

**Town of Northwood
Planning Board Meeting
April 28, 2022**

Cases heard:

Case 21-16 Joe Carter

Case 21-17 Pelletier Construction

Case 22-2 Town of Northwood/Tasker Family Revocable Trust

Chair Jandebour called the meeting to order at 6:30 PM

Present: Chair Tim Jandebour, Selectmen's Rep Hal Kreider, Betty Smith, and Joe McCaffrey, Judi Anthony, and Lee Baldwin

Voting Designation: Chair Tim Jandebour, Selectmen's Rep Hal Kreider, Betty Smith, Joe McCaffrey, Judi Anthony, and Lee Baldwin

Town Staff Present:

Linda Smith, Land Use Specialist, Susan Austin, Land Use Assistant, and James Burdin, Town Planner

Selectman Kreider recused himself

Voting Designation: Chair Tim Jandebour, Betty Smith, Joe McCaffrey, Judi Anthony and Lee Baldwin

Minutes

Ms. B. Smith made a motion, seconded by Ms. Baldwin, to approve the minutes of April 14, 2022. Motion carried 5/0.

Ms. B. Smith made a motion, seconded by Ms. Baldwin, to approve the minutes of April 18, 2022. Motion carried 5/0.

Ms. B. Smith made a motion, seconded by Ms. Baldwin, to approve the minutes of April 25, 2022. Motion carried 5/0.

CASE 2-22 Town of Northwood and Tasker Family Revocable Trust, Maps 110 Lots 20&21. Applicants wish to subdivide lots to establish each lot as separate lots, as they have been shown to exist as separate lots of record in town property files and tax maps since 1986.

Linda Smith recused herself and left the table.

Ms. B. Smith made a motion, seconded by Ms. Baldwin, to find the application complete. Motion carried 5/0

Ms. B. Smith made a motion, seconded by Ms. Baldwin, to find that the application has no regional impact. Motion carried 5/0

Walter Johnson, Town Administrator and Scott Frankiewicz from NH Land Consultants were present to discuss the application. He stated that they met with the Zoning Board and received a variance for the type of road frontage. The lots are located

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on Tasker Shore Road. These were considered two lots, but they weren't ever officially subdivided. Lot 20 is 2.9 acres, and that is owned by the town, and Lot 21 is 8.7 acres, and that is owned by Tasker Shore Revocable Trust. They are requesting three waivers, one for an irregularly shaped lot, one for a lot that is smaller than 100 feet at its narrowest point, and another to allow GIS data for topography and wetlands delineation on the larger lot, Lot 21 as well as a limit the bounds of a full topographic survey and wetlands delineation on Lot 20. For the access, they are proposing a 25 foot right of way, which is already in the deed as access, but this will make it more formal.

Requested Waivers:

Section 3.01(F) – the applicant requests a waiver to allow an irregularly-shaped lot to permit a layout that matches the presumed lots and accounts for the location of Tasker Shore Drive

Ms. B. Smith made a motion, seconded by Ms. Baldwin, to approve the waiver to Section 3.01 (F) Motion carried 5/0.

Section 3.01(E) – the applicant requests a waiver to allow a lot that is approximately 81.3' at its narrowest point, where 100' are required; this would match the design of the presumed lots and accounts for the location of Tasker Shore Drive

Ms. B. Smith made a motion, seconded by Ms. Baldwin, to approve the waiver to Section 3.01 (E) Motion carried 5/0.

Section 4.10(B)(1)(b) – the applicant requests a waiver to limit the bounds of a full topographic survey and wetlands delineation to the smaller lot (lot 20) and allow the use of GIS data for topography and wetland delineations for the larger lot (lot 21)

Ms. B. Smith made a motion, seconded by Ms. Baldwin, to approve the waiver to Section 4.10(B)(1)(b) Motion carried 5/0.

Chair Jandebour opened public comment. There was no public comment.

Ms. B. Smith made a motion, seconded by Ms. Baldwin to approve Case 22-2 with the following conditions:

Proposed Conditions of Approval Prior to the signing of plans:

- 1. The applicant will amend the note identifying requested waivers to note the date of their approval by the board**
- 2. Note the variance granted by the ZBA**
- 3. Make the following changes to the plans:**
 - a. Revise Note 15 to refer to the “Subdivision Plan Regulations” Provide certification of monument installation as required by Section 3.06**
- 4. Deliver three signed and stamped copies of the plan and one signed and stamped mylar to the Town for signature.**

Approved by the Planning Board on May 12, 2022

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Prior to the issuance of a building permit:

