

**CANDIA PLANNING BOARD**  
**MINUTES of November 4, 2015**  
**APPROVED**  
**Public Meeting**

Present: Sean James Chairman; J. Lindsey; Ken Kustra; Mike Santa; Tom Giffen Scott Komisarek BOS  
Rep; Mark Laliberte Alt; Dennis Lewis, Road Agent; Dave Murray Building Inspector

Absent: Al. Hall III

Chair James called the meeting to order at 7:00 pm immediately followed by the Pledge of Allegiance. He asked M. Laliberte to sit for A. Hall.

Minutes October 7, 2015

J. Lindsey **motioned** to accept the minutes of October 7, 2015 as amended. S. Komisarek **seconded**. S. James, K. Kustra, S. Komisarek, and J. Lindsey **were in favor**. M. Santa, M. Laliberte and T. Giffen abstained **Motion passed** (4-0-3).

Other Business

Justin Avery, NH Depart Recourses and Economic Development (DRED)

S. James said Justin Avery contacted him earlier in the day and had to cancel. He is rescheduled for December 2, 2015 meeting.

NH municipal associations 74<sup>th</sup> Annual Thursday and Friday November 19, 20, 2015

Chairman James said the NH Municipal Association is holding their 74<sup>th</sup> Annual Conference Thursday and Friday November 19, 20, 2015 in Manchester. He said the keynote speaker caught his attention Captain Richard Philips captain of the Maersk Alabama and author of the A Captain's Duty: Somali Pirates, Navel SEALs, & Dangerous Days at Sea. He said if anyone is interested in going let him know and they will cover the registrations fees.

Transportation Chapter for Master Plan Update

Chairman James said Jack Munn, SNHPC came out a couple of meetings ago and had spoken to the Board about a grant they were working on to be able to update the transportation chapter for Candia's Master Plan update. He said they received the grant for \$18,000 and are now starting the update. He said that J. Munn would like to get a small group together to meet with him on this. He said that J. Munn had mentioned that C. Robie, BOS may be interested in being on this committee then J. Munn had volunteered Dennis Lewis as he thought he may be in interested and he is trying to set up the meeting for next week on November 10, 2015 7 pm which is next Tuesday at the town hall in Candia. He said this will be confirmed tomorrow. Chairman James said J. Munn is looking for a volunteer from the Planning Board and then one from the public in general. M. Laliberte said he believes there is a woman from the Steering committee that was interested in being on this committee and will get her name. Chairman James said this committee he believes is five meetings between now and next summer. He asked if there were any volunteers from the Board and S. Komisarek said he would volunteer if no one else wanted to. Chairman James said most likely the first meeting will be what SNHPC is looking for. He said he will get back to them.

Candia Crossing Map 406 Lot 16 High Street

S. Komisarek recused himself. John Cole and S. Komisarek were present to speak about Candia Crossing update. J. Cole said in talking with S. Komisarek about the bond they have seen increased interest in the project. He said they would like to talk about the possibility of getting another 2 year extension. He said he understands from the town's regulations that there is no reason the Planning Board couldn't grant another extension if they so choose. Chairman James said for a quick history on this project the original conditional approval was on December 19, 2007. He said on December 13, 2013 the Board granted a similar request and approved an extension for two years with the same conditions. He said one thing that was brought to his attention was are a couple of variances granted for this project. D. Murray said the

variances expires after one year unless they start the project and then a variance is extended for one year and after that then it would have to be revisited. Chairman James said that would be a separate issue with the Zoning Board as those variances have expired for the project. J. Cole said if there is a conditional use in place even if extended although the variances have expired they can go back and revisit that. He said it would be a lot easier than starting from scratch. Chairman James asked so is the intention now, to potentially within the next two years actually build that exact development with no changes? J. Cole said not necessarily with no changes but with minimal changes the kind that the Board could accept. J. Cole said when that design was drawn it was drawn to maximize the property meeting all the setbacks and regulations. There is nothing in the regulations saying that they couldn't make more two families for example and shorten some of the roads down and still maintain the proper setbacks working within the guidelines as he reads it. He said there is a certain amount of latitude that the Board could grant. S. Komisarek he had thought that the project had too many roads and maybe they may have to start fresh but they have had two parties in the last 3 weeks that have shown some interest in the project as it is. He said they have discussed this and it makes the most sense to keep the approval in place, not saying they will do the 55 plus with the bond in place. He said there was an inconsistency with the approval expiring and having a bond in place for a project that has expired. He said if a party emerges soon and wants to do the project right away they will go back to the ZBA and also revisit all the state permits which have all run out as well.

