

Resubmitted
for Application

RECEIVED in hand
APR 22 2019

BY: J.S.

April 21, 2019

Northwood Planning Board
818 First NH Turnpike
Northwood, NH 03261

Re: Proposed Aroma Joe's coffee business to be located
at 8 Bow Lake Road.

Dear Board Members:

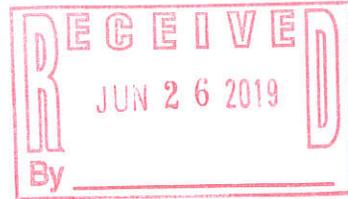
Our family wishes to go on planning board records as being strongly opposed to this proposed business being approved for operation at 8 Bow Lake Road.

We own the two properties (5+13 Bow Lake Rd.) located directly across from 8 Bow Lake Road. It is our belief that a business of this type will have a negative impact on us by causing our property values to be diminished particularly with the resulting increased traffic. Bow Lake Road is already a heavily traveled road and additional traffic will cause even more of a hazard with the congestion at the Bow Lake Road / Rt. 4 intersection.

We feel that this business will also greatly alter the essential character of the neighborhood making it an undesirable and unpleasant area to live.

Thank you for taking our concerns into consideration when making your decision.

Sincerely,
Marcia Severance
For the Severance Family



To whom it may concern:

I am unable to attend the Planning Committee's meeting on the evening of June 27th in regards to the proposed coffee shop/greenhouse on Rt. 4 at the intersection of Bow Lake Road. And my thoughts are that I don't object to the project of having a drive-thru coffee shop there. But... it needs to wait until a traffic light is installed there. I understand that the wiring is all in place.

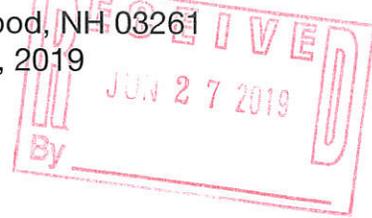
The traffic along Rt. 4 is terrible during the morning and afternoon rush hours. To add an Aroma Joe's there without having a traffic light would be making a dangerous intersection much much worse than it already is. I would like for the planning board to push for adding a traffic signal at this intersection, regardless of adding in this proposed coffee shop.

And my other suggestion is that this traffic light be active as a full traffic signal only during rush hour traffic hours, but in off-peak times and during the evening hours, it just flash yellow for Rt. 4 traffic and flash red for the cross traffic... and triggered to turn red for the Rt. 4 traffic when there are vehicles on Bow Lake Road waiting to make a left turn onto Rt. 4.

In summary, a traffic signal needs to be in place at the intersection with Bow Lake Road first, before the coffee shop opens for business. Rt. 4 needs to have at least one or two traffic signals added because of so many more vehicles using it each day. We also need to add more center turning lanes.

Sincerely,
Martine Canfield
102 School Street
Northwood, NH

44 Bow Lake Road
Northwood, NH 03261
June 27, 2019



Town of Northwood Planning Board
818 First NH Turnpike
Northwood, NH 03261

RE: Aroma Joes Coffee Shop

Dear Board Members:

I have previously addressed the board expressing strong opposition to this proposed plan so you are all well aware of our feelings concerning this business. I do want to re-emphasize some of the areas that we feel will have a negative impact on our property and quality of life.

The traffic is a huge concern to everyone but especially to us when vehicles entering and exiting this business would practically be in our driveway, such is the case with 13 Bow Lake Road. As it is now, there are times when it is difficult to drive out and into the driveway at 5 Bow Lake Road due to the cars backed up at the intersection of Rt. 4 and Bow Lake Road.

The parking area in front of the greenhouse will certainly not add to the scenic view from the front of the house at 13 Bow Lake Road.

Our property values will be decreased because of this business and should family members decide that they want to sell because of intolerable conditions, who would they sell to? No one would be interested in buying and living with adverse conditions that have resulted from operating this business in a residential area.

A little history of the neighborhood: The house located at 13 Bow Lake Road was built in 1855 and has been occupied since 1862 by members of our family. To date the sixth generation resides in this house and we want to be able to keep this house in our family.

The house located at 8 Bow Lake Road was built in 1813 and bought by my grandparents in 1922 and who lived there until their deaths. It would seem that putting an Aroma Joes on this location would certainly not be in keeping with the historical and rural character of this property.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads 'Marcia Severance'.



Susan Jastremski-Pastor <spastor@town.northwood.nh.us>

.-wd: Please forward these comments to the Town Planning Committee for the meeting June 27th!!! Thank you!!!

1 message

Heather Thibodeau <hthibodeau@town.northwood.nh.us>

Thu, Jun 27, 2019 at 10:02 AM

To: Linda Smith <lsmith@northwoodnh.org>, Susan Jastremski-Pastor <spastor@town.northwood.nh.us>

----- Forwarded message -----

From: <martine@martine.cnc.net>

Date: Wed, Jun 26, 2019 at 9:00 PM

Subject: Please forward these comments to the Town Planning Committee for the meeting June 27th!!! Thank you!!!

To: <hthibodeau@town.northwood.nh.us>

To whom it may concern:

I am unable to attend the Planning Committee's meeting on the evening of June 27th in regards to the proposed coffee shop/greenhouse on Rt. 4 at the intersection of Bow Lake Road. And my thoughts are that I don't object to the project of having a drive-thru coffee shop there. But... it needs to wait until a traffic light is installed there. I understand that the wiring is all in place.

The traffic along Rt. 4 is terrible during the morning and afternoon rush hours. To add an Aroma Joe's there without having a traffic light would be making a dangerous intersection much much worse than it already is. I would like for the planning board to push for adding a traffic signal at this intersection, regardless of adding in this proposed coffee shop.

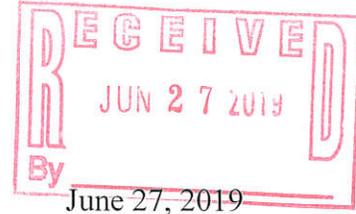
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In summary, a traffic signal needs to be in place at the intersection with Bow Lake Road first, before the coffee shop opens for business. Rt. 4 needs to have at least one or two traffic signals added because of so many more vehicles using it each day. We also need to add more center turning lanes.

Sincerely,
Martine Canfield
102 School Street
Northwood, NH

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Heather Thibodeau, M.Ed.
Town Administrator
Town of Northwood
818 First NH Turnpike
Northwood, NH 03261



VIA HAND-DELIVERY & EMAIL
Town of Northwood Planning Board
818 First NH Tpke.
Northwood, NH 03261
planner@northwoodnh.org
ismith@northwoodnh.org

Re: Sullivan Major Site Plan Review, Tax Map 221 Lot 61, #19-12

Dear Chair Strobel and Members of the Planning Board:

I write on behalf of Marcia and Brian Severance, as individuals and Marcia Severance as Trustee of the Severance Family Trust, who own the lots at Tax Map 222 Lot 59 and Tax Map 222 Lot 58 that abut the property at issue. The Severances oppose the application for Major Site Plan approval submitted by Michael Sullivan (“Applicant”) for Tax Map 221 Lot 61 (“Property”) to build a drive-thru and walk-up coffee shop, seasonal retail greenhouse, an office, and associated parking and utilities on a lot that contains an existing non-conforming single-family home (“Application”). For the following reasons, the Severances respectfully request that you do not accept the Application as complete, or in the alternative, that you deny the Application. Please make this letter and any attachments to it a part of your record in this matter.

Summary

This letter makes the following points in detail in the following pages:

1. The Application is not complete, and the Planning Board should not accept it as such.
 - a. Over twenty separate requirements have not been provided either as a separate document or on the submitted plans.
 - b. The Applicant has not clearly identified what waivers it seeks or why they should be granted.
 - c. The Applicant has not identified what allowed use the coffee shop would be. It is not “service” as the Applicant stated in its Application. It might be a restaurant, but only if it serves food, which is not stated in the Application. If it is not an allowed use, a variance is required before site plan review.
 - d. A variance is required to permit five signs where only two are allowed, and should be obtained before site plan review.

2. If accepted as complete, the Application should be denied.
 - a. The Applicant has failed to meet its burden of proof with respect to providing evidence that the proposal, by its nature or design, or through the use of vegetative or topographical buffers, will not substantially alter the character of

- the area in which it is proposed to be sited, including light, noise, traffic, odor, other aesthetic considerations, and more.
- b. The Application does not demonstrate the proposed office complies with building code.
 - c. Proposed parking maximizes the impact of intrusive elements upon neighboring properties, instead of minimizing it as required.
 - d. Parking is proposed on top of a portion of the existing leachfield, which will ruin the leachfield's functionality.

For these reasons, the Severances respectfully request that the Planning Board not accept the Application as complete, or in the alternative, deny the Application. The remainder of this letter explains these points with supporting analysis.

The Application is Incomplete

The Application is not complete and the Planning Board should not accept it as such.

Missing Over Twenty Requirements

As noted in the attached Exhibit A - Table of Requirements Not Provided With Application, over twenty separate requirements have not been provided either as a separate document or on the submitted plans. The exhibit identifies each one, along with the section of the Zoning Ordinance or Site Plan Review Regulations requiring it. Many of these requirements represent foundational information without which the Planning Board cannot determine whether the Application meets the Major Site Plan requirements. For example, the Application lacks an impact statement, traffic study for this proposal, or any plan to manage sewerage. See also Enclosed aerial image of the Property (which appears to show many plants, including large trees, that have not been noted on the submitted plans and therefore no provisions have been made to preserve them or expand them for buffering purposes).

It would also be helpful to have photos of the property and surrounding area. Although those are not required with an application, the Planning Board may require the Applicant to provide them. See Site Plan Review Regulations, Section V.B.(5).

