

**CANDIA PLANNING BOARD  
MINUTES of August 1, 2012  
APPROVED**

Present: Sean James, Chair; Ginny Clifford, Vice Chair; Albert Hall III; Kim Byrd; Steven Bradley; Mark Siemonsma, PB Alt; Fred Kelley, BOS Rep; Dennis Lewis, Road Agent; Dick Snow BOS

Absent: Judi Lindsey

Chair James called the meeting to order at 7:00pm, immediately followed by the Pledge of Allegiance. Chair James asked Mark Siemonsma to sit for Judi Lindsey.

Minutes July 18, 2012

Chair James asked if no one objects he would like to wait on the minutes until August 15, 2012. A.Hall **motioned** to table the minutes until August 15, 2012. F. Kelley **seconded**. **All were in favor.**

Discuss modification to NOD Minor Subdivision 345 Critchett Road

*Minor Subdivision Application: E. Dwayne Critchett, 345 Critchett Road Candia NH 03034; Property Owner: Same; Property Location: 345 Critchett, Candia NH 03034, Map 407 Lot 054; Intent: To subdivide into 2 lots, new lot 3.104+/- acres leaving existing home with 11.191+/- acres.* Jim Franklin surveyor and Dwayne Critchett were present. J. Franklin said the granite corner markers have been set which was one of the conditions.

S. James said the subdivision was heard on July 18, 2012 and was conditionally approved. There were three conditions to be met within 30 days, the Conservation Easement that was being reviewed to be executed, granite bounds to be set and documentation on curreant use. Chair James said these conditions are fine from a Planning Board perspective but from a Conservation Easement perspective it created some problems, because the Conservation Easement cannot be executed until the subdivision is recorded and the Planning Board is saying the Minor Subdivision cannot be recorded unless the Conservation Easement is recorded.

Chair James said they were advised from town counsel to either reconsider or revise the Notice of Decision (NOD). He suggested revising some language in the original NOD. The original NOD dated July 18, 2012 read under decision “*Approve 2 Lot Minor Subdivision with conditions to be met in 30 days*”.

Chair James suggested approving the 2 Lot Minor Subdivision with conditions subsequent to be met in 30 days of final approval, which would allow the subdivision to be recorded and then the Conservation Easement can be executed. He said if the Conservation Easement falls through the Planning Board has the right to revoke the approval. He continued by reading RSA 676:-a 1. “*A subdivision plat, street plat, site plan or other approval which has been filed with the appropriate recording official under RSA 674:3 may not be revoked, in whole or in part, by the planning board, except pursuant to this section, and only under the following circumstances.*” RSA 676:-a 1.(c) “*When the applicant or successor in interest to the applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or, if no such time is specified, within the time periods specified in RSA 674:39.*” Chair James said under this RSA the Minor Subdivision can be revoked if the applicant does not meet the conditions.

Chair James said it is up to the Planning Board whether they are willing to consider modifying the original Notice of Decision and change the language under the decision. He suggested changing the language under the decision to read “*subsequent to be met within 30 days*”

instead of “*to be met within 30 days.*” Chair James asked if the Board understood his explanation. K. Byrd didn’t understand why 30 days when the Conservation Easement was to be executed one week after the NOD. J. Franklin said originally the closing was for August 3<sup>rd</sup> now it is the 13<sup>th</sup>. He said the revised NOD gives the applicant 30 days in case it gets moved again.

Chair James said once they revise the NOD then the prior NOD would be void. The wording Revised Official Notice of Decision was suggested. F. Kelley said if they do not meet the conditions within 30 days the subdivision will be made null and void. D. Critchett said he was confused on how he would not meet the conditions. F. Kelley said if the Conservation Easement is not executed within 30 days the subdivision would be void. M. Siemonsma said the revised NOD is a way of getting the gridlock unlocked so the subdivision can be recorded and the Conservation Easement can be completed. D. Critchett question why 30 days and J. Franklin said the Board is giving extra time for the Conservation Easement to be completed, in case it gets pushed back like it just did from the 3<sup>rd</sup> to the 13<sup>th</sup>.

A.Hall **motioned** to revise July 18, 2012 NOD, decision to read “*Approve 2 Lot Minor Subdivision with conditions subsequent to be met within 30 days of final approval.*” F. Kelly **seconded**. It was clarified that if the applicant meets the conditions within 30 days then the subdivision is good and if the applicant does not meet the conditions in 30 days the approval lapses and the recording gets revoked. S. James, A. Hall, F. Kelley, G. Clifford, S. Bradley, M. Siemonsma were in favor. K. Byrd **Opposed**. **Motioned carried 6 -1**. The Mylar and paper copies were signed by the Board.

The next scheduled Planning Board meeting is August 15, 2012 at 7pm at the Town Hall, immediately following is a ZRRC meeting.

A.Hall **motioned** to adjourn at 7:35pm. M. Siemonsma **seconded**. **All were in favor**.

Respectfully submitted  
Sharon Robichaud  
Land Use Secretary