

**CANDIA PLANNING BOARD
MINUTES of September 5, 2018
APPROVED**

Present: Rudy Cartier, Chair; Al Hall III, Vice Chair; Ken Kustra; Joyce Bedard; Mark Chalbeck; Judi Lindsey; Scott Komisarek, BOS Representative

Absent: Mike Santa, Alt.

Present: Josh Pouliot, Alternate; Dennis Lewis, Road Agent; Dean Young, Fire Chief; Bryan Ruoff of Stantec, Town Engineer.

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

Minutes August 15th, 2018:

A. Hall made a **motion** to accept the minutes of August 15th, 2018 as presented. J. Lindsey **seconded**. R. Cartier and M. Chalbeck **were in favor**. K. Kustra, J. Bedard and S. Komisarek **abstained**. **Motion passed (4-0-3)**.

18-006 Preliminary Major Subdivision Application: Applicant: Ashwood Development Companies, Inc. 740 Pine Street, Manchester, NH 03104; Owner: The Lodi Trust, Christine Tancreti, Trustee, 266 Donovan Road, Candia, NH 03034; Property Location: 266 Donovan Road, Candia, NH 03034; Map 411 Lot 40; Intent: To subdivide lot 411-40 an 18.74 acre parcel to create 4 lots; 3.28 acres, 4.93 acres, 4.96 acres, and 5.54 acres. *Noticed as: Upon a finding by the Board that the application meets the submission requirements of the Candia Preliminary Major Subdivision Regulations the Board will vote to accept the application as complete and a public hearing on the merits of the proposal will follow immediately. Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.*

R. Cartier said we received an email request today from Chad Branon, who is the engineer for the project and I'll read it: (Email sent on Wed 9/5/2018 3:37 PM)

Hi Andrea,

Upon receipt of the email below and letter from Stantec yesterday we are going to need more time to review this as this process does not seem consistent with what we have undergone in other Towns for upgrading Class VI roads. Given this, please accept this email as a formal request for continuance to your October 3rd scheduled meeting. Please contact me should you have any questions.

Thank you,

Chad

Chad E. Branon, P.E.

MOTION:

R. Cartier said I will accept a motion for continuance but I would like to make one note that they haven't paid any of the engineering review fees yet so I think if we do a continuation that there should be a contingency that they pay the engineering review fees. A. Hall said so **moved**. J. Lindsey **seconded**. **All were in favor**. K. Kustra was **opposed**. **Motion carried (6-1-0)**.

R. Cartier said we voted to give them a continuance with that contingency.

18-007 Major Site Plan Application: Applicant: Candia South Branch Brook Holdings, LLC, PO Box 410, Candia, NH 03034, Owner: Same; Property Location: 110 Raymond Road, Candia, NH 03034; Map 409 Lot 96-1; Intent: To create a gravel pad parking area for vehicle storage. *Noticed as: Upon a finding by*

the Board that the application meets the submission requirements of the Candia Preliminary Major Subdivision Regulations the Board will vote to accept the application as complete and a public hearing on the merits of the proposal will follow immediately. Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

Present: Applicant Candia South Branch Brook Holdings, LLC represented by Ron Severino; Tom Severino; Tom Smith, Property Manager of Copart and Doug MacGuire from the Dubai Group.

Abutters Present: None

R. Cartier said we have an application and it has been reviewed by Stantec, our engineer for the Town and based on the letter received from Bryan Ruoff: (*Letter from Stantec dated August 15, 2018, Copart-Completeness Review #3*)

R. Cartier read:

Dear Mr. Cartier:

In accordance with the request of the Candia Land Use Office, we have reviewed the following information submitted by The Dubai Group, Inc. (Dubay Group) for the above referenced project received on August 13, 2018:

- Commercial Site Plan, prepared by Dubay Group, 12 plan sheets, dated July 16, 2018, last revised August 13, 2018,
- NHDES Alteration of Terrain Permit Application & Drainage Analysis, prepared by Dubay Group, dated July 16, 2018,
- Major Site Plan Application, for the Candia South Branch Brook Holdings, LLC, dated August 3, 2018,
- Zoning Board of Adjustment Notice of Decision, dated September 26, 2017, and
- Letter from Ronald Severino Authorizing, Thomas Smith of Copart to act of his behalf for the site plan review and Application, dated July 17, 2018.

The submittal was reviewed in response to a request by the Town of Candia and was reviewed for completeness with the Major Site Plan Application checklist. Based on our review of the submitted documents, it is our opinion that the submittal is complete. We recommend that the Town accept the application at the next available public Planning Board Meeting. Please call if you have any questions.

Respectfully,

Bryan Ruoff, PE

Project Manager

Stantec Consulting Services, Inc.

MOTION:

R. Cartier said based on Mr. Ruoff's letter I'd accept a **motion** to accept the application. J. Lindsey said **so moved**. A. Hall **seconded**. **All were in favor. Motion carried (7-0-0)**. Application accepted.

