

**Town of Northwood
Planning Board Meeting
September 28, 2023**

Cases heard at this meeting:

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.

CASE: 23-17: Jeffrey Cole Builders, LLC, 721 First NH Turnpike. Map 222; Lot 41.

CASE: 23-18: Chestnut & Cape, Inc. Olde Canterbury Road. Map 110/Lot 29.

CASE: 23-19: Harding Metals, Inc. 42 Harding Drive. Map 234; Lot 46.

Additional Topics Covered

CIP Presentation

Chairman Jandebaur called the meeting to order at 6:30 p.m.

Present: Chair Tim Jandebaur, Selectman Representative Hal Kreider, Members Betty Smith, David Copeland, and Don Manter.

Voting Designation: Chair Tim Jandebaur, Selectman Representative Hal Kreider, Members Betty Smith, Karen Robinson, David Copeland, and Don Manter.

Town Staff Present: Town Planner Mark Davie, Land Use Specialist Linda Smith, and Land Use Administrative Assistant Lisa Fellows-Weaver.

Minutes

September 14, 2023

On a motion made by Ms. B. Smith, and seconded by Mr. Kreider, the Board voted unanimously to approve the minutes of September 14, 2023, as written.

Capital Improvements Plan

Members of the CIP Committee including Chair David Copeland, Robert Strobel, Hal Kreider, Todd Abernathy, David Brown, and Ginger Dole met with the Board to present the final draft of the Northwood Capital Improvements Plan (CIP) for 2024. Copies were distributed. An overview was given of the projects proposed and the funding schedules as well as explaining the ranking system.

Mr. Copeland noted the new members did a great job. He thanked all the subcommittee members for their time and work and thanked Mr. Strobel for creating the spreadsheets along with working with Finance Director Cheryl Eastman. He noted that this part of the CIP will be done by town staff next year.

A discussion was held regarding the timeline for the Police/Fire facility. Mr. Kreider explained that the information is guesstimated; it will be firmed up when everything has been determined.

Chair Jandebaur stated that he would like to see a new fire station versus two and suggested that the Highway Department use the Narrows Station.

On a motion made by Chair Jandebaur, and seconded by Mr. Copeland, the Board voted unanimously to recommend the CIP, as presented, and set the public hearing for the October 12, 2023, Planning Board meeting.

CONTINUED CASES:

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

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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. (*Application accepted as complete June 22; Continued from August 24.*)

Mr. Kreider recused himself for this case.

Scott Frankiewicz, of NH Land Consultants, was present via conference call due to illness.

Mr. Frankiewicz provided a timeline of the project over the past few months noting meetings with the Zoning Board and Conservation Commission. He read a letter, included with the application file, received from Mr. Daniels, indicating that based on concerns raised at the September 21st Zoning Board meeting, he has decided to widen the driveway to the new house to 16 feet and 2-foot shoulders for a total width of 20 feet. He noted that they have received State subdivision approval. He requested a continuance to the next meeting. He stated that the Zoning Board is holding a site walk October 5 at 4 PM and he suggested the Planning Board also attend. Members concurred.

On a motion made by Ms. B. Smith, and seconded by Mr. Copeland, the Board voted unanimously to continue Case: 23-14 to October 26, 2023, Planning Board meeting.

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. (*Application accepted as complete July 27; Continued from August 24.*)

Mr. Kreider recused himself for this case.

No one was present to represent this application.

Mr. Davie provided a timeline and indicated that this application has been determined complete.

Ms. L. Smith explained that the easement and maintenance agreements were sent to Town Counsel for review and the Applicant did provide funds for the reviews.

On a motion made by Ms. B. Smith, and seconded by Mr. Copeland, the Board voted unanimously to continue Case: 23-15 to October 26, 2023, Planning Board meeting.

NEW CASES:

CASE: 23-17: Jeffrey Cole Builders, LLC, 721 First NH Turnpike. Map 222; Lot 41. Applicant seeks a Minor Subdivision of 4.96 acres to create one new lot of 2.49 acres.

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

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

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

Scott Frankiewicz, of NH Land Consultants, was present via conference call due to illness.

Mr. Frankiewicz provided an overview of the project explaining that the lot is currently a lot of record and has been for some time. He stated that the lot totals approximately five acres with an existing cabin that has served as a camp only. Access is from Rte. 4 to the site. He referred to sheet 3 of 5. The proposal is to subdivide the lot into two lots, approximately 2.5 acres, with a common driveway. They plan to utilize the location of the existing driveway and are proposing to expand the driveway to 16 feet wide with 2-foot shoulders. He explained that this proposal was submitted in July and the application has gone to the Conservation Commission for wetland buffer impacts and a site walk was held; recommendations from the NCC were that there be no use of salt for winter maintenance and proper use of erosion control measures. The ZBA granted approval for a Special Exception with conditions including the NCC recommendations. NHDOT permit has been re-submitted as a guard rail had been left off of the plan. A letter of completeness has been received from NHDES for the wetland permit; NHDES did have some preliminary comments relative to the culvert and riprap due to a hit with the NHB. The culvert size proposed is 24 inches and NHDES did not have any issues with the size.

