

**CANDIA PLANNING BOARD
MINUTES of July 18, 2012
APPROVED**

Present: Sean James, Chair; Albert Hall III; Kim Byrd; Judi Lindsey; Steven Bradley; Mark Siemonsma, PB Alt; Fred Kelley, BOS Rep; Dennis Lewis, Road Agent; Dick Snow BOS

Absent: Ginny Clifford

Chair James called the meeting to order at 7:00pm, immediately followed by the Pledge of Allegiance. Chair James asked Mark Siemonsma to sit for Ginny Clifford.

Minutes June 20, 2012

F. Kelley **motioned** to accept the June 20, 2012 minutes as presented. A. Hall **seconded**.
All were in favor.

Continuation Minor Subdivision Application: Sarah H Giles Revocable Trust, 112 Lane Road Candia NH 03034; Property Owner: Same; Property Location: 112 Lane Road, Candia NH 03034, Map 414 Lot 148; Intent: To subdivide into 2 lots, new lot 3.105+/- acres leaving existing home with 6.843+/- acres. Jim Franklin Surveyor was present for the applicant. There were no abutters present. J. Franklin said he received a letter from the Natural Heritage Data Base that said no significant wildlife was found on the property. He also received a letter from the Division of Historical Resources saying their review was done. He said the Wetlands Board received their application as complete 2 ½ weeks ago and they are waiting for their review.

Chair James said the plan was to be revised to include a note about the trees and new location of the driveway. J. Franklin said the revised plan has not been completed yet. He said he is waiting for the approval from the Dredge and Fill Application, just in case they decide that the driveway needs to be moved which would require him to come back for another review. He said he would make all the changes at one time. J. Franklin said he would like to request a continuance to the next scheduled meeting specifically the second meeting in August on the 15th. He said he does not anticipate the Dredge and Fill Application to be approved by the first Planning Board meeting on August 1, 2012.

A.Hall motioned to grant the continuance until the August 15, 2012 meeting. J. Lindsey **seconded**. **All were in favor.** Chair James closed the hearing saying the hearing has been continued until August 15, 2012. He said there will be no re-noticing for the continuance.

Minor Subdivision Application: E. Dwayne Critchett, 345 Critchett Road Candia NH 03034; Property Owner: Same; Property Location: 345 Critchett, Candia NH 03034, Map 407 Lot 054; Intent: To subdivide into 2 lots, new lot 3.104+/- acres leaving existing home with 11.191+/- acres. Dwayne Critchett and Jim Franklin surveyor were present and no abutters were present. Chair James said there was an application review meeting held on June 28, 2012. He said they found it generally complete with the exception of nine waivers that have been requested. There was an issue on the way it was submitted as a Minor Subdivision as it falls under a Major Subdivision because there is a potential of 4 or more lots that can be created. Chair James said there have been ongoing negotiations of a Conservation Easement and if that was in place than it wouldn't be further sub dividable. He said it is up to the Board to accept the application as a Minor Subdivision or a Major Subdivision. He said if the Board accepts the application as a Minor Subdivision then they can continue and look at the waivers and the plan itself, if not the application

can be resubmitted. Chair James said he has not heard of anyone who had any problems or issues with the plans.

D. Lewis said the Rockingham County Conservation District; holder of the easement requires the subdivision be done first. He said the deed is all written and the Conservation Commission has voted to fund it and after that it is just a matter of getting the Planning Board approval and the Board of Selectmen approval.

F. Kelley said the question of which should come first was sent to Town Attorney and he said the subdivision had to be completed and recorded first before the easement could be done.

A. Hall **motioned** to accept the application as a Minor Subdivision for review. J. Lindsey seconded. S. James, J. Lindsey, A. Hall, F. Kelley, M. Siemonsma, S. Bradley **were in favor**. K. Byrd abstained. **Motion carried (6-0-1)**.

