

CANDIA PLANNING BOARD
MINUTES of August 6, 2008
APPROVED

Present: Mary Girard, Chair; Kim Byrd, Vice Chair; Joe Duarte, Selectmen's Rep., G. Asselin, Sean James, Amanda Soares, Alternate; Scott Komisarek, Alternate; Dennis Lewis, Road Agent

Absent: Barry Margolin, Judith Lindsey

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

Review of minute 6/16/08 & 07/18/06

A. Soares **motion** to accept minutes of June 18, 2008 as amended. K. Byrd **seconded**. All were in favor. Scott Komisarek abstained. The following amendments were made:

- Page 1, Place paragraph following amendments of minutes after first sentence under continuance of Final Major Subdivision for Harbor Street. 3rd line from bottom change sight to "site".
- Page 2, 2nd line from top change with to "within". Third line from top remove "not". 8th line from top change more rubble to "mortar rubble". 9th line from bottom change honest to "honor".
- Page 3, 2nd paragraph 11th line add "a" after is and "area" after impractical. 16th line put period after in and capitalize F in for and comma after example. 17th line remove "or not". Third paragraph 5th line add "it is" after if. 8th line add "off" after hold.
- Page 5, last paragraph 4th line change has to "they have". 5th line add "it" after and.

K. Byrd **motion** to accept minutes of July 16, 2008 as amended. J. Duarte **seconded**. All were in favor. The following amendments were made:

- Page 2, 1st paragraph 4th line add "are" after Selectmen and change request to "requesting". 7th line change excepting to "accepting". Last line 1st paragraph add "Amanda abstained" after All were in favor. 5th Paragraph under Bond reduction 1st line add "LaBranche" after R. 6th Paragraph under Inspection Fees 2nd line add "Fire" before fee. 9th line add "stated this is an" after Duarte. 2nd line from the bottom remove "and was discussed" and add period. Last line capitalize "This".
- Page 3, 3rd line from the top correct spelling of S. James name. 2nd Paragraph 4th line from the bottom change Crossing to "Woods".

7:15 p.m. Minor Subdivision Application by: Jim E. Franklin LLS, 173 Deerfield Road; Owner: Andrew Soha; Location: 108 Thresher Road, Map 407 Lot 21; Intent to subdivide Map 407 Lot 21 to create one new residential lot. Jim Franklin and Mr & Mrs. Andrew & Tanya Soha-Furlan were present. Chair Girard asked if any abutters were present and there none. Chair Girard noted that the applicant had an informational and an application review. She asked if the review committee had found the application complete and they had.

S. James **motioned** to accept the application. A. Soares **seconded**. All were in favor.

J. Franklin went over the information that was reviewed at the informational. He said he had done a topographical survey, soil survey and wet land delineation and also received the State approved sub division. J. Franklin said the State approval was noted on the plans. J. Franklin said the original lot 21 had 19 acres and in November 2002/spring 2003 the applicant had requested a subdivision that was approved that created lot 21-1

and 21. Lot 21 had the existing house at that time and the applicant wanted to build a new home on lot 21-1. Now that their new home is finished, the applicant wants to sell the old house. With the slow economy the applicant wanted to ask to subdivide again to be able to sell the existing house with approximately 3 acres instead of the current 6 acres. The proposed subdivision would be a new lot 21 with existing house with 3.1 acres and lot 21-2 would be 3.2 acres. K. Byrd asked if the location of proposed house on lot 21.2 would be near the area of test pit at the rear of lot. J. Franklin answered yes. He said the wetlands had been identified as poorly drained, which requires a 50' setback and with meeting set backs the applicant could put a driveway in. J. Franklin said at this time the applicant plans on keeping lot 21-2 and that they have a buyer for lot 21 with the existing house. There is a cut for a driveway on lot 21-2 but no driveway permit yet. D. Lewis said the cut out has been in existence since 2002 when the original work was done. Chair Girard said her only concern was to apply for a driveway permit. K. Byrd questioned the well radius. J. Franklin answered that the approved plans from the state shows the approved well radius. The Building Inspector reviewed the plans and indicated in a memo dated 6/25/08 that he had no issues. Chair Girard asked if land was in current use and that the applicant would need to provide a letter from tax collector regarding current use. J. Franklin clarified the lot crosses marked on the plan at the rear of lot as ledge probes and that the wetland scientist approval is on the plan.

M. Girard **motioned** to grant a conditional approval with the following two conditions: letter from D. Lewis regarding the driveway and a letter regarding current use from the tax collector. These conditions are to be met in 30 days. J. Duarte **seconded**. All were in favor.

7:30 p.m. Lot Line Adjustment Application by: Jim E. Franklin LLS, 173 Deerfield Road; Owner: Robert & Lisa Martel; Location: High Street, Map 405 Lots 54, 55, 56; Intent to adjust the lines between the lots. Jim Franklin and Robert Martel were present. Chair Girard confirmed that the applicant had submitted a waiver request.

