

**CANDIA PLANNING BOARD**  
**MINUTES of August 17, 2011**  
**APPROVED**

Present: Mary Girard, Chair; Ginny Clifford; Judi Lindsey; Kim Byrd; Steven Bradley Alt; Dennis Lewis, Road Agent

Absent: Sean James; Albert Hall III; Carlton Robie

Chair Girard called the meeting to order at 7:00pm, immediately followed by the Pledge of Allegiance.

Minutes August 3, 2011

Minutes were tabled until September 7, 2011.

**Continuance 7:15 pm – Major Site Plan Application: New Cingular Wireless PCS, LLC (“At & T”) c/o Susan M Roberts, Anderson & Kreiger, LLP One Canal Park, Suite 200, Cambridge, MA 02141; Owner: Paul Hunter 606 North Road, Candia NH 03034, Map 402 Lot 10: To permit construction of a 100’ monopole cell tower, gravel access road and a 75’ x 75’ compound with a generator. ZBA case #567 granted special exception to allow 100’ monopole cell tower. For additional information please call the Land Use Office at 483-8588.**

Applicant Susan M. Roberts, Anderson & Kreiger and Jacqui Swenson, K.J. Wireless were present. Abutters Dennis Orzechowski, 55 Halls Mill Road and Kevin Deslongchamps 608 North Road were present.

S. Roberts said she talked with A. Lachance yesterday. She said her goal was to go through their responses to Stantec’s 2<sup>nd</sup> review letter and finish the presentation for a vote. She said they sent their review and revised plans to Stantec yesterday. She said there is additional landscaping around the perimeter of the compound to address abutter’s concerns on visibility. She said there are a number of changes to storm water management and erosion control including extending the rip line swale 175’ to the parking lot and adding more fill on the culvert. A new storm water analysis was done.

S. Roberts said she was not aware the co-locators shown on page C03 submitted on the August 1, 2001 plans were not on the court approved plans. She said M. Serge, Town Counsel said the ZBA does not want the plans to show co-locaters. She said the plans will be revised and the co-locaters will be removed.

Aaron Lachance said they received revised plans and comments yesterday and he did not have a chance to review them. He said he has taken a few minutes to go through the response letter and would be able to discuss in general but said a formal review of the plan has not been done. A. Lachance said they sent the Planning Board a letter of a comparison of the court approved plans and the most recent revised plans from AT & T. He said they did the conformance review in one day and a letter was submitted to the Board.

A. Lachance started with comment #5, 4.03(D) Regulations requiring a certification by an NH Licensed Land Surveyor of a currently valid boundary survey. He said the regulations are clear that a L.L.S. stamp is required and the plans submitted are not stamped by a NH licensed Land Surveyor.

A. Lachance said comment #8 discusses landscaping. He said a formal landscaping plan was not included in the plans submitted. He said, from his interpretation of what he heard from the abutters at the last meeting, landscaping was really important to this project. He said the applicant should provide more extensive landscaping and planting details on the plan. He said the regulations

are explicit on retaining vegetation especially around the compound. He said the current plans do not identify trees and vegetation that are not to be disturbed and will be retained.

A. Lachance said comment #11 discusses the bituminous covering of the access road. He said he feels this is not necessary and that a gravel access road is sufficient. A. Lachance said this is supported by the Road Agent. A. Lachance said comment #13 is about upgrading the current driveway. He said the plans show a 12' wide access road and regulations specify 14'. He said after talking with S. Roberts and D. Lewis, Road Agent a 12' access road is acceptable.

A.Lachance said comment #14 discusses easements on the plan. S. Roberts provided a memorandum of a lease. A. Lachance said a memorandum of a lease to the land is usually not acceptable. He said what they typically see is a recorded easement. A. Lachance said he recommends a recorded easement that will match the plans.

