

**Town of Northwood
Planning Board
September 25, 2014**

Chairman Robert Strobel calls the work session to order at 6:35 p.m.

PRESENT: Chairman Robert Strobel, Vice-Chair Lee Baldwin, Selectmen Representative Timothy Jandebaur, Lucy Edwards, Joseph McCaffrey, Rick Wolf, Board Administrator Linda Smith, and Board Secretary Lisa Fellows-Weaver.

VOTING DESIGNATION: Robert Strobel, Lee Baldwin, Timothy Jandebaur, Rick Wolf, Lucy Edwards, and Alternate Victoria Parmele

ABSENT: Richard Bojko, Alternate Ken Rick, Alternate Adam Sprague and Alternate Victoria Parmele.

MINUTES:

The minutes are postponed to the next meeting.

PRELIMINARY CONCEPTUAL CONSULTATION

Paul Burgess, 783 First NH Turnpike

Paul and Stacy Burgess are present. Mr. Strobel explains the process of a preliminary conceptual consultation and that any discussion with the planning board and applicant is non-binding.

Mr. Burgess provides plans for review. He explains that they are proposing to move their existing auto repair business from Bow Lake Road to 783 First NH Turnpike. He states that there is an existing building that would serve the business.

Ms. Smith states that the previous owner had an approved site plan. The plan was revoked at the owner's request. At this point, there is no approved site plan on file. She states that Mr. Burgess's current business has been approved by the planning board as a home business.

Mr. Burgess states that the existing barn was formerly an antique business. He would like to have the garage in the barn. He is not looking to increase the size of the business but this is a better location and the property is larger; it's a better area for this type of business.

Mr. Strobel notes a concern regarding traffic turning out of the existing driveway heading west onto Rte. 4. Mr. McCaffrey notes that there are two driveways for the property.

Ms. Strobel states that the property does abut wetlands. He states that the board may be looking for best management practices. Ms. Burgess indicates

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that there are similar issues at the current house as they are 200' from the lake.

Mr. Jandebaur asks if they are proposing to renovate the barn. Mr. Burgess states that he is not sure at this time.

Ms. Baldwin states that there are two lots for sale as the property was subdivided. Ms. Burgess states that they plan to purchase both lots.

OLD CASES:

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.

Scott Frankiewicz is present representing the applicant. He provides an update of the project. He explains that he has met with the conservation commission for the wetlands permit, which has been signed and sent to NHDES. He states that he has also provided Mr. David Price of NHDES the denial information for the variance from the zoning board.

Mr. Frankiewicz states that he provided new plans September 5 with edits and the driveway has been moved over by 20 ft.; however, this is pending review of the driveway from the town's engineer. He adds that moving the driveway changes the sight line. He notes that the land will be graded to create a swale, which will create more sight distance. He states that this will allow for the runoff to have a place go to instead of sitting there.

Mr. Frankiewicz states that he has not submitted anything to NHDOT to date.

Ms. Smith states that she has contacted the town's engineer per the board's request relative to feedback for a major driveway. She states that the engineer looked at the definitions in the town's three land use regulations so that the board can base a decision on any or all.

She reads the definitions as noted in his e-mail:

- The Northwood Development Ordinance defines Driveway as:
Any designed vehicular access from a single house lot to a public right of way or public road.
- The Subdivision Regulations has no definition regarding driveways.
 - It does include the requirement for driveways to be located *at least 100-ft from street intersections and major driveway entrances*, or
 - No closer than 20-ft to side lot lines.

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The Site Plan Review Regulations includes a definition of a Street as:

A public or private way which is intended to provide vehicular access to two (2) or more lots and/or two (2) or more primary buildings and which may or may not be continuous. Also included are terms as way, and drive.

Ms. Smith adds that the planner also provided some information regarding a definition for a driveway, which came from NHDOT. The definition from NHDOT is that a major driveway must have 100 car trips per day. Ms. Smith states that she mentioned this definition to the town's engineer who felt that this was an excessive amount of trips per day. Ms. Smith states that it would be helpful if the board could decide this matter and provide clarity to the applicant.

Ms. Smith states that correspondence has been received from abutters. Mr. Strobel opens the public portion for this case.

Abutter Leigh Hansen is present and reads two pages of a letter she has submitted into the file noting safety issues of this portion of Rte. 4, and includes details of a recent fatality that occurred at the front of her property and the subject parcel. A picture is also provided.

With no further comments, Mr. Strobel closes the public portion.

Mr. Jandebaur asks if any comments have been received from the police or fire departments. The file is reviewed. No comments have been received from the fire department. Comments received from the police department indicate "None".

