

**Town of Northwood**  
**Planning Board Meeting**  
**November 17, 2022**

**Cases heard at this meeting:**

Case 22:12: Heigis Family Rev. Trust

Case 22-18: Barton Revocable Trust and Wolfe Family Trust

Chair Jandebeur called the meeting to order at 6:30 PM.

**Present:** Chair Tim Jandebeur, Selectman Representative Hal Kreider, Members: Betty Smith, and Dave Copeland (Alternate). Member Judi Anthony arrived at 6:32 PM. Member Lee Baldwin arrived at 6:34 PM.

**Voting Designation:** Chair Tim Jandebeur, Selectman Representative Hal Kreider, Members: Betty Smith, Judi Anthony, and Dave Copeland.

**Town Staff Present:** Planner James Burdin, Land Use Specialist Linda Smith, and Land Use Administrative Assistant Lisa Fellows-Weaver.

**Minutes:**

*November 10, 2022*

**On a motion made by Ms. B. Smith, and seconded by Mr. Kreider, the board voted unanimously to approve the minutes of November 21, 2022, as written.**

**CONTINUED CASE:**

*Continued from October 27, 2022*

**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.**

Peter Heigis represented the application.

*Ms. Baldwin arrived at 6:34 p.m.*

Mr. Heigis stated that he hopes to present a small amendment to the proposed plan within the next few weeks. The amendment would delineate a total of 42 parking spaces; currently there is 38 spaces. All parking spaces will be 9'x18'. This will allow for 84 people, two people per parking space. He noted that there will always be the potential for additional patrons via snowmobile, bicyclists, and walkers.

Mr. Heigis asked for the Board to explain what is needed from him so that he can determine what is necessary for him to move forward with the project. He stated that the board had noted concerns about parking, septic, water usage, safety, and requiring feedback from the fire department and NHDES.

Mr. Burdin stated that the regulations are established by seats plus the employees per shift. There would need to be enough parking based on the number of seats, per the regulations, or waivers will be required. He added that the parking is a collective total of all the uses for the site, which currently includes a real estate business as well. Mr. Heigis replied that there are two employees for the real estate business. Discussion ensued regarding the capacity of the facility and parking lot.

Mr. Jandebeur asked if the designated employee parking off from Green Street was previously approved. Ms. Smith replied no. Mr. Heigis stated that they have a driveway permit for that area. Mr. Burdin explained that the planning board is the authority to approve an amendment of a plan for a driveway. Mr. Jandebeur stated that the employee parking area would need to be an amendment to the original plan.

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Ms. Smith explained that the driveway exists because there previously was a residential unit. She stated that the highway department issues permits to any lot to grant access. She stated that a permit does not grant an approval for a business; an approved site plan is required by the planning board. Mr. Heigis replied that any home existing on Green Street and Rte. 4 has a driveway from both Green Street and Rte. 4; there may have been a precedent set.

Mr. Burdin stated that a site plan approval is required as well as a driveway permit. The planning board approves all parking and reviews access and egress through the site plan process. He added that a driveway permit is required from the town; the prior driveway permit was for residential use.

Ms. Smith explained that approval for a use cannot be given until the site plan is approved by the planning board. Mr. Heigis stated that currently they are using the driveway for employees as they felt that they do have the necessary permit as it was signed off by the person who authorizes these permits.

Mr. Burdin stated that this board approves the layout for parking on the site plan and that is the official approval. He added that there could be a conditional approval given for a site plan; however, a confirmation would still need to be provided by Mr. Brown for the Green Street driveway perspective and for the intended use. A confirmation for Rte. 4 is also necessary from NHDOT-District 6 for either a new permit or a statement indicating that there is no need for a new permit. In addition, NHDOT-District 6 may also require a new application due to the use and/or capacity as compared to the prior capacity.

Mr. Kreider expressed concern with the fact that there are several questions being asked. He stated that he is concerned that there are also a number of variables that have been raised.

Mr. Burdin stated that the planning board needs to see everything being requested by the applicant and the information needs to be reflected and submitted as a site plan.

Mr. Heigis stated that he has tried to understand the process. He has looked at the particulars needing approval and identified the order of the approvals. He has done the homework and understands the rules and laws. He hopes to provide the board with the particulars.

Mr. Kreider explained that those particulars may not be known until there is an application submitted to the board. Mr. Heigis requested that the board look at his preliminary plan as the proposed plan would be very similar. He would like to get all the answers now based on the plan provided.

