

**CANDIA PLANNING BOARD
MINUTES of September 19, 2007
APPROVED**

Present: Mary Girard, Chair; Kim Byrd, Vice Chair; Joe Duarte, Selectmen's Rep.; Judi Lindsey, Garrick Asselin, Sean James, Alternate; Road Agent, Dennis Lewis; Fire Chief, Rudy Cartier; Rene LaBranche of Stantec

Absent: Barry Margolin, Susi Nord, Amanda Soares, Alternate

The Chair called the meeting to order at 7:00 p.m. Alternate Sean James was seated.

Review of minutes

Judi Lindsey **moved** to approve the minutes of September 5, 2007 as presented. Kim Byrd **seconded**. **Five were in favor with one abstention.**

Informational – Robert Martel, Map 405, Lot 056, 613 High Street

Mr. Martel was present. He would like to do a lot line adjustment and get some information from the Board. Mr. Martel presented the Board with drawings of the existing lot lines and the proposed lot lines. The drawings show lot 54, 55, and 56. The new drawings show that lot 55 will go away, leaving lot 54 with 3.4 acres and lot 56 with 73 acres. His current house is on lot 54 and the new house will be on lot 56. Chair Girard stated that it seemed more like a subdivision than a lot line adjustment. Mr. Martel replied he was working with Jim Franklin and Mr. Franklin suggested doing a lot line adjustment. Garrick Asselin asked how many acres lot 55 was. Mr. Martel replied that it's .48 acres. Kim Byrd noted lot 54 and lot 56 would remain the same acreage, but lot 54 will move. Kim Byrd further questioned if lot 54 and lot 56's acreage is remaining the same, what would happen to lot 55. Mr. Martel mentioned the frontage. Kim Byrd stated his total frontage would be 445 feet and with the new lot line adjustment the frontage will still be 445 feet. Sean James mentioned that lot 55 may have been split up between 55 and 56. Chair Girard stated Mr. Martel would need a plot plan. She further stated that he has an odd shaped lot and is creating an even more odd shaped lot. Mr. Martel stated that more of the property should be in front, because lot 54 slopes in the back. Kim Byrd suggested absorbing lot 55 into lot 54. Judi Lindsey suggested giving lot 56 a little more frontage if possible. Kim Byrd stated Mr. Martel may have a problem with lot 56, because the frontage has to be maintained for a certain depth back. The frontage would need to be 205' for 100' back. Chair Girard explained the next step would be to have plans done and file an application. She further suggested asking for a waiver from the 3-acre maximum for a lot line adjustment.

7:15 p.m. - Conditional Use Permit application (Ref. Zoning Ordinance, Section 5.04) by: Owner: Candia Crossing, LLC., 38 Fieldstone Lane, Candia, NH 03034; Agent: Scott Komisarek, 38 Fieldstone, Candia, NH 03034; Location: High Street; Map 406 Lot 016; Intent: To utilize the property to be known as The Village at Candia Crossing, now Map 406 Lot 16 consisting of 44+- acres. As provided under the new elderly housing ordinance amendment which would provide for common

ownership of 33 single family detached homes, three triplex homes, and a community center.

Chair Girard asked the audience to please address any questions directly to her and wait until they are called upon to address their questions. John Cole, Scott Komisarek, Dennis Quintal from Civil Construction Engineering, Inc., and Kevin Camm from KLC Land Planning were present. Mr. Cole stated they were there to start the application process and thanked Stantec for the thorough review they provided. Mr. Camm gave an overview of the existing conditions of the site. He stated it was the old Davis property and it's a little over 44 acres. It is within a mile of the Rt. 27 and Rt. 43 intersection and felt the proposal is harmonious with the intent of the zoning amendment. The services would assist the residents 55 and older in Candia. The proposed housing would be condo ownership with a homeowners association to govern that ownership. It will provide recreational life for the residents; they are proposing a community center. They intend to preserve the rural characteristics of Candia by providing as much open space as possible. They don't believe it will impact abutting properties and it is not in a floodplain. They are proposing 33 single-family homes with 2 bedrooms and 3 3-unit multifamily homes. The common lands and buffers are in excess of the zoning ordinance. There will be a community water and septic systems.

