

Candia Zoning Review & Revision Committee
Minutes of May 15, 2013
APPROVED

Present: Sean James; Ginny Clifford; Dick Snow; Dave Murray; Fred Kelley; Amanda Soares; Dennis Lewis

Meeting came to order at 8:00pm. The purpose of this volunteer committee is to review potential changes to the Town of Candia Zoning, Subdivision and Site Plan regulations and make recommendation for changes or additions to the Planning Board. This meeting is open to anyone that wants to participate.

S. James said he wanted to discuss what the committee would like to work on and possible changes but not get into any details tonight. He said he will be sending out a memo to the Boards letting them know that the ZRRC will be meeting the third Wednesday of every month. He asked that if anyone had any suggestions to let him know.

S. James said there is a series of minutes that need to be approved; 9/29/2011, 9/19/2012, 10/3/2012, 11/7/2012, 1/16/2013. He said he was not going to ask for a vote as some of these meetings had only 3 people. G. Clifford said they can just accept the minutes. Everyone was in agreement to accept the minutes.

1. Certified Sites Language for Subdivision and Site Plan Regulations. S. James said they have already worked on adding some language to the Subdivision and Site Plan Regulations and they just haven't had a public hearing on it yet.

2. NH Storm Erosion Control S. James said they have already talked about language to be added to erosion control which basically references the NH Storm Water Manual. He said he looked at other model ordinances in other towns and he found some to be very extensive and found towns who have their own model ordinance seem to be protecting something like lakes, wetlands etc. He said just having wording to follow the state DES Erosion control is sufficient.

S. James said he feels the Certified Sites Language for Subdivision and Site Plan Regulations and NH Storm Erosion Control are basically done.

3. Earth Excavation Updates S. James said they had worked on some updates and should work on this but not tonight. He said they need to get people that said they would volunteer to help to work on the updates. The previous proposed updates that did not go through were from J. Munn SNHPC and where either additions or clarifications or suggestions that were taken from either the language from Raymond or Chester which added or replaced certain sections. D. Snow said they need to work on these with the people who had concerns as they need to do something because Candia Sand & Gravel has changed hands and they should make sure the regulations get updated before they become a site. S. James said they were not trying to make the regulations harder but wanted to add more clarification. He said some things have come up that are not even in the current regulations. He said maybe at the next meeting they can talk in more detail

4. Update Candia's Regulations S. James said they did not receive the grant SNHPC was working on for funding through the NH Housing Authority to condense Candia's regulations. He said right now Candia has Zoning, Major and Minor Site Plan, Major and Minor Subdivision, and Earth Excavation Regulations. He said the idea was to combine all of them into a Land Use Document except for the

Zoning which would be kept separate. He said what happens now is you bounce around between all the regulations and sometimes they contradict each other. D. Snow asked if there was a land use document that another town is using to look at to see if they want to spend \$15,000 since they did not get the grant and perhaps is it something the Town can do. S. James said just Google land development regulations and several NH towns come up. He said the proposed document would have all definitions that apply to all development and then a set of procedures that apply to all development because as of right now this is duplicated in each regulation.

D. Snow asked if it addressed special exceptions because when they were putting the tower in on North Road that was all being done by the ZBA. He said it doesn't make sense that the ZBA should be doing a site plan review; those are things the PB normally should be doing. He asked if there was some way a special exception could be a different type of variance where the ZBA can say you can have the special exception then it would go to the PB for a site plan. S. James said the North Road cell tower came to the PB with a site plan after they got the special exception from the ZBA. D. Snow asked then why was the legal action against the ZBA? S. Soares said because the ZBA denied the variance for the special exception and that it had nothing to do with the site plan it had to do with the size of the tower. She said the ZBA doesn't deal with site plans. A. Soares said it was a special exception because towers are not allowed in the residential area so a special exception is required not a variance. D. Snow asked if the cell tower regulations were changed as it used to be a use variance given out by the PB for cell towers and he said when towers first came into town there were only allowed in the commercial area. A. Soares said the zoning was changed in 1993. There was a discussion when districts were changed from institutional to mixed use. A. Soares said the state changed their regulations so the town did too. Discussion continued on the North Road tower noting that they were given extensions on their Special Exception and their Major Site Plans which they recently let expire.

Chair James said the regulations are confusing say for example if you have large, tall sign you would have to go to both the ZBA and the Planning Board. He said either the ZBA should be able to do both or the Planning Board do both but right now the ZBA can grant a variance for size and the PB the height. G. Clifford said since signs are an issue then they should look at them and see where they are in all the regulations and use that as a starting point. A. Soares said each person could take different sections then they could piece it together which would be a good start. S. James said a lot of the regulations work and he doesn't necessarily want to change them but would like to reorganize them.

S. James asked if anyone had any questions on combining the regulations and asked if they wanted to look at and continue to discuss it. He said he could put together a table of contents and then assign sections. D. Murray said he is all for it if it brings clarification.

5. Master Plan (MP)

S. James said G. Clifford had worked on a quote to do Phase 1 of the MP. He said the RSA's read you should update the MP every 5 to 10 years and being 10 years they put a warrant in for it but it did not pass. He asked if they should continue working on it, abandon it or maybe talk about a different way to present it or instead of a warrant or try putting it into the Planning Board budget. D. Snow said they should not abandon it as it needs to be done. He said he sees no reason why the town can't do it on its own. He said if it is being done by people in town who are interested, they would get a better product as it would mean something to them and not have to pay for it. He said and then if we need specific technical assistance they can ask SNHPC or someone else and then pay for those services.

S. James agrees but said these people are not showing up to the meetings and not sure they exist and continued if you know these people call them and have them come. He said the MP update cannot rest on this committee or the Planning Board alone as it is too much work. He said it could work if you had 2 or 3 people dedicated to the update that have the time to put into it as it takes a lot of effort. D. Snow said they could use social media and over time people may see this and then they can start interfacing to build a group that would be interested and they would not necessarily have to come to a meeting. He said he feels this could happen.

F. Kelley remembers the last time they did the MP there were 23 or more people involved and the town voted in \$15,000 to do it. S. James said they asked for \$6,000 and it did not pass and it was the second lowest amount of yes votes behind the copier replacement. He asked what do you think is different now, is it the Budget Committee? F. Kelley said the budget committee had no idea why the PB wanted to do the MP update. G. Clifford said unless you really care about an issue and understand the implications of it people fall back on what the Budget Committee recommends and in this case they did not recommend it. F. Kelley said that is where town meetings come into play instead of deliberation sessions where you get 30-40 people making all the decisions for the town.

G. Clifford said she worked on the MP warrant article maybe she should have gone to the budget meeting to explain why they were asking for the money and its importance. S. James said he went to the meeting but the warrants were not discussed. He said to him it was pretty self explanatory. He said the Budget Committee didn't want to spend the money. He said they could put in another warrant and go the Budget Meeting to explain it. F. Kelley said a warrant article would most likely get voted down again and said he would like to see it put into the Planning Board Budget and let the voters decide. A. Soares said at the Budget Meetings you can state your case and explain why.

A. Soares said this year they are cutting down the warrant articles and for example the warrant for household hazardous days they are putting into the solid waste budget. F. Kelley said 17 items for donations are going into one warrant article. S. James said this should be discussed more at the next meeting.

6. Setbacks on Road

R. Howe said the issue the ZBA keeps running into is setbacks and where the starting point to measure from is. Is it the middle of the road, the middle of the right away, edge of pavement? Sometimes the roads have been moved from one side of the right of way to the other which could make a big difference when you are going for a building permit. D. Lewis said it is from the edge of the right of way. There was a discussion of defining the right of way and putting the information on a map for reference. S. James said it would not be a town map but a surveyed map with exact alignment and layout of the roads not where the roads actually are.

F. Kelley said Route 27 changes every 20 feet how do you deal with that? D. Lewis said some of the town roads vary 3 different widths on one road and it's hard to find where the transition is. S. James said they could try to do road research but that would be a project in itself. D. Lewis said he has tried before to get money in the budget for road research. He said it is very expensive to do research as you have to go all the way back to the original surveys and how it was recorded. Most of the old records are sketchy saying corner of this rock to a tree and it will take time. D. Lewis said they have done a fair amount out of necessity and have that recorded.

7. Energy Efficiency

A. Soares said since the petition article #32 on solar power passed in March they have seen more people using solar energy. She said there are state regulations but feels they need to put something into Candia's Zoning Regulations. She said they need solar regulations so when the building inspector goes out to inspect he has guide lines and continued they can be more stringent then the state regulations, say for example, if they are putting solar panels on older houses the town can make sure the structures are secure so there will not be any problems. D. Murray said he can do that now with the state regulations and said he always checks for structural integrity. A. Soares said there are 82 towns that have adopted the exemptions for solar power and have added regulations into their zoning regulations. She felt it was in their best interests to have them in the zoning regulations. She said it is always in a town's best interest to have regulations in the town's zoning regulations because then the Building Inspector would be able to cite them to protect the residents.

A. Soars said she will make sure everyone gets the Montpelier's solar energy conversion ordinance to look at and said J. Munn from SNHPC has been contacted to help in the model language for the ordinance. She said she will look up the state regulations. S. James said he looked briefly at the Montpelier's ordinance and feels the amount of specifics is not necessarily. A. Soares said they could

pick and choose what they want. She said down the line they are also going to have to deal with small wind systems too because there is an individual in town who is researching it and is adamant about putting it on this property. She said the state has regulations on outdoor wood burning systems too.

8. Building Activity

S. James said another idea to work on at the next meeting is, “What is building activity? He questioned whether leach fields or detention ponds would be considered building activity. This came up on a previous Major Site Plan. He said they had a detention basin within a setback.

Other Business

S. James said this is a good list to start working on and they will try to keep the meetings shorter. He said most of them except for the alternative energy are not zoning and can be voted on at a public hearing.

S. James said they will plan to hold the ZRRC meeting every 3rd Wednesday that way it is a set schedule. The next ZRRC meeting will be June 19, 2013.

The meeting was adjourned at approximately 8:25pm. S. James thanked everyone who stayed.

Respectfully submitted,
Sharon Robichaud
Land Use Secretary