

**CANDIA PLANNING BOARD
MINUTES of February 21, 2018
APPROVED
Public Hearing**

Present: Tom Giffen, Chair; Al Hall III, Vice Chair; Judi Lindsey; Rudy Cartier; Ken Kustra; Joyce Bedard; Carleton Robie, BOS Representative.
Dennis Lewis, Road Agent; Dave Murray, Building Inspector; Dean Young, Fire Chief

Absent: Mike Santa, Alt

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

Minutes January 17, 2018:

A. Hall made a **motion** to accept the minutes of January 17, 2018 as presented. J. Lindsey **seconded**. C. Robie; K. Kustra; J. Bedard, T. Giffen; and R. Cartier **were all in favor. Motion passed (7-0-0)**.

Note: February 7th, 2018 meeting was cancelled due to a snow storm – there are no minutes.

18-001 Minor Site Plan Review Application: Applicant: 304 Raymond, LLC 679 1st NH Turnpike, Northwood, NH 03261; Owner: same; Property location: 304 Raymond Road, Candia NH 03034; Map 409 Lot 116.1; Intent: To add traditional drive up self storage units to existing building utilizing “relocatable” storage structures in the L1 District.

Present: Applicant Mark Murphy of 304 Raymond LLC and Melissa Murphy.

Abutters Present: Ron Severino (*no comments*)

M. Murphy asked can I borrow one of those (*a copy of his submitted plan*) I did not bring the right one unfortunately, my mistake on that. We updated the plan from the last time we were here. We originally thought we were going to change plans and sell the building. What we did was change the plan a little bit to reflect what’s happened since then but the general idea is the same as it was the last time I was here which was over a year ago. We did updates to show snow storage areas and other things that were required on the plan that maybe hadn’t been quite perfect before. I think all the abutter’s list stayed the same. The basic plan stayed the same. We are relocating the cistern that’s shown; exists in the back behind the last of these buildings in this area. That’s going to get relocated up here (*by the road*) at the request of the Fire Department and it lets us put a building in this area and it takes it away from being against this building which works out better for a variety of reasons. Basically it’s just what we’re doing now with self storage; some additional units in there that will be going in over time. I’m open to comments and questions that anybody has. I don’t know who’s the same on the Board and who isn’t from when I was here over a year ago.

A. Hall asked could you tell me about the cisterns. This says something about the spreader. Could you explain? M. Murphy replied the existing drainage plan; drainage on the site. The pavement pitches and kind of splits here, it pitches this way. All of this is caught into a drainage swale that comes to here. Everything that comes this way is caught into a drainage swale; it comes into what they call a level spreader, that’s just a large sort of trench area that goes across the back here at the bottom of the big pitch hill; not quite at the bottom, I shouldn’t say that because there are wetlands down here so this is at a higher elevation. It’s a slow infiltration set up. That hadn’t maintained but I’ve been cutting back all the growth that’s coming in through here and will be keeping that cut and properly maintained. A. Hall replied I’ve been down here several times with nobody around and once you get down the hill it’s pretty flat there. I

understand there's a cistern here; it must be buried in the ground. M. Murphy confirmed it's a fire cistern, yes buried in the ground. A. Hall responded so you're going to pull that out of the ground and stick it up in there where all those trucks and cars are. M. Murphy replied no, actually this is going to be accessed from the access road, which I generally don't want vehicles parked up along here and occasionally I find them there and have words with the tenants. It's going to be up here where it's accessible. The reason for this move, if I recall correctly, the Fire Department preferred it there. Back here, regardless whether we have storage units back here, he said basically they can't get to it back there anyway and all the years this building has been here, they've never really been able to get to it. Up here leaves it in a position where we'll also stripe it out so there's no parking in front of it and they can always get to it and use it. The good thing for me is when it was back here, this building or any of these were on fire, they were never going to touch that thing anyway. So now if it's here and my building is burning they can actually use it. A. Hall asked if there was also a cistern within this building. I recall when this building was built one of the fire requirements was a suppression similar to....M. Murphy replied I think that was related to the use they had at the time which was construction and there was a lot of free wood dust in the air. That was, I don't know because I didn't own it at the time. All I can tell you is the existing conditions when I bought it was there was a dry well; a fiberglass tank in here that had never been hooked up to anything.

