

**Candia Zoning Review & Revision Committee**  
**Minutes of October 29th, 2018**  
**Monday 6 pm Work Session**  
**Unapproved Minutes**

Present: Rudy Cartier; Al Hall; Scott Komisarek; Mark Chalbeck; Judi Lindsey; Dennis Lewis, Road Agent. Boyd Chivers, Board of Selectman and ZBA; Dave Murray, Building Inspector.

Residents Present: Sharon and Christopher Dewitt of 60 Highland Street; Dick Snow.

Guest: Nate Miller from SNHPC

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 **6:00 pm**.

ZRRC Minutes from September 19th, 2018:

**MOTION:**

A Hall **motioned** to accept the minutes of September 19th, 2018 as presented. S. Komisarek **seconded**. R. Cartier and M. Chalbeck **were also in favor**. J. Lindsey abstained. **Motion carried (4-0-1) for Planning Board Members.**

B. Chivers clarified an important point. These amendments 1 through 15 were originated by the Land Use Office in response to certain problems we've had administering the zoning ordinance and enforcing it. It was first presented to the Zoning Board as a courtesy. For some reason a member of our Zoning Board thinks that it was presented to them for their endorsement and then it subsequently came to this Board after it went to the Zoning Board and somehow the implication is it came with the endorsement of the Zoning Board of Adjustment. We never voted on any of these items specifically so I want the record to be clear that you're considering this as a product of the Land Use Office and not the Zoning Board of Adjustment and I hope Andrea gets that down clearly because one member of the Zoning Board of Adjustment was offended that it came to this panel with the implication that it was endorsed by the ZBA. All was presented for information only as a courtesy and we discussed it and that same member is passionately against one of these amendments so she made clear her objection to the amendment and she also made clear that she felt that you were misled into thinking that it came with the endorsement of the ZBA. The ZBA is not the Planning Board. We have nothing to do with drafting ordinances, the Planning Board does it. The Land Use Office took it upon itself to present these just to clean up problems we've had.

R. Cartier said I'm glad you mentioned that and I appreciate the work that the ZBA has done on this and it was my understanding, my impression was that it was coming from the ZBA because it was ZBA members that brought it forth to us. B. Chivers responded it was a matter of timing. I'm on the ZBA too and it was just a matter of timing, the ZBA met before you guys did. So I thought I'll just take it to them and then it will come to you, if it had been the other way around you would have seen it first.

Board reviewed and discussed the following revised zoning amendments draft: A. Bickum said so we had the first draft and then we had a draft that Stantec had marked up in green and then Boyd had taken

that and reduced it to the very simple revision (*Revision 1.1*) that we were talking about last time but then it had cut out.. .nobody knew where stuff had been so I went back and combined those two. This has the original draft but it shows what we’re actually changing. So using the Track Changes, everything in red is either being added if it’s underlined or being taken out with a strike through. This would actually go into the warrant article like this so you can see what the changes would be. I did change a couple of things and added one but it still needs a lot of work.

Board discussed the draft.

**TOWN OF CANDIA LAND USE OFFICE  
RECOMMENDED CHANGES TO THE ZONING ORDINANCE**

This is for the Planning Board to review, revise and amend, keeping the Zoning Ordinances in mind, for the purpose of preparing final versions of these or other recommendations to become warrant articles for the 2019 Town elections.

**REVISED DRAFT**

10-29-18

Proposed for Warrant Articles:

**Zoning Amendment #1: Article III, Definitions. Accessory Dwelling Unit:** to amend by striking or detached to conform to the special exception conditions as per Article XV 15.04 E7, a second dwelling unit may not be detached but must be attached to the principal dwelling. To read: **Accessory Dwelling Unit:** "A second dwelling unit attached ~~or detached~~ which is permitted by a land use control regulation to be located on the same lot, plat, site or other division of land as the principal dwelling unit. RSA 674:21.

B. Chivers said this is the way we adopted it, it has to be attached.

**Zoning Amendment #2: Article V, Section 5.01 D. Parking, Storage, or use of Major Recreational Equipment.** Purpose: to ensure this restriction applies to all zoning districts not just the R district. Amend by adding in any district with the Town of Candia. To read: “No such equipment shall be parked or stored in the front yard area in the R district. ~~Nor and shall it not~~ be used for living, sleeping, or housekeeping purposes ~~on the premises in any district within the Town of Candia~~.”

D. Murray clarified it was written with just the residential district and I have a couple of incidents with people living in campers in commercial districts and it wasn’t clear and not written correctly so this cleans it up.

**Zoning Amendment #3: Article V, Section 5.02 Table of Use Regulations.** Purpose: To correct the omission of A in the A through F series under Residential and include a previously omitted reference to Home Shop to ensure consistency with the table of uses and permit the use by special exception in the R district and prohibited anywhere else.

An A was omitted. Amend to add an A **to read: Section 5.02A Residential:**

**ADD 13. Home Shop** (5.02A-13) in Residential and under Zoning Districts (table) add an “S” under residential district and “—” under all other districts.

A. Bickum clarified Home Shop is under Accessory Uses but it wasn’t listed in the Table of Uses, an omission; just adding it to the table. D. Murray suggested allowing it in Mixed Use too. R. Cartier said change that to add an “S” under Mixed Use district to allow it by special exception in the mixed use district.

**Zoning Amendment #4: Article V, Section 5.02 (A-5) Residential.** Intent: To allow short term rentals in the R district. Omit not intended for occupancy by transient guests or tourists. To read: 5. ~~Boarding, or rooming house not intended for occupancy by transient guests or tourists~~ rooming, and short term rental accommodations. Permitted by Special Exception subject to the provisions of Section 15.02 Special Exception Standards. R. Cartier said Andrea had a note on there: Short term rentals are a business so would they have to conform to the conditions of a home business? However, home business is permitted so how to differentiate? Conflict with 5.02B (b-2) Tourist home, hotel and motel Permitted in all but L2 and Residential?

