

**CANDIA PLANNING BOARD**  
**MINUTES of March 18, 2015**  
**APPROVED**  
**Public Hearing**

Present: Sean James, Chairman; Albert Hall III, Vice Chairman; Ken Kustra; Judi Lindsey; Tom Giffen; Boyd Chivers BOS Rep Alt.; Dennis Lewis Road Agent; D. Snow Trustee of the Trust Fund

Absent: Albert Hall III, Michael Santa

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

Minutes February 18, 2015

Chairman James said they have minutes from the last meeting but only 3 members are here tonight that can vote. Voting on the minutes of February 18, 2014 was postponed due to lack of quorum.

Other Business

Elections Town Meeting March 10, 2015

Chairman James congratulated J. Lindsey on being reelected. He congratulated and welcomed aboard T. Giffen, a new member, who got voted in. Chairman James said as mentioned before there are no alternates so if anyone knows of anyone or has any ideas please let him know. He said he may ask Ginny if she may be interested in being an alternate but will wait to ask. D. Snow suggested he get together with the ZBA chair on posting to the web opportunities available for volunteering for alternates. J. Lindsey said that was a great idea. Chairman James said is a great idea and they have posted on the web before but the listing gets lost after awhile.

April 1, 2015 Planning Board meeting

Chairman James said there is a Major Site Plan that is going to be heard at the next meeting on April 1, 2015. He said it is the old white farmhouse on 36 High Street that is coming up for redevelopment and PDF's of the project will be emailed to the members.

Annual EOP Planning and Zoning Conference May 2, 2015

Chairman James said the annual EOP Planning and Zoning Conference is being held on May 2, 2015 and if anyone is interested in attending there is money in the budget to attend.

SNHPC monthly news, traffic count study

Chairman James said there is the SNHPC summary available if anyone wants to see it. He said they have also received the SNHPC Traffic Count Study and asked D. Lewis what he thought about the study. D. Lewis said Langford Road is up to over 1200 vehicles a day. He said it is a state road but it is also the busiest town road. He said Patten Hill Road is over 900 vehicles a day. He said there really is no surprise that the town's roads are getting busier and busier. T. Giffen said the roads are getting beat up with the bad weather this winter. Chairman James said there is a lot of good information in the report if anyone is interested. He said for example North Road south of New Boston Road is almost 500 cars a day. D. Lewis said and it is a narrow winding road. Chairman James said he didn't see Currier Road listed and guessed it must be close to 300 cars a day. D. Lewis said the last count for Currier was up over 300 cars a day which is a lot for a gravel road. He said when he thinks back 25 to 30 years ago when North Road was dirt there wasn't probably 50 cars a day. B. Chivers asked what the purpose of the traffic counts are and D. Lewis said they do them every year and they do the whole town on a rotating basis and they can request a particular road if they want. B. Chivers said on the report they distinguish between a car, motorcycle and large truck, how do they do that? D. Lewis said he really didn't know and Chairman James said it works on pressure and weight and timing.

20 Main Street Farm Stand Mylar Recording

Chairman James said he had talked to the town attorney on the issue of the mylar recording for 20 Main Street. He said the town attorney said essentially there is no state law that requires a site plan to be

recorded but as a town we can require them to be recorded. He said the town attorney looked through the regulations and said even though it states you have to submit a mylar for recording and pay a recording fee it doesn't actually say you have to record the mylar which is essentially what J. Franklin had said at the last meeting. J. Lindsey said interesting glitch. Chairman James said so in the short term with the Farm Stand I don't think we can require them to record the mylar based on the current regulations. He said they are working on updating the regulations and this may be something they need to change.

C. Chivers said can't you just require the recording based on past practice and continued the applicant has paid the recording fees submitted the mylar with the assumption that is to be filed which has been the practice in the past. Chairman James said this is true and no one in recent years has had any complaints about this until this project. B. Chivers said isn't that the presumption behind requiring the recording fee and having it on a mylar that the town will be bringing it to the registry to be recorded and why would anyone challenge it now and what is stopping the applicant from recording that mylar, other than the \$40 it is going to cost to record it? Chairman James said the issue is the plan has to be sealed by a LLC to be recorded at the registry. He said a surveyor did a boundary survey and recorded it then the engineer for the applicant referenced the boundary survey who did not do their own boundary survey so now the site plan will not be accepted at the registry without a LLC signature on it.

