

**CANDIA PLANNING BOARD  
MINUTES OF February 7, 2007  
APPROVED**

**Present:** Mary Girard, Chair; Kim Byrd, Vice-Chair; Fred Kelley, Selectmen's Representative; Joe Duarte; Susi Nord; Judi Lindsey; Barry Margolin; Dennis Lewis, Road Agent; Rudy Cartier, Fire Chief

**Absent:** Scott Tierno, Alternate; Sean James, Alternate

The Chair called the meeting to order at 7:00 p.m.

**Review of Minutes of January 17, 2007**

Kim Byrd **moved** to accept the minutes of January 17, 2007 as amended. Fred Kelley **seconded**. **All were in favor**. The following amendments were made:

- Page 2, 2<sup>nd</sup> Paragraph, Line 9, add an "s" to the word "abutters".
- Page 2, 2<sup>nd</sup> Paragraph, Line 11, change the word "There" to "Their."
- Page 2, 2<sup>nd</sup> Paragraph, Line 21, change the word "stripe" to "strip".
- Page 2, 2<sup>nd</sup> Paragraph, Line 23, change the word "There" to "Their".
- Page 3, Line 26, add "and recycling center" after the word "dumpsters".
- Page 3, Line 37, change the word "designed" to "reviewed".
- Page 3, Line 39, change the word "undisturbed" to "impervious surfaces".
- Page 3, 2<sup>nd</sup> Line from bottom, remove "on the closeness of the buildings and felt they should be spread out a bit" and add "that there should be less buildings, so it seemed less crowded".
- Page 4, Line 26, change the word "where" to "were".
- Page 4, Line 29, change "exit 1" to "exit 2".
- Page 5, Line 5, add the word "driveway" before "easement".
- Page 5, Line 5, change sentence "Mrs. Griffin said she would apply for the permit" to "Mrs. Griffin replied that she would have a small sign. She further explained that she would apply for a sign permit in the future."
- Page 5, 1<sup>st</sup> condition, add the words "and noted on the plans" after the word "Transportation".
- Page 5, 2<sup>nd</sup> condition, add the words "of approval" after the word "letter".

**Jack Munn's Presentation for the Estuaries Project**

Jack Munn from the SNHPC was present. Mr. Munn explained that over the past year and a half he has been working with members of the Candia Conservation Commission, Candia Planning Board, and the Town of Deerfield to study the streams and rivers to determine what is left of natural undisturbed buffers. He explained that many towns have setbacks in place, but they do not address the issue of the vegetation. The vegetation is the key resource that filters storm water and protects the stream water. Mr. Munn stated that the US EPA has put forward money towards the New Hampshire Estuary Project to help fund studies. Mr. Munn explained that they have a grant to do this work. He stated that they have done some mapping work and documented the shore line areas. He went over a proposed model ordinance that he would like to work with the Planning Board on

to put into a warrant article for 2008. Mr. Munn discussed what needed to be protected in Candia for natural resources protection and talked about some recommendations:

1. learn about and protect your critical habitat
2. designate prime wetlands
3. update your buffer regulations
4. adopt any regulations that reduce urban sprawl
5. promote effective storm water management

