

Planning Board Minutes 11/19/09

Contributed by Lisa Fellows-Weaver
Tuesday, 16 March 2010

Planning Board

Minutes

November 19, 2009

Official as of December 3, 2009

Chairman Peter Jones calls the meeting to order at 7:04 p.m.

PRESENT: Chairman Peter Jones, Vice Chairman Bob Strobel, Selectmen Representative Bob Holden, Roger LeClerc, Victoria Parmele, Alternate Rick Wolf, Town Planner Elaine Planchet, and Board Administrator Linda Smith. Alternate Pat Bell arrives at 7:10 p.m.

VOTING DESIGNATION: Chairman Peter Jones, Vice Chairman Bob Strobel, Selectmen Representative Bob Holden, Roger LeClerc, Victoria Parmele, Alternates Rick Wolf and Pat Bell.

ABSENT: Herb Johnson, Deborah Couch, and Alternate Scott Campbell.

Mr. Holden mentions that tonight is Mr. Jones's last meeting. He states that Mr. Jones has served this town for many years as a volunteer and he will be missed. Mr. Holden thanks Mr. Jones for a job well done. Board members also thank Mr. Jones for his service and presence.

PUBLIC: About 18-20 people are present.

The board discusses rescheduling the December 10 meeting to December 3. Motion is made by Bob Strobel to move the planning board work session to December 3. Bob Holden seconds. Motion passes unanimously; 7/0. Mr. Jones mentions that the regular meeting has previously been rescheduled to December 17.

MINUTES

November 12, 2009

Page 2: Delete: …to enable small local businesses to succeed. He believes…

Page 3: Delete: …reduce the bar… Add: …to ease the process…

Mr. Strobel makes a motion to approve the minutes of November 12, 2009, as amended. Ms. Parmele seconds. Motion passes; 5/0/2. Mr. Wolf and Mr. LeClerc abstain.

Site Walk Minutes – November 16, 2009

A draft has been provided from Deborah Couch.

Delete: …town

Add “s” after member

Change to read… “proposed sign location is not acceptable as it is shown within Old Canterbury Rd.”

Mr. Jones makes a motion, second by Mr. Strobel, to accept the November 16, 2009, site walk minutes, as amended. Motion passes; 5/0/2. Mr. Holden and Ms. Parmele abstain.

OLD CASE:

CASE 09-08: Coe Brown Northwood Academy, 907 First NH Turnpike, Map 217; Lots 65 and 66; Dana and Cindy Davidson, 35 Bow Lake Road, Map 218; Lot 1. Applicants are seeking site plan approval to add an educational facility with proposed 1,500 +/- sq. ft.; to expand athletic fields; and to create access onto Bow Lake Road. Application accepted as complete on 7/23/09; 65-day 9/26/09. Continued from 10/19/09.

Mr. Wolf has recused himself for this case and has moved away from the table.

Ms. Planchet states that the first review has been received from Underwood Engineering and was emailed a few days ago. Copies are provided to the board. She states that copies of the town's traffic study performed by TEPP under subcontract from Underwood are also distributed. She states that an email has also been provided from Ben Dreyer confirming that requested items from the scope of work had been addressed. Ms. Planchet adds that members

have received in their packets comments from the police and fire departments, copies of a petition signed by 54 residents, highway advisory committee comments, and NH DES Alteration of Terrain Permit notification.

Mr. Aleva states that he too just received this information. He adds that he has their responses to Underwood's comments. He notes that there is a difference in that the access way is recommended to be striped 100' on either side.

Mr. Jones refers to the TEPP report and notes that the traffic analysis did not include 2009 existing volume and asks why. Mr. Aleva states he will get clarification on this item.

General discussion is held as the information is further reviewed. Ms. Parmele expresses concern with the language provided regarding the traffic analysis and traffic volumes.

Ms. Smith suggests that the board take time to review and digest the material provided tonight and come back at another time to discuss it.

Mr. Aleva states that they have received the Alteration of Terrain permit, which reviews all of the drainage calculations for quality and quantity of the campus. He adds that they are working on responses to Underwood's general site comments. He adds that they are preparing comments to NHDES regarding the wetlands application, which is a request for information. He notes that changes have been recommended from fish and game relative to the Blanding turtles nearby and they will address that.

