

**CANDIA PLANNING BOARD
MEETING MINUTES OF JUNE 18th, 2025
UNAPPROVED MINUTES**

PB Members Present: Tim D’Arcy, Chairman; Kevin Coughlin; Linda Carroll; David Labbe; Judi Lindsey

PB Members Absent: Mark Chalbeck, Vice Chairman, Excused; Brien Brock, BOS Representative, Excused; Michael Santa, Alt.

T. D’Arcy called the meeting to order at approximately 6:32PM, followed immediately by the Pledge of Allegiance.

New Business:

- **Informational Hearing**

Applicant/Owner: Eric M. York, 433 High Street, Candia, NH 03034; **Property Location:** 433 High Street, Candia, NH 03034 Map 405, Lot 75; **Intent:** *Construction of a modular house on a separate lot, short on frontage for subdivision.*

Eric York and his father present a request for consultation regarding a plan to construct a modular home on their property at 433 High Street. The father explains his intention to place the modular home on their 20-acre property; however, the lot is short of the required frontage for a subdivision. He asks for a variance to waive the frontage requirement. The Chair clarifies that the board cannot grant a variance to create a non-conforming lot, which requires 200 feet of frontage. An alternative suggestion offered to the applicants is to construct a town-spec road to provide the necessary frontage, but this would be very expensive, estimated at \$500 per foot. Another option presented to the Yorks is to explore options with the ZBA (Zoning Board of Adjustment), who have the authority to grant variances from Zoning Ordinances, given unique situations. The Chair encourages the consideration of building an ADU (Accessory Dwelling Unit) instead of a modular home. An ADU could be detached but must be within 100 feet of the main residence and cannot exceed 850 square feet, which is smaller than the proposed modular home. The possibility of purchasing land from a neighbor to gain frontage on Highland Street is also discussed. K. Coughlin points out that the road frontage can be partially on High Street and partially on Highland Street if it is contiguous. If this route is taken, a lot line adjustment would be necessary if the neighbor agrees to sell a portion of their land. Eric York and his father are advised to consult with the ZBA and consider the ADU option.

New Business:

- **Informational Hearing**

Applicant: Under One Roof Construction, 409 Raymond Rd., Candia, NH 03034;
Property Owner: S Squared Development, 126 Forest Dr., Auburn, NH 03032 **Property Location:** Deer Run Rd., Candia, NH 03034, Map 408-30-21A **Intent:** *To discuss excavation at parcel 408-30-21A on Deer Run Road, Candia.*

Steve Wilusz and John O'Neill from Under One Roof Construction and S Squared Development, respectively, discuss an excavation project on Deer Run Road. The issue arose after they received a cease-and-desist order for removing material from the property without the necessary permits. The excavation regulations state that any material leaving the property, regardless of reason, constitutes a commercial operation requiring an excavation permit. An exception exists for excavation directly related to lawful construction with all required building permits in place, which they do not have.

Mr. Wilusz explains that he had informed town officials of his plans and believed he was acting proactively, mentioning his focus on using best practice for erosion control to stay in good faith. He states that he is excavating to prepare the site for a future building that was approved, with conditions, by the Board in April of 2023 while the property was under the ownership of a different resident. The Board clarifies that any building on the site must adhere to the previously approved plan and its conditions, most of which have not been met. Steve Wilusz emphasizes that the current situation stems from a communication gap between him and the previous landowner and expresses a desire to move forward constructively. He states that he will submit an earth excavation application, rather than a building permit, because of the time constraint that surrounds a building permit. The board agrees that proceeding with the excavation application is the best course of action for his situation and recommends he review the town's excavation regulations.

The Board is then asked by Mr. O'Neill for an extension on the previously approved site plan; however, it is discovered that this may not be possible as it has been over 2 years since the plans were conditionally approved and, therefore, they are expired. The group discusses the possibility of seeking an extension, acknowledging that it's unclear whether this is legally permissible and may require further approvals. Concerns are raised about the legality of extending an expired document, which prompts the need for further investigation into the feasibility of obtaining an extension. Mr. Wilusz and Mr. O'Neil express a preference for pursuing an extension (if possible) and an excavation permit before addressing building permits. The board agrees that further action by the applicant will be tabled until after the excavation application hearing and subsequent issuance of a permit.

