

CANDIA PLANNING BOARD
MINUTES of January 4, 2012
APPROVED

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

Absent:

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

Minutes December 7, 2011

J. Lindsey **motioned** to accept the December 7, 2011 minutes as amended. S. James **seconded. All were in favor.** G. Clifford abstained.

Public Hearing Zoning Amendments

Chair Girard called the public hearing for the Zoning Amendments to order at 7:00pm. She explained it is a public meeting to see if the Planning Board is going to send the amendments to ballot. She said the Board will discuss the amendments then the Board will hear public input.

Zoning Amendment #1

Chair Girard said the first amendment is to 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."* She said these two businesses are an addition to the table to show where they are allowed and not allowed. Citizen Brian Miller 74 Diamond Hill Road asked why Home Shop was never on the table. S. James said for some reason home shop was never added to the table and is a housekeeping item, he said the Zoning Review & Revision Committee noticed Home Shop was not in the table when they were discussing the Home Service Contractor.

S. James **motioned** to approve Amendment #1 as written to go forward to Ballot. J. Lindsey **seconded. All were in favor.**

Zoning Amendment #2

Add new under 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 still has some issues with this amendment and said if approved the Town can decide if they want this amendment. B. Miller said he does not see how this amendment can be good for the citizens of Candia who live in a residential zone. He said under Section 1.02

Purpose of the ordinances of the Zoning Ordinances, the town is supposed to be protecting land values. He said at the ZBA meetings held June 2011 and July 2011 it was discussed that the previous owner of 58 Diamond Hill Road had to sell her house for substantially less than what it was recently appraised for due to the heavy construction business next door. He said she sold the house for a \$100,000 less than what it was appraised for in this economy. He believes in this economy no one can afford such a loss. Chair Girard said every citizen in Candia will have the opportunity to vote on the amendment if sent to the ballot. She said the amendment will be advertised so the citizens will know what they are voting on.

B. Miller quoted *“Ground water protection act RSA 485 Section c 7... potential contamination sources for ground water include vehicle service and repair shops including auto truck and equipment service and repair shops and maintenance service. Section 2 e underground and above ground storage facilities for oil and fuel.”* He said this amendment would allow excavation construction equipment in the residential area which would require fuel brought to them which would mean contractors would be setting up fueling facilities in the residential zone.

Chair Girard said this is not meant to allow large scale commercial companies to operate. This amendment is an accessory use to be run by the owner of record of the lot with restrictions and a special exception required by the ZBA.

Mrs. B. Miller asked the Board to define accessory use. Chair Girard said accessory use is secondary to the primary use for example the primary use would be a home and an in-law apartment would be secondary use to the home. She said a beauty parlor would be a secondary accessory use to the primary use of a home. S. James said this amendment arose from the case on Diamond Hill Road. He said these types of contractors exist in town and this amendment would give control and still allow owners to use their property to make a living but not go to the extreme of a full excavation commercial company.

B. Millers said this amendment would be allowing commercial use into residential. He said under DES, municipalities can create land use districts and define what kind of activities can take place within each district and specify appropriate regulations to use to prevent activities that could be harmful to the community groundwater. He said this amendment is incompatible for a residential district. B. Millers said he understands they are trying to regulate construction and excavation companies so they won't get out of scale. He said under the proposed Home Contractor Service *“more than one person employed at the site who is not a resident or occupant of the lot of record,”* said it reads to him that a company could have 20 employees and is okay as long as only one employee is onsite at a time which would result in trucks coming and going all day. He asked if they could remove *“at the site”* to read like the home shop *“not more than one person employed”* which would limit the company to the land owner and one outside employee only. He said using the word *“onsite”* allows the owner to grow as big as they want and at what point is too big? S. James said the intention of this amendment is to control how big a business can grow. B. Miller asked how big is too big and what will the Building Inspector use as a tool to go in and tell a business they are too big and to have the selectmen back him up? S. James said if the business violates one of the requirements. S. James said this amendment is for a homeowner who is a landscaper or a small site contractor doing septic design who has just a couple pieces of equipment and a helper.

B. Miller said a landscaper in Hampton was let in under special exception and grew to 17 employees, composting facility, 6 stone cribs, and then abutters complained and the Town stepped in. He said the business owner felt since he was let in under a special exception that his rights were being violated and sued the town. B. Miller felt this amendment may cause the same problem. S. James asked if he had any suggestions. B. Miller said his suggestion was not allowing commercial construction companies in a residential area. Mrs. B. Miller said at the last meeting they discussed what is unsightly but it was never resolved.

C. Robie said he understands his situation and that is where this amendment originated from because there are no regulations for home contractors in residential zoning. He said putting regulations on home contractors would help keep those businesses from getting to the scale the company did on Diamond Hill Road. C. Robie said if a business gets too big, the town can then approach the owner and say they are not conforming to the regulations. He said they need to start somewhere and the amendment can be amended at a later date if necessary. G. Clifford said she felt they should leave out under #7 “on holidays observed by the town.” D. Lewis said he found a typo and it should read 9pm not 9am and it was clarified that that 9pm is the correct time and is noticed correctly on the public notice.

S. James **motioned** to approve Amendment #2 as written to go forward to Ballot. C. Robie **seconded. All were in favor.**

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, because there was a lot of language in Zoning Ordinances that is similar under the Site Plan Regulations. This amendment would make the Zoning Regulations govern.

C. Robie **motioned** to approve Amendment #3 as written to go forward to Ballot. J. Lindsey **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 seeing no discussion asked for a motion.

S. James **motioned** to approve Amendment #4 as amended with change “11.” To “K”, to go forward to Ballot. K. Byrd **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 not to exceed hundred (100) square feet.”* Chair Girard seeing no discussion asked for a motion

C. Robie **motioned** to approve Amendment #5 as written to go forward to Ballot. S. James **seconded. All were in favor.**

Chair Girard closed the public meeting at 7:30pm for the Zoning Amendments and opened the Planning Board meeting to regular business.

Other Business

Energy Plan presented by SNHPC

Jack Munn from Southern NH Planning Commission passed out a packet to each Board member and started his presentation. He said they are creating an Energy Chapter to update the Master Plan which is mandatory. J. Munn said grant funding is provided through Federal funding through the Office of Energy and Planning to cover the costs of the Energy Chapter. He said they would like to work on this over the next few months and complete it by April. He said they are going to need a key Town staff person and a school contact that is familiar with the energy use and operation of the town buildings and school and anyone else who is interested.

J. Lindsey said a contact for the school would be Peter Barbuto and gave J. Munn his number. She said he is very knowledgeable and works with the SAU. C. Robie said there isn't just one person responsible for the maintenance, so he said he will bring this up at the next Board of Selectmen meeting to select a member of the BOS to be the contact.

J. Munn said they are working with Peregrine Consultants who have already completed the energy audits on the Old Smyth Library, Moore School and Fire Station. He said they now have the approval of the selectmen to complete energy audits on the Town and the Library. Those results will be ready in a couple of weeks and then they can finish the report. He said the report will have recommendations for what the town can consider to make improvements to the buildings. J. Munn said they are working on having the consultants come back and sit down and explain their findings and their recommendations to the Board.

K. Byrd asked if J. Munn could clarify the chart on the second page. J. Munn gave an overview of the presentation. He said possible goals for the Planning Board to consider would be energy efficient growth and development pattern planning goals for the community. He said he can include these goals in the Energy Chapter. He said other goals would be to improve energy efficiency of Candia's public buildings, support regional, state and national initiatives, to reduce greenhouse gasses and increase community awareness by advising and educating residents on reducing energy costs and consumption. J. Munn continued with his presentation expanding on the goals that included annual utility consumption and energy use on the Fire Station, Old Smyth Library and Henry Moore School. He said the rating for the school compared to other schools in the State of NH is good. He said the fire station has a good rating because the fire personnel are taking good care to cut costs. J. Munn said one of the recommendations for the Fire Station would be solar energy investments. He said the Fire Station is a good candidate and solar energy can cut costs considerably but the initial investment can be expensive. He said they can look into grants available.

J. Munn said when they sit down with the representatives from the school and town and consultants, they can discuss recommendations for improvements on all the public buildings. He said they will also discuss funding and possible Capital Improvement Plan (CIP) items. J. Munn suggested a free audit for lighting through PSNH. He also recommended considering establishing a Local Energy Committee and develop a mission and goals to work towards and to make it community wide. He said the Local Energy Committee can look into initiatives on a State and Federal level on ways to reduce greenhouse gases.

J. Munn said to create community awareness the town can create a page for the Candia Local Energy Committee on the Town website to publicize energy savings on municipal buildings, post energy efficiency tips. He said the Town can hold free energy saving workshops/seminars and can also set up districts for tax exemptions.

J. Munn said there are new State legislature and State statutes set up to create Energy Districts and renewable energy tax exemptions. He said according to House Bill 1554 passed in 2010, towns would be allowed to form Energy Districts. He said they can research this for Candia, if interested in the Energy District. He explained that if a property owner adds solar or a renewable energy system, the new system is appraised and the value is added to the total value of the property, and then the value of the system would be taken out for tax purposes. He said 83 towns have put this into place and would work similar to elderly exemptions.

J. Munn said another alternative is a funding process called PACE "property-accessed clean energy" that allows financing for a retrofit, which allows cities and towns throughout NH to form voluntary districts that would enable homeowners and commercial property owners to finance, retrofits or upgrades and they would be financed through their property taxes over 20 years. The improvement could range from sealing a house with better insulation to installing solar panels or a geothermal heating system. J. Munn said if Candia is interested, they will do research and see what other towns have put in place and come back with pros and cons. C. Robie clarified that it would be

a loan or grant that would be paid back over 20 years through property taxes. J. Munn said they would come back with specifics on how that would work.

J. Munn said the Town could include incentives in the Energy Chapter such as innovated energy efficient land use planning techniques. They could develop Zoning amendments and Site Plan amendments. He said one incentive could be to encourage builders to install LED lighting. J. Munn said Candia already has mixed use village zoning in place which is good. C. Robie said it was worth looking into. K. Byrd said could they look into changing the street lights out for more efficient lighting. J. Munn said that could be recommendation. C. Robie said the street lights are owned by PSNH and they have already discussed having them come and do an audit. C. Robie said the lights at the school are already low density sodium to save money. J. Munn brought up safe routes to school. S. James said they have talked about safe routes and bicycle paths in the past but not followed through. He said it is becoming more costly to engineer the project then to construct it. C. Robie said there is a lot of work to be done at the four corners before sidewalks should be considered. He said there are numerous buildings to be bought and conserved when they become available. He said once this is done, the road structure would most likely change and then you might find out the sidewalks are in the wrong place. C. Robie said the town should be planning and putting in the Master Plan to acquire the buildings when they become available. G. Clifford asked if this should be a CIP and the town should start setting apart money. J. Munn said another recommendation would be to consider adopting more stringent building codes. He said he is not a big fan of this and suggested having the Building Inspector provide recommendations. He said the town could consider a park and ride down at Exit 3 as a goal.

J. Munn asked to come back in February to begin review of the draft Energy Chapter and establish a Local Energy Committee, if Candia is agreeable and to meet with the energy consultants. He said they can begin work on possibly identifying Capital Improvement Projects (CIP). Chair Girard said February 1, 2012 would work. He said he needs 2 meetings to go over the draft and see what the town wants to include in the chapter and from the committee with the two point people and find out what CIP projects they would want to include. He said at the last meeting the town can adopt the recommendations and finalize the Energy Chapter then schedule a public hearing to adopt the Energy Chapter.

Brownsfields update

J. Munn said they have applied for another Brownfields grant that included Candia and the village planning. He said if they are awarded the grant they can begin contacting the four corner property owners to see if they are interested in taking advantage of the Brownsfields grant money.

Final Major Subdivision lot 410 lot Michael Thompson 564 Old Candia Road

Chair Girard said the Board will be receiving a copy of the final application and plans. She said they met their 90 day deadline to come forward and their application is scheduled for the February 15, 2012 Planning Board meeting. She said it is the same application they have submitted prior and it was the consensus of the Board that an application review committee is not necessary.

Old Recycling Center Closure Plan New Boston Road

Chair Girard said the Board of Selectmen requires the Planning Board approval of the Closure Plan for the old incinerator center on New Boston Road. C. Robie said the plan was submitted to the DES and they have approved it. Chair Girard and J. Lindsey were satisfied with the plan. S. James said the plans say both buildings will be both removed and recycled. He asked if that included the concrete foundation. C. Robie said when the main building comes down the slab concrete will be knocked in and graded in. He said the smaller building, will be packaged together and put somewhere to be reused, if funds become available. He said the new location of the smaller building was never agreed upon. C. Robie said the larger building is going to be scraped. S. James said asked if the closure plan addresses the long term use of the property. C. Robie said the closure plans includes plans to have the Town maintain the cap and mow and not allow trees to grow on it.

S. James asked about public use and C. Robie said there should be no public use. K. Byrd asked to have the acreage put in numeric form. G. Clifford asked about the money to reconstruct the smaller building at the cemetery. C. Robie said that is separate and funds would have to be appropriated at a later time. G. Clifford said the plan is misleading as it sounds like the building would be reconstructed and used at the cemetery.

K. Byrd **motioned** saying the Planning Board is in general agreement to approve the Closure Plan as submitted S. James **seconded**. M Girard, C. Robie, J. Lindsey. K. Byrd, S. Bradley and S. James **were in favor**. G. Clifford **opposed**. **Motion carries**. Chair Girard asked to have a memo sent to the Board of Selectmen regarding the vote.

S. James **motioned** to cancel the January 18, 2012 meeting due to lack of applications. K. Byrd **seconded**. **All were in favor**.

The next Planning Board meeting is February 1, 2012 at 7pm at the Town Hall.

S. James **motioned** to adjourn at 8:40 pm. K. Byrd **seconded**. **All were in favor**.

Respectfully submitted
Sharon Robichaud
Land Use Secretary