Chair James reviewed the letters from the Road Agent, Police Dept., Fire Dept. and the Building Dept. He said D. Lewis Road Agent did not see any issues obtaining a driveway for the proposed lot, M. McGillen, Police Chief said he found no safety concerns, D. Young Fire Chief offered general comments with no issues and D. Murray Building Inspector did not see any issues either.

J. Franklin asked if the Board had received the current use letter and the Board did not. He said a perimeter survey of the property was done. A topographic survey and wetland delineation was done on proposed lot 54-1. J. Franklin said if the Conservation Easement goes through the remaining land on lot 54 approximately is 11.2 acres with the exception of a 2.5 acre around the existing buildings would be put into conservation. He said he did not note this on the subdivision plan because he felt it had no bearing on the subdivision plan.

J. Franklin briefly summarized the waivers. He said on Waiver #5 he does not have the proposed easement and said the BOS and the Conservation Committee have the easement and he was hoping they would have given a copy to the Planning Board. Chair James said if there are no more comments or questions he will go through the waivers.

Waiver #1

Chair James read waiver #1, *“that classifies this application as a Major Subdivision, because A) this land cannot be further subdivided as evidenced by the proposed, and agreed to, conservation easements and restrictions; B) this application is for one, single family lot. The Candia Subdivision Regulations define a Major Subdivision as “The subdivision of land into four or more lots, plats or other sites for the purpose whether immediate or future, of sale or building development...”* J. Franklin said his first waiver defines the difference between a Minor and Major Subdivision. He said if the Conservation Easement is not executed then the applicant would have to come back to further subdivide. Chair James said the classification of the application whether Minor or Major Subdivision was addressed when waiver #1 was granted to accept the application as a Minor Subdivision. J. Franklin said the waivers requested have to do with the topographic survey, soil mapping, and wetland delineation for the entire piece as opposed to the 3 acre lot and the opinion by an Engineer for the remaining land which is 11.1 acres for subsurface disposal.

Waiver #2 *“5.06b-2 requires surveying and showing all buildings within 200’ of the subdivision, because this places an undue financial hardship on the applicant, in light of the intended use of the land.”* A. Hall **motioned** to grant waiver #2. J. Lindsey **seconded**. S. James, J. Lindsey, A. Hall, F. Kelley, M. Siemonsma, S. Bradley **were in favor**. K. Byrd abstained. **Motion carried (6-0-1)**.

K. Byrd said he is not in favor of any of this as anyone can say it is a hardship for any applicant for any application. He said he does not see anything that sets this apart from any other subdivision but if the easement was in place then it would make it different. He said he would like the wording on the motion to include contingent upon the granting of the easement being executed. Chair James said that could be made a condition. J. Lindsey suggested grouping the waivers

together and adding wording that the waivers are contingent on the signed easement. J. Franklin said it is a technical housekeeping item in case an abutter came forward they could appeal the Planning Board's decision and overturn it on a technicality. It was the consensus of the Board to amend #2 and group it in with Waiver #2 through Wavier #9" The Waivers were read into record.

Waiver #2 through 9

"Waiver #2 - 5.06-2 requires surveying and showing all buildings within 200' of the subdivision, because this places an undue financial hardship on the applicant, in light of the intended use of the land.

Waiver #3 -5.06-3 requires surveying and showing all driveways within 200' of the subdivision, because this places an undue financial hardship on the applicant, in light of the intended use of the land.

Waiver #4 5.06f & 10.06e requires showing contours at 5' intervals, because remaining land cannot be subdivided as evidenced by the proposed conservation easement, and restrictions.

Waiver #5 5.06h-1 & 10.06i, 2, 3,4 that requires providing copies of proposed easements, deed restrictions, and deed covenants. These documents are in the possession of the land owner, Conservation Commission, and Selectmen.

Waiver #6 – 5.06-2 & 10.06i, 2, 3, 4 that requires providing copies of proposed easements, deed restrictions. These documents are in the possession of the land owner, Conservation Commission, and Selectmen.

