

CANDIA PLANNING BOARD
MINUTES of June 21, 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. Dennis Lewis, Road Agent; Dave Murray, Building Inspector; 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 June 7, 2017

C. Robie made a **motion** to accept the minutes of June 7th, 2017 as presented. J. Bedard **seconded**. J. Lindsey; K. Kustra; T. Giffen; and A. Hall **were in favor**. R. Cartier **abstained**. **Motion passed (6-0-1)**. *T. Giffen previously reviewed and found homonym sight vs. site. Corrected so "accept as presented."*

17-006 Minor Subdivision Application: Applicant: Eric Mitchell and Associates, Inc., Citizens Bank Building, 2nd Floor, 106 So. River Road, PO Box 10298, Bedford, NH 03110; Owner: DAR Builders, LLC, 305 Massabesic Street, Manchester, NH 03104; Property location: Crowley Road, Candia NH 03034; Map 414 Lot 152 & 152-10 Intent: To subdivide Lot 152 (4.13 acres) into 1 single family house lot leaving the remaining 1.12 acres as part of the roadway. Subdivide Lot 152-10 (1.03 acres) into 2 non-buildable open space lots with the remaining area as part of the roadway. The roadways in Candia will be deeded to the Town of Chester.

Abutters & Residents present: Joseph & Maureen Moore of 185 Crowley Rd.; Jeff Walz of 193 Crowley Rd.; Jason and Lisa Gustin of 161 Crowley Road; Tom DiMaggio of 42 North Rd.; Leo Champagne of 201 Crowley Rd.; Joe Colotti of 186 Crowley Road; Leonard and Brenda Ferron of 166 Crowley Road; Arthur and Elizabeth Sanborn of 312 Chester Rd; Ed Fowler of 302 Chester Rd.; Bill Fraser of 480 Brown Road; Scott and Lucy Flynn of 211 Crowley Road; Bob Martel of 621 High Street; Joan Tancrede of 235 Main St.; Karen Reis of 351 Chester Rd; Jan Paquette of 483 Brown Road; Boyd Chivers of 165 Depot Rd.; Bob Petrin of 194 Crowley Rd.; Jerry & Mary Plante of 156 Crowley Rd.; Stephen Landau of 662 Candia Rd. in Chester, NH. *See attached list for other residents and/or abutters that signed in.*

T. Giffen said I'd like to read a number of things into the record. This is identified as a minor subdivision application for Crowley Road. I'm using the RSA that pertains to developments of regional impact.

36:56. Review Required.

I. *A local land use board, as defined in RSA 672:7, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.*

II. *Each regional planning commission may, with public participation following the public posting of notice of the intent to develop guidelines, including notice published in a newspaper of general circulation in the planning region, develop guidelines to assist the local land use boards in its planning region in their determinations whether or not a development has a potential regional impact. In other words, we can get help from the Southern New Hampshire Planning Commission. The regional planning commission may update the guidelines as needed and provide them, as voted by the regional planning commissioners, to all municipalities in the planning region.*

So what does that mean? Procedurally, once the application's been presented to us, whether we've determined it to be complete or not, we can make the determination as to whether or not the development is

a development of regional impact or has the potential to be. There are a number of communications that we've had and I'm going to read some of them to you. There's a letter from the Conservation Commission, a letter from the Road Agent and a letter from some abutters that could not be here tonight that wished to have their concerns and comments known.

Conservation Commission Letter: *To: Tom Giffin, Chairperson, Candia Planning Board From: Susan Wilderman, Chairperson, Candia Conservation Commission Re: Proposed "Tanglewood" Subdivision on Crowley Rd., Tax Map 414 Date: May 30, 2017*

Dear Tom,

Eric Mitchell, representative for the developer of the above-referenced proposal, presented a wetlands impact application to the Conservation Commission at our May 16, 2017 meeting. We would like to express some concerns about the plan.

The proposal apparently qualifies as a Development of Regional Impact (DRI) about which we presume Southern New Hampshire Planning Commission has been apprised by the Candia Planning Board.

Crowley Rd. is the only access to and from this project. The developer has agreed to deed the Candia portions of the roads into and out of the development to Chester. He will also be upgrading the entire length of Crowley Rd. Nevertheless, there will still be significant impact on Crowley Rd. and the roads leading to and from that area.

You may be aware that there is a conserved area across the road from this proposed development. That preserve is part of a large unfragmented area in town which supports a significant wildlife population. There is currently a project to increase the protected acreage of this area. Of course, wildlife doesn't distinguish between political boundaries and have travel routes across the road to this area of proposed development. We understand the Candia Planning Board cannot determine the specific layout of the Chester portion of this project; nevertheless we have concern about the fragmented nature of the "conserved portion" of this proposal. Its layout appears to undermine many land conservation goals.

Additionally, there could be significant impact on the Exeter River watershed by the development of 66 1- acre lots with individual wells and leach fields. Brief correction, I believe its 60 lots. E. Mitchell agreed.

We understand there will be two public hearings about this project. One on June 14 in Chester and one here in Candia on June 21. We hope we can establish some coordination with Chester's Planning Board and Conservation Commission in order to minimize the environmental, traffic and public service impacts of this project. We invite you or (any of those copied below) to contact us with questions regarding our concerns.

We respectfully request this letter be read into the minutes of your next meeting. Thank you.cc: Candia Select Board, Chester Planning Board, Chester Conservation Commission, Department of Environmental Services, Southern New Hampshire Planning Commission, Eric Mitchell c/o DAR Builders

One other note, the meeting scheduled for Chester on June 14, didn't officially take place due to a lack of quorum. Instead it was held as an informational on a very informal basis so that meeting has not yet taken place.

This letter is from Darrel Tremblay and Stacey Tremblay of 160 Crowley Road in Candia. They could not be here tonight. But they requested that this be read in.

Dear Board Members:

We live at 160 Crowley Rd. and cannot attend the June 21 public hearing. We are writing this letter to voice our strenuous objection to this project. At best, this project will only have a horrible impact on our quality of life, and that of all residents of Crowley Rd. At worst, it will turn out to be a public safety disaster.

