

**CANDIA PLANNING BOARD**  
**MINUTES of May 17th, 2017**  
**APPROVED**  
**Public Hearing**

Present: Tom Giffen, Chair; Al Hall III, Vice Chair; Ken Kustra; Judi Lindsey; Joyce Bedard; Rudy Cartier; Carleton Robie, BOS Representative.

Dave Murray, Building Inspector; Dennis Lewis, Road Agent; Dean Young, Fire Chief

Absent: Mike Santa; Alt.

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

Minutes April 19<sup>th</sup>, 2017

A. Hall made a **motion** to accept the minutes of April 19th, 2017 as amended. J. Bedard **seconded**. C. Robie; K. Kustra; T. Giffen and R. Cartier; **were in favor**. J. Lindsey **abstained**. **Motion passed (6-0-1)**.

Corrections by R. Cartier: Page 3 of 20, line 117; 1500 years. R. Cartier I meant to say 100 years. Page 4, lines 155 and 156; 250 quart ton, should say 250 ton. Delete quart in both lines.

Minutes May 3rd, 2017:

C. Robie made a **motion** to accept the minutes of May 3rd, 2017 as presented. J. Lindsey **seconded**. K. Kustra and T. Giffen **were in favor**. A. Hall, R. Cartier and J. Bedard **abstained**. **Motion passed (4-0-3)**.

**Continuation of 17-002 Major Site Plan Application:** Applicant: Wildcat Land Development Services, LLC 43 Lawson Farm Road, Londonderry, NH 03053; Owner: same; Property location: 285 Old Candia Road, Candia NH 03034; Map 410 Lot 137 & 137.1 Intent: Convenience store expansion.

Present: Doug MacGuire of The Dubay Group; Craig St. Peter and Joe Sobol of Wildcat Land Development Services, LLC.

Abutters Present: Gregory Herbert of 81 Fieldstone Lane

T. Giffen stated Stantec is not here tonight so I'd like to get your viewpoint on how you would like to proceed and we'll discuss the points individually as a Board. See if we can reach a consensus and a decision.

D. MacGuire of the Dubay Group, at our last meeting two weeks ago, I think we were in pretty good shape at that point. We had addressed a majority of the Stantec comments. There were additional comments raised but they were very detail oriented. In that time, we've adjusted the plans further, updated and addressed those comments. I actually spoke to Bryan Ruoff this afternoon knowing that he wasn't going to be here and we spoke at length with regards to his review. He had done a preliminary response memo with a few additional items that he was hoping would not have to be put on another review letter. And this letter here, suggests that we work together to get those adjusted. I made some updates to the plans based on those additional requests. Nothing engineering related, more detail oriented and he's now in a position for him to be comfortable. He said it was okay for me to speak on his behalf that he felt comfortable with the end of our discussion and with a final review of the plans, which I plan to drop off by Friday of this week. He'll be able to issue a full sign off letter at that point. We're in very good shape with the Stantec comments and we also received the AOT permit, the Alteration of Terrain permit. We received that today. We have that in hand. Any comments that were related to AOT, I know Stantec had brought up

some concerns and said if AOT is okay, we're okay. Obviously the issuance of this permit shows that they are okay with our design. The last item that was on the table from our last meeting was the discussion of the buffer. The vegetative buffer and we were working with the abutters and have gone back and forth. I'd like to present our plan as to where it stands and would welcome comments from the abutters and the Board. Originally we felt that the existing vegetation met the intent of the buffer. I think we still feel that way but we can recognize, and being neighborly and trying to work with the abutters, that if there is something we can do to make them happier, that's in everyone's best interest. What we are proposing is two rows of evergreen Norway spruce, I think that was what you had requested as to the type of tree to be put in (*directed to abutter Greg Herbert*). We were originally proposing white pines and the abutter said I would prefer Norway spruce so we put that in. We spaced them 20 feet on center, off set two rows as requested and they are 6-8 feet at planting time and those will just continue to grow. We focused on this view cone, which is where they are directly impacted. This was the more direct view cone and then we extended that view cone at their request and provided a little more. That's what we're proposing to do as a buffer and we'll be maintaining the existing vegetation that's there. If the Board's interested I took photos of the existing vegetation that's there now. I can recognize and understand there are differences between a time like now and the dead of winter as to how much this buffer is but I think it's very thick and full now. This is just an example; this is the type of vegetation we're talking about. It's not extremely mature but it's quite lush at these times of year. This buffer, this vegetation that you're looking at, this buffer as presented is exceeding the 100' buffer in the vicinity of that viewpoint. We are proposing some additional and that's where we stand.