Mr. Quintal addressed the Board. He explained the entrance area would be in a new location to access the site. It would be on the higher side because it's flatter and better for site visibility. Chair Girard asked about sidewalks. Mr. Quintal replied there wouldn't be any sidewalks; most people are fine with walking in the roadway because there is very low traffic. Mr. Quintal added there would be some walking trails as well. He stated they have submitted an application to the state highway department. The highway department suggested the entrance be a bit wider in width, and block off the existing entrance. He discussed the wetlands and stated they have prepared a wetlands crossing plan. He then discussed the site grading. He explained the layout of the houses. They would be spread out, 3 houses per "pod" with common driveways, not row houses. There would be 3 parking spaces in front of each housing unit. They will have a community water supply, which would be designed according to state rules and regulations. They will get an approval for the location, drill the wells and have them tested for water quality and quantity, and then design the pump house. Mr. Quintal then went over the landscaping. He explained they have done test pits on the site; the soil is a sandy, gravelly material. They have done the drainage analysis. He discussed the lighting and stated considering major light at the entrance, recreation center, and the beginning of the driveways. A solid waste company would come for waste disposal. Mr. Quintal stated they have received a comprehensive review from the Town Engineer and would work with them to address the comments. He added they have an application with the state for a dredge and fill permit. Mr. Cole asked Mr. Quintal to address the drilling of the well. He explained it would be state permitted. They would have a protective zone and then there would be a 48-hour test. They would look at what type of yield they would get and how does it affect the aquifer around it. Anyone who has a well in a 1,000' area could have a monitor on their wells.

Chair Girard asked Rene LaBranche to address his comments. He thought the project was well thought out. He suggested that Fire Chief Cartier address his expectations and requirements. Kim Byrd commented there are 13 “pods” with no turnarounds. Some other issues addressed were pedestrian safety. Mr. LaBranche suggested having sidewalks on the main road, not necessarily in the “pods”. He asked to see more documentation addressing the conditional use requirements. Kim Byrd asked if Stantec has received a subdivision plan. Mr. Cole stated that one was not needed. He further stated it’s one-acre per density, not one acre per house. There was some discussion regarding the density calculation. Kim Byrd stated the Board has a legal opinion and they need a subdivision plan. Joe Duarte complimented Stantec for doing a good job on the review. Chair Girard took questions from the abutters. Abutter Tom DiMaggio of 42 North Road was concerned that his dug well would be pumped dry. He referred to RSA 674:36 and 674:44 and stated it’s up to the Planning Board to protect the citizens. He added this development would affect the wildlife. Abutter Rick Zang of 93 High Street questioned the density requirements of the development. Chair Girard stated the documentation in the zoning ordinance backs it up. Mr. Zang stated this seems like cluster housing in disguise of elderly housing. Mr. Cole replied he was aware of the abutters concerns and it was not cluster housing in disguise. Chair Girard asked Fire Chief Cartier if he had any concerns. He stated that he will schedule a preconstruction meeting with Mr. Cole to address his issues. In addition, he did not have a problem with turnaround and the houses will have sprinkler systems. Mr. DiMaggio asked what would happen if his well was pumped dry. Mr. Quintal stated that they are responsible for anything within 1,000’ and would address that issue if there was a problem. Chair Girard stated it sounds like Mr. Cole was willing to work with the abutters. Judi Lindsey expressed concerns with the land not being flat, the water changing and how it could impact the people around it. She felt there should be more open space towards the back and more density in the front of the lot. Mr. Cole replied there is 60% of open space and a lot of protection for wildlife in the back of the lot. Abutter Mark Siemonsma of 94 High Street asked if this would be a special inspections project. Mr. Cole replied the Building Inspector would be doing the inspections. Mr. Siemonsma replied then it’s not a special inspections project. Mr. Quintal stated they have to comply with state site-specific requirements. In addition, Mr. Cole would be working with Stantec and the Building Inspector in regards to inspections. Abutter Arlene Richter asked if a hydrologist has been consulted. Mr. LaBranche stated a drainage study has been done, not a ground water study. A hydrologist has not been consulted. Chair Girard asked Mr. Quintal if he could address Stantec’s issues and other changes before the October 18th Planning Board meeting. Mr. Quintal felt they would be ready for the next meeting. Chair Girard reminded the abutters who were present that they would not be noticed again. Chair Girard **moved** to continue the hearing to October 18th at 7:45 p.m. Joe Duarte **seconded**. **All were in favor.**

7:30 p.m. – Major Site Plan Review application by: Owner: Candia South Branch Brook Holdings, P.O. Box 410, Candia, NH 03034; Agent: Ron Severino, P.O. Box 202, Candia, NH 03034; Location: Raymond Road; Map 409 Lot 096-1; Intent: To construct an approximate 8,000 square foot office building to be used as a district court.