R. Cartier commented that building was originally designed and built for doing modular construction for portable class rooms and things like that. There were going to be two 30,000 gallon cisterns located in that based on the occupancy of the building; a high hazard occupation. So that's why there was two but if you've got a change of use in there it can be looked at again and I think the 30,000 gallon cistern is going to be adequate for that building, at least to get things started. M. Murphy replied the use right now is automotive and we intend to remain that way. A. Hall reiterated so the cistern is going to be moved underground here. M. Murphy confirmed yes, underground. J. Bedard commented I'm curious about this letter from Dean, he just walked in. I think the dates are incorrect. *The cistern relocation should happen either in the fall of 2016 or in the spring of 2017 but the letter is dated February 7, 2018.* So when is it going to be done. M. Murphy said that was from before. It's going to be done this year. Basically as soon as I can get reasonable digging conditions; can't really dig right now, it's either frost or mud depending on the day. You can put a completion date on it of end of quarter to this year or something at the latest; that would work.

C. Robie said in regards to Mr. Murray's letter to Mr. Murphy, November 30th, 2017 a year after March 3, 2016, have the electrical issues all been resolved? M. Murphy replied we've had our electricians in there consistently resolving a lot of it. The fire panel; actually installation is being wrapped up right now. I was hoping to tell you guys that it was active but the electrician is MIA again today. C. Robie replied I think that needs to be completed. I think you had agreed to move the cistern prior to approval, according to this. M. Murphy replied again last time I was here, I didn't get approval and I stopped the process because in a business decision we had decided to sell the property. We were doing portable storage out of there and we've stopped doing that. We were going to sell the building. Six months to a year later we said okay we see a path to keeping it so we're looking to do that and we'd like to keep it. Coming back to the table for the approval as needed. We thought we were at a point where we were just going to sell the whole thing and it would be a completely different use to whoever came in next so my approvals wouldn't have been relevant. We stopped the process. C. Robie said you're moving forward now and it's been 2 years next month that you agreed to get that done. March 3rd, 2016. M. Murphy replied that must be mis-date as far as I know because we didn't buy the building until, well January 15th, 2016. C. Robie said well this is March 3rd, 2016. M. Murphy responded well I didn't come before the Board. I didn't ask for anything. C. Robie replied I think you were talking about using it for different uses; fire alarm system repaired and tested. Fire extinguishers would be upgraded and replaced. Emergency lighting would be tested and repaired. And there were a number of electrical issues that needed attention. I believe these have been resolved. And the cistern thing. So there's no fencing shown. If you're going to have storage units, they would have to be in a secured compound. M. Murphy commented based on? C. Robie replied courtesy for the people that are

renting them. M. Murphy replied that's an amenity not being offered at this facility at this time. It hasn't been a problem for us in other locations. C. Robie asked are any of the units rented at this time. M. Murphy replied some of them are, some of them had been, short of evicting them, there wasn't much I could do about it. They have been holding onto them. So I'm obviously here to get the approvals and continue to do that, there is a demand for that here. We started the fire alarm journey awhile ago. I've had \$10,000 in the hands of an electrician for over a year now. Melissa Murphy replied unfortunately his father passed away and he was out of work for awhile.

C. Robie asked what about fire alarm and fire system for the units for the storage units. M. Murphy said they're not contiguous to the building and we own five facilities and I've never done any fire alarm systems in free standing self storage units, anywhere. T. Giffen asked what are they made of. M. Murphy replied metal. T. Giffen commented so any combustibles would be whatever the tenant might put in there. M. Murphy replied whatever they're storing in there but any fire is going to be contained to...there are fire breaks between them as you can see and the buildings that are touching are the issue I guess but short of a 3 story climate controlled building I haven't seen people install fire alarm panels or sprinklers or anything else in free standing self storage in the State of New Hampshire.

