

CANDIA PLANNING BOARD
MINUTES of January 16, 2013
PUBLIC HEARING
APPROVED

Present: Sean James, Chair; Ginny Clifford, Vice Chair; Albert Hall III; Judi Lindsey; Kim Byrd; Fred Kelley, BOS Rep; Dick Snow, BOS

Absent: Steve Bradley; Mark Siemonsma, Alt; Amanda Soares BOS Alt Rep

Chair James called the meeting to order at 7:00pm immediately followed by the Pledge of Allegiance.

Minutes November 7, 2012, December 16, 2012

A.Hall **motioned** to accept the Minutes of December 16, 2012 as amended. J. Lindsey **seconded. All were in favor.**

The minutes of November 7 were deferred to February 6, 2013.

Chair James opened the Public Hearing at 7:05pm.

Public Hearing Petition Zoning amendment to the Candia Zoning Ordinance for the 2013 ballot.

“To rezone Map 407, Lot 66 & 71 from Residential Zoning District to Commercial Zoning District, Section 4.03 Zoning District. These adjacent lots have existing access from Route 27 in Raymond. Rezoning will allow for rock quarrying, excavation and other commercial uses permitted in the commercial district, which may provide the Town with more tax revenue.

Chair James explained once the Petition Zoning Amendment is read the Board will discuss the amendment and then it will be opened up for discussion to the audience. He said regardless of how the Board votes the Petition Zoning Amendment will be on the ballot. He said tonight the Board votes to recommend or not recommend the amendment. K. Byrd asked how many signatures were on the petition and if they were verified as Candia residents. Chair James said there were 30 signatures and F. Kelley said they had not verified the signatures yet.

Joe Coronati, Jones & Beach Engineers said the property is located on the edge of town abutting Raymond. He said the property has been used for years as an excavation quarry in Raymond and partially in Candia. He said there is a lot of history on the property. The reasoning behind asking for rezoning is most of the land surrounding these pieces is commercial and the lots are more suited for commercial. He said it is commercial in Candia along 27 on both sides except for a small area right before the Raymond line where these lots are and continues commercial on both sides down Route 27 into Raymond. He said these two lots are connected and assessed through the adjacent lot in Raymond. He said part of developing this land is to get it to a point where it is level and usable. J. Coronati said the land in Raymond is all level and the property owner wants to reach that point with these two parcels. Once this is done they could be commercially developed.

J. Coronati said there is a natural divide (wetland) in the property where the property owner would be willing to zone the commercial up to this natural divide to be used as a buffer for the neighbors. Chair James said they cannot change or modify a petition warrant article. J. Coronati said the property itself is mostly rock and would be difficult to use residentially without making shape changes to it that would require blasting. He said the two lots are contiguous with the lot Mr. Cole owns in Raymond which is commercial and they are in close proximity with other commercial land on route 27 in Candia. He said these lots have good quality rock suitable for a quarry or rock pit and there are no other commercial areas in Candia that have suitable soils and rocks.

J. Coronati said if the petition goes forward and is zoned commercial they will come back to the Board for an excavation permit to start the process of shaping the site for future redevelopment. He said it is a business use that would be beneficial to the town and already visible. He said it is a

benefit to the town and community to have this material available and he said unfortunately you cannot have a quarry just anywhere you have to go where the rock is. He said it is quality material which is hard to find as not every ledge is useable because there are standards on hardness of rock for different things such as concrete and asphalt and this ledge meets all those requirements. He continued there is a need for stone in this area for roads, developments, other businesses etc.

B. Chivers, 165 Depot Road wanted to know how many abutters there are and if they had been notified. J. Coronati said he did not know the exact number and said there are approximately 6 abutters with 4 houses on Island Road. Chair James said he checked with town attorney and notice to the abutters was not required. Charles Bowman 438 High Street said having served on the Planning Board for a number of years found spot zoning never worked and was not an effective way to create zones.

Jack Collins, Collins Heating and AC from Deerfield said he uses gravel quite a bit for the work he does such as geo thermal heating which requires trenching and said it is convenient to buy local and save customers money in trucking. He said it would benefit the customer to get the rock locally.