A.Lachance said comment #16 discusses wetlands surface setback be added. He said this has been changed. A. Lachance said comment #18 discusses drainage calculations comments. He said he had spoken with their design engineer and it was indicated that changes have been made. He said he sees no reason these changes haven't been made but he has not formally reviewed the plans for the revised calculations. He said comment #22 discusses the extension of the proposed rip rap swale along the access road and he said it appears this has been done.

A. Lachance summarized the outstanding issues he sees before the Board. He said the first issue is the LS stamp for recording at the Rockingham County Registry, second issue is the landscaping plan requirements to be shown on the plans, and third issue is the memorandum of a lease should be a recorded easement that matches the recorded plans.

Chair Girard said the Rockingham County Registry will not accept plans unless there is a full survey, stamped by a LS. She said it is up to the Board to decide whether they should record the Major Site Plan for the cell tower. S. Roberts said AT & T doesn't typically record their site plans. She said their mylars are not generally accepted by registries because they are written all over and are not clear. Chair Girard said they have been recording site plans since the regulations changed in 2009. She said Town Counsel urged the Town to record site plans, subsequently the regulations were changed.

Chair Girard asked the Board their opinion. J. Lindsey said recording is in the regulations. A. Lachance said he works in many communities and some record and some do not record. He said regardless of the size of a site plan in other communities if required to record, record every site plan.

S. Roberts asked if the subdivision regulations require recording and Chair Girard said the Site Plan Regulations require site plans to be recorded. She said 4.03 states a Mylar is required to be LS stamped for recording and 403.d specifically states the site plans have to be stamped by a LS. S. Roberts said they can provide a Mylar but it won't be recordable. K. Byrd asked why they would object to having the plan stamped and recorded. S. Roberts said it adds costs. K. Byrd asked A. Lachance what a project like this would cost and from his response it appeared the survey would be less than 2% of the total cost. A. Lachance said a survey would cost \$3,000 to \$5,000. A. Lachance said with abutters questioning the location of the tower and because of the tight fall zones, he recommends the Board, that they follow the regulations and have the plans stamped by a LS and recorded to clarify all the questions raised. Judith Szot agreed because there has been a lot of concern the tower being so close to neighbor's land on Halls Mill Road and North Road.

J. Szot said because Halls Mill Road and garage are so close that a survey should be required. She said as a Zoning Board of Adjustment member the applicant was told to add Halls Mill Road and the abutter's garage to the plans in December 2010 and it was never done. She felt this gave a misrepresentation of the cell tower as it appears in the woods on the plans as shown.

S. Roberts felt it was not necessary to record the plans therefore the plans do not need to be stamped by a LS. She said the 3/20/2009 plans were approved by the court. S. Roberts asked where in the regulations the plan has to be recorded. Chair Girard read, *“Article 4.01 Number of Copies and Scale Required: the application for Site Plan Review shall be submitted with three copies of the proposed site plan drawn at a minimum scale of one inch equals 20 feet. All Plans must all be submitted electronically via e-mail or approved storage media in the portable document format (PDF) with a maximum file size of 10 M.B. Copies must include Mylar for registering at the Rockingham County Registry of Deeds.”* A. Lachance read *“Article 4.03 D. Certification by a New Hampshire licensed land surveyor of a currently valid boundary survey.”* He said this waiver was discussed at the last meeting and the Board was not ready to decide. S. Roberts said she wanted to make sure what the language said.

K. Byrd said the applicant has already been granted quite a few waivers from the regulations. He said more waivers have been granted to AT & T than any other site plan he has seen. S. Roberts said the fact it says it must include Mylar for registering doesn't say all plans will be recorded at the registry.

K. Deslongchamps read from the Dec 28, 2010 ZBA minutes page 4, *“Chair Chivers said they are under orders from the United States Federal Court to consider the use of a standby diesel generator. He said building related issues will be dealt with by the Planning Board. K. Deslongchamps said he would like to see the plan updated with his garage on it. J. Szot said this will have to be brought to the Planning Board. She said at this point Halls Mill Road and his garage can be added to the plans. She said AT & T has to go to the Planning Board which will revisit all of these issues brought up tonight such as trees, size of compound; etc. where a site plan review will be done. The Board was in agreement the mapping was in error”* S. Roberts said they only identify structures on the parcel the cell tower is going on. She said his barn is not on the subject property. K. Deslongchamps said they show a swimming pool 700' away but not his garage/barn with a horse less than 300' feet.

J. Szot said the ZBA did not make any conditions or restrictions on the variance concerning the compound, or landscaping coverage or other issues because the ZBA felt these issues had to be dealt with by the Planning Board. She said the Planning Board has the right to make requirements. She said the applicant has been asking for a lot of waivers. She said the plan is not accurate and does not show Halls Mill Road or Mr. Deslongchamp's garage/barn. S. Roberts asked if anyone could explain what the importance of adding Halls Mill Road and the garage to plan is and how that would change anything. J. Szot said the plan as it is now makes the cell tower appear in the woods and it is not in the woods, adding Halls Mill Road and the garage would give a more accurate picture. She said the cell tower is in the backyard of a North Road resident and Halls Mill Road residents. S. Roberts asked how that would affect the proceedings. J. Szot said she would like to see the map accurate. S. Robert said she would go back to the engineers to add Halls Mill Road and garage on the plans. S. Bradley asked for clarification of property between the cell tower and Halls Mill Road. D. Orzechowski said his property on Halls Mill Road abuts the parcel with the cell tower. J. Szot said several lots about the cell tower property and across the street Halls Mill Road residents face the cell tower.

Chair Girard asked for comments on the LS stamp. J. Lindsey said the requirement for LS stamp and recording has been in the regulations now for a number of years. She feels that they should comply. She said stamping and recording would make the site plan clear and concise for everyone and anyone that may look at the project in the future. K. Byrd said the Major Site Plan should be LS stamped and recorded. G. Clifford she said in this case a boundary survey would not affect the decision. She said if they provide a Mylar for the town, she felt that would be acceptable. S. Bradley said with all the work done already providing a Mylar for the town is sufficient. He said

he would like to see Halls Mill Road and the garage added to the plans. Chair Girard agreed that the applicant doesn't need to do a full boundary survey and have it LS stamped. She said they have checked boundaries and done field surveys. She said the Board can ask for a Mylar and not record it.

G. Clifford **motioned** to waive article 4.03D requiring a Licensed Surveyor stamp on the plans. S. Bradley **seconded**. Discussion continued. K. Byrd said if this passes then a full survey will not be done and the Mylar will not be recorded. He said there isn't an adequate representation of the Planning Board tonight. K. Byrd asked A. Lachance how much a survey would cost and approximate cost of the cell tower. A. Lachance said \$3,000 to \$4,000 for the survey or less since surveys have been done before and the tower approximately \$200,000. K. Byrd said it is a small percentage to have the applicant complete the survey and have the Major Site Plan properly recorded per the Town's regulations. Chair Girard said the Planning Board is required to make a decision within 65 days. K. Byrd said he does not have a problem ultimately approving the tower but the Planning Board should comply with the Town's regulations and record the Mylar with the Rockingham County Registry. He said the LS stamp and Mylar for recording can be made a condition on the Notice of Decision. K. Byrd said they should continue this until the next meeting to have more members available to make this decision.

Chair Girard said the next meeting is September 7, 2011. She said the 65 day deadline is a few days after the meeting. She said the Planning Board has to make a decision within 65 days. J. Szot said she understands the time restraints but she remembers from the last meeting that Stantec received a reply from the applicant a day before the meeting. She said it seems if the applicant was concerned about the time they would have answered Stantec sooner. She said the applicant waited until yesterday to give Stantec all the information that was requested at the last meeting. She said it doesn't appear they are concerned about moving forward. She said Stantec should have more than one day to review the information.

K. Byrd said for the record if the vote goes 3 for not requiring a LS stamp and 2 against he will request a revote at the next meeting with everyone present. Chair Girard asked if G. Clifford would like to withdraw her motion. G. Clifford withdrew her motion for waiver for 4.03D to require a Licensed Surveyor stamp on the plans.

A. Lachance said the regulations require a landscaping plan that identifies any trees 24 inches in diameter or larger on the entire property that are being retained to be shown on the plans. Chair Girard said the applicant proposes to plant six - six foot trees not more than three feet apart which is shown on sheets co2 co2b and co3.

J. Lindsey **motioned** on item #8 per the regulations retain the trees 24" in diameter or larger and to be shown on the plan. Six – six foot conifer trees to be planted no less than three feet apart at the perimeter and to preserve as many trees as they can. S. Bradley **seconded**. S. Roberts said they can follow the language that is in the regulations which doesn't necessarily require them to preserve them.

A. Lachance read 4.03 N, *"A proposed landscaping plan indicating plantings to be installed and natural cover to be retained. The plan shall specify in detail the size and types of shrubs, plants, caliper of trees, etc. Such plan shall also show the proposed landscaping and natural cover of the perimeter of the site including all trees greater than 24" in diameter, all groupings and types of trees, screens, fences, and natural cover to be retained within the area to be disturbed;"* S. Roberts said they did not want to do a tree survey of all the surrounding trees and identify what trees they are going to keep and which trees they are not. She said they already say in the plans that they are going to try and preserve as many trees as they can. She said anything they clear they will loam and seed. J. Lindsey asked why a waiver would be requested if they are already have landscaping shown on the plans. Chair Girard said because the regulations require a landscaping plan. A. Lachance said

they are not complying with a portion of the regulations, for example, they are not showing within the perimeter 24” trees or greater. A. Lachance said the applicant would have to include the area that they grade as well. S. Robert said they would preserve some trees in the grading area and A. Lachance said to grade all the trees would have to be removed. J. Lindsey said she is in agreement with the requirements of the regulations. J. Lindsey said when you can retain the land it is better for the environment. Chair Girard asked if there was a note in the plans that they will preserve as much vegetation as possible. K. Deslongchamps asked how they measure the 24” diameter. J. Lindsey said it measured 24” diameter at chest height. K. Deslongchamps said he doesn’t believe there is a tree 24” in diameter or larger in the area. J. Lindsey said if a plan is in place they will look at the area before hand so there are not any accidental cuttings. She said the applicant should be required to provide a landscaping plan per the regulations.

A. Lachance said there is the easement issue item #14 to discuss. Chair Girard asked the applicant to provide a recorded easement to the Board. S. Roberts said they do not have an easement, they have a lease. She said the lease gives them the rights that they need so they do not need an easement. She said it is not a big problem to do an easement and she said that could be made a condition of an approval. A. Lachance said the issue with the memorandum of a lease is it describes the entire parcel. He said in other communities the easements are clearly defined on the plans and matches what is on the plan. He said this is not the case with this cell tower. S. Roberts said the lease is proprietary and they do not want to give the Board a copy and believe they would more readily rather provide an easement. A. Lachance said an easement is not required in the regulations but is good engineering practice and good land use practice to have the recorded easement match what is on the plan and he recommends an easement be recorded to match the plan. J. Lindsey said she would like to see it on the plans because if the current owners sell their property the new owners will see the easement and will be aware.

K. Byrd asked A. Lachance about the Removal Bond. He said there were comments the cost was higher than past cell towers. A. Lachance said other removal bonds may have only included the removal of the tower itself. He said the removal bond he prepared was for the entire site to be removed and restored to its natural state. He said he can do a less costly cell tower removal bond only and will revise the removal bond and get the revision to the Board as soon as possible.

Chair Girard suggesting continuing the hearing until September 7, 2011.

K. Byrd **motioned** to continue the public hearing to September 7, 2011 at 7:00pm. J. Lindsey **seconded. All were in favor.**

Chair Girard told the abutters they would not receive a notice and this would be their only notice that the public hearing has been continued to September 7, 2011 at 7:00pm not 7:15pm. Chair Girard said to S. Roberts that Stantec submitted a letter to increase the amount of engineering fees by \$625.00.

#### Other Business

##### Informational Haunted Acres coming to Liquid Planet

Kevin Dumont introduced John Tracy Jr. and Bob K. co-owners of Haunted Acres. K. Dumont presented a plot plan of where the attraction would be located in the park. He said their customers would use Liquid Planet’s parking lot, ticket booth and bathroom facilities. He said customers would walk through the park where all of the water rides will be empty and covered up. They would enter the path to the Haunted House behind where the miniature golf is located. The area is approximately 3 acres. The trailers will be set up in an area that is already clear and is accessed by using the existing 2 lane park access road. He said the cleared out area was used to store materials when they were building the water park. K. Dumont said customers would not be on the access road. He said his mangers will be on duty and the Zip line will be running. He said there will be onsite venders for food such as pizza and beverages.

J. Tracy said there are no buildings; the Haunted House is made entirely of tractor trailers on wheels hooked to each other. He said there is emergency lighting, exit signs and a fire suppression system in the trailers. He said they were located in Epping for the last five years and at the Pine Crest Campgrounds before that. J. Tracy said Liquid Planet was a better fit for them. K. Byrd asked how many days they would be operating. J. Tracy said they would be operating 16 nights for the age of 8 and older and 3 Sundays during the day for ages 2-10 that is a non scare event. He said they would be open every Friday and Saturday in October, including some Thursdays and 3 Sundays. Chair Girard asked about the trailers once the event is done. K. Dumont said the trailers would be stored on site. Chair Girard said the Building Inspector did not say anything about requiring a site plan. G. Clifford asked what the grade was like where the trailers would be located. K. Dumont said it is fairly flat. J. Tracy said they try and keep everything as natural as possible as the idea is to go out to nature and woods which are scarier than if it was located in a warehouse. He said the trailers have elevated connected hallways. J. Tracy said on a busy night they might employ up to 75 actors.

K. Byrd asked how much more they would grow. K. Dumont said they found with the water park, weather is unreliable and it is not enough to sustain them. He said they have a 77 day season, with an average of 10-12 days that are rained out. He said he bought 40 acres to be able to expand the water park because water parks need to add attractions to keep people coming back. His said the attractions are geared toward 2-10 year olds. He said there isn't anything for teenagers and young adults to do. He said Haunted Acres would make sense as it has minimal impact to the land with the ability to generate income in the fall. K. Dumont said the zip line was added for the older kids and young adults this year. K. Byrd asked how the trash is disposed of and K. Dumont said they have dumpster company that hauls the trash away. He said the trash does not go into Candia's recycling center.

G. Clifford asked about land erosion and run off. K. Dumont said they are located further away from the setbacks for the river. J. Tracy said they try not to disturb anything. He said they put stones down for the path to encourage grass and weeds to grow through them. He said this way customers will not be walking through dirt or mud to enter the trailers. He said they want to give the impression Haunted Acres have been there for a 100 years. Chair Girard said she would leave it up to the Building Inspector if they need a site plan and she said she did not have a problem with Haunted Acres coming to Liquid Planet.

Chair Girard said she had letters from the Building Department, Fire Department and the Police Department. She said they reviewed the site and did not have any concerns and they will inspect the site again before they open. K. Dumont said the Fire Department wanted to make sure the pond was used for the fire suppression system that is in the trailers. He said they will have police details similar to when they operated in Epping. K. Dumont and J. Tracy thanked the Board for their time.

The next Planning Board meeting is September 7, 2011 at the Town Hall at 7pm.

J. Lindsey **motioned** to adjourn at 8:35 pm. K. Byrd **seconded**. **All were in favor**.

Respectfully submitted  
Sharon Robichaud  
Land Use Secretary