Mr. Frankiewicz stated that there was a plan proposed previously for access through Town Works Way, which was denied; this is really the only area for access due to the stream and this is the least impact to the wetlands.

Mr. Frankiewicz stated that one waiver is requested for the shared driveway, Section 3.03(B)(1) shared driveway. Mr. Davie stated that he did not see this request and added that he would not be bothered if a waiver was not provided due to the boxed-in issue with the wetland on site. Board members did not concur and requested a waiver be submitted for the shared driveway.

A discussion was held regarding a waiver for Section 3.03(A)(3) for driveways; driveways shall be 100 feet from street intersections. Discussion ensued regarding the distance between the curb cuts of the proposed driveway and Town Works Way. Mr. Frankiewicz stated that from centerline to centerline from Town Works Way to the proposed driveway is 108 feet; from the edge of Town Works Way to the West and the eastern edge of the driveway is 95'.

Mr. Jandebour noted that there was a waiver requested for sidewalks, Section 3.05.

Mr. Manter asked why the driveway could not be moved west. Mr. Frankiewicz stated that there is an existing guardrail.

Mr. Frankiewicz explained sheet 6 of 6 for the Special Exception. He stated that the old culverts will be removed and the 24" culvert will be installed. He noted that the special exception was granted by the ZBA, which allows for the grade for the installations culvert to change.

Applicants Jeffrey and Marilyn Cole were in attendance.

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Chair Jandebaur asked if there is a maintenance agreement for the shared driveway. Mr. Cole stated they are working with their attorney for a maintenance agreement.

Mr. Kreider stated that there have been some problems in Town where the wetlands have not been taken care of and he asked what the requirements are to set up any necessary controls for construction.

Ms. L. Smith stated that the Board can require inspections from the Town's engineer as the process goes along.

Mr. Cole explained that the cabin will be demolished. They will add proper silt fence and make sure all processes of construction are properly maintained and upgrade the driveway prior to any construction beginning.

Ms. L. Smith stated that both the Conservation Commission and Zoning Board did note that there be oversight of the construction process. She stated that as the project moves forward the Building Inspector can also view the project. Typically, engineers and applicants work together to ensure that proper siltation is put in place to prevent downgrading into the wetlands. She added that there is a requirement for a wetland permit, in this case. The Board could request that NHDES do a site visit during the construction process and additional oversight of the process can be requested of the Town's engineer.

Additional discussion was held regarding the recommendations from the ZBA and NCC regarding not using salt for winter maintenance, due to the wetland and the enforcement of this. Ms. L. Smith stated that the maintenance agreement will be recorded with their deed. It is not enforceable; however, if there was an impact in the area it would show that the Board made an effort to include this and if there was any type of investigation of an impact it would be noted.

Mr. Manter asked if a stipulation of no paving of the driveway could be added as that may help protect the wetlands. Ms. L. Smith stated that the NCC felt that paving the driveway would have no more adverse impact.

Mr. Frankiewicz stated that if the driveway is gravel, plowing pushes the gravel into the wetlands over and over and filling in the wetlands; if it is paved it is only the snow that goes into the wetlands.

Mr. Jandebaur noted that there is also sand that would be pushed into the wetlands. He asked about salt usage and if it is primarily due to the wetlands. Ms. L. Smith replied yes, it is specific to the wetlands; this is very close to or within the wetland. It was also noted that the Town's salt sheds are also in this area.

Mr. Cole stated that there is more erosion with a gravel/dirt driveway; pavement will have runoff but will not erode. He noted that they do not have any issues with the recommendation to not use salt for winter maintenance.

Chair Jandebaur opened the public comment portion. With no comments, Chair Jandebaur closed the public comment portion for this case.

The following information was requested:

Waivers information:

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- * 3.05: Sidewalks
- * 3.03(A)(3): Driveway distance from intersection
- * 3.03(B)(1): Driveway follow lot line
- * Plan showing the distance between the driveway and the guardrail
- * Need maintenance agreements

Ms. L. Smith stated that she will contact the Town's engineer regarding inspections for wetland, if necessary. Additional discussion was held regarding whether the Building Inspector would be able to review projects as projects move forward. Ms. L. Smith stated that would be a good idea; however, it is the responsibility of the Applicant to let her know and she relays to the engineers to move forward. Typically, the engineer works directly with the Applicant; she will mention this suggestion to the Town Administrator.

Mr. Kreider stated that this is a good suggestion, and it is a way to keep things moving. However, asked if this would be a part of the Building Inspector's role.

