

CANDIA PLANNING BOARD
MINUTES of June 15, 2011
APPROVED

Present: Mary Girard, Chair; Sean James, Vice Chair; Ginny Clifford; Judi Lindsey; Kim Byrd; Carlton Robie, Board of Selectmen; Dennis Lewis, Road Agent; Elizabeth Kruse, Conservation Commission

Absent: Albert Hall III; Steven Bradley Alt

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

Minutes May 4, 2011

S. James **motioned** to accept the May 4, 2011 minutes as amended. J. Lindsey **seconded**. **All were in favor**. G. Clifford abstained. Page one, add "K. Byrd" to Present, Change "Judy" to "Judi".

Minutes May 18, 2011

J. Lindsey **motioned** to accept the May 18, 2011 minutes as amended. C. Robie **seconded**. **All were in favor**. S. James abstained. Page one, 6th paragraph change "C-Tap" to "CTAP".

Lot Line Adjustment Application: Warren Beane 615 North Road Candia NH lot 402-71 & 72, Brenda Stevens & Rudolph A. Cartier Jr lot 402 -73; Property Location: 615 & 553 North Road Candia NH 03034, Map 402 Lot 71, 72 & 73.; Intent: LLA as follows: Existing lot 402-71 is 23.676+/-acres, plus 1.499 ac from 402-72 plus 1.502 ac from 402-73 to create proposed lot 402-71 at 26.677 acres; Existing lot 402-72 is 5.325 +/- acres, plus 1.604 ac from 402-73, minus 1.499 ac to lot 402-71 to create proposed lot 402-72 - 5.430+/-acres.; Existing lot 402-73 is 100 +/- areas, minus 1.604 ac to 402-71 and minus 1.502 ac to 402-72 to created 402-73 - 97 +/- acres.

J. Franklin, Surveyor and Warren Beane were present. No abutters were present. Chair Girard said the applicant had an informational. J. Franklin said they had submitted a letter of authorization from Brenda Stevens & Rudolph A. Cartier Jr. owners of parcel Map 402 Lot 73. K. Byrd asked if a review had been done and Chair Girard said they did not have a review.

C. Robie **motioned** to approve the application for discussion. G. Clifford **seconded**. M. Girard, S. James, G. Clifford, C. Robie and J. Lindsey **were in favor**. K. Byrd opposed.

K. Byrd said he sees an issue as he sees two separate lot line adjustments. J. Franklin said it was one Lot Line Adjustment between two land owners. Map 402 Lots 71, 72 are owned by one owner and Map 402 Lot 73 is owned by the other. Lot owner of 73 has agreed with Lot owner of 71 and 72 to adjust the line between them. He said it is one application to adjust three lots. K. Byrd felt if approved as submitted it may be challenged in court. He said it should be done as two adjustments and felt if not properly done it could be challenged. J. Franklin said it is up to the Board what would be appropriate and said that is why he had an informational meeting to know how to proceed. K. Byrd said it would not be appropriate to take one vote on both Lot Line adjustments and said he would have to abstain. Chair Girard said it could be two votes. She said the Lot line adjustment is not creating any new lots. J. Franklin said it is similar to the one Lot line adjustment that was down on Healey Road where 4 land owners were involved. K. Byrd said the other problem he sees it more than 3 acres are being conveyed. J. Franklin said one lot is getting 1 ½ acres and the other 1.6 acres. Chair Girard said the Building Inspector did not have any concerns and said the Lot

Line Adjustment did not create any nonconforming lots. The Police Department and Fire Departments did not have any issues.

Chair Girard did not see any issues with the application. J. Franklin said he understood K. Byrd's point of view where the ordinances say you cannot convey more than 3 acres. He said if he went strictly by the regulations the Lot Line Adjustment could be made into 3 applications or 4 applications. He said if he was creating a new lot he would understand but they are not creating a new lot. Chair Girard asked if they asked for a waiver and J. Franklin said he felt he did not need a waiver because after coming to the informational, he did not get the impression he needed a waiver.

S. James did not see it the way K. Byrd did collectively conveying 3.1 acres. He said he saw the 1.5 acre from one lot and 1.6 acre from the other lot. Chair Girard said a similar LLA was done on Healey Road where 4 separate land owners were each conveyed lots greater than 3 acres but they had been granted a waiver. S. James said they are not creating any new lots and no particular lot is getting any more than 1.6 acres. J. Franklin said the LLA is making the lots more uniform. For example the pork chop lot shaped lot will become almost rectangular. He said having done the survey the area being transferred is very wet and not suitable to build on. Chair Girard said it is up to the Board to decide what they want to do.

C. Robie said the LLA was originally intended to be done when the Stevens Land Subdivision was done. Unfortunately, at the time the paperwork did not get done. Chair Girard said they are not creating any new lots and whether it is between three pieces she does not see where it makes a difference. K. Byrd suggested taking three separate votes on the three different pieces. C. Robie said the three lots all go together. G. Clifford said if one vote failed there wouldn't be a LLA. G. Clifford said regulations promote more regular pieces of land and feels this LLA is providing this.

S. James said he is okay with the LLA. J. Lindsey asked for clarification of the LLA on the plans and J. Franklin outlined and clarified the LLA in color.

Chair Girard asked if the Board had any other questions. S. James **motioned** to approve the Lot Line Adjustment. C. Robie **seconded**. M. Girard, S. James, G. Clifford, C. Robie and J. Lindsey **were in favor**. K. Byrd abstained.

Chair Girard said the Board would allow 90 days to set the bounds and bring in the mylars for the Planning Board to sign. J. Franklin said a good portion of the new boundary follow stone walls and would like permission to drill holes and not disturb to set granite markers that are normally required by the Board. Chair Girard said the Board usually grants the use of drill holes, so the stonewalls are not disturbed. J. Lindsey pointed out the possible wrong spelling of an abutter on the Mylar "Karen" not "Karin". J. Franklin said he would change the spelling.

Minor 2 Lot Subdivision Application: Roger Demanche Jr. 298 Chester Turnpike, Candia NH 03034; Owner: The Charles I. Doucette Family Trust 260 Peabody Ave, Manchester, NH 03109; Property Location: Healey Road Map 406 Lot 48; Intent: Subdivide into 2 lots. For additional information, please call the Land Use Office at 483-8588.

J. Franklin, surveyor and Roger Demanche, applicant were present Abutters Linda Doucette 216 North Road and Richard Clark 158 Healey Road were present.

J. Franklin said they have not received the State Subdivision approval or the Dredge & Fill applications back from the State. He said the Dredge & Fill permit is to fill in approximately 1070 sq ft to place driveway on poorly drained soils. He said he did not have the driveway permit yet

S. James **motioned** to accept the Minor Lot Subdivision application for discussion. C. Robie **seconded**. **All were in favor**.

K. Byrd said Healey Road is called a range road on the plans which would make the proposed subdivision on a roadway that is not a Town maintained road. J. Franklin said it is a range

way and it is a Town maintained road. He said Healey Road is one of the original roads laid out when Candia was part of the Town of Chester. Dennis Lewis said Healey Road is maintained by the Town.

J. Franklin said it is a single parcel with 6.02 acres. They are proposing to cut the lot almost completely in half. He said he had the wetlands identified by BAG Land Consultants and found only one pocket of poorly drained NH Jurisdictional soils located in the southeasterly corner of the lot.

Chair Girard said the 1 ½ contiguous buildable land is not noted on the plan. J. Franklin said he will add it. K. Byrd said there is no Wetlands Scientist stamp and J. Franklin replied that he will have that added. He said he submitted a copy of the Wetland Scientist report in his application. He said he has not received back either the State Subdivision approval or the Expedited Wetlands Dredge and Fill. J. Franklin said because of the wetlands on the southeasterly corner of lot 48-1, he proposed 231.99 foot frontage and 205 foot frontage on lot 48. Chair Girard asked if the existing woods land road identified on the parcel was a deeded right of way and J. Franklin said he could not find a deed for the road anywhere and he made a notation to that fact under the signature block. D. Lewis said as far as he knows there has always been a sign at the end called the “Ye old cart path” that was a short cut to the land out back. He said when he was younger everyone used to go on the path. J. Franklin said at one time this lot was part of a larger parcel that the farm is on.

Chair Girard said the wetland crossing is needed for the driveway and asked if J. Franklin had asked for driveway permits and have approved locations for the driveways to submit for the wetland crossing. J. Franklin said he had submitted the drawings to the Wetland Boards and for State Subdivision approval. He said the second set of plans he submitted have proposed driveway locations but he has not talked to Dennis Lewis Road Agent for the driveway permits. J. Franklin said he wanted to hold off getting the driveway permits until the Dredge and Fill application came back. He said if they are denied they may have to change the plans and he did not want to start all over.

J. Franklin said he submitted an Expedited Dredge and Fill with the town clerk. He said about a week later he received a letter saying he did not submit the form regarding if there were any plants or animal species that are endangered. J. Franklin said he also had to do another submission to the DES which was a form he did online regarding the State Heritage Bureau.

Chair Girard asked if the Conservation Committee had received a copy of the application. J. Lindsey and Dennis Lewis who are on the Conservation Committee said they had not seen the application. J. Lindsey said the Conservation Committee meets once a month and their next meeting is June 21, 2011.

J. Franklin said he submitted the application to the Town Clerk who then distributes a copy to all Boards involved. The area to be filled is 1070 sq feet approximately 30' x 35'.

Linda Doucette 216 North Road said the lot was a piece off the original farm and was made for her father in-law with the intention in the future to go back to be part of the original farm and that is why the plan was never recorded at the registry. She said the lot was monitored as well as the farm land for the State for its natural resources and is part of the watershed. She said she was supposed to be able to purchase the land back but after her husband Charles Doucette's death but her father in-law excluded her and their children out of the will and the land was being sold by other siblings not living in Candia. She said her farm is downhill to this piece and any construction would impact the farm land such as runoff not to mention disturbing or eliminating natural resources including plant and animal species.

L. Doucette asked why the Conservation Committee did not review the application. J. Franklin said he had Susan Wilderman Conservation Committee Chair sign the Dredge and Fill Application. He said the Town Clerk did comment that she usually sends a copy to the Conservation

Committee to review and sign before she submits the application to the State. L. Doucette asked J. Franklin why he answered no on the application Section III #4 Part A asking if the dredge and fill was to create useable land out of wetlands (including driveways) which is what his intention is. J. Franklin said under the State definitions he is not creating useable land such as for a building and L. Doucette said it for building a driveway which would create a non-permeable surface like what a building would do. J. Franklin said she was notified of the Dredge & Fill Application and can attend the hearing to voice her concerns with the State.

L. Doucette asked if the Heritage Committee was contacted for their input on the cart path from the 1800's and its historical significance. There was discussion on the legality of the lot. R. Demanche said he had his lawyer research the deed and it is legal. J. Franklin said the deed refers to the subdivision. He said the deed has been recorded not the subdivision. J. Franklin clarified for C. Robie the deed describes the land and notes the subdivision.

L. Doucette asked under Section 8 #3, page 8 of the Dredge & Fill Application, if the area to be filled in was larger than 60 sq ft and J. Franklin said it is 1070 sq ft approximately 30' x 35' that will be disturbed and filled in for the driveway. J. Franklin said the DES Wetland Bureau has an in house hearing where abutters can voice their concerns or questions. A certified wetland and soil scientist was used to fill out the application. L. Doucette said the property is part of the Bear Paw project and Great Bog watershed and she feels it is an area of concern and that the Conservation Committee should have seen the Dredge & Fill Application.

Chair Girard said she did not see a letter of authorization from the owners. The question was brought up if the Purchase and Sales agreement signed by the owners giving R. Demanche authority to proceed with a subdivision was sufficient for application to the Planning Board. R. Demanche said the P & S was signed by the owners giving him authority to represent him. Discussion ensued. J. Franklin felt the P & S was sufficient. It was the consensus of the Board the applicant will provide the Planning Board with a letter of authorization from the owners.

Chair Girard said the hearing should be continued to allow the applicant to provide a letter of authorization. J. Franklin was in agreement of continuing the hearing since they do not have the approval back from the State for the subdivision and they do not have the approval from DES for the Dredge & Fill. Chair Girard said usually the items missing could be a condition of a Notice of Decision but felt the letter of authorization was needed before the Board continues. L. Doucette said so the Planning board has already decided to grant the subdivision without everything being completed. She said shouldn't the Planning Board have everything completed to grant the subdivision? She said granting the subdivision without everything being completed is not right. Chair Girard said she did not say the Board was going to approve the subdivision tonight. L. Doucette felt the Board has already approved the subdivision without the proper authorization. G. Clifford asked how there could be a hearing if the Conservation Committee had not seen the Dredge & Fill for which they were being asked to give advise. J. Franklin said the State gives the local Conservation Committee the power to comment not the power to approve or deny and is only an advisory Board to the State.

M. Girard **motioned** to continue the hearing until July 6, 2011 to allow the applicant to submit a letter of authorization. S. James **seconded**. **All were in favor**. Chair Girard said since the hearing is continued it will not be noticed again but will on the agenda that is posted at the Town, Post Office and Town website. Chair Girard closed the Public Hearing at 8:15 pm.

