

**Town of Northwood
Planning Board Meeting
July 9, 2020**

DRAFT MINUTES

1 Chair Strobel called the meeting to order at 7:00 PM.

2
3 Chair Strobel stated: As Chair of the Northwood Planning Board, I find that due to the
4 State of Emergency declared by the Governor as a result of the COVID-19 pandemic
5 and in accordance with the Governor’s Emergency Order #12 pursuant to Executive
6 Order 2020-04, this public body is authorized to meet electronically.

7
8 **PRESENT:** Chair Bob Strobel, Selectmen’s Representative Hal Kreider, Joe McCaffrey,
9 Tim Jandebaur and Victoria Parmele. (all members listed participated electronically)

10
11 **TOWN STAFF PRESENT:** Linda Smith and Susan Austin, Land Use Department.
12 James Burdin, Town Planner.

13
14 **VOTING DESIGNATION:** Chair Bob Strobel, Selectmen’s Representative Hal Kreider,
15 Joe McCaffrey, Tim Jandebaur and Victoria Parmele.

16
17 **CONTINUED CASES:**

18 **CASE 18-13 and 19-20**

19 **Millstone Realty Trust & Ledgewood Realty Trust** 1070 First NH Turnpike Map 211
20 Lots 2,14,15,16,17 and Map 217 Lots 34,35,37 Applicant seeks a Minor Site Plan
21 Review and is proposing an expansion of and existing gravel pit/quarry.

22 **Millstone Realty Trust & Ledgewood Realty Trust** 1070 First NH Turnpike Map 211
23 Lots 2,14,15,16,17 and Map 217 Lots 34,35,37. Applicant seeks an Excavation Permit.

24
25 Wini Young was present to represent the Conservation Commission. Ms. Young
26 presented a letter to the Board outlining the Commission’s concerns and requests for
27 the Board for this application.

28
29 The Northwood Conservation Commission has researched measures to be taken to
30 ensure that a conservation easement can and will be placed on the land involved in
31 Case Numbers 18-13 and 19-20, Ledgewood Realty Trust/Millstone Realty Trust, 1090
32 First NH Turnpike, and the land shown on Map 211 Lots: 2,14,15, 16,17.

33
34 **PURPOSE AND VALUES OF THE BIG WOODS CONSERVATION OVERLAY DISTRICT:**

35
36 • The 2004 Northwood Master Plan states the purpose of conservation overlay districts
37 is to conserve the area’s natural resources that are “important to a regional network of
38 large undeveloped tracts to the residents of Northwood and surrounding communities
39 for wildlife habitat, recreation, protection of underlying aquifers and quality of life.”

40
41 • The 2015 NH Fish and Game Wildlife Action Plan identified the Big Woods area as
42 being amongst the “highest ranked habitat”. • The 2018 Big Woods-Jenness Pond
43 Region of Northwood and Beyond publication reiterates and reinforces these values
44 and describes and documents the history and special features of various areas in the
45 Big Woods. In the production of this publication many Northwood citizens and groups
46 provided input and monetary support to show their interest in this area which has
47 seen little to no conservation or preservation efforts. In respect to these values and

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1 purposes, the Northwood Conservation Commission respectfully suggests the following
2 as conditions of approval of the application of Case Numbers 18-13 and 19-20. These
3 measures will guide the work done on these lots so that the land will be in a favorable
4 condition that a land trust will find worthy of a conservation easement when all work
5 and restoration is completed.
6

7 **ORDINANCES FOR PROTECTION OF CONSERVATION OVERLAY DISTRICTS:**
8

9 • On Nov. 25, 2019 the ZBA granted a special exception for working in the 20-foot
10 wetland setback per ordinance VI.A.4. This also granted the placement of structures
11 (paving and guard rails) in the 20-foot setback.
12

13 • However, the site plan shows two locations where work will be done in the 100-foot
14 setback. One location is at “wetland disturbance site E” (on the road connecting Pit A
15 with Pit B) where the work is described as 12,400 square feet of impact where an 18-
16 inch culvert will be installed with fill placed over it with no paving and with the
17 installation of guard rails. The other location is described as 5150 square feet of
18 impact north of “wetland disturbance site D” involved with the construction of the
19 road to Pit C. This work would need relief from ordinance VI.A.(5)(a) which states
20 “Where the Wetland Conservation Overlay District and the Conservation Area Overlay
21 District overlap, or where there exists a prime wetland, a 100-foot setback area shall
22 be maintained. No structures shall be constructed within this setback. Vegetation
23 within this buffer shall remain in its natural state”.
24

25 **THE CONSERVATION COMMISSION REQUESTS THE FOLLOWING RESTRICTIONS IN**
26 **THE 100 FOOT WETLAND SETBACK:**
27

28 • that these two locations described above be the only locations where work is allowed
29 in the 100-foot wetland setback, if a variance is granted for ordinance VI.A.(5)(a).
30

