

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

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

Absent: Garrick Asselin

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

Review of minutes

Kim Byrd **moved** to approve the minutes of November 7, 2007 as presented. Joe Duarte **seconded**. **All were in favor.**

Chair Girard **moved** to approve the minutes of November 13, 2007 as amended. Joe Duarte **seconded**. **4 were in favor with 3 abstentions.** The following amendment was made:

- Page 2, Section 3.0 Exterior Walls, second sentence, change the word "lone" to "long"

An application review committee consisting of Kim Byrd and Sean James was scheduled for December 11th at 7:00 p.m. The application to be reviewed is a Major Subdivision by Harbor Street on Crowley Road.

Chair Girard stated a public hearing will be held on January 2, 2008 at 7:00 p.m. for changes to the zoning ordinance.

Informational – Tracey Sweeney, 409-118, 334 Raymond Road, subdivision of property.

Tracey Sweeney and property owner Vittorio Bares were present. Mr. and Mrs. Bares are proposing a one lot subdivision. There is an existing home there now. They plan on creating a 2.23 acre lot and the rest will remain in its natural state. There is an existing well and septic on the property now. Mr. Sweeney stated test pits have been done on the property and submitted to the state for subdivision approval. Chair Girard stated this property is light industrial and another house could not be built on the property. She further stated the 2.23 acre piece of property needed to be 3 acres, because it is for residential use. Mr. Bares stated the town informed him he needed 2 acres. Chair Girard replied to subdivide for a house it needs to be 3 acres with 200 feet of frontage, because it's for residential use. Kim Byrd added he would need 1 ½ contiguous acres of buildable land. Mr. Sweeney stated they met the requirements. There was discussion regarding USGS mapping. Mr. Sweeney thanked the Board for their time.

7:15 p.m. – Minor Site Plan Application by: Northeast Utilities Service Company, c/o Andrew Kasznay, 107 Selden Street, Berlin, CT 06037; Owners: Public Service of New Hampshire, 780 North Commercial Street, Manchester, NH 03101; Location: Tower Hill Road, Map 411 Lot 88; Intent: Add a 6' microwave dish on a tower structure at the 220' level.

John Nachilly of Northeast Utilities was present. The existing tower is 330 feet tall. They are proposing to put a 6 foot microwave dish at the 220 foot level. The reason for the dish is to support radio communications for crews out in the trucks and for data acquisition. It's a directional beam and would be pointed to existing dish on 1,000 Elm Street in Manchester. Kim Byrd asked if it was easy to plot the beam path. Mr. Nachilly stated it would be very easy to plot. He added the path is at an optimal elevation. Chair Girard asked if any abutters were present. No abutters were present. There was discussion about the health hazard concerns. Mr. Nachilly replied there may be a human hazard if a dish was mounted on a roof and someone walked in front of the beam path. He further explained if the tower is being worked on, there are postings that it's an RF hazard area. Joe Duarte asked if the path on Tower Hill to Manchester has been checked out. Mr. Nachilly stated it has been. Barry Margolin **moved** to approve the application with the condition that the applicant must stay within federal guidelines. Joe Duarte **seconded**. **All were in favor.**

7:30 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.

Barry Margolin excused himself from the Board. Craig Walsh and Richard Ladd from RSL and Ken Choquette were present. Chair Girard noted that Mr. Ladd had sent an email to Bart Mayer stating the Board had approved other subdivisions and they are no different than Mr. Choquette's. Mr. Ladd explained he went back as far as 2005 to other approved subdivisions and calculated the buildable area based on the way the Board calculated Mr. Choquette's plans. He referred to a plan on Crowley Road that was approved and there is not 1 ½ acres of contiguous land. He added there was a power line running through the property. Mr. Ladd referred to other subdivisions that were approved by the Planning Board and they did not have 1 ½ contiguous acres. Mr. Ladd believed that the Board looked at the total upland area on these subdivisions. He wanted to know why the Board looked at those subdivisions differently than Mr. Choquette's. Kim Byrd stated he may be seeing it as not having enough non-wetland soil, which is not the issue. The issue is there's a power line running over the lot and the easement says there is no residential use of the land under the power line. Kim Byrd went on to explain the other plans did not have a power line running across them. Mr. Ladd replied Stantec said Mr. Choquette can not use the setbacks. Kim Byrd stated that's Stantec's interpretation. Mr. Ladd asked if it was the Board's interpretation. Kim Byrd stated he did not believe Stantec reviewed those other plans. Mr. Ladd stated the Board wrote the ordinance and changed it in 2004. Mr. Choquette asked why the Board won't include the setbacks for this subdivision if that's the case. Judi Lindsey stated they were bringing up issues that were not pertinent to this case. She further explained Mr. Choquette has a PSNH easement that can not be counted as buildable land. Mr. Choquette replied that if his setbacks are included then it can and the Board has approved subdivisions in the past in which they were included. Kim Byrd stated the setbacks are not buildable. Mr. Ladd replied all of the subdivisions in the past were done wrong then. Kim Byrd stated that was probably so. Chair Girard read from Stantec's review letter which did not mention anything about setbacks. Kim Byrd noted that the case should be continued. Chair Girard replied that a vote should be taken that evening. There was further discussion about the easement and building in the setbacks.

Chair Girard asked if any abutters were present. Abutter Barry Margolin stated he did not have a problem with the subdivision. Mr. Ladd commented that if the Board was not going to include the land in the setbacks, they need to let it be known. Kim Byrd stated he would base his decision on the legal opinion the Board has received and the lot is not buildable due to the PSNH easement. Mr. Ladd stated they were not building near the easement. Kim Byrd replied the lot is still irregular in shape and that would be the second reason to deny the application. He further added if the Board approved this application they would be approving a non-conforming lot. The Chair asked each Board member if they were in favor of approving the application. It was the consensus of the Board to not approve the application and stand by the Town Attorney's opinion. Kim Byrd **moved** to deny the request for a minor subdivision for the following reasons:

- The character of the land is unsuitable for subdivision per Subdivision Regulations section 11.02.
- The lot is not compact or regular in shape per Zoning Ordinance section 6.01F
- The lot does not have 1 ½ contiguous acres per Zoning Ordinance section 10.05C
- The PSNH easement is not considered buildable land.

Judi Lindsey **seconded**. **All were in favor.**

Informational – David Beach, Brown Road, Map 413 Lot 018, possible subdivision of property.

David Beach was present. Chair Girard asked Mr. Beach if he had a notarized letter from property owner Greg Scarlett. Mr. Beach asked if he bought the property and built a house could he subdivide the land at a later date. Kim Byrd stated that he could. Mr. Beach stated he would put four lots in the front of the lot and didn't plan to build in the back of the lot. Chair Girard noted that private roads are allowed, but they have to be built to town standards. Mr. Beach stated his specs for a driveway are 2 feet wider than the towns. Susi Nord cautioned Mr. Beach this piece of land may be hard to work with due to the wetlands. Mr. Beach thanked the Board for their time.

Discussion about changes to the Zoning Ordinance

Chair Girard mentioned she had sent out an email with proposed changes to be made. She asked the Board if they would review them before the January 2nd public hearing. She noted that changes could be made the evening of the public hearing and there would not be any more work session before then. She encouraged any feedback from the Board members prior to the public hearing. Selectman Kelley asked if the maps would be corrected. Chair Girard confirmed the maps would be amended. There was some discussion about changes to the elderly housing ordinance and architectural standards.

Joe Duarte **moved** to adjourn at 8:20 p.m. Judi Lindsey **seconded**. **All were in favor.**

Respectfully submitted,
Andria Hansen, Recording Secretary