Discussion ensues regarding the maintenance building and requests that this building be approved separate from the remaining application. Mr. Aleva provides Plan-L which shows only the proposed building plan and provides an explanation of the drainage treatment. He notes that some of the area will be reclaimed to allow for a more pervious area.

Mr. Strobel refers to the review from Underwood regarding the septic system. Mr. Aleva explains the proposed E1 system. He states that there is one bathroom and a mop sink within the building. There will be no floor drains, and no maintenance of vehicles is proposed within the building.

Mr. Holden asks if the building is approved and the access is not, is the building still functional. Mr. Aleva replies yes.

Ms. Planchet asks about the potable water on site. Mr. Aleva states that there is a water line that comes from the existing parking area and up to the ball field.

Mr. Bell asks staff if the application can be phased out, broken up and decided separately. Ms. Planchet states that the application would still have the same case number and all information was presented. She stated that the board should be specific in its decision. She notes that the board did have some wavier decisions that have already been decided on this case. Ms. Smith states that the concern would be that this was a separate sheet to be signed as to what was being approved. She states that this is essentially everything that there is relative to this aspect of the site plan. She adds that the board should receive additional plans. She states that the board should not approve anything without having a copy presented. Ms. Smith asks if anything has been added to the plan. Mr. Aleva replies nothing has changed other than adding the dry well to the drainage, which was through the alteration of terrain permit. He notes that they have decreased the impervious surfaces since the project began. Ms. Planchet asks if any changes were made as a result of the state's comments and was that info provided to Underwood. Mr. Aleva replies that it was.

Ms. Smith states that once the board makes a decision it is subject to a time frame for an appeal. She states that it would stand alone as a separate approval and perhaps it should be named separately. Mr. Jones states that if there is an approval for the building there would be no bearing on any other portion of the project. Ms. Smith adds that the applicant is taking the full risk and through the process of continuing on with a phase 2, there is still an aspect that may affect phase 1. Mr. Jones adds that the board may not approve the building aspect either. Ms. Planchet suggests an "A" and "B" rather than phase 1 or 2 for clarification.

Mr. Strobel asks about the walkway and Mr. Aleva states that this impervious area will be included in the drainage calculations.

Ms. Smith refers to language noted on the plan "final site design may be modified to include revisions required by state and/or town reviews." She states that this is leaving it wide open for changes. Discussion ensues regarding the interpretation of this language. Ms. Smith states that the board may be comfortable if the wording was "...if required further site review by the Northwood Planning Board." Mr. Aleva states that the note can be changed. Mr. Jones suggests removing the word "proposed" on areas of the plan. Ms. Planchet suggests a conditional approval with the plan to be revised. Discussion ensued. Mr. Aleva states that this wording can be changed.

Mr. Jones makes a motion, second by Mr. Strobel, to consider the maintenance building component separately from the rest of the application. Motion passes unanimously; 6/0.

Mr. Jones asks for public comment. Mr. Colby asks should the building pass would everything else get cut off and be all set. Mr. Jones replies that is correct. Ms. Thomas asks if there is access to the building without the proposed access and Mr. Jones replies yes.

Mr. Holden makes a motion, second by Mr. Bell, to accept phase 1, the maintenance building, with the understanding that phase 2 may or may not be approved with the idea that the changes as discussed tonight in connection of the plan, will be made: removal of the word "proposed" from various locations on sheet L-1; rewording of the last sentence in the project description box to include protection for the planning board to review any revisions.

Ms. Smith asks if the board has reviewed the building profile per the architectural information and whether or not the board would have a maintenance or performance guarantee on the work that will be performed on the site as well as whether the board would have Underwood do any on site inspections of the project while it is under construction. Ms. Smith notes that there should be a timeframe for completion. Mr. Aleva replies July 30, 2010.

Ms. Smith suggests the board omit the entire sentence and Mr. Jones agrees and adds that this plan should be code enforcement. Mr. Bell and Mr. Strobel agree.

