

**CANDIA PLANNING BOARD**  
**MINUTES of September 21, 2016**  
**APPROVED**  
**Public Hearing**

Present: Sean James, Chair; Al Hall Vice Chair; Tom Giffen; Mike Santa, Scott Komisarek BOS Representative; Judi Lindsey; Carleton Robie, Alt; Joyce Bedard, Alt; Dennis Lewis, Road Agent

Absent: Ken Kustra; Rudy Cartier, Alt.

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

Chair Sean James asked Carleton Robie, Alt. to sit in for Ken Kustra.

Minutes August 23, 2016

A. Hall made a **motion** to accept the minutes of August 23, 2016 as presented. T. Giffen **seconded**. S. James, M. Santa, S. Komisarek, were all in favor. J. Lindsey & C. Robie abstained. **Motion passed (5-0-2)**.

Minutes September 7, 2016 – The longest meeting minutes in the history of the Board, 29 pages:

T. Giffen made a **motion** to accept the minutes of September 7, 2016 as presented. S. Komisarek **seconded**. S. James, M. Santa, J. Lindsey, C. Robie, Alt, **were all in favor**. A. Hall **abstained**. **Motion passed (6-0-1)**.

**Continuation of 16-012 Earth Excavation Review Application:** Applicant: Wildcat Land Development Services, LLC 43 Lawson Farm Road, Londonderry, NH 03053; Owner: same; Property location: 285 Old Candia Road, Candia NH 03034; Map 410 Lot 137 & 137.1 Intent: To perform earth excavation for added parking area.

No Abutters Present

Craig St. Peter, owner was present. Craig St. Peter's business partner, Joe Sobol was present. Engineer, Doug MacGuire with the Dubay Group, was present. Contractors, Tom and Ron Severino, were present. Bryan Rouff of Stantec, Town Engineers, was present.

S. James said we will re-open the hearing. At this point, we've received some additional information a couple of days ago there was a geotech report; another letter and the only thing we haven't seen are revised plans. Maybe you could give us an update on where things stand.

J. Sobol, Wildcat Land Development, Craig is here, my business partner. Doug MacGuire from Dubay. Just briefly we did meet last Thursday with Stantec with Bryan and Rene. We had a very productive meeting, I thought, with Stantec and we discussed the three major issues; drainage, which had come up last time, as well as blasting, blast monitoring, if you will, and water supply wells. I did put together that geotech report and gave it to Doug early Monday and he forwarded it on to you folks. And basically what we wanted to do was share that with Stantec and the board that we're not just going into this procedure without some planning and without some monitoring. We are following AOT, as we went over last time at the last meeting. We are following the AOT guidelines for the water wells. We will be requiring that the blasting be performed in NH DOT specifications, which are quite lengthy and detailed. And finally Doug did do a drainage analysis which he submitted that report to you folks. In addition, we did call the groundwater, Water Well Bureau, Tom Willis, I spoke to him personally, asking him if there would be any other requirements, other than what we submitted for the AOT permit and he indicated no. I documented that, my discussion with him, in this report. And Craig, who has more expertise on the UST systems from his background, spoke to Chuck Corliss at the UST Group and because of our state of the art system and our leak level detection system that we have in place, there were no other requirements from the experts at the UST Group at the State level. So they feel by

us complying with AOT requirements, which we fully intend to do, and have our application still up there. There are some folks on vacation up there, they haven't responded officially to our application. That we have we would have done everything that we needed to do or could possibly do in terms of monitoring and putting safeguards in place. In addition to hiring and working with Severino and Maine Drilling and Blasting, two of the best in the business. So with that said, we are here tonight to request conditional approval for our excavation plan and I would open it up to questions. I think your question, which I didn't answer Sean, was plans. I'll let Doug handle that question.

D. MacGuire stated obviously we knew that there were a lot of comments that could be handled with notations or minor edits to the plans. Those have now been done at this point. This plan set reflects that. I have not dropped it off to Stantec but I plan to do so this week so that they have that updated plan and I also have a full response memo that I'll be issuing with basically an explanation; where it's located on the plan, how I'm responding to it, for each one of the comments. Our meeting with Stantec was 2.5 hours, it was a good length meeting so we got into a good amount of detail on individual comments and talking about each and how they would suggest addressing them based on our feedback and so I feel comfortable with the plans at this point and I think Stantec will be comfortable with the plans and I think with review of the geotech report and our drainage analysis that we submitted, that should satisfy a lot of those related comments and those were some of the ones that we had issue with at our initial meeting because we hadn't had an opportunity to speak with Stantec and go through everything. That's basically where we stand. I'm happy to go through any detail that the board may have or if they want specifics on the drainage, I can talk to that but I don't want to belabor the board either.

S. James asked B. Rouff; Byran as far as Stantec goes are you generally in agreement, I know you haven't seen the letter or the plans but otherwise as far as the meeting went, general agreement with the resolution?

