

**CANDIA PLANNING BOARD
MINUTES of November 18, 2009
APPROVED**

Present: Mary Girard, Chair; Sean James Vice-Chair; Joe Duarte, Board of Selectman; Kim Byrd; Judi Lindsey; Ginny Clifford; Amanda Soares, Alternate; Scott Komisarek, Alternate; Dennis Lewis, Road Agent; Dick Snow, Selectman

Absent: Garrick Asselin. Chair Girard asked S. Komisarek to sit for G. Asselin.

Minutes October 7, 2009

J. Lindsey **motioned** to accept the minutes of September 2, 2009 as presented. K. Byrd **seconded. All were in favor.**

SNHPC Workshop on Earth Excavation with guest speaker Mary Pinkham-Langer, CNHA Gravel Tax Appraiser

Jack Munn, SNHPC and Mary Pinkham-Langer, NH Dept of Revenue Administration Property Appraisal Division were present. Chair Girard introduced Mary Pinkham-Langer to the Board. She stated Mary Pinkham-Langer was going to talk about Earth Excavation RSA 155-E Local Regulation Excavations. Chair Girard said the Zoning Review & Revision Committee is working on revising Candia's 1989 Earth Excavations.

M. Pinkham-Langer said the excavation tax started in 1998 and is in conjunction with RSA 155-E, Local Regulation Excavations. She said there had to be regulations in place before taxation. M. Pinkham-Langer said in 1989, RSA 155-E went through substantial changes and she has found a lot of towns are in conflict with the updated statuettes.

M. Pinkham-Langer explained RSA 155 E first reading the RSA then following up with examples and details. RSA 155-E:2 involves permitting existing excavations and abandoned excavations that existed before August 24, 1979. Existing excavations that file reports of activity fall under a grandfather clause but if they fail to report activity they are deemed inactive and become abandoned and would have to comply with the permit process as a new excavation.

M. Pinkham-Langer said exceptions under RSA 155-E:2-a are stated specifically. An exception is not automatic. Examples of incidental excavation are material being removed due to construction of a parking lot, building, house foundation. There is also incidental material excavation due to agricultural, silvicultural, normal landscaping or minor topographical adjustment. She suggested clarifying definitions and including limitations. M. Pinkham-Langer stated this could be tied into the excavation tax and suggested incidental excavations that move less than 1000 cu yd could be exempt from the tax.

M. Pinkham-Langer continued with exemptions. She stated exceptions could be existing, stationary manufacturing plants, highway excavations where material is used on site and would only be subject to zoning. They would not be exempt from any other state or local regulations such as the alteration of terrain permits through DES and EPA and would be subject to minimum reclamation standards.

Chair Girard showed M. Pinkham-Langer Candia's current Earth Excavation Regulations and Application. She said she would review Candia's 1989 regulation and application and would email samples to help Candia revise current regulations and application. She said most towns' regulations duplicate RSA 155. She said you cannot be less stringent than the RSA requirements but can add to them.

M. Pinkham-Langer suggested the Planning Board ask on applications if the excavation will be done as a gravel pit first then later going to be a subdivision etc. She said it is easier to get a subdivision approval than a gravel pit. She also suggested putting on the application check list the question approximately how much cu yard of earth would be removed from the project. She said if all the material being excavated stays on the site this creates as much noise and havoc to

abutters much like a gravel pit. Material removed from the site can be taxed. Other suggestions were adding questions on the application to include how long it is going to take to remove, setting time limits on work hours, how long they have to do the excavating and surety bonds can be spelled out in regulations for exceptions.

Chair Girard stated the Cole pit has not been used in a number of years and is the only one she is aware of. K. Byrd asked D. Lewis Road Agent if knew of any pits. D. Lewis said the Town pit is the only one he is aware of. It has approximately 60,000 yards left. M. Pinkham-Langer said the town would be exempt but would be subject to minimum express reclamation.