31 • that no blasting or excavation be allowed in the 100 foot wetland setback and that
32 the planning board ask what measures will be taken by the blasting company to avoid
33 encroachment into the 100 foot wetland setback, when outcrops through which that
34 setback line extends, are blasted and to avoid the necessity of retrieving rocks from
35 the setback and the wetland.
36

37 • that the blasting company provide an explanation of how the fracturing of rock will
38 be avoided in the 100-foot wetland setback. We suggest that the best management
39 practices for blasting be provided.
40

41
42
43 • that the 100 foot wetland setback line be flagged every 50 feet before clearing and
44 logging to maintain the vegetation within that setback and protect the setback areas;
45 and that practices in the Best Management Practices for Erosion Control on Timber
46 Harvest Operations in NH are required to be followed as relates to ordinance VI.A.3.(a)
47

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2 THE CONSERVATION COMMISSION FURTHER SUGGESTS:

3 • that all blasting and excavation be confined to the three described pits and not
4 allowed elsewhere on the land shown on Map 211 Lots 2,14,15, 16,17.
5

6 • that stumps be ground or removed because burying may cause water pollution and a
7 sinkhole hazard. If stumps are spread over the land during restoration, that may
8 jeopardize the easement. The stump grindings could be used rather than silt fencing
9 as erosion control. 3 LedgeWood/Millstone Site Plan June 29, 2020 OFFICE OF
10 CONSERVATION COMMISSION

11
12 • that the location of black gum trees be identified on the site plan for future
13 protection of these trees found in the forested wetlands, per Site Plan Regulation VII.A
14 .5. (m) Some of these trees are over 300 years old.

15
16 • that the planning board view the details of the requirements related to the
17 restoration plan, road construction, and the work schedule contained in the DES
18 wetlands permit. We strongly recommend seeking the opinion of a hydrogeologist in
19 regards to the need for a hydrogeological study to acquire pre-developmental baseline
20 water quality and track potential contamination due to blasting. We request that the
21 planning board hire the town engineer to conduct a third-party review of the
22 excavation and restoration plans and to conduct scheduled inspections to ensure that
23 the conditions of the excavation permit are followed to ensure the land will be in a
24 suitable condition for a conservation easement. We ask that we be given the
25 opportunity to review the proposed conservation easement language and provide
26 comment.
27

28 *Tim Jandebuer left the meeting*
29

30 **VOTING DESIGNATION:** Chair Bob Strobel, Selectmen's Representative Hal Kreider,
31 Joe McCaffrey, and Victoria Parmele.
32
33

34 **Mr. McCaffrey made a motion to continue case 18-13 and 19-20 until July, 2020,**
35 **with the intent to meet under best management practices. Ms. Parmele**
36 **seconded. Motion Carried by roll call vote 4/0**
37
38

39 **CASE 19-6:**

40 **Joseph Carter/Fatherland Family Trust.** First NH Turnpike and Harmony Hill Road.
41 Map 222 Lot 54. Applicant proposes a minor site plan review to build a miniature golf
42 course and refreshment service.
43

44 Mr. Burdin stated that he had received an email from DOT District 6 stating that they
45 have received new driveway plans. DOT is waiting to here a review of the plans from
46 the Fire Chief.
47

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1 **Mr. McCaffrey made a motion to continue Case 19-6 until July 30, 2020 with the**
2 **intent to meet under best management practices. Ms. Parmele seconded. Motion**
3 **carried by roll call vote 4/0**

4
5
6 **CASE 19-17**

7 **Cerebral Development LLC (Chris Meyers)** 126/134 First NH Turnpike, 36 Bean
8 Road and 24 Rochester Road. Applicant seeks to create a Major Subdivision and Lot
9 Line Adjustment between five lots and to create five new lots fronting on a proposed
10 town road. The proposed town road will be 300 feet in length and connect to Route 4.
11 Four of the lots will be for commercial use and one will remain residential.

12
13 Mr. Burdin stated that this case was one that he felt would only need one more
14 meeting. He sent the board documents with some questions from legal that he would
15 like to get some sense from the board on them so he can let legal and the applicant
16 know what they are amenable to do.

17
18 1. Is this property actually in the Agricultural Soils Overlay District? Mr. Burdin stated
19 that the reason for this question was because the applicant needs to state what public
20 purpose the conservation is supposed to fulfill.

21
22 Answer: Taken as a whole site, yes. However, most of the prime agricultural soils are
23 actually along Route 4, and by the time you get to the open space it's local importance
24 at best. I think a different purpose for general character and aesthetics may be a
25 more appropriate underlying purpose for conservation either in addition to or instead
26 of ag soils

27
28 2. Sections A(v) and B(v) conflict. Is it all three lots that can use the open space for
29 loading capacity, or just two of them?

