

**CANDIA PLANNING BOARD
MINUTES of February 16, 2011
APPROVED**

Present: Mary Girard, Chair; Sean James, Vice-Chair; J. Lindsey; G. Clifford; Kim Byrd; Amanda Soares, Board of Selectmen, Alternate

Absent: Joe Duarte, Board of Selectmen Rep, S. Komisarek, Alt, A. Hall III

Chair Girard called the meeting to order at 7:00pm, followed immediately by the Pledge of Allegiance.

Minutes January 19, 2011

J. Lindsey **motioned** to approve the minutes of January 19, 2011 as amended. K. Byrd **seconded**. Mary Girard, Sean James, J. Lindsey; G. Clifford, Kim Byrd, **were in favor** and A. Soares **abstained**. The following amendment was made: 1st page, 7 paragraph, 2nd line remove period, page 3, 2nd paragraph, 4th line “Massabesic” spelling, 8th line change “have” to “having”

After reviewing the minutes, G. Clifford suggested going forward if there is an agreement or consensus by the Planning Board, to make sure and confirm that everyone is in agreement.

7:15 pm – Lot Line Adjustment Application: James E. Franklin, LLS 173 Deerfield Road, Candia NH 03034; Property Owner: George Denoncourt Trust 118 Flint Road, Candia NH 03034 and Gregory & Diana Gagne 120 Flint Road, Candia NH 03034; Property Location: 118 & 120 Flint Road, Candia NH 03034, Map 410 Lot 11 & 11-1; Intent: To transfer 18.614 ac from Map 410 Lot 11 to Lot 11-1. Jim Franklin LLC, George Denocourt and Diana Gagne, property owners were present. Abutters were notified none were present. Chair Girard said the applicants had previously come in for an informational.

Chair Girard said there was an application review done by Sean James. S. James **motioned** to accept the application as complete. A. Soares **seconded**. **All were in favor**

J. Franklin said the applicant would like to do a Lot Line Adjustment but due to the amount of land transferred it falls under a Major Subdivision. He said in 2000 they came to the Planning Board to create lot 410-11-1 from 410-11. Subdivision approval was given in 2000. Now the applicant is asking to reverse the acreage of the lots. Mr. & Mrs. Denoncourt are retired and have no need for the property anymore and would like to give the land to their daughter. The land will remain in current use. There are no plans to subdivide. Each lot currently has a home on it. Mr. Denoncourt said one reason they would like the land transferred to their daughter is if their property is sold, their house could not be torn down for a subdivision. K. Byrd agreed a house would have to be torn down and a road would have to be built to make a subdivision.

Chair Girard read Article 3 “*Waivers of Compliance, Section 3.01 Relaxation of Requirements, Upon the written request of sub divider, the Board may grant a relaxation of one or more of the provisions of these Regulations as it deems appropriate, provided the Board shall first determine the following: A. that the relaxation is related to unique physical conditions peculiar to the proposed subdivision; B. that the granting of the relaxation will not be contrary to the purposes and objectives of these regulations; and C. that the public good will not be adversely affected.*” She said these are the 3 criteria the Board should consider.

There was a discussion concerning access to the back land and there is no access. Chair Girard asked if there were any abutters present and there were not.

K. Byrd **motioned** to grant the waiver for Section 3.02 g allowing a larger amount of land than a lot size to be transferred as a Lot Line Adjustment for the following reasons: Frontage does not allow for additional subdivision and no new lots are created. A. Soares **seconded**. **All were in favor**.

J. Franklin wanted to clarify that the Lot line Adjustment only requires one hearing and Chairman Girard confirmed it only requires one hearing. Chair Girard said the comment on plan about Subdivision is not necessary and will need to be removed.

J. Franklin said he wanted to clarify the dotted line at the back of the property that the Board asked about at the informational. He said he researched online and the Ernstoff Family Trust survey confirms the same line. The deed dimensions do not come together which is not uncommon with older deeds. The land does belong to the Denoncourts. The dotted line is left on for use by banks for title only. K. Byrd asked if this would need a note and J. Franklin said the dotted line was shown on the subdivision in 2000 without a note and has been through financing with no issues from banks.

J. Franklin asked about having more time to set the bounds because of the weather.

S. James **motioned** to accept the Lot Line Adjustment as amended. Amendments to the plan include removing the subdivision note off the plan, add the granted waiver 3.02 G to the plan and note bounds are to be set no later than 6 months from date of NOD. J. Lindsey **seconded All were in favor.**

Chair Girard said the applicant would have to bring back the updated mylars to the Planning Board to have them signed. She said there is a charge for recording the mylars that will have to be paid. J. Franklin thanked the Board for their time.

