

Planning Board Minutes 08/26/10

Contributed by Lisa Fellows-Weaver
Tuesday, 19 October 2010

Planning Board

Minutes

August 26, 2010

Official as of September 23, 2010

Vice-Chairman Herb Johnson calls the work session to order at 6:35 p.m.

PRESENT: Vice Chairman Herb Johnson, Selectman Representative Alden Dill, Babette Morrill, Roger LeClerc, Rick Wolf, Adam Sprague, Alternate Victoria Parmele, Town Planner Elaine Planchet, and Board Administrator Linda Smith. Chairman Bob Strobel arrives at 6:40 p.m.

ABSENT: Alternate Pat Bell

VOTING DESIGNATION: Herb Johnson, Alden Dill, Babette Morrill, Roger LeClerc, Rick Wolf, Adam Sprague, and Victoria Parmele.

PRESENT:

Board of Selectmen Chairman Scott Bryer, Selectman Robert Holden, and Town Administrator David Stack.

MINUTES

August 12, 2010

Ms. Parmele makes a motion to approve the August 12, 2010, minutes. Mr. LeClerc seconds. Motion passes; 7/0.

Mr. Strobel arrives at 6:40 and chairs the meeting.

VOTING DESIGNATION: Bob Strobel, Herb Johnson, Alden Dill, Babette Morrill, Roger LeClerc, Rick Wolf, and Adam Sprague.

Mr. Stack distributes a memo to the board members which was distributed in the fall which describes the land use department and an attachment with a survey he did that afternoon regarding towns with planners and how they are appointed and who they report to. Mr. Stack states that the Board reconstructed the structure within town hall and created a land use department. The staff in that department has been pulled into the one department with the board administrator as the department head. He states that his survey shows that in most towns the planner is appointed by the selectmen with the town administrator as the supervisor or in one town where the department head is the supervisor, similar to Northwood.

Ms. Parmele asks what the reason is and why the need for a hierarchy. She states she believes it is inefficient. Mr. Stack replies that the planner should also be working with the conservation commission, agricultural committee, and other responsibilities too so that priorities need to be set. He states that the board administrator would work to set those priorities. Ms. Parmele states that dealing with other boards is a part of the planner's job; however, Northwood is restricted as the planner position is a part time position. She asks how the board administrator will facilitate this. She adds that she has seen land use departments in other communities and has not seen a structure like this. She sees it as an administrative matter. Mr. Stack states that it is more than that; it is work assignment and tasks that the town wants to get done beyond what the planning board would dictate.

Mr. Strobel states that it is an excellent idea for rounding out the planner's job description. He adds that state statutes dictate the role of the planner with the planning board he also wants to make sure that the board or town are not violating that. He adds that he would want to make sure that the planner's primary allocation of time would be to the planning board.

Mr. Dill states that the board administrator position is a Northwood position that has evolved. He adds that this position has been in Northwood for years and is involved with more boards than just the planning board. He states he believes that the board administrator is the logical place for administration for the land use department.

Further discussion is held and Mr. Stack states that the planner was brought on to work with the board administrator and there needs to be a department. Ms. Parmele states that there is plenty of hierarchy with the town administrator and

planning board. She states that the planning board is usually headed by a planner and she feels that this is not efficient. Mr. Strobel adds that Northwood has a board administrator.

Mr. Stack further explains the structure of other town land use departments. He notes that his understanding of the statute is that planning boards may hire consultants, engineers, planners, and the board can charge for these services.

The planner's job description is discussed further. Mr. Dill states that since the board has not been that busy, this is the time to get planning done. He states that with a land use department Northwood is moving forward and is operating as the town should be.

Mr. Strobel states that he believes that the planner's job description is open to interpretation but based on these discussions he suggests sending a memo of recommendations to the BOS.

Ms. Planchet thanks the selectmen from coming and states she appreciates the discussions. She states she is not sure of the reasoning of the department change. She states she agrees with changes in responsibilities discussed this evening would be good for the community; however, the current job description does not reflect this. Ms. Planchet states that the planner is still shown to be tied to and receives direction from the planning board. She states she personally is not opposed to undertaking the responsibilities discussed this evening, but that the job description should be changed to reflect any change in responsibility. Mr. Strobel states that he agrees and requests that the job description include all responsibilities as noted.

Mr. Johnson states that the planning board was not included in the beginning of the change and should have been. Ms. Parmele states she likes the goals of the BOS and Mr. Strobel agrees.

Mr. Strobel states that he would like to document the board recommendations as to the planner's position as the board has a large responsibility. Ms. Parmele offers to assist. Mr. Strobel makes a motion for himself, Mr. Dill as selectmen's representative, and Ms. Parmele to meet with the town administrator and work on the planner's job description and bring it the board for further review. Motion passes unanimously; 7/0. Ms. Planchet requests to review and comment on the revised job description as she was not given that opportunity previously.