30
31 Answer: As originally described to the Board it was supposed to be just the two lots
32 fronting Route 4 that would share loading capacity between them (as those are most
33 likely of the group to be developed commercially). The Board didn't express objections
34 to the idea, and my position to the applicant has just been to clearly tell us what they
35 want to allow so it's recorded correctly so we don't have to amend.

36
37 3. Section B(i) allows dumping, burning and burying of material originated in the open
38 space. Are you ok with that?

39
40 Answer: The Board hasn't expressed an opinion on this. In theory, if those activities
41 are necessary to maintain the open space property (e.g. burning accumulated brush
42 load to avoid fire hazard) I'm ok with it as a planner as long as there aren't unintended
43 consequences (more difficult to enforce if an abutting lot dumps their own brush on
44 the open space?) That depends on how it will actually be maintained, though. In
45 practice I would be concerned if they cut saplings every year and just left them in a
46 brush pile. Mr. Burdin stated that the applicant was amenable to taking some of that
47 language out so that there would be no dumping, burning or burying of material at all,

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1 but he would like to get a sense from the board how they would feel about that. Mr.
2 McCaffrey asked how the lot would be accessed. Mr. Burdin stated that the applicant
3 wasn't setting any maintenance requirements, they are assuming that this property
4 will more or less remain in its natural state. The disposal that they are talking about
5 would be limbs and leaves, things of that nature. Since the people who would have
6 access to it would be abutters, we would assume that the access to the parcel in order
7 to do the maintenance would be through their own property. Mr. Kreider asked if
8 allowing the burying and burning of materials would interfere with the intended use,
9 agriculture? Mr. Burdin stated that the intended use is something that they are
10 preserving the possibility for, but they are not necessarily requiring it to take place. If
11 there are certain parts of the open space that become unsuitable for agriculture, they
12 will not be used for agriculture. Ms. L. Smith stated that she had spoken with the
13 applicant at one point, and he had expressed a real interest in the possibility of a
14 farmer's market or a community garden in the future. She stated that she wasn't sure
15 that just because the soil isn't designated as prime ag, that there couldn't be some
16 agricultural uses on that lot. She wouldn't discount the applicant's desire to have
17 some sort of agricultural component to it. Mr. Burdin stated that he wasn't
18 discounting the possibility, he simply thought that if they had to take a single purpose
19 out of the ordinance, the one that was chosen doesn't seem to be the best one based
20 on existing conditions. Mr. Burdin stated that he would like to know if the board
21 would like to know if the board would like that language taken out, or is it something
22 that the board isn't overly concerned about and they think that wherever they end up
23 coming down on it with the applicant is fine. Chair Strobel stated that he likes the
24 intent that any material that originates on the can be burned or dumped or buried, as
25 long as it originates within the open space.

26
27 4. In Section C, when there is a reference to "all lots", is that just the three lots
28 identified in the first paragraph?

29
30 Answer: I would assume so, but if it's not clear maybe we ask the applicant to be more
31 explicit. Mr. Burdin stated that he feels this is just a language issue that they need to
32 clean up with the applicant.

33
34 5. Section D(3)(Duration) and Section D(6)(B) are conflicting and duplicative. Also, do
35 you wish to have any amendment to the covenant come back to the board, or just
36 amendments to section 1?

37
38 Answer: I'd defer to you about the best way to resolve the conflict in sections 3
39 and 6.

40
41 Answer: I'd also assume that any changes to 2 (Maintenance), 4 (Enforcement), and 5
42 (severability) would need to come back if there's a chance that any changes to those
43 would undermine the Town's enforcement of section 1. At that point it seems like we
44 may as well require all changes to come back to the planning board to avoid any
45 potential weakening of the conservation.

46

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1 Mr. Burdin stated that the next step would be for him to talk to the applicant, make
2 the changes and send it to legal. Then as soon as they have language that legal is
3 willing to sign off on, it will be ready for a decision by the board.
4

5 **Mr. McCaffrey made a motion to continue Case 19-17 until July 30, 2020 with**
6 **the intent that they meet under best management practices. Ms. Parmele**
7 **seconded. Motion carried by roll call vote 4/0**
8

9
10 **INTERNAL BUSINESS**

11 CIP

12 Selectman Kreider stated that they have not heard anything back from Department
13 Heads.
14

15
16 **Adjournment**

17 **Selectman Kreider made a motion to adjourn at 10:32 pm. Ms. Parmele**
18 **seconded. Motion carried by roll call vote 4/0.**

19

20

21 ***Respectfully Submitted,***
22 ***Susan Austin, Land Use Assistant.***