K. Kustra asked how does this buffer work in terms of sound. D. MacGuire said during the crushing operation they have going on which is annoying but a temporary condition, it probably doesn't buffer very well to that but I did go up into the development and I can hear the highway just as much as I can hear the crushing operation. K. Kustra said I'm talking about trucks. A lot of times they leave their trucks running. D. MacGuire said I could hear the operation but the crushing operation is very loud. I hope it will provide some level of buffering and as I said at the previous meeting, with the massive cut we're proposing, you're going to get some reflection of sound. An idling truck is going to reflect off the proposed ledge face that we're presenting and it's going the other way, not towards their house. So I'm hoping we'll get some natural buffering just from the sheer difference in grade and I think that will help from a sound standpoint.

A. Hall said from the perspective of the abutters, you've complied with the trees and in regards to the sound, is the intent of the applicant to allow trucks to run 24/7 or when they park overnight do they shut them off. I don't know. J. Sobol replied the trucks will be parked some distance away from the homes. This is a future site pad that is not approved for construction right now; we're not asking for approval, it's just an excavated area. The trucks that are idling would be here and here. This home is at elevation roughly 600' and this is proposed at 522' that Doug was speaking of with the elevation difference, in addition to the trees being above that elevation or at least at ground elevation whatever ground is in here. There is a substantial buffer zone well beyond the 100' buffer. The trucks idle to run their heaters or if they're refrigerated trucks, they're idling generators, not their truck engine but their generators and to me it's more of a muted sound than an engine running. A. Hall replied most of trucks that park in your location with the exception of refrigeration units are in the off position. Between the library and the school there are big signs "shut off the school busses, no idling allowed". Do you have any requirements like that? J. Sobol said we don't, we would allow them to maintain heat obviously in the dead of winter for when they're sleeping in their cabs and for their refrigeration for their vegetables or whatever they're carrying. We can't interfere. I think Doug's point is there is traffic coming off of 101. We don't hear a lot of trucks in our present operation idling. D. MacGuire responded when I stood at the cul-de-sac of Fieldstone, I could hear the highway, 101, just as loud as I could hear the crushing operation. They were about equal to me. Now I'm assuming the crushing operation is significantly louder than any type of activity that's going to be happening on this site once it's completed. That's the best I can say.

Greg Herbert of 81 Fieldstone Lane said if you guys have been running this as a truck stop 24/7 for the last couple of years, I can honestly say I haven't heard anything. We didn't even really realize that. So if you've had trucks there in the past, I haven't been able to say were there trucks down there running? Now if you increase the volume and move them back a little bit, I have no idea. You have to wait and see. A. Hall said the idling is a non-issue.

