

CANDIA PLANNING BOARD
MINUTES of July 19, 2017
APPROVED
Public Hearing

Present: Tom Giffen, Chair; Al Hall III, Vice Chair; Ken Kustra; Judi Lindsey; Rudy Cartier; Carleton Robie, BOS Representative.

Dennis Lewis, Road Agent; Dave Murray, Building Inspector; Dean Young, Fire Chief

Absent: Joyce Bedard; Mike Santa, Alt

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

Minutes June 21, 2017

A. Hall made a **motion** to accept the minutes of June 21st, 2017 as presented. J. Lindsey **seconded**. C. Robie; K. Kustra; T. Giffen; and R. Cartier **were in favor. Motion passed (6-0-0)**.

T. Giffen announced that contrary to rumor we do not have a Crowley Woods subdivision item on the agenda for this evening. There will be a Zoning Review and Revision Committee meeting after the Planning Board is done. Participation and members are welcome.

C. Robie asked for a moment of silence for Mr. Kim Byrd, who passed away Tuesday morning. He was a big part of our community for a long time who worked diligently on the Planning Board.

Residents Present: Paul Hammerstrom of 124 Patten Hill Road; Dave Baldessari of 64 Fieldstone Lane; Betsy Kruse of 53 New Boston Road; Dick Snow of 127 Depot Road; Sue Young, BOS.

Risk Trees Removal Scenic Roads: Notice is hereby given that the Candia Planning Board in accordance with RSA 231:158:II. Effect of Designation as Scenic Road, the Candia Planning Board will hold a public hearing on Wednesday, July 19, 2017 at 7:00 pm in the Town Office Building, 74 High Street, Candia NH, to take comment on the request of Eversource to remove risk trees adjacent to and beneath power lines within the ROW on the following scenic Roads in Candia, which have been designated as a scenic road by town meeting vote; Critchett Rd, Depot Rd, New Boston Rd, North Rd and Patten Hill Rd.

Present: Rick Sullivan, arborist for Eversource.

T. Giffen requested that we have proof, in writing, that the land owners have been contacted. He also suggested adding a column to the spreadsheet with the landowner's names on whose land the trees exist; currently an extensive list noted by pole number. We would need the name of each land owner, if you could perhaps add a column. R. Sullivan agreed, yes. R. Sullivan confirmed that the *perm.(y/r)* column was permission from the owner. *Y* is yes. It's been updated, you have June 14th. Blank means that the property owner has not gotten back to us, they haven't necessarily refused. We leave cards, we knock on doors, if we don't hear from someone, it remains blank until we're able to talk to them. They did a pretty good job getting in contact with people, page 2 is almost all *y*'s.

T. Giffen said what I would like to do before we grant approval would be to make sure that we're all the same page with respect to what the Town would like to see to verify contact from landowners. If you could document that in some form for each of the landowners and provide us with an updated list as soon as it's practical, we can act fairly easily. R. Sullivan said so the permissioning column in several cases we

get a signed consent form and some it's not that easy to meet with the landowner and we do take verbal consents. Besides the y in this column, we don't have any notes in those cases.

There was more discussion between the Board members and the applicant about proof of consent from landowners and abutters, getting that consent in writing and how to address the verbal consents so that the Town had it on record. The Board also verified that the Road Agent has spoken with Eversource to confirm that there were no risk trees on Town property so the "waiting for the Road Agent" note in the spreadsheet was completed.

T. Giffen asked does this list include areas that are not scenic roads. R. Sullivan replied no. T. Giffen confirmed these are only scenic roads? R. Sullivan agreed, yes. Steve Gains and Jeremy Billedeau created this list and permissioned these customers properties, I'm going to ask them for a copy of all the consent forms where we have signed consent. Where we have verbal, we can see what we can do to get signed consent.

There was a concern raised by K. Kustra regarding the timing of the cutting with school buses starting back in September. R. Sullivan said it is something we're used to working with as we trim year round, if we're not in Candia, we're in other towns throughout the state throughout the year. If it's an issue on a given street, we can delay work on that street until after the buses pass through to make sure we're not blocking any roads at that time.