Chairman James said as far as the approval, typically a conditional approval only lasts for a year. He said the Planning Board at the time did not put any timeline on the conditional approval and then the project fell into state RSA which gave it 6 more years and then they came back in 2013 to extend it two more years. He said the general idea of having projects expire at some point is usually not have them lag forever and also if new regulations come up that may affect the project. He said since the conditional use was approved there hasn't been any substantial changes that would affect this project. He said personally he is a little reluctant to do this and feels it would be better to come back. He said the plan they have, he didn't see many objections except one abutter had some concerns which were addressed in the conditions but it has been eight years. He said the project has been off and on again and he understands the economy has been bad. He said this is just his opinion. He said he would like to hear from the rest of the Board.

Chairman James said himself and J. Lindsey were the only two on the Board when the original Notice of Decision was done. M. Santa said he was not on the Board at the time when they did the extension in 2013 and he does not know what the discussion was and honestly doesn't know a lot about the project so from his perspective he is going into this blind. Chairman James said in the zoning regulations they had added a conditional use permit for 55 plus housing which the conditional use falls under. He said variances were granted to have 43 units on one parcel with a single ownership of the lot, an association.

J. Cole said it is a condominium association that goes along with this project and is not individually owned. He said when there were ready to proceed in 2008 there was a glut of this type of housing in NH and most of the projects in surrounding areas just stopped. He said they were at a point they could stop and not invest more money even though they had already invested a substantial amount probably all told a million dollars was invested with engineering and design fees which followed everything that the town had asked, setbacks, boundary buffer zone around the exterior of the project and all that remains in place. He continued saying it would be a benefit to keep all that in place even if the project were to change. He said from what they understand there is now a large market for 55 + but there is also variations to that which could come about. He said all the septic designs have been done and can be reduced and changed a little bit. He said the main problem with the project has been the wetlands as there are total of 3.2 areas of wetlands which re right at the beginning of the project so the first 800 feet has been the problem the cost of developing the road in there. He said they have not been able to get an accurate cost but they have done some work, they have put the box culvert in which was done with proper compaction and the entrance to the road. He said the project is pretty much all laid out. He said the land itself is difficult in the beginning and is difficult in the back which has a lot of ledge and goes straight down where the well location is so

they are confined to a certain area. He said they really do not see the harm in continuing the conditional use and if a different project wanted to go in there they would have to come back and start from scratch. He said they are willing to put up and continue the bond. He said there is a benefit in keeping the approval in place for another two years and he does not see the harm in it as the town would benefit from a 55 + development as well.

M. Santa asked about the design of the units and what was the market they were after. J. Cole said the market they are after are single family detached and also a few duplexes. K. Kustra said wasn't there a problem with the height? J. Cole said there was not a problem with the height they came in to ask to be able to construct a loft which did not change the roof line so they could offer the extra room to be competitive. He said all the designs have been approved and the addition of the loft would not have changed the roof line. M. Santa asked what the value of the units were and J. Cole said at the time the market was higher than what the market could bear right now in the \$400,000 range and that is one of the reasons they came before the Board and asked about the possibility of being allowed to put a loft in which would have reduced the footprint of the house which also could have reduced the size of the project but the Board chose not to grant the loft. M. Santa asked is the approval or extension granted back in 2013 still in effect and J. Cole said it is in effect until the end of the year. J. Cole said from what he understands from the regulations there is no regulation in place that deny the Planning Board from granting an extension. Chairman James said the current extension is in place until December 19, 2015 and you are right the Planning Board does have the ability to extend it if they want.

