

CANDIA PLANNING BOARD
MINUTES of December 16, 2009
APPROVED

Present: Mary Girard, Chair; Sean James Vice-Chair; Joe Duarte, Board of Selectman; Kim Byrd; Judi Lindsey; Ginny Clifford; Garrick Asselin, Scott Komisarek Alt; Carleton Robie, Selectman; Fred Kelley, Selectmen; Dick Snow, Selectmen; Dennis Lewis, Road Agent

Absent: Amanda Soares, Alt

Chair Girard opened the meeting at 7pm.

Pledge of Allegiance

Minutes December 16, 2009

K. Byrd **motioned** to accept the minutes of December 2, 2009 as amended. J. Duarte **seconded. All were in favor. G. Asselin abstained.** The following amendments were made:

- Page 1, 2nd paragraph under Workshop, fourth sentence add “a” before complete.
- Page 2, Under Sander Preliminary Major Subdivision Review Committee, 5th line from the bottom insert “that it” before “waived” and last line insert “conservation” before easement.

7:15 pm – Preliminary Major Subdivision Application by James E. Franklin, 173 Deerfield Road Candia NH 03034, Property Owner: Hermann N Sander Trust P.O. Box 90, Candia, NH 03034, Property Location: 39 Healey Road Map 406 Lot 046; Intent: To subdivide into two lots. Jim Franklin was present for the applicant. The following abutters were present: Rene & Fayne Leclerc of 157 Healey Road, Alvin Kam of 109 Healey Road and Clement and Tanya Marion of 85 Healey Road.

Chair Girard opened the Public Hearing and read the announcement. She said it is only a two lot subdivision but due to the amount of land it had to be a Preliminary Major Subdivision. She said the applicant had an application review December 2, 2009 with S. James and A. Soares. Chair Girard asked if the application was complete enough to accept.

S. James **motioned** to accept the Preliminary Major Subdivision Application as submitted M. Girard **seconded. All were in favor.** Chair Girard said the acceptance of the application allows the Board to move forward. Plans were passed out to the Board.

J. Franklin said he was the surveyor that prepared the plans. He presented to the Board a letter of authorization from the Trust allowing him to act in the applicant’s behalf. J. Franklin said the land is in current use and he will get the letter from the tax collector to the Board. He said they are proposing to subdivide Map 406 Lot 46 into two parcels. The first piece, Map 406 Lot 46-1 consists of 7.968 acres which contains the existing house and buildings. The second piece is Map 406 Lot 46 consisting of 40.785 acres. J. Franklin explained the land is bounded on the west by Healey Road, by abutters on the north, south and east and is accessed solely by Healey Road. He said the wetlands delineation was prepared by Blue Moon and is shown on sheet one for lot Map 406 Lot 46-1 and sheet two shows the topography and soils for Map 406 Lot 46-1.

J. Franklins said it would be nearly impossible to subdivide proposed Map 406 Lot 46-1 due to the soil types and the wetland setbacks. He said it would be very difficult to get contiguous upland soils and frontage for two lots on the proposed Map 406 Lot 46-1 with the house. J. Franklin said he was told by the Trust that there is no intention to subdivide the other proposed lot with 40.785 acres. There was a proposed conservation easement for this lot but he said he does not know the status either way. He said he also heard that the Conservation Committee had hired an environmental company to map the wetlands on the larger piece but he

has no confirmation or documentation to that fact. J. Lindsey said the work was started but has stopped and the environmental company will be paid for what they have done.

Chair Girard said the Board has to consider what is proposed. If the larger lot was to be subdivided topography, soils and wetland information would be required at that time.

J. Franklin said the applicant has expressed that they would like to see only one house be built on this land. He told the owners the cost of topography, soils and wetland study for one house was not reasonable and that is why they are asking for a waiver. If a house were to be constructed on the lot the owner would have to comply with the zoning requirements and document to the Building Inspector that the proposed building location would comply with setbacks to wetlands. He said when the septic design is done it would show all that information.

J. Franklin clarified that the symbol from the second stone wall in the front towards Healey Road to the first stone wall closest to Healey Road signifies the lot starts at this first stonewall.

