

**Town of Northwood  
Planning Board Work Session  
May 12, 2016**

**MINUTES**

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

**PRESENT:** Selectmen Representative Rick Wolf, Betty Smith, Vice-Chair Rich Bojko, Joseph McCaffrey, Hal Kreider, Lucy Edwards, Chairman Robert Strobel, Town Planner Matthew Sullivan, and Board Administrator Linda Smith, Land Use Secretary Susan Jastremski–Pastor.

**VOTING DESIGNATION:** Selectmen Representative Rick Wolf, Betty Smith, Vice-Chair Rich Bojko, Joseph McCaffrey, Hal Kreider, Lucy Edwards, Chairman Robert Strobel

**MINUTES:**

**April 28, 2016**

**Motion is made by Mr. McCaffrey, second by Mr. Bojko to approve the minutes of 4/28/2016 as presented. Vote: 7/0/0.**

**NEW CASES:**

**Case #16-04: Patrick Doyle/Garry Barnes 324/336 Jenness Pond Road Map 206, Lots 5, 6, 14&15.**

Applicant seeks the following Boundary Line Adjustments:

1. Adjust existing property line between Map 203/Lot 15 (1.8 Acres) and Map 203/Lot 14 (32.2 Acres) to create proposed Map 203/Lot 15 (2.2 Acres) and Map 203/Lot 14 (30.8 Acres).
2. Adjust existing property line between Map 203/Lot 6 (0.165 Acres) and Map 203/Lot 5 (0.014 Acres) to create proposed Map 203/Lot 6 (0.139 Acres) and Map 203/Lot 5 (0.041 Acres).

Planner Matt Sullivan reviews the proposed changes which are presented to the members to view on a large plan set. He explains to the Board that the applicants are trying to increase the size of 203/15 and decrease the size of 203/14 and increase the shore front lots 203/5 while decreasing the shore front of 203/6. The intent is to create a more straight boundary line between the two and provide more shore front access. There are 4 lots involved in this application. Discussion is held regarding whether or not the smaller lots could be buildable lots. Ms. L. Smith and Mr. Sullivan state that the lots are not buildable based on current zoning. Mr. Sullivan points out that there is an existing easement on 203/6 that was granted as a recreational access easement to the water before this adjustment was proposed. Ms. L. Smith also notes that the applicants require a variance for the lots by the lake because they are making a non-conforming lot more non-conforming. They will be meeting with the Zoning Board on May 23<sup>rd</sup> to request the variance, which is

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the night before the next Planning Board meeting. Ms. L. Smith reviews the current ordinance related to non-conforming lots. There is one waiver request for full delineation of the wetlands for lot 203/15. It is noted that the applicant is not proposing any changes that will impact on-site wetlands. There is a second waiver request for showing septic and wells within a distance of the properties.

**CASE: 16-05: Millstone Realty Trust, 1090 First NH Turnpike. Map 217; Lot 35.**

Applicant seeks a minimal impact site plan review to amend the reclamation phasing and reclamation surety bond phasing approved as part of Planning Board Case #08-11, a Major Site Plan approval.

Mr. Sullivan states that this property has been in front of the board twice in the last nine (9) months, with the Board granting two extensions to the project to give the applicant more time to provide the Board a revised reclamation phasing plan. The original site plan approval had three phase reclamation where some surety bonding would be provided for each phase before proceeding on to the subsequent one. The applicant is now proposing one large reclamation phase, with one large surety bond provided. Mr. Sullivan read from the application "The purpose of this application is to amend the prior approval in regards to excavation and bond phasing. A bond will be posted for 100% of the reclamation needed in the event the site is abandoned. The approved excavation limits will remain the same. The approved erosion control and drainage structures will also be implemented and constructed as needed while the excavation operation warrants". Mr. Sullivan stated that there were some questions about the application type, and it was decided that because this is really just an adjustment of the phasing plan that it was a minimal impact site plan review rather than a major site plan application. Mr. Sullivan points out that one of the items of note regarding the original reclamation plan was that it required that a certain percentage of the reclamation had to be done in each phase, for example at the front of the site, before proceeding to the next phase. In order to accomplish this, they would have to abandon the front of the site, which is currently being used as a retail space, in order to move onto phases two and three. The purpose of the new plan would be to allow the owner to continue to excavate the entire area without having to do any incremental reclamation. Doing so would mean trucks and excavators would be driving over the newly reclaimed area, which is illogical.

The question of the amount of the surety bond was discussed. It's noted that the new bond is \$32,570.50, which is close to the amount of the original bond. Mr. Sullivan notes that it may be worth requesting a review of the bond surety amounts. The proposed surety doesn't seem to include consideration for inflation. Additionally, the potential need to construct storm water

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management components doesn't seem to be included in it either. Mr. Sullivan asks for approval to have the town's engineer to review the plan and figures.