The Board discussed difference between tourist home, hotel and motel and Airbnb.com. S. Komisarek said I don't see it as a business, not like you're setting up a shop and a store front. You could have a business that you could do that. R. Cartier said I have that question, if you do a B&B you have to have a room and meals tax license, so then you're a business. It could be a sole proprietorship but it's still a business. A. Hall said and the state is very specific about that; rooms and meals tax. R. Cartier said if it's by special exception they still have to come to the Board to let us know what's going on and we could put some limitations on it. The intention was to allow for Airbnb. B. Chivers said all we're trying to do is eliminate the prohibition on transient guests so they can rent it out one night at a time if you want. There are a lot of people with rooms in their houses, elderly couples, like to make a couple of dollars renting out their spare bedroom their kids no longer live in, we're trying to open it up a bit. Simple fix; eliminate that not intended for occupancy by transient guests. D. Murray said should there be verbiage in there for one unit or does that matter. B. Chivers said add a restriction not to exceed one or two rooms. Board discussed. A. Bickum said but is it a business. B. Chivers said it's not really a business when you're just renting this place out to...A. Bickum said for \$110 bucks a night or \$100 bucks a night, that's not a business? R. Cartier said it is a business but would it conflict if we had something in there that you had to meet the home business requirements. I don't think we have to worry about it. In theory it's a business because they get money and they have to pay taxes on it but in reality is it really a business or a side occupation thing; they're not renting their entire house. What if they did rent their entire house? Are they a business? B. Chivers said it happens all the time. There are houses for rent in Candia. R. Cartier replied and we don't care. I think we're good. B. Chivers said a side note Airbnb pays the rooms and meals tax. When you book through Airbnb you pay them they send the 9% to the state so you don't have a choice.

R. Cartier said this is a new one. This came up because of some festivals that were going on in Town and this is statewide because they were looking at things like agricultural use and allowing weddings and in some areas, you can't have a wedding venue if you have a farm because it's not under the agricultural use.

**Zoning Amendment #5: Article V, Section 5.02 E. Public and Institutional - ADD NEW SECTION**

(e-9) Weddings and other events and venues such as music events or venues, festivals, fairs, entertainment, camping or campgrounds and the like subject to inspection by the health and safety officer in regards to the health, safety and welfare of attendees, vendors, sponsors and the like. Special event or venue permits may be required. Any noise associated with any of the above is not to extend past 9:00 pm and must respect the "right to quiet enjoyment" in the Residential district. Allowed only by special exception in the R district and the Mixed Use district "S", permitted in the commercial and industrial districts "P". Now this is a business in the R district. Subject to home office? Same issue as in short term rentals. How handle business aspect when it seems to go beyond a Home Business?

Board discussed the new entry. R. Cartier said Candia doesn't have a noise ordinance so you can have a party at your house with a live band outside and go until one in the morning. Is there a conflict?

**Change 9 pm to 10 pm. Add something about short term, less 3 days; not to exceed 3 days. Take out campgrounds.** A. Hall said when we finish this it will be reviewed in its entirety by Town counsel? R. Cartier agreed, yes. D. Murray said time limit should go on everything. Board discussed.

Resident Sharon Dewitt of Highland Street said so we had a wedding party in our backyard so if my neighbor doesn't like me and they call the police and I would get in trouble if it's after 9 or 10 o'clock but someone else who's not having a wedding can light off fireworks to 10 or 11:00 and they don't get in trouble. There's no noise ordinance but I don't understand how you can put it in for one specific thing. It's confusing; what about car shows at the Irving and the fireworks. In the summer, those have to go kind of late and sometimes there are bands. It seems like because of this one particular problem, other people in Candia are going to pay for that and that doesn't seem fair. We didn't get a permit to have a party in our backyard; I didn't know we needed one maybe we didn't back then. The red house on High Street, they have farm animals, they now can't have a tent and a wedding there?

D. Lewis said what if you change that sentence to say any noise associated with any of the above must respect the right to quiet enjoyment in the residential district and do away with the time. Then if someone complains, it's open to interpretation. My daughter's wedding in the hay field went until midnight. No neighbors complained but we invited them all. Then if it's excessive and it's gone on too long you have it in here but it doesn't limit everyone. If you wanted to have a wedding at your house and you read this you'd say I can't have it there because I have to be done by 9. Board discussed commercial operation vs. private operation; a one day event. R. Cartier said I think the intent was large scale operations where it should be looked at from health and safety standpoint.

S. Dewitt said I could have a little fair or music event in my backyard where my son and his friends play for some of their friends. In Candia you do hear not everybody's treated the same and it's who you know and I want to make sure that I'm treated the same way as Mr. Snow for example just because he's known in Town. R. Cartier said this is a new one that needs work. You're bringing up points that we want to avoid. S. Dewitt said how would that effect the B & B that does weddings. R. Cartier said the intent of this was to look at larger scale operations that could bring in a lot of people.

B. Chivers suggested "Weddings and other ongoing events and venues such as music events or venues, festivals, fairs, entertainment, camping or campgrounds and the like not to exceed 3 consecutive days are subject to inspection by the health and safety officer..... S. Dewitt suggested taking weddings out. R. Cartier agreed. How ongoing would a wedding be?

M. Chalbeck asked why was this brought to us anyway. Board answered because of an issue. D. Murray said somebody created "Woodstock" in their backyard. Every couple of weeks, it kept going on, ticket sales etc. Board discussed. Take out weddings. S. Komisarek said it was the commercial enterprise with the food, ticket sales etc.; when you cross that commercial line. D. Murray said it crossed the line and then I had something to run with but at first I was just taking the phone calls. R. Cartier said we'll see if we can re-write that.

