

CANDIA PLANNING BOARD
MINUTES of January 6, 2010
APPROVED

Present: Mary Girard, Chair; Sean James, Vice-Chair; Judi Lindsey; Ginny Clifford; Joe Duarte, Board of Selectman; Amanda Soares, Alt; Jack Munn, SNHPC

Absent: Scott Komisarek, Alt; Kim Byrd; Garrick Asselin

Chair Girard called the meeting to order at 7pm. Amanda Soares was asked to sit for Kim Byrd.

Pledge of Allegiance

Minutes December 16, 2009

J. Duarte **motioned** to accept the minutes of December 16, 2009 as amended. J. Lindsey **seconded. All were in favor.** The following amendments were made:

- Page 2, Under Waivers Requested, first line change “J. Franklin said he” to “The applicant”.
- Page 3, Under Zoning Amendments for 2010 Ballot, 1st paragraph 7th line replace “help distribute them” to “support and promote”.

7:15 pm – Public Hearing Zoning Amendments for 2010 Ballot

Chair Girard explained there will be a discussion on the proposed amendments and then the Board will have to decide whether to send the amendments to the 2010 ballot. She said they could go over each amendment and vote on all of the amendments or vote on each amendment individually. It was the consensus of the Board to vote on each amendment individually. Chair Girard read the following amendments:

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*”.

Chair Girard said that this amendment was in the Town Report but somehow was left off the ballot last year. Chair Girard asked to see a copy of the ballot before it goes to be printed to verify that all the amendments are on it.

J. Duarte **motioned** to send Amendment #1 to the 2010 Ballot. J. Lindsey **seconded. All were in favor.**

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.

Chair Girard reviewed the comments from the attorney with the Board. The addition of “GPD – Groundwater Protection” under Section 4.03 G Zone was discussed.

There was discussion on the new proposed Article 11. Section 11.07 Permitted Uses. S. James suggested just removing the words special exception or variance from Section 11.07 Permitted Uses. The Board agreed it was better then taking out all the wording. It was the consensus of the Board to strike “~~special exception or variance~~”.

Section 11.08 Prohibited Uses #5, 6, and 7 were discussed whether to remove them. They were not listed in exemptions. It was the consensus of the Board to leave them in.

There was discussion under Section 11.12 Relationship Between State and Local Requirements. The Board agreed on clarification. It was the consensus of the Board to add the following to Section 11.12 after the first sentence: *“In the event that there is conflict between the provisions of this Zoning Ordinance and any other provision of the Town of Candia Zoning Ordinance, or State law, the provision imposing the greater restriction or higher standard shall control.”* Chair Girard said the changes are administrative changes.

S. James asked if under Section 11.03 Definitions, F. Impervious Surface if changes were made to remove asphalt after “not considered impervious” from the previous meeting. J. Munn said these changes were made to Section 11.03 F.

J. Lindsey **motioned** to send Amendment #2 to the 2010 Ballot as amended. S. James **seconded. All were in favor.**

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

There was discussion on adding the following wording to the beginning of “Credits”- *“Subject to bonding and timing requirements that may be imposed by the Planning Board”*. The Board was in agreement the wording would be inserted before “land” which will no longer be capitalized.

There was discussion of moving “Appeal” in its entirety to be at the end of Section 14.04 Violations and Penalties labeled “D”. It was the consensus to move “Appeal” as it made more sense.

J. Duarte **motioned** to accept changes to the amendment. A. Soares **seconded. All were in favor.**

A. Soares **motioned** to send Amendment #3 to the 2010 Ballot as amended. J. Duarte **seconded. All were in favor.**

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.”

Chair Girard suggested adding RSA155-E: 2-a after RSA 155-E2 under Section 5.01 A1. She said this RSA also addresses exceptions to the permit requirements. It was the consensus of the Board to add “RSA 155-E:2-a” under Section 5.01 A1.

J. Lindsey **motioned** to send Amendment #4 to the 2010 Ballot as amended. S. James **seconded. All were in favor.**

S. James asked if the entire wording of the Proposed Zoning Amendments would be available to view on the day of voting. Chair Girard said copies will also be available at the Town Meeting. Chair Girard said the proposed Zoning Amendments were publicly advertised with the full text available at the Town Hall to review and/or to get a copy. Chair Girard said the Public Hearing was advertised so that citizens could come and ask questions. J. Lindsey asked if it would be in the annual report. Chair Girard said the full text would not be in the annual report. Groundwater Protection flyers will be available. Flyers on the proposed Groundwater Protection Ordinance will be available at the deliberate session if the moderator allows and will be posted at the Town Hall, Library, and Post Office. J. Duarte said he will check with C. Dupere if flyers can be placed on a separate table on voting day. Posting the flyer on the web was also brought up. Chair Girard said the flyer would not be in the Boy Scouts packet because printing costs are too high. The flyer will be reviewed by the Board of Selectmen prior to posting.

Chair Girard thanked Jack Munn for attending the Public Hearing.

Other Business

CTAP second grant

Jack Munn said that the second CTAP grant needs to be expended by June 10, 2010. They are prepared to go forward on the scope of work previously discussed on earth excavation, street connectivity and the Village District. Chair Girard said she would like to discuss further the site plan regulation changes recommended by SNHPC, once the zoning amendments are voted on at the Town meeting in March.

Cost of Community Services

Jack Munn from SNHPC presented the Board with a completed draft of the COCS. He asked to have the draft reviewed to verify accuracy of numbers. Chair Girard asked if J. Munn had received any of the Space Grant money from the grant the Conservation Committee secured for the COCS study. J. Munn said they have not invoiced against the grant yet. Chair Girard said she could talk to the Conservation Committee Chairman regarding the Space Grant.

G. Clifford asked why an abutter could not get plans emailed to them. Chair Girard said plans are available to view at the Town. She said anyone who wants a copy of the plans could ask the applicant for one. J. Duarte said that by having the plans available, the Town is not in violation. He also said the Town has 24 hours to reply. Chair Girard said the Board will be reasonable and accommodating. J. Lindsey saw no problem accommodating a request under special circumstances.

J. Lindsey **motioned** to cancel the January 20, 2010 Planning Board meeting due to lack of applications. J. Duarte **seconded**. **All were in favor.**

The next scheduled Planning Board meeting is February 3, 2010, to be held at the Town Hall 74 High Street, Candia at 7pm. Chair Girard, weather permitting.

S. James **motioned** to adjourn at 8:10 pm. J. Lindsey **seconded**. **All were in favor.**

Respectfully submitted,
Sharon Carrier
Land Use Secretary