Mr. Jones states that he does not feel that a building profile is necessary and Mr. Strobel adds that he did not see anything significant or questionable. As far as a performance guarantee Mr. Jones states that this is a building and is a code enforcement issue. Ms. Smith states that there is site work involved and Mr. Aleva states that there is parking in front with a paved surface. Ms. Smith states that a good completion time frame would be one year. She asks of there is any language relative to the remainder of the current site plan review application. Mr. Jones states that this is referenced as phases. Ms. Smith requests five copies of the plan to be provided.

Mr. Holden re-phrases his motion:

Mr. Holden makes a motion, second by Mr. Bell, to accept phase 1, the maintenance building, and its accompanying site work as shown on this plan (dated 11-19-09 with revision of 11-20-09) is separate from the access road and athletic fields and their accompanying site work, with the understanding that phase 2 may or may not be approved with the idea that the changes as discussed tonight in connection of the plan, will be made: removal of the word "proposed" from various positions on the plan; the last sentence in the project description box will be deleted, time frame for completion is one year; five copies of the plan to be provided. Motion passes unanimously; 6/0.

Mr. Aleva provides a request for continuance. He asks if the traffic engineers should be requested for the next meeting and the board replies yes. Ms. Parmele states that there are many perspectives on the proposed access road that need to be reconciled and feels that someone should be here to address the town as well. She asks if our representative from Underwood could attend. After discussion, Chairman Jones confirms that he understands the reply to be yes. She asks if there could be a representative from the state present as well as this is an access onto Rte. 4. She states that she would like the residents to have a better understanding and there are impacts to Bow Lake Rd. and safety issues. Ms. Planchet states that the applicant has spoken to NHDOT and has provided a letter in the file from DOT noting that a traffic study is not necessary. Ms. Planchet reminds the board that recently NH DOT staff informed the board they were not available for evening meetings and she suggests rather a letter to NHDOT requesting a written response. Ms. Parmele requests DOT comments or concerns about cars turning east on Rte. 4 from Bow Lake Rd., accesses on and off Bow Lake Road, and how this will impact Bow Lake Rd. and how Route 4 traffic will be affected by this traffic change. Ms. Parmele encourages residents to contact the state as well.

Mr. Jones makes a motion, second by Mr. Strobel, to accept the request to continue to December 17, 2009 at 7:00 p.m. Motion passes unanimously; 6/0.

Mr. Jones makes a motion, that when revised plans come in, the acting chair or designee may sign the phase 1 plans. Mr. Holden states that the vice chair would become the acting chair and have that responsibility. Mr. Jones withdraws his motion.

Mr. Wolf returns to the table and is a voting member.

CASE 09-11: John Ovadek, 1064 First NH Turnpike. Map 217; Lot 45. Applicant is seeking site plan review for a retail/discount store. Application accepted as complete on 10/22/09; 65 day 12/26/09.

Mr. Ovadek is present. He states that the board held a site walk on Monday. He explains that the sign was approved in that area and his entry way to his property is Old Canterbury Rd. Mr. Ovadek states that the new sign will be placed where the pre-existing sign was. He adds that the parking was discussed at the site walk and now has a drawing to scale noting the entrance, parking spaces, traffic flow, snow storage, and setbacks.

The board reviews the updated plan. Ms. Planchet states that there was a site plan approval in the property file from

1987. Activities since that time were allowed without site plan review. Ms. Planchet states that Mr. Ovadek met with the board in a preliminary consultation in the summer and at that time was told that a letter of intent should be sent to the board, which he did. At that point, the board asked him to follow the site plan review with the planner assisting through the waiver process.

Ms. Smith states that the provided plan is a copy from a surveyor and due to copyright laws, the board will need to have permission from the preparer in order to copy and distribute. Mr. Ovadek states he will comply.

Mr. Ovadek asks about the request for utility easement. He provides a copy of his deed information, which he does not believe has any information noted. Mr. Bell states that even if there were nothing written in the deed, it does not negate the fact that there is an existing easement; PSNH still has rights. Mr. Bell reviews the deed and notes that there is easement wording in the deed.

Mr. Ovadek states that he has spoken with NHDOT who will view the area after the fact. Ms. Planchet states that she spoke with Mr. Driver at NHDOT and that he said he would like to see traffic estimates when available and that he would issue a "change of use" permit if there were significant changes in the traffic. Mr. Ovadek states that he is working on traffic estimates.

