

**CANDIA PLANNING BOARD  
MINUTES of December 15, 2010  
UNAPPROVED**

**Present:** Mary Girard, Chair; Sean James, Vice-Chair; Kim Byrd; J. Lindsey, G. Clifford; Amanda Soares Board of Selectmen Alternate; Scott Komisarek, Alt; Dennis Lewis, Road Agent; Richard Snow Board of Selectmen.

**Absent:** Al Hall; Joe Duarte Board of Selectmen

Chair Girard called the meeting to order at 7:00pm, immediately followed by the Pledge of Allegiance. She asked A. Soares to sit for J. Duarte and S. Komisarek for A. Hall.

**Minutes November 3, 2010**

A. Soares **motioned** to approve the minutes of November 3, 2010 as amended. S. James **seconded**. S James, J. Lindsey, A. Soares, G. Clifford, S. Komisarek **were in favor** and M. Girard and K. Byrd **abstained**. The following amendment was made: Page 1, 3<sup>rd</sup> paragraph, 2<sup>nd</sup> line change “K” to “S” before Komisarek. Page 2, 6<sup>th</sup> paragraph, first line change “connectively” to connectivity”

**Minutes December 1, 2010**

S. James **motioned** to approve the minutes of December 1, 2010 as amended. K. Byrd **seconded**. S. James, A. Soares, K. Byrd, S. Komisarek **were in favor** and J. Lindsey & G. Clifford **abstained**. The following amendment was made: Page 1, 3<sup>rd</sup> line add comma after Duarte. Page 2, 2<sup>nd</sup> paragraph 1<sup>st</sup> line change “ask for” to “request”.

**Preliminary Major Subdivision Application by: Fieldstone Land Consultants, PLLC, 778 Elm Street Suite C, Milford NH 03055; Property Owner: Michael R Thompson 564 Old Candia Road, Candia NH 03034; Property location 564 Old Candia Road, Candia NH 03034; Map 413 Lot 046; Intent: To subdivide into 7 house lots.**

Applicant Michael Thompson owner and Chad Branon, Engineer from Fieldstone Land Consultants PLLC were present. C. Branon presented plans on an easel. Abutters Susan Cassidy 107 Hook Road and Linda & Brian Cooper 7 Hook Road were present.

C. Brannon said they are here tonight to discuss a 7 lot subdivision on Map 413 Lot 046 located at the intersection of Old Candia Road and Brown Road. The parcel consists of 42 acres. There is an existing residence on the property located at 564 Old Candia Road with two entrances. The first lot will be utilizing one of the entrances on Old Candia road and the second lot will access the other. The remaining 5 new lots will be accessed off of Brown Road. The driveways are shown on the plan with proposed home sites. He said they have preformed test pits on each lot showing they will support septic systems and proposed well locations are marked. They noted there is a wetland that does go through the property but they want to stress that 60% of the property is dry which leaves 26 acres of upland area and they believe this plan utilizes the lot reasonable. All of the lots shown are supported and meet the local regulations of 1 ½ acre contiguous upland and lot calculations and they used only ½ the allowed poorly drained wetlands no very poorly drained wetlands for land calculations. On sheet one there is a lot synopsis table.

Since there were questions on setbacks to the railroad beds, C. Branon contacted Louis Barker, State Rail Road Planner. L. Barker told C. Branon he was not aware of any setbacks. C. Branon also contacted Chris Demarche Chief NH State Bureau of Trails and who also indicated that he was not aware of any setbacks to the railroad bed either. C. Brannon said they felt they exhausted avenues to ask about railroad bed setbacks.

Chair Girard said there was a site walk conducted and asked if anyone wanted to comment. The site walk was conducted Saturday December 11, 2010 at 9:00am. Chad Brannon, their wetland scientist, S. James, S. Komisarek, A. Soares and J. Lindsey were present. He said they walked along Old Candia Road then down Brown Road. They followed the proposed long

driveway to the rear lot and followed back up along the driveway near the rail road bed. The discussion was general concerning the lots

K. Byrd asked if the applicant had looked at previous applications on this lot. C. Brannon said they had looked at the previous application and read the minutes and it was his understanding the plans lacked driveway information and some of the lots did not meet the contiguous lot requirements. He said their proposal tonight is not at all like the previous application. He said one of the biggest problems he saw on the previous plan was the large 22 acre horseshoe lot that was supposed to be subdivided later. C. Brannon said the plan presented tonight subdivides the property with no further subdivision possible.

