

**Town of Northwood  
Planning Board Meeting  
September 22, 2022**

**Cases:**

**CASE 22-11:** *Susan Lincoln & Fred and Lori Bassett, Jenness Pond Road and Zaphod Lane, propose a boundary line adjustment between Tax Map 101, Lot 12, and Tax map 201, Lot 2.*

**CASE 22-12:** *Heigis Family Rev. Trust, 284 First NH Turnpike, Map 231, Lot 6, proposes site plan to add permanent outdoor dining space for an existing restaurant.*

Additional Topics Covered

*CIP Subcommittee*

Vice-Chair McCaffrey called the meeting to order at 6:30 p.m.

**Present:** Vice-Chair Joe McCaffrey, Selectman Hal Kreider, Judi Anthony, Betty Smith, Lee Baldwin, Dave Copeland (Alternate), and Bob Strobel (Alternate).

**Voting Designation:** Vice-Chair Joe McCaffrey, Selectman Hal Kreider, Judi Anthony, Betty Smith, Lee Baldwin, Dave Copeland, and Bob Strobel.

**Town Staff Present:**

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

**Minutes:**

*September 8, 2022*

**On a motion made by Ms. B. Smith, and seconded by Mr. Kreider, the Board voted to approve the minutes of September 8, 2022, as written. The motion passed; 6/0/1. Ms. Baldwin abstained.**

**CASES:**

**CASE 22-11:** *Susan Lincoln & Fred and Lori Bassett, Jenness Pond Road and Zaphod Lane, propose a boundary line adjustment between Tax Map 101, Lot 12, and Tax map 201, Lot 2. Lot 12 will be receiving 10.80 ac from Lot 2 and will be transferring 2.8 to Lot 2. After the transfers Lot 12 will be 18.63 ac and lot 2 will be 58.94.*

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

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

Joe Berry, of Berry Surveying and Engineering, represented the application along with the applicant, Fred Bassett.

Mr. Berry gave an overview of the property and the proposal. He explained the proposal is a lot line adjustment transferring 2.8 acres from Map 101, Lot 12 to Map 201. An additional transfer is proposed where 10.8 acres from Map 201, Lot 2 will be transferred to Map 101, Lot 12. Map 101, Lot 12 will become 18.63 acres and Map 201, Lot 2 will be reduced to 58.94. There is no transfer of frontage. The lots are not proposed to be merged at this time. He explained that this proposal will allow the Bassetts access into the larger lot.

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Mr. Kreider understands the desire for the access; however, he noted that the proposed lot will become oddly shaped. Mr. Berry explained that the new lot will be an extension of the boundary line and will aid in avoiding mismatched lines. He added that the corners do follow the stone walls and the blazed town lines. He added that they have submitted a waiver for the odd shaped lot.

Mr. Bassett noted that the proposal will also allow Ms. Lincoln to put the larger parcel into current use.

Mr. Berry reviewed the waiver requests as follows:

- Section 4.10(B)(5) to accept plans that have a complete boundary survey but that only provides a topographic survey and survey of natural features for a portion of the lots;
- Section 4.10(B)(6) to accept plans that do not fully depict the location of overlay districts, specifically districts that require field delineation such as wetlands or steep slopes;
- Section 4.10(D) to accept plans that do not depict all setback lines; and
- Section 3.01 of the site plan regulations to permit an oddly-shaped lot that is not rectangular in nature.

Mr. Berry explained that the plans do show the 20 foot structure setbacks around Ms. Lincoln's home and in the immediate vicinity of Zaphod Lane. They are not proposing to show the setbacks on the remaining 58 acres.

Additional discussion ensued regarding the need for data relative to the wetlands and a boundary survey of the remaining 58 acres. Mr. Berry noted that a field survey was done in 2019. Mr. Kreider stated that he does not have an issue with this being less than a survey; typically, the Board asks for the information, and he added that it is important information to have specifically as a reference for an abutting property. Mr. Burdin replied that a GIS layer is never as accurate as field delineation; however, there is information available via NH Granite. Mr. Berry stated that he will add the information to the plan.

Vice-Chair McCaffrey opened the public comment section.

Mr. Bassett stated that there is a legal right of way; the total access is 200 feet. Bruce Fistel of Wild Goose Pond noted that there have been several iterations of logging and he asked about impacts to the road if there were to be development.

With no further comments, Vice-Chair McCaffrey closed the public hearing.

Mr. Burdin provided a brief overview of the waivers, noting that he did not have any objections. A brief discussion was held.

**On a motion made by Mr. Strobel, and seconded by Mr. Kreider, the Board voted unanimously to grant the waiver for Section 4.10(B)(5) for the acceptance of plans that have a complete boundary survey but that only provide a topographic survey and survey of natural features for a portion of the lot.**

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**On a motion made by Ms. B. Smith, and seconded by Mr. Copeland, the Board voted unanimously to grant the waiver for Section 4.10(B)(6) to accept plans that do not fully depict the location of overlay districts, specifically those districts that require field delineation such as wetlands or steep slopes; wetland data and survey information will be added.**

**On a motion made by Ms. B. Smith, and seconded by Mr. Copeland, the Board voted unanimously to grant the waiver for Section 4.10(D)(6) to accept plans that do not depict all setback lines.**

**On a motion made by Ms. B. Smith, and seconded by Mr. Copeland, the Board voted unanimously to grant the waiver for Section 3.01 of the Site Plan Regulations to permit an oddly shaped lot that is not rectangular in nature. to accept plans that do not depict all setback lines; the applicant will have monument locations noted at all corners and the property line will be blazed.**

Mr. Burdin stated that looking at the GIS, the larger lot contains at least one acre of contiguous upland; however, a figure is not provided for the smaller lot, Lot 12. He requested that this be shown on the plan. Mr. Berry replied that they did a field test of at least one acre, from the wetland line forward. Mr. Burdin requested different symbology to illustrate the limits of the full topographic survey. He continued and requested a contiguous upland figure be provide for Lot 12. In addition, Lot 12 is shown to have 276 feet of frontage on Jenness Pond Road, which meets the minimum requirement for frontage. Lot 2 does not have frontage on a Class V Road and it appears that access is via Zaphod Lane, which is a right of way across Map 201; Lot 3. He explained that there is no change with the road frontage; therefore, the proposal does not increase or decrease the non-conformity of the lot. There would not be any need for relief from the ZBA. He added that both lots are over five acres and do not need a state subdivision approval or other state permits.

**On a motion made by Ms. B. Smith, and seconded by Ms. Baldwin, the board voted unanimously to grant Subdivision approval with the following conditions:**

Prior to the signing of plans:

1. Make the following changes to the plan set:
  - a. Add a note identifying all requested waivers and the date of their approval by the board
  - b. Revise descriptions of the match lines on sheets 5-7 to refer to the correct sheet
  - c. Label map 201 lot 3 and owners on sheet 4
  - d. Please add a line, hatching, or other symbology to illustrate the limits of the full topographic survey
  - e. Please add NWI wetland data to sheets 5-7 for areas not subjected to detailed delineation and a note identifying the source of the data

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- f. Please provide a contiguous upland figure for lot 12
2. Provide certification of monument installation as required by Section 3.06 of the Subdivision Regulations
3. Deliver three signed and stamped paper copies of the plan and one signed and stamped mylar to the Town for signature.

Conditions subsequent:

4. The chair will sign the plans indicating final approval of the planning board.
5. Record the plat with the Rockingham County Registry of Deeds within 1 year of this decision.

**CASE 22-12: Heigis Family Revocable Trust, 284 First Turnpike, Map 231, Lot 6, proposes site plan to add permanent outdoor dining space for an existing restaurant.**

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

Mr. Burdin explained that the Board would need to determine if the minimum impact application is complete based on the materials provided as the proposal is for an expansion, which is not typically under this application; it would be a minor site plan application. He stated that he interprets the fence and the outdoor dining area as changes to the exterior and these changes should be under a minor site plan; however, the application is complete for the purposes of discussions for a waiver. If the waiver is not approved, then the applicant would need to grant an extension to the 65-day time limit.

Mr. Burdin explained the temporary permitting for outdoor dining spaces, which was granted by the Selectmen during the Covid pandemic for operation for this calendar year. At this time, the outdoor dining spaces are able to operate until December 31, 2022. At that time, he will recommend the Selectmen revoke the permit.

The 14 criteria of the minimal impact application were reviewed. A very lengthy discussion ensued relative to the completeness status for this application. Also referenced was the previously approved site relative to parking, approved seating, and an additional onsite business. Members expressed concern with not having the necessary information relative to additional seating, parking, and the overall capacity of the site as well as the septic system.

Peter Heigis explained that they are not asking for an increase in capacity, simply the ability to accommodate where customers like to sit. He stated that they cannot increase the septic or the parking, which is sufficient. The seating calculation is two seats per parking space, which equals 62 patrons.

Mr. Burdin explained that the Board can choose to grant a waiver to proceed as a minimal impact application if it is complete or, if can deem that a minor site plan application is necessary. The difference between the two is that there would be additional materials required for the minor site plan to include professional drawings.

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He added that this would be where the applicant would need to either take the time to hire the necessary professionals or withdraw and return at another time. He noted the 65-day time clock for the Board to act on an application.

Members continued to discuss the need for additional information relative to the previously approved site plan, parking, and previous conditions of approval.

Mr. Burdin explained the Board has three options:

1. Find Complete: no need to approve the waiver in order to find the applications complete – if approving the waiver then the application is complete – if a minor site plan, then engineered and surveyed plans would be required.
2. Find Incomplete: The Board is essentially denying the application without prejudice and would need to explain their expectations.
3. Agree with the applicant to continue completeness to allow the Applicant time to get more information for the Board; the statutory requirements would begin with a 30-day clock. In addition, the Board cannot discuss the merits of the application until the board determines the application complete.

The site plan regulations were reviewed. Specifically referenced was Section IV C, criteria relative to an increase of traffic on or off site, and whether the site is capable to handle an increase in on-site solid waste, as well as the need for ample parking and circulation. Design standards, Section IX, were also reviewed and discussion continued relative to prior site plan approval of parking spaces.

Mr. Burdin recommended the Board decide on the type of application is necessary. He noted that there will be time to discuss and clarify the number of seats approved for the inside and outside, if this is seasonal or year-round, and whether or not the capacity is changing. Mr. Kreider stated that he feels there is a change, and it is important to have the number clarified. He added that there may also be a need for additional waivers.

Mr. Strobel stated that if the parking spaces, shown on the plan provide as spaces 25 - 37, did not exist with the original approval of the restaurant, and were added as a result of the BOS granting exterior seating due to the pandemic, then they do exist. With regard to completeness, the Board continues to not know what the existing capacity is for seating and the existing parking and thus cannot determine if the parking is adequate or not.

Mr. Burdin replied that the approval by the BOS in no way changed the approved site plan. He added that we will not enforce the approved site plan if changes are made to allow additional seating, essentially safety of seating areas from parking and circulation areas. The Town was explicit in acknowledging that this was per the governor's emergency order and conditions no longer exist. He added that spaces 25 – 37 were not approved on the prior site plan and it is a fair assumption that neither was the outdoor seating area. Should the Board approve the waiver then the Board can approve the additional parking spaces. The Board can determine if the parking can be increased or if there is adequate parking, can ask for changes of the design, can determine if the proposal is compliant, and will then have the authority to approve the parking.

