

**Town of Northwood
Planning Board
December 17, 2015**

Chairman Robert Strobel calls the meeting to order at 6:37 p.m.

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

VOTING DESIGNATION: Chairman Robert Strobel, Vice-Chair Lucy Edwards, Selectmen Representative Rick Wolf, Richard Bojko, Lee Baldwin, Betty Smith, and Victoria Parmele.

MINUTES:

December 10, 2015

Mr. Bojko makes a motion, second by Ms. B. Smith, to approve the minutes of December 10, 2015, as follows:

Page 2: Change to state: *...permit CMA to assess...*

Page 3: Add: *A designee was not appointed before Mr. Hickey's retirement.*

Page 3: Change to state: *...inquires if...; Mr. Sullivan states that the approval will lapse should a report not be received from CMA or action is not taken by the board.*

Other edits were made that do not alter the content of the wording. **Motion passes; 7/0.**

CASES:

CASE: 15-07: John Ovadek, 1064 First NH Turnpike. Map 217/Lot 45.

Applicant seeks a major site plan review application for an 82 unit self-storage facility.

Mr. Sullivan reminds the board that this case was determined to be incomplete. He explains that the materials will be amended on an administrative level and revised materials will be provided in January. He adds that this will not be a new case; it will retain the original case number.

Ms. L. Smith states that the case was noticed and abutters were also noticed. Mr. Sullivan recommends that the board vote on the case's completeness.

Ms. B. Smith makes a motion, second by Mr. Bojko, to continue the discussion on completeness for Case: 15-07 to the next regular meeting, January 28, 2016. Motion passes; 7/0.

CASE: 15-08: Millstone Realty Trust, 1090 First NH Turnpike. Map 217/Lot 35. Applicant seeks an amendment to an existing major site plan that would extend excavation operations for five years, through 2020.

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The applicant, David Docko, is present along with Peter Holden of Holden Engineering.

A brief discussion is held amongst the members on business contracts with Mr. Docko. There are no issues or conflicts *raised*.

Ms. B. Smith makes a motion, second by Ms. Baldwin, to accept the application as complete.

Mr. Sullivan states that he feels that adequate information has been received.

Motion passes unanimously; 7/0.

Mr. Strobel opens the public hearing at 7:00 p.m. and reads the abutters list. No abutters are present.

Mr. Holden explains the history of the project and his history of working with Mr. Docko for this site. He states that over the years, Mr. Docko has expanded the site, excavated the area to sell materials, and turned the property into a flat useable area. He states that an Alteration of Terrain (AOT) permit was obtained and an excavation permit was determined to be required as part of the site plan process. Mr. Holden states that they received the AOT permit from NHDES and an excavation permit from the town. Mr. Sullivan states that the AOT permit was granted, December 2008. Mr. Holden states that phasing was added as a part of the AOT permit to prevent excavations of more than 5 acres. He adds that AOT permits are different and do not expire as excavation permits do; an AOT does require a report to be sent every two years noting the progress and an updated plan set to be sent every five years.

Mr. Holden provides an overview of the property and the current conditions plan. As-built plans are reviewed. Mr. Holden states that the storm water treatment area has not been built because this will require work to be done in Phase 2. He explains that there is a condition of approval that excavation in Phases 2 & 3 cannot occur until 50% of the previous phase is reclaimed. He adds that a bond is in place for the value of Phase 1 reclamation.

Mr. Holden explains locations throughout the site noting that the majority of the area is flattened off. He adds that materials are being stored on the site. He states that there is a scale house on site. He mentions that some areas have not been excavated at all. He notes that they have sent an as-built to the NHDES as an update to the AOT permit.

Mr. Sullivan asks if 50% of the area has been reclaimed. Mr. Holden replies that the area is graded. Bins are there and they feel that they are close to 50%.

Members review the CMA report based on the December 17, 2015 site walk.

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Mr. Holden states that Mr. Docko has been doing a great job and the fact that there are no abutters present tells a lot of what has been going on at the property.

