

CANDIA PLANNING BOARD
MINUTES of December 3, 2014
APPROVED
Public Hearing

Present: Sean James, Chairman; Albert Hall III, Vice Chairman; Ginny Clifford; Michael Santa; Ken Kustra; D. Snow, BOS; Dave Murray, Building Inspector; D. Lewis, Road Agent

Absent: Judi Lindsey; Amanda Soares BOS rep

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

Minutes September 17, 2014 & November 5, 2014

Voting on the minutes of September 17, 2014 was postponed due to lack of quorum. M. Santa **motioned** to accept the minutes of November 5, 2014 as amended. K. Kustra **seconded**. **All were in favor. Motion passed (4-0-1)**. Albert Hall III abstained.

Continuation of discussion on adding 2nd entrance and additional lights to Mylars to the Major Site Plan for the Farm Stand at 20 Main Street

Applicant S. Komisarek was present and no abutters were present. Chairman James said for a quick update, Stantec looked at the plans had a few comments which were sent to the Board to review and he believes the applicant has addressed all the comments but one which they will talk about. S. Komisarek passed out revised plans for the Board to view saying the changes are highlighted.

S. Komisarek said he would like to start by going through each comment. He said the first comment #1 states the plan must be stamped by a NH Professional Engineer which he has done. #2 *The revised plan includes second driveway onto Raymond Road, providing a right turn egress only and a prohibited left turn into the driveway. The plan provided must include appropriate traffic signage per the MUTCD manual for the driveway configuration.* He said the plan shows the 4 different signs, stop sign, no left turn, exit only and do not enter. He said #3 is to provide a copy of the NHDOT Driveway Permit for the Town's files and he said he confirmed the town has a copy. #4 *The plan should note whether adequate site distance is provided.* He said the plan shows the site distance is to be maintained 400 feet in each direction. He said on #5 there is nothing they can do. He said Stantec talked about a puddle in the pavement and showed a picture. He said when the contractor did the pavement it is just little ¼" dip not so much that it wasn't sloped just the way the pavement went down. He said #6 talks about the lighting and as far as he can tell there is no spill over issue with the lighting and the whole idea is that it is seasonal and the lighting was there so if someone was closing up and going out to their vehicle. He said if go by there at night the lighting is very subdued. He said the comments were made by Stantec but no specific action was mentioned. M. Santa said he went by the farm stand tonight and agrees that the lighting is subdued only lighting up a small area under each light and was surprised he was even running them and asked if he was running the lights for security reasons. S. Komisarek said when they went by when they had the snow it looked nice along with the copula. A. Hall said the lights look very calm and nice and continued you do not need to light the area up like a Christmas tree. Chairman James thought Stantec's comments were about the lighting installed were not the ones shown on the plan and asked if the plan was corrected to show the lighting that is in place. He said he doesn't think they are suggesting the lighting be changed but the notes don't match what is installed. S. Komisarek read, "#6. *The plans include 6 additional 100 watt fixtures on wood posts and reference a parking light fixture detail on plan sheet 4. Sheet 4 was not provided for a review however we viewed the detail on a previous plan submission. The light fixtures installed are not the same fixtures shown on the plan however the fixtures may be full cut-off (photo attached). Without technical documentation we cannot confirm that the lights comply with town regulations. Also, no photometric lighting plan has been provided so we cannot determine if the lighting installed will result in spill over lighting from the site.*" Chairman James said they waived the lighting plan because the business

is seasonal with daylight hours and said he doesn't think there is anything to do but just check the note to see if they are 100 watts or not. He said the underground electric to the additional lighting is shown on the revised plans. S. Komisarek said on #7 they asked for the plans to show the buried electrical power and he said that is shown on the plans.

