

**Town of Northwood
Conservation Commission Minutes
February 4, 2014**

Chairman Steve *Roy* calls the meeting to order at 7:07 p.m.

Present: Chairman Stephen Roy, Vice Chairman Steven Hampl, James Ryan, Thomas Chase, Board Administrator Linda Smith, and Board Secretary Lisa Fellows-Weaver.

Absent: Wini Young, Paul Lussier, Alternate Loren O'Neil, and Alternate Michael Matson.

MINUTES

January 14, 2014

Mr. Ryan makes a motion, second by Mr. Hampl, to approve the minutes of January 14, 2014, as written. Motion passes; 3/0/1. Mr. Chase abstains.

CONSIDERATION of APPLICATIONS

***Review of Planning Board Site Plan Application Landscaping Plan
598 First New Hampshire Turnpike, LLC***

Ms. Smith provides an overview of the project explaining the proposal is a major site plan for a change from residential use to mixed use for residential, retail, and professional office use for a holistic healing center; the proposal also includes the addition of a parking lot for 13 paved parking spaces and 21 gravel parking spaces. She states that the planning board has accepted the application and opened the public hearing. She adds that the planning board voted for an engineer peer review to be done by the town's engineer. She states that the site plan regulations state that the landscaping plan is allowed to be reviewed by the conservation commission and the commission can provide an advisory opinion; however, it is not a requirement. She adds that the other option is that the plan can be sent out to another landscape architect for technical review. She states that the planning board has requested that the commission review the plan and provide an advisory opinion.

Plans are provided for review along with a list of site plan review landscaping requirements from the planner. A lengthy discussion is held as to how the commission will respond to these required items by specific details or just general recommendations.

Mr. Roy asks if there is a governing premise behind the landscape design. Ms. Smith states that the basis of the landscaping requirements in the site plan is specific to visual buffers. Ms. Smith notes that there is no buffer between the residential home and the parking, which is a requirement. She also notes that the snow storage areas are not noted on the landscaping plan; it is on a different plan and at a different scale.

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Mr. Roy states that the planning board is seeking input from the commission, yet these types of things, snow storage areas and buffer requirements, are site area issues and not residing in the realm of conservation matters. He states that the commission should recommend that the site have native plants that meet the foliage density. Ms. Smith suggests a general statement be provided with a recommendation to note the site plan regulations.

Mr. Roy asks if the area is proposed to be paved. Ms. Smith states that a drainage plan has been provided and she believes it has been sent out to the town's engineer. Mr. Hampl states that 12 spaces are paved with 21 spaces noted as overflow parking; these will not be paved. Ms. Smith offers a suggestion relative to the parking area; it is a significant issue and the commission could recommend that another landscape architect review this.

Mr. Ryan states that he does not feel that this is a part of the tasks of the commission. Mr. Roy replies that it is at the discretion of the planning board to request an advisory opinion from the commission.

Ms. Smith explains the role of the planner to the planning board. She states that Ms. Planchet requested that the board consider having the plan reviewed by the commission. Ms. Smith states that the application has certain requirements that must be met and the planner has reviewed the materials and identified the regulations that have not been met. She states that the information provided by Ms. Planchet is in reference to the requirements that are missing.

Mr. Hampl asks if the applicant should be following the items in the regulations and meet these requirements. Ms. Smith replies yes.

Further discussion is held. Ms. Smith adds that the traffic proposed per day on the site is 70 cars per day. She adds that the applicant anticipates two to three festivals per year, which the amount of traffic for these events has not been determined. Mr. Roy asks if the traffic review will cover these concepts. Ms. Smith replies yes.

Mr. Roy suggests that the applicant consider following Section (K) of the site plan regulations pertaining to landscaping, which were developed to ensure a degree of environmental and social and aesthetic value to developed properties in Northwood. He states that many town groups were included in developing these regulations. In addition, Mr. Roy states that to the extent feasible, given the premise of landscaping design as this site is built on visual buffers, that appropriate density of the herbaceous plants or trees brought in are native species wherever feasible. In areas needing shade, native species are to be

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introduced. Border areas to the parking area should include a species that have root systems that have a high tolerance for salt.

Mr. Hampl asks if there are any encroachments to the wetlands. He states that he feels that the only item that the commission can comment on is the amount of sq. ft. that will be paved, with regards to the runoff. Mr. Roy states that they must retain 25% of the land area of the parcel; it shall remain in its natural state and be maintained.

Mr. Hampl struggles with what the commission can comment on. Ms. Smith states that the important thing for the commission to consider is that any specifics should be done through a peer review. She states that the commission is a board of volunteers that should not be taking it to a specific level of plant specimens. Mr. Roy states that he does not feel he has the credentials to do that. He states that he was a part of the creation of the landscaping regulations. He asks if the intent to create and adopt the regulations was to have landscaped plans reviewed by someone who has credentials. Ms. Smith replies yes, that was the intent.

A discussion is held regarding the wetlands in the rear of the property. Ms. Smith states that the commission may have interest in the wetland area as the plan indicates logging the area, with the only access through a narrow area that has some kind of a flow through it from the wetland. Mr. Roy states that a permit will be needed. He adds that they will also need to have jurisdictional wetlands mapped before filling or pulling timber. He adds that timber harvest is exempt. Ms. Smith further explains that the proposal is to grub, stump, and loam the back area.

Mr. Chase refers to the requirement regarding invasive species.

Mr. Hampl states that the landscaping company is required to follow the guidelines of the town and if they follow those guidelines then there will not be any problems. He states that he feels that the only issue for the commission to be addressing is the back portion of the property. Ms. Smith states that this is a valid point and the advisory position of the commission could be to recommend that the plan be consistent with the regulations. Mr. Hampl states that the plan needs to meet these guidelines or it should not be valid with the planning board. Mr. Chase agrees and states that the commission could emphasize the point.

Mr. Ryan expresses concern with the fact that the commission is being asked to make a judgment on something that someone else is getting paid to do because the commission is libel to the public judgment and adds that this is not really clear. Mr. Roy states that he does not agree with the premise that the

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commission is making a judgment. He states that the commission has been asked for input and is allowed to provide this input at the commission's discretion. Mr. Roy states that members comments provided are leaning toward making general comments to follow the landscaping regulations.

Mr. Chase adds that under the purview of the commission, what the commission is specifically concerned with of the proposed plan is the native species, salt tolerance, and note the area of runoff so there is enough permeability between the parking area and wetlands.

Further discussion ensues regarding the snow storage. Ms. Smith states that the planning board could require another sheet showing the snow storage and landscaping plan together.

Mr. Roy suggests making a general comment relative to specific landscaped features and planting, such as that this commission does not have the benefit of having credentials for selecting the most appropriate feature for a particular environment in and around the site. Consideration should be given to having a landscape architect review the individual species and the distribution. Mr. Chase and Mr. Hampl are in agreement.

With further review, Mr. Roy suggests there be a general statement made regarding the access to the northern portion of the lot, "the area to be cleared, grubbed and loamed, seeded", presumably would be provided by an existing woods road. He adds that any improvement to that road may encroach into the jurisdictional wetlands and needs any appropriate state wetland impact permits. In addition, the area to be cleared and grubbed should include a plan to insure that the materials removed from the land surface are not positioned within the wetland buffer or the wetland jurisdictional boundary.

Further discussion is held regarding the existing woods road and impacts to the wetlands. Mr. Roy explains that the plan demonstrates that the area to be grubbed does not go into the wetlands buffer area.

Ms. Smith asks about the event activities proposed in this area as the activities proposed in the rear area may be on the wetland buffer. Mr. Roy states that this is an existing woods road now. He adds that a special exception would be needed from the ZBA, or a permit to increase the size of the wetland could be obtained to extend the drainage.

Ms. Smith refers to the two garages and states that NHDOT is not allowing these to be accessed from Rte. 4. She states that the applicant has indicated that the

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garages will be used for storage of equipment. She states that there will need to be some access from the side/back.

Mr. Roy states that he understands from discussions that the commission is not comfortable with commenting on specific items for the landscaping. The consensus of the commission is comfortable with stating that to the extent feasible, the landscaping requirements stated in the site plan regulations should be followed. In addition, given the premise of the landscaping being one that is predominantly visual buffers, the trees, shrubs, and herbaceous plants brought in to provide the visual buffer should be native plants, trees, and shrubs.

Mr. Ryan suggests adding a statement noting that where the commission has not commented, should not infer that the commission is in agreement with the plan/applicant. Mr. Roy suggests stating that not having the benefit of being credentialed landscape architects, the commission is not commenting on the suitability of an individual species of plant or land feature to perform a particular function at the site, and consideration should be given to having a qualified person with the proper training review that part of the plan.

Mr. Roy also adds that some consideration should be given to insuring that the proposed snow storage area should not be a direct sheet flow area into the wetland or its buffer.

Mr. Roy notes that all necessary permits will need to be obtained from the zoning board and/or due to relevant activity within the buffer.

Mr. Chase makes a motion, second by Mr. Hampl, to grant Mr. Roy the authority to review the notes of the meeting and format the necessary responses to the planning board. Motion passes unanimously; 4/0.

Mr. Ryan states that he would like to meet again and review the memo prior to it being distributed to the planning board.

Mr. Ryan makes a motion, second by Mr. Roy to schedule a work session for 6:00 p.m. February 20 to review the memo, with a backup date of February 24, 6:00 p.m. Motion passes unanimously; 4/0.

Ed Minerowicz, Public Service of NH, Dredge & Fill Permit, Prime Wetlands

Ms. Smith states that this application will be submitted for the March meeting.

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SPECIAL REPORTS

Mr. Roy states that there was a change to the statutes about one year ago relative to what requires a public hearing for prime wetlands. He explains that Northwood's ordinance includes a 100 ft. buffer around prime wetlands. He states that state law originally required that activities proposed in prime wetlands or "adjacent to" prime wetlands shall require a public hearing. He states that the language later changed to require any activity proposed in a prime wetlands or within a 150' buffer around a prime wetland shall require a public hearing. He explains that the word adjacent was removed due to the fact that many entities were struggling with the term "adjacent to". The 150' buffer requirement for a public hearing lasted about 3 years; the legislature recently removed any reference to the buffer area for necessitating a public hearing. Mr. Roy states that currently the state law only includes any activity that occurs in a prime wetland as requiring a public hearing; the law is silent on buffers.

Mr. Roy states that the action the legislature took to remove the hearing potential for activities in a buffer affects towns that designated their prime wetlands during the time when the law included the language "adjacent to". Those towns will not be subject to a hearing for buffer activity. A public hearing for activity within 150' of a prime wetland will be required for those towns that designated their prime wetlands during the time the 150' rule was in effect. This was a much shorter timeframe, and only a small number of towns are included in this group. In these towns, there will be a hearing if there is activity within the 150 ft. buffer. Any town that designates prime wetlands going forward from the date of this change will not be subject to a public hearing for any activities within the buffer. He states that Northwood designated its prime wetlands when the word "adjacent" was used in the statute. Additional discussion is held.

PENDING/SUMMARY OF ACTION ITEMS TO BE DONE

Follow up: Charlie Moreno - Giles Lot

Ms. Smith states that she has emailed Mr. Moreno and has not received a reply.

NEXT MEETING – March 4, 2014, 7 p.m.

ADJOURNMENT

Mr. Chase makes a motion, second by Mr. Ryan, to adjourn. Motion passes unanimously; 4/0, at 8:42 p.m.

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary

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