

**CANDIA PLANNING BOARD  
MEETING MINUTES OF August 7th, 2024  
APPROVED MINUTES**

PB Members Present: Tim D’Arcy, Chair; Mark Chalbeck, V-Chair (via Zoom); Brien Brock, BOS Representative; Scott Komisarek; Judi Lindsey; Kevin Coughlin

PB Members Absent:

Rudy Cartier (excused)  
Mike Guay, Alt. (excused)  
L. Carroll, Alt. (excused)  
M. Santa, Alt.

\* Tim D’Arcy, Chair; called the PB meeting to order at approximately 6:30PM, followed immediately by the Pledge of Allegiance

New Business:

- **Case #24-005 (Minor Subdivision):**

**Applicant:** 34 Lane Road, LLC, 63 Lane Road, Candia, NH 03034; **Owner(s):** 34 Lane Road, LLC, 63 Lane Road, Candia, NH 03034; **Property Location:** Lane Road, Candia, NH 03034; Map 414 Lot 146 **Intent:** *To create one residential lot.*

T. D’Arcy: The applicant is going to give a presentation, and we are going to determine whether the application is complete or not.

Jason Franklin: Franklin Vera Associates. Cutting off a small three-acre lot from Lot 147. We have done test pits on the property. Applied for State Subdivision Approval which we received this afternoon. We had the wetlands delineated and flagged by Jack Hayes and surveyed. We have enough buildable acreage according with soil types and lot loading with the state. We meet all setbacks. It seems like it’s a fairly straight and simple; straightforward process/project. No wetland crossings are going to be needed.

T. D’Arcy: Just so the Board knows that long stretch of the lot that sticks out the side there is abutters in Raymond.

J. Franklin: Correct. The town line does run into this tail area, the lot we are subdividing does not abut up against the town line but a portion of the lot is in Raymond. That acreage is not changing

T. D’Arcy: But that’s staying contiguous with the old lot?

J. Franklin: Correct. There are five abutters in Raymond. After subdivision, the remainder will have almost nine acres, just over nine acres total.

T. D’Arcy: And the subdivision part is how many acres?

J. Franklin: 3.19.

T. D'Arcy: Amy and I did look at this. We didn't do a formal review with the applicant, but we did review and determined that nothing looked deficient. But just because we didn't do a formal review, we will go through the checklist real quick now just to make sure everything is there. That way there, we have dotted the i's and crossed the t's.

Checklist Review:

J. Franklin: There was no engineer involved. We do have a wetland stamp and the surveyor on here.

T. D'Arcy: Right now, there is no plan for development of this, it's just a subdivision.

J. Franklin: Correct, there's no plans for building roadways or anything. It's just a residential lot with driveway access off a main road. We don't have a locus on here.

T. D'Arcy: Just so the Board knows and to read it into the record, even if this was complete, we were going to have to continue the meeting because an abutter needed special consideration, and we were not able to provide that tonight. So even if this was complete, we were going to have to open the public hearing and continue it to the next meeting. So, at this point we are going to continue this case tonight for the meeting on August 21<sup>st</sup>. And if you can just get those two open issues taken care of and we can get our accommodation taken care of, we should be able to get a resolution on this on the 21<sup>st</sup>.

- **Case #24-006 (Minor Subdivision):**

**Applicant:** Summit View of Hooksett, P.O. Box 299, Candia, NH 03034; Owner(s): Summit View of Hooksett, P.O. Box 299, Candia, NH 03034; Property Location: 113 Crowley Road, Candia, NH 03034; Map 414 Lot 2 **Intent:** *To subdivide the subject parcel (Candia Tax Map 414 Lot 2 & Chester Tax Map 11 Lot 28) as one lot, into three single-family, residential lots, each having area on both sides of the Candia/Chester Town line.*