B. Rouff stated that 80% of our comments could be addressed by minor revisions or comment additions, some additional information was needed which we've been receiving from the Dubai Group. They seem in agreement with working with us to come to our present resolution, I would agree with everything Doug has said, yes. S. James continued I guess as far as conditional approval though we're in a position where we have a response letter that the board hasn't seen nor have we seen the plan so I think it's premature for us to approve plans we haven't seen. I know there largely the same and they addressed to the comments, but that's just my opinion I don't know if anyone on the board disagrees. T. Giffen said I'm in agreement with your position in that we got a letter from Stantec today that basically says they're still waiting for a couple of things. I don't believe there will be any big hold up but I'd rather dot the I's and cross the T's and do it the right way than rush.

D. MacGuire said the plans are complete now. It would be just a matter of Stantec reviewing those, re-issuing a follow up review if they had any additional notations or comments, I'd have to address those. I guess our standpoint with requesting the conditional approval was we didn't feel that there were any comments, after our meeting with Stantec, that would require the planning board's input and we felt that we could handle wrapping up the plans with Stantec and just completing that process. So that's why we had the request but we can respect this board's position, whichever way they choose to go. J. Sobol responded right, I think that's a good way to put it Doug is that, and I think Bryan kind of echoed that, this is resolvable between Dubai and Stantec, if you will, to get there. So that's basically why I requested it. Did you want to add anything Craig? C. St. Peter said I think that's it. I think it's straightforward, their view, the plans will, Bryan will have them tomorrow.

S. James said again, I'm not hearing anything negative from the board. We did talk about at our last meeting that we wanted them a couple of business days ahead of time to review and we haven't seen them. Nothing's changed there, that's all. I would like to ask if there are any abutters here for this project, Candia First Stoppe? No abutters. D. MacGuire asked S. James; Mr. Chairman, if I could just get some clarification tonight, we may have handled this, I just want to be sure. There were, if you recall, a couple of items that we talked about that we were looking for feedback from the board. And I don't know if that was a vote or if it was

just a straw pull, but with regards to the separation to the right of way, separation to the existing building, the board said they were comfortable with our plans as presented. Did that require any type of vote to basically waive the Candia excavation requirements of that or how should that be handled? S. James responded that's a good question. Some of those were interpretation and we talked about the Earth Excavation was written more for a big pit as opposed to this. Again, probably to be complete, it would make sense to submit a written waiver on those.

D. MacGuire said the only ones I saw were the separation to right of way, separation to buildings, maybe separation to water table as well. C. St. Peter suggested how about if we note it on the plan and then when you approve it, final approval, it's noted on the plan so you're approving a plan that has the request on it.

S. James agreed, yes, we can handle it that way. That's a good point. D. MacGuire said I just want to make sure I had the right...as Stantec would say, in fact I think we talked about that in the meeting is whether that was handled by the board, there was a general consensus but we didn't know if we needed to have them act on something.

C. Robie asked Joe what would a conditional approval, what would that benefit you at this time? Without the permit back and the plans and the benefit to that, we could hear that, help these people out. J. Sobol replied I guess it would be that number one; we wouldn't have to come back before the planning board. Not that we don't like it, by the way it's a nice setup, it's a great change but it threw me off. C. St. Peter responded that the advantage is that we have our estimating and financing in place. J. Sobol said we'd be more ready to go in terms of hearing back from the AOT folks Carleton to answer your question. We'd be more ready to go and firm up some details with Tom and Ron Severino and our banking etc. S. James asked is the AOT application is it administratively complete at this point. D. MacGuire said yes it is. S. James replied the clock's ticking on that. D. MacGuire said in fact I reached out to Gloria Andrews, she's reviewing the application. She's on vacation this week. It's on her desk ready to go. But she didn't complete her review before leaving for vacation. S. James asked how long do they have to review those typically, 90, 120? D. MacGuire replied no, I think its 90 days but she assured me that we'd have it next week; I believe is what she was stating. It's next on her list so when she gets back from vacation she'll have that. I'll be submitting this supplemental material that was submitted to Stantec, also to her, just for her benefit as well.

S. James asked does that answer it Carleton. C. Robie replied yes, I think that's a reasonable answer. S. James said I still think at this point where we haven't, there weren't substantive changes but we haven't had a chance to review the comments received or the plans. I would look to continue to the next meeting, Bryan I don't think you necessarily have to be here unless you think there's something. You'll have a review letter. B. Rouff said we'll play it by ear. S. James said we can talk about it. A. Hall would like to make a quick comment, commercial. Last Monday I was in Newport, Maine and I was at the Irving Big Stop. You can have this (*hands out brochures from Irving Big Stop*) and I was so impressed, are you planning to build anything like that? Irving, corporation, has them all over, especially in Canada, I don't need an answer now, but I was very impressed. J. Sobol said we are intending to expand the deli.

A. Hall **motioned** to continue this on October 5<sup>th</sup>. T. Giffen **seconded**. **All were in favor. Motion passed. (7-0-0)** S. James said I know there aren't any abutters here but there won't be any re-noticing. S. James said on that day I'm sure we'll be able to take care of it.

**16-013 Major Subdivision Application:** Applicant: Jennifer R. Wise Revocable Trust, 15 Langford Road, Candia, NH 03034; Owner: same; Property location: 15 Langford Road and 49 Langford Road, Candia NH 03034; Map 409 Lots 120 & 122. Intent: To create a lot line adjustment.

Abutters: Nancy Parkman of 46 Langford Road, Candia, NH was present. Everett and Nancy Austin of 67 Langford Road, Candia, NH were present. Israel and Linda Willard of 10 Langford Road, Candia, NH were present. Dick Snow of 127 Depot Road, Candia, NH was present.

Jennifer and John Seidner were present. Raymond Shea, Land Surveyor of Sandford Surveying and Engineering, 597 New Boston Road, Bedford, NH 03110, was present.

S. James said before we get going, just a quick updated. Mike and I met earlier, did a plan review and Ray will get into it a little bit. It qualifies as a major subdivision, that's what it was advertised as however it's essentially a lot line adjustment. I guess the way I'd like to handle is to move to accept it, accept the application, discuss it and then the applicant submitted some waivers regarding that process.

C. Robie **motioned** to accept the application. T. Giffen **seconded**. **All were in favor. Motion passed. (7-0-0)**

R. Shea stated his name for the record. My name is Raymond Shea from Sandford Surveying and Sean said, this is essentially a lot line adjustment between two existing properties although it was advertised as a major subdivision because the land being swapped between the two is greater than 3 acres. It was necessary to advertise it as a major subdivision. A little overview. This is route 27; Langford Road comes in towards the west. One of the parcels, which is nice, 15 Langford Road, driveway comes in just in front of Route 27 and into the property with existing house, property extends back 2,000 feet, 54 acres. The second property is 49 Langford Road, further down Langford Road, the house is right here, existing driveway, and that property is approximately 20 acres. It's kind of odd shaped but it abuts 15 Langford Road in this area right here. The proposal is to make the 20 acre lot 3.19 acres to bring that line down towards the road and the 17 acres that was part of that lot would be attached to the 54 acre lot, making it 72 acres. Essentially we're taking this line and moving it down there. This is 15 Langford Road, this is 49 and this is the common line that we're going to move to create a 3.19 acre lot that 17 acres would go up to the larger lot. No new lots. No new houses. Driveways, everything remains the same. The only thing we're doing is moving the lot line. We have done topographic and soil mapping on the 3.1 acre lot and received State subdivision approval because we're reducing it from 20 acres to 3 acres so that required State approval, we have received that. There's existing septic on both lots, State approved septic. It's fairly straightforward. We are asking for a waiver for topo and soil mapping on the larger parcels they really don't pertain considering it's a lot line adjustment but again we have done the topo and soils on the smaller lot. That's kind of an over view, I can answer any questions you might have.

T. Giffen commented that it seems pretty simple and straightforward to me. S. James said as far as review letters from the Town, we did get one from the Volunteer Fire Department from Fire Chief Dean Young, its dated August 29, 2016:

*Chief Dean Young has reviewed the proposed 15 Langford Road and 49 Langford, Road, Candia, NH 03044 Map 409 Lots 120 & 122. He has found no issues with the plan relative to the Fire Department.*

S. James said Dennis I don't think you had any comments. D. Lewis said it's a State road, there aren't any for me. Looks fine to me.

S. James asked any questions or comments from the board? We do have a couple waivers but I'd like to go to the audience first and then we can talk about those. Are there any abutters to the project? We have a few, could we slowly get your names for the record. N. Parkson stated her name. I'm Everett Austin, 67 Langford Road, I'm the rock drummer if you're in the area and everyone hears me. I'm that guy. I actually about 7.5 almost 8 acres is the next...you got it, that's me. So I was concerned with losing all of that land. I bought the house almost 7 years ago and that's why we had moved out here. I like Candia, its quiet, peaceful, you guys are great. I didn't want to see houses so my main concern was, as soon as he said; it was like okay we can leave. That was my biggest concern are there going to be homes back there, what was the traffic going to be like etc. etc. S. James said yes and I tried to explain it's just the regulations, the way there set up, that it comes in that way. E. Austin said exactly.

Israel Willard, we're at 10 Langford Road. I guess my concerns are a little bit different. I would like to make sure that there's not going to be a subdivision because my property has already been negatively impacted based on what's already been done at 15 Langford Road. And I know people have come on our

property and done some surveying without our consent to delineate wetlands, which kind of seems like we should have been at least notified of that. But I guess I have some, not so much concerns about the lot line adjustment, I'm fine with that, but just in general the way the water runs off the hill now is not conducive to my property. S. James said ok, that's an existing condition today its nothing to do with...I. Willard responded it's an existing condition that was created by the original driveway permit, or if you will, or whatever that is. S. James said as far as further subdivision, it wouldn't be as part of this plan. If they did decide to do that at some point, they could come forward in the future potentially for that. I don't believe that's the intent. I. Willard replied we don't know. S. James reiterated we don't know.

