

CANDIA PLANNING BOARD
MINUTES of June 7th, 2017
UNAPPROVED
Public Hearing

Present: Tom Giffen, Chair; Al Hall III, Vice Chair; Ken Kustra; Judi Lindsey; Joyce Bedard; Carleton Robie, BOS Representative.
Dennis Lewis, Road Agent; Dave Murray, Building Inspector

Absent: Rudy Cartier; Mike Santa, Alt.

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

Audience Present: Dick Boisvert of 12 Currier Road; Paul Frazier of 63 Currier Road, Candia, NH 03034; Craig St. Peter and Joe Sobol of Candia First Stoppe and Wildcat Land Development for Other Business.

Minutes May 17th, 2017 – One correction: Judy should be spelled Judi

A. Hall made a **motion** to accept the minutes of May 17, 2017 with one correction. J. Bedard **seconded**. C. Robie; K. Kustra; T. Giffen; J. Lindsey **were all in favor. Motion passed (6-0-0)**.

Continuation of 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: Jim Franklin, Surveyor; Applicant Ron Severino (*arrived at approx. 7:03 pm*)

No abutters present.

C. Robie recused himself as “I was listed as an abutter, which I’m not, but to keep it simple.”

J. Franklin stated I’m Jim Franklin for Ron Severino, I’m the surveyor that did the surveying and the preparation of the plans and this is a continuation from the last hearing. There were some things that the Board had asked that we address and so I would turn it back to you for that summary please. T. Giffen said we had a few points. There was a condition that we had to have the original subdivision plan that was done in 2006 included as part of the submittal. We asked for granite bounds as required on the corners. Has Ron agreed to that? J. Franklin replied yes and I believe the plans from 2006 were submitted in last week’s meeting, at the last hearing. T. Giffen agreed. I believe they were. So with the submitted plans adding 2 lots to the total, which exceeds the 9 for fire protection, the existing cistern was approved for nine buildings. So it would require either a new cistern or a deed restriction for sprinklers in the new lots or a waiver from the Board for that. There was an additional complication, a minor detail, with the location of the cistern on the plans. I believe the plans we had initially had a location that doesn’t match the as built condition. J. Franklin agreed, correct. T. Giffen continued has that been addressed. J. Franklin said it has and it is shown on the plans I brought tonight. J. Franklin replied we did an as built location of the pavement, which we’ve shown on the road. It’s just below the words of Halls Mill Road and we added the location of the cistern although it shows it as a block retaining wall for the cistern. I’m not exactly sure what’s underneath. There were some stand pipes that we located. We did additional survey work to locate and notate on the plan the monumentation that had been set by the prior surveyors. That was asked for, along this side, the long side. We went out there and we found drill holes, rebar and while we were there we set additional monumentation so all we have left are 4 granite bounds to set.

T. Giffen replied as far as the cistern being sized for 9 structures, do you plan on requesting a waiver, how do you want to address it? R. Severino said yes, I’d request a waiver for that to allow those extra two dwellings here. T. Giffen asked any reason to not put a deed restriction on the two 5 acre lots? R. Severino asked a deed restriction for the sprinklers? Because there’s a cistern right in front of them. The cistern abuts both of those lots. It’s right on the property line so they’ll have the best water supply going. T.

Giffen asked the Board to discuss. J. Lindsey asked where is the cistern on this. R. Severino pointed it out. J. Bedard asked did the Fire Chief weigh in on this. R. Severino said he was here last time. He came last time because he said he didn't have an issue with it. T. Giffen asked if we had something in the minutes on that. T. Giffen asked Dennis if he had any concerns. D. Lewis replied no. J. Franklin said I think he left; he had a fire call before we had gotten into that. T. Giffen said if we could get a letter from him perhaps a waiver would be supported by the Board. R. Severino said I can get that from him, that would be a good idea so that he's in on that decision. When I did this in 2006, we weren't doing the deed restrictions and I believe the number of houses used to be up around 12. T. Giffen said there was some question on that wasn't there. R. Severino said I didn't go back and look. T. Giffen said let's find out if it's officially 9 as of now, if it's 12 it's a moot point. I'd hate to hold you up any. I'd rather have been able to move it forward promptly. R. Severino said ok unless that's too big a condition, the condition being if the Fire Chief approves of it. T. Giffen replied we could make that a condition of approval that the Fire Chief views the waiver favorably, grant the waiver subject to that I suppose. R. Severino asked if it would still be a waiver. Usually the regs; it always pushes everything back to the Fire Chief anyway. Whether they want more or less, if they wanted more than it calls for it and always says *Fire Chief recommends*; so I don't know if that works the other way as well. T. Giffen asked for a copy of the regs.

K. Kustra said I noticed here that there is a new list of abutters and Mr. Robie's name is not on here. T. Giffen asked has the list of abutters been edited. J. Franklin replied no, that list of abutter's on the plan I prepared as opposed to the application. Someone else prepared the application and that was a different list of abutters so I think that's why Carleton's name appeared on the other list. T. Giffen stated if it's on one of the two, I think Carleton's right to recuse himself.

R. Severino pointed out that it's a subdivision regulation. I'm thinking Rudy did show me that and it said 9 in the current one. T. Giffen said on page 32. R. Severino asked what the revision date was on those. A. Bickum replied 2010. R. Severino said I think the one's I have are 2006. I know at one time it was 12 because the other two subdivisions I did were right at 12 lots. T. Giffen replied *25,000 for each living unit with a minimum of 125,000 and a maximum of 500,000 gallons*. Do we have anything on the existing condition plans that would give us the number of gallons on that? R. Severino replied its 30,000 gallons; it's on the other set that we submitted. T. Giffen said oh this is for a fire pond. Ok *water supply using a cistern is deemed adequate if it's capable of providing 30,000 gallons of water during the driest time of the year*. R. Severino responded last time we were required to do 30,000. T. Giffen continued its right here on page 31. *4-9 houses, 1 cistern; 10-18, the regs call for 2*. Obviously putting a cistern in for this doesn't make a whole lot of sense economically. What's the feeling of the Board on this? J. Bedard said so this says 1 cistern for every... T. Giffen confirmed 1 for every 9 and then from 10-18 it's 2 and so on and so forth. J. Bedard asked and this would make it a total of 9? T. Giffen replied it has 9 now. R. Severino said it has 9 now, we'll be at 11. No 10. T. Giffen said we have a 76 acre lot and that will exist as a smaller lot plus 2 additional 5 acre lots so we'd add 2. So we'd be at 11. R. Severino said we're adding 2 more but again, there's one owner in the back that owns 3 of the lots. He doesn't want to build on them and he's actually buying the remainder of the land to keep it from building so 4 lots are going to have one house on them. T. Giffen replied so at that point, the cistern is more than adequate to serve the existing buildings and any that are foreseen in the future. J. Bedard said I would suggest still getting something from the Fire Chief, just because it's close. It's close enough. R. Severino I agree, it's his call.

