

**CANDIA PLANNING BOARD  
MINUTES of December 3, 2008  
APPROVED**

**Present:** Mary Girard, Chair; Kim Byrd, Vice Chair; Joe Duarte, Selectmen's Rep; Judi Lindsey; Sean James; Garrick Asselin, Amanda Soares, Alternate; Scott Komisarek, Alternate; Dennis Lewis, Road Agent; Fred Kelley; Selectmen; Tom Dimaggio

**Absent:**

Chair Girard called the meeting to order at 7:00 p.m. A. Soares was asked to sit on the Board.

**Workshop to finalize Zoning Amendments for 1/07/09 Public Hearing**

Chair Girard clarified that this meeting is not a public hearing and the Board is not voting on the drafted amendments tonight. Tonight's workshop is for discussion, correction or additions. Bart Mayer's comments on the drafted Zoning Amendments were passed out to everyone to review. Chair Girard asked S. James to read each drafted amendment for input and questions. S. James thanked everyone who attended the meetings and their input and Amanda Soares as Co-Chair for all her hard work. The amendments addressed a few Zoning and Planning Board issues and corrections that did not make it on the ballot last year.

S. James said the committee did not work on amendments for SB342 workforce housing. He said SB342 workforce housing is a large issue and there is a lot to discuss. He did comment that amendment #1 did touch on workforce housing by allowing two family and multi family dwellings to be built by special exception in the MX zone.

The Board had no comment on amendment #1 and Amendment #2. The committee clarified the 600 square feet of living space was heated which is what the board originally intended it to be.

Amendment #3 was condensed down to show just the change in wording: "or" subdivision to "and" subdivision. S. James said it is a correction in wording to keep consistent with the rest of the ordinances.

Amendment #4 draft contained the same language from Section 18.05 of the Subdivision Regulations to keep it consistent. Chair Girard pointed out the applicant makes modifications not the Planning Board and amendment #4 should read the applicant determines if it is necessary or desirable to modify the design. She said this makes more sense and answers Bart's question on this amendment. Chair Girard feels that the Road Agent should be able to change driveways. D. Lewis said on major subdivisions with a new road, he does not move the proposed driveways. On regular subdivisions the driveways are usually not shown on the plans and he will give a letter stating location for the driveways. D. Lewis said the real issues are when the applicant has changes to the proposed road. This is when an applicant should come before the Board and Town Engineer for approval. J. Duarte agreed with Chair Girard that this wording was put in subdivisions so the applicant would not be held until the Planning Board had time to review. There was discussion of adding the wording minor alterations and modifications which would mean the applicant would not need a review. The applicant would have to come before the Board if there was a major change. J. Duarte brought up the question of determining what was major and what was minor. J. Duarte commented that if the Planning Board is asking for Bart's input then the Board should consider his suggestions which are very clear and he suggested leaving the regulation as is per D. Lewis and Bart's input. K. Byrd said amendment #4 wording came from 18.05 of the subdivision regulations. It was the consensus of the board to change Amendment #4 to read: "All alterations or modifications shall be in accordance with the 18.05 Subdivision Regulations." Chair Girard suggested a public hearing be held for the Subdivision Regulation Amendments to clarify Section 18.05 after the public hearing on the Zoning Amendments on January 7, 2009.

Amendment #5 was a new paragraph regarding waivers. This would allow the Planning Board to waive any provision in the ordinance that would create an unreasonable hardship or is not consistent with the spirit of the ordinance.

Amendment #6 is to replace the current paragraph with one sentence. As it reads now it isn't clear. The 100 year flood plan restrictions would be added to make it clearer.

It was the consensus of the Board to divide Amendment #7 into two Amendments #7 and #8. Amendment #7, Article V would contain paragraphs 7, 9 & 11. Amendment #8 Article V would contain paragraphs 13, 14 and 26.

On amendment #7, it was consensus of the Board to remove paragraph 11 per the Town Attorney's comments. The Board did not change the drafts for paragraph 7 or 9. These changes are to make the Elderly Housing regulations consistent with regulations on regular housing in Town.

Amendment #8 Article #5 Use Regulations Elderly Housing: paragraph 13, 14, and 26. Paragraph 13 the minimum buildable size was changed from 1200 to 800 square feet to match minimum footage for other homes in Candia. "Heated" was removed from paragraph 14 and "s" was added to building on paragraph 14. C. Robie asked where 1200 sq ft minimum came from originally and J. Cole said they had referred to Jack Munn from SNHPC for footage used around the state for elderly housing. In paragraph 26 the percentage was changed from 20% to 25% to match what was in place for regular housing.

Chair Girard thanked S. James and A. Soares and the ZRRC committee for their hard work.

The following are the drafted Zoning Amendments the Planning Board and ZRRC members came to an agreement on:

### **2009 Town of Candia Draft Zoning Amendments**

#### **Amendment #1: Article V: Use Regulations**

Section 5.02: A3 Type of Land Use: To amend A3 Two-family and multi-family dwellings to be built by special exception in Zoning District MX subject to provisions of Section 13.04B by adding "S" under Zoning District MX.