D. Snow said I about him on the back end and I support the proposal.

S. James with that let's talk about the waivers. There's a couple here so this is from Sandford Surveying August 11<sup>th</sup>, it's fairly short, I'll read it: *On behalf of the owner of the above referenced properties, I am requesting waivers from the retirement of providing topography, wetland/soils delineation and other natural features on Lot 122 and the portion of Lot 120 to be annexed. There is no new proposed development on these lots and most of this information was depicted on prior plans of Lot 122. We are showing the required information on remaining Lot 120. (S. James confirmed that's the smaller remaining one) We feel the information provided is sufficient for the Board to make an informed decision on this application. Thank you for your consideration of this waiver request.*

C. Robie made a **motion** to approve that waiver request. M. Santa **seconded. All were in favor.**

**Motion passed. (7-0-0)**

S. James the second waiver, which is dated today, from Sandford Surveying, Ray Shea: *On behalf of the owner of the above referenced properties, I am requesting waivers from the requirement of reviewing this application as a major subdivision. Although a large tract of land is to be transferred between lots, there is no intent to create new building lots or further subdivide the properties. We would ask the Board to review this application as a lot line adjustment and forgo the major subdivision application requirements and procedures. Thank you for your consideration of this waiver request.*

S. James said I think technically what their asking for is on a Major. On a Major we have a preliminary hearing that we do then there's a letter that goes to the applicant whether the Board supports moving it forward or not and then there's another hearing on the final hearing. Ray maybe re-phrase this a little bit. I think the waiver is essentially asking that we waive the final hearing. Which we have done in the past.

S. James stated I would ask if we could have a motion on waiving the final hearing for the project. T. Giffen said so **moved. J. Lindsey seconded. All were in favor. (7-0-0)**

S. James said so as far as conditions, the only one I can think of that we typically have is the bounds to be set within 60 days. There are two. An interior one which will be granite and then there's a southerly one, potentially in a wall but that could be an iron pin. Ray and I talked earlier and he'll see what the field conditions are. If it's a wall, then it will be a pin. And then the plan, once you set those, you would add those notations to the plan. Motion to approve with conditions.

T. Giffen **motioned** to approve with conditions. A. Hall **seconded. All were in favor. Motion passed. (7-0-0)**

S. James said you're all set, we'll send out a letter within the next 5 days with the approval and conditions.

**Informational Only:** Requested by Jim Franklin; Applicant: Robert Johnston, Trustee, 24 Currier Road, Candia, NH 03034; Owner: same; Property location: 24 Currier Road; Map 402 Lots 78, 79 and 80. Intent: To create a lot line adjustment and to create 3 new lots (Minor Subdivision) or 4 new lots (Major Subdivision).

Jim Franklin, Land Surveyor was present. Applicant Robert Johnston, Trustee and Owner, was present.

J. Franklin said here's a copy of the tax maps. My name is Jim Franklin land surveyor that prepared these and the owner of the property Johnston is here with me tonight. Just an overview, this is the area that's Wingedspur Ranch on Currier Road, the westerly side of Currier Road. There are 3 existing parcels of land

identified on the tax map there, map 402 lot 78, 79 and 80. They are three separate distinct deeds. So there are three separate properties and what we are requesting is in order for estate planning for the family members, we would like to create three additional lots. We have three and then we are going to have seven, so that may qualify as a major but one or two of them could be considered as lot line adjustments all done at the same time. So that's why I think it needs some direction from the board as to how to proceed with all this. (*Hands out copies of plan*) I apologize for the small size of this, although it is much larger than the little telephone screen we had at the last meeting informational. Over the course of the, I'm going to say, ten years for practical purposes, we've done boundary survey, topographic survey, wetlands and soil mapping and pretty much sat as it is now just because of one thing or another. Mr. Johnston didn't want to proceed with this, he was concerned as soon as we presented this to the Board he'd get taxed for four additional building lots and you know what that would do to the tax base. I assured him that that would not happen until after everything was approved if we proceeded. Even then I did explain to him that if it remains in his ownership, he would have the option of maintaining the property in current use as long as he owns all the abutting lots, even though they are much smaller. The red lines on the plan, you see Currier Road is at the bottom of the plan. The red lines would be the proposed new lot lines. The dark blue and the light blue are wetlands that we had delineated by Bruce Gilday of BAG Land Consultants. We would still have to get state approval for subdivision, even though we have three lots going to four, we're reducing them in size so they would be down in the neighborhood of...I think 3.3 is the smallest one. 3.1.; 3.1 acres. And these lot lines are subject to change, depending upon the actual site conditions and where we have acceptable areas for disposal, septic. I think that takes care of, at least generally.