A. Hall asked were you directly involved last time when they did Adams Road and South Road, the previous project a year or two ago? R. Sullivan said I was not. I am new to this role. I've been an arborist for this area for 8 months. I've been an Eversource arborist for 8 years but the arborist who was here, Brian Salas, moved up north and I moved into this position. What prompted this whole list were a couple of outages we had on Critchett Road and then some customer requests there for removal of Ash trees. We went out there and saw a lot of declining Ash trees, so I asked someone from Asplundh to profile the scenic roads in the area to see how many Ash trees or risk trees we had in the area. In this case, this project is only removal so we're not trimming; we're out there removing risk trees. It's off cycle, normally we trim a circuit every four years and I believe this won't be trimmed for another two years. We'll be back to talk about trimming these roads in two years, and the rest of the Town.

C. Robie said he's talking about risk trees and if he has a line clear slip, I don't see why they can't get started on the ones that he has a yes and a slip. Mr. Kustra's concern about the school buses, the sooner we get them scheduled and get these risk trees down and get to work on this, I don't know why you can't do both. Start doing what you're doing and finish getting the slips signed at the same time. Eversource is a reputable company and they're certainly not going to cut trees that they haven't been okayed to do. R. Sullivan agreed. All these trees have defects. Some of the Ash trees might not be completely dead at this time but we're trying to be proactive. Several of them are completely dead or you can see signs of decline from the Emerald Ash Borer. Over half the list is Ash trees.

T. Giffen suggested we may wish to consider granting approval for those trees where written permission already exists and for the remainder, as written permission is received and that we can start cutting as soon as those permission slip copies are available in our office so we have documentation in the unlikely event we get a resident that says "hey I did not give permission". I would suggest the Board consider that approach.

P. Hammerstrom of 124 Patten Hill Road asked have all the trees they'd like to cut be identified and the property owners noticed? R. Sullivan said yes these trees have been ribboned and we've left in some cases, 3 or 4 door hangers on the property.

R. Cartier suggested a summary that there was a written record instead of copies of all the permission slips to keep the paperwork down. R. Sullivan suggested I could send you a PDF. Scan them all and send a PDF. When the tree crews are out there, a lot of these people where we don't have consent, will drive by and stop and talk to these guys and we can ask them then to get a signed consent form before doing it. It does happen because the crews are on the street for a week or two or more, so those homeowners that haven't seen this or replied will take it upon themselves to get in touch with us. D.

Baldesarri of 64 Fieldstone Lane suggested the tree cutters have the forms in the truck and they can stop and sign them right there.

T. Giffen asked about the people who can't be contacted. R. Sullivan said if it's not a y, we're not going to remove that tree. C. Robie said at some point if it's a risk tree and you can't contact anybody, you can contact our Road Agent and he will make a decision. A risk tree is a risk tree. D. Lewis said we can take those down.

MOTION:

C. Robie **motioned** that we grant Eversource permission to cut the trees with a copy of the approval from the land owner/abutter. J. Lindsey **seconded**. All were in favor. **Motion carried (6-0-0)**. R. Sullivan confirmed so as soon as I get you a PDF of where we have written consent, we can get crews out? The Board agreed, yes.

17-007 Minor Subdivision Application: Applicant: Appledore Homes Inc., 12 Currier Road, Candia, NH 03034; Owner: Eric & Gayle Baker, 809 High Street, Candia, NH 03034; Property location: New Boston Road, Candia NH 03034; Map 406 Lot 99 Intent: To subdivide 14.09 acres to create 1 new lot; 3.04 acres and 11.05 acres.

Present: Applicant Appledore Homes Inc.; Kevin Hatch, licensed land surveyor and owner of Cornerstone Survey Associates Inc., 25 Whitetail Lane, Chester, NH 03036.