Ms. Parmele left at 7:22 p.m.

REGULAR MEETING

VOTING DESIGNATION: Bob Strobel, Alden Dill, Babette Morrill, Roger LeClerc, Rick Wolf, and Adam Sprague. Also in attendance is Code Enforcement Officer Dave Hickey.

OLD CASE:

Mr. Johnson has recused himself from this case and leaves the table.

CASE 09-14: Mark Lopez (Family Dollar), Rte. 202 & 9. Map 234; Lot 7; Sublot 2. Applicant is seeking a site plan review for construction of an 9,250 sq. ft. retail store to include Family Dollar and one rental unit. (Property currently owned by Beth Grimes, and Gregory Lalish.) Application accepted as complete on 2/25/10; 65 day 5/1/10. Re-noticed continuation for 8/26/10.

A request to continue the case to the next regular meeting has been received. Mr. Dill motions to continue the case to September 23, 2010. Mr. Strobel seconds the motion. Motion passes unanimously; 6/0.

Herb Johnson returns to the table as a voting member.

NEW CASE:

CASE 10-05: MJM Sommer, LLC, Anytime Fitness Express, 262 First NH Turnpike-Suite 1. Map 231; Lot 9. Applicant seeks site plan review to extend hours of operation to be open 24 hours for fitness center business. (Property currently owned by Piper Cove Properties).

Babette Morrill recuses herself and leaves the table.

Voting Designation: Bob Strobel, Herb Johnson, Alden Dill, Roger LeClerc, Rick Wolf, and Adam Sprague.

Mr. and Mrs. Sommer are present.

A brief discussion is held regarding the construction that occurred in the building. Ms. Sommer explains that some minor electrical and plumbing changes were made and permits were obtained and that a few minor changes were made in moving walls in order to capitalize on floor space.

Mr. Dill makes a motion, second by Mr. Johnson, to accept the application as complete. Motion passes unanimously; 6/0. Mr. Strobel reads the abutters list. Mr. and Mrs. Philip Elliot are present.

Ms. Planchet states that the matter before the board is for 24 hour operation for members to access the facility on a 24 hour basis. Ms. Sommer states that Anytime Fitness franchises operate on 24 hour service. She states that this is a healthy option for the community. Ms. Sommer states that other franchises do not see much use between midnight to five a.m.; however, she has spoken to three people that are very interested in the early morning use and this time would be only accessible to members. She explains that the security is 24 hours. Mr. Sommer states that it is real time monitoring and the security company in Minneapolis would contact them and the local authorities.

Mr. Dill asks about outside lighting. He notes that there are many existing lights off of Northwood Garage. Mr. Sommer states that the lighting faces Rte. 4. Mr. Strobel asks if lighting would be necessary for the access way for all open hours. Ms. Sommer states that there is already lighting on site and no windows are on the back side of the property facing Green St. Mr. Sommer states that the sign will be lit but that is the only lighting change.

Mr. Sommer states that they do not anticipate any additional parking needs. Ms. Sommer explains the types of equipment that will be on site. She notes that there are limited free weights on site. Mr. Sommer states that safety is determined by the franchise. Ms. Sommer states that the franchise will not allow a universal bench and any bar lifting is in a cage. She states that she is a nationally certified trainer and will not put anything in the club that is not safe.

Abutter Deborah Elliot states that she has watched the growth in this area and expresses concern with the amount of traffic. She states that there is a lot traffic going to and from the garage during all hours of the night. She states that she has nothing against the businesses in the town just the fact that these businesses need to consider the people that live in these neighborhoods too. And now the fitness club will be there and open 24 hours. Ms. Sommer states that the likelihood of members using the club after hours is 1 or 2 people.

Discussion ensues regarding other business activities on the site. Further discussion is held regarding the traffic and Ms. Sommer states that she could request that members enter in on the other side of the parking lot during the hours after midnight. Mr. Sommer notes that this is some distance away from the Elliot's property. He states that they intend to be good neighbors and will take any reasonable means to do so.

Mr. Dill asks if the hours are applicable to the business or unit. Ms. Planchet explains that the site plan will stay with this unit. Mr. Hickey states that the planning board could limit the hours to this business due to the nature of the business.

Mr. LeClerc asks if members are able to bring in guests. Mr. Sommer explains the tailgate system with the security system; an alarm will sound and trigger the security system if more than one person attempts entry as there is only one key swipe per person for entry.

Staff comments are reviewed.

Mr. Strobel reviews the waiver requests.

Mr. Johnson makes a motion, second by Mr. Strobel, to approve all waiver requests except for the waiver for applicable fees. Motion passes unanimously; 6/0.