M. Santa asked you say you're creating four lots? J. Franklin asked pardon? M. Santa repeated four lots are created. J. Franklin replied there's three separate parcels now by deed, three separate deeds. But we will have a total of seven. M. Santa said seven lots. J. Franklin said yes, because lot 78 we would split into lot 78, 78-1. So there's one additional lot there. And then lot 79 we would have lot 79, 79-1 and 79-2, creating two additional lots. Then lot 80 we would have lot 80 and 80-1. Now we could handle these all individually and therefore not have any major subdivision or we could do this all at once and save some money.

S. James so the building here is the barn. J. Franklin said there's an existing house on lot 78 and lot 78-1 will have the barn.

M. Santa confirmed one has the house, one has the barn. J. Franklin confirmed yes. S. James asked what's the building that's right on the line. J. Franklin said it was a chicken coop, it came down. Mr. Johnston took it out. I said we gotta take this down and Mr. Johnston said you sure you can't move the line over a little and I said nope, it's too close, that has been taken down.

S. James said and the other buildings on that lot meet the setback. J. Franklin said they will. They will. S. James asked what about the fourth one in with lots of blue on it, do you have an acre and a half on that? J. Franklin replied yes. We have, out of the 3.4 acres, there's 29,000 sq. ft. so that's about a little over half of an acre of wetlands.

A. Hall asked how you access it from the road. J. Franklin asked pardon? A. Hall repeated how you access that lot from the road. J. Franklin replied standing on the road looking at lot 79-1; you would come in on the left side. A. Hall said oh I see. J. Franklin continued there'll be no wetland crossings for driveways or anything like that. At this point, I'm 99% sure we could meet all required State and Town setbacks.

S. James asked are the two interior walls, are they property lines or are they just interior walls, currently. J. Franklin replied yeah, their close, the lines were created years and years ago by Candia's own resident surveyor and things didn't always match up with the dimensions and the physical evidence so we have three separate distinct deeds for the properties there. S. James said okay.

S. James said so the question, if I get it right, was you could come in individually for each lot and just do a lot line adjustment. J. Franklin said do a minor subdivision for each of the three and that would be 3 applications. I suppose we could come in with each individual lot at three separate hearings on the same night and therefore they would all be considered as a minor subdivision and/or lot line adjustment. Well why I don't I just streamline it and do it this way. Whatever the Board's pleasure. You know me; I'm pretty easy on this

stuff. M. Santa said you would ask for a waiver then. J. Franklin said we would. M. Santa for the major. S. James so sort of what we had earlier, apply as a major and then ask for a waiver on that. J. Franklin said yes. I wanted to run it by the Board. I don't want to stretch the definition. I just wanted to let you know what our options are, that's all. S. James responded I think to me the major makes sense and we could waive part of it. I don't know that we'd waive the soil part of it necessarily. J. Franklin replied I would not ask for that. Nope, No, No I would not ask for any waivers of any soils, State approvals, boundary, topo, I wouldn't request a waiver for any of that. We've pretty much taken care of all that at this point. S. James said yes I can see why you're here; it's sort of the middle of the thing. A major subdivision is typically one lot not three we don't deal with three. J. Franklin said right, we're going to create three new lots as a minor, if you're going to be a total of three or create three; it's always been a question. Yep. And Kim usually decided. S. James asked if anyone had a comment on that or a suggestion. I kind of lean towards just coming in as a major, one application. A. Hall said do it all at once. J. Lindsey said I like that idea too. S. James said we have to think a little bit about it and maybe waive part of that. J. Franklins said that's fine. S. James said talk about some waivers. J. Lindsey said yes because I've never seen anything quite like this, it's unique. J. Franklin stated I understand, this is informational and if we bring in something that's materially different, I would not expect the Board to go along with that. But this is...we've spent an awful lot of time and a lot of work on this so I'm pretty confident this is what you'd see. S. James replied okay. And I guess as far as that goes, if you read the minutes we had quite a lot of discussion of Currier Road, the state of Currier Road, the road and all that so I imagine, I can't speak for the Board, but treated similarly or something like this. J. Franklin said that's fair. S. James asked unless you want to volunteer to pave it up to that point. J. Franklin said mmmm. (*laughter*) S. James said hey I can ask right? J. Franklin replied maybe up to the horse barn.

S. James said alright so I think in general, anyone have any other comments or questions. T. Giffen commented it's pretty straightforward. C. Robie asked how far up Currier Road is that, the end of that last lot. J. Franklin replied oh boy, we got...I'd have to add my calculator up pretty quick, it's a long ways. We have 260, 280, 204, 260, 275, 356 and 277. M. Santa said 1,700 or so. A. Hall said 1,500 feet probably. C. Robie said that we were told last time that the first 900 feet was pretty good, Currier Road, that's what we were told. S. James replied compared to the rest of it. C. Robie said correct. S. James asked J. Franklin does that give you the direction. J. Franklin replied it does, thank you very much. I appreciate this, the cooperation. S. James said thank you for keeping us on our toes. It's a tough one. A. Hall asked if he wants the maps back. J. Franklin said I'll keep the tax map unless the Board wants them for the file. S. James said we'll keep this one for the file. J. Franklin said I'll fold this one up that way if there's ever a question about what was discussed you'll have a full size copy. Thank you.

**Informational Only:** Requested by Arlene Richter; Applicant: Arlene Richter, 34 Deerfield Road, Candia, NH 03034; Owner: same; Property location: 34 Deerfield Road, Candia, NH 03034; Map 406 Lot 023. Intent: To create a right of way to access back lot.

Applicant Arlene Richter was present. Grandson, Matt Richter was present. Dean Young, Fire Chief, and Susan Young were present.

A. Richter handed out plans and said this is real amateurish. This was all created back in 1992, my mother died and all of this was all part of the Charminfare Inn at one time and my folks lived down here. And I live here. And the thing of it is, Matthew decided to he's going to get married and needs a house. Poor boy. But anyway, he's decided that. So I have this, in 1992, this line that is here was wiped out and all of this here now is my land. And this all here is my brothers. What I would like to do is down here you'll see a little driveway, I'd like to deed a right of way there up to this point here. This point here was combined with this. I want to dissolve, leave this here, now bring it back to be my land and him just have the field. S. James and J. Lindsey said say that again. A. Richter reiterated right here is my little wood road, right here; I would like to deed a right of way from here up to here, this stone wall here, and let him have this piece of land here, which

is a 7 acre field. That's field being cleared off now, reclaiming the field. And this line here would become my back lot.

S. James commented so you'd be subdividing your lot into two with a right of way access through it to the back. A. Richter said yes, subdividing or a lot line adjustment. S. James said that's interesting. A. Richter replied it is interesting. J. Lindsey said a new one heh. A. Richter continued this was all, I owned just this, my mother died, she willed me this piece. And then I bought this piece and my brother bought the rest over here. This is my brother Don's over in there. He wants to get in the compound.

S. James responded I guess, help me Judy out loud, I mean if we're creating a new lot, the lot needs to have frontage on the road. This one would have no frontage. J. Lindsey said it's confusing because we're like putting a little right of way in for a potential house; I'm not sure what question to ask. A. Richter said this is a nice piece of land. This over here is where Scott owns, over in here. Already this is partly here because we've logged out over in here. And I know there are a lot of houses with long driveways and he's willing to have the long driveway.

S. James said the only question I have and to be honest I don't know the answer, maybe someone else does, is that when we create a new lot it needs to meet certain requirements, which I guess we can waive, but one of them is to have 200 feet of frontage. A. Richter stated actually there is only...from here to here is like a 100 or somewhere in there. S. James asked have you run into this before Dennis. D. Lewis replied yes. C. Robie said yep, all the time. You gotta have 200 feet. There's a whole bunch of lots that have 195 that we can't build on.

M. Santa asked how much frontage you have now. A. Richter said I have 60, 239 all through here, I have over the 300. M. Santa stated over 300. A Richter continued I mean Sue has a lot that was a cow pasture and she has a right of way out to it which she sold a piece of land out there. And there are pieces up on High Street that are that way too. It's not uncommon in town. S. James said to be honest I would have to check with our attorney, we could do that for you, certainly. A. Richter stated and I don't want to hire Mr. Franklin to you know put this back in here, I don't want to spend money if I don't get a no on. You know.

S. James asked any comments, help me out, anybody. T. Giffen said the total available frontage is 300. C. Robie said we could change the zoning. We could go to March meeting and reduce the frontage size and allow 50 foot right of way or 60 foot right of ways, which is a zoning change. Which could be a good suggestion for cases just like this

A. Richter addressing S. James said there's 7.3 acres on that lot up there. S. James said so if we had a 60 foot wide easement and it became deeded to the Town, then it would be no different, it would be...you could put a road in. T. Giffen stated a Class VI road. C. Robie responded that it would be deeded to the land owner that was benefitting from the lot that was created in the back. The right of way, 60 foot easement, would be deeded, along with the property that she's going to give her son. That would be in his deed, that right of way, that's his. S. James said right, understood. C. Robie can't do that until we go vote on it. S. James said no, no what I'm saying is if someone came in with a subdivision and they said we're going to put a road in, same thing here, we're going to put a road in up to that back lot, deed the road over, that's different, we could do that. C. Robie replied if they want to build the road to spec. D. Lewis said Carleton's right, you'd have to build a road to Town specs, it would have to be a Town road to create legal frontage on that piece of property that it accessed. The only way to do what you're saying is to build a Town road which I can't imagine is something someone wants to do for one house. C. Robie said but it's possible, if someone wanted to do that with the regs the way they are. S. James and D. Lewis both replied yes. S. James continued I guess the issue, we're not sure of is the fact that you would be creating a new lot, or we would be, creating a new lot that doesn't meet our regulations. A. Richter replied if in 92' if I hadn't taken that out I'd have been all set right. S. James confirmed because it would be a separate parcel back then. A. Richter said yes that was a separate parcel. S. James said there's no access. M Santa asked if it was land locked. It wasn't land locked? A. Richter said no. S. James said there's no access off the main road. A. Richter pointed out that this is all Tom's my brother Tom's, my daughter's, Matt's parents, Schools over here. S James said I guess if it was I don't know to be honest. I don't know. A. Richter asked Sue how long is your right of way. S. Young mentioned I wanted



to just clarify. My sister had a parcel on Critchett Road, right above Levitz, and it had a right of way right in the deed, existing, which is a little bit different than this, and the Planning Board, it was 25 acres I believe, the Planning Board did give her permission to sell it or whatever, how many years ago, years and years ago, it was a little bit different than this as it did have an existing right of way already. But I don't know what the regulations are on driveway length, if you can create a right of way, I don't know what those rules are, your expertise. S. James replied that we have shared driveways but those are two legal lots, which this wouldn't necessarily be. A. Richter responded he's willing to build this according to the Town and the Fire Department and all that jazz. S. James said I understand what you're saying. I guess at this point we could check with the Town Attorney for you and find out what his comment would be on it. A. Richter replied and find out, I don't want to go ahead and get Jim Franklin do anything with it without...S. James said sure. We'll do that. We'll get your information to get in touch with you. A. Richter gave her address and phone number to the Land Use Secretary.

D. Young asked just a question, this particular instance here, probably exists in some other places in town. You're a Planning Board what's the feeling, changing the zoning to allow something like this to happen. We know if you read the paper today, young people are leaving this state in droves. I'm kind of biased here, Matt is on my Fire Department and he wants to come back to town. He can't live here now; he can't afford to buy a house in a subdivision that's going to cost \$300,000 or \$400,000. He's got a chance to get some land from his grandmother to do this. Carleton brought up the point do we change the zoning come March to allow something like this to happen. As a Planning Board and you're a Planning Board looking at the future, is that something the Board would consider, something that would be an important thing to do to get some young people to come back to town. This town is getting old and if someone young wants to come here. I just inspected the school today. Last year they had 36 kids in kindergarten, this year they have 29. They graduate a lot more kids. If the Planning Board...I want him to come back, I'll be honest with you, and I'd like to see this happen but I don't want it to be done illegally but as a Planning Board it might be something you want to think about so that it might be able to happen for some other people too that are in his particular position. S. Young said to accommodate. D. Young reiterated to accommodate them to come back here to Candia. A. Hall suggested I think we should do it on an individual basis rather than a carte blanche, open up the doors. D. Young replied I'm not saying that Al but I mean if you've turned people down in the past because of that, you have to do it again. You can't do it on a personal basis just because I want him to come back, his grandmother wants him to come back. You gotta do it legally so that in the future if this comes up it's something that someone can do. That's just my opinion. I don't know what the Planning Board feels about something like that. T. Giffen responded it's not uncommon in a lot of communities to have different districts that are zoned in different ways for different uses. It would have to go to the Town obviously to have some sort of a zoning change come through. But what you'd be looking for I think, and tell me if I'm wrong, would be some sort of a village district where compact lots would be allowed and it would establish its own character and be its own area and you'd maintain the rural character with 3 acre zoning outside that district perhaps. As time goes on, it may be desirable to look into that sort of thing and you could have an area right around the four corners for example, maybe going half a mile in each direction, certainly up High Street, up Deerfield Road, half a mile or whatever seems to make sense and seems to have buy in from the Townspeople and put that sort of zoning arrangement in. It would allow housing to be built for people who need a starter home or would like a retirement home or whatever, where less land is needed, a small house can be built because the lot isn't so expensive because you know the economics of building a house, if the lot costs x amount, you got carrying costs just to carry the cost of the lot, you're going to have to build a house with so much profit in it just to cover the cost of tying up your money for that long. Am I right Carleton? C. Robie replied you are correct. T. Giffen continued if you have a cheaper lot because it's small, well you can build a small house that's more reasonable and maybe more sustainable in the long run for people of different circumstances. So I personally think it's a good idea, I would be in favor of it but I can't speak for the rest of the Board. M. Santa commented that I would be in favor of that rather than the other option of allowing access roads. The other option, the State has passed a law that will go in effect shortly relative to accessory dwelling units. Building and

accessory dwelling unit, it would be a subdivision or another piece of land; it would be on your own land. And that's a reaction to what you were saying Dean, trying to make affordable housing for in-laws or other family members, they're not restricting it to other family members, you could actually rent it out or something. S. James stated that's a great point and great segue too so I guess my answer to your question would be on our agenda, the Planning Board has a Zoning Review and Revision Committee, it's not an elected formal committee, it's anyone that wants to come in and we talk about these things. The accessory dwelling is one we're going to talk about tonight. Boyd has put together, as Mike mentioned, the State laws changed so we need to look at ours and make sure we're in compliance and see if we want to change it. The general way that works is this committee meets; we meet on our 2<sup>nd</sup> meeting of each month. Anything that comes up, we bring to the Planning Board and then we can put it in as a warrant article. The accessory dwelling, I hadn't thought of that, that's something to consider, we can get you more information on that. To solve this exact problem, you're talking about something a little different, you're talking about affordability, the only way to solve this is you need to say for a land locked parcel, you can allow a right of way to go through in lieu of a...you have to say something like for a single parcel you can allow a right of way instead of a road but...T. Giffen said there's a couple of different ways you could probably look at it but one thing that just jumped into my mind, say you have 7 acres and you have 250 to 300 feet of frontage, that's pretty much what we have here. It's uneconomic to try and put a 3 acre lot back there and build a road to it that meets Town standards and have 200 feet of Town road going along the edge of this 3 acre lot to give it the legal 200 feet of frontage, it's highly impractical, it's uneconomic. If you had a zoning change that permitted say, just for discussion sake, throw it out there, I'm not saying this is a final thing at all, but 1 acre lots or ½ acre, whatever you come up with, all of a sudden you can generate a heck of a lot more lots, they'd be inexpensive lots and therefore an inexpensive compact house could be built, so a starter home or a retirement home could go on one of these lots. It would change the whole picture as to what could be built economically within the Town. Whether or not that's desirable to the Town is an open discussion. I'm thinking would be more along the lines of re-zone a compact area and you designate that as a compact central district or whatever else you want to call it, and all of a sudden you have say lots of x size that are considerably smaller than the 3 acres we have now and you have lots with considerably smaller amounts of frontage and you basically have a village district. So there would be a little spur road going in, you could have conceivably three, four, five lots back there, maybe. I'm not saying this pertains to your case, just as a general idea. Create a compact village area that might support the population in a more desirable way, possibly. Right now what we have is zoning that by and large as far as residential goes, it's all uniform. It's treated the same, 3 acres, 200 feet end of discussion, have a nice day. We want every part of Town to be just the same. Well, maybe we do, maybe we don't that's something that needs to be brought up and that should be part of the Master Plan's discussion perhaps.

S. James commented it is. As the Chairman of the Master Plan Steering Committee and the Co-Chair, it's something we've talked for hours about. This is Scott. S. Komisarek said if you look at the Master Plan, if we all take the time to read the Master Plan and what it says, it pretty much spells this out. It's been identified, we have this need, we've had Ben Frost, NH Housing and Finance Authority come in and talk to us about what's going on and what we are and what we're not doing. It's something we have to address. It's a matter of doing it in a balanced way and an intelligent way. If you look at the Master Plan, it gives us targets. Gives us growth targets, which we haven't hit. Now this was written in 2004. I've been saying this for quite awhile. It's time to address the difference between the Master Plan, which is our guiding document, and what our ordinances are. There's a divergence there. T. Giffen stated that you could have a couple of districts in Town. The other one that comes to mind would be East Candia, Langford Road. It used to be its own Village, it had its own Post Office 03040, it was municipal water there.

C. Robie suggested can we finish our Planning Board meeting and then we can go into zoning revision. S. James said I was just headed there. So as far as the Informational, as far as what you asked about specifically, we'll check with the Town Attorney. A. Richter asked this all going to stay 7 acres. S. James said yes understood. If you want to get some more information on the accessory dwellings that might be an option

too. A. Richter commented I won't be an accessory, he can live by himself. S. James said ok, we'll get back to you.

#### Other Business

- Approval of Minutes, August 17, 2016
- Approval of Minutes, September 7, 2016

S. James stated so last thing on our agenda we have for tonight is two minutes to approve and we'll be all set. (*See minute's acceptance on page 1*). With that I think we are done.

S. Young said I don't know if this is public input, I just had a quick question. What do you normally do with landlocked pieces of land. I was told nothing's land locked anymore. But what does the Planning Board normally do with a land locked piece of land that might not have the proper frontage. D. Murray said you can't. M. Santa asked if you wanted to develop it. S. Young said no just if you wanted to put a driveway in. M. Santa replied well that's the question. C. Robie said you can't. S. Young said I didn't know what had happened in the past or whatever, until the zoning changes. C. Robie stated 195 feet of frontage I denied a building lot on the main road. If you have 395 feet, you can't subdivide. 200 for the one and 195 for the other. S. Young said I know what you're saying, I just wondered if this has come up in the past cuz if you look at the tax maps, there's lots of land locked pieces. S. James said I'm sure it has. Judi's shaking her head no. D. Murray commented that we get calls every week, people with land locked pieces wanting to build on them, every single week. Unfortunately with the regulations we have now, you can't. C. Robie said road on it is \$300 bucks a foot for the first 200 feet, \$60,000.

A. Hall **motioned** to adjourn at 8:05 pm. J. Lindsey **seconded**. **All 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