

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

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

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

Review of minutes

Judi Lindsey **moved** to approve the minutes of December 5, 2007 as amended. Kim Byrd **seconded**. **All were in favor**. The following amendments were made:

- Page 1, Under Informational, 2nd line, change "exiting" to "existing".
- Page 1, Under Informational, 4th line, add "done" after the word "been".
- Page 2, 1st paragraph, 4th line, add "and" after the word "beam".
- Page 2, 1st paragraph, 10th line, change "confirmed" to "asked if".
- Page 3, Under Informational, 5th line, remove word "built" after "allowed".
- Page 3 Under Discussion, 2nd line, change "the" to "they".
- Page 3, Under Discussion, 4th line, change "session" to "sessions".
- Page 3, Under Discussion, 5th line, change "fixed" to "corrected".

Chair Girard mentioned that Southern New Hampshire Planning Commission was looking for volunteers to work on a water protection plan committee. If anyone was interested, they should contact SNHPC.

7:15 p.m. – Preliminary Major Subdivision application by: Harbor Street Limited Partnership, 123 Water Street, Exeter, NH 03833; Owner: Same; Agent: Same; Location: Crowley Road, Map 414 Lot 090; Intent: To subdivide Map 414 Lot 090 (consisting of 153 acres) into 10 frontage lots.

Chair Girard stated that Sean James and Kim Byrd served on the application review committee. She asked if they found the application to be complete. Kim Byrd replied they reviewed it and found it to be complete enough for a preliminary hearing. Kim Byrd **moved** to accept the application as complete. Joe Duarte **seconded**. **All were in favor**. Atty. Malcolm McNeill, applicant Joe Falzone, and land surveyor Steve Michaud were present. Atty. McNeill stated the proposed subdivision is on Crowley Road. It's a frontage subdivision so no new roads will be created for the subdivision. There are ten lots being proposed varying in size from 3.2 acres to approximately 65 acres. The total land mass is 153 acres. There are some shared driveways. Atty. McNeill stated there wouldn't be any waivers or variances required for the project. He stated his client is aware of the need to meet with the Road Agent and Fire Chief to address their concerns. There will be underground utilities. The project is similar and compatible to other single-family projects that utilize Crowley Road for frontage. They are aware of the culvert difficulty and flooding of lot #6 and the applicant is willing to work with the Road Agent to address some drainage issues in that area. Atty. McNeill stated he would like to hear feed back from the Planning Board and the abutters.

Steve Michaud from Doucet survey addressed the Board. He stated a licensed engineer did a preliminary drainage analysis. The net result would be a minor increase to the off site flows. They have shared driveways to minimize wetlands impact. Most of the driveways will need wetland permits, with the exception of lots 3 and 7. They will have on going discussion with the Road Agent relative to those driveway locations. The other items that were on the checklist have been addressed. Mr. Doucet submitted a new set of plans.

Chair Girard asked Tony Timbrell to address any concerns Stantec had. Tony Timbrell referred to Stantec's first technical review letter for Harbor Street. He stated the waivers were not applicable. He explained that NHDES subsurface disposal approval is required prior to signing and recording of the final plat (per section 11.07 of Subdivision Regs.). The drawings should be revised to show a conforming typical driveway and cross-section (per section 12.03 Subdivision Regs.) It should be shown on the plans the proposed limit of clearing, tracking pads, and silt fence location/detail for all driveways. In addition, the plans should identify erosion control for each building lot (per section 16.03 Subdivision Regs.). He then discussed special use permits (article 10.09 of Zoning Ordinance). The existing right of way for Crowley Road should be shown on the plans. There is a spelling error on the Final Plat Statement. A crossing section agreement will be required for lots 5 & 6 and 7 & 8 if the locations are approved. Tony Timbrell referred to page 4 of the review letter, which states, "We believe that the proposed subdivision will adversely affect the existing partially completed Crowley Road (unpaved). Previous similar applications before the Board (Crowley Woods I) were required to upgrade and fund, by an agreed escrow amount, the partial reconstruction of Crowley Road. The Board should discuss this precedent and the fair and proportionate cost to be allocated to the developer. An agreement between the Town and the applicant should be established to cover upgrade costs (construction) and any design/review/inspection costs for Crowley Road".