Mr. Sullivan explains that it appears that the reclamation plan is not compatible with the work that has been done on-site. He states that the detention pond in the AOT permit was proposed to be installed in Phase 1 and is required to be there since the project has moved onto Phase 2. He adds that per CMA's report, many of the stormwater and erosion controls are concerns, and may be a concern to DES.

Mr. Sullivan refers to his memo and explains the reason to extend the project to 2018. He states that in 2013 Mr. Docko did go to the ZBA for an extension for blasting for four weeks of the year. The conditions are strict and the request is to grant an amendment. He states that there have been several steps of the conditional approval that have not been met, adhered to, or followed.

Mr. McCaffrey states that Mr. Holden makes the distinction of it not being the same as a Walmart type development in the context of excavation permitting. He notes the phasing that was included in the previous approval. Mr. Sullivan states that the reclamation surety documents provided to the town note specific tasks that were to be completed during each phase. Mr. Sullivan explains the purpose of the reclamation surety and having the funding for the town is that should the owner walk away, the town will need the funding to return the area to a safe state. Discussion ensues related to the reclamation process.

Mr. Sullivan states that he visited the site. He explains that the landscaping appears to be complete at this time; trees have been planted; and the stone wall is near completion. He adds that 50% of the Phase 1 reclamation must be done and at this time this has not occurred. Mr. Strobel states that 50% is for completion defined by the RSA; 50% of the area not 50% of the process. Mr. Sullivan states that it depends on the applicant's definition of reclamation on site; if the reclamation proposed was grading, the 50% could likely be met. Mr. Holden replies that this has been there vision of reclamation, never to loam, seed, or grass.

Mr. Sullivan reads from his memo noting potential conditions. Mr. Sullivan states that fencing needs to be installed immediately, if possible, due to the exposed cliff adjacent to the abutting property. He states that the applicant's excavation permit will expire December 31, 2015; a new excavation permit would be required. Mr. Sullivan states that the applicant will not be able to excavate after the end of the year without a new permit.

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Mr. Sullivan states that in 2013 the ZBA granted a five year extension for blasting and drilling activity for a maximum of four weeks for all activities to occur annually through 2018. He states that he is recommending the board grant a conditional amendment to the existing 6/11/2009 site plan approval to extend the project completion date to December 31, 2018, with the following conditions:

- All local, state, and federal permits must be obtained, to include any documentation related to the NHDES AOT permit, Town of Northwood excavation permit pursuant to RSA 155-E,
- A revised reclamation surety plan drafted at the developers expense prior to further excavation,

Joe McCaffrey states that there is an existing surety plan. Mr. Sullivan states that the reclamation surety document and plan should both be updated. Ms. L. Smith states there are a certain amount of funds to cover Phase 1 and a certain amount of contingency that changes in value over a period of time. Mr. Holden reads the existing surety agreement. Ms. L. Smith states that the applicant created the surety agreement and it was accepted by the planning board.

Mr. McCaffrey talks about sloping and the detention ponds. Mr. Sullivan states that during the site walk there was water moving towards the perimeter of the site due to on-site topography. He adds that there is drainage along the sides of the site as well. Mr. Docko states that there is a berm to keep the water from going over the banking to the area that cannot be treated yet. Mr. Strobel reads RSA 155-E, V. Discussion ensues regarding the slope of the site. Mr. Sullivan states that CMA's report shows pictures of the slope in question.

Ms. Edwards asks if the phasing was from the first site plan. Mr. Holden replies no and explains that the original plan was to level the area and no phasing was proposed. He further explains the original plan of the land, which was designed by Holden Engineering, as well as the future plans of the site. Mr. Holden notes that the berm prevents water getting to the pond. He adds that it will be years before there is water in the pond.

Mr. Sullivan continues with the potential conditions list:

- A revised reclamation cost by phase document to reflect 2015 figures

Mr. Holden states that Phase 1 is the largest of the project and they thought that if there was a bond to cover Phase 1, Phase 2 and 3 are smaller and would be the same bond amount. Mr. Sullivan notes that the cost of Phase 1 may change with a revised reclamation surety agreement.