#### **Amendment #2 – Article XIII: Special Exception Uses**

Section 13.04E: Accessory Dwelling Units. 3. Add "heated living" before space to read "There shall be a maximum of 600 square feet of heated living space in the accessory unit."

#### **Amendment #3: Article V: Use Regulations**

Section 5.04 Conditional Use Permit. 3. Procedure. In the third line, replace "or" subdivision with "and" subdivision, to read: "Board's Site Plan and the Board's Subdivision Regulations."

#### **Amendment #4: Article V: Use Regulations**

Section 5.04 Conditional Use Permit. 6. Modification of Conditional Use Permits. Replace entire paragraph "When a Conditional Use Permit Application has received final approval from the Planning Board, no modifications shall take place unless the modification of the plan has been approved by the Board. Requests to modify an approved plan shall be treated as a new application, which will require notification of abutting property owners, a public hearing, and formal Board action." with: "All alterations or modifications of the plans shall be in accordance with Section 18.05 of the Subdivision regulations".

#### **Amendment #5: Article V: Use Regulations**

Section 5.04 Conditional Use Permit. Add new paragraph 10: "10. *Waivers Compliance with the individual provisions of this ordinance shall constitute the conditions required for the issuance of a Conditional Use Permit. Any provision of this ordinance may be waived, when, upon the application by the applicant to the Planning Board, the Board shall determine in its sole discretion 1) that requiring compliance with the particular provision for the granting of a Conditional Use Permit would create an unreasonable hardship and 2) that the application would be consistent with the spirit and intent of this ordinance. Requests for waivers must be written and the Planning Board must vote on each waiver request at a properly noticed public hearing.*"

#### **Amendment #6: Article V: Use Regulations**

Section 5.05 Conditional Use Permit Review Criteria, Elderly Housing Delete Paragraph 6. "The proposed development is not located within an identified floodplain as provided on the FEMA flood insurance maps prepared for the Town of Candia." And replace with "No portion of the proposed development that is altered, cleared or within 50 feet of the outside face of a building or edge of road shall be located within an identified floodplain or area designated as having a 1% annual chance of flooding as provided on the FEMA flood insurance maps prepared for the Town of Candia."

#### **Amendment #7 – Article V: Use Regulations**

Section 5.06: Conditional Use Permit Standards, Elderly Housing: Make the following changes to make this section consistent with other Town of Candia Regulations.

- Paragraph 7.b. 2nd paragraph delete the following: ~~“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.”~~
- Paragraph 7.b. 3<sup>rd</sup> paragraph delete entire paragraph. ~~“Per Section 2.05: Buildings on One Lot of this Zoning Ordinance, there shall be only one residential building on a lot unless otherwise approved under Innovative Land Use Controls. See Section 13.04E.”~~
- Paragraph 9. Delete ~~“Minimum lot frontage shall be 100 feet.”~~ and replace with *“In the case of Elderly Housing not under a condominium form of ownership, minimum lot frontage shall be 100 feet.”*

**Amendment #8 Article V: Use Regulations**

Section 6.06: Conditional Use Permit Standards, Elderly Housing: Make the following changes to make this section consistent with other Town of Candia Regulations.

- Paragraph 13. Minimum Dwelling Unit Size. Delete ~~“twelve hundred (1,200)”~~ square feet of living space with *“eight hundred (800)”* square feet of living space.
- Paragraph 14. Maximum Building Height. Delete ~~“All buildings shall be single story in height. All buildings shall be single story above grade (basement is considered a story).”~~ And replace with *“All buildings shall be a single story above grade in height.”*
- Paragraph 26. Common Land/Open Space. 1<sup>st</sup> Paragraph, line 8 change “20%” to “25%”.
- Paragraph 26. Common Land/Open Space. 3<sup>rd</sup> Paragraph, line 4 change ~~“subdivision.”~~ to *“development.”*

**Review of minute 11/19/08**

J. Lindsey **motioned** to accept minutes of November 5, 2008 as amended. K. Byrd **seconded**. **All were in favor.** G. Asselin abstained.

The following amendments were made:

- Page 1 - 2<sup>nd</sup> paragraph, third line add comma after drilling. 7<sup>th</sup> paragraph, 1<sup>st</sup> line change preliminary to application and add “30 days before the hearing date” after review.
- Page 2 – 4<sup>th</sup> paragraph remove last sentence and replace with “There may need to be an engineering review by Stantec.” 5<sup>th</sup> paragraph change waiver to “easement”. 6<sup>th</sup> paragraph remove 1<sup>st</sup> sentence and replace with “Chair Girard asked if the applicant would agree to no further subdivision and he replied yes.”, 8<sup>th</sup> paragraph 2<sup>nd</sup> to last sentence add at end of sentence: “if they are flooded.” Last sentence add to beginning of sentence, “There is a” and remove “It is a”.

**Other Business**

Chair Girard had some information on population statistics and employment from SNHPC to be sent to all the members.

Chair Girard made note of the public hearing on January 7, 2009 for the Zoning Amendments and that attendance is important.

M. Girard **motioned** to adjourn at 8:30 pm. S. James **seconded**. All were in favor.

Respectfully submitted,  
Sharon Carrier  
Land Use Secretary