

CANDIA PLANNING BOARD
MINUTES of March 16, 2016
UNAPPROVED
Public Hearing

Present: Sean James Chairman; Judi Lindsey; Tom Giffen; Scott Komisarek BOS Rep; Dennis Lewis, Road Agent

Absent: Ken Kustra; Al Hall, Vice Chair; Mike Santa

Chair James called the meeting to order at 7:10 pm immediately followed by the Pledge of Allegiance.

Minutes February 17, 2016

Minutes were postponed due to lack of quorum.

Minor Subdivision Application: 4 Healey Road Candia NH 03034; Owner: Edna H. Brown Irrevocable Trust, Deborah L. Gadd, Trustee, P.O. Box 4875 Manchester NH 03104; Property location: 4 Healey Road, Candia NH 03034; Map 405 Lots 122, 122-1, 122-2; Intent: Minor Subdivision creating a total of 3 lots in the Residential District. Peter Stoddard S & H Land Services was present for the applicant. Abutters, Stephen & Dawn Kassaras of 62 Healey Road, Dick Snow for the Candia Cemetery Trustees, Scott Savor from the Congregational Church and Eugene Conner of 39 Healey Road were present. P. Stoddard passed out the plans. Chairman James said the first step is formally accepting the plans as complete not to approve but accept the application itself. He said from what they saw at the informational would say it is complete.

J. Lindsey **motioned** to accept the application as complete. T. Giffen **seconded**. **All were in favor. Motioned carried (4-0-0).**

P. Stoddard introduced himself saying he is representing the Brown Trust in subdividing the property. He said it is a 38 ½ acre parcel with frontage on Healey Road and High Street. He said what they are proposing to do is subdivide into 3 lots. The existing farm house would be 4 ½ acres and 2 additional building lots would be created, one 29 acres and one 5 acres. He said they submitted two waivers the first one is to allow to proceed as a Minor Subdivision. He said the requirements' in the regulations to allow a Minor Subdivision would be 3 or fewer lots with the potential of no further subdivision. He said what they have proposed is to come forward as a Minor Subdivision with a deed restriction on the larger lot that would prohibit further development of the lot into buildable lots in the future and their intent is to have this large lot be an estate lot which he feels fits the characteristics of Candia. The restrictive covenant would not prohibit Lot Line Adjustments with abutting land owners that don't create additional lots in case if someone in the future wants to change their configuration of their lot this will not prohibit this and would still meet the intent of the regulations. He said they submitted the draft copy of the restrictive deed covenant that would be recorded at the registry once the subdivision is approved.

J. Lindsey said she had a question on the restrictive deed covenant asking is this really binding and what would happens in 10 years 20 years when this Board is not the same and someone comes forward and say I really want to put in a road and develop the back. She continued how binding is the deed restriction and would it be on the deed and the plot. S. Komisarek read from the proposed restrictive deed covenant, "1. This Covenant shall run with the title to the Tax Map 405, Lot 122-1 and perpetually bind its future owners, their heirs..." Chairman James said it would be referenced on the plan and be on the deed and recorded at the registry. He said they had the Town Attorney review the deed restriction covenant and he said it does fulfill what they are trying to do.

P. Stoddard said the other waiver request was regarding setting 4" x 4" granite bound to mark new boundary lines. He said they are asking to be able to put drilled holes in the existing stone walls along Healey Road so they do not disturb the existing stone wall.

P. Stoddard said since they met informally last month they have received letters from the Fire Chief, Police Chief, Road Agent and Building Inspector. He said all their letters do not indicate any concerns or

issues. Chairman James said reading the memo from the Fire Dept there are no issues relative to the fire department, the Road Agent sees no problems in obtaining a driveway permit on either proposed lot, Police Dept finds no safety concerns and the Building Inspector has no concerns with the proposal.

P. Stoddard said they have also received State Subdivision Approval on the farm house lot as state approval is required on lots less than 5 acres. He said in summary this is a very low density subdivision which meets the characteristics of the town and he continued he would be happy to answer any questions or concerns. Chairman James asked if anything had changed on the plan from when they came in last month as an informational and P. Stoddard said no. J. Lindsey noted a symbol hardwood with barbwire saying this is the first time she has seen a symbol like this and P. Stoddard said that was an old track that followed the stone wall and the barbwire went along this old track which is different, continued you will also see a symbol wrapped with a tree on line with barb wire on some property lines too.

