

CANDIA PLANNING BOARD
MINUTES of December 6, 2017
APPROVED
Public Hearing

Present: Tom Giffen, Chair; Al Hall III, Vice Chair; Rudy Cartier; Ken Kustra; Joyce Bedard; Carleton Robie, BOS Representative. Dennis Lewis, Road Agent; Dave Murray, Building Inspector

Absent: Judi Lindsey; Mike Santa, Alt.

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

Minutes November 15, 2017:

A. Hall made a **motion** to accept the minutes of November 15, 2017 as presented. J. Bedard **seconded**. C. Robie; K. Kustra; T. Giffen; R. Cartier **were in favor**. **Motion passed (6-0-0)**.

Present: Ingrid Byrd of 105 Depot Road; Boyd and Lynn Chivers of 165 Depot Road; Amy Bright and Donald Swiatek of 280 Raymond Road; Judith Szot of 15 Libbee Road.

Informational MTAG Grant Update with Carol Ogilvie: Planning Board to review the draft of the four corners/central village zoning district amendments from Carol Ogilvie in conjunction with the MTAG grant project.

Present: Carol Ogilvie, consultant on the MTAG Grant

C. Ogilvie said I think we have two big things we have to cover tonight. One being your response to the draft as it is right now and the other is the process and the timing of the process because the clock is ticking. We need to make some decisions tonight.

T. Giffen said with respect to the draft, the Board has not discussed the most recent submission. Has everyone had a chance to review that? It was sent out as an email attachment. What I'd like to do is start by going through the draft one item at a time so we can cover that. Then the Board can reach a decision as to the nature of the draft. As far as timing goes, we had scheduled something for the 20th of December, if it works for you, I'd like to move that. That particular night we have a heavy schedule. I'd like to move that to Wednesday, January 3rd. C. Ogilvie agreed. If it appears that there might be some changes coming out of tonight's discussion, we can re-post the 3rd. T. Giffen replied correct. C. Ogilvie continued that gives us time to get everything in order for January 3rd. T. Giffen said we have a deadline for warrant article submission of December 13 and my hope is that the Board can look this over, perhaps make some minor changes and act on it one way or another so that we can establish whether we need the warrant article or not. If we act in favor, we get the warrant article on the ballot.

C. Robie commented we have until January 29th to post a warrant article for zoning, *proposed adoption or amendment of zoning ordinance, historic district ordinance or building code*. If a second public hearing is anticipated, final proposal must be included in the warrant and posted by January 29th. If we schedule the 3rd for a public hearing, we have plenty of time.

T. Giffen replied the information for December 13, seems to be in conflict, that's petitions, whereas the other date applies to anything that goes through the Select Board. C. Robie confirmed through the Planning Board. C. Ogilvie agreed. T. Giffen replied we have a little more time.

T. Giffen continued we have the draft. Let's go around the table and discuss each item on the draft and proceed down through it in sequence. We have a proposed zoning district amendment and I'll read that out now so everybody can understand it. This is referred to as the *Four Corners District/Zoning District Amendment*:

Section 4.03: Zoning Districts.

(Four Corners) District: The purpose of this district is to: implement a Master Plan recommendation to establish a separate zoning district around the Four Corners Area, intended to allow mixed moderate density residential and small-scale commercial uses compatible with a village setting; permit new development, redevelopment and infill construction that increases the economic viability of the Four Corners area; and allow for a range of housing types and sizes that can accommodate the current and future needs of residents at all life states (typo=stages) and income levels. Within this District, residential and non-residential uses may combine within a structure and/or on a lot. All uses in existence prior to the adoption of this ordinance shall be allowed to continue as a permitted use, even if they are not denoted as such in Section 5.02. This section is adopted pursuant to RSA 674:21, II – Innovative Land Use Controls. Again, this is just a draft.

T. Giffen continued:

EXCERPTED Section 6.01: Areas Included In Table of Dimensional Requirements Lot area; front, side and rear yard areas; and height restrictions shall be as specified in Section 6.02 of this Ordinance with the following special provisions:

A. Building Set-back: On streets with less than 50 foot rights-of-way, the setback requirement shall be 75 feet from the center line of the right-of-way.

C. Frontage Requirements for Lots on Cul-de-Sac: In the case of lots fronting on the ends of cul-de-sacs, the required lot frontage shall be applied 100 feet from the street line, provided that in no case shall the frontage along the cul-de-sac be less than 100 feet.

E. Lot Width: Lot widths must be maintained for at least a depth of 100 feet from the lot lines, or for at least 90% of the lot depth, whichever is greater.

Section 6.02: Table of Dimensional Requirements Minimum Setbacks and Dimensions, Maximum Heights Allowed. For the Four Corners area that is proposed we would have a lot area of half an acre for one- and two-family dwellings and any non-residential uses; multi-family or multiple dwellings on a lot may have a maximum of four units per acre. Lot Width and Frontage, minimum of 50 feet. Front Setback 20 feet, Side and Rear Setback 15 feet, Height 35 feet, Stories 2 and a 1/2.

District	Lot Area (acres)	Lot Width & Frontage (feet)	Front (feet)	Side (feet)	Rear (feet)	Height (feet)	Stories
R	3	200	50	25	25	35	2.5
C/L1/L2	2	200	50	25	25	35	2.5
MX	2	200	50	25	25	35	2.5
Four Corners	.5³	50	20	15	15	35	2.5

T. Giffen continued the idea basically is to have a Village District, a relatively compact area, mixed uses. For example you might have a building that has a store on the first level and an apartment above.

R. Cartier asked Carol on section 4.03 zoning districts about the seventh line down, *for a range of housing types and sizes that can accommodate the current and future needs of residents at all life states*, is that states or stages? C. Ogilvie confirmed it should be stages. Thank you. I realized that it’s a typo.

