

**Town of Northwood
Zoning Board Adjustment
December 22, 2014**

Chairman Roy Pender calls the meeting to order at 6:37 p.m.

PRESENT: Chairman Roy Pender, Bruce Farr, Doug Pollock, Curtis Naleid, Alternate Matthew Fowler, Board Administrator Linda Smith, and Board Secretary Lisa Fellows-Weaver.

ABSENT: Vice-Chairman Tom Lavigne, Alternate Robert Bailey

VOTING DESIGNATION: Roy Pender, Bruce Farr, Doug Pollock, Curtis Naleid, and Alternate Matthew Fowler

MINUTES:

November 24, 2014

Mr. Farr makes a motion, second by Mr. Naleid, to approve the minutes of November 24, 2014, as written. Motion passes unanimously, 5/0.

NEW CASES:

Case #14:15: Camp Yavneh, 18 Lucas Pond Rd. Map 124, Lot 15.

Applicants seek a special exception to Article VI, Section (A)(4)(a)&(b) to construct a bridge for the productive use of land not within the Wetlands Conservation Overlay District and to place a structure within 20 feet of the edge of a wetland.

Charlie Comtois is present representing Camp Yavneh. He explains that the camp has purchased a piece of property that abuts the camp. The intent is to build an interior road that connects the camp and the new parcel. He states that they are proposing to build a 14' wide bridge to cross a stream. The bridge will be about 14' wide.

Mr. Pender asks if this will be an engineered bridge. Mr. Comtois states that the bridge will be engineered and they have just hired an architect.

Mr. Pender reads the requirements for the special exception, as follows:

USES ALLOWED BY SPECIAL EXCEPTIONS

Special exceptions may be granted by the Board of Adjustment, upon notice and hearing as prescribed in RSA Chapter 676, for the following uses within the Wetlands Conservation Overlay District and its setbacks:

Ms. Smith states that the items for (a) are relative to the 20' buffer.

(a) Those uses essential to the productive use of land not within the Wetlands Conservation Overlay District shall be allowed by Special Exception. Those uses include, but are not limited to: the construction of roads, other access ways,

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utility rights-of-way and easements, including power lines and pipelines, with adequate provisions where called for, for the continued, uninterrupted flow of surface run-off water. The ZBA shall grant a Special Exception, provided the following are met:

[1] After the applicant meets with the Conservation Commission, findings by the Northwood Conservation Commission regarding the proposal are submitted with the Special Exception application, are reviewed by the ZBA, and are made part of the record of the case;

Mr. Pender reads a letter received from the conservation commission. He states that the commission supports the project and recommends the following:

- A note that indicates that the road remain a gravel road 20 ft. back from edge of the wetland buffer on either side (approach to the wetland buffer); and
- The certified wetland scientist who flagged the wetland and buffer provide his/her stamp and signature to the approved plan.

Mr. Comtois states that the wetland buffer and overlay have been done. The soil test has not been completed. Ms. Smith states that the conservation commission looked at this plan with the understanding that it was complete. Mr. Comtois states that the flagging is complete; the plan has not been stamped.

[2] Dredging, filling or other alteration shall be designed to minimize adverse impact on the wetland and its setbacks, even if this requires adjustments in design outside of this overlay district;

Mr. Comtois states that there will be no dredging or filling. There will be no dredging of the stream and activity will be a good distance away.

[3] There shall be provisions made to restore the site as nearly as possible to its original grade and condition; (Rev. 3/01)

[4] A state wetlands permit shall be obtained when required.

Mr. Comtois states that the state wetlands permit is not required. Ms. Smith states that the conservation commission is also in agreement with the fact that there was no need of a permit.

[5] A Special Exception is not required when the use meets the criteria for a permit by notification as defined by the NH Wetlands Bureau Code of Administrative Rules. (Rev. 3/00) (Rev. 3/05)

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Plans are reviewed and discussion ensues. Mr. Pender asks for more clarification relative to the bridge. Pictures are reviewed.

Mr. Naleid asks when they plan to begin the project and Mr. Comtois replies that it will be done as soon as possible. He states that the stream is typically dry and really only runs in early spring; however, it is currently running. Mr. Naleid asks how they will be stabilizing the banks for the concrete and to avoid erosion as there will be fresh dug ground. Mr. Comtois states that the plans indicate silt fencing. He adds that this will be done in the winter and from the high side of the banking to the high side of the water, if it is running, it is not very high. In addition, they will be 7-8 ft. away on either side of the wetland. Discussion ensues regarding excavation. Mr. Comtois states that they are proposing the 20' span so that there is no impact to the stream. Mr. Naleid states that this is pretty substantial for a 3' stream.

Mr. Pender asks if the bridge is for regular vehicular traffic. Mr. Comtois states that it is not for common, every day traffic. He explains that this is for the 5 vehicles that are in the camp plus a tractor, a dump truck, etc. He adds that this bridge will also be for walking over and they want the bridge to be large enough to accommodate a large group of people walking over it.

