

CANDIA PLANNING BOARD
MINUTES of May 6, 2015
APPROVED
Public Hearing

Present: Sean James, Chairman; Ken Kustra; Judi Lindsey; Tom Giffen; Scott Komisarek BOS Rep; Mark Laliberte Alt; D. Murray, Building Inspector; Carlton Robie, BOS; D. Snow BOS

Absent: Albert Hall III, Vice Chairman; Michael Santa

Chair James called the meeting to order at 7:00 pm immediately followed by the Pledge of Allegiance. He asked M. Laliberte to sit for M. Santa.

April 1, 2015

J. Lindsey motioned to accept the minutes of April 1, 2015 as presented. S. Komisarek **seconded**. S. James, J. Lindsey, K. Kustra, S. Komisarek, T. Giffen **were in favor**. M. Laliberte abstained. **Motion passed (5-0-1)**. Chairman James commented that he liked the numbering on the document. It was the consensus of the Board to keep the numbering on unapproved minutes as well as approved minutes.

PUBLIC HEARING
Continuance

Major Site Plan: 36 High Street, LLC 38 Fieldstone Lane, Candia NH 03034; Owner: Same; Property location: 36 High Street, Candia NH 03034; Map 409 Lots 200 & 200-1; Intent: Renovation of existing house with construction of two additions to provide for a 12 seat café, retail space, office space and a two bedroom apartment with associated site improvements in the Mixed Use District

Scott & Amy Komisarek and Chad Branon, Fieldstone Land Consultants PLLC were present for the applicant. There were no abutters present. S. Komisarek recused himself as a Planning Board member. Rene LaBranche from Stantec was present.

Chairman James said they met a month ago and in the meantime the applicant met with Stantec and the plans were reviewed and comments were addressed and now they are down to a few more comments that need to be addressed tonight. He said the applicant's requests for waivers will also be discussed. R. LaBranche said he would go through each item. He said the first item is the developer was to provide architectural plans to be reviewed by the Board and he has a note that was done. Chairman James said the architectural drawings were shown last month and they have one full size paper copy that shows the drawings but the plans do not show colors or materials. S. Komisarek answered they will be using hardy-plank and they have not picked out colors yet. He said additional details would be provided when the applicant submits for a building permit of materials. Chairman James said the only reference to color in the regulations is that colors should reflect traditional New England colors. R. LaBranche said they should take the roof color into consideration because for example the Town of Auburn reviewed a building for the downtown area and it looked fine but the town did not request the color of the roof and now there is this blue roof in downtown Auburn which everyone curses every time they drive by.

R. LaBranche said the next item is site surety and sometimes it is applied sometimes it isn't. C. Branon said the regulations say the Planning Board "may" require a surety. He said it would be his client's preference to have all site improvements completed before CO is granted. He said he doesn't believe it requires a waiver because of the verbiage. He said he considers this site plan a Minor Site Plan because there are not a lot of complicated details in the construction of the parking lot and addition and he said he doesn't believe a surety was required for the other project. T. Giffen said unless the Town was left in a bad position if something was left incomplete he doesn't see a great concern and doesn't see where the scope of this project will create an issue of that nature and he would be inclined to allow to proceed without a surety as there is not a great deal of exposure. Chairman James said that appears to be the consensus of the Board.

R. LaBranche said the next item is the drainage easement and driveway turnaround onto Map 409 Lot 200.3. C. Branon said they can certainly provide this and have requested this from the applicant's attorney but it is still pending. He said the Town is not going to have any liability pertaining to the drainage onsite he continued they would be happy to provide this as a condition of the approval.

R. LaBranche said the next item was the landscaping plan. C. Branon said he emailed a copy of this earlier today and he brought copies of the landscaping plan tonight and he put one on the board. Chairman James said they did not receive it and asked to please resend again. C. Branon said it is standard plan with shrubs and trees around the perimeter and planting beds and with landscaping adjacent to the building with dry stacked stone walls out in front of the barn as well as a small courtyard area with associated landscaping. Chairman James noted the fence on one side, the back stays open and some screening with shrubs. S. Komisarek said the neighbor was not in favor of the privacy fence as they already have a really small lot and he will work with them and perhaps put up a split rail with some plantings and that is the only change he foresees. Chairman asked the areas shown as lawn areas where they already lawn areas and C. Branon said yes and no areas are being cleared for lawn areas. K. Kustra asked what they were going to do with the existing trees on High Street which may be on state property and the plan only shows two but there are more than two and C. Branon pointed out that they are the large symbols on the plan and the intent is to keep all the existing trees. K. Kustra asked the width of the parking entrance and will be an in and out or split entrance and C. Branon said it is one driveway in and out.

