been empty for a period of time and to weigh that against their concerns relative to adding display areas.

Ms. Parmele states that this town has many mixed properties; there are commercial and residential areas all along Rte. 4. She explains that the board needs to try to maintain the rural character of Town of Northwood and refers to the *site plan regulations* regarding outdoor display and sales areas. She reads section *IV(C)(12)*. She adds that this is also stated in the Master Plan.

A discussion is held regarding the prior businesses on this site. Ms. Berry states that for the past 15 years the site has been small manufacturing. Mr. McCaffrey states that the site could revert back to whatever the prior approved business was. Ms. Smith states that any approval of this board goes with the land; not with the owner.

Mr. McCaffrey makes a motion to approve the application. No second is provided. The motion fails.

Mr. Wolf states that he does not feel that the board is being fair as the abutters are not present tonight and he is not in favor of approving something tonight without the specifics for the display areas. He feels that the board is setting a bad precedent. Ms. Parmele states that the language in the ordinance does address viewshed; the board can consider the view, and the board should have a chance in the future (when it is known what items will be in the display areas) to discuss this topic again. Mr. McCaffrey states that this is not a mandate; it should be considered, which is what the board is doing at this time. He adds that the board cannot control the items in the display areas. Mr. Strobel states that this issue is a board decision.

Mr. Kingston states that he likes the rural area in town. He asks what the code enforcement officer would do if there were items displayed that are not approved. Mr. Wolf replies that without specifics the door is open, there is

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nothing noted anywhere as to what is to be enforced. Ms. Smith states that the board can determine if the amount of display area could be a potential impact. She states that the board must substantiate their findings. She states that should a business move out and another moves in, there is a future use that is there that the board does not have any control over. Ms. Smith states that the board must look at the proposal, the size, etc., and base their decision on the regulations. Further discussion ensues regarding examples of items in a display area. Ms. Smith states that the board does not have any control over potential future items for display. She notes that if there are problems than the code enforcement officer can address the issues.

Mr. Strobel reminds the board that this is a minimal impact application. Ms. Smith notes that the board can refer back for reference and the applicant could re-file as a minor site plan.

Mr. McCaffrey indicates that there is an area towards the rear of the property that is also proposed as a display area. He asks if the objection for board members is the size or location. Ms. Parmele asks if the back area is paved. Ms. Berry replies that the back portion is gravel.

Mr. Strobel states that the minimal impact application determines the significance of change in the lot. He explains that the majority of the regulations did not exist when the site was the home of Lumbertown. Mr. McCaffrey states that whatever was approved and used that sets the precedent for the approval for the board and the only thing being considered is the additional display on the grass areas. Mr. Wolf notes that there are a total of three display areas. Mr. Strobel reads the criteria (C)IV for change of use. Mr. Strobel states the site was approved as a lumber yard, and has been light manufacturing for 15 + years. He notes that the site is still approved as a retail business. He adds that there are no improvements proposed to the exterior of the site. Further discussion is held regarding nuisances to the neighborhood or abutters. Ms. Smith states that the manufacturing use was approved with the retail use in place as well. Ms. Parmele states that there are things that are impacting the site.

Mr. Wolf asks about business abandonment and the time frame. Ms. Smith explains that the term is actually based on the intent to abandon. She states that abandonment really does not exist as long as the owner is actively intending to maintain the use. She states that abandonment is generally more of an issue with home businesses.

Ms. Parmele states that Northwood does not have traditional zoning and the residential and commercial uses are together. She states that the businesses or uses are always changing. She feels that there needs to be a balance and adds

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that the board really needs to be thinking about the changes. Mr. Strobel states that is why there is a planning board and the board really needs to make sure that they are thinking about the land.

Ms. Smith suggests the board consider a conditional approval. One potential condition would be that all retail items within the display areas must be contingent to the businesses on the premises and it should be related to the onsite sales. Further discussion is held.

Ms. Parmele requests that there be a consensus of the board given as she feels that this is a minimal impact site plan and any approvals granted should be restricted to this particular proposed business. She states that she does not want to vote on all of the display areas as she feels that all of these display areas that are proposed qualify as a minimal impact application. She states that her comments are based on Section IV. (C)(12); adversely alter the character of the neighborhood.

Mr. Wolf states that he does not want to limit people with what they can do; however, he is concerned with the opinions of the abutters and that should be a concern of the board.

Ms. Smith cautions the board to not base the decisions of what will be in the display areas but rather base the decisions on matters relative to use: the impact of the display areas, the size, impacts to the street scape, the impact to the neighborhood, and/or the amount proposed. She explains that the board needs to justify what is being approved and what is noted on the plan that has been provided tonight. She adds that the board's justifications must be related to land use and she refers to the 14 items for minimal impact site plans.

Mr. Strobel suggests that the applicant apply for a minor site plan application and expand the use. He states that he struggles with the fact that there is not a regulation that the board has to reject the display areas. He notes that he struggles with items 3 and 12 regarding nuisances and relative to the characters of the neighborhood that could be changing.

Discussion ensues regarding possible conditions of approval; any improvements to these areas would require future approval and the display areas need to pertain to the retail spaces within the facility.

Ms. Parmele requests that the display areas only be addressed as the businesses are approved. She adds that the view shed in the area should also be considered and is also noted in the purpose of the ordinance and Master Plan which sets the nature of the town; specific performance criteria, V(B)(1)(b)(c). Discussion ensues relative to the view criteria.

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Ms. Smith states that many things have been discussed. She suggests that the board should discuss if they feel that the proposed display areas will have an impact on the character of the neighborhood and would that impact still happen if the display area were smaller, then base the decision on the regulations, which are what gives the board a basis to make their decision. She states that if the application were a minor site plan there would still be jurisdiction over the impact of the proposal.

Mr. Kingston states that he is limited to what can be placed in the front display area as it is a wet area and the septic system is also right above it. He states that there would be nothing heavy or bulky in that area.

Ms. Parmele requests that there be an overall sense of the board given. She asks if the board is comfortable with restricting the applicant to the one display area of 250' x 70', which is proposed to be to the right of the parking lot, excluding all other areas proposed (2). She states that the basis for this is relative to the 1998 Master Plan, and the fact that items 3 and 12; nuisance and impact to the character of the neighborhood, have not been met.

Mr. McCaffrey states no, he is not in favor as nothing has been determined to be a nuisance and adds that nothing has been stated as to the character of the neighborhood. Mr. Sprague states that he feels that this is a good compromise as the applicant can come back in for an additional approval. Ms. Parmele supports only the one display area as suggested. Ms. Baldwin agrees that the proposal would be considered a nuisance 3; and that there will be an impact to the neighborhood, 12. Mr. Wolf states that he also agrees as does Mr. Strobel. Ms. Edwards does not agree that there is an impact or nuisance.

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

- **The display areas will not be improved beyond their existing conditions, per the minimal impact application; and**
- **All items within the display areas must pertain to the businesses on the premises.**

VOTE: 2/3/1. Motion does not prevail. Ms. Edwards and Mr. McCaffrey are in favor. Ms. Baldwin, Ms. Wolf and Ms. Parmele are opposed. Mr. Strobel abstains as he was not at the first meeting involving this case.

Ms. Parmele makes a motion, to approve the application, to include one display area of 250' x 70', and another in the parking lot area of 50 linear ft. x 70 linear ft., along the perimeter (southeastern corner) of the parking lot, second by Ms. Baldwin. A discussion is held regarding the parking dimensions. Ms. Smith states that the parking area is being reduced in size, which is altering the original site plan. She suggests the board may want to

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consider contacting counsel for legal advice relative to denial of the proposal being presented; and if this is an amendment to the original plan, based on the parking area changing. Ms. Smith suggests that the board could conduct a site walk of the property if they want further review of the site. Ms. Parmele states that she feels that the other proposed display areas could be an impact to the neighborhood, *IV(C)(12)*.