T. Giffen said it sounds to him that the extension would help keep the project alive so it is marketable and obviously to take that away would be punitive. Additionally, it sounds like it was designed to max out the property so that if anything did happen to change it the impact would be that much less. So there wouldn't be any chance of someone coming in and doing a whole lot more and creating a potential issue. He said personally he does not see the harm in the extension either. He said he doesn't see this in the Board's or Town's interest to make it more difficult to market it. He said if the demographics remain the same 55+ it should be a relatively decent addition to the tax base, therefore it is in the Town's interest. He said he personally has no problem letting it go forward as it helps the project to come to fruition whether it is with these gentlemen or the next people to come along. He said he doesn't see any increase impact based on what they have said. M. Laliberte said he agrees with T. Giffen and he said the last thing the town wants is something to just sit there and it is obvious that they want to do something with it either develop it or sell it to someone who wants to develop it and get some kind of return on their investment. He does understand it's a different Board and he understands the ZBA element. He said he sees no harm in granting the extension.

Chairman James said one thing that has been tough is the bond runs out in August and the extension runs through to December. He asked if they would be amendable to a one year extension and extend the bond to that date as it sounds like what they are talking about is pretty imminent or do they think they need the two years. J. Cole said he doesn't know and if they came back could they extend it another year in a year and said he doesn't see the harm in the two years. Chairman James said the concern he has is again they haven't had many changes in the Ordinances but it is 8 years now and they are talking about 10 years with the potential of maybe coming back again. He said with the Board setting a precedent other applicants could come back to remind the Board of the precedent they have set. J. Cole said speaking to that issue, he doesn't see under the current regulations where that is going to be an issue on another parcel at how this approval has taken place. He said he doesn't know of another parcel that would qualify for what they are doing. Chairman James said he thinks there are plenty of large parcels. J. Cole said the density is based upon the distance from the center of town and there are no other parcels that would qualify with the same density within the same restrictions. He said there is a benefit to keeping this in place in his opinion for the town and them.

T. Giffen said talking further on this he would suggest that a development with that density close to the town center is a desirable feature and there is reason that you want to bring it in a more compact area is

to let the outlying areas remain more open. He said there is nothing to him that speaks against this and in fact there are logical reasons to support this and he does not see a reason to hold them up and the one year versus two year frankly wish them the most success putting it together or moving it on to someone who will put it together and would that would happen in a year he doesn't know. If that doesn't happen in a year the same discussion will take place and at that point he is thinking proactively now and saving time just give them two years that they have requested. He said he sees anything that argues against and is open to any suggestion that argues against it as he is all ears and is opened minded but so far everything he has heard is in favor of their request. J. Lindsey said she goes along with what they are saying, not seeing anything to hold it up yet at the same time another two years another two years when do you finally say enough but yet they have never had a situation like this before. T. Giffen said the big issue is the whole economic picture is it is extraordinary and he doesn't expect to see something like this again knock on wood but the economic climate has been horrible with a slow dragged out recovery and there are those that would argue that we still have not recovered and they may be right. He said things are now moving on a bit better now and looking at a projected project life of 10 years just on the approval side well they are also looking at economic events hopefully that won't reoccur and at the time of the approval were unpredicted at the time.

J. Lindsey asked what would happen if they didn't approve an extension would they have to drop the whole thing and then do new fees and start over. Chairman James said it would depend if they move forward but the recommendation from town counsel is if they do not move forward that they would vote at their next meeting in December to remove the approval and they could come back with the same project and they could certainly waive some fees. He said he is not clear about what changes they are talking about which are up to the Board's discretion and how much change is substantial enough to make a new application he is not sure if they have worked out those changes yet.

S. Komisarek himself and J. Cole have revisited this project every year and the market is getting better he said they have talked to people in the business and the first 5 years people were just picking up foreclosed projects everywhere and developers were paying pennies on the dollar so they just sat tight. He said last year they started seeing things begin to pick up and this year is the best they have seen it and now they have had people show interest which surprised him as he thought they were going to have to re-permit as the project had too much infrastructure. He said it is of benefit to them when they are talking to interested parties to have the approval in place and it would hurt them to take the approval away and is certainly a big disadvantage to them to not have the approval.