T. Giffen said if a letter from the Fire Chief is received and there are no concerns raised based on the number of existing houses and the number that are projected to be built, perhaps the Planning Board could give you the waiver now subject to the receipt of correspondence from the Fire Chief. It's a conditional waiver. That's what I'm thinking might work for all parties to be reasonable and to not place an undue burden on you. We don't want you to make four visits for something this simple. R. Severino replied I can understand asking for the waiver if you approve the waiver as conditional upon his letter and if that doesn't go, I have to come back and actually put the deed restrictions in; that's the only other option. Board agreed.

MOTION:

T. Giffen asked for a **motion** that we provide a waiver subject to receipt of a letter from the Fire Chief indicating that there are no concerns with fire suppression with respect to the project. J. Lindsey replied so **moved** in his words. T. Giffen replied the chair doesn't normally move but that's okay. **All were in favor. Motion carried (5-0-0).**

T. Giffen said there are still 4 granite bounds that need to be placed. R. Severino said it used to be because you couldn't put them in until it was approved usually we have to bring in a letter certifying that; is that still the case? J. Franklin said no *that's them or ask them (unintelligible)* I'll get them done, next week or the week after. We're back up and running. R. Severino replied but normally we have to let them know that there in; follow up. J. Franklin said they get certified on the plan. That's a state requirement as well. R. Severino said oh so before it's recorded. J. Franklin replied yes. T. Giffen reiterated so before it's recorded, the granite bounds get set. We've granted the waiver. The original subdivision plan is included. I think we've dotted the i's and crossed the t's. Are we at the phase where we can accept the application? Again, I apologize I'm a little foggy. I played in a charity golf tournament yesterday and I'm still recovering. J. Bedard said yes because it was a continuation. R. Severino said it got accepted last meeting and we moved this along. We accepted the application and then normally in a major you have a preliminary and a final and the Board voted to do it in one hearing, just two lots. A. Bickum confirmed yes, it was accepted. T. Giffen if everyone on the Board is comfortable with the waiver and the granite bounds, everything else has been addressed and we have to vote to waive the final hearing, if we so choose and then we could approve the application tonight subject to the Fire Chief and the granite bounds. A. Bickum pointed out that we already waived that.

T. Giffen stated we already waived the second hearing so at this point we're ready to either vote yes or no to approve the application. All those in favor of approving the application. **All were in favor (5-0-0).**

17-004 Minor Subdivision Application: Applicant: Roscoe Blaisdell, 22 Scribner Road, Raymond, NH 03077. Owner: Same; Property location: New Boston Road, Candia NH 03034; Map 402 Lot 1.1 Intent: To subdivide lot into two lots, creating one new lot.

Present: Applicant Roscoe Blaisdell

Abutters Present: Paul Frazier of 63 Currier Road, Candia, NH 03034

Carleton Robie returned to his seat on the Board.

R. Blaisdell stated I have 6 acres of land on New Boston road; it's all high and dry; some of its bony. Just above the surface you see it. Some of it's around 15% grade so it's quite a bit flatter. I've test pitted the heck out of it and ledge probed. I've already talked to the state about it and he had one comment and he wanted a couple more ledge probes just downhill of the 4K, then he just has to do a check there. Septics usually get approved in a day; subdivisions are a little bit longer. I've talked to Dennis about the driveways and he wants there to be no more than 10% and 20 feet flat. When I first showed it, I didn't show it flat for 20 feet. Cut a few trees and it should be okay at that point. One thing, your requirements...Dennis doesn't, he can probably tell you that, issue driveway permits at this point. But I guess he needs to look at it so maybe you should change your rules to say have Dennis look at it or something like that.

T. Giffen said I believe he's fairly familiar with the subject lot as am I and probably other members of the Planning Board; at least familiar with the general area. That's the area where there's a number of homes that were built on lots that had somewhat of a steep slope, the driveways are alternative ski training centers. Downhill, not cross country, they're a little steep. R. Blaisdell replied these will be. We can make them less than 10% it will work. These are actually less steeper, like the lot next to it is the steepest. T. Giffen commented there are a couple when you look from the street driving past you can see the roof and look down a little and see the second floor. R. Blaisdell said that is the steepest one, these are not that steep. T. Giffen replied I believe based on Dennis's input that the big concern would be a couple of things.

One, the sight lines, which is a concern for any driveway, but the concerns that are specific to this particular lot, would be the slope. R. Blaisdell said yep. T. Giffen continued the issue with the slope, some people, no matter what they buy for a car, can't seem to get up and down in the winter and that leaves them parking on New Boston Road during snow emergencies. R. Blaisdell replied 15% slope might be an issue we can make a note. T. Giffen said that's why we're looking at 10%. R. Blaisdell replied yep. T. Giffen continued a point was raised by the road agent that it would probably make sense to include as part of the plans and be recorded with the plans, that engineered drawings be provided for the driveway, that would conform to that reg. R. Blaisdell replied after I talked to him, I made some engineered drawings, changed it to what we need to do but you can't record engineered road drawings, they don't want that at the registry of deeds. You can have this on file. I have a note saying, well I already have a note, the driveway can't be more than 10% and no parking in the road and 20 feet of flat area.