D. Snow said he would like to see a copy of the deed restrictive covenant and he has a question about the procedure saying the Board accepted the application today as complete which he feels implies that this application has not had a public hearing previously and it was brought up that the application came forward as a Minor Subdivision as opposed to a Major Subdivision said it sounds strange to him to set it up as a Minor before you actually have a public hearing and would that create any problems. Chairman James said they have submitted a waiver request with the application. He said they did come in for an informational explaining what they intended to do. D. Snow said wasn't that informal and Chairman James said yes and they have a formal waiver request. He asked was the waiver accepted as part of the technical review and asked if he could see a copy of the deed restriction and he continued he heard something about boundary line adjustments and he continued if there is no further subdivision for lots there would be no boundary line adjustments as a boundary line adjustment may help create a subdivision on another property. P. Stoddard said the way the covenant reads it would prohibit any further subdivision that would create any new lots without limiting an abutter from adjusting their boundary line which would not create a new lot which would still meet the intent Minor versus the Major Subdivision Applications. Chairman James said it is a good point and he has a copy of the deed restriction which he gave to D. Snow to look at. He said they had the Town Attorney review restrictive deed covenant to make sure it met the requirements and it does and the Planning Board agreed as well. D. Snow asked if they had asked the town attorney about history of deed covenants when and if the zoning changed would it be possible to break the deed covenant in the future that would allow subdivision of this property. Chairman James said they did not ask that question. S. Komisarek said it is binding and runs perpetually with the property. D. Snow said it is a legal question and he is not questioning the intent and wondering if they really ever looked at this. He said he seen this on plots that get recorded and later on nobody ever remembers deed restrictions but felt if it is on the deed that is much better. Chairman James said the plan gets recorded that references the covenant that also gets recorded. P. Stoddard said the deed restrictive covenant would come up when a surveyor does the research of the deed. D. Snow said his only concern is the applicants are sitting here saying they are never going to develop the property or allow it to be subdivided and he thinks it is a wonderful thing. Chairman James said the attorney did indicate that it would meet the intent that it would prohibit further subdividing for development.

Chairman said they should act on the waiver requests. He read the letter dated February 17, 2016 starting with the first waiver, *"1. To allow the application to proceed as a minor subdivision, as opposed to a major subdivision. The reason for this waiver request is that the applicant is going to record restricted covenants prohibiting any further subdivision of the proposed lots for creating new building lots."* T. Giffen said it is his feeling that the waiver is a reasonable request based on the restrictive covenant that will be put in place, lacking that he would have a concern but with that he is fine with it. The Board agreed. T. Giffen **motioned** to accept the waiver. J. Lindsey **seconded**. **All were in favor. Motioned carried (4-0-0)**.

Chairman James read the second waiver request, *"To allow for the new lot corners that fall on the stone wall along Healey Road to be drill holes instead of granite bounds."* Chairman James said they have allowed drill holes in the past. T. Giffen said it is reasonable and more esthetically desirable then to insist

on granite bounds which would mean they would have to dig up stone walls with more expense to the owner with no net gain to the town and he felt was not in our interest to insist on granite bounds and he would be happy with this waiver as well. Chairman James said he agrees saying this is the one time they do allow it is on stone walls. T. Giffen **motioned** to accept the waiver. J. Lindsey **seconded**. **All were in favor. Motioned carried (4-0-0).**