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**VOTE – on completeness was unanimous.**

**On a motion made by Mr. Strobel, and seconded by Mr. Copeland, the Board voted to approve a waiver to Section IV C of the Site Plan Regulations, which indicates the applicant meets the requirement for a minimal impact application. VOTE: 4/2/1. Mr. Kreider and Ms. B. Smith were opposed; Ms. Anthony abstained.**

**On a motion made by Mr. Strobel, and seconded by Mr. Copeland, the Board voted unanimously to determine that no regional impact exists for this proposal.**

Discussion ensued as to the capacity of the site and if there is a need for an updated driveway permit. Mr. Burdin requested notification from District 6 either confirming the driveway is adequate or an updated permit is required. Mr. Kreider stated that there is also a driveway on Green Street. Mr. Burdin stated that has been indicated to be the employee parking; however, even though there is a curb cut existing, there should be confirmation from the Road Agent making sure a driveway permit was issued.

Mr. Burdin noted the septic system and stated that the Board can require a new plan or notification from a licensed septic designer that the existing system can handle the increase. He noted that the Applicant has proposed adding a portable toilet; however, he is not sure if there would be any health or code concerns. He referred to the email provided by the building inspector indicating the use of a portable toilet are not permanent and do not take away from the load capacities.

Mr. Kreider requested the Board be provided with information showing what was approved and the delta.

Mr. Heigis stated that the Town has all of the information requested on file. Mr. Burdin replied that Staff will check the prior files for the total seating capacity approved and occupancy relative to the real estate office; however, documentation needs to be provided showing the grand total for the capacity of the restaurant and delineate all seating.

Ms. B. Smith asked if it is realistic that there will be a time where all of the outside and inside seats will be occupied. Mr. Burdin replied that if the Applicant is proposing to add or relocate seating then any inside seats need to be removed or relocated while the outdoor seating is opened.

Mr. Heigis stated that there are currently 24 seats inside. The parking accommodates 60 potentially internal and external patrons. The septic system is able to handle 764 gpd and based on that they have accounted for the number of customers and the additional seating. If the porta let is not accepted, then no one will be able to enjoy the outside as it will not be used, and they will not be able to accommodate the customers.

Mr. Burdin explained that there will not be a determination made tonight as that is not the role of the Board. He will need to speak to the building inspector who administers the plumbing and building codes.

Vice-Chair McCaffrey opened the public comment.

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Abutter Toby Badman stated that he supported the proposal; it is a unique asset to the community.

Kit Lord stated that she walks to the business and supported the business. She explained that the parking layout is the best it has ever been. She stated that there are other patrons who walk from Bow Street. She suggested reducing the seating if necessary as she really enjoys the outside area and the business.

Vice-Chair McCaffrey agreed that the business is an asset; it is a good place to eat and gather.

Abutter Rebecca Van Horn stated that she also is in favor of the proposal. She is the neighbor with the most direct impact and there has not been issues so far.

Mr. Heigis stated that he appreciated the work that the Board has done.

With no further comments, Vice-Chair McCaffrey closed the public hearing.

**On a motion made by Mr. Kreider, and seconded by Mr. Copeland, the Board voted unanimously to continue Case:22-12 to October 27 based on the need for additional information in order to determine a workable solution.**

Vice-Chair McCaffrey called for a recess at 8:36 p.m. Session resumed at 8:44 p.m.

**INTERNAL BUSINESS**

*CIP Subcommittee*

Members of the CIP Committee including Robert Strobel, Ginger Dole, and Robin Guzofski met with the Board to present the final draft of the Northwood Capital Improvements Plan (CIP) for 2023. Copies were distributed. Mr. Strobel gave an overview of the projects proposed and the funding schedules as well as explaining the ranking system.

Mr. Strobel thanked the subcommittee for their time and work, and he noted that the CIP was delivered as scheduled. He added that he will provide a report prior to the public hearing containing more detailed information relative to the projects.

On a motion made by Mr. Kreider, and seconded by Ms. B. Smith, the Board voted unanimously to post the CIP, as presented, and set the public hearing for the October 13, 2022, Planning Board meeting.

**ADJOURNMENT**

At the request of Vice-Chair McCaffrey, Ms. B. Smith, made a motion to adjourn, seconded by Ms. Baldwin. The motion passed unanimously at 9:14 PM.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,

  
Land Use Assistant (pro-tem)