R. LaBranche said the Fire Chief's letter didn't indicate fire suppression. Chairman James said they have a letter from the Fire Chief that simply states he has no issues with the project. D. Murray said once they get detailed plans for the structures, he will go through all the life safety procedures and once done he will give this to the Fire Chief who will review and be involved with the project. R. LaBranche asked if he felt there would be a need for a fire cistern and D. Murray said he doesn't think so and R. LaBranche said he likes to ask this question now because that last thing the applicant needs is a surprise from the fire chief in the middle of construction saying they need a 30,000 gallon cistern.

R. LaBranche said the applicant is asking for waiver to allow gravel parking instead of paving which is required by the regulations. He said there are ADA issues to address. He said he contacted and talked to the State concerning ADA requirements and the regulations are grey but the State interprets them slightly different. He said the State say the parking space has to be a hard surface and you have to be able to apply lines on it so they want the ADA space to be paved but the access from the ADA space has to be hard surface you can ride a wheel chair on. He said he asked the State about a compact gravel surface and the state said no it had to be either concrete or pavement even though the regulations do not call out for either just a hard smooth surface. C. Branon asked who he talked to at the State because ADA only requires paving on tip downs at intersections. He said he has gone through extensive studies on this and in fact he has done gravel sidewalks through main street corridors that meet ADA compliance. R. LaBranche said he is only repeating what he was told by the ADA at the state. C. Branon said that ADA does not have authority over parking lots with no enforcement on anything other than tip downs at intersections. He said they have gone through extensive research of ADA regulations and permitting/enforcement authority and often times it comes down to Federal Housing Authority specific to each use and not specific to necessarily to parking lots as there are a lot of gravel parking lots in NH that would have noncompliant ADA parking spots. R. LaBranche said he has done a number of privately funded projects in many small towns and the parking is gravel with a paved ADA parking spot areas and some being town parking lots. C. Branon said it is the federally funded part that triggers the paved area. R. LaBranche said he does not have any information to debate his point however more investigation might be appropriate. C. Branon said the ADA is a guideline. He said it comes down to specific uses, specific locations and if it is a federally funded project they generally are always very conservative and they end up with paving. He said they will do research and provide the Board with the information that would support a gravel parking lot.

Chairman James said they received two waiver requests dated April 30, 2015 that references 8.03 1 but is 7.03 1. The applicant is asking the Board to grant a waiver to allow a gravel parking area with no granite curbing. He said they can wait on the ADA information but can discuss the pavement. He said the previous project was seasonal in is generally in the dry part of the year, this application is a 365 day a year project with a driveway on a state road with the intention maybe in the future to drive through to the other lots which he feels will get a lot of use and will be difficult to maintain in the winter if gravel but that is his opinion. J. Lindsey said she loves gravel in that it is permeable but understand if there is a lot of traffic and maintenance and said if they are willing to, let them maintain to the best of their ability. C. Branon said they are valid points but it is a private site and all of the maintenance requirements will be the responsibility of the applicant who desires the finish to be a gravel setting. He said if the requirements for ADA have changed in the last two years since they researched it and the space and the walkway have to be a hard surface then the client would like to do an acceptable surface such as pavers which would be consistent with the walkway and would be ADA compliant. He said his client is aware that there will be yearly maintenance required.

S. Komisarek said if it becomes a problem there is a substance you can use to keep the dust down and if the parking lot is not holding up they will do something but they would like to start with gravel. He said he has been all over the state at different places, restaurants in the winter and gravel is quite common in rural NH. T. Giffen said one of the challenges he sees is winter maintenance in particular keeping it ice free. He said when you have customers coming and going, he personally found a gravel surface difficult to maintain in a condition where he felt ok about being liable for the safety of those walking on it. He said it could be a concern of a tenant as well and is a consideration to bear in mind.

