

**CANDIA PLANNING BOARD
MINUTES of December 17, 2014
APPROVED
Public Hearing**

Present: Sean James, Chairman; Albert Hall III, Vice Chairman; Ginny Clifford; Ken Kustra; Amanda Soares BOS rep

Absent: Judi Lindsey; Michael Santa

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

Minutes September 17, 2014 & December 3, 2014

Voting on the minutes of September 17, 2014 was postponed due to lack of quorum. G. Clifford **motioned** to accept the minutes of December 3, 2014 as amended. K. Kustra **seconded**. S. James, G. Clifford, A. Hall, K. Kustra **were in favor**. A. Soares abstained. **Motion passed (4-0-1)**.

Lot Line Adjustment: David & Kristen Gould 616 North Road & 81 Halls Mill Road, Candia NH 03034; Owner: Same; Property location: 616 North Road & 81 Halls Mill Road, Candia NH 03034; Map 402 Lots 12 & 7.5; Intent: Lot line adjustment Map 402 Lot 12, 6.9664 acres to be conveyed to Map 402 Lot 7.5 in the Residential District

Applicant David Gould was present and abutter Robert Martel 621 High Street was present. D. Gould said he is requesting a lot line adjustment between his properties 616 North Road and 81 Halls Mill Road. Plans were passed out. He said the Lot Line Adjustment is for agriculture use only and would require a relaxation of the rules. He said he has requested a waiver when he handed in the application.

Chairman James said the Board will address the waiver first. He read from a letter received November 14, 2014, "*Dear Candia Planning Board, I respectfully request a relaxation of requirements under Article 3, section 3.01 of the Candia Subdivision Regulations. I have submitted application for a Lot Line Adjustment and I am requesting a relaxation of the acreage limitation (3 acres). The application/plan calls for a lot line adjustment that would impart approximately 7 acre property transfer.*" Chairman James said the rules for a Lot Line Adjustment in Subdivision Regulations say you cannot transfer more than 3 acres without a waiver. He said he personally does not see any issues with this.

A. Hall made a **motion** to accept the waiver as requested. A. Soares **seconded**. There was no discussion. **All were in favor. Motion passed. (5-0-0)**.

Chairman James said they have received review letters from the Road Agent, Fire Department, Police Department and the Building Inspector. Letter dated December 17, 2014 from the Dennis Lewis, Road Agent states he has no concern with the Lot Line Adjustment saying it has no impact on North Road. He said Dean Young, Fire Chief has no issues relative to the fire department and Chief McGillen, Police Chief says he finds no safety concern. Chairman James said Dave Murray, Building Inspector did have some comments/questions which he has as well. He said there is a note for a right of way for lot 13 over the woods road on the North Road property and he believes that extends from North Road down through both properties and beyond. He said his question is will the note on the right of way be stated on the new deed when the land is transferred. D. Gould thought his understanding was the right of way only went so far and was for access to an adjacent lot but never really understood it actually and Chairman James said it goes the entire length. D. Gould asked if they knew what the purpose of the right of way is. Chairman James said he believes it is to get to a parcel beyond his and looking at the tax map appears to go further. D. Gould said he would put that on the deed. Chairman James read from deed book 3400 page 2055, "*Meaning and intending, in addition, to convey to the said Grantee, his heirs, successor and assigns, the right to use for the purpose only, that portion of said abandoned road which is located between the five hundred (500) foot mark and the above-referenced to "reserve way".*" K. Kustra asked how many acres it would be after he combines 6.9664 acres to Map 402 Lot 7-5. D. Gould said before the transfer it is 32.47

acres and afterwards will be 39.6825 acres. A. Soares said the transfer would allow the applicant to use the woods road to access his back land on 402-7-5. She said that is what she remembered he explained at the informational. D. Gould showed where the area is wet up to the stone wall and he can't get to his back piece of land but with the transfer he can go past the stonewall and use the woods road to access his land in back. The transfer will give him pasture land as well. D. Gould said on a plan of D. Deslongchamps D-13591 talks about the right of way 500' from North Road to the southeast corner of lot 7. Chairman James read from Deed Book 3400 Page 2055, "*Commencing on the highway at the northeast corner of land now or formerly of Noah Haine; thence easterly along the southerly side of said highway a distance of one hundred and sixty (160) feet to a stake; thence at right angles in a southerly direction a distance of five hundred (500) feet, more or less, to an abandoned road; thence along the west edge of said road a distance of two hundred (200) feet, more or less, to a stone wall; thence westerly along the west edge of said abandoned road to a certain reserve way and land now or formerly of Noah Haine; thence northerly along said Haine's land to said highway and point of beginning*" D. Gould said maybe it is the entire length of the property but either way he would not be opposed to putting it on the deed. He said so he would keep the drawing of the right of way on the plan. Chairman James said they could make that a condition of approval to add to the deed that the right of way is to be maintained. D. Gould asked if anyone knew why there was a right of way. Chairman James said he was not sure and said D. Murray thought there was a mill on a pond beyond your property at one time.

Robert Martel of 621 High Street thought it was called Brown Mill Pond and he was curious if the right of way goes into his property or not. He looked at the plan and said he was familiar with the mill. He said that it is further down where they logged out near Donavon Road that goes way over to High Street. He said it goes to the big stone wall on High Street. He said he believes it was actually logging road to clear the piece out and continued he has no issues with the Lot Line Adjustment. He said he had done a Lot Line Adjustment a while back and it was more complicated and more difficult and continued saying it was a different Board. He said he had to have his entire property surveyed and it cost a lot of money and he said he is glad to see that the Planning Board is a more user friendly Board because what he went through was terrible.

K. Kustra asked if the dam was on his property and D. Gould said it was not on his property but on Claudia Carr's property. K. Kustra asked if it is on Fogerty. D. Gould said Fogerty is the class 6 road and there is a whole string of mills on one side and this dam is on the other side towards Hooksett. B. Martel said Fogerty is across from Baker Road.

Chairman James asked if there were any other questions. G. Clifford asked when the new deed gets drawn up will it include the right of way notation and Chairman James said that would be continued in the new deed and would be a condition of approval. He said if granted a conditional approval the next step would be is to have the applicant submit a Mylar for the Board to sign. He said he also noticed there is no boarder on the plan and asked D. Gould to have a border put on the mylar.

Chairman James explained the procedure under the Subdivision Regulations 3.02 for Lot Line Adjustments. First he said a notice is required which was done, abutters are to be noticed and heard which was done, a site location shown which was done. He continued a detailed plan to be submitted and it was submitted and a statement shall be placed on the plan as follows: "*This Plan shows a division of land for the purpose of lot line adjustment/boundary agreement as defined in the Candia Subdivision Regulations and does not require the approval of the Candia Planning Board as a subdivision.*" Chairman James continued then the plan is to be filed at the Rockingham County Registry. He said the last item in the subdivision regulations state a lot line adjustment is an exchange of land or the transfer of part of one lot to an adjoining landowner where such exchange or transfer does not convey an area of land equal to the minimum lot size. He said the applicant has asked for a waiver and was granted one.

Chairman James said they talked about two conditions 1. The right of way shown on the plan be continued in the new deed. 2. Iron pins to be set a verified by the building inspector prior to the Mylar being signed.

G. Clifford **motioned** to grant conditional approve for the Lot Line Adjustment with the following conditions; 1. The right of way shown on the plan be continued in the new deed and 2. Iron pins to be set a verified by the building inspector prior to the Mylar being signed. A. Hall **seconded. All were in favor. (5-0-0)** Chairman James told D. Gould they will get him a notice of decision within 5 days. D. Gould thanked the Board for their time.

Other Business

Mylar signing Major Site Plan 20 Main Street Farm Stand

The Board signed the Mylar and the Mylar to be brought to the registry on Friday December 19, 2014.

Capital Improvement Plan (CIP) update

Chairman James said that Stantec had updated the CIP and there were copies made if anyone would like one. A. Soares confirmed it was the same report sent via email. Chairman James said it is dated 2015-2020. He said now that they have a system in place so every January with next month being an exception the CIP numbers and projects will be updated annually. He said he has not had a chance to go through the report in detail so he was thinking they could discuss approving the draft CIP at their next meeting in January. He asked the Board to take a look at the draft for the next meeting. The Board was in agreement to do this.

Road Safety Audit Report NH Rt 43 and NH Rt 27 at Raymond Road

Chairman James said the Planning Board received a copy of a Road Safety Audit for NH Route 43 and NH Route 27 both at Raymond Road. A. Hall said this is the results of the hearing last spring. Chairman James said the document will be scanned and sent around. He said this is a final report that came out December 10, 2014. A. Hall said he looked at it briefly and there are 5 options one of which is a roundabout by the Catholic Church at a cost of about a million and a half. G. Clifford said that would really slow traffic down. A. Soares said the roundabouts work. A. Hall said it would cause more problems than it's worth ultimately the volume would exceed the capacity of the roundabout which would cause a safety problem overrides. A. Soares said roundabouts have reduced accidents. K. Kustra asked if she used the one in Goffstown and A. Soares said that one is too small. K. Kustra thinks it is a safety issue. Chairman James said they can review the report as it looks interesting.

K. Kustra asked if the Chairman and found out about sharing a planner and Chairman James apologized he has not done this and said will.

Chairman James asked if anyone wanted to stay as he wanted to do a quick zoning meeting.

A. Hall **motioned** to cancel the January 7, 2015 meeting due to lack of applications. G. Clifford **seconded. All were in favor. Motioned carried (5-0-0)**

The next scheduled Planning Board meeting is January 21, 2015 at 7pm at the Town Hall.

A. Hall **motioned** to adjourn at 7:30 pm. A. Soares **seconded. All were in favor. (5-0-0)**

Respectfully submitted,
Sharon Robichaud
Land Use Secretary