

Candia Zoning Review & Revision Committee
Minutes of November 20, 2013
APPROVED

Present: Sean James; G. Clifford; Fred Kelley; Dave Murray; Dick Snow; Dennis Lewis

Meeting came to order at 7:50 pm.

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.

Land Use Regulations

S. James said if they want to have SNHPC review the document they need to pick up the pace. He said the outline of the Table of Contents (TOC) follows Bedford and Derry regulations and it appears to have the same person who wrote it as most of it is the same. He said the general idea is to combine the Subdivision Regulations, Major and Minor Site Plan Regulations and the Earth Excavation Regulations and to eliminate duplication.

S. James said Part one Authority General Provisions is a boilerplate background for all of the regulations. He said in the next Section Part II they put Subdivision, Major and Minor Site Plans, and Earth Excavation and in contrast the other towns had these at the end of the their regulations. He suggested moving them to the end of the document like theirs. He said he is not looking to change a lot he just wants to streamline and reduce conflicts. He said he had no plans to change the Earth Excavation Regulations just insert them the way they are and continued the definitions in this part are unique to this section and would make sense to leave it in this section. He said the rest of the definitions would be put together under definitions. He said the regulations have been color coded with red being a new combination, black being the Subdivision Regulations, blue the Minor Site Plans and Green the Major Site Plans. He said the preamble in red is verbatim from Bedford & Derry. He said the first section is generally in good shape other maybe then definitions where other definitions need to be added. G. Clifford said if someone comes in for a subdivision they don't really need the site plans and if you want a paper copy the document will be over 100 pages. She suggested when it is fully organized could it be chunked into chapters which would make it workable and manageable and not make people print 100 pages for one section. S. James said you can choose to print any section you want. He said most people use the online version except here on the Board where we use it all the time as reference manuals.

S. James said they are going to fix overlap and there are still some definitions that are missing such as a driveway which they tried to add to the Zoning Regulations but got voted down. He suggested combining the application procedure and the check off list for example if you are coming forward with a Major Site Plan add this to the application process and road way driveway standards can be combined. G. Clifford said the document seemed to be large and asked if other towns are this large. S. James said Derry's regulations are about 100 pages but they do not include their Earth Excavation Regulations and Bedford is over 200 pages but they have Earth Excavation Regulations included and they also have a staff of 5 people who put it together. He said looking through Derry's and Bedford's regulations they have a lot that Candia does not for example drive through windows which may not be necessary for Candia.

D. Lewis said towns like Bedford their regulations have evolved they need the 200 pages but here in Candia we do not need that. He said Candia adds things in when they see things in subdivisions or site plans that need to be corrected. G. Clifford commented on the color coding. S. James said having the color coding will help because at some point there will be a public hearing and it may be confusing on where all the wording came from.

S. James asked the secretary if Article 2 could be done and emailed out for review so it can be reviewed at the next meeting. He continued they can work on Article 3 & 4 in January and subdivision which runs to article 16 and spend February through April on subdivision. He continued that May through August they can work on the Site plans. He said SNHPC had asked when the regulations would be ready for review and he felt that they could finish a year from now, November 2014 but unfortunately the secretary is working on it but the last thing she is working on.

S. James asked Dennis Lewis if along the way if he may want to change any roads standards or update them, to let him know. D. Lewis said there are couple things but not major ones more the way some things are worded. S. James asked if the cul-de-sac dimensions had been changed. Discussion continued on the difficulty of plowing the small cul-de-sacs and how he spends more time on Halls Mill Road cul-de-sac then the entire North Road. D. Lewis said he prefer loop roads.

S. James said the sign regulation language are in both regulations and zoning and they need to work combining the sign language. F. Kelley agreed with that. S. James said the nice thing about having the sign regulations in the site plan is that it is easier to change them and they do not need a warrant article at a town meeting just a public hearing.

Other Business

Candia Crossing High Street Bond

S. James Candia Crossing said it was brought to his attention their approval is expiring in December. F. Kelley said their bond is paid up. S. James said he has not heard from them. F. Kelley said he could ask S. Komisarek and J. Cole what their intentions are as their time is almost up. S. James said all the Planning Board would do is send the BOS a memo that their approval has expired so the bond could be pulled to put the site back. F. Kelley asked when their approval expires and S. James said December 13th. F. Kelley asked if they want to get another approval they have to come back in ask for an extension. D. Lewis asked how you ask for an extension on a conditional approval as it's not like they have a signed site plan and what would you be extending. F. Kelley said there isn't a site plan and felt they would have to come and start all over. D. Lewis said in the process they have to do what was the bonded. S. James said assuming they don't do anything they would have to remove all of what they put in including removing the road and restore the land. F. Kelley said no not unless they paid their bond. Once the approval has lapsed they have no approval for the road they will have to restore it to preexisting conditions and if they don't the town takes the bond and the town does it. D. Lewis said the bond is the property of the Board of Selectmen they can either have them restore the land to its original conditions or take the bond and hire someone else to do it. F. Kelley said do they have to remove the walls? D. Lewis said whatever is bonded not sure the walls are in the bond and would have to read the bond, loaming seeding restoration the road. S. James said it was brought up what if they are coming in with something else. He said this approval has gone 6 years how long can it go? D. Lewis said I don't know. G. Clifford said she didn't know either. D. Lewis said if that is what they were going to do they should have been in a long time ago not on the drop dead date. The reality is the work had to be done by this date or the project be well underway and should be the date the Town should be taking the bond. F. Kelley said they should come in with a plan. G. Clifford said they really didn't have much of a real plan as she said she read the whole folder. D. Lewis said there is no plan and said that has been the issue from day one that they are putting in a road without a road plan. S. James said they had a plan view layout but that was it. D. Lewis said they had no engineered plans. G. Clifford asked how that could happen. S. James said he was on the Board when it was approved. He got conditional approval and needed to drill wells out back and when they were drilling for water they put the road in and it sort of made some sense but not entirely. D. Lewis said conditional approval was to make access roads to access water and then there was no water are they moving forward not moving forward, it is an unusual set of circumstances and probably won't happen hopefully not. G. Clifford said reflecting back on this and not being part of it are there things that should have been in the regulations to help manage a project like this? D. Lewis said he had to deal with this a lot and felt the most beneficial thing would be if someone came in for a conditional approval it should be spelled out

exactly what is allowed under the conditional approval because leaving here with an assumption they can keep going on their project and the Town is looking at it as the approval was for this and this only. He said it needs to be well defined. He said Candia Crossing wasn't well defined and that is where it broke down and no one knew quite what a conditional approval meant and that it was unfortunate thing and he hopes everyone has learned from this. F. Kelley said they spent a lot of money. S. James said getting back to the bond not sure when they renewed it and if they go to renew it next year I do not think the town would renew the bond on an expired project and if they don't restore the site. D. Lewis said they had this happen on Horizon Lane where they had a letter of credit which expired in the early 90's where the person went bankrupt and they lost the letter of credit and the road wasn't finished. He said people were living there and had to wait for another developer to come in purchase the subdivision but a bond in place which wasn't easy and got the road finished. But the project was a nightmare for about 15 years with a new house being built and they couldn't close on it because the new developer hadn't finished the road and the town's hands were tied. He said we have to be careful. S. James said he has brought up conservation subdivisions and there has been a lot of negativity on it and he hasn't figured out why is it because of that subdivision? He said it doesn't seem so much that people object to the theory but because one was a disaster and another ended up in court? He said he likes conservation subdivisions but a lot of people really hate them. S. Lewis said he has mixed feelings as it is easy to get a subdivision in with less road lot less upfront money for a developer, the roads are shorter and they conserve back land. D. Lewis said other towns have seen a lot of issues from well water and septic being so close together when they start to fail, neighborhood issues with shared driveways and closed drainage is expensive for the town to maintain. He said most have curbing which makes it harder to plow and he has heard there is a lot of negative things for the town's considerations to maintain. S. James said he looks at the alternative to the large lots people come in yes conserving land that couldn't be developed anyway two ways to look at it. Does benefit having a road with driveway every 200' have weird shaped lots. D. Lewis said if they had town water and sewer he would look at it differently. He said the land left to develop is rocky and the land is marginal and it takes 3 acres to have a spot for a house and a well and septic now shrinking down to an acre and put it all in its tough with ledge, water, and hills.

S. James said not hearing anything else wished everyone a good Thanksgiving and the meeting was adjourned at approximately 8:30 pm. S. James thanked everyone who stayed.

The next ZRRC meeting will be December 18, 2013.

Respectfully submitted,
Sharon Robichaud
Land Use Secretary