

**CANDIA PLANNING BOARD
MINUTES of April 17, 2013
PUBLIC HEARING
APPROVED**

Present:, Sean James, Chair; Ginny Clifford, Vice Chair; Albert Hall III; Judi Lindsey; Kim Byrd; Kenneth Kustra, Fred Kelley, BOS Rep; Mark Siemonsma, Alt; Amanda Soares, Alt BOS Rep to the Planning Board; Dennis Lewis, Road Agent; Dave Murray, Building Inspector; Carleton Robie, BOS

Absent: All were in attendance

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

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 gave the history of the waiver for the new Board member Ken Kustra. He said the project Candia Crossing came before the Board in 2006 and was conditionally approved in December 19, 2007 and there hasn't been any progress on building yet. He said on October 15, 2012 the applicant requested a waiver on "*Section 5.06:14 ...All buildings shall be single story in height.*" He said the request was a waiver from the buildings being one story.

Chair James said they were heard at the December 19, 2012 meeting and since there wasn't a full board there was a tie vote. Since then, either there hasn't been a full board or the applicant was not available so subsequently the hearing was continued until tonight. S. Komisarek gave Ken Kustra a letter they sent to the Board to bring him up to date. He summarized saying the size, height and layout was not going to change they wanted to be able to offer the consumer a finished loft area which would be second story. J. Cole asked if K. Kustra was aware of the Building Inspectors position that he had no issues with the second story and K. Kustra said he was.

A. Soares said she had read through the minutes and has discussed this with the Building Inspector. She said she knows what the ordinance reads but doesn't see this waiver request being a detriment to the development or the town. She said she realizes everyone has an opinion whether they agree with this or not but the Board is supposed to decide whether this is good for the town. She said the original site plan was approved in 2007 with the hope of a 55 plus housing development would be built. She said the applicant is asking for a small concession that is not going to change what the houses will look like and they are not doing anything substantially different that would cause physical or esthetic detriment to the buildings proposed. She said she would like to see them proceed with the development and be able to offer this extra space. She said continually putting this off is hindering any development that could benefit the town and again stressed the Board should not vote by opinions but what is best for the town.

Chair James said that is a good point and the waiver should be decided under section 5.4:10 criteria and read "*Section 5.4:10... upon the application by the applicant to the Planning Board, the Board shall determine in its sole discretion 1) that requiring compliance with the particular provision for granting of a conditional use permit would create an unreasonable hardship and 2) that the application would be consistent with the spirit and intent of this ordinance.*" Hearing no comments Chair James asked for a motion. A. Hall **motioned** to grant the waiver request. F. Kelley **seconded**. F. Kelley, A. Hall, K. Kustra **were in favor**. S. James, G. Clifford, K. Byrd and J. Lindsey **were not in favor**. (3-4-0) The waiver did not pass.

Major Site Plan Application: Sandford Surveying and Engineering 597 New Boston Road Bedford, NH 03110, Property Owner: JCC Legacy Realty Trust LLC PO Box 219 Candia NH 03034, Property location: 33 Raymond Road, Candia NH, Map 409 Lot 207-1, Intent: to construct a 3,000 sq ft addition to existing building in the Commercial District. Carmon Sarno, owner and Raymond Shea of Sandford Surveying were present for the applicant. Abutter Gladys Baker was present. Aaron Lachance, Stantec engineer for the Town was present. Chair James said the application was reviewed by Stantec prior to the hearing and Sandford responded which brings us tonight where Stantec has a second review letter.

R. Shea started with giving an overview of the application. He said the property is approximately 34 acres located on the southeast side of Raymond Road. The property depth is approximately 800-900 feet then goes south with approximately 400' frontage. There is an existing 3,000 square foot building that sits back approximately 700' from the Road that is accessed by a gravel driveway that was once a landscape business. Two buildings were previously approved a 6,000 sq ft warehouse/office and a 6,000 sq ft retail building. The retail building was proposed closer to the road. The existing 3,000 sq ft building was built approximately where the 6,000 sq ft warehouse/office building was approved. The existing building contains an office and two large garage maintenance bays. He showed where they would to add to the building. He said there are wetlands on both sides of the entrance and originally they had sent an application to DOT to have two entrances but it entailed a lot of extra designing and specifications to DOT standards, so they are staying with the original entrance. DOT said they wanted to see a more defined radius on the entrance, as right now it is just flared and they will remove the big boulders on the edge of the driveway in the right of way.

R. Shea said they are adding a 7,000 sq ft addition to the south side of the existing building for maintenance bays and on the north side put a roof over the existing paved patio and move the septic outback. He said they are going to pave for the employee parking and put in concrete aprons near the garage bays. He said they are proposing a drainage swale behind the building to catch runoff that comes down hill. He said a similar drainage swale was actually supposed to be constructed as a condition of the previous site plan but was never built. R. Shea said the proposed use for the property is to move the storage trailer business from down the street to this location. He said from an aerial view the locations are similar in size and will be able to store the same amount of trailers at this site. He said the site was previously used to store rocks and landscaping materials which will work well for storing the trailers on already compacted ground. He said the way the driveway curves you will not be able to see the trailers coming west and coming east if you try and look you only have a 2 second window down the curved driveway to see the trailers but you really have to be looking which is hard at 50 mph.