Mr. Munn discussed the study and the existing regulations. Currently Candia has in place that “no building activity” shall be permitted within 100’ of any pond, flowing stream, or very poorly drained soil. He explained that it does not protect the vegetation and the SNHPC commission will work with the Board to change it to a 150’ buffer. Mr. Munn pointed out that people can put their septic systems in the building set back. He stated that there was an inconsistency in the zoning regulations and would like to help the Board rectify this discrepancy. Kim Byrd asked if DES would allow them to obtain septic permits. Mr. Munn replied that is all contingent on the soil bearing capacity. DES would look at the individual lots. Barry Margolin asked if the DES would allow it if the soil allowed it and would DES take into consideration the closeness of the river. Mr. Munn replied that they would not consider it unless it falls under the Shore Line Protection Act, which is a state regulation. Kim Byrd asked if the Board should put in a definition for “building activity”. Mr. Munn explained that it should be expanded to include septic systems. Barry Margolin asked if it should include logging. Mr. Munn replied no, logging is a separate issue. Barry Margolin asked if you could log in your buffer zone. Mr. Munn replied yes, because of the way the current ordinance is set up. Mr. Munn referred to the zoning ordinance, Section 10.06A and pointed out that it doesn’t apply to streams, lakes, or ponds. Mr. Munn stated that Candia has a good foundation in terms of a 75’ setback to the wetlands and 100’ setback to flowing rivers and ponds. Deerfield doesn’t have the same standard. They will have to come up to the same standard, so SNHPC can work with both towns. Barry Margolin asked what if one of the towns does not participate. Mr. Munn replied that there is no legally binding requirement that the towns do the same thing, however it makes sense. Kim Byrd asked about the five major recommendations, and are they generic just to Candia. Mr. Munn replied that they are really generic in management ways, philosophies and strategies of any big project. Mr. Munn referred to the statistical data. Impervious surfaces in Candia in 1990 was 2.7% and in fifteen years it has doubled. He further explained that 4.8% is not a lot of impervious surfaces and Candia still has a significant amount of undisturbed land. It’s important that these areas are protected, because if it continues to grow and develop that amount of impervious surfaces will increase quite a bit. Mr. Munn talked about how set backs do not protect existing vegetation in these areas. He explained that there are some options. The state has a 50% cut management philosophy and they want to keep it in place, however basal area calculations are difficult to determine. They would like to eliminate that calculation, which would allow the cutting of a certain number of trees. Mr. Munn further explained that you can cut the trees, but you can not take out the stumps. This committee’s philosophy is to use a point system, modelled after the one the state of Maine and Lake Winnepesaukee use. Mr. Munn stated that he thought the point system was too complicated. The committee felt the 150’ buffer area is a good, scientifically based buffer area. The committee would like to see that area be extended to

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all the second and third order streams. It is not required that a 150' buffer is all vegetative and undisturbed. Mr. Munn explained that they looked at the science and anatomy of buffers.

Mr. Munn presented a graph with the three buffer zones. The first tier is 50' to 100' and is the closest and most sensitive area to the water and needs to be protected. The second tier has building activity, but you want to limit the disturbance. The third tier has 75% disturbance. Mr. Munn explained that they did not want to see an increase in the first and second tiers. The Chair commented that it seems to apply to Deerfield, since Candia does not have any lakes. Betsy Kruse replied that the only ponds effected would be McDonald and Tower Hill Pond. Fred Kelley stated that Tower Hill Pond is protected by Manchester Water Works. Mr. Munn replied then they were looking at second and third order river and streams. Mr. Munn presented a map with second and third order streams in Candia. He presented another map showing how impervious surfaces have increased in Candia from 1990 to 2000, and from 2000 to 2005. Kim Byrd commented that the closest estuary is 15 miles away and will these changes benefit the Candia residents. Mr. Munn replied that the science of the water quality studies, suggests it's the head water streams, the smaller tributaries. They merge together and flow into the larger river. It's the cumulative effect. Mr. Munn explained that it would help the down stream property owners. The Chair asked if the grant has enough money to continue the study. Mr. Munn replied that the project was done at the end of January. The Chair thanked Mr. Munn for the presentation.

**Informational – Dan Scanlon of Grubb & Ellis, 409-118, 334 Raymond Road, use of land**

Dan Scanlon from Grubb and Ellis Coldstream and owner Vittorio Bares were present. Mr. Scanlon explained that the house is located towards the front of the property, there is 500' of frontage, and the property goes back about 2000'. The Chair told Mr. Scanlon that he should refer to the zoning ordinance. Mr. Scanlon asked about the traffic. Fred Kelley explained that it's a state road. The Chair stated that a housing development could not be built on the property. Susi Nord suggested looking at the master plan in addition to the zoning ordinance for some guidelines. Barry Margolin explained that the Planning Board can not give their personal opinions on what to do with the property. There was some discussion on the traffic issues with the water park. The Chair asked if Mr. Scanlon had any specific questions. Mr. Scanlon replied that he was looking for feedback and thanked the board for their time.