***Revisited Zoning Amendment #5 after Village District Discussion:*** R. Cartier said so we came to a consensus, Andrea's going to re-write this. A. Bickum replied I'm not rewriting it. Somebody has to re-write that. Board discussed verbiage again. Instead of weddings, we say **multi-day events such as...remove campgrounds. After** and the like, **not to exceed 3 consecutive days** subject to inspection....**change to 10:00 pm.** Board okay with changes.

A. Hall suggested Nate Miller from SNHPC talk and then go back to this. R. Cartier had Nate work on the presentation for the Village District.

### **Village District Area Discussion:**

Nate Miller from SNHPC presented a revised Village District large scale map per the September 19<sup>th</sup>, 2018 ZRRC meeting to address the 50 foot buffers for poorly drained soils etc. regarding the discussion of the Village District area.

Nate handed out 11 x 17 maps showing the 50 foot buffers. The change here from the last time we did put the 50 foot buffer around the poorly drained soils so that's the line in the orange/red dashed line. That does add to the amount of the proposed district that does have development constraints. Of the district that is now 239.02 acres with the 50 foot buffer around the poorly drained soils, that brings the total development constraints in the district to 147.46 acres; just under 62% of the overall proposed district has some development constraint on it. That leaves 90 or so acres of the district that don't have development constraints. We are conservatively assuming that all of those publicly owned lands are in purple are going to remain publicly owned essentially in their existing uses. That's the revised map and constraint analysis. I took Carol Ogilvie's draft zoning amendment from her MTAG grant work. I went through it based on the context of what was discussed in September. Nate handed out a one page of potential considerations for the Four Corners Zoning District.

N. Miller presented the concepts. I looked at Carol's draft and basically she had laid out a minimum front setback of 20 feet. I think you might consider with buildings closer to the road, a maximum setback and there are a couple of options there. (*See first point*).

### **Potential Considerations for Four Corners Zoning District**

For Zoning Review and Revision Committee Discussion Purposes

*Prepared by the Southern NH Planning Commission*

*October 29, 2018*

Utilizing the Four Corners Draft Zoning Amendment developed through Carol Ogilvie's Municipal Technical Assistance Grant (MTAG) work, the Zoning Review and Revision Committee (ZRRC) might consider the following additions/edits to address the matters brought up during the public review process last year.

*Consider a maximum setback rather than a minimum setback for buildings situated along NH 27, 43, and Raymond Road. A maximum setback of approximately 75 feet would bring buildings closer to the road and create a more village-like atmosphere while still allowing one row of parking in front of the building for convenience (other parking would be located to the side or rear of the building), sidewalk, and planting areas.*

1.

N. Miller said not a Wal-Mart with 20 rows of parking in front of the building. You could have a landscaped buffer next to the road with a 5 foot sidewalk. Another landscaped buffer; 20' for an aisle, 20' for one row of parking, one more landscape strip and then the building. That's roughly 75'. By doing that you'd be focusing most of the parking to the side and rear. With a maximum setback, you're requiring that this is as far back as you're allowed to go; bringing those buildings closer. The second landscape buffer strip is for snow storage with only one row of parking. Or no parking in front (*see below*).

*Alternatively, a maximum setback that allowed no parking in front of the building (i.e. with all parking located to the side and rear of the building) would be approximately 25 feet.*

N. Miller there are options. Maximum setback is the buildings are closer to the road. You'll want to consider walk ability as well. New developments adjacent to 27 and 43 or re-developments adjacent to 27 and 43 reserve appropriate right of way for a future sidewalk in the area. That helps you build that right of way over time. (*See next two points*).

*Consider language that requires a 10 foot landscaped area along front lot lines on NH 27, 43, and Raymond Road for aesthetic purposes.*

2. *Consider language requiring that new developments, or re-developments occurring adjacent to NH 27, 43, and Raymond Road reserve an appropriate right-of-way for a future sidewalk. The right of way should be on the interior of the front landscaped area.*

N. Miller said there was some discussion about how do we make sure the commercial or mixed use buildings are closer to the four corners area and the residential, starter homes, are behind that. You might consider (see map), these lines are just illustrative. To address that issue, mixed use or non-residential or development is happening close to the four corners. Incorporating language that would require residential only uses occur more than 500 feet away from 27 and 43 and that's what that black line is, that's 500'. Within 500' of 27, 43 and Raymond Road, only non-residential or mixed use in that area and then more than 500', corners of the district essentially, is where you'd have residential only uses; single family home or two family home and nothing else, it would be outside 500'. (*See below*)

3. *Consider language requiring that residential-only uses occur more than 500 feet from NH 27, 43, and Raymond Road, with only non-residential or mixed-use buildings being allowed within 500 feet of those major roadways.*

N. Miller said it could be 400' but 500' as we looked at that, along 27', it captures a lot of the uses there within that 500' and still have space for residential behind it. Only 239 acres overall, small district. But it does allow for lower intensity residential development in those corner areas. This is a way to ensure the higher intensity mixed use or non-residential to the four corners, requiring that happen within that distance is a way to do that.