B. Chivers asked if there was a reason the surveyor will not stamp the plan. J. Lindsey said at the last meeting J. Franklin said a surveyor is not supposed to stamp a plan unless they did the work themselves. Chairman James said it was Jim Franklin who came to the last meeting and he essentially said if he had been involved with the site plan as it went along he would have signed the plan but in this case he was not involved at all so he was not comfortable signing. B. Chivers said what did the engineers do with his plan that would make him so uncomfortable about signing it and what they did was it that involved? J. Lindsey said it is two different positions like a doctor signing off on a dentist and he felt uncomfortable about signing work he did not do. K. Kustra asked what was the significance of the LLC stamp, to the registry. Chairman James said it is required by state law. T. Giffen said it is amusing because nowhere is there a requirement to record the document whatsoever but if we do chose to record it you are required to have a LLC signature. Chairman James said that NH DOT does a lot of land acquisitions all over the state and they have a neat graphic and they took borders that were required by all the registries in the state and when they put them together they had little space on the plan so they tried to come up with a board that would be recognized by all the registries and ultimately gave up after a few years.

D. Lewis asked if there was dispute on what the engineer did versus what the survey showed and said he could see that happening where the engineer designs something that may not quite fit the parameters of what the LLC did and he can see the importance of recording the mylar from the town's point of view. Chairman James said the applicant did ask Jim to put a disclaimer on the plan saying his stamp only covers the original boundary but he was not comfortable and refused to do it. However on the other hand, J. Franklin he said if he had been involved along the way he would have signed. He said what a surveyor draws is a static line that does not change and is easy to check, so honestly he does not know the real issue. He said J. Franklin was just uncomfortable with signing it.

D. Snow asked are there dimensions that are significant on the site plan that relate back to the boundary survey? He said how do you know if the engineer doing the work internally has the correct external dimensions. D. Lewis said that is why it should be recorded because that would clean up any discrepancies. Everyone would have to be in agreement otherwise you will have a boundary survey saying one thing and the site plan saying another. B. Chivers said that is why it is important to have one document that is reliable that reflects that site in its entirety. T. Giffen said the problem they have now is the town attorney has pointed out the regulation deficiencies. B. Chivers said now they have basically two plans for the property. D. Lewis you have a boundary survey that hopefully matches the site plan. Chairman James said the boundary survey is the outside and the engineer did do a field survey and pick up two points to tie in and appears to match up and said Stantec reviewed the plan. He said he did not review it in that kind of detail but not too worried as they match up as there was an issue that both were in agreement

with where the property line went through an existing driveway and they both came to same conclusion. T. Giffen said there probably is no issue whatsoever but understands why he would have an issue and did not want to sign and as the attorney pointed out they cannot force them to record the mylar. He said they need to move on and in the future add this to the regulations to be able to enforce it. Chairman James said he will contact the applicant.

D. Lewis said with the other language it was pretty much implied. B. Chivers said they have demanded it in the past. T. Giffen said implicit not explicit. B. Chivers said now do they have to have a specific regulation to enforce that? Chairman said it means when they do the updates to the regulations it should be added with one simple line such as the mylar to be signed by an LLC and will be recorded at the Rockingham County Registry. D. Snow since the farm stand major site plan will not be recorded could prior applicants be able to demand their money back? B. Chivers said it cannot be unrecorded. B. Chivers said so where does this stand, do we send them a letter, saying we are not going to enforce a non regulation. Chairman James said he will call the applicant then send a letter.

#### Drafted Land Use Regulations

Chairman James said he has the latest copy of the draft land use regulations and looking pretty close and will go through one more time then send it around to the board members for input and discuss. SNHPC has money to review the document to make sure it makes sense and recommend any updates references to RSA's and other references. Next step will be to send it to the attorneys and should be covered under their retainer.

Chairman James said they will defer the elections of officers to April 1, 2015 because they are missing two of the Board members tonight.

Chairman James said there is no ZRRC meeting tonight following this meeting.

The next scheduled Planning Board meeting is April 1, 2015 at 7pm at the Town Hall.

J. Lindsey **motioned** to adjourn at 7:25 pm. T. Giffen **seconded**. **All were in favor. (5-0-0)**

Respectfully submitted,  
Sharon Robichaud Land Use Secretary