

CANDIA PLANNING BOARD
MINUTES of April 1, 2015
APPROVED
Public Hearing

Present: Sean James, Chairman; Albert Hall III, Vice Chairman; Ken Kustra; Judi Lindsey; Tom Giffen; Scott Komisarek BOS Rep; Dennis Lewis, Road Agent; D. Murray, Building Inspector; C. Sandler, BOS

Absent: None

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

Minutes February 18, 2015 & March 18, 2015

A. Hall **motioned** to accept the minutes of February 18, 2015 as presented. M. Santa **seconded**. S. James, J. Lindsey, M. Santa A. Hall **were in favor**. K. Kustra, S. Komisarek and T. Giffen abstained. **Motion passed (4-0-3)**.

J. Lindsey **motioned** to accept the minutes of March 18, 2015 as amended. A. Hall **seconded**. S. James, J. Lindsey, Ken Kustra T. Giffen **were in favor**. S. Komisarek, M. Santa & A. Hall abstained. **Motion passed (4-0-3)**.

PUBLIC HEARING

Major Site Plan: 36 High Street, LLC 38 Fieldstone Lane, Candia NH 03034; Owner: Same; Property location: 36 High Street, Candia NH 03034; Map 409 Lots 200 & 200-1; Intent: Renovation of existing house with construction of two additions to provide for a 12 seat café, retail space, office space and a two bedroom apartment with associated site improvements in the Mixed Use District

Scott & Amy Komisarek and Chad Branon, Fieldstone Land Consultants PLLC were present for the applicant. There were no abutters present. Chairman James said their BOS representative is also the applicant. S. Komisarek recused himself from sitting on the case. Chairman James said their first order of business is to determine if the application is administratively complete. He said they have everything that was requested except the engineer review fee and engineer review. He said the applicant had concerns with the initial fee \$4350 and engineer lowered the price and broke it into two phases. He said Stantec determines a certain number of meetings and work and in a recent project 20 Main Street the engineer ended up with more meetings and more work and did not ask for more money so they are concerned and made sure they could cover the work.

Chairman James said the question for the Board is the application administratively complete. He said everything has been submitted except for the fee for the review so Stantec has not done their review. Typically at the first meeting they vote to accept the application as administratively complete, the application gives their presentation and then Stantec gives their comments. He said once the Board accepts the application as complete they have 65 days to render a decision. T. Giffen said the question would be is Stantec's review an important and necessary component in the process or can it be paid for by the applicant and completed within that time frame they have to issue a decision. S. Komisarek said he feels they will complete all of this within the 65 day time frame. He said they plan on meeting with Stantec next week with his engineer and discuss the updated plans with them.

C. Branon, Fieldstone Land Consultants PLLC introduced himself to the Board and said he is representing 36 High Street tonight. He said he has already contacted Stantec to schedule a meeting next week to sit down and walk through the updated plan and he has found in the past it works out to be very productive and makes the review that much more fluid. He said in other communities the review by their engineers is done after the first meeting but now realizes tonight that is not the case in Candia. He said they will be meeting with Stantec next week and he feels confident they will be able to address all their concerns

within the 65 day time period. Chairman James said a meeting with the engineer is very productive but would prefer for that to happen before the initial meeting.

Chairman James said the way the regulations read the plan has to be submitted to the town engineer at the applicant's expense to be administratively complete which has not happened and he said the 65 days is to protect the applicant. T. Giffen said it doesn't sound administratively complete but at the same token he does not want to hold them up and would the Board have to waive the requirement. Chairman James said they can accept the application with a waiver. A. Hall asked if they want a motion for a waiver. J. Lindsey said she would like to hear more discussion before they make a motion and asked the rest of the Board if they have any input on this before they vote on it. M. Santa asked if they required any relief from the ZBA and S. Komisarek said they have already gone before the ZBA and were granted a variance to continuance the use as the property which had been vacant over a year and an area variance for steps and platform within the front setbacks. Chairman James read the NOD case 15-606 where the two variances were granted under 2.02d abandonment and 6.02 table of requirements to allow construction of stairs and platform within the front setbacks.

