

**CANDIA PLANNING BOARD
MINUTES of March 20, 2013
PUBLIC HEARING
APPROVED**

Present:, Sean James, Chair; Albert Hall III; Judi Lindsey; Kenneth Kustra, Fred Kelley, BOS Rep; Dennis Lewis, Road Agent; Dave Murray, Building Inspector; Dean Young, Fire Chief; Carleton Robie, BOS

Absent: Ginny Clifford, Mark Siemonsma, Kim Byrd

Chair James called the meeting to order at 7:00pm immediately followed by the Pledge of Allegiance. He welcomed Kenneth Kustra to the Planning Board and welcomed back Albert Hall III; both were elected to the Planning Board on March 12, 2013.

Minutes February 20, 2013

The minutes of February 20, 2013 were deferred to April 17, 2013.

Continuance of Waiver Request: John Cole & Scott Komisarek 38 & 39 Fieldstone Lane, Candia NH 03034; Property Owner: Candia Crossing LLC 38 Fieldstone Lane, Candia NH 03034; Property Location: High Street, Candia NH 03034, Map 406 Lot 016; Intent: Request waiver of Section 5.06: 14 Maximum Building Height.

Chair James said that John Cole submitted a request via email to continue the waiver request until April 17, 2013 because he wanted Scot Komisarek to be present. Chair James said this will be the only announcement for the continuance. A. Hall **motioned** to grant the continuance of the waiver request until April 17, 2013. J. Lindsey **seconded. All were in favor.**

Continuance Major Site Plan Application: Millennium Engineering, Inc., 13 Hampton Road, Exeter NH 03833; Property Owner: Vignette LLC 20 Steppingstone Road, Nottingham NH 03290, Property location: 378 South Road, Candia NH 03034, Map 410 Lot 150, Intent: To construct a 4800 sq ft addition to existing building in the LII District.

Eric Paquette, Vignette LLC and Dale Gienapp, AIA Gienapp Design Architecture were present for the applicant. Town engineer Aaron Lachance, Stantec was present.

Chair James reopened the public hearing on the continuance of the Major Site Plan Application, 378 South Road. E. Paquette gave an overview of the project for the new Planning Board member. He said they currently have an existing 12,000 sq ft building with 3 bays where they fabricate structural steel for bridges. He said in order to make operations more efficient they have proposed a additional bay which runs the entire length of the building. It is 29' wide, the maximum width to stay within all the setbacks and on top not running the entire length will be the new office location. He said the temporary trailers will be removed.

Chair James said for the benefit of the new member who wasn't at the first meeting last month he explained that the town engineer Stantec had a list of comments that the Board went through and the majority have been addressed except for the comments in the most recent letter dated March 12th with only a few comments left to be discussed tonight.

Chair James read the waiver request dated March 7, 2013; 8.03A – Driveway and Parking Areas: All driveway and parking areas shall be topped with bituminous asphalt on an engineered sub base. A. Hall **motioned** to approve the waiver request from section 8.03a to allow parking to remain gravel. J. Lindsey **seconded. All were favor.**

Chair James asked the applicant if they had talked to their fire protection engineer about the use of sprinklers. D. Gienapp said sprinklers are not required by code for the building because it is non combustible construction and they have a letter from their building construction consultant. Chair James said the Board had not received the letter yet and E. Paquette said the letter will be submitted. Chief Dean Young said he had had a discussion last month with the applicant and they had agreed that they would get

together on a monetary agreement. He said the sprinklers and cistern are a non issue.

K. Kustra asked about a fire break between the new bay and the offices above. D. Gienapp said there is a one hour rated floor assembly and they had arranged the building so the stair case is not fully enclosed and technically is outside. K. Kustra asked if there was another egress for the office space and E. Paquette said there is another egress off the back of the building. D. Gienapp said technically the size of the building and the distance of travel of the addition falls into a business use with only requires one exit but they are providing an access out the back as shown on the upper floor plan.

Chair James asked about the rendering of the architectural standards. D. Gienapp brought in samples of the siding material. He said they are proposing a grey tone horizontal shiplap profile metal panels on the lower exterior part. The upper area will be a 4” metal ribbed horizontal lighter grey to lighten the top with window treatments to make the scale of the building look more in proportion. The window treatments are flat flush 12” metal in a lighter material shown in the sample and the corners of the buildings are royal blue. D. Gienapp passed out sheets showing past projects using the material he is proposing to use. E. Paquette said only one hvac may possibly be visible from South Road because they are set far back. E. Paquette said they would screen that one.

