

CANDIA PLANNING BOARD
MINUTES of August 16, 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; Bryan Ruoff from Stantec.

Absent: Mike Santa, Alt

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

Minutes July 19, 2017:

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

17-009 Change of Use Permit Application: Applicant: Arthur & Colleen Gosselin; 9 North Road, Candia, NH 03034; Owner: Nomad Holdings LLC/Mel Critchett-Petrin, 45 High Street, Candia, NH 03034; Property location: 45 High Street, Candia NH 03034; Map 406 Lot 019 Intent: To change the use from an existing funeral home with an existing 2nd floor apartment to two first level business offices and a 2nd floor existing apartment per Article V, Section 5.02B6 “business and professional offices and banks”, which is permitted in the Mixed Use zone.

Present: Applicants Arthur & Colleen Gosselin; Owner Melanie Critchett-Petrin.

Abutters Present: None

T. Giffen said this looks pretty straightforward. We’re talking about a mixed use zone and a conforming use. I don’t see a whole lot to talk about. Can you fill us in with the basics? C. Gosselin responded we’re going to put our business which is currently in our home, up in here and use the barn as storage for our parts. And then size would be allowing us to put a second office for rent on the right hand side of the building and then the apartment upstairs as is.

J. Lindsey asked what your business is again. C. Gosselin replied heating and air conditioning. K. Kustra asked have you got enough room for cars to accommodate the tenant and your business people. C. Gosselin replied absolutely, the technicians that work for us usually bring their vans home at the end of the day and they come in the morning. So they’d be coming in the morning, taking parts as needed, getting their paperwork and going out for the day. At this point, we have 3 vans. More than enough room to accommodate them. T. Giffen said the funeral home was operating there and you’d have 30 cars there. A. Hall asked about the barn. C. Gosselin replied the barn will just be storage for equipment and no real change going on there. A. Hall mentioned the second floor of the barn used to be a dance hall. A. Gosselin agreed. A dance hall, gathering place, we love that. We found out it was Charmingfare, we love that aspect. C. Gosselin replied it’s a beautiful space, it has wonderful potential. A. Gosselin said a Christmas party area.

C. Robie asked about outside storage. A. Gosselin replied all we need is a dumpster we could put behind the fence. C. Gosselin asked for clarification. C. Robie reiterated will there be things outside of the barn. A. Gosselin said no. C. Gosselin said I don’t think that’s necessary, there’s a lot of room in there, much more than we need and we’re pretty neat.

K. Kustra asked let’s say you go into a place for heating and air conditioning and you take out an old furnace or a water heater, do you get rid of it right away or do you store it. A. Gosselin replied it goes straight to the metal yard. C. Gosselin agreed. It goes to the metal yard, that’s money for us so we get rid of it right away. We’re not looking to store; it’s more hands on to bring it back and then bring it back out. A.

Gosselin said there's no point. C. Gosselin said the worst that could happen is if the job was completed late at night, then it may sit in the back of a pickup truck overnight and then go in the morning. The metal yard closes at 4 pm. A. Hall reiterated so just businesses downstairs and then the apartment upstairs. C. Gosselin replied the apartment is on the 2nd and 3rd floor and has five bedrooms, we'll limit that.

J. Bedard asked where it's so close to the school is there any requirement for the people that work there to have background checks. A. Gosselin said we've been in business for 33 years and it's pretty solid. C. Gosselin said there's no requirement. T. Giffen replied I believe the background check situation would be conditioned upon an individual, if someone had had an issue of some type that required their contact with children be limited, it would apply strictly to that individual not necessarily to a business. And if the individual was in violation of a court order, then they would be subject to arrest and prosecution. I wouldn't expect that to be a situation to arise. R. Cartier said the laws are very specific on what requirements, what occupations you have to have that on. Fire Dept., Police Dept., the school, anybody that deals with children would have to but a business; unless the business was a daycare center, it would follow that.

MOTION:

R. Cartier **motioned** to approve the application as presented. A. Hall **seconded**. **All were in favor. Motion carried (7-0-0).**

C. Robie asked why does a change of use such as that come before the Planning Board. Why can't the Building Inspector, Code Enforcement Officer do that. D. Murray replied I actually could have, but seeing as we had all this discussion about what's going to happen to the Funeral Home in the center of Town, I thought I'd have them come in and get some appeal from the Planning Board. Let them tell you what they were going to do. I could have just pushed it through but...R. Cartier said that's probably a good idea. J. Bedard said you gave the abutters an opportunity to come. D. Murray said it's a good fit for that corner. R. Cartier said if it wasn't a conforming use, it would go to the ZBA correct? T. Giffen replied right. D. Murray said I didn't want to hear how did that get in there? I can say well it went to the Board.

Other Business:

2018 Budget:

T. Giffen said it's that time of year again and we need to have something to Donna Becker by September 1, for a budget for the upcoming year. I have last year's budget and a report showing how much we've spent so far. C. Robie asked has SNHPC asked for a request for funds yet. T. Giffen said we have the project that Stantec is helping with and the \$2,500 for the MTAG grant. C. Robie said \$2,500 for \$10,000. We should keep a planning line, keep some money there.

K. Kustra asked will we need any money for regional impact relative to this project Crowley Woods and notifying other towns. T. Giffen said the costs will be minimal. I don't want to establish a precedent here but I would suspect based on information that I've received that if we do not grant approval to the plans as submitted, that it's probably going to end up in court, based on the history of this particular applicant, that's somewhat well known. That's going to come out of the Town's legal budget. The Planning Board doesn't have its own legal budget, nor have they ever. If things get ugly on that side, that's the budget area that would be affected, if I'm not mistaken. C. Robie agreed. That's why it would be a good idea for the Planning Board to budget for some money that may not get spent, for planning or legal costs at the end of the year. It's a bottom line budget and there's some money there.

R. Cartier said if we do what the regulations are saying, we can't be sued. The Town could be sued but not the Planning Board. T. Giffen replied there is always the question as to whether or not we acted with proper authority. People can take you to court if you're 100% right. We have an applicant that's known to be litigious and we don't have enough information yet to predict as to how we're going to come down on this development but there's certainly a possibility that there may be some restrictions or a denial. The legal budget is the legal budget.

Discussion ensued among the Board members about whether to keep the budget the same as 2017 or to reduce the budget a bit or leave money in there for planning, should it have a legal budget line or not.

R. Cartier asked in the budget that we have right now, the line says Master Plan could we re-title that line item or create a new line item. C. Robie replied that section of the Master Plan, right now we're working on a Village District; that \$2,500 for that grant is coming out of that, it is part of the Master Plan. Any planning we do here now on the Planning Board should be a spur off of the Master Plan. R. Carter said so that wouldn't create confusion, it would be a justifiable thing to say. T. Giffen replied fundamentally, what we do as a Planning Board; we try to do what's in the best interest of the Town guided by the Master Plan. R. Cartier said someone might pick up on that and say you had \$10,000 dollars for the Master Plan and that's done. D. Murray said it's a conservative budget that you have now.

Discussion continued on the budget line items with SNHPC Dues at \$2,600, Master Plan at \$10,000 and the remaining line items being under \$300, microfilm line \$1.00. Law lectures, books, special projects, mileage and legal notices. Sum total is under \$1,000. The budget is low. C. Robie said I think that once we do this plan that Carol Ogilvie is working on, I think we should start on something else. Come next March, we should pick either that, if that passes or fails, or something else. We should keep moving on a constant update and a plan for that Master Plan. T. Giffen said there's a lot of room for improvement and that's what the ZRRC is for. Why we're looking at regulations as well.

D. Lewis suggested title the line Master Plan Implementation then you could use if for whatever you decided to pull out of the Master Plan for any given year and people would know what it is for. T. Giffen said let's use that suggestion. J. Lindsey and R. Cartier agreed. C. Robie said let's put it down as just planning. J. Bedard asked we're paying Stantec, where does that fall. T. Giffen said they invoiced us and it came out of Master Plan. C. Robie asked Bryan Ruoff you did bill us once right Bryan? B. Ruoff agreed. C. Robie said \$1,200 bucks. B. Ruoff agreed. J. Bedard asked so what happens if we don't use this in 2017. C. Robie and T. Giffen responded it goes back into the general fund. T. Giffen unless you have a project that spans two budget years, you have an invoice, it gets encumbered.

More discussion ensued about renaming the Master Plan line. Master Plan Implementation was suggested and Master Plan Implementation/Planning was suggested.

MOTION:

A. Hall **motioned** that the budget for fiscal year 2018 remain at \$13,626.00 broken down as in the 2017 budget. J. Lindsey **seconded**. **All were in favor. Motion carried (7-0-0).**

Scenic Road Tree Trimming Update:

K. Kustra asked about the tree trimming status on scenic roads. T. Giffen replied shortly. Their ducks are in a row on some roads and only have a few more to hit on other roads before they have full approval. We want to try to get as much done before the school buses start running as we can. There has been some correspondence. They are ready to move and as long as they have all the stuff in place that we discussed when we approved it, then there's no reason for them not to proceed. I would say very soon, if they haven't already.

MOTION:

J. Bedard **motioned** to adjourn at approximately 7:26 pm. J. Lindsey **seconded**. **All were in favor. Motion carried (7-0-0).**

*******Zoning Review & Revision Committee Meeting to follow this meeting.**

Respectfully submitted,
Andrea Bickum
Land Use Secretary
cc file