

**Town of Northwood
Planning Board Meeting
September 8, 2022**

Cases:

CASE 22-10: *Justin Binette and Glenn Brackett*

Additional Topics Covered

CIP Subcommittee

Master Plan Sub Committee

Zoning Changes

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

Present: Chair Tim Jandebaur, Vice-Chair Joe McCaffrey, Selectman Hal Kreider, Judi Anthony, Betty Smith, and Dave Copeland (Alternate). Bob Strobel (Alternate) arrived at 6:38 p.m.

Voting Designation: Chair Tim Jandebaur, Vice-Chair Joe McCaffrey, Selectman Hal Kreider, Judi Anthony, Betty Smith, Dave Copeland, Bob Strobel (6:38 p.m.).

Town Staff Present:

Planner James Burdin, Land Use Specialist Linda Smith, and Land Use Administrative Assistant (Temp) Lisa Fellows-Weaver.

Minutes:

August 25, 2022

On a motion made by Ms. B. Smith, and seconded by Mr. Kreider, the Board voted unanimously to approve the minutes of August 25, 2022, as written.

August 27, 2022 – Binette - Blakes Hill Road Site Walk Minutes

On a motion made by Ms. B. Smith, and seconded by Mr. Kreider, the Board voted unanimously to approve the site walk minutes of August 27, 2022, as written.

CONTINUED CASES:

Case 22-7: Millstone Realty Trust, 1090 First NH Turnpike Map 217/35. Applicant is requesting to replace an expired excavation permit approved as part of Case 16-05, May 24, 2016.

Case 22-9: Millstone Realty Trust, 1090 First NH Turnpike. Map 217/Lot 35. Applicant is requesting a minor site plan to replace an expired site plan for existing storage and retail sales of commercial construction and landscape materials, including the reclamation phasing and reclamation surety bond phasing approved as part of Planning Board Case 08-11, and Case 16-05, May 24, 2016.

Ms. L. Smith stated that the applicant has requested Case: 22-7 and Case: 22-9 be continued to October 13, 2022.

On a motion made by Vice-Chair McCaffrey, and seconded by Ms. B. Smith, the Board voted unanimously to continue Case: 22-7 and Case: 22-9, to the October 13, 2022, Planning Board meeting, at the applicant's request.

Member Bob Strobel arrived at 6:38 p.m.

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CASE 22-10: Justin Binette and Glenn Brackett, Blakes Hill Road, Map 224, Lots 8 and 8-1. Minor Subdivision application to amend previous approval to allow a single driveway access for each lot.

Scott Frankiewicz of NH Land Consultants, represented the application along with the applicant, Justin Binette.

Mr. Frankiewicz presented the Board with plans showing the sightline profile with a temporary driveway location. He noted that all proposed changes are shown on this plan set, which are the result of discussions from the site walk. An additional sightline has been provided 20 feet off the property line: 208 feet.

Vice-Chair McCaffrey expressed concern with the proposal for the two driveways. He explained that the sightline is not a functional sightline as the line is obscured by the tree growth. Although the powerlines are being cleared, the vegetation will become overgrown resulting in a safety issue; therefore, he does not feel that this is a workable sightline, and the new proposal does not improve the situation.

Mr. Burdin agreed and added that the sightline shown crossing the neighboring property is not a real definite and safe all-season sightline and there is no way to guarantee that the sightline would remain clear.

Mr. Burdin explained that the Planning Board previously granted two waivers for the prior subdivision application, Case 21-6. The first waiver was to Section 3.03(B)(1)(a) to permit a shared driveway that is not along the shared property line. He stated that should the Board approve the application; he recommended the Board and Applicant agree that this waiver would then be abandoned. The second waiver approved by the Board was for Section 4.10(b)(1)(b) to permit a subdivision plat that does not contain any topo of the parcel; however, provided GIS information for the rear of the lot, which is unlikely to be developed in the future. He recommended the applicant resubmit the waiver request and the Board re-approve the waiver, specifically for Case: 22-10, as there has been new information submitted. He added that both of these waivers were previously recorded.