Chairman James said typically depending on the project they normally have a pre-application meeting with the applicant prior to the initial meeting to go over a check list to make sure their plan is complete and if they do not do it Stantec does this. He said he looked through the plans and did not see anything that was glaring. J. Lindsey said could they put it off two weeks and get the review and what is needed.

T. Giffen asked what procedure would be followed if they either waive or not waive the requirement of the review for the initial meeting. Chairman James said if they accept the application they will open the public hearing and talk about the application tonight and the applicant would get the check to Stantec as soon as possible and they would have a review complete he imagines for the next meeting in two weeks. He said if they do not accept the application as complete the Board will postpone this meeting for two weeks. T. Giffen said he was weighing what risks they may have and balance the inconvenience to the applicant and that since the 65 days is to protect the applicant and he was not sure if two weeks were critical. Chairman James said he felt the application was relatively straightforward except that it involves 3 lots and would like input from Stantec. C. Branon said included in this application would be to include merging lots 200 and 200.1 and could be made a condition of approval. He said they did not merge them first so they would not lose their rights as two separate lots of record. He said they certainly planned on speaking about the third lot tonight to explain the plan so the Board could see how the lay out came to be. Chairman James said the plan shown tonight appears different then the plans they were given and C. Branon said the only difference is they added a turnaround so they could back into the dumpster which was also moved behind the building for aesthetic reasons for deliveries and they added the addition on the barn, He passed out the updated plans. Chairman James said he is in favor of the project and in general is a great project but however the procedures are not being followed and they do not have the review done and they submitted a plan to the Board for review and now there is a differed plan. He said the Board tries to come to the meetings prepared and be able to ask questions. He said things are switched not a huge switch and lots were not merged now they are going to be merged and the building appears different. C. Branon said there is a 12 foot bump out on the barn structure requested by a potential tenant who wanted more room and he said their intention was always to merge the properties. Chairman James asked the Building Inspector if he had seen the addition and stated his letter was based on the old plan. D. Murray said yes. D. Murray noted some of the parking is on the third lot and C. Branon said it is for a turn around. Chairman James said Stantec has not reviewed the plans and the plans he reviewed are not the same as the ones presented tonight. J. Lindsey said she loved the idea but she too felt uncomfortable going ahead without having everything done.

S. Komisarek said the plan submitted was ultimately the goal at the time but there has been meetings with tenants who are interested and they have asked for a larger space and an area to accommodate deliveries and said they can talk about the old plan and have the old plan accepted but

ultimately they are going to make revisions to the plans and modifications which they wanted made as part of the first revision. He said there were no changes to the drainage or parking lot or anything else. A. Hall said these modifications were the result of prospective tenants.

S. Komisarek said their intent was to follow the process and they did feel the first review cost was not reasonable and he figured since the hearing was scheduled and noticed that they could still get some productivity out of the meeting. He said it certainly wasn't to compromise the position of the Board or their ability to review it properly. A. Hall asked the chair if it would be appropriate to hear their presentation tonight or hold off until the next meeting. T. Giffen said given the changes from tenant's input he asked if they anticipate or foresee any more changes and S. Komisarek said the design is all set. C. Branon said he would be happy to request a waiver from the review requirement. Chairman James said the section is 3.01b where it states a copy of the plan shall be submitted to the engineer for review at the applicant's expense on page 6 Major Site Plan Regulations. C. Branon asked do the regulations mean they would have possession of the plans but not reviewed the plans. Chairman James said it doesn't say, but it does say a copy will be provided and engineered costs paid. He said parts of regulations aren't as clear as they should be and they can certainly work on these.

C. Branon said they would like to request a waiver that the Board considers the application administratively complete subject to them providing to Stantec the current plan and fee which can be done tomorrow. Chairman James said he was not sure if they have to formally accept the waiver if they accept the application as complete it would be implying this.

A. Hall **motioned** that the Board accept the application as administratively complete. M. Santa **seconded**. M. Santa, K. Kustra, T. Giffen A. Hall **were in favor**. J. Lindsey and S. James **were not in favor**. **Motion passed. (4-0-2)**. Chairman James said the motion passed and they have accepted the application as administratively complete and officially opened the public hearing for the Major Site Plan. C. Branon said they are here tonight seeking a site plan approval for the redevelopment of parcels 409-200 .388 acre currently occupied by a residential structure & 200.1 .378 acre lot that is vacant and will have improvements done including a well and a parking area. He said the subject parcels are located on the south side of route 27 also known as High Street with a physical address of 36 High Street. He said it is located in the Mixed Use District which requires a 50 foot front setback and 25 side and rear setbacks and they have obtained relief on the 50 foot front setbacks from the ZBA. He said the topography for the site is generally mild with the front portion sloping toward High Street and the remainder sloping to the south and east. He said the property does not have any jurisdictional wetlands and is currently serviced by overhead electric telephone cable and onsite septic and well. The proposal for the site is renovate the existing residential structure to a commercial property which would consist of constructing 3 additions: 390 sq ft addition in the southwest corner, 575 sq ft addition north side of barn and 343 sq ft - 12 foot addition off the barn west end. The renovated building will be occupied by 3,072 sq ft of retail space, 12 seat café, office space and a two bedroom apartment which will occupy the second floor of the structure. He said to support the proposed site and uses the site has been designed to provide for adequate parking, walkways, access, lighting and drainage. He said the parking onsite consists of 25 spaces which meets the requirements and will be satisfied through the construction of a separate driveway for the apartment as well as a 23 space parking lot that includes one handicap spot. He said both of the locations will provide for adequate site distance at their respective intersections with High Street. There is site lighting provided by one pole mounted light and there is lighting plan. He handed out revised plans. Drainage from the site improvements will be mitigated by re-grading the site and constructing a storm water management area. The storm water runoff will be conveyed to the storm water management area were qualitative and quantitative mitigation will occur. As part of the site plan process the two lots will be combined into one parcel consisting of .766 acres of land. The site improvements do require an easement on 409-203 for the construction of storm water management area and turnaround. He said when they first did the design they located the storm water management area on the east boundary of the property near the stone wall and that resulted in parking

closer to the building and although this design worked and met all regulations the client felt moving the storm water management area to the south provided a better appearance from High Street and the current layout provides for more green space between the parking and the building and the outflow to the basin is a better design as it will now flow into a existing drainage channel located on the lot where the storm water management is and will collect any storm water overflow. C. Branon said they are requesting one waiver which was submitted from Section 3 article 8.03a which pertains to driveway and parking that states that all driveways and parking areas to be paved asphalt on an engineered sub base. He said it is his client's preference to maintain gravel parking to provide for desired setting and associated uses proposed and this gravel parking area will also be consistent with the farm stand area previously approved. He said he believes the site will function adequately with a gravel parking lot. He said the design of site addresses all storm water management erosion and sedimentation control requirements, given the size of the commercial development the anticipated usage and his clients preferences, they are respectfully requesting the Board to grant the waiver to allow the gravel finish. C. Branon said that summarizes the design of the site in a nutshell and showed architectural renderings of the building from all sides. Chairman James said the renderings have not been submitted to the Board and C. Branon said he will submit copies and in his opinion it is very nice design roof lines and architectural elements on all four sides of the building. Chairman James asked about materials and colors and C. Branon that is something they can provide and S. Komisarek said the siding will be hardy-plank cement board. K. Kustra asked if you have 3 commercial tenants is there an egress for each and S. Komisarek said they are working on that and have reviewed for life safety issues. D. Murray said he will review all life safety requirements once he gets a set of revised plans. Chairman James said they will wait on the waiver until Stantec weighs in on that and said will there be a paved apron and C. Branon said the state will require a paved apron into the right of way line. C. Branon said the drainage report was done on pavement to be conservative as there will be some infiltration through a gravel driveway. Chairman James asked about business signs as he only saw a stop sign. C. Branon said they are not requesting any signs but is certain a sign permit request will be and is a function of the tenant that way they would not have to request a modification shortly down the road. Chairman James asked about the two wells. C, Branon said one is to be abandoned and capped off. There will be a new septic put in and the existing septic will be removed. Chairman James asked the size of lot where the drainage easement will be on and S. Komisarek said he believes it is 1.292 acres. He asked if there will be a landscape plan or will they be requesting a waiver and S. Komisarek said they are working on it now and should be done soon. K. Kustra asked if it was a 7 day operation and C. Branon said it is and they list the hours of operation on the plan. S. Komisarek asked if the Board had a preference as far as fencing they would like to see like the fencing they ran at the farm stand. Chairman James said on the east bound along the driveway he suggested some screening to the neighbor but it is not required and the lighting is not overwhelming. S. Komisarek said there is nice stone wall there and thought perhaps some conifers or trees something. If they do a fence it will lose the esthetic of the stone wall. J. Lindsey asked he if owned the two lots and S. Komisarek said 203 is owned by a separate entity of his and he said he has a conceptual master plan for all the parcels to ultimately connect. T. Giffen said he had general concern about the improvements on 203 with what the potential use for this lot would be in future. C. Branon said they thought about this and have come up with conceptual ideas. He said they had put a lot of thought into this ensuring improvements will not compromise this lot and he showed a conceptual design connecting through to the farm stand. Chairman James if it is all connected it might ultimately have to be paved with the amount of traffic. Chairman James asked if there any abutters and there are none and then asked for comments from the audience.