Craig Barbin owner of Cutting Edge in Candia said it is beneficial for a business like him which is in close proximity to the gravel pit because if they are busy they are busy. He said being off the beaten path this would benefit any business in this economy. Jed Brewer worked for Kevin Cole 12 plus years and would like to get back to work again.

Shawn from Shawn's Pools Service, Deerfield said he installs pools locally in Candia, Deerfield and Raymond and when the pit was open he would buy material from them. He said it is more convenient and less expensive for the customers if he can buy locally as trucking is expensive. He said he is in favor of local business which would create more jobs.

Brentwood fuel company owner said he has been working with the Coles for over 6 years on the Raymond side fueling their equipment. He said he fuels businesses with processing plants in the seacoast area and said Mr. Cole's business is by far always the cleanest. He said they keep the dust down and he can go in and out without getting his vehicles covered with dust unlike most places he fuels. He said Mr. Cole has a base business where he is taking a raw material that can be used by a large number of businesses. He said the material ranges from large gravel used for roads to fine dust used by Pool installers. He said it is high quality product and being able to let them continue would benefit not only him but many other businesses. He said as far as spot zoning he was not sure how long it has been residential but appeared to him to be commercial all the way through Candia and on into Raymond. He said he appreciates the opportunity to speak and hopes the Planning Board would recommend this article.

Scott Denovich from Deerfield always thought Route 27 was a commercial zone and asked the Planning Board to consider the future potential commercial use and revenue that the two lots would bring to the town.

Joe, owner, of All Face Paving and Excavating out of Raymond, said he is coming up to his 10th season and he used to go to Mr. Cole's pit on a daily basis, knowing he would get good quality product while supporting a local business. He said he likes knowing money spent stays locally compared to other companies like Pike and Aggregate which are both European based.

Dick Fisher said he has been around Candia for a long time and he said most of the people in the room and on the board know him. He has been involved with several commercial operations one of them West Epping Water Company delivering water to Epping and Freemont as a Raymond Public Utility he used to buy a lot of material from Mr. Cole. He said it makes him feel good to spend locally and that when he called for gravel and sand, someone he knew would deliver the material. He said there are a lot of people who cannot pay residential taxes and said the only way to balance this is with commercial development. He said this is a great opportunity to turn this land into a profitable commercial property which Candia needs to help balance the tax base. He said he couldn't see a better place in town for commercial than right there and it would be doing a great

service to the town and town's people if the Planning Board voted in favor to support the article. He thanked the Board for their time.

Chair James asked if the Board had any comments and G. Clifford asked if the gravel pit owners were present and asked about the relationship with the town and how things have gone with his business and their relationship with Raymond. K. Cole said everything is fine with Raymond and they have permits. He said he bought the property in 1997 and when he bought the property it was a grandfathered pit per the deed. He hired an engineer and an attorney to see what he could do with the property. He said he could show them his excavation permit from the town that he had for three years to work and expand in Candia and they expanded and that is when everything started. He said the Town of Candia did not agree with what their attorney said they could do and had done and now they are in court with town because they were told they could do something that the Town now said they couldn't do. He said he was doing what his attorney and engineer told him he could do and he wasn't doing anything secret or underhanded. He said there is bad history with town they are trying to resolve it and make it so they can continue operating their family business. He just wants to resolve everything and move forward. He said if it is zoned commercial he will come forward to the Planning Board with a plan that would have regulations they would have to meet concerning dust, noise and water.

A. Hall asked what the neighbors' feedback was when they blasted in the past. A neighbor in the audience said his house shook and his foundation cracked and that the blaster took care of it. Mr. Cole said they no longer use that blaster and the blaster did fix all their problems. A. Hall asked if there would be more blasting and K. Cole said there would be more blasting. He said there is a good resource for 20 years and when finished the area would be all flat like Raymond and suitable for commercial business. He said his vision is to develop as they go and bring in commercial buildings to help the tax base in town. Mr. Cole said when they first started in Raymond the land was not useable for commercial buildings and now they have 7 acres of flat commercial land in Raymond that can be developed. He said he does not believe it is spot zoning as it is contiguous with his commercial lot in Raymond and then 1000' feet into Candia it is commercial again.

