

**CANDIA PLANNING BOARD  
MEETING MINUTES OF December 6th, 2023  
APPROVED MINUTES**

PB Members Present: Rudy Cartier, Chair; Mark Chalbeck, V-Chair; Brien Brock, BOS Rep.; Judi Lindsey; Scott Komisarek (via Zoom); Tim D'Arcy; Kevin Coughlin.

Linda Carroll, Alt.; Mike Guay, Alt.

PB Members Absent:

M. Santa, Alt.

\* R. Cartier, Chair; called the PB meeting to order at approximately 6:30PM, followed immediately by the Pledge of Allegiance

**New Business:**

- **Villages at Candia Crossing** – Review of updated Housing Association Documentation.

R. Cartier: The association has looked at their original declaration of condominiums and they decided it needed some tweaking. It went from like 65 pages, I think down to like 35 or something like that. Actually 21. We did have town counsel take a look at it. He had just a couple of comments on it.

Rudy read and reviewed the suggested changes and additions. One addition had been removed from the original document and town counsel suggested/requested that it be placed back into the document.

Members of the Homeowner's Association present: Pat Danemen - Co-Secretary. Sue Griffith– Co Secretary. Jay LeWinter - Member

T. D'Arcy: I had one thing that I had a concern with, that I think you might as well. Lease Ownership. Nowhere in there does it mention that the lessees have to be 55 plus. So, you are going to catch that when you do your annual audit but you've left a potential of an 11 month and 30 day window, where you could have somebody not 55 plus renting the property.

Rudy concurred.

A member of the association agreed it was an excellent catch.

J. LeWinter: If we were to have that changed or added, would we then have to resubmit the complete document again?

R. Cartier: Yes, because we would have to make sure it was in there before we could sign off on it. We will write up everything for you that you need to take a look at. We are going to make this as painless and quick as we can because you have done a lot of work already and we don't want to hold things up.

The first one I notice was on Page 3, Article II – Location. This actually came up because when I looked at the other one, it was talking about increasing the allowable number of people from 2 to 4 people in each one of these units. I remember there being an issue with water supply up in that area. It went through as having 44 service connections. The population served was 80. So it limited the number of people that could be in those units. I remembered that there was an issue with water. When the public water supply permit was submitted and requested from DES, it went through as having 44 service connections, which would have been the 43 individual units plus the other thing. But the population served was 80, so it limited the number of people that could be in those units. That's not necessarily a problem but you would have to go to DES in order to increase the allowable number of population served. If you wanted to increase it from two people to four people. The other aspect of that is also on the septic systems. They usually look at septic based on bedrooms. I know in your case, there are at least three or four units on one septic system because they are kind of community systems. That would be the other thing to take a look at, to make sure that you don't inadvertently come in violation of your permits for sewerage and for water.

A member of the HOA: We as a community are very committed to holding it to two. There may be exceptions. We are at two and our intent is to stay at two. Where we have exceptions is if someone needs a caretaker for a little bit of time. That would be an exception.

R. Cartier: On page 7 under Section G. Occupancy. The fact that it allows for caretaker to be living in the facility under 55. Also, in the case where the grandparents might wind up getting custody of a young child, they could be in there. What the board has done is put in exceptions for that.

T. D'Arcy: I would be hard-pressed to not be for that.

R. Cartier: We didn't have it in there before, but I think with situations that have been going on lately, I think it's very appropriate.

T. D'Arcy: It doesn't change the character of the 55 plus.

R. Cartier: The other one that you were referring to Tim, that would be on page 10, under I. Lease and Ownership. Probably, somewhere in here, there should be note that it refers back to probably one of the other sections, where it says that there is no one under 55, even if they lease it out or rent it out to someone else.

T. D'Arcy: Or you could just require like you do for purchase, require that at the time of lease, you are presented with proof of age.

R. Cartier: The thing that I had in here too and we have to add what you just said but I just made sure that on the third paragraph, upon entering into any rental agreement, in any form, the owner shall immediately forward to the board of directors, the name of the tenants, with ages, address, telephone number, and the length of occupancy.

T. D'Arcy: I would say, with proof of age.

R. Cartier: Actually, there is, in here, on page eight under verification procedure, it does say what is acceptable for proof and they have to do it every year. The last one was on page 13.

L. Carroll: In part G, third paragraph, all occupants, so a lessee... wouldn't they be considered an occupant? Subject to exceptions noted herein, must be at least 55 years of age.

J. DeWinter: If you have it set that it has to only affect an occupant, technically someone is not an occupant until they sign an agreement, and this gives protection to the homeowners. They can say, we can't rent this to you because of federal laws and state laws, I think it is better to be exact on it.

R. Cartier: The next one was on page 13, number 11. I guess I was a little confused on this one. It says location of unit boundaries and subdivision of units. Subdivision of units is permitted upon written approval of the board of directors. All costs for any such relocation of subdivision shall be assessed to the owner. I can't wrap my head around that one. It looks to me that you would be allowed to basically subdivide the house into two and I don't think that is the intention, so I was wondering what the intention was for that particular section. I think that one should probably be researched because it's a little ambiguous. From the standpoint of a planning board, when you say the word subdivision, even on easements, if anything changed from the original plan, it would need to come back to the planning board for approval as a revision.

