

**CANDIA PLANNING BOARD
MINUTES of October 16, 2013
APPROVED**

Present:, Sean James Chairman, Ginny Clifford, Vice Chair; Judi Lindsey; Ken Kustra; Fred Kelley, BOS Rep; Dennis Lewis, Road Agent; Dave Murray, Building Inspector; Dick Snow BOS

Absent: Al Hall; Kim Byrd; Mark Siemonsma

Chair James called the meeting to order at 7:00pm immediately followed by the Pledge of Allegiance.

Minutes July 17, 2013 August 21, 2013 & September 18, 2013

F. Kelley **motioned** to accept the Minutes of July 17, 2013 as presented. G. Clifford **seconded**. G. Clifford, F. Kelley, K. Kustra, J. Lindsey **were in favor**. S. James abstained.

J. Lindsey **motioned** to accept the Minutes of August 21, 2013 as presented. G. Clifford **seconded**. S. James, G. Clifford, K. Kustra, J. Lindsey **were in favor**. F. Kelley abstained

F. Kelley **motioned** to accept the Minutes of September 18, 2013 as amended. J. Lindsey **seconded**. F. Kelley, K. Kustra, J. Lindsey, S. James **were in favor**. G. Clifford abstained

Other Business

Discussion Major Site Plan Map 408 Lot 30-23 13 Deer Run Road

Brian Barbin, owner of Cutting Edge Industries was present. Chairman James said Dave Murray, Building Inspector had prepared a memo on the Major Site Plan, 13 Deer Run Road. D. Murray said in 2002 he was approved for an addition, he had some financial problems it didn't get built and he came back before the Board in 2007 and the Board approved an extension and again the owner was hit with bad luck so he never got to proceed with the addition which is why he is now before the Board tonight to try and move forward with building the addition. He added nothing has changed and he has walked the site and he does not see any issues.

F. Kelley asked if there were drawings for the building and B. Barbin said he had a copy of the layout of where the addition is going and a frame drawing. F. Kelley said he was on the Board when he came forward in 2002. Chairman James asked about the plan. B. Barbin said he is adding 30 feet to his 50 foot wide existing building off the back. Chairman James said the extension in 2007 has lapsed. He said he is looking into the regulations for a way the Planning Board could sign off or continue the approval and he said he does not know how he can do this without going through the whole process again. He said there are a couple of issues one being the Planning Board is new with the exception of F. Kelley and K. Byrd who is not here tonight. He said he would like to open this up for discussion and continued the site plan looks straight forward and it seems like there wouldn't be any objection to the plan.

B. Barbin said he wanted to start the foundation before the frost set in. He said everything is the same and nothing has changed. K. Kustra asked how long it would take to complete the process and B. Barbin said he is hoping to have it finished by February/March 2014 depending on how everything goes and continued he is trying to get going before the frost otherwise it would be delayed until next spring.

F. Kelley said he knows when he came in 2002; the plan went through and the plan was engineered and done correctly. He said in his opinion he does not need to go through the process again as he has already gone through the process and did a good job. G. Clifford asked if they had a copy of the plan and it was confirmed that there was copy of the site plan but it was unsigned. The original surveyor RSL has passed and all of his work was bought out by Jones & Beach Engineering. B. Barbin

said he was able to obtain an unsigned copy from them and continued he wanted to make sure the extension was all set before he gets the plans for the engineered steel building because he does not get the plans until the steel package is paid for. It was confirmed the addition is the same steel building as what is existing.

Chairman James said he understands how things get delayed and this project got delayed and reapproved it in 2007 and now he needs an approval from the Board. He said there are 4 members on the Board who do not know anything about this project. He said another question is whether the abutters have changed. B. Barbin said the abutters have not changed since 2007. It was confirmed that the town owned the land abutting his in 2007 and were noticed in 2007 and abutters have not changed since then.

Chairman James said he agrees with B. Barbin that nothing has changed and the Board appears to have no objection to the plan but the Planning Board has a process and there is a reason they follow it. J. Lindsey asked what the quickest way he could legally move forward according to the regulations. Chairman James said because of timing it could be heard at the November 20th meeting. It was questioned if the plan was registered and secretary Robichaud went to check online. F. Kelley said he remembers plan being signed. G. Clifford asked if the plan he has shown is the original and B. Barbin said yes. G. Clifford asked if the regulations have changed since the plans were approved. Chairman James said he believes there were no changes that would affect this plan.

K. Kustra asked the building inspector if the contour of the property changed in the last 6 years. D. Murray said nothing has changed. G. Clifford said the logic she is trying to follow is the plan was submitted the plan was approved and the plan was extended, the regulations have not changed what would the Board do differently this time and said what is it that requires them to redo the plan. J. Lindsey said they let the deadline lapse. F. Kelley said the holdup is they let the extension lapse. G. Clifford said would it be allowable to notice it and hear it at the next meeting? F. Kelley said November 20th would put them way behind if they want to start before frost. G. Clifford said she did not have any objection as long as they are not breaking any regulations. D. Lewis asked if there was a copy of a signed plan and there isn't one in the file. B. Barbin said he had given his signed copy to the builder in 2007 that took his money and went bankrupt and he never got the plans or money back.

Chairman James read "*Section 5.02b Construction of all required improvements shall be completed within two years of date of acknowledgement unless a greater period shall be specified in the Notice of approval or disapproval.*" Chairman James said the difference with a subdivision is when it is done and recorded it has not time limit and doesn't change, a building or site plan have a time limit on them.

G. Clifford said it seems the key piece is if the plan was recorded or not. D. Murray said he cannot issue the building permit until he gets the building plans which B. Barbin is going to provide. F. Kelley said it should be the same steel structure as what he has now. Chairman James had secretary Robichaud check the Rockingham Registry and the plan was not found online.

Chairman James said the plan was approved but never registered and a there isn't a signed copy. B. Barbin said it clearly had to have been signed or they wouldn't have received an extension in 2007. Chairman James said presumably. F. Kelley said he is almost positive the plans were signed.

Chairman James said there are a couple of options go through; one go through the process and have noticing but the hearing will be November 20th due to noticing deadlines or another option is to vote to conditionally extend the site plan pending legal counsel to make sure it is legal. G. Clifford asked if when they extended the approval had it already expired and it was confirmed it had expired. B. Barbin said Jones and Beach does not have a signed copy and would the plan have to go back to be engineered to be signed again? Chairman James said basically he is asking them to do what they did in 2007 where they noticed the abutters.

G. Clifford said they need a plan to sign. Chairman James said maybe Jones and Beach Engineering can reproduce the plan. Discussion concerning the new plan that could be signed and registered but would require an original engineer stamp. B. Barbin said he would call Jones and Beach to see if this can be done but has his doubts. Chair James said the Planning Board needs plans that they can sign to register them. He said the Planning Board's role is to protect the town and applicant and follow the regulations they are asking to extend a plan that has expired and there are no signed plans.

D. Lewis asked if plans were required to be recorded in 2002. Chairman James said it wasn't required in 2002. He concluded with asking B. Barbin to check with Jones and Beach about what they will and won't do and he will check with the town attorney. B. Barbin said if he goes through the process with the plans and cannot get a Mylar copy he will have to start all over and it will cost him thousands. He said he has already spent so much in engineering. He said he even has a 32,000 gallon water cistern on site that had to be engineered. He said his mortgage is all engineering costs. And the costs of company that went belly up in 2007, he just can't get ahead and he is here seeking relief so he doesn't have to pay out more thousands of dollars when it was already engineered and approved. Chairman James said he is trying to think of a way to help out but is struggling saying the Planning Board can only do what they can legally do. There was a discussion on a conditional approval contingent on town attorney input and if it comes back favorable they can get the plans and resign them and if not they may have to go back to Jones and Beach and start over which would be at the November 20, 2013 meeting.

F. Kelley **motioned** to conditionally extend the 2007 Major Site Plan contingent upon Town Attorney input until December 31, 2014. J. Lindsey **seconded**. **All were in favor**. B. Barbin thanked the Planning Board for their time.

Other Business

Southern New Hampshire Planning Commission Support

J. Lindsey asked if the Planning Board had sent a letter of support to the Budget Committee for funding for SNHPC. Chairman James said not yet but he is working on it. He said he had reached out to SNHPC and they wrote two letters similar one with different details. He said he would like to send to the letters to the BOS and asked F. Kelley if it would be possible to get on the agenda for the October 28, 2013. He said SNHPC did a list of projects, population projections, road safety audit, by-way meetings, mapping, updated base mapping, traffic counting in 18 different locations, etc and they tried to put a value to it and came up with a \$21,000 dollar range of services provided last year. He said he is planning on going to the meeting to support them and David Preece Executive Director of SNHPC is going to come to the meeting. He asked what happened to the budget line and did the BOS take it out of the budget and would the BOS be able to put it back in. F. Kelley said it can still be put in and that they have time. Chairman James said he would contact Andria.

Chairman James said this happened a few years ago when the line got voted down to a \$1 by many of the same people on that are on the BOS now and the Planning Board had SNHPC write letters and explain what they did for Candia and it was put back in the budget and he is surprised it got taken out again. He said he will come to a meeting and explain again.

Master Plan Funding

G. Clifford said she also read the minutes from the BOS and that the Master Plan was also taken out of the budget. She asked if there was any discussion on the Master Plan. F. Kelley said not much. G. Clifford said so the BOS doesn't want them to update the Master Plan. F. Kelley said the BOS said they think the Master Plan isn't worth anything and doesn't do anything. J. Lindsey said regulations are built on the Master Plan. F. Kelley suggested a warrant article. G. Clifford said that failed last year so that is why it was put in the budget. She said she thought it would be a priority of the BOS that it would be supported. Chairman James said it was very confusing because at the last meeting Amanda Soares sat in your absence and they talked about whether doing a warrant article or

putting it into the budget and A. Soares said the Board's opinion was in general they are trying to do less warrant articles and if it is something the Planning Board thinks we should do then put it into our budget. He said so they put it into the Planning Board budget and at the BOS meeting A. Soares made the motion to take it out along with you, F. Kelley which is confusing as the Planning Board is getting mixed messages. F. Kelley said he would have suggested the warrant article not in the budget. K. Kustra said wasn't putting in a one dollar line item suggested? Chairman James said that is what the BOS changed it too.

Chairman James asked the Board if they want to go ahead and put in a warrant article for it. F. Kelley said when Chairman James and David Preece come to the BOS to talk about SNHPC they can talk about the warrant article for the Master Plan too. G. Clifford said if the selectmen do not support it they will have to wait until they do. She said she believes in the Master Plan but this is ridiculous. F. Kelley said he will bring it up to the BOS again.

J. Lindsey **motioned** to cancel the meeting on November 6, 2013 due to lack of applications. F. Kelley **seconded. All were in favor.** The next scheduled Planning Board meeting is November 20, 2013 at 7pm at the Town Hall. Chairman James announced the ZRRC meeting is immediately following and everyone is invited to stay.

F. Kelley **motioned** to adjourn at 8:10pm J. Lindsey **seconded. All were in favor.**

Respectfully submitted,
Sharon Robichaud
Land Use Secretary