

**CANDIA PLANNING BOARD
MINUTES OF October 18, 2006
APPROVED**

Present: Mary Girard, Chair; Kim Byrd, Vice-Chair; Fred Kelley, Selectmen's Representative; Joe Duarte; Susi Nord; Judi Lindsey; Barry Margolin; Scott Tierno, Alternate; Dennis Lewis, Road Agent

Absent: Sean James, Alternate

The Chair called the meeting to order at 7:00 p.m.

Review of Minutes

Fred Kelly **moved** to accept the minutes of October 4, 2006 as amended. Kim Byrd **seconded**. **Six were in favor with one abstention.** The following amendments were made:

- Page 2, 2nd line from the bottom, the name "*Canter*" was corrected to "*Kantor*".
- Page 3, Paragraph 1, Line 6, remove the words "*further explained that*" and replace with "*he thought the*".
- Page 4, Paragraph 2, Line 6, add the letter "*r*" to the word "*thei*"

Other Business

- The Chair mentioned that SNHPC sent her a form for a 2007 Local Water Source Protection Grant and they would write an aquifer protection ordinance with the grant. The Chair stated that it was free. The board agreed to submit an application.
- The Chair mentioned there is a Bear Paw Conservation Round Table on November 13, 2007, at the Deerfield Town Hall, if anyone from the Planning Board was interested.
- The Chair reminded the board of the October 23, 2006 SNHPC meeting.
- The Chair informed the board that Dwayn Critchett resigned from his position as alternate on October 17, 2006. The Chair noted that the board's options were to post it in the free classifieds and in town.
- The Chair mentioned to the board members to please let her know if they will not be present at a meeting, so she can contact an alternate.
- The Chair mentioned a CTAP (Community Technical Assistance Program) informational meeting that is being held on October 24, 2007 at Raymond High School, if any of the board members were interested.

7:10 Jeff Kantors Car World - review of conditionally approved site plan and possible signing of plans

Jeff Kantor is present. The Chair stated that Mr. Kantor's plans were not signed at the October 4th meeting due to some conditions that needed to be met. The Chair stated that the first condition was that the drainage report must be reviewed and the second condition was to submit side and rear elevations for the building. Mr. Kantor replied that it was done. Fred Kelley asked Building Inspector, Bill Hallock if the conditions have been met with the town. Bill Hallock replied that they have. The Chair asked Mr. Kantor if he has met the conditions of the Fire Department. Mr. Kantor responded that Fire Chief Rudy Cartier had come to his building last week. Mr. Kantor explained that Rudy Cartier told him that he needed a sprinkler system. Mr.

Kantor told the board he was currently working on it and had the fire alarm company at his building on October 18, 2006. The Chair stated that Mr. Kantor has met the Planning Boards conditions. Mary Girard, Fred Kelley, Joe Duarte, Barry Margolin, and Kim Byrd signed Mr. Kantor's site plans.

7:15 p.m. Final Major Subdivision application by: Carol Beck; Owner: Same; Agent: R.S.L. Layout & Design, Inc., 77 Main St., Raymond, NH 03077; Location: Route 27 (Raymond Rd.), Map 408 Lot 034 Intent: To create one residential lot of 3.0789 acres from an existing acreage of 31.7456 acres

Stephen Bibeau, from RSL Layout and Design, is present. Mr. Bibeau stated that he was representing the client, Carol Beck who was not present. Mr. Bibeau mentioned the two issues from Rich Ladd. The first was in regards to the road, which they have added to the plans and the second was that the sideline did not have enough length. The Chair stated that it was from article 6 E and F. Kim Byrd referred to article 6E and 6F for lot width and shape. Mr. Bibeau stated that sideline originally went to the brook and they pushed it beyond the brook. Kim Byrd asked for the driveway permit number for the existing lot. Mr. Bibeau asked why would the board required this; the state does not have any ownership of Aunt Mary Brook Road. Kim Byrd asked how they are getting off of Route 27 onto the large remaining lot. Mr. Bibeau replied off of Route 27 to Aunt Mary Brook Road. Kim Byrd replied that Mr. Beck would need a driveway permit, because it's a discontinued road. Mr. Bibeau stated that the state will not issue a permit for a discontinued road. Kim Byrd replied that he did not think Mr. Beck had a legal driveway. Kim Byrd explained that Aunt Mary Brook was a driveway for the residents, but not for Mr. Beck's lot. Kim Byrd stated that there was a house on the other side of Aunt Mary Brook Road and it should have been on the plat because it is within 200'. Mr. Bibeau asked Kim Byrd if the existing lot has a state permit from Aunt Mary Brook Road to Route 27. Kim Byrd replied that he did not know. Kim Byrd stated that Mr. Beck's lot has not been through a subdivision before the planning board and this was in regards to a subdivision. Mr. Bibeau asked the board if there was anything in the minutes stating that the permit was passable for Aunt Mary Brook Road. The Chair reads from August 22 letter sent to Mr. Beck, "*the driveway to access both lots needs to be shown on the plan and approved by the state*". The Chair stated that there were also recommendations from the Fire Department that needed to be followed. Barry Margolin asked how does the state recognize the road right now. The Chair stated that she didn't know if the state was involved in that, because it was done without permits. Abutter Christine Dupere explained the road was discontinued in 1872, when Mr. McRae built, he built without the permits. Christine's father gave Mr. McRae permission to go back there when he was building. Mr. McRae continued to use the road and Christine's father ended up with a legal issue with that road. Christine stated that it is still a discontinued road and there are people who are using that property now and are still using the road because of what Mr. McRae did. Barry Margolin asked how the state would recognize it. Christine replied the state recognizes it as a discontinued road and it reverts back to the abutters. Abutter Joni Stallings stated that the road is a recognized legal pathway and she has copies of signed building permits by the Town. Barry Margolin stated that since it abuts Route 27 and state says you can use it as a driveway as it exists today, then it should not be an issue. If it says you can't use it than you have to apply for a state permit. Kim Byrd asked Christine or Joni if they knew anything about a private easement that was granted by someone to someone. Christine replied that the private easement was granted between her father and her aunt. Kim Byrd asked if it was granted to Mr. Beck, owner of the lot. Christine replied