Abutters Present: Frank Sarra of 133 New Boston Road

K. Hatch introduced himself and said I'm here for the applicant. Mr. Boisvert is also here. C. Robie stated we have an application for a minor subdivision. Who reviewed the plans? R. Cartier said Andrea did. C. Robie continued the application appears to be very thorough and very checked off.

MOTION:

K. Kustra **motioned** to accept the application as presented. R. Cartier **seconded**. **All were in favor. Application was accepted (6-0-0)**.

K. Hatch said it's a 14 acre parcel on New Boston Road. It's adjacent to Sarra Signs just beyond the bridge and the old landfill. The property has a good portion of wetland towards the back and along the side. We've created the lot 99-1, 3.04 acres, entirely dry. Both lots have enough frontage and area, both have in excess of 3 acres of dry contiguous upland soils. Both lots have onsite septic system and onsite well. They'll have individual driveways. We looked at locations of driveways to make sure they had good site distance and there is easy access to the lots. The second parcel is 11 acres. We did have to jog the line out and around to make the rear portion of the upland soil usable to them. As you walk the site, it follows the terrain so it looks like it makes sense although it is a jogged line on the plan. Since we turned the application in we have received state subdivision approval which means the Department of Environmental Services has reviewed the plans. They've walked the site and they've granted approval for subdivision. The number is on the plan.

R. Cartier asked about driveway permits from the Road Agent. D. Lewis said I can't issue driveways until the lot exists so all I do is provide a letter saying there are locations for driveways on each lot but I can't issue them because the lots don't exist. C. Robie confirmed we have the letter right here.

B. Kruse asked you talked about that 11 acre parcel and the fact that you had to kind of go around to have enough upland soil so can you tell me would we expect the house and septic system to be on the road frontage. K. Hatch said the building area, envelope is up in here. This portion would only be used for recreation and to walk back out there. There's no practical physical use of the property. There's not enough

of a building envelope there. B. Kruse said so can you say again why you needed to create that odd shaped lot. K. Hatch replied Candia has an unusual regulation where they require 3 acres of upland soil but a portion of that is contiguous and non-contiguous so in order to satisfy the rule, even though we're just about 3 acres we could chop it off back in here somewhere and this would be excess. But it made more sense if you follow the terrain on this property, this is level along the edge of the wetland and this is a higher hill, so on the land, this makes sense for a walking trail. It looks funny on a flat piece of paper but in the real world, it does fit. J. Lindsey said on #6 it says this property is located within the groundwater protection district, is that anything we need to be concerned about? T. Giffen replied this went to the Lamprey River Advisory Committee; they've reviewed it and given us a letter indicating that they are comfortable with it. K. Hatch commented we did leave that note on the plan because of your zoning. It wouldn't take into effect anything in a residential use but if someone moved in there and wanted to do something that was dangerous or harmful to groundwater contamination, they're on notice "hey you've got extra regulations on this lot" but it won't affect any practical use out there though.

F. Sarra asked how far is the house plan from the boundary line on my side. D. Boisvert said it doesn't exist yet. On the lot away from you, I'm building a house for my son on that, that one's figured out. The lot next to you is not figured out. I don't know what's going to happen. I may build my own home there, I may build another one. F. Sarra said I was just wondering how far back from mine. D. Boisvert replied we try to keep away from other people as far as we can. That was another reason why we moved that lot line, there's 500 feet of frontage there roughly. So by doing it the way we did makes 250 feet of frontage for each lot so you can spread out and not be jammed up. R. Cartier asked on the boundary lines themselves. In the past there's been concern about having odd shaped lots, is there a reason why you didn't square it off? K. Hatch reiterated just for the practical land use. If you flip to the second page, you see the contours run parallel, the property line there. When you're out on the land, that's what feels like a straight line when you walk along the contour like that. We did want to leave dry access to that portion out back although it's not a real practical useful piece but if they wanted a walking trail out back for some reason, you can get there without getting you're sneakers wet. If we created a square lot out there we'd have a lot corner out in the swamp somewhere where you'd never find it. This stays where people will see it and use it. R. Cartier said that makes sense. C. Robie said I think the lot was very irregular to start with. K. Hatch agreed. C. Robie continued I think the lot line adjustment the way you have it laid out there leaves 11 acres, you can use an acre to build a house and you can have current use on your property if you would like to do that. I see no problem with the lot line.

A. Hall remind the Board and those here that the request is simply for a new subdivision only and quoting from Preston Samuel, Project Review Chair of the Lamprey River Advisory Committee; *that while future construction plans could possibly affect the resources of the designated river (North Branch River), a mere subdivision of land does not appear to affect those resources. If such future construction plans were to trigger the need for State permits, most notably the Shoreland, the Wetlands or the Alteration of Terrain Permits, we would still need to conduct a review at the time that those permits are applied for.* All we've been asked to do is sub-divide this lot, period.

C. Robie asked if there were 1 ½ acres of uplands contiguous soil? D. Boisvert replied it's 2.3. K. Hatch said it's all contiguous, over 3 acres is contiguous. C. Robie said they did an outstanding job.

C. Robie asked if the bounds had been set. K. Hatch replied I didn't quite finish up but they'll be done by Friday. I'll get you a certification; I give you a certificate saying that they were all set so you can record. C. Robie remarked so we'll sign off when you get that certificate. You send us the certificate and we'll make sure the plans get signed and recorded. K. Hatch left the Mylar.

MOTION:

C. Robie **motioned** to approve this subdivision as presented on July 19th. A. Hall **seconded**. **All were in favor. (6-0-0) Motion carried.**

Other Business:

R. Cartier asked is there any update on Crowley Road/Crowley Woods? T. Giffen replied there's a traffic study being performed. Until the traffic study has a) been performed b) been reviewed by all required parties we really don't have anything to talk about. They have not yet come forth with a new application under the conditions that would apply for a major subdivision. So right now the official status is the minor was denied, and it's out there. Pending action by the applicant.

T. Giffen addressed the audience and said the question was just raised by Mr. Cartier about the status of the Crowley Woods proposed subdivision. As of now the official status is this; their application for a minor subdivision was denied following due process at a prior hearing. It was voted a development of regional impact. As a development of regional impact, the Planning Board decided to require the same sort of treatment for this as would apply to a major subdivision. The applicant has not yet produced an application for a major. It's my understanding that a traffic survey is in the works and that that traffic survey, once performed, would be reviewed by the SNHPC, by Candia's engineers, Stantec and also by Chester's engineers, Dubois & King. Right now it's out there in limbo. Nothing further has happened and until we have a traffic study that we can look at, once reviewed by the engineers and SNHPC, we can start to make considerations to have discussion on the matter of approval. I would also inform everybody that although Candia doesn't have much in the way of regulation on a development of regional impact, there is an RSA that covers it fairly neatly. Both towns have to sign the plans, one. Number two, the RSA 674, there's a subchapter there that describes the conditions that may apply for something to be deemed a premature development or scattered development and we need to consider things like demand on services and demand on infrastructure. This also went to the courts in a case Land/Vest Props. v. Plainfield, NH. The court contemplated a situation where the Planning Board could require as a condition of approval that the applicant reduce the number of lots in order for approval to be granted and it may not be necessary to require the applicant to come in with a new application under those circumstances. Some limitation may be imposed based on the existing conditions and any improvements that the applicant might pay for. It will come back, we just don't know when.

MOTION:

A. Hall **motioned** to close the Planning Board meeting. J. Lindsey **seconded**. **All were in favor. Motion carried (6-0-0)**. Planning Board meeting closed at approximately 7:45 pm.

*******Zoning Review & Revision Committee Meeting to follow this meeting** - update from Stantec re: review of regulations; Work Session on procedures etc. *See ZRRC Agenda for July 19th, 2017 for details.*

MOTION:

Carleton Robie **motioned** to adjourn the Planning Board Meeting at approximately 9:23 pm. J. Lindsey **seconded**. **All were in favor. Motion carried (6-0-0)**.

Respectfully submitted,
Andrea Bickum
Land Use Secretary

cc file