

**CANDIA PLANNING BOARD
MINUTES OF December 6, 2006
APPROVED**

Present: Mary Girard, Chair; Kim Byrd, Vice-Chair; Fred Kelley, Selectmen's Representative; Joe Duarte; Judi Lindsey; Barry Margolin; Sean James, Alternate; Dennis Lewis, Road Agent; Rudy Cartier, Fire Chief

Absent: Susi Nord; Scott Tierno, Alternate

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

Fred Kelley **moved** to approve the minutes of November 16, 2006 as presented. Judi Lindsey **seconded**. **Five were in favor with one abstention.**

Signing of Russell Dann's Subdivision Plans

Russ Dann, Ryan Dann, Angela Dann, and Jim Franklin were present. Chief Cartier provided a letter to the Planning Board with new requirements. Chief Cartier stated that he didn't have the authorization to waive regulations, but the Planning Board did. The Chair asked why we are holding up the signing of the plans, when Chief Cartier and the Planning Board agreed to waive Mr. Dann's conditions. The Chair read from Chief Cartier's letter. It stated that Chief Cartier did not have an issue granting the waiver if one of the these conditions was agreed to 1) the remaining 6 acres could not be further subdivided, and 2) if the remaining lot is subdivided, the new occupied building will be equipped with a sprinkler system or the owner will contribute in the amount equal to the cost of installing a sprinkler system to the building to be constructed on the subdivided lot into the Water Supply Capital Reserve Fund established at the 2006 Town Meeting. The letter further stated that Chief Cartier would leave it up to the Planning Board's discretion as to how the stipulations should be enforced. Kim Byrd asked Chief Cartier if he had originally asked for a sprinkler system in the house being built. Chief Cartier replied not specifically, he gave the option for a 30,000 gallon cistern or a sprinkler system. Chief Cartier explained that the requirements of the letter were minimum regulations, and if they start granting waivers for minimum regulations when do we stop. Chief Cartier recommended that if the remaining 6 acre lot is developed, then it would require a sprinkler system to be put into place. Chief Cartier reiterates that he does not have the authority to give his approval. Mr. Dann reviewed the letter. Fred Kelley stated that he thought that the Planning Board and Chief Cartier had made an agreement to waive these conditions. Chief Cartier stated that he can only make a suggestion regarding a sprinkler system. Ron Severino suggested that Chief Cartier re-write the letter, stating that he is not waiving the conditions but stating the requirements do not apply in this case. Chief Cartier explained that he did not have a problem with that as long as he had the Planning Board's approval. The Chair read Russ Dann's conditions from November 1, 2006 minutes. The Chair asked Chief Cartier if he would re-write his requirements. Kim Byrd referred to the November 16, 2006 minutes, which stated that Chief Cartier would amend his requirements. Chief Cartier said he would withdraw his

letter and write a new one. The plans and mylar were signed by Planning Board members Mary Girard, Fred Kelley, Barry Margolin, and Joe Duarte.

7:30 p.m. - Continuance of the Major Site Plan Review application by: Danais Realty Group, 740 Chestnut St., Manchester NH 03104; Owner: Same; Agent: Pennoni Associates, 93 Stiles Road, Salem NH 03079; Location: Route 43, Map 410 Lot 137 and Map 410 Lot 137.1

Craig St. Peter from Pennoni Associates was present to represent the Danais Group. Mr. St. Peter submitted two letters. The first letter was a request for a continuance for the January 17, 2007 Planning Board meeting. Mr. St. Peter asked the continuance because there were revisions to the plans. The second letter was a request from the Board to grant an additional 90 day extension in order to meet subdivision approval conditions. Mr. St. Peter explained that he had talked with the engineers and to New Hampshire DES and has received positive feedback. He further stated that the Board should be receiving a new set of plans and there should not be any issues left to resolve. The Chair stated that if there are any substantial changes to the plans, then they will have to re-submit the plans to the Fire Department, Police Department, and the engineer. The Chair stated that she would prefer to grant an extension on the date of the hearing. Kim Byrd asked about Mr. St. Peter's agreement with the abutters. Mr. St. Peter replied that he discussed the project with the abutters and adjusted the plans to help with their concerns. Kim Byrd asked about the buffer. Mr. St. Peter replied that they created a 200' buffer, and decreased their (Danais Realty) square footage. Mr. St. Peter referred to it as a non-disturbance area. Kim Byrd asked if there was any land that was going to be transferred to the abutters. Mr. St. Peter replied, not at this time. Kim Byrd explained to Mr. St. Peter that if they were going to transfer the land to an abutter, then they would have to do a boundary line adjustment. Fred Kelley **moved** to grant the waiver for a 90 day extension, and the conditions are to be met by March 31, 2007. Kim Byrd **seconded**. **All were in favor**. The Chair considered the continuance of the hearing to January 17, 2007. Mr. St. Peter said he would be ready to make his presentation on January 17th. The Chair stated that she would give Mr. St. Peter a half an hour to an hour to make his presentation. Barry Margolin **moved** to continue the hearing to January 17, 2007 at 7:15 p.m. Fred Kelley **seconded**. **All were in favor**. Abutter Eugene Boutin was present. He stated that he had no issues with the project. Mr. St. Peter stated that if Mr. Boutin had a problem with the buffer, then they would do a lot line adjustment. Discussion ensued regarding the buffer. The Chair stated that this discussion should take place at the January 17th hearing.

The Chair closed the hearing at 7:40 p.m.

Halls Mill Bond Reduction

Road Agent Dennis Lewis addressed the Board. He stated that he received a letter regarding a bond reduction, and that a copy went to the Planning Board and Ron Severino. Dennis explained that the amount went to \$101,952.95 from \$512,144.056 and the amount did not hold enough money for the latent defect 10%. Dennis said that he spoke with Ron Severino regarding the bond reduction amount, and Dennis came up with an amount of \$143,898.50. He further stated that there were changes made to the road, and wanted to make sure that the Planning Board agreed with the changes. The Chair

mentioned that Stantec's amount was higher than Dennis's amount. Dennis replied that was usually the case. Ron Severino stated that his numbers came in close to Stantec's and Dennis's. Kim Byrd asked about the amount of \$364,092. Dennis explained that is what the town holds. Rene LaBranche explained that Dan Tatum had been working on the numbers and that the regulations imply that they are supposed to include the latent defect amount, plus the remaining work. Rene explained Mr. Tatum had the remaining work, plus the 10% retainage and that is how the amount ended up at \$101,000. Kim Byrd asked how the \$148,000.00 broke down in regards to work. Rene referred to the letter that he presented to the Board for the breakdown. Dennis stated that he would like to see plans that match the road. He was concerned, because there was very little money and if anything went wrong the town is obligated to build the road by the set of plans they have. Ron stated that he never asked for the bond reduction and explained that he should have written a letter saying to reduce his bond by 15%. Discussion ensued regarding the cistern. Chief Cartier stated that he was fine with the placement of the cistern and it meets his requirements. Fred asked Rene about the frost protection for the cistern. Rene replied that they still had to look at it, and see how far the cistern wall is in proximity to the retaining wall. The Chair mentioned that the Building Inspector, Bill Hallock will be issuing a Certificate of Occupancy on Halls Mill Road, and will he need a letter from Chief Cartier. Chief Cartier replied that the cistern is fully operational. Ron agreed that the road does not match the plans, but he has given the Board three revisions that were approved by Stantec. He further stated that he did not do anything wrong, he worked from the revisions. Rene read from a letter he presented to the Planning Board, which provided a detailed time line of revisions. The Chair told Ron that he will need to provide the Board with a deed to the road. The secretary was instructed to send a memo to the Board of Selectmen regarding the Halls Mill bond reduction. The Chair asked Dennis if the bond reduction was acceptable. Dennis replied yes. Fred Kelley **moved** to accept the recommendation from Stantec to reduce the bond amount to \$148,052. Barry Margolin **seconded**. **All were in favor.**

Fred Kelley **moved** to adjourn at 8:30 p.m.

Respectfully submitted,
Andria Hansen, Recording Secretary