R. Cartier commented that the map looked like it showed wetlands and it looks like the courthouse was built on poorly drained soils. N. Miller said take that data for what it is. At a Town level there is some accuracy and as you zoom in and zoom in, it gets less accurate. To determine it, you'd have to do a site specific soil survey. The GIS data we have may not be perfect from a parcel to parcel level. The GIS is showing poorly drained soils in that area. R. Cartier asked about the accuracy of it because I'm looking at Raymond Road coming off of four corners and I know there are some poorly drained soils; wetlands in there. There are buildings that have been built on there or enlarged or changed. N. Miller said I suspect there are buildings that have been built on poorly drained soils. R. Cartier continued the Main Street area, that's the CYAA. N. Miller said that's colored as publicly owned land under the assumption that as this public purpose and it's not going to change from that. If that's incorrect, we can revisit that. CYAA is going to be what it is today so we made the assumption that that land would not be developed so we left it in purple (*publicly owned*). N. Miller said we didn't go out and survey anything; we're using the data available to us. If you had a development proposal on your desk for any of these properties, you'd want to see site specific work happening.

N. Miller continued so making sure that what happens here fits the scope and scale of a rural village center you have the ability to set the maximum building footprint (*see next bullet*). I have 10,000 square feet as a potential maximum. You're average retail store is in the 8,000 – 10,000 square feet range, not Wal-Mart or Target. Board discussed. Good start. N. Miller said nothing here is a done deal; it's just food for thought. You can change this maximum footprint that would be allowed in the district.

4. *Consider language that establishes a maximum building footprint of 10,000 SF to ensure that the scope and scale of development reflects that of a traditional New England Rural Village Center.*

N. Miller continued keeping the building footprint smaller you can have some requirements that those buildings look like New England and the two things that help a building look like New England is a pitched roof and windows (*see next point*). With less than 10,000 sq ft you can get a pitched roof

on anything. Fenestration, window coverage; you don't want a bunker; requiring window coverage; I have 20% here. R. Cartier mentioned our regulations cover architectural enhancements as well.

5. *Consider language requiring that pitched roofs and fenestration (minimum of 20% of front facade area) be required for all buildings in the Four Corners District to ensure that the aesthetic reflects that of a traditional New England Rural Village Center. The Planning Board could also require Architectural Review related to these requirements.*

6. N. Miller continued Carol's proposal lays out a minimum lot size of a half acre, 21,000 some odd square feet. If you had an 8,000 or 10,000 sq. foot building with parking areas next to it, site circulation, you can get above 50% lot coverage; village center areas have smaller lot sizes. The only lot coverage in your zoning is 50% so that's the type of thing; it doesn't take a whole lot to get above 50%. You might consider some incremental increase in lot coverage, still retaining some pervious. I threw out 50-70%. You can modify it (*see next point*).

7. *Consider language increasing the maximum lot coverage in the Four Corners District from 50% to 70% given the smaller proposed minimum lot size of % acre.*

N. Miller continued so basically lot coverage is all of the impervious surfaces. You take your building footprint, plus your driveway, parking, internal road circulation area, that's all lot coverage; all of that impervious surface. B. Chivers commented 70% of a ½ acre lot is 15,246 sq. ft. gives you less than 5,000 square feet for water absorption. N. Miller said you would have landscaping areas and you could beef up those landscaping requirements as well. It depends on how that site treats storm water and what landscaping features it has but it should be okay.

D. Lewis said if you get these lots too small and buildings with too much coverage you'd have to go to a closed drainage system in the village district; catch basins, detention ponds. It comes to a point where this doesn't runoff anymore without affecting someone. Closed drainage can't exit without being treated so plan ahead for that. If you create a village district it's up to the Town to address that, whether we put it in and everyone connects to it. We need to plan it out.

R. Cartier said we need to look closely at this area; drainage etc. and what can it handle. Water supply, sanitary water systems etc. are we going to be able to have leach fields in these areas too. We have a lot of work to do in that regard before it really goes forward. D. Lewis said but if you plan it out so that when it goes forward, it's successful.

N. Miller said I would note a couple of things. It is a small district with overall limited development potential given the restraints there. There are some things that are happening at UNH that are now being utilized with development as it relates to storm water. The pervious pavements they have now for parking lots can really handle a lot of storm water. I saw a demonstration at UNH, hose full blast on a parking lot and not even a puddle. It's amazing how far storm water technology has come. Certain landscaping features can serve as rain gardens; pervious pavement options. If you consider some of those types of provisions when implementing this it could help a lot.

R. Cartier said I'd like to have SNHPC, Nate, develop a contract to get into the nitty gritty of this stuff. What issues would come up and how we'd have to address them. We should talk to some of the landowners that are in the current area in here and run these concepts by them too would it be advantageous to increase the size slightly going down Raymond Road; what kind of reaction do we have from the property owners as to what we're proposing. I think we have the boundaries set so the next step would be to start contacting the property owners and go through the whole process and get detailed information on water availability, soil systems for subsurface disposal, what kind of drainage we'd be looking at as Dennis said. Not to the point of doing engineering analyses on them but getting a good solid grasp; there is this big area over there that's going to be a tremendous problem or nothing in here is a major concern. Until we know that, I'm reluctant to move forward on this.



M. Chalbeck commented this land has the school, the cemetery, there's not a lot of developable land. There's a lot that's not going to change but on these pieces that can change if landowners sell and a developer could come in, they may be able to put something here. It's not going to change the whole look of Candia. R. Cartier commented about talking to people at Old Home Day and thought it was great that we did this and they wished there was more; it's a focal point for things going on in Candia. Come help the Planning Board develop a village district. We have the school, town offices, CYAA, library, Fire Department, we have the core. We're not using this area to its best ability.

B. Chivers said if we exclude housing from the four corners area and our transportation plan envisions bypassing that four corners area to the east, aren't we just condemning those commercial businesses to failure? You can't have any residential dwellings around you and now we've re-routed all the traffic away from you. What do we expect to happen in that scenario?

R. Cartier mentioned DOT to get rid of the dangerous areas on 27; 10 years ago when the bypass was proposed behind the Fire Station. S. Komisarek said the charette on that was in 2003 that showed the bypass.

