

Planning Board Minutes 12/09/10

Contributed by Lisa Fellows-Weaver
Thursday, 23 December 2010

Planning Board

Minutes

December 9, 2010

official as of December 16, 2010

Chairman Robert Strobel calls the work session to order at 7:03 p.m.

PRESENT: Chairman Robert Strobel, Adam Sprague, Roger LeClerc, Rick Wolf, Babette Morrill, Town Planner Elaine Planchet, and Board Administrator Linda Smith. Alternate Victoria Parmele arrives at 7:07 p.m. Selectmen's Representative Alden Dill arrives at 7:51 p.m.

VOTING DESIGNATION: Bob Strobel, Adam Sprague, Roger LeClerc, Rick Wolf, Babette Morrill, Alternate Victoria Parmele (7:07 p.m.) and Alden Dill (7:51 p.m.).

ABSENT: Vice Chairman Herb Johnson and Alternate Pat Bell.

MINUTES:

November 18, 2010

Mr. Strobel makes a motion, second by Mr. Wolf, to accept the minutes of November 18, 2010, as amended.

Page 2: spelling notation

Page 4: Delete: the

Motion passes unanimously; 4/0/1. Mr. LeClerc abstains.

Ms. Parmele arrives at 7:07 p.m.

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 a 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. Continuances successively granted; to 12/9/10.

Chris Berry, Berry Surveying for Mark Lopez/Family Dollar, states that the last meeting was early November and he had hoped to work out a final agreement with the abutter, KimChris Properties. He stated that this agreement did not occur until Tuesday of this week and that the agreement is currently being sent to all parties for signature.

Mr. Berry states that the plans that were submitted in November depict what they will be moving forward with at this time. He states that revisions have been made based on the board's requests. He states that pedestrian access has been proposed to and from the site up to the proposed structure and allows more open space at the front of the project. He explains that originally the store proposed delivery with a 50 ft. wheel based truck and they now deliver with a 70 ft. vehicle with a 67 ft. wheelbase to get onto the site and make deliveries.

Mr. Berry states that they are short a few parking spaces. He states that they will need to pursue a waiver for the number of parking spaces. Mr. Berry states that Family Dollar is opening about 30 stores a month. He states that based on their research they know that they need 25-28 parking spaces which is lower than what is required by the town. He adds that the customer turnover for this type of store is typically higher than a standard retail location. He stated that they had provided a low impact traffic analysis and he will update this document and resubmit it to the board.

Mr. Berry states that they are trying to be proactive from a planning perspective and will propose grading on the KimChris property as part of their agreement. He mentions that this may result in a change in the application as there will be an impact to another property and may require additional abutter's notifications. He indicated he would discuss this with the planner as to how to proceed.

Mr. Berry states that the dumpsters are at the rear of the site and that the 500 gallon underground propane tank will be on the north side of the building, adjacent to the parking area. He states that there will be no buffer impacts and that the septic is located out front with the well in the back. He said that they plan to re-infiltrate some water to the south side of the property and are proposing an underground stormwater detention system at the front of the site. He states that he

must re-analyze the entire drainage and stormwater system in the DOT right of way and that this will take a little more time than anticipated. Mr. Berry states that they plan to pave up to the boundary lines of KimChris properties. He states that with the agreement the development will be easier to accomplish.

Mr. Berry explains that the lighting on site will stay the same; all lumens will remain on the property, except for some spread into the highway. He adds that landscaping will remain the same along the front of the site, including the large shade trees along the perimeter.

Ms. Parmele asks for an explanation of the parking changes. Mr. Berry states that the original application did not have enough room on site for the parking as required. At that time they requested a waiver and then the application went out for engineering review. He adds that multiple design changes have occurred through abutter's requests and the company. He explained that with this proposal there is not enough parking per code by a few spaces. He adds that they do meet the retailer's needs. He states that they are required to have 32 and have proposed 28.

Ms. Parmele asks how the retailer perceived this particular area. Mr. Berry states that there is a specific formula that the retailer uses. He explained that a lot has to do with the traffic volume on the corridor and population density in a certain radius. He adds that there are many of these stores within NH, ME, and northern MA. He said that in addition to the formula, land acquisition and development costs are considered. Mr. Berry states that construction will begin in Lee soon.

Mr. Strobel states that the approval for the variance granted by the zoning board should be noted on the plan. Ms. Planchet states that the case is 09-05R, from October 26, 2009.

Ms. Planchet explains that a new public notice is likely to be needed and additional abutters notifications. She notes that waivers may need to be changed. She explains that the board has previously directed that the plans will be sent to the town engineer after it has been received and for this case it will be Underwood Engineering as they have begun the review process. Mr. Berry states that they would prefer that this be the process.

Ms. Planchet explains the wording of the notice should include any work proposed on another property as well. She states that the board will have to look at the proposed traffic at this time and determine whether they are satisfied. Mr. Berry explains that traffic is always changing so that they could provide an estimate based on traffic now but off site traffic could change.

A discussion is held regarding continuing the case. Mr. Berry provides a request for continuance for the case until January 27, 2011. Rick Wolf makes motion to continue Family Dollar until January 27, 2011, second by Babette Morrill. Motion unanimously; 6/0.

NEW CASES

CASE 10-08: Thomas and Cindy DeMeritt, Upper Deerfield Rd. Map 235/Lots 1 & 2. Applicants are seeking Boundary Line Adjustment, which will result in Map 235/Lot 1 to be 23.08 Ac., with 1,793' of road frontage; and Map 235/Lot 2 to be 3.56 Ac., with 300' of road frontage.

Ms. Planchet explains the proposal for the BLA. She states that the new lot line will be creating the 3.56 acres, lot 235-2, which is the existing house lot and the remaining 14.84 acres, referred to as Parcel A, will be added to lot 235-1, with a conservation easement to the Town of Northwood. She states that there are no new lots being created. She explained that the conservation commission will be involved in this process and the chairman will be attending the public hearing. She explained that no fee has been provided and it is her understanding that a waiver request will be provided on behalf of the town's interests. Ms. Planchet states that the building department has requested a release form be filed as a condition as the driveway for the existing house is on a class VI road.

Ms. Smith asks if the applicant should provide language relative to the conservation easement. She adds that there should also be language added relative to the signing of the plan would not allow lot 235-1 an approval as far as building on a class VI road.

Miss Morrill asks about the waiver request for the fees. Ms. Planchet explains this could be for the application fee and that typically, the board has not waived "out of pocket" fees such as public notices and abutter notification.

Alden Dill arrives at 7:51 p.m. and is a voting member.

CASE 10-09: Davlynn Homes, Blakes Hill and Harmony Hill Roads. Map 228; Lot 23. Applicant is seeking a 9 lot open space subdivision. (Property currently owned by Anthony Irrevocable Trust.)

Jason Pohopek, Pohopek Land Surveying and Atty. Jeff Merrill are present representing the applicant. Linda White is in the audience.

The board reviews the plan and Staff comments. Ms. Planchet states that the police and fire department letters have

been sent out for their comments; however, nothing has been received to date.

Mr. Dill states he would like to see some language relative to the open space being more conducive to agricultural uses. Mr. Pohopek replies that they will add this.

Ms. Parmele notes that there is conserved land in this area and asks how the NALMC open space relates to this property. Mr. Pohopek replies that this is as contiguous as it can be, as it is across the street. Ms. Planchet states that there are overlay district maps of the town with the agricultural soils noted as prime Ag soils. Ms. Parmele asks if there are any more details about the prime Ag soils, specifically mapping. Mr. Pohopek states that the level of accuracy is limited in getting this information onto the plan. He explains that he did use the town's conservation maps. He explains the process he took to determine the Ag soils. Ms. Parmele states that there should be some information provided on soil types and boundaries and it would not necessarily be HISS mapping. Ms. Parmele states that she feels that this information would be useful. Mr. Pohopek states that he will provide something.

Mr. Strobel requests to see the distances between the houses. Mr. Pohopek replies that the homes are approximately 24'x36' in size. He adds that the lots should accommodate garages as well.

Discussion is held regarding alternate layouts and whether the proposed house locations on the plans would lock them into those specific locations.

Ms. Planchet replies that the proposed house locations are included in the regulations to assure that a house, septic and well could fit on a lot. Some discussion is held regarding the septic systems. Mr. Sprague asks about the location of the septic tanks relative to the well radius. Mr. Pohopek discusses the regulations for the septic designs.

Mr. Dill states that he would like something for the open space to promote some agricultural use. He states that he feels that the plan is relative easy and straight forward. Ms. Parmele states that 4% of the soils in Northwood are prime soils. Mr. Dill states that there is such a low percentage of Ag soils in Northwood and in southern NH generally so it is important to keep it open. Mr. Pohopek stated he will comply with this request.

Ms. Planchet explains the statutory requirement for new information. She states that any revisions should be provided to the office as soon as possible to allow staff and members time to review prior to the meeting.

Mr. Pohopek provides yield plans.

Planner's Items

Overview of Public Hearing Process for Development Ordinance and Site Plan Review Regulation Proposals

Ms. Planchet states that the proposed language for the changes of zoning and site plan regulations are in the packets. She explains the format of the changes within the document: the proposed amendment is provided on a separate sheet of paper and all proposed changes are noted. She adds that both proposals have been noticed for a public hearing scheduled for December 16, 2010 at 7 p.m.

Ms. Planchet explains the process of adoption of site plan regulations by the board after public hearings. She states that the town has authorized the board to adopt these regulations and therefore may make these changes. However, the development ordinances are addressed on the ballot by registered voters.

Ms. Planchet states that town counsel has reviewed these documents; however, Strafford Regional Planning Commission has not.

Proposed Informational Article re: Proposed Ordinance and Site Plan

Ms. Planchet states that staff prepared a press release which could be placed in the local papers and on the town's website. The board reviews and makes changes to the proposed article.

Bob Strobel makes a motion, second by Alden Dill, to support the press release. Motion carries, 6/0.

RSA 673:7

Ms. Planchet states that RSA 673:7 regards planning board members who serve on other town boards. Ms. Planchet states that she brought this to the board's attention because there are two planning board members, one of whom is the BOS representative, on the agriculture committee. Mr. Dill states that this is not relative to his and Ms. Parmele being on the agricultural committee as he is not an elected official to the planning board. Discussion ensues about the uncertainty of the selectmen's representative position, and whether legal opinion should be obtained. The board directs Ms. Planchet to contact LGC for an opinion.

OTHER

Mr. Strobel states that he attended a conference and provided the board with some new information based on the conference. He explains that decisions should be very carefully crafted noting why an application is being approved or disapproved. He adds that waivers should be gone through individually rather than as a group noting reasons for

approving or denying.

Lengthy discussion is held regarding the board's procedures and when public comments should be provided. Ms. Smith states that addressing conditions is a discussion that should be held amongst the board. She suggested a draft approval be created at a meeting and then address these decisions at the next meeting.

Mr. Dill makes a motion to adjourn at 9:14 p.m. Seconded by Mr. LeClerc. Motion carries, 6/0.

Respectfully submitted,
Lisa Fellows-Weaver
Board Secretary