D. Snow said lots 200 & 200.1 are two preexisting non conforming lots neither which conform at the present time are to be combined after they receive approval which will still make a nonconforming lot and he is not clear as residential did ZBA decision allow them to use the property as commercial. He said he strongly suggests that the Board have consolidation paper work done prior before the Board signs the plan. He said the plan is also using a portion of a third lot and in his mind establishing conditions that are

part of the site plan and the easement document can be certainly be in the Board's hand and recorded with the site plan. He said his other concern he had was drainage area shows an outflow in and within the 75 foot radius of the Vailencourt's well said he does not know if there are any restrictions on this or if they have an implied easement within the property.

Chairman James thanked D. Snow for his comments and said as far as the merger that can be a condition of the approval if the Board chooses. Chairman James said they have received letters from the Fire Department, Police Department and Building Inspector on the original set of submitted plans. He said the Fire Department said they do not see any issues with the addition, Police Department sees no safety concerns. D. Murray, Building Inspector said there will be list of things he will need before they start, signed plans, septic, driveway permit from DOT, etc.

C. Branon said he would like to respond to the question of an abutters well, He said in NH it does not imply a presumed easement when you locate your well close to an abutting well in fact the state requires that you record a well release form acknowledging that someone has rights to use their land, so the well radius does not restrict ability to construct the storm water management area in that location. He said they do not believe the storm water management area will have any affects on the well. He also said the uses proposed on the site plan are allowed within a Mixed Use District and he asked for copies of the review letters and said he realizes they will be new review letters with the updated plans. K. Kustra asked where they stood with the 65 days and Chairman James said it starts tonight and the Board has 65 days to render a decision.

Chairman James said seeing not more comments suggested continuing to the next meeting and he said in the meantime the applicant will be meeting with Stantec and the revised plans will be reviewed and he imagines that they will have the review ready for the next meeting in two weeks. C. Branon asked to have the meeting continued to the next meeting May 6, 2015 which will allow for the review and for them to be able to address any concerns or comments prior to the next meeting. C. Branon said in terms of the 65 days if there is a chance for some reason they were not able to address Stantec's review within the time frame they have the ability to request an extension.

A. Hall **motioned** to continue the public hearing until May 6, 2015. T. Giffen **seconded. All were in favor. Motion passed. (7-0-0)** Chairman noted that they will not be sending out any notices and this serves as a notice of the continuance. S. Komisarek and C. Branon thanked the Board for their time.

