

<p style="text-align: center;">Candia Planning Board Minutes Of September 6, 2006 Approved</p>

Present: Mary Girard, Chair; Kim Byrd; Vice Chair, Joe Duarte, Barry Margolin, Susi Nord, Fred Kelley, Selectmen's Representative; Judi Lindsey ; Scott Tierno - alternate.

Planning Board commences meeting at 7:02 PM. Approximately 50 people in attendance.

Review of Minutes of August 16, 2006 and August 26 (site walk)

Corrections to Minutes of August 16

- Motion to accept the plan – correct to application
- Mary noted that there are 2 feet instead of 5 feet, refers to contours
- Page 7 of 8, toward the middle continued discussion on the use, attorney Jim Franklin referred to the letter.
- Add Sean James as present – correct to present.

Motion to accept minutes by Kim Byrd. Seconded by Joe Duarte. All in favor.

Motion to accept minutes of August 16 as corrected passes unanimously

Review of Minutes of August 26

Motion to accept the minutes of the site walk as written made by Fred Kelley. Seconded by Susi Nord. All in favor. Motion to accept minutes of site walk as written passes unanimously.

New Business.

1. Mary Introduces new business re: Mr. Gallo regarding 30 day extension discussion. Time for the conditions to be met is up tomorrow (September 7, 2006). It is noted that the mylars are not present.

Motion to extend Gallow application made by Barry Margolin

Seconded by Joe Duarte. All in favor Motion to allow 30 day extension passes unanimously.

2. Discussion of abutter notices for upcoming site plan review for Liquid Planet. The definition of abutters has been checked and there are ineligible people.

3. Board is advised by attendees that acoustics are difficult. Mary advises people come up front to speak and people are invited to come to the front of the room. No microphones available.

4. Mary reads from letter regarding a September 14th Raymond High school meeting on the Granite Meadows which may have regional impact.

7:15 PM: Continuance of the Major Site plan review application by Liquid Planet, Kevin DuMont, 123 Hamilton Street, Dover, NH. 03820. Owner, Same

At 7:15 hearing is begun. Mary refers to Town engineer Burke Hamel from Stantec who has reviewed the application.

Motion to accept the application made by Barry Margolin.

Motion Seconded by Joe Duarte.

Kim asks questions of Mr. Hamel re: plans 1-30 dated June 19, revised August 22 as well as new set of plans revised 8/29. Mr. Hamel indicates he does not believe that they have seen the August 29 revisions. Comment from Steve Ebow for the applicant, from Arso Layout. They received Stantec's review and all of the issues have been addressed. Notes that what Mr. Byrd is talking about is correct as the plan. Mr. Ebow notes if there are no revisions on the sheet, there are no revisions. Sheets 7 and 8 have been revised. Kim notes there may be additional comments by the town engineer forthcoming. Barry asks if the plan is

complete enough to discuss tonight. Mr. Hamel indicates the whole project hinges on the waivers being sought before the board. For instance; without waivers, the project may not proceed.

Kim questions whether any variances are required, of Mr. Hamel. There is discussion of the two residences on the property and the application of a commercial enterprise to the site.

The motion is moved, the vote is 6 in favor; 1 opposed.

Motion to accept the application carries.

Kevin DuMont; the applicant presents. He indicates they are trying to build a small water park. Not a Water Country; but one that sits on about 7 of the 42 acres. More than half is for parking for guests and employees will need at least 100 spots for employees. Hope to open June 2008. The site location has entrance from 27, a one lane road. They will create a parking lot for guests and employees, building for bathrooms, security, first aid, bathrooms; 2 attractions and toys for children to play on. There will be slides that come down and go into a pool. Pool will be 3-4 feet deep with small acrylic slides. Facility will be completely fenced in. They have security teams, EMT's, full management staff with wireless hand sets, land lines and cell phones. All the management team is fully trained in water park management. Have been working on this for about 3 years. Mr. Dumont indicates he is certified to run a water facility. There will be main buildings. After you pay you can go through a grand entrance. They will use wood and want to keep with the rural feel of the town. Once through, the entrance area, there will be an area for food, first aid and a couple of administration offices. The overall theme is kind of a state park feel. They want customers to feel like it is in the outdoors. They expect 500 people a day; 750 on weekends. Average number of people per vehicle is a 4.7. 50 or about 175 cars. Most people who come to a water park arrive around 9:30 10 and then again around noon and then about 3:00.

They are open 88 days from mid June to Labor day.