Ron Severino was present. Garrick Asselin and Barry Margolin served on the ARC and found the application to be complete. Chair Girard **moved** to accept the application. Garrick Asselin **seconded. All were in favor.** Mr. Severino explained this is for a proposed district court, which is currently located in Auburn. It will be a privately owned facility and leased back to the state. The district is comprised of Auburn, Candia, Raymond, Deerfield, Northwood, and Nottingham. He explained there has been a lot interest to get the court centrally located. The land is located across the street from the post office. It's a 10-acre site and only the front 2 acres will be used. He presented the Board with plans. The wetlands have been delineated and they will not be impacted. This will not be a subdivision, the building will stay part of the 10-acre lot. Kim Byrd asked if the property will remain on the tax rolls. Mr. Severino replied the building will be taxable. The building is 8,300 square foot one story building with a brick facade. The building is set up for a maximum of 14 employees. There will be 2 courtrooms, a large and small. The court rooms will seat 60 to 80 people. Joe Duarte asked how big the Auburn Court house is. Mr. Severino replied approximately 4,000 to 5,000 square feet. The days of operation will be Monday thru Friday with no nights or weekends. Court will be in session only a couple of days a week. Chair Girard asked if he received a notice from the tax collector. Mr. Severino replied it should be noted on the plans. Chair Girard asked if he has received a letter from the Fire Chief and Police Chief. Mr. Severino replied he has received the letters. He added the building would have sprinkler systems. He has received the state driveway permit. Chair Girard asked if he would be required to have a pull off lane. Mr. Severino replied no, there would be less than 100 cars a day. The drainage analysis has been done and is noted on the plans. Mr. Severino stated he has a septic design but is waiting for a septic approval number. The utilities will be underground. There is a propane tank shown on the plans. There will be minimal planting, because they don't want high maintenance landscaping. Mr. Severino stated that he has addressed most of Stantec's comments and concerns. There was discussion about signage. Mr. Severino pointed on page 2 of 9 on the plans, that there would be a separate parking area (3 parking spaces) and entrance for detainees. There will be a light by that door. Judi Lindsey asked what he would be surfacing the driveway and parking area with. Mr. Severino replied all asphalt. Judi Lindsey asked if it would be the new permeable stuff. Mr. Severino stated that product is not any good, and is still in the experimental stages. Rene LaBranche stated there were just technical items Mr. Severino needed to address. Mr. Severino stated they needed to break ground this fall. Selectman Fred Kelley complimented Mr. Severino on all the hard work he has done on this project. Kim Byrd asked about the dumpster being in the side setback. Mr. Severino stated all his other buildings have the dumpsters in the setback. Rene LaBranche stated they can look into that. Mr. Severino further added he wanted to put it where it was not visible from the street. Chair Girard stated they can give a conditional approval. Joe Duarte **moved** to approve the Major Site Plan with the following conditions:

- A letter from Stantec stating that all outstanding issues and concerns are addressed.
- Applicant must obtain a septic approval number from the NH DES.

Garrick Asselin **seconded. All were in favor.**

Other Business

Chair Girard asked the Board to consider eliminating times for public hearings. The ZBA has eliminated times for their public hearings. Kim Byrd stated there is a disadvantage to this because everyone will have to show up at 7:00 p.m. and wait for his or her hearing. He also mentioned abutters won't know what time to show up. The Board decided to see how it works for the ZBA and revisit the issue at a later date.

