

CANDIA PLANNING BOARD
MINUTES of May 2, 2007
APPROVED

Present: Mary Girard, Chair; Kim Byrd, Vice Chair; Joe Duarte, Selectmen's Rep.; Judi Lindsey, Susi Nord, Sean James, Alternate; Amanda Soares, Alternate; Road Agent, Dennis Lewis

Absent: Barry Margolin, Garrick Asselin

Approval of April 18, 2007 Minutes

Joe Duarte **moved** to approve the minutes of April 18, 2007 as amended. Judi Lindsey **seconded**. **Five were in favor with one abstention**. The following amendments were made:

- Page 2, under Informational, correct "Komiserik" to "Komisarek".
- Page 2, under Informational, Line 3 and 9, change "Brown" to "O'Rourke".
- Page 3, under CIP Plan, Line 2, change "that they need a schedule" to "there is a 6 year CIP Plan, but in order to collect impact fees we need a fee schedule".
- Page 3, under CIP Plan, Line 2, remove the word "just" and replace with "that an impact fee schedule".
- Page 3, last paragraph, Line 2, correct word "census" to "consensus".

Informational: Nick and Frank Hartmann, Candia Sand & Gravel, Raymond Road

Frank and Nick Hartmann of Hartmann Enterprises and Attorney John Bosen were present. The Hartmanns' own an excavation business and were interested in purchasing Candia Sand and Gravel. Mr. Bosen asked about the legal issues and the status of Mr. Kevin Cole's court order. Kim Byrd asked if Mr. Bosen had a copy of the court order. Mr. Bosen replied that he did and it consisted of a series of fees, penalties for failure to comply, and attorney fees that needed to be reimbursed. Chair Girard thought Mr. Cole did not have a permit to excavate the area in Candia. Kim Byrd noted there was a reclamation plan that the previous owner Harry Goodstein had signed. He believed the reclamation had never occurred and there was not supposed to be any further excavation in Candia. Selectman Fred Kelley added he would like this issue to be discussed with the Town Attorney. Chair Girard asked if they have approached Raymond. Mr. Bosen replied no. Selectman Rick Lazott thought there was a variance because the property was in a residentially zoned area; once the reclamation was not performed the permit reverted back to residential. Kim Byrd believed Mr. Goodstein did not have a variance, but a non-conforming use. It was in operation when the zoning ordinance did not allow sand and gravel excavation to occur in a residential zone. Selectman Kelley explained due to the legal issues Mr. Bosen should speak to the Selectmen's Assistant, Carolyn Emerson and she would refer him to the Town Attorney.

Informational – Rick Fitts, Minor Subdivision, 23 Main Street, Map 409 Lot 091

Rick and Brenda Fitts were present. Mr. Fitt's grandmother Irene Dean owns the land. She would like to sell him 3 acres from 6.80 acre parcel. Chair Girard explained they needed to meet the acreage, frontage, and setback requirements from the existing house and new house. Kim Byrd suggested they get a survey by a licensed surveyor. Mrs. Fitts asked if they could do the

subdivision, because they were told four years ago it was commercially zoned. Chair Girard stated the zoning has change and it's currently in a mixed use zone. Chair Girard explained they needed to get a surveyor and an application for a minor subdivision. Chair Girard added they would need to apply for a driveway permit from the state.

Joint Board Meeting

Selectman Kelley informed the board members that he had set a date for a round table meeting on May 21, 2007 at 7:00 p.m. The purpose of the meeting is to initiate discussion between other Boards, Departments, and Committees. Selectman Kelley asked the Planning Board to submit three topics they would like to discuss for the May 21st meeting.

John Cole's Letter of Interest

The Chair stated that John Cole submitted a letter of interest for Planning Board alternate. She felt that Mr. Cole would be an asset to the Planning Board, however this was not a good time for Mr. Cole to become an alternate, due to his pending application. Some of the Board members felt it was a conflict of interest. Joe Duarte **moved** to make John Cole an alternate. Kim Byrd stated he would support Joe Duarte's motion once Mr. Cole's application has been through the approval process. Joe Duarte stated he would amend the motion to wait until after Mr. Cole has made application. Kim Byrd clarified after all action has been completed on the application. He asked if Joe Duarte was amending his motion or withdrawing it temporarily. Joe Duarte stated he was withdrawing it temporarily. Chair Girard **moved** to table John Cole's request for the alternate position until after the application has been approved. Susi Nord **seconded**. **All were in favor.**

Discussion about the Conditional Use Application for Elderly Housing

Chair Girard stated that it was of legal opinion the application should be a subdivision and site plan. The application fee should be the amount of site plan and subdivision application. The Board viewed applications from different towns. Kim Byrd stated there is no reason for the ZBA to be involved in this process, unless a variance is required. Kim Byrd referred to section 5.04 (#5) of the Zoning Ordinance and Subdivision Regulations fee schedule (page 44). He referred to the major site plan (page 6) stating it was \$200 for an application fee and the major subdivision is \$150.00, for both at the same time the fee should be \$300. He added that the lot origination fee or dwelling unit/per lot should be \$75.00 which is consistent with the subdivision site origination fee. After some discussion it was decided that a subdivision plan application and site plan should be used for a conditional use application. Secretary Andria Hansen was instructed to find out if a public hearing was needed to change the fee structure. Kim Byrd **moved** that an elderly housing conditional use application will require a site plan application and subdivision application based upon the number of units and for the time being use the fee structure already established, and revisit it at the next meeting based on a recommendation from SNHPC. Joe Duarte **seconded**. **All were in favor.**

Signing of Candia Woods Major Site Plan

Chair Girard stated that before the board signed the plans there should be a Performance Guarantee/ Restoration Bond in place (per Stantec's recommendation). Chair Girard would like an estimate for the bond from Stantec for the May 16, 2007 meeting. She added Fire Chief, Rudy Cartier needed to sign off on his part as well.

Other Business

Kim Byrd stated that the April 23, 2007 site walk for Crowley Woods was rescheduled for May 1, 2007 at 5:00 p.m. Kim Byrd explained that he and Amanda Soares did the site walk, but Garrick Asselin did not attend. He added that Garrick will have to do the site walk on his own time.

Road Agent, Dennis Lewis informed the board that a resident on 99 Patten Hill Road has put in a second drive way and did not apply for a permit. Chair Girard stated it was a code enforcement issue. Selectman Rick Lazott added that Building Inspector, Bill Hallock should send a certified letter addressing this situation.

Selectman Fred Kelley informed the board that a letter was sent out to the Chester Board of Selectmen for a joint meeting regarding the regional impact of Crowley Woods. He stated Chester has not replied yet.

Chair Girard scheduled a Zoning Revision and Review Committee meeting for May 31, 2007 at 7:00 p.m.

Judi Lindsey **moved** to adjourn at 8:40 p.m. Chair Girard **seconded**. **All were in favor**.

Respectfully submitted,
Andria Hansen, Recording Secretary