Mr. Comtois states that there are no plans at this time for the new property; it will just become a part of the walking trail that goes around the camp. He explains that the road will not be used for an exit as it does not lead out to the main road. He states that the bridge needs to cross the stream, which they have been calling a high water runoff stream.

Ms. Smith states that that section (b) is relative to the concrete abutments within the buffer.

(b) The undertaking of a use permitted by this Ordinance but not otherwise permitted in the Wetlands Conservation Overlay District shall be allowed provided the following conditions are met:

[1] After the applicant meets with the Conservation Commission, findings by the Northwood Conservation Commission regarding the proposal are submitted with the Special Exception application, are reviewed by the ZBA, and are made part of the record of the case;

[2] Dredging, filling or other alteration shall be designed to minimize adverse impact on the wetland and its setbacks, even if this requires adjustments in design outside of this overlay district;

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[3] There shall be provisions made to restore the site as nearly as possible to its original grade and condition;

[4] State wetlands permit shall be obtained when required.

Mr. Pollock asks if the conservation commission viewed the same materials as provided to the board. Ms. Smith replies yes.

Mr. Pender asks if there are any abutters present. Abutter Dan Ferguson is present and reviews the plans provided. He states that his only concern is for any new proposed buildings and he asks if there will be any additional structures proposed. Mr. Comtois states that the only structure is the bridge and abutments.

Mr. Ferguson asks about erosion. Mr. Comtois explains that the way the structure is being built nothing should go downstream from this area. He states that he is always concerned with wetlands and any conservation matters. He adds that typically the camp goes above and beyond with any projects they do. Mr. Ferguson states that he has never had an issue with the camp itself.

Mr. Naleid asks which way the stream flows and Mr. Comtois replies that it flows towards Mr. Ferguson's property.

Mr. Pender expresses concern with the engineering of the bridge and traffic that will cross the bridge. Mr. Comtois states that he has a small dump truck that he uses on site; however, the bridge is being designed as an H20, the standard for the state where any fire apparatus or construction vehicle can cross.

Mr. Fowler states that this is a good design and it will be stamped by an engineer. He states that he lives downstream from the camp and in the spring the stream does flow heavier; however, he feels that this design will work. Mr. Comtois states that he believes that there is a large culvert nearby, which will help.

Mr. Farr states that Camp Yavneh has been a good neighbor to the Town of Northwood for 30+ years. He states that he would have liked to have all of the information provided for this review; and the stamped plans specifying the bridge. He states he feels that to approve the special exception without this information makes him apprehensive.

A discussion is held regarding a conditional approval. Ms. Smith states that this is not in the purview of the board. Ms. Smith refers to the

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recommendations noted from the conservation commission and states that the building inspector will issue a permit for the bridge and will likely require the engineered bridge. She adds that the applicant will also need to go before the planning board as there is a change to the site plan. The planning board has authority relative to safety matters in the site.

Mr. Pender states that this board is approving the set of plans provided and there is no engineer stamp on the plans, and there is no structural information on the plan either. He states that he feels that it is important to make sure that this is a safe situation. He adds that the applicant has stated that the bridge will be an H2O bridge. Ms. Smith replies that the board could approve, as presented, based on the testimony of the applicant who has indicated that the bridge design will meet the state's standards and will be an H2O bridge.

Mr. Naleid states that a licensed land surveyor has signed the plans. He asks if the conservation commission is requesting that the soil scientist also sign the plans. Ms. Smith replies yes. Mr. Comtois states that they did work with a separate soil scientist. He states that the location of the bridge was engineered first with the topo and then the conservation commission Requested to see the wetland overlay district on the plans, which is why there are two separate plans. He adds that the soils need to be tested and then it will be stamped.

Further discussion is held regarding changing plans. Ms. Smith states that what the conservation commission looked at is what the project will be held to for the decision of the ZBA. She states that if there is a change then they will need to reapply to the conservation commission and to the ZBA. Mr. Comtois states that the only change is to add the stamp and add the notes.

Mr. Naleid makes a motion, second by Mr. Fowler, to grant the special exception to Article VI, Section (A)(4)(a)&(b) of the Northwood Development Ordinance upon submission of final construction plans for the H2O bridge, stamped by a licensed structural engineer, as offered by the applicant during oral testimony; and submission of a final survey plan which includes the Northwood Conservation Commission's recommendations including:

- **A note on the plan that indicates that the private roadway remain a gravel road 20 ft. back from edge of the wetland buffer on either side (approach to the wetland buffer); and**
- **The certified wetland scientist who flagged the wetland and buffer provide his/her stamp and signature on the approved plan.**

Plans are to be submitted to the Town of Northwood prior to commencement of bridge construction.

Roll call vote: motion passes unanimously; 5/0.

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OTHER

Ms. Smith states that the ZBA's submission for the Town Report is quickly approaching. Mr. Pender states that he would like to add a note of the passing of Jean Lane.

ADJOURNMENT

**Mr. Farr makes a motion, second by Mr. Naleid, to adjourn at 7:23 p.m.
Motion passes unanimously; 5/0.**

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary