

**Town of Northwood  
Planning Board Meeting  
July 27, 2023**

**Cases heard at this meeting:**

CASE: 23-12: Woods Grill, Heigis Family Revocable Trust, 284 First NH Turnpike, Map 231; Lot 6.

CASE: 23-14: LSF, Inc., 268 Jenness Pond Road, Map 203; Lot 19.

CASE: 23-15: Diane E. Bishop, 33 Yeaton Drive, Map 205; Lots 2 & 3.

**Chairman Jandebeur called the meeting to order at 6:33 p.m.**

**Present:** Chair Tim Jandebeur, Vice-Chair Judi Anthony, Selectman Representative Hal Kreider, Members Betty Smith, Karen Robinson, David Copeland, Steven Robinson, and Alternate Don Manter.

**Voting Designation:** Chair Tim Jandebeur, Vice-Chair Judi Anthony, Selectman Representative Hal Kreider, Members Betty Smith, Karen Robinson, David Copeland, and Steven Robinson.

**Town Staff Present:** Attorney Laura Spector-Morgan, Strafford Regional planning Commission Director Jennifer Czysz, Land Use Specialist Linda Smith, and Land Use Administrative Assistant Lisa Fellows-Weaver.

**PRELIMINARY CONCEPTUAL CONSULTATION**

***Northwood Development, LLC Rte. 4. Map 110; Lot 29***

Chair Jandebeur announced the preliminary conceptual consultation was withdrawn.

**CONTINUED CASE:**

**CASE: 23-14: LSF, Inc., 268 Jenness Pond Road, Map 203; Lot 19.**

Applicant seeks a Major Subdivision of 115 acres to create three new lots: 5.77 acres, 3.48 acres, 3.49 acres, and the parent lot will become 103.26 acres with only 103.97' of frontage. The three new lots will all have 150' of frontage. *Continued from June 22.*

Chair Jandebeur stated the applicant has requested a continuance to August 24, 2023.

**Minutes**

***June 22, 2023***

**On a motion made by Ms. B. Smith, and seconded by Mr. Kreider, the Board voted to approve the minutes of June 22, 2023, as written. Motion passed; 5/0/2.** Ms. Anthony and Mr. Robinson abstained as they were not at the meeting.

***July 13, 2023***

**On a motion made by Ms. B. Smith, and seconded by Mr. Kreider, the Board voted unanimously to approve the minutes of July 13, 2023, as written.**

**CONTINUED CASES:**

**CASE: 23-12: Woods Grill, Heigis Family Revocable Trust, 284 First NH Turnpike, Map 231/6.** Applicants seek Major Site Plan Review for mixed use to include restaurant with indoor and seasonal outdoor seating, real estate, and accessory use – meeting room. *Continued from June 22.*

**Ms. B. Smith made a motion, seconded by Mr. Copeland, to reconsider the waiver request for 20' vegetated buffer, Section K.1.3 as voted on June 22, 2023.**

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Chair Jandebeur stated that there were a few Planning Board members that had expressed confusion after the meeting relative to the vote on the waiver. Ms. B. Smith stated that there was some confusion with the waiver. When she voted, she did not vote the way that she had wanted to and the way she would have.

Ms. Anthony stated she abstained from voting as she was not clear on what she was voting on.

Chair Jandebeur stated that the Board granted a waiver for the vegetated buffer and there was some confusion on the motion or what was being voted on. He explained that if the motion passes, the Board will bring up the waiver request again and vote on it again.

Atty. Spector Morgan stated that the original waiver request was verbal. She encouraged the Board to request the waiver be provided in writing for clarity in what is being voted on. Ms. L. Smith stated that the request was submitted in writing the night of the meeting. Ms. Czysz asked if the waiver had been distributed to all Board members. Ms. L. Smith replied no. Atty. Spector-Morgan stated it would be helpful if members have the waiver request in writing to eliminate any confusion.