Other Business

Elections of Officers

K. Kustra **motioned** to nominate Sean James as Chairman. A. Hall **seconded. All were in favor. Motion passed (6-0-1).** F. Kustra, T. Giffen, A. Hall, J. Lindsey, M. Santa and S. Komisarek **were in favor.** S. James **abstained.**

S. James **motioned** to nominate Al Hall as Vice Chairman. J. Lindsey **seconded. All were in favor. Motion passed (6-0-1).** F. Kustra, T. Giffen, S. James, J. Lindsey, M. Santa and S. Komisarek **were in favor.** A. Hall **abstained.**

Letter for Alternate

Chairman James said they received a letter from Mark Laliberte requesting to become a Planning Board Alternate. He said he is also an alternate on the ZBA and he didn't know if there would be a conflict of interest if he sat on one board for an issue and sat for the same applicant on the other board. LGC was contacted and it is not an issue to be on both boards at the same time.

M. Laliberte introduced himself and said he has been an alternate for the ZBA for one year and he said it has been educational and he has been trying to get more education through OEP by reading their zoning and planning books online. He said he also worked for the mayor of Manchester and sat in on

meetings. He said, he has a master's in public administration, is a freelance writer and also a political consultant. He said he does not do his consultant work in town and on occasions when there may be a meeting at night that would conflict with a client he would work hard to make sure he could move the meeting with the client and if not, he would contact the Board and give courtesy. M. Santa asked if would aspire to be a town manager or city manager and he said it is something he has considered. M. Laliberte said he grew up in Candia moved back in 2008 and that his parents live here too. He said he felt the regulatory side of the town is very important and people do not realize this. M. Laliberte said one of the things he would like to get involved in is the Master Plan but only at the guidance of the Planning Board. Chairman James said they need to coordinate the Master Plan update with the BOS. M. Laliberte said he also serves as an elected member of the Budget Committee. He said when T. Giffen stepped up for a write in for the Planning Board he thought that was huge and he wants to do the same thing but in a less aggressive role. He said he sees the need to contribute to the town right now and he sees the need for alternates for the Planning Board.

T. Giffen **motioned** to accept letter of interest from Mark Laliberte and appoint him as an alternate to the Planning Board for a three year term. J. Lindsey **seconded**. **All were in favor. Motioned carried (7-0-0)** The Board congratulated him.

Master Plan Update

K. Kustra said the last BOS meeting they talked about phase one of the Master Plan and then he asked S. Komisarek BOS rep if he could give some insight. S. Komisarek said he was going to bring it up under other business. He said procedurally he was not sure if he should have added that to the agenda or not as he wasn't clear. Chairman James said if he knows ahead of time it is always good to get it on the agenda. S. Komisarek said he was asked by the BOS to talk about the Master Plan letting the Board know the warrant article had passed and it was approved and to make sure the Planning Board would move forward with the first phase. He said the other thing that was suggested by the BOS Chairman C. Robie was to talk about coordinating a meeting where they would get heads of various commissions, historical, conservation, school board, to get all groups represented and sit down and have a round table discussion about the challenges they are facing. He said after the SNHPC report was issued, the school board promptly came out with their own report on what they should do and he suggested trying to coordinate that in the round table discussion.

Chairman James said the discussion may be a good precursor to the Master Plan discussion. He asked if the BOS was authorizing the Planning Board to spend the money or not. S. Komisarek said it was implied but they did not actually discuss or vote on it. He said it was implied that this was a planning board issue and asked if they wanted clarification. Chairman James said yes to make it official. He said what Ginny Clifford did before when she was on the Board she got two proposals one from SNHPC and one from UNH to do the first phase of the Master Plan. He said this phase had a lot of outreach public meetings with a mailer that would go out to all the homes in town for public input.

Chairman James said the Master Plan was done in 2003 but parts of it have been updated recently and there may be parts that they do not have to do anything with. He said they had suggested updating in phases to keep the cost down and narrow the focus to what they need to do. He said if everyone reads 3 or 4 chapters, they can decide if the chapters need updating or not. He suggested getting revised proposals. K. Kustra said what happens if a certain area of planning is started and it goes over the \$5,000 budget. T. Giffen said it is warrant article and that is all they have.