Chair James said another question from the last month was concerning where was all the drainage from the roof was going. D. Gienapp said from his understanding it was a sheet flow into a gutter system with downspouts. J. Lindsey asked if they had thought about using rain barrels to collect the rain.

Chair James said originally they were going to request a waiver for the landscaping but have since added a landscaping plan. Chair James said he was impressed with the plan.

Chair James asked Aaron Lachance, Stantec Town Engineering to go over the rest of the comments. A. Lachance said the comments on the architectural have been discussed and the only issued left is the requirement of a wall that is longer than 100’ to have a jog. He said he understands that there was discussion at the last meeting that the stairway may have met this requirement and said that is for the Board to decide. Chair James said he felt it was the general consensus it met the requirements. There were no objections from the Board. A. Lachance said the outlet pipe in the detention pond should have a trash rack on it as it would clog easily. D. Gienapp said it had been added in the erosion details in the new set of revised plans. A. Lachance said the final issue is an existing drainage issue on the west side of the structure where there is runoff that crosses in front of the overhead doors. He said there is some concern it would cause icing up in the winter and carry sediment from the north part of the property down into the adjacent wetland area. He said he did not see where it was addressed from the last meeting and could be addressed with a note. Chair James suggested a catch basin or grading and A. Lachance said either would work. E. Paquette said he has to do some repair to the footings on the overhead cranes and at that time he can re-grade the area. He said he knew this was brought up at the last meeting but was not aware that it was an issue that had to be addressed on the drainage for the addition. A. Lachance said that is all the comments he had.

Chair James asked if there any other questions or comments from the Board or the audience. He said it appears they have addressed everything and would entertain a vote. Chair James read the following conditions he had compiled; Boundary monuments to be set; either granite bounds or iron pins depending upon site conditions; add HVAC screen to western most unit; provide drainage improvement at northwest corner of building; donation to the Town of Candia Water Supply Capital Reserve Fund as approved by the Fire Chief; final Mylar to be sealed by a NH Certified Wetland Scientist.

A.Hall **motioned** to approve the Major Site Plan with the following conditions; boundary monuments to be set, either granite bounds or iron pins depending upon site conditions; Add HVAC screen to western most unit; Provide drainage improvement at northwest corner of building; Donation to the Town of Candia Water Supply Capital Reserve Fund as approved by the Fire Chief; Final Mylar to be sealed by a NH Certified Wetland Scientist. F. Kelly **seconded**. **All were in favor**. Chair James told the applicant that they would receive a NOD within the next five days. E. Paquette thanked the Board for their time.

PUBLIC HEARING Proposed Earth Regulation Changes

Earth Excavation Amendments. #1 Section III Add new definitions & re-letter, #2 Section V Replace A & A1 #3 Section VII Replace E, #4 Section IX add 11-16, #5 Section XII New Section Blasting & renumber, #6 Section XV replace A & B, #7 Section XV Insert new C & re-letter original C to D. The full text of all proposed Amendments are available for inspection and review at the Land Use Office during regular office hours.