A. Soares **motioned** to accept the application as complete. S. James **seconded**. All were in favor.

Chair Girard noted the applicant had requested a waiver on Article 302 G which limits exchange of land between adjoining land owners equal to the to minimum lot size for the following reasons: All three lots have the same owner. No additional lots are to be created. No nonconforming lots will be created. Lot 56 has the existing home and outbuildings with a well and septic system. Residential construction on Lot 54 is not proposed at this time. A perimeter survey, topographical survey of approximately 10 acres has been completed and wetland delineation of approximately 8 acres has been completed. NCSS soil survey of approximately 8 acres has been completed and there is 1.5 contiguous acres of upland buildable soil. Lot 54 and 56 will continue to be owned by the present owner for the foreseeable future.

J. Franklin said the applicant is asking for a lot line adjustment between existing lots 54 and 56 and propose to eliminate lot 55. There was a full perimeter survey of the entire 78 acres done. Lot 55 will be consolidated into the resulting lot 54. The existing lot 56 is about 76 acres. J. Franklin said there are two sheets with second sheet showing all the surveys and existing buildings. The applicant wants the proposed lot 56 with existing home to be a stand alone parcel and release this portion of the lot from mortgage from the larger piece. The applicant has long term plans to build on lot 54 but said when the applicant wants to build; they will have to get a wetland crossing at that time. K. Byrd said that this looks like a major subdivision not simple lot line adjustment with the merger of three lots. J. Franklin said the applicant does not want to do a merger and lose protection. G. Asselin had J. Franklin clarified that the narrowest part on Lot 55 is 100'.

K. Byrd was not in favor of granting the lot line adjustment. J. Duarte has no problems with the lot line adjustment. G. Asselin agreed with J. Duarte. S. James said that when the owner wants to build that they would have to come back to the Planning Board. Chair Girard noted that the applicant should have a state driveway approval. A. Soares saw no issues.

M. Girard **motion** to accept the waiver for a lot line adjustment not subdivision. J. Duarte **seconded**. M. Girard, J. Duarte, A. Soares, S. Komisarek, S. James and G. Asselin were in favor. K. Byrd was not in favor. Motion passed.

Chair Girard said her only concern was having access to the back lot. J. Franklin said the present lot line that divides lot 54 and 56 is a stonewall. The lot line is moved approximately 20' to the west which would increase the frontage of proposed lot 56 by 25' and decrease the existing lot 54 by 25'. The proposed frontage on lot 56 would be 225' and lot 54 would be 210'.

Abutter Bill & Giselle Emerson of 62 White Rock Hill Road, Bow NH 03304 came forward and asked what the applicant was proposing. J. Franklin showed the abutters a drawing and explained the lot line adjustment. K. Byrd pointed out that the Planning Board would need a letter from the tax collector regarding current use. Chair Girard said the Building Inspector had 3 comments. He would like to see the approximate location of the existing wells and septic systems for the house located on lot 56 and house located on lot 53, second he would like to have the building setback limits for the new and reconfigured lots show, and lastly would like to see a note on the drawings to indicate that if a new structure is to be built on the rear portion of new lot 54 (beyond the Limits of Soils Mapping), that a certified soils scientist or certified wetland scientist must provide soils mapping for the area around the new structure.

J. Franklin said he did not have a wetland scientist stamp on the plans and did not know the location of the new home at this time. K. Byrd asked if there was anything prohibiting a road going out to the land out back for a potential subdivision. J. Franklin said there was nothing prohibiting a road. The applicant would have to apply for a wetland crossing when he wants to build and subdivide. J. Franklin explained with the change in grade from 450' to 550' it is almost impossible to utilize any land east of the stream which is approximately 60 acres and also there are two large ponds on the land. J. Franklin said that the applicant had no problem with complying with the comments from the Building Inspector. J. Duarte said these could be conditions. S. James said he would like to see this hearing continued to discuss the multiple issues but he was not against the lot line adjustment.

S. James **motioned** to continue the lot line adjustment application hearing until August 20, 2008 to address the Building Inspector's comments, apply to the State for a driveway permit and for a letter from the tax collector regarding current use. J. Duarte **seconded**. All were in favor.

J. Franklin said that the driveway permit from the State may take longer than 30 days and Chair Girard said they could make this a condition if the applicant does not have it in time for the August 20, 2008 meeting.

Other Business

Danais Realty Lot 410-138 Extension.

Romeo Danais was present. Chair Girard said the Planning Board had received a letter from Danais Realty that requested a 90 extension to begin time of construction due to economic times. Chair Girard suggested granting an extension for more time than 90 days with a condition that they come back with revised site plans using current architectural

designs. R. Danais asked if they could have until next spring and Chair Girard said she had no issues with that time frame. J. Duarte said he had no issues with his request noting the slow economy. K. Byrd said he could support the 3 month extension but not the 9 month extension.

