

**CANDIA PLANNING BOARD**  
**MINUTES of January 25, 2017**  
**APPROVED**  
**Public Hearing**

Present: Sean James, Chair; Tom Giffen; Ken Kustra; Mike Santa; Carleton Robie, Alt; Rudy Cartier, Alt; Dave Murray, Building Inspector

Absent: S. Komisarek; J. Lindsey; J. Bedard, Alt

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

Minutes January 18<sup>th</sup>:

T. Giffen made a **motion** to accept the minutes of January 18<sup>th</sup>, 2017 as submitted. A. Hall **seconded**. S. James; A. Hall; and K. Kustra; **were in favor. Motion passed (5-0-0)**.

2<sup>nd</sup> Public Hearing – The First Public Hearing was held on January 4<sup>th</sup>, 2017

**Accessory Dwelling Units Zoning Warrant Article:** Review the proposed zoning change warrant article to section 15:04 E to conform to the State Regulations SB 146 on accessory dwelling units. A copy of the proposed Warrant Article is available for public review on the Town web site and at the Land Use Office during normal business hours.

S. James said we'll open the public hearing for accessory dwelling units zoning warrant article. A copy of it was available for public review on the website and in the Land Use office. We had a previous public hearing on this and I was under the impression that when we submitted a warrant article, it went to the Town Attorney and it did not. So I apologize, that was my misunderstanding. We sent it to the Town Attorney and he had a couple of suggestions, which are here in red. In the first paragraph, to add in *single family* dwelling unit, just to clarify. Under item #4, it says *there shall be a maximum of 750 square feet*; we had *of heated living space*, which he thought was unenforceable. You can't force someone to heat their space. So it would just read *there shall be a maximum of 750 square feet for the accessory dwelling unit*.

T. Giffen commented the other issue he raised on point #4, in theory someone could have a 10,000 square foot accessory dwelling unit and heat 750 square feet of it and be within the letter of the law. I don't think anyone would do it. Close that loophole. S. James agreed.

S. James said so it was important to do it correctly and have the hearing. Any other comments?

T. Giffen said the other one in red, Bart's argument was to keep the language consistent and I'm willing to accept his input on that as well as point #4 and propose that we move it ahead subject to discussion as it's amended in this form. M. Santa seconded. S. James said we'll have the hearing, close it and then take the motions.

D. Murray commented on #10, I have a problem with that. *The complete structure will meet current building and fire codes*. We're talking about a lot of old buildings in Town and the way it's written, you have a 3,000 sq. ft. Colonial with a 750 sq. ft wing on the side of it, the way it's written I have to have them bring that whole house up to code and that's not going to happen. T. Giffen suggested *any addition to the structure shall meet?* D. Murray replied how about *the current State Building and Fire Codes for two family dwellings shall apply?* T. Giffen asked is there something in that code that exempts existing structures from updating, there should be right? D. Murray said yeah, there'll be smokes and CO's and depending on what they do for electrical, we'll be looking at their service, energy, stairways, window sizes. R. Cartier asked so you have the two family dwelling units, the interior door between the two, is that going to have to be a fire rated door? D. Murray said absolutely, to the new part, anyway. M. Santa asked if we make this change does that mess us up for approval. The Board unanimously said no. T. Giffen suggested we fix #10 with Dave's suggestion.

S. James closed the public hearing. I'll entertain a motion to move this to the warrant. The Board discussed the wording in #10 and it was finalized as *the current State Building and Fire Codes for two family dwellings shall apply*.

#### MOTION

T. Giffen **moved** to submit this warrant as amended. M. Santa **seconded**. **All were in favor (5-0-0)**  
**Motion passed.**

#### Other Business:

##### Transportation Public Hearing and Master Plan:

S. James said as a reminder, February 1<sup>st</sup> we're having a public hearing again for the transportation chapter to the Master Plan, that's up on the website and it was emailed around to everyone. It will be similar to tonight, have the hearing, close the hearing and assuming there are no comments, we would have a vote on it.

On the Master Plan update itself, we had a really good meeting last night and made a lot of progress. There is a draft and last night we focused on the action items. Our last Master Plan had a lot of action items and many were versions of the same thing and reminders. This is trying to be more of a blueprint, not as specific so there are general items and action items. Exit 3, for example, is one. What should we be doing there; investigate these things and look at economic development. We're going to meet on February 7<sup>th</sup> to review the final draft and then we'll get that out for review on the website and would like to have the public hearing on March 1<sup>st</sup>. We'll see what we get for comments and see how it goes but if we can approve it on March 1<sup>st</sup>, at least vote on it, not approve, if we can vote, we can have it taken care of before the Town elections and the warrant articles come up. The Master Plan references the Transportation Plan and other plans we have in there and we would be complete with that and then we can move forward with implementing parts of it.

A. Hall said Nate Miller is taking Jack Munn's place, said he will be here, he's sharp.

S. James said Jack Munn's, from Southern New Hampshire's been working the Town for at least 10, maybe 20 years, a long time. I'd like to send a thank you letter on behalf of the Planning Board.

S. James said on March 1<sup>st</sup> Sylvia von Aulock is supposed to be here to give a presentation, we're getting the details on that.

##### Informational last September & the Application:

Last on Agenda, this was at the request from Jim Franklin. Jim came in last September for an Informational on this property, Wingedspur Ranch on Currier Road with the idea of taking 3 lots and going to 7. Taking 3, combining into one and then re-subdividing into 7. We talked to him about it and we didn't have any negative comments. But 2 questions have come up. Jim submitted the application as a minor subdivision and he put it in as a minor but he said he could see where it would be a major and he was fine either way. My opinion is it's a major; it qualifies, if you make one lot and then you go to 7. Is that the general consensus of the Board? Board agreed. S. James continued the other thing he asked was, and I think it's no secret, Jim's no fan of Stantec, he expressed that at the last meeting and he asked how do we decide when they get involved. We don't as a Board have a policy but historically what we have done is that anything that goes to the major level, we have our Town Engineer look at it; so a major site plan or a major subdivision. Generally the minor site plans and the minor sub-divisions, unless there is something odd with them, we'll generally handle them on our own. It's not written down anywhere but that's what we've been doing. When it gets to that major level, there's a lot more to it and we start getting into things like we did on High Street with culverts etc, things that the Board doesn't necessarily have the expertise to get into. So Jim asked what our procedure is and again, we don't have one. His opinion was if we're going to require him to have Stantec review this or whoever, that we need to do it at a public meeting. We have the email from Bart, Andrea asked about that. The way I'm interpreting it is that our general procedure and how we do business, is up to the Chair and the

Secretary as to when something would go to Stantec. If the applicant, and it's under this RSA 676:4-b, does not want to have them (*Stantec*), they are allowed to have a third party review by another firm. We talked about this in another meeting about having other firms or not and should we pre-approve them or not and we decided to leave it the way it was. One, I want to make sure the Board agrees with that general procedure and the 2<sup>nd</sup> question is to whether we need Stantec to review this or not. A. Hall suggested a back up engineering firm since there have been issues with Stantec with Mr. Franklin and Severino Construction. M. Santa disagreed. It gives the applicant an option to submit the name of another engineering firm, which we would review and accept or not accept depending on their qualifications. If they want someone else, they can bring that name forward. A. Hall asked what you do in Concord. M. Santa replied we don't have that problem because we have a staff that can do the review. We have professional engineers that review all the drainage issues, we have a traffic engineer, and we have 3 planners. We have a good technical staff. We don't have that here so we rely on Stantec. We could go back out and take proposals and pick another engineering firm if that's in the interest of the Town.

C Robie commented over the year's Stantec's been very good to the Town of Candia. As far as working with the Highway Department and with my experience working with Stantec on a couple of occasions, they do a thorough job on what they're asked to do. A lot of the issues we're hearing from the applicants about Stantec is that what they have provided the Planning Board over the years is in depth. They do a thorough job but I think they've been asked over the years to do the recommendations more than the "does this applicants engineer meet the criteria". There's always two ways to get there. The more recommendations they make, the more time it takes and they're doing it at the applicant's expense, not on the Town's expense. Stantec's been wedged into the situation of always providing numerous recommendations so maybe we have Stantec back off of our applicants a bit, as long as their engineer has met the criteria, no matter how he gets to it, as far as drainage, gravel, slopes. If it's there, it's there. And vetting another engineer at this time does nothing for the applicant who wants his own engineer or an engineering firm. We could vet 10 and he might not want any of the 10. He can still choose.

S. James said I would add I think it's good for the Town to have a firm, whoever it is, that's our primary go to because volume wise, we don't throw Stantec a ton of work. But whoever does the work needs to be familiar with our regulations. The amount of comments, I think is two things. 1) The applicants are upset about suggestions. I don't have a problem with Stantec suggesting things but that adds to the comments. 2) The other issue is that our regulations need a major overhaul. A lot of what they (*Stantec*) bring up is true, we waive a lot of things regularly and "your regs say this but I need to comment on them". Maybe they can go back through their last 5 or 10 letters and tell us some sections to work on. Box culverts are a great example. They came in and it's not unreasonable but we have nothing to back it up. We should add something on box culverts.

R. Cartier added the complaints from last year were the suggestions or the recommendations, its fine to make recommendations; the Board doesn't have to accept it. But the critical thing was that they were getting the letters the day before the hearings. And that irked people because it delayed it another month. I think Stantec's been better about that, getting the reviews earlier and meeting with the clients before they come to the Planning Board meetings and most everything is taken care of. To address this one on Currier Road, I think Stantec should review it, or someone should review it and the reason being a fairness issue because the Currier Road project we did with 4 divisions across the street was touchy. We've set the precedent.

The Board continued to discuss the Third Party process and the pros and cons of having a list of qualified engineers. Applicants can always choose someone not on the list, the list could be construed as discrimination; look at DES and DOT and what are their qualifications; create a written list of guidelines to qualify these engineers. M. Santa offered to ask around to see what other Towns are doing.

S. James recapped the consensus of the Board is that this (*Jim Franklin's application*) is going to be a major and we're going to ask Stantec to review it. If he would like to submit someone else, he can do that and let us know, otherwise, we'll ask (*Stantec*) to prepare it.

C. Robie reiterated if it's going to be a major subdivision and it needs to be reviewed by an engineer. He can pick one or use the Town engineer. I'm not going to speak for Jim but I'm sure he's trying to keep the cost down for his client. M. Santa asked about the money. What is the cost for a review? A. Bickum replied approximately \$1,500 to \$3,000 depending on the size of the project. T. Giffen said it's not the price so much as the timing. S. James said I talked to Rene about it and expressed the comments we were getting. I think it's been on both sides.

2016 Budget:

S. James this is for last year's budget. We were well under, this isn't the final one. The telephone item is under. Law lectures, we budgeted for but I don't think anyone went. Next year's budget is the same so I would encourage people to go. Same with conferences, we did have some expenditures but not a lot. The only think we're over on is mileage, we only had \$50 budgeted. Legal notices; we have \$300 budgeted and we didn't use any of that. Legal notices for projects are paid by the applicants but public hearing notices are paid by us. So as of December 6<sup>th</sup>, we used half our budget. I encourage you to use the law lectures and conferences.

MOTION:

A. Hall **motioned** to adjourn at approximately 7:38 pm. T. Giffen **seconded**. **All were in favor.**  
**Motion carried (5-0-0).**

Respectfully submitted,  
Andrea Bickum  
Land Use Secretary  
cc file