Ms. Smith asks about the motor vehicle request for a dealer's license. Mr. Ovadek explains that he was considering adding a few cars for sale. Ms. Smith notes that that option is not a part of this application. Mr. Ovadek states that the site plan proposal is his main objective. Ms. Smith states that the license request can be sent back and reapplied for at another time.

Additional discussion is held regarding the detention pond. Mr. Ovadek states that the fire department is aware of the area. He describes the area as swampy. Ms. Smith states that she understands it to be a designed detention pond from the original site plan.

Ms. Parmele asks about the waiver requests and Mr. Ovadek replies that he feels that many can be addressed once the site plan is acceptable.

With no further discussion or public comment, Mr. Jones makes a motion, second by Ms. Parmele, to continue Case 09-11 to December 17, 2009. Motion passes unanimously; 7/0.

CASE 09-12: Elias Ververidis, 188 First NH Turnpike. Map 231; Lot 35. Applicant is seeking site plan review to change the existing use from an art studio to an 80 seat restaurant; art studio proposed to be relocated to the existing barn.

Elias and Klia Ververidis are here along with their representative Tom Varney. Ms. Planchet states that staff notes contain comments made by the board administrator, code enforcement officer and planner. Fire department comments have also been provided to the board. She adds that the applicant had been sent notes as a result of the work session earlier in the week.

Mr. Varney provides a waiver request for the off street parking and loading requirements. Mr. Strobel states that the speed limit is not 35 MPH at that location as he'd thought at the work session; it is 45.

Mr. LeClerc asks about the dimensions of the building. Ms. Ververidis explains that they would like to have a well and septic large enough to accommodate 80 seats; however, they actually will only have 50 seats at this time and have the option for future expansion. Mr. Varney explains that the size of the existing building is 30' wide x 56' long. Mr. LeClerc asks how much of the building will be used for the kitchen and prep area and the size of the bathroom. Ms. Ververidis replies that roughly 1/3 of the space or 600 sq. ft. will be for the kitchen and bathrooms. Ms. Parmele asks if there is a sketch of the inside. Ms. Ververidis replies not at this time; however, they could provide it as they reach that time in the process. Mr. Jones states that the board's job is to look at what is presented and not so much as to the inside set up of the building as that would be the code enforcement's area. Mr. LeClerc asks if it is appropriate to approve something that may not accommodate the request because 1,080 sq. ft. will not be sufficient. Ms. Planchet states that the fire department has looked at the plan and noted that the fire code would have to be met. She adds that the planning board does not have regulations relative to how much room is sufficient. She states that this issue would be better addressed by the code enforcement officer and fire department.

A discussion is held regarding the buffer requirement. Mr. Varney states that there is landscaping of shrubs existing. Ms. Planchet states that the applicant may ask for a waiver.

Mr. Strobel makes a motion, second by Mr. Jones, to accept the application as complete. Motion passes; 6/1. Mr. LeClerc is opposed as he does not feel that there is enough information provided to be complete.

Mr. Jones reads the abutters list and opens the public portion for this case. No abutters are present. Ms. Smith states that she received a phone call from Hannaford Bros. inquiring as to the proposal. Washington Mutual Bank as noted on

the plan has been sold and the new owner should be updated on the plan.

Mr. Varney states that the proposal is to convert this building into a pizza restaurant. The parking lot has been expanded back into the field. He adds that the septic system is larger than the normal septic system in order to accommodate the restaurant. Mr. Varney states that the well is in the back and in order to meet the state's requirements they obtained a wetland permit. He adds that they have the driveway permit as well. He explains that currently there are three entrances and they intend to eliminate one driveway entrance to have two entrances. This will allow for landscaping and to establish curbing along the road.

Mr. Jones asks why there will be paper plates. Mr. Varney replies that if regular plates were used this would double the size of the leech field. He adds that most pizza restaurants use paper plates. He states that the paper plates have nothing to do with the seating; it is based on the leach field.

Mr. Varney addresses the TRC comments from the Planner's letter dated November 16:

Off-Street Loading: is the pavement to be continuous? Mr. Varney states that there is ample turning available without problems. He adds that he will add a directional arrow to explain the flow of traffic.

Seating: Mr. Varney states that relative to the building being adequate to hold 80 seats he went by advice of Mr. Ververidis who has been in the restaurant business for decades.