Waivers Not Identified and Not Supported

Based on the documents obtained, it is unclear what waivers are being requested by the Applicant. In the Application itself, only one waiver is being requested by checking the "Waiver" column of the application checklist: "Provision shall be made for the installation of sidewalks running from the street line to the principal building" under IX-Q Sidewalks. In the minutes of the June 13, 2019 Work Session, the Planning Board appears to discuss "three waivers, two are related to the storm water and drainage" but

also notes traffic analysis and/or traffic study, which may be an additional waiver. Neither the public nor the Planning Board has been clearly informed by the Applicant as to whether the Applicant is requesting one waiver from a sidewalks provision, three waivers (sidewalk provision plus two related to stormwater and drainage), or four waivers (sidewalk provision, two stormwater and drainage, and traffic analysis and/or study).

Moreover, the Applicant has not provided any information to justify granting any such waivers.

Without having the benefit of such information, it would seem these waivers are not justified. Due to the proximity of the proposed new structures to existing structures on the lot, Bow Lake Road, Route 4, and the neighboring church, waiving the requirements for stormwater and drainage would be ill-advised. Further, the nature of the business is to attract vehicle traffic, so waiving any specific information about traffic would also be ill-advised. Even if it could be determined what waivers were being requested, granting any of those waivers would be a mistake.

Allowed Use Not Identified

It is unclear from the Application what allowed use under the Town of Northwood Zoning Ordinance (“Zoning Ordinance”) is met by the proposed project. The Application is marked as changing “Res. & Agri.” to “Res., Agri., Office & Service” under the change of use section. Residential and Agriculture relate to the single-family residence, the existing greenhouse to remain, and the existing greenhouses to be removed. Office relates to the proposed use of an existing outbuilding as an office for the proposed businesses. However, the Application cannot meet the definition of “Service” under the Zoning Ordinance. The only use defined in the Zoning Ordinance related to “Service” is a “Service Business” which is defined as “A business which performs an off-site service to customers for compensation.” Zoning Ordinance, Section III. The Applicant has proposed no off-site service to be performed for customers.

The more applicable use definition would be “Restaurant,” defined as “An establishment where food and drink are prepared, served and either consumed on site or taken out to consume elsewhere.” However, it should be noted that nowhere in the Application does the Applicant expressly state that the proposed business will serve food; it is described as a “coffee shop” which does not make it clear that both drink and food will be served. If food is not served, the proposed business does not meet the definition of “Restaurant.” Words cannot be read out of the law. White v. Auger, 171 N.H. 660, 666 (2019) (“The legislature is not presumed to waste words or enact redundant provisions and whenever possible, every word of a statute should be given effect.”) (quoting Garand v. Town of Exeter, 159 N.H. 136, 141 (2009)).

To be a restaurant, the facility must serve both food and drink. If the facility does not serve food, no other use definition applies, and therefore the use cannot be approved for Major Site Plan without first obtaining a variance for the use from the Town of Northwood Zoning Board of Adjustment. See Town of Carroll v. Rines, 164 N.H. 523, 527 (2013) (“[P]ermissive zoning ordinances prohibit uses of land unless they are expressly permitted as primary uses or can be found to be accessory to a permitted use.”).

Sign Variance Required

Based on the documents obtained, the Applicant has submitted no revised plan in response to the Town of Northwood Planner’s comments related to the violation of the sign ordinance. Under the Zoning Ordinance, a sign is defined as follows.

Sign: Any device intended to provide a permanent identification, description, display or illumination which is affixed to or painted or represented directly or indirectly, upon a building, erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Included in this definition as signs are graphic devices such as logo, including sculptured logos, which are erected with a fixed location on the ground or attached to something having a fixed location on the ground. Not included in this definition are attention-attracting media such as banners, pennants, flags, balloons, or window displays which are intended to provide a temporary identification, description display or illumination, regardless of whether affixed to a building, or attached to something having a fixed location on the ground.

Zoning Ordinance, Section III Definitions.

Pursuant to the Sign Regulations, “[n]o more than two off-building signs per lot shall be permitted.” Zoning Ordinance, VIII.(6)(a). On May 13, 2019, Town Planner, James Burdin, commented “the current design shows four illuminated signs plus the freestanding illuminated queuing menu, which I would interpret as a fifth such sign unless told otherwise by the building inspector.” 5-13-19 Review comments of Town Planner James Burdin. As such, the currently-proposed signs would require a variance to increase the number of allowed signs from two to five.

Further, Mr. Burdin commented that the sign designs and dimensions, illumination, and focus of light on surrounding properties or oncoming traffic, were all lacking in the Application as submitted. It does not appear that the Applicant has supplemented the proposed plans or Application to provide this information or to decrease the number of signs. If the Applicant has decided to not modify the plans for signage, a variance from Section VIII, Sign Regulations, of the Zoning Ordinance would be required from the Zoning Board of Adjustment before consideration for Major Site Plan by the Planning Board should commence.

For these reasons, the Application is incomplete and the Planning Board should not accept it as complete and should not consider it further unless it has been resubmitted with the required submissions, with explanations and support for any clearly-identified waiver requests; with the correct use designation as a restaurant and/or evidence of having obtained a variance for a use that is not a restaurant; and only after having obtained a sign variance.

Specific Issues Why Application Should be Denied

In the event the Planning Board accepts the Application as complete, the Severances offer the following, based on the insufficient information the Applicant provided. Should a completed or supplemented application be submitted in the future, the Severances reserve the right to comment further.

Substantial Alteration of the Character of the Area

Uses, such as the ones proposed, in the #2 category of the Table V-1 Table of Uses must meet the Performance Criteria in Section V.B of the Zoning Ordinance. Based on that, the proposed use must satisfy the following: “By its nature or design, or through the use of vegetative or topographical buffers, the use will not substantially alter the character of the area in which it is proposed to be site.” Zoning Ordinance V.B.(1)(a).

Here, the character of the area is single-family homes on large lots and a church. There is no abutting commercial use demonstrated in the Application, and there is no evidence that the area will not be substantially altered by the construction of a drive-thru coffee shop.

One example of substantial alteration is the change in lighting. Section V.B.(1)(d) requires that the lighting on the site “shall take into consideration the lighting levels of surrounding properties.” The surrounding properties have little to no night or early morning illumination as single-family residences. When the proposed coffeeshop would be open from 5 A.M. to 9 P.M., significant outside illumination will be used both at the beginning and end of the day, changing the lighting of the area dramatically, especially during the winter months. The Applicant has provided no evidence that he has taken the low, residential lighting levels of those properties into consideration when designing the proposed project.

Further, all uses must comply with the General Requirements of Section V.A, including V.A.(2) Criteria Required for All Uses. Section V.A.(2)(g) requires that “[l]ight sources must not cause a nuisance on adjacent properties or roads” This section repeats that the Applicant must also demonstrate that it has taken “into consideration the lighting levels of surrounding properties.” Here, the Applicant has also provided no evidence that the lighting will not cause a nuisance on the Severance properties.

Lastly with respect to lighting, the Applicant's Lighting Plan sheet is insufficient. First, it takes no account of the illuminated sign depicted alongside Route 4, attributing zero light to it. Second, it does not show the edge of the light impact (where the light impact would be 0.0) towards the Severances' northern property, lot 59. Third, it shows a sign immediately to the south of the proposed driveway as non-illuminated when that same sign is shown as illuminated on the Utility Plan sheet. For the Planning Board to make the required determinations, the Applicant must give it sufficient, credible information to know what the light impacts will be.

Increase in lighting is but one substantial alteration to the character of the area. Although we have none of the required information from the Applicant, it can be safely presumed that vehicular traffic from customers and loading will be substantially altered from the current traffic pattern. Moreover, the view, odor and noise, as well as any number of other aesthetic considerations will also be substantially altered. All of these substantial alterations will be especially acute in the early morning starting at 5 A.M. and the evening when the area would be relatively quiet and sleepy, typical for such a residential area.

The Applicant has completely failed to meet its burden of proof with respect to providing evidence that the proposal, by its nature or design, or through the use of vegetative or topographical buffers, will not substantially alter the character of the area in which it is proposed to be sited.

Sufficiency of Existing Building for Office

From the information in the Application, including the plan depicting existing conditions and the proposed site plan, it appears that the Applicant intends to use an existing structure near the residence as office space for the new business. No information has been provided about the construction, condition, or current utilities of that building. No information has been provided about any planned utilities, any renovation, or any other alteration to that structure to modify it from its current state to a structure usable as an office. The Application includes a statement that "The applicant hereby agrees to adhere to any and all requirements of the 2009 International Building Code as applicable for this development." The Planning Board has no information that the structure is suitable for use as an office, could be modified to be suitable, and/or what additional work would be required to make it suitable and compliant with the 2009 International Building Code. Without such information, a change in use from apparently an accessory structure to the primary residence to an office accessory to the businesses should not be approved.

Parking Not Designed to Minimize Impacts

The design of parking spaces "shall" "minimize the impact of intrusive

elements of parking and loading such as noise, dust, stormwater runoff and glare upon neighboring properties and land uses.” Site Plan Review Regulations, Section IX.H(1). As currently proposed, the large parking lot near the greenhouse is practically as close as possible to the northerly Severance property, lot 59, and the driveway accessing the single-family home on that property. This is the exact opposite of the legal requirement to minimize intrusion; it maximizes it. Parking should be located significantly farther from the Severances’ properties. As currently designed, it does meet this legal requirement.

As a separate problem, a portion (the northeast corner) of the large parking lot is proposed to be located on top of the existing leachfield. It is presumed the existing leachfield will continue to serve the existing residence. The integrity of the leachfield would be ruined by locating a parking lot on top even a portion of it. This is another reason why the parking lot cannot be approved as located.

Conclusion

For the above reasons, this Application for Major Site Plan Review should not be accepted as complete, or in the alternative, should be denied.

