

**CANDIA PLANNING BOARD
MEETING MINUTES OF March 1st, 2023
APPROVED MINUTES**

PB Members Present: Rudy Cartier, Chair; Brien Brock, BOS Rep; Mark Chalbeck, V-Chair; Judi Lindsey; Joyce Bedard; Scott Komisarek (via Zoom); Tim D'Arcy

, Alt.; Mike Guay, Alt.

PB Members Absent: Linda Carroll, Alt; Mike Santa, Alt;

*Rudy Cartier, Chair called the PB meeting to order at approximately 7:00PM, followed immediately by the Pledge of Allegiance

New Business:

- **Informational: Proposed Zoning Amendment Changes**

An opportunity for residents to come ask question and receive more information about the proposed changes on the upcoming ballot.

R. Cartier: I won't go through each one of them. I, just briefly, wanted to let people know that there are some sheets up here that contain explanations.

B. Brock: I found it very confusing written as is. At least the warrant articles themselves are good.

R. Cartier: Amendment 1 is just a typographical change.

Amendment 2 is just to clarify what it means.

Amendment 3 we did add a definition of unnecessary hardship. This goes with the supreme court rulings.

T. D'Arcy: We did spend a lot of time, on this particular amendment. It was not taken lightly.

D. Webster: We were wondering if you could read it?

R. Cartier: "ZONING AMENDMENT #4: Article V Section 5.06:7a Maximum Density for Multi-Family to amend by adding the word "radius" to read: "The maximum number of dwelling units within an elderly housing development containing 3 or more dwelling units per building shall be based on the radius distance the further extent of the property is from the commonly known "Four Corners" intersection of NH 27 and NH 43 as follows:". (Recommended by the Planning Board by a vote of 7 to 0)

Amendment 4 and 5 are actually tied together. We had a very big discussion on this one too. The distance was not defined. In effect, it does not have a lot of bearing on the elderly housing because they are required to be on an arterial road.

“ZONING AMENDMENT #4: Article V Section 5.06:7a Maximum Density for Multi-Family to amend by adding the word “radius” to read: “The maximum number of dwelling units within an elderly housing development containing 3 or more dwelling units per building shall be based on the radius distance the further extent of the property is from the commonly known “Four Corners” intersection of NH 27 and NH 43 as follows:”. (Recommended by the Planning Board by a vote of 7 to 0) Are you in favor of the adoption of Amendment #5 as proposed by the planning board for the Town of Candia zoning ordinance as follows: ZONING AMENDMENT #5: Article V Section 5.06:7b Maximum Density for Detached Single-Family and Attached Duplex Single-Family Dwellings to amend by adding the word “radius” to read: “The maximum number of detached single-family dwellings or attached duplex single-family dwellings containing 1 or 2 dwelling units per building shall be based on the radius distance the further extent of the property is from the commonly known “Four Corners” intersection of NH 27 and NH 43 as follows:’. (Recommended by the Planning Board by a vote of 7 to 0)”

Amendment 6 was another typographical issue.

Article 7: Typographical change.

Article 8: I am going to let Mark go over that a little bit.

M. Chalbeck: “ZONING AMENDMENT #8: Article XV Section 15.04: Special Exemption Uses. Add a new Section 15.04. G Private Burial Grounds: Private Burial Grounds (as defined by RSA 289) shall be allowed in the residential district providing the following criteria are met: 1. The requirements of NH RSA 289:3 Location are met, and 2. A site plan shall be presented to the Planning Board with the following items addressed in addition to the current Site Plan Regulations: a. The GIS coordinates of the plot corners b. Corner markers to be installed and listed as a condition of approval. c. An easement to the plot for future access on a maintained access drive. d. Upon approval by the Planning Board, the Site Plan shall be recorded on the Deed with the Registry of Deeds within 90 days of approval. (Recommended by the Planning Board by a vote of 7 to 0)”

“Amendment #8: This amendment ensures private burial grounds are allowed as a right on any residential property and clarifies the state and local requirements for establishing and recording locations. By having a site plan with an easement for access, corner markers denoting the plot or coordinates and location of the site, future access will be assured. In addition, in the event of a transfer of custodianship and maintenance of the site to the town, accurate records will be available for future use. The addition for the 90-day time frame for recording the Private Burial Grounds site plan with the Registry of Deeds is to ensure a record of the plot is recorded on the Property Deed. This will also ensure that the Town is able to track the Private Burial Grounds in Candia.”

It may never get recorded on the deed and it is forgotten about. Now they have 90 days to get it recorded so that it is not forgotten.

T. D'Arcy: This doesn't change anyone's right to bury on the property.

Deb Deckers – Chester Road: How many private burial sites exist currently? People that have private burial grounds, do they get grandfathered in?

“Formally called: Lang, Smith, Colcord, Palmer and Reynold Cemetery, There are 5 small family plots located on private property that are not in the possession of the Town.”

M. Chalbeck: This will help. From now on all of the records will be here at the town hall.

R. Cartier: It puts in the table of uses and that they are allowed by right.

The last four amendments, 10,11,12 & 13 are related. There was a house bill that passed in 2022 Legislature. Any town that has an elderly housing ordinance must give that same relaxation of standards to workforce housing. Some of the original information that we got was from the NH Municipal Association. The board did discuss it at length. When we looked at it, the problem was going to be that if we didn't do something, the planning board was not going to have any standing. The board wanted to be proactive and have something in place so that we can have some solid standing. It makes it so that it is in compliance with the law. It protects the interest of the town.

T. D'Arcy: If we don't do this, our zoning and planning for workforce housing is done in Concord, correct?

R. Cartier: Or by the developer.

K. Lemay: If you were to eliminate the elderly housing provisions that we have now, would that then remove the board's ability to oversee the elderly projects?

R. Cartier: That is a very good question that I don't have an answer for. There are so many grey areas and you bring up a good point.

B. Brock: You know the pressure we are getting from the state in regard to housing. Of all kinds.

R. Cartier: The other thing that I have to let people know. There is a major difference between workforce housing and affordable housing. This is workforce housing, which means, in Candia, basically what it is, is housing that can be afforded by a family of four making 100% of the median income for the HUD area that you are in. We are in Western Rockingham County. Our median income for a family of four is, \$126,400, it's the highest in the state. We are in that same housing development designation that goes over towards Exeter & Newfield and all of those other places. It also goes through what workforce housing is for rentals. If you are a family of four at 60% of the area income is \$75,840. Again, the highest in the state. Affordable housing does not work on that particular basis. Affordable housing is based on a certain percentage above the poverty level in the area too. So that hasn't come down from Concord yet.

P. Davis: So we put these things in and somebody comes in, a developer comes in and we say no. And they say that the state says we can.

R. Cartier: If we have these in place and someone comes in with an application and we say no, for whatever reasons we say no for, as long as it was in compliance with our regulations, they would have to go to either the Superior Court or the Housing Appeals

Board. This gives us the legal footing for the town of Candia for either approval or disapproval.

B. Brock: It mirrors what the state says, basically. But if we didn't have anything, we wouldn't be able to discuss it with the applicant, technically.

T. D'Arcy: If we don't have the workforce housing put in the zoning, and an application comes in, we would probably have to deny it and then immediately the town would have a legal action on their hands. We would just summarily dismiss it out of hand. We just open ourselves up.

P. Davis: What if they don't call it workforce housing but it is workforce housing. Why do they want to say that they want workforce housing.

B. Brock: Because it is a cluster development. Cluster housing is 55+ or this.

R. Cartier: That is considered elderly housing with a conditional use permit. The actual way that it should be listed, is it increases the density of the number of units that you can have in one particular area. It brings everything a little bit closer so the cost to develop the housing is less.

M. Chalbeck: Not only that but there was programs and I am sure they will probably reup them where there are grants towards building materials and things like that. It makes it more affordable for the builder.

R. Cartier: The legislature will pass a law based on a group that wants to have that law passed. Then when you start to look at it from an interpretation standpoint and implementation.

T. D'Arcy: These ordinances for workforce housing do not change the density or any of those types of things from the elderly housing.

M. Chalbeck: And for the affordable.

R. Cartier: We have four, maybe three. We have one manufactured park up on High Street that can be expanded.

R. Cartier: Amendment 10, we are modifying, to eliminate the term elderly housing. The reasoning for that is we didn't want to put in elderly housing and workforce housing.

Amendment 11: There was one section we had to take out of that section and created a new section.

Amendment 12: This was more for clarification again in the conditional use permit review criteria. A word change on that to make it a little bit clearer.

Amendment 13: We did not put the entire 3.5 pages in. That is a separate document and that is also available on the website.

Those are the amendments that the planning board has proposed. It was very confusing, and it took a lot of work from everyone on this board to protect the town.

Old Business:

Motion to approve minutes as amended. Tim D'Arcy. **Second:** J. Lindsey. All were in favor.
Motion passed.

Appeal Updates:

- ***Foster Farms***, New Boston Road
- ***23 Main Street***

No new updates. Everything is still in process.

Other Business:

- Town Planning

We are updating the CIP. We are really pushing it this year because there are a lot of large-ticket items that are probably going to be faced by the town in the next 5-10 years. What we are looking for is to get information back from all of the department heads on anything that is going to cost more than \$5,000 and last more than a year and have details on cost, how it is going to be financed, and whatever priority it is that the particular department has. Once we get all of that information, working with the board and the SNHPC will review all of that. If there are questions, we will get more information and get the plan updated. Now, one of the main criteria that we are looking for here is that we are trying to, as best we can, level the amount of money being paid out every year for capital improvements. We have had a couple of big hits in the last couple of years that spiked the taxes, and the board feels that is really not a fiscal way to run a business. There will be a lot of public hearings on this, we want to get feedback from the town but we are all taxpayers that are on the board. And just like anyone else, we are not happy when the tax rate goes up a lot. So we are going to try to do what we can to help level that out.

- The other thing, and I need to get the boards approval to do this. The board has been granted a \$25,000 for housing opportunities program grant and what that is going to do for this year, is the initial one is going to be for a needs analysis and planning grant. We are working with SNHPC to take a look at what the needs are in Candia for housing. One of the major functions of this is going to be to get public input again and update the housing section of the master plan. Obviously there has been a lot of concern voiced in town about how to handle housing in Candia. What we need, what we would like to see. This will actually be an opportunity to get public involvement in revising the housing section of the master plan so that we can clarify it, get peoples' opinions and suggestions.

Melissa Madden – Chester Road: I am just wondering why you are bothering to take input when we gave input, and it was ignored?

R. Cartier: Two years ago, the board spent months and months developing four corners. It was shot down. It is obvious that there must be deficiencies in the master plan. It was not the intent of anyone on this board to subvert the master plan. Because there seems to be some perception that the master plan is defective. I personally take umbrage. I would say that this is the opportunity to make it clear because there seems to be some confusion. Now is your opportunity with this plan.

B. Brock: The CIP and the Master Plan work hand in hand.

R. Cartier: I can personally tell you that I am going to listen to what the people have to say.

M. Chalbeck: You can't blame this board. That board was ten years ago.

J. Lindsey: The Master Plan is just a blueprint, and it has no teeth. ...

R. Cartier: Just the housing piece. I know from the group I was in, it was exactly what we talked about.

M. Chalbeck: This is all part of the \$25,000. Then it is going through the ordinances after to make sure we are in compliance. In the end, all of our ordinances will reflect what comes out of these public meetings.

Deb Deckers – Chester Road: It sounds as though there were lessons learned. How are you going to prevent that from happening again?

M. Chalbeck: In the future, there is always going to be a group saying we didn't follow the master plan. It is human nature.

R. Cartier: I want this room filled with people giving their input or concerns. If they have concrete examples.

S. Komisarek: As I recall, we were working with Southern NH Planning. We were advised to comply with state law. I think the crux of this issue is that people feel a certain way. That way does not bring us into compliance with state laws. The reason we are getting that grant is to achieve that goal.

R. Cartier: We have to take a look at the balance. What is coming down from Concord. How do we make sure that we maintain that with the pressure coming down on us. How do we do that? How do you all want to do that? We don't have all of the answers. How do we take all of the things that the citizens of Candia want so that they will stand under scrutiny. How do we make it so that our regulations put those ideas and intentions into our regulations and then after that we do the regulations so that they are solid.

M. Chalbeck: We have to. All you have to do is look at the bridge over on Wellington Road.

R. Cartier: The bottom line is that historically boards have had be reactive. This board is trying to be proactive.

Grant: final vote on authorizing me to sign it. M. Chalbeck: **Motion** for you to sign it. J. Lindsey: **Second** All were in favor. **Motion passed.**

J. Lindsey: Earlier today I got an email with does away with having a certified soil scientist. I don't know what we do at this point.

R. Cartier: Governor Sununu wants to eliminate some licensure.

Public Comments:

Motion to adjourn: J. Bedard. **Second:** T. D'Arcy All were in favor. **Motion passed.**

Adjourn: 8:12PM

Respectfully submitted,

Amy M. Spencer

Land Use Coordinator

cc: file