D. Murray asked how many units do you have now. M. Murphy replied I don't think in units so I can't tell you off the top of my head but somewhere in the neighborhood of 20 or 30. D. Murray asked are you looking to expand beyond this or are we just going to deal with this. M. Murphy replied beyond this at the moment no. We do own 20 acres here and at some point I'd like to develop what's buildable in the back but that's a different day. D. Murray commented that would be a separate plan, a different adventure with the Board here. So we're not looking to expand, I'd like to suggest something to the Board. Give a 90 day window to finish up all his electrical issues and get him into warm weather so he can get that cistern moved. That's going up here? M. Murphy said yes along the property line because they want it as high as I could. D. Murray said you're going to need to maintain that during the winter so think about that, a place to plow. Don't put it too far back. M. Murphy replied we're going to put it as tight to the road as is reasonable there. D. Murray reiterated so 90 days, an electrician can get finished up and the cistern moved. M. Murphy said he should be able to. We're piped and wired everywhere. The panel is in; the telephone lines are turned on. It's just getting his ass back in there to finish it. If there's any other electrical we need to discuss, I will hire someone else. His father passed away and his wife divorced him in one year, but that's not really an excuse at least not to me. D. Murray replied no but I'm sure it affected his work ethic. M. Murphy replied it did. C. Robie said I checked the application, is it complete? Did somebody do a complete review? R. Cartier replied I did, it wasn't. M. Murphy asked how is it incomplete. T. Giffen said what are we missing.

C. Robie said we should address anything that's not complete on the application and are we going to accept an application before we make any further comments and discussions on this. D. Murray asked when he came in before was the application accepted then, do we need to do that again or not. The Board replied it's a new application.

T. Giffen said that was accepted (*previous application*) but it lapsed so we're looking at a new application. So you (*to Rudy*) had reviewed it and it's incomplete in some specific areas.

R. Cartier replied the first one is looking at the site plan review checklist; the name and address of the property owner and the address of the authorization is not on the plan. It needs to be put on the plan. It doesn't say prepared by it says owner. M. Murphy said I'm sorry I forgot to mark it as plan prepared by and owner, but it's one in the same. R. Cartier commented it said manager so it didn't really.... M. Murphy commented I am the manager of 304 Raymond Road LLC that is the owner of the property, I apologize. T. Giffen said if you just add manager/owner just add the verbiage that would be satisfactory. R. Cartier agreed. C. Robie asked was this re-noticed. A. Bickum replied yes. R. Cartier continued there were questions about whether there would be any additional lighting or any additional signage proposed for the site at all. New sign out front, new exterior lighting, lot lighting or anything along that line. A. Hall gave M. Murphy a copy of the checklist Rudy was reading from. R. Cartier continued the other thing that needs to be

put on the plans is the location of the existing water supply and septic system. That wasn't shown on the plans. A completion schedule isn't on there. That's one of the things that we just talked about with the cistern moving. I remember seeing the memo from Chief Young on the comments that he had and it looks like what you did was just update the date from the original letter that you had last year. Your dates for fall of 2016 and spring of 2017 were the original. D. Young replied it stopped and nothing happened and then he re-applied. R. Cartier said so it should have been done prior to coming into this meeting now, it should have been done back in 2017 to move that cistern. M. Murphy replied I guess I didn't understand that at the time and I'm confused by the 2016 because as far as I know we discussed moving the cistern when I was here the first time, which was October 2016 but somebody was reading March of 2016. C. Robie said yes I said March 2016. T. Giffen said so here we are February of 2018 so we're starting with a new schedule of completion rather than re-hash what was. Is the 90 day time frame realistic for you? M. Murphy said yes, the electrical shouldn't be an issue. I'm close on the third panel and I can hire someone else. The cistern moving I had a plan for it but the guy who was going to work with me on that passed away. I'll have to find somebody else to help me with that. R. Cartier asked do you have the Town Standards for installing a cistern. M. Murphy replied I could use a copy of that I think. R. Cartier asked Andrea to supply a copy to M. Murphy. R. Cartier said did you get an estimate for relocating the cistern. M. Murphy replied yes but unfortunately the guy who was going to do it with me is a friend of mine and he and I worked together on excavations projects and it was more time and materials of him and I and that was it. Melissa Murphy replied he passed away a week ago. R. Cartier reiterated there is a standard for cisterns for being installed and the building inspector will be inspecting to make sure it's done to the standards. M. Murphy said then I'll need a copy of that.

R. Cartier said the time frame that was talked about before that would take care of everything, the life safety issues, the building, inspector issues. M. Murphy said I was thinking more 120 days if you can do it if not I'll live with the 90 days and get it done. R. Cartier said 90 days would be the end of May with construction companies working as they are. M. Murphy said flat to the wall, all of them so that's my concern. R. Cartier replied and the cistern's not an easy move because you have to grade all of that, take it out, make sure the tanks in good shape, reinstall it, that's going to be expensive. J. Lindsey suggested can't we give him 120 days then. T. Giffen said that seems reasonable. The real question is we're looking at an incomplete application. If we accept it now we need to think long and hard about accepting it given that it is incomplete. I'd rather see a complete application before we accept it personally but I'll throw that out to the Board. There may also be some abutters. C. Robie said if he goes out and completes his application, that will also get that completed, get your 30 days. If you come back and we grant you the 90 days, you'll have 120 days. M. Murphy said good point. I can live with that. C. Robie said let's do that.

