

CANDIA PLANNING BOARD
MINUTES of July 16, 2014
APPROVED

Present: *Sean James, Chairman; Albert Hall III, Vice Chair; Ginny Clifford; Judi Lindsey; Ken Kustra; Mark Siemonsma Alt; Boyd Chivers, Alt BOS Rep; Dave Murray, Building Inspector; Dick Snow, BOS; D. Lewis Road Agent*

Absent: *Michael Santa; Amanda Soares*

Chair James called the meeting to order at 7:00 pm immediately followed by the Pledge of Allegiance.

Minutes June 4, 2014

J. Lindsey **motioned** to accept the minutes of June 4, 2014 as amended. G. Clifford **seconded**. *S. James, J. Lindsey, G. Clifford B. Chivers were in favor. Motion passed (4-0-2). A. Hall III and K. Kustra abstained.*

Chairman James re-opened the public hearing for the continuance of Major Site Plan Merrimack Valley Paint 274 Main Street at 7:03 pm.

Continuance Major Site Plan: Applicant: Tony Fiore 103 Chadwick Street, Bradford MA 01835 & Michael Pelletier 31 Garfield Street Lawrence MA 01841 owners of Merrimack Valley Paint Ball, 103 Chadwick Street, Bradford MA 01835; Property owner: Rita Hobbs, P.O. Box 11, Candia NH 03034; Property location: 274 Old Candia Road, Candia NH 03034 Map 410 Lot 160; Intent: To re-establish and operate an outdoor paint ball facility in the woods & fields within the Light Industrial I District. For additional information, please call the Land Use Office at 483-8588.

Tony Fiore 103 Chadwick Street, Bradford MA 01835, applicant was present. No abutters were present. T. Fiore said they are still in process and that they had some setbacks with equipment breakdown and will be starting back on finishing the grading. He said they have their SWWP in place and will be filing with the town tomorrow and they have the construction general permit from DES which will also be filed at the town as well. He said he has both with him tonight if anyone wishes to look at them.

T. Fiore said the DES construction permit allows them to go forward with grading and they are in the process of stabilizing the land. He said they are they are working on stabilizing where the culvert is and recently they added additional soil per their instructions to improve the grade then seed and hay. He said they will be updating the silt fence and commented that most of the area around the property has heavy dense foliage with no movement. He said their wetland's person came out to inspect and didn't notice any evidence of any silt movement.

T. Fiore said in addition their engineer is still updating the final plan per comments from Stantec and to reflect what is onsite. He asked for a continuance to the next meeting to be able to finish the final plan and finish the grading and screening.

T. Fiore said the next step for them is to put up poles and safety netting so they can open the competitions field and he asked what requirements would there be for them to move forward to do this. A. Hall asked him to refresh their memory on the size of the poles and asked has there been any run off with the recent hard rains. T. Fiore said they did have some movement and they are working on that by flattening the land and adding soil and seeding. He said once this is in place it should manage any run off issues and should actually improve runoff as the area will be flatter. Chairman James said aside from the woods ball and getting the fields stabilized, any further work would be part of the approval of the plans. T. Fiore said there was some discussion of having a structural engineer sign off of the poles and asked if this is something they should be going directly to Stantec for. Chairman James said they are

looking for a sign off for the poles and the guard rail which is one of Stantec's comments. T. Fiore said they have been having difficulty having someone sign off on the poles as they are kind of a specialty item and have talked to a number of potential engineers. He said a 20 foot tall net goes all the way around the field and the netting is specifically designed for paintball which is able to stop paint ball shots. He said they keep a 5' setback outside around the net for spectators to watch the game without any risk of any remnants of shot.

Chairman James said a couple of issues related to the continuance are per RSA once the application is accepted they have 65 days to review and make a decision. He said they can continue the hearing until August 6, 2015 but the 65 days are up a few days later. Chairman James said for Stantec to have time to review the revised final plans they need to get the plans to them by next Friday July 25, 2014 which will give them a week to review them. T. Fiore reiterated that the completed final revised plans need to be submitted by Friday July 25th.