Sincerely,



Amy Manzelli

Enclosures

cc: Clients

Exhibit A - Table of Requirements Not Provided With Application

Description of Missing or Insufficient Information

Applicable Section

<i>Zoning Ordinance</i>		
1	Height of new structure for coffee shop	Table IV-1 Dimensions Tables
<i>Site Plan Review Regulations</i>		
2	Written assurance from public utility will be installed per plan	Section V, B(6)
3	Fire Department Review Form	Section V, B(7)(a)
4	Police Department Review Form	Section V, B(7)(b)
5	BOCA Statement (Building Officials Code Administrators)	Section V, B(7)(c)
6	Permit or application for all local, state, and federal permits (for example, DOT/driveway, septic)	Section V, B(8)
7	Impact statement (examples of what this should provide: impact on the immediate area of influence, increase in vehicular traffic, changes in surface drainage, increases in consumption of groundwater, pollution of water or air, harmony with the character of surrounding development, hours of operation of office and greenhouse, impact of light on abutters - especially during wintertime, what will be use of existing shed to remain)	Section V, B(8)
8	Proposed (not conceptual) location of underground electric utility lines/trenches	Section VII, A(5)
9	Existing drainage and slope easement (currently marked only by dashed line)	Section VII, A(5)(v)
10	How many shrubs will be planted	Sections VII, A(6)(e); IX, K(1)(3)(b) and (d); IX, K(1)(6)(g)
11	Landscaping maintenance plan	Sections VII, A(6)(f); IX, K(1)(7)
12	Drainage analysis and Stormwater Management Plan including pre and post-development conditions (which should also cover Design Standards in Section IX, D(2))	Section IX, D(1)(c)
13	Operations and Maintenance Plan for stormwater management systems	Section IX, D(3)
14	Sewerage	Section IX, F
15	Gross floor area for office, greenhouse	Section IX, H(4) (Parking standards)
16	Parking spaces for loading	Section IX, H(8)
17	Identification of and plan to preserve existing vegetation, including large trees omitted from Application (both along the street side and to the north and south of the greenhouse to remain as well as to the north and south of the shed to remain)	Section IX, J; Section IX, K(1)(2)(a)
18	25% of land area of a parcel being developed left in natural state or landscaped	Section IX, K(1)(2)
19	Buffer zone wherever commercial development abuts adjacent residential property	Section IX, K(1)(3)(a); K(1)(4)(a)
20	Conservation Commission opinion on landscaping plan (Application says this has been/should be provided)	Section IX, K(1)(1)
21	Identification of lights turned off versus left on when the businesses are closed	Section IX, M(3)





ROBERT L. QUINN
COMMISSIONER OF SAFETY

State of New Hampshire

DEPARTMENT OF SAFETY
JAMES H. HAYES BLDG. 33 HAZEN DR.
CONCORD, N.H. 03305
603-271-2791

RICHARD C. BAILEY, JR.
ASSISTANT COMMISSIONER

PERRY E. PLUMMER
ASSISTANT COMMISSIONER

July 1, 2019

Michael Sullivan
113 1st N.H. Turnpike
Northwood, N.H. 03261

Re: Requests for records – accidents occurring at intersection of Bow Lake Road and Rte. 4, Northwood, N.H.

Dear Mr. Sullivan:

It was a pleasure speaking with you last week. As I indicated in our conversation, while the Division of Motor Vehicles has records of accidents it does not necessarily keep records of accidents related to a particular location. Moreover, the accident records kept by the Division are subject to the Driver Privacy Act under RSA 260:14.

With that said, we have searched for the specific records you requested and the Division does not have any documents responsive to your request. We consider this request closed.

If you have any questions regarding the foregoing, please feel free to contact me as 603-227-0400.

Sincerely,

Mary Maloney, Staff Attorney
Office of the Commissioner
New Hampshire Department of Safety
33 Hazen Drive
Concord, NH 03305
(603) 227-0040

mem/

July 2, 2019

Bob Strobel, Chairman
James Burdin, Town Planner
Town of Northwood, NH
Planning Board

RE: Case 19-12: Michael Sullivan-Aroma Joes. 8 Bow Lake Road, Map 222 Lot 61

Chairman Strobel,

My name is Jennifer Boulanger of 26 Harmony Road in Northwood, NH. I am writing to express my concerns with respect to the above case and what I believe to be the risks/issues associated with the proposed growth. The Sullivan's are looking to convert a residence with on-site small locally owned business into a thriving franchised retail establishment; sounds like a great idea? They propose job creation and speak to providing a needed service and increased availability of morning beverages.

As a Certified Economic Development Professional I encourage small business growth and the creation of quality job opportunities to increase the overall health and well-being of the community (people, municipalities and community as a whole). The people of the community thrive when they can find meaningful, rewarding quality employment opportunities that include a competitive wage, benefits and a method to give back to the community. The Sullivans mentioned creating two full time positions with the remainder filled with part-time opportunities. Part-time retail positions are typically minimum wage opportunities and frequently do not offer benefits; minimum wage is not equal to a livable wage. NH boasts some of the lowest unemployment rates in the Country (U.S. 3.5%, NH 2.8%); the Portsmouth metro area is even lower at 2.3%. The creation of new part-time retail positions would only serve to increase competition for employees amongst the established local businesses. Finding good employees is a challenge for all businesses.

The typical Aroma Joes café enjoys a strong early morning hour business and then another rush in the mid/late afternoon serving a variety of coffee related beverages. There are already six establishments in the area (Lee, Barrington, two in Rochester, Epping and Dover). Typical hours are 5:15 am – 9:00 pm seven days/week. I would like to point out that their busiest times are in direct conflict with the heaviest traffic for the neighboring Coe Brown Northwood Academy. Students are arriving for class between 7- 7:45 am and are departing school between 2:45 and 5:30 (depending on after school activities). With an open campus, it would be very tempting for students to want to leave campus to purchase a beverage. Route 4, in this particular area, does not accommodate a full turning lane. When the students are backed up going to school, it becomes nearly impossible to take a left onto Route 4 and frequently traffic heading West backs up beyond Harmony Road. The track (winter and spring) and cross country teams (fall) are

typically found running up and down Route 4 in the mid-late afternoon utilizing the Meadows and Harmony Road as a regular running route. Increasing traffic on this road during these times would only increase the likelihood of a potential accident/injury. There have been five fatal accidents on Route 4 in Northwood NH over the last five years (September 2014, September 2015, May 2017 and two in 2018, August and September).

Lastly I would like to speak to Environmental Concerns and the impact of this particular type of retail establishment contributing to vehicular pollution, lighting pollution and general waste pollution. The Bear Paw Regional Greenways established an inventory of Natural Resources in 2014. There are several wildlife habitats identified adjacent to Route 4 in Northwood, NH: the Northwood Meadows State Park and along Route 4 Tucker Brook, the area around CBNA and Sherburne Brook as well as much of the forested area in between Bow Lake, Jenness Pond and Route 4. This area is considered a High Priority Wildlife Habitat due to its high wildlife co-occurrence score. In June 2018, NH DOT, NH DES and NH Fish and Game co-authored a report on NH Wildlife Corridors in response to SB 376. SB 376 took affect August 9, 2016 requiring the organizations to identify, audit and make recommendations with respect to rules and regulations that affect wildlife corridors. The previously mentioned land areas were ranked as some of the Highest in Habitat in NH with several species identified as in Greatest Conservation Need. In conclusion, the Town of Northwood has expressed its desire and the desire of its residents to maintain Protect Designated Conservation Areas (1998 Master Plan) as well as maintain open spaces and the rural characteristics of the town (2004 Master Plan).

In light of the above discussion points, I do not support the development of 8 Bow Lake Road as an Aroma Joe's franchised retail establishment. It simply is not the best location for this type of business.

I would also like to remind the Planner and Planning Board that the Town of Northwood NH is part of the Comprehensive Economic Development Strategy (CEDS) administered and overseen by the Regional Economic Development Center of Southern NH (www.redc.com). The REDC CEDS goals and objectives are outlined in the report with a focus on Infrastructure Development, Regional Cooperation, Workforce Attraction and Retention, Affordable Housing and Sustainable Living.

Concerned Citizen

Jennifer Boulanger
26 Harmony Road
Northwood, NH



Enclosures:

September 2015 Wildlife Action Plan Map

2014 Bear-Paw Natural Resources Inventory

REDC CEDS Introduction (pages 3-5) with attached List of Steering Committee Members



Susan Jastremski-Pastor <spastor@town.northwood.nh.us>

Fwd: Planning board hearing this evening

1 message

Linda Smith <lsmith@northwoodnh.org>
 To: Susan Jastremski-Pastor <spastor@town.northwood.nh.us>
 Cc: James Burdin <planner@northwoodnh.org>

Thu, Jul 11, 2019 at 11:12 AM

Susan, please print this email and add to the Aroma Joe's file for tonight's meeting. Thank you!

----- Forwarded message -----

From: **Melanie Hamilton** <mhamilton1947@yahoo.com>

Date: Thu, Jul 11, 2019 at 10:27 AM

Subject: Planning board hearing this evening

To: planner@northwoodnh.org <planner@northwoodnh.org>, lsmith@northwoodnh.org <lsmith@northwoodnh.org>

Northwood Planning Board

Northwood, NH

Re: Proposal for an Aroma Joe's on Rte 4 at Bow Lake Road

Dear Planning Board members:

I am writing to register my opposition to the plans by the homeowner of the above site to construct an Aroma Joe's. My opposition is based on primarily two factors, one being of safety, the other esthetics.

It is well known and documented that traffic on Route 4 can be heavy, with drivers frequently exceeding the speed limits, and often not driving safely even if they do stay within the posted limits. The proposed location for this coffee place would potentially cause an increase in left turning traffic onto Route 4, which is already very difficult at times. I know, because I live on Ridge Road, and have had to wait long periods of time at the corner by the Mobil station to turn left to go east on Route 4.

Some have suggested traffic lights be installed to accommodate those who would need to enter Route 4 from this proposed coffee shop. Adding another set of lights could cause backups to Coe Brown, and at the hours when students are arriving and leaving, this could result in difficulty for the buses, students and parents to enter and exit the school, not to mention those traveling through.

The location is one that has no other businesses with high traffic in and out, and would be more suited to a location where there are other such businesses.

My other objection to this proposal is more a personal, esthetic one. Northwood residents like to view the town as unique, as having a special character, with small businesses such as the antique dealers, Cooper Hill, Susty's and Umami lining Route 4. An Aroma Joe's would not add anything special to the town, and if anything, would detract from that uniqueness. While I respect the homeowner's wish to do with his/her property as they see fit, I question if this is really in the best interests of the town.

I urge the Planning Board to think long and hard about whether this proposal adds anything to Northwood. I would say it does not.

Sincerely,

Melanie Hamilton
194 Ridge Road
Northwood

--

Linda Smith
Board Administrator

Town of Northwood
818 1st NH Turnpike
Northwood, NH 03261
(603) 942-5586 x205
(603) 942-9107 FAX

www.NorthwoodNH.org

Please remember not to use "Reply all" when replying to e-mails sent from this office. Doing so runs the risk of holding a meeting via e-mail which violates the Open Meeting provisions of RSA 91-A.

Emails sent to and from this address are subject to NH RSA 91-A and may be subject to disclosure to third parties.



Susan Jastremski-Pastor <spastor@town.northwood.nh.us>

Fwd: Aroma Joes Project

2 messages

James Burdin <planner@town.northwood.nh.us>

Fri, Jul 12, 2019 at 11:42 AM

To: Linda Smith <lsmith@northwoodnh.org>, Susan Jastremski-Pastor <spastor@town.northwood.nh.us>

Another email for their folders

--

James Burdin
Town Planner

Town of Northwood
818 1st NH Turnpike
Northwood, NH 03261
(603) 942-5586
(603) 942-9107 FAX

Planner office hours by appointment only.

www.NorthwoodNH.org

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----- Forwarded message -----

From: Priscilla Merrill <prisfunnyfp@metrocaster.net>

Date: Thu, Jul 11, 2019 at 8:39 PM

Subject: Aroma Joes Project

To: <planner@northwoodnh.org>

To whom it may concern,

I have attended the last two Planning Board sessions to express my deep concern for the Aroma Joe's proposed project on route four and Bow Lake Road.

I will not be able to attend the next rescheduled meeting on the 25th due to my son's wedding.

I live on Sherburne Hill Road and commute daily. This is already an extremely treacherous intersection and I have had many friends who have been hit here.

It is unfathomable how this proposed project would affect this already dangerous area.

I hate to imagine a fatality of one of our local Coe Brown students.

I hope you will take a few moments to listen to this wonderful podcast on what makes route four so wonderful and unique.

So many other towns have sold out and the vast majority of us would not want to see this happen at this quaint historic intersection.

<https://www.nhpr.org/term/route-4-series#stream/0>

I implore you not to approve this project.

From the social media attention, you would see that the vast majority of the town is against this proposal.

If the party is insistent on starting this franchise, let it be in an already commercialized part of town.

Let's support our wonderful local cafés and not bring in something new to compete with yet another franchise that will push other businesses out.

It is not safe and it's simply the wrong place.

I wondered if the board had considered the wetland area adjacent to the property? I know the lawyer last month brought up several concerns and I hope this will prevent this from happening.

7/12/2019

Northwood, New Hampshire Mail - Fwd: Aroma Joes Project

Thank you for listening.

Priscilla Merrill

Sent from my iPad

Susan Jastremski-Pastor <spastor@town.northwood.nh.us>
Draft To: James Burdin <planner@town.northwood.nh.us>

Fri, Jul 12, 2019 at 12:03 PM

[Quoted text hidden]

--

Susan Jastremski-Austin
Land Use and Community Development
Town of Northwood
818 1st NH Turnpike
Northwood, NH 03261
(603) 942-5586 x211
(603) 942-9107 FAX

www.NorthwoodNH.org



Susan Jastremski-Pastor <spastor@town.northwood.nh.us>

Northwood: Aroma Joes

1 message

James Burdin <planner@town.northwood.nh.us>

Fri, Jul 12, 2019 at 11:46 AM

To: Linda Smith <lsmith@northwoodnh.org>, Susan Jastremski-Pastor <spastor@town.northwood.nh.us>

And another one.

--

James Burdin
Town Planner

Town of Northwood
818 1st NH Turnpike
Northwood, NH 03261
(603) 942-5586
(603) 942-9107 FAX

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----- Forwarded message -----

From: **James Polizotti** <james.polizotti@gmail.com>

Date: Fri, Jul 12, 2019 at 5:34 AM

Subject: Aroma Joes

To: planner@northwoodnh.org <planner@northwoodnh.org>

To whom may concern,

I'm James Polizotti I live in Northwood and I wanted to show my full support for an Aroma Joes to appear in our town.

Thank you

July 14, 2019

Dear Northwood Planning Board Members:

We are writing to voice our concerns regarding the Aroma Joe's drive in coffee shop proposed for the corner of Route 4 and Bow Lake Road. We were present 7/9 at the Planning Board meeting to voice our concerns in person, however as you are aware that agenda item was unable to proceed due to a lack of a quorum of members. We are unable to attend the next meeting in person due to a prior obligation so please consider our written concerns.

As you are well aware the area of the proposed coffee shop next to Coe Brown is already a traffic nightmare in the morning. A perfect storm of busses from several towns, parents dropping students off prior to going to work, pedestrian students trying to get to school safely and teenage drivers getting themselves to school already exists. Add to this the regular commuter traffic and commercial traffic, and it is obvious that a real safety concern exists. Drivers already must wait several minutes in most cases to turn onto Route 4. We cannot imagine adding more converging traffic to that line of cars already waiting their turn to proceed onto Route 4. We can envision great frustration and danger as cars are both waiting to exit onto route 4 and turn left or right to enter Bow Lake Road to visit the coffee shop. The Town of Northwood and Coe Brown already acknowledged this traffic nightmare with the creation of Academy Way to divert traffic safely away from that intersection. Are we going to simply void all the careful planning, thought, and funding that went into that project by adding another aggravating factor to the problem?

Officer Patty Potter stands out on Route 4 during this time to direct traffic. We are concerned for her safety if we are adding more cars converging onto Route 4 in an unpredictable pattern as traffic enters and exits Bow Lake Road both for access to the coffee shop and Academy Way.

As for a business plan—this proposal is brilliant. The location would receive the traffic needed for success and fill an obvious need. Teens could walk to work—a perfect symbiotic relationship could exist. We believe in landowner rights and the right of individuals to invest in entrepreneurial endeavors, especially on their own private land with minimal interference. However, it would be extremely irresponsible of the Board to proceed with approval without a traffic impact study at minimum. It is questionable if a traffic light would make this intersection safer or not. But our youth are our greatest resource and greatest responsibility. We owe it to them as the adults charged with their care to make sure their school community is safe including the passageway to entering school grounds. How regrettable it would be to take safety steps only after the fact if an abrupt approval process leads to deadly consequences. The utmost diligence is required prior to approving this business due to the obvious traffic issues.

One idea we would like the Board to consider is to require Aroma Joes to have a singular entrance to their property at the easternmost border of their property off Route 4. This would divert the traffic congestion away from Coe Brown more than if the entrance was on Bow Lake Road. Aroma Joes customers would have to travel away from the school traffic to enter the property instead of dangerously compounding the school traffic. It is unclear if this is feasible or would alleviate the problem—but we would hope it is considered in a traffic impact study.

We are very much pro-business coffee connoisseurs. We hope there is a SAFE way for Aroma Joes to make a presence in Northwood. However, we beseech the Board to proceed cautiously and with wisdom. Please, obtain a traffic impact study and find out how to make that intersection safer prior to adding more congestion. We owe it to our students and citizens to keep our main thoroughfare safe, especially during peak times. We are well aware how paralyzed Northwood becomes with even a minor traffic accident on Route 4. Please consider that and the impact of future prospective businesses who will see that as a business liability.

Thank you for your thoughtful and careful consideration of all our concerns. We trust you will investigate this issue with due diligence and obtain the needed traffic impact studies and other data needed to make the best decision both for Northwood's students and citizens while still maintaining a pro-business environment.

Best Regards,

Kimberly and Peter Mihelich
362 Ridge Rd.
Northwood, NH 03261
603-848-8684

Date: 07/19/19

To: Northwood NH Planning Board

Subject: Case 19-12 Sullivan / Aroma Joes- 8 Bow Lake Road

Dear Planning Board,

I wanted to take the time to give my public comment and ask that it be read into the record in its entirety.

I support this applicant's project and think that it will be great for our community. I understand that the applicant Michael Sullivan and his wife Christine are long term residents of this town and that this is a family owned and operated business that will help them provide for themselves and their children. I also understand they have owned and always paid their fair share of taxes for this existing commercial mixed use property for a long time. Their change of use of an existing business use on this location would be fair and beneficial because it will create and increase tax revenue for the town without burdening our school and town services, help increase property values along the existing Route 4 commercial corridor, bring needed and more importantly wanted jobs for our local community residents, give the residents other choices for services and products that they want, and bring people to stop in our community, enjoy all that our community has to offer, and make our community a destination along the busy Route 4 commercial corridor, instead of this traffic just blasting through our town.

Importantly, I want the planning board to know that holding this project up by requiring the Sullivan's to go through steps that other applicants don't normally go through would be unfair and not within the spirit of the zoning ordinance we all voted for and approved at town meeting.

They deserve a fair shake, just like I would want if I came before the planning board. Small local businesses and projects like this should be encouraged and welcomed into our town and community.