Old Business:

- **Case #24-001 Major Subdivision**

Applicant/Owner: Bob & Claudia Carr – 17 Vassar Street, Manchester, NH 03104.

Property Location: 669 High Street, Candia, NH 03034 Map 405, Lot 48 **Intent:** *Amend the approved Planning Board approval dated May 15, 2024 by converting the approved buildings into condominiums.*

Mr. Carr seeks to amend a previous Planning Board approval to convert three approved duplexes from rental units to condominiums. He and his team emphasize that this conversion involves no changes to the approved plans, grading, utilities, or design, only a change in ownership structure. The applicants highlight the established process for such condo conversions, explaining their presence before the board. The presentation details the condominium conversion process: condominium site plan will be recorded, and condominium documents outlining rules, owner fee payments, and private maintenance will be provided. State subdivision approval for the conversion from rentals to condos has been applied for.

Concerns are raised about the access road to the barn, described as a logging road with limited vehicle accessibility. This was previously acceptable due to single ownership, with the fire chief stating that fire incidents would be the owner's responsibility. However, with the conversion to a multi-owner condominium, concerns are expressed that this inadequate access is unacceptable and requires further due diligence. Mr. Carr explains that the road's condition would need significant improvement to accommodate the construction vehicles and equipment required for building the barn. Because the construction process will necessitate upgrading the road to handle heavy traffic, it will become more accessible for cars and emergency response vehicles. Additionally, the barn is not intended to be rented out and will be for personal use by the owner of the property, not as a common area for the condominium owners. Maintenance of the road and the entirety of the barn will not be included in the HOA and will be the owner's full responsibility. A discussion ensues about the unit potentially becoming residential in the future. A condition is suggested that, should a future request for residential conversion be made, the driveway must be upgraded to meet fire truck access requirements. This addresses concerns about safety and compliance should the unit's use change.

The board expresses another concern regarding liability in case of incidents, with clarification that liability falls on the condo association, not the town, despite the town's approval of the association. Initial concerns regarding public safety and the need for guardrails on the private driveway were raised. Previous discussions about guardrails for rental properties resulted in a decision against them. The group reconsiders this in light of the property now being condos, a "more formal" situation. Concerns are raised about the multi-ownership aspect and potential liability. However, because it's a private driveway, not a town road, most aspects were deemed acceptable except for the potential addition of internal guardrails. Concerns about the property's guardrail are addressed, with clarification that it met state requirements. The road slope is discussed, described as a standard three-to-one slope, and deemed acceptable.

Questions are raised regarding necessary surveys for the property, particularly concerning its transition to a multi-ownership situation. Originally it was decided that surveying beyond the

developed area was unnecessary and a need to determine whether a full perimeter survey is required for due diligence is highlighted. It is clarified that a perimeter survey is mandated by state law to define property boundaries for condominium regulations, proving ownership rights. The fieldwork for this survey has already been completed, using stone walls as reference points, and the results are expected to be consistent with previous surveys. The final plan will include meets and bounds, distances, and the final area.

Finally, the Chair states that review of the HOA documents by Town Counsel has begun, with minor edits pending. The plan is to finalize these documents after the attorney's review is complete. He proposes a motion to accept the amendments to the major subdivision, given the stated conditions (below).

Conditions of Approval:

1. Unit 7 must stay non-residential and non-commercial. Any future changes in use must go before the Planning Board.
2. Homeowners Association agreement must be reviewed and approved by Town and Town Counsel.

L. Carroll: **Motion** to accept plans for six-unit condos on 669 High Street with conditions. J.

Lindsey: **Second**. All in favor. **Motion passed**.

Other Business:

- **Approval of Minutes: 6.4.25**

D. Labbe points out that "Foster Memorial Park" is supposed to be "Foss Memorial Park"; lines 40 and 47 of the minutes must be corrected to reflect this.

J. Lindsey: **Motion** to approve the minutes of 6.4.25 with corrections. K. Coughlin: **Second**. All in favor. **Motion passed**.

- **Town Planning:** Revision and adoption of Planning Board fees and policies to reflect rising third-party costs.

The Board agrees to continue this discussion to the next meeting due to time constraints and extensive deliberation at the previous meeting.

K. Coughlin: **Motion** to adjourn. J. Lindsey: **Second**. All in favor. **Motion passed**. The meeting adjourned at approximately 8:10pm.

Respectfully submitted,

Megan Ross

Land Use Coordinator

cc: file