T. Giffen said the other element at other truck stops, if they are stopped to take their required DOT breaks and it's cold out, there's no way they are not going to run the heat and if it's hot, they're not going to not run the air. If you decide to prohibit idling of trucks, I think the Town would have to have a noise ordinance and then they would have to see how that ordinance would apply. We don't have that and to prohibit it would create a significant impact on the business. Trucks are built to meet DOT and EPA standards and as a result a modern tractor trailer rig isn't going to making a whole heck of a lot of noise. If you add enough of them, I suppose it could be. K. Kustra suggested the time limit on when the truck could be run could be limited. Meaning if someone goes into the store and expects to be in there 10, 15, 20 minutes, shut the vehicle off, but if they only intend to be there 5 or 10 minutes, they could leave it running. Have a sign saying limiting the amount of time a vehicle can run. D. MacGuire replied I can certainly respect the concern about noise but in my opinion with the two layers of trees, we're more than meeting the buffer requirement and to your point Mr. Chair, I'm not aware of any noise ordinance so I would be very much against any conditions of limitation on any operation on site. No disrespect sir.

G. Herbert said I don't really know how you address this because it's the type of thing where how are you really going to know until it happens. Like I said, if they've been running trucks there in the past, I haven't realized it; it hasn't been an issue so far. T. Giffen replied DOT rules require that these people only stay on the road for a certain number of hours and unless they're based locally, these types of places are where they stop. They typically run long enough to get a good sleep before they can go out again. They're regulated. There's a certain amount of time they have to be off the road and they're typically going to run their truck, it's the nature of the industry. I think you could expect to have a lot of trucks running all the time and any that have been there, are likely to have been running for a significant number of hours. There will be more undoubtedly because parking's expanded but I wouldn't expect an order of magnitude change, I'd expect a modest change perhaps. We don't have a noise ordinance to enforce.

D. MacGuire responded I would request that the Board ask the abutter because I shouldn't be directly speaking to the abutter, but I'd request that the Board ask if this is meeting more of the intent of what they're looking for because obviously we have gone back and forth with this abutter out of this hearing and frankly it's relatively a substantial cost to put in 24 trees that are going to be planted by a landscaping company, the cost of the trees, the installation costs. I want to make sure that this is to some level of satisfaction to the abutter and make sure that we're not looking for more, less, or are we happy. T. Giffen asked are you happy with the offer they have made to you so far, do you feel that it's reasonable and that you can continue to work things out to a satisfactory conclusion. G. Herbert said yes. There is no real solution. Noise is noise, it's gotta go somewhere that wasn't the point of all this, to make it a soundproof, light proof, vision proof environment but the attempt has to be made to try to do... (*unintelligible*). T. Giffen asked and you feel that they're meeting the need that you have. G. Herbert agreed. Once these trees start to mature, that will be a significant improvement. Most of the issue is November through May where I can see the road. Even right now with the leaves coming in I can still see equipment back there in certain spots. You have to realize the picture they're showing you is maybe 6, 8 foot saplings and I'm 20 to 30 feet up in my house looking down on that. I'm not looking for a certain situation but something that will improve and over time, 10, 20 years, these trees should be significant and really be effective.

T. Giffen said at the last meeting we reached the conclusion that the ordinance that we have is not specific enough for us as a Board to specify what gets done but obviously the Board encouraged the applicant and yourself to work things out privately on the side. As it is, if they're meeting the letter of it, we don't have any say over what they do above and beyond the letter of it. That's between you and the applicant. If you feel things are moving smoothly and reaching towards a conclusion, I don't have any

issue. I think as a Board we're ready to move on to the next point in the discussion but what's the flavor of the Board.

R. Cartier asked I wasn't at the last meeting so maybe this was answered but if the 100' buffer is still in there as a zoning requirement; do they need to go the Zoning Board of Adjustment? T. Giffen replied no, they've complied. They modified the plan to provide a full 100 foot buffer. If I could summarize what happened last time, the point of discussion involved what's enforceable based on the regulation and given that the regulation didn't specify the type or size of trees and shrubs, I'm left with either working with the Board to come up with a set of new arbitrary rules especially tailored to this circumstance, which we concluded wasn't fair or reasonable. It sets a precedent. I think it was bad policy. I think the Board reached a good decision putting it back to the applicant and the abutter to work it out privately. So that was the gist of the conversation last time. R. Cartier said so that corner part that was a concern. T. Giffen replied that's a non issue at this point because the plan was changed.

C. St. Peter said for the record I wanted to point out to the Board and the audience the 100 foot buffer is in here. In addition to the tree planting that we're doing, we also worked with the other abutter who had a concern about the old additional buffer that was granted by another owner and we went ahead and provided that also. In addition to the 100 feet. So we added another 100 feet on a triangle down here so we gave up that land. I think we've done what we think is fair on our part, just for the record.

R. Cartier asked you have spaces for about 20-24 tractor trailers in there and it's going to be down in the valley a little, any concern with air quality from having 24 trucks idling, air quality issues. C. St. Peter responded no. We don't have any issue. R. Cartier said that would be my concern with a lot of trucks idling. Winter won't be much of a problem but that area is going to get southern westerly, southern easterly winds coming in. Just a question. J. Sobol replied the truck driver would not want to be idling his engine with diesel fuel being \$2.50 a gallon. Again, their idling their generators to heat their living space in the truck or their refrigeration to keep whatever food they're carrying cold. They're not going to be idling diesel fuel because they'd go broke.

T. Giffen said from the May 3<sup>rd</sup> meeting we had set three conditions for approval. One was the AOT permit and we are in receipt of that. The second was that adequate detail be provided for the lighting plan. I believe a letter was received from Stantec indicating that that particular feature had been properly addressed so we're okay on that. What we do have open, and we don't have Stantec here, is a set of final comments on the detail notes. What is your hope and intention this evening? What are you looking for? D. MacGuire replied at this point I felt we were in pretty good shape last week. I can understand the hesitation especially with the AOT permit out, but at this point, based on my hour conversation I had with Mr. Ruoff this afternoon, there are no more additional comments that are going to be coming. There's no more and also more importantly there's no, to my knowledge, any additional discrepancies. We're on the same page, him and I. I disagreed with a couple of outstanding comments, that's why we were on the phone for an hour, but we went through those. He's agreed with me on certain things, I've agreed with him on certain items and I've updated the plans accordingly. There won't be any additional need for Board input on comments at this point. I felt comfortable with a conditional approval if the Board is so moved.

T. Giffen asked on the lighting plan detail is that incorporated on the set of plans here? D. MacGuire said yes. Originally there was a question about the adequate coverage of lighting on this rear access drive and of the ice cream shop parking area. It was an oversight of our lighting consultant but we have updated that. We meet the minimum point 2 foot candle requirement in those areas. Much more so than what's required. These areas will be well lit. These lights will be dark sky compliant. They're LED flat panel, which means you aren't going to get any light above horizontal. From light pollution standpoint for abutter concerns, they aren't going to see any of that light pollution. R. Cartier asked on your lighting plan who does the verification that the lighting is actually going to be what *John's or drawn (unintelligible)* setting up for the plans. D. MacGuire confirmed who does the verification of it? Well our lighting consultant is specifying a very specific bulb and wattage, it's an LED panel. The wattage and the lighting characteristics are set. It's also set based on pole height so as long as the plan is built correctly, and I'm not

sure what the compliance is of that. I'm sure the building inspector would be going out and verifying some of these items to make sure we didn't put a 10 foot pole in when it was supposed to be 20. As long as that's done, this is very accurate so there shouldn't be any discrepancies. R. Cartier confirmed so you'll be depending on our building inspector to make sure that the subcontractor that's doing the lighting is actually meeting the intent of your design. D. MacGuire replied I know every town's different and I don't know the specific rules of this town. Some town's have outside peer consultants that do a certain level of review, sometimes staff handles it. Sometimes it's done by the owner and their hired person, which in this case it would be me. The owner's may request that whoever's doing this work provide shop drawings to me for review, to protect their asset. T. Giffen asked are there manufacturer product specifications showing the foot candle output within a range of design parameters, there's probably some sort of graph, pole height. D. MacGuire replied yes, absolutely. Every light has an IES file and it's a digital file used in lighting software and that's made from the manufacturer and it's factoring in a dimming percentage over time. The metal halide bulbs used to have a more significant dimming than the LED panels but it's not as much a factor anymore but they did factor that in and so there's a factor of safety built in. T. Giffen responded there is some basic engineering data that combined with a view of the plan would enable someone without a high degree of specific knowledge to identify whether or not it's okay. Do you feel comfortable with this Dave? D. Murray answered yes. If it's not done according to the plan that you guys sign off on, send them back.

D. MacGuire commented that everything is LED these days. From a cost standpoint, ongoing maintenance standpoint, a metal halide bulb uses a lot of juice. You're getting the same quality light output with these LED panels and they last 100 times longer or more.

T. Giffen said so I'd like to throw the third condition out to the Board and the audience for discussion. *Detail Notes/Set & Landscape Plan: We have a group of notes which I feel it makes sense to treat in aggregate as detail notes to be addressed on the final plan subject to Stantec's approval of said detail notes. I'd like we propose we simplify things and treat that as one condition, that the detail notes be addressed.* That's from the minutes actually. Also that the *landscape plan as part of the plan.* We've already seen the landscape plan; I think we're okay there. D. MacGuire said it has been incorporated as well. T. Giffen continued so we have this distilled set of details that started out as a 70 plus point list and was whittled down to a matter of 20 or so items last time. The Board agreed that they were relatively small and could be treated in the aggregate. How would the Board like to handle it? One method would be to give these folks a conditional approval subject to receipt of a final letter from Stantec indicating that all conditions are within the engineering standard that would normally apply in good practice. D. MacGuire agreed. Speaking on the owner's behalf, they would prefer not to wait any longer.

#### MOTION:

C. Robie replied I think it's time that we move along. They've met all the conditions. Doug and Bryan spoke in length today. Bryan's letter he sent to the Town today, I think the conditions have been met and I'd like to make a **motion** to grant these gentlemen conditional approval. J. Bedard **seconded**.

J. Lindsey asked has a traffic or transportation study been considered because of any increased traffic coming in and out of that? D. MacGuire responded we did discuss this early on. Basically this plan with the actual driveway that was installed on DOT was a master planned entrance to a much larger development that was master planned previously. So that was brought up and Bryan was put on the spot to weigh in on that and he agreed with us that an additional traffic study wasn't warranted because of the significant additional traffic that was associated with the previous proposed development. T. Giffen summarized the scope of the project was well within the traffic volume of the previously addressed plan. We have a **motion** to grant conditional approval and a **second**.

C. Robie re-stated I made a **motion** to grant these applicants a conditional approval based on Mr. MacGuire's conversation with Bryan. When the letter comes, we'll sign the plan. I think Mr. Herbert spoke well and he's satisfied. **All were in favor. (7-0-0) Motion passed.**

T. Giffen said gentlemen, you have a conditional approval, we just need a letter from Stantec just saying that they're happy essentially with the housekeeping items.

**17-003 Preliminary Major Subdivision Application:** Applicant: Ron Severino, PO Box 202, 49 Thresher Road, Candia, NH 03034; Owner: same; Property location: Halls Mill Road, Candia NH 03034; Map 402 Lot 7-10 Intent: To subdivide a 76 acre current use parcel into two new 5 acre lots.

Present: Applicant Ron Severino; Jim Franklin, Surveyor.

Abutters Present: Bob Martel of 621 High Street; Dennis Orzechowski of 55 Halls Mill Road; Paulette Landry, 486 North Road; Carleton Robie was noticed as an abutter for 50 Halls Mill Road but has sold that property.

C. Robie recused himself. My name is listed as an abutter. These gentlemen understand that I sold the property that I had abutted with but I'll still recuse myself in this case. T. Giffen asked Rudy to sum up the discussion that we had at Ron's office for the application review.

R. Cartier said Chair Giffen and I met with the applicant back on Monday the 15<sup>th</sup> and went over the application. There were only three items that we talked about that were different.

1). The first one the submitted plans that were provided by the applicant initially, those plans will need to have an original subdivision plan resubmitted as part of this submittal and I believe Mr. Severino has those.

2). The plan did not call out for granite bounds as required on the corners, so we asked for that.

R. Cartier replied the legend wasn't showing the granite bounds on the corners. T. Giffen said that was a correction we suggested be made before the meeting. I think if they're in there now, then we're covered. J. Franklin said it shows them, granite bounds to be set. R. Severino said it's on the legend over here. R. Cartier said there was an inconsistency between what was written and what was in there as the legend, that's all. J. Franklin replied I don't see it but that's okay, go ahead. R. Cartier said I can show it to you after. J. Franklin agreed if you could, please. I just don't see it. It says new lot corners.

3). With the submitted plans adding 2 lots to the total subdivision which exceeds the nine for fire protection. So the existing cistern was approved for nine buildings. So it would require either a new cistern, deed restriction for sprinklers in the new lots or request a waiver from the Board for that.

T. Giffen replied the other topic that arose during the meeting, that these plans didn't have some of the engineering detail that had been on the original subdivision plans. To be thorough and covering all of the requirements for a complete application; that it would make sense to include the original plans that were done in 2006 I believe, as part of the submission of the new plans.

R. Severino said basically this was a subdivision in 2006. This was originally a 150 acre parcel and we did a 10 lot subdivision with 2000 feet of road. Had 75 acres or so leftover and decided at this point, I have abutters interested in buying the remaining property. Rather than go any further with it, I just want to get the last two lots off the frontage and the third lot will have frontage as well and just be sold off in one parcel. I'm creating two new lots but again we get into this again, it's a major subdivision only because there is the potential for more. But seeing as how in 2006, I did bring the other plans along, we did all the engineering. It was getting redundant for two lots, to spend another \$100,000. We discussed the other night; we could ask for a dozen waivers or submit the other plans as backup of that information. We figured we would see what the Board's wishes are on that. We just want to go for the two extra lots and then I'll be done here. We do need to show the cistern on the plans. It's shown on these plans but it was actually after the fact revised and moved to the other side of the street. We have to go out there and get it surveyed and locate it and get it on this set of plans. I thought it was 12 lots on the cistern but I'll probably request a waiver. T. Giffen replied rather than a deed restriction. R. Severino replied yes. Even with the cistern, one person will actually own four of these lots and he only lives on one of them. R. Cartier replied when we looked at the plans and Mr. Severino had brought this up too, that single lot that's still going to be there, the

65 acres, only has one way in and one way out. I would venture to guess that the Board would not want to approve a dead end road off a dead end road. It looks like it really couldn't be developed. R. Severino replied no, it's pretty much done. If somebody has more money than they know what to do with, you could maybe get in there but because of the soils, ledge and distance, it's not feasible. T. Giffen replied so basically it's a giant vegetative buffer. R. Severino replied exactly. It's one of those self conserving pieces of land. J. Lindsey asked but what lot does it go with? R. Severino said it's its own lot. I have to keep frontage with it unless I do a boundary line adjustment which it's really too big to do that. It's one lot. I own it for now but I have a gentlemen's agreement with one of the abutters who wants to purchase it. And if he doesn't, I have another interested abutter. R. Cartier reiterated that Chair Giffen and I did go through the whole thing, and the other set of plans as well, and everything that was being asked for as a waiver is included in the other set of plans. The other set of plans are very detailed. They cover these areas totally with everything that we'd be looking for the major subdivision. The only thing that this is doing is basically modifying a couple of sheets of what the proposed plans are. T. Giffen said the new plan is almost a supplement or a modification of the 2006 plan. When Rudy and I looked at it, we looked at all the waiver requests and said; well you have another set of plans that satisfies every one of these things where you're requesting a waiver. It's an approved set of plans, everything's documented. Why not just include the original set of plans as a supplement to the first set and save the Board from discussing a dozen waivers. R. Cartier said it was Andrea's doing that we were able to get that other set of plans and really take a look at them and find out, what you're asking for is already there. R. Severino replied I was glad, because I did finally find mine. She had asked me if I had another set, but I did find them. A. Bickum clarified Dave Murray found them. T. Giffen said so we're here to accept the application tonight. K. Kustra added with the supplement.

#### MOTION:

R. Cartier made a **motion** to accept the application with the 2006 plans attached. A. Hall **seconded**. **All were in favor. (6-0-0). Motion passed.**

B. Martel introduced himself. Bob Martel, 621 High Street. I'm an abutter. Could I see where my property is according to his? D. Orzechowski said can I do the same? I'm Dennis Orzechowski 55 Halls Mill Road. Paulette Landry, 486 North Road (*also looked at the plans*).

T. Giffen said so we've accepted the application. My question to you would be will you be ready to come back for our next scheduled meeting with any and all necessary changes so we can work towards an approval at that meeting. There are a couple of plan details, the cistern among them. R. Severino said I think we can do that but there are two ways to go about this. Because this is a major, technically we'd need two noticed hearings. I'm either going to ask for a waiver from that or we will...I'm not sure if there's enough time but I'll be back here on June 7<sup>th</sup> for a lot line adjustment. If I have to come back, I should have everything, it's three weeks. So we'd have to re-notice as you'd have to accept the preliminary and final. We'd have to get a preliminary approval, I think we're at that stage and move onto the final or I can ask for a waiver from the final because 9 to 2 to the subdivision and we just continue this hearing. I'm wondering what the Board would like. T. Giffen confirmed so if we continue by the book as a major then we'd have to have two additional hearings. R. Severino said if I come back in two weeks, we'd have to stop and notice a final hearing. I've seen that done before when there are just one or two lots, but because it's a big piece of land it becomes a major. There's no roads, no infrastructure changes. J. Franklin said I would argue I think the Town is not going to allow another dead end road off a dead end road when the Town has a maximum cul-de-sac length of 1000 feet, in that sense, it's not sub-dividable again. It's the procedure, even though there's enough land there to sub-divide, it's not reasonable to assume that the Board would even consider an additional subdivision of this remaining land, because it would exceed the Town's maximum road length for cul-de-sac or dead end roads. In that sense, this is a minor subdivision and doesn't require a waiver of the major subdivision regulations. T. Giffen replied so you would move that it be accepted as a minor. J. Franklin said yes. R. Severino asked can we do that if it's been noticed. T. Giffen confirmed it

was noticed as a major. R. Severino said that would be my concern. K. Kustra asked how many acres. R. Severino said 65 acres left over on this parcel with road frontage. If it gets subdivided again, it would need a road; that would be a major subdivision. The major subdivision would come back at that time. If anything else was to be done here, you'd have to start all over and that wouldn't be me, the next person would have to do that. Under the current regs because of the soils and road lengths and everything else it would take a lot to get in there. It would be quite an involved project. I'm not going to do it. J. Franklin replied just to access the rear land with a new road; it would be 500 feet to get to the point where you could subdivide the back. That would only leave another 500 feet to go into the property. It should be a minor subdivision.

T. Giffen summarized so there are two approaches. We could accept it as a minor and have one more hearing or we could waive the final hearing if we're satisfied at the next hearing that everything is all in order. R. Cartier suggested I would tend to go with keeping it as a major and asking for the waiver for the second one because what you're doing is modifying your original subdivision plan, which was a major and we can keep the consistency with what you are doing with the original plans that you had in there too. I don't think it's worth going through two hearings for what you're looking to do; it's just a modification of the original one. R. Severino said it has to come under a major even though there's nothing major about it. Rather than drag this on. I'm not sure if that's a waiver from me or if that's something the Board can grant. I think it's a procedural thing. T. Giffen replied I'm going to confess my ignorance on the matter. R. Severino continued we can look into that and see what's needed. I guess I can do that at the next hearing, the continuation of this hearing and if we decide there's enough there, whether I have to request it or you guys can grant it. If it needs to go on, then I guess it needs to go on. T. Giffen replied my gut feeling, completely unsupported by any specific knowledge of the regs, is that we should be able as a Board to waive a second hearing. Alternatively, we could schedule two hearings for the same night but that's crazy. J. Franklin said we did do that in Deerfield awhile back. R. Severino commented I've done that here actually. T. Giffen continued we could have one hearing, have a brief recess, come back and have another hearing. That way we're covering the letter of the law that way following the regulation. I could stand to be corrected. That's my ignorance. R. Cartier said Mr. Chair correct me if I'm wrong but if we have the first hearing and then it's continued on to the second hearing, the abutters are not re-noticed, correct. There just noticed the first time so any abutters that are going to actually be here, would be here on the first one anyways, that would probably work if we did two hearings on the same night. T. Giffen said alternatively we grant a waiver of the second hearing tonight, it's in the minutes. It's been properly noticed so that abutters had the chance to arrive and we do have a few abutters here tonight, I believe that's being fair to everybody. I want to make sure I'm fair and above board.

#### MOTION:

R. Cartier **motioned** that we waive the second hearing on this major application. A. Hall **seconded**. **All were in favor. (6-0-0) Motion passed.** 17-003 Preliminary Major Subdivision Application continued to June 7<sup>th</sup>, 2017. R. Severino said so we'll take the concerns discussed already, come back and go from there.

#### Other Business

*C. Robie returned to his seat on the Board.*

May 17, 2017 Letter to Planning Board from Jim Franklin asking for an extension on setting bounds.

T. Giffen said Jim I believe you are here to request an extension of 60 days on the land of Robert Johnston Map 402 Lots 78, 79, & 80. You had an equipment breakdown that's prevented you from setting the required bounds. Anything further to add? J. Franklin replied that's it in a nutshell. It was our intention to do that and last week the equipment just broke and I found out it's going to cost \$3,900 to buy a new one, that's an awful lot of bounds.

T. Giffen responded just to remind the Board, this goes back to March 1; we had accepted a minor subdivision application with conditions. Those conditions were as follows:

1. *New bounds to be set within 90 days.* That's the issue now.

2. *A payment of \$3,000 to be used, at the discretion of the Road Agent, for Currier Road improvements in the vicinity of the above properties. That's all done.*
3. *Recording of the boundary line plan prepared by Jim Franklin prior to subdivision plan recording. That will be done.*
4. *The Road Agent shall review the plans and provide a review letter. Provided the plan is acceptable to the Road Agent, this condition will be met. I don't want to speak for you but I believe you've done that.*

D. Lewis replied I did get the letter in for the driveways. They weren't marked for a long time that's why the delay on the driveways.

MOTION:

T. Giffen said so that's what we have. I'd entertain a **motion** to provide an extension on that project. J. Lindsey said so **moved**. A. Hall **seconded**. **All were in favor. (7-0-0) Motion passed.**

C. Robie asked why did we cancel the Zoning Review and Revision Committee Meeting. T. Giffen replied the plan was to wait until after we met with Stantec because we wanted to talk to Stantec about the zoning ordinances that based on their experience in Town, what they felt were the weakest. So we'd have a little bit of a starting point. So that will be scheduled for the next meeting after we meet with Stantec.

MOTION:

A. Hall **motioned** to adjourn at approximately 8:05 pm. J. Lindsey **seconded**. **All were in favor. Motioned carried (7-0-0).**

\*\*\*\*\*Zoning Review & Revision Committee Meeting Cancelled until June 21, 2017.

Respectfully submitted,  
Andrea Bickum  
Land Use Secretary  
cc file