Sincerely,

M. Holman
69 Sherburne Hill Rd
Northwood NH 03261
315-430-1951

Date: 07-20-19

To: Northwood NH Planning Board

Subject: Case 19-12 Sullivan / Aroma Joes- 8 Bow Lake Road

Dear Planning Board,

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Sincerely,


John Blum
2 master DR

Date: 07-20-19

To: Northwood NH Planning Board

Subject: Case 19-12 Sullivan / Aroma Joes- 8 Bow Lake Road

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Sincerely,

Donna J. Reed
Hall Monument
333 1st NH Trpk

Date: 07-19-19

To: Northwood NH Planning Board

Subject: Case 19-12 Sullivan / Aroma Joes- 8 Bow Lake Road

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Sincerely,

Robert LaCite

27 SHERBURNE Hill RD,
NORTHWOOD, NH

Date: 07-20-19

To: Northwood NH Planning Board

Subject: Case 19-12 Sullivan / Aroma Joes- 8 Bow Lake Road

Dear Planning Board,

I wanted to take the time to give my public comment and ask that it be read into the record in its entirety.

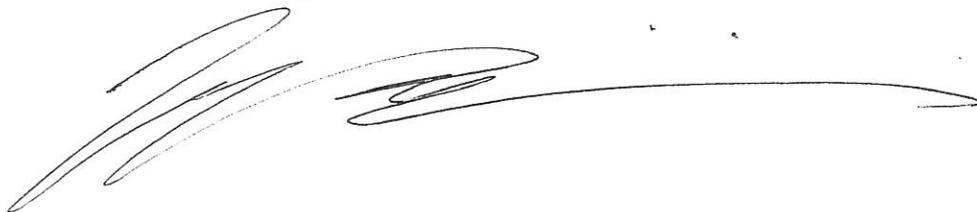
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Sincerely,

27 Sherburne Hill Road
Northwood, NH

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end.

Date: 07-20-19

To: Northwood NH Planning Board

Subject: Case 19-12 Sullivan / Aroma Joes- 8 Bow Lake Road

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Sincerely,

27 Sherburne Hill Rd

Northwood, NH



Date: 07-20-19

To: Northwood NH Planning Board

Subject: Case 19-12 Sullivan / Aroma Joes- 8 Bow Lake Road

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Sincerely,



938 I-93 NH Turnpike
Apt. D

Northwood, NH 03261

Date: 07/14/19

To: Northwood NH Planning Board

Subject: Case 19-12 Sullivan / Aroma Joes- 8 Bow Lake Road

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Sincerely,



194 FIRST N.H. TRPK.

Northwood, N.H.

03261

Date: 07/14/19

To: Northwood NH Planning Board

Subject: Case 19-12 Sullivan / Aroma Joes- 8 Bow Lake Road

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Sincerely,



MARK R FARRELL

1107 1ST NH TRKE
NORTHWOOD, NH
03261

603-608-5407

Date: 7-17-19

To: Northwood NH Planning Board

Subject: Case 19-12 Sullivan / Aroma Joes- 8 Bow Lake Road

Dear Planning Board,

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Sincerely,

Michael Gagnon

Allstate

648 1st NH Turnpike

Northwood NH 03261



Date: 07/14/19

To: Northwood NH Planning Board

Subject: Case 19-12 Sullivan / Aroma Joes- 8 Bow Lake Road

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Sincerely, 

Joyce Fontaine
639 1st NH Joke
Northwood NH
603-942-6637

Date: 07/17/19

To: Northwood NH Planning Board

Subject: Case 19-12 Sullivan / Aroma Joes- 8 Bow Lake Road

Dear Planning Board,

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Sincerely,

Brenda Santacrose
98 Bow Lake Rd

Date: 07/17/19

To: Northwood NH Planning Board

Subject: Case 19-12 Sullivan / Aroma Joes- 8 Bow Lake Road

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Sincerely,

Andrew Goll. hur
45 Bow Lake Rd
Northwood, NH 03261

Date: 7/18/2019

To: Northwood NH Planning Board

Subject: Case 19-12 Sullivan / Aroma Joes- 8 Bow Lake Road

Dear Planning Board,

I wanted to take the time to give my public comment and ask that it be read into the record in its entirety.

I support this applicant's project and think that it will be great for our community. I understand that the applicant Michael Sullivan and his wife Christine are long term residents of this town and that this is a family owned and operated business that will help them provide for themselves and their children. I also understand they have owned and always paid their fair share of taxes for this existing commercial mixed use property for a long time. Their change of use of an existing business use on this location would be fair and beneficial because it will create and increase tax revenue for the town without burdening our school and town services, help increase property values along the existing Route 4 commercial corridor, bring needed and more importantly wanted jobs for our local community residents, give the residents other choices for services and products that they want, and bring people to stop in our community, enjoy all that our community has to offer, and make our community a destination along the busy Route 4 commercial corridor, instead of this traffic just blasting through our town.

Importantly, I want the planning board to know that holding this project up by requiring the Sullivan's to go through steps that other applicants don't normally go through would be unfair and not within the spirit of the zoning ordinance we all voted for and approved at town meeting.

They deserve a fair shake, just like I would want if I came before the planning board. Small local businesses and projects like this should be encouraged and welcomed into our town and community.

Sincerely,

Karen A. Remus
David Remus

130 Bow Lake Rd
Northwood, NH 03261

Date: 07-17-19

To: Northwood NH Planning Board

Subject: Case 19-12 Sullivan / Aroma Joes- 8 Bow Lake Road

Dear Planning Board,

I wanted to take the time to give my public comment and ask that it be read into the record in its entirety.

I support this applicant's project and think that it will be great for our community. I understand that the applicant Michael Sullivan and his wife Christine are long term residents of this town and that this is a family owned and operated business that will help them provide for themselves and their children. I also understand they have owned and always paid their fair share of taxes for this existing commercial mixed use property for a long time. Their change of use of an existing business use on this location would be fair and beneficial because it will create and increase tax revenue for the town without burdening our school and town services, help increase property values along the existing Route 4 commercial corridor, bring needed and more importantly wanted jobs for our local community residents, give the residents other choices for services and products that they want, and bring people to stop in our community, enjoy all that our community has to offer, and make our community a destination along the busy Route 4 commercial corridor, instead of this traffic just blasting through our town.

They deserve a fair shake, just like I would want if I came before the planning board. Small local businesses and projects like this should be encouraged and welcomed into our town and community.

Sincerely,


59 Bow Lake Rd.

July 22, 2019

To: Planning Board
Northwood, NH

Re: Mike & Christine Sullivans' Aroma Joe's, corner of Rte 4 and Bow Lake Road

Mike Sullivan asked me to share with the Planning Board my thoughts about his Aroma Joe's venture. He's right in thinking that some of those thousands of people going by every day on Rte 4 might appreciate a cup of coffee. New construction adds to the vibrant feel and vitality of the Rte 4 business corridor, as well as the tax base.

My wife and I know the joys and tears in a "Bet-the-Farm" business startup. Our 23 years in the puzzle business have been the most satisfying of our lives. Customers become friends. People we met as children now bring in their own kids. The Mom and Pop small business dream is very much alive and real. That's why they call it the American Dream.

Mike and Christine's Aroma Joes' venture would be better thought of as their Aroma Joe's ADVENTURE.

Looking forward to be able to go there for a coffee and a muffin.



Mark Stevens

Piece Time Puzzles LLC

Northwood, NH

Carol Ogilvie
Planning Consultant

P. O. Box 309
Gilsum, NH 03448

603-357-5048
Cell: 603-831-1702
ogilvie.klein@gmail.com

July 23, 2019

VIA EMAIL

Town of Northwood Planning Board

818 First NH Turnpike

Northwood, NH 03261

planner@northwoodnh.org

lsmith@northwoodnh.org

Re: Sullivan Major Site Plan Review, Tax Map 221 Lot 61, #19-12

Dear Chair Strobel and Members of the Planning Board,

I am submitting this letter on behalf of Marcia and Brian Severance, who have requested that I provide them with my opinion, as a professional planner, on the site plan application filed by Michael Sullivan. I have reviewed the plans and associated documents and have the following comments:

I have had the opportunity to review the site plans; and while the plans I reviewed had a number of deficiencies, I understand that the Board has accepted the application. (I understand that a revised plan set has been submitted that, as of this writing, I have not seen; therefore I may be commenting on some issue that has been addressed.) I would note that most of the issues regarding acceptance are technical and can be corrected (and may already have been). There are some issues that, once clarified, could affect the Board's decision-making process, for example:

The parking and circulation plan is described only in notes and not shown on the plans. One note indicates 8 spaces on the north end of the lot; since 14 spaces are provided, we assume that the remaining six are the parallel parking spaces. The ADA parking space is in the 8-space lot, meaning that someone with a disability will need to cross at least one traffic lane to get to the building. This is in conflict with Section IX, B. (2) (d) of the Site Plan Review Regulations that requires separation of vehicular and pedestrian pathways.

In my opinion, the most problematic issue with this application lies in meeting the Performance Standards of Section V. B, specifically (1) (a), in that the use "will not substantially alter the character of the area in which it is proposed to be sited."

This section of Bow Lake Road is primarily residential, and the proposed site is directly across the street from two historic homes. The typical impacts of this proposed use would substantially alter the neighborhood character, which is primarily one of low density residential surrounded by woods. The obvious impacts, in my view, are the following:

- Traffic. Clearly this is a use that depends on traffic. I understand that traffic at this intersection is already problematic at certain times of the day, and I am unaware if we know what additional traffic to expect from this use (the traffic study I have seen is five years old).
- Lighting. Even meeting a “no light leaving the property” standard, the lighting will still be visible.
- Noise. I presume that since this is proposed as a drive-through, there will be an intercom at each window for taking orders.

These components are precisely those whose greatest impact will be borne by the properties across bow lake road, and not by those on Route 4. Under this plan, the neighbors will have lights, traffic and noise from 5 A.M. until 9 P.M., which is quite in contrast with what is typical for a residential area. Today, the residents of Bow Lake Road can expect to enjoy peace and quiet; and as property owners, they clearly have an expectation and a right to the quiet enjoyment of their property.