**Informational – Raymond Shea of Sanford Survey, 413-111, 424 Old Candia Road, to discuss adding another building on property due to growth of business**

Raymond Shea of Sanford Survey and Carmine Sarno were present. Mr. Shea explained that Mr. Sarno leases the property. Mr. Shea asked if more than one building would be allowed on the property. Kim Byrd replied yes. Mr. Shea explained that the entire site is not paved. They would like to leave it that way if they added the other building. The Chair replied that if it's in the Site Plan or Subdivision he could ask for a waiver. Kim Byrd explained that they are concerned about the amount of impervious surfaces. Mr. Shea responded that the site is mostly unpaved. Kim Byrd explained that hard packed

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gravel can be impervious. Mr. Shea replied they would not alter the drainage or infiltration on the site. The Chair told Mr. Shea he would have to apply for a Major Site Plan and be prepared to use the town engineer. Mr. Shea thanked the board for their time.

**Informational – Duncan Miller of Blaine Street Realty, LLC; 406-200, 13 High Street, to discuss change of use of 13 Street and Minor Site Plan**

Duncan Miller of 221 Blaine Street Realty was present. Mr. Miller told the board that Building Inspector, Bill Hallock sent him to the Planning Board for an occupancy permit for a prospective tenant. The Chair asked about the last tenants and were they in the fence business. The Chair asked about the property being in the mixed use zone and will an auto repair business be going in. Mr. Miller replied that there was a fence business, and he did fleet maintenance. The Chair told Mr. Miller that the zoning has changed in that area. The Chair explained to Mr. Miller that he would have to lease to a business that was allowed in the mixed use. Mr. Miller replied that it's been an auto repair shop since 1967. The Chair stated that the fence place never obtained a certificate of occupancy and the board has requested that the property be cleaned up. Mr. Miller replied that they have been cleaning up the property. Barry Margolin told Mr. Miller the zoning has changed. Mr. Miller replied that there has not been a change. Mr. Miller further stated that the zoning has changed, but the use has not. The use has remained the same since 1967. There was some discussion on Building Inspector Hallock's letter. Barry Margolin stated that if it's in the new zoning, the change of use will not be allowed because the zoning has been changed. Mr. Miller replied that it is Building Inspector Hallock's opinion that there was a change of use. Barry Margolin explained that it is the Building Inspectors job. Mr. Miller replied that it was not the case. If the tenant was doing fleet maintenance, Building Inspector Hallock's opinion was not based on fact. Kim Byrd asked if there were any questions for the Planning Board. Mr. Miller stated that he just wanted an occupancy permit for his tenant. Kim Byrd explained to Mr. Miller that the Building Inspector issues occupancy permits. The Chair told Mr. Miller he could go to the ZBA. Barry Margolin asked about the perspective tenant. Mr. Miller replied that he does auto repair. Kim Byrd read from the zoning ordinance, section 5.02, B-11, and explained that the use is not allowed in the mixed use district. Barry Margolin explained that the use is no longer allowed. Kim Byrd further explained that the previous occupant was grandfathered, but the new occupant would not be. Susi Nord told Mr. Miller that he could go to the ZBA for a variance. Kim Byrd suggested reviewing the zoning ordinance and see what is permitted in the mixed use zone. There was some discussion as to why Mr. Miller was sent to the Planning Board. The Chair closed the hearing.

**Other Business**

**Manseau Bond Release**

There was some discussion on the Manseau bond release. Chair Girard **moved** to recommend that the accrued interest be released to the applicant according to Stantec's recommendation. Fred Kelley **seconded**. **All were in favor.**

**Amanda Soares's Letter of Interest**

The Chair informed the Board Amanda Soares has submitted a letter of interest for appointment as an Alternate for the Planning Board. The Chair decided to table the letter of interest until after the election, due to Mrs. Soares's run for Selectwoman.

**Sign plans of Carol Beck, Map 408 Lot 34**

The Chair examined the plans and found that all conditions had been met. The plans were signed by Chair Mary Girard, Barry Margolin, Susi Nord, and Joe Duarte.

**ARC**

An Application Review Committee consisting of Kim Byrd and Judi Lindsey was scheduled for February 21, 2007 at 6:30 p.m. The application to be reviewed is a Minor Subdivision by Richard Hobbs of 64 Adams Road.

The Chair mentioned that they would not be doing the Boy Scout packets this year. Instead the money would be put towards copies of the proposed zoning amendment.

Joe Duarte **moved** to adjourn at 9:05 p.m. Kim Byrd **seconded**. **All were in favor.**

Respectfully submitted,  
Andria Hansen, Recording Secretary