Chairman James asked if there were any comments from the audience. Eugene Conner, 39 Healey Road asked if there are proposed driveway cuts shown on the plan. P. Stoddard said they did show two existing driveways. E. Conner said there is one across the road from him which is already a byway through the stone wall. P. Stoddard said it is an existing cut. Chairman James the house and the first lot driveways are shown and the third lot is not shown but Dennis did review the lot and it meets the requirements along the frontage. P. Stoddard said they actually showed a byway at the break in the stone wall for the third lot. Chairman James asked if there were was no further discussion he will look for a vote. He said the conditions for an approval would be two waivers that would be part of the minor subdivision, drilled holes on the front bounds and a fully executed deed restrictive covenant would be recorded at the registry of deeds. P. Stoddard said timing wise can the covenant be recorded before the subdivision is recorded or recorded simultaneously and can it be part of the condition and can it be part of the approval. His attorney said the subdivision creating the new lots would have to be recorded first and the same day the deed restrictive covenant can be recorded because recording of the deed covenant should not be before the subdivision is recorded. P. Stoddard said if this is a condition of the approval would they be able to get the approval if the deed is recorded after the subdivision. He confirmed he would deliver the signed deed covenant with the Mylar for recording at the same time to the town. Chairman James agreed and the timing on that would work.

T. Giffen **motioned** to approve the subdivision plan subject to the two waivers and two conditions. The first waiver to proceed as a Minor Subdivision and the second waiver under Subdivision regulations 12.04 to allow new front lot corners on existing stone wall on Healey Road to be drill holes. Conditions as follows restrictive covenant regarding further subdivision of new lot 122-1 to be recorded simultaneously as the subdivision Mylar and granite/drilled bounds to be set within 90 days. J. Lindsey **seconded**. **All were in favor motion carried. (4-0-0).** Chairman James said they will get the Notice of Decision out within 5 days and he closed the public hearing. He said if they do not have a meeting on April 5, 2016 then they can bring the Mylar and plans in to the town to be signed by the Planning Board.

Other Business

Update Master Plan Steering Committee

M. Laliberte said he wanted to give the Board a quick heads up where things stand on Master Plan 2026 Visioning Event. He said on March 8th voting, people came in and participated in the second poster session. He said there wasn't quite as much interest in the second poster where you actually had to write stuff down. They had 36 people participate on various different issues. S. Komisarek said for a good part of the day there wasn't anyone working with the poster unlike the last election. M. Laliberte said unfortunately one person was under the weather and couldn't stay as long as they wanted to and other people could not make it. He said Donna Delrosso filled in when she could but there wasn't full coverage so a lot of people he thought would be there weren't there and obviously he couldn't be inside. He said the most popular is a whole foods in town, they talked about economic vitality, more small businesses on Route 27, education and lifelong learning, school resource officer, new school gym, community or senior center people, evening classes for adults like they do in Concord, health living and wellness, senior transportation, hiking and biking trails, adult fitness at CYAA, history & culture finalized plan for the old Smyth Library Building also transportation for seniors, transportation to apartments, housebound. He said all of this information is on the face page Candia 2026. He said the top 3 issues that came out of February's first poster were economic vitality, education and lifelong learning and housing, neighborhood and community spaces which have been sent over to UNH Cooperative to be part of the project. He said they sent out flyers with the boy scouts packet and had some flyers available at the election but in spite of all of

this they are not getting a lot of people to rsvp. J. Lindsey said she had not yet and M. Laliberte said she could do this on the town's website. M. Laliberte said so If you have not already rsvp for the Candia Visioning event on April 15th and 16th, you can do so on the Candia .orgbackslashCandia2026. He said the good news is they seem to have a decent amount of people who want to be scribes and facilitators for the meeting. He said there is a meeting for these people tomorrow here at the town conference upstairs. He said they have a good mix of in town and out of town people. He said his friend Laura who has done facilitation for UNH Cooperative extension out of Windham is coming and some UNH Cooperative people and some MPA students and people from the town and he himself is going to be a scribe. He said he was going to be a facilitator but in his new role he felt it best to not be in that position. He said they have their next regularly scheduled meeting for the Master Plan Update Steering Committee meeting is on Monday March 21, 2016 at the town. He said at the meeting they will make sure the food is all set.