In my opinion this application fails to meet the standards of the Zoning Ordinance and Site Plan Review Regulations that are necessary for approval.

Sincerely,

Carol Ogilvie

Carol Ogilvie

Received in hand 7/25/1980MA

25-JUNE-2019

MY NAME IS Rene BOUSQUET. I LIVE AT 28
BOW LAKE ROAD. I OWN ADJUTING lots 53+54. THE VIEW
OUT MY FRONT DOOR OVER LOOKS THE MAJORITY OF THE
PROPOSED SITE. MIKE, CHRISTIE AND THEIR BOYS ARE
MY NEIGHBORS. THE SULLIVANS ARE A ~~CONSIDERATE~~ THOUGHTFUL
AND CONSIDERATE FAMILY AND NEIGHBOR. I BELIEVE THAT
THEY WILL CONTINUE TO BE THOUGHTFUL AND CONSIDERATE
AS BUSINESS OWNER/NEIGHBORS. I BELIEVE THAT
THE CONCERNS THAT I HAVE HEARD WILL PROVE TO
BE MINIMAL IN CONVENIENCE TO ME.

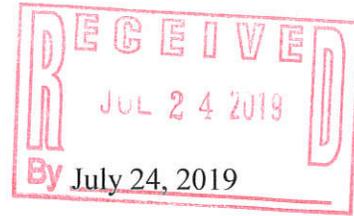
I WISH MIKE, CHRISTIE AND THEIR FAMILY
GOOD LUCK AND GODSPEED IN THEIR ENDEAVOR.

I HOPE THE THE BOARD COMES TO THE SAME
CONCLUSION.

Thank You.



Rene BOUSQUET



VIA EMAIL
Town of Northwood Planning Board
818 First NH Tpke.
Northwood, NH 03261
planner@northwoodnh.org
ismith@northwoodnh.org

Re: Sullivan Major Site Plan Review, Tax Map 221 Lot 61, #19-12

Dear Chair Strobel and Members of the Planning Board:

I write on behalf of Marcia and Brian Severance, as individuals and as Trustees of the Severance Family Trust. As you know, the Severances have respectfully requested that the Town of Northwood Planning Board (the “Board”) deny Case # 19-12, application for Major Site Plan approval submitted by Michael Sullivan (“Applicant”) for Tax Map 221 Lot 61 (known as 8 Bow Lake Road) (“Application”). In addition to the information contained in my letter dated June 27, 2019, I write now to address additional issues raised during the June 27, 2019 hearing. I respectfully request that the Board also incorporate this letter into its record of this matter.

Insufficient Information

The Applicant has not provided sufficient information about numerous important topics for the Board to be able to meaningfully consider the Application and make a reasoned decision on it. Specifically, the nature of the proposed business will require traffic in addition to the vehicles of employees and customers. The Applicant has provided little to no information about how tractor trailer trucks will be accommodated on the site, whether entering the site for deliveries or as customers. Aside from depiction of a loading dock, it is unknown if drivers of tractor-trailer trucks can be accommodated on the site, where they could park, where they could turn around, if they could use the drive-through window, if deliveries will be made by tractor-trailer, or if drivers of tractor-trailers will park on the public road to access the walk-up window. This is all required information about the use of the site and the site’s suitability for this kind of business that the Applicant has not provided.

Mr. Sullivan has also provided little to no information about deliveries. This means the Board has no information about the timing and/or frequency of deliveries, what kinds of trucks are involved, what level of sound will occur, how long delivery trucks will be on-site, whether delivery trucks will idle or be turned off, or how traffic will be managed on-site to accommodate deliveries, among other concerns. Deliveries are essential to this type of business and the Board has practically no information about them.

As noted by Town Planner, James Burdin, a question related to the number of signs allowed on the lot remains outstanding. As of Mr. Burdin's review comments dated July 11, 2019, the Applicant and the Town had not reached any understanding of what approvals would be needed for the Applicant to have more than two off-building signs on the property. We refer you to the discussion in our June 27, 2019 letter about the Applicant needing to obtain a variance for signs. Further, the Applicant must do that before proceeding any further through site plan review because without a variance, the Applicant is not proposing a permitted use.

Further, the Applicant has not provided sufficient information about traffic and traffic lights into and out of the site. Due to the limited size of the site, at peak times traffic could back up significantly onto both Bow Lake Road and onto Route 4. The Applicant has not provided sufficient information regarding how such traffic will be handled, given the short length of Bow Lake Road used, the cross-traffic on Route 4 preventing entry and exit to Bow Lake Road, and management of any overflow parking needs. The Applicant has not demonstrated that the designed parking lot will be sufficient at all times, how traffic will be managed into the site from Bow Lake Road, or what traffic impacts will occur on Route 4. The Applicant has also not provided any information about the adverse impacts, management, or mitigation of headlights and taillights shining onto the properties across Bow Lake Road from the entrance to the site. Residential homes sit almost directly across from the property, making light impacts from cars and trucks coming and going inevitable. The driveway could have been sited in a way to minimize this impact, but the Applicant has not done so, nor has the Applicant provide information about why he cannot do so.

The Applicant has also not provided sufficient information about the levels of light coming from the site outside of business hours. He has not detailed the lighting plan to explain when external lights will be on or off, when illuminated (internally or externally) signs will be on or off, and what impact that will have on neighboring properties, except to note that "all illuminated signs will be turned off during non-business hours and only security lighting will remain on." However, the Applicant has not detailed the differences in lighting impact between business hours and non-business hours lighting, nor has Applicant identified which lights are "security lighting." Lighting, especially at night, will change how much impact the property has on neighbors and the neighborhood and the Applicant has failed to provide sufficient information for the Board to meaningfully decide how much impact the development to this property will cause.

Waivers

The Applicant has requested three waivers from the Board: related to groundwater recharge, stormwater runoff, and sidewalks.

As to the groundwater recharge and stormwater runoff waivers, the waivers should not be granted. It appears from the waiver requests that the basis of the requests is the State drainage and grading easement abutting Route 4 that would require water be directed away from Route 4 and onto soils “undesirable for infiltration purposes.” The Applicant also notes that the development of the site would create a “small volume increase” in runoff while minimizing peak runoff. Constructing impervious surface on a currently unpaved lot will have impacts on both volume and quality of runoff, because additional maintenance, automotive, and other chemicals will also run off. The waiver should not be granted because such runoff must be properly managed, even assuming it is a relatively small volume, which the Applicant has not proven.

The sidewalks waiver should also not be granted. Even though the area immediately surrounding the site does not currently have sidewalks, the Town has expressed a desire, through its site plan regulations, that new developments have sidewalks. Following the Applicant’s logic, no sidewalks will ever be required because no sidewalks currently exist in an area. This does not allow the Town to plan for future development and look proactively toward a pedestrian-friendly future for the center of Northwood. This is especially true in this area because of the proximity to Coe-Brown Academy and likely foot traffic to and from the site for students as both customers and employees of the coffee shop business, using the many sidewalks that already exist in the greater vicinity of the site, including the easterly corner of Bow Lake Road towards Town Hall and the westerly corner of Bow Lake Road as far as Coe-Brown Academy. Therefore, not requiring sidewalks immediately around the site would be out of step with both existing conditions and the town’s desires as expressed through its site plan regulations.

Department Comments

Finally, as of July 18, 2019, the Fire Department and the Police Department have yet to submit their comments on the proposed development. Fire and police response to the proposed building and business is critical to determine the safety and suitability of the site for such a business. Importantly, the Applicant has provided no information about whether the site’s design can accommodate emergency response vehicles. The Board should not make any decisions on this Application until comments from Fire and Police have been submitted and the Board has had time to review them.

Conclusion

For all of the above reasons, the Severances respectfully request that the Planning Board cease further consideration of major site plan review until such time as the Applicant has obtained a variance for the signs, or in the alternative, deny the Application.



Sincerely,



Amy Manzelli

cc: Clients



Linda Smith <lsmith@town.northwood.nh.us>

Aroma Joes in Northwood

1 message

Richie Feliciano <rich.feliz@yahoo.com>

Thu, Jul 25, 2019 at 6:12 PM

To: Lsmith@northwoodnh.org

Cc: Sullivan@metrocast.net

I'm respectfully requesting that the following letter be read into the record this evening during tonight's hearing.

Good evening ladies and gentlemen, my name is Richard Feliciano, I'm a resident of the town of Northwood and wish to share my opinion on the proposed family owned Aroma Joe's and greenhouse business at [8 Bow Lake Road](#). I believe this would be a great addition to our town. This location, according to the written historical record, has been commercially used before most houses were built in this town or on Bow Lake Road. It is surrounded on two sides by a multi-use property which has a church and an actively used commercial function hall that is available for rent to the public. On the other side is fire pond and then the commercially used Route 4. In other words, the proposed location is surrounded by lots that are used as commercial businesses. Also, the Bow Lake Road intersection is busy however, it would be wrong to force this couple alone to finance fixing these existing traffic problems that the town could have addressed during the construction of Coe Brown. They should not be burdened with financing the traffic corrections alone. Perhaps the town could consider alternative solutions that would not "penalize" this couple who are trying to bring revenue in the form of taxes to our town? So that's my opinion, we need new and respectful businesses like this and should embrace the opportunity we have in this couple who are working hard to provide for themselves and improve their property and this community.

Respectfully,
Richard Feliciano



VIA EMAIL

Town of Northwood Planning Board
818 First NH Tpke.
Northwood, NH 03261
planner@northwoodnh.org
lsmith@northwoodnh.org

Re: Sullivan Major Site Plan Review, Tax Map 221 Lot 61, #19-12

Dear Chair Strobel and Members of the Planning Board:

I write on behalf of Marcia and Brian Severance, as individuals and as Trustees of the Severance Family Trust. As you know, the Severances have respectfully requested that the Town of Northwood Planning Board (the “Board”) deny Case # 19-12, application for Major Site Plan approval submitted by Michael Sullivan (“Applicant”) for Tax Map 221 Lot 61 (known as 8 Bow Lake Road) (“Application”). In addition to the information contained in my letters dated June 27, 2019 and July 24, 2019, and I write now to address further issues. I respectfully request that the Board also incorporate this letter into its record of this matter.

