

**Town of Northwood
Planning Board
October 26, 2017**

MINUTES

Chair Bob Strobel called the meeting to order at 6:35 p.m.

PRESENT: Chair Bob Strobel, Betty Smith, Vice-Chair Lee Baldwin, Hal Kreider, Joe McCaffrey and Selectmen's Representative Rick Wolf

TOWN STAFF PRESENT: Board Administrator Linda Smith, Land Use Secretary Susan Austin and Town Planner James Burdin

VOTING DESIGNATION: Chair Bob Strobel, Betty Smith, Vice-Chair Lee Baldwin, Hal Kreider, Joe McCaffrey, and Selectmen's Representative Rick Wolf

Justin Mikolyski joined the meeting at 6:37

VOTING DESIGNATION: Chair Bob Strobel, Betty Smith, Vice-Chair Lee Baldwin, Hal Kreider, Joe McCaffrey, Justin Mikolyski and Selectmen's Representative Rick Wolf

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Ms. B. Smith made a motion to accept the minute of October 12, 2017. Ms. Baldwin seconded. Motion carried 4/0/3 Mr. McCaffrey, Mr. Kreider and Mr. Mikolyski abstained.

Case# 17-01

1334 First New Hampshire Turnpike LLC; 1334 First NH Turnpike; Map 110, Lots 28 & 29.1. Expansion of existing restaurant to include commercial brewery and function room with associated parking and stormwater facilities.

Determination of final approval.

Geoff Aleva from Civil Consultants was present to speak about the final review. He stated that there were no substantial changes in the layout of the plans or the details of the drainage structures or the size of the parking lot. The only changes that were made were dictated by the NHDOT as part of the driveway permit. He stated that since they had last been before the board, they have obtained the septic approval and the plans have been given to the Code Enforcement Officer. They are waiting for the final approval from NHDOT on the driveway permit. DOT is going to issue a letter that states they have conditionally accepted the design. He stated that they have asked for a few tweaks to the deceleration lane off of Route 4. He stated that he had met with Town staff and the applicant to talk about the third-party peer review. The town engineer gave a proposal to do peer review, he stated that they felt the scope was too high. The result of that meeting was that he went through the proposal and go through the areas where they felt they didn't have any issues or concerns with what CMA had proposed for third party review. He stated that they aren't refusing the third-party review, but that they would like to reduce the scope and limit it to the drainage and the areas that are the main concern for erosion and sediment control. He stated he'd like to go through the plans and then discuss the agreement for services.

Mr. Aleva distributed the plan sets. He stated that on the side revision note they indicated all of the revisions. He referred to the first plan, which was the overall site

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plan. The only changes on this page are indicated where they had to provide some additional details per DOT along the two entrance ways. Referring to sheet L2, he stated that it hasn't changed. He stated that on the L3 sheet, it shows truck access and exit and east and west bound from both exits, so L3 shows both of those turning radiuses. It also gives the detail for the handicap parking and the size and dimension of the tractor trailer that they used for analysis. The one thing that the DOT mentioned in their comments was in reference to the 45 mile an hour speed limit sign. In the notes they would like them to match a set of details that DOT recently approved for Portsmouth Toyota that had a widening and deceleration lane. Sheet L3A is a continuation because they needed to show the enter and exiting lane for all the different opportunities for trucks coming in and out of the site. He stated that there is a note on the plan that they are restricting the exit of tractor trailer out of that right entry way, because it is too tight. The main goal is to push the truck traffic through the new entrance. Referencing sheet L3B, he stated that this she had some of the details the DOT was requesting. In particular, they wanted the detail for the typical sign post and the stop sign, they also wanted them to create plan profiles from the center line of Route 4 in to the project, so on the bottom left of the page there is a profile for the western entrance. The profile on the bottom right is the existing driveway. He stated that the page L3C contained the majority of the changes requested by DOT. It contains all the section cuts at along the area that correspond with the detail on the right. Page L4 is the plan that was required for the alteration of terrain permit. This plan is still the same. Page L5 is details that haven't changed, erosion control, detail for the infiltration basin, etc. Mr. Aleva presented the board with the septic plan. He stated that the SD1 plan shows where the treatment drain will be and the leach field. In the back of the building there are a series of septic tanks, and they are pumped up into a new pump station into the leach field. The next page, SD2 goes into more detail. SD3 is the detail that go along with the septic. He stated that on SD4, they needed to show where the nitrites levels go because it is such a big system. The last two pages cover the details for the pretreatment system that treats the effluent. Mr. Burdin stated that he would like to summarize his understanding of the two plan sets. He stated that as far as the plan set looking at the changes the DOT had requested, there have been no changes to the design to the site. The changes have been technical edits added for information that DOT wanted to see included on the plans set. As far as the septic plan is, his understanding was that previously they would like to use the existing septic field with a possible expansion, but now that looks like it will not be possible so you will need a new leach field with a new set of pipes and drainage going to it. Mr. Aleva stated that was correct. Mr. Burdin stated that his concern with that was that the area of the leach field was new, and that was not shown on the plan that the board had previously granted conditional approval. He also stated that access to the leach field was crossing a wetland. Mr. Aleva stated he doesn't have an access to that wetland. Mr. Aleva stated that they had a ruling from the DES Alteration Wetlands Bureau and the septic area so that they directionally drill underneath that wetland and they do not have to have a wetland permit for that crossing. Mr. Aleva stated that it was not a wetland impact as determined by the DES. Mr. Burdin stated that DES doesn't have jurisdiction to say that it is not a violation of the local zoning code. Mr. Aleva stated that they were not impacting the wetland plants or soils on the surface. Mr. Aleva stated that they looked at it and what would

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impact for a wetland permit. He stated that what DES described and allowed is that a directionally drilled pipeline does not constitute a wetland impact. Mr. Burdin stated that since they are just seeing this tonight, they now have to determine that they have to decide what this means for the town's code on the fly. He stated that he isn't saying it's not necessarily an acceptable solution, but it is something they need to figure out and see if it meets the letter of the code, or is this something that might need a special exception from the ZBA, if it was something that was considered to have an impact on the wetland based on the town's ordinance.

Chair Strobel called for a five-minute recess at 7:15 pm so Mr. Burdin could look over the septic design.

Return from recess at 7:25 pm.

Mr. Burdin stated that on sheet SD1, there is a line that is going through the depicted wetland area, between the building and the proposed new leach field. The line is labeled forced main to be directionally built to eliminate wetland impact. He stated that his understanding of what DES has agreed to, is that they are saying that if they drill underneath the wetland it doesn't constitute a direct impact to the wetland, they would be essentially drilling around the wetland by going underneath it. What the board needs to decide is whether that complies with Northwoods zoning ordinance. The issues that they are considering are; the definition of a structure, which reads anything constructed, the use of which requires permanent or temporary location on or in the ground or water, or attachment to something having permanent or temporary location on or in the ground, including but not limited to, and then it goes on to give a series of examples. It does not directly include piping or plumbing as a structure, but it also doesn't exclude it. Discussion ensued pertaining to the definition of a structure. Mr. Aleva stated that the pipe would be going five feet under the wetland because of the frost line. He stated that when they did the test pits, the wetland was not five feet down. He stated that they could modify the plan to indicate that the pipeline comes straight across outside the 20-foot buffer before it makes the turn. Ms. L. Smith stated that the role of staff was just to raise issues for the board to consider. They are not there to make decisions. If the building inspector decides anything differently from the board, the applicant will have to deal with it at that time. Mr. Burdin stated that if the building inspector has signed off on a plan, then it's his interpretation he didn't think it was a problem, which would then mean from the town's perspective since he is the one who would go and enforce it, he's unlikely to go and enforce something that contradicts his prior judgment. Chair Strobel stated that he would like to get a sense of the board in how each of them feel about moving it forward as far as the conditions go. He stated that he felt the only thing that was really in question was whether they feel that the drilling of a pipe underneath a wetland is acceptable or not in terms of the definition of a structure and its impact on a wetland. The board as a whole stated that they felt comfortable with it.

Mr. Aleva stated that the only outstanding issue is the DOT permit. They anticipate that to come very shortly. He would like to ask the board if they can move forward and the plans would be acceptable to be signed once they get the initial DOT letter stating

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that they have approved their design. Mr. Burdin stated that he had two suggestions. One would be that the discuss the peer review prior to making any determination of final approval because staff considered the escrow for the site work to be part of the condition of approval. At the time was phrased as “security for site work” that they were thinking of the bonding and the inspection of the work. As a result of the confusion, they have explicitly made escrow payments a separate condition of approval on cases after this, so having that escrow be consider part of that condition will be consistent with what they have done in other cases. He stated that staff is perfectly willing to talk about the scope. Before they have a final sign off, they would want to hear from CMA if they are satisfied. Mr. Burdin stated that as far as the driveway permit went, he would suggest that the board alter condition number three, which was “the applicant will acquire and provide copies of all necessary federal and state permits to the town” to have a 3a) in the case of the DOT driveway permit, the board will accept written confirmation the DOT intends to improve the design for the purpose of final approval. The final permit will be submitted prior to the issuance of a certificate of occupancy. If DOT does not follow through on their word, then the CO will be withheld. If DOT requires substantial changes that alter the site plan, they would need to come back to the board.

Mr. Aleva stated that in the conditions of approval it didn’t specifically indicate that there would be third party review. The town solicited a proposal from CMA engineers to do the third-party review. They prepared a memo and he stated that he has indicated in blue ink his comments based on a discussion that he and the owner had with town staff and code enforcement a few weeks ago. He stated that he would go through each one.

Scope of Services:

- 1.) Review applicants estimate for financial assurance to the Town of Northwood. Make recommendation for security. *Completed-initial assessment of what the bond needed to be. They have no issue with that.*
- 2.) Prepare an agenda, attend and manage the project pre-construction meeting, prepare minutes for all parties. *They feel that it shouldn’t be on the burden of the peer engineer to do, it can be completed by the general contractor. This is a private project.*
- 3.) Construction review will be based on the Northwood Planning Board’s approved plans, with a focus on erosion control, parking lot construction, and stormwater management features. *They have no problem with that.*
- 4.) Perform periodic site observations of the work in progress. Six to eight observations are anticipated. Preliminary milestones warranting site visits include: *Hope to reduce to minimum visits*
 - Site stabilization and erosion protection (ongoing)
 - Grading to subgrade of parking areas. *Not part of this issue.*
 - Select materials for pervious pavement. *That’s not CMA’s scope, those are my plans to select the materials to be used for the pavement.*
 - Construction of stormwater conveyance and ponds.
 - Paving, conventional and pervious. *Portions of it depend on the contractor. It’s their responsibility to let the peer reviewer know when the pervious*

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pavement will be installed because that is part of the stormwater conveyance system.

Landscaping, loaming, seeding and site stabilization. That can be done as part of the final inspection because it is part of the final completion.

Project completion.

- 5.) Review copies of project designer reviewed shop drawings prior to construction/installation. *Not review engineer project because it is not a town project.* Materials testing will be completed by qualified lab/technician on behalf of the developer. It is assumed that results of material testing will be forwarded CMA Engineers in a timely fashion. (electronic transmission satisfactory)
- 6.) Through the course of the work, we shall review partial and final requests for reduction of project financial security provided to town. These reviews shall be based upon an expanded schedule of construction values, provided by the developer with sufficient detail to cover the percentage values in the work as it progresses. CMA shall report to the town its findings for action. *This is not needed for this project.*

Mr. Aleva stated that the intent was to go back to CMA and ask them to do their scope, if this is acceptable to the board, and have their scope be fine-tuned into item number three. Chair Strobel stated that his only comment was on number 4. In a case like this, you are being held to the storm water design standards, that's the overall arching concern. If the stormwater design doesn't meet the specs, then they will ding you on that, not whether you used enough sand, for example.

Chair Strobel read through each item and the board gave their verbal assent.

Item number one: The board agreed it was complete.

Item number two: The board agreed to leave this out.

Item number three: Chair Strobel asked for clarification that erosion control included site stabilization. Mr. Aleva stated that at the end of the project it did. He stated that for number three he had no problems but was just highlighting them for emphasis. The board agreed to keep this.

Item number four: Inspection milestones:

The board agrees to exclude from inspection: selecting materials for pervious pavement, landscaping, loaming, seeding and stabilization, except as it might be directly related and fit with construction of storm water management.

Clarification to CMA (or tie to other inspection.) grading to subgrade of parking areas.

Combine with another visit: Site stabilization and erosion control.

The board agrees to include in inspections: Project completion, Construction of stormwater conveyance and ponds, paving- pervious, remaining pavement only.

Mr. Aleva stated that they would like the General Contractor to let CMA know when they are ready for inspections.

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Item Number five: Exclude from CMA review.

Item number six: Exclude from CMA review, no gradual drawdown needed.

Chair Strobel opened the public hearing. No public present. Chair Strobel closed the public hearing.

Mr. Burdin read the conditions of approval

1. Security for site work including parking lot and stormwater improvements will be in place within 90 days of approval of the site plan.
 - 1a. finalizing the scope of work with CMA according to the recommendations of this board.
2. All construction on the project will be completed within 4 years of approval of the site plan.
3. The applicant will acquire and provide copies of all necessary federal and state permits to the town
 - 3a. in the case of the DOT driveway permit, the board will accept written confirmation the DOT intends to improve the design for the purpose of final approval. The final permit will be submitted prior to the issuance of a certificate of occupancy.

Ms. B. Smith made a motion to amend the conditions of approval as read by staff. Mr. McCaffrey seconded. Motion carried 7/0.

Chair Strobel called a recess at 8:50 PM

The board returned from recess at 9:00 PM

674:41

Mark and Kelli Wentzell, Map 116 Lot 36, 7 Fiore Road 674:41

Chair Strobel stated that the Board comments were as follows:

Distance to nearest access point is well beyond the 1000 feet. The board recommends against further development in this area.

Master Plan:

Mr. Kreider stated that he and Mr. Gunter have made enough edits to almost be complete.

CIP:

Chair Strobel distributed slightly modified copies. He stated that the only changes are a few projects for the library were removed because they were complete.

Ms. B. Smith made a motion to accept the CIP. Mr. Kreider seconded. Motion carried 6/0/1 Chair Strobel abstained.

Chair Strobel stated that there are 5 items highlighted in green, and those are items that will require a capital reserve fund or warrant article.

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Voluntary Merger

Paul Ross, Map 116 Lot 98

The board signed the merger.

Internal Business

Ms. L Smith stated that the board needed to decide when they would be meeting in November, since the regular schedule had the public hearing falling on Thanksgiving Day. They had originally scheduled it for the 16th, but based on the timing, there would not be enough time to notice the meeting.

Ms. B. Smith made a motion to consider November 30 for the second November meeting, should they receive any new applications. Ms. Baldwin seconded. Motion carried 7/0.

The board discussed potential zoning amendments.

Ms. B. Smith made a motion to adjourn at 10:10 PM. Ms. Baldwin seconded. Motion carried 7/0.

Respectfully Submitted,

Susan Austin, Land Use Secretary.