C. Brannon said they talked about the long common driveways on the site walk and said they could possibly use an old woods road by adjusting lot frontages and get the driveways on common bounds. C. Brannon said he has researched minutes and other previous approved plans. He said Crowley Road Subdivision has similar driveways.

Chair Girard asked if S. James felt the application was complete. He said he felt the application was complete. S. James **motioned** to accept the application as complete. A. Soares **seconded. All were in favor.**

Chair Girard told the applicant that at a preliminary hearing the Planning Board does not approve or disapprove but sends a letter advising them of recommendations whether to go forward or not go forward with a list of concerns and requirements. She said after they receive the letter they have 90 days to come forward with an application and the application has to be received 30 days prior to a Planning Board meeting to get on the agenda to be heard. She said they will also have to have an analysis done by the Town Engineer which will have to be paid up front and required in the regulations. Once final plans are submitted they will be given to the Town Engineer to look over and give a quote. This amount will be put in a fund and if any money is left over it will be refunded.

Chair Girard asked if the Board had they had any questions. C. Brannon said he would be happy to answer any questions the Board may have. J. Lindsey asked the applicant to trace the 100 **year** flood plan. C. Brannon traced it on the plans on the easel. C. Brannon said they talked about the flood plan it was discussed if it was a head or tail water condition and based on the way it ends it appears as back water on the 100 **year** flood plan.

S. James said his biggest concern is the water and the flood area. He asked how long the driveway is to the back house and C. Brannon said it is roughly 1200'. S. James had concerns with the length of the driveway and if they come forward would like to see a driveway profile done which is usually only done for roads but he would like to see this done because it is close to the flood plan.

S. James said he knows there is no setback from the railroad but would like to see the driveway further away with a tree buffer. C. Brannon said he had no problem moving the driveway but that would involve a larger wetland crossing and they would need something in writing from the Board to show the State why they cannot be closer and use a smaller wetland crossing. C. Brannon said as part of the wetland crossing permit they would have to address wildlife. S. James said the regulations require regular shaped lots and felt the pie shaped lot was too irregular.

A. Soares said at the site walk the applicant said they could change the angle shape and make it more regular. C. Brannon said it is an oversized lot and they can square off the end and can make it more regular and still satisfy the regulations. He felt it was not irregular because of the distance and size of lot. He said he has researched plans approved in the past and said there were 3 lots approved on Crowley lot that were irregular shaped lots with one barely meeting the town requirements which he feels is very irregular in his opinion. He said he looks at past subdivisions and regulations to justify and support a plan he puts together to present. C. Brannon

said he hopes from what he presented and what was approved in the past the Planning Board can come to an agreement on what is irregular.

G. Clifford asked about the types of soils where the driveways are located. C. Brannon said it is type #5 soils. He said sharp rocks are removed to make the area smooth and then a Geo technical fabric is placed down before it is filled in. He said most likely Brown Road may have been constructed that way in areas. He said it is not necessary to excavate wetland materials to put a driveway in. Maintenance is required the same as a road.

K. Byrd said he has issues with lot 4 with potential subdivision and the long driveway that does not **originate** on its own bound. C. Brannon said there is not intention to subdivide any further and said there isn't enough frontage to subdivide. He said a covenant for the driveway easement can be put on the deed. He said they can adjust frontages and change the driveways which would require a larger wetland permit and impact. He said his proposal lessens the wetland impact.

S. Komisarek said he felt the site walk was beneficial. He said lots 3 and 4 he initially didn't find desirable but found more desirable from seeing the lots on the site walk. He said the opposite was true about lots 5 and 6 shared driveway. There was wetlands in front and large change in elevation of the driveway. He felt the subdivision was a little too aggressive considering the magnitude of the wetlands. He felt it would be more reasonable to subdivide into 5 lots.

S. James agreed the driveway along the railroad bed it is considerably lower then Brown Road. He the driveway would have to built up with side slopes which may require a larger wetland impact.

C. Branon said the land areas for the houses are on a level equivalent to Brown Road. He said the final plans will show the design for the driveways showing grading.

L. Cooper asked how many driveways there were going to be on Brown Road. C. Brannon said there are going to be 3 the other 2 are on Old Candia Road. L. Cooper said the new driveways are going to change the look and appearance of Brown Road and two of the proposed lots will have homes close to the rail road beds.

S. James said one of his concerns are 2 of the driveways go over the wetlands C. Brannon said as a land owner you do have rights and they are established by local regulations for provisions for crossing wetlands. He said the approved subdivision he showed earlier had many wetland crossings. He said wetland crossings are not uncommon in NH because of forested wetlands. He said the wetland crossings will be designed adequately for the hydrologic connect and will be reviewed by Stantec.

A. Soares said living and driving on Brown Road it is getting crazy dangerous, adjusting to driveways in that area will take a while. C. Brannon said the police had no comments. D. Lewis said the driveways would meet the site requirements. He said he was unable to make the site walk. His concerns are the water and he has seen Brown Road flood twice. He was not sure if the 100 **year** flood plan was done after route 101 was put in place and Brown Road placement was changed. He would like to see the elevation of the driveways higher and base of the driveways wider. D. Lewis said if residents are stranded they will call the Town for help. L. Cooper asked if the new wells cause issues for her well and if they may require blasting

Chair Girard said the Fire Department's pointed out that any new driveway over 1000' would have to have a turn around, driveways are to be built to regulations and well marked lots. S. James asked for the Building Inspector notes.

K. Byrd asked Dennis about flooding on Brown Road. C. Brannon together with D. Lewis showed where it flooded which is at the lowest point in the road. C. Brannon said one of the recent floods, Mother's Day flood in 2005, went higher then the 100 year flood levels. C. Brannon said normal design is for 100 year flood levels so in cases like the flood in 2005 there would be failure of culverts etc.

Chair Girard asked J. Lindsey if the Conservation Commission had seen the plans. She said there is a meeting coming up next week and will show them. J. Lindsey said that some properties just do not support a lot of development. She said the land on the lot look like islands with all the wetland. She said the regulations say you can use shared driveways but sometimes it is not the wisest thing to do especially on the one long driveway that is on another property until it reaches the other lot. Long driveways, shared driveways, wetlands, wildlife and flooding are her concerns. She also said building houses and driveways can change the area in unexpected ways.

C. Brannon said he feels the subdivision plans presented meet all the regulations aside for the discussion on access and said property owners have a right to access an isolated piece their property. He said recent plans approved show longer shared driveways with wetland crossings. He pointed out one driveway that starts at a common bound and completely crosses the adjacent lot to service another property.

C. Brannon said to defend his plan and make it reasonable he looks at past approved subdivisions. He used the recent Crowley Road subdivision for comparison with similar situations. He showed another 2-lot subdivision approved in 2005 on Critchett Road where the access to another lot came from a completely different lot. C. Brannon said he uses the regulations and past history of what is approved to create a reasonable plan.

K. Byrd said they have made mistakes in the past and hope not to make in the future. S. James said there were similar concerns on the Crowley Road Subdivision and said there was a wetland and wildlife functional review done. S. James said where the driveways crossed certain wetlands there was data to back up where to put them. There was more data to work with to make decisions.

Abutter Susan Cassidy asked if Manchester Water Works was involved because beyond this lot are more ponds. She said she had no issues with the layout other than people need to know they will hear snowmobiles and horses go by on the lots near the railroad and there is flooding, not just 100 year flooding, before they move in. She said there were issues last year where the bridge flooded out on the Manchester Water Work property beyond this lot and wasn't sure if it has an impact in the water this lot.

C. Brannon said the Manchester Water Works was notified. He said they saw John O'Neil on the site walk and he reviewed the plan. John O'Neil implied it was reasonable plan. A. Soares said he is straight forward and would say if he had an issue or problem.

Abutter S. Cassidy asked if the applicant came forward would they be noticed and Chair Girard said they would be re-noticed. Chair Girard said hearing no more comments closed the public hearing. She said they will receive a letter from the Planning Board. At that time, an estimate to review the plans will be done and the applicant will be required to cover the costs. The money will be held in escrow. C. Brannon thanked the Planning Board for their time.

