

**CANDIA PLANNING BOARD
MINUTES OF February 21, 2007
APPROVED**

Present: Mary Girard, Chair; Kim Byrd, Vice-Chair; Fred Kelley, Selectmen's Representative; Joe Duarte; Susi Nord; Judi Lindsey; Barry Margolin; Dennis Lewis, Road Agent; Rudy Cartier, Fire Chief; Building Inspector, Bill Hallock

Absent: Scott Tierno, Alternate; Sean James, Alternate

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

Review of Minutes of February 7, 2007

Judi Lindsey **moved** to accept the minutes of February 7, 2007 as amended. Kim Byrd **seconded**. **All were in favor**. The following amendments were made:

- Page 1, 2nd Paragraph, Line 3, remove the period after the word "rivers".
- Page 1, 2nd Paragraph, Line 5, remove the word "protect" and replace with "address the issue of".
- Page 2, recommendation #2, change the words "wet land" to one word "wetland".
- Page 2, Line 11, change the word "that" to "the".
- Page 2, Line 14, change the word "clarify" to "rectify".
- Page 2, Line 30, change the word "whoever" to "however".
- Page 2, Line 33, remove comma after "1990".
- Page 3, Line 1, change the word "area" to "order".
- Page 3, 2nd Paragraph, Line 6, change the word "effected" to "affected".
- Page 3, 2nd Paragraph, Line 13, change the word, "colony" to "quality".
- Page 3, 3rd Paragraph, Line 1, add after word "Coldstream" the wording "and owner Vittorio Bares were".

Discussion with Building Inspector Hallock regarding 13 High Street

Building Inspector Hallock addressed the board regarding a letter he sent to the Planning Board members dated February 16, 2007. The Building Inspector explained that the expansion of nonconforming use that if a use has been discontinued for more than one year, then it cannot go back to a nonconforming use. He added that some of the confusion is due to the building being a multi-tenant building. Another point of confusion is two of the uses are existing and have been continuously in use. The third tenant is the one who changed from a non conforming use to another non conforming use without approval. The Chair referred to the RSA 674:19 which says if you change your use without permission then you give up your right to be grandfathered. Building Inspector Hallock explained this is why he recommended that Mr. Miller go back to the Planning Board for a Site Plan Review and it would give the board an opportunity to have the area cleaned up. Fire Chief Cartier reviewed his letter which included various safety concerns with the building. Susi Nord asked if there was any precedence for requiring someone to come to the board with a site plan for a building that is already built. The Chair replied yes, if it's a change of use the Planning Board can require a site plan. The Building Inspector explained that we have been lax in the past and would like to be more

diligent about enforcing this issue. The Chair commented that businesses move in and out of these buildings all of the time and don't come in for an occupancy permit. Kim Byrd asked when the automotive use was abandoned. Building Inspector Hallock replied that it's abandoned if its been more than one year and it has not been one year. Kim Byrd asked if we had anyway to determine when it was abandoned. Building Inspector Hallock stated there is no date because the next tenant never obtained a certificate of occupancy. Kim Byrd added that a site plan was never done by the tenant. Fred Kelley asked how long Jerry was out of the building. Building Inspector Hallock replied that when Jerry went out of the building, Skip expanded over to the other side without a certificate of occupancy. The Chair commented that she thought this was a code enforcement issue. Building Inspector Hallock replied if this is where it should go, then at the direction of the Board of Selectmen he would contact the Town attorney and start action on this issue. The Chair commented that she would not like to see Mr. Miller come in for a site plan, especially when he has numerous code violations. Joe Duarte asked Fire Chief Cartier if these were minor violations and was Mr. Miller aware of them. Fire Chief Cartier replied they were major violations. He further explained that he told Mr. Miller to turn off some of the heating systems due to holes in the system. In addition there was electrical wiring hanging out of the boxes. Fire Chief Cartier explained that he worked with the past Building Inspector, Charlie Mewkill and past ZBA Chairman, Bill Stevens on this issue and would like to continue to work with Building Inspector Hallock. The Chair stated the Selectmen, Building Inspector, and the Fire Chief should address this issue first. She further stated Mr. Miller should address all of the violations before coming to the Planning Board for a site plan.

7:20 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; Intent: To construct light industrial storage/office development park.

Richard Danais from Danais Realty Group, Craig St. Peter from Pennoni Associates, and Tony Timbrell from Stantec were present. The Chair referred to the letter from Stantec and asked Mr. Timbrell about any concerns. Mr. Timbrell replied there were some issues that he relayed to the Fire Chief. Fire Chief Cartier replied any concerns he had have been addressed. Mr. Timbrell stated the other concern he had was the traffic review. He also noted the DOT required a minor widening to the roadway and there were some minor revisions to the plans, which he did not see in his current set. Mr. St. Peter stated the plans have been revised. The Chair noted that a letter had been received from the DOT. There was some discussion regarding the widening of the road. Mr. St. Peter stated that the widening is going east bound, it's 2 feet to 4 ½ feet wide and 100 feet long. The new coat of asphalt will be re-stripped. Kim Byrd asked if there will be any turning lanes with the re-stripping. Mr. St. Peter replied there is a left turning lane going east bound, and a right turning lane going west bound, they will be 12 feet wide. This will be part of the construction documents. Judi Lindsay asked if the widening of the road was due to the size of the development on the lot and if there were less business's there with less traffic, would the road still have to be widened. Mr. St. Peter replied that it's the existing volume of traffic in town that dictates, for safety reasons there has to be enough widening to accommodate a left and right turn lane.