M. Laliberte said most of their discussion will be about promoting the event over the next four weeks as they would like to get over 100 people to attend. He said they toured the gym and the school and they have all the rooms set up for April 15 & 16th. He said their number one concern is getting people to attend. He said one of the things to help promote the event is getting flyers out and they are looking into seeing if both Pasqualies and House of Pizza can put a flyer on top of their pizza boxes. He said he had talked to Carol Jordan about going around town putting up posters at all businesses and he has promoted it on a couple of different pages that Candia residents are on adding the social media element into it. He said he feels it is going to be a lot of word of mouth. He said starting next week it will be on the school message board and they are also going to put up little tent message boards at the dump and he continued the fine woman over at the swap shop have flyers and are promoting to everyone they know and he said Chuck is aware of it as well. He said they are going to do the best to get attendance. He said they are telling people that they need their input as they are working on how to guide the town's direction in the next ten years. He asked the Board if they had any questions or concerns. J. Lindsey said good job. S. Komisarek asked if they could they put a sign here at the Town as well. M. Laliberte said he is not sure if there is enough room, he will check with Chris as she has the sign posted for dog licenses.

M. Laliberte said one of the things they have talked about is possibly getting some post cards donated saying Carol is looking into this and he wanted to talk with the Selectmen on getting money for postage. He said that he is going to eat the cost on the things he has spent money on so far because honestly that is what they do around here and he is fine with that. S. Komisarek asked how much the postage would be and M. Laliberte said approximately \$240.00 which would get a card to every door direct and he estimated this 1600 times by \$.15 which was the cheapest rate he could get. Chairman James said he doesn't see why they couldn't cover the postage cost. M. Laliberte said they had \$250 from the last warrant for postage and the new budget that just passed is \$10,000 but he is not sure how it is divided up. Chairman James said they have \$250 left from the last warrant and there is also money in the Planning Board budget for postage and special projects. M. Laliberte said they will know more on Monday if Carol can get the post cards donated and at that point they will talk about the postage and look into alternative means so it won't cost the Town any money. S. Komisarek said that is not a lot of money to get word out to everyone in town and continued if the town won't do it he said he would donate the money. M. Laliberte he said if they have money from last year's warrant they will use it and he said he will know more Monday. He said now that the elections are over they can remind people about this and start pushing the rsvp's. S. Komisarek said you want broad interpretation and if a card goes out to every household he felt that would be effective. M. Laliberte said they had art that was put up at the school which he had talked about which also has the contact info for 15, 16th event. He said he has talked to Susan Wilderman and Betty Sabian who have been filming the seniors. He said maybe people feel that the event is still so far away and they have just got over two elections in a month and he felt that there was a lot being thrown at people and now that things are quieted down they can get people to commit and he will keep an eye on it. Chairman James thanked him for all the work and S. Komisarek said good job.

SNHPC 2026 Master Plan Update Proposal Plan

Chairman James said if anyone has not seen it he will send it around to see if anyone has any comments on it. He said to summarize it the end deliverable is an executive summary, a vision and goals which are what is being worked on, existing and future land use, transportation plan which is also ongoing and GIS mapping.

SNHPC Plan NH Grant

Chairman James said one part of the Master Plan Update proposal appears contingent on funding is implementation of ordinances which would be related to the Plan NH Grant that Jack Munn from SNHPC talked about last month. He said the SNHPC Plan NH Grant talks about exit 3, village district and housing. He said he has not finished reviewing but felt that they should hold off on that one.

Chairman James said he will read parts so the Board will know what the proposal includes, he read, *“The project will one conduct a regulatory review of the town’s zoning and land use regulations and update and develop new zoning ordinances designed to support a wide range of diversity of housing types and opportunity for all ages and incomes within the community. He said the project will be carried out and associated with an update to the town’s master plan and supportive of the town’s larger vision for economic vitality, new housing, and job creation within the community. Long term outcome and goal of the project is to increase opportunities for affordable sustainable housing for the elderly and senior citizens, young adults and families, new homeowners, first time buyers and the town’s workforce.”* He said this is an overview and specifically what they will be looking at is *“new zoning ordinances anticipated to be developed are a retirement community overlay district, to provide appropriate sites in the community for development of housing and related services and health facilities to services to serve the needs of people age 62 years and older. A work force housing ordinance is authorized by RSA ...to encourage and provide for the development of affordable work force housing within Candia, updates to the town itself, accessory dwelling unit regulations to address new law state law set forth as in senate bill 146 and improvements and updates to the town’s existing Mixed Use and Residential Zoning Districts. To promote a greater variety of type of housing types including multi family, two family and apartments on smaller lot sizes and under specific design standards.”* He said the last part he is condensing a bit is the public hearings that would be this fall in November with the Planning Board that will be advertized and held with the purpose of recommending amendments ordinances as warrant articles for the 2017 town meetings.