### **Other Business**

#### **Old Swap Shop North Road**

Chair Girard asked A. Soares to talk about the swap shop. A. Soares said the Board of Selectmen had voted to get bids to take down the old swap shop on New Boston Road. Selectmen Dick Snow said the Town had to follow RSA 41:14a for the acquisition and sale of land. A. Soares said what the Board of Selectmen need from the Planning Board is their opinion on the old swap shop, whether keep and use, put out to bid to take it down or if the Board has no opinion. She said the Board of Selectmen also requires input from the Conservation Commission per RSA 41:14a. A. Soares said once the Board decides it should put it in writing to the Board of Selectmen.

J. Lindsey said it seems there has been a lot of interest in town to use the old swap shop and questioned on why not use it instead of tearing it down at a cost. She said there is a lot of need in the community. Chair Girard said she had heard it was an eye sore. Chair Girard said she

has no opinion. J. Lindsey said one of the parties interested is the Garden Club and if anyone can beautify an area they can.

K. Byrd said the site had more than one building and said eventually isn't one of the buildings going to be used. He said he no objection to moving the old swap shop to another site but the Town should not bear the cost. A. Soares said the Town would be paid by the person taking the building down. K. Byrd said he had no objection to removing the old Swap Shop. S. James felt the same but asked what the overall plan was for the site. A. Soares said everything around and behind the buildings per DES has to be left as grass with no trees so nothing can break the cap on the landfill. S. James said driving on the site may not be good but there is currently a road. S. James asked if there were plans to remove the larger building. A. Soares said there are no plans on what was to be done to the larger building yet.

G. Clifford asked why the Board of Selectmen made the decision to tear it down. A. Soares said she has personally been there and heard people for it and against it and she looks at the old swap shop the same way the Road Agent does. The landfill is capped and doesn't want to take the chance of having the crust broken causing a hazardous waste issue. She said there is always the possibility of breaking the crust if people are on site. She said personally she would like to see both buildings taken down.

G. Clifford said it appears the main reason to take it down is the potential hazard issue. A. Soares said she hasn't seen any people come in and complain but has heard that people say it is an eyesore. She said she drove New Boston Road to see for herself. She said people who live on this road have more of an issue with it being an eye sore than for people that do not drive the road.

G. Clifford asked about the plan for the larger building and A. Soares answered that building is on hold and no decision has been made. The inside has to be cleaned by professionals and the incinerator and stack decommissioned per DES. It will be awhile before that building is up and running. She said currently the cemetery is storing lawnmowers in the main building. The building does have heat in the office area and running water with a shower. G. Clifford said if one gets torn down then this building should be torn down as well. A. Soares said it is something to consider and she feels it should be torn down as well as there is a potential ash and water pipe damage.

Chair Girard felt the decision already been made by the Board of Selectmen to tear the old swap shop down. A. Soares said the Board of Selectmen had already voted to take bids to remove the building and the motion passed 4-1. Tonight the Board of Selectmen is seeking input from Planning Board and Conservation Commission on whether to keep the building or tear it down per RSA 41:14a.

S. Komisarek said he did not have an opinion but they should be respectful of residents living on New Boston Road. He said besides being an eyesore there is the potential to have the site to be disturbed and removal makes sense.

Al Couch of North Road speaking for the Candia Solid Waste Committee, initially personally didn't care one way or another but after taking input from Solid Waste Committee and taking input from the public hearing his opinion changed. If residents of Candia can use the building the building should be kept rather than selling the building for scrap price. The building is worth much more in its current state then as scrap. He said the Solid Waste Committee feels the building could be used and could be made to look better and the whole site will look better once the closure plan is finished. A. Couch said at the public hearing there were several people in favor of keeping the building. There was no one present from New Boston Road or anywhere in Candia that spoke in favor of tearing the building down. He said he is at a loss why the selectmen voted to sell the building for scrap.

Chair Girard thanked Al. Couch for his input but said this was not a public hearing on the old swap shop. Tonight is about how the Planning Board feels about the old swap shop. A.

Couch said he was hopeful some of the members of the Planning Board would want this input and vote with that in mind. Chair Girard said the Board of Selectmen will most likely not change their minds. J. Lindsey suggested hearing other people in the room about the old swap shop so the Planning Board would be better informed. Chair Girard said this should have been discussed at the public meeting.