**Motion passed unanimously.**

Chair Jandebeur asked if the waiver could be rewritten and presented again tonight. Atty. Spector-Morgan commented that could be done; however, perhaps some of the confusion was because members did not have a formal waiver request in writing. Chair Jandebeur suggested the Applicant submit a formal request for the landscaping buffer and the Board will address the waiver, at a future meeting.

Mr. Frankiewicz stated that all other waivers were submitted per the Town's requirements.

A discussion was held relative to other waivers requested at the June meeting. Chair Jandebeur stated that once the K.1.3a, was voted on all other waivers were moot and there was no need to discuss additional buffer zone requirements as the buffer zone waiver was granted.

**On a motion made by Ms. B. Smith, and seconded by Mr. Robinson, the Board voted unanimously, to table the waiver request K.1.3, subject to receiving a written waiver request from the Applicant.**

Scott Frankiewicz, NH Land Consultants was present along with the Applicant, Peter Heigis, owner of Woods Grill.

Mr. Frankiewicz provided an overview. He stated that originally this was a minimal impact application, submitted in September 2022, for a restaurant for 160 people, with 42 parking spaces. A waiver was granted for a major site plan at that September meeting. Subsequently, the application was reconsidered to be a major site plan without any additional information submitted by the Applicant, for no reason at all. Although the Applicant did not feel it was necessary, a major site plan was submitted with waiver requests. He compared the original plan and the major site plan, noting the changes show dramatic and substantial reductions. He stated that the Board voted to accept the application, regional impact, and granted a waiver to not have to do a major site plan. This proposed application is for 36 parking spaces, 28 spaces for the restaurant. After the survey and evaluation of the site and parking, the number of customers has been reduced dramatically.

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Mr. Frankiewicz noted that there are a number of waivers requested due to the fact that this is a major site plan application now, to include storm water drainage, landscaping, parking, pavement, sidewalk, and a few others.

Ms. L. Smith explained that the application went from a minimal to a major site plan because the applicant had originally stated that there would be no additional parking and the plan came in with additional parking. The planning board agreed to proceed with the minimal impact and then requested additional information to get advice as to whether that was considered to be a minimal site plan application. Mr. Heigis met with Land Use Staff and Building Inspector/Code Enforcement Officer Will Dinsmore, and it was clear that the correct application was a major site plan. It was reviewed and determined by Will Dinsmore to be a major site plan. That is when Mr. Heigis proceeded to hire a representative; it was not done for “no reason at all” as was stated in Mr. Frankiewicz’s overview.

Chair Jandebaur reviewed the seven criteria for major site plans. He stated that an expansion of parking of more than 10%, or an increase in gross floor space, or a mixed use development, are each a specific reason why the change in the application occurred; this is a major site plan application.

Mr. Heigis also provided a timeline of the project(s). He stated that in September 2022, a plan was submitted referencing parking, septic, grounds, travel, turning lane radiuses, and the driveway on Green Street. Discussions were held about the major issues that had been addressed over the prior months. He explained that a waiver was granted for Section IV(C) for Applicability, and the minimal impact application was determined complete by the Board; this never should have gone forward since the waiver was granted. He then explained the items they needed to come back to the Board with and noted his requests for extensions due to the need for additional information. He stated that a letter was sent to him that the Board changed the type of application. He met with Staff, and it was identified that there is now 10% more parking, which changes the application to a major site plan. He stated that there had been no changes made to the plan and reiterated that a waiver to Section IV(C) had been previously granted by the Planning Board. The identification that these permits are even required as this is not a major siter plan and is still under the law to be a minimal impact site plan application; the Board wrongfully changed the type of application to a major site plan when they already had granted a waiver.

Chair Jandebaur stated that he does not recall the letter. He added that this is still a major site plan. Ms. L. Smith stated that a letter was sent to the Applicant from the board as recommended by Strafford Regional Planning Commission Ms. Czysz, who attended that meeting.