A discussion is held regarding the type of driveway, major or minor. Mr. Frankiewicz states that a household is 10 trips per day. Further discussion is held regarding the traffic from activities held at the recreation fields. Mr. Jandebaur states that it could be at least 30 cars coming in and out for games in the afternoon. He adds that there is not much parking at this time and the parking is being addressed this fall. He notes that phase 2 is not being considered either and should be. Mr. Strobel states that the additional field could double the amount of trips.

Mr. Strobel suggests asking the police department how many accidents have occurred in this vicinity. He adds that NHDOT would have this information but only if an accident was deemed to be over \$500 in damages. Mr. Jandebaur notes that there may be a discrepancy with what NHDOT and the local police department may have. Discussion ensues. The consensus of the board is that a report will be obtained and the report should include accidents which have occurred from the elementary school to Reliable Transmission.

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Ms. Smith states that there were more car trips in the former proposal and the engineer had suggested moving the driveway to be in line with the ballfields. She states that it depends on the applicant as he may want to wait until the sight distance information is received from the other review and weigh that information with the major driveway. She adds that once the review is done, the driveway approval could be a condition of approval.

Mr. Frankiewicz states that they are now improving the sight distance for Signal Ave. and this proposal is cutting down trees and therefore, improving the sight distance. He adds that 495' was presented by the engineer and 530' is what is shown.

Mr. Strobel states that he would like to see the review before making any decision. Ms. Smith explains that the applicant is paying for a peer review based on the 20 ft. She asks what happens if after the review is done and the board decides it should be 100' it would be unfair to the applicant at that point.

Mr. McCaffrey states that he did not feel that the ballfields entrance was a part of the discussion and that the issue is Signal Ave. Ms. Smith states that the engineer did not feel that the ballfields should be a part of the discussion. Mr. Strobel states that the regulations indicate that driveways should be across from each other, when possible. Mr. Wolf states that with this case, this may not be possible. Mr. McCaffrey states that the busiest driveway in the area is the ballfields but the traffic is in spurts.

Mr. Wolf makes a motion, second by Mr. McCaffrey, to determine that Signal Ave. is not a major driveway as it does not meet the criteria in the regulations. Motion passes unanimously; 6/0.

Ms. Smith states that she will forward with the review with revised plans. Mr. Frankiewicz states that he will send to NHDOT as is.

The case is continued to October 23, 2014.

CASE: 14-07: 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.

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Mr. Strobel asks what the wait time is for coffee from the time to order to actually getting the order. Mr. Wormell states that he does not have that data tonight; however, he will provide it. Further discussion is held regarding the queuing study.

Mr. Strobel reviews the new packet of information provided in members' packets as a result of the 8/28/14 meeting, including the following:

- NHDOT Study and requested items
- Aroma Joe's queuing data
- Water meter data of the site
- Well pump test results for capacity

Mr. McCaffrey asks if they are satisfied with the water supply and asks if they feel that there will be any issues. Mr. Tower replies that they do not anticipate any issues. Mr. Wolf comments that if the information provided is accurate then he does not see any problems. Mr. Strobel states that he too is satisfied with the information based on the water measured.

Mr. McCaffrey asks about the NHDOT traffic study. Mr. Tower states that the traffic count is about 14,000 cars along Rte. 4, an average for this location only. He further explains the queuing report, which runs 30 seconds to 2 minutes. Mr. Strobel notes that the site has a drive-up and is also for walk-in customers. He states that there may be a concern regarding the fact that any back up would be on Rte. 4. Mr. Tower replies that the beauty of this location is that the customers can also park and walk-in for service.

Mr. Strobel asks about the capture rate. Mr. Tower states that he is not sure if that data is available from the traffic study. Mr. Strobel explains that there are certain times of day that there could be traffic back-ups. Further discussion is held regarding queuing lines and using the other entrance.

The traffic impact study is provided. Mr. Wormell states that the report has been delivered to NHDOT.

Mr. Wormell states that the marking of the inside of the pavement is waiting for NHDOT to review the study. He states that the turning lane analysis including traffic from the proposed site and the existing businesses on site should be addressed by the report as well as the queuing analysis of the drive through, which will determine the length of the queue at the peak hours of use and on Rte. 4.

Mr. Wormell states that NHDOT has indicated that they do not need the history of the deeds.

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Mr. Strobel opens the public portion for this case.

Ms. Elliot is present and requests that an accident study for this section of road be done as many accidents occur in this area. She suggests that the study be completed from the intersection lights to the Ridge.