7:30 pm – Major Subdivision Application: James E. Franklin, LLS 173 Deerfield Road, Candia, NH 03034; Property Owner: Charles & Barbara Bowman, 438 High Street; Property Location: 438 High Street, Candia NH 03034, Map 405 Lot 28: Intent: To subdivide to create one new lot 28-1, 3.361 acres with remaining 56.8 acres to stay in current use with the existing residence. Jim Franklin, LLC and property owners Charlie & Barbara Bowman were present. Mr. & Mrs. Penfield abutters were present

Chair Girard said there was an application review done by Sean James. S. James **motioned** to accept the application as complete. A. Soares **seconded. All were in favor**

Chair Girard said the Building Inspector caught a clerical error on the plans where it should say 3 acres not 2 acres. J. Franklin clarified it was under note #2. K. Byrd asked about note #3, State subdivision approval number pending. J. Franklin said they have received approval and will add the approval number to the plan.

Chair Girard said the applicant is asking for several waivers. The first waiver is Section 10.06c full perimeter survey. J. Franklin said he feels he has surveyed enough of the frontage and perimeter to certify the frontage and side lot lines beyond the area being subdivided. The next waiver requested is Section 10.06e a full topographic survey. J. Franklin said he has provided approximately 17 acres of topographic information. The third waiver request is Section 10.06n to waiver a letter from the Fire Chief and Police Chief. J. Franklin said currently there is a fire pond on the property and there is an existing driveway for the new lot. Mr. Bowman said the driveway has been in place for at least 50 years and is located at the break in the stone wall. He said the driveway was used as an access to hay. J. Franklin said there is a culvert under the driveway running parallel to the Route 27. K. Byrd asked about the 100' and 75' setbacks on the wetlands. J. Franklin said there is seasonal water out back on the proposed lot. He said the 75' is the NH Jurisdictional wetland setback and the 100' setback is from the Town's ordinances. K. Byrd said the wetland symbol and the wetland scientist stamp will need to be added to the plan.

J. Franklin said he submitted a lengthy soils report with his application. Chair Girard asked to add the buildable upland area to the plan for the new lot being created. K. Byrd asked about test pits and J. Franklin said in order to get subdivision approval the State required at least one test pit and two were done. He said they are noted on the plan. J. Franklin said the proposed location of the house is general. The new home can be located anywhere within the 4000 sq foot area of the two test pits, unless the property owner wants more test pits done and approved by the State.

S. James said it is confusing with two sheets marked 2 of 2. J. Franklin said one sheet marked 2 of 2 did not have the topography and the other sheet 2 of 2 showed the topography. He said the sheet 2 of 2 with the topography will not be recorded. There was a discussion of whether to renumber or re-letter the two sheets 2 of 2. J. Franklin said he does it this way to show the Planning Board the topography and when the plan is approved just the sheet 2 of 2 without the topography would be recorded. He said this way there is no confusion at the registry. He said in the past he has not recorded topography maps.

S. James asked about the survey references noted on the plan and J. Franklin said they were done in the 80's and those surveys did not include a full perimeter survey at that time either. S. James asked if there were any buildings abutting and J. Franklin said yes.

J. Lindsey **motioned** to grant the waiver request to not require the full topographical survey Section 10.06e and full perimeter survey Section 10.06c K. Byrd **seconded. All were in favor**

Chair Girard said the next waiver requested is under Section 10.06n letter from the Fire Chief and a letter from the Police Department. Chair Girard said a fire pond exists on the lot and the lot is on a State Highway. J. Franklin said there is an existing driveway with a culvert that has been in place for over 50 years.

A. Soares **motioned** to grant the waiver request to not require letters from the Fire Chief and Police Department, Section 10.06n. S. James **Seconded. All were in favor.**

J. Franklin said he submitted a custom soil resource report for the property. He said the report is available on the internet. S. James said normally Major Subdivision Plans require soil maps but said it does not seem necessary with the report submitted. J. Franklin said he can add the soils map if the Board requires it. J. Franklin requested a waiver for Section 10.06 f requiring soil mapping. K. Byrd said as long as the wetlands are clearly marked on the plans he didn't see a problem with not having the soils mapping.

S. James **motioned** to grant a waiver Section 10.06 f to not require soil mapping on the plan. J. Lindsey **seconded. All were in favor.**

Chair Girard said this is a preliminary hearing and the plans are not approved or disapproved at this hearing. A second hearing is required. J. Franklin said he was requested a waiver to be heard and decided in one hearing.

Chair Girard asked the abutters present if they had any questions. Mr. Penfield said one hearing seemed sufficient.

K. Byrd said it is part of the subdivision regulations requirements to have two hearings. J. Franklin said it is not on the checklist for the second public hearing. Chair Girard said Article 10 Platting state the procedures that include the informal discussion, review of preliminary and review of final plot.

J. Franklin requested a waiver from Article 10 to have the subdivision heard in one hearing. He said the changes were minor and housekeeping ones. Chair Girard said it is up to the Board to grant the waiver. K. Byrd said he is not comfortable to sign anything since there are changes required on the plan and a final plat is required. S. James said the subdivision is straight forward and the regular procedure of two steps is given to an applicant to allow the opportunity to make changes that are more than minor changes. Chair Girard said it would have been a Minor Subdivision that requires only one hearing but the amount of land makes it a Major Subdivision.