B. Chivers said if we make the bypass and get the state funding for it, build it and re-route the traffic, how successful is that commercial activity going to be in that four corners. Who's going to go there? R. Cartier replied those are things that have to come up; should we take the bypass off the table and make it so the entranceways to 27 are fixed and still have that traffic flow, which we want to have and then we have safety improvements so people don't crash at intersections. D. Lewis commented the purpose of the bypass was to make the village district more attractive so people would want to walk there versus the 11,000 cars a day that go zooming through there to Deerfield and Northwood. The bypass was to alleviate that part of it so it would be more inviting. B. Chivers said so maybe we should allow residential in that area. R. Cartier replied this was multi-use in here then we could take that next circle to allow for more residential housing to keep under control how much housing is concentrated in the area and we still have the residential areas that have 3 acres, 5 acres, 100 acres out there. Services in here and you allow for more residential in here so they can walk or take the car. What is the best way to do it? Bypass around there or is it better to have traffic come through so they'll use the services and facilities that are there.

N. Miller said one note on the transportation project; it's probably 5 years away from the first engineer picking it up off the desk. It's in the plan for 2028, they'll engineer it in 2024, 2025, it's a few years down the road before there's clarity. It's in the 10 year plans exactly as follows: "Improvements to Route 27, 43 and Raymond Road in the Town of Candia." There is no pre-engineered solution. When they start engineering it, the first thing they'll do is come to the Town of Candia and start a dialogue. They will work very closely with the Town. They don't want to construct anything that doesn't have the support of the Town. What form that project may take is a big question mark that won't be solved for 5 or more years at least.

B. Chivers said so should we hold off on a village district plan? N. Miller replied I'm just saying that question of what the design of that project will be, whether it's a bypass or not, isn't going to be solved for at least 5 more years. Board discussed the DOT to work with Candia to plan it. N. Miller said DOT will come and say what do you want to do Town, we think these might work, which of these do you think we should focus on. R. Cartier replied there's no question that 43 and 27 need to be redone. Bypass or traffic calming in that area.

D. Lewis said so we need to have this planned out ahead of time so when DOT shows up we can say we want a bypass or we don't want a bypass, sidewalks we want, we want parking here and then the drainage can be incorporated into their road reconstruction. We need to add to it for things to happen, and then we add to it then while it's all torn up.

A. Hall asked about a timeline and what should we do next? Anything we need to do to prepare to present to the Town, for spring Town meeting.

N. Miller said I'm taking my guidance from the Board in terms of what you all want to do. If you think some of the ideas that I laid out on this one pager make sense then we can take a crack at



starting to put some more formal language together for those things. If there's a desire to move forward with putting together a village district, I would encourage you go ahead and do it if you have the desire to do it. DOT project is coming in 2028 and won't be engineered for a few years. I wouldn't let that be a determining factor; the Town is in the driver's seat here. You could have a lot of influence with the planning that you're doing with how you want this area to develop. You will have a lot of influence of what the DOT pursues and the design of that project and they can make that design work with whatever the Town's plans are.

A. Hall asked what about a business plan. N. Miller said again if the Board wants me to put some language together along the lines of what I've laid out tonight or tweak some things, I'm happy to come back in November.

M. Chalbeck said I can see having a rotary at the intersection here and here. With heavy traffic, you get a rotary and it flows. I wouldn't exclude residential within the village district. N. Miller clarified said it's not that residential would be excluded. Residential only outside the 500'; within this 500' is mixed use, which would include residential and something else; i.e. apartments over commercial or something. Then just commercial and mixed use happens here only with residential only happening out here.

R. Cartier said it's now November and I'd prefer not to throw something together. We have to look at the issues. S. Komisarek added it's going to be a lot of work. There's no way this year we'll be able to do what we have to do. It's not going to happen. Why rush it? We want to keep it moving but...A. Hall said that's why I suggested a business plan; timeline. S. Komisarek said where does the traffic go, you have the school and you're trying to create this sense of place with walk-ability and the right architecture, a certain look we're looking for. This area is tiny. You're not going to come into Candia and have this huge mixed use district, tiny little village. It makes it more Candia, you lose the traffic count coming through but it's not going by the school and the kids can walk over to the CYAA. What are the most fundamental questions and we come together as a Board and go through point by point. When the state came through in the 50's and put 101 in, they left us with a mess with those 2 intersections so now to get the right village it is understanding what is the most likely thing we want to have happen. Nate's saying if you're working with DOT; that's a fundamental thing. The visual and something Nate mentioned; density, people can't visualize what a certain density is so if we can see what something looks like, that is important. You've got all these constraints and then some of these parcels have nice structures that are not going to be razed so you diminish it further. You have a tight area. If you look at the tax maps and parcels, will that one be developed and that one; the build out and the amount of time it would take. What would be the rate of the build out, what is the tax implication? If you come up with something and you present it to the people of Candia it has to be well thought out but you also have to look at the fiscal impact and the impact on the school. At least make some assumptions. People aren't going to support things that will increase taxes. Communities are looking to increase revenue and we have to do the same thing, we want this to be cash flow positive. There are a lot of steps and I don't care if it takes 3 years. You have to start somewhere and answer these fundamental questions and build a base and we agree on this and then move on. Move through them.

D. Lewis said it's got to be successful, if it bombs; it's going to hurt Candia forever. If it's successful, we'll benefit from it.

R. Cartier asked Nate to have a game plan on what we have to do, some of the issues we have to face; what we'd like to see. The consensus is we won't present anything to the Town this year. Too many open questions but if we could have something set up so we knew what we had to do with some time frames, what help do we need. Hopefully our budget will come through and we'll have money to do this and we can hire SNH but also any specialists needed to look at this and answer some of these questions; drainage etc. Dennis, the Road Agent knows where the problem areas are and that information can come through and those are going to be important for us to look at to develop some reasonably thought out proposal that hopefully would be successful.

S. Komisarek said when you look at the zoning now, I can't say that the mixed use zoning is successful; that this is generating the commercial revenue that we want. R. Cartier said I don't think it's going to be a panacea that we're going to get all kinds of revenue on it, if it remains revenue neutral we're doing well, if it's positive, even better. People are looking for that sense of community so that's an important aspect of it. The school is below capacity and can handle more. Nate could you formulate something that we could then take a look at and get some more input from the people that we depend on to get a sense of the community and a sense of what we need to have done. Some of the existing buildings, people who own them might want to renovate them into doing something like this. We're not going to do this, we want to make it so that it's enabling. N. Miller replied I'm taking my cues from all of you. I'm here to help you guys get to where you want to go and try to come in with stuff like this to answer your questions and give you some ideas on how to move forward. I'll take a crack at putting a game plan together but let me ask one question of the Board. In your opinion, what is the next step that should happen; the first thing we should do in that game plan from where we are at today?

A. Hall asked about letting Nate know about what the Planning Board has approved, for example, this area behind the courthouse has been okayed to have CoPart expand a gravel parking area. Does that make a difference if you cut this out? Would it be helpful to know what we had done? N. Miller agreed, yes it would be helpful to know what's been permitted recently in this area. If ultimately if the Board said the next step is we want to do some level of build out analysis, knowing that is important. R. Cartier said we need to do a build out analysis and get enough information on what this area can handle and know the limitations are. M. Chalbeck added and we should come up with an idea of how we want traffic to flow; if you do a bypass you may have to eminent domain some properties which may not be popular. If you walk from the school to the CYAA you have to cross it anyway. Maybe we get together a couple of Saturdays in January and we can devote a day to it.

A. Hall asked Nate could you come up with something by the first of the year. A. Bickum commented I think he needs more direction. N. Miller replied in order for me to be able to do that analysis I need to have a sense from all of you, part of that is getting from where Carol left off to what you think as a starting point, this should be and look like. You may have other ideas; before I can do an analysis of what the development potential is in the area I need to know what we're going to work under. Being able to get from where Carol left off to where you guys want to be. I don't think you're that far away but if we could get to that point by the first of the year, then we can start doing some development potential analysis and build out analysis to see but I can't assess the development potential or what the build out potential is until I know what the future framework is going to be. I need to know what uses and what are you going to cap the building footprints? Are we staying with 50% lot coverage? Is the ½ acre okay is the 4 units per acre that Carol laid out okay? What do you envision this to be based on last month's discussion? I came up with some things that I thought would help start the discussion and what the concerns were and how you might address them but these things aren't final. You need to get to a point where you've got something like this (*Carol's draft of the table of uses for the mixed use district*) that we can use as a starting point for a build out analysis.

D. Lewis commented it's not fair to Nate to just keep doing concepts here and going with ideas. We need to figure out the traffic flow first and what we want it to look like whether it's businesses on first floor and apartments on the second floor. You have to have something here that's a direction we're going to stick with.

B. Chivers said in addition this has to pass. I don't think some of the conditions that Carol has in that document will ever fly in the Town of Candia. Multi-family dwellings, four per acre; I don't think the people in this Town will sacrifice that New England Village District with multi-family dwellings.

N. Miller said this is what I've been using as the starting point and I think we need to have a work session that goes through this in the context of what we've talked about. My goal is to figure out how to get from this to what you want to see here. You all have a vision of what they want to see here

and I don't think the visions are that different, it's just being able to put it on paper in a way that makes sense. R. Cartier said we made quite a few changes in here, we have a start. We should resurrect that. N. Miller said I don't have notes on any changes from the Board. I don't have any of the comments. R. Cartier said I could put them together so they're legible for you. N. Miller responded to a question from A. Hall regarding Planning Board past projects. N. Miller replied when we get to the build out analysis point, that's when it would be helpful to know.

R. Cartier suggested December 5<sup>th</sup>. A. Bickum said I will probably have a Major subdivision come in on the 5<sup>th</sup>. N. Miller said I'm happy to come and help out but I think you guys need to have a work session. Really dive into Carol's recommendations, that one pager I threw out with some ideas and we could get to a point where we can turn this (*Carol's draft*) into what you want to see here. R. Cartier again suggested December. Steve Higgins had asked if there was anything on the website and I said no and that's purposeful; the problem with putting something on the website that's not drafted yet opens up a can of worms. Nothing's official at this point. It's a public meeting; planning documents.

N. Miller said I'll stay tuned for a meeting in January?

Board agreed wait until January for a work session.

### **Board went back to the zoning ordinance recommended changes:**

Andrea made a note: **Stables and Kennels:** I removed the proposed commercial stables and kennels as our zoning already references kennels. *See 5.02 B (b-13) Animal hospital or commercial kennel provided that such use shall not be within 50 feet of any dwelling and within 200 feet of any residential district and the kennel area shall be completely enclosed within a wall or fence. Zoning Districts table: Permitted only in Commercial and L1 districts. Prohibited everywhere else.* Some of the items discussed were added with some new conditions to discuss. Added to section 5.02 F Rural and Agricultural amending the existing 5.02 F (f-1) and (f-2) see #6 and #7 below (*anything in red is added*).

**Zoning Amendment #6: Article V, Section 5.02 F (f-1)** Amend to add one acre per large domesticated animal and recognize small scale operations as being less than six (6) large animals. To read: Small scale part-time agricultural operations whether commercial or not, including the keeping of livestock and poultry; subject to the following conditions for large domesticated animals; one (1) acre per animal i.e. horses, cows, llamas and the like limited to six (6) large animals.

Board discussed cattle operations. Grandfathered in. D. Lewis said number 7 would depending on how it's enforced.

**Zoning Amendment #7: Article V, Section 5.02 (f-2)** Amend to add best management practices and one acre per large animal. Add commercial stables. To read: Large scale full-time agricultural operations including animal husbandry subject to best management practices and the following conditions for large domesticated animals and/or commercial stables; The facility shall conform to the following:

1. One acre of contiguous non-wetland land per large domesticated animal required; i.e. horse, cow, llama and the like.
2. No barn, shelter, or building used for boarding said animals or the storage of feed or supplies shall be located closer than 60 feet from any property line.
3. Animal waste shall not be stored closer than two hundred (200) feet from any property line or surface waters.
4. The area used for grazing, exercising, or training shall be securely fenced to prevent the animals from straying or a suitable restraint shall be provided.

D. Lewis commented if somebody has more than 6, there are a few in Town, their barns are located closer than 60 feet to the line, and I'm one. We keep 5 cows but when they calf, we're up to 8 so now we're a large scale operation. Manure storage needs to be 400' as 200' in both directions to the property line. Existing if they're grandfathered are fine. But say somebody buys Linda Doucette's across the street from me. Her barn isn't 60 feet from the property line and if they keep more than 8 animals they couldn't do it. R. Cartier thought it was reasonable; it would be a new operation. We allow for agricultural and animal husbandry but you if you have more than 6 animals then you have to conform to the regulations. Manure is subject to DES regulations too. D. Lewis 6 or 8 horses isn't a lot. 6 or 8 cows isn't a lot but now they're a large scale operation. I could see if building a farm from scratch. But old farms that have been subdivided don't meet these. A. Bickum said there is nothing that differentiates small scale and large scale. The red was added. D. Lewis said if you're going to grandfather old ones, I won't worry about it. R. Cartier said we couldn't put a regulation in place that would be retroactive. B. Chivers agreed, you don't have the legal authority to do it. R. Cartier said it's like a non-conforming. D. Lewis said I'm thinking of the one on Chester Road with all the beef cows he wouldn't be able to do that. More than 12 acres. He could be 20 or 30 acres with about 25-30 head. R. Cartier said if it's there and existing it's not going to make anyone conform to that.

**NO CHANGES.**

**Zoning Amendment #8: Article XIV, Section 14:06.** Purpose: to ensure consistency with RSA 674:33, I-a, which provides for a 2 year period. **Strike one (1) year and ADD two (2) years**

To read: "Variances and special exceptions shall expire unless used within a period of ~~one year~~ **two (2) years** from the date granted. The Board may for good cause shown extend such period by as much as one year." **NO CHANGES.**

**Zoning Amendment #9: Article XVI, Section 16.04 C: Filing of Complaints:** Purpose: To provide the proper citation to Section 16.01A and to eliminate the word "immediately" from the text.

Amend 14.01A with 16.01A Building Inspector Duties. Amend: Strike 14.01A and replace with 16.01A. Strike the word immediately.

To Read: Wherever any violation of this Ordinance occurs, any person may file a complaint in regard thereto in writing to the Building Inspector. The Building Inspector shall ~~immediately~~ investigate said complaint, and, finding a violation to exist, shall act according to paragraph ~~14.01A~~ 16.01A of this Ordinance. **NO CHANGES.**

**Zoning Amendment #10: Article X, Section 10.2 Definitions** Problem: The Zoning Ordinance references High Intensity Soil Maps while subdivision and site plan regulations & applications reference Site Specific Soils. Amend to make Zoning Ordinance consistent with the regulations and applications.

A. ~~High Intensity Soil Maps~~ NHDES Site Specific Soils Maps for New Hampshire, Standards and Origins. The most recent document prepared by the Society of Soil Scientists of Northern New England detailing the standards for making ~~High Intensity Soil Maps~~ NHDES Site Specific Soils Maps on file with the Rockingham County Conservation District.

B. Poorly Drained Soil: as defined by the National Cooperative Soil Survey or further defined by ~~High Intensity Soil Maps~~ NHDES Site Specific Soils Maps for New Hampshire. On file with the Rockingham County Conservation District.

C. Qualified Soil Scientist: a person qualified in soil classification and mapping who is recognized by the State Board for Licensure.

D. Very Poorly Drained Soil as defined by the National Cooperative Soil Survey or further defined by ~~High Intensity Soil Maps~~ NHDES Site Specific Soils Maps for New Hampshire. **NO CHANGES.**

**Zoning Amendment #11: Article X, Section 10.03: District Boundaries** Amend to clarify poorly drained soils, correct typo and add new #4 regarding the criteria.

**A. Establishment of a District**

2. areas of poorly drained soils ~~½ acre or more in size~~ and;
3. areas of poorly drained soils of any size if contiguous to ~~S~~surface waters such as lakes, ponds and streams subjected to high water tables for extended periods of time.
4. Identified as a wetland meeting Army National Guard criteria, by a wetlands scientist in conjunction with a subdivision or site plan application.

B. Chivers said maybe it should be the Army Corps of Engineers criteria. A. Bickum said that came from Stantec.

**Zoning Amendment #12: Article X, Section 10.03: District Boundaries**

**B. Location of the District**

The District as herein defined is shown on a map designated as the “Town of Candia Wetlands Conservation District Map” and is part of the Official Zoning Map for the Town of Candia. This map is considered as a guide only. The precise location of a wetland boundary in any particular case must be determined by on-site inspection of soil types and vegetation. This data will be prepared by a qualified soil scientist using the standards of ~~High Intensity Soil Maps NHDES Site Specific Soils Maps~~ for New Hampshire. **NO CHANGES.**

**Zoning Amendment #13: Article X, Section 10.05: Permitted Uses**

C. Lot size determination - Amend to add buildable acres.

Areas designated as having poorly drained soils may be used to fulfill up to 50% of the minimum lot size required by this Ordinance and Subdivision Regulations, provided the non-wetland area is at least one and one-half (1 ½) contiguous buildable acres, and shall accommodate primary structures and required utilities such as sewage disposal and water supply, including primary and auxiliary leach field locations. **NO CHANGES.**

**Zoning Amendment #14: Article V, 5.03 Accessory Uses. ADD NEW SECTION.**

Purpose: To expand the allowable uses in the R district in recognition of Candia’s diverse occupations and livelihoods – 3 levels:

1. 5.03E-1 Home Service Contractor (level 1). Permitted by Special Exception and subject to the provisions of Section 15:02. Includes customary tradesmen such as carpenters, plumbers, electricians, painters, and machinists and the like. Subject to the following restrictions:
  1. The accessory use is practiced exclusively by the owner of the lot of record.
  2. Outdoor storage of material is prohibited anywhere in the front yard.
  3. On site retail sales is prohibited.
  4. No more than one employee shall be employed at the site who is not the owner of the lot of record.
  5. Use does not cause any recurring non-emergency vehicular traffic between the hours of 7PM and 6AM or on holidays observed by the town.
2. 5.03E-2. Home Service Contractor (level 2). Permitted by Special Exception and subject to the provisions of Section 15.02. Includes customary occupations such as landscapers and arborists. Subject to the following restrictions:
  1. The accessory use is practiced exclusively by the owner of the lot of record.
  2. Outdoor storage of material is prohibited anywhere in the front yard.
  3. On site retail sales is prohibited.

4. No more than one employee shall be employed at the site who is not the owner of the lot of record.
  5. The use does not cause any recurring non-emergency vehicular traffic between the hours of 7PM and 6AM or on holidays observed by the town.
  6. Equipment storage must be beyond the following setbacks:  
Front Lot Line 100'  
Side Lot Lines 50'
3. 5.03E-3. Home Service Contractor (level 3). Permitted by Special Exception and subject to the provisions of Section 15.02. Includes truck operators and occupations requiring the use of construction equipment. Subject to the following restrictions:
1. Minimum lot size is 5 acres.
  2. Minimum road frontage is 300'
  3. No more than 2 Class 8 vehicles are permitted. **ADD a limit restriction for other vehicles? NO - Board discussed and said no, they didn't think it was necessary to add any other restrictions to other vehicles.**
  4. The accessory use is practiced exclusively by the owner of the lot of record.
  5. Outdoor storage of material is prohibited anywhere in the front yard.
  6. No more than one employee shall be employed at the site who is not the owner of the lot of record.
  7. On site processing of materials is prohibited.
  8. On site retail sales is prohibited.
  9. The use does not cause any recurring non-emergency vehicular traffic between the hours of 7PM and 6AM or on holidays observed by the town.
  10. Equipment and material storage must be beyond the following setbacks:  
Front Lot Line 150'  
Side Lot Lines 75'

B. Chivers said as the levels go up the setbacks and acreage get larger, they're all consistent.

**Zoning Amendment #15: NEW SECTION** - Purpose: To incorporate proposed addition of Section 5.03E (1, 2 and 3) to the Ordinance table of uses. Allowed by Special Exception in the Residential district "S", permitted by right in the Commercial and Light Industrial districts "P" and is not allowed in the Mixed Use district "—".

To read: Article V, Section 5.02A #14. Home Service Contractor.

Under the Zoning Districts table: ADD an "S" under R district and "P" under the C, LI-1, and LI-2 districts and "—" under the MX district.

A. Bickum this is just adding the Home Service Contractor to the table.

Note: We have not discussed sign regulation changes yet. Bryan Ruoff provided draft from Hooksett and marked up but it has not been reviewed.

**Planning Board to consider re-write of Fire Suppression** - Note that this is **NOT a Zoning Ordinance**: Major Site Plan Regs – Re-write the 8.08 Fire Suppression Regulations giving the Fire Chief and Applicants the option for a contribution instead of a cistern and/or fire pond. Sprinklers? Refer back to 18-003 minutes of 5-02-18 and 5-16-18 for issues with In-laws.

Board discussed timing. R. Cartier read we have to have a public hearing prior to January 14<sup>th</sup>. A. Bickum said I need 3 weeks for the newspaper notice. Review once more in December and submit

them as a warrant article. B. Chivers said you could vote on everything tonight except for zoning amendment #5 and then bring that one back in December. A. Bickum said we changed #3 as well. Accept all but #3 and #5 tonight and send them to legal to review and then go on the ballot and then between now and the next meeting, we'll work up #3 and #5 for you. Then after the review, we would accept to move it forward to a public hearing.

**MOTION:**

M. Chalbeck motioned to vote to accept the zoning amendments for legal counsel review and then after the review we would motion to accept to move it forward to a public hearing. J. Lindsey seconded. All were in favor. Motion carried (5-0-0).

R. Cartier recapped we're accepting all the revised zoning amendments with the exception of amendment #3 and #5 at this time and we'll be bringing them forward as we get the rest of this done. B. Chivers confirmed so everything except #3 and #5 go to Bart. A. Bickum said or Nate or Mike.

**MOTION:**

A. Hall **motioned** to adjourn the Zoning Revision meeting. J. Lindsey **seconded**. **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 8:07 pm.

Respectfully submitted,  
Andrea Bickum  
Land Use Secretary