

**CANDIA PLANNING BOARD – PUBLIC HEARING
MINUTES of January 2, 2008
APPROVED**

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

Absent: Barry Margolin, Sean James, Alternate

The Chair opened the Public Hearing at 7:00 p.m. It was the consensus of the Board to discuss each proposed amendment in turn, close the public hearing, and then take a vote as to whether or not to place the amendment on the ballot.

ZONING AMENDMENT #1:

Allow the Planning Board to amend the Zoning Map dated March 18, 2006 to correct errors where the zone does not end at a lot line in the Commercial, Light Industrial, and Mixed Use zone.

Chair Girard explained this amendment was to correct small errors in the map. Judy Szot asked if specific properties would be listed or will it be generic. Susi Nord stated if the changes are vague the voters won't understand the proposed amendment. The specific properties should be listed. Joe Duarte stated they were just correcting mistakes from the March 18, 2006 map. Chair Girard stated she did not have a problem with listing the specific properties.

ZONING AMENDMENT #2 – Article V: Table of Use Regulations:

To amend section 5.02B: Change the – (not allowed) to P (permitted by right) in the LI-2 zone. 5.02B-3 and 5.02B-6 (will now allow retail and professional offices, banks, beauty and barber shops in the LI-2 zone).

There was some discussion about how the land was zoned at exit 3 and how this amendment will effect it. The majority of the Board was in agreement on this amendment.

ZONING AMENDMENT #3 – Article I: Title, Purpose, and Interpretation:

Section 1.02: Purpose: Add the following statement: “To provide architectural standards for development or renovation of commercial, industrial, and institutional structures that ensure an esthetically pleasing structure that compliment the traditional New England heritage of Candia.”

The Board was all in agreement on this amendment. Chair Girard noted the full text of the architectural standards would be in the Major Site Plan.

ZONING AMENDMENT #4 – Article V: Use Regulations: Conditional Use Permit Standards for Elderly Housing:

Section 5.067a: To change the density for a multi-family to:

1 mile or less	1 dwelling unit per 1 buildable acre
Greater than 1 mile	
But less than 2 miles	1 dwelling unit per 2 buildable acres
Greater than 2 miles	1 dwelling unit per 3 buildable acres

Section 5.06-14 Maximum Building Height. Add that “all buildings shall be single story above grade (basement is considered a story)”

Section 5.06-25 Building Codes: Delete reference to ADA act as it does not apply to residential and add “current edition of International Building Code Type B dwelling”.

Chair Girard stated section 5.06-14 and section 5.06-25 should be changed to amendment #5. Attorney Christopher Boldt asked the Board to consider not sending amendment #4 to town vote. He explained his client Anthony Thatcher of 272 High Street would be robbed of the chance to develop an elderly housing development if the density requirement was to change. He further explained that changing the density would effect the single remaining property to be developed. Chair Girard disagreed and stated there is plenty of property on High Street that can be developed for elderly housing. Atty. Boldt stated Mr. Thatcher was discouraged to develop by the Planning Board. Chair Girard replied Mr. Thatcher was discouraged because he did not meet the requirements of the elderly housing ordinance. Atty. Boldt stated Candia Crossing’s application was not discourage and got conditional approval. Kim Byrd replied after applying for a variance. Atty. Boldt stated that RSA 676:12 would protect Mr. Thatcher from this amendment to the Zoning Ordinance. He further explained Mr. Thatcher had been working with the Planning Board in good faith and was suggested to not submit an application. There was no indication these changes were coming. Chair Girard replied the Board wasn’t sure of the changes at the time. Susi Nord asked if Mr. Thatcher currently had an application in process. Chair Girard stated he did not. Chair Girard noted the town attorney did not see any problems with this amendment.

Amendment #5 – Article V: Use Regulations

Section 5.06-7b Maximum Density for Multi Family: Delete paragraph: “Buildable shall be defined in Article III of this Zoning Ordinance. In no case shall any lot be less than 1 acre for a detached single family dwelling or 2 acres for an attached duplex dwelling for any elderly housing development not in condominium ownership.”

Section 5.06-7b Maximum Density for Multi Family: Delete paragraph: “Per section 2:05: building on one lot of this zoning ordinance, in any elderly housing development not under condominium ownership there shall be only one residential building on a lot unless otherwise approved under innovative land use controls. See Section 13:04E.”

Section 5.06-9 Minimum Lot Frontage: Add “In the case of elderly housing development not under condominium form of ownership minimum lot frontage shall be 100 feet.

Section 5.06-11 Lot Coverage: Add sentence: “not under condominium use”

Joe Duarte explained the two paragraphs in 5.06-7b needed to be deleted. Judy Szot stated it was improperly noticed. John Cole explained those two paragraphs are why he went to the ZBA. It was decided to not send this amendment to vote, because it was noticed incorrectly.

Amendment #6 – Article III: Definitions

Change definition of buildable to read: As applied to land does not include very poorly drained soils, standing water, steep slopes over 25%, or any part of the lot considered not buildable.

Chair Girard stated she would like 15%, but after checking with most towns it's 25%. Ken Choquette of 34 Lane Road stated for the record that he opposes amendment #7 and questioned the town attorney's comments. Chair Girard read from Atty. Mayer's letter and stated he didn't see any problems with this amendment.

Chair Girard closed the public hearing at 7:50 p.m. The Board then voted on each amendment.

ZONING AMENDMENT #1: Amend zoning map

Chair Girard **motioned** to send zoning amendment #1 to ballot with the specific map and lot numbers being corrected. Kim Byrd **seconded**. **All were in favor.**

ZONING AMENDMENT #2 – Article V: Table of Use Regulations: To amend section 5.02B

Joe Duarte **motioned** to send zoning amendment #2 to ballot. Garrick Asselin **seconded**. **Mary Girard, Joe Duarte, Judi Lindsey, Garrick Asselin, and Susi Nord were in favor and Kim Byrd was opposed.**

ZONING AMENDMENT #3 – Article I: Title, Purpose, and Interpretation:

Section 1.02: Purpose: Add statement

Judi Lindsey **motioned** to send amendment #3 to ballot. Joe Duarte **seconded**. **All were in favor.**

ZONING AMENDMENT #4 – Article V: Use Regulations: Conditional Use Permit Standards for Elderly Housing: Section 5.067a: To change the density for a multi-family to; Section 5.06-14 Maximum Building Height: Add new language; and Section 5.06-25 Building Codes: Delete reference to ADA act and add new language.

Kim Byrd **motioned** to take out Section 5.06-14 and 5.06-25 and make them zoning amendment #5. Kim Byrd **motioned** to send the reaming portion of zoning amendment #4 to ballot. Joe Duarte **seconded**. **All were in favor.**

ZONING AMENDMENT #5 (*was part of #4 then became #5 after vote*) – **Article V: Use Regulations: Conditional Use Permit Standards for Elderly Housing: Section 5.06-14 Maximum Building Height: Add new language and Section 5.06-25 Building Codes: Delete reference to ADA act and add new language.**

Kim Byrd **motioned** to send zoning amendment #5 to ballot. Joe Duarte **seconded**. **All were in favor.**

ZONING AMENDMENT #5 (*was #5 would have changed to #6 – did not go to ballot*)– **Article V: Use Regulations Section 5.06-7b ; Section 5.06-7b Maximum Density for Multi Family; Section 5.06-9 Minimum Lot Frontage; and Section 5.06-11 Lot Coverage.**

Kim Byrd **motioned** to not send zoning amendment #5 (#6) to ballot. Susi Nord **seconded**. **Mary Girard, Kim Byrd, Judi Lindsey, Garrick Asselin, Susi Nord were in favor and Joe Duarte was opposed.**

ZONING AMENDMENT #6 – Article III: Definitions: Change definition of buildable.

Joe Duarte **motioned** to send zoning amendment #6 to ballot. Garrick Asselin **seconded**. **Kim Byrd, Joe Duarte, Judi Lindsey, Garrick Asselin, and Susi Nord were in favor and Mary Girard was opposed.**

Public Hearing for the Major Site Plan Review

Chair Girard explained they would be adding the Architectural Design Standards to section 7.03G of the Major Site Plan regulations. She asked if there were any comments from the public. Chair Girard closed the public hearing and the Board took a vote.

Joe Duarte **motioned** to add Architectural Design Standards to section 7.03G of the Major Site Plan Review. Judi Lindsey **seconded**. **All were in favor.**

The meeting adjourned at 8:25 p.m.

Respectfully submitted,
Andria Hansen, Recording Secretary