D. Lewis said I just wanted the drawings; the plans for the driveways to follow the driveway permit. Whoever he sells these lots to gets a driveway permit and gets the plans and has to build the driveway per his plans. That way we don't end up with a situation where Roscoe's long gone, somebody's bought the lots and it sits there for 2-3 years, bulldoze down the hill, put in a driveway, 14-15% grade, go over struggle with them getting them to move it, do all the things we discussed here tonight. If it's on the plans with the driveway permit, there's a note on the subdivision plans that says there are drawings for the driveways. Especially the lot on the top of the hill, right at the crest of the hill, it does not have a level area. So that when you approach the road, it dramatically cuts down the sight distance looking west. The car has to be almost to the elevation of the road. Even though the hill drops off, if you go there and step back 10 feet and look, you'll see what I mean, you can't see down the road. R. Blaisdell said making it flat for 20 isn't an issue, it's pretty simple. D. Lewis continued the 20 foot level area and someone does not want to go down there in the wintertime, they want to put their car back far enough so that it's not in our way. Because a couple of those driveways come right up the road like this on a 6% slope, they can't make it out there when there's a snow bank. R. Blaisdell asked is that a typical rule that you already have is 20 feet? It's just a good idea. D. Lewis replied no, but it's going to be a problem because of the way the ground drops off. If we have this situation anywhere else in Town, they'll have the same note on theirs. It's hard, you get a running start for the road and you get there and you find out that I've put a 3 foot snow bank across the end and there goes your chance of getting to work in the morning. Trying to avoid that.

P. Frazier said so Dennis you think 20 feet, all cars are at least 20 feet now. D. Lewis replied 20 feet will work because if you go further than that you have a hard time getting a 10% grade off of that. P. Frazier said and whereabouts are these houses being proposed to be put, half way down? Will they be moved forward when somebody builds a house? R. Blaisdell offered to have Paul Frazier come up and look at the plan. R. Blaisdell said I'm as far away from you as possible because this is better soil.

C. Robie said let's clear this up. T. Giffen said we have an application but we haven't done anything to officially accept the application. Rudy's taken a look at it and based on Rudy's review of the application there were a couple of things that he had pointed out and requested. He's a Planning Board member, so he usually, or one of the other Board members, will take a look at an application that's submitted to see if it's complete, if there is anything missing etc. We usually wouldn't accept until it's complete. C. Robie commented there should be two of us looking at these applications. T. Giffen responded that's a good idea. The call went out, Rudy stepped up, and nobody else did. C. Robie replied he has a very complete application. He's already submitted for driveways, he's got subsurface letters, two driveway permits. T. Giffen said he's got a current use letter. I believe on a minor we don't need anything from the police chief or fire chief. We have an attachment for the abutters.

MOTION:

C. Robie made a **motion** to accept the application for a minor subdivision. J. Bedard asked as complete. A. Hall **seconded**. T. Giffen said so the next point of order is to see if there are any conditions of approval. C. Robie replied of the application? I think there will be when we discuss the application further. T. Giffen

said so we've accepted it. C. Robie replied we have? We voted on that? T. Giffen replied no we haven't, we've got the **motion** and the **second**. J. Bedard asked we're accepting it as complete or we're accepting it in? C. Robie confirmed we're accepting the application as presented. J. Lindsey said so we can move forward, we're not approving the whole plan.

K. Kustra commented I see the driveway permit has been submitted to the Town of Candia. Who actually approves the driveway permit? C. Robie responded Mr. Lewis.

D. Lewis replied I do but we can't issue a driveway permit until the lots are created. So basically all the applicant needs is a letter from me stating any concerns I have with putting a driveway on any one of the proposed lots. There's no need to apply for a permit prior to their getting a subdivision approval. T. Giffen said we do have that letter right here, yes. R. Blaisdell asked what would you like me to...should I fill out a permit to know where you want it or just a plan showing where I want it. D. Lewis replied if you show it on the plan... R. Blaisdell said good enough. D. Lewis continued normally we don't even need to have it shown on the plan unless it's a situation like you have up there where you know there is a known sight distance issue for the westerly lot. Things like that we need to have nailed down because if that driveway was moved 40 feet either way, it's not going to meet our sight distance requirement. Situations like that, we like to have it shown on the plan. If it was a regular subdivision road or say another subdivision further down on New Boston where it's totally flat, the sight distance, we don't need that shown on the plan.

T. Giffen replied all those in favor of accepting the plan as submitted. C. Robie corrected the application. T. Giffen confirmed **accepting the application**, I'm sorry. **All were in favor. (6-0-0) Motion carried.**

T. Giffen stated the application has been accepted. R. Blaisdell asked so approved? T. Giffen confirmed the application has been accepted, not yet approved. There are going to be some things that need to be done for example the NHDES permit will have to be in hand, the normal.

R. Blaisdell asked can we have it approved tonight subject to NHDES approval. I mean he's already looked at it and says I'm good, he just has to just walk on the site and he wants a couple of ledge probes. So that's the only outstanding issue. I deal with this guy every day.

T. Giffen said it's been discussed among the Board whether or not it's wise to approve applications with a lot of open issues; conditional approvals versus having conditions for approval. I'll throw it out to the Board. Correct me if I'm wrong but I believe we only have the one issue, the permit for subsurface has been received but needs approval for septic suitability; without that you're done, you can't go forward anyway. R. Blaisdell replied yeah, so generally, we have meetings and you can approve subject to state because sometimes you don't want to go way ahead with it because this Town might want things changed around so if you approve it subject to state approval and they don't approve it, then I'm back. J. Lindsey replied I prefer to have any conditions met that are possible before we approve because we've gotten ourselves in *hots (unintelligible)* before. T. Giffen said we've had questions about that in the past about that practice. A. Hall said no short cuts. J. Bedard replied I think we should wait as well. K. Kustra agreed. C. Robie commented I feel differently, I think it's a minor subdivision. I think the biggest concern everyone had was the sight distance in the driveways and it seems like Roscoe and Dennis have discussed that in length. He's even provided a plan to go with the plan of a driveway construction. The only thing is state approval. R. Blaisdell said this is my letter from the state and he says I'm good with it; I have to get out there. C. Robie responded you can't get a building permit for a house without a septic design. R. Blaisdell said so he's already looked at it, he's happy just...give me a couple of ledge probes. It's not like it's a 30 lot subdivision and that one might have some wet.

