

Jim Hadley  
Mailing Address: PO Box 104, West Nottingham, NH 03291

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September 21, 2019

Northwood Planning Board  
Chairman Robert Strobel  
848 First NH Turnpike  
Northwood, NH 03261

Re: Additional Public Comments for the Sullivan Major Site Plan Review, Tax Map 221, Lot 61, #19-12

Dear Chairman Strobel and Members of the Board:

I am submitting this letter as additional comments pertaining to the above-referenced Site Plan review. As a former Northwood selectman, selectmen's rep to the planning board and planning board member I completed several law lectures sponsored by the NH Municipal Association that pertained to zoning, land use regulations and site plan review.

**There were a few important court cases worth noting that were covered in these lectures as follows:**

1. **Bayson Properties, Inc. v. City of Lebanon, No. 2002-538 (N.H. Oct. 24, 2003)** – the planning board denied the site plan application because it failed to comply with the city's traffic regulations and noise impact that the driveway would have on a neighboring property. **The superior court affirmed the planning board's decision and the Supreme Court affirmed the superior court.** The planning board provided the applicant with ample time and guidance for bringing this application into compliance with the site plan regulations.
2. **Summa Humma Enterprises v. Town of Tilton, No. 2003-398 (N.H. May 24, 2004)** – the planning board approved the site plan conditioned on one restriction. **The applicant appealed and the superior court affirmed the condition. The Supreme Court affirmed the superior court's decision.** In doing so, it quoted Peter Loughlin, NH Practice, Land Use Planning and Zoning (2000): "Site plan review is designed to assure that sites will be developed in a safe and attractive manner and in a way that will not involve danger or injury to the health, safety, or prosperity of abutting property owners or the general public. These purposes are accomplished by subjecting the plan to the very expertise expected of a planning board in cases where it would not be feasible to set forth in the ordinance a set of specific requirements upon which a building inspector could readily grant or refuse a permit". **The Court held that, "Where the role of site plan review is to ensure that uses permitted by the zoning ordinance are appropriately designed and developed, restricting the planning board's authority to the specific limitations imposed by ordinances and statutes would render the site plan review process a mechanical exercise".**

**The above decisions should give planning boards the confidence to remind applicants that it is the board that gets to decide what is acceptable, and if the applicant cannot run a business in a manner consistent with reasonable site plan regulations, it is free to take its business elsewhere.**

**The expected adverse impacts to traffic, noise and light pollution to abutting properties and the general public that this project would create in a residential neighborhood would be contrary to the intent of our Site Plan Review Regulations Ordinances. Please consider the community's best interest and deny this application.**

Sincerely,



Jim Hadley  
MPA, MBA, MS in Community Economic Development

Cc: Linda Smith, Board Administrator; James Burdin, Town Planner  
Marcia and Brian Severance; Attorney Amy Manzelli (representing the Severance's)

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