T. Giffen continued:

Section 5.02: Table of Use Regulations

In this table for each use and each District:

- (P) Shall denote a use PERMITTED BY RIGHT;

- *(S) Shall denote a use PERMITTED ONLY BY SPECIAL EXCEPTION granted by the Board of Adjustment;*
- *(C) Shall denote a use PERMITTED ONLY BY CONDITIONAL USE PERMIT granted by the Planning Board;*
- *(-) a dash shall denote a use that is EXPRESSLY PROHIBITED*

So in the Four Corners Area, ***Residential: Single Family Dwellings would be permitted by right. Accessory Units by special exception; Two-Family and Multi-Family Dwellings subject to provisions of 15.04B by special exception; Dwelling in building used for commercial purposes subject to provisions of Article 15.04 F, would be permitted by right; Boarding or rooming house not intended for occupancy by transient guests or tourists permitted by right; Home Occupation would be permitted by right.*** So that could be an Attorney, a Bookkeeper, any number of things. *Home Offices would be permitted by right; Seasonal home permitted by right; Elderly Housing subject to the provisions of Sections 5.04, 5.05, and 5.06 permitted only by conditional use.* For ***Commercial: Farm produce stand, Tourist home, hotel and motel, Service establishments and retail stores, General service and retail establishments, Funeral home*** would be permitted by right. This continues onto a second page with 40 or more lines I'm not sure you folks want to hear me read that.

R. Cartier asked Carol on a couple of things like *Residential Cluster Subdivision* in bold italics on here you have question marks. That looks like it wouldn't need to be there, isn't that just the heading for the rest of the information that you're looking for? C. Ogilvie replied the reason I had a question mark there because I see the reference to it is in your ordinance but I don't see that it's permitted anywhere so I simply wanted to question it so I could confirm that that's a use that is currently not allowed and if that is the case, we probably don't want to deal with that now. As much as possible I tried to mirror what happens in your mixed use district except for those things that seem to be larger uses where we'd need more land, which is contrary to what we're trying to do here, smaller areas; smaller lots. That's the methodology behind the list you're seeing now. R. Cartier confirmed so the ones that have question marks we don't currently...T. Giffen said residential cluster subdivisions aren't permitted anywhere within Town and we don't wish to change that from what Carol interpreted our intent.

C. Robie replied I think it's irrelevant to the ordinance, correct? C. Ogilvie agreed, I thought so. C. Robie continued as it's written. T. Giffen said the sense I get is residential cluster subdivision is not permitted anywhere in Town right now and it wouldn't necessarily be a good idea to incorporate that change as part of this change and to leave the residential cluster subdivision off the plate. C. Ogilvie agreed. That was my thinking. As much as possible, I'm trying to make the smallest amount of change within your existing ordinance and framework. While this is new and different it fits as seamlessly as possible inside what you already have. If this goes forward and if it passes at Town Meeting you could always, after you have time to work with it, see what other changes might make sense. But right now, at this point, the fewer radical changes the better. T. Giffen replied it's my recollection that the Master Plan did not consider any change in that area and I consider part of the mission of the Planning Board would be to implement and develop the Master Plan using the Master Plan as a guide. It's basically public input and we wish to act in accordance with the public's wishes therefore the Master Plan is our guiding light. Adding that feature to this would be imprudent because it's not part of the Master Plan.

A. Hall commented that this is bringing current our antiquated zoning and bringing it up *to date or today (unintelligible)*, which means tomorrow could be something else, like a budget it's a moment in time. Like budgets, you have to live with them and make adjustments. Excellent job.

T. Giffen continued there are a number of things I would note that are expressly prohibited in this draft in the proposed Village District. I'll run through this list quickly.

Expressly Prohibited

1. *Gasoline stations*
2. *Car wash, automobile sales and service*

3. *Boatyard and marina for warehousing of boats*
4. *Animal hospital or commercial kennel*
5. *Sexually-oriented business*

Under Industrial and Transportation

1. *Manufacturing, assembly, processing, packaging*
2. *Products developed from previously-refined materials*
3. *Electrical and mechanical instruments and appliances*
4. *Cosmetics, toiletries, pharmaceutical products*
5. *Open storage of lumber and building materials*
6. *Warehouse, bottling plant, distribution center*
7. *Planing mill, sawmill*
8. *Metal working, smelting and refining*
9. *Storage for coal, fuel oil, bottled gas*

Rural and Agricultural

1. *Small-scale part-time agricultural operations*
 2. *Large-scale full-time agricultural operations*
- Growth and harvesting of forest products, tree nurseries orchards*

Tom added and *Golf Courses*.

R. Cartier asked Carol, page 3, *Drive-in restaurants and refreshment stands*. T. Giffen said that's a question mark item. Along with *outdoor commercial recreation facilities*. R. Cartier asked would that be considered a drive-through restaurant like McDonalds, Dunkin Donuts. C. Ogilvie replied it could be. This list...that's what you have right now and again, my thinking behind what was identified in the Four Corners Area as permitted or not, relates to whether or not it's permitted in your existing mixed use and/or commercial districts. So for example, the drive-in restaurant is permitted in your commercial district but not in your mixed use district. So my question was, a small operation would be appropriate on a smaller piece of land but I didn't know if there was a particular reason why it was not allowed in your mixed use district and if there was then maybe you don't want it here since the mixed use district is at least a part of this area that we're looking at now. T. Giffen said it's probably the most similar to this proposed district. A larger operation of that type could require substantial parking resources and therefore more land whereas there are gray areas and overlap in some cases. For example the farm produce stand. Presumably what they're selling is edible and they're not intending people to consume it indoors so where does that differ from a refreshment stand, I don't know. I could go to a farm stand, buy a bushel of apples and have an apple on the way out to the car. Perhaps that would be by special exception or conditional use. So for example a limit on the number of parking spaces might be a condition; something that would accommodate the limited lot size that's suggested for this zone. Any thoughts from the Board on that as to whether that should be *PERMITTED BY SPECIAL EXCEPTION; PERMITTED BY CONDITIONAL USE PERMIT; EXPRESSLY PROHIBITED; PERMITTED BY RIGHT;*