Mr. Burdin explained that there is a sight distance issue; there is 223 feet of sight distance shown where 250 ft is required. In addition, the sightline crosses a property. The applicant should submit a waiver request to Section 3.03(C)(1) allowing a reduction of the actual sight distance they can provide. Mr. Frankiewicz has submitted this waiver. He noted that a discussion was held relative to relocating the driveway out of the side setback, which is why there is a plan showing a second driveway location showing a different all-season safe sight distance. If granting the waiver, the Board should include the actual figure of the site distance.

Chairman Jandebour reopened the public comment portion of this case.

Abutter Glenn Brackett, 278 Blakes Hill Road, commented that the plan presented is a commonsense solution for a difficult problem.

With no further comments, Chair Jandebour closed the public comments.

On a motion made by Mr. Kreider, and seconded by Mr. Copeland, the Board voted unanimously to grant the waiver for Section 3.03(B)(1) for a shared driveway that does not follow the shared lot line.

Chairman Jandebour stated that he is not comfortable with the figure of 223 feet as it appears to be along the inside of the road, tangent to the right of way. He added that there

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will be times in the winter months when snowbanks will reduce the road width and sight distances. He stated that the proposed driveway location does not allow for an accurate all-season sightline.

Mr. Kreider asked about the affects decisions made now will have on the neighboring lot within the subdivision. Mr. Burdin explained that the original subdivision approval was for two lots; there are two driveways shown illustrative but are not commitments, therefore the lot is a buildable lot. A waiver was granted for the location of the driveway, which was the stipulation when the subdivision came in with this proposed amendment. This approval would be eliminating the commitment for a shared driveway. The second lot proposed to have the curb cut would essentially return to a subdivision lot with an all-season safe sight distance and if for a different location is compliant then that lot could move the driveway. He noted that the shared driveway did meet the required 250 feet sight distance. Mr. Kreider added that this is a dangerous intersection, and an approval would add two driveways in this area.

Mr. Burdin stated that this is a judgment call for the Board. He stated that based on the information provided, the Board has not been presented with a driveway that meets the conditions for approval and the proposal does not meet 250 feet of all-season sight distance. This is not a fully compliant driveway that provides suitable access under the circumstances. He stated that it is his opinion that the Board cannot approve the application without additional information for a new driveway location or without a waiver. He does justify approving the waiver for the driveway or the Board cannot approve the subdivision due to the deficiencies.

Mr. Kreider asked if the Board should approve the waiver that would grant the waiver allowing two driveways to be in this location of the road. Mr. Burdin explained that the Board would essentially approve that there will be two driveways as the mechanism to have the shared driveway has been eliminated. He added that, procedurally, the Board should reach that decision first and any approval of a wavier should match the approved chosen driveway. The Board could approve a site line of 208 feet, anything greater would be consistent with the waiver. However, should the approve the waiver allowing 223 feet of an all-season, safe sight distance the owners would not be able to move the driveway to have less than the 223 feet.

Mr. McCaffrey clarified that the applicant's intent is to make the plan be simpler by having two driveways. He noted that he feels the safest point for the driveway is where the driveway has already been approved. He added that granting the waiver approves a new location for the driveway and will add another driveway at some point in the future for the other approved lot.

Mr. Frankiewicz stated that the Road Agent recently looked at the road and should have provided comments. Ms. L. Smith stated that there have been no comments submitted from the Road Agent.

Ms. Anthony stated that it is very steep and asked if a landing could be added.

Mr. Kreider made a motion, seconded by Ms. B. Smith, to grant a waiver for Section 3.03(C)(1) to permit the driveway to have 223 feet where 250 feet of safe sight distance is required.

Mr. Copeland asked about the alternative driveway option noted for 208 feet of sight distance. Mr. Burdin replied that the waiver would not be an option now as it is reduced sight distance.

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Chairman Jandebaur commented that he feels that the location for this driveway demands 250 feet of a sight distance, and it is still a dangerous area due to the steep slope and along a curve. He stated that there will be substantial snowbanks in the winter months that will curtail the sightline. He noted that the maintenance of the area and road could be better addressed by the neighbors, electric company, as well as the town. Based on comments heard from the public, testimony from the applicant, comments from the Board, and attending the site walk, he feels very strongly that there is a need for the full 250 feet of sight distance. He added that he does not feel that the original subdivision application would have been approved had the shared driveway not been proposed. He noted that a guard rail should be added.