Chair Girard asked if there was a driveway permit for the lot without a house. J. Franklin said he had not asked the Road Agent for one yet but will. Chair Girard said a letter is required from D. Lewis, Road Agent stating there is a place that the lot can be accessed. Chair Girard said that the Police Department most likely won't have any issues but the regulations require a letter unless you request a waiver. The Fire Department sent a letter and is concerned with driveways and marking lot numbers. Chair Girard said the pond on Map 406 Lot 46-1 would make a good fire pond but the Planning Board cannot ask for an easement. The Fire Department would have to ask for the easement to make it a fire pond.

G. Clifford asked if the current easement fell through if another one could be done. J. Lindsey said if the Town does not want to get involved, the owners can go ahead and do their own easement but then the town would have no input into it. K. Byrd asked for clarification if the existing lot is subdivided, could stay in current use. There was discussion it could stay in current use as long as both pieces were owned by the same person. J. Franklin said two pieces could be merged for taxation purposes. J. Lindsey said the two lots could stay in current use unless a lot is sold. There was discussion about no further subdivision. J. Franklin said he could not make a decision for the applicant concerning no further subdivision. Chair Girard said the owners would have to agree to that.

Chair Girard asked if any abutters had any questions. The abutters were given a copy of the plans to view. They had no questions.

Waivers Requested

The applicant is requesting 4 waivers from Article 5 of the Subdivision Regulations. He said to show all the detail on the plans would result in the drawing being cluttered and nearly illegible and would be impossible on one sheet. He said granting the waivers would make the plans easier to read. The first waiver requested is to show the topography, soils and wetland information for proposed Map 406 Lot 46-1 only and not for the Map 406 Lot 46.

S. James **motioned** to approve the waiver to allow the applicant to provide topography, soils and wetland information on proposed Map 406 Lot 46-1 only. J. Lindsey **seconded**. M. Girard, S. James, G. Clifford, G. Asselin, J. Duarte and J. Lindsey **were in favor**. K. Byrd **was opposed**. **Motion carried 6-1.**

S. James **motioned** to approve waiver 5.06b to allow the applicant to omit the driveways and buildings within 200' of the parcel being subdivided on the plans. J. Lindsey **seconded**. M. Girard, S. James, G. Clifford, G. Asselin, J. Duarte and J. Lindsey **were in favor**. K. Byrd **was opposed**. **Motion carried 6-1.** K. Byrd said he was opposed because it is required of every other subdivision. S. James said the list of abutter is on the plan. Chair Girard said in view of the fact it is only two lots and if they come back the waivers would not be good and they would have to comply with the regulations.

M. Girard **motioned** to approve waiver to omit 5.06f to show contour lines at 5 foot intervals for the entire parcel. G. Asselin **seconded**. M. Girard, S. James, G. Clifford, G. Asselin, J. Duarte and J. Lindsey **were in favor**. K. Byrd **was opposed**. **Motion carried 6-1.**

The fourth waiver requested was to omit building setbacks on lot 406-46 under Article 5.06h. After discussion with the Board the applicant withdrew the waiver and will add to the drawings.

The fifth waiver requested was 5.06i, to have an opinion by a registered professional engineer for the suitability of the lots for subsurface disposal systems. The first lot proposed Map 406 Lot 46-1 already has a house with existing septic. The second lot proposed is over 5 acres and the State does not require an opinion by a registered professional engineer of the suitability for a lot this size for a subsurface disposal system. At the time a building permit would be issued the applicant would have to provide the Building Inspector a wetlands delineation that would most likely come from the approved septic design. Chair Girard asked the Board for their opinion.

J. Lindsey **motioned** to approve the waiver to omit 5.06i to obtain an opinion by a registered professional engineer regarding the suitability of the lots for subsurface disposal systems. G. Asselin **seconded**. M. Girard, S. James, G. Clifford, G. Asselin, J. Duarte and J. Lindsey **were in favor**. K. Byrd **was opposed**. **Motion carried 6-1.**

There was discussion of no further subdivision on the larger lot. J. Franklin said he could not answer for the applicant but would ask them to consider the possibility.

Chair Girard said a letter would be sent to the applicant outlining concerns and considerations discussed tonight. She told J. Franklin they have 90 days to submit a Final Major Subdivision Application.

An abutter had asked if plans could be emailed to them and Chair Girard answered that they are available to view at the Town Hall but could not be emailed to them. Chair Girard asked if J. Franklin or the abutters had any other questions and hearing none closed the Preliminary Public Hearing.

