

**CANDIA PLANNING BOARD**  
**MINUTES of March 05, 2008**  
**APPROVED**

**Present:** Mary Girard, Chair; Kim Byrd, Vice Chair; Judi Lindsey, Barry Margolin, Fred Kelley, Selectman's Rep; Amanda Soares, Alternate; Dennis Lewis, Road Agent; Fire Chief, Rudy Cartier

**Absent:** Susi Nord, Garrick Asselin, Sean James

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

**Review of minutes**

Kim Byrd **moved** to approve the minutes of February 20, 2008 as amended. Judi Lindsey **seconded**. **All were in favor**. The following amendments were made:

- Page 1, 1<sup>st</sup> paragraph, 4<sup>th</sup> line, change the word "loom" to "loam".
- Page 1, 2<sup>nd</sup> paragraph, first line, word correction "Deerfield" to DeerRun".

**291 Raymond Road, (The Dog Place) Informational; Change of use**

David and Linda Gugger presented the site plan. The only change to the building is an overhead door on the back of the building. Filler slats for the chain link fence to keep equipment out of site of road. The front area would be for an office area and shop. There was a proposal to add a steel 30' x 36' building to property, with location shown on drawings. The business proposed is a forklift service with an office, parts area for service and sales with expansion to add a small landscaping business and small engine work with new and used parts sales and later have a product line. In the future there may be possible expansion to automotive inspection with automotive repair service. Accessing back of property from right side was discussed. Chair Girard suggested making that separate. Chair Girard stated the planning board needs to know specifically what business or businesses would be going in as the board needs to know what they would be approving the site plan for.

**Crowley Road Preliminary Major Subdivision**

**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 12 frontage lots. Check list application for preliminary layout and review- Major Subdivision.**

Make motion to accept application.

K. Byrd **moved** to accept the application.

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

Vice Chair K. Byrd noted that there are only 6 voting members and warned if there is a tie vote it is a no vote and asked if the applicant wanted to proceed or continue to next available night. Noted applicant wanted to move forward with the project.

Atty. Malcolm McNeill, applicant Joe Falzone, and Steve Michaud from Doucet Survey were present. Steve Michaud discussed the concerns on the February 22, 2008 letter from Stantec. The new proposal changed from 10 lots to 12 lots. The proposed 12 lot subdivision has lots ranging from 3 acres to 73 acres with shared driveways on lots 6, 7 and 8, 9. Steve Michaud discussed concerns including upgrades to road, provision for drainage/culverts, fire protection requirements, elevation flood related issues, and general engineer concerns that were raised by Stantec related to previous plans. He stressed he wanted to work closely with all of our officials to resolve all issues that were identified the first time on this proposal. Steve Michaud noted that in the file were letters from Stantec, Fire Chief, Building Inspector, and the Road Agent with their comments. The applicant has agreed to bring the road up to standards required from the previous developer and the estimate is slightly over \$200,000 after discussing with the road agent on what he requested. Sprinkler systems for all residences were proposed and in addition the developer had agreed to a \$2,000 per lot contribution to Towns General Fire fund. The Building Inspector has signed off to issues with elevations and locations of foundations on the site. All utilities would be underground. Steve Michaud noted he received a letter late in the day from Stantec and there were no issues or consequences with regard to the engineering review. No waivers were requested in regards to the project. The applicant recognizes fully that Crowley Road is a scenic road and will deal with all related issues pertaining to that. Special use permit would be necessary in regards to wetlands onsite. The applicant submitted a letter to the Planning Board in regards to wetland use request as the applicant did not see a formal document in the booklet or a specific form. Steve Michaud stated to his knowledge all of the Town's technical people have reviewed the preliminary layout & review for the 12 lot subdivision and found it acceptable.

D. Lewis the Road Agent stated that the 2 x 8 culvert boxes remain to be done, the area near the swamp needs to be brought up to grade and the binder course needs to be done and that everything else that was on the plans was addressed. The cost up to the binder coat is approximately \$206,000.00 which does not include the top coat. Included, is the addition of signs for curve warning which was one of the police concerns. Noted, that a 90 degree corner is hard to make safe.

Vice Chair K. Byrd asked when the finish top coat would have to be put on, how much it would cost and who would be paying for it. D. Lewis stated the binder coat has a 2 to 3 years maximum life span and the top coat would cost approximately \$50,000 for approximately 1000 tons of asphalt at 1" thick. The town would most likely pay for the top coat unless another developer came in.

Chair Girard noted that two of the lots are exactly the minimum 1 ½ acre contiguous.

Chair Girard asked T. Timbrell from Stantec to go over the check list and review noting the new list tonight, assuming the applicant has received this. T. Timbrell discussed two letters, one dated February 22, 2008 which was the initial review and the second letter dated March 5, 2008 which was in response from Stantec receiving the drainage report from the applicant on March 3, 2008. In the letter dated February 22, 2008 T. Timbrell

discussed the new layout information with B. Hallock, the Building Inspector. B. Hallock issued a memo March 4, 2008 with his review and meeting with Doucet Survey and Beals Associates. The new drawing showed the 4 areas of ponded water as well as a plan detailing the high water elevation in a 100 year flood event and these provided him with information requested on the base flood elevation. The elevation was also corrected on the culvert inverts and the very poorly drained soil boundaries were closed.

T. Timbrell noted that on sheet 2 of 4, he wanted a cross access agreement between the two property owners added to the deed and was told that it would be added on the updated plan that is in progress. Noted these easements were put in to avoid wetlands.

T. Timbrell stated that when the Conservation Commissioner came to last meeting, they had made some comments and looked at the area as well. The preliminary review dated February 2, 2008 shows where the shared driveways are located and how they fit together showing the set back requirements are met for the wetlands and for subsurface disposal systems as well. He suggested putting a deed restriction on the lots that have wetlands which are the majority of lots to limit the possible timber and removing canopy cover which would change the temperature and disturb the Fordway Brook head waters.

T. Timbrell recapped the proposed utilities to be underground, upgrade the existing road and money involved. Drainage analysis received March 3, 2008 as stated in the letter dated March 5, 2008 from Stantec satisfy the Fire Chief Cartier, Road Agent Lewis, and Building Inspector B. Hallock. The letter dated 3/5/08 from Stantec noted the two issues that the building inspector had been satisfied with the additional information. The drainage analysis stated 25 year storm conditions but should be 100 year storm event. Steve Michaud actually used 100 year storm event and would make sure that wording is changed. Comments on list 1 and 2 on sheet 3 of 3 are imbedded in the calculations themselves and suggest they revise as necessary which had no significant effect. T. Timbrell noted that all conditions are met on this letter and the previous letter the applicant has satisfied their technical review for their preliminary layout.

Chair Girard asked the applicant if they had their approval from the State for the wetlands. Applicant noted they were in process of applying and wanted to propose the driveway locations that require a wetland permit to the planning board to make sure they were acceptable before they submitted their application to the DES. Road Agent D. Lewis noted he was okay with the driveway locations but noted with exception the abutters concerns with headlights shining on existing homes opposite the driveways.

Vice Chair K. Byrd had questions on lots #2 and #5 on sheet 3 of 6 where the zoning compliance table states each lot is required to have 1 1/2 contiguous acres of non wetland soil. These two lots have exactly 1 1/2 contiguous acres. He asked if T. Timbrill from Stantec could review and he responded that he could do a digital detailed analysis but currently the escrow account would not cover the costs but noted he could review/check for actual limits based on what has been marked out on the applicants detail to make sure the setbacks for wetlands, side line set backs are correct and not included as being buildable.

Chair Girard noted that the driveway easements should not be buildable and should be taken out of the 1 ½ contiguous buildable required acre as was done on a previous case with Mr. Choquette. Also, noted that case has not been settled yet. Attorney M. McNeil asked Chair Girard where in regulations could not use driveway easement as buildable land.

Chair Girard discussed with Chief R. Cartier if the amount that the applicant is giving the Fire Department per lot would build another cistern or fire pond. Fire Chief Cartier noted that a cistern would cost approximately \$75,000 and the \$24,000 would be a good contribution in getting a water supply in there. The wording used by discretion of the Fire Chief would not be how it would work as the money would go into the capital reserve for water supply. The town had a water analysis done where water supply is needed and Crowley Road is one of them

Open to Abutters:

Arthur Sandborn of 312 Chester Road had traffic concerns with addition of 12 homes.

David Ondzes of 215 Crowley Road wanted to know when the upgrades on the road would be done. Road Agent D. Lewis stated the road upgrades would be completed before construction.

John Giles of 112 Lane Road, had concerns on what would happen to the two large lots with 70 and 72 acres. He wanted to know if they could be subdivided in the future. Chair Girard noted the new owner would have to come forward with a new application for subdivision. J. Giles also asked if part of approval process could address this future development on front end and put restrictions and Chair Girard said they could not do that per regulations but the Planning Board has suggested several times for the applicant for a conservation easement but cannot force them.

J. Lindsey brought up concerns that this area already floods and since it isn't wise to put 10 lots and would also not be wise to put 12 lots. These are the head waters of the Fordway Brook Stream and are critical focus areas being the first and second order streams that should not be polluted. These are areas the State wants to protect. Putting a road there does not negate the flooding; building roads up to standards as seen in the town have gotten washed away in horrific weather and flooding.

Vice Chair K. Byrd questioned Road Agent D. Lewis and he noted that requirements were met on the project but Crowley Road is a passing road and the width is 20', and ideally would like to see a 24' foot road but physically cannot be done.

F. Kelly noted 4 to 5 lots breach stonewalls. Also he was concerned with driveway easements being buildable and asked again if T. Timbrell from Stantec would review the lots to make sure they are 1 ½ contiguous buildable acres.

Vice Chair K. Byrd found the citation on the 1 1/2 contiguous buildable acres and is in the Zoning ordinance Section 10.05 C. Lot Size Determination page 39. 50% rule sized by poorly drained soils provided that the non wetland areas is a 1 ½ contiguous acre and

shall accommodate primary structures and utilities. Side set backs and easements cannot be used in the making up the 1 ½ contiguous acre.

T. Timbrill from Stantec stated that in previous subdivision logic the area shall accommodate primary structures and given legal opinion easements are not buildable as a public service easement land under easement was not considered buildable but this case has not gone to court yet and is still to go before the ZBA. This is the Town Attorney's interpretation.

Chair Girard asked the Board if they would like to close the hearing as there is no reason to continue. The applicant needs state subdivision approval, wetland crossing and to address other issues such as if on 1 ½ contiguous acres, easements are buildable land or not. The board has asked T. Timbrell to do an independent check on these two lots #2 and #5. Chair Girard to address concerns in the letter on this issue. Vice Chair K. Byrd asked Steve Michaud from Doucet Survey if he included the easement of the driveways in calculating the contiguous 1 ½ acres and he did. The Board asked to have this redone taking out the driveways. Chair Girard believes that this is a premature subdivision and that this subdivision is going to put a lot of expense on the town including the expense of paving the top coat in 2 years and the road will not be any safer paving. A. Soares asked if the new culverts would be able to handle flooding. Road Agent D. Lewis could not predict after weather we have had. B. Margolin stated that once the easement issue is cleared that he had no other concerns.

Chair Girard with consensus of the Board will send out a letter with concerns and close the meeting. Chair Girard to contact Attorney B. Mayer for legal advice on driveway easement.

Vice Chair K. Byrd went on record stating based on the information that the board has at this time he would not recommend proceeding to a final application.

Jane Fauteux of 225 Crowley Road asked if the concerns in the letter would have to be followed. Chair Girard told her that they are important and critical and have to be answered but the applicant can still go forward.

Vice Chair K. Byrd stated to the applicant that all communication from the attorney to the board is considered confidential.

The meeting adjourned at 8:20 p.m.

Respectfully submitted,  
Sharon Carrier  
Recording Secretary