J. Cole said there has been a tremendous change in demographics in the past few years and back in 2008 when they talked to people about demographics, Candia wasn't considered a great place to live but that has changed now being 12 minutes to Manchester and Hooksett. He said when you start talking about elderly housing 55+ that is not old and more people are working out of their homes now and it is far more attractive to be in a location such as Candia now than what is going in other communities. He said the demographics are moving this way.

K. Kustra said the people that are interested did they have any questions relative to the two year extension or did you bring this up to them. S. Komisarek said they were told that approvals are in place that's it. T. Giffen said he felt if they denied the extension, they would be pulling the rug out from under them and that wouldn't help anyone in the long run or the short run by denying them their request. Chairman James said they have heard from everyone and have the request by the applicant to grant a 2 year waiver and asked if anyone wanted to make a motion.

T. Giffen **motioned** to approve a two year extension on the Candia Crossing LLC project on High Street Map 406 Lot 016 with all prior conditions with approval to run December 19, 2015 to December 2017. M. Santa **seconded**. T. Giffen, M. Santa, J. Lindsey, K. Kustra, M. Laliberte **were in favor**. S. James **abstained**. **Motioned carried (5-0-1)**.

Chairman James said a NOD will be done within 5 days. J. Cole and S. Komisarek thanked the Board for their time.

Master Plan update: Steering Committee Meeting Update 11/2/2015

M. Laliberte said there were 11 people present as a couple of people couldn't make it. He said there were some new people as well. He said there were a few people present that were here in 2001 when they had their last visioning session held over at the school. He said Casey Hancock from UNH talked about what a community profile was. M. Laliberte said things have changed in the last 14 years. He said recommendations from the National Civic League have changed and they now have 10 components to a vital community. He said they talked about arts and cultural, community vibrancy, economic vitality, education lifelong learning, healthy living and wellness, housing, leadership and community engagement, natural resources, recreation, sense of community and utilities. He said C. Hancock went over each one and what they were all about saying those are the areas they want to focus on when you have the visioning session.

M. Laliberte said they talked about the steering committee and its role and responsibilities about putting on the visioning session event that is going to take place April 9<sup>th</sup> and 10<sup>th</sup> 2016. He said please mark your calendars. He said they are looking to have it at the school again. He said there will be a training session about a month before tentatively March 10<sup>th</sup> to train the facilitators and the scribes to be able to facilitate the various subcommittee groups at the visioning session.

M. Laliberte said the committee nominated him for Chair of the Steering Committee and he accepted and he will be running the Master Plan Steering Committee meetings. He said he will be keeping everyone updated and will continue trying to get new members in and getting people into the 3 sub committees which are Food Committee, Marketing Committee and Community Engagement Committee. He said the Marketing Committee is where they will be trying to get ways to get people to come to the event and they have some interesting ways to do this and ways that necessarily won't cost a lot of money. He said the Community Engagement Committee is to try and get people thinking of ways to improve the community and ways to see the community move forward before the visioning event happens. He said they talked about other towns and events and for example at the CYAA they could ask people how they would want to see their town in 5 years. He said some other towns did an art contest with the kids asking where their favorite places in town were. He said UNH Cooperative is going to bring more examples of this at the next meeting.

M. Laliberte said the next meeting is Monday December 2, 2015 at the town hall at 7pm. He said he will send the agenda to S. James and Boyd and Carleton to distribute to their boards along with an update to how this meeting went to keep the town in the loop. He said technically they don't have to post or have public notices but they are posting in public places and putting it on the website. He said they are trying to make it prominent. He said they are still looking for a couple of more members and they have some ideas on who they want. Jackie Dufrene a realtor in town has joined up which is good as she will have good insight into the housing element. He said someone mentioned Reverend Moore may be interested except he is going to Haiti and doesn't know how much time he can commit. He said they are looking to get some youth members. He said he has reached out to Alicia Frasier who he hasn't heard back from yet. State Work Play which is a young professional organization State named her College Student of the Year. He said she attends Southern NH University and lives in town. He said they are also going to reach out to Addison Thyng. T. Giffen said what about Silas Philbrick? He seems to be a go getter from what he has seen of him. He said they will try and reach out to him as well.