K. Martel: I am here on behalf of Summit View of Hooksett as the applicant. I have with me my friend Brandon Wing from Promised Land Survey. I also own the abutting property which is a house currently under construction. That house is situated in Candia, it does front onto Crowley Road. I am a resident of Candia. We had come across this single lot and while this lot was under construction, my oldest daughter, who is 14, set her sights on the abutting house which is a really cute little white cottage looking house, very quaint, fits into Candia very well. And set her sights on the potential of buying it to remodel it, rent it out, and save until she got back from college. She is a little bit of an ambitious young lady. She set out on about a yearlong mission of chasing the owner down, noticing that the house was vacant after it went through an estate. And finally got herself in touch with the owner and when we got into the house, the house was unfortunately just beyond repair. The back

half of the house actually sits on the ground itself and was completely infested. It was just beyond any structural ability to repair it. So we pivoted a little bit and it was not our intention to develop new house lots but we had a significant investment in the house that we were constructing next door and wanted to make sure that something fit in in character to it and that the area was developed as larger single family estate type lots versus an access to cluster subdivisions in the Chester area. So, we proceeded to purchase the house, and we are here before you tonight with a proposal for a three-lot subdivision. Two new lots plus the existing house. wanted to make sure that it was developed, maintaining the character& that is why we are here before you tonight. The existing house, under this proposal, will be razed. The police have been in there and done some training. Fire is slated ultimately to burn it, hopefully towards the end of the month or early September. They have also been in there and done some limited training so there has been some activity going along the road, on an otherwise quiet road. The caveat that I had with my daughter with us working in Candia again is one of the houses constructed, actually the one on that same lot, we have hired an architect to replicated similarities to the lines of the structure that is there now. So, when that house ultimately is constructed, hopefully you guys will all recognize that it's kind of a nod to the existing structure that she originally pursued. The property is fragmented into two towns, the frontage of the property is in Candia. The majority of the acreage of the property is in Chester with the town line kind of going right through the house that's currently situated there. The property is just shy of 11 acres. 9.5 of that is in Chester. The remainder is in Candia, while all of the frontage is actually in Candia itself. We were blessed with the quality of the land itself there. Of the proposed lots, two of them are 100% uplands. The third has some very minor pockets of wetlands towards the back. We have completed test pits and found excellent soils. Water tables in excess of sixty inches on the majority of them. Brandon has done hours of work to confirm that there will be safe site distances. We understand that the geometry has some challenges coming through there. With the exception of a very minor grading along the edge of the roadway at the top, they all meet the regulations. We have received conditional approval from the Town of Chester. The conditions that were placed on that approval are predominantly dependent on insuring mutual aid between the towns for fire, police response, ambulance response. Just making sure that everyone knows what's going on.

T. D'Arcy: We had a formal prereview. Rudy, myself, and Amy all reviewed it. So we aren't going to go through all of the things, we are just going to go through the pieces that we found were missing.

#### Review of the Checklist

Brandon Wing – Promised Land Survey: 5:06E, the question you had was referencing it to a USGS or Benchmark and we discussed how inaccurate those are. The technology now is just much tighter. We have survey grade GNSS that's sub centimeter so the datum it's on probably almost every sheet says data reference, it says DATUM on yours. That is the coordinate system that it is on, which is essentially referencing the same network that a USGS Disc would reference.

**Motion** to accept the application as complete: K. Coughlin. **Second:** S. Komisarek. All were in favor. **Motion passed.**

Tim D'Arcy opened the public hearing 6:54 Case #24-006

John Vailas - 130 Crowley – It is nice to see some new houses up there, I have no problems with that. Do we get the tax base?

T. D'Arcy: We will get the tax base for the part that is in Candia.

K. Martel: Of the three lots, there's one of the lots that has a sufficient buildable envelope for the structure of the house to be in Candia. The other two, the building setbacks with bumping it off of the road kind of preclude that. One of the conditions of approval in Chester is Chester also gets impact fees for road and traffic when we build the house in Chester. The structures that are in Chester I believe would be assessed based off of the value that's in Chester. All of the lots were assessed an impact fee which is inclusive of a road impact fee that also goes to Chester.

T. D'Arcy: So, they're charging an impact fee just for the subdivision not for the house building.

K. Martel: For the impact of the traffic of the newly created lot.

K. Coughlin: Even though the traffic is in Candia?

K. Martel: Yeah, how awkward huh?

Saul Levesque - 29 Crowley Road: That is one of my concerns, is the road is getting completely hammered in that area especially cuz that site, I don't know if any of you have gone down there, they basically stripped the site and it's kind of like a working excavation site. There is all sorts of traffic going back and forth to the other site as well and then their house is on Lane Road that they built. The road is getting trashed in that area especially the wetland crossing there. If these houses are all going to be in Chester, we are getting nothing out of it but all the taxpayers are going to have to pay for that. I also really don't want to be that guy but here I am. There is a heaping dumpster that was out there for weeks and then winds blowing, there's trash everywhere. Is not a commercial area, it is a residential area. I don't know why Chester would get those impact fees, that is pretty bogus. Chester is not Candia. We will just leave it at that.

J. Vailas - 130 Crowley Road: Out of curiosity, what is the acreage minimum and frontage requirement?

B. Brock: 200' and three-acres per lot.

K. Coughlin: Will there not be a percentage of fees that would come to us based on the square feet or not?

B. Brock: That would probably be a negotiation between Chester and Candia.

K. Coughlin: So, the building permit would be pulled in Chester even though the frontage is here?

B. Brock: Yes.

S. Levesque - 29 Crowley: Most of the houses on that side of the road, at least leading up to that where you're building, are split. My house, I have like a tenth of an acre in Chester which of course I get a tax bill for. My neighbor, I think his is more evenly split but for what it's worth, most of the houses...

J. Vailas – 130 Crowley Road: Going forward, it is a unique road and it's awkward and it's narrow in some places and it's kind of dangerous. Where I am, coming out of the driveway, some people might be going a little fast. Going forward, outside of this conversation, there should be only so many developments on that road to sustain that size road. So, I would preferably rather see anything built be reserved for Candia. At least absorb the tax base. Going forward, keep that in mind. Otherwise, I mean I've got over 18 acres; I could throw a road in there and really put some burden on that road. That's just my opinion. Safety and road maintenance. That road is chewed up. We've got a lot of trucks going up and down. Big, loaded trucks and that tar is getting chewed up.

Stacey Tremblay - 160 Crowley Road: I have some concern about all the trees that have been cut back. It's a scenic road and I understand the electric company came in and said you gotta cut back 15 feet. Should these trees be replanted so that it continues to look like a scenic road?

T. D'Arcy: I think the trees you are talking about are not the ones on the house he is currently building.

Stacey Tremblay – 160 Crowley Road: But all the other trees that are dead along the road, nothing is done with those.

T. D'Arcy: Correct me if I'm wrong but we had both the Co-Op and Eversource in here with a tree cutting plan to remove the dead trees and we did approve that?

That is correct.

S. Tremblay: We are all abutters to the scenic road.

S. Levesque – 29 Crowley: I can add some insight. I was here for one of the meetings before and there were a couple of trees I would have let them take down but I didn't want them to just come in and cut because they are way too aggressive, especially on a scenic road. The scenic road, any tree removal requires a public hearing and even any tree period, if it's over like six inches, they are not supposed to cut it without your permission but one of the problems with that road is that it is split. Eversource is on my side and then they basically just overcut everything and then the other side of the road is the Co-Op, and they don't do anything. Because I was really pissed what they did the last time around and I came to the public hearing. The problem with that is that they had, you put the sheet online, which was awesome. I like the transparency with our website. It was me, my neighbor,

and a couple of other people. They never even came to talk to us. So, that was one of the big problems, so they play those type of games. But I guess my point is yeah that road is split, it's different.

T. D'Arcy: I do remember Eversource, and their hearing was saying that all the trees they were going to cut down were all dead ash from the ash borer. So, we approved that really without a lot of question because they assured us they were going to be all dead trees.

B. Brock: Well, they did define some other breeds too.

S. Levesque – 29 Crowley: It was just interesting because on the list they had contacted all these people, and they had approval. There was me and a couple of other people, there was nothing there. It wasn't even marked because they didn't talk to us. We didn't get anything in the mail, there was nothing. So, for whatever reason, I don't know why that was.

K. Coughlin: Did you reach out to them?

S. Levesque – 29 Crowley Road: I did, and I never heard back.

T. D'Arcy: They seemed nice and cooperative at that meeting.

K. Coughlin: They did.

S. Levesque – 29 Crowley Road: That's how it always is. Then I gotta be the bad guy..

K. Martel: The explanation that I got, for any consolation that it is is that a tree reaches up for sunlight and so when you remove the trees that are reaching out into the road for sunlight, the trees that are behind it start reaching over. So, 15 feet is their rule of thumb or guidance because in a very short period of time, the limbs that do not currently exist reaching towards their wires will be existing now that sunlight is there. I apologize, we were as shocked as you were with the trees, that was just not the vision that we shared either but hard to combat after last winter.

J. Vailas – 130 Crowley Road. It is a scenic road, could it not be monitored somewhat by the Road Agent?

K. Martel: The scenic road portion is for within the right-of-way not on the private property.

B. Brock: It is.

K. Martel: So, prior to being able to establish service at the new house, one of their criteria you are required to give an easement 15 feet off of the power lines. And within the context of that easement, they have the rights to maintain it.

J. Vailas – 130 Crowley Road: What about the trees on the other side of the wall on public property?

K. Martel: Right, those are the ones that they came to the meeting for. Those were the ones that were individually ribboned and listed off for a hearing for permission to cut on a scenic road.

B. Brock: You also have to understand that there are RSAs that require them. They're required to maintain their right-of-way.

S. Komisarek: Keith, would you plan on doing any plantings?

K. Martel: There is a lot of conversation about the buildability of the property in Candia. These houses are not set on top of the road. My hope is that those limbs fill in and it is our intention to maintain buffers between the houses and the street. Not of plantings but of currently existing vegetation. The one exception to that would be if we in fact built that house in Candia, that forces out into the front of it.

S. Tremblay - 160 Crowley: The road is just falling apart. The trucks are going up and down. They start at 6:30 in the morning on Sunday. The white truck and the black truck are going up and down and up and down. Going between your lot and Lane Road and it's just constant and the road is falling apart because of it.

K. Martel: I can clarify, I think that the road was falling apart long before that but certainly I appreciate that it doesn't help. Chester's rules are a little bit different than Candia's with the previous building inspector that they had and our driveway regulations allow a 10% grade. Theirs do as well, with the exception once you pass a 7.5% grade in Chester the recently past building inspector required a plethora of extra engineering certifications, as-builts, yadayadayada on the driveway itself so in retrospect, it was not the right choice for my neighbors but we chose to maintain our driveway pitch going under that 7.5% lowered the platform of that house a little bit more than we should have. We hear you and we acknowledge that as we design the ones going forward. Lowering that platform forced an export of material.

S. Tremblay – 160 Crowley Road: But now you are going to be adding two or three more lots and homes and it's going to be even more traffic coming up and down that road.

K. Martel: But the majority of traffic you're seeing is from that material to make the driveway grade work.

S. Tremblay – 160 Crowley Road: But is that going to happen with the other houses also?

K. Martel: No, it doesn't look like it's as significant on those lots. The other thing that was a little bit unique, had anybody else bought this lot, this lot is 12-acres. You combine it with another 9 acres over there and Chester has a really great cluster subdivision regulation. If you are developer that likes small house lots. There is just more earth work in creating the setting that we had envisioned for that house sitting up on the hill and I apologize for the burden that it's caused for the neighborhood. We're certain that Brandon is going to design each of these house lots with me and we can keep an eye to making sure that we

mitigate that balance a little bit better than we did on that one. We hear you and I agree with you.

S. Tremblay – 160 Crowley Road: So, are there plans to improve the road?

K. Martel: That's a Board conversation not a me conversation.

J. Vailas – 130 Crowley: There aren't any driveways that are going all the way back into Chester right? Just to the house itself?

K. Martel: There are no rights-of-way, is that your question. I am also a Candia resident.

T. D'Arcy: Closed the public hearing at 7:19PM.

B. Brock: I know that road very well and I understand your concerns about how it was in bad shape and now it's even worse. Is there any plans that you have, I realize it's in Candia, so you are already paying the impact fees to Chester. Is there anything in your plan to maybe help to repair that section?

K. Martel: To answer your question, I have met with Jeff previously. From the perspective of how all those planning laws and silly stuff work, we are adding two house lots to the road. So, our proportional share of that, though it feels like is all us, is a smaller amount. I am not against any considerations. The downside to that is as we start looking at some of those improvements going into there, everything that I've heard the abutters be rightfully defensive of in terms of the smaller town road getting opened up more and we didn't want to propose a potential swale or a little bit wider of a road area. And either open Pandora's Box or destroy the country look of the road.

T. D'Arcy: I completely understand the concern of the road. The road is really tight and beyond the condition it's in, it's a small, tight country road. Candia has decided we want to keep it as a tight, small country road. So, we have a balancing act here of the road and allowing, if we look at it in net terms, this is two more houses, which is not a huge bump in traffic. I think what I am hearing is the main concern is the construction traffic and the wear and tear on the road.

K. Martel: What I am hearing tonight is I need to do a better job managing that.

J. Wuebbolt: I did meet with Keith. I have also talked to Bryan and he has looked at the plans and we kind of went over some things. We are looking at trying to do some sort of improvement to that stretch of road where the houses are going to be. Myself and Bryan and Keith have kind of talked about things that we can do considering that it's two extra lots. That is actually something that we can kind of defend as reasonable. As far as the state of the road, it is pretty rough. It's been rough since I started helping out in town in 2018. The biggest problem with that road is you could never just go in and just repave it. Because it would look exactly the same as it does in, honestly, three or four years. Because that stretch of road in the swamp is just wet. It needs to be rebuilt. That is one of the reasons that I wanted to get it on the CIP. The other thing that I was going to bring up because one of the issues I had with the other development that was coming in. I think we



should talk to Chester for things like that. So, it's a little bit different on Currier Road where the middle part of Currier Road where that split is, Deerfield maintains. So, obviously, the people who live there, they live in Deerfield, they use part of Deerfield and then they use part of our road to get out. So, it's almost like a wash there as far as it is. But the fact that this is in Chester and it's all on our road, I do think, I don't even know how that would work but I think it would be something interesting to bring up with the Town of Chester because there is a chance it could be more of a problem down the road. I think it is something that probably should get figured out because it is something that could really hurt our town. We would just have a pretty large burden to maintain a road for houses that we are not necessarily making money off of.

T. D'Arcy: I completely agree with that statement.

J. Wuebbolt: That's probably my biggest concern.

T. D'Arcy: The only thing I'll add to that Jeff is that this is a totally different scale.

J. Wuebbolt: I completely agree with that. I'm just saying I think it wouldn't be a bad idea, and I don't even know how to go about it but it would be nice to broch it with that town.

B. Brock: I think this piece right here definitely qualifies for offsite improvements.

K. Coughlin: We worked really hard on the CIP and Crowley Road is not on it. Would it make sense to reconsider our list and see if we would prioritize it over another road.

B. Brock: I don't think so. We spend a lot of time on that and laying that out and there were reasons why we put the list the way that we did.

B. Wing: If anyone has driven down North Pond Road in Chester, they approved that road a few years ago. I am a Certified Wetland Scientist. I love conservation. I fight for conservation but even if you improve this road, first of all, it's a variable with right-of-way. It's hemmed in on stone walls. There's legal issues. The work itself also will not be environmentally friendly. You can do it according to the DES standards but there is going to be pretty significant impacts to the environment and maybe even the wetlands maybe across the road.

T. D'Arcy: We don't ever, for a whole bunch of reasons, including the neighbors. We don't want to ruin the nature of that road by widening it and making it painted lines and whatever else. We want that road to remain, that's why it's a scenic road.

B. Wing: To fix it correctly, it's hard to do.

T. D'Arcy: I think the thing we need to focus on here, these people are obviously used to the road not being in great shape. We need to work on some sort of a plan where we can get some sort of enhancements to the road to cover the construction traffic / damage that will be caused.

K. Martel: I still can't fathom that I'm spending \$1,200 a lot towards Chester's roads when I build it on Crowley.

B. Brock: How far are you from Lane Road? Are you closer than Chester Road?

Collective: Yes

J. Lindsey: I like Jeff's idea about maybe looking at it proportionately. How much Chester would pay, how much Candia would pay to keep that road upgraded a little bit because definitely the houses are in Chester, and we are picking up the cost right now. We could explore a new situation here.

T. D'Arcy: I also like the idea of getting some of his money back from Chester.

K. Martel: To be honest with you, that's probably a fight that is longer and less fruitful than I'd like to see you endure and I would volunteer. Sitting here in the audience, there's two things that come to mind. I don't want to be the guy that opens up that road any further. So, I would see some sort of monetary contribution that Jeff can hold onto for when he does do improvements in there being something that's warranted for the addition of two new lots. Jeff and I also talked about the potential of some opening up of your right-of-way and swale work going onto it and at the beginning of our conversation with that, I was gun-shy of that recommendation or brainstorming because it was such a tree barrier right by that stone wall and it's not now and I am sorry for that but there is a pinch point for Jeff right here where your right-of-way opens up that is going to be tight on him when he does anything in the future to be honest with you. Some stone wall reconstruction pulling that back to a newly formed property line that would give him the ability to deal with some of that. As a developer proposing this to you, I thought that might be a logical ask as well.

T. D'Arcy: Again, I just want to be careful with that in that we want to make sure, we want to maintain the character of the road.

K. Martel: I know. Where do I go? I see a logical ask but you open up Pandora's Box when you go down the route that you guys are talking. I mean, even if I doubled the impact fee from Chester of \$1,200 a lot and you said \$2,500 a lot. I'm great with doing something monetarily that we don't have to go down there especially at the snapshot of time that we are in.

J. Wuebbolt: Having a fund is something that myself and Bryan have talked about. I didn't bring it up because we haven't come up with a value that we would be happy with so I wouldn't be prepared to propose anything to you. But that is something that we were looking at only because then even when you did do a reconstruction it would be rolled into that or it could be used for specific site improvements, and it would all be completed by us. The same crew that does all of the other roadwork in town. We had talked about that narrow point in the right-of-way.

B. Brock: Even though you are paying impact fees to Chester are you amenable to offsite improvements?

T. D'Arcy: We are not going to come to an agreement or a number here tonight.

J. Wuebbolt: We have traffic data for Crowley, so that's a good start.

S. Komisarek: Back to Judi's point about negotiating with the Town of Chester. Would that typically go through the Selectboard.

Collective: Yes.

Case continued to the next meeting on August 21<sup>st</sup>.

### **Old Business:**

- InvestNH HOP Updates – Steering Committee – Cam Prolman

T. D'Arcy: Amy and I are going to more actively manage the second phase.

- Nate Miller – Impact Fees

Nate Miller – SNHPC: On the topic of road impact fees, I have a draft for you all. The community that issues the building permit receives the impact fees. That certainly doesn't preclude you from having a conversation with Chester. The impact fees accrue in the community where the building permit is issued. That road and the issues on that road. I went through the methodology, and I am not going to reinvent that wheel. One of the items that we were working on. Actually, Jeff with the town engineer. The town engineer's estimate ended up at 1.15 million dollars per lane mile. That is probably the single biggest factor in the math that results in the impact fee calculation. This table lays out four different types of residential development. You could follow the math step by step. \$1,421 per single family home. It goes down for multifamily. The non-residential uses are calculated by square foot.

A road impact fee for accessory dwelling units. Basically, we consider an ADU to be an extension...we calculate a per square foot fee.

I was planning to come back in two weeks. I have actually done a report, and I want to talk to you. We looked at some growth projections. The biggest consideration for the public safety impact fee is the police station. 2.5 million.

B. Brock: If you could just pull some numbers from other towns for the school impact fees.

### **Other Business:**

Steve Wilusz – 409 Raymond Road – Under One Roof Construction. The lot that was approved for Rusty Wrecks on Deer Run. It's for sale now currently. The way it's drawn just doesn't really work. This is in infant stages. What would it look like to go from industrial / commercial down to residential with the possibility of town homes?

S. Komisarek: I think it doesn't make sense. What makes sense from a planning standpoint, you just want consistency. Consistency of use.

T. D'Arcy: It would be a ZBA issue. I agree with you Scott, I am not sure that is a place for residential from a town planning viewpoint.

B. Brock: Even for marketing it. I think, personally, you would be hard-pressed to get someone to live there.

S. Wilusz – We do all in one construction solutions. Affordable housing. That's what we are after. I work in the field; I own the company. The concern for a guy like me, my oldest daughter is 16 now. What does it look like for my kids to buy a house? I know what I just paid for 1100 square foot right here on 409. A lot of money. So, what's next?

T. D'Arcy: You would have to go to the ZBA. If they approved it, then you would come here.

S. Wilusz: What does that look like? How would I do that?

B. Brock: You would see Amy in the office, and she will hook you up.

D. Connor: There is no ledge on that property.

S. Komisarek: As far as I am concerned, as far as highest and best use would be a storage facility.

- Regulations

Some discussion about changing the current ordinances for accessory dwelling units to be placed on the ballot in the Spring. Possibly allowing larger square footage, two ADUs, and allowing detached. It's in the special exceptions category currently. Some discussion about we are going to move it to conditional use. Some review and discussion about changes to the current regulations regarding accessory dwelling units.

- Town Planning
- Any other matter to come before the Board.

S. Komisarek: Recused himself from the Board to discuss 23 Main Street: The initial plans that I had for 23 Main Street, we had a clubhouse plan and it was submitted with the application, that was submitted to the planning board and through the iterative process, working with design, well we are well within all of the setbacks, we said, why don't we go with a third stall in the garage, we can put the Kubota in there and then we stretched the breezeway area. I don't remember exactly how many feet to be honest with you. So, when working with the engineer when we prepared the final plan, for the planning board to sign, it showed the expanded footprint of the extra bay for the garage and the breezeway being stretched. But when I sent the new plans over to Bob, he said these are different than what we initially had and there was discussion around it. Is this a material change, a non-material change, is this an administrative thing? And I think initially Bob I don't think realized what go approved was the bigger footprint. So, I think initially he thought well, some discussion with Bryan Ruoff and he thought oh, we have to notice and you gotta come back in, the planning boards gotta look at it. I kind of made the argument right from the get-go that this

is kind of immaterial. I mean, it's fundamentally the same exact project except we've just signed off on the plan. Bobs on vacation this week and Amy said to let her know but I wanted to talk to you guys tonight. To me, I feel that it is immaterial and it's in the plan that is of record shows the size that we want to make that, I am just really updating the plan. I want to understand what the Board's pleasure is. And if you require me to notice everybody but again I think there is some distinction between material and immaterial.

B. Brock: The planning board already signed that plan?

S. Komisarek: Yeah.

B. Brock: Then that's the plan.

S. Komisarek: And that's what my engineer said.

K. Coughlin: I wasn't on the Board when everything was approved and then there was an email that came out that said, there are mylars that have to be signed. I said I wasn't even involved in this; do I sign this and they said yes you can still sign it. So, I did sign mylars recently. So, what I signed, does that reflect the expanded one?

S. Komisarek: It does.

K. Coughlin: So, then what's the problem?

T. D'Arcy: That's the plan of record.

S. Komisarek: And I think I could avoid the confusion if I would have submitted the updated plan to the Board with the new revised plan that ultimately got signed. As you are going through the process, it's an iterative process, you keep revising, there's revision revision and then you finally get to that final. We captured it on the final and I guess it's really on me because I didn't say to the planning board, oh and by the way, here's the plan that now goes with this.

T. D'Arcy: It's the plan that is signed. Any changes to that, even like in terms of the swale change, if it's not considered by the Town Engineer and the Board to be significant change, then it doesn't need to be noticed. It still has to come back here but it doesn't need to be noticed.

S. Komisarek: Well, what happened was Bob was going on vacation and he came by the site and basically said, hey you're shut down, you can't do anything. I wasn't there at the moment; it was Thursday afternoon. I ended up talking to him later in the day and then we got together the following day, but he was actually starting his vacation.

B. Brock: He did come in on his vacation day.

S. Komisarek: He came in on his vacation day. Yeah, so we kind of worked it out but I kinda was like ya know, I don't think he realized...it wasn't a big deal but it was kind of like, you're shut down.

- Approval of Minutes, 7.17.24 - Postponed to the next meeting.

**Motion** to adjourn: J. Lindsey. **Second:** K. Coughlin. All were in favor. **Motion passed.**

**Meeting adjourned – 8:57 PM**

Respectfully submitted,

Amy M. Spencer

Land Use Coordinator

cc: file