Zoning Amendments for 2010 Ballot

Chair Girard asked the Board to look at the packet passed out with the zoning amendments for the Public Hearing to be held January 6, 2009. Chair Girard showed the latest flyer SNHPC had sent regarding the Ground Water Protection Amendment that is proposed. She said SNHPC has done a better job at condensing the flyer. It is a two page flyer that can be printed back to back. She feels a one page flyer would be too small to read. SNHPC is going to bring copies and the Planning Board will make copies if the Budget allows. Chair Girard asked J. Lindsey who is on the Conservation Committee to support and promote the groundwater ordinance. Posting the flyer on the website was discussed. The flyer will be made available at the Public Hearing.

Chair Girard said the newspaper public hearing announcement has to be sent to Hooksett banner tomorrow to make the deadline for the December 24, 2009 edition. She said the ad had been reviewed by her and S. James and it looks good. S. James made one change. The addition of the snow date was added. Chair Girard said at the public hearing there will be copies of the full text available and the full text will be posted at the Town Hall. G. Clifford pointed out that one of the sections of the new amendment was not listed in another article and was added for consistency. Chair Girard said there is time to make changes up until the public hearing.

The following are the 4 amendments proposed:

Amendment #1 Article V: Use Regulations, Section 5.06 Conditional Use Permit Standards Elderly Housing - 13. Minimum Dwelling Unit Size: Amend to replace ~~1200 sq feet of living space~~ with *800 sq ft of living space*, Section 5.06 - 14. Maximum Building Height: Amend to replace entire paragraph with *“All Buildings shall be a single story above grade in height.”* Section 5.06 – 26. Common Land/Open Space: 1st paragraph, change the percentage in line 8

from “20%” to “25%.” Section 5.06 - 26. Common Land/Open Space: 3rd paragraph, 4th line replace “~~subdivision~~” with “*development*”.

Amendment #2 Article IV: Establishment of Districts: Section 4.01: Division into Districts: Add the following under:

Wetlands Conservation	W
Groundwater Protection	GPD

Section 4.03 Zoning Districts Add “G”. “*G. Zone GPD- Groundwater Protection See Article XI: Groundwater Protection for authority, purpose, definitions, groundwater protection districts, applicability, performance standards, permitted uses, prohibited uses, conditional uses, existing non-conforming uses, exemptions, relationship between State and Local regulations, maintenance and inspection, enforcement procedures and penalties, savings clause and effective date.*”

Add new Article: *Article XI: GROUNDWATER PROTECTION*. This is a new Article to create a groundwater protection ordinance that is consistent with the NH Department of Environmental Services Model Groundwater Protection Ordinance. The purpose of the article is to protect drinking water sources within the Town. Subsequent Articles will be renumbered if this amendment passes.

Amendment #3 Article XIV: ADMINISTRATION AND ENFORCEMENT: Section 14:03D: Impact Fees (adopted March 13, 2001): To amend & update this section in accordance with new Solid Waste and Traffic Impact fees adopted on June 17, 2009.

Amendment #4 Article V Use Regulations: Section 5:01A. Sand, Gravel and Borrow Excavating Operations: To amend this section: 1. No excavation of earth shall be allowed in the R District or “MX District” except those uses specifically allowed in RSA 155-E:2. 2. “An excavation” permit from the Planning Board shall be required for excavating operations in the C, L1 and L2 Districts. Said permit shall be subject to the permit process under RSA 155-E “and the Town of Candia’s Earth Excavation Regulations, adopted in 1989, and as amended by the Planning Board.”

Other Business

Cost of Community Services

J. Lindsey asked if they have received the COCS report from SNHPC. Chair Girard said SNHPC had just asked to have an extension signed so they could have until the end of January 2010 to finish the study. They said they needed more time to complete the report because they did not get necessary information to finish the report. J. Lindsey requested a copy of the extension be sent to her to bring to the Conservation Committee.

Chair Girard asked to see the paperwork the Conservation Committee had for the grant to help pay for the study. She was not sure at what point the grant will be paid. It may be paid when the study is done and SNHPC invoices the Town.

The next Planning Board meeting is a Public Hearing for the Zoning Amendments to be held at Candia Town Hall on January 6, 2010 at 7:00 pm.

J. Lindsey **motioned** to adjourn at 8:05 pm. J. Duarte **seconded**. **All were in favor.**

Respectfully submitted,
Sharon Carrier
Land Use Secretary