Chairman James asked what the Boards pleasure was concerning the waiver, if they wanted to proceed or wait for more information. M. Laliberte said his feeling is the client is willing to take financial responsibility to maintain it and an effort to keep it safe then he is okay with granting the waiver and the ADA can be hashed out later as that is still pending as it is privately owned. Chairman James said most properties in this area are privately owned and most are paved. M. Laliberte said that is a benefit to the owners but in this case the applicant is willing to do gravel for aesthetics knowing the maintenance while other business pave strictly for convenience and ease of use. T. Giffen said he is reluctant to go so far as to prevent him from having it his way and to try it out and if he finds it is too hard or tenants have issues with or it is causing problems with customers in the winter season he may choose a different path on his own. Chairman James said it is the regulations for paving and if they keep giving waivers they are setting precedence.

T. Giffen **motioned** to grant the waiver section 7.03 a to allow gravel parking. ADA requirements to be reviewed for parking area and if determined needed use of ADA compliant material to be used for the parking area. M. Laliberte **seconded**. J. Lindsey, M. Laliberte, T. Giffen and K. Kustra were in favor. S. James opposed. **(4-1-0). Motion passed.**

R. LaBranche said the next item is the technical drainage issue and a waiver is required to allow less than 3 feet of cover on the culvert. He said a lot of times it is not that critical as long as you have a minimum of 2' you are in good shape. He said they are suggesting one of the culverts increase to 12". C. Branon said currently it is an 8" culvert and they did check prior to submission to make sure but they do not have an issue increasing to 12" as it will be easier to maintain. He said in regards to the subdivision regulations of 3' of cover is that the town may be excepting maintain and that is why 3' of cover is required. Chairman James said there are two parts to this waiver saying the regulations say the culverts should be reinforced concrete 15" diameter with 3' of cover and they are requesting 12" HDPE culvert and less than 3' of cover. R. LaBranche said he was fine with HDPE pipe. T. Giffen did not see a problem.

M. Laliberte **motioned** to grant the waiver section 8.03 construction standards to allow 12" HDPE culvert with less than 3' of cover. T. Giffen **seconded**. **All were in favor. (5-0-0) Motion passed.** All were in favor.

R. LaBranche said the next item is relative to the driveway entrance and the way it is configured it will have a slight depression coming off the road and there will be storm water that passes across the driveway. He said the applicant has not proposed a culvert so he asked about that. He said they did point out this is a state road and they will have to get a permit from the state and asked about the status and whether the Board would see a need for culvert. He said like what was said earlier there is going to be a maintenance issue to that or liability issue again when water runs over land then over pavement there can be freezing conditions. C. Branon explained his review engineer did evaluate that section and there is not enough topography across the site to that location to install a culvert provide to provide adequate cover under the driveway. He said as part of their analysis they looked at the surrounding area and there are no culverts on this section of road on either side of the road at all the driveways. He said it is worthy of talking about because the minute they put in a culvert they have created instead of shallow shoulder they have created a partial ditch which doesn't go anywhere and could actually have more of a detrimental impact to downstream icing than just designing something that is consistent with surrounding areas. He showed pictures of other driveways along this section of road on both sides. He said you can see all the drainage from the road goes on the shoulder and works its way down the street and everyone one of the driveways on this section of road from the lights to the intersection are designed this way and they are proposing the same design. He said if they put in a culvert it would be a minimum of 3' down which will put the grades well into the adjacent lots and they will have to pull the grades back into the site to daylight the culvert which is not really feasible. R. LaBranche asked what the State had to say and C. Branon said the permit is pending but they do not foresee any problems and will review drainage with them. C. Branon said they created a high spot in the parking lot limiting the amount of storm water going towards the street. Most of the runoff will go into the drainage out back. He said in comparison of existing conditions to proposing conditions they are reducing the runoff to the road. T. Giffen said he is inclined to agree

because having something that low to try and create a swale and have flow out of it properly would be a challenge. He said as stated by the applicant they would involve going into the adjacent lot and they would end up with a miniature detention pond 2 ½ feet below the surface that didn't flow anywhere. He said that does not appear the most practical choice but he is not an engineer. Chairman James said a DOT permit is going to be required so that could be made a condition. T. Giffen said DOT would have say on what should be done and if they leave it to the state it will be in good hands so he is not inclined to require them to do it.

