



October 22, 2019

VIA EMAIL

Town of Northwood Planning Board  
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**Re: Sullivan Major Site Plan Review, Tax Map 221 Lot 61, #19-12  
Summary of Issues**

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”). I write to summarize the Severances’ objections to the Application based on the information presented to date.

In summary, this property is not appropriate for an Aroma Joe’s. The lot is too small. The property is in a residential area full of historic buildings. It is right across a small street from two residences. The proposed development being highly commercial in nature, complete with illuminated signs, lighting, noise, odor, and traffic. The Application lacks sufficient, credible information.

1. **Historic Value of Area:** The Town of Northwood values its historic resources and has enacted numerous legal protections. (Town of Northwood Zoning Ordinance, Sections VIII(1)(b); X.A.(12); Town of Northwood Site Plan Regulations, Sections II(A); IX(B); IX(B)(2)(b); IX(H)(3); IX(J). The proposed use does not satisfy these legal requirements. The primary issue is that the imposition of an artificially-lighted, commercial drive-thru operation on a small lot would irreparably degrade the historic character of the area and its many historic resources (as listed in my letter to you dated August 6, 2019).
2. **Character of the Area:** The proposed use does not satisfy the requirement to not substantially alter the character of the area. (See uncontested expert evidence and testimony by Carol Ogilvie; see also my letter to you dated August 6, 2019.) The proposed fence does not suffice. It will not hide the commercial character of the site or protect anyone from light, odor, and sound generated from the proposed use.
3. **Insufficient Information:** The Applicant has not met its burden of proof by providing sufficient, credible information, including that it has not satisfied at least the following requirements:
  - a. Section V-B.1 - regarding not substantially altering the character of the area
  - b. Section V-B.6 - regarding written assurance from public utilities

- c. Section V-B.8 - regarding copies of applications to DES for septic and well
  - d. Section V-B.12 - requiring submission at the time of application of a traffic study by a professional engineer licensed in NH
  - e. Section V-B.13(a) - regarding a description of who will use the barn, how commercial and agriculture are defined for purposes of the greenhouse
  - f. Section VII-A(5)(j) – regarding details of septic
  - g. Section IX-B(1) – regarding the protection and perpetuation of areas of historical and cultural value
  - h. Section IX-B(2) – regarding compatibility with surrounding properties
  - i. Section IX-C(1) – regarding safe and suitable access (which cannot be achieved while also putting in the required buffer)
  - j. Section IX-E(1) – regarding adequate provision for water supply
  - k. Section IX-F(1) – regarding adequate provisions for sanitary sewage disposal facilities
  - l. Section IX-E(d) – regarding septic loading and anything over 2,500 gallons per day requires hydrogeologic study
  - m. Sections IX-K.1(3)(a) and (4)(b) – regarding the landscaped buffer
  - n. Section IX-M(1) – regarding nighttime lighting being contained on site
  - o. Section IX-M(2) – regarding no light causing glare or other safety problems on an adjacent street or property
  - p. Section IX-P – regarding providing information about noise
4. **Site Unable to Meet Requirements:** The site is unsuitable for this proposed development. First, any buffer that could satisfy the buffering requirement would likely make it unsafe for traffic and pedestrians. (See Town of Northwood Site Plan Regulations Section IX-K.1.(4)(a).) Second, the limit of outdoor light required to prevent off-site disturbance, nuisance, or hazard, etc. would likely make the site unsafe. (See Town of Northwood Site Plan Regulations Section IX-M).
5. **Traffic Study:** We understand the Applicant is having a traffic study performed. We are aware that a prior application for an Aroma Joe’s in Northwood was withdrawn because NHDOT required installation of dedicated turn lanes to be explored on Route 4. We believe such will be likely in this case as well, and may not address all traffic safety concerns, especially given the Northwood Police Department’s “serious concerns”.
6. **Sidewalk Waiver Request:** The Applicant’s waiver request for sidewalks should be denied for the following reasons:
- a. Public comment demonstrates that pedestrian traffic is likely to come to the site from north of the site, along Bow Lake Road. Not having sidewalks as required would therefore be detrimental to the public safety, health, or welfare or injurious to other adjacent property because these pedestrians would have to walk on the road or on other people’s private property.
  - b. Not having a sidewalk already is not a condition unique to this property. Many properties in Northwood do not have sidewalks, which is why it is now required for certain new development.

- c. The Applicant has not demonstrated why the particular physical surrounding, shape, or topographic condition of the property would result in a particular hardship if sidewalks were required.
  - d. Not constructing sidewalks as required would vary the provisions of the Master Plan, which specifically references the need for more sidewalks (see pages 30, 31, 53 of the 2004 Master Plan Update: Northwood, NH).
7. **Stormwater Waiver Request:** The Applicant's waiver request for stormwater runoff should be denied for the following reasons:
- a. By requiring development to not change stormwater runoff by more than 10% of pre-development conditions, the Town has decided it is in the public interest to not change stormwater runoff more than that. The Applicant proposes to create runoff to the north of the site that is almost 45% of the pre-development level. As a matter of public policy on the books in Northwood, this is detrimental to the public safety, health, or welfare or injurious to other adjacent property.
  - b. Having a NHDOT drainage and slope easement on the property is not a unique condition. The plan provided by the Applicant makes clear that many properties have the same easement restrictions.
  - c. The Applicant has not demonstrated why the existence of the NHDOT easements would cause a particular hardship if the stormwater runoff waiver was not granted. It appears that the Applicant has left many options unexplored, for example permeable pavement, underground infiltration systems, bioinfiltration, etc.
  - d. Changing stormwater runoff by more than 10% would vary the provisions of the town ordinance, including Section IV.B.7(a), which says in pertinent part "Large volumes of runoff lead to erosion and flood damage," and would vary from the Master Plan, which specifically recommends storm water management plans be consistent with the most recent model ordinances (see page 44 of the 2004 Master Plan Update: Northwood, NH).

**Conclusion:** Please do not prolong the process any further. The Board has ample justifications and should deny the application now. The Board should be confident the record it has developed will support a denial if the Applicant were to appeal. The Severances respectfully request that the Planning Board cease further consideration and deny the Application.

Sincerely,

  
Amy Manzelli

cc: Clients