With no additional comments, the public portion is closed.

The case is continued to October 23, 2014.

Mr. Strobel calls for a recess at 7:50 p.m. Session resumes at 7:57 p.m.

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 representing the property owner Richard Chandler.

Mr. Stout states that last month the board made a decision to have the wetlands identified on the properties. He states that the wetlands have been identified and revised plans are provided. Mr. Stout explains that there is a change in the wetlands as far as the prime wetlands in the rear of the property, Pleasant Lake North. He states that this is delineated from the property line/town line to the culvert. He adds that there is a wetland by the road access into lot 8-1. He explains that on the previous drawing this was delineated by the soils, 295 soil type.

Mr. Stout states that he has had a conversation with Ms. Smith relative to a concern about the existing road that would service lot 8-1, the wetlands goes through the road and is actually going through the buffer. He states that he spoke to Mr. Chandler who has explained that the road has been in existence since the 1940's and the wetland has been there prior to zoning. He states that it is his opinion that this is now an existing, non-conforming use. He adds that the road was used to gain access and it actually loops around. He states that the road was upgraded for logging.

Ms. Smith states that Mr. Sullivan has also reviewed the plan and also reviewed the plan of the conditionally approval boundary line adjustment (BLA). She states that now that the wetlands have been delineated it appears that the road does go through the buffer. She adds that the road agent has stated that the only permit for the gravel drive that has been issued was a temporary permit for logging purposes for a forestry operation. She states that the road agent will not issue a driveway permit until the planning board has

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made a decision. Ms. Smith continues and explains that the driveway needs to be shown on the plan for the purpose of the subdivision, and under the zoning ordinance it would require a special exception for being within the 20' buffer. The special exception needs to be issued by the zoning board of adjustment (ZBA).

In addition, Ms. Smith states that the BLA is a part of the lot until it is recorded. She states that we now know that almost the entire lot is jurisdictional wetlands. She states that the existing setback shown on the plan is creating a setback issue to the boundary line, which may be addressed by relocating the septic. She adds that everything on the other lot is believed to be jurisdictional wetlands. She states that this puts both applications into a difficult position. She states that the structure is existing and has been functioning for a seasonal residence. She states that it could be upgraded later. She states that because of the new information it puts the BLA on hold as the board has no authority to sign a mylar that has a zoning issue existing and not addressed.

Mr. Strobel asks if there is a septic system with leach field or is it only a holding tank. Mr. Stout replies that the line was placed in this location due to the fact that the structure is not even on the lot. He states that they were trying to correct a situation and there really is no other area for the property line. He explains that the camp was built in 1959 and he believes that the leach field was built one year later and is a concrete block and tile, dry well.

Mr. Stout adds that he did show on the BLA plan where a 4K area and well could fit so that at some point down the road if this should become a permanent dwelling it would need a septic design done. He notes that the state does not allow holding tanks.

Ms. Smith suggests that for the BLA, the applicant could appear before the ZBA for relief for the setback. She also notes that the board could hold a compliance of conditions hearing as the conditions have not been met and renotify abutters, then add a condition that the structure be for seasonal use only. If that fails, a state approved system would be required. She states that there would then be no increase in the use of the location. If the applicant would like to use the structure year round, the board would need to look at it from that perspective. Mr. Stout states that the applicant may not want to limit the use and may prefer to seek a special exception for the septic to be in the building setback. He states that he has tried to move the property line to no avail. Ms. Smith suggests a special exception for the driveway. Mr. Stout states that the wetland has been there and "the driveway" was put in in the 1940's.

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A discussion is held regarding the topography of land of wetlands and steep slopes. Mr. Strobel reads the waiver request for the driveway. Mr. Stout states that they would need to move the driveway 10' into the very steep slope. Mr. Stout states that the driveway issue is through the buffer to the wetland.

Mr. Jandebaur states that he has no issue with the 14'; however, there is an issue with the wetlands and the road in the buffer and it should go to the ZBA. Ms. Smith states that Mr. Stout does not agree with that. Ms. Smith states that the issue is relative to the driveway and is a requirement as it is a part of the subdivision.

Mr. Stout asks if a conditional approval could be done pending applications to the ZBA.

Mr. Jandebaur makes a motion to approve the waiver request from the subdivision regulations for Section 3.03(A)(4) for the driveway of lot 8-1 having only 14' of the side setback, where 20' is required. Mr. Wolf seconds.

Ms. Smith asks if the sight distances have been reviewed. Mr. Stout notes that the information has been added to the plans. It is determined that the standards have been met as well as the criteria.

