

CANDIA PLANNING BOARD
MINUTES of January 16, 2008
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; Stantec's, Tony Timbrell

Absent: Garrick Asselin

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

Review of minutes

Judi Lindsey **moved** to approve the minutes of December 19, 2007 as amended. Joe Duarte **seconded**. **All were in favor**. The following amendments were made:

- Page 2, 3rd paragraph, 13th line, change the word "to" to "too".
- Page 3, 1st paragraph, 2nd line, change the word "right" to "write".
- Page 3, 2nd paragraph, 7th line, change the word "the" to "they".
- Page 4, 2nd paragraph, 10th line, change the word "should" to "could".
- Page 5, 1st paragraph, last line, change the word "trial" to "trail".
- Page 5, 2nd paragraph, 8th line, add the word "natural" before "systems".
- Page 5, 2nd paragraph, 8th line, remove the word "the" after "suggested".
- Page 5, 2nd paragraph, last line, add "in its unfragmented form".

Joe Duarte **moved** to approve the minutes of January 2, 2008 as amended. Judi Lindsey **seconded**. **5 were in favor with 1 abstention**. The following amendments were made:

- Page 3, 7th line from top, change the word "in" to "it".
- Page 3, Zoning Amendment #2, list the names of the board members to show how they voted.
- Page 4, Zoning Amendments #5 and #6, list the names of the board members and how they voted.

Discuss O'Neil easement for Town Transfer Station on Deer Run Road, Map 408, Lots 030 and 030-21

Road Agent Lewis explained that he received an application for the driveway to the transfer station. He stated there is a signed easement, but it is not shown on the plans. Road Agent Lewis stated he did not want to sign off on the driveway permit until the easement was shown on the subdivision plans. Chair Girard asked would there be a potential problem if someone wanted to build on the other piece of land (in the future) and found out the subdivision doesn't show the easement, but the deed does. Road Agent Lewis replied that he didn't know. He added he received the application after the driveway was done. Amanda Soares stated these changes were discussed at the Solid Waste Committee meetings and they were trying to make changes that were cost effective. Chair Girard referred to the subdivision regulations and stated that no revisions will be valid or binding unless approved by the Planning Board and any unapproved changes shall invalidate approval of the plan. Jim Franklin stated he would do the revisions of the plan. Chair Girard asked if the registry would want a corrected plan. Jim

Franklin replied if the Town Attorney felt it was necessary, then he could make corrections to the plans (at no charge). There was some discussion about why the location of the driveway was changed. Susi Nord felt the Planning Board should review the plans once they are corrected. Chair Girard stated she would like to see the subdivision plan amended and the Board should sign them. She added the amended plan should be recorded. Kim Byrd suggested that the Town Attorney look at the easement. In addition, mention that the Board would like the plans amended and does he agree. It was the consensus of the Board to have Atty. Mayer look at the easement.

7:15 p.m. – Continuation of 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.

Atty. Malcolm McNeill, applicant Joe Falzone, and Steve Michaud from Doucet Survey were present. Mr. Michaud explained they have provided Stantec with updated plans and responded to their comments. Mr. Michaud referred to Stantec's January 11th review letter. He stated Atty. McNeil would address item #1 and item #2 they added a few notations to the plans. They are in the process of obtaining all necessary permits (item #3), a mylar will be submitted with the plans for recording (item #4), and they agree to pay all current and future fees for final review of drawing as well as Town fees (item #5). Mr. Michaud noted that none of the lots, driveway accesses, or proposed building sites had changed. Tony Timbrell referred to page 3 of the letter, which asked for more details to the driveway plan/cross-section. Mr. Michaud stated this would be the only change to the most recent plans. Tony Timbrell suggested the Town Attorney look at the shared driveway cross-access agreement. He added the applicant must satisfy the Fire Chief's requirements in regards to fire protection. The biggest issue is the applicant's contribution to the road improvements. Chair Girard added Building Inspector Hallock was requiring the determination of the base flood elevation. Tony Timbrell stated he could help the applicant with that. Chair Girard asked if the Board would want to request this study along with a traffic study. Tony Timbrell stated at least three traffic studies have been done on Crowley Road and have all been fairly consistent with their analysis. When MDR built the thirteen-lot subdivision, the daily traffic load came up to 220 ADT (average daily traffic). If the ADT were to go over 250, a paved road would be required. The proposed subdivision would bring the ADT up to 320. Mr. Michaud addressed the flood zone issue and stated none of the proposed lots are in a flood zone area, they are in FEMA Zone X. Chair Girard read from Building Inspector Hallock's letter which stated "with the extensive amount of jurisdictional wetland soil, marshlands, and standing water, I will be requiring a design flood elevation to be determined in accordance with accepted hydrologic and hydraulic engineering practices to define special flood hazard areas". Mr. Michaud reiterated this land is not located in a special flood zone area. Chair Girard stated the Planning Board has the right to request any additional studies that they feel are necessary. Joe Duarte noted the land seems very wet. Atty. McNeil stated if they are not in the flood zone, then what is the study. Chair Girard stated that will be decided after it's confirmed by Stantec. Chair Girard stated Road Agent Lewis will determine the location of the shared driveways and the Planning Board does not have a problem with

shared driveways. Road Agent Lewis noted that he would not issue any driveway permits until the wetland permits are in.

Kim Byrd noted that one seat was vacant on the Board. Chair Girard seated Alternate Sean James for the hearing.

Mr. Michaud stated they met the sight distance requirements for the driveways and were waiting for Road Agent Lewis' comments. They are in the application process for the wetland permits. There was some discussion in regards to the fire pond. Mr. Michaud explained they've had preliminary discussions with the Fire Chief and they are still looking at options. Chair Girard referred to Building Inspector Hallock's letter, which noted that some the lots did not meet the wetland setback (lot 7). Mr. Michaud stated they have made changes relative to that letter. Abutter Jen Fauteux expressed concern with the road flooding regularly and the new subdivision will make it worse. Abutter Laura Sherest stated she has been a resident of Crowley Road for 18 years and purchased her home because it was on a dirt road. She acknowledged the road has occasionally problems, but felt her taxes should not be increased to maintain the road (if the proposed subdivision is built). If the road requires additional upgrades it should be the sole expense of the developer. Abutter Jen Fauteux asked what is the developer proposing. Road Agent Lewis replied the developer is proposing to upgrade the road in front of the subdivision (approx. 3,500 feet). There was discussion about the upgrades to the road. Chair Girard noted the developer didn't create the problem with Crowley Road, but will have a huge impact on the problem. Atty. McNeil stated a 10-lot subdivision can only sustain so much off site improvements. To expect a 10-lot subdivision to pay \$200,000 to improve the road is unreasonable. Tony Timbrell noted the increase in traffic would add to the maintenance of the road. Furthermore, the increase in traffic is the tipping point for it to become a paved road. Chair Girard explained this is a preliminary hearing and the Board doesn't approve or deny preliminary applications. The Board will send the applicant a letter with recommendations and concerns to go forward with the final. Chair Girard recommendation to the developer was to not go forward with the final unless he was willing to pave the road. Kim Byrd stated the developer of Crowley Woods paid \$205,000 for upgrades. Kim Byrd further stated with inflation and cost this developer is only willing to contribute \$95,000 for 10 houses. Atty. McNeil replied the Crowley Woods developer paid too much. Kim Byrd suggested they work out a comparable contribution on a per house basis. Conservation Commission Chair Fowler stated he would like to see the extra land in a conservation easement.

Chair Girard asked the Board for their comments. Judi Lindsay stated that Crowley Road is a scenic road, but felt every time it's developed it loses its scenic value. She expressed concerns with the safety issues of the road. She also mentioned adding more impervious surfaces will add to the flooding. The land is a critical conservation area because of the high quality water. It's a first order stream and a high priority area (Fordway Brook Headwaters) and should be protected. Susi Nord stated the developer would be building on an environmentally sensitive area. She noted between the environmental issues and safety issues it appears this piece of land is not meant to be a subdivision. Barry Margolin asked if this developer contributed the same amount as MDR would the road be

able to handle the increase in traffic. Road Agent Lewis felt the road would be able to handle the increase in traffic. Barry Margolin felt the developer should contribute to improve the road; if he doesn't then he shouldn't be allowed to develop. Sean James agreed and paving the road would be a good long-term solution. Joe Duarte stated he had concerns with safety issues, the wetlands, and felt the road should be paved. Abutter Julie Dube expressed concerns with the road being too narrow. Abutter Mary Plante stated new houses would increase the traffic three fold and pose a safety issue. She added with the new subdivision more land will be disturbed, which will increase the water and cause excessive flooding. Chair Girard closed the preliminary hearing and stated that Mr. Falzone would receive a letter with the Boards' concerns and recommendations.

Informational - Charlie Bowman, 438 High Street, 405-028, subdivision of land.

Property owner Charlie Bowman and Jim Franklin were present. Mr. Bowman stated he wanted to subdivide three acres from his 62 acre parcel for estate planning purposes. Jim Franklin presented the Board with two sketches, one showing the existing property and the other showing the proposed subdivision. Mr. Bowman wants to create a three acre plus lot in front of the lot (around the barn and house). The size of the lot will depend on the soil type. Chair Girard asked if he was just creating one lot. Mr. Bowman stated his sons only want the back land, they don't want the house. Chair Girard stated he has the frontage he can do it, but there has to be 1 ½ acres of upland soil. She added it may be a major subdivision. Jim Franklin agreed and stated there is a sufficient amount of land that could be re-subdivided. Mr. Bowman stated he would have it noted on the final plat that there will be no further subdivision. Jim Franklin stated they would probably ask for a wavier from the complete perimeter survey. Chair Girard explained that noting on the plat that Mr. Bowman doesn't want to further subdivide the land may not be enforceable. Mr. Bowman would be better off doing a major subdivision and ask for waivers. Mr. Bowman stated there will be a conservation easement. There was some discussion about curb cuts. Mr. Bowman thanked the Board for their time.

The meeting adjourned at 8:35 p.m.

Respectfully submitted,
Andria Hansen, Recording Secretary