

**CANDIA PLANNING BOARD  
MINUTES of October 5, 2011  
APPROVED**

Present: Sean James, Vice Chair; Judi Lindsey; Kim Byrd; Albert Hall III; Carlton Robie, Board of Selectmen Rep; Dennis Lewis, Road Agent

Absent: Ginny Clifford; Mary Girard Chair; Steven Bradley Alt

Vice Chair Sean James said Chair Mary Girard was unable to make it tonight so he would be filling in for her. He called the meeting to order at 7:00pm, immediately followed by the Pledge of Allegiance.

Minutes September 21, 2011

J. Lindsey **motioned** to accept the September 21, 2011 minutes as amended. C. Robie **seconded. All were in favor.** A. Hall abstained. Page 1, add "P.E." after Lachance. Remove "the survey said", Page 2, 5<sup>th</sup> paragraph change to "Licensed Land Surveyor", page 3, 7<sup>th</sup> paragraph add "it" after "and".

**7:15 pm – Preliminary Major Subdivision Application: 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: 546 Old Candia Road, Candia NH 03034, Map 413 Lot 046; Intent: To subdivide into 7 house lots with average of 5 +/- acres per lot.** Michael Thompson and Christopher A. Guida C.W.S. from Fieldstone Land Consultants were present for the applicant. Abutters Brian and Linda Cooper, 7 Hook Road, Jack Turner 568 Old Candia Road and Robert Cepeck 39 Hook Road were present. Town Engineer Aaron Lachance P.E. from Stantec was present.

S. James read the public announcement. He said this is a preliminary hearing and no decisions are going to be made tonight. He said first the Board has to accept the application as complete. After acceptance, the applicant will present the preliminary; there will be a review of Stantec's comments and Fire, Building and Police Departments' comments. Once this is done the hearing will open to comments or questions from the Board and abutters.

Al Hall **motioned** to accept the submitted Preliminary Major Subdivision application as complete for review only. K. Byrd **seconded. All were in favor.**

Chris Guida C.W.S. from Fieldstone Land Consultants said it is a 42 acres parcel and they are creating 6 new lots. He said the original house will be on its own lot for a total of 7 lots. He said at the last preliminary there were concerns on driveway placements and wetlands. He said they are here tonight with another preliminary to get decisions on where to place driveways in order to move forward with the final. He said at the last preliminary there were flooding concerns. He said they were delayed with their final application because they were waiting for the base elevations from FEMA because it was in an area that was not determined. He said FEMA determined the 100 year flood area elevations as shown on the new plans. C. Guida said one driveway proposed goes through the flood zone and the rest of the driveways are outside the flood zone.

C. Guida said as far as they can tell their plan meets all of the town's requirements. The only issue is the placement of driveways. He said the question is whether to go forward with the shared driveways on a common lot line or request a waiver to access lot 4 & 5 from lot 3 & lot 6. He said a waiver would minimize wetland disturbance. S. James said the map from FEMA in the office shows Zone A extended up and over Brown Road which is consistent with the history of flooding. C. Guida said they followed the elevations and calculations given by FEMA. He said they do not know

of any other bureau that can be used to determine elevations. C. Guida said because it is a preliminary, a lot of the items Stantec is looking for that are normally on a final plan, were not included on the Preliminary plan. They did not want to do a lot of engineering if they are going to make changes and they only want to go to the wetland bureau once with the final location of the driveways.

The review started with Stantec's comment #1. C. Guida said the Dredge and Fill number will be added to plan when they submit the final. Comment #2 was regarding letters from Fire and Police Departments. C. Guida said the FD letter requested driveways be built to town standards and a turnout be provided for equipment apparatus in the driveways 1000' from Brown Road. S. James asked if they had received the Building Inspector comments and they said they received them yesterday. S. James said the PD letter had concerns about the length of driveways, *"I feel these driveways could possibly be inundated by water during a high water event creating a safety risk for the residences and for emergency responders"*. S. James said there are no driveway profiles. C. Guida said all the driveways will be built above the 100 year flood elevations.

On comment #3, D. Lewis said there are no issues with site distance and there are no issues if they moved the shared driveways to the property lines. He said he was not going to give a letter for the driveways until final placement. He said the shared driveways do not straddle the property lines for very long. D. Lewis said in the past 16 years he has seen water come up over Brown Road twice. C. Guida said they have to go by the elevations from FEMA gave them. He said he cannot say what the conditions were when Brown Road flooded. D. Lewis said if you go by the plan submitted one or both shared driveways at some point will be under water.

A. Lachance said he had concerns on comment #4, where at least 3- 24" culverts will be needed. He said there could be a substantial amount of water flow that may warrant more than a typical culvert, perhaps an open bottom box. He said DES will decide this in the review process. He said perhaps the Board may want to consider a full drainage study. C. Guida said the Building Inspector did not feel a full study was necessary.

S. James said comment #5 was about driveway grading plans not being shown on the plan. He said without slope limits on the plan, it is hard to tell how wide the impact would be on the wetlands. D. Lewis said the driveway for lot 5 & lot 6 would begin on the railroad bed slope and the slope would be against the railroad bed. There was a discussion of rail road bed elevations. C. Guida said he is not an engineer but assured the Board that a driveway in this location can be done. A. Hall asked about the amount of trees that would have to be removed to put in the driveways because he said trees hold/absorb a lot of water. He said the new cellar holes will block water underground. C. Guida said there are wetlands on the property but the dry lands have very good well drained soils and seasonal high water tables provided good test pits at 36 and 70". He said conditions where the homes will be placed are excellent for development purposes. He said cutting of trees would be limited to driveways and the immediate house area. He said where older trees are cut there would still be younger trees continually growing that absorb more water.

Aaron Lachance talked about comment #6 where the driveways for lot 3 & lot 4 portions are located within the 100 year flood plain. He said they would need a flood mitigation plan, including calculations. He said the water displaced by the driveway has to go somewhere. He said comment #7 said a test pit was missing on a lot. C. Guida said a septic system is in place for the existing house therefore a test pit is not necessary. Aaron Lachance said comment #8 talked about minimizing the wetland impact on the driveways for Lots 3 & 4 and 5 & 6. C. Robie said the applicant would have to ask for a waiver to place the driveways with the least amount of wetland impact. S. James said the regulations say the driveways have to originate on the lot they serve unless they can demonstrate a public safety concern. The regulations do not say anything about minimizing wetland disturbance as a public safety concern. S. James said he does not see a public

safety issue with the driveways but the wetlands are a different issue. S. James shared comments from M. Girard about shared driveways. Her concerns were that the shared driveways are not in the spirit of intended use and she said the Town has recently had problems with easements.

Comment #9 regarding monuments, will be added to the final plan. Comment #10 regarding dimensioned bearings and distances will be added to the plan. C. Guida said comment #11 talks about lot 3 not having sufficient frontage. He said lot 3 frontage was obscured by the markings and the lot does in fact have sufficient frontage. Comment #12 states the limits of clearing not shown, this must be added to the plan. Comment #13 states structures within 200' are to be added to the plan. C. Guida said they are shown on the plan but will double check. Comment #14 states building setbacks must be added to the plans, wetland setbacks only are currently shown. C. Guida said he will add them. He said he had a copy of the test pits he will send to comply with comment #15. Comment #16 states zoning boundaries should be provided to the locus map and comment #17 all stamps and signatures of all professionals to be on plan, which will be provided on the final plan. C. Guida said comment #18 said the wetland boundary certification should be revised to be concurrent with the information contained in note #7. He said the soils delineated and wetlands were separate and he will combine them. C. Guida said comment #19 talked about the location of utilities being noted on the plans and he said they are. C. Guida said comment #20 talked about easements being added to the plan. He said they are drafting the easements and will add them to the plans.

A. Lachance said comment #21 talks about fire suppression under Section 19:14-2 of the subdivision regulations. C. Guida said the fire department had no issue. A. Lachance said a major subdivision 1000' away from an arterial road requires fire suppression. D. Lewis said Brown Road is a collector road and Old Candia Road is an arterial road, which is determined by auto count. A. Lachance said he feels it is not necessary but will leave the determination to the Planning Board. A. Lachance said comment #22 regarding construction details will be on the final plan. He said comment #23 specifying how the proposed lot development will conform to article 16 of the regulations (Sediment and Erosion control) will be on final plan. A. Lachance said comment #24 about EPA Storm Water Prevention Plan will be provided and an Notice of Intent will be filed. The last comment, #25 asks for a note to be added about Stump removal or burial locations. This note will be added to the final plan.

J. Lindsey said this plan creates potential safety hazards concerns. She said the lengths of the shared driveways are problematic with neighbors maintaining driveways and agreeing on who does what. She said building in a flood prone area is not wise and said the property is very wet and feels it is not suitable for this intense development. She said at first glance the driveways look like bridges to islands and said she would not like to approve a subdivision that she feels sets up potential problems for future owners.

C. Guida said there isn't a restriction on length of driveway and they have followed the regulations and felt driveways have less impact than a road. He said a person has the right to use their property. He said there is approximately 60% upland and the driveways will be engineered and designed so there will be no safety concerns and will meet the regulations.

Al Hall asked if lot 3 & lot 4 would they be visible from Brown road and C. Guida said no. Al Hall asked how close they would build the driveways to the railroad beds because in recent history Vermont had many rail road beds completely wash out.

M. Thompson said the easements for the shared driveways will clearly say what everyone's responsibilities would be, so there will not be any arguments and everything will be clear cut and would be part of the plan and deeds.

Abutter Linda Cooper, 7 Hook spoke next. L. Cooper said at the last meeting there were concerns with all the wetlands and driveways going across the wetlands. She said the last plan had 5 lots now it is 7 lots. Her concerns were disturbing wetlands, cutting down trees and the driveway

right next to the rail road bed. L. Cooper said she can appreciate that someone wants to build on their own property but with all the wetlands she feels they shouldn't be disturbed coupled with the 100 year flood level and recent floods over Brown Road.

B. Cepek, 39 Hook Road said proposed lot 6 is in his back yard. He said he has walked the property extensively, hunting etc. He said with his 18 years construction experience, he said if this land is developed successfully and cleaned out they will eliminate a lot of standing water and the property would actually improve. He said there is an old forestry road on the property right now which is half of the problem. He said safety is only going to be as good as the construction. He said the proposed house on lot 6 is less than 200' from his home and he has no issue with it. He can't see where a person should be denied being able to use his property especially when they are building to code. He said regarding the wetland issues they would be addressed and approved by the appropriate officials so that the water drainage and culverts are done correctly.

Jack Turner, 568 Old Candia Road said the increased traffic is a concern on Old Candia Road. He said it is becoming more like a city and he said he came to Candia to get away from the city.

D. Lewis speaking as a Candia resident sees issues with the driveway access through another person's property even with easements. He said why create separate parcels with no access unless through an easement through another parcel. C. Guida said a number of plans in the past had driveway access to lots through easements. S. James said each case is different and said he has not been on the board long enough to say why these other plans got approved. C. Guida said 2 wetland crossings is minimal impact for 42 acres for common driveways. He said 7 lots are not unreasonable for 42 acres. C. Robie agreed with D. Lewis on the lots with no access. He said if the driveway followed the property line all the way in that would be one thing but they split off right away and remain on a separate which always seems to be an issue with the property owners. C. Guida said it follows the regulations. C. Robie said the intent of the regulations was to be on the property line 50' and split onto lots but one of the proposed shared driveways is 1200 feet. M. Thompson said there will be binding legal easement contracts for the driveways.

J. Lindsey said wetlands are so important for absorbing flooding, take Merrill road for example, the wetlands hold and keep the water back from going onto Merrill road. If this land was developed it would change everything and you would see more flooding and disasters.

S. James said the purpose of the hearing is to give input only and no decisions will be made tonight. He said the general theme appears to be location and length of shared driveways, wetland impacts and other housekeeping items that should have been on the preliminary because it makes it harder to evaluate the plan with the information missing. He said it is hard to look at the driveway lines and not knowing what the impact will be, to be able to give feedback. M. Thompson said the driveways will be engineered. C. Guida said the major issue is would the board grant an easement or not. C. Robie said some information on wetlands, elevations, culvert sizing would be needed. C. Guida said the final plan would be detailed. They did not want to redo the engineering over. C. Robie said the applicant is asking whether the Board would grant a waiver or if they have to submit per the regulations. He said the Board cannot answer whether they would grant a waiver or not. The applicant must make a decision based on the discussion tonight and submit accordingly. The applicant has to make the decision.

C. Guida said once they receive the letter from the Board on their recommendations then they will proceed with the final application. He said in the past letter from the previous preliminary hearing he said they have addressed concerns, one being the irregular lot sizing that they have reconfigured them and another was the flood zone issue. He said the delay in submitting the final was because they were waiting for the FEMA base flood elevations to be addressed. K. Byrd said the original preliminary plan appears to have the same issues as the plan presented tonight. S. James

seeing no more comments, closed the preliminary hearing at 8:30pm. He said a letter will be sent with concerns and comments. C. Guida thanked the Board for their time.

#### Other Business

##### Meet your Town Forest

J. Lindsey announced that there will be a walk in the Town Forest at Deerfield Road on Sunday October 9<sup>th</sup> at 1:00pm. The walk has been advertised in the Hooksett Banner and on the Town website. She said she will be the guide for the walk. She said you get to see the parking lot & kiosk done by Eagle Scout Ben Lewis and Eagle Scout Andy Munn has been putting planks and little bridges in the wet areas for easier crossing.

##### LGC Law Lectures

S. James said the Municipal Law Series are starting next week in Derry on the 12<sup>th</sup>, 19<sup>th</sup> and 26<sup>th</sup>. He said the Planning Board meeting on the 19<sup>th</sup> was cancelled at the last meeting to allow Board members to attend the Law Lecture.

##### Zoning Review and Revision Committee

S. James said he would like to have a Zoning Review Revision Committee (ZRRC) meeting this month. He said there are a few zoning changes to talk about. S. James said he will put together an agenda to post. Chair Girard said she will send the change she wants to make. S. James said he had received the memo from the Building Inspector with suggestions for updating the sign regulations. He said he never mentioned sizes and asked to have him recommend the sizes. C. Robie said offsite sign ordinances should be addressed. S. James explained the ZRRC is a committee that gets together to suggest changes to present to the Planning Board to approve. Once approved by the Planning Board there is a public hearing and if the Planning Board passes the proposed changes they are placed on the ballot. He said anyone is welcome to be on the committee not just Planning Board members.

##### SNHPC Energy Chapter for Master Plan

Al Hall said the Energy chapter is talked about in the SNHPC visions. He asked if this was something that they should look into or get involved with. He said other communities are getting involved and he suggested that Candia should consider the energy chapter.

J. Lindsey said the Board discussed this at the last meeting. She thought it was a good idea but would like to see SNHPC finish the Open Space Plan first. S. James wasn't sure if it was to audit specific town buildings or global recommendation or both. A. Hall said he would check with Dick Marshall and get back to the Board.

The next Planning Board meeting is November 2, 2011 at the Town Hall at 7pm.

C. Robie **motioned** to adjourn at 8:40pm. A. Hall **seconded**. **All were in favor**.

Respectfully submitted  
Sharon Robichaud  
Land Use Secretary