Motion passes unanimously; 6/0.

Mr. Stout states that he has added an additional note on sheet 1, note 9, indicating that sheet 1 is the only sheet that will be recorded. Copies of sheet 2 will be filed at town hall. He adds that he will also add a note to the plan if an approval is obtained from the ZBA.

Ms. Smith explains the process of going to the ZBA. She states that the BLA plan can be put on hold until they appear before the ZBA. She adds that the board could grant a conditional approval with the following conditions:

- The special exception for the driveway in the wetland buffer be obtained;
- The BLA is signed by the board and recorded at the registry of deeds prior to the recording of the subdivision plat;
- Certification of monumentation be provided for subdivision; and
- If cottage were upgraded, septic would need to be upgraded.

The case is continued to November 13, 2014.

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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.

Ms. Barrett is present. New plans are included in member's packets, which were provided 9/23/14.

Plans are reviewed.

Mr. Strobel states that he has looked at the second driveway from the school's parking lot. He states that he feels it is obvious that the second driveway was to allow access to the back field/pasture. Ms. Smith states that this was access to another lot.

The following statement regarding the driveway is taken from an e-mail received from George Gubitose, NHDOT Highway Access Technician, and is passed around to members for review:

"I can tell you that from the photos it appears that the owners had taken the liberty of using the lawn to park the camper and then eventually it became a graveled drive and eventually a gravel drive leading to a parking area for a business. This progression is something that I feel would need to be permitted and would be very surprised if Jim Driver had given them a different answer. Any "change in use" would be considered an "alteration" by NHDOT and would require a new permit regardless of the creation of new curb cut or not. Given this appears to have a new curb cut and a change of use would warrant a new permit."

Mr. Jandebour makes a motion, second by Mr. Wolf, to approve the site plan application. Ms. Smith confirms that the email was reviewed. Mr. Strobel replies yes and reiterates his statement regarding the use of the second driveway. Ms. Smith states that there is a separate lot out back and still owned by the same folks. She states that she was directed to contact NHDOT and send the pictures along with the letter from Mr. Driver. She adds that she believes that someone was going to come out from NHDOT and review the area; however, she has not heard anything relative to the visit. She states that the code enforcement officer was asked to check into this issue and subsequently this application came to the board.

Mr. Jandebour states that as the school abutter he mentioned this matter to the school board and the board has no issue with the second driveway.

Mr. Strobel states that the board is stating that if approved, no driveway permit is needed. However, NHDOT may still require a permit. Ms. Smith clarifies that the planning board has no jurisdiction to determine if the driveway permit is

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needed. She adds that this board is approving the site plan with the understanding that the board feels that there is no need for an additional driveway permit and NHDOT may decide different.

Motion passes unanimously; 6/0.

CASE: 14-15: David Pelletier Construction Co., 104 Winding Hill Rd. Map 228; Lot 15. Applicant seeks to subdivide existing lot of 7.86 acres to create three new lots; two lots will become 2.07 acres and lot 3 will become 3.71 acres. Property owned by Clifford & Barbara Graves.

Scott Frankiewicz of Brown Engineering is present representing the applicant. New plans are provided with more data. Mr. Frankiewicz states that he has added additional notes and has adjusted the driveway to 20 ft.

Mr. Strobel notes that the application was reviewed at the work session and some information was not provided. Mr. Frankiewicz states that he did receive the review comments and has responded. He states that most of the information was on the plans but missed. He explains that lot 1 and lot 2 are in complete uplands and lot 3 has a small wetlands. He states that he needs to add the wetlands calculations and there are proposed lines missing. He states that the fire protection issue within one mile should be discussed. He adds that the driveways are shown 20 ft. from the property lines for lots 2 and 3. For sight distances he has shown 250'. He explains the driveway locations; they are not shown on the plans. He states that he will revise the plans showing the driveway locations and resubmit.

A discussion is held regarding completeness. Mr. Strobel states that it is hard to see locations without the driveways shown. He states that the issue is since the board knows that new plans are coming in should the clock be started tonight and then continue to another night, or just wait.

Mr. McCaffrey states that he does not feel that the driveway locations are critical and the board should begin to process the application. Mr. Frankiewicz states that he is hoping for a quick review for this application. Ms. Edwards states that the sight distances are not available if the driveway locations are not noted. Mr. Strobel states that driveway locations are required. Ms. Smith states that there are no distances on the lots provided. Mr. Frankiewicz states that the information is not on the drawings that he provided. Mr. Jandebour states that he is not comfortable accepting the application as there missing information: fire; driveways; distances and bearings.