The other one that I couldn't quite figure out was on page 19, Article 7. Partition. The only one that I could think of on that is if two people owned a unit as joint tenants, if one of the tenants filed bankruptcy, then you can split basically ownership of property. Other than that, I have no idea. If you could get clarification on that one. Those were the only questions that I had.

Member of the HOA: So next steps would be for us to make these changes, answer these questions and then resubmit?

R. Cartier: What we can do is I will draft up a letter and have Amy send it to you. The next step is, if you have those changes made, we can review them, and we can vote on accepting the amended declaration.

- **Proposed Zoning Amendments for 2024**

R. Cartier: Should we discuss the petition first?

Sure (collectively).

R. Cartier: It has met the deadline. The deadline for petition warrant articles is December 13<sup>th</sup>. There are some concerns that I have that we will probably have to get legal opinions on. The documents that we just looked at refer to the Candia Zoning Ordinances. My concern is, if this passes, and it is taken out, then the Town of Candia has no recourse. It's just a reaction to what the board did two years ago. It's throwing the baby out with the bathwater. We do have to have a public hearing on it. Obviously, the earliest we can do it is December 20<sup>th</sup>. The last one we can do for a second would be the end of January.

T. D'Arcy: We run the risk here, our ability to control workforce housing. If we don't have it in our zoning ordinances.

R. Cartier: If this one passes and the other one passes, there will be no elderly housing and no workforce housing.

T. D'Arcy: I see the state taking over and ramming it down our throats.

R. Cartier: That's what bothers me is the big unknown.

T. D'Arcy: That's partially why we put the workforce housing in.

R. Cartier: The next one is the one I had Amy send out to you. The first one is Steep Slopes. Mark, thank you for doing all the work on that.

M. Chalbeck: The only thing I saw was, it says in here 15% and I thought the state said 25%.

B. Brock: Originally, I think we did that but after a discussion with Bryan, we decided to go with 15%. It still gives you the ability to do greater.

T. D'Arcy: I love section 6: B. The applicant must demonstrate that no practicable alternatives are available. My only question or comment is Section 8 / Town Liability. I would like to hammer that home that the applicant shall be responsible. The applicant shall be solely responsible for, and the Town of Candia shall be held harmless from any claims of damages resulting from the applicants' actions.

Some discussion about including the waterflow above AND below ground. It was agreed that BOTH should be included.

Extensive discussion about verbiage that would cover the liability of the town in all scenarios that might result in excessive alteration of terrain.

The second one came from the Land Use Office. If you had two separate services going into the building, it may adversely impact the fire department. The other thing that happens is you start getting into discussion, if you have separate services do you have two dwellings. The reason there is 750 square feet is that Section 603 A, a single family attached or detached, 800 square feet if one story...

T. D'Arcy: I think if we keep the electric and water supply.

M. Chalbeck: I know it would. We would kill it right at the pole until the fire chief or the building inspector let us know that it is okay to reenergize.

R. Cartier: There has to be a proximity requirement. If we get into the situation where we don't have the water and sewer.

M. Chalbeck: Think about it from a fire perspective. Multiple It's safer because now you will have an outside disconnect going through.

R. Cartier: Do we need to correct this section at all?

M. Chalbeck: Would we want to have him add something like that for multiple metering with the disconnects under?

R. Cartier: Just for ADU's?

M. Chalbeck: Yes.

R. Cartier: Let's hold on this for right now.

T. D'Arcy: Do we want to look at increasing that 750 square feet?

B. Brock: They already can through the ZBA.



*approval to operate under current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced.*

*VI. A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.*

*VII. A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 750 square feet.*

*VIII. A municipality may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.*

*IX. A municipality may not limit an accessory dwelling unit to only one bedroom.*

*X. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.*

Some discussion about the details.

R. Cartier: The problem we run into is premature subdivisions. Are we approving something we know is not meeting the requirements that we have. The fine line between approving something that we shouldn't be approving. We want to make sure that the building inspector doesn't have an issue with it.

B. Brock: It could also be put in that it doesn't require a special exception.

M. Chalbeck: With the detached, does it get a separate septic system?

B. Brock: I am suggesting that it does.

R. Cartier: Public Hearing on December 20<sup>th</sup>?

B. Brock: I will not be here.

M. Chalbeck: Would we have the attorney's opinion by then?

B. Brock: Please ask him for the short version.

Public Hearing for Zoning Amendments and Steep Slopes.

### **Old Business:**

- Nate Miller – SNHPC – CIP

R. Cartier: I have some work to do with Nate and I should be able to wrap that up quickly.

- Southern NH Planning Commission - InvestNH HOP Updates – Steering Committee

- Approval of Minutes, 11.15.23

**Motion** to accept as amended: K. Coughlin. **Second:** T. D'ARcy. All were in favor. **Motion passed.**

**Appeal Updates:**

- *Foster Farms, New Boston Road* – No updates
- R. Cartier: It's been a little more than 5 months and still nothing.

**Other Business:**

- Town Planning

**Any other matter to come before the Board.**

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

Respectfully submitted,

Amy M. Spencer

Land Use Coordinator

cc: file