Chairman James said the Plan NH Grant is a \$5,000 grant request with \$1250.00 pledged from the Town as a cash match. What this would do is if the Board approved it would go to the Select Board who would have to approve it and then \$1250.00 would come out of the \$10,000 to go toward this grant and that would be match and you would get a total of \$6250.00 worth of service. Then the remaining money out of the \$10,000 would be for the Master Plan update. He said what he is looking for is to let the Board know about this and the only time sensitive part is the grant application for Plan NH. S. Komisarek said it is due April 4, 2016 and he has to get back to the selectmen and he is looking for a letter of support and then the grant application can actually be submitted by the BOS. He thought this was more a planning application. Chairman James said if they had put the \$10,000 in the Planning Board budget it would have been but they didn’t so the BOS has to submit the application. Chairman James said they tried to put the SNHPC funding in their budget this year and it was not approved. He said SNHPC comes in looks for \$2400 a year to provide services and the Planning board say that is great then it goes to the BOS to approve it and some years they do not want to approve it.

T. Giffen comment on the grant is some of the suggested items in the grant have been controversial in the past which could be a hard sell specifically work force house being controversial in the past as people tend to think it brings in a lot of school age children without raising much tax revenue. He said work force housing he believes it is mandated at the state level. Chairman James said yes it is called “Fair Share”. T. Giffen from what he has seen they have not done anything tangible. Chairman James said SNHPC did do a housing inventory and they looked at what work force housing was which is a certain percentage of wage earners versus what are the opportunities or affordability of homes and in 2010 Candia they looked

pretty good. Chairman James said what surprised him in the Plan NH Grant which he needs to ask Jack about he read, *“The Town Candia currently has the highest housing cost burden 91.1 %”*, which he does not know what that means, *“among all 15 municipalities in the SNHPC region among renters earning less than or equal to 60% of the median income and pay 30% or more in housing cost.”* He said it says they have the highest housing cost and he is not sure why. T. Giffen said maybe among that certain demographic. Chairman James said he understands that they are trying to sell them the funding. T. Giffen said they have a lot of affordable homes in town but as far as rentals they are scarce. Chairman James said that maybe SNHPC is being that specific. S. Komisarek said the work force has two components, one component Candia looks good and but on the other one. He said they have the responsibility to have an open mind to look at things then the state will see as a community Candia did something otherwise it could set the town up for a lawsuit down the road and having to accept housing Candia does not want. He said what they have here is a grant opportunity and he said SNHPC is giving the town an incredible deal to update the Master plan for \$10,000 and SNHPC has a grant opportunity to net out \$3750.00 which gives them some money to look at some things maybe create a warrant for an ordinance which may not pass in Candia. He said SNHPC can talk about the specific challenges the town has for example the enrollment or whatever it is and they can help tailor ordinances around that but for the application they have to list items on the grant application. T. Giffen said he isn't against the grant but for some people maybe the items listed would be hard to swallow. Chairman James said you are right they need to be open to things but the part he is not quite sure of is where the items were coming from. He said J. Munn from SNHPC came in and talked about it but he never talked about a retirement overlay district and he doesn't remember saying our accessory dwelling unit regulations were horrible. S. Komisarek said they are not in compliance with sb146 for accessory dwelling units, which is going into effect in June of this year. He said at least have SNHPC review everything and they may end up saying they do not want a retirement overlay district. T. Giffen said he feels it will bring forth a lot of ideas that they can consider and put in front of the town and continued none or some may come to pass and hopefully will have a lot of ideas to pick and choose from.