R. LaBranche said the other items are housekeeping items and one typo. C. Branon said they have corrected these. C. Branon said there was a waiver request for curbing as well. He said even if the parking lot was to be paved he does not think curbing would be the best solution for the parking area. Right now without curbing the areas are designed to be able to sheet flow into a vegetative state which is good and not creating a concentrated flow. He said the site has been designed to grade internally with the exception of the front and ultimately flow into the storm water basin. He said storm water will sheet flow off the parking area into a shallow swale routed into through the culvert into the storm water basin. Chairman James said they have a request to waiver section 7.03 I requiring granite curbing.

T. Giffen **motioned** to grant the waiver section 7.03 I requiring granite curbing. J. Lindsey **seconded**. J. Lindsey, M. Laliberte, T. Giffen and K. Kustra were in favor. S. James opposed. **(4-1-0). Motion passed.**

Chairman James asked if there was anything else that was not covered and if there were any comments from the audience. D. Murray asked about the two separate lots. C. Branon said they will be merged as part of the site plan and could be made a condition. D. Murray asked if there was an improved septic system yet and C. Branon said that is pending.

Chairman James said they are working towards a approving with conditions and the conditions he noted were as follows: 1. Map 409 Lots 200 & 200.1 to be merged. 2. Easement for drainage and turnaround on Map 409 Lot 200.3. 3. ADA requirements to be reviewed and if determined needed use of ADA surface treatment to be used for the parking area. 4. DOT parking entrance permit. 5. Other housekeeping items on Stantec's letter dated May 4, 2014. 6. Submission of an approved septic design. 7. All items to be completed before plans are signed. The following waivers were granted: Granted: Section 7.03 a: to allow gravel parking. ADA requirements to be reviewed for parking area and if determined needed, use of ADA compliant material to be used.

T. Giffen **motioned** to grant the Major site Plan with the following conditions: 1. Map 409 Lots 200 & 200.1 to be merged. 2. Easement for drainage and turnaround on Map 409 Lot 200.3. 3. ADA requirements to be reviewed for parking area and if determined use of ADA compliant material to be used for the parking area. 4. DOT parking entrance permit. 5. Other housekeeping items on Stantec's letter dated May 4, 2014. 6. Submission of an approved septic design. 7. All items to be completed before plans are signed. The following waivers were granted: Granted: Section 7.03 a: to allow gravel parking. ADA requirements to be reviewed for parking area and if determined needed, use of ADA surface treatment to be used. Waivers Granted: Section 7.03 I, waiver requiring granite curbing. Granted: Section 8.03 - Construction Standards: to allow 12" HDPE culvert with less than 3' of cover. M. Laliberte **seconded**. **All were in favor. Motion passed. (5-0-0).** Chairman James said they will have their Notice of Decision within 5 days. S. komisarek and C. Branon thanked the Board for their time.

Other Business

Letter from Nicole LaFlamme Chair Candia School Board received today

Chairman James said Planning Board received an invitation from Nicole LaFlamme Chairman of the Candia School Board. He read the letter into record, "*The Candia School Board cordially invites all members of the Governing Boards in the Town of Candia to an open meeting to discuss current population trends in Candia that are affecting the student enrollments at the Henry Moore School. In an effort to avoid conflicts with any other town board meeting times, we have scheduled this meeting for Friday May 15th, 7pm at the School Café. During this meeting, the Candia School Board will look forward to the facilitation of two goals: 1. To engage in positive meaningful dialogue in an effort to create action plans aimed at stimulating population growth. 2. Keeping the tax rate stable in Candia.*" Chairman James said if you are interested in attending to RSVP May 8th and her email address is (nlaflamme@sau15.net). He said he is planning on attending and encourages everyone to attend. J. Lindsey said she has already RSVP. S. Komisarek said he was interested. T. Giffen asked for the information. Invitation to be scanned and emailed to Board members. Chairman James said he feels it will be a good discussion. He told T. Giffen before he came aboard they had a presentation from J. Munn about population trends which they put on the website. K. Kustra asked what the population was and Chairman James said around 3,900 which has been stable for 10 years based on the census data and in the interim, OEP calculations have shown the population dipping

and coming back up again and he was not sure what they based their estimates on. He said Hooksett grew approximately 10-11%. C. Robie said all of Rockingham County grew except Candia with the minimum being 6% - 7% averages for Rockingham county with Hooksett at 10% and Nottingham at 17%. Chairman James said what was interesting was a couple weeks after the presentation from SNHPC there was an article that came out schools in the State of NH about decline in enrollment of schools even in towns that are growing. S. Komisarek said it is statewide and nationwide trend. C. Robie said the populations grew in 21 towns. Chairman James said he felt it would be a good discussion and encouraged the Board members to attend.

