

**CANDIA PLANNING BOARD  
MEETING MINUTES OF  
October 16, 2019  
APPROVED**

PB Members Present: Rudy Cartier, Chair; Scott Komisarek; Brien Brock, BOS Rep.; Robert Jones, Alt.; Joyce Bedard; Mike Santa, Alt; Carleton Robie, BOS Rep. Alt.

PB Members Absent: Josh Pouliot; Mark Chalbeck, V-Chair; Judi Lindsey

Audience Present: Jason Lopez (Engineer for Hebert), Armand Hebert (applicant), Dave Murray (BI), Dennis Lewis (Road Agent), Jim Franklin (Surveyor for Brock), town residents.

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

**Case #19-006 (Final):**

**Applicant:** Armand & Susan Hebert, 2001 Cedar Street, McKenzie, TN 38201; Owner: same; Property Location: Currier Road, Candia, NH 03034; Map 402 Lots 51 & 57.

**Intent:** MAJOR subdivision. To consolidate the two existing lots (402-51 & 57) and then subdivide into 5 frontage lots for residential use.

J. Lopez starts his presentation to the Board by stating that he has the new plans with him if the PB needs to review them. He states that on September 4<sup>th</sup> the Preliminary Application was accepted and approved by the PB and the case was referred to the BOS regarding the road issues. The BOS meeting on September 9<sup>th</sup> had a discussion and advised the applicant to work with the Road Agent, develop an engineered plan and get a cost estimate on the construction of the road from Podunk to the town line. To develop some costs for that as their contributions. On September 25<sup>th</sup> the applicant presented the plans to the Deerfield PB and they made a formal acceptance of the application. There was discussion regarding roadway improvements, a 20-foot easement was agreed upon and they wanted to see the ditch line established for driveway culverts, which would be built per bond. Between the roadway construction in Candia and the ditch line construction in Deerfield, he felt the need to pause in the design process. He started to look at the Stantec items but held off until he was able to meet with the current owner (A. Hebert) this Monday to review the meetings and the progression and at this point, they are looking for more direction from the Board for road upgrade standards. R. Cartier asks J. Lopez to lay out a plan that shows where the actual construction will be. J. Lopez notes the aerial view of the applicant's property from the plans. R. Cartier asks if that yellow section on the plan that is in Candia is all fronting on the Hebert property? J. Lopez says no, there is only about 200ft or so of frontage. R. Cartier says so it's just that one larger back lot? J. Lopez confirms that and A. Hebert states that the rest of the frontage is the Candia/Deerfield line. J. Lopez says the rest of the 4 lots will be fronting on Deerfield. B. Brock asks if Deerfield looking for ditching just on their frontage? J. Lopez say yes, just the frontage for installation driveway, culverts and then the grade comes off on the side of the road. Just looking to help the longevity of that road.

A. Hebert says that road is kind of flat and there's no real swale/ditch to catch that water so if you were to put driveways in straight, the water would be dammed up and cause erosion. That's what they are trying to solve. R. Cartier asks, with the ditching in there, where would the water run to? J. Lopez states that there is an existing road culvert, approx. 15in pipe, that crosses over from a wetland into this property. R. Cartier asks if the water will then run back onto the property and J. Lopez confirms the water would capture roadway and a little bit the frontage. It would be controlling the direction of the runoff.

R. Cartier asks D. Lewis if that section of road by the property in question, is currently only passable by 1 vehicle on the Candia side? D. Lewis states that when you turn off Podunk Rd., it's essentially 1 lane until you get past the St. Martin residence, which is about 500-600ft in. It's 1 lane and then it opens up wider. It's gets a little choked up before the town line right at the crest of the hill but the real issue is the stove culvert in the lowest point after you turn on from Podunk Road. It's quite a drop there, it's at least 10 feet from the roadway to the bottom of the brook and it's 1 lane wide until you get past the St. Martin residence. The biggest detriment to widening it is that culvert. What the Town chooses to do with that I don't know because it's stone now, probably a couple hundred years old and would be rather difficult to widen what's there. It needs to be replaced with a box culvert. That's up to the BOS and the PB to decide. B. Brock asks D. Lewis what type of discussion he has had with the owner and D. Lewis said minimal. The owner called a couple