Atty. Spector-Morgan stated that if the Board deemed the application to be a major site plan in 2023 and the process has proceeded on the assumption that this is a major site plan, and no appeal was filed, then everyone has committed to this being a major site plan application. She stated that the Board should consider any outstanding waivers, determine which ones will be granted or denied, and allow the Applicant to return with any waiver requests at the next meeting, and then the Board can get into the substance of the plan.

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**Waivers:**

**Sidewalks: Section IX-Q:**

Mr. Frankiewicz stated that granting the waiver will not be detrimental to the public safety, health, or welfare or injurious to other adjacent properties as foot traffic is not expected to be significant to this mixed-use building. The waiver request is based on the site being located on Rte. 4 with very little to no foot traffic that would be accessing this property for the services offered. The majority of the customers/clients will come to these businesses via a motor vehicle. Constructing a sidewalk along Rte. 4, when there is no sidewalk in the area, will serve no purpose and become a maintenance issue for the Town of Northwood. Although the regulations, and the Master Plan, contemplate sidewalks in the areas of schools and clusters of businesses along Rte. 4, this mixed-use business is not within either of those areas of town.

**Mr. Robinson made a motion, seconded by Mr. Copeland, to grant the waiver for Sidewalks-Section IX-Q, as submitted.**

Mr. Manter stated that Northwood will continue to grow and at some point, sidewalks will need to be added. He asked if there is a way to address sidewalks now and plan for the future.

Atty. Spector-Morgan stated that the Board can require offsite exactions by collecting money and keep the funds for six years. If that has not been done around Rte. 4, it seems that it would not make any sense to do so. In addition, this is a State road and the State would install the sidewalks.

Chair Jandebaur stated that this is one waiver that is typically granted and should be here as well; it is not workable in the Town, at this time.

**Motion passed unanimously; 7/0.**

**Parking & Loading: Section IX-H(2):**

**On a motion made by Mr. Copeland, and seconded by Ms. B. Smith, the Board voted unanimously, to table the waiver request for Section IX-H(2), subject to receiving a written waiver request from the Applicant.**

**Site Plan Requirements: Section VII-A(1)(b-g):**

Mr. Frankiewicz reviewed the additional waiver requests under Section VII-A(1). A discussion was held regarding separating items b through g for clarity.

Mr. Heigis stated that a lighting plan for a major site plan should be used for new construction, typically. This building is not new construction, which is why they have requested these waivers; these items already exist on the property.

Atty. Spector-Morgan stated that her understanding of the Board's concerns is that the past site plans have not been approved, were not engineered, or prepared by an LLS, they were hand drawn. Although some improvements have been approved by the Board; they have not all been installed. Moreover, it has been noted that there are things being done on the property that have not been approved such as the employee parking area has not been shown on any previous site plan approval. The Board would like a plan that shows everything on the site that has been approved so they will know what is there.

Mr. Frankiewicz stated that this plan has been submitted with all that information and was provided a few months ago. He stated that the landscaped plan is dedicated to the

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landscaping, lighting is dedicated to lighting, an erosion and sediment plan is not needed as they are not digging up anything; these items are not needed.

**On a motion made by Mr. Copeland, and seconded by Ms. B. Smith, the Board voted unanimously, to table the four waiver requests relating to Section VII-A (b, d, e, f,) until the next meeting, with instructions to the Applicant to submit separate requests with separate explanations for each of the four requests.**

**Landscaping Requirements: Section IX-K.:**

Chair Jandebaur stated that he did not feel comfortable discussing this item until the waiver for the buffer has been addressed. Discussion ensued.

**On a motion made by Ms. B. Smith, and seconded by Ms. Robinson, the Board voted unanimously, to table the waivers relating to Section IX-K.1(6, 7, 8, 9, and 10) until the next meeting, with instructions to the Applicant to submit separate waiver requests for each section along with separate answers for each of the waiver criteria.**

**Stormwater Drainage: Section IX-D.:**

Mr. Frankiewicz stated that they are not proposing any changes to the stormwater with this application.