J. Duarte **motioned** to grant a nine month extension to begin construction with new plans to be submitted and approved by the Planning Board to meet current architectural standards. G. Asselin **seconded**. M. Girard, J. Duarte, G. Asselin, S. Komisarek, S. James were in favor. K. Byrd opposed. A. Soares abstained. The motion carried.

Candia Crossing Bond Reduction.

S. Komisarek stepped down. J. Cole and S. Komisarek were present. Chair Girard explained that they were requesting a reduction of their bond. D. Lewis said he reviewed the site with R. LaBranche. Stantec put in a letter dated July 28, 2008 recommendation to reduce the bond from \$152,212.00 to \$103,769.00 for site access to the well area only.

M. Girard **motioned** to recommend to the Board of Selectmen to reduce amount of the bond from \$152,212.00 to \$103,769.00 for the site access to the well area only that was recommended by Stantec. G. Asselin **seconded**. All were in favor.

J. Cole explained that the bond could not be rolled over to another phase per Stantec and only could be reduced. He said they were planning to get the site stable for the winter. J. Cole also said the third well had sufficient yield to apply for tests.

Chair Girard asked to have a memo sent to the Board of Selectmen.

Harbor Street Revision to Notice of Decision dated June 18, 2008

T. Timbrell reviewed multiple correspondences between himself and Harbor Street and that they had finally come to an agreement on the wording of condition #10 on the NOD for Harbor Street dated 6/18/08. S. Michaud had felt the wording was too strict for the future owner on placement of the home. K. Byrd suggested changing one word in the revised note; change determined to “submitted”.

M. Girard **motioned** to accept condition #10 as amended by K. Byrd and T. Timbrell from Stantec. J. Duarte **seconded**. All were in favor.

The following is the final revision of condition #10:

10. Revise the Note 17 in the first sentence, to read: “The June 2008 approved drawings show the proposed development for each lot including the location of the ‘potential’ house, septic system, well location, limits of clearing, driveways/silt fence. The location shown for these potential features for each lot satisfies the approval conditions which were imposed by the Board including: protective setbacks and deed restrictions for wetlands; and restrictions applicable to fertilizer/pesticide application per the NH Shore land Protection Act; and the protective/setback distances per the Town Subdivision Regulations & Zoning Ordinances. Any revisions to the June 2008 plan, including revised locations of houses, septic systems, wells, limits of clearing, driveways/silt fence will be submitted by the future lot owners and any revisions will be reviewed by the appropriate administrative department heads of the Town of Candia to ensure compliance with local ordinances as well as the approval conditions imposed by the Planning Board. Any proposed changes that would not be in compliance as such, would require Planning Board and/or NHDES review as necessary. (Second and third sentences remain unchanged.)

Impact Fees

Chair Girard said Southern NHPC had told her they would be unable to finish the impact fee schedule by the end of the contract date and wanted an extension until December. Southern NHPC said they were not getting anywhere because they were not getting any corporation from the different agencies. J. Duarte said he had talked to Southern NHPC on several occasions and everything they have requested they were given. Southern

NHPC said they could only report on the highways because they did not have the rest of the information. Chair Girard said the CIP has not been updated in 2 years and will need to be updated. She said that it appears no one is using the CIP and that the Budget Committee did not use the CIP. Chair Girard said that \$9,000 of the \$22,000 contracted fee for this study has been used. She asked if the Planning Board wanted to continue with this study. J. Duarte said he made sure that all information they requested were given to them. Chair Girard said we have missed out on the recent subdivisions. K. Byrd said it would be payable at time a building permit is issued. J. Duarte suggested waiting until the next meeting to make a decision on this. He was under the impression the study was close to being finished and this was a month ago. S James agrees that J. Duarte should talk to Southern NHPC and if they want an extension to submit a letter. It was discussed using inflation numbers to update the CIP as it is only 2 years old. The Planning Board is responsible to update the CIP every 2 years. It was suggested to have Jack Munn from Southern NH come to the next meeting.

Candia Woods Parking on South Road

Chair Girard passed out drawings submitted on proposed parking for Candia Woods for everyone to review. D. Lewis said the dimensions were not to scale. S. James suggested a site plan and a Planning Board public hearing. D. Lewis said the parking is located in the right of way. Chair Girard suggests the members of the Planning Board take a look at the area proposed for the parking to discuss at the next meeting. She commented that only the Selectmen can approve parking on the street or right of way.

PDF Filing

Chair Girard handed out paper work from S. James regarding PDF filing. She suggested waiting until the subcommittee to propose changes to the regulations, so it can be done all at once. S. James said the changes would be to the application only. Chair Girard said she would like to see this change in the regulations as well as the application.

J. Duarte **moved** to adjourn at 8:40pm. S. James **seconded**. **All were in favor.**

Respectfully submitted,
Sharon Carrier