Chairman James said when the Master Plan was done in 2003 the town had voted \$15,000 to do the plan and they are looking to update the plan and he thought it would be less than that. He said he will get in touch with Ginny and ask for the information about the proposals and work with her to get updated costs which he hopes to have by the next meeting and in the meantime they should schedule the round table. S. Komisarek said they need to decide who is going to facilitate and mediate the process, SNHPC. He said

they need someone who understands the process and will keep everyone on task and keep focused. Chairman James said that would actually be part of the first phase of the Master Plan. He said the first part he believes had 2 visioning meetings and that could be one of them and another would be a mailer to try to get more feedback from town. S. Komisarek said the School Board did quite a bit of work after the SNHPC presentation about shrinking enrollment which got their attention and they came up with some recommendations. Chairman James said he will look into this and look into getting updated proposals.

Solar Up N.H. Grant

A. Hall said he would like to bring up the Solar Up NH project presented by SNHPC workshop that was held Monday which he attended with Al Couch, and Dick Snow. He said the project is fast track with no cost to the town that would be offering discounted services to the residential taxpayers only at this point for solar installations at a preferred rate. He said this opportunity is only available to 4 towns in the SNHPC region and said the application has to be in by April 15th with his understanding that a letter of support from BOS be part of the application. He said this could be taken up at the next BOS meeting which is the 13th before the deadline of the 15th. He said he would like to see the PB support this project and would like to motion to support the project.

D. Snow said the bottom line is they have 15 days to put the application in and the application needs to be put together. M. Santa asked why such a short window of opportunity or did they miss something and D. Snow said they originally had the deadline for April 1st but changed it to the 15th. He said they should get started because there are a number of interested communities and is grant funded. A. Halls said they should at least offer it to the tax payers in Candia. T. Giffen said it is no cost to the town and would be a supporter of it and J. Lindsey agreed and Chairman James said he would agree but honestly he said he hasn't had any time to read up on it and asked are they going to pick a vender and how is the town involved.

D. Snow suggested looking at it seriously as they only have 15 days. S. Komisarek asked who is in charge of putting the application in and is he looking for the PB to put it together? A. Hall said volunteers will put this together. He said SNHPC is putting an RFP out to the people installing solar. He said the laws have changed and residents will end up with a solar array where they can actually sell back to the grid. M. Santa said he thought you could only get a credit. S. Komisarek said it is a new legislature that was passed last year. M. Santa said once they pick the solar company to do the arrays there must be a cost and theoretically they should be getting a break on the installation and said there are federal rebates on it. S. Komisarek said they are trying to drive down the cost because the payback on residential solar is slower because you cannot use the depreciation but there is a 30% federal tax credit and rebate from NH. A. Hall said it is strictly for residential and the more participants the lower the price they can get. Chairman James said from reading the paper if a town is selected they need to identify 3 representatives who will be authorized to make decisions on behalf their community throughout the provider selection process. Chairman James said it looks like a 10 page application which someone has to put together. A. Hall said from his understanding it is between himself, Al Couch, and Dick Snow that went to the meeting but others may be interested as well. T. Giffen asked where does the PB come in for support. D. snow said they need to start with a letter of support from the BOS.

T. Giffen **motioned** the Planning Board recommend to the BOS to proceed with all do haste regarding the SNHPC Solar Up NH Grant. J. Lindsey **seconded**. K. Kustra, T. Giffen, A. Hall, M. Santa, J. Lindsey were in favor. S, James abstained. **Motion carried (6-1-0)**. Chairman James said he is not against just did not have time to read the 30 plus pages. Memo will be sent to the Board.

J. Lindsey **motioned** to cancel the April 15, 2015 meeting due to lack of applications. A. Hall **seconded**. **All were in favor. Motioned carried (7-0-0)**

The next scheduled Planning Board meeting is May 6, 2015 at 7pm at the Town Hall.

A. Hall **motioned** to adjourn at 8:45 pm. T. Giffen **seconded**. **All were in favor. (7-0-0)**

Respectfully submitted,
Sharon Robichaud Land Use Secretary