no. Kim Byrd explained to Mr. Bibeau that the private easement was not granted to Mr. Beck. Christine explained it was recognized as a road in the early 1800's and it was discontinued in 1872. The Chair asked if there were any other abutters present. There is not. The Chair asked Dennis Lewis if he would like to comment. Dennis replied that if the road was discontinued, if there is a right of way there it can not be accessed because it does not exist legally. Abutter Joni Stallings added that there is a legal right of way and all Mr. Beck wants is access to his property. Dennis Lewis replied that there are a lot of right of ways that are not driveways. The board reviews the map and lot with Mr. Bibeau. Barry Margolin asked if Mr. Beck were to apply for a driveway permit, and the private easement was granted between both parties (Christine's father and aunt), what good is a driveway permit if he has no right of way to the property. Kim Byrd replied he did not need an easement from Christine's father, Mr. Beck owns half of the discontinued road. The Chair pointed out that there was not a stamp from the wetlands surveyor. The Chair stated that the board can approve the plans conditionally. Kim Byrd stated that the board would not sign the plans until the conditions were met. Judi Lindsey expressed her concern about surrounding water being polluted. Fred Kelley **moved** to approve the plan with the following conditions:

- Plans to be stamped by wetlands scientist
- Driveway permit to be obtained from the State of New Hampshire for map 408, lot 034
- Plans to note the requirements as identified by Fire Chief Rudy Cartier letter of November 28, 2004
- These conditions are to be met by December 18, 2006.

Barry Margolin **seconded**. Judi Lindsey **opposed**. **Six were in favor**.

7:30 p.m. – Preliminary Major Subdivision application by: Russell Dann; Owner: Same; Location: 1 Tower Hill Rd., Map 411 Lot 013; Intent: To create one new lot for a residence

Jim Franklin, Russ Dann, Ryan Dann, and Angela Dann were present. Judi Lindsey, Kim Byrd, and Susi Nord served on the application review committee. Judi Lindsey noted that the application checklist needed to be revised. Secretary Hansen will make changes to the checklist as recommended by Judi Lindsey. Judi Lindsey **moved** to accept the application. Susi Nord **seconded**. **All were in favor**. Jim Franklin stated the total land is 9.8 acres prior to the subdivision. Mr. Franklin explained to the board that the plans have not changed since the informational and the application review committee. Kim Byrd stated that the board would not grant any approval that evening, but would write a letter of approval to move forward with the application process. The Chair asked Mr. Franklin about a waiver for mylar. Mr. Franklin explained that there were two drawings. One drawing has soils and topography. The other drawing has lot boundaries and wetlands. Mr. Franklin explained that he thought he needed a mylar for a second sheet. Kim Byrd pointed out that there was not a second sheet. Mr. Franklin explained he was able to show everything on one sheet. Mr. Franklin stated if the board would like, he would submit two separate drawings for the final application. Kim Byrd asked Mr. Franklin if it was the registry of deeds that wanted to see a clean sheet without a lot of information on the plans. Mr. Franklin replied that the registry of deeds is looking for clarity. The three things the registry of deeds is looking for is: that the text is large enough, the plans have the Planning Board approval, and there is a statement by the surveyor. Mr. Franklin explained he can submit the plans all on one sheet. Kim Byrd stated that Mr. Franklin

would not need a waiver. Mr. Franklin agreed with Kim. Mr. Franklin stated what they proposed to do was create a 3.75 new building lot, out of the 9.8 acres. The remaining 6.05 acres of land would stay with the existing house. The new lot will have 358' of frontage and they have kept the lot as uniform as possible. Mr. Franklin explained that the reason they increased the lot size beyond 3 acres, was for the .75 acres of upland. Kim Byrd asked if the driveway was approximate or surveyed. Mr. Franklin replied surveyed. No abutters were present. The Chair compiled a list of concerns and recommendations, which were:

- Plans to note total area of lot prior to subdivision, area to be noted in acreage and square footage
- Needs State Subdivision approval and driveway permit
- Request waiver or show the buildings within 200' of the property
- Final plan must be signed by wetlands scientist

The Chair closed the hearing at 8:00.

Informational: Bill Gregsak – Possible subdivision for Crowley Woods phase 2

William Gregsak and Daniel Post were present. Mr. Gregsak proposed a 55 lot, single family subdivision which would have 10,000' of road, most of the road would be in Chester. The only access to the subdivision is through Crowley Road in Candia. Mr. Gregsak stated the he understood that Crowley Road would need to be brought up to standard and was willing to work with Road Agent, Dennis Lewis and the town engineer. Dennis stated that the road would need to be paved. Barry Margolin asked Dennis if the road would need be paved end to end. Dennis replied yes. After some discussion, the board expressed concern that Candia would have to maintain the road and the town would not receive any tax dollars. Mr. Gregsak asked the board if they were favorable of the subdivision. Kim Byrd noted that Mr. Gregsak can not build the development without the approval of the planning board. Mr. Gregsak thanked the board for their input.

Barry Margolin **moved** to adjourn at 8:40. **All were in favor.**

Respectfully submitted,
Andria Hansen, Recording Secretary