R. Shea showed the Board and the audience the plans showing how the new building will look. He said the proposed roof on the addition is lower giving a different roof line. He said one of the issues was the wetland delineations and he said they went out last week and redid them. He said there are some differences but they are small and do not affect the original setbacks.

A. Lachance said the letter before the Board dated April 17, 2013 is their follow up review letter based on revised plans. He said the first comment that was also noted by the Building Inspector is to determine if a variance is necessary for the proposed expansion of the commercial use of the parcel. He said looking at the regulations it is permissible to extend 100' from one zone into another zone and the addition appears to be 150'. A. Hall asked where the closed resident and R. Shea said the nearest house is out by Raymond Road in the Commercial District and the nearest one to the south is down on Patten Hill Road.

Chair James said they had received the review letters from the Fire Department, Police and Building Inspector. He said the Police Department found no safety concerns with the site plan/addition. He said the Fire Department had two comments, first being there is sufficient area for fire equipment to access and 8.08B applies since the addition is larger than 50% of the existing building. Under this

section there are three options, install a sprinkler system, a water cistern and or contribution based on the square footage of the addition to be put into the Fire Suppression Water Supply Account.

Chair James read from the Building Department's letter dated April 15, 2013, "...*proposed addition is in a residential zone however the existing building is split on both sides of the commercial/residential line. Our regulations allow a situation like this to exceed 100 feet beyond these lines. The proposed addition appears to be approximately 150 feet beyond the residential change and normally would not be allowed. In this case the building is not located near any adjacent dwellings and the lot contains multiple acres in the direction of the proposed building sight therefore not creating a problem with the abutters.*" Chair James said the Planning Board cannot waive this. R. Shea said to be honest the zone line came off the previously approved plan and he was guessing it was accurate. He said from the tax maps it appears to parallel Raymond Road. He asked if they could find out how far it does extend and where on Raymond Road does it start if it is the center, the edge or other. He said they would like to confirm exactly where the line is, as it makes a difference if they have to go for a variance or not.

A.Lachance said comment #3 is regarding surety and suggested it be part of discussion of the approval. He said these comments are out of order as some have already been previously addressed. Comment #4 can be addressed with labels. Comment #5 requested supporting calculations for the septic system that is proposed. R. Shea said the capacity of this septic system is less because there are no showers or cafeteria and he will provide supporting calculations. Comment #6 has already been addressed. Comment #8, A. Lachance suggested a landscaping design be done but after viewing the site today he was not sure if it is necessary but would like the Board to discuss it. He said the site appears to be well screened from the road and abutters. A. Hall asked if you could see this from the street and R. Shea said since the driveway curves you would have to quickly look down the driveway to see anything but only going east. F. Kelley asked how many trailers would they be storing and R. Shea said 100 to 150. He said they are parked very close together and the lot is similar in size to their other site.

A.Lachance said to clarify to the Board Section 4.03 n requires a landscaping plan and the questions is whether the existing vegetation is sufficient such so that a landscaping plan is not required. R. Shea said they are pulling back the vegetation on the north side just shy of the setbacks and are leaving a buffer and they can add a note that the existing landscaping is to remain. G. Clifford asked could maintaining what is existing be the landscaping plan. Chair James asked the applicant to request a waiver on the landscaping plan. K. Kustra asked if any of the existing vegetation is on state land and R. Shea said there is some and it is located in wetlands which he feels the state would not cut down. It was the consensus of the Board they did not need a landscaping plan. Chair James said the applicant can submit a waiver for *Section 4.03 n "A proposed landscaping plan..."*

A.Lachance said under comment #9 a lighting plan be provided with foot candle values. He said he felt the southern portion site lighting may not be adequate. R. Shea said they are proposing 2 - 15' light poles that direct light down out in the yard for security that will be located on existing light boxes. Chair James clarified that the lighting is not that it will affect abutters but more for safe travel around the site. R. Shea said they will get the information. A.Hall asked if they will see the site from the CYAA and R. Shea said there is vegetation and wetland area that will be a substantial buffer. F. Kelley asked what they plan to do with the land behind the building and he replied nothing. Chair James asked if any of the land was in current use and it is not. Comment #11, The applicant requested a waiver on the topography on the back portion of the lot. Chair James said they will address the waiver after the comments are reviewed. Comment #12 and #13 pertain to reevaluation of the wetlands which was done. Comment #14 asks to have additional setbacks shown from the very poorly drained soils. Comment #19 is additional line work on the plan. Comment #28 & #29 are issues he will work out with R. Shea.