D. Snow said what the Planning Board is doing tonight is a result of the passage of RSA 41:14 regarding acquisition or selling of land. Before this RSA 41:14a the selling or buying of town property could be done at a Town Meeting. This RSA was put in place so the Board of Selectmen could sell or buy land during the year. This RSA put a series of steps in place before the Board of Selectmen can either sell or buy land. One step is to get input from the Planning Board and Conservation Commission before they can proceed. The Planning Board is to consider the petition based on their knowledge of the Master Plan and what that area is used for and if there is any use for the specific building. He said the Planning Board should vote to either recommend or not recommend their support of the Board of Selectmen or have no opinion.

S. Komisarek asked about the long term plan for the main building. A. Soares said there isn't anything in place. He said if we are looking at the use and the Master Plan. He said it is currently residential but could never be built on as residential.

S. James **motioned** to support the Board of Selectmen's decision to sell the old swap shop for scrap. A. Soares **seconded**. S. James, M. Girard, K. Byrd S. Komisarek and A. Soares were in favor. J. Lindsey and G. Clifford against. 4-2 motion carries.

J. Lindsey said she felt the buying or selling of town buildings should go to a Town Meeting and not left in a few hands. Chair Girard said it used to be like that but the selectmen can do it through RSA 41:14a.

S. James said this all gets confusing with out a closure plan and we need more input to use perhaps for a park and didn't know how useful a building will be with grass around and not driving area. He said he was under the impression that whole plan was to take all the buildings down.

Roger Steinbeck Solid Waste Committee asked to speak even though the vote is over. He said the Garden Club and Woman's club both expressed interest in using the building. He said he had read the Master Plan and the essence of the Master Plan is to involve the community, get input, look at resources and develop our resources. He said the town shouldn't allow just a few people ride the many.

R. Steinbeck said many people attended the public hearing on old swap shop and were completely ignored and told they didn't count. The question he has is has the Planning Board really considered this within the context, not of the short term, but in the long term in the context of the Master Plan because the Master Plan clearly states that Town resources should be developed and used and not thrown to the side. He said the building has a value of \$30,000-\$40,000. He said to just tear it down without any real input is an insult to a lot of people of Candia.

R. Steinbeck said "Please forgive me", he realizes the Planning Board has a busy agenda but felt strongly that this is fundamental and the Planning Board and Town should be paying more attention to the Master Plan. He felt the vote tonight is in violation of that. Chair Girard said he had good points but they should be directed to the Board of Selectmen. R. Steinbeck said their concerns have already been directed to the Board of Selectmen but have been ignored that is why they are here tonight to appeal to the Planning Board. He said this is the second committee that has told us there is no interest in the building but there is a lot of interest in the building including the Conservation Committee and Heritage Commission as well. He said he has been in town for 4 years and he has 28 women in the Garden Club that would appreciate the use the building and they will beautify the area at the same time.

Chair Girard said they have to start the public hearing but said they are welcome to stay and they can discuss this further after the public hearing. G. Clifford asked if it was possible to

reconsider the vote that was taken for the old swap shop because she felt that they have not discussed this fully.

Chair Girard asked if there were any more comments regarding the old swap shop. Donna DelRosso president of the Garden Club and Steve Bradley Vice President said they went to the initial public meeting with the Board of Selectmen and expressed interest in the building for either storage and/or a place to meet to make center pieces etc for Old Home Day and other holidays etc. The second meeting the Board of Selectmen held was under “Other Business” and it was construed the old swap shop was going out to bid to tear it down. They both feel they were not given a chance or opportunity to show the usefulness this building would have for the town. D. DelRosso said make it beautiful like the Garden Club does at the Town Hall, butterfly garden at the school, town sign down at exit, monument and different troughs around town. She said the Garden Club takes great pride in doing this every summer and would do the same for the old swap shop and they would like to be given the opportunity through fall 2011 to show what they can do. She said nothing has been done to the site since it closed for the past 2 years. D. DelRosso said she spoke to neighbors around the property and they are in agreement as long as something is done. It would be a community involvement to beautify and become useful to the community instead of just tearing it down. She agreed with Mr., Steinbeck that if 5 to 10 years down the road an organization or club or community needs a building for any reasons funds from the Town would not be available. D. DelRosso said we already have 2 buildings worth money why not use them. She said they could not understand why they were not allowed or given a chance to show interest and express concern when viable committee members and committees can use it.

