

CANDIA PLANNING BOARD
MINUTES of December 7, 2011
APPROVED

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

Absent: Ginny Clifford

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

Minutes November 2, 2011

J. Lindsey **motioned** to accept the November 2, 2011 minutes as amended. K. Byrd **seconded. All were in favor.** Page 1, last paragraph change to “one open corridor”, Page 2, last paragraph change “adopt” to “amend”, page 3, change all to Brownfields, last paragraph change “proved” to “provide”.

Review & Discussion Zoning Amendments

Chair Girard thanked Sean James and the committee members for their hard work. S. James said the Zoning Review and Revision Committee had several meetings with good attendance. He said there was good representation including the Board of Selectmen, Zoning Board, Planning Board and also the town engineer Aaron Lachance who attended all of the meetings. J. Lindsey wanted to thank the committee for all their hard work.

ZONING AMENDMENT #1: Add under Article V USE REGULATIONS, Section 5.02A Residential: *“13. Home Shop” with “S” under residential District and “-“ under all other Districts. “14. Home Service Contractor with “S” under Residential District and “-” under all other Districts.*

S. James said both 13. and 14. are in the regulations but not listed in the table. Chair Girard said there should be an “S” for special exception under both 13. & 14 instead of “P” and “R”. Chair Girard said in the regulations a special exception is required for Home Shop and Home Service Contractor and table must stay consistent.

A. Hall **motioned** to approve Amendment #1 as amended to go forward to the Public Hearing January 4, 2012. J. Lindsey **seconded. All were in favor.**

ZONING AMENDMENT #2: Article 5 USE REGULATIONS: *“5.03 D Home Service Contractor: Permitted by Special Exception and subject to the provisions of Section 15.02. Includes customary occupations such as construction and landscaping, practiced by the owner of the lot of record subject to the following restrictions:*

- 1. The accessory use shall not exceed 25% of the floor space or lot area available for such use.*
- 2. The accessory use is practiced exclusively by the owner of the lot of record.*
- 3. Outdoor storage of material solely an accessory use and not intended for onsite retail sale.*
- 4. Processing of or importing raw material is prohibited.*
- 5. Use employees not more than one person employed at the site who is not a resident or occupant of the lot of record.*
- 6. Outdoor storage of equipment or material subject to the following setback restrictions: A. Front setbacks 100’ B. Side setbacks 50’*
- 7. Use does not cause any additional vehicular traffic between the hours of 9:00pm and 6:00am or on holidays observed by the Town.”*

Chair Girard said she saw an issue with the proposed article for the Home Service Contractor. She said there may be a conflict because the new article where it states the new article is

subject to provisions of Section 15.02. She said the new article allows for outside storage and Article 15.02 does not allow unsightly outdoor storage of equipment, vehicles or other materials. She questioned how you define unsightly.

Chair Girard said allowing storage of materials and such in a residential area could get out of hand and believes there is currently a code enforcement issue regarding outdoor storage. C. Robie said the Millers from Diamond Hill Road are present and currently they are working toward resolve of the Diamond Hill Road issue involving outdoor storage.

C. Robie asked S. James to explain and clarify to the Board and the audience each criteria of the proposed amendment. S. James there have been issues with contractors and the idea was to put some limitations on how big they can get. Home occupations, home offices and home shops are currently allowed. Chair Girard said they do not allow outside storage.

S. James said the proposed 5.03 Home Service Contractor lists customary occupations such as construction and landscaping. The first restriction is the use shall not exceed 25% of floor space or lot area available for such use. The second states the accessory use can only be practiced by the owner of the land. The third criteria allows for outdoor storage of material not intended for retail use where you would have people coming to your property to pick the material up. The fourth criteria prohibits processing of or importing of raw material. The fifth criteria allow only one employee in addition to the owner of the property. S. James said this is to limit the number of people and how large the company can get. The sixth criteria allows for outdoor storage subject to 100' front setback and 50' side setbacks to keep equipment and stored materials away from abutters. The seventh criteria limits any additional vehicular traffic between the hours of 9:00pm and 6:00am and on holidays observed by the Town. J. Lindsey said she agreed with Chair Girard on the question when is too much material or equipment stored and at what point is it out of hand. K. Byrd said on the first criteria where 25% of the lot can be used, he said what if you have a 100 acre parcel can the owner use 25 acres for storage? S. James said this was discussed and it is a good point. He said the article is more for the common 3 acre lot. He said he doesn't see a lot of concern that a land owner would clear 25 acres. A. Hall suggested trying the article out and changes can be made if needed.

C. Robie said regarding the issue with Diamond Hill Road, the property in question, is a 2 acre lot and the defendant is using at least 50%. He said they have recently scaled it back. He said in a 3-4 acre lot the 25% rule is reasonable and they have to meet the setbacks of 50 feet on the sides and 100' feet in the front. S. Bradley said he would like to see if this would work.

Mrs. Brian Miller questioned what the new article would consider excessive stock piling. S. James said there isn't a definition to stockpiling and said that could be added. Brian Miller said in reference to the 2 acre lot in violation, under the proposed amendment, they could essentially have a quarter of an acre to store material and equipment. He said you could fit 3 or 4 large pieces of equipment in a quarter of an acre. He asked what if the equipment and material is in insight of neighbors at what point would it be unsightly. C. Robie said the proposed amendment is for a small construction company with one dump truck some loam, some bark mulch. He said the criteria of the proposed amendment is to keep it small and if the company grows and gets larger the code enforcement officer can address it before they can get to a full scale construction company like what happened on Diamond Hill Road.

Boyd Chivers said he sat through the ZBA hearings on the Diamond Hill Road issue which made it clear to him the Zoning Ordinances needed to be updated. He said the purpose of the new article is to impose some restrictions on small businesses so they are compatible with the neighborhood and if they get to a certain scale it would become clear to the town and they have become too large and they would have to move their business out of the residential zone. Brian Miller asked again at what point the company would become too big. B. Chivers said with only one outside employee it is reasonable to assume the company would remain small. He said there was

nothing in the zoning that addressed these types of business and the proposed amendment is by special exception and imposes restrictions. He said this would make many small businesses in Town legal and would give the Town some leverage to keep companies from becoming too big.

D. Lewis said the way this is written it prohibits anyone from going in with a large business say for example on a one acre lot on Douglas Drive. The way the proposed amendment is written it helps police itself to keep the town out of neighborhood disputes like the Diamond Hill issue. Chair Girard said you could combine the home shop and home service contractor because they are essentially the same except for the storage of material.

Brian Miller asked about criteria #2. Boyd Chivers said criteria #2 states the owner has to live at the location and run the business. He said the owner cannot rent out the lot to someone to run a business.

Chair Girard said a Public Hearing on the amendments is held at the first Planning Board Meeting in January to make the deadline to be put on the ballot in March. She said the Board has to decide tonight what amendments should go forth and how they should be written for the public hearing. She said each amendment will be voted on individually. She said at the Public Hearing in January changes can be made to make the amendments to make them less restrictive but not more restrictive.

Hall **motioned** to approve Amendment #2 as presented to go forward to the Public Hearing January 4, 2012. J. Lindsey **seconded**. C. Robie said he still had questions. He said if the amendment is voted on to go forward to the Public Hearing then no changes can be made? Chair Girard said the amendment can be changed to be less restrictive but not more restrictive. C. Robie asked how you get the public involved. Chair Girard said it is put in the Hooksett Banner, posted at the town, Post Office, Library and on the website. She said it is usually added to the boy scouts packet. She said Public Hearings are not well attended. S. James said the vote at the public hearing are whether to send or not send the amendment to ballot in March. He said for example if 80 people attended and were against an amendment the Board could vote to not send the amendment to ballot. M. Girard, J. Lindsey, C. Robie, A. Hall and S. James **were in favor**. K. Byrd **opposed**. **Motion passed 5-1.**

ZONING AMENDMENT #3: Article XII – TELECOMMUNICATIONS/PERSONAL WIRELESS SERVICE FACILITIES, Section 12.02 add to the end of first paragraph: *“When a portion of this Article, or similar language, is included in the Site Plan Regulations, this Article shall govern.”*

S. James said there was a recent submission and it was confusing as there is a lot of language in Zoning Ordinances that is similar under the Site Plan Regulations. This amendment would make the Zoning Regulations govern. For example, the Site Plan Regulations are specific on driveways and the Zoning Regulations are less restrictive on the drive up to a cell tower. Chair Girard suggested in the future adding the wording to the Site Plan Regulations. S. James agreed.

A. Hall **motioned** to approve Amendment #3 as presented to go forward to the Public Hearing January 4, 2012. S. James **seconded**. **All were in favor.**

ZONING AMENDMENT #4: Article XII – TELECOMMUNICATIONS/PERSONAL WIRELESS SERVICE FACILITIES, Section 12.04 Add the following new paragraph: *“11. Easements the owner of the proposed facility shall provide a draft permanent easement with the Town for review and comment. The easement shall include sufficient area to access, maintain and remove the facility. Once approved by the Town, the Easement shall be recorded by the facility owner in the Rockingham County Registry of Deeds prior to issuance of a Building Permit.”*

Chair Girard said why would an easement be necessary because doesn't the town have a right to go on the property if the tower is abandoned? S. James said it was recommend by the Town Engineer to have an easement to allow the Town to access the property for a complaint or removal. C. Robie said the tower owner posts a bond for the removal of the tower and if the Town had to remove the tower the property would have to be accessed to remove the tower.

C.Robie **motioned** to approve Amendment #4 as presented to go forward to the Public Hearing January 4, 2012. A. Hall **seconded**. **All were in favor.**

ZONING AMENDMENT #5: Article VII: SIGN REGULATIONS, change Section 8.09 Integration of Multiple signs to read: “*Section 8.09 Integration of Multiple signs on a Free Standing Structure.*” Add to the end of the Section 8.09 paragraph: “*The surface area of the sign shall be no larger than 50 (fifty) square feet plus an additional five square feet for each additional business advertised thereon.*”

S. James said there was a lot of discussion on this article that ranged from changing sections to replacing the entire article. In the end, the committee made just a couple of changes. He said they focused on last section 8.09 Integration of Multiple signs. He said they felt the current regulations were too restrictive on size. S. James said wording was added to increase the size from 40 sq ft to 50 sq ft with 5 additional sq feet for each additional business on the sign. C. Robie said this was discussed in depth and he felt the resulting proposed change to enlarge the sign was good. S. James said the reason they didn’t add any language discussing both sides is because that is covered under definitions of sign area. He said the definitions say the area of one side of a double face shall be regarded as the total size of the sign for example a 10 x 5 sign would be 50 sq ft.

Chair Girard pointed out the regulations say sign applications should go through the Planning Board and she said the Building Inspector has always handle sign permits. C. Robie said signs are part of the site plan approval. K. Byrd suggest adding “*not to exceed 100 sq ft.*” after “*thereon*” on the proposed changes. C. Robie said that was reasonable.

Amended zoning amendment to read as follows:

ZONING AMENDMENT #5: Article VIII: SIGN REGULATIONS, change Section 8.09 Integration of Multiple signs to read: “*Section 8.09 Integration of Multiple signs on a Free Standing Structure.*” Add to the end of the Section 8.09 paragraph: “*The surface area of the sign shall be no larger than 50 (fifty) square feet plus an additional five square feet for each additional business advertised thereon not to exceed 100 sq ft.*”

A.Hall **motioned** to approve Amendment #5 as amended to go forward to the Public Hearing January 4, 2012. C. Robie **seconded**. **All were in favor.**

Chair Girard said all of the proposed amendments have to be brought to a public hearing before the Town before they can be sent to ballot to be voted on by the Town. She explained to the audience that a public hearing notice will be published ten days prior to the Public Hearing on January 4, 2012. She said there will be notices posted at the Post Office, Town Hall and on the website and that the full text will be posted on the wall at the Town Hall and at the Library.

S. James said another issue discussed at the Zoning Committee Meetings were problems with paperwork being submitted last minute. He said changing language in the Regulations to deal with late submissions became too encumbering. He suggested posting an application deadlines table similar to what other towns post and suggested adding a table to the website.

Brian Miller asked if the amendments voted on tonight would be going to the public hearing in January. Chair Girard said yes and it will be publicly noticed. Brian Miller asked if there can be public input and Chair Girard answered yes. K. Byrd said the public can give input but they cannot make any motions. C. Robie said if the public does not want one of these amendments to go to ballot they will tell the Board and the Board can decide to send or not send the amendment to the ballot in March.

Other Business

Capital Improvement Plan Update

Chair Girard said the Selectman voted to fund the CIP and Stantec has begun work on it and the cost was reduced to \$5,520. C. Robie suggested having the Board look at the CIP on a yearly basis. He said it is better to spend a little each year so they do not have to come up with the money all at once.

Southern NH Planning Commission dues for 2012-2013

Chair Girard said a memo was emailed by Betsy Kruse to the Board members that the Selectman voted to half fund the dues to SNHPC which means the Town will not become a member. She said B. Kruse as the SNHPC representative is asking the Planning Board to send a letter to show that SNHPC should be funded. Chair Girard said she had sent a letter as a citizen of Candia already but nothing has been sent by the Planning Board. She said she was told to approach the budget committee but was told if the budget committee added the money the Selectman could choose to spend it elsewhere, but she was not sure if that is true or not. J. Lindsey said she wanted to go on record saying she supports funding the dues for SNHPC. She said The Town of Candia does not have a planner and SNHPC provides those services such as finding grants and giving guidance and support. K. Byrd said he supports funding them at the current dues. A. Hall asked what the reasoning was behind the cut. C. Robie said he felt SNHPC plans for conservation was 90% and 10% for the growth of the town and that they asked for an increase. S. James said he is in agreement with J. Lindsey, that SNHPC does a lot for the dues paid. He doesn't believe it is 90-10 balance but it may slant towards conservation. He said they do a lot with economic development. A. Hall said he is in favor of funding the dues. He said there are so many things that SNHPC provides and works with many departments including the doing road counts for the Police every year that the Board of Selectmen may not be aware of like we are not aware of everything the selectman do. S. Bradley said no comment. Chair Girard said the BOS may not understand how important SNHPC is to the Planning Board and to the Conservation Commission and other members of the Town.

S. James said he understood the cost went down and the per capita went up. B. Kruse said a letter sent by David Preece states the Town of Candia paid \$3618.56 last year and the fee for next year is \$2,658.12 while the rate per capita did increase. A. Hall said SNHPC provides planning services at a fraction of the cost compared to if the Town were to hire a Planner. J. Lindsey said it sounds like we are getting a bargain. C. Robie suggested sending a letter to the Board of Selectmen.

It was the consensus of the Board to send the BOS a letter requesting them to reconsider their proposed funding of 50% of SNHPC dues and to fully fund the SNHPC dues at \$2,658.12. She asked to have the Budget Committee copied.

Old Recycling Center Closure Plan New Boston Road

Chair Girard said the Board of Selectmen requires Planning Board approval of the closure plan for the old incinerator center on New Boston Road. She said no one has seen the plan and suggests sending the members a copy and to discuss the closure plan at the January 4, 2012. She said the Board of Selectmen requires their approval by January 9, 2012. A. Hall suggested tabling until January 4, 2012. K. Byrd asked if the closure was sent to the State. Chair Girard said they have a letter from the State with their approval. A. Hall motioned to table the discussion until January 4, 2012. C. Robie said the Planning Board has to approve the closure before the Board of Selectmen can have a public hearing on the closure similar to the procedure of the amendments having a public hearing to send them to ballot. Chair Girard said to send copies out and put on the agenda for the January 4, 2012 meeting.

S. James **motioned** to cancel the December, 21 2011 meeting due to lack of applications. K. Byrd **seconded. All were in favor.**

The next Planning Board meeting is January 4, 2012 at 7pm at the Town Hall. The meeting will be a Public Hearing for proposed Zoning Amendments.

A. Hall **motioned** to adjourn at 8:20 pm. J. Lindsey **seconded. All were in favor.**

Respectfully submitted

Sharon Robichaud Land Use Secretary