Mr. Kreider asked what was originally approved. Mr. Frankiewicz replied that the 2016 and 2021 plan were approved as well as the 2022. Ms. L. Smith stated that the 2022 plan was not approved. Mr. Kreider stated there was no parking originally along the west side. He stated that everything is all integrated and asked what the order is for everything being approved moving forward.

Mr. Robinson commented that there is a lot going on and it really needs to be broken down to make sure that everything is addressed appropriately.

Atty. Spector-Morgan stated that this is an existing business with prior approvals. Has stormwater drainage been analyzed and approved previously, she is not sure, and it could be a valid waiver. It could be premature to grant this waiver until the other waivers are addressed.

Chair Jandebaur stated that the 2016 and 2021 site plans clearly show what waivers were previously granted. Discussion ensued relative to snow storage.

Atty. Spector-Morgan stated that there may need to be stormwater management on site. She recommended a third-party review for this application.

**On a motion made by Mr. Copeland, and seconded by Ms. B. Smith, the Board voted unanimously, to table the waivers relating to Section IX-D, until the next meeting, with instructions to the Applicant to submit separate requests for each section along with separate answers for each of the waiver criteria.**

Ms. Czysz stated that regarding the stormwater section, the Board should decide if they will waive the remaining sections of the regulation for the management plan standards to which the plan is to be held; the rest is moot. However, if the Board is considering that there is a need for something, she suggested the Applicant come back with a revised waiver for an alternate approach for a plan for this site, and recommended the Board wait until that is determined.

Ms. L. Smith also agreed with a third-party review as it will address many of the issues.

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Additional discussion was held regarding the circulation plan. Atty. Spector-Morgan stated that a plan has been submitted. She added that the Board will need an extension from the Applicant due to the 65-day time frame, and the Board should decide if they will be sending the application out to the Town's engineer now or wait until the revised waiver requests have been received.

Mr. Frankiewicz stated that the public hearing has been opened.

A discussion was held relative to the timing to receive the additional waiver materials and the timing of the third-party review.

**On a motion made by Ms. B. Smith, and seconded by Ms. Anthony, the Board voted unanimously, to move forward with a third-party review and proceed as follows: receive the revised waiver requests from the Applicant, send those along with the plan to the Town's engineer to obtain a quote, confirm with the Applicant for the expenses, have the review done of the waiver requests to have a recommendation as to whether or not it is reasonable per the engineer review to waive the provisions being sought to be waived.**

Mr. Frankiewicz submitted a written request to continue the case to September 28, 2023.

Chair Jandebour opened the public portion.

John Wimsatt, 63 Dimes Road, stated that he did not have any previous history of the project and is unclear as to what has happened to this point along with many others. He stated that there is strong support for this business to continue and the businesses support of the community and to be respectful to their abutters. He requested the Board go back to square one and examine the record, review meeting minutes, and videos, and make sure that members have the applicable materials. He stated that as the process continues along, it becomes expensive for the Applicant.

Ms. L. Smith referred to the February 23, 2023, minutes where Ms. Czysz has recommended a letter be sent to the Applicant, recommending Mr. Heigis attend the March meeting. Mr. Heigis and Mr. Frankiewicz were both in attendance at the March meeting, where a discussion was held to withdraw or table the Application. The Board voted to deny the application without prejudice, because the Applicant said he wanted to come back and re-apply with a different application.

Mr. Heigis stated that they had no choice in the matter. He stated that the letter indicated that the application was determined to be a major application. At the meeting it was not identified that the Board could scrutinize any permits that were already permissible in the previous permission process, and it was never identified. He stated that he asked how this would impact him with a revoke without bias, the submission of a new permit. He stated that the answer was there would be no impact; however, it did impact him as he has incurred costs to get to this point with this application and it also allowed the Board to scrutinize every bit of the site; this is all for only 11 additional spaces.

Atty. Spector-Morgan offered to receive a copy of the complete file and she will review and provide a summary to include anything and everything that is outstanding or missed so that everyone can work productively and move forward.