Chair Girard asked Road Agent, Dennis Lewis if he had any comments. He stated if there is any further development on the road, it should be paved. Barry Margolin asked if he would require paving just where the development would be or the whole length of Crowley Road. Road Agent Lewis replied he would require the whole road to be paved. Barry Margolin asked if the upgrades were not made would the road be able to handle the increase in traffic. Road Agent Lewis explained his main concern with the road is mud and an increase in traffic would make it worse. Chair Girard stated the Police Chief Mike McGillen would like to see warning signs posted indicating the sharp curve and would also like to see the road paved. Road Agent Lewis noted it's a 90° curve and very dangerous. Chair Girard asked Fire Chief Rudy Cartier if he had any comments. Fire Chief Cartier suggested the houses have sprinkler systems. He felt the driveways were critical and the construction should be carefully done. Fire Chief Cartier's main concern is that the road is too narrow for two fire trucks to pass each other. The closest water supply is Brown Road, which is approximately 2 miles away. He would like to see an additional water supply on Crowley Road, whether it's a cistern or a fire pond. There should be a consistent water supply. Conservation Commission Chairman, Ed Fowler stated he had spoke with Mr. Falzone regarding his concerns. CC Chair Fowler

recommended taking lot 10 (65 acres) consider putting the backland into a conservation easement and take the appraised value and use it as a tax write off. This would keep the land in the back of the lot from being further subdivided.

Chair Girard asked if there were any questions from the abutters. Abutter Leonard Ferron was concerned with the developer's intent to build more than 10 houses. He further stated the road is dangerous and it can't handle the volume of traffic it has now. There was some discussion about the right of way. Mr. Michaud stated there are 2 separate right of ways. A title examination was done and had been noted on the plans. He further stated that notices were sent out and that is why Mr. Ferron saw the surveyors on the land. The markers on the land are random survey markers, they are not marking the division of land. Barry Margolin noted that he had received a notice. Abutter Jen Fauteux stated the road will only get worse with an increase in traffic. She explained that the children have to be driven to the bus stop because the road is too dangerous to walk on. Abutter John Giles of Lane Road expressed concern with the buffer in the front of the lots and how much clearing can take place. Chair Girard stated nothing would be happening any time soon. Abutter Jen Fauteux noted the clearing of trees has drastically changed her lot.

Chair Girard asked the Board if they had any comments. Joe Duarte stated he would like more time to look at the plans. Chair Girard stated some of the lots were irregular shaped. Atty. McNeill stated they anticipated the comments from the abutters and Stantec. He went on to explain they recognize the impact the development will have on the road, but felt there is a preexisting condition there. It has not been caused by this development. Atty. McNeill then addressed Fire Chief Cartier's suggestions. Again he felt it was not the developer's responsibility to have to put in a fire pond or a cistern, but was willing to talk about it. He reiterated if there is an absence of water in the area, it's a preexisting condition. He referred to section 11.04, which states what a developer's responsibility is and it is not to cure, all existing conditions. Chair Girard suggested they continue the hearing so the Board has an opportunity to review the plans and Stantec's comments. Barry Margolin **moved** to continue the hearing to January 16, 2008 at 7:15 p.m. Garrick Asselin **seconded**. **All were in favor**. Chair Girard stated the abutters will not be notified for the continued hearing.

8:00 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 Lane, 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 016 consisting of 44+- acres. As provided under the new elderly housing ordinance amendment which would provide for common ownership of 34 single family detached homes, three triplex homes, and a community center.

Kevin Camm, Dennis Quintal, John Cole, and Scott Komisarek were present. Mr. Camm explained they received a variance from the ZBA at the November 27th meeting. He explained they have since made changes to the plans, they received the 3rd review from Stantec. Mr. Camm stated they felt the plan was complete and would like to receive a

conditional approval from the Board. Kim Byrd asked if they were looking at a plan that is for the special exception or a plan for site plan approval. Chair Girard replied they are looking at a plan under a conditional use permit. Kim Byrd stated this is multi-family housing, which would require a site plan. He asked Mr. Camm if it was their intent with the plans they submitted to cover the requirements of a multi-family housing site plan. Chair Girard stated she was concerned because they did not get a variance for multi-family dwellings being within 800 feet of an arterial road. She explained they could get away with putting duplexes instead of triplexes. Mr. Cole stated he did not feel it applies. Chair Girard stated she did not want to set precedence for future elderly housing developments. Her other concern was that Mr. Cole may not meet all of his conditions within 65 days.

Tony Timbrell addressed some of Stantec's comments. He stated the applicant has been very responsive about getting information to them. He stated that they have met a lot of their submission requirements. Chair Girard asked for a brief overview and he didn't need to go through each item. Tony Timbrell stated most of the items are engineering items. Most of the outstanding items are minor. The one item that stands out is the area of the retaining wall. The applicant agreed to give a report on this item. He discussed the private dug well. There was a submission of a lighting plan, which needed to be finalized. They received approvals for the pre-cast walls. Sprinkler systems will be installed in the units. Tony Timbrell suggested once all of the items are accepted, then the Board could give the conditional approval. Chair Girard asked if there were any construction plans. Scott Komisarek asked for clarity regarding getting a variance for building multi-family dwellings within 800 feet of an arterial road. Joe Duarte stated the Board should accept the application or not this evening. Chair Girard stated the application is complete enough to accept. Joe Duarte **moved** to accept the application as complete. Barry Margolin **seconded**. Abutter Tom DiMaggio stated he had a letter from DES and stated he was concerned that his dug well will be pumped dry. He felt that Mr. Cole or Mr. Komisarek should put something in writing in case it is pumped dry. He further stated they should replace any well if it is pumped dry within 10 years and they should put up a bond to certify that guarantee. Judi Lindsey asked if there are any outstanding waivers. Chair Girard stated Stantec has addressed the concerns. Chair Girard asked if the Board members were in favor of accepting Joe Duarte's motion. **All were in favor.** Chair Girard read from Stantec's letter, which will be part of Candia Crossings conditional approval. Tony Timbrell suggested the pre-cast wall be part of the final drawings, or have it noted somewhere on the plans. Chair Girard stated that will be part of the pre-construction meeting. Mr. Cole stated he did not have a problem with the wording in regards to the retaining wall and box culvert. Susi Nord wanted to address the 800 feet issue and did not want the Board to set a precedent. She suggested that the applicant address the list of issues from Stantec and the Board should wait before they take a vote on the application. Chair Girard stated she sympathized with Mr. DiMaggio but did not feel she should make Mr. Cole replace a well. She further stated it is a DES issue.

Mr. Camm addressed the Board. He stated this lot is a good location for a development. He felt 65 days might not be enough time for all of the work that needs to be done. He

further explained they could do a lot of the earthwork and stay within permit guidelines. They would like to take the next step at this point. Judi Lindsey stated she would like to see a compromise between the open space and bonus density. She suggested building most of the development towards the front of the lot and keep most of the open space in the back part of the lot. Mr. Cole stated the open space requirements are 40% and they are offering 60%. He further stated the development is extremely well spaced. Tony Timbrell explained the ordinance states Mr. Cole could have three times the amount of units. Judi Lindsey stated the back lot could have some nice trails. There was some discussion about the trail systems.

Chair Girard asked if there were any more questions from abutters. Abutter Sis Richter stated she would like to see a hydrologist report, because she lives at the base of that hill and is concerned about run off. Mr. Camm explained there is no more run off post-development, than there is pre-development. He further stated there is site-specific erosion control. Mr. Quintal stated the state hydrologist submitted a letter based on the state requirements and they met the state criteria. There are state rules and regulations in place and they have to follow them. This protects the abutters. Betsy Kruse commented the purpose of open space is to protect the natural systems. She suggested consolidating more units towards High Street. Chair Girard replied this is the same plan they have been proposing since the beginning and they don't intend to change it. Mr. Cole noted this is not an assisted living facility; it's an elderly housing complex. Betsy Kruse felt he was not preserving the open space in its unfragmented form.

Chair Girard stated the Board should make a decision to continue the case or accept the plan. Abutter Tom DiMaggio asked what kind of guarantee he can get to protect his well. Mr. Quintal replied the rules and regulations are strict and stringent. The state officials set these rules to protect the abutters. The testing is done to assure the abutting wells can't be impacted or they will not get their permits. If Mr. DiMaggio's well goes dry in 5 years he will have to do the testing proving it was Mr. Cole's development. Susi Nord asked if Mr. Cole would address Mr. DiMaggio's concerns. She further stated it was up to the Planning Board to protect the abutters' interest. Joe Duarte asked if there was a way to monitor Mr. DiMaggio's well now. Mr. DiMaggio stated he would give Mr. Cole a schedule in writing when his well was low. Mr. Cole agreed to work with Mr. DiMaggio. He further stated he would give Mr. DiMaggio a guarantee as long as he is not talking about problems he already has. Chair Girard reiterated the Board needed to make a decision on the application. Susi Nord **moved** to continue the hearing until the next available meeting. Kim Byrd **seconded**. **Susi Nord, Kim Byrd, and Judi Lindsey were in favor. Chair Girard, Joe Duarte, Barry Margolin, and Garrick Asselin were not in favor. Motion failed on a vote of 4 opposed and 3 in favor.** Kim Byrd stated the Board has not resolved the 800 feet issue. He suggested making 4 duplex units instead of 3 triplex units, that would make the 800 feet issue go away. Mr. Cole agreed to 4 duplexes and 1 single family unit, instead of 3 triplexes. Joe Duarte **moved** to approve the Conditional Use Permit with the following conditions:

- Candia Crossing follows the recommendations and conditions of Stantec.

- Mr. Cole agrees to monitor Mr. DiMaggio's well and Mr. DiMaggio will provide Mr. Cole with a written schedule of previous problems with the well.
- Mr. Cole will replace 3 triplexes with 4 duplexes and 1 single family unit.

Barry Margolin **seconded**. **Chair Girard, Joe Duarte, Barry Margolin, and Garrick Asselin were in favor. Susi Nord, Kim Byrd, and Judi Lindsey were not in favor. Motion passed on a vote of 4 in favor, 3 opposed.** Chair Girard stated these will be on going conditions until all of them are satisfied.

Barry Margolin **moved** to adjourn at 9:15 p.m. Joe Duarte **seconded**. **All were in favor.**

Respectfully submitted,
Andria Hansen, Recording Secretary