K. Byrd said he would like to see the hearing continued until next month to allow J. Franklin to make changes to plan. G. Clifford asked if this would set precedent. Chair Girard said every application is looked at individually. A. Soares confirmed that if the Board granted a continuance the waiver would still have to be voted on and granted. J. Franklin said if the waiver is granted then they would not have to pay the fees to re-notice.

A. Soares **motioned** to grant a waiver Article 10 Platting Procedures to have one public hearing. J. Lindsey **Seconded. All were in favor**

J. Franklin said he would have everything finished and new plans by the next meeting except setting the bounds because of the weather.

K. Byrd **motioned** to continue the hearing until March 2, 2011 at 7:15pm for purpose of final approval. A. Soares seconded. **All were in favor.**

J. Franklin thanked the Board for working with them.

Other Business

Acceptance of Halls Mill Road Deed

Chair Girard said the Planning Board was asked to make a recommendation on Halls Mill Road Deed to the Board of Selectmen. She said their acceptance will allow the Board of Selectmen to go forward with a public hearing for formal acceptance of the road. Chair Girard said the road had been signed off by Road Agent D. Lewis, the Fire Department and Stantec. She said the deed has been looked at by Town Council and found to be acceptable. K. Byrd asked if the cistern was in place and D. Lewis said it was in place and the Fire Department has signed off on it.

K. Byrd **motioned** the Planning Board recommend to the Board of Selectmen acceptance of the deed to Halls Mill Road Deed. S. James **seconded. All were in favor**

Chair Girard said the Planning Board will send a memo with their decision to the Board of Selectmen.

Conservation Committee Letter Brown Road/Old Candia Road Subdivision

J. Lindsey asked if the Planning Board had received the letter from the Conservation Committee concerning the recent preliminary 564 Old Candia Road subdivision. Chair Girard said they did receive the letter. She said the applicant has not yet come forward with a final application. The letter will be kept on file.

Open Plan, Master Plan Update

J. Lindsey asked if the Planning board would be including the Open Space Plan when they update the Master Plan. Chair Girard said they would. She said work will be starting this year to update the Master Plan. She said the Board will look into getting a grant to hire professional help. Chair Girard said when the Master Plan was put together initially there was a really good committee but they had professional help as well.

S. James said when SNHPC presented the Open Space Plan there was a discussion and the Planning Board had a lot of questions. He said he thought it was the consensus of the Board to discuss the Open Space Plan again at a future meeting. Chair Girard said the Open Space Plan will be discussed again and still has to be voted on by the Planning Board and accepted.

J. Lindsey said a lot of information such as NRI(natural resource inventory) comes in yearly, which should go into the Master plan and asked how could that be incorporated into the Master Plan if the Master Plan is not updated on a yearly basis..

Chair Girard said she was not sure if they could add items into the Master Plan or if they have to update the entire Master Plan. She said this is where the professional help will be needed for guidance. Chair Girard said the CIP (Capital Improvement Plan) also needs updating as well.

Public Hike Fogerty Road Sunday February 27, 2011 1:30pm.

J. Lindsey said there will be a public hike on Fogerty Road Sunday February 27, 2011. The hike is hosted by the Conservation Committee and Historical Society and anyone interested should meet at the triangle at 1:30pm where Currier Road, New Boston Road, North Road and Fogerty Road meet.

Works Project administration (WPA) wall near school

J. Lindsey said a student is doing a study on the WPA wall next to the school. She asked if anyone had any information on the wall and if they do to contact her. The Historical Society was suggested as a place to start.

Raymond Sand & Gravel

A. Soares said Dick Snow, Board of Selectmen said at the last Selectmen's meeting that the Town of Raymond Planning Board gave a 2 month continuance on the Raymond Sand & Gravel issue. D. Snow suggested to the Raymond Planning Board to have a joint meeting with the Candia Planning Board. A. Soares wanted to let our Planning Board be aware of this to see if this is something the Planning board would like to do.

Chair Girard said recently the Candia Planning Board was invited to a meeting in Raymond that J. Lindsey attended on a different subject. J. Lindsey said she is interested in the idea of getting boards together sharing views, etc. A. Soares said she did not know what Raymond's view or approach is to this. She said there appears to be traffic concerns on both the Candia side and the Raymond side

Subdivision and LLA regulation discussion

S. James discussed Section 3.02g. "*Section 3.02g A lot Line Adjustment is an exchange of land or the transfer of part of one lot to an adjoining landowner where such exchange or transfer does not convey an area of land equal to the minimum lot size.*" He said as it reads is appears you cannot transfer 3 acres and suggested clarifying this section. K. Byrd said it appears to read the lot transfer cannot be less than the lot min. It was suggested to look at clarifying this section for the next public meeting to change subdivision regulations.

J. Lindsey **motioned** to adjourn at 8.15 pm. S. James **seconded**. **All were in favor.**

Respectfully submitted,
Sharon Robichaud
Land Use Secretary