The Chair mentioned the email Amanda Soares sent out. Chair Girard asked the Selectmen to discuss the contents of the email with the Board. She stated that some of the Selectmen were upset by it. She expressed that this email was bad representation of the Planning Board and has asked Amanda to resign. Amanda has refused to resign from her alternate position. They cannot bring in another alternate, unless she resigns. Selectman Joe Duarte mentioned a letter that Mr. Danais' attorney had sent Amanda and felt she could put the Planning Board in a precarious position due to her actions. He further stated she should be removed from the Planning Board and they have the authority to do it. Kim Byrd read from RSA 673:13 and stated the Board does not have the authority to remove her. Joe Duarte stated the Board appointed her; they have the authority to remove her. Kim Byrd replied the Board of Selectmen have the authority to remove her. Chair Girard asked Selectman Fred Kelley if he received a legal opinion on this matter. Selectman Kelley replied they are currently seeking a legal opinion and felt Amanda Soares should not be serving on any Board in Town. Selectman Rick Lazott stated Amanda is setting the Town up for litigation; the letter from Mr. Danais' attorney is a perfect example. Sean James stated that Amanda should be present to defend herself. Chair Girard noted she has missed the last two meetings. Selectman Lazott stated the Planning Board did appoint her and has the right to remove her. Kim Byrd replied after a public hearing in all cases. Judi Lindsey suggested giving her a stern warning. Selectman Lazott felt that was not good enough. Chair Girard stated the RSA could not be any clearer. She further stated she would like something in writing from Bart Mayer. The Chair noted they may have to announce it as a public hearing. Selectman Lazott requested the public hearing not be scheduled for October 18th. Chair Girard tabled the issue until they get a legal opinion from the town attorney.

Informational – Anthony Thatcher, Map 410, Lot 108 272 High Street

Anthony Thatcher, Henry Kunhardt from Sanford Surveying and Engineering, and developer Rick Berube were present. Mr. Thatcher came on July 18th for an informational. At the time the wetlands were not delineated and have since been done. Mr. Kunhardt stated the plans have not changed much since July. Chair Girard pointed out there was still only one driveway. Kim Byrd asked if they would be asking for a variance from section 2.05 of the Zoning Ordinance, which states there will be only one residential structure. Mr. Kunhardt referred to 5.06(7)a and 5.06(7)b. Kim Byrd stated there was nothing in 5.07a that stated they are exempt for 2.05. Mr. Kunhardt stated that 5.06(5) says it's a 20-acre minimum lot size and 5.06(7) says 2 units per buildable acre. It was his understanding a 20-acre site could have 40 units. Chair Girard stated a 40 percent of that would need to be set aside for open space. Mr. Kunhardt asked about the frontage. Kim Byrd replied the road would need to be approved with 100' of minimum frontage. Chair Girard questioned if the multi-family structures needed to be built within

800' of the arterial road. Kim Byrd stated the structures must be within 800' from the arterial street on which the development has frontage. Kim Byrd suggested getting variances. Mr. Kunhardt stated they were not there for variances and disagreed with the board. He added they have interpreted the elderly housing ordinance differently. Mr. Kunhardt noted this was a conceptual plan and they were there for an informational. Kim Byrd expressed that he had safety concerns with having multi-family structures 2,000' back and on a cul-de-sac. He didn't believe the parking area would count as a turn around. Fire Chief Cartier suggested having sprinkler systems and alarm systems in the buildings. Mr. Thatcher stated the last time he was in for an informational; he was told if the road was done properly he would be all set. Dennis Lewis stated if it was built to town standards it would be okay. Sean James pointed out the maximum grade is 6%, not 7% which they are showing. He added that he had concerns with the steepness of the slopes. Mr. Kunhardt stated they were trying to use the flatter area in the back. Judi Lindsey agreed there were lots of steep slopes. Kim Byrd asked where do they take out steep slopes when calculating density. Chair Girard stated it has to be buildable land. There was some further discussion regarding the steep slopes and buildable land. Chair Girard stated the Board is not in favor of building so far back into the lot and doesn't look like a good piece of land. Kim Byrd suggested going for a subdivision first. Mr. Berube stated it's one big lot, not individual lots. He further stated it's impossible to do a major subdivision and major site plan. The ordinance was created to supercede that. Mr. Thatcher suggested doing a site walk. Sean James suggested the Board hold off on the site walk and maybe seek a legal opinion in regards to the confusion on the zoning ordinance and subdivision regulations. There was some discussion about the community center. Mr. Thatcher thanked the Board for their time.

Chair Girard reminded the Board of the September 25th ZBA meeting. She stated Mr. Scarlett was on the agenda for 3 variances and a special exception. She reminded the Board that Mr. Scarlett came to the Planning Board for an informational in December of 2006 for a 3-lot subdivision on Brown Road. He is now proposing to build 5 4-unit townhouses on the same lot. The Chair encouraged the Board members to attend the meeting.

Sean James **moved** to adjourn at 9:50 p.m. Joe Duarte **seconded**. **All were in favor**.

Respectfully submitted,
Andria Hansen, Recording Secretary