M. Pinkham-Langer said excavation exceeding 100,000 sq feet of disturbance must have an alteration of terrain permit through DES. This permit is very detailed including existing topography, final topography. She said most of the information required on this permit would suit the town's needs. She suggesting looking at other regulations and applications in place in other towns and the State's to model Candia's regulations and application from. She said sample regulations and applications include all of RSA 155 and parts from the DES requirements merged together. This is available for review from the State's website. She suggested this as a starting point.

K. Byrd asked if the excavation tax is shared with the municipality and the State. M. Pinkham-Langer said the town receives the tax revenue and the State receives the \$100 filing fee.

J. Munn said he would review the 1989 regulations. He said the regulations may need to be redone completely and if so he suggested using RSA 155 and add clarifications.

M. Pinkham-Langer said she would review the 1989 excavation regulations and make suggestions and email other regulations and applications to look at. She said Candia can state no grandfather clause because no pits exist in Candia.

J. Munn said since excavation is in the regulations that adding to them would only require a Public Hearing. J. Duarte clarified the changes can be voted on at a Public Hearing and not have to be voted on at the Town Meeting.

J. Duarte said he would ask LGC how they interpret this 5:01 A regarding excavation whether a special exception would be required. Excavation is in the regulations but not listed under uses.

Chair Girard thanked M. Pinkham-Langer for the presentation.

Other Business

Sander Preliminary Major Subdivision Review Committee

Chair Girard stated Jim Franklin submitted a Preliminary Major Subdivision to create 2 lots that is scheduled to be heard on December 16, 2009. Due to the amount of land it is considered a Major Subdivision. S. James and A. Soares said they would like to volunteer to be on the review committee. K. Byrd asked to be notified when they set a date to see if he would be able to attend. Lot Merger 409-082 and 409-078

Mr. Fletcher Perkins submitted an application for a lot merger for lots 409-82, Old Candia Road & 409-078, Adams Road for the Planning Board to review and sign. Mr. Perkins was not present at the meeting. Chair Girard said the lots touch each other in the rear of the properties. She said LGC was consulted because each lot had frontage on different roads and found that it did not matter as long as the properties were contiguous which they are. RSA 674:39 cited on the lot merger application was clarified it is the correct RSA for Voluntary Merger.

The Board reviewed the tax map and lots. The lot merger was signed by Chair Girard, J. Duarte, S. Komisarek and S. James.

Cost of Community update

J. Lindsey asked J. Munn how he was coming along with updating the spreadsheets for the Cost of Community project. J. Munn stated that he was working with the town bookkeeper to verify 2008 actual expenditures and revenue to complete the update. He said he should have this soon.

Build out Maps

J. Lindsey asked J. Munn about build out maps. Chair Girard said that there is a set of Mylar overlay maps with information in the Land Use Office. J. Munn said they could generate more maps from the original of these overlay maps at his office.

Natural Resource Inventory

G. Clifford asked J. Lindsey about the Conservation Committee meeting last night with Bear Paw. J. Lindsey stated last night's meeting was about NRI – Natural Resource Inventory and instead of involving other towns like the last meeting the committee focused on Candia exclusively. This meeting went well and the next meeting will be in the spring, when they will ask for more input on resources.

ZRRC Ground Water Ordinance

J. Duarte asked J. Munn if he had seen the Building Inspector's comments and suggestions on the groundwater ordinances. J. Munn said he had and has incorporated the comments and suggestions into the proposed ordinance.

Halls Mill Bond Reduction

Chair Girard said she felt this was handled by the Board of Selectmen already. J. Duarte said they sent it back to the Planning Board. D. Lewis gave his letter signing off, they have finished. The letter from Stantec was also received signing off for the Bond to be released. Chair Girard said everything looks in order.

Chair Girard **motioned** to release the Halls Mill Bond according to Stantec and D. Lewis, Road Agent's recommendations. J. Duarte **seconded. All were in favor.**

The next Planning Board meeting is December 2, 2009 at 7:00 pm.

J. Lindsey **motioned** to adjourn at 8:20 pm. J. Duarte **seconded. All were in favor.**

Respectfully submitted,
Sharon Carrier
Land Use Secretary