Traffic Study: Mr. Varney states that they are asking for a waiver of the traffic study. He notes that they have a NHDOT approved driveway permit for this state highway.

Revise Plans: Mr. Varney will comply with the request to label the plans more completely with specific items (i.e. landscape plan, etc.) in the title block.

Grading: Mr. Varney states that there are grades on sheet 3 in bold letters, which are the proposed grades; however, he does not have the existing grades labeled.

Revision Dates: Mr. Varney will comply and note these dates.

Historic Review: Mr. Varney states that they have received a response from the state regarding the timeframe for the state historic review. He adds that the state would like more information about the building. He adds that they are not proposing any exterior changes and will be within the limitations of the state.

Pedestrian Plan: Mr. Varney states that they are not proposing sidewalks.

Parking Spaces: Mr. Varney explains that the number of proposed parking spaces is less than the required amount. He states that there will be less cars and greater turnover than a traditional sit-down restaurant. He feels that the parking area is already large and less parking is better for runoff. He notes that they submitted a waiver request this evening.

Hours of Operation: Mr. Varney states that he has submitted the hours of operation and will add them to the plan.

Ms. Parmele asks about the landscaping for the back parking lot. Mr. Varney states that he will add some hemlocks and it will remain open. He feels this is the best way to leave it. Ms. Parmele states that there is a safety factor and she adds that she is not sure as to what kind of flow of people there will be. Mr. Varney states that he has a landscaping plan and can add to it if necessary and adds that he has met the town's requirements.

Mr. Strobel asks about the art studio being moved from the building to the barn. Mr. Varney states that there are 4 spaces for the art studio in the main parking area.

Ms. Planchet notes that a drainage report was submitted.

Ms. Smith states that the well and septic for the house are separate now and asks if they will remain as such. Mr. Varney replies that the septic will remain separate and the wells will be combined. Other wells will be discontinued and the existing well will be closed. Mr. Varney states that this is noted on the plan.

Ms. Planchet asks about the screening for the dumpster and its location on top of the grease trap. Mr. Varney states that he will add screening for the dumpster. He explains that the grease trap needs to be emptied and this will be possible by moving the dumpster.

Ms. Planchet asks if they have considered parking for compact cars. Mr. Varney said they would add spaces for compact cars.

Waiver Requests:

Existing Conditions Plan: Ms. Planchet states that the rationale explains that a recent plan was done in 2006. Mr. Jones

makes a motion, second by Mr. Strobel, to grant the waiver request for requiring an existing conditions plan. Motion passes unanimously; 7/0.

Property Lines Surveyed: Mr. Jones reads the rationale provided, which states that Hannaford property has been surveyed with the plan recorded at the registry of deeds. This parcel is 10 acres with only 2 acres being impacted with other property lines away from the impacted area. Mr. Jones makes a motion, second by Mr. Holden, to grant the waiver request for surveying property lines. Motion passes unanimously; 7/0.

Parking Spaces: proposed design is 1 space per 3 seats rather than required 1 space for 2 seats. Mr. Varney states that with the compact car proposal there would be a gain of one space. He adds that there would then need to be 12 spaces and will encompass the art studio. Mr. Jones reads the rationale noting that the pizza restaurant is less time spent in this style of restaurant and overall is less impact on the land.

Ms. Ververidis states that the well and septic were done to accommodate up to 80 for septic system design purposes; however, they actually want a 50 seat restaurant. The parking lot would then be more than adequate and they were not intending to get 80 people in this building. Ms. Ververidis states that if in the future they wanted to increase the business the septic and well would be fine; however, they could appear before the board to increase the parking, building, etc. The waiver is withdrawn as she states that they will change the seating to 50 people. Ms. Planchet states that there would then be adequate space; no waiver would be required.

Traffic Study: Mr. Jones reads the rationale relative to the traffic, which states that the proposed increase in traffic will have very little impact on the traffic flow on Rte. 4. Mr. Bell asks how this was determined. Mr. Varney replies that they already have the DOT driveway permit and he spoke to their engineer who did not have any issues that triggered any red flags. He states that there is a large volume of traffic with a small light increase in numbers of cars coming and going. Mr. Strobel states that the property is directly across from a very busy gas station with a single turning lane. He states that this is an increase of traffic from the restaurant and there could potentially be conflict. He adds that he believes that this is the second highest accident area in Northwood.

