

**Candia Zoning Review & Revision Committee**  
**Minutes of October 18, 2017**  
**Approved Minutes**

Present: Tom Giffen; Al Hall; Rudy Cartier; Carleton Robie; Ken Kustra.  
Dave Murray, Building Inspector; Dennis Lewis, Road Agent;

The purpose of this volunteer committee is to review potential changes to the Town of Candia Zoning, Subdivision and Site Plan regulations and make recommendation for changes or additions to the Planning Board. This meeting is open to anyone that wants to participate.

The meeting started at approximately 8:30 pm following the Planning Board meeting.

Minutes from September 20th, 2017:

A. Hall **motioned** to accept the minutes of September 20th, 2017 as presented. R. Cartier **seconded**. C. Robie and T. Giffen **were in favor**. K. Kustra **abstained**. (4-0-1). **Motion carried**.

Guests Present: Bryan Ruoff from Stantec Engineering

Continuation of Stantec's Review of Candia's Current Regulations; Earth Excavation, Major Site Plan and Major Subdivision Regulations: Completed: Earth Excavation

**Continuation of Major Site Plan Review:**

The ZRRC committee continued their review of the existing Major Site Plan Regulations with the track changes and discussed the proposed changes by Stantec that were in the binder supplied by B. Ruoff.

Some of the items to adjust, correct, further explain or change are as follows:

B. Ruoff said we finished on page 10, item 10 B2 and the last revision I had was the last sentence so we can start on page 11.

**Page 11 Number 3:** C. Robie read: *Upon the Planning Board approving the Major Site or Major Subdivision plans the Town's Engineer shall develop a construction monitoring estimate for the project. The Applicant or Developer shall provide a check for payment of the estimated amount that shall be placed in escrow for inspections and monitoring of the project during construction prior to the Planning Board signing the final plans.* The final approved plans, after the job is all completed? B. Ruoff no, the plans that the Planning Board would approve. C. Robie replied we'll use High Street scenario, Mr. Hill came in, we discussed a bond issue, we told him how much it would be. He knows that amount and we approved his plan. When he decides to develop that land, he's going to post that bond and you'll set up a working monitoring construction estimate with Stantec, he's going to pay that but the plans have to be signed and recorded in any case because that gentlemen wants to sell that development approved and it is approved. Then when they come to develop it is when they pay these fees. He can't be sitting in here with a \$600,000 road bond and construction monitoring for another \$200,000 for three years and it sits there. They can't pay that for all that time. B. Ruoff suggested instead of saying prior to the Planning Board signing the final plans, we could delete that part and put prior to construction instead.

**Proposed Change:** *Upon the Planning Board approving the Major Site or Major Subdivision plans the Town's Engineer shall develop a construction monitoring estimate for the project. The Applicant or Developer shall provide a check for payment of the estimated amount that shall be placed in escrow for inspections and monitoring of the project prior to construction.*

**ADD prior to construction.**

**DELETE to the Planning Board signing the final plans.**

C. Robie said the costs do need to be fixed. We need that discussion before we sign the plans of what they are going to be but we aren't going to have the check in escrow. We need to know what the bond will be and what the monitoring costs will be. But not holding the checks in escrow.

R. Cartier asked about *5.02 General Construction and Guidelines: (under B) Construction of all required improvements shall be completed within 2 years*. They won't have an escrow account but after 2 years should there be a review to see if the estimated costs are still valid? Are you going to change 5.02 B because there is no extension? *Unless a greater period shall be specified in the Notice of Approval/Disapproval under the RSA*. But it doesn't say or coming back to the Board and requesting an extension? Do we have anything in our regulations for the Board to do that?

C. Robie commented on 5.02 B. *The applicant shall commence work on all required improvements within one year* (I wrote 3 years). That applicant needs to come back before the Board and ask for an extension if he wishes. As long as the zoning hasn't changed or meet the new requirements. B. Ruoff replied if regulations change, it's to protect the Town. Wetlands change for site potential; it's good to re-investigate approved plans. Two years is the current RSA. The Town can revise it to less than 2 years but revising it to 3 years wouldn't be allowed by state of NH RSA's. You could write in something that's more stringent but not less stringent than the current law. We could expand the language to say if the work isn't completed within 2 years; the applicant has to re-apply for approval to continue.

Discussion continued regarding page 11 5.02B regarding land clearing and extensions, replant buffers if necessary:

**5.02 General Construction and Guidelines:**

**A. Prohibition:**

*No construction, change of use, land clearing or building development shall be initiated until the Final Plan of the proposed site plan has been approved by the Board, as evidenced by the issuance of the Notice of Approval/ Disapproval and signing of plans.*

**DELETE land clearing**

B. Ruoff said land clearing may not be applicable in Major Site plan; have it well covered in your zoning and the other is have it land clearing ordinance. I don't get the sense its necessary.

**B. Period for Commencement of Construction and Completion of Work:**

*The applicant shall commence work on all required improvements within two years from the date of acknowledgment of the Notice of Approval/ Disapproval.*

**CHANGE ONE year to TWO years.**

*Construction of all required improvements shall be completed within 2 years of the date of acknowledgment unless a greater period shall be specified in the Notice of Approval/ Disapproval (RSA 674:44).*

**ADD IN: Re-review after 2 years - Request Extension**

**Page 12: 5.03 Provisions of Guarantees of Performance:**

**C. Retainage:** *The Board of Selectmen shall retain 10% of the total of the original bond and all interest earned to guarantee corrections of latent defects, potential damage from erosion and sedimentation, not to exceed one year after satisfactory completion of all improvements.*

**ADD: after satisfactory completion of all improvements** (after one year).

D. Lewis said **5.07** says two years. One says one year, one says two years. (Page 13)

**5.07 Guarantee of Installation of Improvements:**

*For a period of two years after completion of all improvements or one year after the correction of all deficiencies as described above, which occurs last, if the Selectmen or its Town's Engineer determines that the improvements have failed for any reason or do not meet the specifications as filed by the applicant and as required by the town, the Selectmen shall notify the applicant in writing of such failure and the applicant shall rectify all failures at the expense of the applicant. If the applicant does not substantially rectify all deficiencies within a reasonable time as determined by the town, the Selectmen shall take all necessary action to protect and preserve the town's interests.*

C. Robie said 5.07 is if they had to do something according to *C. Retainage*; we have the 10% for one year. If they have to fix anything, then we hold it for another year according to 5.07. D. Lewis disagreed. It needs to be clarified. D. Lewis said one year after correction of all deficiencies. But two years after completion of all improvements but if you up to retainage, they can get their 10% back after one year. C. Robie said because there was no deficiency. D. Lewis said you have to go back and re-inspect a year later. C. Robie said no, you're done. A year after if there were deficiencies; you hold the 10%. You go to 5.07 and if deficiencies, you hold it for another year, for a period of two years.

**CHANGES to 5.07 on page 13:**

*For a period of one year after satisfactory completion of all improvements or one year after the correction of all deficiencies as described above, which occurs last, if the Selectmen or its Town's Engineer determines.....*

**CHANGE two years to one year**

**ADD satisfactory before completion**

Stantec Estimate for Crowley Woods review:

B. Ruoff said I came to justify the cost associated with that because I think they are very high for this review for the amount of material that we were given to review but It's broken out to clarify this is what we expect to come out of this. There's probably going to be off site improvements required for Crowley Woods to accommodate this amount of traffic increase. I believe quickly looking at the traffic study and I don't want to get into it too much but the amount of traffic being added to that road pushes the daily traffic count to where that road can no longer be maintained as a rural arterial road, it now has to meet all ASHTO standards, I believe. T. Giffen stated I'm recusing myself from it and per Carleton's suggestion we'll defer it until they show up again. So for the timeline, we're looking at a completeness review.

MOTION:

C. Robie **motioned** to adjourn the Zoning Revision meeting. **All were in agreement. Motion carried (5-0-0) for Planning Board Members.** It was the consensus of the entire committee present to adjourn the ZRRC meeting at approximately 9:07 pm.

The ZRRC meeting has been CANCELLED for November 15<sup>th</sup>, 2017.

The next ZRRC meeting is to be determined at a later date.

Respectfully submitted,  
Andrea Bickum  
Land Use Secretary