Meeting briefly suspends for Jim Brennan to set up and test a microphone system. Judi Lindsey asks Mr. Ebow how many total parking spots there will be. He responds 400. There is a recess to adjust the microphone. Mr. Dumont closes his presentation

Mary opens the meeting to questions from those in attendance. Chris Dupere asks where the water will be disposed of at the end of the season. The response is that it is a self contained system. At the end of the season, they stop chlorinating, test the water every couple of days and once the water has been tested and approved by the state, they can release it to the ground. Chris Dupere asks whether they release it to the river or a well. The response is that they release it to dissipate through the ground.

Another question is presented regarding the fence. Will that be going to be around the edge of the river as well? Mr. Dumont responds no. Concern is raised about garbage in the woods. Would they put in a snow fence to keep garbage and debris from blowing into the woods and that might discourage children? Mr. Dumont notes they have a full sanitation staff that will be walking the property. Another question from Mrs. Barros regarding the entrance location and road safety. Mr. Dumont notes there is going to be a traffic study done. Mary Girard notes there was a request from the Police department for a traffic study and we are trying to determine what the requirements are.

Ed Fowler from the Conservation Commission bring up concerns about the river. 150 foot buffer to keep the vegetation and applicant have noted it will be an unpaved parking area. Commission is advising some trees to keep areas separate. Mr. Dumont notes interest in attending a conservation commission meeting. Mr. Ebow notes that they did hear the concerns and have lost 150 parking spots to do the 150 foot buffer. There will be some dredge and fill. One of the steps they are trying to do is to put the back part of this land into conservation. Notes that even though they can't say 100% of everything is being treated, he can say that 99% is being treated. There will be retention walls and treatment swales.

Steve Mastron – 30 Island Road speaks as a direct abutter sharing the river questions surveys. Mr. Dumont notes that the surveyors had the wrong information and that what was recorded in the town was not accurate. Applicant notes it has been corrected.

Another question comes up about the de-chlorination chemical safety is that? When the pools are dumped, will the chemical be dumper? Mr. Dumont notes that sunlight takes care of 99% of dechlorination. If after a month then the chemicals will be used, they are approved for residential use and used in all water parks.

Cannot speak further on how safe it is, Mr. Maston notes there is wild life near property. Mr. Dumont replied he will need to get back to people - but it is all tested by the state. Mr. Maston notes he was irritated with the survey; but it is good for Candia as long as it has no adverse effect on that river back there. Mr. Dumont notes trash pick up is constant.

Fred Kelley asks about the driveway length. Mr. Ebow answers it is 1736 feet from Route 27 to approximately up to the existing dwelling. 1050 feet of parking lot. Like a cul de sac. The 1700 feet is the length. 1050 for the parking lot. Fred Kelley refers to the Town Engineer for correctness. The Town engineer notes it is correct.

John Tracy speaks on the applicants behalf. He has been in the park and recreation business and came to help Kevin to point out how this park would be an asset to community. The big thing from his point of view is the number of young people they help out with summer jobs. He notes that some of the parks I have been to have not spent the money that these guys have. It does not use a lot of community assets. There might be occasional emergencies, but we are not talking about a bar; it is about young people families. Joe Duarte asks if Mr. Tracy sees any problems? Mr. Tracy responds that he sees no problems.

Susi Nord notes she looked at the information from Water Technology and the concept water consumption chart here. The concern she raises is the impact the water consumption is going to have on the wells of the nearby homeowners and negative impact on the water. Susi notes it brings up issues with contamination and usage. Mr. Dumont responds they have looked into consumption. The average person uses about 100 gallons a day. That's about 182,000 gallons per family per year. The amount of water is about 4-5 houses. In 88 days we are going to use about 773,000 gallons a year – equivalent to about 4.2 five person houses. An abutter raises that the water usage is over a short period. Mr. Dumont replies that these attractions are filled over a period of 30 days. Susi asks the applicant if they have water testing and would they share those tests to the board. Ron Severino speaks as an abutter, he is not against it. It sounds like a lot of water – but millions of millions of gallons flow through this area.

Ron Thomas from High Street asks what is being offered to Candia in terms of decommissioning. Mr. Dumont replies it could be sold to the town and put it into conservation; adding that most water parks do not go out of business. As a whole they are very expensive and difficult to build and put it in a location to stay in business we don't see a lot go out of business. NV and Wisconsin examples cited. Ingrid Byrd poses 2 questions. Isn't there a small water park up by Weare's beach that was closed? Response is that there was not. Traffic is the next question. With the opening of the transfer station how is traffic going to be dealt with.

Mary asks if the plans have been submitted to the DOT. Mr. Ebow responds that they have, but have not heard back. Fred Kelley speaks about Deer Run Road for the transfer station. At the entrance to Deer Run, we have to make it wider; DOT has been in. DOT there is plenty of room. He notes he made them measure it and the OK was given to the town of Candia. Town Engineer notes that one of the things asked is with the traffic study is how the water park would interact with the traffic for the transfer station.