Chair James opened the Public Hearing on the proposed Earth Regulation Changes at 7:40pm. He said there are copies of the changes available. Chair James said there was a petition warrant article on earth excavation and that is when SNHPC looked at Candia's regulations. They had some comments based either upon Raymond or Chester regulations. Chair James said in his opinion they weren't adding a lot but were either clarify or provide more detail in certain areas. He said the Zoning Revision Committee met and discussed the changes. They didn't take all the suggestions and ended up with 7 proposed amendments. K. Kustra asked when the last revision was and Chair James said the original Earth Excavation Regulations were from 1989 and in 2010 they were updated and replaced with the current regulations with help from the State. Chair James started with the first amendment to insert new definitions and change lettering. There were no comments from the Board, so he opened it up to the audience. C. Robie said he had a letter from Severino as they were unable to attend. He said the letter contained his concerns. Chair James read the letter from Thomas Severino into record: *“ This letter serves to respectfully request the Board delay the vote on the proposed revisions of the “Earth Excavation Regulations”. Upon review of the revisions, the Board should be commended for their efforts to bring the regulations up to date. A brief outline of the two primary concerns is below. Many of the specific changes target a small demographic of permits that come before the Board. The majority is not duly represented in these revisions, yet the majority will pay the price. Cost is not typically a concern of any planning board, but needs to be considered. In the end the final added cost to any business falls on the consumer. Regulations need to be written to protect the same consumer. Of primary concern is not having a definitive quantity of bedrock extraction. This is needed to define a true quarry operation versus someone that may encounter ledge in their gravel pit operation. Secondly to consider abutters within 2,640 feet of the proposed permit that involves blasting far exceeds any minimum for pre-blast surveys. The distance required by the State of NH under Saf-C 1607.05 is 100 feet. Most blasting professionals use 250 feet to cover outside that requirement for their protection. The most stringent encountered is the City of Portsmouth at 500 due to the historic sensitivity and density of structures. The goal is to create a regulation that serves the Town of Candia effectively for all concerned. Assisting the members of the board in any way possible would be considered a privilege. If you require any further information, please do not hesitate to contact me.”*

Chair James read the definition of a quarry: *“Quarry means the excavation in bedrock open to the surface excavated for the purpose of removing rock, minerals or metallic ores.”* C. Robie said it needs to be defined when ledge blasting become a quarry. He said the 2010 regulations are not that outdated and appear to have worked fairly well in Candia the past few years as seen at exit 3 where there was a lot of rock removed. He said these regulations are working for the community and said why change them. C. Robie said he felt these proposed changes stemmed from the petition warrant article. He said he does not see any large quarries coming into town but there may be the possibility of more development at exit 3 and if they make too many regulations, it may make it not feasible to do development.

M. Hardy, 617 Chester Turnpike said his concern is without a baseline on the definition of a quarry where does it stop being a site plan and becomes a quarry and if there is excavating , crushing and exporting would it make it a commercial arrangement? He said without a set of perimeters is it a quarry or is it a site excavation which would make it subject to interpretation. Chair James said that is a good question. M. Hardy said we may unknowingly encourage larger operations by not drawing the line. M. Hardy said if a development falls into a quarry this could become a large expense for the amount of rock that is removed.

B. Chivers 105 Depot Road said he had two comments. He said first if changes are designed to prevent what happened on Island Road from reoccurring it is not the fault of enough regulations in town but enforcement. He said he felt this would have happened regardless of what the town had on paper because of lack of enforcement. He said he feels the effort to correct the regulations won't stop someone who is intent on violating the regulations. He said the Board is making an effort to correct the problem in the wrong way. He said his second comment is by expanding the definition of an abutter to 2,640 feet making it one mile in either direction, this will include a lot of people and once they are considered an abutter in the regulations they will have legal standing and any one of them could stop an excavation from occurring with very little reason what so ever. He said the zoning definition of an abutter is anyone whose land touches but here we are expanding beyond that to go 2,640 feet in any direction which is huge and no other town ordinance includes so many people in the process. B. Chivers said in his history on the Zoning Board the more abutters you have involved in a process the more contentious the process and eventually it becomes a question of a landowner's rights to mine. D Lewis he asked if there was any justification for 2,640 feet? He said it is so far. Chair James said they would have to go back and look.

Chair James thanked him for his comments. He said he doesn't know the origin of the footage if whether it came from either Raymond or Chester's regulations. He said the intent was not to put more regulation on people but more information to treat them fairly. He said a lot of the changes are how the plan is submitted.

M. Hardy said historically Portsmouth had 1500' for notifying abutters, which was the longest in NE for well over a decade but has recently been reduced to 500 ft within the last 5 years because they found it to be an extra cost without merit which only made the process longer and more burdensome and they received very little out of it but they did get out of it were more complainers. The abutters 1,500 feet away would say if I am on the abutters list you must believe that I can be affected. He said as an owner of a blasting company this does not affect him he just charges more for his work like a pass through expense like traffic detail but he does care about the outcome for fairness to the consumer. He said the State is 100' DOT is 500' for abutter notification.

K. Kustra asked how far he abuts as a blaster. M. Hardy said he typically goes 250' against because they work all over NE with the most stringent being the state of Massachusetts at 250'.

