

**CANDIA PLANNING BOARD
MINUTES of October 18, 2007
APPROVED**

Present: Mary Girard, Chair; Kim Byrd, Vice Chair; Joe Duarte, Selectmen's Rep.; Judi Lindsey, Barry Margolin, Garrick Asselin, Sean James, Alternate; Road Agent, Dennis Lewis; Tony Timbrell of Stantec

Absent: Susi Nord, Amanda Soares, Alternate

The Chair opened the meeting at 7:00 p.m. Sean James was seated for Susi Nord.

Review of minutes

Judi Lindsey **moved** to approve the minutes of September 19, 2007 as amended. Kim Byrd **seconded**. **Six were in favor with one abstention**. The following amendments were made:

- Page 1, under Informational, Line 13, change "mention" to "mentioned".
- Page 1, under Informational, Line 16, remove the words "he asked".
- Page 1, under Informational, Line 16, after "property" add the words "should be".
- Page 2, Line 6, add the words "were present" after "Planning".
- Page 2, Line 16, change "34" to "33".
- Page 2, Last line, change wording from "would have to" to "could".

The approval of the October 3rd meeting minutes were postponed until the next Planning Board meeting.

The Chair discussed rescheduling the November 21st Planning Board meeting, since the meeting fell on the evening before Thanksgiving. It was the consensus of the Board to reschedule the meeting to November 13th.

7:15 p.m. – Continuance of 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. Barry Margolin stepped down for the hearing. Tony Timbrell recapped his review letter for the minor subdivision. He addressed comment #3 and stated the lot was irregular shape and suggested a lot consolidation with the adjacent lot. There was some discussion regarding the PSNH easement. Mr. Timbrell stated Mr. Choquette could build on the easement. Chair Girard referred to a letter received from PSNH, which stated if there were an encroachment on the easement; Mr. Choquette would need an agreement or consent for joint use from PSNH. There was discussion on what is considered buildable land. Kim Byrd referred to Article 10.05, Section C of the Zoning Ordinance. The non-wetland area should be 1 ½ contiguous acres. Mr. Choquette stated he would not be building on the easement. Kim Byrd suggested getting a variance. Mr. Choquette disagreed and stated

he met all of the Town's criteria. Mr. Choquette stated he owns the land and pays the taxes on it. Kim Byrd mentioned PSNH has a tax card for the poles on the property. Kim Byrd referred to the plans which stated PSNH maintains the right to remove trees and buildings on the easement. Mr. Walsh replied they would not be building on the easement, so it should not be a problem. Kim Byrd noted if they approve the subdivision, the Board would be approving a non-conforming lot. Chair Girard reminded Mr. Choquette that Road Agent Lewis needed to locate the driveway and it should be noted on the plans. Mr. Walsh replied that he was not told this needed to be done. Chair Girard stated it is on the application and in the subdivision regulations. Mr. Timbrell added the issues with the wetlands needed to be resolved. The footprint of the house should also be shown on the plans. After a lengthy discussion regarding what is buildable on the easement, it was the consensus of the Board to get a legal opinion from the Town attorney. Kim Byrd **moved** to continue the hearing to November 7th at 7:15 p.m. Sean James **seconded**. **All were in favor.**

Barry Margolin returned to the Board.

7:45 p.m. – Continuance of 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.

John Cole and Scott Komisarek were present. Mr. Cole stated they received a copy of the Town Attorney's letter that afternoon. He requested a continuation so they could review the legal opinion and felt they should not go any further with the hearing. Mr. Timbrell discussed some issues with the elderly housing ordinance. Chair Girard agreed some of the content in the ordinance is contradictory. She further stated the Board was not against Mr. Cole's and Mr. Komisarek's project. Abutter Tom DiMaggio expressed his concerns with possible damage to the artesian wells in the area. He asked the Board to extend the distance of monitoring area from 1,000 feet to 2,000 feet. Chair Girard stated the Board would take it into consideration, but at this point it was premature. Abutter Arlene Richter stated she would like a hydrologist report done. Mr. Komisarek requested that the Planning Board not review the plan due to the legal opinion. Kim Byrd stated the Board has not accepted the application yet. Mr. Komisarek asked if they should go to the ZBA. Chair Girard stated if they deny the application they could go to the ZBA. Kim Byrd **moved** to not accept the application at this time because it is incomplete due to a lack of a subdivision application with the conditional use application. Sean James **seconded**. **All were in favor.** Chair Girard explained once Mr. Cole and Mr. Komisarek received a decision from the ZBA, they could be on the next Planning Board agenda. Joe Duarte commended Mr. Cole and Mr. Komisarek for being so cooperative and working well with the town.