K. Kustra asked about the inconsistency with the right of way with the State. T. Fiore said he is still looking into this. He said they were told by the representative from the state that came out and marked the spot for them to place the sign is correct. He said the discrepancy is with the plan that was being used as an overlay and they need to identify which is accurate but to the best of their knowledge it is correct where they were told by the State representative to put it. K. Kustra asked about the sign on the flatbed and asked where he was putting that. T. Fiore said they are not putting the sign anywhere they are going to be driving around with the sign around the Manchester, Derry and Londonderry area. He said if it is parked it will not be on the street. K. Kustra asked about the hours and T. Fiore said right now they are open 8am to 4pm Saturday and Sunday with private games during the week 9am to 5pm. He said he is hoping once the speed ball fields are up that they can extend the hours to be similar to Candia First Stop hours which would allow people to come after work to play. He said he has talked to people in the area and no one has heard any noise and most of them do not even know they are operating any games and they have had up to 40 to 50 people out there at one time. K. Kustra asked if his intentions were to open up during the evening and T. Fiore said they would like to and have lights on the field and K. Kustra asked if that would be Phase II and T. Fiore said it would probably be part of Phase I and they would need a permit. T. Fiore said Phase II is about the building.

Chairman James said that Rene Stantec had talked about not doing lighting now and for the applicant to come back at a later time for the lights. He said they would have to come in with a lighting plan showing where the conduit would be going in the ground and a lighting analysis of light levels. He said they would be looking to keep the light on the property with no lights going onto the state highway. T. Fiore said the property drops off about 20 feet to the fields and with the distance the lighting would not reach the road. He said it would not be like a baseball field with a large grid of lights, they are going to use floods that you can get from Home Depot to just give it enough light so the players can see what they are doing.

K. Kustra asked if he had identified any of the Town land and marked it out. T. Fiore said he has been using the rock walls as boundaries to go by as he didn't see any stakes showing where boundaries lines where and continued they haven't put up any structures around the boundaries lines. K. Kustra said he does not want anyone to get hurt and T. Fiore agreed. B. Chivers said won't the site plan show the boundaries and T. Fiore said the plans do show the boundaries but actually out on site as far as he can see there are no identifying physical stakes or fence but there might be one he is not aware of. Chairman James said they did not do a full boundary survey and are relying on another survey and have verified some of the points and did not set any field monuments. Chairman James said they had discussed at the last meeting about putting up caution tape a distance off the boundary line. T. Fiore said the only spot where it could possibly be an issue is along the western edge of the property where it abuts a vacant Town owned lot and the rest is well within the setbacks.

A. Hall asked about the private games and if the general public can view as a spectator and T, Fiore said yes the public is welcome.

B. Chivers said he is new to this process and asked the applicant how this has all evolved as they are under construction without a site plan approval but yet they are open for business. He said normally there is a site plan approval process with a decision made in 65 days, a review by the town engineer where all discrepancies would be addressed then you would go out and put a shovel in the ground then you open for business. He said giving the plans to Stantec next week only gives them one week to review it and then the Board will only have 3 days from the next meeting to approve or not approve the application and meanwhile they are operating business like usual and asked him to explain what his thinking was when then they came up here and started this. B. Chivers continued didn't you know the town had site plan reviews, Zoning ordinances to follow and did he think that being right at exit 3 that the Town wouldn't see what was going on? He said how is the Board going to resolve this in 2 weeks when Stantec's comments have not been resolved and continued saying he felt he didn't have the obligation to approve the site plan and he would tell the building inspector to close him down and that was his feeling.

T. Fiore said their intent is to satisfy all the requirements and comments. He said when they initially talked with the Planning Board before they opened. He said they were given the go ahead to operate because prior the site had been an operational field approximately 6 years ago. He said they have done minimal changes to the land aside from the parking lot which went beyond their expectations. He said now they are trying to correct that and get in line with the town's requirements. He said the Planning Board has allowed them to operate the woods ball and said they are a small business and do not have deep pockets and the season to be open is now. B. Chivers said they do not have a site plan yet and they do not know what Stantec's comments are going to be so how can they come back to the next meeting prepared to be voted on when they do not know what is going to be on the document.

Chairman James said he can clarify. He said the applicant came before the Board back in January talking about reopening the paintball field. He said it was a paintball facility 6 years ago and at that time they had to get a variance because paintball was not allowed but since then it has been added to the zoning as being allowed in Light Industrial II. He said the discussion they had in January was they were going to come in and level out the gravel to park and do woods ball. He said this would require hardly any ground disturbance and they had no permanent structures, no competition fields, no stream crossings and the opinion of the Board at that time was they were not really doing any major ground disturbance. He said the Board thought that was fine with the applicant just doing paintball in the woods and they were given the go ahead.