To summarize the remainder of this letter, the Severances identify the topics the traffic study should address if the Board continues to consider this Application. Second, the Severances respectfully request that the Board should deny the Application now because of four separate deficiencies that cannot be solved for this site, rather than prolong the process.

Traffic Study

As discussed at your last meeting, following is the Severances’ input on what the traffic study should address. Overall, the traffic study should be comprehensive and address the numerous concerns related to traffic around this site and its entrance onto Bow Lake Road and then onto Route 4.

A traffic study sufficient for this location would have to include Route 4 traffic counts, an analysis of the capacity of Bow Lake Road to take traffic from Route 4, and the impact of increased traffic on Bow Lake Road linked to the proposed Aroma Joe’s. In the submitted materials related to other sites, traffic to and from an Aroma Joe’s is described as “pass-through” because most customers will stop on their way to another location, not to specifically visit the Aroma Joe’s. While this may be partially applicable to the traffic on Route 4, it is not true on Bow Lake Road. Traffic will be diverted from Route 4 onto Bow Lake Road, making that traffic no longer “pass-through” but instead a significant increase to the traffic on Bow Lake Road itself. Even on Route 4, it is not

estimated that all of the traffic to the site will be “pass-through” so the traffic must be adequately analyzed in any traffic study.

Also, according to Planner Burdin, any traffic study should also include analysis of the impacts of traffic with respect to the existing driveway to the residence on the site to determine if that driveway should be closed.

Further, the traffic study, including traffic counts for Route 4 and Bow Lake Road, should be conducted when both Coe-Brown Northwood Academy and Northwood School are in session. Route 4 is a major artery for parents, students, and staff traveling to and from both of these schools and therefore their operational status will have a large impact on the traffic on Route 4. This is especially true during the same hours – early morning and early evening – that would likely be the highest traffic hours for the proposed Aroma Joe’s.

Applicant’s representations to the Board about the necessity for sidewalks are also problematic. Given the location of the site with its close proximity to Coe-Brown Northwood Academy, it can be reasonably anticipated that there will be foot traffic to and from the site from the school and its fields, both from customers and from high-school students employed at the Aroma Joe’s. Any traffic study should analyze the sufficiency and safety of the proposed internal sidewalks, whether sidewalks are needed, and statements made by the Applicant that foot traffic will only be internal from the site.

The following additional concerns were noted in our previous letters, which we summarize here for ease. Any traffic study conducted must provide sufficient information regarding the short length of Bow Lake Road used, the cross-traffic on Route 4 preventing entry and exit to Bow Lake Road, and management of any overflow parking needs. It must also include analysis that shows that the designed parking lot will be sufficient at all times and the adverse impacts, management, or mitigation of headlights and taillights shining onto the properties across Bow Lake Road from the entrance to the site. Lastly, it must analyze the sufficiency of the site for large vehicles, including emergency response vehicles, tractor-trailers, etc.

Historic Value of Area: Grounds for Denial Now

The Town of Northwood has stated its intentions and desire to maintain the historic nature of the town in its Zoning Ordinance, Site Plan Regulations, and Master Plans. Specifically, the Zoning Ordinance states as part of the sign regulations’ purpose that signs must be regulated to “[c]omplement the historic and scenic character of the Town of Northwood” and defines “historic structure.” Town of Northwood Zoning Ordinance, Section VIII(1)(b); Section X.A. (12).

The Site Plan Regulations recognize the “historic areas” of Northwood in its “Purpose” section that, in part, “lend Northwood its character and identity . . .” and

include a specific objective to “[e]stablish patterns of growth which acknowledge the present but honor the past.” Town of Northwood Site Plan Regulations, Section II(A). It also states in the “Findings/Purpose” of Architectural Design Review that Northwood “finds it desirable to protect, enhance, and sustain areas of historical, cultural, architectural, artistic or geographic significance” Town of Northwood Site Plan Regulations, Section IX(B). The Site Plan Regulations further reference the original 1979 Master Plan and subsequent updates as documentation that “many of Northwood’s residents desire to preserve the historic and rural character of the Town.” It further states “[n]on-residential development should be sensitive to the traditions of Northwood and New England, and neighboring buildings and the broader setting of cultural and natural resources should maintain or improve aesthetics, increase property values and retain Northwood’s community character and quality of life.” *Id.*

The Site Plan Regulations also guide proposed development with specific reference to historic sites and historic areas. The “General Guidelines/Criteria for all proposed development” states that “[b]uilding design shall blend with natural and manmade features within or around the site. . . . This is especially important where a proposed commercial development is in proximity to historic structures or other historic elements.” *Id.* at Section IX(B)(2)(b). It also states “[t]o the extent possible, locate parking lots to the rear and/or side of principal structures. Parking lot location is especially important in historic and rural centers, as most buildings are traditionally facing the street.” Section IX(H)(3). Further, Section J regulates the “Preservation of Natural and Historic Features” on development sites themselves.

There are numerous historic sites and properties in the vicinity of the proposed Aroma Joe’s that make the area incompatible with a new development of this nature. These sites are identified and described in detail in “A Guide to the History and Old Dwelling Places of Northwood, New Hampshire” by Joann Weeks Bailey. These include but are not necessarily limited to the following:

- William T. Caswell house, c. 1820
- Jeremiah Bickford house, 8778 First New Hampshire Turnpike, c. 1845
- Dudley F. Tucker house, 13 Bow Lake Road, c. 1855
- Thomas Wiggin house, 8 Bow Lake Road, c. 1813
- John Harvey house, 62 Bow Lake Road, pre-1834
- Town Hall, 818 First New Hampshire Turnpike
- Dr. William Smith house, 800 First New Hampshire Turnpike, 1803
- Dr. Benjamin Kelley house, 783 First New Hampshire Turnpike, c. 1789
- Parade School, now referred to as the Center School
- Congregational Church, 881 First New Hampshire Turnpike.

As articulated in the laws of Northwood referenced above, the people of Northwood greatly value these unique historic resources. Therefore, the proposed

development should not be approved; to do so would severely degrade the historic value of this area, in contravention of Northwood's laws and values.

Three Additional Grounds for Denial Now

First, the Severances have now submitted uncontested expert evidence and testimony by Carol Ogilvie supporting that the proposed use will alter the character of the area so much that the legal requirements of the Zoning Ordinance cannot be satisfied. Uses in the #2 category of the Table V-1 Table of Uses must meet the Performance Criteria listed in Section V.B of the Zoning Ordinance. Specifically, "[b]y its nature or design, or through the use of vegetative or topographical buffers, the use will not substantially alter the character of the area in which it is proposed to be site." Zoning Ordinance V.B.(1)(a). The Applicant has not presented evidence that contradicts or otherwise questions Ms. Ogilvie's testimony as a professional planner. Therefore, the Board should deny the Application now because it cannot approve it with this uncontroverted evidence in the record.

Second, because of this and other deficiencies, the Board and the Town Planner have been put in the situation of having to tell the Applicant how to supplement and/or complete the Application to satisfy the Town's requirements. This is not the responsibility of the Town. The Applicant's insufficient application, refusal to submit required materials, and failure to submit supporting documentation are basis enough for the Board to deny the Application now, instead of pursuing the Applicant to satisfy requirements.

Third, at least two areas of Town law cannot be satisfied because of the nature of the site. First, under Town of Northwood Site Plan Regulations Section IX-K.1.(4)(a), a buffer zone is required "at least twenty feet wide, densely planted (or having equivalent, natural growth) with shrubs or trees at least 4 feet high at the time of planting of a type that will form a year round dense screen at least 6 feet high within 3 years; or a wall, barrier, or fence of uniform appearance 6 feet high and extending to within 6 inches of ground level." Any such buffer that could satisfy this requirement between the site and the Severance properties would likely make it unsafe for traffic and pedestrians coming and going from the site when it is required to be safe. Second, under Town of Northwood Site Plan Regulations Section IX-M, outdoor lighting must be designed to "prevent off-site disturbance, nuisance, or hazard, and shall not detract from the qualities of the community" Because of the proximity of the site to the Severance properties, the low level of outdoor lighting that would be needed to not be a nuisance to the Severances, as required, would make the site unsafe when it is required to be safe. For these two reasons, among many others, there is no solution for this site to meet the requirements of Town law. As such, the site is clearly unsuitable for this development and the proposed use should be denied.

Rather than prolong the process, the Board has ample justifications and should deny the application now.

Unnecessary Development

Finally, it has come to our attention that on June 12, 2019, the Town of Epsom Planning Board held a public hearing for conceptual review of a commercial development on the Epsom traffic circle that includes an Aroma Joe's facility (at the former Care Pharmacy location). That location is far more suitable for this type of development, as it is a developed commercial area with adequate room for parking and traffic management. With an existing Aroma Joe's in Lee (on Route 125 at 536 Calef Highway), and one likely to be coming in Epsom, there are clearly sufficient Aroma Joe's locations in the area, and the one proposed in Epsom on Route 4 that would be far more suitable for such development than this site in the core of historic Northwood.

Conclusion

For all of the above reasons, the Severances respectfully request that the Planning Board cease further consideration of major site plan review and deny the Application.

Sincerely,



Amy Manzelli

cc: Clients

To: Northwood Planning Board

From: Ronald Thomas, 86 Sherburne Hill Rd, Northwood

Subject: Proposed Aroma Joe's on Bow Lake Rd.