Mr. Heigis asked to be a part of that process so that the information can be provided from both sides. Atty. Spector-Morgan replied that Mr. Heigis could provide his documentation and she would make sure that it all matches.

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Chair Jandebaur stated that this is a major site plan and should have been in the beginning.

Mr. Heigis stated that they have a waiver stating that it shouldn't be.

Wade Sauls, Green Street, stated he recently moved back to the area to be a part of the community. He and his wife volunteer on boards in Town and take part in improving the community. He has been able to get to know the owners. He noted the Applicant's support the Town and community through their businesses. They are the type of people that create the fabric of the community. This business is Northwood and is a benefit to the community. All Town boards are here to serve the community and the residents. This business should be able to add outdoor seating to continue to allow them to support nonprofit events. In addition, he stated that the chair is a representative of the Town, and residents. He is embarrassed and ashamed of his behavior; it is rude and unacceptable. He suggested he learn to run a respectful meeting.

Pam Sanderson read a letter from the Friends of Northwood Recreation Department.

Ms. Sanderson added that she concurred with the comments from the letter that the non-profit participation of Woods Grille is vital as there are not many places to gather; it is a table, not a function room.

Matt Fowler, Newman Drive, stated that he sees business in neighboring towns and is not sure that Northwood will grow. We do want businesses where customers can gather. He stated he was a former ZBA member and understands the confusion. He urged the Board to look at the Town, look at the waivers, and approve the waivers if they see fit for all businesses. Northwood is a unique Town and this is a unique business; it would be great for the Town if there were more business like this.

Norm Royce, Baker Ave., stated that he is the president of the local Lions Club and the Northwood Lake Watershed Association (NLWA). He stated that he has had meetings at the location. It has been difficult to have meetings at other establishments. He asked what made Woods Grille different and why they can't meet there. He thanked the team at Woods Grille for the brief time; they are now looking to find another area for their meetings.

Nikki Delue Roy, 9 Pender Road, former Planning Board chair, stated that she appreciates how difficult it is to review complex applications. She encouraged the idea of sending out the application for peer review. She also encouraged the Board to be careful with the consideration of the waivers. The Town has a certain character and this building, in particular, has a history. She stated that she does not think that she wants a paved parking lot, doesn't want the character of the Town to change. What these businesses have created in Town is a community gathering place where members of the community are open and welcome; it is a unique asset to the Town. She encouraged the Board to be very careful in evaluating the waivers and when they are evaluated it also reflects the character that is wanted to be preserved along Rte. 4. We do not want to look like the neighboring towns, modern, and paved over. In addition, she spoke to Mr. Jandebaur and stated that, as a former chair, she encouraged him to be professional and unemotional and treat applicants equally.

Chair Jandebaur closed the public portion of this case for tonight.

Ms. L. Smith mentioned letters that were also emailed.

Chair Jandebaur read a letter from Kimberly Mihelich and Robert Moynihan. All letters are in the application file at Town Hall.

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It was noted that Scott Martin sent a letter to the Chair's address. Mr. Martin withdrew his letter and stated that it was not intended to be included into the record.

**On a motion made by Ms. B. Smith, and seconded by Ms. Anthony, the Board voted unanimously, to continue this case to September 28, 2023, 6:30 p.m.**

*Chair Jandebeur called for a recess at 8:24 p.m. Session resumed at 8:39 p.m.*

*Mr. Kreider recused himself from the next two cases. Voting designation stayed the same.*

**CONTINUED CASE:**

**CASE: 23-14: LSF, Inc., 268 Jenness Pond Road, Map 203; Lot 19.**

Applicant seeks a Major Subdivision of 115 acres to create three new lots: 5.77 acres, 3.48 acres, 3.49 acres, and the parent lot will become 103.26 acres with only 103.97' of frontage. The three new lots will all have 150' of frontage. *Continued from June 22.*

**On a motion made by Ms. B. Smith, and seconded by Ms. Robinson, the Board voted unanimously, to continue this case to August 24, 2023.**

**NEW CASE:**

**CASE: 23-15: Diane E. Bishop, 33 Yeaton Drive, Map 205; Lots 2 & 3.** Applicant seeks a Lot Line Adjustment to transfer 3.24 acres from Lot 2 to Lot 3. After the transfer, Lot 2 will go from 16.33 acres to 13.09 acres, and Lot 3 will go from 13.00 acres to 16.24 acres.