A. Soares said it only has electricity with light insulation and no heat. Chair Girard said the Planning Board does not have the authority to change the Board of Selectmen decision and are listening to be polite and show the Planning Board cares.

S. James said in response to rethink the motion he appreciates the input and everything the club does but he does not look at the building or value of it only that it is on a landfill. He said he would be more in favor perhaps if they came forward with the old library but he was not sure if the building is functional. He said the location of the old swap shop and is why he voted the way he did. Not a good idea to drive on a capped landfill.

J. Lindsey said people have been driving on established roadways on the landfill up until 2 years ago and it would remain the same roadways and feels there would be no issues. S. Bradley said these roads have been established, nothing is going to be dug they just want to use the buildings.

Chair Girard suggested they ask to be put on the Board of Selectmen’s agenda. D. DelRosso said they already tried and they had a public hearing where supporters came but the next meeting they noticed under other business where they discussed putting the old swap shop out to bid to tear it down. D. DelRosso said the Board of Selectmen did not even consider the groups that were present at the public hearing. Chair Girard said unfortunately the Board cannot change the Board of Selectmen’s decision and is not within the power of the Planning board. D. DelRosso wanted support from the Planning Board. Chair Girard said the Garden Club does a wonderful job at the Town Hall and around town and is greatly appreciated.

S. Bradley said he is new in town and is looking for guidance. He said Garden Club is nonprofit and not linked to the town like Conservation Commission or Heritage Commission. He would like to know as a nonprofit organization is there a procedure to follow to petition to use a town building. Chair Girard was not aware. He said they would like to try to use this building for the Garden Club. D. DelRosso and S. Bradley thanked the Board for their time.

#### Review ZRRC Zoning Amendments

Chair Girard asked if everyone had a copy of the proposed amendments. S. James said he met with Amanda back in November and they narrowed the zoning amendments down to 3 items to present tonight:

It was suggested the first two go together and were put in the first amendment.

**Amendment #1** *New Article XII – Telecommunications/personal wireless services facilities (8 pages)* Subsequent articles will be renumbered if passed.

Add to Section 5.02 Table of Use Regulations d. Communications and Utilities:

	<b>R</b>	<b>C</b>	<b>MX</b>	<b>LI-1</b>	<b>LI-2</b>
<b>D. Communications and Utilities</b>					
(d-1) Essential Services	S	P	P	P	P
(d-2) Radio or televisions tower, provided that any portion of the structure shall be at least 200 feet away from any residential district	-	P	-	P	P
<i>(d-3) Telecommunications/Personal Wireless Services Facilities</i>	-	<i>P</i>	<i>S</i>	<i>P</i>	<i>P</i>

**Amendment #2**

Add to Section 5.06 Conditional Use Permits Standards

*28. Limitation on Approval. All requirements of conditional approval of Conditional Use Permits shall be met within one year. If all conditions are not met within one year of approval a new application is required.*

K. Byrd asked where the full text for the new article would be posted. The new article will be posted at the Town Hall website like the new ground water article was done. A. Soares said they are allowed to be taped to the side of the voting booth.

S. James said the new article goes with the second item and felt it should be placed together because if the new article doesn't pass the 2<sup>nd</sup> part is not necessary. S. James said the third item will become amendment #2 about conditional use permits for elderly housing.

S. James asked if the amendments were sent to town attorney after the public meeting. Chair Girard said they can be sent before hand because if they are sent after the public meeting the Board cannot change them. The consensus was to send the amendments to the town attorney and have the Public Hearing at the second Planning Board meeting January 19, 2010. K. Byrd was not sure if this date conflicted with Budget Committee meeting.

Exit 3 Architectural

J. Lindsey asked if everyone had received Betsy Kruse's letter about architectural standards and her concerns of the large blue diesel pump canopy. Chair Girard said she has talked to the Building Inspector who feels there are no code violations. She said Irving's blue color on the diesel pumps is much like the logo colors like the green on BP Station. A. Soares said the diesel pumps do not have gable tops. J. Lindsey said Betsy Kruse's comment was the pumps were not to architectural standards.

The next scheduled Planning Board meeting is January 5, 2010.

J. Lindsey **motioned** to adjourn at 8:55 pm. A. Soares **seconded**. **All were in favor.**

Respectfully submitted,  
 Sharon Robichaud  
 Land Use Secretary