

**CANDIA PLANNING BOARD
PUBLIC HEARING
MINUTES of February 4, 2009
APPROVED**

Present: Mary Girard, Chair; Judi Lindsey; Sean James; Joe Duarte, Selectmen's Rep Amanda Soares, Alternate; Dennis Lewis, Road Agent

Absent: Kim Byrd, Vice Chair; Garrick Asselin

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

Review of minutes January 9, 2009

Chair Girard suggested postponing review of the minutes of January 9, 2009 until the next meeting February 18, 2008 because other members were not present.

Discussion Solid Waste and Traffic Impact Fee reports

Solid Waste Impact Fee

Jack Munn from SNHPC presented the Solid Waste Impact fee draft study first. He asked about the design capacity of the new transfer station so he could finish the Solid Waste report. The impact fee is set up assuming the new facility will last 25-30 years. A. Soares said the new recycling plant design capacity is a minimum of 25 years. He suggested that with the economy the Town may not want to impose another fee to deter potential development. The Solid Waste Fee Impact fee on building permits will give equitable share of the future use proportioned out. M. Girard asked about spending the collected fees within six years when the recycling plant is already built. J. Munn said you can use the fees collected to help pay the interest on the bond. J. Munn said even if the Town does not do anything with the report right now the report is done and can be updated and implemented in the future.

J. Munn suggested using the balance of approximately \$7,000 from the current CTAP grant for other projects such as a School Impact Fee. A School Impact Fee could be used to help fund other projects in the CIP that the school wants to accomplish.

J. Munn recommended giving the Solid Waste Report to the Town Attorney for his comments. The Board discussed doing a school impact study with the remaining CTAP money. J. Munn asked to contact Karen Lessard to start the report. A. Soares to get information for J. Munn.

Traffic Impact Fee study

Traffic impact fee study was done based on VHB methodology which is a relatively new procedure and has been applied by various NH communities. This methodology uses average construction costs rather than the cost of specific roadway improvements, daily trips rather than peak hour trips, and average trip lengths rather than site-specific trip assignment. Candia has a 15-year Road reconstruction plan and gravel Road upgrade to paved roads in the 2006-2011 CIP but does not have a highway construction plan in place. J. Munn suggested possible projects in the future. He showed a plan with the Town divided into traffic zones and explained that if a building permit is issued in zone 2, the money would go towards a project in that zone 2.

J. Munn said the cost of \$75 per linear foot should be updated as this amount was based on completion of the south project in 2007-2008. J. Munn said he broke the fee down to residential and non residential based on number of trips with an estimated 3.85 miles per average trip and then calculated vehicle land miles times .42 cents per linear foot. J. Duarte clarified that this number will change with updated cost of pavement. D. Lewis to get an updated price to J. Munn.

D. Lewis said that the Town uses the US Highway Block Grant for snow removal and related maintenance. J. Munn said they would remove the credit of 25% from the fee since the US Highway Block grant is not used in road upgrades. D. Lewis said in the 70's and 80's Town Road Aid was used for roads and overseen by the federal government now the Town receives between \$106,000 to \$110,000 every year and the town can apply the money anywhere it chooses. The money goes into the general fund to fund the highway budget.

J. Duarte asked how the rates fair with other towns. Hooksett charges approximately \$1272.00 for single family and Candia's charges would be \$508.00. Auburn and Chester do not charge a traffic impact fee but Chester is considering one. Deerfield was not on the matrix but will be added. Loudon charges

\$1500 for a single family and \$1000 town house. Danville charges \$6,830.43 per single family based on a school fee not a Traffic Impact Fee. J. Munn said the 2 fees will be approximately \$660 for a new dwelling after a 25% deduction. This would be a one time fee for a new building and does not apply to additions etc.

J. Munn said that each impact fees would go into a different account. He suggested finishing these two studies before going forward with the School Impact Fee study and recommended the impact fees be reviewed by the Town Attorney to make sure they are legally defensible.

J. Munn said the Town of Candia has an Exaction Fee in place where a developer contributes to offsite improvements. He wanted to make sure the developer is not charged double with the addition of impact fees by building in a credit. He suggested this be in the ordinances to enable authority. A change in the Zoning Ordinances would require a Town Warrant but changes could be made to the fee schedule to add the impact fees by being adopted in a public meeting which doesn't require a Town vote. Chair Girard thanked J. Munn for his time.

Informational Map 413 Lot 046, 564 Old Candia Road 5 Lot Major Subdivision

Timothy Lavelle of Lavelle Associates, LLC representing the owner Mike Thompson presented proposed subdivision plans on Map 413 Lot 046 consisting of 42.2 acres. He said each lot would be between 5 acres to 11 acres in size. The lot is boarded by the railroad bed, Brown Road, and Old Candia Road.