S. Komisarek said #8 is a previous comment about the driveway and encroachment issue to an abutter. He said after a meeting back in the spring he had his attorney draw up a driveway license agreement and he dropped it off and never heard from her, so he called and she didn't want to sign the agreement saying she could use the driveway by adverse possession. He said they added the wording on the plan saying the abutter has the right to continue use of the residential driveway. He added they put up fencing for privacy. He said he does not know what else to do. He said he felt it didn't make any sense not to sign the agreement as it gave her more rights than she has now. A. Hall said you have done all you can. Chairman James asked was it just a driveway use agreement and S. Komisarek said yes. M. Santa asked about the spike in the driveway noted on the plan. S. Komisarek said it is in the pavement. Chairman James asked D. Lewis if he had any thoughts on that and he said maybe the one putting in the driveway wasn't paying attention and asked if that lot has been surveyed to see if the boundary line is in the right place because it has happened in the past where one surveyor say the line is here and another says it there. S. Komisarek said at one point both properties were owned by the same party and they had it surveyed and they found out they had a problem and the abutter was mad saying how can you sell the house and they refused to do anything about it. D. Lewis asked if the abutter disputed it and S. Komisarek said she said she has the right to use the driveway because of adverse possession. He said he didn't dispute it because they are ok with it and with the fencing in place there is no consequence to what is going on at the farm stand. He said he made a good faith effort and then suggested perhaps he could sign the agreement to have on file with the town. Chairman James said he has it covered with the note on the plan but technicality it is one of the conditions that is on the conditional approval. M. Santa asked how the condition read and said he felt the town would be covered by the note on the plan but he could be wrong. Chairman James read from the conditional Notice of Decision dated May 7, 2014, "*Add note to plan on the right to use of residential drive at NW corner of property.*" He said he appears he has it covered. K. Kustra asked if the agreement was just between him and one person and S. Komisarek said yes the couple who are the owners. K. Kustra asked what happens if the property is sold. Chairman James said if the property is sold the plans say the abutter has the right to use the driveway and doesn't see an issue and felt he has covered the condition. M. Santa said looking at the plan it is a big driveway to begin with and also felt the town is covered.

Chairman James asked if there any other comments or questions and there weren't any. He said he knows he has to clean up the plan for a mylar. Chairman James said if they can get the Mylar done they can sign it at the next meeting on the 17th. He said he appreciates him taking care of everything and coming in. S. Komisarek thanked the Board for their time.

Lot Line Adjustment, David Gould, 616 North Road Map 402 Lot 012, 81 Halls Mill Road Map 402 Lot 007-6.

K. Kustra asked what ever happened to the LLA that came in for an informational. Chairman James said he has filed an application and is coming in on the 17th of December for a public hearing.

Capital Improvement Plan (CIP) update

Rene LaBranche at Stantec has been given the requested information to update the CIP and should have the updated draft for the next meeting. Chairman James said hopefully they will get the draft in time before hand so the Board can review. He said the plan itself is not changing just the back up to it. He said the current CIP is out of date and a lot of the projects have been completed.

Other Business

Chairman James said at the next meeting he wants to spend some time discussing the zoning

revision and said everyone is welcome to stay. He said at the last meeting Jack Munn from SNHPC gave a presentation on Vision and Master Planning for Candia that discussed the lack of growth and said the school board has talked a little bit about the lack of growth too which came up at one of their meetings and continued it is something to think about.

K. Kustra asked if he heard any more about a planner from another town. Chairman James said he hasn't heard from SNHPC and will ask. K. Kustra asked if they have done anything about the property owned by the town out by Exit 3. Chairman James asked D. Snow about the Exit 3 project. D. Snow said he has not heard anything about the Exit 3 project. Chairman James asked D. Snow about the other 6 parcels that the Planning Board was asked to give their opinion on. D. Snow said the properties suggested other than the one property on the Deerfield Road corner are not going out to auction they are being held back from his understanding. He said the Deerfield Road property may be bigger than what is in Candia.

Master Plan Update

Chairman James said there has been discussion again about updating the Master Plan. He said his opinion is if there is no funding to do it then it is something he feels they shouldn't. M. Santa asked what the timetable would be to ask for funds again. Chairman James said they did two warrant articles. D. Lewis said they have not missed the deadline to submit a warrant article for next year. Chairman James said personally he doesn't support another warrant article unless they can get out there to market it. He said J. Munn's presentation on Visioning and Master Planning is on the Town website.

M. Santa said Selectman Robie was here at the last meeting and seemed to be promoting the update. J. Munn's presentation seemed to say they need to update the Master Plan and he is not sure whether it is the Planning Board or the BOS that pushes it along or if it is both groups. He said personally he feels they should have an updated Master Plan. G. Clifford said it seems the BOS could just put it in the budget if they felt it was a priority. M. Santa said then maybe should they be in touch with C. Robie so he can bring it up at BOS meeting? Chairman James said they can talk about it. He said they had this discussion two years ago when the first warrant article didn't pass. He said they discussed putting it into the budget but then they were told by the BOS not to put it in the budget and to put it in a second warrant which did not pass either. He said he feels there would be a perception if a warrant article fails and then it is put in the budget. M. Santa said he agrees it looks like they are coming in the back door a bit. G. Clifford said it could also be a sign of leadership that the people who are voted in to run the town the BOS, if they feel that this is something the town should have.