Comment #30 A. Lachance suggested adding truck movements to the plan. R. Shea said it is a very open site and there is sufficient area to drive and there would be no general public driving. He said he would add the truck movements to the south. Comment #31 is adding labels. Comment #32 has been addressed by adding a vehicle template. Comment #37 The proposed pavement doesn't meet the regulations but the only pavement section is for a town roadway which is overkill for this project. R. Shea said it is 30" of material and feels is not warranted considering the site has been driven on for years and has a good base to start with. D. Lewis said it is wouldn't apply to this case. It was the consensus of the Board that a waiver was not necessary since there isn't a specific parking lot pavement section. Comments #41 and #43 are addressed. Comment #50 discusses narrowing up the proposed site entrance which has been done. A. Lachance suggesting adding the DOT number. Comment #53, #54 and #55 all pertain to minor issues on drainage that will be addressed. Comment #57, It was suggested to add a greater high capacity catch basin or a double grade catch basin. The final comment #60 is to consider adding an additional silt fence.

Chair James said the architectural comment was missed from the first review. A. Lachance said after reading the comments from the Building Inspector he agrees with him and suggested the Board discuss this. He said the regulations state a building over 100' should have something added to architecturally break it up. R. Shea said they could add a jog but there are doors and over heads on the existing building that break up the wall and the roof line is different on the addition. A. Hall said who is going to see it? R. Shea said the building is facing away from the road. A. Lachance said there is no guidance on what breaks up a façade and if an over head door or different roof line breaks it up then it is easily met. D. Murray said he did not see any issue with the architectural aspect and said the building cannot be seen from the road.

Charlie Bowman 338 High Street asked the applicant to show where they would park 100 to 150 trailers and asked if the trailers be visible from the road. R. Shea showed him and said driving east on Raymond Road you only have a 2 second window to look up the driveway to be able to see the trailers but traveling at 45 mph you will not see them unless you are looking for them. He said coming west you cannot see them at all. C. Bowman said he drives by several times a day and when he looks he can see the building complete and he said if you start moving trailers in closer after awhile you will only see trailers. R. Shea showed C. Bowman were the trailers are going beyond the gate and it is past where the access narrows and curves and he said you will only have a 2 second window to look down the drive to be able to see the trailers going east.

C. Bowman asked how this would fit in with the town Master Plan. Chair James said he is not sure if this type of facility is specifically in the MP but the use is allowed in the Commercial District. A. Hall said if anything it would enhance the Master Plan. Chair James said the Master Plan is guiding you one way then you have the regulations. Abutter Gladys Baker 30 Pattern Hill Road said she had no comments and it made no difference to her.

Chair James said the signature block on the plans need have 4 lines. He said the durable surface referenced he assumes is gravel. R. Shea said the area that isn't will be gravel too. K. Byrd asked if there was anything stored in the trailers. C. Sarno said they are 90% empty with some having product for customers and he continued nothing is allowed that is flammable. R. Shea said they have 26 spaces delineated for the employees.

A. Hall **motioned** to grant the waiver on "*Section 5.03 G Existing and proposed topography showing surface contours ...*" J. Lindsey **seconded**. **All were in favor**.

R. Shea said they would like to come back on May 15, 2013 and address the rest of the issues and if a variance is needed go to the ZBA on the 28th and then come back for one last meeting. R. Shea thanked the Board for their time and said he would also like to thank A. Lachance who was very helpful. Chair James continued the public hearing until May 15, 2013 saying this will be the only public notice.

Other Business

Minutes February 20, 2013 & March 20, 2013

G. Clifford **motioned** to accept the Minutes of February 20, 2012 as amended with minor grammatical errors. A. Hall **seconded**. S. James, G. Clifford, A. Hal, F. Kelley, J. Lindsey, K. Byrd **were in favor**. K. Kustra **abstained**. F. Kelley **motioned** to accept the Minutes of March 20, 2012 as amended. A. Hall **seconded**. S. James, A. Hall, K. Kustra, F. Kelley **were in favor**. G. Clifford, M. Siemonsma, K. Byrd **abstained**.

Elections Chairman and Vice Chairman

A.Hall **motioned** to nominate Sean James as Chairman. J. Lindsey **seconded**. **All were in favor**.

S. James **motioned** to nominate Ginny Clifford as Vice Chair. A. Hall **seconded**. **All were in favor**

Capital Improvement Plan (CIP)

Chair James said the 2006-2011 CIP in place. He said Stantec has worked on an update and it is basically done except for prioritization of the items in it. Stantec asked for Candia to prioritize them. There was talk about setting up a CIP committee. Fred Kelley said they were going to bring this back up in July. Chair James said in the meantime they can extend the current CIP for another year and then once they start up CIP committee in July they can finalize the plan by next year and put it in place.

A.Hall **motioned** to extend the existing current Capital Improvement Plan 2006-2011 for an additional year or until the updated CIP is finished and adopted. J. Lindsey **seconded all were in favor**.

The next scheduled Planning Board meeting is May 1, 2013 at 7pm at the Town Hall. Chair James said a waiver request for the height of sign for 174 Raymond Road is scheduled.

A.Hall **motioned** to adjourn at 8:10 pm. K. Byrd **seconded**. **All were in favor**.

Respectfully submitted,
Sharon Robichaud
Land Use Secretary