Crowley cannot be the only access to this development. It simply is not suited for that increase in use: 700% is the estimate. Moreover, it is said that Crowley Rd. is designated as a "Scenic Road/" Crowley Rd. has no shoulder; it cannot be widened. It is too narrow, too winding and too hilly (winter issues) to be an artery of the sort it will need to be. There are already issues with reckless driving on this 25 mph road. With an increase times 7 in the amount of traffic, this cannot be deemed a suitable plan, from a public safety point of view. To vote to allow this to happen will be a reckless abandonment of duty to the town and its residents.

What is particularly interesting is how Chester school buses will be allowed to use Crowley Rd. to serve its residents in the development, while Candia does not permit its school buses access. Doesn't that say enough? Candia deems Crowley Rd. unsuitable for school buses, but its fine for Chester school buses. This is preposterous.

In the minutes from last month: "we could request an exaction fee from the developer and be proportionate to help upgrade Crowley Rd., but we already crossed that bridge. The right of way isn't wide enough to do anything. I'm not sure where that leaves us." Really? Let's see, how about "No. This will not do. We will not allow it." If Chester

wants this development, Chester and the developer have to find another way into it. If there isn't one, then that's just a bad deal for them. We could have told them before this all started, if they had ever asked in a timely fashion.

But this project is said to be "well into the final phase." How can that be, when the residents of Crowley Rd. only heard about it last month. And let's be clear, the only real "interested parties" here - those who will be negatively impacted by this project - are the residents of Crowley Rd., and to a lesser, but still significant degree, the residents of Candia Rd. All live in Candia. The question is: How did this project get so far along, without any notice to these interested parties, until it is presented last month as a "done deal?" Why has the Town of Candia, which will see absolutely nothing from this project for its tax base, so readily rolled over and offered to deed over the single right of way passage into this development? It makes no sense.

To say that this project is ill-advised is putting it mildly. Let's be clear: This will ruin Crowley Rd. It will be nothing but a headache for us. This project will make Crowley Rd. into something it simply cannot be. This project will have a dramatic impact on our peaceful homes on this beautiful road. The right of way should not be deeded to Chester. The developer should have come to us first. To spring this on us in the eleventh hour is outrageous.

Please vote against this proposed give-away to Chester.

Letter from the Road Agent to the Planning Board: To: Candia Planning Board Re: Crowley Road - Items to consider -from the Road Agent

- Crowley Road right-of-way is only 33 feet, with a pavement width of 20 feet. There is no room for widening. This project adds a large volume of traffic to this narrow winding road.
- The intersection of Chester Road and Main Street, both state roads, has a serious site distance issue looking left when exiting Chester Road. This should be looked at with the NHDOT.
- Deed to the new proposed subdivision roadways off of Crowley Road to the Town of Chester.
- Make the 90 degree corner on Crowley Road a tee intersection with a two or three-way stop.
- Repave Crowley Road at a minimum 1 inch shim and 1 1/2 inch overlay of pavement.

T. Giffen asked Dennis with respect to deeding the new proposed subdivision roadways off Crowley Road to the Town of Chester was your concern any maintenance that Candia might be obligated to provide otherwise. D. Lewis replied basically. If this is allowed, I don't think the Town should have to maintain 300 feet of road, whatever the footage is, go in and have to turn around and come back out for plowing. We would have to be responsible for drainage, signage and repaving every 10 years and we aren't using that road. The Town of Chester's agreed to plow it and if this should all come to pass, when it's built it will be deeded to Chester.

T. Giffen continued as explained in the RSA a Planning Board has the ability to make a determination as to whether or not a project or development is a development of regional impact prior to accepting an application as complete. Chester has not yet had an official hearing to accept the application yet. They have however made the determination, that was done on June 9 I believe, that determination's been made by the Town of Chester. They've designated this a development of regional impact. One other item I'd like to read is a communication from the Town's attorney to Andrea, our Planning Board secretary. *Good Afternoon Andrea:*

Reviewing RSA 674:53 in more detail in light of the proposed subdivision of the lot in Chester bordering Candia I would make the following observations:

RSA 674:53, II would contemplate that if Chester received a subdivision plan application where the sole street access was in Candia, which is the case here, the Chester Planning Board should have reached out to Candia in the following manner: the municipality receiving the application shall inquire in writing to the appropriate administrative officials in the adjoining municipality or municipalities as to the existence of facts or regulations which, under paragraphs I, III, or IV of this section or otherwise, would preclude or affect such subdivision, development, construction, or change of use.

RSA 674:53, IV, would further provide that where a plat or plan has its sole access in an adjoining town, as is the case here, the project cannot be approved unless the adjoining Planning Board town, and that would be Candia in this instance, approves the project. However, the sole issue for the Candia Planning Board will be the adequacy of the streets giving access to the project in Chester.

Under RSA 674:53, VI, since both the Candia and Chester Planning Boards will have jurisdiction over this project the applicant can petition to have to boards conduct joint meetings and hearings, and if he does joint hearings or meetings shall be held throughout the application process.

T. Giffen asked E. Mitchell I don't believe you've made that petition. E. Mitchell replied no we have not. T. Giffen said something that could happen, perhaps.

T. Giffen continued next I would like to bring the issue to the Board as to whether or not this would be considered a development of regional impact. I apologize, I just misstated. I'm going to read RSA

36:55. Definition. *In this subdivision by subdivision they're saying subdivision of the regulations, "development of regional impact" means any proposal before a local land use board which in the determination of such local land use board could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:*

- I. *Relative size or number of dwelling units as compared with existing stock.*
- II. *Proximity to the borders of a neighboring community.*
- III. *Transportation networks.*
- IV. *Anticipated emissions such as light, noise, smoke, odors, or particles.*
- V. *Proximity to aquifers or surface waters which transcend municipal boundaries.*
- VI. *Shared facilities such as schools and solid waste disposal facilities.*