Betsy Kruse – New Boston Road presents a few questions. What happens if the park is a booming success; can't handle all the people and they want to expand. Mr. Dumont notes they'd come before the board. Betsy notes her concern is there is not a lot of room for expansion because of all the wetlands. Mr. Dumont acknowledges the limitations that aren't going to allow this to become a big property. Betsy also asks about the conservation easement. Ian from NESC responds for the applicant that as part of the standard dredge and fill; there is a requirement to mitigate. They are proposing 6 acres which exceeds the state recommendations; it runs – coincident with the 150 foot buffer. Betsy cites a concern that land trusts are not interested in long strips of easement. Ian responds that there are other options – deeded fee simple, where there can be some type of association that would own it; a third party monitor. He notes they are in the beginning stages and will address this at the conservation commission meeting. Betsy notes there is a trail that goes along the river and I did not notice that it was indicated on the map. There is some discussion about the trail.

Kim addresses decommission plan to the applicant. and notes there is precedent. For instance, all of the cell phone towers were required to post a bond for the removal of the tower. Would you be willing to do the same? Mr. Dumont notes he would have to speak to his legal team; and notes he is not able to acknowledge his receptivity to it. Kim notes that he did deed research and there is an easement that is not in the plan. Mr. Ebow notes that it is in the existing conditions plan. Kim notes we usually require all easements be shown. Kim – the pipe and ditch maintenance easement.

Tom – Dimaggion speaks with two questions for the applicant. Why Candia and will you be able to see the towers from the road? The answer on the towers is no. To answer the question “Why Candia?” the response is that for a water park, there has to close proximity ; access to roads, closer to larger cities, finding property that meets the zoning. It seems to fit what was needed. The road can support it and it is in close proximity to major roads.

Judy Szot asks another question about the road at exit 3. She raises a concern about the stop light that may eventually wind up there. Should there be an impact fee to put up a light? Mr. Ebow responds for the applicant that the only thing that has prevented the traffic study is guidance and because there are five different kinds of studies, asks what kind of study needs to be performed. Mary defers to town engineer. He replies that the question is referred to Dave Dubey. He suspects it will be a low level traffics study and there may be issues and choke points. Rudy Cartier notes that at the last selectman’s meeting SNH Planning is looking at the intersections. Fred Kelley clarifies they are looking by the Catholic Church and notes it would be a good idea to talk to SNH Planning. Mr. Ebow asks about the volume of traffic per day for the transfer station. Fred replies that for Sat/ Sunday; he thinks it was 300 cars for the weekend. Fred notes he can get the survey for the applicant. Mr. Ebow asks if the transfer station was approved and if they did traffic study. Response is that the state OK’d it with no traffic study. Rick speaks to a point of order on the traffic light and projected impact discussion.

Ingrid Byrd looks for clarification on the house on the site. Mr. Dumont notes there are two. Ingrid asks about an apartment and how the applicant will deal with having commercial activity and residential in the zoning ordinances? Mr. Dumont replies that he is advised that they need to be advised if a variance is needed. He notes that one uses would be as caretaker and the other as a garage used as maintenance and offices in direct support of the park. Ingrid clarifies, that part of the site is a residence and another as a commercial site. Ingrid recalls the apartment above the house had a lifetime use of the apartment and it was on the deed. Mr. Dumont notes that has been removed. Ingrid asks Mr. Tracy what this is going to do for Candia as far as what is taxable. He cannot answer. Kim asks Mr. Tracy what is the assessed valuation in Lincoln. He cannot. Another question from those in attendance to Mr. Tracy. Is it similar in size? Mr. Tracy notes the Whales Tail is about twice the size of this park. Mr. Tracy notes about 500 cars when the sun is shining and mid week about 200, 250.

Mary notes that it is her opinion the applicant may need a variance and may need to go to the ZBA to have a commercial site with a residence. Paul responds that when it was brought to the building inspector; it was considered it a grandfathered residence. Discussion follows that there may need to be clarification or State involvement. Mr. Dumont notes that his purpose is a safety issue. Mary notes that she would ask the ZBA to grant variance. According to regulations, it might not be allowed. Kim speaks to section 2...” there shall be only one residential building on any lot” then on page 40 “a dwelling in a unit used for commercial purposes providing the building is in a commercial district”. This is light industrial, Kim states and advises the applicant does need variance. Fred refers to the town engineer. The Town Engineer notes the problem lies that it is indeed grandfathered and that what the applicant is doing is changing the use of the site and that may in fact mandate a variance. He will recheck the regulations and will advise the board accordingly. Mr. Dumont indicates he is not opposed. Kim advises to the applicant that they could do a subdivision and put the residences in that. .

Susi notes to a gentleman in a blue shirt (Mr. Ebow) if he has anything that would indicate what was said for the grandfathering. He responds that when they optioned the property; they went to the building inspector and the planning board and were told we did not need a variance.

Mary adds that nothing that said in an informational is not binding.

Ron Severino adds that the second residence is not in existence any more and it was a temporary condition. Mary observes the applicant needs a variance to have a residential use on a light industrial lot. The applicant asks of the chair if the planning board be in favor of requesting a variance. Mary replies she would but cannot speak for the board. Applicant asks if there can be a vote; what is the consensus?

Tom indicates that it is not going to pay a lot in taxes what is the cost for town services. Mary observes they will have their own services. Ron Serverino asks if the applicant needs the residence; can it just be storage buildings? Kim speaks to the mortgage and notes to the applicant that they have a residential mortgage and one clause says that they are required to use that as my principal residence. Mr. Tracy speaks that security is very important; he (applicant) has an attraction, young people could come in and he (applicant) does not want people to come in there. Russ points out the applicant asked to poll the board. Mary notes the board cannot grant variances. Russ asks if the board would be in favor of giving them a variance? Susi notes she is in favor. Barry notes he is in favor. Joe indicates he is in favor. Fred notes he is in favor. Kim indicates he is not in favor of the planning board on recommendations and not in favor of this. Susi refers to the town engineer who agrees the board does not have authority to grant variance; they have authority to interpret as the board sees fit.

Mary moves on the waiver requests.

1. Waiver to subdivision about maximum cul de sac –Engineer references to subdivision rules and regulations. Public Safety matter. Applicant notes 1050 feet until you hit the parking lot.

Motion to grant waiver to 1050 feet by Kim Byrd. Seconded by Joe Duarte.

All in favor, none opposed. Motion to grant waiver carries unanimously.

2. Waiver to major site plan review regulations 7.03-A Construction standards, to allow construction of driveway and parking area to be topped with bituminous asphalt on an engineered sub base. There is some discussion about the acceptability to the Fire chief. It is determined to be acceptable. The Town Engineer notes that if the waiver is granted, they can never ever pave that lot because the infrastructure could never be paved. Applicant is agreeable to this. Steve Ebow, notes belief the applicant could pave, and that it cannot be limited and if they were to pave they would have to come back before the board. Kim asks if it would it be possible to put in the drainage now? Steve Ebow, notes they are planning on a 100 year storm event drainage system.

Motion that the waiver is to not pave the parking area (as shown); with condition that the applicant would have to come back to the board to pave made by Mary Girard Seconded by Fred Kelley. All in favor Motion to allow unpaved parking area, with condition the applicant would need to return to planning board in order to pave carries unanimously.

3. Waiver to major site plan regulation 4.03 M. lighting and signs, to allow that the plans not include lighting plan, due to the fact that the hours of operation are to be 10:00 AM – 6:00 PM DST when lighting will not be necessary.

Motion to not require lighting made by Barry Margolin. Kim – corrects motion to be “to not require a lighting plan because we are not approving any lighting.” Motion seconded by Susi Nord.

All in favor none opposed. Motion to not require a lighting plan carries unanimously.

4. Waiver to subdivision regulations 15.05 Underground placement of utilities.

Motion that waiver is granted if applicant can use the existing poles; with condition that if the poles need to be replaced, utilities will have to be placed underground made by Barry Margolin.

Motion seconded by Joe Duarte. All in favor. Motion to allow applicant to use existing poles with condition that if poles need to be replaced, utilities will have to be placed underground carries.

5. Waiver to allow drop at any point is no greater than 4.3 feet.

Motion to allow the waive the regulations to allow construction of the driveway without guardrails with condition that applicant installs delineator posts at 100 foot intervals made by Mary Girard . Seconded by Fred Kelley. 6 in favor, 1 opposed. Motion to allow waiver to construction of driveway without guardrails with condition that the applicant installed delineator posts at 100 foot intervals carries. .

Mary indicates there will be a continuance to November 15th at 7:15 PM at the town hall.
Question about location for continuance.
Mary notes school gym may not be available

Concerns about dust raised. Applicant notes there will be thousands of trees, but if dust is an issue they may need to water the driveway.

Ron Severino re-introduces traffic study guidance. Mary responds that the Town Engineer will advise and the applicant will need to pay for these.

Kim Byrd asks the applicant which if, of the four permits needed, they have been applied for. Steve Ebow indicates yes for all. Kim asks if these will be available for the next meeting? Steve Ebow responds they will not be.

Motion to adjourn by Mary Girard
Second by Fred Kelley

Meeting adjourned at 9:23 PM.

Respectfully Submitted
Kristina L. Ickes