J. Bedard commented when I think refreshment stand I think ice cream shop, something like that seems like it would fit. T. Giffen replied like the mobile ice cream cart at the Irving; that probably would fit. J. Bedard reiterated maybe it would be determined by the number of parking spaces allowed. T. Giffen suggested what about an Aroma Joe's. Don't know. A. Hall commented how finite do we want to get in some of these. T. Giffen replied it's impossible to foresee or define every conceivable circumstance. A. Hall continued we'll have to come to some conclusions and live with it and if there are some erroneous sections, we'll have to correct them.

C. Robie commented I think we can look at this all day and talk about it. I think we need to make a decision and open this up January 3rd for a public hearing, after everybody's looked at it and hear what everyone else thinks ought to be in the Village District and then we can make a recommendation to Carol and she can finish writing the ordinance according to public hearing. Because there are numerous things on here that I question but like Al says, we have to start somewhere. If the Planning Board accepts this as a

draft and moves it to public hearing, everyone gets a chance to review it, in the community, and we come back take the public input and move forward from there, that's my recommendation.

R. Cartier responded I think that's a good idea but I think it would be good to go over the question (?) ones because there's only three, so if we answer those, I think that would be good. C. Robie said are you looking at lines 8 and 9 Rudy? R. Cartier confirmed 8 and 9 and then E2. (*Referring to: 8. Drive-in restaurants and refreshment stand 9. Outdoor commercial recreation facility; E2 Cemetery*). C. Robie continued 8 and 9 go together and should be a permitted use, permitted by right. Both of them. R. Cartier responded I don't have a problem them being in the district but Tom brings up a good point though if it's just permitted by use do we have anything we can work with the people on like the size of the facility, parking, you don't want to have one facility take over this enormous amount of land unless it's beneficial to the Town. T. Giffen responded as a practical matter if you have a limited size of the lot, there's only so much that you can do with it anyway, it's self limiting to some extent. R. Cartier replied but these are minimums that we have here, they could always go much bigger. C. Robie replied to clarify that thought you could buy as much of that property down there that you wanted and put one unit on it, if you wanted to. T. Giffen said consolidate, it defeats the idea of what we're trying to accomplish. C. Robie continued permitted by right you can do that. They can do that.

T. Giffen said I suggest that we accept this as a draft and we move it forward to a public hearing.

MOTION:

A. Hall **motioned** to accept the draft and move it to public hearing. J. Bedard **seconded**. **All were in favor. Motion carried (6-0-0).**

R. Cartier said so we'll leave the question marks there. T. Giffen reiterated leave them there. We'll get more input at the public hearing. Any input from the audience on this.

A. Bright commented I've been following this as it goes and I'm disappointed the area is so big. I'm not against progress and I think sometimes having a smaller lot size does bring people of different economics and allowing different uses of land, I'm okay with. What brought me to the meeting was the limitations on the land and I think once you own the property, you should have right to what you want to do and it's not for the entity of the Board to decide what's best as what grows over time. The agricultural, that's the one thing, no matter what side of the political spectrum you're on, the Town has consistently said is the center of Candia, rural environment with agricultural use. Not allowing that on some of these things that are already open trees and land I think is a poor use of it. Ironically, you keep talking about a farm stand and you can't have a farm stand without a farm, you can't farm. Some of these other things, what if somebody wants to start making little soaps or something in their house and grows it into a business that ends up with a storefront, you have something about cosmetics being prohibited on there, they could run into problems, I think the land use needs to be opened up a little bit. T. Giffen stated those are all excellent points. If we accept this only as a draft, bring it forward to a public hearing, we'll have chances to gather more input and anybody and everybody with input is encouraged as well as welcome.

J. Szot commented one thing that concerns me on quarter acre lots is that it is allowed by right now in the State of NH that any single family home can add an accessory dwelling unit. In Candia we allow 750 square feet, 2 bedrooms. Every one of these quarter acre lots could conceivably have two dwelling units on them. So now we're talking about the school and houses on these kinds of lots and you think about what are they going to bring in in taxes as opposed to what it costs us to educate those children. It's upwards of \$15,000 a year to educate a child in our school system. I think it's even more than that. So you're talking about buildings that are going to bring in \$6,000 a year in taxes but it's going to cost \$15,000 a year to educate those children, which means everyone who lives here is going to have to make up that \$9,000 per unit and if you have two units, which you can conceivably have on every single one of these buildings, you're talking about a significant increase in our school population that's going to cost all of us who live here because we have to make that up. We have to provide the money for that. I agree with the woman who

spoke previously, you allow commercial greenhouses but you don't allow small scale part time farming or large scale agricultural but you allow a commercial greenhouse. So how is a commercial greenhouse different from a large scale full time agricultural, it's just that they put a roof over it? One is allowed and the other is not allowed. The one thing that everyone said when you go to the meeting, they want to keep Candia's rural character. When I went to all the meetings afterwards, they overlooked all of this, where this Master Plan was constructed. They overlooked all the things that were talked about at the meeting and they came up with this four corners district or whatever. This completely ignores what the people said. They like Candia because they want to keep the rural character of Candia. Quarter acre lots are city lots. T. Giffen corrected these are half acre minimum. J. Szot continued half acre, I'm sorry, perhaps I misread it. T. Giffen said you raise some good points. What we're looking for if this goes forward as a draft is to get further input, which would be at the public hearing. What I'd like to do, I missed the commercial greenhouse thing. J. Szot said it's under Rural and Agricultural number 4. T. Giffen said yes, that's certainly an interesting point.

I. Byrd commented there are two things that I caught in listening that concern me. You seem to be eliminating the preamble to our zoning ordinance that's on one of our first pages of our zoning that strongly supports agriculture and growing our own here in Town. There were two Planning Board members that wrote that ordinance and it was approved by the Town, everybody supported it. The second thing I'm wondering about, I seem to remember that over 80% of Candia has water problems. How are you going to provide sewerage, well water, parking, on half acre lots when you could potentially have a business and an apartment on that half acre lot? When you consider the water problems we already have, Candia is blessed with an abundance of wetlands and an abundance of ledge. I don't think you've considered some of those things when you said oh a half an acre sounds good to us. I think that's an idealistic approach that may not be reality based. T. Giffen commented you may be right. It's entirely possible that someone couldn't on one of these lots, find an adequate spot for a well and at the same time find an adequate spot for a septic system. I. Byrd continued I clearly remember a lot on Brown Road, 3 acres, 1/3 of an acre was *on the (unintelligible)* road, and the other 2 and 2/3rd's was on the other side of a knee deep wetland. How are you going to deal with something like that and according to what you're proposing, that lot might be good for how many house lots? Six? T. Giffen replied at half an acre yes, but it would have to be practically buildable.

B. Chivers commented I think the scale of this exceeds anything that was envisioned by the Master Plan and the people that contributed to the Master Plan. When they talked about a Candia Village District I'm pretty sure they were thinking of the area around the four corners, within a couple of 100 yards on either side of that intersection. I don't think they envisioned a full square mile taken right out of the heart of Candia where you'd carve it up into half acre lots. I don't know where you're going to find support for this...this should be an extension and a reflection of what was envisioned in that Master Plan. And if it's not then that process has failed us. My second comment is has any effort been made to determine whether if, to bring up Ingrid's point, any effort made in determining if the soils in this area right here are capable of supporting half acre lots. That's a well and a septic every half acre. That's not much land. A half acre is 20,000 something square feet. T. Giffen said this is clearly a work in process; it's a draft, subject to revision. You raised some good points. B. Chivers continued did I understand earlier is there some question about whether cluster housing could be permitted in this district? T. Giffen replied no, we're not suggesting that cluster housing be added to the ordinance at all. There was a question mark on that. We discussed it briefly as a Board. It's the sense of the Board that the Town simply doesn't want cluster housing therefore we wouldn't have any intention to implement it. B. Chivers continued this Town refused a cluster housing ordinance a few years ago, it would be unwise to tuck it in here as permitted by right in the R (*residential*) district. T. Giffen replied exactly, and that's what I gathered to be the sense of the Board. Again, what we're doing tonight is taking a look at this as a draft, putting it out there for public input. The more public input that we get the better. Hopefully, something that makes sense to the majority of the townspeople would result. But if what we have here doesn't make sense to the majority of the townspeople, the Planning

Board isn't trying to ram anything down or do anything that's out of line with the Master Plan. The Master Plan is the guiding document. You're point about the size of the overall district is certainly a good point.

Don Swiatek commented I agree with Boyd that the size of it is far and above what I envisioned something like this would be. My other point is that half acre lots, that's almost defacto cluster. Except we don't have the open space around it, it's almost defacto cluster housing.

J. Szot commented just another point, the problem, one of the reasons we don't have cluster housing, the problem we have with cluster housing is the area that we have now is you put these houses in on these small lots and sometimes we say they're starter houses and they'll go someplace else. But sometimes they say this is a really nice community I want to stay here but I want to enlarge my kitchen but I can't enlarge my kitchen because now I'm encroaching on my setbacks. We had a ton of them come through the Zoning Board because they had no place on their lots to expand. This guy goes out 15 feet and this guy goes out 15 feet on the other space and you're shaking hands with your neighbor through your windows. You go to any big city, my daughter lives in Denver and my sister lives in Canada, you shake hands with your neighbors they put the houses so close together. You've got 6 feet between houses. T. Giffen said that's why you have setbacks and limits. J. Szot said we have beautiful houses here. Go up High Street, we have all our historic houses. The Purington's and (*unintelligible*), the church etc. T. Giffen said the only thing I can think of in Town close to this, created way before zoning, you had the Village of East Candia; you had "Haps Store", a post office and its own zip code. There was municipal water there at one point. There was a well on a property that I used to own with a big water tower and it used to serve that area. It evolved over time naturally over economic and demographic demand. The house across most recently owned by the Collin's people was a shoe factory. It was a compact village with a lot of small lots. I. Byrd commented it was also the poor part of Town. I know; I lived there. T. Giffen replied I would take exception to that because at one point, one of the wealthiest people in Candia lived in the home that I formally owned, last name was Brown. They bought the property in 1836 and when the Brown's passed away, they were worth a ton of money. They left a large sum to the Congregational Church. It was a prosperous area because of the economic activity back in the 1800's. J. Szot commented we have five of those villages in Candia.

A. Hall suggested we've heard the numerous comments from those here. I'm sure that Ms. Ogilvie will take those comments into consideration and may very well make modifications to the proposal come January; we'll have ample time for input for a final version if you will. Appreciate the participation by the audience.

C. Ogilvie asked if it would be possible to have the January 3rd meeting at the school. If we could be at the school, then I could have some visuals on the screen. T. Giffen replied we need a large venue because the goal is to gather as much public input as possible, certainly. I appreciate everybody's opinion, this is draft only. I'd like to stress that it's a draft subject to revision. If there are strong feelings about the types of revisions that are needed, I encourage anybody with those feelings to show up and make themselves known; explain your thoughts and see if together as a community we can come up with a plan that makes sense, that will have support and be a reflection of the Master Plan.

A. Hall in the meantime reduce your thoughts to writing I'm sure the Planning Board would receive them and pass them along.

Mapping for Public Hearing:

C. Robie asked Carol did you need some funding from the \$2,500 to finish off for mapping. I think we have some money left in that grant match. T. Giffen commented I was planning on doing that under other business but we can do that now while you're here.

C. Ogilvie replied yes, I had spoken with Nate again. There are 2 maps that are important for the public hearing. One would be this proposed district but on a Town wide map so we can see how this area relates to the rest of the Town and then we can do some simple calculations about how much of the Town land area this actually is. We can get a better sense of the impact of this. The other is a simple zoning

underlay, underneath this so we can have a better sense of what districts would be changed if this were to go forward because this would be replacing 3 districts if this were to go ahead. Those visuals for the public hearing would be helpful. At some point, we will need to talk about this in depth work that we talked about previously.

C. Robie commented for the public hearing, we should have some build-out feasibility mapping. There were a lot of questions raised already this evening about how this is going to happen. Soils mapping and build-out analysis would be very helpful at public hearing so people could understand not every half acre is going to get a building on it, it's impossible. C. Ogilvie replied exactly. T. Giffen agreed certainly there would be a number of areas that would be not buildable. C. Robie continued I don't know how many acres that is total but it's 400 or 500 and I don't know how much of its already built and a lot of it's never gonna get built. C. Ogilvie replied exactly and that's the other bit of information I'd like to be able to show at public hearing, what land is already....for example Town owned property, there's a lot of wetland in here that we know isn't going to be accessible. I don't have a quote from Nate yet for this mapping. C. Robie said we need that. C. Ogilvie replied yes, I can reach out to him tomorrow and let him know about our discussion here tonight and get that to you as soon as...T. Giffen asked if we could get a quote. C. Robie commented and also the percentage of that amount of property compared to our whole Town. It's minimal, 2 or 3%, 4% if that C. Ogilvie agreed; it's pretty small, if that. C. Robie said that kind of mapping, we discussed funding for that a month and half ago. If we're going to go through this process and have public input, we need to have good information so the public can understand. That's what has to happen. Otherwise we're spinning our wheels if we don't have all the information. T. Giffen said you can get back to us with a number for that and we'll act once we have a number. C. Robie commented he's got a lot of work to do to get that done. T. Giffen reiterated we need to get a number. J. Bedard asked are we going to meet to approve that number though, we're not having another meeting until the 20th. C. Robie said that's my point, that's what I was getting at. T. Giffen replied we have \$2,500 we need to spend to conform to the grant conditions. \$1,000 left. A. Bickum replied we have a bill for \$920 for the existing mapping that was included in that \$2,500. C. Ogilvie replied that's from Nate, the Planning Commission, the \$900, I think he gave the quote last time for about \$1,200 and something to do what he prepared the first time and then this revision. So that takes us up to about \$1,500 and something plus the notice for the newspaper. I think we're under \$1,600. T. Giffen replied so where does that put us in respect to the \$2,500. C. Ogilvie said roughly another \$1,000; I know that the full build out analysis would go beyond this but to do the two maps that I just talked about would not be that much. C. Robie commented when Nate was here 6 weeks ago, to do all the mapping that she discussed, it was an additional \$4,500 dollars, that's what he quoted us. So if we give him \$900 and another \$1,000, so now we're down to like \$2,600 more to finish what we discussed for feasibility mapping with him when he was here with Carol. T. Giffen replied what's your thought. What would you like to see done, how much to spend and when. C. Robie replied if we do the math from what he quoted us, \$2,500 to \$3,000 dollars to finish the project, plus the \$1,000 there that we have. T. Giffen said I know we have the money in the budget, we have more than that. C. Robie agreed. There's \$6,500 dollars there. If we're going to do this, we should make sure that everybody's informed with all the information. T. Giffen agreed. Do we want to proceed to authorizing and expenditure? J. Bedard replied we don't have an actual invoice or specific but I think if we just approve what you think you need and then just submit the invoice. T. Giffen commented based on the quote that we got six weeks ago. As long as that's reasonable. R. Cartier said sounds good. K. Kustra asked what's our times in terms of dates. T. Giffen replied the problem we have is if we want to do something this year, we have to have a public hearing to gather input to make this draft something that's a reflection of the will of the people and get it on the ballot. In order for the people that show up at the meeting be comfortable making good decisions about this, I think we need as much information as we can get within that amount of time. As Carleton mentioned earlier, it's sensible that we need some of this mapping done so people can take a look at it. K. Kustra replied I agree with that but information is generated from what the public says. If they've got questions, the information that we're going to provide to them would have to be based on what the questions are. What about dates, do we want

to approve money now or after the fact? T. Giffen replied there's certain information we know we'll need. Additional information may come out of that hearing. I think we've got something to act on now. R. Cartier commented Mr. Chairman I agree with what you're saying and with what Ken is saying too. What we're looking to have right now is enough background information so that when it's presented, we could answer some of the questions based on what the information comes back, as Carleton said, you start cutting these things up and there's all of this area that you can't do anything with it anyways, then we go down from 843 acres down to 300 or something like that, depending on what it is. T. Giffen replied we're going to find a whole bunch of wetland and ledge that can't be built; we need to show what it is, where it is. What the percentages there are because although it looks like its large scale, there may be a whole bunch of it because of natural existing conditions you can't do anything with it. R. Cartier responded it could always be updated after the public hearing; it would be much easier and cheaper than waiting. Mr. Chair do you need authorization to...T. Giffen replied it's in the budget but I'd like to get a sense from the Board before I...I don't believe the Chair needs or should act independently. It's my idea that we function as a Board, the only way for this Board to be. Before I start talking about spending money, that we need to talk about it as a Board and that's the only way it should be authorized.

T. Giffen said I'd entertain a motion to approve spending for the proposed additional mapping up to the limit that was quoted by Nate from SNHPC at the meeting roughly six weeks ago. I believe that was \$4,500 total. C. Robie replied \$4,500 and we've expended \$1,000 dollars; that would be \$1,600 so not more than \$3,000 dollars.

MOTION:

R. Cartier said I'll make a motion the way you just said it; **motion** that we proceed to spend no more than \$3,000 to complete the mapping as proposed by Nate Miller from SNHPC. A. Hall **seconded**. **All were in favor. Motion carried (6-0-0)**

Cancellation of Public Hearing on Dec. 20th for proposed zoning amendments:

T. Giffen said we have a public hearing notice out there that we were to hold a public meeting on December 20th with respect to this proposed zoning ordinance. That will be cancelled. We're not going to incorporate that with enough on our plate with the Crowley Woods issue. That's cancelled (*Zoning portion-Crowley Woods is still on for December 20th*). We'll notice that for January 3, 2018 (*Public Hearing for Zoning Amendments*).

17-013 Lot Line Adjustment Application: Applicant: Richard and Joyce Snow, 127 Depot Road; and 147 Depot Road, Nicholas & Maryann Broadwater; Owners: Same; Property location: 127 and 147 Depot Road, Candia, NH 03034; Map 415 Lots 5 & 6-1. Intent: Relocation of northeast corner of lot 5 to accurately reflect the correct dimensions.

Present: Applicant Richard (Dick) Snow; Nicholas Broadwater; Jim Franklin, Surveyor.

Abutters Present: Ingrid Byrd of 105 Depot Road; Boyd and Lynn Chivers of 165 Depot Road.

D. Snow said I submitted an application for an expedited lot line adjustment. And the question I have is; are we all set? T. Giffen said I haven't seen the application. R. Cartier said it's in there. A. Bickum stated it's in everyone's packet. T. Giffen commented it looks like this is just a lot line adjustment to reflect the reality on the ground, is that a fair interpretation of what we're trying to accomplish. To move it to the existing fencing and so forth that is already there so a small land adjustment.

D. Snow asked the Board have you accepted the application as complete. T. Giffen asked has anyone reviewed this yet. R. Cartier said I looked at it tonight and didn't see any problems. T. Giffen asked has everyone had a chance to look this over. C. Robie said the application appears to be complete.

MOTION:

C. Robie **motioned** to accept the application as complete. R. Cartier **seconded**. **All were in favor.**
Motion carried (6-0-0).

D. Snow said I have some material for you. I did some back checking to try to figure out where the boundary line adjustment was; boundary line agreement. The basic issue was, this property was purchased by me or occupied by me January 1st, 1961. In March of that year and I went to a Town meeting because they put zoning and planning in place. Prior to that, the person that owned the property that I was occupying and later purchased had sold before that a piece of it to his sister. When I sometime between then and now decided that I probably should get surveys done because there were no surveys, it was by land of and this and that. When I had a survey done, it indicated that the people living in lot 5 were occupying more land than their deed called for. Now I had done some work previously to make sure my cows didn't get over on their property and I had a line that I believed based on what the person that sold it to me, that told me was the line, I had measured out 105 feet and I came to some distance out on the lot. When the surveyor did it, he said oh no; that line is way over here. They were supposedly occupying more land than what their deed called for. So I recently had a surveyor survey their property. To say hey, based on the line that I believed that the person that sold me the property to; was here, survey it. He surveyed it and he came to the same 105 that I had in the past which put it just past their driveway. Then he said well no I see a corner over there. The corner was one that had been picked up by my original surveyor. He picked up that line and I spent 2 weeks sitting there cutting clear views on those two property lines and it was the opinion of the surveyor that that line was down there, which is 20 some feet over this way, is a straight line. Straight as an arrow. So the distance between there and here is incorrect on the deed that was given to the sister.

N. Broadwater said the line that he's talking about is a stone wall that's been there forever, at the front of the property. He owns all around me. His property stops here and mine. When you measure from this point to the end of my driveway, it comes out to 105 feet. But you always had that extra say 15-20 feet there. T. Giffen said so the idea is to change the lot line to what you're actually occupying and have it match the stone wall. N. Broadwater agreed, right. T. Giffen replied sounds simple.

C. Robie said your deed says 105 feet and your new deed is going to say 130. N. Broadwater agreed, somewhere around that, yeah. C. Robie continued you're going to have a new deed drafted? N. Broadwater said yes. R. Cartier said will it be a new deed for lot 6-1, will there be a new lot for your property. D. Snow replied yes, there will be a change to that. That will be a function of the conveyance document where I'll probably have to do a quick claim thing. Once the Planning Board does their action which is to determine that this is not a subdivision, it's a boundary line adjustment, there needs to be the conveyance. I need to go to my lawyer, get her to write the documents to convey. I would strongly recommend that the Planning Board make that a condition of the approval, a copy of the conveyance document be made available at the point in time where they file the plot plan. The other suggestion that I'd have for you, the Mylar that I gave you, which was required by the application, is a Mylar of the plot plan that Jim had done at the beginning. What Jim tells me is that technically, that's not suitable to be able to be recorded at the registry. So I would suggest that you also make a condition that the surveyor provide, whatever he needs to do for you sign prior to the time you file the deeds. I have a waiver request that's in there too.

R. Cartier said what will the frontage change be on your lot. D. Snow replied I have something like 300 feet. I'm going to lose 22 feet. It does not reduce the frontage on my property below the minimum. The only thing it does, it increases a valid non-conforming lot by a certain amount.

T. Giffen said we have a request for waiver: I'll read that for everybody:

December 5, 2017- Request for Waiver of Section 12.04 of the Candia Subdivision Regulations

I request that the Candia Planning Board grant a waiver of the above requirement to mark the new corner of the boundary line between Map 415-Lot 5 and Map 415-Lot 6-1 with a granite bound with adjacent iron detection pins based on the associated additional cost for a minor project.

The current licensed surveyor has already marked the new corner with a proper marker that is consistent with the other existing adequate and long-standing corner makers previously installed by licensed surveyors.

Richard H. Snow, Applicant

T. Giffen responded so what you're basically saying is what's there is good enough and the additional cost isn't warranted. N. Broadwater replied yes.

T. Giffen continued we have the lot line adjustment request and one of the applicants has proposed a couple of conditions and we have a request for a waiver. I'd like to deal with them one a time. One condition is that we have a copy of the conveyance as a condition of approval. I'll put all these out for discussion and if we have none then I'll consider a motion that we accept the conditions and the waiver. The next condition that the applicant has proposed is that we have an appropriate Mylar for recording of this. Lastly we have the waiver that I've just read.

MOTION:

C. Robie suggested we should make a **motion** to grant the waiver and then go along with the conditions in the conditional approval. I will make a **motion** to accept the waiver as presented. A. Hall **seconded. All were in favor. Motion carried (6-0-0).**

R. Cartier asked what's going to be used for the marker. D. Snow replied Jim has put in rebar with his cap on it. Which is the same thing that is on two other ones, one has the cap left, the others are still rebar but we were able to find them without any problems. R. Cartier asked Jim are you comfortable with the rebar being permanent in that area, they are down deep enough? J. Franklin replied yes. It's at the intersection of the wall, yes.

D. Snow mentioned abutters. T. Giffen asked if there were any abutters here. D. Snow replied yes. T. Giffen asked any comments from abutters. B. Chivers replied no comments Mr. Chair, we support this proposal. I. Byrd asked as to why on the map the garage is not shown. There's a stone building on the left hand side of the driveway as you face the driveway and it's not shown on the map. D. Snow responded there are some outbuildings that are not shown on the plot plan but I didn't think it was important to have them...I. Byrd commented excuse me Dick, I'm talking to the Chairman number one and number two, we can't hear you back here. Why isn't it required that all structures be shown or is it required. R. Cartier replied not for a lot line adjustment. T. Giffen reiterated not for a lot line adjustment, it's not required. I. Byrd responded and a lot line adjustment does not affect the structure? A previous survey that Mr. Snow had showed the lot line going right through the building. T. Giffen replied one would presume that would be an issue. I'm going to ask a question of Mr. Franklin. Jim in the course of your survey of this lot did you find that any of the existing outbuildings or any other building were in conflict with any of the lot lines either existing or proposed. J. Franklin replied no. I didn't show the garage because as you stand on the road looking at the property, the garage is on the left side. It does not encroach into the stone wall and the stone wall is very clearly the boundary line.

MOTION:

R. Cartier **motioned** to approve the conditions as requested by the applicant. J. Bedard **seconded. All were in favor. Motion carried (6-0-0).**

Other Business:

K. Kustra suggested to Al Hall (*regarding last meeting at the school for Crowley Woods*) that one microphone be in the middle somewhere to have the people approach the microphone, instead of a moderator running around with one.

Previous Currier Road Subdivision (2016)

D. Lewis commented I'd like the Board to consider, remember the subdivision that was on Currier Road that was 3 or 4 lots on the right hand side as you go up. They showed the house locations in the rear of those lots on dry land and they moved them forward. They moved them forward, they built one house and they're building another. I did a final on the driveway and after I did the final, they dug a drainage trench out to Currier Road and installed some drain pipe and the water flows right out to the ditch line on Currier Road. There is an RSA that prohibits this so I'm going to have to go up and make them move that. They've got one on each lot now draining to the road. If we have a snowy winter it's won't be a problem. If we have an open winter (*This is a phrase that is used to describe winters with higher than average temperatures and without reliable snow cover*) and it's cold it's going to freeze, make an ice flow. The ditch lines are shallow, it's going to freeze the driveway culverts and then we're going to have an issue on the road. I guess my point is when you have a marginal lot like that and it's approved with a location that works, maybe there's a way we could try to put that on the plan that the house has to stay in the location that the Planning Board approved or was convinced was going to work, because this is going to be a problem over time. We have it in a few other locations in Town and it proves problematic, on a cold, snowless winter.

C. Robie asked what are we draining. D. Lewis said they're draining the lot. C. Robie asked under drain? D. Lewis replied a curtain drain coming out to catch the water before it gets under the driveway and into the driveway. It's probably 3 feet down, 3 ½ feet deep dug right across to intercept the water coming from upstream, out to the road. This went in 3 or 4 days or a week after I did the final on the driveway. I never would have given a final on the driveway if I'd seen the pipe. Dave and I've had to deal with this issue, with marginal lots, if we know their marginal, they do prove a good house location, and we need to find a way to make them stick to that location. Not every lot is that way but you get certain lots with certain issues on them; we need to figure out a plan. T. Giffen reiterated you said it's an RSA violation correct? D. Lewis replied yes RSA 236:39 I think. T. Giffen replied so this becomes an enforcement issue. D. Lewis replied it shouldn't have to be. T. Giffen said because common sense wasn't applied at the developer level. Are they ignorant of the law or chose to...D. Lewis said I'm going to not approve the next driveway until this is taken care of but it's an issue we don't really need to have.

T. Giffen said if a drainage plan is incorporated into this whole program and the drainage plan is maintained consistently with what was approved, then you've cut it off at the pass. C. Robie replied I think on residential housing, I don't think we need to start having the engineer do a drainage analysis for a house lot. House lots in Candia are expensive enough and customers are hard to come by. I'm on board with what Mr. Lewis is saying, that's a sketchy situation up there. I'm not going to comment any further. T. Giffen continued as it stands, we have an RSA which allows us to take action and enforce. Maybe that's enough. I don't know. D. Lewis said we can enforce that but what I'm saying is in the future, when we do have a subdivision come in that we know these problems exist on and the Planning Board is shown a plan with a house location that meets every requirement there is, Dave and I don't have to think about drainage issues because it all works fine. They need to be made to adhere to what the Board was proposed. 90% of the lots don't need a drainage plan; they can move the house around. There usually are not any issues but we have three in a row up there and they've done it on two. C. Robie replied just so everybody's aware, when somebody comes in with a subdivision with that scope of what we're talking about and we notice that the location for a house is 600 feet off the road, obviously there's some problems with the front of the lots. We should note that as a Planning Board that this location is where the buildings are going to go. If not, you have to come back with a drainage analysis and a new septic test pit in another location because those pits

were shown on the back of those lots. They moved them forward, they got a septic design, they got everything done that fit in the scope, it may not have been the perfect place, but it fit. The water is an issue.

R. Cartier replied I remember we talked about this, where they were going to be able to put those houses; the decision was yes that's the best place to put the houses. But we also had the conversation about why should we as a Planning Board decide where people are going to put their houses. D. Lewis said I don't think we should be but we need to avoid these issues somehow. It's not very often this happens. R. Cartier replied but it comes up after the fact. Are we going to have the same problem on Chester Turnpike, where some of the lots are going up there? D. Lewis said I don't think so; we had a culvert issue that I had to make them move. They put a culvert in 10 or 12 inches too high and they did move it but we'll probably have the same problem on the other side of the road, Currier Road. I just want to make the Board aware. C. Robie commented good point, but just to be clear, the developer that subdivided those lots and got them approved isn't the developer that's building, he sold those lots. Just so the record is clear on that. That information needs to go along with the plan because some things get done at the Planning Board level that don't get...yeah. R. Cartier said on the Mylar's. D. Lewis said things get removed along the way. C. Robie said but just for clarification. T. Giffen reiterated if we see a problem lot, we need to as a Planning Board we need to remember back and say well, to avoid an issue coming up down the road we need to stipulate that things remain as they are shown on the plan within at least a certain range. One of the problems is you get one guy that gets the approvals, he sells the lots and then you have a developer building on spec, maybe on spec, or they don't build a darn thing until they have a future homeowner with money in pocket and they build it wherever the homeowner wants it. So what do you do? C. Robie said come back to the Planning Board. K. Kustra asked who controls the RSA. Road Agent? D. Lewis confirmed you mean who enforces it? It comes out on the road so it's my problem but it originates on the lot so I can give him (*Dave*) that half. It will be an ice problem that we will have to fix before winter.

December 20th:

R. Cartier commented Al this goes back to the hearing on the 20th, I had gone to a hearing in Concord awhile back and because there were so many talking what they did was have a signup sheet for people who wanted to talk and went down the list because I know we'll end up going over the time, actually we'll have more people than we will time, would it be prudent to have people sign up so there is rational order so people know where they are. A. Hall said if we have the signup sheet, any indication on the side of each name if they want to speak or not. J. Bedard asked if it was a requirement to have a sign in sheet. Why did we do that, it just caused a big line. A. Bickum replied so I can add it to the minutes. I can add it as an attachment to the PDF saying these were the people that were there. J. Bedard replied so you do need to know who's there. C. Robie disagreed, no, not unless they talk. A. Bickum agreed, not unless they talk. J. Bedard said so why don't you have a signup sheet for anyone that wants to say something? Well good, if you don't sign up you don't speak. We had to delay the meeting start because there was this line. T. Giffen reiterated that he has recused himself and wasn't there to see it. A. Hall said I suspect that some of these things are most important come the time that we should have to defend ourselves. J. Bedard said okay well whatever. Well then like Carleton said, if they're not there in time to sign by 7:00 we need to start. R. Cartier said we can start. A. Hall said you can't lock the door. J. Bedard said no they can come in but we need to start. We don't need to wait for everyone to get signed in and sit down. A. Hall said as I recall the meeting on the 20th we will have a pre-meeting with the lawyer as I recall. J. Bedard said we were supposed to do that last time and that didn't happen. A. Hall continued he's requested a meeting with us at 6:30 pm and that will be in the notice somehow, at least to us. J. Bedard said most of us were there at 6:30 and he was talking to somebody else and there was no meeting. C. Robie said nobody got the message that that was going to happen. J. Bedard said okay, well I did. Okay. I'd like to avoid doing what we did last time. A. Hall said we do the best we can. R. Cartier said we start at 7:00. J. Bedard confirmed so we're there at 6:30 pm, everybody? T. Giffen said we've moved Carol's next appearance away from the 20th that means the only thing on the agenda for the 20th is Crowley Woods. A. Hall asked we've had no response

from the applicant to date? A. Bickum concurred, no. C. Robie said if they aren't ready, they'll call and cancel. T. Giffen reiterated that I will not be present at that meeting if that's the only thing on the agenda. As everybody should be aware, I have recused myself from it. If I show up and sit in the audience, if I sneeze or frown or smile or people think I've smirked, that could be perceived as influencing the proceedings and I won't be party to that.

MOTION:

J. Bedard **motioned** to adjourn at approximately 8:26 pm. R. Cartier **seconded**. **All were in favor. Motion carried (6-0-0).**

Respectfully submitted,
Andrea Bickum
Land Use Secretary

cc file