D. Lewis said applying for this grant hopefully there is some flexibility because they are going to apply for the grant April 4, 2016 and they are going to have the visioning event April 15, 16th and the outcome of that will supposedly dictate the direction of the town and hopefully if they get the grant the outcome of the visioning event can be incorporated into what he is doing otherwise some of the things listed go in another direction if the grant is specific. He said people may say we all worked on the master plan visioning event and why are they working on something that was not worked on. T. Giffen said the timing is not great. D. Lewis asked if there was flexibility in the grant so the outcome of the Master Plan can be worked on with that money. S. Komisarek said personally looking at Candia say over the last 30 years and what the state is saying to them and looking at what has happened in other communities with developers they need to show a good faith effort in this municipality especially for work force housing, multi housing as they are nowhere near in compliance. T. Giffen said towns have been sued over that. S. Komisarek said the last thing anyone wants is to be slapped in Candia from a liability standpoint so they need to cover themselves as a community and to understand what the state wants and understand sb146 and make an effort and get public comment go through the process which ultimately goes to vote and the residents have to vote to approve or not approve. He said they need to show a good faith effort to review it and here is some money to do this. He said he agrees with D. Lewis and they need to check with SNHPC to see if there is flexibility as they do not want to be forced to generate all this stuff and people are saying what are we doing. D. Lewis said whatever comes out of the Master Plan Update they want to be able to work on to be able to get a vote on it whether it is a zoning change or whatever and not have SNHPC work on these items people may have said no to already just want to make sure and continued it's too bad the grant application deadline is before the Master Plan Update visioning event as they would have an idea of what to put in the grant that the people really want. Discussion continued on whether the Plan NH Grant would be flexible to be able to work on ideas that come out of the Master Plan Update Visioning Event.

S. Komisarek said the Planning Board has to be behind the grant before he can go to the select board. Chairman James said if there is money in the Master Plan to update what comes out of the visioning event and if that is the case then the grant is okay, if not then there needs to be some flexibility in the grant and he asked the Board if they would be in favor of this. It was a consensus of the Board that they would be in favor of the Plan NH Grant if there is flexibility. Chairman James said he will contact SNHPC tomorrow and get back. He said again he feels the \$10,000 Master Plan money includes updating what comes out of the visioning event.

Joyce Bedard interest Planning Board Alternate

Chairman James said Joyce Bedard 437 Patten Hill Road is here tonight and has submitted a letter to the Planning Board saying she would like to put her name forth to be considered as an alternate. J. Bedard said she had heard there was a need for alternates and she tries to be involved and attends selectmen meetings so she knows what is going on and know would like to have a more formal involvement. She said they moved here in January 2011 and they love it here and this is their final stop. T. Giffen said the Planning Board is a great place to start.

J. Lindsey **motioned** to accept J. Bedard's letter of interest in being a Planning Board alternate. T. Giffen seconded. **All were in favor. Motioned carried (4-0-0)**. Chairman James said you now need to be sworn in and he also let her know they meet the first and third Wednesday of every month but sometimes they do cancel one of the meetings and they may not meet on April 6th. Chairman James said she can come in and get sworn in at the town. The Board welcomed her to the Planning Board. J. Bedard thanked the Board.

Resignation of Mark Laliberte Alt

Chairman James said M. Laliberte has submitted a letter of resignation March 9, 2016 as Planning Board Alternate he has been elected as a selectman.

T. Giffen **motioned** to accept M. Laliberte's letter of resignation dated March 9, 2016 with regrets. J. Lindsey **seconded. All were in favor. Motion carried (4-0-0)**. D. Snow asked how many positions were open for the Planning Board and Chairman James said they have three available and one filled and looking for two more. He said Rudy Cartier expressed an interest and he suggested he come see the Board.

Election of Officers

The election of officers was postponed until the next meeting as there are three members not present.

J. Lindsey **motioned** to cancel the, April 6, 2016 meeting due to lack of applications. T. Giffen **seconded. All were in favor. Motioned carried (4-0-0)**. Chairman James said the next meeting will be April 20, 2016. M. Laliberte said he will give the Board an update of the Visioning Event on the April 20, 2016. He said UNH Cooperative Extension is going to want to start up action committees that come out of the event he will try to find manpower. Chairman James said that would be good the one thing he needs to get back to is consolidating the regulations. He said he has the latest updated copy and SNHPC is supposed to do an overall review to make sure they comply. He said his hope is to get that all squared away hopefully by the summer and hopefully some of these other committees will start picking up and work on the implementation phase.

T. Giffen **motioned** to adjourn at 8:20 pm. J. Lindsey **seconded. All were in favor. Motioned carried (4-0-0)**.

Respectfully submitted,
Sharon Robichaud Land Use Secretary cc file