Waiver #7 – 5.06i & 11.07 that requires the opinion of a professional engineer that a suitable site for subsurface disposal systems exists, in light of the fact that the present residence on lot 54 is occupied, and has a septic system. Test pit and percolation data has been obtained for lot 54-1.

Waiver #8 – 10.06f that requires providing soil maps, because the remaining land cannot be subdivided as evidenced by the proposed conservation easements and restrictions.

Waiver #9 – Is the requirement for delineating the wetlands on lot 54, because the remaining land cannot be subdivided as evidenced by the proposed conservation easement, and restrictions."

A.Hall **motioned** to amend the previous motion on waiver #2 to include contingent on the granting of the conservation easement. K. Byrd **seconded**. **All were in favor.**

A.Hall **motioned** to grant waivers #3 through #9 contingent on the granting of the conservation easement. J. Lindsey **seconded**. **All were in favor.**

Chair James asked if there were any comments on the plan itself. He said he saw only two items, the current use letter and the setting of the new granite bounds.

F. Kelley **motioned** to approve the Minor Subdivision 345 Critchett Road Map 407 Lot 054 to create one new lot Map 407 Lot 054-1 with 3 conditions to be met; the current use letter, execution of the conservation easement and setting of the new granite bounds. J. Lindsey **seconded**. J. Lindsey, A. Hall, F. Kelley, K. Byrd, M. Siemonsma, S. Bradley **were in favor**. S. James **was not in favor**. **Motion carried (6-1).**

D. Snow suggested having the Planning Board and Conservation Commission together when the plans and easement are signed. Chair James said he wanted to keep the Planning Board separate. It was suggested to give 60 days to complete the conditions but J. Franklin said 30 days was fine and that he could have the plans ready to sign by August 1, 2012.

F. Kelley **amended** the motion to add conditions to be met in 30 days. A. Hall **seconded**. **All were in favor.**

Other Business

Candia Crossing Update

Scott Komisarek and John Cole were present. They came to update the Board on the Candia Crossing project. S. Komisarek said the market dynamics since 2008 have changed significantly, so they feel the proposed project is probably not feasible. They have been waiting for the economy to

turn around and now realize it is a whole new world so what they did is sought out some of the best planners in NH and sat down with them. They are looking at low impact development with renewable energy and agricultural uses. S. Komisarek said looking at Candia's ordinances the 3 acre minimum lots do not fit well on the site. He said it is very important and he is very aware that density is a major concern because with more density you have more school children in the system which becomes a burden for the town and the taxes go up and they do not want this to happen. He said they are looking at intelligent ways to deal with this and to do a physical impact analysis looking at 1 bedroom homes.

S. Komisarek said his objective tonight is to establish whether the board was open to discussion for a model ordinance for sustainable communities that include agricultural and renewable energy such as geo thermal and low impact development that would benefit the town and themselves. Chair James said in the past there have been negative reactions to denser population. J. Lindsey said a good avenue to do this would be to bring their ideas to the ZRRC. S. Komisarek said they would like to get a model ordinance drafted and voted on in March so they can come back to the Planning Board with their new project. M. Siemonsma asked if they had any conceptual designs in mind. S. Komisarek said they do but do not want to commit a lot of resources to develop it if the town is not receptive to them. Chair James said as far as a warrant article for 2013, there is time to work on it and get done by December, for the public hearing in January to get the zoning changes on the ballot in March. S. Komisarek said if the Board is not open to working with them they may have to sell and a developer that could come in and push the work force housing like what was done in Hooksett.

S. Komisarek said the bond is not due to be renewed until August and he asked if they could lower the bond as it is a very stable site. D. Lewis said he would have to do an inspection with the Town Engineer.

Chair James suggested they come to the next ZRRC meeting and present their ideas and thanked them for their update. S. Komisarek and J. Cole thanked the Board for their time.