Discussion continues regarding CMA Engineers reviewing the numbers for the surety bond for the total project. Chairman Strobel reads from surety numbers: The 2009 figure (total cost) is \$24,500 and the 2016 figure is \$35,750. Chairman Strobel feels material cost should be considered too. Mr. Sullivan states the engineer will address all concerns. Ms. L. Smith asks if this review is going to be done in preparation for the next meeting. Mr. Sullivan states that in order for it to be ready for the next meeting, the applicant would have to approve the review before the application is accepted as complete by the Board. The applicant can continue to operate his retail space, but the excavation permit will lapse on May 31<sup>st</sup>, 2016. The primary concern is to accept the new phasing plan. The current approval can't be extended because the applicant did not file for an extension at the beginning of the month. Mr. Sullivan asks the board to think about when the project should be extended to or a termination date for the approval. Currently, the excavation permit goes with the excavation site plan approval. February 2021 is the due date for the next NH DES AOT Permit report. Reclamation surety language on the plan should be modified to allow the Board's designated agent to complete the review of reclamation rather than simply the Building Inspector/Code Enforcement Officer. Mr. Sullivan also suggests requesting an end date of approval to be provided for consideration of the surety.

The board discusses the construction of stormwater management infrastructure. Mr. Sullivan reads from a letter from Holden dated April 27<sup>th</sup>, 2016 regarding stormwater being directed to the middle of the site.

"The intent of this submittal is to amend the prior Site Plan and Excavation Permit approvals. The purpose of the excavation at the site is to remove some soil and ledge to create a level site that would eventually become a retail site, selling sand, gravel, loam crushed stone and other similar materials. As shown in the enclosed as built site plan approximately one third of the site has been excavated. Originally Millstone Development expected that by December 2015 that the entire site would be excavated and shaped to the final grade shown on the site plan. To date approximately 1/3 to 1/2 of the total expected volume to be removed from the site. There are two storm water treatment areas that were shown on the proposed grading plan. Neither of these storm water treatment areas have been constructed as of yet. The storm water landing on the site is now directed to the excavated site where it percolates into the ground. There is no area where storm water runs off from that portion of the site that has been excavated onto adjacent property. Millstone Development has plans to remove more material and continue to direct the storm water that lands on the site into the excavation with no storm water leaving the site. As the excavation operation approaches the location where the storm water treatment facilities

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will be constructed, the storm water treatment facilities will be constructed. Storm water will not be directed towards the storm water treatment facility until the very end of the excavation process when the final grading is completed.”

Mr. Sullivan states that a basic recommendation would be to install the stormwater ponds in the areas that have already been indicated. Ms. Edwards is concerned that if the applicant waits to install the stormwater infrastructure, there is a possibility that they may never be installed. Mr. Sullivan states that it was also a concern of his when he observed that the reclamation surety bond number that it didn't seem to include the cost of stormwater infrastructure construction in the event that the applicant doesn't install it. He feels it would increase the bond amount significantly. A recommendation is suggested to have CMA provide some recommendations to the Board as to how and when these drains should be installed. Mr. Kreider notes that the stormwater drainage should be installed when the stormwater may be going into it, and he feels it needs to be verified that it is in fact going into the center area as the applicant states. Chairman Strobel suggests that the Board should have CMA estimate when the ponds should be constructed either by location or time frame. Chairman Strobel also notes that both engineers have said there needs to be detention pond installed. Chairman Strobel would like to see a timeframe for installation based on drainage analysis and rate of excavation. The Board agrees that before they can go forward, they need to verify the amount of the surety bond and they need a report from the engineer specifying when the detention ponds need to be constructed. Mr. Sullivan assures the board that he will pass those requests along to CMA after receiving approval from the applicant to proceed prior to a vote on completeness.

**Application to build on Private Road, RSA 674:41**

First Class Moving and Storage, 1064 First NH Turnpike, Map 217/lot 45

Mr. Sullivan provides a brief overview of the application.

**Internal Business**

***Home Business vs Home Occupation subcommittee update:*** The committee met two (2) weeks ago and reviewed other Town's existing home business/home occupation ordinances/regulations. Members will review the information from Mr. Sullivan. He may suggest modifications to the zoning ordinance and site plan regulations as a result of this committees work.

***Zoning Ordinance Modifications:*** Mr. Sullivan discussed the anticipated need for additional subcommittees similar to that for Home Businesses vs Home Occupations to review and prepare amendments to the zoning ordinance for 2016. Specifically, these modifications would address changes in accessory

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dwelling unit regulation based on SB146 and changes relating to signage regarding content neutrality.

***OEP Conference update/SRPC Annual Meeting***

Members hold discussion on who is attending.

***Review of Correspondence***

Correspondence is reviewed and discussed.

***Chair's Report***

Mr. Krieder spoke with a member of the Deerfield Planning Board regarding balancing developed land and open space. Chairman Strobel expressed interest in meeting with this representative in order to better align Northwood and Deerfield regulations and priorities.

Chairman Strobel attended an OEP/ FEMA meeting on updated flood maps that are in process. Mr. Sullivan worked with Bob Young and completed the discovery questionnaire this week to compile data. There is limited input from Northwood. The reason for this is that there are limited lots that require flood insurance.

Chairman Strobel reviewed a lengthy discussion with FEMA about Gulf Road access issues. They have funding resources available however they are not appropriate for this project. FEMA typically only provides funding in cases where a disaster has impact a given area, rather than preventative funding. Funding may only be available if there is damage downstream. There must be a history of damage to secure funding.

**Motion to adjourn is made by Mr. McCaffrey, second by Chairman Strobel at 8:25 PM. Vote 7/0/0.**

**Respectfully submitted,**

**Susan Jastremski-Pastor  
Land Use Secretary**