8:15 p.m. – Minor Site Plan Application by: Verizon Wireless by their attorneys McLane, Graf, Raulerson, & Middleton, c/o Linda Connell, Esq., P.O. Box 326, Manchester, NH 03105-0326; Owners: Arthur H. Sanborn & Elizabeth A. Sanborn, Trustees of the Sanborn Living Trust, 312 Chester Road, Candia, NH 03034; Location: Patten Hill Road, Map 414 Lot 77; Intent: Installation of 3 permanent microwave dishes.

Jessica Nylan from McLane, Graf, Raulerson, & Middleton was present. Ms. Nylan explained due to flooding in April the switch station flooded. The Building Inspector gave them temporary approval to put two dishes on the tower. Verizon would like to make the dishes permanent. There is currently two dishes and they would like to add one more. Ms. Nylan asked for a wavier to provide a site plan. Barry Margolin confirmed that with the new dishes, they would not lose service again. Ms. Nylan stated they would not lose cell phone service. Kim Byrd questioned the microwave power transmissions and it may require testing. He further stated he would like more engineering information. Ms. Nylan replied there was no need, all of the power emissions are governed by the FCC. Chair Girard **moved** to accept the application. Joe Duarte **seconded. All were in favor.** Joe Duarte **moved** to grant a wavier from the requirement to provide a full set of plans with the minor site plan application. Judi Lindsay **seconded. All were in favor.** Barry Margolin **moved** to approve the Minor Site Plan with the following condition:

- To continue the conditions of the Notice of Decision of September 20, 1995.

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

8:20 p.m. - Minor Site Plan Application by: Verizon Wireless by their attorneys McLane, Graf, Raulerson, & Middleton, c/o Linda Connell, Esq., P.O. Box 326, Manchester, NH 03105-0326; Owners: Edward & Barbara Cunningham, 230 Tower Hill Road, Candia, NH 03034; Location: 230 Tower Hill Road, Map 411 Lot 90; Intent: Installation of 2 permanent microwave dishes.

Chair Girard **moved** to accept the application. Joe Duarte **seconded. All were in favor.** Ms. Nylan explained it was the same intent as the Patten Hill application, but with 2 dishes. She further explained they were still waiting for a letter of authorization from Mr. and Mrs. Cunningham. She asked for a waiver to provide a site plan with the application. Joe Duarte **moved** to grant a wavier from the requirement to provide a full set of plans with the minor site plan application. Sean James **seconded. All were in favor.** Garrick Asselin **moved** to approve the Minor Site Plan with the following condition:

- To continue the conditions of the Notice of Decision of October 2, 1996.
- The applicant must obtain a letter of authorization from the property owners within 30 days.

Joe Duarte **seconded. All were in favor.**

8:30 p.m. – Minor Site Plan Application by: Bryan Barbin, 12 Mountain Road, Raymond, NH 03077; Owner: Robert Barbin, 12 Mountain Road, Raymond, NH 03077; Location: 13 Deer Run Road, Map 408 Lot 030-23; Intent: 30' x 50' addition for more space.

Bryan Barbin was present. He stated he had come in for a minor site plan in June of 2002. Chair Girard reviewed the contents of the folder. She stated Mr. Barbin came in for a Minor Site Plan but it was a Major Site Plan, the Major Site Plan was approved in

2003. Joe Duarte asked why he let the approval expire. Mr. Barbin replied it was financial reasons. Joe Duarte stated he didn't have a problem with a new approval if everything stayed the same. Chair Girard asked the Board if they wanted to grant a new approval or an extension. It was the consensus of the Board to grant the extension. Kim Byrd **moved** to extend the start time of construction to December 31, 2008 and it is to be finished by December 31, 2009. Joe Duarte **seconded**. **All were in favor**. Chair Girard instructed Secretary Hansen to send a letter to Building Inspector Hallock to notify him of the extension.

Chair Girard **moved** to adjourn at 8:50 p.m. Joe Duarte **seconded**. **All were in favor**.

Respectfully submitted,
Andria Hansen, Recording Secretary