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- A review and approval of the revised reclamation cost by phase and reclamation surety by the town's engineer
- Bond letter and credit for Phase 1 plus 10% contingency, which is a condition from the original approval from 2009
- Reclamation surety inspections to be completed by the town's engineer at the developers expense to insure 50% reclamation before any additional work can be completed
- Installation of fencing along all exposed bedrock ledge adjacent to lot 218/38 prior to any further excavation
- Respond by the applicant to all recommendations of the CMA report
- Addressing all recommendations from CMA's final report, prior to further excavation
- Completion of the project by 2018
- Written notification to be provided by the code enforcement officer and abutters not less than 48 hours prior to blasting
- As-built plans submitted to the Town of Northwood that indicate reclamation efforts and excavation extent both at the end of 2016, 2017, and October 2018. Mr. Sullivan notes that this time frame is flexible.

Ms. Parmele asks which recommendations from the CMA report need to be addressed. Mr. Sullivan states that he has not had time to review the report from CMA. He states that this appears to be compatible with the conditions. Mr. Holden comments that there is no list provided and some of the recommendations do not apply. He suggests that the board approve the continuation to 2018 with a condition that they go through the items A-M and produce a plan that demonstrates how they will achieve the conditions or come back to the board in February.

Mr. Strobel asks if the board addressed this in February does that mean that the approval lapsed and a new site plan would then be required. Mr. Sullivan states that there would be no excavation allowed on the site. He adds that the retail sales site plan is not a part of the excavation operation approval; therefore, the retail sales can continue. Mr. Sullivan explains the process of the excavation application. Discussion ensues.

Mr. Holden suggests filing an application for excavation for January. At that meeting the amendment conditions could be reviewed and then in February they would come back and demonstrate that the conditions were met. Mr. Sullivan states that this existing site plan could be continued to February at which time the board revisit the project. He adds that he believes that the intent was that the permit went alongside the site plan; therefore, when the site plan expires the permit will also. He states that if the board grants a two month extension for the site plan, the site will continue to operate and continue with

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the excavation, the board will then readdress the conditions in February. He expresses concern with the AOT permit from NHDES and requests documentation. He adds that nothing has been received from NHDES and they may have an issue with the fact that the detention pond on the western side has not been constructed.

Mr. Holden disagrees due to the way it was excavated and the fact that there is no water being directed towards it. He suggests that they come in again for further discussion and updates in January. Mr. Sullivan states that discussions could continue on an administrative level in January. Discussion ensues regarding having additional discussions on a preliminary consultation basis. Ms. L. Smith states that this is a project that is already involved and would not apply. Mr. Sullivan states that he could discuss with the applicant as to the status of reapplication and the board could meet again with the applicant in February.

Mr. Strobel suggests the board continue the case until February and Mr. Docko can continue the excavation until February, 2016.

Mr. McCaffrey asks if the fencing could be completed expediently. Mr. Sullivan states that the fence is a condition of approval and could be addressed within the next few weeks.

Additional discussion is held regarding RSA for 155-E:A. Mr. Docko states that the area abuts an abutting garage, not a house.

Mr. Wolf asks if the approval will impact the applicant's day to day operations. Mr. Strobel states that the board would be extending the existing conditions through February 2016.

Mr. Wolf makes a motion to amend condition #7 of the approved June 11, 2009, case 08-11, major site plan to extend the project completion date to February 29, 2016; all other conditions to be obtained, with the understanding that the excavation permit also be extended to February 29, 2016. Ms. B. Smith seconds the motion. Motion passes unanimously; 7/0.

Mr. Sullivan appreciates the effort and cooperation of Mr. Docko and Holden Engineering with this matter in such a quick time frame.

Mr. Strobel calls for a recess at 8:30 p.m. Session resumes at 8:42 p.m.

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INTERNAL BUSINESS:

Staff Items

Site Plan Regulations

Mr. Strobel states that he did review the definitions of the Site Plan Regulations. Mr. Sullivan states that this topic will be addressed, in depth, at the January work session.

ADJOURNMENT

Mr. Bojko makes a motion, second by Ms. B. Smith to adjourn at 8:50 p.m. Motion passes unanimously: 7/0.

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary