

CANDIA PLANNING BOARD
MINUTES of May 7, 2008
APPROVED

Present: Mary Girard, Chair; Kim Byrd, Vice Chair; Judi Lindsey, Sean James, Garrick Asselin, Barry Margolin, Joe Duarte, Selectman's Rep; Amanda Soares, Alternate

Absent:

The Chair called the meeting to order at 7:00 p.m. Amanda Soares stepped in for Garrick Asselin then stepped down when he arrived at 7:30pm.

Review of minutes

Judi Lindsey **moved** to approve the minutes of April 16, 2008 as amended. Joe Duarte **seconded**. **All were in favor with one abstention**. The following amendments were made:

- Page 1, 10th paragraph, remove the second that.
- Page 2, 2nd paragraph, remove the second was.

Informational

Jim Franklin represented Andrew and Tanya Soha of 108 Thresher Road, Map 407 Lot 21, for a minor subdivision lot line adjustment. Andrew and Tanya Soha were present. J. Franklin noted that 5 years ago a subdivision was approved for 2 lots 21, 21-1. Propose to re-subdivide into 3 lots Lot 21 3.8 +/- acres, lot 21-1 10.5 acres +/-, lot 21-2 6.89 acres +/- . All of these proposed lots would depend upon what is found for soils and topography and may be adjusted. There is no proposal to construct a home on the third lot but would like to have the potential. Chair Girard noted the ponds, the poorly drained area and wetland identifications. J. Lindsey asked about the frontage of lot 21-2. J. Franklin answered it was 222' along the front but a little longer along the stone wall. On Lot 21-2 the pond set back and side set back will depend upon the wetland determination and even with the worst conditions there is enough room to put in a driveway. If a house were to be built it would be in the rear portion of lot 21-2. Both lots are in current use now. The owners want to keep lots 21-1 & 21-2 and potentially sell lot 21 with the older home on it. K. Byrd clarified that the ownership was the same for lot 21 & lot 21-1. Comments were made for the tail piece to be part of 21 but then the two other lots would not touch. Question came up whether this would be a minor or major subdivision. The owner should ask for a waiver on the larger subdividable piece noting that there would not be another house put on the property. J. Franklin thanked the Board for their time.

7:15 p.m. Final 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.

Atty. Malcolm McNeill, applicant Joe Falzone, and Steve Michaud from Doucet Survey were present. Chair Girard wanted clarification on which plan they want to proceed with. Atty. McNeill answered it was with the 10 lot subdivision was more responsive to recommendations by the Board. Chair Girard noted there was a review but applicant was not present nor had the board received the 10 or 12 lot comments from Stantec so the Board was unable to complete the review. The comments from Stantec were received May 2, 2008 and all comments were emailed.

Chair Girard wanted to listen to comments to make sure the final application was complete before accepting. Upgrades to Crowley road were discussed with D. Lewis and the applicant has agreed to \$205,700.00 consistent to what was imposed on the other recent developer. Review with the Fire Chief R. Cartier on the sprinklers and \$2000 per lot contribution to a fund for upgrades and a cistern easement. Also the applicant addressed concerns expressed by a letter from the Building Inspector on location of foundation sites on sites. This has been resolved. S. Michaud went over the exiting drainage system. It was noted that the Chief of Police sent another letter to the Planning Board with his reservations concerning road safety. Chair Girard instructed secretary to provide applicant with a copy.

Discussion on the conservation provisions in regards to the lots. This has been a concern at all of the meetings. Atty. McNeill said the plans will have to comply with state regulations. He also stated that the applicant is not in a feasible position to make contributions of his real estate beyond the expenditures. This is a frontage subdivision and applicant is not responsible for all the infrastructure improvements that may occur in a community. Atty McNeill feels what the applicant is offering is fair.

Chair Girard stated that the Conservation Committee has requested an environmental impact study which the Board does not know about yet and needs to be discussed further. Atty McNeill made a request to receive these letters to help the applicant be prepared.

Chair Girard asked the secretary to give a copy of the letter from the Conservation Committee to the applicant.

S. Michaud spoke on the drainage issues and conservation issues received from Stantec on April 30, 2008 and provided Stantec with the changes to the drainage analysis which they have requested on May 06, 2008. This included a cover letter to outline the comments made by Stantec. T. Timbrell received these comments and previewed the letter and reviewed each comment. He stated his comments were addressed from the previous letter for the 10 lot Subdivision and the applicant had responded with deed restrictions around the wetlands. S. Michaud noted that the plan shows the deed restriction on the first 3 plans shown by dot line and total of 21 acres that are deed restricted. T. Timbrell said the language needs to be developed and reviewed by the Town to be put on the plan. He noted that the 100 year storms were used in the review and addressed.

Chair Girard showed concern again that the applicant has not put in for subdivision to the state which is what every other applicant has done. S. Michaud replied they wanted to wait until the plans were accepted so there would not have to make changes to the State application for the subdivision application and wetland crossing application. The State subdivision application takes 30 days, wetland permits take 95 days.

Chair Girard asked why they went back to the 10 lot subdivision. S. Michaud replied that the 10 lot plan complies with the required 1 ½ contiguous buildable land and other

concerns. The calculations do not include any setbacks, wetland setbacks and excludes any land under the driveways.

It was asked what the \$205,700 covered on road improvements. T. Timbrell reviewed his first document and realized that the tonnage included 3 inches with a 2" binder and 1" top coat. D. Lewis noted the price of the mix has gone up \$6.00 a ton. S. Michaud noted that topcoat would not cover the section that already had paved binder. The improvement would include 7500 x 21 3" thick paving plus gravel, and a box culvert crossing. K. Byrd asked if the road surface proposed ended on existing paved road surface. D. Lewis asked S. Michaud to note on the plans that the new pavement starts and ends on existing pavement.

Chair Girard asked if the Fire Dept had any other concerns. R. Cartier said the shared driveways were a concern. They are only 10' wide which gives one foot on each side for a fire truck to get up the driveway and would prefer to have 12 foot driveways. R. Cartier pointed out lot 5 with an 800-1000' driveway. When a driveway is over 500' the fire trucks have to be turned around and cannot back down the driveways. Existing driveways are marked to see where the hose can reach at the 1000' mark and then see if the truck can be placed. Chair Girard would make the concerns a condition. R. Cartier asked how the \$2,000 contribution would work: upon issuance of building permit or lot transfer? S. Michaud said that could be made condition of approval on the plan that the title examiner will pick up when the title is being researched. The total contributions would be \$20,000 and a cistern is \$80,000. R. Cartier said that as the area is built up that could be made a condition for any other lots developed.

Chair Girard asked if there were any abutters or interested parties that would like to speak and she heard none.

K. Byrd brought up that lot 5 shared driveway requires a wetland crossing permit and he was concerned lot 5 would be subdivided into more lots and a road would be inserted instead of a driveway. D. Lewis noted that the right of way shown (20') did not meet the Town's standards of min 22' - 60' and this would have to come before the Board, again.

Chair Girard proposed the Board address the impact study. E. Fowler addressed the proposal. He noted that the applicant was not willing to do conservation easements. On 3 separate meetings he discussed the 12 lot, 10 lot subdivisions and each time the amount of wetlands were brought up. The wetlands were a major discussion at last meeting and the Conservation Committee decided to request the Planning Board to require an Environmental Impact Assessment. E. Fowler read the letter. "As I have stated on several occasions pertaining to this project, it is to take place in a very high priority area NH coastal watersheds, i.e. the Fordway Brook headwaters area. In light of the fact that here are extensive wetlands in that area that will be significantly impacted by the proposed construction plans, the Conservation Commission is requesting that you require the applicant to have an environmental impact assessment preformed prior to granting approval to proceed.

An Environmental Impact assessment should include the following: Performed by a NH Certified Wetland Scientist who is also qualified in Wildlife Habitat Assessment; typically an Environmental Impact assessment would also include evaluation of surface and ground water impacts as well. This would require the services of an engineer and possibly a geo hydrologist depending on the type of project and if it is located in the vicinity on an aquifer." E. Fowler said the State of NH has this land listed on its

conservation plan and what was allowed if the area is to be developed? The subdivision will add a lot of impervious surface, driveways, houses and the wetlands run off will change. Also, this is a sensitive wildlife habitat.

Atty McNeill said this was the first they heard of this request for an environmental impact assessment and said the applicant already has deed restrictions for 26 acres on a 153 parcel with 10 house lots. He also said that they will require all of the state approvals with regards to the wetlands characterization, site specific drainage and are not sure what an environmental impact study will add. J. Lindsey, stated that the Board from the beginning has been brought up that this area is a critical conservation focus, not only for our Town but also for the State. The Fordway Brook headwaters are first order streams and any building has impact. This is an area the State considers critical and they want to protect it. J. Lindsey stated the Board needs to do this study because the concerns of the Board to identify plants and animals impact before they get destroyed. Atty McNeill replied the applicant has the Town regulations and the State regulations and if the applicant does not comply and the state does not approve the environmental plans then the applicant does not get an approval.

S. James asked were the 20 acre deed restrictions shown on the plans. Atty McNeill identified the area on pages 1-3. The dot asterisk showing the 6 areas with deed restriction totals 21 acres. The specific language to be put on the plan still needs to be worked out with the conservation commission on areas not to be disturbed. S. Michaud stated that this is primarily on lot 5 has a beaver pond that drains to public culverts and is the applicant's intent to protect those waters and habitat. In addition there are very poorly drained soils on lot 3 and 4. J. Duarte felt it was prudent to have an Environmental Impact study to address concerns and look ahead at what the adverse effects would be on habitat and wildlife.

T. Timbrell talked about other studies performed required by other boards and found that not just that piece in questions is addressed but also adjoining pieces that create wildlife corridors which can have additional restrictions apply. B. Margolin stated that if this is deemed a high priority, let the state decide. This is an undo burden on the applicant by presenting at the last minute an environmental impact study.

J. Duarte **motion** to go ahead with an environmental impact study. J. Lindsey **seconded**. 4 in favor: M. Girard, J. Lindsey, K. Byrd, J. Duarte. 3 opposed: B. Margolin, S. James, G. Asselin. Motion passed 4 -3.

Chair Girard said she would find someone who can do the study and costs and noted that not all environmental studies are the same and the Planning Board will have to find out specifics and will ask for guidance from T. Timbrell. Chair Girard asked if there were any other questions from the Board and then asked T. Timbrell if he felt the application was complete which he felt it was.

M. Girard **motioned** to accept the application. B. Margolin, **second**. All in favor. K. Byrd opposed. Motion passed 7-1. Application is accepted as complete.

Next Chair Girard asked to set up a sitewalk. She asked if all the boundaries and proposed driveway locations have been marked and if not please mark them. She asked the applicant to take down all the old markers to lessen confusion.

The Board decided to have the site walk on Saturday May 31, 2008 at 9am. Chair Girard asked the secretary to post the Site Walk at the Town Hall and the Post Office.

K. Byrd **motion** to continue the Harbor Street Limited Partnership Final Major Subdivision hearing until June 4, 2008 7:30pm. M Girard **seconded**. All in favor, Aye. Vote was unanimous.

Applicant asked that the material that came in recently i.e. Police letter and Conservation Committee letter to be sent to the applicant.

R. Cartier asked about the driveway widths and was asked by the Planning Board to send in a letter.

Other Business

Solid Waste Committee

Chairman Kelley, SWC Chairman P. McHugh and Road Agent D. Lewis came before the board to discuss the Recycling Center drive way easement (ref: O'Neil Major Subdivision 7/5/06). The easement was not shown on the drawings so the site plan was redone. It was explained this made only one crossing instead of two and was cost effective to the Town. It was also noted that the Town is receiving the easement from Mr. O'Neil and the Town has a gate on Town property. The site plans presented were sent to Bart Mayer and approved. He said the combination of the new site plans and the easement deed filed at registry will protect the Town. Mylar will have to be given to the Planning Board to sign and file with the registry.

Alternates

Chair Girard informed the Board that the Board had received a letter of interest for Planning Board Alternate from Scott Komisarek. S. Komisarek was asked to address the board. S. Komisarek commented on the future of Candia. He was in favor of utilizing and maximizing not for development which would be a tremendous burden on the schools and but to see civic development and a downtown. He noted he as been talking with SNHPC looking for smart growth in Candia. He brought up that Candia has 4 corners but no heart or soul and he wants to bring the home town rural feeling to Candia with a gathering spot. He noted looking down the road, that no matter what change will occur, the town should look at the potential it has and come up with a plan. S. Komisarek said he wants to come to the meetings, learn and get to know everybody and let his voice be heard. S. Komisarek was asked if he had any interest in any projects that may be coming up before the board and he replied no. Chair Girard stated he would have to be recused for Candia Crossing hearings. K. Byrd asked if he was on any other committees in the Town of Candia and he replied no. He also added he wanted to be a coalition builder and noted he sees a lot of Hatfields and McCoys in Candia that waste an unbelievable amount of energy.

Garrick **motion** to accept Scot Komisarek as an alternate term (3 years). J. Duarte **seconded**. Vote was unanimous. Chair Girard instructed S. Komisarek to see the Town Clerk to be sworn in.

Candia Crossing Restoration Bond

Chair Girard asked if J. Cole had received the letter from B. Hallock the Building Inspector. He had confirmed he had. Chair Girard wanted to make it clear that no one had given him permission to do any final work and was only given permission to make a clearing to get to the well in back of the property.

T. Timbrell came up with figures on the restoration bond and responded that this is standard pricing. He explained that every item constructed has an amount assigned for example box culvert, 36" pipe 30" pipe, sub grade, silt fence, construction entrance. He stated he used the list from the preconstruction meeting and matched his list with the estimate to get the bond amount. He also said Town ordinances allow the applicant to carry this all the way through a project by putting forward each phase of the bond with new items and this bond takes the value from the preexisting bond. The new bond supersedes the previous bond i.e. Phase I, Phase II and so on.

Estimate of inspections costs will depend upon our inspector coordinating with D. Lewis and if there are any issues. T. Timbrell estimated 57 hours and if any money is left over it would be carried to next phase.

T. Timbrell asked to have an inspection escrow. J. Cole gave the secretary a check #1044 for \$6,710.00 for escrow and Chair Girard signed the paper for Stantec.

J. Cole told the Board he was given authority by the Building Inspector to cut trees and stumps. J. Cole requested a chain of command because of the confusion that occurred with the Building Inspector allowing him to cut trees to get to the well. Chair Girard clarified that D. Lewis and T. Timbrell are involved with roads and the Building Inspector to be involved with construction aspect.

M. Girard **motion** recommends the restoration bond in the amount of \$154,211.50 to bring to the Board of Selectmen for approval. K. Byrd **seconded**. All in favor. Unanimous.

J. Cole noted that because his LLC is relatively new that the bond will take approximately 2 weeks to be put in place. He proposed to give the money upfront until the bond is obtained unless the Town can wait for the bond. Chair Girard replied that the Board of Selectmen have to approve the bond and the Selectmen are not meeting until 5/19/08. Chair Girard discussed with the Board and the consensus was that they trust the applicant until the bond is approved by the Board of Selectmen.

J. Cole let the Board know that he had dropped off a letter of who was authorized to enter the construction site. The five people authorized are the Police Department, Fire Department, Building Inspector, Dennis Lewis and Stantec. Anyone is welcome; but needs to be escorted.

Danias Realty

Danias Realty came forward to clarify the date that they need to start construction to comply with regulations that they have one year to start construction. The date of the

acceptance of the decision was on 5/21/07 and the Planning Board did not sign the plans until 07/18/07. Danias Realty stated that they will start in June. Chair Girard stated that it appears the applicant has until 7/18/08 to commence. Board was in consensus.

Election of Officers

J. Duarte **motion** to recommend Mary Girard as Chairman, he asked her if she would be willing to stay on as Chair and she said she would accept the nomination.

J. Lindsey **seconded. All in favor.** M. Girard abstained.

J. Duarte **motion** to recommend Kim Byrd as Vice-Chairman. K. Byrd accepted the nomination. J. Lindsey **seconded. All in favor.** K. Byrd abstained.

There was a discussion of using PDF format for all plans so then they can be emailed easily to the Board. Chair Girard asked if anyone had anything else to discuss, if not will entertain a motion to adjourn.

Joe Duarte **moved** to adjourn at 9:20pm Barry Marjolin **seconded. All were in favor.**

Respectfully submitted,
Sharon Carrier
Recording Secretary