Date: 8/8/2019



I am writing in opposition to the proposal that an Aroma Joe's be constructed on the eastern side of Bow Lake Rd. where it intersects with the First New Hampshire Turnpike. Bow Lake intersection serves as the main access to Route 4 for well over one hundred Northwood and Stratford dwelling it also serves as the access to Academic Way for a large number of students attending the Coe Brown Academy. As a result traffic congestion is quite heavy especially in the morning hours when many of the occupants of those dwellings are heading to work and the students are heading to school. I have witnessed mornings when this counter flow of traffic has resulted in cars attempting to get to Academy Way are backed up onto Route 4 and cars attempting to exit Bow Lake Road are backed up beyond Academy Way. When you consider that a coffee shop does a majority of its business during the same time period you can understand that placing one at a location that is already suffering from heavy congestion is poor planning. I objected to allowing the construction of Academy Way because I knew that it was going to move part of the traffic problem that Route 4 suffered from at that time of day onto Bow Lake Rd. and that is precisely what it has done, please do not compound the issue for the many residents who need to use Bow Lake Rd to get to work in the morning.

Although the business that is located at the end of Ridge Rd creates a similar situation, that establishment was located there long before the flow of traffic on Route 4 and was as high as it currently is and prior to the explosion of residences along Ridge Rd. Every year there are a number of serious accidents at both of these intersections and putting a coffee shop at this second intersection will make matters worse.

Respectfully,

Ronald Thomas

- the area in which it is proposed to be sited, including light, noise, traffic, odor, other aesthetic considerations, and more.
- b. The Application does not demonstrate the proposed office complies with building code.
 - c. Proposed parking maximizes the impact of intrusive elements upon neighboring properties, instead of minimizing it as required.
 - d. Parking is proposed on top of a portion of the existing leachfield, which will ruin the leachfield's functionality.

For these reasons, the Severances respectfully request that the Planning Board not accept the Application as complete, or in the alternative, deny the Application. The remainder of this letter explains these points with supporting analysis.

The Application is Incomplete

The Application is not complete and the Planning Board should not accept it as such.

Missing Over Twenty Requirements

As noted in the attached Exhibit A - Table of Requirements Not Provided With Application, over twenty separate requirements have not been provided either as a separate document or on the submitted plans. The exhibit identifies each one, along with the section of the Zoning Ordinance or Site Plan Review Regulations requiring it. Many of these requirements represent foundational information without which the Planning Board cannot determine whether the Application meets the Major Site Plan requirements. For example, the Application lacks an impact statement, traffic study for this proposal, or any plan to manage sewerage. See also Enclosed aerial image of the Property (which appears to show many plants, including large trees, that have not been noted on the submitted plans and therefore no provisions have been made to preserve them or expand them for buffering purposes).

It would also be helpful to have photos of the property and surrounding area. Although those are not required with an application, the Planning Board may require the Applicant to provide them. See Site Plan Review Regulations, Section V.B.(5).

Waivers Not Identified and Not Supported

Based on the documents obtained, it is unclear what waivers are being requested by the Applicant. In the Application itself, only one waiver is being requested by checking the "Waiver" column of the application checklist: "Provision shall be made for the installation of sidewalks running from the street line to the principal building" under IX-Q Sidewalks. In the minutes of the June 13, 2019 Work Session, the Planning Board appears to discuss "three waivers, two are related to the storm water and drainage" but

Lastly with respect to lighting, the Applicant's Lighting Plan sheet is insufficient. First, it takes no account of the illuminated sign depicted alongside Route 4, attributing zero light to it. Second, it does not show the edge of the light impact (where the light impact would be 0.0) towards the Severances' northern property, lot 59. Third, it shows a sign immediately to the south of the proposed driveway as non-illuminated when that same sign is shown as illuminated on the Utility Plan sheet. For the Planning Board to make the required determinations, the Applicant must give it sufficient, credible information to know what the light impacts will be.

Increase in lighting is but one substantial alteration to the character of the area. Although we have none of the required information from the Applicant, it can be safely presumed that vehicular traffic from customers and loading will be substantially altered from the current traffic pattern. Moreover, the view, odor and noise, as well as any number of other aesthetic considerations will also be substantially altered. All of these substantial alterations will be especially acute in the early morning starting at 5 A.M. and the evening when the area would be relatively quiet and sleepy, typical for such a residential area.

The Applicant has completely failed to meet its burden of proof with respect to providing evidence that the proposal, by its nature or design, or through the use of vegetative or topographical buffers, will not substantially alter the character of the area in which it is proposed to be sited.

Sufficiency of Existing Building for Office

From the information in the Application, including the plan depicting existing conditions and the proposed site plan, it appears that the Applicant intends to use an existing structure near the residence as office space for the new business. No information has been provided about the construction, condition, or current utilities of that building. No information has been provided about any planned utilities, any renovation, or any other alteration to that structure to modify it from its current state to a structure usable as an office. The Application includes a statement that "The applicant hereby agrees to adhere to any and all requirements of the 2009 International Building Code as applicable for this development." The Planning Board has no information that the structure is suitable for use as an office, could be modified to be suitable, and/or what additional work would be required to make it suitable and compliant with the 2009 International Building Code. Without such information, a change in use from apparently an accessory structure to the primary residence to an office accessory to the businesses should not be approved.

Parking Not Designed to Minimize Impacts

The design of parking spaces "shall" "minimize the impact of intrusive

Exhibit A - Table of Requirements Not Provided With Application

Description of Missing or Insufficient Information

Applicable Section

<i>Zoning Ordinance</i>		
1	Height of new structure for coffee shop	Table IV-1 Dimensions Tables
<i>Site Plan Review Regulations</i>		
2	Written assurance from public utility will be installed per plan	Section V, B(6)
3	Fire Department Review Form	Section V, B(7)(a)
4	Police Department Review Form	Section V, B(7)(b)
5	BOCA Statement (Building Officials Code Administrators)	Section V, B(7)(c)
6	Permit or application for all local, state, and federal permits (for example, DOT/driveway, septic)	Section V, B(8)
7	Impact statement (examples of what this should provide: impact on the immediate area of influence, increase in vehicular traffic, changes in surface drainage, increases in consumption of groundwater, pollution of water or air, harmony with the character of surrounding development, hours of operation of office and greenhouse, impact of light on abutters - especially during wintertime, what will be use of existing shed to remain)	Section V, B(8)
8	Proposed (not conceptual) location of underground electric utility lines/trenches	Section VII, A(5)
9	Existing drainage and slope easement (currently marked only by dashed line)	Section VII, A(5)(v)
10	How many shrubs will be planted	Sections VII, A(6)(e); IX, K(1)(3)(b) and (d); IX, K(1)(6)(g)
11	Landscaping maintenance plan	Sections VII, A(6)(f); IX, K(1)(7)
12	Drainage analysis and Stormwater Management Plan including pre and post-development conditions (which should also cover Design Standards in Section IX, D(2))	Section IX, D(1)(c)
13	Operations and Maintenance Plan for stormwater management systems	Section IX, D(3)
14	Sewerage	Section IX, F
15	Gross floor area for office, greenhouse	Section IX, H(4) (Parking standards)
16	Parking spaces for loading	Section IX, H(8)
17	Identification of and plan to preserve existing vegetation, including large trees omitted from Application (both along the street side and to the north and south of the greenhouse to remain as well as to the north and south of the shed to remain)	Section IX, J; Section IX, K(1)(2)(a)
18	25% of land area of a parcel being developed left in natural state or landscaped	Section IX, K(1)(2)
19	Buffer zone wherever commercial development abuts adjacent residential property	Section IX, K(1)(3)(a); K(1)(4)(a)
20	Conservation Commission opinion on landscaping plan (Application says this has been/should be provided)	Section IX, K(1)(1)
21	Identification of lights turned off versus left on when the businesses are closed	Section IX, M(3)

development should not be approved; to do so would severely degrade the historic value of this area, in contravention of Northwood's laws and values.

Three Additional Grounds for Denial Now

First, the Severances have now submitted uncontested expert evidence and testimony by Carol Ogilvie supporting that the proposed use will alter the character of the area so much that the legal requirements of the Zoning Ordinance cannot be satisfied. Uses in the #2 category of the Table V-1 Table of Uses must meet the Performance Criteria listed in Section V.B of the Zoning Ordinance. Specifically, "[b]y its nature or design, or through the use of vegetative or topographical buffers, the use will not substantially alter the character of the area in which it is proposed to be site." Zoning Ordinance V.B.(1)(a). The Applicant has not presented evidence that contradicts or otherwise questions Ms. Ogilvie's testimony as a professional planner. Therefore, the Board should deny the Application now because it cannot approve it with this uncontroverted evidence in the record.

Second, because of this and other deficiencies, the Board and the Town Planner have been put in the situation of having to tell the Applicant how to supplement and/or complete the Application to satisfy the Town's requirements. This is not the responsibility of the Town. The Applicant's insufficient application, refusal to submit required materials, and failure to submit supporting documentation are basis enough for the Board to deny the Application now, instead of pursuing the Applicant to satisfy requirements.

Third, at least two areas of Town law cannot be satisfied because of the nature of the site. First, under Town of Northwood Site Plan Regulations Section IX-K.1.(4)(a), a buffer zone is required "at least twenty feet wide, densely planted (or having equivalent, natural growth) with shrubs or trees at least 4 feet high at the time of planting of a type that will form a year round dense screen at least 6 feet high within 3 years; or a wall, barrier, or fence of uniform appearance 6 feet high and extending to within 6 inches of ground level." Any such buffer that could satisfy this requirement between the site and the Severance properties would likely make it unsafe for traffic and pedestrians coming and going from the site when it is required to be safe. Second, under Town of Northwood Site Plan Regulations Section IX-M, outdoor lighting must be designed to "prevent off-site disturbance, nuisance, or hazard, and shall not detract from the qualities of the community" Because of the proximity of the site to the Severance properties, the low level of outdoor lighting that would be needed to not be a nuisance to the Severances, as required, would make the site unsafe when it is required to be safe. For these two reasons, among many others, there is no solution for this site to meet the requirements of Town law. As such, the site is clearly unsuitable for this development and the proposed use should be denied.