M. Laliberte said other than that the committee is pretty much balanced with some new residents and some long time residents. He said he is going to start looking at the paperwork he has received from UNH and go on their website and actually read reports from other towns including Candia's previous report on the community profile events to have some information and research so they are not always leaning on UNH. M. Santa asked when the meeting was and M. Laliberte said the meetings are the first Monday of the month at 7pm and they try to keep the meetings 90 minutes long. He said the good news to is they are going to have a grad student from UNH taking the minutes so they do not have to worry about someone taking minutes which will be helpful and once they are done he will make sure they get posted as well. He

said he is going to continue using Candia Auburn Post and Hippo to see if they can get more articles that will be of value. He said the one concern that came up was that there isn't a member from the school board or someone active in the school district. He said they have other things going on right now but he will certainly make sure Nicole gets all this information to all the other members on the school board so they know and understand what is going on and if they do want to get involved or know someone that may want to get involved and that they will be welcome to be part of this. Chairman James said he had talked to Nicole awhile ago and she had said don't count on the school board but they may know of some other parties that may be interested. M. Laliberte said he just wants to make sure they are in the loop.

M. Laliberte said that is his game plan and if anyone has any other ideas to make it better he is all ears. J. Lindsey said it sounds like you are covering all bases. Chairman James said one idea he had mentioned was reading the previous Master Plan update report and he encouraged people to read the Master Plan which is on the website. He said the feedback he has received on the previous update is they did this update and didn't do anything with it which he doesn't find that to be true but he is bias as he felt a lot of action items were done. M. Laliberte said his sense is that this committee isn't necessarily the venue for that but it is a valid concern. He said in fact one of the people who joined originally has moved on because he actually wants to be involved in putting together the Master Plan and the Steering Committee is more putting together the preliminaries and he wants to be involved in the nuts and bolts which is absolutely fine which is the vision session on the 8<sup>th</sup> and 9<sup>th</sup> of April. Chairman James said the committee members don't need to debate this but just be familiar with what is in there which is the end goal.

S. Komisarek said, M. Donovan had said the follow up now is a much bigger component of what they did in the past. He said they have found in the past when they put the event together and got everything going then nothing happens. He said what they do now is schedule and form a committee after the event to follow up on the actions and they actually stay and keep involved to a certain point after the event and don't just go away like they have in the past. M. Laliberte said that is going to be discussed more at the meeting in December because that came up and they didn't have time and what they are going to talk about is how to get people engaged before and after the event in terms of activities and their ideas and input. He said one thing mentioned was a monkey survey online to send out to people before hand and maybe something they can do afterward as well like a call action. He said they could do a landing page on the town page and continued there are lots of different things that the marketing committee will work on and the engagement committee can work on some of that as well. M. Laliberte said if anyone has any questions his email is widely available and he has put his phone number on the all of the updates and he is more than happy to try and answer them. He said he is looking for any ideas anyone has. The Board thanked and appreciated M. Laliberte for his update and all the work he is doing.

#### Tree removal Adams Road

K. Kustra said he noticed they had the road blocked off completely and asked if they are still cutting trees on Adams Road and was that part of the original request. D. Murray said he believes they were waiting for the larger crane to come for the very tall trees and yes these trees were part of the original request. He said they were working on a very tall tree near the Pearson's.

T. Giffen **motioned** to cancel the November 18, 2015 meeting due to lack of applications. J. Lindsey **seconded. All were in favor. Motioned carried (7-0-0)**. The next scheduled meeting is December 2, 2015. Chairman James reminded the Board that Justin Avery, NH Depart Recourses and Economic Development (DRED) will be at their December 2, 2015 meeting.

T. Giffen **motioned** to adjourn at 7:55 pm. J. Lindsey **seconded. All were in favor. (7-0-0)**

Respectfully submitted,  
Sharon Robichaud Land Use Secretary