T. Giffen asked for the Board's input on whether or not you feel this is a development of regional impact.

K. Kustra said I agree, I've read that RSA and it does present a regional impact. How small or how big, well that's something we'll have to discuss but there is some impact there. J. Lindsey replied I think it's a development of regional impact. We don't have anything near the size of this development, 60 homes and to have it in a neighboring town that's going to empty onto our roads, that can't handle that kind of traffic, it just seems dangerous, unsafe and unprecedented. T. Giffen commented the traffic study will be forthcoming which will help in determining the safety aspect of it but certainly it does have an effect on the roadways. R. Cartier agreed. J. Bedard agreed. C. Robie responded so the Town of Chester did not accept the application. But they did deem the project...not through a meeting? How did that come about? T. Giffen replied it occurred on June 9. T. Giffen said apparently we received an email from Chester indicating that a determination was made. C. Robie replied I just wondered how they determined that outside of a public meeting. T. Giffen said we received a copy of a checklist they prepared but I can't tell you if it was in a public meeting. C. Robie said our attorney advised us that we get partnered up with a joint meeting in Chester and work together. T. Giffen said certainly that's the case. I do believe we need to partner with Chester. C. Robie replied 2 regional impacts, if Chester's going to do it, it would be a combination, jointly. T. Giffen replied Chester is not having another meeting until July 12th. They were initially hoping for July 5th because of noticing however there is a quorum problem for July 5th so they're putting it out until July 12th. I'd like to do something to move this forward rather than try to schedule a joint meeting, if that's the sense of the rest of the Board. I prefer we try to make a determination, tonight, as to whether it's a development of regional impact. R. Cartier replied from what you read in the RSA's, we don't have to have a meeting to make a determination of regional impact. When the application comes in, at that time, the application will be reviewed and Andrea has put together the checklist for the Town of Candia for the determination of regional impact, so we do have that.

A. Sanborn was concerned about the impact and the traffic on Chester Road. .

B. Chivers said I'd like to point out that in May of 2007 this Board considered this very issue and they voted unanimously to designate this project as one of regional impact. T. Giffen asked was that in the initial phase of the project under the prior owner? B. Chivers said I'm not sure, it was 10 years ago. T. Giffen said that was a previous owner and that's when the initial row of houses went along Crowley Road.

S. Landau of Chester, NH said regarding regional impact, does this not also affect the Town of Raymond? Because the wetland that's on my property drains through this development and goes right into Norton Pond which is right there as well, Crowley Road, which I have used a number of times in the 40 years that I've lived here, as soon as you come out going east, empties right into Raymond. If you're going to discuss regional impact, should you not have the Town of Raymond involved as well? T. Giffen responded my position based on the RSA is that if there's any potential for an affect that the other Town should be advised and that's a very good point that you've raised and I believe we should loop Raymond in. S. Landau continued I'm almost sure that Chester has not notified Raymond and was mentioned in the

letter that you had previously. Just so people are aware I received, as a direct abutter to this parcel, my wife and I received from Chester, information just a few weeks ago when this meeting was supposed to occur that they didn't have a quorum. So we were not aware of what the relationship was either.

K. Reis stated I did notify Raymond today, I spoke with their conservation...Miss Kent, I spoke with her today and I sent something out to the Board as well. I'm just a regular person, not on any Board, committee; just a concerned citizen.

MOTION:

R. Cartier made a **motion** that we make a determination that this particular project is a project of regional impact for the Town of Candia. A. Hall **seconded. All were in favor. (7-0-0) Motion carried.**

K. Reis asked now that this is a development of regional impact, how does this change the regulations that the developer must adhere to and how does this proceed then? T. Giffen replied this is Candia's first development of regional impact so we don't have an established set of procedures. My interpretation is that once it's been declared a development of regional impact that additional requirements above and beyond those that would apply to a minor subdivision would then be considered by the Board and put in place or not based on Board vote. So we would plan on going forward during this meeting discussing what that may mean and there may be considerations that would render this application complete, there may be other concerns raised and discussed. Gentlemen, you're aware that once we accept the application as complete that there's a clock running? E. Mitchell replied yes. I'm Eric Mitchell and I'm representing DAR Builders and if the application is considered complete and it can be voted on, I understand that there is a clock; 65 days. T. Giffen agreed. E. Mitchell continued because of the nature of this project, if it turns out that we're getting close to the 65 days, we would waive our right to the time limit because of meetings and things like that. But if the application is ready to be accepted, we would like it to be accepted so that things are starting to move along.

J. Gustin asked now that we've decided that this will be a development of regional impact, did you state earlier that the RSA's that we have now, if it's accepted from Chester as well, that we now have approval of the development as well, is that what you stated? T. Giffen said yes. The set of plans...J. Gustin continued so that would have to abide by our Master Plan and our regulations, not necessarily have to, but lean more towards that than strictly in Chester. T. Giffen said what it means is that Candia's Planning Board would have to approve the plans as well as Chester's Planning Board. If Raymond ends up being included. J. Gustin continued but we have different allowances for development than Chester. All the Towns around us, we need to approve it amongst those from Candia as well. T. Giffen reiterated the Candia Planning Board would have to approve the project for it to go forward, yes.

T. DiMaggio asked as a regional impact the roads that would be impacted, not just the initial one that would be deeded over to Chester, but all of the other roads, if they were in Candia would be the responsibility of Candia to keep them up, maintain them over the years at whatever cost it would be is that correct? T. Giffen agreed, that's correct. T. DiMaggio continued how far would that reach as far as a perimeter of impact? Shouldn't that be considered? T. Giffen replied when we look at the responsibility of the Town for road maintenance and so forth, any road that is a Town road, as it is now, the Town would have to maintain. As far as state roads, that would remain the responsibility of the state. Under the RSA's all that we can ask of a developer in an instance of this nature is an extraction fee. I believe that's what it's termed. That would basically allow us to request a onetime payment for upgrades to the immediate area, which would include in this case, Crowley Road. As far as the state goes, the results of a traffic study are not in. We don't have a traffic study at this point. If you've lived in Town for awhile, I'm sure you've had experience in driving on Chester Road trying to get onto Main Street, I'm sure you know there'll be some concerns there. It's just a question of what and how serious. T. DiMaggio continued as a follow up, even though we get an initial payment, over time, we have to continue to maintain these roads with a higher traffic impact on them. T. Giffen agreed, that is correct.