Ms. Planchet asks what the expectation of the traffic study would be if the board requested one. Mr. Strobel states that perhaps NHDOT could move the speed limit sign down the road. Ms. Planchet states that then that would assume that there is enough traffic that would warrant that. She adds that perhaps the board would want a traffic report noting the amount of cars that would be turning into the location and once that estimate is received, what would that mean. Mr. Strobel states that he would be concerned with the 45 MPH speed limit and left turning traffic. He states that he is hesitant to recommend a traffic study for this location. Ms. Parmele notes that perhaps not a full traffic study but one that may consider the many uses in the area and the speed limit zone since this is where it increases. Mr. Jones suggests a typical traffic count for a pizza restaurant with 50 seats. Discussion ensues.

Mr. Holden motions to grant a waiver for the traffic study. Second by Mr. Bell. Ms. Smith states that perhaps the board should hold off on voting and request additional information. Mr. Holden and Mr. Bell withdraw motion and second. Mr. Varney states that he will provide additional data.

Ms. Planchet states that the sign is noted to be partially in the highway right of way. Mr. Varney adds that he will add granite curbing to block the driveway.

A site walk is scheduled for November 21 at 9:00 a.m.

Mr. Jones continues this case to December 17, 2009, 7:00 p.m.

Mr. Holden leaves at 10:15 p.m.

Planner's Items:

Capital Improvements Plan (CIP) Process:

Ms. Planchet provides a spreadsheet for 2010-2015. She notes that the school has submitted information but without years and is not on this document.

Mr. Jones motions to accept the CIP spreadsheet to distribute as necessary. Mr. Strobel seconds. Motion passes unanimously; 6/0.

“Third Tier” Site Plan Regulation

Ms. Planchet states that Ms. Couch forwarded information but she was unable to print it for the board. She adds that Ms. Couch suggested a sub-committee be formed to work on the third tier process.

Economic Development Committee

Mr. Jones recognizes Dave Tousignant, chair of the Economic Development Committee (EDC). He explains that there was an e-mail from the economic development committee regarding creating a third tier process and the constitutional issues. He states that the intent is to streamline the process for small local businesses. The constitutional issue is to

reduce the period of time. Ms. Planchet states that she has received an email and states that she has offered to meet with the EDC to explain the process and proposal. She adds that the constitutional issue has not been discussed in the planning board meetings.

Mr. Tousignant states that it would be great for any business that was trying to come to town to know what they needed to do. He discusses goals of the EDC. He states that the small business that may have no impact should be able to come in and get out so that they can get their business running.

Ms. Planchet notes the notice process for site plan regulations and if this process is finalized; it too would be published and noticed. Mr. Tousignant thanks the board and states he appreciates their efforts.

Lamprey River

Mr. Jones explains that the board has received a letter from Jim Hadley who is the chair for the nomination committee of the Lamprey River Watershed Association. Mr. Jones reads the letter, which is requesting a letter showing the board's support for the nomination of the upper segment of Lamprey River. Mr. Strobel makes a motion, second by Mr. Bell, for staff to write a letter of support to Jim Hadley. Mr. Strobel states that Deerfield applied and received funds from LCHIP to protect that portion of the Lamprey River. Mr. Bell notes that Northwood is the headwaters. Motion passes unanimously; 6/0.

Stephenson Letter

Ms. Planchet states that Ms. Stephenson sent a letter to the board in response to the preliminary consultation about the airstrip on her property. Discussion is held. Mr. Wolf suggests that the letter should be forwarded to the assessing department. The board directs Ms. Planchet to send a letter to Ms. Stephenson to explain the board's procedure.

Letter of Resignation

Mr. Jones submits and reads his letter of resignation into the record. Mr. Strobel motions, second by Mr. Bell, to accept the resignation of Peter Jones, with regret. Motion passes unanimously; 6/0.

ADJOURNMENT

Mr. Jones makes a motion, second by Mr. Strobel, to adjourn at 10:40 p.m. Motion passes unanimously; 6/0.

Respectfully submitted,
Lisa Fellows-Weaver
Board Secretary