

**CANDIA PLANNING BOARD
MINUTES of September 5, 2007
APPROVED**

Present: Mary Girard, Chair; Kim Byrd, Vice Chair; Joe Duarte, Selectmen's Rep.; Judi Lindsey, Barry Margolin, Susi Nord, Garrick Asselin, Road Agent, Dennis Lewis; Fire Chief, Rudy Cartier

Absent: Sean James, Alternate; Amanda Soares, Alternate

The Chair called the meeting to order at 7:00 p.m.

Review of minutes

Barry Margolin **moved** to approve the minutes of August 15, 2007 as amended. Kim Byrd **seconded**. **Five were in favor with two abstentions**. The following amendments were made:

- Page 1, Line 16, change the word "mention" to "mentioned"
- Page 2, Line 4, change the word "there" to "their"

Other Business

The Chair mentioned the October 17th Law Lecture Series meeting falls on a regular Planning Board meeting night. Since some of the Board members will be attending the lecture, she asked the Board if they would like to reschedule the October 17th Planning Board meeting. It was the consensus of the board to reschedule the meeting to Thursday October 18th at 7:00 p.m.

Chair Girard noted if the Board members have any recommendations or comments regarding the sale of Exit 3 property, please submit them by September 21st per the August 29th Board of Selectmen memo. The first public hearing regarding this matter will be held September 24th.

Chair Girard mention an earth excavation class on October 9th if any of the Board members were interested.

The Board agreed to hold a public hearing on October 3, 2007 at 7:00 p.m. to consider the amendments to the Subdivision Regulations and Site Plan Regulations.

Signing of Ron Severino's Minor Site Plan

Chair Girard confirmed that Mr. Severino got clarification from the ZBA (Case #541) and received a letter from Fire Chief Cartier. Chair Girard instructed Secretary Hansen when submitting a set of plans to Building Inspector Hallock include the Fire Chief's letter. Chair Girard, Joe Duarte, Barry Margolin, and Garrick Asselin signed the plans.

7:15 p.m. - Minor Subdivision application by: Owner: Kenneth Choquette and Holly Lapierre, 34 Lane Road, Candia, NH 03034; Agent: R. S. L. Layout & Design, Inc., 77 Main Street, Raymond, NH 03077; Location: 34 Lane Road, Map

414 Lot 146; Intent: To create one new residential lot of 4.6486 acres from an existing acreage of 12.4358 acres.

Mr. Choquette and Craig Walsh from RSL Layout and Design were present. Chair Girard mentioned to the board members and the audience there was an interpreter present and asked people to speak one at a time. Barry Margolin stepped down from the board, because he is an abutter. Chair Girard asked Kim Byrd, who reviewed the application, if this qualified as a minor subdivision. Kim Byrd replied there doesn't appear to be any potential for further subdivision. He stated after the application review there were a number of different items missing from the application. Mr. Walsh presented new plans. The Chair cautioned the applicant there were only 6 members on the Board and it could potentially be a tied vote. She further explained Mr. Choquette had the right to not go forward with the hearing. Mr. Choquette stated he wanted to go forward with the hearing. Kim Byrd went over the missing items. Mr. Walsh had addressed the missing items. Kim Byrd asked about the New Hampshire Electric Co-op power line located across the property. Mr. Walsh stated he was still waiting for New Hampshire Electric Co-op to research the easement. He added he had spoke with PSNH about their easement on the property. Kim Byrd stated the subdivision needs to have 1½ contiguous acres of buildable land. It can't include wetlands or be part of the easement. Kim Byrd noted the lot is very irregular shaped. Kim Byrd **moved** to accept the application as complete. Joe Duarte **seconded. All were in favor.** Mr. Walsh explained that his client was doing a 1 lot subdivision to build a house. The existing area of the lot is 8.49 acres on the Candia side. The setbacks are 50 feet in the front and 25 on the side and rear. The Chair asked if any of the land being subdivided was in Raymond. Mr. Walsh replied no. Mr. and Mrs. Cote approached the board to look at the plans. They asked if the house would be built near their property. Mr. Walsh replied it would not. Mrs. Cote asked if the line of trees would be removed near her property. Chair Girard stated it doesn't appear to be any building in the back of the lot. Mr. Choquette confirmed they would not be building in the back lot and they would not be removing the trees. Chair Girard asked Kim Byrd if he would like to continue the case. Kim Byrd replied there's still the outstanding issue with New Hampshire Electric Co-op, and the Town Engineer should look at the plans. In addition the lot should be made into more of a regular shape. Kim Byrd stated the board should wait until they get more answers. Chair Girard explained to Mr. Choquette he could ask for a waiver from the fire protection requirement. Chair Girard reminded Mr. Walsh that RSL should tell their clients to have an informational before the technical review; it would be more helpful to the client. Kim Byrd **moved** to continue the hearing to October 18th at 7:15 p.m. Judi Lindsey **seconded. All were in favor.** Chair Girard asked if Mrs. Cote would need an interpreter for the next meeting. Mrs. Cote replied no, but if there were any changes to the plans they would like to be present. Mr. Choquette replied there would not be any changes.