Chairman James said he wasn't involved in the last Master Plan update but what he has heard it was very well attended but the part that got missed is they also had \$15,000 to do the Master Plan. He said a lot of people showed up and talked and but then someone else was paid to do all the work. The Planning Board was very involved as well as a lot of other people but the Planning Board did not do the work. He said a lot of citizens were involved. D. Lewis said they went over to the school and broke into groups for different categories and spent weeks doing this and came back with what everyone wanted to see. D. Lewis said SNHPC was there but not sure who they paid to do the draft. M. Santa confirmed it was actually a consultant who actually drafted the Master Plan. The consultant listened to the citizens and based on their expertise they formed the master plan. D. Lewis said then the Planning Board voted to accept it and it was adopted in 2004. He said recently a Natural Resource Inventory study, Energy Plan and Costs of Services Study have been done which can go into the update. D. Lewis said they spent \$5 to \$6,000 for the Costs of Services Study so he hopes it went in the Master Plan which was at a selectmen's request. D. Snow said that was facilitated. G. Clifford said some of that was done with C-Tap grant money. Chairman James said the second warrant article they put in, they also included a flyer explaining what the Master Plan was for. D. Lewis said the Planning Board has tried both putting it in the budget which they were told no and submitted two warrant articles which both failed miserably and continued what more can they do. Chairman James said to answer your question over the next year they could do some more marketing and start to get some momentum and either put back in the budget or a warrant article. He said he would like to

finish up this year by getting the regulations squared away. The idea with the regulations was to combine them not change a lot of it.

A. Hall asked what the potential downside would be if the town failed to update its Master Plan. Chairman James said state laws say you need a Master Plan for certain things and should be updated every 5 to 10 years. The one thing it could do is hurt the town potentially is if it is too out of date when they try to get funding. He said recently they did not get grants they applied for. He said the Town of Amherst whose Master Plan was updated last year with new ideas received funding to do them. He said legally you don't have to update but it could potentially hurt the town when trying to get funding in the future. A. Hall asked economically or development wise would this be a negative for potential people coming into town. M. Santa said he doesn't think people look at the Master Plan when they come into town. He said a Master Plan is a good thing to have and said does say something about the town if you are so far out of date. A. Hall asked if other towns keep their Master Plans up to date and M. Santa said some towns let them lag because it costs money to update them. He said J. Munn who is a professional planner was saying that they should be doing an update and he agrees and felt the town should not forget about it. Chairman James said it acts like a guide for the Planning Board to look at to see what they may need to change in the Zoning and Subdivision Regulations. He said he has heard several times they are not using it and he disagrees saying if you look at it the recommendations they have done a lot of them as a Board over the last 10 years.

D. Snow said the Master Plan is a foundation for the Zoning Ordinances and Regulations and if you go to court and you haven't updated the Master Plan on a regular basis you are definitely at a disadvantage and if the town gets sued and the Master Plan has not been updated you may not be able to defend some of the Zoning Ordinances and Regulations. Chairman James said the plan is to update the regulations and there is some funding in place to review them because he knows there are sections that are out of date. D. Snow said they should be reading the minutes of the last BOS meeting because there is significant interest from the BOS on planning and also the Planning Board may be interested in a discussion that is taking place on the possibility of purchasing property across from the Farm Stand. He said the minutes just came out today. Chairman James said in general he would like give some thought of what they should or shouldn't do as a Board related to that. D. Snow said it is too late to put funding for the Master Plan in the operating budget and said he wouldn't be a bit surprised if a warrant article is suggested. Chairman James said J. Munn talked about zero growth and how that affects the schools and how they need to educate the citizens on why a Master Plan would be a benefit to the town.

K. Kustra said they should also talk about filling positions on the planning Board as they are going to be missing two people. Chairman James said the BOS will appoint someone to fill Amanda's position and there are two people up for reelection this year.

The next scheduled Planning Board meeting is December 17, 2014 at 7pm at the Town Hall.

A. Hall **motioned** to adjourn at 7.37pm. M. Santa **seconded**. **All were in favor. (5-0-0)**

Respectfully submitted,
Sharon Robichaud
Land Use Secretary