Chair Girard commented that other developers were having a hard time with another lot on Brown Road because of the amount of wetlands. It was the consensus of the Board that lot 5 would most likely not be approved because it is against all the regulations including it was too irregular in shape. A. Soares pointed out the wetlands in the front had portions within the flood zone. Shared driveways were discussed where a driveway would have to be on the frontage of the lot created.

T. Lavelle was informed by Chair Girard if he came forward his application would have to be submitted 30 days prior to the meeting. His plans then would be reviewed by the Fire Dept, Building Dept, Police Dept. and the Town engineer. The process is explained in the preliminary subdivision application. The Board would give their recommendations, and then the applicant would have to file a final application where the plans would be either approved or disapproved.

The conservation committee in this case would also get a copy for their input. The applicant would most likely need dredge and fill permits and that process would start with the conservation committee. T. Lavelle said he is aware he would need dredge and fill permits. S. James said an additional drainage analysis may be required.

Chair Girard said the Board is not here to tell the applicant what to do but to give their advice and answer questions. She feels they have a lot of challenges to overcome if they want to proceed. Timothy Lavelle thanked the board for their time.

Discussion Harbor Street, Crowley Road Major Subdivision Map 414 Lot 90

Chair Girard informed the Board that the applicant's attorney went straight to the Town attorney. She said the Planning Board found this out when they received a letter from Bart Mayer regarding the money for the road upgrades. A copy was given to the Board to review and Chair Girard reminded the Board that the letter is confidential. The applicant went straight to Bart Mayer asking why they should have to pay the road upgrades upfront. Chair Girard said Bart Mayer may not be aware of what was agreed to with the applicant and that the upgrade to the road was an agreement from the beginning.

D. Lewis felt the town would be left to chase the money if the plans were signed and the money was not in place to upgrade the road. Without the money in place it would create un-buildable lots and the new owners would not be able to get a permit until the road is constructed. He also added if all the lots are sold then the 10 new owners would have to come up with \$205,000 and another scenario would be what if the developer sold the whole development to someone else. D. Lewis said this is no different then a subdivision developer who puts the road in before the lots are developed. He puts his money upfront. J. Duarte said the applicant already agreed to the upgrades upfront. D. Lewis said that another Crowley Road subdivision developer put their money for upgrades upfront and the road was completed before the houses were completed.

D. Lewis said the applicant is advertising the lots with a note that states the road is going to be paved before CO's are issued. He said if someone pulls a permit and builds a house in 8 weeks and then want the road work done the Town would be left in a position to drop what ever they were working, go chase

the money and then do the work on the road which is unreasonable. It is a safety issue per J. Duarte. The road cannot take the volume of traffic D. Lewis said. Upgrades to the road are not contingent on building houses but building houses are contingent on the road upgrades. It was never anyone's intention that this would not be paid before the plans are signed.

Also, the applicant was to provide a capital reserve of \$2,000 for each lot for the contribution to the Candia Capital Reserve fund for the Fire Department future construction of water storage facilities. The \$2,000 is paid when a building permit is issued. This is the applicant's responsibility.

Chair Girard said she will contact Bart Mayer and let him know how the Board feels on this issue. There was a question of who is going to pay for this legal advise/letter the Planning Board received because the Planning Board did not authorize it. D. Lewis asked if the applicant had received a response back from Bart Mayer as the Planning Board's letter did not indicate if they spoke/or wrote to the applicant.

Chair Girard said that Bart Mayer is also not aware that the Planning Board gave the applicant an extension of 60 days to complete the conditions. The applicant did not say anything about not wanting to post the money for improvements when they received the extension. Mary Girard said that Stantec stated in their review that they thought the applicant was going to post the money for the upgrades upfront. Chair Girard said it was unanimous consensus of the Board that the applicant post the money for the road improvements upfront before the plans are signed.

Other Business

The Planning Board meeting, February 18, 2009 is a joint CTAP Road Map Planning Workshop with SNHPC, Board of Selectmen, ZBA, Conservation Committee and any other committee interested in attending. There will be a discussion with what the Town would like to do for projects and the grant money available to fund the projects including how to spend the \$10,000 CTAP coming this year. This could be to develop committees for water source protection and wildlife and SNHPC will assist the Town in education/training and provide all necessary groundwork for these committees. An invitation with the agenda has been sent to the different committees.

A Minimum Wetland impact expedited permit application dated 1/21/09 for Map 410 Lot 138-7 Fieldstone lane was given to the Planning Board from the Town Clerk.

S. James asked about reports that have already done. He said he read in the information for the CTAP workshop that a digitized land report was done for Candia. A. Soares said a digitized report was done for the I93 project that included all the towns involved in the corridor. A. Soares said you can find CTAP information on the Dot, OEP, and rebuild I 93 websites. J. Lindsey said they have a lot of reports in the conservation committee file cabinet at the Town. Chair Girard said land use interpretation, community planning assessment, overlay maps listing critical areas and other reports have been done and these reports should be in the Land Use Office. She asked to have these reports compiled in the Land Use Office.

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

Respectfully submitted,
Sharon Carrier
Land Use Secretary