Barry Margolin asked about the paving material being used. Mr. Timbrell stated that Mr. St. Peter agreed on paving thickness and changes to the template. The paving type will be an airport mix. Barry Margolin asked if it met Stantec's requirements. Mr. Timbrell replied yes. Judi Lindsey asked about new more permeable asphalt being used in areas that aren't high stress. Mr. Timbrell replied that it claims to be more permeable, but it's not as dense. The Chair asked Fire Chief Cartier if he had any questions. Fire Chief Cartier replied as long as his letter is part of the approval process and to make sure the Fire Department has access to the buildings during construction. Joe Duarte asked if the abutters were satisfied. Mr. St. Peter replied yes. Barry Margolin asked if the Police Chief had an updated letter. Fred Kelley replied he had spoke with Chief McGillien and the state will move the 35 mph sign back to the Getty Station. Building Inspector Hallock addressed his concerns with the plans. He would like a pre-construction meeting with the Fire Chief and the builders. The buildings should be clearly marked during the construction process (i.e. A,B,C or 1,2,3). Building Inspector Hallock asked if there would be any special inspections for the retaining wall. Mr. Timbrell explained that the retaining wall would be designed by a geo tech engineer and a geo tech report should be added to the plans. In addition the geo tech engineer will review and approve construction with reports to Building Inspector Hallock. Some other issues were that the fire lane had to be adequately marked and the number of parking spaces. The building code requires one person per every 100 square feet of office space. Mr. St. Peter explained that they added 25 parking spaces for the industrial park and 8 parking spaces for the convenience store. Mr. Timbrell commented that Building Inspector Hallock's input was helpful. The Chair asked Mr. Danais if he had a construction schedule. Mr. Danais replied no, it depends on getting tenants. Kim Byrd asked about the scale of the largest building. Mr. St. Peter explained that they added dormers to the building, to break up the roof line. Mr. St. Peter presented an architectural rendering that showed the landscaping and retaining wall. Dennis Lewis asked what material the retaining wall was made of. Mr. St. Peter replied that it is a prefabricated modular wall. Judi Lindsey commented the town has a master plan to protect the quality and character of the town, but sees this development as overbuilt. She felt it does not fit in with the character of the town and would be like every other exit along the highway. Susi Nord thanked Mr. Danais for his effort on the behalf of the concerned Candia citizens, but wished he gave more consideration to the citizens who were not represented by counsel. She agreed with Judi Lindsey's comments and added this development does not meet with the vision of the town's master plan. The Chair stated the development would be done in phases. Kim Byrd commented that the approval will not last forever and refers to 5.02-B. There will not be much phasing allowed. Joe Duarte **moved** to approve the Major Site Plan with the following conditions:

- The applicant must satisfy the requirements of the Fire Chief, Building Inspector, Highway Department, and Town Engineer, including anything required to be shown on the plans.
- The Highway Department plan must become part of the Site Plan.
- A pre-construction meeting is required.
- All industrial park units must obtain a certificate of occupancy and any change in occupancy will require a new occupancy permit.

- The Town Engineer must certify that plans are complete before signing and be part of the construction process at the applicant's expense. Any other inspections required will be at the applicant's expense.

Fred Kelley **seconded**. **The motion passed on a vote of 4 in favor, 3 opposed.**

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 137.1 Intent: To construct convenience store/gas station with car wash.

Mr. Timbrell referred to Stantec's review letter and commented they have satisfied a lot of the comments. Mr. Timbrell stated that many of the comments apply to both sites. The Chair explained they would require a lot of state permits for the gas station. Barry Margolin asked if there was a tenant for the gas station. Mr. Danais replied yes. There was some discussion on the sign. Building Inspector Hallock referred to Major Site Plan Regulation, section 7.03-E, stating that the sign must be no larger than 40 square feet and not higher than 10 feet. The sign is now 14 feet. Mr. St. Peter asked for a waiver for the sign requirement. The Chair commented that the waiver needed to be in writing. There was discussion on the hours of operation. Amanda Soares commented on the industrial park and the taxable value of the land. The Chair stated that the industrial park part of the hearing was closed. Building Inspector Hallock asked if the canopy roof of the fueling islands would be a gable. Mr. St. Peter replied their intention is to keep with the architectural style. Building Inspector Hallock asked if the fuel servicing will be full service, self service, or unattended. He recommended not allowing an unattended. Fire Chief Cartier commented there are fire regulations on unattended gas stations and they are very strict. Building Inspector Hallock asked how large of a cut is to the rear and do they anticipate any water leaking out. Mr. Timbrell replied there may have to be additional drains. Kim Byrd asked how many dispensing points there would be. Mr. St. Peter explained there would be twelve total, five two sided, and two one sided for diesel. The Chair **moved** to grant the waiver from the town sign requirement of 10 feet and to permit a sign of 12 feet and the sign can only be lit during the hours of operations. Joe Duarte **seconded**. **All were in favor**. Barry Margolin **moved** to approve the Major Site Plan with the following conditions:

- The applicant must satisfy the requirements of the Fire Chief, Building Inspector, Highway Department, and Town Engineer, including anything required to be shown on the plans.
- The Highway Department plan must become part of the Site Plan.
- A pre-construction meeting is required.
- The Town Engineer must certify that plans are complete before signing and be part of the construction process at the applicant's expense. Any other inspections required will be at the applicant's expense.
- Permitted hours of operation will be 4:30 a.m. to 10:00 p.m.

Joe Duarte **seconded**. **The motion passed on a vote of 4 in favor, 3 opposed.** The Chair commented that the conditions will be ongoing.

Signing of Candia Woods Subdivision Plans

Craig St. Peter brought in the mylars and plans for the Major Subdivision. The Chair went over the conditions of the subdivision and confirmed that they had been met. The plans were signed by Chair Girard, Fred Kelley, Joe Duarte, and Barry Margolin.

Fred Kelley **moved** to adjourn at 8:40.

Respectfully submitted,
Andria Hansen, Recording Secretary