Mr. Burdin explained that a plan indicates the proposal. He reviewed the board's procedures relative to submission dates and noted the upcoming meetings. He encouraged the applicant to reach out to NHDOT. He added that the board can require that a NHDOT approval be received prior to signing the final plan set.

Ms. Anthony noted that the plan submitted does not appear to be to scale. Mr. Heigis stated that he will adjust the plan accordingly.

A discussion was held regarding the septic system. Mr. Heigis stated that he understood that the town has a plan. He will be providing a plan for a different septic system and a larger leach field. He explained that they propose a decrease in the

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overall water load on the leach field itself with an enhanced design. He still needs to determine the size of the septic and leach field that is noted on the plan.

Discussion ensued relative to the installation of the system. Mr. Jandebeur stated that the system was never installed based on a letter received from the town's building inspector. Ms. Smith commented that the town has only located the original plan, which is for the prior residential uses. Mr. Heigis stated that there is a design. Ms. Smith replied there is a plan, there is nothing in the ground. Mr. Heigis stated that there is a plan and if due to a failure, there is a plan. Ms. Smith stated the decision if a plan needs to be installed is up to the building inspector.

Mr. Heigis noted that the gallons per day will depend on the use of paper and plastic. He added that the fire department has signed off on 80 people for the inside and outside for security purposes.

Mr. Burdin stated that a final set of numbers of how many people the facility will accommodate must be provided to the board for any official approval.

**On a motion made by Chair Jandebeur, and seconded by Ms. Baldwin, the Board voted unanimously to grant the applicant's request to continue Case 22-12 to January 5, 2023.**

**NEW CASE:**

**Case 22-18: Barton Revocable Trust and Wolfe Family Trust, Caldwell Lane,**  
**proposing a boundary line adjustment between Tax Map 103, Lots 22, 23, and 24. Lot 23 is being eliminated, transferring acreage. After the transfer Lot 22 will become 0.57 ac and lot 24 will become 0.43 ac.**

John Newman, of NH Land Consultants represented the application.

Mr. Newman provided an overview of the proposal. He explained that the two abutters to Lot 23 purchased the lot and are proposing to split the lot down the middle, which will increase each of their own residential lots. He stated that Lot 22 is 0.38 acres with 76.12' of frontage and will become 0.57 acres and 122.70' of frontage. Lot 24 is currently .27 acres and 97.85' of frontage and will become 0.43 144.43' of frontage. He added that he did survey the property.

**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 public hearing.**

**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.**

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

**Waivers:**

The applicant has submitted a request for the following waiver:

Section 4.10(B)(2) regarding the requirement to indicate soil types, including poorly and very poorly drained soils.

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Mr. Burdin stated that the subject parcels all exist today, and the proposal would make all remaining parcels larger.

**On a motion made by Ms. B. Smith, and seconded by Mr. Copeland, the board voted unanimously to grant the waiver to Section 4.01(B)(2).**

Chair Jandebeur stated that the proposal is increasing the lot sizes and frontages making the lots more conforming.

Mr. Burdin reviewed the staff report and noted that Lot 23 will be eliminated. He stated that a note will be added to the plan indicating that the boundary line adjustment shall not exempt the subject lots from the requirements of RSA 674:41 and the lots cannot be reinstated without subdivision approval.

**On a motion made by Ms. B. Smith, and seconded by Mr. Copeland, the board voted unanimously to grant approval of Case 22-18, a Lot Line Adjustment, for Barton Revocable Trust and Wolfe Revocable Trust, Caldwell Lane, Map 103, Lots 22, 23, and 24; transferring the acreage of Lot 23 and eliminating Lot 23, subject to the following conditions:**

Prior to the signing of plans:

1. Make the following changes to the plan set:
  - a. Update the note regarding requested waivers to note the date of the approval by the Board.
  - b. Add the following note to the plat: This boundary line adjustment has been approved for the purpose of enlarging the subject lots to bring them closer to compliance with required minimum lot sizes; the conditions of Caldwell Lane were not presented to or reviewed by the planning board. Approval of this Boundary Line Adjustment shall not exempt the subject lots from the requirements of RSA 674:41.
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.
6. This boundary line adjustment has been approved for the purpose of enlarging the subject lots to bring them closer to compliance with required minimum lot sizes; the conditions of Caldwell Lane were not presented to or reviewed by the planning board. Approval of this Boundary Line Adjustment shall not exempt the subject lots from the requirements of RSA 674:41.

**ZONING AMENDMENTS**

Mr. Burdin presented a second draft of the proposed zoning with ballot language. Proposed changes have been *italicized*.