**On a motion made by Ms. B. Smith, and seconded by Ms. Robinson, the Board voted unanimously to determine the application complete and open the public hearing.**

**On a motion made by Ms. B. Smith, and seconded by Mr. Copeland, the Board voted unanimously to determine there is no Development of Regional Impact for this project.**

Ray Bisson from Stonewall Surveying was present along with the Applicant, Diane Bishop.

Mr. Bisson gave an overview explaining this is a lot line adjustment of two parcels of land off of Catamount Road. One parcel is 13 acres and the other is 16 acres. The proposal is to convey lot 205/2 to a family member to build a home, preserving as much of the open field as possible. This process will also adjust an area between the two lots. The new lot configuration gives 150 feet of road frontage on Catamount Road and maintains the minimal lot width. Currently there is a portion of the field being used for horses and they would like to keep that area for agricultural uses; an easement has been proposed and added to the deed.

Mr. Bisson stated that the current driveway would cross the newly proposed lot. An easement would be provided. He added that the area is also used for gardens and other recreational uses. Wetlands were outlined and delineated around the proposed building site. The topography was also reviewed.

Mr. Bisson stated that the proposal is to utilize the existing shared driveway, which will minimize impacts to the property. He added that an existing maintenance agreement is already in place between tax map 205/3 and 2-1. A 50 foot right of way goes out back. The existing maintenance agreement is to maintain the road and will include the new lot as well. He stated that a waiver request has been submitted for Section 3.03(B)(1) for the shared driveway, which is a 750 feet gravel, shared drive. He explained that this proposal will be a safer alternative to Catamount Road. The same number of cars will be traveling



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on the driveway as is currently. Pictures and dimensions were provided and reviewed. The dimensions are 18' of gravel surface, 18', and 17'. Using the shared driveway will continue with the country characteristics and avoid potential wetland crossings. A shared driveway is the best alternative versus a driveway through the middle of the field. The driveway is in good condition for two vehicles to pass safely and plenty of site distance in both directions. He explained that the American Association of State Highways and Transportation Officials, low volume roadways of less than 400 trips per day would require 18 ft surface for speeds less than 30 MPH; 18 foot wide is the actual surface, gravel could be less. He added that this driveway generates approximately 30 trips per day on average.

Mr. Bisson stated that RSA 674:41 allows this Board the right to allow the issuance of a building permit off private roads.

A waiver has been requested for Section 3.01(F) for a non-rectangular lot. Mr. Bisson explained that the existing configuration is not rectangular for the two lots and the existing house location also impacts how the lots can be divided or reconfigured. He explained that the requirement for the 150 feet of road frontage for lot 2 prohibits a rectangular lot; the new configuration makes the lot wider than before. Monuments will be placed on all four corners.

A waiver has also been requested for Section 3.05 for sidewalks.

A lengthy discussion was held regarding the access, if it is private road or is it a gravel driveway servicing two lots. Mr. Bisson stated that the private way and driveway can be the same. He stated that when the original subdivision was done, it created a private way since it is not near the property lines. They are requesting a waiver for a shared driveway for three lots.

Ms. L. Smith stated that a waiver was previously granted for the second lot. The regulations state that the Board will need to grant a waiver for the three houses on one shared driveway, which the regulation does not allow.

Ms. Czysz read the definition of a driveway in the zoning ordinance, *two principle residences can share a driveway ... in no way shall a driveway be substituted for a private road*. Ms. L. Smith stated that if this is a private road, then it would need to be brought up to the rural road standards. She stated that she does not know if this driveway is close to that. Ms. Czysz stated that the Board needs to determine if the driveway supports a third property. She noted that the code enforcement officer has also looked at it as being a private road because it is named Yeaton Drive. She stated that the Board needs to now balance the liability and ability for emergency services and whether the road can handle the additional capacity of one more house.

Additional discussion was held relative to private roads being born out of camp roads; traversing single property owners land and becoming a part of the property. Ms. Czysz stated this is very common in this part of the State.

Ms. Bishop explained that this has always been a driveway that was a part of the home. The address was Catamount Road and then needed to be named for 911 purposes; it was never a private road but needed to be named. Ms. Czysz stated that the bigger implication is if this is a private road then it is possible that they may not be eligible for a building permit per State statute as noted in the Planner's report. She added that the Board needs to consider if the road is up to standard, so the Applicant is eligible for a building permit.

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Mr. Bisson stated that at this point it needs to be viewed as a shared driveway because nothing has been done to make it a private way.

Ms. L. Smith stated that adding a third residence makes this Board either grant a waiver or not. Should they grant the waiver and plan, then they are signing a boundary line adjustment that exempts the lot from the statute (NH RSA 674:41) when applying for a building permit.

Mr. Bisson stated that if the Board decides that, then they are approving an 18 foot gravel drive with 2 foot shoulders.

Ms. Czysz stated that NHDOT has determined it is a named road. Mr. Bisson stated that his driveway shows on google maps too. Ms. Czysz asked if the previous subdivision plan showed a road. Mr. Bisson explained that there were two previous plans, one in 2014 and that plan states, "driveway access noted" and the other was a BLA in 2016 with the note about driveway access. Ms. L. Smith stated that there needs to be some research done to show what has occurred and previously waived.

Chair Jandebaur asked how the status of the road or driveway is determined. Ms. Czysz replied that it is shown on a map as a road. She read the procedures for building permits on private roads and meeting with the Selectboard. If the Board determined the road to be adequate to grant the waiver to allow for a third lot, the Planning Board can make the recommendation to the BOS and say that Yeaton Drive is suitable for building permits; it will be any and all that come subsequent. A subsequent subdivision, using Yeaton Drive, the Board could then look at the road and say it is inadequate and it must now be brought up to rural road standards.

Ms. L. Smith stated the BOS will not view an application unless there is an engineered plan; at that point most Applicant's appeal to the ZBA. She suggested a site walk. She asked if there is an existing maintenance agreement. She explained that if the Board approves the waiver, then they are approving a road that does not meet the minimal standards.

Mr. Bisson stated it is 18 feet wide, graveled, with 2 foot shoulders. It was a 22-foot graveled based road when it was built. He stated that the traffic on the road will not change. He referenced the pictures provided showing what would be seen on a site walk. The prior plans and notes would determine the access. He explained that the 2014 subdivision occurred. If this was a private drive, then this lot would not have needed 150 feet of road frontage. He asked why the Planning Board would have created the 150 feet and a private road as there would have been adequate frontage. Therefore, it must have been approved as a shared driveway.

Ms. L. Smith replied that the regulations do not require access and frontage to be one in the same. Mr. Bisson stated that one driveway uses the frontage, and one does not; this is where the shared driveway comes in.

Chairman Jandebaur stated that the access needs to be determined; is it a road or a shared driveway as it does make a difference.

Chair Jandebaur opened the public comment portion.

Suzanne Bosiak, 18 Yeaton Drive, stated that she owns the land under Yeaton Drive and does not have any issue with the BLA or location of the new home. This preserves the field. There is no issue with traffic flow either as it will not be any different. She stated that she

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understands that the new owners will be required to be a part of the maintenance agreement for the road.

John Wimsatt, 63 Dimes Road, this is an unusual lot. They are supportive of the proposal and the waiver as it preserves the field and 600 feet of long grasslands. It also borders wetlands that could be impacted with any building. This proposal works for the field, property, and existing forestland.

Wade Sauls, Bennett Bridge Road, stated that the Board is tasked to do what is in the best interest of the Town and to assist the residents. The abutters have stated support for the proposal so if there is no negative impact, the Board should grant the waiver. For the future, changes will require the same process. The Board needs to do what is best for the community and the Applicant.