Ms. Edwards mentions that the calculations of the lots are not provided. Mr. Frankiewicz states that the lots are all uplands and he will add the

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information. Mr. McCaffrey states that two lots are 100% developable and one lot with the wetlands is three acres with at least two acres developable.

Mr. McCaffrey makes a motion, second by Mr. Wolf, to accept the application as complete noting that additional details will be provided by the applicant.

Mr. Jandebaur states that the application is not complete. He states that this is an engineered surveyed plan and there are many issues that are not addressed and information has not been provided. Ms. Smith states that with this motion, the board needs to list the items and the board is forcing the applicant to restart the process all over again. She explains that another option is to continue the discussion two weeks from now when the information is available.

The motion and second are withdrawn.

The consensus of the board regarding completeness is four members do not feel that the application is complete. Mr. McCaffrey and Mr. Wolf feel the application is complete.

Mr. Jandebaur makes a motion, second by Ms. Baldwin, to continue the discussion of completeness to October 9, 2014. Motion passes unanimously; 6/0.

Application is missing the following:

- Driveway locations shown on the plan
- Distances and bearings to be shown on the plan

Mr. Frankiewicz states that he will provide updated plans by Monday.

OTHER:

Rules of Procedures

Mr. Strobel provides an email with a few suggestions of changes to planning board meetings. The first change would be to add a public comment portion at the board's work sessions. Comments or suggestions would need to be provided to staff by the first of the month and are then added to the agenda.

Another suggestion is that no new business will be scheduled for after 10 p.m. for any regular meeting. New business applications properly received will be tallied and suitable agenda times allotted with any prior scheduled items. Any new cases slotted for after 10 p.m. will be moved to an additional meeting on the following Thursday.

Discussion ensues. Mr. McCaffrey states that this would allow the community time to comment on issues under the board's jurisdiction. Mr. Jandebaur states that he would not be able to make additional meetings on Thursday due to school board meetings. He notes that public comment times with other boards are 15 minutes.

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Ms. Smith states that it is hard now to deal with the regular business. She states that the Master Plan Update is now on hold. She states that she is not opposed to including general discussions; however, it is not required of the planning board to have a public comment time. She states that it may interfere with the board's regular business. She suggests that any comment be limited to only 10 minutes and be of a general matter. Mr. Strobel states that an example would be to address a procedural issue, or more of a complaint on the process. Ms. Smith suggests that if there are procedural questions staff is available to meet with people and explain the procedures.

Mr. Jandebaur states that he really values the input from the town and the opportunity may not come up often.

Mr. Strobel states that the board decides if the topic is appropriate to be addressed by the board at a meeting and at that time may redirect the item to staff.

Ms. Smith states that regarding additional meetings and continuing cases, typically the agenda has time restraints listed for each case. Mr. Strobel states that this is a mechanism to aid the board. Discussion ensues. Mr. Strobel states that there were three new cases on the agenda tonight and those would have been after 10 p.m. and bumped to next week's meeting. Ms. Smith states that there is now additional staff time to consider for this extra meeting as well as the fact that the new cases may be incomplete and/or ask for a continuance, which would result in a shot meeting and still having to come back the following week. She suggests that staff contact the chair and/or vice chair on the first of the month and relay the new case load that has come in and ask if there should be an additional meeting considered. She adds that there will be a need for additional notices to be done as well. In addition, she states that there is a state statute that requires the board to hear any application within 30 days of the day it is submitted and if an additional meeting is necessary the statute may not be met.

Mr. Jandebaur states that he appreciates the fact that some cases are continued to the work session rather than the regular meeting as this has helped alleviate some of the problem. He suggests this item be discussed further at the next work session.

A discussion is held regarding the preparedness of applicants. Mr. Jandebaur states that the board has created rules and regulations that should be followed; the checklists should be done correctly; and the applicants need to be prepared. He finds it unacceptable to accept applications and plans that do not meet the criteria in the regulations. Mr. McCaffrey agrees and adds that it is

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important that all of the information in the regulations be followed. Ms. Edwards states that the materials requested are noted in the regulations.

Public Safety Complex

Mr. Strobel explains that some discussions are being held with the fire and police departments regarding regulations and procedural changes. Ms. Smith states that eventually a non-binding site plan will need to be submitted.

ADJOURNMENT

**Mr. Jandebaur makes a motion, second by Mr. McCaffrey, to adjourn.
Motion passes unanimously; 7/0.**

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary