

**CANDIA PLANNING BOARD
MEETING MINUTES OF March 19th, 2025
UNAPPROVED MINUTES**

PB Members Present: Tim D’Arcy, Chairman; Mark Chalbeck; Vice Chair
Brien Brock, BOS Representative; Judi Lindsey; Kevin Coughlin; Linda Carroll; David Labbe

PB Members Absent:
Mike Santa, Alt

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

T. D’Arcy: Before I do a roll call, I'd like to welcome Dave Labbe to the board. Thank you very much. Good to have you, and so I will be changing my roll call names here.

New Business:

- **Case #25-002 (Lot Line Adjustment):**
Applicant: Franklin-Verra Associates, 143 Raymond Road, Unit 4, Candia, NH 03034;
Owner(s): Carl Pearson & Sarah Merrill, 85 High Street, Goffstown, NH 03045 & Geho Family Revocable Trust, 8 Oak Lane, Stratham, NH 03885; **Property Location:** South Road, Candia, NH 03034; Map 410 Lots 133 & 134. **Intent:** *To adjust the lot line between lots 133 & 134 and grant approximately 10 acres to the Geho Revocable Trust.*

J. Franklin – Franklin Verra and Associates:

Presented a straightforward proposal to transfer 10 acres of property from the Merrill and Pearson property to the Geho property. This follows a previous transfer about a year and a half prior. The speaker emphasized the simplicity of the transfer, stating it doesn't require subdivision approval or test pits, and is a standard property transfer. Speaker

Jason is briefly interrupted, by an abutter requesting to speak later, suggesting a need for further clarification before proceeding.

This discussion centers around clarifying the timeline and nature of adjustments to the boundaries of lot 134. Forrest Brewer confirms boundary adjustments were made in late November or early December 2023, offering to provide the exact date if needed. The focus then shifted to the current L-shaped configuration of lot 134 and how it will change after a transfer. It is confirmed that the current map shows a non-existent boundary line and that the dashed line on the map is merely a highlight of the proposed change,

The current situation involves moving an existing lot line to create a larger lot 134 and a smaller lot 133; no new lot creation or subdivision is involved. The discussion also touches upon Pine Hill Road, which is not a town road but is being considered as such, potentially giving the

owners a right-of-way. However, it is noted that this doesn't affect the current lot adjustment because the relevant road frontage is on a different lot. A speaker clarifies that the adjustment doesn't create a new buildable lot; the impact would only be relevant if a re-subdivision for construction were proposed.

Forrest Brewer – 260 South Road – introduces himself and states his objection to the proposed changes. He indicates he possesses video and photographic evidence to support his opposition and intends to present it to the planning board. Opposes the lot line adjustment due to a civil matter.

Forrest Brewer points out a discrepancy between a proposed public map (Map 140, 135) listing Kimberly Sullivan's Revocable Trust as the owner of his property and his own deed, which names him and his wife, Catherine, as the legal owners. He presents his tax record as further evidence of his ownership. Another speaker points out that the map's error is a simple typographical one, involving an incorrect listing of the property owners, and assures that the error will be corrected before the map's official recording. A disagreement ensues, with one speaker, identifying himself as a civil engineer, expressing dissent and objecting to the document for two reasons. Firstly, he highlights the issue of free-flowing water exiting a property and flowing onto his, citing pictures as evidence and describing the water as turbid. Secondly, he points out that the Geho Family is also illegally transferring water onto his property, compounding the existing problem.

The discussion shifts to the legality of the water transfer. While another speaker suggests it's a compliance issue for the building inspector, Brewer counters that he has contacted the building inspector and was advised to hire an attorney and is now involved in civil lawsuits against the Geho Family and the Merrill and Pearson Family. He argues that approving the document would worsen the situation, as the defendants have already harvested trees on the property, further altering the landscape.

Forrest Brewer explains that changes to the tree canopy have altered the land's flow characteristics, impacting water runoff onto his property and that of others (Geho, Merrill and Pearson Families). He suggests these families should address the issue of preventing water from flowing onto his property. A Board member clarifies that the Board's responsibility is limited to lot line adjustments and doesn't extend to resolving water runoff disputes between neighboring properties. They argue that any liability for water damage is a matter between the affected families and not the Board's purview. Another Board member emphasizes that the proposed lot line adjustment itself won't affect water runoff. Brewer counters, stating that the Board should give the families 90 days to propose mitigation plans for water runoff before approving the adjustment. It is, once again, reiterated that water runoff is outside the board's purview, their focus being solely on compliance with regulations regarding the lot line adjustment.

An inquiry was made regarding abutter notification. Forrest Brewer confirmed notification with documentation but also noted water eroding the road due to runoff, a problem not directly related to the current Board matter. He clarified that the road isn't town-maintained but is maintained by

citizens, and that the erosion is caused by residents. The statement is made that the road damage is irrelevant to the current board discussion.

The discussion centers on the issue of property owners lumbering their land. Forrest Brewer notes that the lumbering is a result of the property owners' actions. It's confirmed that lumbering one's property is within the rights of the owner. The question of liability for any resulting damages is raised, but it's determined that this is not the Town's concern. The conversation shifts to a related planning issue; because no building or subdivision is involved, it's decided that the issue doesn't need to be considered in the current context. A correction to the plan is proposed.

A discrepancy in the plan is identified. The outdated plan is noted, and a correction is promised for the final version.

Forrest Brewer stated their opposition to a proposal on the record, indicating that this conversation would be part of further action and that board members may be called as witnesses. Following this objection, the board proceeded with discussion. After confirming there were no further comments or deliberations, a motion was made by a board member to approve the proposed online adjustment with a single change to the plans for lot 135.

B. Brock: **Motion** to approve the lot line adjustment as proposed with the one change on the plans for lot 135. M. Chalbeck: **Second**. All were in favor. **Motion passed**

Old Business:

- **Case #24-008 (Major Subdivision):**

Applicant: DAR Builders, LLC, 722 East Industrial Park Drive, Unit 17, Manchester, NH 03109;
Owner(s): DAR Builders, LLC, 722 East Industrial Park Drive, Unit 17, Manchester, NH 03109;
Property Location: Crowley Road, Candia, NH 03034; Map 414 Lot 152. **Intent:** *To create a right of way to a proposed 25 lot subdivision in Chester (24 buildable lots) and leave a 3.0- acre lot in Candia.*

Note: *Upon a finding by the Board that the application meets the submission requirements of the Town of Candia Major Subdivision Regulations, the Board will vote to determine if the application is complete. If the application is deemed complete, the Public Hearing will be held. If the application is deemed incomplete, the Public Hearing will be cancelled.*

Should a decision to approve or disapprove the application not occur at the public hearing, the application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

******The applicant has requested an additional continuance and is slated to be on the agenda for May 7th at the CYAA. ******

- **Case #24-009 (Major Subdivision):**

Applicant(s): AV Development – Al Talarico, 157 Marble Street, Stoneham, MA 02180; Owner(s): AV Development – Al Talarico, 157 Marble Street, Stoneham, MA 02180; Property Location: Diamond Hill Road, Candia, NH 03034; Map 409 Lot 228.

Intent: **MAJOR Subdivision.** 73.7 Acres – 9 Lot Subdivision.

*****This case has been continued until Wednesday, April 2nd.*****

Other Business:

- Choose a Chair and Vice-Chair for the ensuing year.

T. D'Arcy announces the need to elect a new chairman and vice chair.

J. Lindsey: **Motion** to nominate Tim D'Arcy for chairman. **Second:** K. Coughlin. Tim D'Arcy abstains. All else were in favor. **Motion passed.**

The vote concluded with expressions of appreciation. B. Brock praised the work done by T. D'Arcy and Tim expressed gratitude for the support and teamwork, highlighting the rewarding feeling of collaborative achievement.

B. Brock: **Motion** to nominate Mark Chalbeck for vice chairman. **Second:** J. Lindsey. Mark Chalbeck abstains. All else were in favor. **Motion passed.**

- Approval of Minutes: 3.5.25

J. Lindsey: **Motion** to approve the minutes of 3.5.25 as presented. **Second:** L. Carroll. M. Chalbeck and David Labbe abstain. All else were in favor. **Motion passed.**

- Town Planning

J. Lindsey inquires about the ADU (Accessory Dwelling Unit) qualification of tiny houses, specifically those around 850 square feet. It is mentioned that for compliance, such houses would need to be stationary (not on wheels) and meet building inspection requirements for wiring, plumbing, and septic systems. B. Brock points out that 850 square feet isn't considered a "tiny house," which typically range from 300 to 500 square feet.

A discussion arises regarding the absence of specific regulations or zoning for solar panels. A speaker points out this omission, noting that current regulations don't address solar installations. There is an inquiry about placement restrictions and clarification that existing regulations don't explicitly mention solar panels, although related issues are handled on a case-by-case basis by Will. Amy explains that the current ordinance is permissive, meaning anything not explicitly permitted is implicitly denied. Two members agree that this is counterintuitive, especially given the increasing popularity of solar installations. Someone proposes reviewing this issue, suggesting it might require amendments to the regulations or be handled through the Zoning Board of Adjustment (ZBA).

The discussion centers on the appropriate zoning regulations for large-scale solar fields. Speakers debate whether such projects should fall under zoning ordinances, impacting not just subdivisions but also industrial areas. The need for the ZBA (Zoning Board of Adjustment) to ensure correct line extension, wire sizing, and engineering plans is highlighted. The conversation

touches upon the permitting process, including electrical and water aspects, and the necessity of demonstrating the solar field's energy production and grid integration. A point is made about existing solar installations on buildings, which require building permits and inspections. The discussion concludes with the mention of a permissive ordinance, consistent with the town's charter and established practices.

There was a discussion regarding the interpretation of a long-standing ordinance, noting that anything not explicitly allowed is forbidden. The discussion referenced a previous case involving campgrounds, highlighting how the lack of specific campground regulations in the ordinance led to its prohibition. The zoning of the campground as commercial versus residential was also discussed as a factor in how the situation was handled. The conversation then shifted to solar panel installations, with concerns raised about the potential legal challenges of imposing local restrictions given state and federal regulations. The impracticality and cost of fighting state and federal mandates on solar installations were emphasized.

There was a brief review regarding the process for solar array installations, discussing the necessity of setbacks and compliance requirements. Clarification was made that while the Board would review site plans, they wouldn't outright prohibit installations. The focus shifts to the aesthetic and drainage aspects of solar array placement.

- Any other matter to come before the Board.

Public Comments:

Motion to adjourn: J. Lindsey. **Second:** L. Carroll. All were in favor. **Motion passed.**

The meeting adjourned at 7:15PM.

Respectfully submitted,

Amy M. Spencer, Town Administrator

Acting as Land Use Coordinator

cc: file