Chairman James said then when construction started taking place it started to slowly progress and the Building Inspector went out and the Board said time out and said they are disturbing a lot of land and they need to come in for a site plan. He said at that point the applicant came in with a site plan. He said there was discussion on whether to shut down the business or allow limited use and at the time the Board decided to allow limited use to continue the woods ball. He said they did not want to shut them down for the entire summer and kill the business while they went through the site plan process. B. Chivers said that is reasonable. Chairman James said if they had known what it was going to progress to they would have asked for a site plan back in January.

T. Fiore said they are trying to get in compliance with the town's requirements and not trying to get away with anything and he continued the engineering fees were more expensive than what they had budgeted and has been a stress for them and continued the business has helped put some money back in their pockets but it is a slower process and they do not have the extra money to just give out right away to professionals which would have been faster but they have had to do a lot of it themselves which is a slower process. K. Kustra asked what percentage of limitation is he in. T. Fiore said the percentage of the business is approximately 50/50. He said a lot of players are waiting for speed ball to open so he is anxious to get things done. He said it is seasonal business for them and when the winter kicks they are done for the season until spring unless they have some mild weather to get a game in here and there. He said they are trying to operate right now to have enough money to pay the lease on the land and taxes

and other bills over the winter months when no money is coming in. K. Kustra asked when he was going to get his equipment fixed and T. Fiore said they just repaired the land grading equipment so they get going and get the piles of dirt moved.

Chairman James closed the Public hearing and continued the hearing until August 6, 2014 with the expectation that Stantec will receive the plans by next Friday July 25th. He said there will not be any further notice. T. Fiore thanked them for their time.

Other Business

SNHPC Yearly Dues

Chairman James said they received a letter from SNHPC regarding their annual dues for the year. The invoice period is from July 1, 2014 through June 30, 2015 in the amount of \$2,467.08. He said he would like to have the Planning Board show support by taking a vote. He said ultimately the Board of Selectmen have to approve the invoice being paid. Chairman James said it seems every couple of years they do not want to budget for and pay the invoice and the Planning Board goes back and has SNHPC submit letters of the work they do and why they are an invaluable asset He said he would like to have the
the
Planning Board show support.

A. Hall made a **motion** that the Planning Board recommend the BOS pay SNHPC's yearly dues in the amount of \$2,467.08. K. Kustra seconded. **All were in favor. Motion carried 7-0-0.**

DES MtBE Presentation

A. Hall said he attended a presentation on MtBE Remediation Bureau Progress Update by Gary Lynn, P.E. from DES. He said he wanted to make the Planning Board aware of a new department in the State concerning controlling gasoline additives. Chairman James said they had stopped using it but it has been getting into the ground water and causing problems.

Raymond Regional Planning Board Meeting

A. Hall said on June 19th he attended an informal meeting hosted by Raymond Planning Board with representatives from Raymond Chester Fremont, Epping, Nottingham and Candia. He said it was an informal workshop to talk about any concerns or issues and then working on them together and seeing if the common issues could be solved. He said the plan is to have these meetings from time to time and encouraged others to attend. G. Clifford asked if there were any interesting topics discussed at the meeting. She said she has gone to a meeting in the past and it was interesting to see what other towns were facing for issues. A. Hall said he came away feeling things are not too bad in Candia compared to other towns.

SNHPC Upper Lamprey Scenic Byway

A. Hall said SNHPC is working on the Upper Lamprey Scenic Byway designation which may open the door to some potential federal funds. He showed the original plan of the proposed scenic byway but it has since been extended and it runs through section of the towns of Candia Deerfield and Northwood. He said they are proposing a meeting later on in September and he understands the selectman will be receiving a letter requesting a delegation for the town. B. Chivers said the BOS received a letter and have nominated Dick Snow to be the representative. A. Hall said they are looking for one selectman and others and so far he has been a representative for the Planning Board. K. Kustra asked about the potential grants and would it be for Candia only or involve the other towns. A. Hall said they would have to share. Chairman James said it used to fall under Transportation Enhancement but now is Transportation Alternatives group of federal money and it is a competitive process. He said for example if you put in an application, say for upgrading a road and if it gets approved there is an 80%/20% match and you need to hire engineers to go through the process which includes review. A. Hall said if they do not go through the process they cannot apply for grants.