Mr. Copeland referenced the Master Plan and commented that residents want a rural area and there is nothing more rural than a winding road with sharp corners. He does not believe that the driveway will increase or decrease accidents; you cannot change the way people drive. Overall, he stated that he believes the proposal is a reasonable one.

Ms. B. Smith commented that the road is very windy; the speed limit is 30 MPH. She is sure that the cars drive faster than the posted speed limit.

Mr. Kreider stated that the Board needs to consider the road. He asked about the Board setting a precedent if approving the driveway with a reduces sight distance. noted the Meadow Lane subdivision. Mr. Strobel explained that the Meadow Lane subdivision was approved based on the NHDOT construction guidelines; a driveway with a limited visibility is placed at a corner. Ms. L. Smith stated the Meadow Lane subdivision was designed and engineered to meet the requirements. Mr. Kreider stated that it is difficult to change a precedent or change guidelines.

Chairman Jandebaur stated that he does hear the Board's comments; however, the Town has a standard to meet a 250-foot sight distance. He noted that he cannot imagine a better example of needing the 250-sight distance than this property. He stated that a good sightline is very important.

A discussion was held regarding the perch zone. Chairman Jandebaur stated that he does understand that the sight distance is improved with the original driveway and the perch zone. Mr. Kreider stated that he understood that the perch zone on the corner exists and does not need to be built. Mr. McCaffrey commented that the perch zone is a good idea. He noted that there would be more opportunity for control.

Vote: 2/5, the motion failed. Mr. Copeland and Ms. B. Smith were in favor.

Discussion ensued regarding the status of the driveway and application. Mr. Burdin explained that the only way to approve the application, as submitted, is with a waiver for one of the driveways. The application is not compliant with the Subdivision Regulations without the granting of a waiver for the sight distance.

On a motion made by Mr. Strobel, seconded by Mr. Kreider, to deny Case 22-10 based on the fact that the safe sightline distance of 250 feet, as required in the Subdivision Regulations, has not been met.

Mr. Jandebaur explained that if this application is denied the applicant still has an approved subdivision with a shared driveway and an easement, which was previously approved by the Planning Board. Mr. Burdin added that the subdivision was recorded at the Rockingham County Registry of Deeds showing the shared access for lot 8-1 to cross the eastern most

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property and access that curb cut and have the deeded right to access the property. He noted that the applicant can proceed immediately with the original subdivision.

The motion to deny passed; 5/2. Ms. B. Smith and Ms. Anthony were opposed.

INTERNAL BUSINESS

Correspondence

A Public Notice from the Town of Nottingham was received noting an application requesting a change of use proposing a retail business, with property in Nottingham, and access via the Town of Northwood.

Mr. Burdin explained RSA 674:53, pertaining to applications within municipal boundaries. He stated that this application shows a property is within two towns but has functioned as a single lot. Access is via a driveway from Northwood. It is his opinion that an application and an approval would be required by both towns. He noted that there also appears to be two buildings on one collective site and the GIS of both towns differs; GIS is not an official way to determine locations. He stated that a surveyor will need to determine the property lines. He added that if Northwood is only involved due to access, then that is all that the Board can discuss; however, if the use is in Northwood than the Board will be able to address all the issues.

CIP

A discussion was held on whether to include CIP items below \$25,000. Chairman Jandebaur stated that some items will be purchased by the Town through the budget and will not need to be included in the CIP. He suggested creating a table showing the any items that would be removed.

The next meeting will be September 15 to be followed with an additional meeting. It was agreed to request that Department Heads to attend the September 15 meeting.

The Committee will formally submit for the September 22 Planning Board meeting.

Master Plan Subcommittee Update

Work continues on the Master Plan. The next meeting is scheduled for October 3 at 10 a.m.

Zoning Amendments

A brief discussion was held relative to amending the definition of driveways. It was agreed that driveways will not be amended at this time and will be a topic for consideration for next year's amendments.

The item was continued to the next Planning Board meeting, September 22, 7 p.m.

ADJOURNMENT

At the request of Chairman Jandebaur, Ms. B. Smith made a motion to adjourn, seconded by Mr. Kreider. The motion passed unanimously at 8:13 PM.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,


Land Use Assistant (pro-tem)