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CANDIA PLANNING BOARD
MINUTES of October 7, 2015
APPROVED
Public Hearing

Present: Sean James Chairman; Albert Hall III, Vice Chairman; J. Lindsey; Ken Kustra; Scott Komisarek
BOS Rep; Dennis Lewis, Road Agent; Dave Murray Building Inspector

Absent: Mike Santa; Mark Laliberte; Tom Giffen

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

Minutes September 16, 2015

A. Hall **motioned** to accept the minutes of September 16, 2015 as amended. J. Lindsey **seconded**.
All were in favor. Motion passed (5-0-0).

Other Business

Informational Major Subdivision Crowley Road Map 414 Lots 152 & 152-10 into Chester

Eric Mitchell said he is representing his client who is looking to purchase the property on Crowley Road Map 414 Lots 152 & 152-10 into Chester. He handed out plans for a Major Subdivision. Chairman James said this particular lot has come up in the past and there was an application in 2007 that was withdrawn and continued are we talking different ownership now. E. Mitchell said yes but may still be under the owner who came forward in 2007. He said the property is under agreement to be sold subject to approvals. He said the Candia portion of the property is map 414 lots 152 & 152-10 and the Chester portion is tax map 11 lot 30. He said the property in Chester is about 180 acres and lot 152 in Candia is not buildable and provides access to the back of the Chester property. He said lot 152-10 is approximately one acre in Candia and 2 acres in Chester and was originally approved as a house lot but is vacant and would be used as an access to property in Chester.

E. Mitchell said back in 2003 the 12 frontage lots were cut out along Crowley Road and many of the lots have about an acre in Candia with the balance of the 3 acres lots are in Chester. He said some of the lots have had houses built on them. He said he was not involved in that project and believes improvements were done to Crowley Road that included some pavement and culverts were replaced. He said at the time lot 152 at the sharp corner was indicated in the approval as well as the plan that lot area in Candia is not a buildable lot as it did not have sufficient frontage at the time and that any future development would have to be subject to approval by the Boards both in Candia and Chester. E. Mitchell said in 2007 the same owners had come in with discussions and from he saw from the records they had two meetings they did file an application but it was withdrawn because the application was not complete. He said they had been before the board in Chester on a formal basis and he was not sure why it did not go any further and can only speculate maybe the way the economy was back in 2007.

E. Mitchell said the plans that Candia may have looked at in 2007 may have been a grid subdivision in Chester but now they are coming forward with an open space type development. He said there is 180 acres and they propose to leave 100 acres as permanent open space. He said the town of Chester owns most of the land surrounding this property or is in conservation or held in open space already. He said one of the items that have come up before in reading the minutes Candia felt a permanent decision should come from Chester Planning Board on what they are going to be permitted before Candia gets involved. He said his purpose of coming tonight is to try and start things again and take the right steps and he knows they will have to have public hearings with both boards and he was not sure if they have to be joint meetings but from what he read in the minutes the last time joint meetings were not necessary. He said the number of proposed lots is about 70 propose with all the streets to be maintained by Chester and the school bus would come by Crowley Road so there will be no maintenance needed by Candia. He said the utilities will be underground and all the houses will have a sprinkler system.

52 E. Mitchell said they have had an informational with Chester to re begin the process again. He said
53 the formal application will require a lot of engineering design and before they begin that they wanted to
54 meet informally with both towns. Chairman James said the new design has approximately the same amount
55 of houses. E. Mitchell said in Chester there is a bonus for using workforce housing and other units and
56 there may be more units than previous. Chairman James asked if they have talked about this being a
57 regional impact project. E. Mitchell said it certainly is a regional impact as it affects both towns. He said
58 both towns would have to sign the approved plans.

59 Chairman James asked if they have had any preliminary traffic studies done and E. Mitchell said
60 they have not done any but saw in the file that they have been done before when the 12 lots were done. He
61 said generally speaking residential units it is roughly 10 trips per day per household and that includes
62 people coming and going such as the mailman deliveries and if you look at that with 70 lots that would be
63 700 trips which is a huge number but it is spread out during the day and the peak morning and evening
64 hours can be determined. Chairman James said that would be his concerns as that is a lot of cars to put on
65 that road and at one end of Crowley the intersection is not terrible but the other end is and would have to be
66 looked at. Chairman James said the traffic was an issue back then.

67 D. Lewis said back in 2007 when they talked about this when the day would come when someone
68 would possibly do something with this that the sharp corner would have to be discussed. He said doing a
69 three way stop and reworking that corner would have to be done as it will become a very busy intersection.
70 He said site distance as you are coming out of the development looking left would have to be improved. He
71 said it would be either a straight through road from Crowley and a stop sign coming down from Crowley
72 from Chester Road or a 3 way stop or they would have to revisit traffic. He said the road has never been top
73 coated it only has a binder. There was a paving problem and pike came and repaired the center joint that is
74 why you see that band down the middle of the road. He said they still need a top coat. He said he would be
75 looking for that with the volume of traffic that is running right now is on ½" single course mix.

76 E. Mitchell asked how much paving was done in 2003. D. Lewis said in 2003 that developer did sub
77 grade work and excavated the road, did drainage and brought up the gravel to grade and paved the hills and
78 the intersections. He said the next developer who put in the ten lots across the street paved the rest of it in
79 single course mix. E. Mitchell asked if a wear course would have to be put down and how much. D. Lewis
80 said the entire road as the traffic is going to go both ways. He said he could figure up a number of what that
81 would be.

82 Scott Flynn, 211 Crowley Road, abutter said he had a lot of questions and concerns. He said the
83 traffic issue was his biggest concern. He said as everyone knows Crowley Road is not just for its residents
84 but is a cut through from Depot Road, Patten Hill Road and going into Raymond and there is considerable
85 traffic every day now and he cannot imagine seeing 700 additional trips a day and deliveries and plus the
86 blasting that will have to take place. He said he know the property quite well and believes there will have to
87 be blasting. He said with all the blasting and preparing the property he has concerns about his home and his
88 neighbors' homes. He said and what about the municipalities, fire, police, and emergencies. He said Candia
89 would be the best responder as access will be in Candia. He said he has a lot of questions and on a
90 diplomatic issue what does Candia get out of this? S. Flynn asked why the developer doesn't go through
91 Shattuck in Chester. He said he sees a better access to this property. E. Mitchell said all the land around this
92 property is owned by the Chester or under their control. He said the abutters have been approached and
93 were not willing to participate so what they have is a piece of property approximately 180 acres that has
94 access to be developed but comes out into Candia and he said it would not be unlike a development ½ mile
95 down the road where people would come out even if in Chester and use Candia's roads. He said he
96 understands their concern. Chairman James said he appreciates the comments and said this is just an
97 informational. He said if it does become a formal application it will go to the Police, Fire, Road Agent
98 which will all review and comment on the issues you brought up. S. Flynn thanked the Board for their time.

99 June & Bob Petrin, 194 Crowley, said she has a lot of the same concerns as Scott Flynn including
100 their well and blasting. J. Petrin said she can't imagine the additional traffic as she rides the road now with

101 her horse and even now feels like she takes her live in her own hands because it is so winding and hilly and
102 people drive very disrespectfully. She can't imagine putting that amount of traffic on the road. Chairman
103 James said this is an informational and continued if you are not an immediate abutter to this project you
104 will not be notified so keep an eye out on minutes or feel free to call the land use office for updates. E.
105 Mitchell thanked the Board for their time.

106 Informational Major Subdivision 608 High Street Map 405 Lot 45

107 Joe Whichter said he is here tonight on behalf 608 High Street LLC along with Corey Hill, owner
108 who is in the audience. He handed out 11x17 tax maps and earlier surveys from 1975 where they
109 subdivided and created the subject parcel which is approximately 68 acres with 660 feet of frontage. He
110 said it narrows up and then gets wider in the middle then tapers down a bit in back. He said the average is
111 950' x 3400' and is zoned residential. He said they are in tonight to look at what can be done with the
112 property. He said if they stay with the maximum length of 1000' for the cul-de-sac they are looking at 6 to
113 8 lots. He said keep in mind what they are looking at is paper as they do not have it surveyed for any
114 wetlands and they have to create the 1 ½ acre buildable contiguous up land for each lot. He said the first
115 thing they would be looking for is, has the board ever granted a waiver on the length of a cul-de-sac and if
116 so could they perhaps do another cistern or something like that. Chairman James said he does not know if
117 they have ever granted a waiver on a cul-de-sac D. Lewis said they have. He said Halls Mill Road was one.
118 J. Whichter said from reading the ordinances 1-9 lots they need one 30,000 cistern and if more than 9 they
119 have to put in two. He said with the 4 acre out parcel that is in the middle of this piece of property they
120 were hoping to go further in then 1000'. He asked if 1500' was reasonable and what length is not
121 reasonable and that is what they are trying to figure out. He said because of the configuration of the
122 property they will need more frontages for 3 acres. He said those are the things they are trying to figure out.
123 He said the regulations mention you need hi intensity soil survey or site specific mapping but he didn't see
124 soil based lot side he read lot size 3 acres with 1 ½ buildable contiguous upland and asked if they needed a
125 soil specific map or just wetland delineations that showed the 1 ½ acres. Chairman James said they usually
126 require both. J. Whichter said if they get a waiver then would they have the number of lots or not that
127 would trip the second cistern. He asked if they knew if the Fire Chief has a preference sprinklers, cisterns.
128 Chairman James said he is not sure if he has a preference. J. Whichter asked if this project would require
129 any kind of offsite improvements. Chairman James said not speaking for the Board but the project is on a
130 state road and he doesn't see much to upgrade there. J. Whichter asked if Stantec did the reviews or do they
131 have an option or just them. Chairman James said Stantec is the town engineer. J. Whichter asked if they
132 have a technical question could they call them or is escrow money needed first, Chairman James said they
133 would have to ask them and he has no issues with them contacting Stantec. J. Whichter asked if every
134 subdivision needs a home owners association. Chairman James said the cluster subdivision has actually
135 been repealed and do not have that now that require a home owners association. J. Whichter thanked the
136 board for their time.

137 Information Lot Line Adjustment 146 High Street Map 406 Lots 1 & 2

138 Jim Franklin passed out 11 x17 plans showing the boundaries of the property and what they are
139 proposing. He said the owners of the property Mr. & Mrs. Kenneth Purington are here tonight if the Board
140 has any questions about the property and he is here for the technical aspect and he thinks he knows the
141 answers but want to ask them. He said Map 406 lots 1 & 2 are on the south side of High Street just up the
142 street a bit and what the family is doing is dividing the property amongst the heirs and sell off the house
143 and barn leaving about 20 acres which would be lot 2. He said a portion of lot 1 and he showed where on
144 the drawing proposed new lot line would go with lot 2. He said the reason he has a question is the town
145 regulations regarding LLA say it is limited to less than 3 acres and they are transferring 7 acres so they
146 need some guidance as to whether they should apply for a LLA and ask for a waiver or come forward with
147 a Minor Subdivision.

148 Chairman James said looking at the tax maps; he was confused as they do not match. He asked does
149 lot 1-1 corresponds at all to 2-1 on the tax map. J. Franklin said they do not match as they have lost

150 ownership on some of this land and some boundary lines. He said he has talked with the town and once
151 they have made application and abutters are notified then he can share the deed research he has done so the
152 pieces can be drawn correctly on the tax maps. He said there are two pieces listed as owner unknown but he
153 does have deeds to the people that own them. J. Franklin said 406 4-1 has 12.2 acres and 406 - 4 is owner
154 unknown, 406-3 is Clyde & Charlotte Seavey. As you can see on his plan 406-4 is owned by Robert
155 Battistta & Maryann Stout and runs along High Street south and wraps around the subject piece. He said
156 this can be all cleared up. Discussion continued on lots that are surveyed versus what the tax maps should
157 look like J. Franklin said they had to go way back to piece all these deeds together. Chairman James asked
158 why the new proposed lot line was not against the stone wall and J. Franklin said the septic system is
159 located there. J. Franklin said state subdivision is not required. He said they have two curb cuts one near the
160 house and the other curb cut down near where there is a catch basin. He said they have to talk with the state
161 because it is an existing curb cut. He said there has been some hesitation on the part of the state to allow
162 that curb cut to be used even though it is grandfathered. He said the problem is the site line as the state
163 requires all new driveways to have 400' of site line. He said if the state were to enforce this the owners
164 would have to cut down every tree 400' in both directions and as you know, as you go up the hill there are
165 some of the most beautiful trees located in a historical portion of town and it would just be a nightmare. J.
166 Franklin said they will have to resolve this with the state. Chairman James clarified the house is on lot 1
167 and will be moved to lot 2 and 1-2 goes away and what is left is lot 1 and lot 2.

168 Chairman James said personally he doesn't have an issue with the transfer of the land as they have
169 granted waivers in the past but there are other items to resolve such as there is an extra lot that doesn't
170 match the tax maps and the issue of the driveway with the state. He said in his opinion he would tend to see
171 this as a Minor Subdivision more than a LLA but would want to hear from the rest of the board. The
172 subdivision will also help clear up the tax map errors. D. Lewis said since this is on a state road he does not
173 have any comments. Kenneth Purington, owner said they had a hard time when they approached the state
174 about using the existing curb cut. He said there are RSA's that protect grandfathered curb cuts and said the
175 house was built in 1763 and the curb cut is as old. J. Franklin said he talked with DOT District 5 about a
176 different piece of property last week with the same concern about the site line and the curb cut has been in
177 place since the 3rd generation of land owners. He was told as long as the curb cut existed prior to 1970 there
178 isn't an issue and you do not have to improve the line of sight. He said owners would take it upon
179 themselves at their own risk and if anyone got hurt it would be between the land owner and the driver. He
180 said he does not anticipate having a problem with this and would be just a matter of getting the paperwork
181 straightened out with the state. Chairman James said he appreciates him coming in. J. Franklin and the
182 Purington's thanked the board for their time.

183 Discussion of Candia Crossing Site Walk Map 406 Lot 16 High Street on Bond Reduction

184 S. Komisarek recused himself. S. Komisarek and J. Cole, applicants were present. Chairman James
185 said he realizes S. Komisarek and J. Cole just got the letter from Stantec and asked if they wanted to take a
186 few minutes to read it. Chairman James said the applicants have a conditional approval which expired
187 almost two years ago and they came in for an extension which was granted and the conditional approval is
188 good through December 19, 2015. He said there was a site walk earlier today at 5:30 pm today which he
189 attended along with K. Kustra, D. Lewis, J. Cole and S. Komisarek. They walked down the access road and
190 back. He said previous to the site walk today, Rene LaBranche from Stantec, D. Lewis, J. Cole and S.
191 Komisarek walked the site and Stantec provided the board with their review letter. He said the letter in
192 general backed up what S. Komisarek has been saying all along that the site is stable. He said the letter
193 stated they observed no erosion and the drainage structure was functioning. He said they discussed the
194 surety amount which was \$51,421. The surety is broken down into 3 parts, site restoration, erosion control
195 and contingency. He said the only issue raised in the letter was the storm water infrastructure which was
196 composed of a 6' wide box culvert and a couple concrete cross pipes with head walls.

197 The comment Stantec raised about erosion control was that something could happen to the box culvert but
198 more likely the pipes which could get blocked up and could cause issues. Stantec suggested \$15,421 be
199 held for any erosion issues.

200 Chairman James said he sent the letter to the town attorney and received comment. He said the
201 attorney had no issues with the letter either for or against. He said what the attorney recommended is they
202 don't do anything until the conditional use lapses and to keep full surety in place until that point. He said
203 the next discussion assuming nothing goes forward or changes, the planning board per RSA 676:4-a
204 revocation of recorded approvals would revoke the project. He said there are options to tear everything out
205 but that doesn't seem reasonable as they have some infrastructure in place for a future subdivision project.
206 He said this is the recommended course. Chairman James said the planning board will report back to the
207 BOS with all of this in a memo.

208 S. Komisarek said he just wanted to clarify in Stantec's letter where it states that they are going to
209 come back in early in 2016. He said what they had said to R. LaBranche was their project had way too
210 many spur roads and that they had another plan using the same infrastructures and doing away with the
211 spur roads and utilizing the frontage. He said they also said all of this would be dependent upon the market
212 and they have no intention of selling raw land unpermitted. He said they would work with whoever would
213 come in and then bring the property back to a permitted project. He said they did not want to go ahead and
214 do something when they were not sure who the end user is going to be. He said R. LaBranche interpreted
215 that as early 2016, which is not what they said as this is all market driven and they will come back when
216 they get the right buyer.

217 S. Komisarek said they wanted to be honest and let the board know what they were thinking about
218 instead of coming in and just renewing the extension and it was his understanding that was once the current
219 application lapses they couldn't have a bond on a project that is not permitted. He asked if there isn't an
220 approval in place could there still be a surety of \$15,421.00 in place and that is what he is confused about.
221 Chairman James said at that point the surety wouldn't necessarily follow the project but follow the lot. He
222 said if there weren't any infrastructure a surety would not be needed. He said he was trying to branch from
223 this project to the next project and making sure that the town was covered. S. Komisarek said the point he
224 was trying to make is it is their intention to utilize the existing infrastructure.

225 J. Cole said that is really the only way to access the property where the infrastructure is. He said
226 there is no reason that an extension couldn't be granted either if they ask for one as there are no regulations
227 in place to deny it. Chairman James said that would be up to the board and is certainly an option. Chairman
228 James said RSA 674:39 gives them a 5 year exemption on an approved subdivision and if the town keeps
229 changing the zoning it protects the project. He said some things have changed in the past 7 to 8 years but
230 not many. He said they would be extending something that appears they do not plan to go forward with and
231 if the project was extended the board may want to keep the surety at the full amount. J. Cole said he was
232 just asking about options.

233 S. Komisarek asked if the bond would stay in place and run with the land and does the town have
234 any issue with that. Chairman James said no from what he has been told. Chairman James said that would
235 clean up that project and reduce the surety. D. Lewis said he did not discuss these numbers with R.
236 LaBranche at all. He said it is unfortunate that there is even a bond on this property because the permission
237 to put in an access road in his estimation is nothing different then a logging road to get an 18 wheeler or
238 well drilling rig in and they would have never have had to bond that but the process of starting to put in a
239 subdivision road under conditional approval triggered the bond. He said had the woods road been built with
240 just the stone ford through the brook there would have been no need for bonding or permitting and they
241 wouldn't be sitting here now and they would not have had a bond the last 7 years. He said this should be a
242 learning experience for himself and the board to be very specific when a conditional use is granted from
243 now on. He wanted to make this point. He said how the bond is written when it expires in December
244 leaves everyone in a bad position. He said the wording in the bond states restoration but no one ever would
245 intend on tearing out that entire infrastructure and there wouldn't be enough money anyway. He said again

246 they should learn from this and he agrees with the \$15,421. He said he has the same question as S.
247 Komisarek about a surety on a subdivision that is no longer permitted saying this is kind of an awkward
248 thing too. He said but if the attorney and the engineer agree that is the route to take he would go along with
249 it. He said the whole thing should be a learning experience for everyone. He asked how long the surety
250 would stay with the property. J. Cole said it is not their intention to leave the property like that forever as
251 they have far too much invested in it. He said the improvements made to the site did go far to clean up the
252 flow that used to go into the pond as he remembers the pond being different colors every spring from
253 runoff. D. Lewis absolutely agreed. S. Komisarek said the market is coming back and with the
254 informationals heard tonight it is an indicator it is.

255 Chairman James said at some point the surety lapses and the board will look at it. He said in most
256 towns, surety is dealt with by the planning boards with Candia the planning board says we need one and
257 Stantec talks to Dennis who says yes you need one and how much and then you go to the BOS who actually
258 enforces it. D. Lewis said he thinks the BOS holds the bond and it is the Planning Board's call on how
259 much including reductions and it is the accounting part that the BOS holds. Chairman James said he will
260 look into it as he recalls the BOS can reduce it. D. Lewis said when it comes up next year there will be no
261 subdivision or approval to be dealt with only a surety on a piece of property, would the planning board still
262 have jurisdiction over that?

263 J. Lindsey asked what the difference was between a surety and a bond. Chairman James said a
264 surety is like an insurance policy and can be a bond like a line of credit as is this case and he believes it is a
265 line of credit. J. Lindsey said then they are almost like synonyms. Chairman James said they both serve the
266 same purpose like a bond from an insurance company has to guarantee they will pay up to the amount and a
267 surety, letter of credit serves same purpose but different methods.

268 S. Komisarek said when the approval expires on December 19, 2015 and the attorney said let it
269 lapse he is not clear because technically once it lapses doesn't that trigger the bond. Chairman James said
270 we will deal with that ahead of time. He said the attorney is not directing or telling the town what to do he
271 just lets the Town know what options are available. He said it would be cleaner to revoke the approval
272 probably before the 19th and there is a process to do this and once this is taken care of the bond will be
273 taken care of at the same time. A. Hall said the bond protects everything you have done to date and by
274 continuing the bond from an investment point of view he said maybe they would not want the bond to lapse
275 in an abundance of caution.

276 Chairman James suggested taking a vote on recommending suggestions made by the attorney to
277 forward to the BOS. A. Hall said could this just be a consensus of the board. It was the consensus of the
278 Board to recommend to the BOS to move ahead with this action. The Board was in agreement. Chairman
279 James said in the memo they will include the letter from Stantec and what the plan is. J. Cole & S.
280 Komisarek thanked the board for their time.

281 A. Hall asked how much the bond was and S. Komisarek said it is \$500 a year.

282 SNHPC Update

283 A. Hall said they have a roundtable meeting tomorrow and asked if there were any messages that
284 the board would like to convey to them. Chairman James said they were looking for any zoning changes or
285 updates that the board felt the regulations needed. A. Hall said the meeting is similar to the meeting held in
286 Raymond recently with other communities. He said he will report back to the board next time with updates.
287 He said the solar up project is at the half way point and they much further along than they have anticipated
288 and they are very pleased with progress. Chairman James said as far as the regulations he said they have
289 been working for awhile to combine them all but he has not been able to work on them recently and will get
290 back to that as soon as his schedule clears a bit. He said the next step after they finish is to have SNHPC
291 look at the combined document.

292 Master Plan update: Steering Committee Update

293 Chairman James said they held their first meeting last Wednesday September 30, 2015 which he
294 attended along with S. Komisarek. He said he was pleasantly surprised there were 15 people and he only

295 knew about half of them, there were new faces and familiar faces, people in the 20's and up, a good mix
296 with a couple of people his age there too. He said he attended as with S. Komisarek for the same purpose to
297 see how they were doing and to get the committee going then step back. He said the committee is going to
298 continue with monthly meetings and will have meeting minutes. He said Casey Hancock Community &
299 Economic Development Program Coordinator from UNH was there as Molly Donovan was unable to attend. He said
300 the steering committee is going to meet at the end of October and they will be setting date and time.
301

302 Cancelled Minor Site Plan for Tower on Tower Hill Road on October 21, 2015

303 Chairman James said Eversource owns the 350' tower on Tower Hill Road that was built in 1969.
304 He said they came in 2-3 years ago and said they wanted to build a new tower next to the existing tower
305 then take down the old tower down. He said there were questions whether that would trigger a minor site
306 plan or not. He said they came back recently and asked if they should come forward with a site plan.

307 Chairman James said he talked to the town attorney. He said then they asked Eversource to come in
308 with a minor site plan saying that way the abutters would be notified. He said Eversource then came back
309 with an RSA that states if there is an approved site plan and they want to replace the tower they do not have
310 to have another site plan. Eversource came to the town with the original site plan showing on it where the
311 new tower would be. He said because of the RSA a site plan is not needed. He said they have requested
312 Eversource to at least notify the abutters of what is going on so the town does not get a call saying why
313 there are two towers not knowing the other one is coming down.
314

315

316

317 A. Hall **motioned** to cancel the October 21, 2015 meeting due to lack of applications. J. Lindsey **seconded**.
318 **All were in favor. Motioned carried (5-0-0)**. The next meeting is November 4, 2015.

319

320 J. Lindsey **motioned** to adjourn at 8:25 pm. A. Hall **seconded**. **All were in favor. (5-0-0)**

321

322 Respectfully submitted,

323 Sharon Robichaud Land Use Secretary