

**CANDIA PLANNING BOARD
MINUTES of November 20, 2013
APPROVED**

Present: Sean James Chairman, Ginny Clifford, Vice Chair; Judi Lindsey; Al Hall III; Fred Kelley, BOS Rep; Dennis Lewis, Road Agent; Dave Murray, Building Inspector;

Absent: Ken Kustra; Kim Byrd; Mark Siemonsma

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

Minutes October 18, 2013

F. Kelley **motioned** to accept the Minutes of October 18, 2013 as presented. J. Lindsey **seconded**. J. Lindsey, S. James, F. Kelley, G. Clifford **were in favor**. A. Hall abstained.

Waiver Request 5.02b, Major Site Plan 13 Deer Run Road Applicant: Bryan A Barbin 12 Mountain Road Raymond NH 03077; Property owner: Robert R. Barbin 13 Deer Run Road, Candia NH 03034; Property location: 13 Deer Run Road, Candia NH 03034 Map 408 Lot 30-23; Intent: to extend Commencement time in the Light Industrial 1 Zone

Applicant Mr. Barbin was present. No abutters were present. Chair James highlighted the case saying Mr. Barbin proposed a 1,500 sq foot addition to his business and was approved by the Planning Board but construction did not take place due to financial issues and they came back in 2007 and were granted an extension but similar financial issues happened again. He said this is summarized in a memo from the Building Inspector Dave Murray.

Chairman James said the files were reviewed and the actual signed plans were not found and the plans were not recorded at the registry. But, he said they do have the site plan that was referenced in the meeting minutes and continued the plan brought in by Mr. Barbin matches what is described in the meeting minutes as well. He said he had talked to Town Counsel and reviewing records there is clear evidence of what happened and seeing this case was unusual had recommended going through a formal process which includes notifying the abutters.

Chairman James said Mr. Barbin has submitted a formal waiver request for an extension under *5.02b Period of commencement of Construction and Completion of Work* from Major Site Plan Regulations. He opened up the waiver request for discussion to the Board. F. Kelley said what the waiver is allowing him to go ahead. Chairman James said they had previously discussed this at the December 31, 2014 and then asked Mr. Barbin if that was enough time. Chairman James said since it has been some time since it has been approved he felt this should be the last extension. Mr. Barbin said he cannot see why, he cannot have the addition finished a year from this December if he could get started now but it wouldn't hurt to add some more time incase anything happens. F. Kelley suggested a year and six months. J. Lindsey said Town Counsel is recommended to go through the formal process and notify abutters. Chairman James said there was a formal waiver request made with a formal application and abutters were notified. F. Kelley said all he needs now is motion for a year and half extension? Chairman James said yes but wants to discuss the request first and asked for any comments or questions from the audience. J. Lindsey asked if they see any problems to give this many extensions as this has never been done before. F. Kelley said this will be his last extension.

F. Kelley **motioned** to extend the Major Site Plan 13 Deer Run Road addition to June 30, 2015 with the condition there would be no further reconsideration of extensions. G. Clifford **seconded**. **All were in favor**. Motion passed.

Other Business

Informational Map 414 Lots 108-1 & 2, 325 Patten Hill Road 2 lot Subdivision

Jim Franklin, Land Surveyor, William, Danielle and Aaron Cooper were present. J. Franklin handed out maps of the proposed 2 lot Subdivision and a plan of the land as it exists now with map 414 lots 108-1 and 108-2. He said they are hoping to create a new lot 108-3 which will have 3 acres and transfer approximately .9 tenth of an acre from 108-1 to 108-2 to make it a little larger to make the lots uniform in size. He said the remaining

frontage on lot 108-1 on Patten Hill Road with be 203 feet so all 3 lots will have at least 200 feet frontage. He said the reason he thought an informational would be necessary is because of the amount of the land left in 108.1. Normally the regulations state if the remaining land is sub dividable then it has to be considered as a Major Subdivision and in this case the remaining lot 108-1 will be 103 acres with only 203 feet frontage. He said he feels it is not really sub dividable unless roads were constructed and you would have to construct a long road to get the maximum lots.

J. Franklin said he felt a two hearing process was not reasonable to create the new lot 108-3 and he was hoping to get a feel from the Board if whether or not to proceed with the Final Major Subdivision Application and ask for a waiver on the Preliminary Major Subdivision Application. J. Franklin said they have State Subdivision Approval and everything else has been on the project such as full boundary, topography, soils and wetlands surveys.