- 5. The plans shall be signed by the Chair indicating final approval of the Board**
- 6. Record the plat with the Rockingham County Registry of Deeds within 1 year of this decision**
- 7. The applicant will acquire and provide copies of all necessary federal, state, and local permits to the town including, but not limited to Town of Northwood driveway permits and a state approved septic design for each lot prior to issuance of a building permit for that lot.**

Conditions subsequent:

- 8. All materials and methods of construction shall conform to the Town of Northwood Subdivision Regulations and the latest edition of the New Hampshire Department of Transportation's standard specifications for road and bridge construction.**
- 9. If during construction, it becomes apparent that deficiencies exist in the approved design drawings, the owner shall be required to correct deficiencies to meet the requirements of the regulations at no expense to the Town.**
- 10. If during construction, it becomes apparent that additional erosion control measures are required to stop any erosion on the construction site due to actual site conditions, the owner shall be required to install the necessary erosion protection at no expense to the town**

Motion carried 5/0

Selectman Kreider rejoined the table.

Voting Designation: Chair Tim Jandebour, Selectmen's Rep Hal Kreider, Betty Smith, Joe McCaffrey, Judi Anthony, and Lee Baldwin

Conceptual Consultation

Aaron Thibeault, Broad Cove Road, Boundary Line Adjustment

Paul and Stacy Burgess, Bow Lake Road, Boundary Line Adjustment

OLD CASES

CASE: 21-16 Joseph D. Carter, Route 4 and Harmony Road Map 222 Lot 54. The applicant proposes to build 2 office buildings and is requesting a Minimal Impact Review.

Scott Lawler from Norway Plains was present, along with Joe Carter to discuss the application.

Requested Waivers:

Approved by the Planning Board on May 12, 2022

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Section IX D.(2)(b)[2](a) – Peak Flow Rate: The applicant’s 2-year post-Development flow rate is less than the 1-year Pre-Development flow rate as required; it does not meet the requirement to be less than 50% of the 2-year Pre-Development flow rate.

Ms. B. Smith made a motion, seconded by Mr. McCaffrey, to approve then waiver request to Section IX D. (2)(b)[2] (a), with the condition that the waiver request be added as a note to the plan set. Motion carried 6/0.

Section IX D.(2)(b)[6] – Total Runoff Volume: The applicant’s post-development runoff volumes are within the required range for the 25-year storm, but not for the 2- and 10- year storms which reduce volumes by more than the required range.

Ms. B. Smith made a motion, seconded by Mr. McCaffrey, to approve then waiver request to Section IX D. (2)(b)[6] (a), with the condition that the waiver request be added as a note to the plan set. Motion carried 6/0.

Chair Jandebour opened the public comment. There was no public comment.

Mr. McCaffrey made a motion, seconded by Ms. B. Smith, to approve Case 21-16 with the following conditions:

Prior to the signing of plans:

1. The applicant will make the following changes to the plan:

- a. Please label the “proposed buildings” as 3-story buildings.**
- b. Please clarify the purpose of the “proposed enclosed” 24’x14’ area and label in brief on the plan.**

2. The applicant will acquire and provide copies of all necessary federal, state, and local permits including but not limited to a driveway permit from NHDOT district 6, and a Northwood driveway permit for Harmony Rd, and a state-approved septic design.

3. The applicant shall be subject to performance guarantees as agreed to between the applicant and the Town Engineer as follows:

- a. A schedule of official inspections with respect to consistency of construction with proposed conditions for pavement location in relation to required setbacks, and correct installation of proposed drainage improvements, with the cost of inspection to be paid by the applicant via escrow**
- b. A performance bond amount to cover the cost of completing required stormwater improvements**
- c. A reclamation bond to restore the site to a safe and stable condition if the proposed pavement improvements are not completed**

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4. All escrow accounts and required performance guarantees shall be in place

5. Delivery of 3 signed and stamped paper copies of the plan for signature

Prior to issuance of a building permit:

6. The plans shall be signed by the Chair indicating final approval of the Board

Prior to occupancy:

7. The applicant or their successors shall acquire sign permits for any and all proposed business signs, which shall be placed at the locations approved herein.

Conditions subsequent:

8. Construction of the proposed buildings shall be completed by April 28, 2024, unless extended by the Planning Board.

Motion carried 6/0.

CASE: 21-17, David Pelletier Construction Inc. Old Turnpike and Ye Olde Canterbury Road Map 215 Lot 21-1. The applicant proposes to subdivide 10.4 acres with 679' of frontage on Old Turnpike Road and 28' of Frontage on Ye Olde Canterbury Road into 4 single family lots. All lots will access Old Turnpike Road.

Scott Frankiewicz was present to discuss the application. He stated that they have been discussing this application since October. The application has been in front of the Zoning Board and the Conservation Commission for a special exception, which was granted. He stated that they are asking for two waivers, one being the lot width, and the other is for the lower driveway to not follow the common property line, to avoid wetland impacts and steep slope impacts. One of the components of this subdivision is an open space component, he stated that he had distributed a deed that was basic, the attorney didn't include everything that he should have. He'd like to discuss what he would propose with the board. He feels that this parcel will be more about protecting the agricultural lands. This parcel contains important soils. He stated that they would propose that the parcel be open for the homeowners to use it for active recreation, such as riding bikes. It would also preserve open space for aesthetics. One of the comments that was made at an earlier meeting was that this field was one of the last fields in Northwood that you can see from Route 4, so the top ridge of the field will be protected in open space. There will also be a no build rule in place on parts of the lots. This will all be in the deed restrictions. One of the things that the applicant would allow in the open space is to continue the mowing of it. The abutter mows the whole field, so that would preserve his right to mow it, and that would be included in the documents. Mr. Burdin asked if the agriculture was to be listed as protected as part of the purpose, but he is understanding that the open space would still be in joint ownership of the four lots? Agriculture would be listed as the purpose and haying would be permitted. Or is he guaranteeing to another person in addition to the 4 lot

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owners rights to use the lot for agriculture? Mr. Frankiewicz stated that it would be specific to mowing, not a person. He stated that he is trying to clarify the difference between not being restricted by the deed to agricultural activities, versus guaranteeing someone the right to those agricultural activities, because the open space lot is not going to be owned by the Town, it won't be transferred to a conservation entity, it's going to be jointly owned by the 4 lots in the subdivision. If the documents were written in a way that they don't restrict agriculture, someone could still mow that field with the owner's permission. Mr. Kreider asked if that applied to the no build areas on the other lots. Mr. Frankiewicz stated that the owners of those lots could allow the abutter to mow their lawn. Mr. Burdin stated that the no build area has not been described at all in the draft deed. He stated that he would like these deed issues to be resolved before the Board approves this application.

Discussion ensued about the deed and what the board would like to see.

Chair Jandebeur opened the public comment

Tony Matras

Mr. Matras stated that he has appreciation for including the agricultural activities. He asked if there was a way to see the language will be before it's finalized? Chair Jandebeur stated that the board is leaning towards that as well. He stated that they were going to have their attorney look over the deed before final approval. Mr. Burdin stated that Mr. Matras will be able to look it over as soon as they have it as a public document.

Chair Jandebeur closed the public comment.

Mr. Frankiewicz asked if they could clarify if the drainage was going out for review? He would like to have that done sooner rather than later. Ms. L. Smith stated that it will be important to provide a bond to ensure that the shared driveways, and swales where the shared driveway breaks apart, that would need to be bonded to ensure that those were put in place. Mr. Burdin stated that because of the ZBNA decision, because of the wetland crossing, he feels that they can make sure this gets done as they say it's going to get done, but he doesn't feel that they need a full peer review of every detail. The engineer could take the 5-minute glance at the plans and tell them if there was enough information to allow them to schedule inspections that they feel are necessary to give a bond amount.

Ms. B. Smith made a motion, seconded by Ms. Baldwin, to send the drainage out for peer review if the town engineer feels it is necessary. Motion carried 6/0.

Ms. L. Smith stated that there are two different issues here. One is a peer review of the drainage design, and the second is, can the engineer determine a security amount to ensure it gets done. Those are two separate issues.

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Ms. B. Smith made a motion to reconsider the question. Ms. Anthony seconded Motion carried 6/0.

Ms. B. Smith made a motion, seconded by Selectman Kreider, to ask the engineer if the information provided is sufficient to discuss a bond amount. Motion carried 6/0.

Ms. B. Smith made a motion, seconded by Selectman Kreider, to continue Case 21-17 until May 26, with all materials received by May 16 at the close of business. Motion carried 6/0.

INTERNAL BUSINESS

Seasonal Camping Application

Ms. B. Smith made a motion, seconded by Ms. Baldwin, to adopt the new seasonal camping application form. Motion carried 6/0.

Master Plan Sub Committee Update

Mr. Burdin left the table.

Mr. McCaffrey made a motion, seconded by Selectman Kreider to give TZM Planning the Master Plan contract. Motion carried 6/0

Motion to adjourn is accepted at 9:19 PM

Respectfully Submitted,

Susan Austin, Land Use Assistant