Mr. Dill makes a motion to accept the waiver request for fees. Mr. Strobel seconds. Motion does not prevail; 0/6.

With no additional comments or questions, Mr. Strobel closes the public portion of this case.

Mr. Johnson makes a motion, second by Mr. Dill, to approve the hours of business only for this applicant and that the facility is for members only and must be kept locked. Ms. Smith suggests amending the motion to state that the approval is for this business, as presented rather than the applicant.

Discussion is held regarding restrictions and conditional approvals. Mr. Johnson amends the motion, second by Mr. Dill, to add to the existing hours of operation the hours of midnight to 5 a.m. for secure, member only access to the health and fitness center.

Mr. Johnson amends the motion, second by Mr. Dill, to add that all applicable local, state, and federal permits be obtained.

Mr. Johnson amends the motion, second by Mr. Dill, to add that there will be no changes made to the existing exterior lighting.

Mr. Wolf asks if the abutters are happy with decisions. Ms. Elliot states that they are not happy and will contact the police if vehicles are a nuisance. Mr. Sommer replies that he wishes to have a solution to this. He states that the issues are

beyond their control as they are only renters of an interior space. He states that they respect the fact that clients utilize the exterior space and realize that this is in close proximity of the abutters. Mr. Sommer suggests more frequent policing of the area. He offers to have policies and procedures drafted that the clients would need to abide by during the hours of midnight to 5 a.m. Mr. Dill states that although Northwood does not have a noise ordinance, the state does, which is what Northwood abides by.

Motion passes unanimously; 6/0.

Ms. Morrill returns to the board as a voting member.

OTHER:

Engineering Services RFQ

Ms. Planchet states that the planning board and board of selectmen have approved a selection committee process for the engineering services RFQ. Discussion ensues. Mr. Strobel motions to appoint Adam Sprague and Herb Johnson to the selection committee and to authorize both to participate in the RFQ process. Mr. Dill seconds. Motion passes unanimously; 7/0.

Coe Brown Escrow

Mr. Wolf recuses himself from this discussion and leaves the table.

Ms. Smith stated that when the CBNA project was approved an escrow account was created and \$300,000 has been held in that account for site work to ensure that the project is completed and that the escrow account would be released when the project is completed. She explains that a request has been received from CBNA requesting a partial return of \$176,403. She states that the invoice has a cost figure of \$584,653 and that additional information was requested and Mr. Hickey has visited the site and commented that 15-20% of the work has been completed. She adds that a recommendation has been forwarded to CBNA stating that a specific point be met when requesting partial funds and this point has been determined to be when the binder course of pavement has been completed.

Mr. Hickey states that at this point the maximum that has been completed is 15%. He adds that the schedule is to have grading and binder course completed by December 1. He suggests that perhaps at that point there will be a layoff to spring to complete the project; that would be an appropriate time to reimburse for a percentage that has been completed. Further discussion is held regarding the process. Mr. Hickey suggests paying on the work that has been accomplished by December 1.

Mr. Wolf asks to speak. Ms. Smith states that this is not a public hearing and is internal business and therefore, is not necessary to take public input.

Mr. Johnson makes a motion, second by Mr. Dill, to re-visit the CBNA request at the first planning board meeting of December. Mr. Dill states that he feels that the tax dollars are being tied up with this. Mr. Johnson suggests getting a letter of credit. Ms. Smith states that this is a private academy and the tax payers do not have control over the funds. Mr. Johnson amends the motion to add or when work ceases, for consideration of return of funds. Mr. Dill seconds.

Mr. Wolf states that this is a lot of money to hold and getting a letter of credit or bond is hard to obtain. He adds that there are other problems with David Docko's property and nothing is being done about this area. VOTE: 3/3, AS, HJ, and RS are in favor; RL, BM, AD are opposed. Motion does not prevail.

Ms. Morrill states that CBNA provided funds and the planning board should act in good faith. She states that CBNA has done additional erosion work and they are probably trying to recoup funds to continue. She suggests returning a portion of the funds to them prior to December 1. Ms. Planchet states that the conditional approval was that a letter of credit of \$300,000 be provided.

Discussion ensues regarding the escrow account, bonds and letters of credit. Ms. Planchet states that if the board is questioning compliance with the condition itself, then it may require a compliance hearing.

Mr. Strobel motions that the CBNA escrow account be dealt with by staff and if staff is in need of further guidance from planning board to do so at any available meeting. Mr. Johnson seconds. Motion passes; 5/0/1. (Mr. LeClerc abstains).

Mr. Wolf returns to the table.

Dave Hickey left the meeting.

Mr. Dill mentions the town safety committee that will begin to meet to discuss the possibility of building a safety building in town.

Mr. Johnson makes a motion, second by Mr. Dill, to appoint Mr. Strobel and authorize him to serve as the planning board

representative on the town's safety building committee. Motion passes; 6/0/1. Mr. Strobel abstains.

Voting Designation: Bob Strobel, Herb Johnson, Alden Dill, Adam Sprague, Roger LeClerc, Rick Wolf and Babette Morrill.

Third Tier Discussion

Ms. Planchet refers the board to a revised worksheet to the draft Minimal Impact Application provided in members' packets. Ms. Planchet explains that the board has made significant progress to date, and that if the board could make decisions on the remaining site plan requirements this evening, she could then draft amendments for the process to move forward.

Mr. Johnson questions whether these requirements would be necessary given the previous decision on the Minimal Impact category. Discussion ensues. Ms. Planchet states she believes it important for the board to make its determinations on which site plan requirements apply as they support and are referenced in the Minimal Impact description.

The board proceeds to discuss requirements from Site Plan Review Regulations, Section IX (F) through (Q). Mr. Dill makes a motion, seconded by Mr. Johnson, for the first sentence of Section IX (F), Sewerage, to apply to both Minimal Impact and Home Businesses. Motion carries 7/0.

Mr. Dill leaves the meeting at 9:30.

Voting Designation: Bob Strobel, Herb Johnson, Adam Sprague, Roger LeClerc, Rick Wolf and Babette Morrill.

Mr. Johnson makes a motion, seconded by Mr. Strobel, that Section IX (G), Non-Municipal Utilities, does not apply to both Minimal Impact and Home Businesses. Motion carries 6/0.

Discussion ensues regarding Off-Street Parking and Loading.

Mr. Johnson makes a motion, seconded by Mr. Strobel, that the first sentence only of Section IX (H), Off-Street Parking and Loading, apply to Minimal Impacts. Motion carries 6/0.

Discussion ensues regarding Home Businesses compared to Home Occupations. Ms. Planchet states that Home Businesses could require additional parking from the residential use as seen in the recent In-Home Beauty Salon.

Mr. Johnson makes a motion, seconded by Mr. Strobel, that the first sentence only of Section IX (H), Off-Street Parking and Loading, apply to Home Businesses. Motion carries 6/0.

Mr. Johnson makes a motion, seconded by Ms. Morrill, that Section IX (I), Signs, shall apply to both Minimal Impacts and Home Businesses. Motion carries 6/0.

Discussion ensues regarding Section J, Preservation of Natural and Historic Features. Ms. Planchet reads from the regulation and states that this section appears to apply to initial development of a site.

Mr. Johnson makes a motion, seconded by Mr. Strobel, that Section IX (J), Preservation of Natural and Historic Features, does not apply to both Minimal Impact and Home Businesses. Motion carries, 6/0.

Mr. Johnson makes a motion, seconded by Ms. Morrill, that Section (K) Landscaping, paragraphs (1) through (8) not apply to Minimal Impact and Home Businesses. Motion carries, 6/0.

Ms. Planchet discussed the 2008 changes to the landscaping requirements. She explains that in her review of the regulations for the third tier, she found that only a consensus of the board was noted and that a vote was not recorded on the application of the revised landscaping requirements to only major site plan applications.

Mr. Johnson makes a motion, seconded by Ms. Morrill, to clarify that the 2008 landscaping revisions apply only to major site plans. Motion carries, 6/0.

Mr. Johnson makes a motion, seconded by Mr. Strobel, that Section IX (L), Special Flood Hazard Areas, does not apply to minimal Impacts and Home Businesses. Motion carries, 6/0.

Mr. Johnson makes a motion, seconded by Mr. LeClerc, that Section IX (M), Outdoor Lighting, applies to both Minimal Impact and Home Businesses. Motion carries, 6/0.

Mr. Johnson makes a motion, seconded by Mr. LeClerc, that Section IX (N), Hours of Operation, apply to both Minimal Impact and Home Businesses. Motion carries, 6/0.

Mr. Johnson makes a motion, seconded by Mr. LeClerc, that Section IX (O), Lot Coverage, apply to both Minimal Impact and Home Businesses. Motion carries, 6/0.

Mr. Johnson makes a motion, seconded by Mr. Strobel, that Section IX (P), Noise, apply to both Minimal Impact and Home Businesses. Motion carries, 6/0.

Mr. Johnson makes a motion, seconded by Ms. Morrill, that Section IX (Q), Sidewalks, do not apply to both Minimal Impact and Home Businesses. Motion carries, 6/0.

Mr. Johnson makes a motion to adjourn at 9:50. Seconded by Ms. Morrill. Motion carries, 6/0.

Respectfully submitted,
Lisa Fellows-Weaver
Board Secretary