J. Franklin said they were thinking about a common driveway or putting in a separate one. W. Cooper said they would like to use a common driveway if possible. F. Kelley asked about the proposed shared driveway shown on the plan, there is both a gravel and paved driveway that exist now. J. Franklin said the town does allow common driveways and not sure if he has to apply for a waiver for one. G. Clifford asked how that would work in deeding the property right of ways access and who would care for the driveway. J. Franklin said it is all done on the plan and would become part of the deed. He said on the plan it clearly states existing paved and proposed common driveway and then there would be a legal clause in the deed stating who is going to be responsible for maintaining the driveway and what portions. F. Kelley said there is room on the proposed lot to put a driveway in and not use the shared driveway and J. Franklin said yes there is room for a private driveway. J. Franklin said they could put a clause in the deed if at such time the property is transferred out of the family that the grantee would construct their own driveway. D. Lewis said they have always required in the past that a newly created lot have an access point on the frontage somewhere. He said whether they choose to use it or not and it should be shown on the plan. D. Lewis said there is no issue of sight distance.

Chairman James asked if there would be any waivers on the survey of the lots and J. Franklin said no there is a full topography done and as well as full wetland and soils mapping done. F. Kelley asked about the lot 108-1 as it extends to the range way. G. Clifford asked if the range way was a class 6 road. J. Franklin said it is a range way and the status of range ways have generally not been determined by the courts in any consistency as sometimes they are town roads sometimes owned by the town sometimes owned by the abutters depending upon what has transpired since 1740 and in this case the range way is one of the few in town that show specifically on the survey plan done when they did the original subdivision. He said if it is a class 6 they would have to ask the selectmen. It originally was a strip of land owned by the proprietors of the town of Chester now Candia after that would have to be something the courts would have to decide. D. Lewis said that particular range way as far as the town goes they claim to own it. J. Franklin said it starts on Patten Hill Road and ends at the Sanborn's farm property and a portion at some point in the past was deeded to abutters and a portion still owned by the town today.

Chairman James said this is just an informational but he doesn't see any concerns with the waiver request. J. Franklin said there is curve on the end of the front boundary between lots proposed lot 108-3 and lot 108-2 when lot 108-2 was created that was intended to be westerly side of new right of way to get into the land but due to the change in ownership it is not something they want to pursue. Chairman James said he appreciated J. Franklin coming for the informational as it clears it up when the Board sees the application. He said he didn't hear any concerns with the subdivision. J. Franklin said he expects to make the application fairly soon. He thanked the Board for their time.

Southern New Hampshire Planning Commission Funding

Chairman James said the SNHPC Budget has been put back in. The Selectmen voted to put it back into the budget. He said he went to the department head Budget Committee meeting and they said it was approved and that was it and there was no discussion. He said SNHPC told him they had a \$1,500 dollar grant available for the Town of Candia, which recoups over half of what the budget is for SNHPC.

Chairman James said just for discussion SNHPC asked if we had any ideas of what the town would like to use the money for. He said he asked SNHPC if they could do a quality review on the Land Use Regulations when they are completed and they can, unless anyone has another idea, he said he would like to use the grant for that. J. Lindsey said she thought that a review of the Land Use Regulations was a good idea. A. Hall asked if

they could use the grant for professional promotional material for promoting the master plan funding through a warrant article. Chairman James said that brings us to the Master Plan Funding Warrant Article.

Master Plan Funding Warrant Article

Chairman James said the warrant article for the first phase of the Master Plan wasn't approved at the town meeting back in March. He said they were advised to put the funding in the budget and then it wasn't approved so now there is no funding. He said they have time and can submit another warrant article. He said what A. Hall is saying is maybe they could use the funding from SNHP grant to promote and educate the citizens on why it is necessary to work on updating the Master Plan. Chairman James said most people get their information from the boyscout package that is distributed to all residents before the town meeting and maybe they could print a flyer to put in the packet but that costs money to print a flyer which is a problem. A. Hall asked if this flyer is something SNHPC could create for Candia.

Chairman James said this leads into whether the Board wants to proceed with putting in another warrant article. He said there are two things that happened last year that the Board could do differently. Last year the Budget Committee didn't approve the warrant article and the feedback he got from the Budget Committee was that they did not know what it meant. He said he didn't go to the meeting last year but he could go this year to explain the warrant article but was not hopeful that it will pass. The warrant article and explanation could be posted on the web and around town.

A. Hall asked if they have to decide what to do with the SNHPC grant tonight and Chairman James said no but they do have to decide tonight if they want to proceed with a warrant article for the Master Plan funding. A. Hall said he was in favor of a warrant article. F. Kelley said if they do a warrant article someone has to stand up at the deliberative session and explain it. Chairman James said he did this last year. F. Kelley said he understands he did that last year but he needs to have other people with him to explain perhaps SNHPC. G. Clifford said she feels the biggest key is having the Budget Committee endorse it. She said she thinks many times if the Budget Committee endorses a warrant article it makes a difference of it passing. F. Kelley said he feels if they get the right amount of people to come to the deliberative session speaking on it and why they want it that could make a difference. J. Lindsey asked if this could be brought back to the Budget Committee again with someone speaking on it. F. Kelley asked D. Lewis if the Budget Committee was going to have another meeting on warrant articles and D. Lewis said they have a whole separate meeting just for warrant articles at a later date. He said the Budget Committee meeting coming up in December is for departments and the operating budget. He said they submit warrant articles later in December and then the Budget Committee reviews all of them at once so there is still time to sell it to them and said they also need the selectmen's support as well. Chairman James said they do not have the BOS's support either which is what concerns him. He said the BOS vote was 3-2 to take it out of the budget.

J. Lindsey said to bring it back to the Budget Committee as a warrant article and have the Chairman and someone from SNHPC speak on it and said if you could educate the Budget Committee to get their endorsement it would carry more clout. F. Kelley said the problem he sees is how much time they will be given to speak on it but maybe with an explanation they will see that this is what towns do. A. Hall said if someone had a technical question there would be someone there to answer it if SNHPC came. Chairman James said they could certainly ask SNHPC but said he is a bit hesitant to ask because SNHPC was already dragged in to explain their budget and worth. He said David Preece was more than willing to come and they did write two letters of what they do for Candia but he was hesitant to drag them in to explain what a master plan is but said he would ask. F. Kelley said when SNHPC spoke about the budget the entire BOS voted to put them back into the budget. Chairman James said 4 BOS did vote for it and A. Soares did not but they did get a majority. Chairman James said he is willing to do work and speak on the warrant article if this is the way the Board wants to proceed.

G. Clifford was wondering if maybe since they didn't show up last year and no one came to speak on the warrant article they just skipped it. F. Kelley said last year the Budget Committee kicked out two important warrant articles that contribute to the town a lot. Chairman James said so the recommendation is to have a warrant article put in. F. Kelley said when they come before the Budget Committee come ready to defend the warrant article. G. Clifford said the Master Plan is an economic investment in the future of Candia and if down the road something happens they can fall back on the Master Plan for example if suddenly there is a growth explosion you have to have a growth management ordinance and in order to have a growth management ordinance you have to have a master plan. J. Lindsey said it sets the direction the town wants to go in and if you don't have a plan how are you going to get there. G. Clifford said if you are talking economic direction you have

to have a clear direction for the town. Chairman James said he will look at last year's warrant and get it in and hope for better results this year.

Capital Improvement Plan update

Chairman James said the CIP has been on hold for quite awhile now. He said there is a current CIP and it has been extended a couple of years. Stantec has done their work on it and it is about 99 % complete. He said the one portion they got tripped up on was ranking of the projects put in the CIP by the different departments. He said last time they were previously ranked by the Planning Board and his thought was to do that again. He asked the Board to look at the list rank them in priority and then they can tally up the scores so they could finish up the update. He said there has been talk on and off of having a CIP committee and if that happens they can certainly amend the CIP later and re-rank the projects.

Name Plaques for Planning Board Meetings

Chairman James said he has talked about getting the name plaques in the past and since they have money in the budget he asked the secretary to purchase them. The cost is approximately \$200.

SNHPC meeting updates

A.Hall, SNHPC representative said they had their regular meetings and Bill Stergiou, SNHPC representative and who is also on the executive committee at SNHPC, writes up a summary of the monthly meetings, planners round table looking at a climate change study. Chairman James said he had the summary if anyone wanted to look at it. It was suggested to scan the report and email to the Board.

A.Hall **motioned** to cancel the meeting on December 4, 2013 due to lack of applications. J. Lindsey **seconded. All were in favor.** The next scheduled Planning Board meeting is December 18, 2013 at 7pm at the Town Hall.

Chairman James announced the ZRRC meeting is immediately following and everyone is invited to stay.

F. Kelley **motioned** to adjourn at 7:45 pm. J. Lindsey **seconded. All were in favor.**

Respectfully submitted,
Sharon Robichaud
Land Use Secretary