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Amendments 1, 3, 4 and 5 have not changed since the first reading at the October 27 meeting. Board members did not have any additional comments or changes to the amendments, as submitted with the ballot language.

**AMENDMENT 2**

Ballot language:

Are you in favor of adoption of Amendment #2 as proposed by the Planning Board for the town's Development Ordinance as follows?

Amend Section III. Definitions to redefine Large Scale Business to apply to any commercial or industrial business with aggregate gross floor area of 10,000 sq. ft. or more contained on a single lot, and to amend Section IV.B.(4)(g) Large Scale Business Setbacks to reference the definition of Large Scale Business and to add a purpose statement.

**Section III Definitions**

**Large Scale Business:** An individual ~~retail or wholesale~~ *commercial or industrial* business that occupies buildings or structures, or a grouping of ~~retail or wholesale~~ *commercial or industrial* businesses, with aggregate gross floor area of 10,000 sq. ft. and larger *contained on a single lot*. (Rev. 3/06) (Rev. 3/20)

IV.B.(4) SETBACKS. Structures shall be set back from property lines in conformance with the minimum and maximum setback requirements set forth in this section.

(g) Large Scale Business Setbacks. Minimum front, side, and rear setbacks *for all businesses meeting the definition of a Large Scale Business* shall be set according to the size of the aggregate gross floor area. Minimum setbacks are also specified in Table IV-3, the Large Scale Business Minimum Setback Table.

*(1) Purpose. The intent of this section is to ensure that large commercial and industrial development is of a quality that supports the vision of the Northwood Master Plan, that contributes to the character of Northwood, and that protects and enhances the health, safety, and welfare of the community. Increased setbacks for Large Scale Businesses are intended to mitigate negative impacts associated with those businesses including but not limited to increased noise and traffic, alterations to the environment and community character, and demands on infrastructure and town services.*

Mr. Copeland asked about paving within setbacks. Mr. Burdin explained that paving is not allowed within the setbacks, and it is not determined by this section. He added that fences are defined as structures; however, they are exempted from setbacks.

**AMENDMENT 6**

Ballot language:

Are you in favor of adoption of Amendment #6 as proposed by the Planning Board for the town's Development Ordinance as follows?

Amend Section III Definitions to replace the existing definition of Affordable Housing with definitions of Affordable Housing and Workforce Housing from RSA 674:58.

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Amend Section V. Use Regulations to add Workforce Housing as a column 1 permitted use, rename the existing Elderly Housing performance criteria as Cluster Housing and to permit Cluster Housing to be used only for Elderly Housing and Workforce Housing in order to comply with state statute.

Amend Table V-2 Elderly Housing Requirements to be retitled Cluster Housing Requirements and to reduce the maximum density of Cluster Housing from 4 units per acre to 2 units per acre.

Amend the ordinance to update references to the Elderly Housing development type to refer to Cluster Housing as necessary.

**Under Section III. Definitions**

**Affordable (Housing):** *Housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household's gross annual income.*

General discussion was held relative to the proposed Amendment 6. It was noted that a definition for cluster housing should be added, and Mr. Burdin suggested the following:

**Cluster Housing:** *Housing development with more than one principal residential structure per lot. Cluster housing development may only be used for the construction of Elderly Housing and/or Workforce Housing as defined by this ordinance. See Section V.B.(4). Cluster Housing is distinct from and not to be confused with provisions for Open Space Design for subdivisions as contained in Section IX. of this ordinance.*

**Elderly Housing:** Housing units, with a maximum of two bedrooms, occupancy of which is restricted in perpetuity to persons 62 years of age or older; or in the case of housing units financed wholly or partially with state or federal funds, housing units occupied solely by elderly persons or elderly families or handicapped persons as defined in the funding program in perpetuity, provided the number of units available for occupancy by the handicapped persons who are not elderly shall be the minimum needed to establish eligibility for the federal or state program and that the program has received the approval of the United States Department of Housing and Urban Development as one designed and operated to assist elderly persons. *May be developed using the Cluster Housing provisions of Section V.B.(4).*

**Workforce Housing:** *Housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. "Workforce housing" also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer*

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*than two bedrooms, shall not constitute workforce housing for the purposes of this subdivision.*

Chair Jandebeur called for a recess at 7:44 p.m. Session resumed at 7:49 p.m.

**AMENDMENT 7**

Ballot language: Are you in favor of adoption of Amendment #7 as proposed by the Planning Board for the town's Development Ordinance as follows?

Amend Section IV.B.(5) Structure Height to clarify the points from which structure height is measured.