R. Cartier stated at this time we'll move into public hearing on the application. D. MacGuire handed out 11 x 17 plans to the Board and introduced himself as the engineer from the Dubai Group and the engineer on these plans. I'm here representing the owner and applicant Tom Severino and also representing Tom Smith a representative from Copart. A. Hall asked Ron Severino or Tom Severino? Are you representing both for the record? D. MacGuire agreed, yes I'm representing both. D. MacGuire continued I'm not sure how familiar you are with the current Copart facility located on Raymond Road. They have a sizeable operation. They are an online auto auction so they have a substantial area where they store their vehicles as part of their auction process and they turnover; they bring a lot of cars in and turn over a lot of cars. So they need a large area for the storage of their vehicles. The main portion of their production is on 409-100 which is to

the right of our proposed area. Two years ago, some of the members I'm sure were here, if not all, are familiar with an expansion that Mr. Severino came in with representing Copart to expand on the right hand side, an additional parking area. This area has proven useful to them and their business is doing well in Town so there is a need for additional storage area. The Severino's actually own the property on the left hand side which is the subject of what we're here for tonight and this is the existing courthouse property and the Severino's are still maintaining ownership of that property. They lease the land to the courthouse for that use. But for the rear part of the property, we're proposing to expand the Copart facility. Sheet #2 shows an overview of the site. A 10 acre parcel, courthouse and parking in the front. The area we're talking about is the rear area of the site, about 5 acres for the expansion; detailed on sheet #3 of existing conditions. There's fairly uniform slope, a couple of wetlands that we work our way around. A finger wetland to the north and there's a little wetland pocket which drains along the property line and down off property. Sheet #6, that shows the gravel pad expansion. East side of the property. That's the existing fence line of the Copart facility and we want to simply expand that area and allow for additional parking area. You can see a representation of how they stack their vehicles. They do this in a very organized fashion. They want to be able to access through drive aisles to access the vehicles because they turn over rather quickly. 70' sections of vehicles and 25' drive aisles in between to allow access for the storage of those vehicles. This is the exact same as what was proposed in the previous expansion of 2 years ago and it's been working very well. It's a gravel pad that's designed to be pervious so the water that runs onto this gravel area will naturally infiltrate into the ground so we're not getting any runoff increases associated with the expanded parking area. We're using the same specifications that were brought forth previously and the Town's review process and the state review with Alteration of Terrain, had reviewed so we figured it was a good starting point to mimic that same condition. We have intercept swales on sheet #7 drainage and grading; intercept swales on the high side so we don't have any run-on onto the gravel parking area. That area's bypassed. We have a closed drainage system to allow that to bypass along. We've proposed a spreader so it's in a sheet flow manner not creating any erosion issues. It's an engineered gravel parking area; it's been sized to handle through the 50 year design storms and to absorb the runoff. We have an erosion control plan and standard details. We received Mr. Ruoff's latest review of this plan set last week. We worked on that the last several days and the beginning of this week as well. Bryan was kind enough to make time to meet with us today. We took no exceptions so his comments, they were good comments. A lot of them were standard items that he recognized would be a waiver because they don't apply to this type of a plan. We have asked for a number of waivers tonight. But the minor items he brought up we were able to address those, we went through them today and it sounds like we're on the same page but I won't speak for him. I'll let him speak on that. We have good direction. This plan set addresses 99% of those comments. The few comments where I needed direction from him I was able to get today at our meeting and I don't think we have any issues in being able to take care of and finalize any outstanding comments.

A. Hall commented on the new lot to the right that the gate is always open. D. MacGuire said I don't have an answer for that as it's not the focus of this discussion. This is intended to be fully enclosed with fencing. Copart has their own custom fence; it's not chain link; it's a solid wall of metal. It provided a nice buffer; visual buffer and a deterrent. I'm not sure why the gate would be open. Discussion ensued regarding the open gate and security. D. MacGuire said the primary access is from the main portion. R. Severino clarified that gate you're talking about has nothing to do with Copart. It's outside the limit of the property that they lease. It's a gate to our property. It's not connected to Copart; Copart is completely sealed, you couldn't get in there if you wanted to.

R. Cartier asked what's the lot number on the expansion that was approved before. It was thought to be lot 103. R. Severino clarified for Mr. Cartier that to the east was only the first Copart expansion and this new expansion to the left would be the back part of the land leased to the courthouse. It wouldn't be cut off; it would be existing on the courthouse property. D. MacGuire said it's lot 104, the other gravel pad side.

B. Ruoff from Stantec went over **the technical review letter from August 28th, 2018**. We met with the applicant and their engineer today and went through all the comments as Doug indicated and a majority of the comments were addressed. We've highlighted about 12 items that either needs Board discussion or direction from the Board. Some just a simple clarification of a proposed remedy to what our comments are which we're amenable to everything proposed it's just implementing them at this point. I'll identify the comments and paraphrase what's being requested versus reading each one. R. Cartier agreed. We have the waiver requests to go though as well. D. MacGuire said I've expanded that list based on discussions with Bryan so when we get to that point I'll hand out an updated request.