Barry Margolin returned to the board.

Signing of Liquid Planets plans

Kevin Dumont of Liquid Planet was present. Chair Girard reviewed the letter from Stantec. Tony Timbrell stated he spoke with Rene LaBranche and he said they have not seen any architectural renderings. Mr. Dumont stated he had shown the drawings to the

Board at one of his hearings. There was discussion about the sprinkler system. Chair Girard expressed concern with Liquid Planet serving alcohol. Mr. Dumont brought John Tracey of Whale's Tale Water Park. Mr. Tracey explained his permit to serve alcohol was issued by the State of New Hampshire. He explained the patrons can't go 10 feet from where the alcohol is served and there is a lower alcohol content in alcoholic beverages he serves. He added he has never had anyone escorted out of the park. Chair Girard asked if a water park and alcohol mix. Mr. Dumont noted he worked at a Chuck E Cheese's for years and there was never an incident. Susi Nord explained she works with the liquor commission and they are very strict. She added if there are any problems, the establishment would have their liquor license pulled. There was some discussion regarding Stantec's letter. Tony Timbrell asked about a restoration bond. Chair Girard stated the board decided there was not a need for one. Kim Byrd asked about the utilities. Mr. Dumont stated they would be underground. Chair Girard asked the Board if they were in favor of signing the plans. The Board was in favor of signing the plans. Ingrid Byrd asked if serving alcohol was ever mentioned at the public hearings. Chair Girard replied it was not. Carla Penfield asked once the plans were signed, was it okay with the Planning Board for Mr. Dumont to sell liquor. Chair Girard stated the Planning Board can't issue a liquor license. Selectman Lazott noted Mr. Dumont has to apply to the state liquor commission. The state will dictate the criteria and the Town will be notified. The establishment will have to serve food; selling alcohol is secondary in nature. He further added the State of New Hampshire has the final say. Chair Girard, Joe Duarte, Barry Margolin, and Susi Nord signed the plans.

Discuss Architectural Design Standards

Chair Girard stated she would like the Planning Board members feed back on the recommendations for commercial architectural design standards. The Chair started off by saying she thought some of the recommendations were good, but they should not be mandatory. Susi Nord stated if these are just recommendation does the Planning Board have the authority to enforce it. Garrick Asselin stated he is in favor of the standards being suggestions and they shouldn't be mandatory. He added how many trees need to be cut down; metal is cheaper and can look natural. The developers should be able to build what they want. Susi Nord stated would they be guidelines or regulations and does the Town have the legal right to require these standards. Barry Margolin stated he was in favor of the standards being more than guidelines. They should go through the recommendations item by item and come up with something the Planning Board agrees on. Joe Duarte stated he has looked into other Towns architectural standards. He read from an article from SNHPC. In summary, towns need to be flexible with guidelines and should have some standards. Appearance is critical, but don't go to extremes. He added the Town needs guidelines, but don't be dictatorial. Kim Byrd stated if it's just guidelines, then the board doesn't have any teeth. He further stated if no changes are made, there will be a warrant article and the Planning Board should take the initiative. He agreed the architectural standards needed work and suggested working with the Heritage Commission. Judi Lindsey stated she liked guidelines because it gave the Planning Board flexibility. If regulations are too strict it wouldn't allow for something good, such as new building materials. She added everything should refer back to the Planning Board and anything approved should have architectural renderings. Susi Nord

suggested giving waivers from required standards. Betsy Kruse suggested the Planning Board can designate what it wants by using words like “shall”. She added if the board doesn’t have the regulations, they don’t have the teeth. They can give a waiver if needed. Jon Godfrey asked what the Planning Boards’ fear of having regulations is. The Chair replied no one will want to come to Candia. She further added she wasn’t against regulations, but thought they were a little strict. Ingrid Byrd noted Bedford has a Wal-Mart who had to follow regulations and the building fits in with the town. Selectman Lazott stated that Town Attorney, Bart Mayer recommended not being so restrictive. Selectman Lazott suggested being open to new (recyclable) building materials and did not agree that clap board or brick should be required building material. In addition he did not agree with 50% open space, maybe 10%. Heritage Committee Chair Philbrick stated parts of the architectural standards needed to be worked on. She further stated the Planning Board and Heritage Committee should work on this together. Ron Thomas suggested the Planning Board pick and choose what they wanted from the standards. He added the Master Plan address’s smart growth and the 50% green space was just a suggestion. Carla Penfield suggested adding the first two paragraphs of the architectural standards to the Zoning Ordinance. Susi Nord stated they should bring this to town vote, it would send a clear message to developers. Chair Girard stated they would set up the next Zoning Revision and Review Committee meeting after October 3rd.

An application review committee was scheduled for Ron Severino’s Major Site Plan on September 11th at 6:00 p.m. Barry Margolin and Garrick Asselin will serve on the committee.

Susi Nord **moved** to adjourn at 9:15.

Respectfully submitted,
Andria Hansen, Recording Secretary