J. Lindsey said she had concerns for the residents that live there. They are living in a residential zone and to change the zoning may have an impact on their water, foundations, and noise level. S. James said he is not against development and commercial business in town, but there are areas set up for this. He said if this rezoning article had come from the Planning Board or if they were trying to extend the commercial zone to the Raymond line, that would have been different but he said it appears very specific to these two lots.

Shawn from Shawn's Pools Service from Deerfield said this business has been going on for 15 years in Raymond and they just want to continue on these lots that are adjacent in Candia. He asked if there have been a lot of complaints. Mr. Cole said there have not been any complaints.

Brentwood fuel company owner said in reference to the comment on noise, there are noise ordinances in place that have to be followed and monitored and the same is true of water. He said he understands they do not want water or noise pollutions but there are ordinances in place to protect the residents. K. Cole said he would like to say they do pre-blast surveys and where the law states they only have to do a 100' survey they do 1000' and he offers to do them annually when they were operating. He said he has an insurance company in case anything goes wrong. He said the blasters are licensed and know what the regulations are. He said he follows the Health Administration and the noise is quiet and after 15 years of being in operation there have been no complaints.

Abutter Mark Pepper, 376 Critchett Road, said he lives about ½ mile from the pit. He said he does not buy anything from Mr. Cole and said his only concern out of all of this, is if the Planning Board fails to pass the article, which would cause Mr. Cole to pull his business, what is going to be done with the eyesore that is left? He said he does not want to look at the eyesore and because he is not allowed to clean up, it is left as an eyesore and will the Town of Candia be left to clean up?

Chair James said to be clear all they are doing tonight is voting on whether to recommend the article or not recommend the article. Then it will go to the deliberative session where there will be more opportunity to discuss it. From there it will go on the ballot and ultimately the town votes on it.

J. Coronati asked to address the reference to spot zoning. He said these lots are very close to the commercial land on Route 27 and abuts commercial land on Route 27 in Raymond. He said the distance from the property to the commercial area is very close and it creates more of a contiguous commercial area. He said it is not spot zoning in the sense that it is out in the middle of residential area in the middle of Candia. He said these lots are on Route 27 surrounded by commercial property to the west and east.

A. Hall asked if he understood the business would be dead in the water unless they can use the property. He said he goes by everyday and sees equipment moving around. K. Cole said the Raymond side has been depleted and they have a variance to crush rock in Raymond but they cannot remove the rock from the two properties in Candia that are adjacent. He said they have nothing else they can do but a reclamation plan that they have been discussing with the Town. He said if they cannot move forward and get rezoned their only choice will be is to build houses and it is a tough piece of property being all ledge with a large hill in the middle of the property. He said it is better suited for commercial use. A. Hall asked if the homes would be in Candia and Mr. Cole said yes. He said they are willing to only do the quarrying up to the brook that will leave an approximate 1000' buffer to the residents. He said they are trying to be developer friendly.

Craig Barbin, owner of cutting edge in Candia, asked what the definition of spot zoning is and said he feels spot zoning is someone with 3 acres that wants to be commercial. This property is large and is contiguous with commercial property in Raymond and close to the commercial property in Candia. Chair James said we do not have a legal definition for spot zoning but said in general it is zoning specific to a parcel that is somewhat removed from that use.

K. Cole said right now it is residential land and they could come forward for a development to develop this land. He said they would still need to remove the 100' of the hill which would require blasting to meet road standards. He said he wants to make it a quarry. He said it will be a tax benefit to the town to be a commercial not a residential subdivision that would mean more children in the schools.

Chair James closed the Public Hearing for input. He asked for a vote of who was in favor and who was not in favor of recommending this warrant article. All 6 Board members voted against recommending the warrant article. Chair James closed the public hearing and said the warrant article will now go to the deliberative session which is Saturday February 2, 2013 at 9:00am at the Moore School where they can discuss it further. He thanked everyone for coming.