J. Lindsey commented I still like to see things. C. Robie asked what do you want to see. J. Lindsey replied the approval. We moved this forward pretty quickly, I don't think it's asking too much to meet our requirements and then approve it. J. Bedard asked who is this anyway; this doesn't even have someone's name on it. C. Robie replied NHDES. J. Bedard continued you said the guy, is that the letter? R. Blaisdell said no that's something different. Eric Thomas looked at it. "Give me some ledge probes"; he covers the

whole state so he waits until he gets 3 or 4 in the Candia Raymond area. J. Bedard said personally I think we should wait for the official approval. C. Robie asked what are we waiting for. Approval on? T. Giffen replied to actually get something from the state that says yes before we approve the subdivision. C. Robie replied yes to what. That's what I'm.... T. Giffen replied something that says yes the subsurface permit would be okay. That it be granted. C. Robie asked are we talking about your test pits having passed until he comes down and looks at it. Is that what we're talking about? R. Blaisdell said he's already looked at the plan; all my test pits, he just needs to walk on it. C. Robie said because you don't need your septic design to subdivide a lot. All you need is a test pit. R. Blaisdell said yes, there's no septic designs until 6 months later. C. Robie said 10 years from now. You don't need a septic design. D. Murray commented you can't do a septic design without knowing the nature of the house, 3 bedrooms, 4 bedrooms, 5 whatever. T. Giffen replied so that's a future issue. C. Robie responded right. If the soils are going to pass and the letter states that, he's going to find a place for a septic system. T. Giffen said so the state's saying *subdivision approval pending a site check, please provide probes 35 foot down slope receiving area*, typo here *no all the probes...*, now *all the probes are outside of this area*. So they're looking for a couple of things. They want to do a site check and have a few more probes as you've stated. A. Hall said so we could approve it subject to.... J. Bedard and J. Lindsey shook their heads no. T. Giffen said we have some voices in the negative some in the positive; are you in favor of doing something for this gentleman or holding off. K. Kustra asked if there was a time constraint on your part (*to Roscoe Blaisdell*) R. Blaisdell replied well then I have to come here again and lose sleep at night. This is very simple with the state, and if he said no, then I come back. C. Robie said start over. R. Blaisdell continued but if it was like 6 lots, maybe he's going to have...T. Giffen said you could move things around. R. Blaisdell continued but he's already looked at it on paper and the only thing I see is "give me a couple of probes and let me just walk it". My plan represents what's there and he's been looking at my plans ever since he's...every Board has its own way of doing it but most Boards subject to state subdivision. If he hadn't even received my application yet, who knows what he could find. T. Giffen said that would be another question, right. Any input from a member of the audience, Ron?

R. Severino said I keep hearing people say what are we looking for so just to clarify, you're not going to get a yes or a no, you're going to get a piece of paper that says approval for subdivision and a number on it. That will be the result of this; a piece of paper with an approval number to put in the file. It's been the practice of the Board if you get to that point, that...sometimes that might not show up for 30 days or 45 days so it's hard to schedule another hearing. If this was a major subdivision with a lot of lots, things are going to shift around, you might want to give it a little more time but usually for one lot, one or two lots, to get that approval number, you can't do anything without it. It's like a wetlands permit, we do the same thing with a wetland permit because it could be 6 months before you get that permit. So you give approval and when that permit comes in, the Board can physically see. There's no discussion. It either comes in or it doesn't and it has a number on it. It's yes or no. Just so everyone understands what they're waiting to see. J. Bedard said I'm totally green here, I'm new on the Board but I'm a black and white kind of person. It says *subdivision approval is pending a site check. Please provide...* are we in the habit of approving stuff that isn't approved by them? Maybe I'm not familiar with the practice but that shed some light on it.

T. Giffen replied we've been known in the past to approve some plans with a significant number of conditions. Rather than have conditions for approval, it's a conditional approval. We've had some situations in the past where it's made it difficult for the Board and the admin staff to keep track. Here we're only talking one item. When we get up to 6, 8, 10 items as we've seen in the past, then clearly I'd want to have more of this addressed, with only one item in a relatively straightforward manner, I'm inclined to support the approval of the plan subject to receipt of the appropriate document from the state with a number on it.

K. Kustra said from what has been said, I've been convinced. I'll go along with it.

MOTION:

A. Hall **moved** that we approve subject to this DES condition. C. Robie **seconded**, with the attachment of the plan. Just a note, Mr. Murray, our code enforcement officer, has done a very good job over the last few years of going back and looking at the plans for these subdivisions and finding things that the builders and the developers need to follow through with that were documented. Sometimes they've gotten away...he's done an excellent job of that. These driveway permits, plans not permits, so these plans that go with this subdivision, they will be handed to whoever comes in for a permit; I'm pretty sure about that. Al made the motion. J. Lindsey asked is there anything we're overlooking that will come back to bite us on this one. T. Giffen said it seems like it's all relatively simple to me but everyone has their own opinion. I don't see a whole lot to talk about. We appear to have resolved the driveway issue. This is a procedural issue; it's either a yes or a no. We get a form with a number on it or we don't. If we don't, dead in the water, you start over, figure something else out. So we're not really committing ourselves to letting something go through that the state would not accept, we can't do that, we don't have that power. But we can at least give this gentleman what he's hoping for now so he can at least move forward in a more timely and efficient fashion and not have to come back before the Board. I think we're fully protected. That's my own opinion. I don't want to sway anybody else here but the big issue was the driveway question and this was a procedural issue. So it seems to me.

D. Murray commented when this is approved or denied by DES, the letter comes directly to the Land Use Office. DES will inform us and this one contingency on this is not a problem. I get a little twitchy when we have four or five or six different waivers and this and that but one is not a problem, this is an easy one.

T. Giffen said there's no waiver being requested here, everything seems to be fine in that respect. All those in favor of approving the application; **approving the subdivision. All except J. Bedard were in favor. J. Bedard was against. Motion carried (5-1-0).**

17-005 Lot Line Adjustment Application: Applicant: Ronald Severino and Candia South Branch Brook Holdings, LLC; PO Box 202, Candia NH 03034; Owner: Same; Property location: 240 Critchett Road and 49 Thresher Road, Candia NH 03034; Map 407 Lots 15 & 19. Intent: To adjust the boundary line between lots 15 & 19.

Present: Applicant Ron Severino and Jim Franklin, Surveyor
No abutters present.

R. Severino said this is a lot line adjustment. This is a parcel I bought on Critchett Road, which had an existing house and about 8 acres and some. I own the abutting property, where I live. The dotted line, where it says existing line to be eliminated right in the middle of the plan, is my property line as it stands now. I own about 11 acres in here and my house is on the other side of the road, I have 100 acres over there. My barns have always been minimum setback off this property line. So when this house was available, I think it was a good opportunity to take this and move my line back to the stone wall and still leave 3.5 acres with the existing house. We're going to re-sell that. So that's basically going to move this 5 acres from this lot and consolidate it into mine. We're not creating any lots; we're just going to move it over to the other side. J. Franklin said (*unintelligible*) accepted the application or not, I don't believe they have. This is the first night we've been here with this. C. Robie asked do we have an application. A. Bickum replied yes. It's in everyone's packet. C. Robie asked if abutters had been noticed. A. Bickum replied yes. R. Severino responded I got my notice. J. Franklin said I apologize, there are two easy applications tonight, they are confusing, I can understand. T. Giffen replied I'm not in my normal sharp shape. J. Franklin stated these are easy.

MOTION:

C. Robie said see right here, he has his subdivision approval number in the application. And this looks complete so I'm going to make a **motion** to accept the application. A. Hall **seconded**. **All were in favor. Motion carried (6-0-0).**

J. Franklin commented that we went out and did a perimeter survey of both parcels; lot 19 and lot 15. We also did a topographic survey for lot 15 that has the existing house on it. That was necessary to submit to the state for state subdivision approval. T. Giffen said which has been received. J. Franklin agreed, which has been received. Two years ago the state did not require subdivision approval, by the state, they did not require it for a lot line adjustment but now with the new state regulations, anytime an existing lot of record is reduced below 5 acres, then you have to submit test pits, percolation tests, topographic surveys, even if there's a house and septic system on it; that all has to be submitted to the state. Lot line adjustments of this nature have to be submitted to the state. If we don't get state subdivision approval, we cannot record the plan. It's the same as what Roscoe did. There are some notations on here, if you compare the acreage of my survey to what the Town's tax map has and what the prior surveyor had in 1981 had. I've made some notations there; the table of areas in the lower left portion. Lot 15 is 6.44 acres by deed but when you compute the mathematics of the original plan, it was 8.68. That's a significant difference. So this we felt was pretty straightforward. We did make some additional notations on the plan in the upper right hand corner, below the locus sketch; I've referenced all the subdivision drawings that pertain to these two lots and to the abutting lots, because at one time it was all one piece.

T. Giffen said so we've had a **motion**, we've had a **second**. All those in favor of accepting the application? **All were in favor. Motion carried (6-0-0).**

T. Giffen continued we have accepted the application. Given the simple nature of this I'm assuming you're looking to get approval as well. R. Severino responded unless we can find fault, then yes. T. Giffen replied it seems very simple; the owners of both parcels are in agreement. R. Severino said I agree on both sides.

MOTION:

C. Robie said this is so cut and dry I'm just going to make a **motion** to approve this subdivision as presented. J. Franklin said subject to setting the new lot corners. C. Robie agreed. J. Lindsey **seconded**. **All were in favor. Motion carried (6-0-0).** C. Robie asked take out the old ones. J. Franklin said we can't. The only way we can remove an existing lot corner is to send a registered letter to each of the abutters. C. Robie said it says existing lot line to be eliminated. J. Franklin said the lot line is but not the markers. R. Severino said there are no markings on that. This is a marker for a different corner and this one is a marker for a different corner. There are no boundary markers along that line.

T. Giffen said all those in favor of approving the lot line adjustment as submitted subject to placement of granite bounds, the normal standard. **All were in agreement. (6-0-0).** J. Franklin asked for a time limit on the granite bounds to be for June 21st, by the next Board meeting.

Other Business:

Technical Assistance Grant Update:

T. Giffen said we had applied for a technical assistance grant for zoning assistance. We won the grant. Carol Ogilvie is now putting the wheels in place getting ready to roll. So she has requested that I inform the Board that a *Steering Committee is coming together for the Plan NH grant project, and it would be very good to have a Planning Board person represented on the Steering Committee. Details on how often the committee would meet etc.* are not yet available but as soon as she gets a list of names she's going to call a *get-acquainted meeting to talk about the schedule*. Any members of the Board who'd care to participate in this? C. Robie commented that Carol is going to be able to use a lot of the information from the Steering Committee from 6 or 8 months ago that was put together. We've been through this once. T. Giffen replied she's just looking for Planning Board representation. C. Robie reiterated but a lot of the

information she's looking for has already been discussed through the former Steering Committee. T. Giffen said do I hear a yes on this; on volunteering for this. C. Robie replied I will participate. Steering Committee, she needs that information. T. Giffen said so that's a yes, you'll volunteer for this. C. Robie replied I'll get her a copy of the Master Plan that the Steering Committee put all that information together, SNH made that for us and that was all work done by the Steering Committee. We already know what we want. We just adopted our Master Plan. She needs to take that and improve on that or work in the areas that showed interest. T. Giffen said perhaps a member of that original Steering Committee would like to become a Planning Board alternate and be the Planning Board representative to this. Would you pass the word that participation as an alternate would be welcome?

Crowley Road/Chester Subdivision - Minor Subdivision Update:

T. Giffen continued we have a Minor Subdivision Application Crowley Road that's ongoing. The Chester Planning Board has requested that we work with them and support them. They have submitted to us a checklist based on RSA 35 that can be used to determine if a development like this one is a development of regional impact. They are hoping that we will support them in a couple of ways.

- 1) Vote to determine that this development on Crowley Road is in fact a development of regional impact
- 2) To request that the applicant be required to fund a traffic study as a condition of approval.

T. Giffen continued I'd like to address the first issue which is to do with the determination that this is a project of regional impact and see if the Board feels that that's an appropriate determination. Has everybody had a chance to review the checklist in question? C. Robie said I think that's probably a good idea that we request that the applicant do the regional impact. And whatever that consists of, that's what needs to be addressed; the top 5 especially. T. Giffen said it's fairly clear, looking at the checklist, which is based on the RSA, they hit enough buttons and the bar is pretty low, they only need to hit one or two. I believe they hit more than that. We've determined that it's a project of regional impact. J. Lindsey asked do we vote on that.

T. Giffen said I'd like a motion. J. Lindsey **motioned** that we determine it is a situation or development of regional impact. A. Hall **seconded**.

C. Robie interjected I'm making sure the Chester Planning Board...this isn't a public hearing for this applicant. T. Giffen said no, not at all. C. Robie continued I don't think we should be making decisions on somebody's wishes. This should be discussed at a public meeting and everybody should have input. Maybe we're stepping out of our bounds here on somebody's wish. J. Lindsey responded at this point, I think we're just determining, the first steps in this development and we're looking at it and giving our input. C. Robie replied but we haven't accepted his application yet. We shouldn't be putting stipulations on what we're requiring him to do before we even look at his application. D. Murray replied I think the Town of Chester is just reviewing the application for the first time tonight and the checklist for regional impact is actually from the Town of Chester. They are definitely going with a regional impact so that's going to pull us in anyway. Whether you decide to or not it's going to be a regional impact. T. Giffen said just based on Chester's determination. C. Robie responded well we don't know how they're going to vote in Chester sitting here. D. Murray said we've been talking back and forth and that was their checklist and if you look at the criteria there, it's all but two, so it's going to happen. Speculation but...we're way ahead here. J. Bedard said that's not until June 14th. C. Robie said I think everybody should be privy to the same information. If you already knew that they're going to vote yes to do an impact and they haven't even had they're meeting yet, I'm not good with that, to tell you the truth. D. Murray said I'm just listening to the facts, they haven't vote on it yet so it's not true. T. Giffen stated procedurally I have a lot of support for your assertion Carleton. D. Lewis said are they only asking to see if our Board agrees that it's a regional impact, is that the only question? T. Giffen said they're looking for that and they're also looking to see if we support a request to have the applicant pay for the cost of a traffic study. D. Lewis replied then that's all that should be discussed. They have questions directly to the Board that they want an answer to but not discuss the actual impact of the project or any of the particulars of the project, just to answer their

questions. That should be it. T. Giffen said I think the most that we can really do now is get a consensus of the Board that it's probably going to go that way but I believe Carleton is right in indicating that an official decision right now is premature and that it should take place at a public hearing that's noticed. J. Lindsey said if they're asking these questions. C. Robie replied who asked that question, I don't see that written down in a question. T. Giffen replied there was an email that came across from the Chester Planning Board Chair. It was between Andrew from Chester and Andrea and Dave. A. Hall asked what is the harm in not...it just means our thoughts. T. Giffen reiterated it needs to be publicly noticed so any concerned citizens can come in and weigh in on it and I don't think we should take action officially yet. We could give them the flavor of the Board and that's about all we can legitimately hope for right now. J. Lindsey said then let's do that. A consensus. Do we feel? T. Giffen said I think it's a foregone conclusion that it's a project of regional impact. C. Robie said but that's what I said, I think it's a good idea but I don't think that we should discussing and voting on it until they have a meeting and come back with the question. A. Hall withdrew his second. J. Lindsey commented we're not voting on it, we're just saying do we feel. K. Kustra said we'll take it under advisement that we know that regional impact could be a problem and we'll take it under advisement.

T. Giffen stated it sounds like we're sympathetic to their concerns but we will defer official action until a properly noticed meeting.

Update on the 17-002 Wildcat-Candia First Stoppe Conditional Approval granted on 5/17/17.

Craig St. Peter and Joe Sobol were present as the applicants representing Wildcat and Candia First Stoppe.

T. Giffen said so basically we have a conditional approval that was granted on 5/17. There was a letter from Stantec, they apparently drafted on the 19th, and it was received here on the 22nd. At the request of the Planning Board, if we thought it was wise, Stantec would be able to provide a surety estimate necessary. C. St. Peter stated we have a big bond in place now for the restoration bond of the excavated area. I think its \$65,000. There's no offsite improvements, so typically there isn't a surety bond other than for offsite and restoration so we think we have it covered. We had agreed to 65 (65,000) and originally our estimate was lower, in the 40 (40,000) range. J. Sobol said 40 (40,000) range from Tom Severino and Stantec was up here and we met in the middle. Perhaps we're disturbing a little bit more land Mr. Chairman but not significantly more land so we feel the bond in place is more than enough. K. Kustra asked are you saying the acreage is going to increase. C. St. Peter replied no, if you remember we had to put a new septic in so we have to do a little excavation to that area so that's the additional area, in that general area that we have to do a little bit more than in the original excavation permit.

T. Giffen said there are two basic points to this letter.

1) All of what we refer to as the detail items, have been addressed and the letter so states. *The submitted revised plans have addressed the comments from our May 2nd review letter. The NHDES Subsurface Bureau permit is still outstanding and must be provided to the Town prior to the Planning Board signing the plans.*

2) *Additionally, as outlined in Section 5.03 of the Candia Major Site Plan Regulations, before the Planning Board signs the approved site plans, the applicant may be required, if deemed necessary by the Planning Board to file a performance bond guarantee in an amount sufficient to cover the cost of all items, conditions or other off-site improvements. This performance guarantee shall be approved as to form and surety by the legal counsel of the Town of Candia. At the request of the Planning Board, Stantec can provide a surety estimate.* So basically they're saying they'll help if we feel we need to put a surety bond in place. C. Robie said I think they have a \$65,000 surety bond in place; the first phase of that project is coming along correctly. J. Sobol agreed, yes. C. Robie continued you haven't asked to have that bond reduced any? J. Sobol and C. St. Peter said no. C. Robie continued you intend to keep it in place, in that complete amount, until the project, even the second phase of the excavation permit. C. St. Peter said complete. C. Robie said I think as long as they agree to do that, they're not going to ask for a reduction, keep the \$65,000 in place until the project its complete. That could be 2, 3, 4 years down the road. C. St.

Peter replied I think it's going to be this year. A lot of it. C. Robie said the trees will be planted. C. St. Peter agreed. C. Robie said they'll keep that full amount in place until the project is complete. C. St. Peter said until we get a CO maybe? For the building, that would be complete right? You'd have to have everything complete to get a CO. C. Robie replied I don't know if the site work has to be complete to open the expansion of the facility. When the site work is complete, they'll come in and ask for their bond to be done.

T. Giffen stated I think asking for additional surety would be burdensome and unnecessary frankly, on a personal level. I don't see a need for it. It's not like we're going to vote to do a surety, we just don't act at all and it remains as it is. I believe your intentions are good. There's sufficient protection in place and I think that's the flavor of the rest of the Board. Given that we've received a letter from Stantec that states the obvious important issue, that the submitted revised plans have addressed the comments, one of our conditions. That's now met. I don't think it's necessary to put anything to a vote tonight. C. St. Peter and J. Sobol thanked the Board.

Stantec \$1,500 Proposal to Review and Revise Regulations:

T. Giffen said Stantec discussed with us the possibility of working on the subdivision regulations on our behalf. They had some fairly specific ideas; we covered them in detail in our last meeting. The proposal was if spend \$1,500 they would review and make changes to update the following regulations: *Subdivision, Major Site Plan and Earth Excavation Regulations* and based on a previous discussion, the thrust of it would be to render the regulations more up to date in areas for example where a soil study might not be up to current specifications. Where certain storm specifications aren't up to current standards; that sort of technical assistance would be what they provide. I did not want to sign anything on behalf of the Board until we officially said yes or no to their proposal to spend \$1,500 and get some specific written output from them and some recommendations for zoning revisions. J. Lindsey commented I think it's a good idea. They have the expertise to guide us in the right direction. T. Giffen said I would point out that they're working on different areas than the work that will be done on the Municipal Technical Assistance Grant. I don't think we're doubling up on this or duplicating our effort. I think it augments and dovetails nicely with it. I think it's a good idea. The money is in the budget.

C. Robie said did we ever inform the Board of our 2.5 hour meeting with Stantec? T. Giffen replied no. C. Robie said after we met with a few of our applicants here, we had some issues. I guess Bryan from Stantec saw some deficiencies and some discrepancies in different areas. So they contacted us and asked if they could come out and sit down with Dennis, Mr. Lewis, myself as a Selectmen, Tom as the Chairman of the Planning Board and Mr. Murray, our Code Enforcement Officer and Building Inspector. We sat here for 2 hours and 20 minutes on a Friday afternoon and we hashed a lot of this stuff out. Both sides. Looking to do some things to help the applicants, make their job easier with discrepancies in the ordinances. As the meeting went on I got the feeling that Stantec was promoting themselves looking for some work, which that's okay. I understand that. But in turn, if we spend a little money, maybe their work won't be so cumbersome and it will save the applicant some time and expense moving forward. I think it was very beneficial and I got a lot out of it. Rene and I have a good relationship and I want to keep it like that. It's give and take.

T. Giffen said we talked quite a bit about the major site plan process and how applications would be accepted. One idea that was thrown out by Stantec was to require the applicant that a down payment shall we say, be made on the work that Stantec would normally do. The down payment would be \$1,500 and that would cover an initial review of the plan, where Stantec would work with the applicant. For example, when you have a document that has 70, 80, 90 points in it, during the process of the initial work out, most of that could go away. A lot of that is procedural and technical and to belabor the Planning Board with it and have an in depth reading of something that approximates the novel by Tolstoy "War and Peace" is just, it's a horrible use of time. It's horrible for the applicant; it's horrible for us. By working with the applicant right up front, it can be determined if the application is truly complete and if there are any little technical things on the set of plans that need to be tweaked before we can accept it as a complete application. I think having

that level of guidance from them would be beneficial both to the Board and the applicant and the money could be applied to the ongoing work. D. Lewis said it was a very productive meeting and I think a lot of it could eliminate the costs that get added by the 78 questions that come before the Board that you should never see. Half of those should go away between the application process and the first hearing. I think it would reduce the applicant's costs to Stantec dramatically. This has been going on a long time, it's confusing to the applicants, the engineering, the Planning Board, everybody. I think it's a way to tighten it all up. I think \$1,500 is a small amount of money if we can reduce the time and expense to everyone by having them go through this stuff. It was a great meeting, something long overdue. T. Giffen commented a lot of these recommendations were based on what Stantec has seen as best practices in adjoining towns, Auburn and Hooksett. These are things already in place that are working for people, as far as the streamlined process and the acceptance process. I'm in favor of doing that. The proposal's not terribly detailed.

MOTION:

J. Lindsey **motioned** that we go with this deal for \$1,500. J. Bedard **seconded**. T. Giffen reiterated authorize the expenditure of \$1,500 to enter into a contract with Stantec pursuant to the proposal that they presented, additional details to be worked out with Stantec as they arise. C. Robie asked about our budget. Did we spend money out of planning budget already? T. Giffen answered there is money that will be spent of \$2,500 for the match for the MTAG grant, that's out of that \$10,000. So this is another \$1,500 that will be \$4,000. **All were in favor. Motion carried (6-0-0).**

Zoning Review and Revision Committee Meeting for June 21, 2017 - CANCELLED

T. Giffen said ZRRC for June 21st, looks like it could be a heavy night. I prefer to have initial input from Stantec and Carol Ogilvie before we spend more time on it, because I think we've taken some huge steps towards zoning review and I think the meeting would be redundant. C. Robie agreed. Let's get some of these people that we're paying do some work and give us some...T. Giffen continued when we have something to digest, then we can meet and work it out. So we'll cancel that on the 21st.

Letters to PD, FD and Road Agent re: Crowley Road/Chester Subdivision

D. Lewis said back to the Crowley Road paragraph here, there was a line in there *should the Planning Board request the letters from the PD, Fire Department and Road Agent*. T. Giffen replied we skipped that, didn't we. From Candia's side it's a couple of tiny things but from a big picture it's...D. Lewis said it's going to be hard to provide a letter until after the Planning Board meeting. It's a minor subdivision application but it's a little more complicated than a one meeting. C. Robie replied I agree with Dennis. As far as the regulation goes, that's the applicant's responsibility to get the letters. D. Lewis said oh I agree. C. Robie continued that's not the Planning Board's responsibility to reach out to the Police and Fire. T. Giffen replied here's the thing. This is coming in as a minor as Candia sees it because it's two lots getting sliced up a little bit. It's not coming in as a major and for a minor; I don't think we require those letters. C. Robie responded well we just did here, we had Roscoe do a minor subdivision and Mr. Lewis, we got the applicants (*applications*) for driveway permits and schematic drawings for a driveway. So I guess we do do that. T. Giffen replied well we didn't ask for the fire chief and the police chief. I think it's premature. C. Robie replied we shouldn't be asking, they should be asking. T. Giffen replied correct. D. Lewis said that's my point here on this comment. A. Bickum stated I'm fine with getting the letters on this one. D. Lewis continued Andrea's put on the spot due to past history where the office has asked for the letters but technically it's the applicant's responsibility to ask for those letters. T. Giffen said correct. D. Lewis said this one is a minor so I guess the problem is going to be if they come in and want a decision the same night and no one's asked for letters, how is that decision going to be made. C. Robie and T. Giffen both said it's not going to be. D. Lewis said I have no intention of turning a letter in because they haven't contacted me for one. T. Giffen said we don't have an application yet. C. Robie said I thought he talked to

you in length, that gentleman that was here. D. Lewis replied oh he's talked to me at length but he's never asked me for a letter of consent. A. Bickum said he's not required to. T. Giffen reiterated for a minor, he's not required to. D. Lewis said but there are a lot of road issues. Do we just sweep it under the rug because it's a minor? I believe the whole thing should go to Stantec because he's modifying an intersection, he's adding an intersection to a Town Road and I guess if I were to provide a letter, that would be in that letter. C. Robie replied in theory, the applicant's not here so I don't know how deep we should be talking about it. D. Lewis agreed. C. Robie continued but those roads aren't going to be in Candia because the owner's going to deed the land, those two lots to Chester. T. Giffen agreed but the design affects traffic on Crowley Road. D. Lewis said they're going to intersect our road. A key intersection and then another key intersection. I'm trying to find out what the Board's expecting of myself as the Road Agent for that meeting. T. Giffen said here's my thought. We don't have an application yet. The Board in Chester hasn't acted yet, we're jumping the gun. That's my thought. Once this becomes a project of regional impact, that we as a Planning Board, at our discretion, require certain things. But we have to wait for that to happen before we take any action. It needs to be at a public meeting, the applicant needs to be present. It needs to be noticed, abutters need to be here. Everybody needs to be able to weigh in with their concerns. At that point in time we act however we act, but right now I think we're ahead of ourselves. D. Lewis replied so let's just do a wait and see. I'm fine with that. T. Giffen agreed pretty much. We don't have an application yet. Eventually we get one, we decide what to do. D. Murray said we're premature here.

C. Robie said I don't think we should put that burden on Andrea to search out Police. T. Giffen said I don't either. We request that the applicant obtain and that he do so independently and without burdening Town staff. C. Robie continued the applicant before us tonight, he's going to search out the Fire Chief and get the letter that he needs. We're not going to do that through our office. A. Hall said I had mentioned to Andrea before that she is the new person on the block. She has a golden opportunity to say the application says this, the law says this; we're not going to slip away, this is what's required. T. Giffen said I think what happened is people try to be nice to other people. They try to step up and help and they want to make people feel good, they want to feel good about themselves and they want to help and then all of a sudden it becomes out of hand, out of control and burdensome. At some point a line needs to be drawn and since Andrea's relatively new, now's a great time to do it. Just to establish mutual expectations that are fair and reasonable and have the applicant do what our regs in fact say the applicant should do and not burden our staff with these things. C. Robie said and we had that example twice tonight. Mr. Severino and Roscoe. Ron's going to go to the Fire and Roscoe went to Mr. Lewis and got everything resolved and they got out of here tonight in short order and they were done. That's streamlined.

After some discussion about the date and time of the Chester Planning Board Meeting for June 14th, 2017, it was agreed that Judi Lindsey and Tom Giffen would attend and meet up t carpool. D. Lewis said he would like to attend as well.

Planning Board Alternates Needed:

D. Boisvert said the Board needs alternates; I saw that on the computer, so I'm here to get a feel for what it's all about that's all. Also in about a month, I'll have a plan in here myself so I'm doing two things tonight. C. Robie said put his interest as an alternate down. D. Boisvert continued I think the next meeting will be worse, on the 21st that may be one you want to see what goes on. T. Giffen said on the 21st, Chester's projects going to come up and that could be an involved, heated, lengthy matter. We'll see.

MOTION:

J. Bedard **motioned** to adjourn at approximately 8:35 pm. J. Lindsey **seconded**. **All were in favor. Motioned carried (6-0-0).**

Respectfully submitted,
Andrea Bickum

Land Use Secretary
cc file