Discussion Candia Open Space Plan

Chair Girard invited Betsy Kruse to come up to speak on the Open Space Plan. Chair Girard said she agreed with the changes B. Kruse suggested on a recent memo she sent. She agreed with the changes of eliminating the priority parcel list and map #4. Chair Girard suggested changing the front cover wording "Prepared for the Candia Planning Board and Board of Selectmen" to

“Prepared for the Town of Candia” and page 2 at the bottom “This Report has been prepared for the Candia Planning Board and Board of Selectmen” changed to “This Report has been prepared for the Town of Candia” She said the report is not just for the Planning Board and the Board of Selectmen. She asked the Board for their comment. J. Lindsey liked the idea. She said the study is for the Town and by stating the study is for the Town would make it more unifying which is what the Master Plan is all about. Chair Girard said the public that was present at the public hearing for the Open Space Plan expressed their opinion that the study wasn’t just for the Planning Board and the minutes reflect this. Chair Girard said it seems the majority want generalization. S. James said on page 23, recommendation #2 should be deleted. Chair Girard suggested changing throughout the study where it says “key parcels” to “key areas”.

Chair Girard said they should give the changes to Southern New Hampshire Planning Commission for another draft. B. Kruse asked if the Planning Board wanted her to go through and make the changes. G. Clifford asked if Chair Girard disagreed with any of the notes by B. Kruse. Chair Girard said she didn’t understand a note on the bottom of page 16. B. Kruse said the last bullet said not to include more than 50% of Candia in the green infrastructure and the next paragraph states to include up to 55%. Chair Girard said clarification is needed or the statement reworded.

Chair Girard said she didn’t like the introduction paragraph on page 16. B. Kruse felt section 3 and 4 should be rewritten. She said the town is not out to knock on doors and buy up development rights. She said the way the plan is written is erroneous and misleading. S. James thought the intent of the study was to identify the green infrastructure. B. Kruse said SNHPC appears to have assumed that Candia is going to go out and actively pursue land and that is not the intent. She said the intent is to identify natural infrastructure and give a guideline of how the town can maintain a viable green infrastructure as the town develops. She said it is to give a guideline like the Master Plan.

S. James said the Source Water Protection Study that was done a few years ago said to go out and actively protect these areas and he said no one seemed concerned with the wording. He said he looks at the study as a tool and guideline to give information to help in making decisions. C. Robie felt it will be another tool that will come up in the future when a developer comes in that may prohibit them from building and would cause more conflict. He feels the study needs to be updated. B. Kruse asked if the Planning Board wants the task force to continue to work on the study. She said she is willing to work on the study but not sure of the rest of the task force. She suggested looking for new volunteers. Chair Girard agreed that they may need to reconvene the committee and, if they cannot get the same members, she would volunteer. C. Robie suggested doing planning development along with the Open Space Study.

B. Kruse said the OSP is intended to be an appendix to the Master Plan to acknowledge the green infrastructure of the town. J. Lindsey said it is just a guideline. D. Lewis said it is just one part of the overall Master plan to use as a guideline. C. Robie said if a developer is told a piece he wants to develop is in the green infrastructure then the developer should have a place to go. S. James said outside the conservation or protected land the rest of the town has the potential to be developed.

Chair Girard said the Natural Resource Inventory was a more general study and felt it was a better study than the OSP. G. Clifford said the OSP is a statement of fact, stating characteristics and description of the land and the concern is with the parts that talk about policies and recommendations. She said it doesn’t seem like a lot of editing to take these pieces out. Once these pieces are taken out then the town will have what they wanted when they started at the beginning of this discussion that is to have a plan for the town to advise them of green infrastructure.

Chair Girard asked if it was the pleasure of the board to go back and rewrite sections 3 and 4. The Board was in agreement. She said since B. Kruse is on the Conservation Committee and

started the study, she asked if she could go back to SNHPC with the changes. Chair Girard asked B. Kruse to set up the meeting and was agreeable. Chair Girard thanked her.

Capital Improvement Plan

S, James said he would like to see a Master Plan committee start up. He asked about funding for revising the CIP. Chair Girard said SNHPC does not have any funding available. G. Clifford said she heard in the conference last week that Exeter updates their Master Plan by working on chapters of the plan each year to make the updating of the Master Plan doable. She said it is a revolving cycle and the CIP is always being reviewed.

Other Business

Chair Girard said a Major Site Plan is coming up on July 6, 2010 on 606 North Road. She received a packet with recent changes for wireless telecommunications. She said she will leave the study with the secretary if anyone is interested in reading it.

The next Planning Board meeting is July 6, 2011 at the Town Hall at 7pm.

J. Lindsey **motioned** to adjourn at 9:00 pm. K. Byrd **seconded**. **All were in favor**.

Respectfully submitted
Sharon Robichaud
Land Use Secretary