L. Champagne said a one-time payment, and now we're stuck with whatever we have leftover and we're paying taxpayers for him to do what he's doing over there. How does that make any sense? T. Giffen said under the RSA's there's only so much that we can legally require. A onetime fee, unfortunately, is all that the law provides. Once it becomes a public road, the Town has to maintain it. You can ask for an extraction fee once. *J. Bedard asked for his name and stated that we need everyone to say their name.*

B. Martel said I have two questions. 1) Is there a basic idea of what that fee will be and also my question to Mr. Lewis, per quarter mile, how much does it cost to re-do that road, per ¼ mile on any road? D. Lewis confirmed you mean repaving? B. Martel agreed. D. Lewis continued if you were to shim and overlay a road it takes about 1,000 tons per mile of asphalt and at today's cost at about \$64 a ton...\$16,000. I think that an in depth traffic study will show how far or where the traffic will disperse to and the impact on Brown Road, Chester Road, Lane Road, all those. How many are going to exit 4, exit 3? The real thing here is the traffic study. T. Giffen said that's certainly a strong preliminary thing. B. Martel said from my first question, what would the fee be charged to the developer? Does anybody know? T. Giffen said there hasn't been any formal decision. Assume for a moment that the request was to upgrade the entirety of Crowley Road, not just the area of frontage that would cost \$160,000. D. Lewis reiterated \$160,000 but that number isn't anything you would bank on here because you'll have the traffic study results. It may need intersection improvements; that was just a number given to the developer for the shim and the overlay and a few other small things.

J. Colotti said would this fee be before the traffic improvements, be before or after the projects completed, before...because we're talking about 3 years of not only new traffic impact but also construction traffic impact. Dump trucks. I believe I've heard a statistic of 10 construction vehicles visits per home. So we have 30-60 homes, that's a lot of construction traffic as well, which I think is a detrimental effect; those trucks versus residential vehicles. D. Lewis said absolutely. It would be an ongoing *project (unintelligible)*.

L. Ferron stated I've been here for 45 years, its right there, right in ground zero where the road comes out. As it is now, just with the traffic we have now, as I travel to work every day, there are 3 points where I take my life in my hands. First just coming out of my driveway because of the topography as the Road Agent can attest, there's a big hill. I don't know how many times somebody comes flying over that hill because they can't see me and they jam on their brakes and come within an inch of my door. They just can't see me and I can't see them and that's just with the traffic we have now. Secondly, go down to the end of Crowley Rd. and hit Chester Rd., as the Road Agent pointed out, there's a blind spot. If you drive from Chester coming down Chester Rd. or Candia Rd. you can't even see Crowley Road's there until you are right there and we have school kids and everything else. The final spot is when you get to the end of Chester Rd. at Main Street, they come whipping over that hill. It's risky now. Any increase in traffic would be crazy.

E. Fowler said since Chester Rd. is really a state road, although the Town maintains it during the wintertime, should the state have something to say about the amount of traffic that's going to be increasing on that road? Secondly does the SNHPC get involved and is designated as a development of regional impact, how do they? T. Giffen said it's automatic that they get involved. They will get involved.

An unidentified resident was concerned about the 3 curves; by Sanborn Farm, near where Mr. Ellis used to live, *Beaver (unintelligible)* Pond. I can't see how the state could say it's okay to add traffic to that road. That curve is really bad.

E. Sanborn said I'm holding here information from the informational meeting that we had in Chester. For 60 houses, there will be a total of 571 trips per day per house. That will be going by our house on Chester Road and by all the people on Crowley Rd. for 3 years. T. Giffen corrected I think they were talking about 571 total trips per day once it's all built out with 60 lots. The construction traffic is another question and hasn't been discussed and that would be in perpetuity.

J. Walz said I live at ground zero as well. Is Crowley Road a scenic road? T. Giffen confirmed that it is. J. Walz continued and by definition of a scenic road can you educate me on what the left and right limits are of a scenic road and if not, can those rules just be broken at will as a result of something like this? We

already have buses that will not come down the road. T. Giffen replied the scenic road rules pertain to the cutting of trees and that sort of thing, requiring approval of property owners and public hearings, there's due process involved. There's a process in place to deal with any changes to a scenic road.

J. Walz asked is that in connection to a regional impact study? T. Giffen said that's a separate whole set of rules that we already have to abide by. The thing about Crowley Road is understand that there's a 33 foot right of way and 20 feet of pavement and there's very much a restriction there, there's not a whole lot you can do with Crowley Road because of the physical dimensions of the right of way and the paved area.

D. Lewis reiterated a scenic road basically only pertains to tree cutting, removing stone walls, things like that from the Town. However, if you own a piece of property, you can cut your trees in front of your own house, it protects you from the Town or a utility company coming in and cutting those without your knowledge. After the 33 feet, it's your property and we have an easement over to your land. Your land goes to the center of the road and the stone wall is the boundary of the Town easement. J. Walz responded but that would impact telephone poles, utilities, all those poles are right smack at the edge of the asphalt so it's an impact to the local communications and Comcast, electrical, what have you. I don't know if we pay for that? Somebody's going to pay for that to relocate all of that.

D. Lewis replied I want to add about the school buses. It's not the Town's call on the school buses going down there; it's the bus company's call. Chester's bus company may say its fine to go down Crowley Road and 5 years from now, our bus company may say its fine to go down Crowley Road. We have buses that run Currier Road, which is a one lane dirt road. They used to go up Flint Road to the end which is only 12 feet wide. It's the bus company's call, not the Town's. J. Walz replied if they're not going down there now with the degree of traffic and you're going to increase it by 507 per day, why would they add risk to 40 passengers under the age of 10 years old to that situation?

B. Fraser asked I know that Crowley can't be widened. What about Brown Road and Chester Road? Do they have an easement that will allow them to straighten out some of those curves or is that also restricted? D. Lewis replied Brown Road could be in some locations but in other locations we're right at the walls just like on Crowley. That's why Brown Road is the width it's at. It's usually safer to engineer a road to its narrowest width rather than have variations in width. A good example is Patten Hill Road. You go over the highway bridge where the state widened it. You can do 50 miles an hour over that bridge but at either end is a 20 mph curve and everyone goes off because very quickly you adjust to that speed.

B. Ferron commented I'm concerned about the increased traffic flow and the fact that people walk on Crowley Road. They walk their dogs, we have people who bicycle. We have children who ride their bikes on Crowley Road and the effect that that will have. There are also horses on our road. T. Giffen replied a traffic study has already been requested by the Town of Chester. We'll be working with Chester on that to address concerns that may be raised.

An unidentified resident said when school buses come down our street, what happens if the Chester school bus comes off the road? Can they sue the Town for not maintaining the road, a plow job wasn't good enough, is that something we have to think about? T. Giffen said I'd have to check with our Town Attorney and check but I suspect the answer would be no. As a municipality, I believe the Town is immune from that but I'm not sure.

L. Gustin asked as part of the regional impact study is there any study on well water? I'm just curious as to the impact of 60 houses, right behind our house, on our wells. Our well is okay but it's not great. T. Giffen replied as a Planning Board there may be requirements that we can discuss among the Board and determine as to whether they would be appropriate.

L. Flynn asked what's the impact on Candia for the police and fire department possibly having to be first responders. T. Giffen replied certainly there will be an impact, how great an impact is open to debate. We wouldn't know until we get there frankly. But there is no doubt where there would be certain situations where Candia would get there first.

J. Colotti commented we're doing a great job of talking about all the negatives. Has the Board had any time to discuss how this could positively help our Town? Do we have that? We're all talking about the

same points. It would be nice for you guys or anybody in the room to help share the positives. We could sit here all night. T. Giffen replied there's no tax revenue but there is the potential that these people driving past local businesses may patronize them. We haven't given a lot of consideration to that area. Is there anyone in the audience with any new concerns or comments that we haven't discussed already.

J. Tancrede said I live at the intersection and Charlie and Priscilla Wheeler couldn't be here tonight but it not only impacts the traffic it impacts the headlights into their house. There's enough of a hill in the front of our house that in the winter when they make the angle, they can't get up enough. As it is now we have enough traffic we can't keep the windows open now. My other question is why can't we just say no? Why can't we just turn it down and say no? T. Giffen replied we need to extend due process to all applicants and be equal and fair under the law. There's a requirement that we treat everybody fairly and equally and that we enforce the regulations that we have. That would preclude any determination that would occur without due process.

An unidentified resident (*possibly Joe Gustin*) asked what you're saying is once we go through the formalities, you very well could...no? Is it a yes or a no when we get there? Is it that clear? T. Giffen said we haven't reached that point yet and I wouldn't prejudice the actions of the Board or the meeting. When we get there, we get there. I wouldn't comment about it beforehand; I don't think it's fair.

K. Reis said I'd like to submit this you can read it when you want but put it in the minutes. *Letter submitted by K. Reis attached at the end of these minutes and excerpts here.*

First I have a question for Mr. Mitchell. There's a development going in on Green Road and that has 22 houses projected for it. What's the traffic impact of that road then, with 22 houses? Because you're working on that project correct? E. Mitchell replied I'm not. We did a concept on it but we're not doing the actual work. But as a generality for a residential house, there are 10 trips per day per house. Those trips include someone going to work in the morning and back at night that counts as 2. Two people leave to go to work, that counts as 4. Then you have people coming to visit and other things and that's where the average comes from. The average is 10 trips per day for a residential house but the key is how much of that traffic is leaving in the morning and how much is coming back at night so that's where you have the strongest impact as opposed to what's spread out during the course of the day. But generally it's about 10 total.

K. Reis replied so 220 vehicles would you say? There are 22 lots, 10 trips, so 220 trips on Green Rd. which turns into Patten Hill Rd. which then comes into Main St. which then turns onto the same spots that we're already talking about right now. I just want everyone to be aware that there's another development coming down the street. This one, right now, we have some kind of say in and we should use our Planning Board effectively to make some kind of decision regarding that. I have a lot to say so bear with me. This plan is submitted as a minor subdivision plan and by the standards Candia's minor subdivision plan it says *a minor subdivision has "no potential for re-subdivision, requires no new roads, utilities of other municipal improvements and may not adversely affect any adjoining property."* So the request that he's put in, submitted, requires 2 new roads. Does that qualify it as a minor subdivision? T. Giffen said we've already moved past that and determining that it's a development of regional impact so it will no longer be strictly under the rules of a minor subdivision. Because we don't have a formal set of regulations with respect to developments of regional impact, we're now going to proceed to do things as fairly and evenly as possible. And follow the RSA's and do things in that manner.

K. Reis continued could this be considered a scattered subdivision or premature subdivision? This is an *Excerpt from NH Practice: Land use planning and Zoning Ch. 29 Subdivision 29.09: The board must ascertain what amount of development in relation to what quantum of services available will present the hazard described in the statute and regulations. At the point where such a hazard is created, further development becomes premature. In determining prematurity, the board may consider off-site and well as on-site circumstances... In considering whether a proposed subdivision is premature a planning board may consider the present condition of access roads. If it finds that a hazard is created by the present level of development, it may find that development is premature. Prematurity is a relative rather than an absolute concept. The fact that development already exists in an area and that certain problems with access already exist does not preclude a finding of prematurity.*

T. Giffen said that's an example of the type of RSA that would guide us in the absence of our own regulation. K. Reis continued *RSA 674:36...there's a statute...* T. Giffen continued it is my plan as Chair of the Board to make an open ended question of the Town's attorney requesting that he advise us as to which specific RSA's we should be considering and what circumstances would be covered by these RSA's and what the possible latitude for decision making would be with those RSA's by evenly and fairly applying the RSA's, I think we can come up with an outcome that A) will serve the Town's needs appropriately and B) will be as fair to the developer as possible under the law. I don't think we can do more than that and I certainly would not wish to do less.

K. Reis continued the cost. *Cost: The builder is willing to put down \$100-200,000 to shim and pave Crowley road. Paving and shimming was just done in 2007 by another developer. The road cannot be widened. Who pays the cost to maintain the roads affected by the increased volume including Chester Rd and Main St every 10-14 years? Who pays to improve the intersection at Main St and Chester Rd when accidents begin to happen? Who pays to install the traffic light at the South end of Main St and 43, when traffic volume backs up so far it becomes a nuisance? Who pays to correct the intersection of North Main Stand Routes 43? Candia Transportation plan and SNHPC has estimated that cost to be approximately 1 million dollars. What about Lane Road and Crowley Road? Who pays to reconfigure that intersection? What about the municipalities that will be responding to a 70 lot subdivision? I understand that it is a shared responsibility with the other towns, but when the town needs to buy another fire truck or hire more employees to keep up with the demand, who pays for that? When police need to respond to multiple accidents that occur at the locations identified, who pays for the additional police staff needed?*

T. Giffen said those are all good points. That seems like one multi-pronged question, which I don't think is reasonable to expect us to answer but I appreciate you bringing up those points. They'll be for future discussion. K. Reis said we talked about the classification of the roadway and arterial roads, common road or a minor road. Obviously by the standards, Crowley Road is a minor road, it fits those standards. Chester Road may not be considered a collector road. Those corners are treacherous. T. Giffen said it's well known that Chester Road has hazardous spots. I've personally witnessed a fatality on that road. K. Reis said there have been 2 fatalities since 2003. T. Giffen said a school bus and an SUV. K. Reis said and a fatality on Main and 43. T. Giffen agreed, we're aware that's its hazardous there.

K. Reis continued. *Materials produced in cooperation with NHDOT indicate there are approximately 15 miles of roadways in Candia designated as regional bicycle routes. Candia's roadways currently designated as regional bicycle routes include Chester Rd, Main St. and Patten Hill Road. Chester Road also hosts the Reach the Beach Relay every year. Will these roads maintain that status with 700 additional vehicle trips? That's a rhetorical question. In conclusion, this development is no different than the one proposed in 2007. The only difference is A) The idea has been entertained for much longer than in the past and B) This developer seems to have a stronghold on our planning board (decisions, lawsuits or I don't know what) than developers in the past. I would rather pay the town attorney to fight this case now, than carry the financial burden and safety hazards of these 70 homes in the future for myself and that of my children as residents of Candia. At what point does the town lawyer get involved? This is a unique situation. If the planning board allows this development, what precedence is there to stop future developments like this from leaching away Candia's tax infrastructure? Who are these planning board rules and regulations for if not to be used in this unique situation to protect the town from financial demise and protect its people from an increasing tax base?*

T. Giffen said at this juncture I would like to change the direction of the meeting to discuss the completeness of the application. I would comment that we should consider it in the light of an application for a development of regional impact since we've already made that determination and determine if it's complete with respect to what limited standards we may or may not have for that.

C. Robie asked does that have to be re-noticed as a major application instead of a minor. T. Giffen replied I'm thinking very strongly that we should re-notice this as a new hearing, close the hearing for tonight and that we should re-notice this in order to...I would consider that and would entertain a motion to that effect.

E. Mitchell commented I understand that what we show on paper is a 3 acre lot with a road going beside it and another road. That's very small in perspective as to what the impact is on Candia with the development that's in the back. It's going to be a process. We had notified the Regional Planning

Commission by certified mail about all the public hearings, just so they knew, even before the Boards worked to make a determination of regional impact because we knew that this was something that everyone is going to have to be involved with. So we also understand that dealing with two towns meeting on different nights, that if we can accommodate, have public hearings where abutters can go to either meetings; or Board members, that's good. But we also don't expect that if an application was to be accepted tonight that it would be approved tonight. Even though it's a minor thing, as far as the traffic study, we agreed last week in the meeting in Chester, that we would do a traffic study. I've talked to the traffic engineer and he's putting together a proposal to do that. A traffic study needs to be done. Whether the application has to be re-noticed or whatever. Chester is re-noticing their hearing because of lack of a quorum last week. We don't want anything to be done and not cover our bases completely. So if the Board wishes this to be re-noticed at a different hearing or because it's regional impact, you're going to need another hearing just to deal with that and something else, we're willing to work with it. We don't believe that this is a fast paced process, it isn't. But we do have to get the traffic study. So it's up to the Board if they want us to re-notice or particularly even the fact that it's a regional impact and that's going to be reviewed. So we're willing to work with the Board on how you want to do it.

T. Giffen replied it's my personal feeling that this is not, nor should it be treated as a minor subdivision. It's obvious on the face of it that it's much more than that. Irrespective of how much of it's in Candia and to address it properly we need to treat it differently than we would a minor subdivision and that will certainly require at least one more hearing; probably more than that because of the volume of information that we'll have to discuss as a Board in order to make official action. I would anticipate that we will be discussing that whether or not the Town Engineer reviews the intersection designs, reviews the traffic study on a professional basis. These are things that you're probably expecting anyway. E. Mitchell agreed, yes. T. Giffen continued we'll have to vote on that as a Board. I believe we've already gone beyond the scope of what was originally noticed in that we noticed this as a minor simply because prior to making any determination as to whether it's a regional impact, what else do we have? That's all we had so that's how we noticed it. I am going to suggest that to continue onward tonight is probably not productive. I would consider a motion to treat this as something other than a minor subdivision and therefore notice another meeting and also if it's a development of regional impact, which it's now been declared by two towns, we need to consider what the definition of an abutter's list would look like given that the scope is far greater.

MOTION:

R. Cartier **motioned** that we not accept the application as a minor subdivision application based on the decision of the Board that it's a development of regional impact. A. Hall **seconded**. **All were in favor. (7-0-0) Motion carried.**

T. Giffen said this will be properly noticed.

E. Mitchell reiterated that the Town of Chester's public hearing, which at last week's meeting thought they would hold it on the 28th, they couldn't. Maybe on the 5th, it is being re-noticed. Everyone that got an original notice will get another notice for the 12th. So Chester will have their first public hearing on the 12th in Chester. As far as us coming back, and we do have to do a traffic study, which will take time and information, I don't know if there's a date that's convenient that's not the first Monday of the month where both Boards' meet that we can expect to be back here with a re-notice for the major subdivision and the fact that it's regional impact, whether a month from now, the 3rd Wednesday of the month is reasonable or not. T. Giffen replied it would be my goal to work with the Chester Planning Board to see if it's practical for us to have a joint meeting and if not, to schedule the meeting so there not in conflict, that would be my goal.

J. Walz commented and to include Raymond in that meeting because I think on more than one occasion that Raymond, while they might be a small stake holder, they would be impacted by this as well. T. Giffen agreed and they should be looped in so they can decide if they want to participate. J. Walz continued so that means that you would have potentially 3 towns on record to approve this and you said

before that this is new ground for this Town, it's the first regional impact subdivision, but what is your assumption of the steps. Would you leave here tonight and the Board members do their analysis and collect their information. T. Giffen replied we do all that publicly. There won't be anything happening other than behind the scenes coordination of scheduling with Chester and potentially Raymond.

T. DiMaggio said I heard this gentleman say that he was going to do the traffic study. Kind of the fox guarding the hen house. Wouldn't it be better for this Planning Board to pick the people that are going to do the study and bill them for it and then it's an independent study? T. Giffen replied I've indicated that the Board would be discussing that matter. It's not uncommon for traffic studies to be paid for by a developer and then reviewed by Town engineers. It's probable that Stantec would take care of that on our end and that Chester's engineers would look at it as well for anything that would impact Chester, and potentially Raymond.

S. Flynn said could we entertain the idea of having this in another building, maybe. T. Giffen said yes given the size of the crowd, we can look into that. Our air conditioning is somewhat deficient.

J. Paquette said the wetlands; where does that flow into? T. Giffen said I honestly cannot tell you that. There was a stipulation by one individual that it flows into Raymond into Norton Pond. J. Paquette if it flows into Massabesic Lake, Manchester (*unintelligible*) will have a fit. T. Giffen commented the watershed. J. Paquette continued they come to my house to check my property because I have a brook on my property and they come to check my septic and all the other things because it might flow into Massabesic. Someone from the audience said it flows into the Exeter River not the Massabesic watershed. There was a wetlands application, was that approved? R. Cartier said the application's in. T. Giffen said there's a whole matter of due process that will have to be followed.

A. Sanborn said last meeting in Chester when the Planning Board would sign off on these plans and I suggested maybe they don't sign off until after all the plans have been accepted. T. Giffen said we can't because it's a development of regional impact, the plans cannot be approved by any single board. They'll have to be approved by any Boards that are affected which include Chester and Candia and possibly Raymond.

Other Business

NHDES Wetlands Request for More Information

J. Lindsey said the wetland letter that concerns this development needs to be sent to Chester Planning Board as well and I don't think it had been. There was one that came to the Conservation Commission that was not copied to the Chester Planning Board. DES request for more information. A. Bickum replied I don't have that. J. Lindsey said it was sent to the Conservation Commission of Candia, of Chester, Eric Mitchell, Mark Kern, EPA and NH Fish and Game but not sent to either Planning Board. Would you like this? A. Bickum replied yes please.

Age Friendly Community Project-AARP Grant

T. Giffen said AARP is providing grants. The original deadline for application is June 30th. It has been extended. My impression was that the deadline is too close for us to do much of anything with this. There were meetings held on this Age Friendly Community Project. The meetings were scheduled such that I couldn't make any of them. I have no idea if this is good, bad or indifferent. My impression is something that Carol Ogilvie would have to help with and her plate's full. Do we want to pursue?

R. Cartier asked what is it actually for, what does it do? T. Giffen said it's an age friendly community thing, I don't know what that means. R. Cartier said that's the question, I have no idea what it is. A. Hall said we have everything to gain and nothing to lose. Carol's leading the charge here. J. Bedard said she said she'd be willing to help. C. Robie said Carol's working on a grant right now. She's working towards a goal for our community. I think we should leave it at that for right now. We've spent enough money researching grants, getting grants and we can't even put together a Steering Committee to help her at this point. Thank

you but let's get done what we started. T. Giffen said so we have a consensus that we're not going to apply for that grant.

MOTION:

J. Lindsey **motioned** to adjourn at approximately 8:17 pm. A. Hall **seconded**. **All were in favor. Motioned carried (7-0-0).**

Respectfully submitted,
Andrea Bickum
Land Use Secretary
cc file

Addendums:

Signing of Mylars prior to the PB meeting: PB Cases 17-003 Halls Mill; 17-004 New Boston Rd Minor Subdivision; 17-005 LLA Critchett Rd. 6-21-17. Chair T. Giffen, A. Hall, K. Kustra and R. Cartier signed the mylars and one set of plans for each. The mylars will be recorded at the registry on 6-22-17.

Letter Submitted by Karen Reis and Jill Uhlenhake of Chester Road to the Planning Board (only excerpts were taken from this letter by K. Reis during the meeting. This entire letter was not read).

Karen Reis

Jill Uhlenhake Chester Rd

Planning board Public Hearing, June 21, 2017

The master plan is intended to assist the planning board in protecting and preserving the qualities on which residents place great value while allowing the town to grow and prosper in a responsible and controlled manner. I facilitated for and participated in the Community Profile event. Personal agendas seem to have influenced the Master plan. There was no talk of a development on Crowley Road, there was no talk of changing lot sizes from 3 to 2 acres and there was no vision of the downtown to be a thriving metropolis with apartment buildings and 'encourage greater diversity in housing'. The major thought of the master plan is to retain our rural character and keep taxes low. However we want to encourage development instead of resist it. I did not receive a paper copy of the master plan nor were we included in the reviewing of it. Has the master plan been signed off on? In my opinion, this master plan is the agenda of the SNHPC and a few town representatives.

Crowley Road

Per Eric Mitchell, this development meets the criteria for a regional impact development because it affects two towns. How does this change the approach or the requirements that the builder must adhere to?

The development is classified as a minor development because it affects only 2 lots in Candia, however by Candia's subdivision regulations, a minor subdivision has "no potential for re-subdivision, requires no new roads, utilities of other municipal improvements and may not adversely affect any adjoining property." The application clearly states there will be a road. The remaining lots, or major subdivision portion, are in Chester. Can the subdivision be deemed a major subdivision by Candia because of the impact it has on the town?

Is this a premature of scattered subdivision? Excerpt from NH Practice: Land use planning and Zoning Ch. 29 Subdivision 29.09: The board must ascertain what amount of development in relation to what quantum of services available will present the hazard described in the statute and regulations. At the point where such a hazard is created, further development becomes premature. In determining prematurity, the board my consider off-site and well as on-site circumstances... In considering whether a proposed subdivision is premature a planning board my consider the present condition of access roads. If it finds that a hazard is

created by the present level of development, it may find that development is premature. Prematurity is a relative rather than an absolute concept. At the point where a hazard is created, further development becomes premature. The fact that development already exists in an area and that certain problems with access already exist does not preclude a finding of prematurity. Please

Following RSA 674:36, Candia's Subdivision Regulations prohibit scattered or premature subdivision. "Scattered or premature subdivisions of land as would involve danger or injury to health, safety or prosperity by reason of inadequate water supply, drainage, transportation, school, fire protection or other public services or would necessitate an unplanned and/or excessive expenditure of public funds for the supply of such services, shall not be approved by the board."

Shattigee rd land is owned by Chester and under their control. Eric Mitchell said the abutters have been approached and were not willing to participate.

Cost: The builder is willing to put down \$100-200,000 to shim and pave Crowley road. Paving and shimming was just done in 2007 by another developer. The road cannot be widened. Who pays the cost to maintain the roads affected by the increased volume including Chester Rd and Main St every 10-14 years? Who pays to improve the intersection at Main St and Chester Rd when accidents begin to happen? Who pays to install the traffic light at the South end of Main St and 43, when traffic volume backs up so far it becomes a nuisance? Who pays to correct the intersection of North Main St and Rts 43? Candia Transportation plan and SNHPC has estimated that cost to be approximately \$1 million.

What about Lane Road and Crowley Road? Who pays to reconfigure that intersection? What about the municipalities that will be responding to a 70 lot subdivision? I understand that it is a shared responsibility with the other towns, but when the town needs to buy another fire truck or hire more employees to keep up with the demand, who pays for that? When police need to respond to multiple accidents that occur at the locations identified, who pays for the additional police staff needed?

Traffic/Roads:

A classification for roadways exist to help guide the town in creating developments that minimize impact on the local community. They range from highway, arterial roads, collector roads (Chester Rd) and local roads. An arterial road is a road like route 43 and route 27, they travel intra county rather than statewide. Arterial roadways can handle large volumes of traffic. Based on Candia's subdivision regulations, an arterial road can handle a development with more than 50 dwelling units and an average daily traffic of 500+. The developer states this development of 70 units will result in an additional 700 vehicle trips. Crowley road is a scenic road. 11 roads have been designated as scenic roads by the town of Candia and 4 of them will be affected by this development; Lane road, Depot road, Crowley road and a portion of Patten hill road. I cannot speak to Crowley roads vertical and horizontal curve radii and profile grades, but I am sure its shoulder width is less than the 6' required to put a 50+ development. Even Chester road has horizontal curves that do not meet the requirements for a development of this size. The intersection of Main Street and Chester Rd has a steep vertical curve with limited visibility that I am sure would also not meet the requirements. This becomes a safety issue. 2 fatalities occurred in 2003. One at the intersection of Main St and rte 43, and 1 on Chester Rd. There is no way the stopping sight distance of 400' required by that volume of cars, is sufficient on Crowley Road. Has the road been engineered? Where are the engineering reports that were mentioned in the December 2015 planning board minutes? Crowley road would not meet the road requirements of even a minor road that allow up to 30 dwellings and 300 average daily traffic. The projected traffic growth for Crowley road according to Candia Transportation plan and the AADT traffic volume summary is suppose to increase 26.92% by 2040, while traffic on Chester road at the Chester town line has an growth rate of 0.52%. That is a significant increase for Candia with minimal impact to Chester and creates a safety hazard for the residents of Candia on the affected roads.

Environmental Impact: Runoff into Raymond. Encroachment on vernal pool in Chester
Materials produced in cooperation with NHDOT indicate there are approximately 15 miles of roadways in Candia designated as regional bicycle routes. Candia's roadways currently designated as regional bicycle routes include Chester Rd, Main St. and Patten Hill Road. Chester Road also hosts the Reach the Beach Relay every year. Will these roads maintain that status with 700 additional vehicle trips?

Raymond has a 22 lot subdivision scheduled to go in within the next 2 years. Eric Mitchell is representing Mr. Patenaude. How many trips per day per household does a 22 lot subdivision add to traffic volume, Mr. Mitchell? 220 trips per day. This development is on Green Road. Green road intersects at Patten hill rd, Lane Rd and Depot Rd. This development will add traffic to the same roads we are discussing with this development; the dangerous intersections of Lane Rd, North Main St, South Main St and Chester Rd. This will become the financial responsibility of Candia.

From Patenaude v. Town of Meredith: RSA36:21 specifically empowers planning boards to regulate subdivisions to provide for "the harmonious development of the municipality and its environs". The board may also ensure that "land indicated on plats submitted shall be of such character that it can be used for building purposes without danger to health..." The statute further provides that the boards regulations " may include provisions which will tend to create conditions favorable to health safety convenience or prosperity." RSA 36:19 seek to promote the orderly and planned growth of relatively undeveloped areas within a municipality....Plan less growth and haphazard development accentuate the municipal problems in demand for streets, water and sanitary services which have a direct relation to traffic, safety and health. The planning board "must consider current as well as anticipated realities" when evaluating the "maturity" of a particular subdivision request. (<https://casetext.com/case/patenaude-v-town-of-meredith>)

This development is no different than the one proposed in 2007. The only difference is A) The idea has been entertained for much longer than in the past and B) This developer seems to have a stronghold on our planning board than developers in the past. I would rather pay the town attorney to fight this case now, than carry the financial burden and safety hazards of these 70 homes in the future for myself and that of my children as residents of Candia. At what point does the town lawyer get involved? This is a unique situation. If the planning board allows this development, what precedence is there to stop future developments like this from leaching away Candia's tax infrastructure? Who are these planning board rules and regulations for if not to be used in this unique situation to protect the town from financial demise and protect its people from an increasing tax base?

Thank you

Sign-In Sheet of Residents and Abutters that **signed** in on June 21, 2017:

See next page for sign in sheet images.