B. Ruoff continued so item #1 (*Stantec Tech Review Letter*): site plan regulations require exterior lighting and exterior signage and the applicant is requesting a waiver. Board decided to "check them off" as we go; regarding the waivers. R. Cartier asked for the updated letter from Doug MacGuire. D. MacGuire said there were a few items that I assumed it might require a waiver but we talked and maybe it doesn't apply. It will be a determination of the Board. As an example, one of the requests is parking lots must be paved. We would request a waiver from that because it's gravel however it's not a parking lot; it's more of a storage yard. If the Board believes that this doesn't classify as a parking lot then we wouldn't request a waiver but if the Board believes it's a parking lot then we would request a waiver to allow for it to be gravel. There a couple of examples of that so if we could get direction from the Board and deal with those directly. A parking lot is striped out, it has to have circulation, its open to the public. This is private for their storage needs. If this were a lumber yard and you stored lumber outside on pallets, would that be considered a parking lot. In this case a lot of these are salvage vehicles so they aren't driving in and out, it's more a storage mechanism. B Ruoff said the vehicles in the lot are unoccupied so the requirements that are set up for safety features for people using a vehicle are not necessary in this case like lighting at night or a sidewalk etc. That's why we're asking for the Board's determination on that. A. Hall was concerned about sitting vehicles leaking fluid; contaminants. D. MacGuire confirmed Bryan brought that up in his review and Copart is a large National company and they know what they're doing. They have strict procedures and guidelines that they follow across their branches as far as how the vehicles are taken in, inspected for leaks. If there are leaks, they have a procedure to address that and that it's not going to be an ongoing problem. If there is an inadvertent spill they have a program to clean it up in the proper fashion. They do have paperwork for that designed to meet all state, federal requirements for these types of facilities.

Dubay Waiver Request Letter dated August 5, 2018:

R. Cartier read:

1. The applicant respectfully requests a waiver of the Town of Candia Regulations Section 4.03M which requires an exterior lighting and exterior signage plan. The site will not require either of these based on the proposed use of vehicle storage, which is private and fenced in. The facility will not be open during the night, and therefore will not need lighting.

J. Bedard asked about the hours. Tom Smith, Property Manager of Copart commented I was before you the last time we were here. The hours as advertised to our customers is Monday through Friday, 8am to 5 pm to conduct business. Occasionally we may come in earlier for paperwork from day before etc. Some folks roll in 6 or 7 am. We have some exterior lighting on the building but no activity going on at midnight so no need to have lights in the storage area. J. Bedard commented it gets dark at 4:00 in the middle of winter. T. Smith replied the yard activities are restricted to around the building and if you're out in the storage lot, the loaders we use to move the cars around have lights on them. As a general rule we don't have people walking through at night. A. Hall asked about security cameras. T. Smith said we have some internal security measures in and around the building, yes. I'd be remiss to tell you anymore about it.

MOTION:

A. Hall **motioned** to grant waiver #1. M. Chalbeck **seconded**. J. Bedard was **against**. **Six Board members were in favor. Waiver granted (6-1-0)**.

B. Ruoff continued from our letter (*Stantec Tech Review Letter*) the next comment pertains to landscaping of site plan. Waiver request #2 from Dubai addresses this item. R. Cartier read the waiver request #2:

2. The applicant respectfully requests a waiver of the Town of Candia Regulations Section 4.03N which requires a proposed landscaping plan, because the proposed project is not designed to include plants. The proposed project is a private area for vehicular storage with fencing and woods closely beyond that on all three sides. Due to the presence of natural vegetation, landscaping is not necessary for this site.

K. Kustra asked how close to the courthouse is this property. D. MacGuire replied it's not that close. This is a 10 acre property and we're only taking the back 5 acres of this property; 5.08 acres. There is a substantial buffer area from the courthouse, best shown on easement plan, sheet #5. Area we're expanding for parking is the cross hatched area in the back; which includes parking, intercept swale. Large wetland area, existing vegetation, trees, wooded area, all maintained and not disturbed as part of this expansion. This expansion happens from the existing Copart facility inward so they're not blazing in and destroying or disturbing the existing courthouse area. They're coming in from the side and only expanding that wooded area within the area that this is going to be developed. There is a large amount of wooded buffer around this parking lot and I would argue that with the solid wall fencing they use and the separation, you won't notice it's there. K. Kustra asked about the height of the wall. D. MacGuire said about 7' high. Solid fence, steel panels; a good sound reflection mechanism to have that in place. R. Cartier asked the distance between the fence and the tree line. D. MacGuire said as tight as we could with room for the intercept swale so the large trees would be cut out to shape the swale but it's about 20-25 feet. After that 25' it's all natural vegetation, no additional grading is necessary, intercept swale; which are along the west side and the south side, closer to the courthouse.

R. Cartier said I'd like to hear from abutters regarding landscaping etc. We need to address anything the abutters would be concerned with. No abutters were present. It sounds like you're going to keep as much of the natural vegetation as possible. D. MacGuire agreed.

MOTION:

A. Hall **motioned** to grant waiver #2. J. Lindsey **seconded**. **All were in favor. Waiver granted (7-0-0)**.

Bryan clarified item #4 is in our letter (*Stantec Tech Review Letter*) the plans must include fire suppression systems required by the Fire Department, existing or proposed, as specified in Regulation Section 4.03T. It should be noted that the Applicant is requesting a waiver for this item, we would defer to the Fire Chief's determination on this item. The Fire Chief's letter was received after we created this comment and he had no issue. We see this as a non-issue. R. Cartier asked Chief Dean Young if he felt he had enough distance between all the cars parked in there, with access. D. Young replied we've been to the facility in the original expansion; it's a top notch operation. R. Cartier said we don't have a waiver request for that. D. MacGuire said I wasn't sure if a waiver was required as it was reviewed by the Fire Chief and basically fire suppression wouldn't be required for this type of use and he had no issue with the circulation and access so I didn't know if that was a need for a waiver. R. Cartier said from a technical review standpoint, I think it should be a waiver request. I trust the Chief's judgment but because the requirements are in there we want to make sure all bases are covered. I have no objection to it. M. Chalbeck agreed that it should be a waiver approved by the Board. D. MacGuire said I believe it was in my original letter, could I read it? Mr. Chair if you'd like to read it.

R. Cartier said we'll have this letter in here as part of the **waiver request: (#5 from Dubai Waiver Request Letter Dated August 3, 2018)**. #5 The applicant respectfully requests a waiver of the Town of Candia regulations Section 4.03T which requires fire suppression systems as required by the Fire department. The Candia Fire Department has reviewed the project and has no exception to the proposal.

MOTION:

M. Chalbeck **motioned** to grant the waiver according to the fire suppression system and with the recommendation from the chief. J. Bedard **seconded**. R. Cartier added a memorandum August 3rd, dated 2018, item #5 in that letter. **All were in favor. Waiver granted (7-0-0)**.

K. Kustra had asked should it be added as an addendum to these four items because it's not on here. R. Cartier added a memorandum. B. Ruoff said ultimately all the approved waiver requests will be on the plans.

B. Ruoff continued comment #5 (*Stantec Tech Review Letter*) based on the site plan regulations the following items are required. Per our conversation with Dubai Group, they aren't pertinent to the site, which is okay with us but there isn't a formal waiver unless it was in your original one. D. MacGuire said I have one that's close. We did request a waiver form 4.03O which requires the number of parking spaces to be included. I think in addition to that we would just request, because it's all in the same sub section, the elimination of sidewalks, loading spaces. We were able to add in direction of travel and radii to show for fire, and a note on the plan for the trash disposal facility, all trash facilities are located on the main property and no additional facilities on this gravel pad area. Essentially we'd be asking for a waiver on the sidewalks, loading spaces and number of parking spaces is what we'd be asking for. R. Cartier asked to we have anything in writing? D. MacGuire replied I can but my thought was if I could verbally make a formal request, my plan is to list out all the accepted waivers on the cover, which is what this Board signs, and would be reviewed by Town staff and Bryan to make sure I didn't misrepresent anything and that would be the formal record moving forward. If that's acceptable we could go that route or I can try to write something up quickly. Bryan and I both didn't know what the pleasure of the Board would be on certain items; waiver required or not. A sidewalk for this project doesn't apply but I'm not sure if it requires a waiver but maybe from a technical standpoint it does. R. Cartier said I would lean towards that it's not applicable as there is no building. The Board agreed.

B Ruoff continued comment #7 (*Stantec Tech Review Letter*) the plans show signature block with signing for four members. I wasn't sure, should the first line be for the chairman or just signature blocks. They can change it to what your preference is. R. Cartier said the Chair is historically the first one on there but either way. D. MacGuire confirmed so the top line to refer to the Chairman or Chair? Okay.

B. Ruoff continued (*Stantec Tech Review Letter*) next item comes up all the time. The wetlands are mapped with HISS soils based on Zoning Ordinance 10.03B but if you refer to the proposed waivers by the Dubai Group, this is proposed waiver #4 in their memo dated August 5th, 2018. We've discussed as this needs to be changed it's a non-issue to grant the waiver.

4. The applicant respectfully requests a waiver of the Town of Candia Regulations which requires the wetlands to be delineated with HISS mapping. The entire site is delineated with Site Specific Soil Mapping which is a requirement of the NHDES Alteration of Terrain permit. Site-Specific Soil Mapping is a more accurate method of soil mapping as the specific soil types are classified.

MOTION:

A Hall **motioned** to grant the waiver (#4). M. Chalbeck **seconded**. **All were in favor. Waiver granted (7-0-0)**.

B. Ruoff continued with (*Stantec Tech Review Letter*) items 12 and 14. #12 it should be understood by the Board that this current plan package is being reviewed by NH DES and Alteration of Terrain and any potential approval should be conditional on Alteration of Terrain permit. #14 parking lot is gravel. Regulations say parking lots require pavement but as Doug mentioned, again there isn't a waiver because there are questions as to whether this meets the definition of a parking lot and the intended use. R. Cartier said with the rain storms we've been having lately, what's the makeup of the gravel lot going to be to avoid washing out and sediment issues etc. B. Ruoff responded this lot is built with as stone layer on top and acts as a storm water collection system and it infiltrates, which is what they proposed in the last plan. It's thicker than the last one, so it's a more durable pad. I don't know if any issues were noticed with the previous expansion but if not, I would say there is even less chance with this one.

R. Cartier asked Mr. Smith if he had any problems with the other lots staying stable or have you had to do any repairs. T. Smith replied no, it's a process of us growing over the last 20 years. The typical gravel section we use has a hearty stone on the surface, 2-3" in diameter for the reasons you're talking about. When you have a slope and rains like we've had, the bigger the stone, the less likely it is to run down the hill. All of the slopes, we have rip rap apron around so we don't have exposed soil surfaces and everything that is coated is hearty stone, 3" up to 6 or 8" so we have no issues. If there are issues at other locations, you treat them and the rock gets bigger to dissipate that energy. D. MacGuire added you have a porous surface and you're not getting additional run-on. Where you have erosion potential is where you have an uphill area with a heavy rain where sheeting water is coming down and washing across creating erosion. Here we have intercept swales on both sides so we're collecting and diverting water and the only water hitting this gravel surface is from the sky. It would have to take a lot of rain for this to run-on the surface because it's going to immediately subsurface when it hits from the sky. K. Kustra asked how deep you go down for frost. D. MacGuire replied frost will occur but this is such a porous clean stone, even if its frozen there are still void ratios to allow that water to go right through. That's why they build roads out of well drained bank run gravel material because that frost layer, that water doesn't sit in that soil and become a hardened frost layer, it drains through to the sub base and grade the road out to the side so that water actually sheets out of the base materials. That's what we're doing here, that base material is going to be graded out. The regulation cites parking lot and reiterated the storage of lumber as an example. It's the storage of vehicles. S. Komisarek said not applicable. B. Ruoff agreed.

B. Ruoff continued comment #24 (*Stantec Tech Review Letter*) deals with drainage and pertains to Dubay Group's waiver request #3. In summary, the Town standards for site plans and subdivision are 15" minimum and culverts and RCP pipes with 3 feet of cover. All of those standards are being proposed here in variation but not without demonstrating what's being proposed would be satisfactory for this site. R. Cartier said so it meets the letter of the intention and they're won't be degradation if we grant this waiver. B. Ruoff replied no. R. Cartier read:

3. The applicant respectfully requests a waiver of the Town of Candia Regulations requiring a minimum soil cover of 3 feet over pipes and a minimum of 15" diameter pipes. There is 2 feet of free draining material proposed above the pipes which allows the system to fully dewater after rain events. All proposed pipes are H-20 loaded with only 1 foot of cover. We feel that 2 feet of cover is sufficient for this design.

D. MacGuire said Mr. Chair I would just add, I noticed an omission. We would also request that the pipes be allowed to be HDPE instead of all RCP. That should be included. It should have said where they require a minimum of 15" RCP diameter pipes. We're proposing to use HDPE, that was proposed and approved on the last expansion on the other side and no issues so far with those pipes. HDPE is the gold standard right now.

R. Cartier said so let me read this again with that added: The applicant respectfully requests a waiver of the Town of Candia Regulations requiring a minimum soil cover of 3 feet over pipes and a minimum of 15" **RCP** diameter pipes. There is 2feet of free draining material proposed above the pipes

which allows the system to fully dewater after rain events. All proposed **HDPE** pipes are H-20 loaded with only 1 foot of cover. We feel that 2 feet of cover is sufficient for this design. B. Ruoff and D. MacGuire agreed with the two additions of RCP and HDPE.

MOTION:

A. Hall **motioned** to grant the request for waiver as outlined in #3 with the additions. M. Chalbeck **seconded. All were in favor. Waiver was granted (7-0-0).**

B. Ruoff continued with comment #26 (*Stantec Tech Review Letter*) We requested details to connections on the existing fence and details on the new fence but our understanding is that the new fence will be provided and will match what's already there. It's not a lot of benefit to have the applicant put a fence detail together if it's something you already know what it will look like. If the Board feels the existing fence is acceptable, then it should be a non-issue. If you feel it's an issue, then it should be addressed. R. Cartier asked is it in the plans that the new fence will match the existing? D. MacGuire agreed, yes. Discussion ensued about the terminology of the fence. D. MacGuire suggested clarifying the language on the fence, what it is and to say the intention is to tie in and extend the existing fence. R. Cartier said so that would be a condition of approval.

B. Ruoff continued comment #28 (*Stantec Tech Review Letter*). It's our understanding the procedures for the site will be provided. Acceptable to the Board and NHDES, it's a non-issue. R. Cartier asked Mr. Smith if they had a written contingency plan. T. Smith replied we have an Environmental Compliance Officer in the company that put forth a policy, drip prevention and spill response protocol that all our facilities follow across the country. We can make that information available to you to be part of the plan. R. Cartier said it would be appropriate that the Fire Department and Police Department have copies of your plan for emergency contacts and what you're plans are in case of a problem. T. Smith said okay. R. Cartier asked on the vehicles that you have, they have fluids, those aren't drained out before they get there? T. Smith replied no we don't drain fluids out but a lot of the cars we handle are insurance company lost vehicle so a lot of times they're in an accident. That's where the majority of fluids are lost is at the scene of the accident handled by the folks at the accident scene. By the time we get them, they may have been sitting in a body shop for a couple of weeks where people siphon off gas etc. Your oils don't typically leak out but we do have a protocol for that. We do inspect the vehicles, look for leaks and if a leak is identified, our protocol is a drip pan follows that vehicle from the time it's in storage until it's put on a vehicle that leaves our site. If you have an inadvertent spill, that's where our spill response protocol comes in with the different contact numbers and what we do on site to handle that. R. Cartier confirmed and no dismantling of vehicles. T. Smith agreed. Any liquids on site are for our loaders. All servicing for the equipment is done by a vendor that comes in and they bring everything with them.

Discussion ensued about unknown containers in vehicles, which has not been an issue. Issues a few years back with mobile meth labs in trunks. T. Smith replied I don't think like that but now that you say that it makes sense and we can put something in our plans to notify the Fire Department. R. Cartier said a health and safety thing. T. Smith continued if there is blood or anything like that, we're not exposing our folks to danger but I never thought of the mobile drug labs.

B. Ruoff continued I have two more. (*Stantec Tech Review Letter*) Comment #38, correlates with DES AOT requirements. This is just a recommendation by NHDES requirements. Test pitting, finding groundwater and depth of ledge. Where this is a fill site, the NHDES standard is to provide 3 feet between infiltration point and groundwater. Because no test pits were done we can't confirm that's available on the site. But if it's a problem with Alteration of Terrain who ultimately has the jurisdiction for this, they will bring it up. If it's not a problem, they won't. D. MacGuire added we recognize that we have to comply with whatever comments come out of AOT as part of the potential conditional approval from this Board so we

would have no issue at all. If AOT requires the test pits, then we'll do them in order to obtain our final sign off from them. I would just ask that we allow that to be handled at the state level that way if they are comfortable with the design as we've proposed then obviously we're not required to have them. But if we need to, we can make that happen. B. Ruoff commented for this plan, there's sufficient drainage. I don't see this being necessary, it's a DES requirement but I don't see where ledge would be an issue because it's a fill site. Board agreed.

B. Ruoff continued the last comment #44 (*Stantec Tech Review Letter*). Dubai group will rerun calculations to address this. In the previous development there were 4" of crushed stone on 12" of gravel and the proposed storm water calculation storage for storm water was in that crushed stone layer, 4" on top. In this instance the calculations were backwards and the storage was in the gravel area and we didn't think that was as practical as putting it in the stone. I think it was just an error. Doug's looked at it and what the stone layer storage is required which as long as they can demonstrate it, it's a non-issue. We haven't seen those calculations yet but I understand that Doug has done them and confirmed the correct stone thickness. Once we can confirm that, it will resolve that item.

K. Kustra asked if it would affect the courthouse. Discussion ensued about the courthouse hours. R. Severino confirmed five days a week. Monday and Wednesday are busy and Tuesday and Thursday is light and Friday just staff. K. Kustra said will the construction, machinery disturb court proceedings.

T. Severino responded this new area is 600 feet back from the road. The courthouse is about 250 feet back from the road. We're a few 100 feet away. The existing yard that they operate out of is closer to the courthouse than this yard that we're proposing and we haven't had any issues or complaints from our tenant about Copart.

R. Cartier confirmed the access would be through the existing yard. In our zoning regulations for the commercial zone, is it 800 feet from the side of the road. D. MacGuire replied this use obtained a variance to allow for this to happen on this site. That was something I had to check before I did the plans and it's detailed on the plans, on the cover, it notes the variance that was received. Separately. They came in again for a variance on this property.

R. Cartier reviewed the conditions. We've got the waivers, five waivers and those will be on the plans.

1. AOT Permit
2. Note that the new fence will match the existing fence
3. Confirmation of Storm drain calculations to Stantec so Bryan can issue a letter.
4. SOP's (standard operating procedures). D. MacGuire confirmed you would like a copy of those submitted to the Town for the Fire Department to have on file. R. Cartier said well emergency response plan. T. Smith replied it's a drip prevention/spill response, that's how we refer to it. R. Cartier said we'll call it emergency response plan submitted to the Fire Department.

B. Ruoff said we discussed this in our meeting today but all the nyoplast drains are being replaced with precast concrete drop inlets. It's sort of comment #35 but it should be a condition that it's reflected in the plans. D. MacGuire said I changed that, your plans in front of you are updated already.

MOTION:

R. Cartier said I would accept a **motion** for conditional approval with the conditions noted. A. Hall **motioned**. M. Chalbeck **seconded**. **All were in favor. Motion carried (7-0-0)**. Conditional approval granted.

R. Cartier commented no work can start on this until the conditions are met. There was a question about a mylar but A. Bickum said we don't record major site plans. No mylar needed, just a final plan for the Planning Board to sign for the file.

Informational: Applicant: Richard Holt, 79 Diamond Hill Road, Candia, NH 03034, Owner: Richard Holt Etc (Richard, May Erwin, April Caswell, Edward Holt); Property Location: Patten Hill Road, Candia, NH 03034; Map 409 Lot 228; Intent: To subdivide; minor or major subdivision.

Present: The Holt Family; Joseph M. Wichert LLS, Inc., Land Surveyor and Septic System Designer

Joe Wichert said I'm here on behalf of the Holt estate and they're in the audience this evening. This is an informational. I can show you pictures if it makes sense or whatever is easier. In a nutshell what we did, we had submitted last month, and after we submitted we ended up having a couple of little issues we needed to go through. We withdrew because we felt that it would be easier for us on approval process to have the issues resolved than it would be to deal with them conditionally. Because the two items we're looking at are we have an application into FEMA for a letter of map amendment on the floodplain. And then our wetland scientist is working on a minor dredge and fill permit for crossing for a driveway. We had submitted everything and we got an estimate from Bryan at Stantec for the review. According to FEMA we're logged in around the end of September is when they project they'd be getting to it. The intent of the application it to do a 3 lot road front subdivision and take the Patten Hill road frontage and create the lots. I think that parcel is 11.5 acres or something along those lines. 3 lot road front with 11 acres I think that would still throw us into a minor project. What was tripping us into a major was the fact that by tax records, lot 228 goes all the way out to Diamond Hill Road. It does, and that's correct, but where the old railroad is, the state now and previously the railroad, they own that land in fee. So there's land between them so the two parcels aren't contiguous. I guess what we're looking for is clarification as to what that does to us, if anything. If you're familiar with the parcel, if you go on sheet #2, there's a large we area in the back that abuts up to the railroad bed and that goes all the way through north of the railroad bed. The state owns that area of the corridor in fee. The Holt estate has a right to cross more or less at; I forget how the deed is worded but something along the lines of cross where it has historically or where it's convenient or something along those lines. It's probably going to be on the east side of the parcel. There's limited chance for connectivity to get from Patten Hill Road to Diamond Hill Road due to the amount of wetlands, the fact that we're crossing someone else's land. So that's what we're looking for. We had a month to kill while waiting for our other permits we figured we'd come in and get some clarification.

R. Cartier asked so is the question whether it's a minor or a major subdivision? J. Wichert agreed, correct. R. Cartier said if it's 3 or more lots, it's a major. J. Wichert said I thought it was 3 with no possibility we'd qualify as minor. When we did Nye on Crowley and Lane and that was 3 with no possibility. R. Cartier replied it's 4 or more lots is considered a major and the question was do we consider the lot 409-228 as being a lot. J. Wichert agreed, correct. In theory, it would be more accurately labeled if you had 228 and 228A or something. The railroad is 155-1, that has a separate lot number. R. Cartier said that's the dilemma. How's the property deeded? Is it deeded as one lot? And who came first the lots or the railroads. J. Wichert replied I don't think I have it back that far. The railroad comes out in 1851. We took it back that far. When the estate got the property, the Holts owned some acreage so this is labeled as parcel 4 and this particular parcel is "another tract of land situated inside Candia containing 40 acres be the same more or less known as the Pike land" and then it says "reserving in this second described tract of land the right of way through this piece land of the Portsmouth and Concord railroad." So it's an old time description, we're going back into the old lotting plans and it hasn't really been surveyed since. That's what we're trying to get an answer from.

R. Cartier looked at a plan from a lot line adjustment on Diamond Hill Road from 2012. R. Cartier said it's still registered at the Registry of Deeds as being one contiguous piece of property. J. Wichert said here's what we're looking at. If you have one deed and your deed is cut in the middle with a road. You can have one deed that says my land on the west and east side of the road and typically you have two parcels because the road cuts through it. This isn't a road, it's a railroad. I think we would have been a little bit shakier if it had been originally when the railroad was created it was a lease and the state converted it from

a lease to fee hold when the state took ownership of it but back in 1851 the original deed out was in fee, it wasn't a lease. We're looking for that confirmation so we know how to move forward. I don't really see this action having a lot of impact on the other parcel but certainly that's your decision. R. Cartier said I see the same issue with 409-157 because that does the same thing; the lot next to it.

S. Komisarek asked so the intent is to not; to have no further subdivision? J. Wichert replied not of the remaining 74, we're not willing to go there but certainly of the 11.5 acres we're dealing with yes. That's the sticking point. If we get qualified as a minor; if we get qualified as a major and we don't do anything more then I think we have to stipulate that there's no further subdivision and we're not looking to agree to that for the 74 acres because we thought it was a separate parcel.

R. Cartier said the first step might be to just do a subdivision of the land and make that a separate lot, the one you're looking to do the 3 houses on, which would alleviate the problem. Because it would be the same thing as if there was a road put in there, if it's one contiguous piece of property and a road goes in there, then if we're doing it now, the plans would be laid out that that's a lot over here and that's a lot over here and may be the same owner but there two separate and distinct lots. From what you're saying this is probably the same thing. At one time it may have been a public conveyance. J. Wichert said that's the way we're looking at it. You can't own; your land has to be contiguous in some point in time. It can be a little tip but it has to be contiguous. Our only problem with doing it the way you're suggesting is that we didn't survey the 74 acres because we had no interest in doing anything with that. So we only worked on everything south of the railroad. So in order to do a subdivision plan we'd have to have something to put on for the 74 acre parcel. Anything we did for that would probably exceed any savings we get from going the other way. R. Cartier said I think this has been done before. Up on High Street where the house lot was cut off from the other 57 acres and they did do a separate subdivision but it was a minor because they were just cutting one piece off. It didn't require surveying of the entire other property. Obviously, the railroad right of way is straightforward. J. Wichert replied correct. R. Cartier continued it won't be a problem to find out where that division is. J. Wichert replied it's well monumented, there's walls there and we have it shown on the plan. If I did it that way, am I then stipulating that I can't subdivide the 11.5 acres further? R. Cartier replied no, not necessarily. I wouldn't think so. J. Wichert said ok. R. Cartier said if I look at this, the plan says it's one lot and the railroad does run through it but all of the numbers are still the same on both sides of the railroad right of way which is the issue. I understand what you're saying, there is a railroad right of way that bisects it and has its own number but the other two lots are still exactly the same lot and map numbers. J. Wichert replied no I agree from assessing purposes, the numbering is problematic. This has probably had the same number transferred forward since the beginning of time or whatever. This is one of those items where short of the subdivisions up on the Diamond Hill Road side no one's touched this or looked into it since that. We'll talk to the Holts and see what it is. If we were to have our attorney write the Town attorney a letter and the Town attorney agrees with the position, is that going to get us anywhere or no? R. Cartier replied it very well could be. We're looking at something that's this; out of our realm of experience. The only thing we can look at is what's in front of us. But the other question is, are there deeds for these two properties that are separate. I know you researched it but does it look like there's one deed for the entire property? J. Wichert agreed, yes. I think they go in 40 acre tracts. Mr. Holt had actually given me like this map that his dad had drawn. You can see, this is 12 1/2 and this one was listed as 35, so you add them up its 47. You look at the deeds there listed as 42. They don't match in that level but you're going back to the references some were in the 50's some are in the 40's so we're kind back in the time.

R. Cartier said this went back in 1878 and the railroad was 1851. S. Komisarek said I think consulting with Town Counsel makes a lot of sense. R. Cartier agreed. I think that's the way to go. Like I said, with what we have in front of us, we would have to consider this to be a major because there's not separate deeds or separate lots that are distinct. Alright, that would be our suggestion is to do that, work with that and see if you can get those separate and if that's the case, you're good to go. J. Wichert said we'll do that.

Other Business

R. Cartier mentioned that at the next meeting September 19th for the ZRRC portion following the Planning Board Meeting he'd like to focus on primarily the zoning changes that the ZBA recommended and come up with some framework for the Village District zoning due to the warrant article deadlines coming up soon.

R. Cartier suggested that they stop doing the regulation review right now. R. Cartier said can we get those out to everyone again; the ZBA draft recommendations and the original zoning recommendations made for the Village District and you can all take a look at it and we'll have something solid for the meeting.

S. Komisarek said it might be good to have a discussion with Nate Miller from Southern New Hampshire Planning Commission and he can be working on any suggestions. R. Cartier suggested that he be invited to come to the meeting. Board agreed. R. Cartier said we got the boundaries set and compressed it from 800 to 400 acres.

J. Lindsey will be gone until December so should we invite Josh to take her place while she's out. J. Pouliot agreed.

R. Cartier said we got a new major subdivision application in from Michael Thompson. The way we're trying to do things now is we'll try to get a couple of us together to review the plans for completeness. I can be available if someone else wants to come in and go over this too? J. Lindsey asked what is the piece of land and where is it located? A. Bickum replied they came in for an informational previously. R. Cartier said down near Brown Road. R. Cartier asked the Board to check their schedules and let him know who could review it with him. S. Komisarek asked about the skill set required and R. Cartier replied it doesn't take a lot of skills; all you have to do is basically see if the information is there and if it's adequate. It's not a technical review at all. It's like do we have the Fire Chief's letter, do we have the Police Chief's letter, do we have this plan, not that the plan is technically correct. The checklist is pretty straightforward. It references the regulation number and what the submittal is supposed to be. Things like sewer systems disposals, as long as they have the application in, that's fine. It's a completeness review for the application. I'll have Andrea send an email out and find out the availability for everyone.

MOTION:

A. Hall **motioned** to adjourn at approximately 8:45 pm. J. Lindsey **seconded**. **All were in favor. Motion carried (7-0-0).**

Respectfully submitted,
Andrea Bickum
Land Use Secretary

cc file