On a motion made by Mr. Kreider, seconded by Ms. B. Smith, the Board voted unanimously to send the maintenance agreement to Town Counsel, if received.

On a motion made by Ms. B. Smith, seconded by Mr. Copeland, the Board voted unanimously to continue Case: 23-17 to October 26.

CASE: 23-18: Chestnut & Cape, Inc. Olde Canterbury Road, Map 110/Lot 29. Compliance of Conditions Hearing for conditionally approved decision Case 21-4 to grant an extension of time for the condition of recording of plan at Rockingham Registry of Deed to August 1, 2023. Subdivision to convert a proposed elderly home development to condominium-style ownership. Original date October 28, 2022. Curtis Naleid of Chestnut and Cape represented the application.

Mr. Naleid stated that he is requesting an extension for the date required to file the condominium documents for the elderly housing projects to be August 1, 2023. He explained the condominium documents were registered on July 19, 2023; however, the approval required that they be registered by October 28, 2022. He explained the State's process is that the Attorney General (AG) reviews the entire project before anything can be entered into a purchase and sales agreement. The AG flagged the project due to the fact that the items had not been registered in line with the approval.

Ms. L. Smith stated that this request is to meet a condition of the conditionally approved subdivision. In this case, there were problems with getting the plan recorded; it should be the date following the recording, which is August 1, 2023. She added that this is only a compliance hearing; however, the public hearing must be opened allowing abutters to comment.

Dan Woods of Old Canterbury Road asked about the road requirements. He stated that he understood that with any development there needs to be a two-lane road for access and egress; two cars are not currently able to pass on the existing road.

Ms. L. Smith stated that there is an approved site plan for this project and offered to meet with Mr. Woods regarding any questions he may have relative to the site plan.

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With no further comments, Chair Jandebaur closed the public comment portion for this case.

On a motion made by Ms. B. Smith, seconded by Mr. Copeland, the Board voted unanimously to grant the request for an extension of time for the recording of plans for original Case: 21-04, at the Rockingham County Registry of Deeds to August 1, 2023.

Chair Jandebaur called for a recess at 7:59 p.m. Session resumed at 8:06 p.m.

CASE: 23-19: Harding Metals, Inc. 42 Harding Drive. Map 234; Lot 46. Applicant seeks Design Review hearing to review proposed changes to existing major site plan and receive comments from the Planning Board prior to the submission of a formal application for an additional parking lot, new location for weigh station building, and revisions to drainage.

Scott Frankiewicz, from NH Land Consultants, represented the application via conference call, along with Manager Rheal St. Germain.

Mr. Frankiewicz stated that a site plan was approved last fall, and construction is currently in process. This is a design review hearing to discuss potential changes to the approved site plan and to discuss the proper site plan application for submittal for next month. He explained that the proposed changes will be adding additional parking, a new location for the weigh station building, and additional revisions to the drainage near the wetlands. An amended AOT will be necessary. The treatment swale will be relocated to the other side of the stream. All current runoff from the site will be collected with more treatment than what is currently being done. The culverts will be changed, and a longer treatment swale will be added on the east side of the wetland crossing. No changes to the pond are proposed.

Mr. Frankiewicz asked about pavement. He stated that in the past, the Planning Board has viewed pavement to be a structure that is included in the gross floor area of a building. He stated that no new buildings are being added to the site and although pavement is considered a structure and cannot be placed in the setbacks, it should not be included in the gross floor area in reference to setback size determination. An email from the Building Inspector with his opinion was provided to members.

Chair Jandebaur agreed with the determination of the Building Inspectors email regarding pavement refer to email.

Additional review was provided relative to the plan set provided.

Chair Jandebaur requested an entire plan be provided of the site with all buildings and existing conditions noted, and proposed amendments for comparison. He stated that there does not appear to be any additional impact from the prior approvals and work, protecting the Town and abutters.

Mr. Frankiewicz stated that the improvements are between the building and existing site; there will be no impacts to the abutters.

Chair Jandebaur opened the public comment portion of the hearing. With no further comments, Chair Jandebaur closed the public comment portion for this case.

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INTERNAL BUSINESS

Master Plan Subcommittee – Update

Chair Jandebaur provided an update of the September 25, 2023 Master Plan Subcommittee meeting. He stated that members of the Northwood Conservation Commission attended and contributed by providing input for the Natural Resources Chapter. He stated that it was successful; the input and discussions were appreciated. The next meeting is scheduled for October 16.

Mr. Kreider stated that the current work is targeted for completion in January.

Alternate Members

Letters of interest have been received for the alternate members seat and will be addressed at the work session.

Ordinance Follow-Up

Members discussed additional items to be added to the list of ordinances for review at the October 12 work session.

ADJOURNMENT

On a motion made by Mr. Kreider, and seconded by Chair Jandebaur, the Board voted unanimously to adjourn at 8:31 p.m.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,



Land Use Administrative Assistant