(b) Structure Height. The maximum structure height is specified in Table IV-1, the Dimensions Table. Maximum structure height shall apply to all structures, *and shall be measured as the distance between the upper bound and lower bound as follows:*

*[1] the upper bound shall be the highest point of the roof.*

*[2] the lower bound shall be the lowest finished ground level within 6 feet of the structure.*

Mr. Burdin stated that as a result of his discussion with the Fire Chief, which was requested by the board at the October 27 meeting, he has proposed the ground level to be within 6 feet. Mr. Copeland mentioned the possibility of finished attics. Discussion ensued regarding egress points and finish level vs. ground level. The board agreed to propose the following:

*[2] the lower bound shall be the lowest finished ground level within 10 feet of the structure.*

**AMENDMENT 8**

Ballot language: Are you in favor of adoption of Amendment #8 as proposed by the Planning Board for the town's Development Ordinance as follows?

Amend Section III Definitions to define Religious Uses and Section V. Use Regulations to comply with requirements of RSA 674:76 exempting predominantly religious uses from most zoning requirements.

**Under Section III. Definitions**

**Religious Uses.** *Property that is or will be used at least 51 percent of the time, and upon which at least 51 percent of land and/or structures will be used for religious purposes, including but not limited to houses of public worship, parish houses, church parsonages occupied by their pastors, convents, monasteries, buildings and the lands appertaining to them owned, used and occupied directly for religious training or for other religious purposes by any regularly recognized and constituted denomination, creed or sect, organized, incorporated or legally doing business in this state and the personal property used by them for the purposes for which they are established. Land or structures containing religious uses may also contain accessory non-religious uses provided these are incidental to or clearly subordinate to the religious uses.*

A brief discussion was held regarding how properties are assessed if the use has changed from a religious use. Members were encouraged to contact the town assessor for further information.

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**Under Section V. USE REGULATIONS**

**Table V-1**

**Table of Uses**

Changing Church to *Religious Use*

**V.F. Exempt Uses**

*V.F.(1) RELIGIOUS USES Pursuant to RSA 674:76, land or structures primarily used for religious purposes are permitted as follows:*

*(a) Land or structures primarily used for religious purposes shall comply with all applicable provisions of Section IV.B. Dimensional Requirements of this ordinance, including Table IV-1 Dimensions Table. Where those dimensional requirements are superseded by Section IX. Open Space Design the land and structures shall comply with dimensional requirements contained in Table IX-1 Open Space Design Incentives.*

*(b) Where owners of land or structures primarily used for religious purposes would be entitled to rights specified by Section VII. Non-Conformity, those owners may exercise said rights consistent with that section.*

*(c) Land or structures primarily used for religious purposes are exempt from all other standards or performance criteria applied to any use, structure, or lot by this ordinance provided they meet the following conditions:*

*[1] Land or structures primarily used for religious purposes shall continue to comply with other applicable federal, state, and local codes including but not limited to building, fire, and health codes. Where state or federal policy requires issuance of a state or federal permit a copy of any such permit will be provided to the Town.*

*[2] Any proposal requiring a building permit to construct or alter a structure that is to be primarily used for religious purposes shall be accompanied by sufficient information necessary to determine compliance with the dimensional requirements described above.*

*[3] Any proposal requiring a building permit, or which would introduce a new use or otherwise constitute a change of use shall be accompanied by an affidavit from an authorized representative of the religious organization making the proposal. This affidavit shall attest to the fact that the land or structures are or will be used at least 51 percent of the time, and that 51 percent of the area of the lot and/or structures, will be used for religious purposes.*

**Ms. B. Smith made a motion, seconded by Mr. Copeland, to post the proposed ordinances, as amended, for a public hearing on December 15, 2022.**

**Ms. B. Smith amended the motion to add a second hearing, January 5, 2023, if needed. Mr. Kreider seconded the amendment. The motion passed unanimously.**

**On a motion made by Ms. B. Smith, and seconded by Ms. Baldwin, the board voted unanimously, to send the proposed ordinances to town counsel for review and comment.**

**INTERNAL BUSINESS**

- *Update on Master Plan Subcommittee*  
Next meeting – November 21, 2022 at 10 a.m.

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- *Signature Files To Be Signed:* Case 21-17: David Pelletier Construction Inc. This item was continued due to additional information needed.

**ADJOURNMENT**

**On a motion made by Ms. Baldwin, and seconded by Mr. Kreider, the board voted unanimously to adjourn at 8:35 p.m.**

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,



Land Use Administrative Assistant