days ago but there was no reason to meet until after this meeting with the Board. Most discussion has been with the engineer; which J. Lopez confirms. B. Brock states that the Town is dealing with a couple other major issues on dirt roads and this particular section is not high on the list. To impact that without fixing that narrow piece would be questionable at best. He asks the applicant if there's any though that you might be interested in upgrading that piece right there? It's not going to be cheap. A. Hebert states that he doesn't have an idea of what that might be because he hasn't had any discussion with D. Lewis regarding that until what action is going to happen. Right now, it's just speculation.

D. Lewis is asked if he knows how wide the right of way is there and he states that it's 2 rods through there, so we have approx. 30ft to play with. The walls are pretty close, and you can see them when you're turning. At the beginning it isn't even 2 rods but I'm sure the road was laid out as a 2-rod road.

J. Lopez states that we kind of hit pause and time out until we have the conversation that I don't want to go spending a ton of money and engineering. B. Brock states that there was BOS discussion regarding shared costs for making off-site improvements, what the percentage and impact of that, but that piece is not even on our list for improvement so I can't guarantee the Town would say ok to upgrade that and say your portion is x,y,z. B. Brock refers to D. Lewis on the road list and he notes that the lower end of Currier and Tower Hill are big ticket items for our town so it puts the upper end of Currier way down on the priority list because right now the traffic demand isn't there to do it.

R. Cartier states that is the problem as a PB, that we have to look at 2 different things, because it's a development of regional impact, we can't look at putting more vehicles on the Deerfield road without having them be aware of more traffic coming that way. From our standpoint, I'd be reluctant to allow it at this point in time because of the section of the road that people would be accessing. It's only a 1 lane road and having emergency vehicles come up there is not a good situation on that end of the road. It's not that the subdivision in and of itself is what were looking at right now, it's the access to it, and whether the potential impact is safe for the people. As D. Lewis said, it's on the list but we are not sure when the Town will address it. If a warrant article was submitted by the voters to do the road, that can be done as well. This would be separate from the Road Agents list and could be deemed a safety concern for that area.

J. Lopez asks what the standard is that the Town is going to require for that roadway and R. Cartier states that it would be up to the regular town design standards, which are in the subdivision regulations. J. Lopez asks if that is 24 foot wide or 22? D. Lewis notes that the Town does not currently rebuild the roads to subdivision standards because in most cases it is not physically possible with driveways, grades over percentage, etc. As far as the width of the traveled way, we try to get it at approx. 20-22ft. Up there at that piece of road, we probably only have 12ft. When I pass over that culvert with the grader blade, it's over the width of it. You'd have to add significant width to that culvert crossing. J. Lopez asks if a 20ft width, ditch lines where right of way permits, gravel and surface? D. Lewis confirms and notes as much shoulder as you can get. In that particular situation, if you're going to put a box culvert in, you would get 20ft guard rails because once you widen that road, you're going to have faster traffic. People will be passing each other unlike now where everyone is courteous to let one at a time go by. Though to my knowledge there hasn't been any accidents, when you increase the traffic, we have to bear that in mind.

R. Cartier asks D. Lewis if he's clear in his understanding that the 1<sup>st</sup> thing the applicant needs to do is get the cost of the culvert as the real issue? D. Lewis states that the culvert as well as excavating on the left side from Podunk on that slope because it comes right down to the road. The ditch line maintained right now is only about a foot wide and it constantly fills in and makes ice problems in the winter. So, in order to get a ditch line and get 20 feet you'd have to do a fair amount of excavating and we don't know if there is ledge in there or not. We'd want to dig a test pit in there to be sure.

R. Cartier states that where the Board stands right now is to determine what it would cost to do an upgrade on that road to make it safe. It's also a problem with the winter maintenance. D. Lewis notes that the Town maintains it now but when you add more houses, people and traffic, you end up with more maintenance and you'll end up with a mud issue as well. This year there was a small mud issue which we never had before, but with the increase in the volume of traffic because the other end was not accessible, this is what can happen. B. Brock agrees that there was a lot of traffic on that road. D. Lewis notes that additional issue arise when you increase that volume.

Tom St. Martin (resident) says that D. Lewis mentioned guard rails and winter maintenance. Year after year we see a lot of water coming down from the beaver pond that's just above us and it comes across the road and it gets really icy. You're definitely going to want guard rails there. We almost lost our car there, but it is a sketchy spot with winter icing.

B. Brock asks J. Lopez if that info. was helpful at all and he says, procedurally we have the application in for the Final, currently we do not have the revised plans, the Stantec comments and revision are on hold until some of this comes to some resolution and more discussion with Armand. Moving forward I guess Armand and I are going to have another conversation about how he wants to move forward. Acceptance of this application in order to continue? R. Cartier states that the Board did accept the application. J. Lopez says the Board accepted and approved the Preliminary application at the last meeting on 9/4/19. So, you have the Final and this evening was noticed for the Final application. R. Cartier confirms his statements. J. Lopez says so acceptance for the Final application and then to seek continuance until we can get some of these items resolved. R. Cartier notes that he doesn't remember getting the final plans for review and asks if those were submitted. J. Lopez states these are the original plans from the Preliminary and no changes have been made or any Stantec review comments addressed at this time, so no revisions have been made or re-submitted at this time. J. Bedard asks, so this was noticed as a Final? J. Lopez and R. Cartier both confirm, and she goes on and notes, but nothing has changed so it really wouldn't have been. So, you're looking to continue to the next meeting or just keep it on the agenda? R. Cartier says; 1 of 2 things, if the Board feels the submittal is still basically the same as it was in the Preliminary, we can accept the application as the Final Application. Rob and I did the initial review on August 16<sup>th</sup> and then on September 4<sup>th</sup> J. Lopez submitted the response to the concerns.

S. Komisarek questions that it may be likely that the cost for these improvements may be so great that the applicant may not be willing to absorb all those costs but would be willing to do a shared cost? A. Hebert states that just from talking with someone regarding a box culvert, they advised he would be looking at \$120 - \$150k. At that point with what the lots are worth, I really have to consider whether or not to cut my losses and figure out something else to do with that property. S. Komisarek notes that an option could be to wait a couple years until when the Town is willing to assist with the road upgrade costs. Since it is the Town's responsibility to make our roads passable, and if someone has frontage on a road, they need to be able to subdivide at some point. Though there are other items on the list now, that road will get addressed eventually and that could be an option for the applicant. B. Brock asks the applicant if that would be something he would be reasonable with? A. Hebert says yes, and obviously I'd have to go back and restart the engineering. He states he understands the safety concerns but wants to be treated fairly like everybody else that has done subdivisions on that road. If you go by this standard, the other end of Currier should be fixed because there has already been a bunch of subdivisions. I'm kind of coming in at the tail end of things and from my view, it doesn't sound fair, but we can disagree on that. R. Cartier states that the difference between your end and the other end is that the width is there so there's enough room for regular as well as emergency vehicles to pass. The problem on the other end is obviously what we're talking about.

B. Brock asks the Chair, if there is a way to potentially approve the subdivision and put a moratorium on it so the applicant doesn't incur addition costs to re-apply, but he knows there's a time frame that everyone has to work with? R. Cartier responds that the Board would need to set a reasonable time frame based on the regulations and the State Law only allows for 1 year and then the applicant can come back every year and extend it like what was done with Candia Crossing. The concern with that is the 1<sup>st</sup> year would be used to just start the project, unlike Candia Crossing, how it was an approved plan. There was no moratorium on anything, and they had to have substantial start within that 1<sup>st</sup> year. The problem in this instance is that the Board would be approving the project, but at the same time, telling the applicant they can not start it. That is not something the Board can do.

B. Brock asks if the applicant can keep continuing out their final application? R. Cartier says no, the Board has 65d to approve or disapprove the application. J. Lopez says, unless we extend that 65d clock and R. Cartier replies, right, but we can only do that to 90d. It probably would not stand up to scrutiny to keep doing that over again. It would look like the PB isn't doing its job if they know ahead of time they will be extending it for a number of years; no, you don't do that. R. Cartier states that the other thing is that, though it's a little convoluted, the PB can go through everything in the application and then deny the application. You've got everything all done with the engineering so, at the point in time where that road is either put on the upgrade list by the Town, there's a warrant article to upgrade that section of road or you decide it would be worth while to invest the money in doing it, you'd come back in and, not that I can tell you the regulations won't change in 2 or 3 years, but we just went through a major revision of the regulations to get a lot of things up to date. It's a possibility that you could have this thing totally planned out and ready to go, then contingent on whatever that road situation is, come back to the PB and say here we go. You got the letter from Stantec on the items that he's talked about. I don't know how much more time or money would be involved in that but, that to me, if the items in that Stantec letter are all taken care of, then the project is good to go. J. Lopez says, yeah but

with a denial that wouldn't create any dusting for zoning changes, I think my advice would be to just stop now. I guess my recommendation now would be to, if the Board could accept the application, and we could take the time to the next meeting to try to figure out what the applicant can do, then we can come back at the next meeting and we'll have some new information to present, possible road design, can ask for withdrawal w/o prejudice and will give us more time to figure out what we are going to do. A. Hebert notes that he will be meeting with a neighbor Friday to talk about a lot line adjustment which could possibly eliminate 1 house lot and therefore make less of an impact. J. Lopez states that he would need some more time to afford his client to gather information to make an informed decision on how to proceed.

R. Cartier states that the process is, that we can accept the application and open up the public hearing, we've been through a lot of it right now so it doesn't matter that we'd have a long public hearing and then we can continue it. Once it's continued, there's a 65d time frame that things get done. It will stay on the agenda every meeting until it's either approved, withdrawn or disapproved. That should give you enough time, and if you don't have the information for the next meeting, let the Land Use Secretary know. J. Lopez says he will submit a letter and ask for a continuance. R. Cartier says yes, let her know you're not going to be representing the project at that time. We will continue it at the meeting by noting it will not be discussed but will stay on the agenda. A. Hebert says there's a lot to figure out and the goal is to have everyone walk away happy.

B. Brock made a **motion** to accept the final application as complete. S. Komisarek **seconded**. **All were in favor. Motion passed.**

R. Cartier reads the letter from the Candia Conservation Commission pertaining to their concerns regarding this Hebert case (\*see attached).

R. Cartier asks if there are any public comments and Tom St. Martin (resident) asks J. Lopez that the Deerfield PB required driveway taps be put in and culverts, is that correct? J. Lopez confirms that information and goes on to say that the Deerfield PB wanted to see that all constructed so it's not piecemeal as lots are developed so the system functions from the beginning correctly.

R. Cartier states that the case will be continued to the next hearing date of Wednesday, 11/6/19 at 7pm.

#### **Case #19-009:**

**Applicant:** Brian & Linda Brock, 272 Chester Turnpike, Candia, NH 03034; Owner: same; Property Location: same; Map 411 Lot 67.

**Intent:** MINOR Subdivision. To subdivide lot 411-67 (approx. 29.114 acres) into 2 residential lots to be approximately 13.988 acres and the remainder of 15.126 acres to never be further subdivided.

\*B. Brock recuses himself as the applicant and C. Robie (BOS Rep. Alt.) takes his place.

B. Brock is invited up to the table along with J. Franklin (Land Surveyor). C. Robie requests a set of plans and R. Cartier provides full size sets to the Board members for viewing. He notes the Board was not able to review the checklist prior to the meeting so the Board goes through it before presentation of applicant. They note that the Land Surveyor stamp/seal is not present on the plans and needs to be included on all final plans. R. Cartier asks J. Franklin if there are any issue with wetlands on the property in question and he notes to the 2<sup>nd</sup> page of the plans. R. Cartier asks if there are any culverts in front of the property and B. Brock confirms there are none in front. R. Jones notes that there are some on other places and B. Brock confirms where the proposed new driveway is. As R. Cartier continues to read through the checklist, C. Robie asks if the applicant will be asking for a waiver on 5.06i and J. Franklin confirms that will be done. R. Cartier asks if the applicant has received the required letter from the Town regarding the status of the Current Use and the applicant said it is pending at this time. R. Cartier asks if there are any questions and since there was none, he requests a motion from the Board to accept the application.

S. Komisarek made a **motion** to accept the application as complete. J. Bedard **seconded**. **All were in favor. Motion passed.**

J. Bedard asks the applicant what his reasoning is behind the subdivision and is told that he wants his son to have the land and build a house. She then asks what will not be further subdivided and is told the 15+ acre lot will not be subdivided. B. Brock notes that it would also be very difficult to try and get another crossing through the wetland constrictions. R. Cartier asks B. Brock to address the restrictions/covenants on the property. B. Brock states that 1 of the covenants on the property was that the original lots could not be

subdivided. There was a covenant 40+ years ago. Since that time, back in 1992 and 2002, began the process with all those people that were under that covenant to sign off and agree to waive that covenant. I never recorded it because I didn't end up going any further at that time. I didn't get all the signatures but most of them, including the original owner of the entire piece of land. I brought in a copy of the Tremblay amendment for the covenant that he did for his specific piece of land. He asks if the residents are here tonight and want to sign the copy I made of the same amendment but am not sure of the Board's preference on that. R. Cartier states that the Board should go by the same process as the Tremblay case in order to void the covenants. This will assist the Board to maintain consistency and the legal aspects are already vetted by doing the duplication of the particular case.

C. Robie states that the Tremblay's had the abutters sign their waiver to waive the covenants to include their piece of land, but it did not include everybody's correct? B. Brock and R. Cartier confirm this information.

C. Robie states that the waiver for Tremblay only included their piece of property and the abutters said he could only subdivide his land. The discussion at that time was they got enough signatures (majority) to allow the subdivision. B. Brock notes that not all the owners signed but it was the majority. C. Robie says if the wording was changed and got them all to sign the waiver, it might've gotten the covenants waived on all the lots at the same time. B. Brock states that is what he had in his original waiver. C. Robie states that if that's what the applicant wants to do today, he will have to get all the current owners to sign, not the original owners so many years ago. B. Brock confirms that some of the owners that had sign have changed since that time. J. Franklin asks if the potential new release/waiver would be registered in the Registry, and if so, the signatures would have to be witnessed and notarized? R. Cartier confirms this is correct. C. Robie asks the applicant if he is the last property on the road that was part of that original subdivision and B. Brock states that there are 2 additional properties after him.

B. Brock asks the Board if the new waiver with all original signatures of the new owners is what is required to move forward and R. Cartier confirms that is true.

B. Brock notes that he does understand what the original covenant was, and they wanted to keep those lots good size, and since he actually added to his lot, he is keeping with the spirit of the covenant.

R. Cartier states that the *no further subdivision* note for his lot, based on the Minor Subdivision Regulations, will need to be added to the final plans. J. Franklin confirms this will be updated.

R. Cartier states to the Board that the applicant provided him with the letter tonight that was received regarding the wetlands permit. There are items in the letter that need to be addressed. J. Franklin asks the Board if they received a copy of the wetlands plans that were submitted approx. 30d ago to the conservation commission? The Board confirms that yes, they were provided. J. Franklin states that the letter is in response to the applicant and addresses their concerns. He says that most of the letter is just verbiage and only 2 things he believes, that are outstanding. C. Robie asks if that's Farwell and J. Franklin confirms, yes, Tobin Farwell. C. Robie asks J. Franklin if he has addressed the letter yet and is told no, it was just received today. J. Franklin notes that one thing in the letter requests a return receipt from Demanche, map 411 lot 68. He gave Farwell the abutters list and is not sure why it hasn't been received yet, but Farwell will be following up with that. That would only be for the wetlands application, not the Town subdivision application. The other item was in regard to the construction standards and Farwell will be addressing that with them with a possible waiver, which has been done in the past. Most of the standards are already on the plans and Farwell is usually pretty quick with these things.

C. Robie asks J. Franklin the dimensions of the box culvert were necessary and was told 9ft wide and about 18ft long. R. Cartier states that the applicant has some work to complete, so the Board will continue the case and keep it on the agenda. C. Robie confirms with J. Franklin that the applicant will need to respond to the wetlands letter and hopefully get a permit to construct. J. Franklin states that the intention is to get it constructed before snow flies.

R. Cartier states that the 2 other things would be to make sure that the covenants are covered and the current use letter. B. Brock states that he will mirror the waiver that the Board approved for Tremblay back in 2017 so it will comply legally.

R. Cartier asks if Stantec has seen these plans and J. Franklin says no, not on a Minor.

C. Robie asks the Board if the applicant gets the wetlands permit, will they be giving him a driveway permit also? R. Cartier asks D. Lewis if he's taken a look at it? D. Lewis states that he has already looked at it and there doesn't seem to be any problem with a permit. C. Robie notes that the applicant can still build a driveway if he gets the wetlands permit even without the subdivision approval. R. Cartier confirms this as well. C. Robie states that a waiver for his septic system is needed as well and J. Franklin notes PE testing.

R. Cartier reviews what the applicant will need to continue: Surveyor stamp, written waiver request for the PE suitability, current use letter, deed covenant release and a statement regarding no future subdivision in the deeds and on the final plans.

R. Cartier states that the Board will continue the case and keep it on the agenda for the next meeting date of 11/6/19.

\*C. Robie is thanked by the Board and leaves the table. B. Brock returns to the table for the remainder of the meeting.

#### Minutes -October 2, 2019:

B. Brock made a **motion** to accept the minutes as presented. S. Komisarek **seconded**. J. Bedard **abstain**. **Motion passed**.

\*M. Santa is asked to come to the table as a voting member in place of J. Pouliot, as R. Jones is already in place of M. Chalbeck tonight.

#### Review Zoning Ordinances for potential Warrant Articles:

S. Komisarek asks if the Board has finalized the agricultural items and R. Jones notes that he thought Jenny Tyler from the Agricultural Commission was supposed to get back to them with some information? R. Cartier states they wanted to have their meeting first and he has read the meeting minutes since then and didn't see anything in there except that she was not for it, mainly because of the 3-acre requirement. He notes that he believes he captured in the draft that was sent over to the Commission, what was talked about with Matt Cobb, but can ask if there's anything different in their discussion and see if there's anything else to do. S. Komisarek says he wanted to make sure the anything under 3 acres was considered high density. It was my feeling that you could be under 3 acres and have some use. B. Brock notes that is how J. Tyler felt as well. S. Komisarek states it may be good if M. Cobb weighs in on that matter and respect their input as well. R. Jones notes that the Board is using the 3 acres as a guide because that's what it is currently for the property lot sizes. S. Komisarek states that if someone has an existing lot that is under 3 acres, and wanted 1 horse, are we saying No, you can't have a horse. Someone can argue that's plenty of acreage or it depends on the size of the horse, etc. It's just important to have the appropriate dialogue with them. R. Cartier reads out the proposed zoning amendment to the Board and it states, that under 3 acres would be allowed by special exception from the ZBA where appropriate, so there would be some leeway for residents. R. Jones states that's where we also had the option for them to make sure the property owner is following the BMP manual. R. Cartier says the Board will need to check with town counsel to see if that should remain in the definition section or in the main body of the regulations. It's not totally forbidden, it's just to make sure it's looked at and that the neighbors are ok with it as well. D. Murray (BI) notes that hopefully that's where the Agricultural Commission will come in and have a commonsense approach to it and follow the BMP's. R. Cartier asks the BI if that will assist him and give him better guidance? D. Murray states that right now he is referring the people to the Agricultural Commission and that works for me and them at this point.

R. Cartier asks if it would be necessary to come up with some type of definition for "accessory" as opposed to "primary"? Primary will be that they are running it, this is a business and there's no question. Accessory is that you have a house, and a couple horses or a huge hay field. D. Murray states it their private stock and they're just farming, but when you start boarding horses and breeding, that become a business. That's tough but you can't do that in a residential district. R. Cartier says the Board can start with this and fine tune it as time goes on but it's better than what is in place now. D. Murray agrees, and hopes the agricultural commission will have more input on it but they seem happy with it.

R. Cartier states that the amendment for the Home Service Contractor is way down from what it was before. The question for the BI is, how are you going to set up the certificate of compliance? Do you need something in the zoning ordinances that defines what the compliance criteria is going to be? D. Murray (BI) states that it tells you in the draft. R. Cartier notes that one of the big concerns that was made was that someone will start bringing a couple tractor trailers in and coming in and out day and night. D. Murray notes that there isn't really a size limit. R. Cartier says, like D. Lewis brought up before about what do you do with the person that brings home a work dump truck? D. Lewis says he's fine with how it reads in the draft now. Right now, the person that owns the truck can't bring it home but the person that works there can. That's an issue.

R. Cartier notes that the Home Service Contractor, 5.03D is narrowed down but asks D. Murray if he feels the requirement give him enough control? D. Murray states that he isn't looking for control but relief for the people that are out there. B. Brock states that he thought the outdoor storage was changed and that B. Chivers

had made a note about changing it so it said not visible from the front yard. After discussion, the Board agrees to this change. B. Brock states that these are things that the BI is looking for to assist with issues that arise. R. Jones notes that for the BI to have the ability to say someone isn't following the requirements and the room to suggest other options or strictly enforce the ordinance where necessary instead of violating every individual because there's nothing in place. The Board decides to separate # 5 on the draft and make them #5 & #6 so it doesn't become excessively restrictive.

R. Jones notes that as was brought up before, there are probably going to be people out there that do something that no one ever notices because they don't make it a problem, but then others make it an issue and you hear about it from a neighbor years after. From what I read in the past minutes, this all started over the big trucks. B. Chivers mentioned about 50 people that could be operating currently under this scope. R. Cartier notes that M. Chalbeck brought up "grandfathering" the people that are already out there and not having them come in. He states to D. Murray that he can see both sides to that. One is if they're doing it and you're not getting any complaints over it then why bother, but since they are in violation right now, if this doesn't pass, you have 40+ violations already. B. Brock noted that this comes from the Court, they said the Town was not operating correctly. He asks what the BI's approach will be on the existing ones if this ordinance passes? He further notes that this was a concern that was brought up previously, whether to enforce everyone to come in regardless or just new individuals moving forward. R. Cartier states that we cannot pick and choose how we enforce this. By saying we all know there are violators out there and don't know if they are in compliance with this, we are still not properly enforcing the ordinance. J. Bedard asks why those people can't be grandfathered? D. Murray states because they are already in violation now and R. Cartier notes that in order to be grandfathered, you still need them to come in. D. Lewis states that you have to be careful when you're grandfathering because you don't want people to expand on what they already do and just say "well I'm grandfathered so I can". You have to use very specific language as to what they are grandfathered for. B. Brock states that he's not as concerned with grandfathering as how active are we going to be to seek these people out to get them to comply. R. Cartier states that the bottom line is to put the ordinance in place, we don't grandfather anyone because we really can't. If this passes, we get this out to residents, possibly put it on the website.

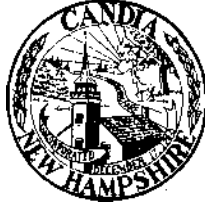
R. Cartier states that for 5.03C for Home Shop, to delete the requirement for Special Exception. It would also allow Home Shop w/o going to the ZBA for each approval. We will be adding 5.03D into this section and will allow for contractors. R. Jones asks how we got 1 person besides the owner and R. Cartier states that the other ordinances use 1 other person, so it keeps it consistent. D. Murray notes that we are trying to keep these operations small scale. B. Brock states if they want to get larger, they would have to find another space for the shop as other people already do. S. Komisarek notes that it will be different for each individual based on where they are in town as well. Some have more acreage than others with neighbors very close. The BI will be able to use that discretion to determine what the situation calls for. So many of these uses have been going on and they haven't been adversely impacting anyone, but it's when somebody starts having problems from this use of others that the complaints come in. R. Cartier states that isn't the problem. It is the Town being accused of selective enforcement of the regulations/ordinances. If we keep it narrow and simple that's a start. D. Murray notes that these business in most cases are not usually done in the residence. They get in their truck, go to work and come back at the end of the day. D. Lewis states if we start with this and work on it down the road if necessary. R. Cartier states that it's a fine balance between letting someone do what they want to do with their property but doing it so it doesn't infringe on the rights of someone else at the same time. R. Jones states that if #4 gives the BI enough leeway to determine if it's a true nuisance, then I guess we're not in a bad spot from a starting perspective.

Dick Snow (resident) asks if he can have a copy of the changes the Board has and is told once the changes are made by the Land Use Office, we can get him a copy.

**MOTION:**

J. Bedard **motioned** to adjourn at approximately 8:47pm. R. Jones **seconded**. **All were in favor. Motion passed.**

(\*attached letter from Conservation Commission re: Hebert)



**Town of Candia**  
**Conservation Commission**  
74 High Street  
Candia, New Hampshire 03034

Date: Wednesday, September 11, 2019  
To: Candia Planning Board  
From: Candia Conservation Commission

Re: Concerns about Case # 19-006

Dear Planning Board,

The Candia Conservation Commission met on August 20, 2019 and reviewed the subdivision plans for Currier Road, Case #19-006. Here are some of our greatest concerns regarding this property:

- There are steep slopes that, if developed, will lead to increased erosion with potentially disastrous results. Recall to mind the lots cleared on New Boston Road and the resulting damage done to the peoples' homes and properties below, not to mention the road and surrounding wildlife habitat;
- The impact on water resources on and near the property such as the vernal pools and marshes. Runoff & drainage from development could negatively impact the North Branch River (the headwaters of the Lamprey River);
- The Podunk Road wetland complex will be negatively affected;
- The location of ledge on the property presents another problem because if the land around it is disturbed, it contributes to erosion and its negative impacts on the surrounding lands and waters.

Please consider this input as you deliberate on this application.

Respectfully submitted,

Susan Wilderman  
Chair of the Candia Conservation Commission



\*Rudy Cartier, Chair called the ZRRC meeting to order at 8:50pm immediately followed by the Pledge of Allegiance.

R. Cartier confirms with the Board that the next Public Hearing will be on 11/6/19. R. Jones asks if the Land Use Secretary has confirmed the use of Moore School yet and D. Murray states that she has not heard back yet with confirmation. R. Jones will contact her tomorrow and see if it has been confirmed so he can release his hold on the CYAA room.

S. Komisarek asks if we are supposed to get feedback tonight from Nate Miller (SNHPC) regarding the financial piece before the next meeting? R. Cartier states that N. Miller was supposed to present the information to the Board and residents that are present, to go through it and get an understanding of it before the Public Hearing on 11/20/19. S. Komisarek states that if he comes back with the financial impact analysis and it shows that taxes will go up, it's a moot point. The idea of supporting something or presenting it to a community when the overall outlook is not profitable for the Town is not practical and would never be further supported by the residents. We need to review the financial impact analysis and have that information before the public hearing. R. Jones states there is still 3 weeks until the meeting on the 6<sup>th</sup> and asks the Board if we can request info. From N. Miller earlier and review the updates prior to the 11/6/19 hearing date. The Board agrees to have an additional meeting w/N. Miller before the 6<sup>th</sup> (date TBD).

**MOTION:**

R. Jones **motioned** to adjourn at approximately 9:07pm. S. Komisarek **seconded**. **All were in favor. Motion passed.**

Respectfully submitted,  
Lisa Galica  
Land Use Secretary  
cc: file