Capital Improvement Plan update

Aaron Lachance from Stantec passed out a draft. He said he would keep it brief since it was getting late. He said he had pulled together all the draft documents and now they need to start the CIP meetings. He said his understanding is the Planning Board themselves are going to handle the meetings and not assign a committee. He said he needs to interface with department heads on their funding mechanisms. He said he needs more information but only requested it today. A. Lachance explained a CIP update is a 5 year plan for the town to plan for capital assets that will be expended.

Chair James said they have two impact fees that are contingent on the CIP. These fees are assessed on new homes and the money goes directly to projects identified in the CIP. Chair James asked about refunding of impact fee money. A. Lachance said if the money is not used within 6 years the money is returned.

A. Lachance said he would like to discuss how the Planning Board wants to proceed. A. Lachance felt the previous CIP was more of their opinion and he wants to capture the Board's opinion on the update. He said the draft has boiler plate information and felt more could be added. He said he is open to total revision or just updated information. Chair James said it would be good to have the Board read the draft and see if there are any questions and then meet in another month.

A. Lachance said he still needs more information such as anticipated funding sources whether it would be a warrant article one year, capital expense, capital reserve or if the project would be bonded.

K. Byrd asked about the expanding and replacing of the gym at the school being rated "R". A. Lachance said it is rated "R – Research, pending results of ongoing research, planning and

coordination.”He said each department gives their priority ranking even if it is beyond the five year period. He said it is better to over include then under include items. He said the priority ranking is done by the department heads then the Board will have to rank all of these as well and decide between the departments what the priority ranking will be. J. Lindsey asked about the D rating and N rating. A. Lachance said “*D-Desirable Needed to improve quality or level of service, N – Necessary Needed to maintain existing level and quality of community services.*” He said the priority system ranking is on page 5 of the draft. He said the CIP helps to allocate capital costs over the 5 year period and make sure they are not overloading any particular year. He said they also need to understand the revenue that is going to be generated by the town over this period and make sure there is no spending beyond the revenue that is being taken in.

A. Lachance said when they have workshop sessions they need to include dept heads and critical decision makers in town to make sure the document that is created is a real document. He said some towns do not follow their CIP and only complete it because they have to because it is required.

Chair James asked the Board to read the draft, so they can come back and discuss it in August. F. Kelley said the Planning Board should make the meeting strictly for the CIP update. Chair James said if the Board has any questions to send them to him and he will get them to Stantec. A meeting date was discussed and A. Lachance will come back to the September 5, 2012 meeting. Chair James thanked Aaron Lachance for his presentation.

Granite State Future

A.Hall said he will draft up a short report for the next Planning Board meeting. He said the Granite State Future Committee will be meeting again in September.

Thompson Brown Road Court Case Update

Chair James said himself; J. Lindsey and A. Hall attended the court hearing along with Town Attorney on July 11, 2012. He said both sides were given 15 minutes to present their case, all paperwork was submitted and now the judge will go over the evidence and make her decision. Chair James said there are 3 options that may occur. The first would be to uphold the decision and then they can appeal to the NH Supreme; second they can deny it or third deny it in some form but give direction such as in the AT & T case. He said they should hear something back in 30 to 90 days. Chair James said they have the paperwork from Town and Plaintiff which will be scanned and send to the Board. S. Bradley asked if the wetlands were protected. He thought in NH you couldn’t touch where cat tails were and they are going to allow driveways? Chair James said DES does allow wetland crossing but a Minor Dredge & Fill Application or a Major Dredge & Fill Application has to be done.

S. Bradley **motioned** to cancel the August 1, 2012 meeting due to lack of applications. A. Hall **seconded. All were in favor.**

The next scheduled Planning Board meeting is August 15, 2012 at 7pm at the Town Hall, immediately following is a ZRRC meeting.

J. Lindsey **motioned** to adjourn at 8:45pm. A. Hall **seconded. All were in favor.**

Respectfully submitted
Sharon Robichaud
Land Use Secretary