Other Business

Crowley Road Deed

Chair James said they had received a copy of the deed of a strip of land that was deeded to the Town from Harbor Street Limited Partnership. It is the property lying between lot lines and the traveled way of Crowley Road as shown on the subdivision plan Tax Map 414, Lot 090.

Thompson Court Case

Mr. Thompson is required to file his brief by February 13, 2013 and the town of Candia's brief will be due March 15, 2013 then it continues the process.

State of NH's Ten-Year Transportation Improvement Program FY 2015 – FY 2024

Chair James said the general process is towns recommend to their planning commission projects to go forward i.e. widen road, fix any intersections then these projects go through a process and the proposed projects may or may not make it into the Ten-Year program. SNHPC is asking for an update on what the town may have for projects. D. Snow said they have 2 road safety audit applications submitted. He said one is where 27 meets the spur/triangle and where 43 meets a spur/triangle. He said they are in for road safety audits but not sure if they fall under this program

as they may be more of a safety improvement project. He said he is not aware of any other road projects on state roads presently being asked to be put in this program. Chair James said he had talked about safe routes to schools before but there was not much interest. Chair James confirmed with J. Lindsey if the school is evacuated, the plan is to go to the CYAA which crosses a state road without shoulders or sidewalk. D. Snow said that is an excellent opportunity to address this looking at the master plan but realistically they would need to acquire land all the way to put in sidewalks and in the current 10 year plan there is no money to do this. He said they can't require people who own lots along there to put a sidewalk in. Chair James said it's not whether there is money to do the project but whether it is a good project to put in the Ten-Year Program. He said the committee for the Ten-Year program will decide if it is worthy of the funds. D. Snow asked about the Charette. He said the Town needs to seriously look at what it wants to look like 10, 20 40 years from now and start thinking in those terms.

Capital Improvement Plan (CIP) Update

Chair James asked F. Kelley about the status of volunteers to the committee. F. Kelley said it has been approved by the BOS and he had sent a letter to all the committees asking if they had someone who may be interested in being on the committee and said so far only D. Snow from the BOS has come forward. D. Snow said the Conservation Commission has someone. F. Kelley said he has not seen a letter of interest come to the BOS yet. Chair James asked if town departments such as public works, fire or police would be automatically on the committee. F. Kelley said they have all been asked. D. Snow said when they start working on the CIP again in April it may raise questions that will spark interest. Chair James thought town departments will be on the committee. F. Kelley said we can't make them. Chair James said the lists received from departments need to be prioritized and he would like their input on prioritizing. Chair James said the Ten-Year plan may be good for this committee to look at.

SNHPC Certified Site Plan

Chair James said Jack Munn from SNHPC is coming in February 6, 2013 to talk about it. He has language to be added to the Major Site Plan review. Certified site Plan is a program that provides an opportunity for property owners to receive site recognition to specific eligible sites and/or buildings. The idea is to have the sites pre-certified to meet certain criteria and be marketed region wide, so if a developer comes to the town looking for a certain type of site we can assist them for suitability. G. Clifford said it appears to be a process to clarify what a piece of land is suitable for.

NH Community Planning Grant Application

Chair James said J. Munn from SNHPC sent a draft of the NH Planning Grant that was discussed at the last meeting where they are looking to combine and update the Subdivision and two Site Plan Regulations and possibly the earth excavations. He said J. Munn said it is due February 12, 2013 and asked if it has to be presented to the PB and or the BOS who would sign it for the town. F. Kelley said the chairman of the Planning Board would sign it. He said it needs to be sent to the BOS for review and he can get back at the February 6, 2013 meeting with their review. G. Clifford said is the BOS aware of the money needed to match the grant cost share.

The next scheduled Planning Board meeting is February 6, 2013 at 7pm at the Town Hall.

NOTE: Waiver Request is continued to FEBRUARY 6, 2013: for Candia Crossing

A.Hall **motioned** to adjourn at 8:15 pm. J. Lindsey **seconded**. **All were in favor**.

Respectfully submitted,
Sharon Robichaud Land Use Secretary