Mr. Strobel confirms the two previously provided conditions were to be included in the motion. Ms. Parmele and Ms. Baldwin agree.

Add the following two conditions:

- **The display areas will not be improved beyond their existing conditions, per the minimal impact application; and**
- **All items within the display areas must pertain to the businesses on the premises.**

VOTE: 4/1/1. Motion prevails. Ms. Edwards is opposed. Mr. Strobel abstains as he was not at the first meeting of this case.

RECESS:

Mr. Strobel calls for a recess at 8:40 p.m. Session resumes at 8:47 p.m.

NEW CASE:

Technical Review of New Case

Case 13-08: Peter S. and Thomas E. Johnson, First NH Turnpike & School St.; Map 110; Lot 29. Applicants seek minor subdivision of 40 +/- acres into two lots; new lot will consist of 12.3 Ac. +/- with frontages on Rte. 4 & School St. Remaining lot to consist of 28 +/- Ac. with frontages on Rte. 4, School St., and Olde Canterbury Rd.

Plans and staff notes are reviewed. Ms. Weaver notes that comments have also been received from Licensed Land Surveyor William Wormell, who is representing the applicants. Ms. Smith adds that there are easements that do go onto this property, from the restaurant. She notes that this case is also being reviewed by the zoning board this month. No additional information is requested.

OLD BUSINESS

Master Plan Update

Board Discussion on Master Plan Visioning – Goals

The board reviews the visioning statement example provided by Ms. Edwards. Discussion is held and amendments are made. **A motion is made by Ms. Parmele, second by Mr. Wolf, to recommend the following statement as vision statement #5:**

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Promote a welcoming and inclusive community that encourages involvement and volunteering, which are an essential part of our historic character and heritage.

Motion passes unanimously; 6/0.

All other vision statements have been approved and the board agrees to adopt all vision statements at the next meeting, September 26.

Review of Member Drafts for various sections of Master Plan Update

Reminders are provided to who is addressing the specific sections in the Master Plan. Discussion will be held at the next meeting.

Ms. Edwards – Agriculture

Mr. Strobel - Housing

Ms. Baldwin – Natural Resources

Mr. Jandebaur – Economic Development

Mr. McCaffrey - Land Use

Ms. Parmele – Transportation

OTHER

Holiday Meeting Schedule

November

Mr. McCaffrey makes a motion, second by Mr. Wolf, to meet November 14 and 21, and if there are no new applications, the November 21 meeting will be cancelled. Motion passes unanimously; 6/0.

December

Ms. Parmele makes a motion, second by Ms. Edwards, for December meetings to be December 12 and 19. Motion passes unanimously; 6/0.

CIP Update

Ms. Weaver states that one CIP response has been received. CIP will be discussed at the next meeting.

10 Year Transportation Plan - Meeting

Mr. Strobel states that NHDOT district council is holding various public hearings regarding the 10 year transportation plans. Locations are provided.

Staff Items

Site Plan Revocations

Ms. Smith states that she had a discussion with the assessor today regarding approved site plans and revocations. She explains that a scenario is that there is an approved site plan at a location in a home and the house is sold. The new property owner has no interest in having a business and they are being taxed at a higher rate. She states that there is nothing specific in the board's

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regulation but the board has been following the steps as outlined in the statute for revocation of plans that have been recorded. Ms. Smith states that this is only a policy at this time, not a regulation. She suggests that the board consider thinking about creating a form that property owners would simply fill out voluntarily to request that the non-residential use be removed from their property from a formerly approved site plan/non-residential use back to residential, which is a permitted use. She states that this would be filed with a letter of intent and filed with the town, then the assessor can change their assessment.

Ms. Edwards makes a motion, second by Mr. McCaffrey, to make a policy change allowing the planning board to handle revocations of site plans/or pre-existing, non-residential uses of properties to include a the filing of a form to be filed in the land use department. The form will be created by staff and will be provided to the assessing department when completed by the property owner.

Mr. McCaffrey makes a motion, second by Mr. Wolf, to adjourn. Motion passes at 9:40 p.m.

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary