

Candia Zoning Review & Revision Committee
Minutes of August 15, 2018
Approved Minutes

Present: Rudy Cartier; Al Hall; Mark Chalbeck; Judi Lindsey; Josh Pouliot; Dennis Lewis, Road Agent. Boyd Chivers, Board of Selectman and ZBA was present. Note: Al Hall left the meeting at approximately 8:00 pm.

Bryan from Stantec was unable to attend.

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.

The meeting started at approximately 7:35 pm.

ZRRC Minutes from August 1, 2018:

J. Lindsey **motioned** to accept the minutes of August 1, 2018 as presented. M. Chalbeck **seconded**. R. Cartier and J. Pouliot **were also in favor. Motion carried (4-0-0) for Planning Board Members including alternates.**

Continuation of the Review of Candia's Current Regulations; Earth Excavation, Major Site Plan and Major Subdivision Regulations: Completed: Earth Excavation

The ZRRC committee continued their review of the existing Major Subdivision Plan Regulations with the track changes and discussed the proposed changes by Stantec that were in the binder supplied by B. Ruoff. Some of the items to adjust, correct, further explain or change are as follows:

Application Procedures:

R. Cartier said we found out that Andrea can't not bring an application up to the Board because it's incomplete. That decision can only be made by the Planning Board, whether it's complete or incomplete. J. Pouliot asked during an official meeting. R. Cartier replied yes. But there are allowances in the laws that actually allow for reviews before by basically whoever we want to review them and they can give us recommendations. One of the things we were going to take out of the subdivision regulations was the review committee but I think we should leave it in there because we can do that. What happened in the past, I reviewed some plans with Tom Giffen when I was an alternate to the Board and we did one for Ron Severino. We sat down with Ronnie, with the applicant and went through the check list to make sure all the items were there. That was done within a couple of days after the application was received so it didn't tie things up and gave enough time so the applicant could go back and make sure they had what was necessary to come in; within 21 days. One of the complaints was the Land Use Office can't make the determination that it's incomplete. Andrea sent the letter from Bryan, whose recommendation was that the application be deemed incomplete. He wasn't saying that it's incomplete; he was making the recommendation to us that it was incomplete. That's acceptable under the regulations. We will contact the applicants when they come in and say we'd like to have a meeting with you and sit down to go over the application; half hour to an hour. I can help do that and I want other Board members to do it too. We should have two Board members do it so not just one person is looking at it. We could ask Dennis to come, Fire Chief, Police Chief, Building Inspector, we can have anyone else that we want look at it to help us out; help the applicant out. We'll leave that in there and we'll try to do that.

R. Cartier continued I'd like to have something so we **encourage the developers to come in for an informational**. One person had said we don't want to come in for an informational because we can't bring in any plans. That's true and it's not true. You can have a map or something and this is what we're looking to do. I'd like to encourage people to do that. Jim Franklin, Chad with Fieldstone etc. A. Bickum said you can bring in a sketch plan, when they come in with a full set of plans already done and say it's just an informational and they're not notifying abutters, that's not right. They did that for Michael Thompson, they had a full set of plans and I said that's fine if you notify abutters. They agreed to that. They notified abutters and came in for the informational to be safe because they had a full set of plans so for Chad to say that in this instance with Donovan Road they weren't allowed to do that, they did that a couple of months ago with Michael Thompson and he knows that because he was here. Informationals are supposed to be conceptual. I spoke with Sean James today regarding a preliminary review committee and he said the Board reviewed the application. Sharon would leave a plan and a checklist here, you'd meet on a Tuesday or a Thursday when the Town Clerk is open and two Board members would meet with the applicant. That is the completeness review so we wouldn't need Stantec to do a completeness review and charge the applicants for that. They would just be doing the technical review. For Donovan Road the Invoice from Stantec was about \$450 just for a completeness review and the applicants really shouldn't be charged for that because we're supposed to be looking at that.

D. Lewis said once they do the review here with two members, then it can go to Stantec for technical review.

The Board discussed the procedure again:

1. Office receives the application and its put on the agenda for next PB meeting that is 30 days out:
 - a. Notices prepared: Newspaper, Public Notice, Abutter Letters
 - b. Give Stantec a head's up that Board has received application that will need a technical review and estimate will be needed.
 - c. Continue noticing as meeting and then go into a public hearing on the merits of the proposal, saves on future noticing and able to continue the meeting.
2. Completeness Review- with sub-committee: 2 Board members and applicant ASAP.
3. If all the information is there or as complete as possible then send to Stantec for Technical review estimate and/or collect \$2,500 fee? (*discussed on next page*)
4. Applicant pays Technical Review fee and Stantec reviews. (Technical Review for Majors with Stantec once completeness review is done).
5. At the first Planning Board meeting, accept or deny application.
6. Accept the application; that starts the 65 day clock to accept or deny the project.

R. Cartier said we'll **LEAVE the sub-committee in the regs.**

A. Hall commented November, NHMA going to have an annual meeting in Manchester and other town planning boards and officials would be there. If one or two of us could attend, networking would be invaluable and the cost is minimal. How do you do it in your town?

Had left off at Major Subdivision Regulations:

4.01 Submission of Application and Review Period: NEEDS MORE WORK

Discussion ensued regarding A. B. C. and D. which was all added by Stantec. A. Bickum said that's not what our regs say. I think this was a conversation and this was added. They're quoting the RSA here and A. and B. should be in red, it was added. R. Cartier said 4.01 was expanded. R. Cartier said let's keep this on the table as this section **needs more work.**

4.02 no suggested changes.

4.03 Filing and Compliance Monitoring

Section B. A. Bickum said if two Board members are reviewing the application to make sure it’s complete, then we don’t need a completeness review from Stantec. They would do the technical review. R. Cartier said eliminate that one. M. Chalbeck confirmed so we **eliminate completeness review from the Town engineer** and that will go to technical after we do the check list. Discussion ensued regarding this paragraph. A. Bickum suggested maybe \$2,500 for a technical review vs. completeness reviews to start?

R. Cartier said Project security is C. construction cost estimate for monitoring and surety and inspections would be in D. That would be developed by the Engineer for the project. D. Lewis said construction monitoring depends on the contractor. Some do things slowly and inefficiently and require more inspections and others are concise and by the book and the monitoring is minimal so it’s hard to put a number on it. R. Cartier said so it’s a negotiated number. R. Cartier said the fees we are estimating, if there is money left over, it goes back to the applicant, it’s in escrow. D. Lewis commented efficiency pays off.

4.04 Fee Schedule:

R. Cartier said Bryan added this and I think it’s good to have in there. **A. Failure to provide any of the required application fees shall be grounds for the Planning Board not to accept the application.** Board agreed.

4.05 Types of Subdivision:

A. Bickum suggested changing the description of 3 or fewer lots and four or more lots under Minor and Major Subdivision. People fight with me all the time on that definition.

R. Cartier said I interpret it as if you have one lot and you do 2 more, that’s 3. Some people say no, that’s 2 new lots. I think the regulation is perfect. It does not say new lot is says “The subdivision of land into 3 or fewer lots”; the land. It says nothing in here about new lots. D. Lewis said can we just clarify that in the statement? Discussion ensued. Suggestion: **Add including the existing lot.** So it would read **“The subdivision of land into three or fewer lots, including the existing lot.” Review wording on this and add it to B. under Major as well.**

R. Cartier suggested **removing C. Cluster Subdivisions** as I don’t think it’s in our zoning. I think it got taken out years ago. M. Chalbeck asked would that affect the Village District. **REMOVE C. Cluster Subdivision.**

D. Manufactured Housing Subdivision should now be C and D would be Planned Residential Development.

ARTICLE 5. MINOR SUBDIVISION

A. DEFINITION

5.01 Definition: The subdivision of land into three or fewer lots...**add in including the existing lot,** with no potential for re-subdivision etc.

ARTICLE 10.

10.02 Informal discussion – Informational

B. Review of Preliminary Layout. A. Bickum said we have an application for that but to me that’s the design review where the Board reviews but only makes recommendations or reservations in writing, no decision is made in the preliminary. 90 days for them to come back with final plat.

Board discussed the procedures.

R. Cartier said so step one:

1. Informational

2. Preliminary Layout of proposed subdivisions. So this should be before the application for the final.

A Bickum explained the Major Subdivision application process. So there is a preliminary application and then there's the final. They only pay one application fee during the preliminary but abutters are noticed because it is a meeting; essentially a design review. No decisions are made by the Board except for recommendations to the applicant. Then they have 90 days from when they get the letter (*should be from date of preliminary meeting*) from the Planning Board to come back for the final application. They submit another application, a final plan. At that point, because of the preliminary part, which is design review, they should be coming back for the final with everything done.

R. Cartier said I read it as they do an informational, then submit a preliminary, it's not an application yet and then (reading **10.07 Review of Layout**) Upon receipt of the complete preliminary layout the Board shall conduct a review of the proposed subdivision during a regularly scheduled public meeting. Notice shall be given the sub-dividers, the abutters and the general public. No action to approve or disapprove will be taken at the preliminary hearing. Then it says (in **10.08 Action of the Board**): After review of preliminary layout by the Board, the Board shall submit in writing its recommendations and reservations with respect to the proposed subdivision and advisability of preparing a final plat. Then it goes into (**10.09 Procedure**) A completed application for final plat approval for review and action by the Board shall be submitted to the Planning Board within 90 days of the completion of the preliminary hearing. Notice is required. If not submitted by this time, a new preliminary could be required.

Board discussed.

R. Cartier said so these steps:

1. Informational – if they want to have it, they can.
2. Preliminary Layout – they submit the stuff for us to look at for Design Review (notice to abutters etc.)

Stantec reviews the plans for design review. We're doing it backwards right now. We should be having Stantec do the design review as a preliminary layout and then if everything is in and they go through that, then they come in and submit an application for the final plat. Which to me, is what we'll be approving within the 65 days. That's when the clock starts. R. Cartier said if they submit the preliminary layout, it's without an application. They submit, here's our preliminary layout for the project. Have your engineer review it. A. Bickum said so why do we have a preliminary application, a two step process?

R. Cartier said so they would come in for a preliminary hearing. Lay it all out. A. Bickum suggested maybe we call it preliminary layout and design review. It's a two step process as far as noticing but it's not necessarily an application. We have them pay the application fee on the preliminary application but when they come back for the final, they don't pay another application fee, they just pay noticing fees. Maybe we don't call it an application? Or maybe it's an application but we don't have to accept it in a meeting. That's what we've been doing, accepting a preliminary application as complete or incomplete when it's not really an application, technically. It's a preliminary design review which is before an application is submitted.

Board suggested a list of steps, a flow chart. Check this, go here. Simplify the process; giving them information (*applicants and Board members*).

R. Cartier said the process is in there now, we haven't been following it. We were sticking on; they submit an application but the question is: Instruction for making Preliminary Layout and Review, Major Subdivisions. We're looking at the final application to accept the final plat to come in to approve or disapprove the project. They need to make an application for preliminary layout and review, which is not the same. M. Chalbeck said that's to get them in the door and start working. R. Cartier it says we do not approve preliminary applications. That's not the same as final. M. Chalbeck said and that's where we accept as complete or incomplete at the final. R. Cartier agreed. That clarifies it much more. We were looking at it backwards. We're missing a step, the preliminary review. A. Bickum said with Crowley Woods, we did look at that but it was accepted as an application, as

complete or incomplete. It's really not; we shouldn't be accepting that portion of it. So in a meeting, you go through the checklist to see that they put stuff on the plan but you don't accept it as complete. We could have Stantec do this because this is a design review.

Board discussed steps:

1. Application for preliminary
2. Review committee does their check
3. Plans go to Stantec for design review
4. Then come back with Final
5. Application complete or incomplete
6. Discuss final plan

R. Cartier said by the time we get to the final plan; everything should be reviewed and worked out.

3 step process:

1. Informational (optional)
2. Required to do a preliminary layout review applications
 - a. Sub-committee review of checklist for all applications/design review.
3. Final Plat application – within 90 days from preliminary.

A. Bickum read from OEP handbook: State statues do not require either a public hearing or an opportunity for public comment during the design review phase. However, input from an abutting landowner that is pertinent to the discussion may be useful, both to the Planning Board and the applicant. Then this would be a public Planning Board meeting. Final is the public hearing. Does it need to be in the newspaper? We've been doing that. I'll read the RSA on that again.

R. Cartier said we'll stop here. **Left off at 10.09 in Major Subdivision Regulations.**

Possible review and discussion of the draft of proposed zoning ordinance changes presented on August 1st, by Judy Szot of the Zoning Board.

Boyd Chivers presented the draft of the recommended zoning changes that Judy Szot had presented during the August 1st Planning Board meeting. The intent is eliminating some of the contradictions and clarifying and harmonizing our ordinance with state law. The first five are housekeeping items.

1. **Article III, Definitions. Accessory Dwelling Unit.** *"A second dwelling unit attached or detached which is permitted by a land use control regulation to be located on the same lot, plat, site or other division of land as the principal dwelling unit. RSA 674:21.*

Problem: *A second dwelling unit may not be detached but must be attached to the principal dwelling unit. See 15.04 E 7.*

Recommendation: *Strike or detached. Recommended text: "A second dwelling unit attached to the main dwelling unit which is permitted by a land use control regulation to be located on the same lot, plat, site, or other division of land as the principal dwelling unit. RSA 674:21. 5/18/18*

B. Chivers said our ordinance says it has to be attached but the definition says attached or detached. That's how our ordinance is written, it has to be attached.

2. **Section 5.01 D. Parking, Storage, or use of Major Recreational Equipment.**

Currently reads: "No such equipment shall be parked or stored in the front yard area in ~~the R-~~ district and shall not be used for living, sleeping, or housekeeping purposes on the premises.

Purpose: *to ensure this restriction applies to all zoning districts. Add 5/18/18*

Strike: *on the premises*

ADD: in either the R district or in any district within the Town of Candia. (Stantec suggested)
Proposed Text to read: “No such equipment shall be parked or stored in the front yard area in the R district and shall not be used for living, sleeping, or housekeeping purposes in either the R district or in any district within the Town of Candia.”

B. Chivers said we have some guy living in a camper in the C district. Dave went out to cite him but didn’t have much to stand on because the ordinance prohibits it in the R district but this guy’s doing it in the Commercial district. We want to make this consistent for all the districts.

3. Add under Article V, 5.02 Table of Use Regulations, Section 5.02A Residential:

***ADD A to Residential:** To read A. Residential*

***ADD 13.** Home Shop and under Zoning Districts add an “S” under residential district and “—” under all other districts. (This means it’s allowed by Special Exception in the R district and not allowed anywhere else.)*

Purpose: To include a previously omitted reference to Home Shop and missing A from Residential.

B. Chivers said each of these changes requires the Planning Board’s authorization and go to the voters. It’s not something the Land Use Office can do.

4. Section 14:06. *“Variances and special exceptions shall expire unless used within a period of two (2) years (currently states one (1) year) from the date granted. The Board may for good cause shown extend such period by ~~as much as~~ **up to one year.**”*

Strike one (1) year and ADD two (2) years

Purpose: to ensure consistency with RSA 674:33, I-a which provides for a 2 year period. 5/28/18

B. Chivers said the RSA provides a 2 year. R. Cartier said Bryan from Stantec suggested you change as much as to **up to**. M. Chalbeck pointed out in Section 2 5.01 D that Stantec had suggested any district and crossed out in either the R district or in.

5. Section 16.04C: Filing of Complaints: *Currently reads: Wherever any violation of this Ordinance occurs, any person may file a complaint in regard thereto in writing to the Building Inspector. The Building Inspector shall ~~immediately~~ investigate said complaint, and, finding a violation to exist, shall act according to paragraph 14.01A of this Ordinance.*

Problem: 14.01A should be 16.01A

Correction: Strike 14.01A

ADD 16.01A in its place.

ADD a period to the end of the sentence after Ordinance.

B. Chivers said this should reference 16.04A instead of 14.01 A. The last sentence in 16.04C...one of our recommendations was to strike the word immediately. A. Bickum said I think I struck it and left it out. (*added back in above for reference*). B. Chivers continued those are housekeeping items but the rest of these are policy issues the Planning Board should work on. We have these accessory dwelling units in Town and people are renting them on Airbnb and Vacation Rental by Owner which is conflict with our ordinance. That becomes a commercial use of the property in a residential district and it’s also prohibited in the ordinance. We have these ADU units and people are using them for a source of income and our recommendation is to allow the properties on Airbnb for short term rentals. There’s not much difference between a short term rental and someone renting it for 6 months at a time. A short term rental generated a lot more revenue for the Town of Candia, House of Pizza and Cello’s; more apt to spend money around town. Our recommendation is boarders and strike prohibition on short term rentals on these accessory use dwellings.

SUGGESTIONS AND IDEAS THAT NEED MORE WORK:

6. **SUGGESTION ONLY – needs a lot of work.** *This would apply to Section 5.02A Residential #5 Boarding or Rooming House and/or Article XV Section 15.04 E Accessory Dwelling Units*

Problem: No short term rentals of rooms, boarding and/or ADU's (accessory dwelling units) are currently allowed. Planning Board is tasked to come up with a solution to possibly allow short term rentals of ADU's or rooms. (There is already an Airbnb Bill HB-654 trying to override local zoning for this). For example, websites like Vacation Rental by Owner and Airbnb.com. This would then be a business so a change in the description under Home Office or Home Shop for example would be necessary in order to encompass this type of business use in the Residential district. See NH Municipal Assoc. Article attached

B. Chivers said Andrea encountered this problem on number 7. Some guy was looking at a 3 acre parcel of land with a barn and a riding ring and wanted to move 12 horses there and start giving riding lessons on 3 acres. There's nothing in the ordinance that would prohibit that so she looked around and found a Town that has an ordinance; which Bryan came up with recommendations. To me this looks like the Planning Board should give more consideration too. R. Cartier said Bryan had 3 comments on that one. The minimum size of site area; 2 acres of contiguous non-wetlands and under animal waste, change to 200 feet. That's more in line with state law on waste management. B. Chivers said so it looks that Bryan supports it. R. Cartier said its common sense. You hear about ASPCA going in to rescue horses living in squalor conditions. I believe you should be able to use the land the way you want to but when you have runoff etc. and its harming animals. *Board discussed #7.*

7. **SUGGESTION ONLY – Needs work:** *This is a zoning ordinance from another Town. We have nothing in our ordinance now regarding horses and the building Dept. has received numerous calls on people wanting to have large numbers of horses on small lots so there should be some sort of minimum acreage (1 acre per horse) or something. Then you have to also consider horse boarding, stables, riding rink, lessons etc. which would make it a business, which is not currently allowed in the Residential district.*

New proposed ordinance for stables and kennels: *Allowed by Special Exception in the Residential area. Permitted in Commercial area only.*

Article 5.02 F (f-6): Stables and Kennels – The keeping of all non-pet horses, dogs, cats or other animals. The facilities shall conform to the following:

(1) Minimum site area – two (2) acres plus, in the case of horses, one (1) additional acre per horse, i.e., one (1) horse would require three (3) acres of land.

(2) No barn, shelter, or building used for boarding of said animals or the storage of feed and supplies shall be located closer than sixty (60) feet from any property line.

(3) Animal wastes shall not be stored any closer than one hundred (100) feet from any property line or surface waters.

(4) The area used for grazing, exercising, or training of said animals shall be securely fenced to prevent the animals from straying or a suitable restraint shall be provided to prevent straying.

(Note 8 and 9 were not discussed)

8. **HISS Mapping:** *B. Ruoff to recommend language. The Zoning requires High Intensity Soils Mapping and the subdivision regulations require site specific and it's a problem every time, every subdivision. We grant a waiver every time. Need to change this in subdivision regs vs. zoning regs?*
9. **Sign height limits** – *discussed in July 18th ZRRC meeting and to be investigated by B. Ruoff from Stantec. Zoning sign regs Section VIII may change in conjunction with Major Site reg changes. Definition for animated signs may be added as well.*

B. Chivers said and the last one, Memo to the Planning Board. I urge the Planning Board to give serious consideration to these Home Service Contractors; running small businesses out of their homes in the residential district of which there are four or five dozen in the Town of Candia. The guy that runs a plumbing business out of his house with one truck and one employee, he's technically in violation of the zoning. Electrical contractor, same thing. We don't enforce the ordinance because Candia is a community of tradesman and I think we owe these guys recognition of that fact and I think we ought to make it possible for them to do business in Candia and make it legitimate. If there's any one idea in this stack of paper, this is the one that merits our attention. We took this home service contractors and we broke it into 3 levels. Why not make these legitimate with these conditions? B. Chivers went through the 3 categories.

MEMO TO THE PLANNING BOARD:

A Home Service Contractor section was suggested to encompass small businesses that are not listed under Home Shop or Home Office; i.e. landscapers, contractors etc. Would need to be considered to be able to run a business from home in Residential and/or be able to have their commercial vehicles parked on site. See example below but this will need some thought and re-working. Problems: how restrict size of construction and/or commercial vehicles; trucking is not allowed in residential, what about parking a school bus which is a Class 6 vehicle (Class 6-8 being large buses, tractor trailers, 6 axel dump trucks etc).

POSSIBLE IDEA THIS STILL NEEDS WORK

PROPOSED ZONING PROVISIONS FOR HOME SERVICE CONTRACTORS –

This is NOT currently in our zoning ordinance.

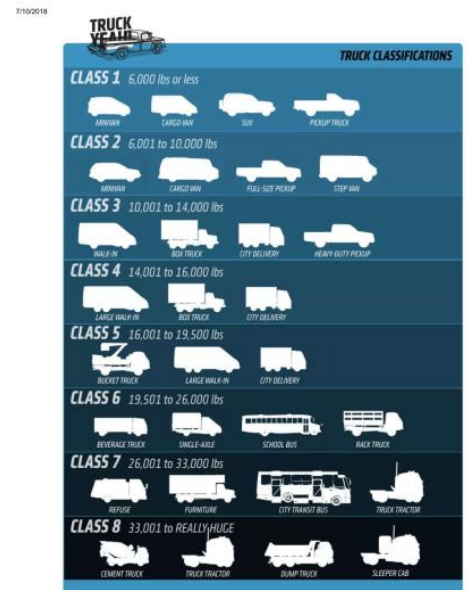
1. *Article 5 Use Regulations. Add new section: 5.03D. Home Service Contractor (level 1). Permitted by Special Exception and subject to the provisions of Section 15:02. Includes customary tradesmen such as carpenters, plumbers, electricians, painters, and machinists. Subject to the following restrictions:*
 - *The accessory use is practiced exclusively by the owner of the lot of record.*
 - *Outdoor storage of material prohibited.*
 - *On site retail sales prohibited.*
 - *No more than one employee shall be employed at the site who is not the owner of the lot of record.*
 - *Use does not cause any additional vehicular traffic between the hours of 7PM and 6AM or on holidays observed by the town.*
- B. Chivers said and level 2, the guy that has more equipment than level 1.
2. *Article 5 Use Regulations. Add new section: 5.03E. Home Service Contractor (level 2). Permitted by Special Exception and subject to the provisions of Section 15.02. Includes customary occupations such as landscapers and arborists. Subject to the following restrictions:*
 - *The accessory use is practiced exclusively by the owner of the lot of record.*
 - *Outdoor storage of materials is prohibited.*
 - *On site retail sales is prohibited.*
 - *No more than one employee shall be employed at the site who is not the owner of the lot of record.*
 - *Use does not cause any additional vehicular traffic between the hours of 7PM and 6AM or on holidays observed by the town.*
 - *Equipment storage must be beyond the following setbacks:*
 - Front Lot Line 100'*
 - Side Lot Lines 50'*

B. Chivers said level 3, bigger equipment but additional restrictions. I added one more thing that I thought of, you can't process material on site. No screening of loam for example which was an issue we had a few years ago. If we can somehow adopt some restrictions that we can live with, especially the owner of the property, I think Candia will be better off for it. Our Building Inspector back there would be required to investigate some of these complaints if some neighbor decided to call out a guy for running a machine shop or a plumbing business out of his house. These are harmless occupations. There's dozens of them. I say we recognize the kind of people that we have here and respect what they have to do and make it possible for them to make a living in their own homes. That's the purpose of this ordinance and I hope this Planning Board can support it and enthusiastically support these changes to the zoning ordinance right here. If Dave Murray were here tonight I think he'd say the same thing. It would be an enforcement nightmare. I'll give you an example. There was a case before the ZBA last month some guy was running a trucking operation out of a 2 acre lot where he had a half dozen trucks parked there. The neighbors complained, and they should have, he really exceeded what that lot can support and we had to turn him down. He's driven around town and seen other trucking companies operating in town and other landscapers and builders and he started questioning the ZBA about how erratic our enforcement is in Town. If we turned him down and this guy can go to Superior Court and claim that he's not given the same kind of consideration in this Town. He's got a constitutional right to be treated the way everybody else is. He could make one big stink over that and the ZBA recognized that. We don't want that to happen in Candia which is why we're doing this right here. Dave and I and Andrea worked pretty hard on these things just to get something in here that makes it palatable to the neighbors and acceptable to the property owner. This guy, the level 3, you have to have 5 acres. So someone in East Candia on a 1 acre lot isn't going to start his own trucking company. 5 acres gives him room to hide that equipment where nobody else is going to see it. He's got to have 300 feet of frontage, plenty of distance on either side from your neighbors. The purpose is to take these home contractors occupations and break them down into several different levels and make restrictions that are pertinent to each one of these levels.

3. *Article 5 Use Regulations. Add new section: 5.03F. Home Service Contractor (level 3). Permitted by Special Exception and subject to the provisions of Section 15.02. Includes truck operators and occupations requiring the use of construction equipment. Subject to the following restrictions:*

- *Minimum lot size is 5 acres.*
- *Minimum road frontage is 300'*
- *No more than 2 Class XX (Class 5, 6, 7, 8? – Class limit?) or larger vehicles are permitted. (see diagram) (Stantec recommend Class 3)*
- *The accessory use is practiced exclusively by the owner of the lot of record.*
- *No more than one employee shall be employed at the site who is not the owner of the lot of record.*
- *The use does not cause any additional traffic between the hours of 7PM and 6AM or on holidays observed by the town.*
- *Equipment and material storage must be beyond the following setbacks:*
 - Front Lot Line 150'*
 - Side Lot Lines 75'*

Purpose: *To expand the allowable uses in the R district in recognition of Candia's diverse occupations and livelihoods.*



D. Lewis said on the level 3, it didn't take me long to come up with 35 places in Town that would fit that category. We go to 2 and 1 and another 20 right there. In number 3, I'm a guilty party, for 40 years I've been a guilty party. When you get to the use does not cause any additional traffic between the hours of 7 pm and 6 am; a lot of those same contractors plow snow and deal with emergency situations so there is an occasional vehicle leaving at 2 am or coming back from something like that but it's not daily traffic going in and out. If you pass the ordinance the way it's written would that prohibit them in those off hours? B. Chivers suggested the use does not cause any regular additional traffic. D. Lewis said unless it's an emergency. The last two weeks I've left my yard and come home at 3 a.m. like for that North Road situation I went out with the backhoe at 10 pm and back at 4 am. R. Cartier suggested add with the exception of emergency situations. B. Chivers said we could work that in there.

D. Lewis said there a lot of people in Town who violate this ordinance but also a lot of people who help out the Town with their violations. The electrician or the plumber etc. R. Cartier said this is just for residential. Commercial and Industrial is another ballgame.

B. Chivers said Mark Hetzel who does our electrical is in violation, this guy right here's in violation (Dennis Lewis), Jimmy Wilson, to have your car towed which is what Scott Komisarek is probably having done right now, he's in violation. Rick Champagne, this poor guy, you can't do business with him. Think about it. M. Chalbeck said you should be able to have your business but if we pass something, I don't want to put them in violation while we pass it. B. Chivers said we're in violation now. J. Pouliot added legitimizing something that's already happening widespread in Town. B. Chivers said under state law, a neighbor has as much right to bring a complaint against a violation of a zoning ordinance as the Building Inspector does. If the Building Inspector refuses to enforce the ordinance, a neighbor has the authority to go to Superior Court and have the ordinance enforced. We don't want it to come to that. All it takes is one nasty neighbor and one bad situation and that's what you're going to get. D. Lewis said we're making it possible within reason to have a business. So I can't go and get 5 trucks, hire 10 people and come and go all hours of the day, it would prohibit that but it would make the one and two person operation... R. Cartier said you only have one vehicle under this classification here. D. Lewis said 2 dump trucks. Registered at Class 8 it would be 2. They don't register construction equipment. A technicality. R. Cartier said the truck classification, I don't see backhoes etc. B. Chivers replied you wouldn't because it's not motor vehicles. We've covered that with landscaping and construction equipment. Bryan recommended Class 3, restricted to Class 3. If you look at Class 3, that's inadequate. I'd say go up to 7 or 8. Somebody's got to park a school bus. M. Chalbeck said be careful because of the seasonal load limits. D. Lewis said we accommodate that with those that leave empty and come back empty. We limit it to 33,000 pounds or more so there isn't any empty weight vehicle, even a tractor trailer would be under the 33,000. I recommend Class 8. That way, somebody could have a tractor trailer that hauls for Pike Industries, they'd be able to bring it home and leave. Class 8 is anything 33,000 or bigger. R. Cartier said so Class 8 would be reasonable? D. Lewis replied someone doesn't have to own a business to bring a truck home and leave with it in the morning. R. Cartier said that's true. D. Lewis continued we have someone on Currier Road drives for a company in Massachusetts and he brings it home at night and parks it there, it's not a business. R. Cartier said so parking a bus, you don't own the bus. D. Lewis continued our zoning ordinance allows him to do that but not me and he drives by my house in the morning when he leaves and back again at night. And his wife drives a school bus. But both of them, its fine because it's not a business, just two commercial vehicles are parked there. If someone's going to run a permanent business there then you shouldn't be able to see it. B. Chivers said I would also add on Level 3, no processing of materials. I'll get that in there through Andrea. D. Lewis asked if you didn't know mine was there Rudy would you have an idea it was there? R. Cartier said no, you can't see it. Only when you go down to the sugar house. B. Chivers said I hope this Board can support these changes, particularly this one right here. We tried something like this in 2011 but it came on the heels of a controversy on Diamond Hill Road and the antagonist up there mobilized everyone against it. But he's moved out of Town, now's the time. If you get 40 or 50 people that Dennis knows, that would benefit from this ordinance, this thing will pass.

This is important for the people in Town and Andrea and Dave. Poor Dave back there, you expect him to enforce the zoning ordinance with some of the guys he went to school with and have been doing this for the last 40 years? You think that's going to happen? That's not going to happen and the poor guy lives every day thinking is someone going to make me go after Rick Champagne or anybody else who I'm friends with. D. Lewis added and they're the ones that make the Town work. They're the ones we call when the lights go out here or we need to plow the road.

R. Cartier said I don't think it's unreasonable and we can vote on this officially before we have to submit the zoning ordinance. B. Chivers asked do you think you might be able to get this on the ballot in March. R. Cartier agreed. This was big you guys doing this because this is the type of cooperation I'm looking for on our Board because we don't know. I think these are great suggestions. B. Chivers said I'll revise that one and put in the restrictions and exceptions we talked about.

R. Cartier said you have one for stables and kennels with Bryan's suggestions. Do you have anything on the Airbnb situation? You have some suggested wording for the ordinance? B. Chivers said the remedy for the Airbnb is to strike under short term rentals, strike prohibited in the R district; on that table of acceptable uses, short term rentals are prohibited. So add it in so it's not prohibited.

B Chivers said Andrea and I will work on the changes; access and no processing of materials on Level 3. We didn't look at the sign stuff, that's up to you. R. Cartier said Bryan has more information in here on signs and wetlands protection in here. Take a look at that too. We can look at the sign regulations; Bryan's made some recommendations from other Towns. B. Chivers said so Planning Board can support it and put it before the voters this year.

Board discussed the deadline; December or January for warrant articles.

MOTION:

J. Lindsey **motioned** to adjourn the Zoning Revision meeting. J. Pouliot **seconded**. **All were in agreement. Motion carried (4-0-0) for Planning Board Members.** It was the consensus of the entire committee present to adjourn the ZRRC meeting at approximately 9:10 pm.

Respectfully submitted,
Andrea Bickum
Land Use Secretary