Updating Regulations

Chairman James said the secretary has been working on updating the regulations for awhile now. He said when Boyd Chivers was the BOS representative they had made a request to get an update of her office software as she is on 2007 which is starting to give problems when she is trying to convert where she is getting files in with the new formats and cannot open them. He is asking the two BOS members present tonight if upgrades could be done.

Master Plan Update

Chairman James said at the last meeting they discussed the 2012 quote G. Clifford had received from SNHPC to update phase one of the Master Plan. The updated included UNH doing a profile event and then SNHPC was going to do the remainder. He said J. Munn has recently updated this proposal. He said BOS has authorized the Planning Board to move ahead with this as the warrant article passed to fund the first phase of the update. He said it includes a community profile event which is really a workshop and to get information from the community at large then SNHPC has a survey distribution of coordination and tallying etc. The idea is to get out there and get community input and for those that don't show have a survey and try and get the most public input they can and depending upon the input move ahead with another warrant article if needed to continued the update of the Master Plan. He said if they receive 100% response that people love the MP then they don't need to make any changes but he feels that won't be the response. Based on what they get for feedback will be what they will do. He said they have talked about doing the update in two phases to keep the cost down and focus on what they want to do. He said they have talked about two ways of doing this either go through SNHPC or put out for proposals from consultants but he was not sure they want to do that in terms of time and cost. He said he is looking to see how the Board felt about this proposal if they wanted to go this route and if so get in he will get in touch with SNHPC and get it started. T. Giffen asked if they the costs were updated and Chairman James said yes the costs are in the updated proposal.

C. Robie said step one of this update is pretty much what the school board is proposing a week from Friday night, to get together and bring the community together and he is not sure if they have reached out to everyone all the groups and organizations. He said this would be the first step then they would have a workshop on a Saturday. He said he didn't know if it was a little premature to implement this program with what they are going to do a week from the Friday but is the same idea to bring people together and get comments and see what happens. Chairman James said he thought from his understanding is the meeting is geared more toward the Boards and commissions in town. C. Robie said that is what is going to drive updating the Master Plan also. Chairman James said he thought that meeting is at a Board level and the UNH would be more community wide. He said he wasn't involved with the last update but from his understanding talking to other people there was a good turnout at the last Master Plan update. M. Laliberte said he believes it was in 2001 and it was well attended the first night. He said if this is done well you get people out for it. T. Giffen said he sees no reason to defer it. Chairman James said his only concern was implementing and timing as they are headed into the summer and would that matter. T. Giffen said from the implementation perspective he was not sure how long it will take SNHPC and UNH to start and it might be conceivable it would happen in September anyway. J. Lindsey said she felt the fall would be much better as the summer is hot and wouldn't imagine it happening any sooner either. M. Laliberte said if they are worried about school attendance what better time to start. T. Giffen said this gives them instructions to plan it out now to implement it in September. In the meantime they need to get additional input from other boards which is only going to add value to the process. Chairman James said the starting in the fall would give them enough direction by December early January to be able to put in a second warrant article in. He said it sounds like it is consensus of the Board to go ahead with the proposal and with an anticipated first meeting in September and they can do the preliminary work in the meantime. M. Laliberte said he will mention this at Friday's meeting. Chairman James hope minutes will be taken and they could give these to SNHPC.

S. Komisarek maybe they can keep the roundtable discussions going after the school meeting May 15th so that they have it together for September. Chairman James said he will go ahead and work with SNHPC on this.

J. Lindsey **motioned** to cancel the May 20, 2015 meeting due to lack of applications. S. Komisarek **seconded. All were in favor. Motioned carried (5-0-0)**

The next scheduled Planning Board meeting is June 3, 2015 at 7pm at the Town Hall and there will be a public hearing on tree trimming on scenic roads.

T. Giffen **motioned** to adjourn at 8:30 pm. M. Laliberte **seconded. All were in favor. (5-0-0)**

Respectfully submitted,
Sharon Robichaud Land Use Secretary