Chair James said they are not able to amend the text as it reads. He said the Board's options are either vote yes or no or not vote on the changes tonight and if the Board does not object where he is headed, close out the hearing without a vote. The Board was in agreement not to go forward with the amendments. Chair James said he would like to change gears and move forward to other parts of the amendments. He said they have received good input tonight which they had not received before and they have people who are concerned enough to show up so he would like to hear their input on the other amendments.

C. Robie asked if they could leave the regulations as they are as they have been just updated in 2010 and are working for the Town of Candia. Chair James said that is certainly an option and asked input on other definitions.

B. Chivers said on page 5, would it be appropriate to address the threshold of what a quarry is under the definition of a quarry. Chair James said right now there is no definition of a quarry as well as there is no definition of noise. M. Hardy said since you brought up the definition of noise it's not possible to not cause noise and with the definition of an abutter 2,640 feet away, if they can hear it and they can call up and say they are annoyed, and then what happens? Chair James asked if he runs into any regulations that have noise definitions in decibels levels. M. Hardy said they have run into regulations of what days or times of the day because what is objectionable at 1 o'clock am in the morning might not bother you at 8am. M. Hardy said the bigger the site the less noise makes it to the neighbors and suggested contour surrounding so the noise does not have a straight shot and finds it too broad to say noise annoys you. He said elsewhere in the proposed regulations it states 5 decibels above ambient noise at the property line you get that noise level with 30 mph winds.

M. Hardy said the current plans are working for Candia but if the Board wanted to review the regulations he suggested a review committee with a blasting contractor like himself, site work contractor and a Planning Board member. F. Kelley thought a committee would be a good start but said the current regulations are working. C. Robie agreed with Mark Hardy's suggestion for a review committee but felt the regulations are working now. There was a discussion on water protection of exempt parties and it was brought up there are two different criteria for exempt and not exempt. Chair James said the town has ground water regulations protection in the Zoning Ordinances.

Chair James said he appreciated all the input and said they have zoning revision meetings fairly regularly and they are advertised on the website and everyone is welcome. Chair James closed the Public Hearing at 8:20 pm. He thanked everyone for their time.

Other Business

New Hampshire Community Planning Grant Application Round 2

Chair James informed the Board that Candia was not awarded the grant. He said the grant was going to be used to update the regulations by merging the Site and Subdivision regulations into one set of regulations to ensure they aren't in conflict with each other which will provide a better cohesive set of planning documents. He said a reason they were not awarded the grant was because the regulations did not include any newer regulations like work force housing and density bonus. Chair James said they did not include these in and the New Hampshire Community Planning Grant Application was upfront that that were looking for these regulations.

Discussion of Town Meeting Elections

Chair James said the warrant article for the Master Plan update did not pass. He said they will have to discuss in the future whether to bring another warrant article forward or not. Chair James said it got the second lowest number of yes votes with the office copier having lowest number of yes votes. F. Kelley said the Master Plan has to be done and the current copier is going to stop working any day. F. Kelley said it is very discouraging. Chair James said the feedback they got from the Budget Committee was they didn't know what it was for so that is why they voted against it. He asked the Board to think about how they may go about putting this forward again next year. A. Hall said they need to educate the public. F. Kelley suggested a better explanation because a lot of people did not know what they were asking for.

Regional Visioning Workshop May 18, 2013 at Henry Moore School

Chair James said the Regional Visioning Workshop presented by SNHPC is being held at the Henry Moore School in Candia on May 18, 2013 from 8:30am until noon. Surrounding communities are invited to participate. It is an informative conversation about the future of our communities, our region, and our state on how can we make Southern New Hampshire the best place to live, learn, work and play for everyone. A. Hall said it is posted at the town hall and the post office and suggested posting it on the web site.

Elections

Chair James said since they are missing two members and if there are no objections postpone the elections for Chair and Vice Chair until April 17, 2013. There were no objections.

Alternates for the Planning Board

F. Kelley suggested trying to recruit more alternates to the Planning Board.

The April 3, 2013 Planning Board meeting has been cancelled due to lack of applications. The next scheduled Planning Board meeting is April 17, 2013 at 7pm at the Town Hall.

F. Kelley **motioned** to adjourn at 8:35 pm. J. Lindsey **seconded**. **All were in favor**.

Respectfully submitted,
Sharon Robichaud
Land Use Secretary