Site Surety Proposed Farm Stand 20 Main Street

Chairman James said Stantec had submitted a letter requiring a site surety in the amount of \$35,832.50. He thought that when they received the letter it went to the Board of Selectman and asked if

the surety had been received from the applicant and confirmed that neither B. Chivers or D. Lewis have seen the proposed site surety letter yet. D. Lewis said he was not sure how Stantec calculated it. Chairman James said it is for reclamation of clearing, grubbing, silt fence and entrance and grading. He said they will make sure the BOS receive the letter.

Candia Crossing LLC Letter of Credit

B. Chivers brought up the Letter of Credit for Candia Crossing project, number #144 issued by the Centrix Bank on May 29, 2008. He said since then it has been amended and reduced. It originally guaranteed payment for the Town of Candia for \$154,211.50 later reduced to \$103,769.00 and that number was further reduced to \$51,421.00 which expires August 12, 2014. So before August 12, 2014, the Town has to agree to extend it or make demand on it before it lapses on August 12, 2014. D. Lewis said the letter of credit he believes is supposed to be self calling so if there was never any word from the developer the Town would receive a check shortly after August 12th, however it has lapsed in the past and they have never received a check but it has always been renewed. He said he has made the office aware of it coming due and asked to have the developer notified it was coming due. B. Chivers said he read the letter today and said the town has to make some type of draft to draw on the letter of credit and it has to be accompanied by invoices for expenses that the Town incurs. B. Chivers asked what happens now. D. Lewis said from this August until the end of one year period either all the restoration work is done or something has taken place with the developer. He said the developer can do the restoration work himself. B. Chivers asked if the restoration work was defined and D. Lewis said it is defined on the bond calculation by the town engineer.

Chairman James said the status of this application like a lot of applications lately are non standard. He said they have a conditional approval and they came back last December and requested and were granted an extension until December 19, 2015. He said they have to submit a revised set of final plans with conditions going back to the original NOD and no further construction on the property until the final plans are done. He said the current bond is maintained on a yearly basis is one of the conditions on the NOD. Chairman James said if the bond expires and they do nothing with it the conditional approval expires and if self calling the town would get the money. B. Chivers asked if any action is required on their part between now and August 12th. D. Lewis said he has already asked to have the developer notified.

SNHPC's Circuit Rider Program

S. Snow asked if the Board was aware of SNHPC's Circuit Rider Program. He said they are proposing a circuit rider planning assistance. He said it is a proposal to provide the town with professional planning services directly by the SNHPC staff at a rate of \$75.00 per hour plus mileage which is up and above what they receive for services currently. He said this is something they have to discuss to be able to get on the budget.

Resignation of Planning Board Alternate Mark Siemonsma

M. Siemonsma said after his comments on May 21, 2014 he was not present at the following June 4, 2014 Planning Board meeting to reiterate the comments made by Dean Young to his comments. He said he wants to state that Dean Young is wrong and he is right as of last Thursday. He said he is resigning tonight because he was not needed tonight and feels he is not needed anywhere else.

Chairman James said he was not asked to sit on the Board tonight because previously he refused to sit for the applicant that was heard tonight and he did not want to ask again with the same applicant present. M. Siemonsma said after the comment the secretary wrote about clapping he said he could have brought in a bunch of people to clap and address the same issue that Dean Young addressed. He said he is not in the game of people pleasing. M. Siemonsma said he felt he was ganged up on when he was not present and said he is really sorry he was not here that night to be able to address Dean Young and Carleton Robie. He said he brought the gang in and if that wasn't a set up nothing was. He would have loved to have been here to be able to have addressed their comments. He asked if anyone went by the gas station last Thursday and continued his comment about what a mess it was on both sides of the road.

He said you should have seen it and you should have tried to drive through it was a mess. He said Dean Young said it isn't a mess. He said he was officially resigning from the Board and handed in his Land Use Book and left the meeting room.

Chairman James said sorry. He said they both had different opinions at two different meetings. G. Clifford said she recalled when they clapped at the June 4, 2014 meeting and it was in response to the event that was held for a fund raiser for the injured firefighter and nothing to do with M. Siemonsma.

A. Hall made a **motion** to accept Mark Siemonsma's resignation as Planning Board Alternate. J. Lindsey **seconded. All were in favor. Motion carried. (6-0-0).**

The next scheduled Planning Board meeting is August 06, 2014 at 7pm at the Town Hall.

A. Hall **motioned** to adjourn at 8:05 pm. J. Lindsey **seconded. All were in favor.**

Respectfully submitted,
Sharon Robichaud
Land Use Secretary