Slavitz Demaine, 194 Catamount Rd., echoed prior abutter's comments and stated he supported the project. He added that it is important to preserve the field and character of the area. He added that a driveway in the middle of the field would change the dynamics. The entire community supports preserving the field.

Shawn Payne, abutter, spoke about the grading and quality of the road; this road is better than most in the Town. He stated that there is room to turn a fire truck around. Putting a driveway up the field would be detrimental to the area. He asked what will allow the Applicant to build, there is no change in traffic, and they have support from the abutters. Any additional building would require this process to be done again.

Hal Kreider, abutter, stated that as a Selectman, he requested the Board consider the maintenance agreement and asked that the agreement include specifications as to what it will need to be maintained at. If there is no standard in the agreement, then the road will continue to creep in. He added that the other waiver is for an irregularly shaped lot. He stated that he feels there is merit supporting the waiver based on the abutter's statements; there is a great view and it complements the whole area. He asked about quid pro quo – is there something that can be done to ensure that the view stays the way; they are asking for an odd-shaped lot in order to preserve the view for the future residents and owners of the land.

**Mr. Robinson made a motion to table acting on the waivers to the next meeting for the determination of the classification of the access and for the existing and future maintenance agreements on the access.**

Ms. L. Smith asked how the determination was to be made. Ms. Czysz stated that the planning Staff and CEO have both stated it is a road; however, you can get an opinion from Town Counsel. Ms. L. Smith stated that she is not sure that a determination from legal would make any difference. Chair Jandebour agreed and added that efforts have been made by Staff, NHDOT, and the Town, who consider this to be a road.

Ms. Robinson stated that a maintenance agreement should be provided to show the Board how the road will be maintained.

Mr. Bisson offered to get the NHDOT permit and suggested that he meet with the CEO.

**Seconded by Ms. Robinson. Motion passed; 5/1. Mr. Copeland was opposed.**

**Ms. B. Smith made a motion, seconded by Mr. Robinson, to schedule a site walk for August 1, 2023, at 6:00 p.m. Motion passed; 5/1. Mr. Copeland was opposed.**

**Town of Northwood  
Planning Board Meeting  
July 27, 2023**

**On a motion made by Ms. B. Smith, and seconded by Ms. Robinson, the Board voted unanimously, to continue this case to August 24, 2023, 6:30 p.m.**

All new information must be submitted 10 days prior to the meeting.

*Mr. Kreider returned to the Board as a voting member.*

**INTERNAL BUSINESS**

***250<sup>th</sup> Celebration***

Reminder of schedule. Materials received from NH Housing and Finance Authority for distribution.

***Master Plan Subcommittee***

Mr. Jandebaur provided an overview of the last meeting and stated that they will now be working on the other chapters and survey questions for Recreation and Natural Resources.

***CIP Committee***

Next Meeting - July 31, 6:30 p.m.

***Application Requirements***

Ms. L. Smith stated that the Planning Office has made an administrative decision and will be changing the requirements of what is to be provided with all types of land use applications; copies will now be a requirement of the applicants and will not made by Staff for Board members. The Board members agreed to the change.

Chair Jandebaur stated that the Board's regulations state that the communications are to go through the Chair and the person appointed by the Applicant. Ms. Czysz stated that an Applicant retains their right to speak, appointing a designee allows someone else to speak; no one else can speak for the Applicant unless the Applicant has authorized them to do such. Discussion ensued relative to meeting management where the Applicant is allowed time to speak; however, there are times when that is not applicable. (for example when the board is in deliberations)

A discussion was held relative to the Planning Board's Rules of Procedure and the process of the public hearings specific to Applications and receiving comments.

**ADJOURNMENT**

**On a motion made by Ms. B. Smith, and seconded by Ms. Robinson, the Board voted unanimously to adjourn at 10:33 p.m.**

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,



Land Use Administrative Assistant