

**CANDIA PLANNING BOARD  
MEETING MINUTES OF May 17th, 2023  
APPROVED MINUTES**

PB Members Present: Rudy Cartier, Chair; Mark Chalbeck, V-Chair; Brien Brock, BOS Rep.; Scott Komisarek; Kevin Coughlin; Tim D'Arcy; Linda Carroll, Alt. (sitting in for Mark Chalbeck)

PB Members Absent: Mark Chalbeck, V-Chair (excused); Judi Lindsey (excused); Mike Guay, Alt. (excused); Mike Santa, Alt.;

\* Rudy Cartier, Chair; called the PB meeting to order at approximately 7:00PM, followed immediately by the Pledge of Allegiance

**New Business:**

- Informational Hearing: (Potential Major Site Plan) Applicant/Owner – The Rooster Knuckle LLC — Raymond Road, Candia, NH 03034. Property Location: Raymond Road, Candia, NH 03034 Map 409 Lot 122-1 Intent: To request an owner-occupied business on this commercially zoned lot.

Tony and Rebecca King representing the LLC:

Tony King: I am Tony King. This is Rebecca. Rebecca is my daughter. We represent the LLC. The reason we are here tonight is to understand what our options are with the LLC, with respect to being commercially zoned. What the owners would really like to do is have a residence there as well. Kind of like an owner-occupied business.

R. Cartier: Just so the board and all of you know, this area is zoned commercial and under Article XV, Section 15:04 (f), it does allow for dwelling unit to be in a commercial structure.

Tony King: We didn't want to get too far down this path and the expense of all of the plans and everything, and then hit a roadblock and find out...

T. D'Arcy: It does require the ZBA though.

R. Cartier: No, it doesn't.

B. Brock: Don't jump the gun on this.

R. Cartier: Hidden way in the back... Specific Special Exception uses.

"F. Dwelling in Building Used for Commercial Purposes: One dwelling unit may be built in a commercial building provided that: 1. The building is in a commercial district and is being used for commercial

purposes. 2. That the commercial use will not be hazardous to health and safety of occupants. 3. No other residential building exists on the lot.

\*Square footage of dwelling shall not exceed square footage of commercial use.”

T. D’Arcy: I think the special exception conditions, I think that is ZBA though. I could be wrong though.

R. Cartier: You might be right. Let me just check. Yes, Tim is absolutely correct. The Board of Adjustment may authorize. So the thing you would need to do is make an application to the Zoning Board of Adjustment looking for a special exception under 15.04 (f).

T. King: So, this is in addition to the application that we will submit to the planning board?

R. Cartier: Correct. You go to the ZBA first. I don’t see it as being a problem because it is in the zoning ordinance that it’s allowed, and I don’t think you are looking for anything in particular that would be out of...

T. King: No, nothing extravagant. We are looking at a ranch.

T. D’Arcy: If you don’t mind me asking, what is the commercial use?

T. King: They haven’t fully decided yet. They have a few ideas, but it all depends on what the possibilities are with the property.

R. Cartier: Usually what happens is, there is another section that says the residential use cannot be any bigger than the commercial use.

Tony King: I think this property was originally approved by the previous owner for like a four bay garage type unit that could be rented out.

R. Cartier: It was.

B. Brock: Is that on the corner of Langford Road and Raymond Road?

R. Cartier: Yes

T. King: So, they are looking at something like that as well as putting a ranch style home there as well. So, you have the combination of the two.

B. Brock: So, the residence would be smaller?

K. Coughlin: The housing isn’t incorporated into the business structure?

T. King: I think they are looking at two separate.

T. D’Arcy: I don’t think there is a requirement on that.

R. Cartier: There is. The first sentence: “. Dwelling in Building Used for Commercial Purposes: One dwelling unit may be built in a commercial building...”

B. Brock: Maybe.

T. King: It sounded like an additional building was allowed. That it didn’t have to be part of the commercial building.

R. Cartier: You would have to talk to the ZBA on the interpretation of that. My interpretation, what I have seen in the past, it would have to be in the same building.

B. Brock: I disagree. What that is saying is that you can put one in there, but I don't think it is a requirement.

T. King: There are a lot of examples in Candia, on that same street.

R. Cartier: I would bring that up to the ZBA just to make sure. Brien has a good point. If you look at it from a standpoint, of what it is as it is written, you can interpret as either. A dwelling unit should be part of it or is it just allowing the fact that you can have a unit. We will let the ZBA interpret. Check with Amy. Get on the ZBA Agenda.

R. King: So that would our next step? Would we have the plans and everything by then or?

R. Cartier: No. You don't need all of the plans done to go to the ZBA to get a special exception. You just need to know, if you had a sketch or something, anything you can do to help them understand what you are doing. Of what you are looking for in this particular case.

B. Brock: You don't have to spend thousands at this point.

R. Cartier: Right. What you are doing is making sure that...like I said, it's in the zoning ordinance, so I don't see a problem with it. Like I said, make sure that you get that interpretation. Which would actually help us if we had an interpretation from them, that we know that there is precedence that has been set because Brien's right, you know, may, shall, should.

T. King: And you know, I think there are examples in town where it has been allowed, so I don't see it as an issue.

### **Old Business:**

- Nate Miller – SNHPC – CIP

When we last met, we said we would reach out to department heads and see if there were any capital improvement projects that could and should be submitted to reflect the needs of the different departments. In front of you, you have a few different things. The first is a packet of additional applications. You all got a big thick packet of applications at the last meeting. These are a couple more applications that have come in based on that additional outreach that we did to the department heads. There are two from the police department and one from solid waste.

I have given you all this big 11 x 17 sheet. This is a summary spreadsheet of what came in. In the case of the cruisers, I broke it up year by year. I broke up both defibrillators separately, even though they were on one application. Overall, this is what was requested. These are the applications that were received. Now comes the interesting / fun part. It's time to take stock of these applications and for you, as a board, to evaluate these applications. We have this set of criteria that we developed early in the process that we will use to evaluate the different projects. This is what came in from all of the departments. This is what's been proposed for capital improvements and now it's time to walk through each of those and determine whether or not, you as a board, feel as though this is an important project that needs to happen in this 2024-2029 period or feel as though it doesn't meet these criteria. Or maybe you see one of these projects as needing to happen sooner

or later on this list than the department heads did. My suggestion for you to do that would be maybe over the next couple of meetings, to reserve a portion of the agenda on your next couple of meetings to meet with one or two of these department heads at each of your meetings. Your time with Jeff will take the longest because Jeff has the most projects to walk through. You will see Jeff's approach to this, there is a logic to it. You are not doing an entire road; you are sort of chipping away at it.

B. Brock: Tree Maintenance and Old Deerfield Road Bridge Red-listed. You put it on there, why did you put it on there? We told you to get it out of there.

N. Miller: The State Aid Bridge Program. Old Deerfield Road Bridge...It turns out a couple of months ago there was a process initiated between the town and NH DOT to try to get that bridge into what's called the State Aid Bridge Program. And so, that \$873,000. If and when...between 2027 and 2032. It is a need. Depending on how that ends up getting programmed, it may not be included in the CIP. It means that there is a structural issue that needs to be fixed.

I think it is useful to talk to the department heads and understand their thought process behind the projects. At the end of the day, some of them will be in and some of them will be out.

Even within these projects, there may be multiple ways of financing them, multiple funding sources.

N. Miller: I will plan to be here on the 7<sup>th</sup>.

R. Cartier: People see those numbers and they think their taxes will go up double. With the Chester CIP, there is a lot of backup information.

- Southern NH Planning Commission - InvestNH HOP Updates

The Housing Academy has started. Those have been good. They are going to keep going through June. The press release and the help wanted have been completed.

R. Cartier: There is a little sensitivity about using the verbiage, "Candia Master Plan" because we are not redoing the master plan. I think what I would suggest is it would be pushed more towards the housing section of the master plan. So it minimizes the master plan and maximizes the housing.

T. D'Arcy: I think people are worried about housing and affordable housing.

R. Cartier: In our master plan, there is a section in there where we do refer to wanting to have housing available for everyone.

K. Coughlin: I don't think people in Candia think about housing because they have a house. It is interesting some of the different towns have different things because we have not needed them.

R. Cartier: Brien had a great point, in regard to the second paragraph, relative to creating the Steering Committee for housing/grant... Do we really want to limit it to 5-7?

C. Prolman: I am not sure how we will make that call. If thirty people show up, how are we going to handle that?

S. Komisarek: As a board, we have to continue to do good planning. As a board, we are trying to balance what is coming down from the state. We have to continue to lay the groundwork.

T. D'Arcy: I will agree. I think we pull a number of people in there.

R. Cartier: I think we get rid of the 5-7. I want to make a big deal about citizen involvement.

Some more discussion about changes to the documents presented by Cam Prolman from SNHPC. A flyer and a press release related to the InvestNH HOP grant.

C. Prolman: I think the first phase of this really affords those educational pieces. It is going to be educational for residents and for the board. The next part of it, I think what we should move into briefly is the next phase. I have the draft for the scope of Phase II & III.

R. Cartier: What is George's involvement, now that we have the grant? (George Reagan is the Director of Community Engagement at New Hampshire Housing)

S. Komisarek: When George looks at this, he has been an advocate for Candia.

C. Prolman: I just wanted to put this in front of you as a menu of potential options. You can do a zoning ordinance audit, a fiscal analysis, and more extensive public outreach. That would then lead into the town developing the new regulations.

R. Cartier: In Phase II, if you develop recommendations, what do you get out of Phase III?

Some discussion about the different phases of the grant and what each phase includes.

C. Prolman: Without this money that has fallen from the sky, most towns are not going to spend the money to do this.

R. Cartier: It does seem to me that there are not a lot of towns requesting the money.

C. Prolman: I think there are. I will turn this into an application. This was just kind of a draft scope. I think the town should use one of the recommended consultants.

R. Cartier: I just want to downplay the consultants role in the project.

C. Prolman: I will develop a draft of possible questions for the survey.

R. Cartier: What is your suggestion for getting these out to people.

C. Prolman: We can have paper copies in different places around town. We will have a QR Code. Public events.

B. Brock: I want to share something. I grew up in this town and I don't think I realized how great I had it. I only appreciate the memories now, but I didn't appreciate it at the time. When we had events, we had a core of people that were heavily involved. People today, they really are not involved that way. That is why you have boards voted in. If it is not personally affecting them, they are not interested.

T. D'Arcy: A couple of things. Talking about Candia's selection of housing. It is only about the current situation. It isn't about the future.

R. Cartier: How do we develop something so that we don't get pushback?

C. Prolman: You can't avoid that. We are just going to be transparent about everything that we are doing. This is public education and engagement.

R. Cartier: I will commit to not talking as much so that others will have the opportunity.

- Approval of Minutes 5.3.23

**Motion** to accept minutes as presented. S. Komisarek: **Second**. All were in favor. **Motion passed**.

#### **Appeal Updates:**

- ***Foster Farms***, New Boston Road – We did have a preliminary hearing last Wednesday and it was basically a very short meeting to have the HAB tell both counsels that they need to get information to the HAB concerning the second part related to the constitutionality of our ordinances. There will be in person testimony by three of us in Candia. We have no date yet.
- ***23 Main Street*** – The hearing was dismissed. The town gave reasons why the appeal should be dismissed. The plaintiff's attorney gave information as to why it shouldn't be. The judge took it under advisement and will provide a decision in 30 days.

#### **Other Business:**

- Agricultural Zoning

Some discussion about agricultural zoning and farming and the land associated with it.

M. Chalbeck: I was approached by one of our citizens in town. We started the agricultural commission a couple of years ago. We should look at making agricultural zoning to protect the farms.

R. Cartier: We couldn't do spot zoning. It wouldn't be so much like agricultural zoning. It would be protected. We would have to check with town counsel.

L. Carroll: Danvers did that. There is some type of zoning or help. I will see if I can check what it is.

T. D'Arcy: That is the way to protect it is to sell the rights to development to the town.

R. Cartier: Mark if you could find out what the concern is in more detail.

- Town Planning

- Any other matter to come before the Board.

R. Cartier: Thank you for doing everything that you are doing. The involvement is growing in leaps and bounds.

B. Brock: We are supposed to sign Friday for the land. It has been all approved by the town.

K. Coughlin: The Community Power Committee that has been approved and will be going forward. Dick Snow found a grant related to solar. I doubt there is any interest in the town providing land.

**Motion** to adjourn: T. D'Arcy. **Second**: L Carroll. All were in favor. **Motion passed.**

**8:52**

ZRRC Meeting: Open at 8:52PM

R. Cartier: The Zoning Review and Revision Committee was put in place years ago so that people from the board and general public could be involved with reviewing and revising. I question whether it is necessary to have it anymore. We have an agenda item for town planning. With the grants there is a lot more work involved than what anyone on this board can handle.

I feel as though we should disband the ZRRC. We can do the ZRRC as part of our regular meeting.

T. D'Arcy: **Motion** to disband the ZRRC. **Second**: K. Coughlin. All were in favor. **Motion passed.**

K. Coughlin: **Motion** to adjourn. Scott Komisarek: **Second**. All were in favor. **Motion passed.**

Respectfully submitted,

Amy M. Spencer

Land Use Coordinator

cc: file