T. Giffen said you need to get your ducks in a row and get a contractor lined up who's capable of moving that tank and so on. Go down that laundry list and bring it back complete. Do you feel comfortable scheduling that meeting now? M. Murphy said we can do that now. A. Hall asked if Mr. Cartier was done with his checklist review. R. Cartier said most of the items are straightforward. Recap:

- 1) Changing the name on there (*the plan*) to make sure it reflects the property owner. Make it clear that you are the property owner or the owner of the LLC.

- 2) Additional lighting if there is going to be any, show it on the plans. You don't need a lighting analysis but any lighting done in Candia needs to be dark sky lighting. Everything reflects down.

- 3) Any signage that will change either outside or on the building needs to go through the Building Inspector. M. Murphy confirmed as a sign permit. R. Cartier agreed. M. Murphy said we probably will put a sign out here when we're done and I can get a sign permit for that.

- 4) Location of the water supply and septic system. M. Murphy agreed I can show that.

- 5) The most difficult thing for you to do and be careful on is that completion schedule. Make sure when you put that together you can live with it.

6) One other comment is that obviously you're under a cease and desist order now that will continue on until obviously everything is approved and completed in the approved project. T. Giffen asked if there were any abutters. *No abutters.*

MOTION:

A. Hall **motioned** to decline this application as it's incomplete. J. Lindsey **seconded**. **All were in favor** of not accepting the application at this time. **Motion carried (7-0-0). Application was declined.**

Meeting continued to March 21, 2018 at 7 pm.

T. Giffen said you have your marching orders, let's go 30 days out. M. Murphy said I have one question. For future reference, how do I not get in here and find out it was incomplete. What should I have done to know where I was at when I submitted? T. Giffen said well we have a completeness review now. We know what the points are. If you fill in the gaps on those specific points, I'm sure there will be no issue. M. Murphy said if I come back to develop the backland or whatever I'd want to know. R. Cartier said if you do the back land it would be a Major Site Plan it would be much more involved and the Board is willing to work with you and Andrea answers questions all the time. C. Robie asked how did you ask that question about how do you know if it's not complete. M. Murphy said I was just curious if there was something I should have done to know that this review was done and that it wasn't complete. C. Robie said a lot of times we get the plans really close to the time that the meetings going to take place. These were submitted, Mr. Cartier reviewed this on February 1st. That's what it says here. R. Cartier agreed. C. Robie continued and as we work as a Planning Board to make this application process as streamlined as possible, maybe a note out to the applicant if the review is done earlier, such as this was, two to three weeks ago. If he had been notified maybe he could have corrected the issues. M. Murphy said that's all I was asking. T. Giffen said you are correct. Let's see if we can notify applicants right away if their application's incomplete. We apologize for the inconvenience. M. Murphy said no problem, I just didn't know if I had made a mis-step myself. R. Cartier said if you want to submit everything and Andrea will give me a call and usually I can review within a day or two. **Meeting continued to March 21, 2018 at 7 pm.**

18-002 Minor Site Plan Review Application: Applicant: Candia South Branch Brook Holdings, LLC, P.O. Box 410, Candia, NH 03034; Owner: same; Property location: 512 Raymond Road, Candia NH 03034; Map 407 Lot 5-2; Intent: To add a 35' x 48' two story office addition to the existing main office and shop in the L1 District.

Present: Applicant Ron Severino of Candia South Branch Brook Holdings, LLC.

No abutters were present.

R. Cartier reviewed the plan and had some comments:

1) On the plans I couldn't figure out; on the boundary lines you have black lines, green lines and blue lines. R. Severino replied one is the flood zone. The blue is the 100 year flood. The green is just contours. Wait, those aren't the contours. It could be the finish contours on there. R. Cartier said there wasn't a legend on there so if you can make that clearer on that.

2) There was a question that I had but I didn't have a chance to look up the requirements but I wasn't sure if there is paved parking sufficient enough for the size of the office in there. I know there's plenty of parking but I can't remember when the original plans were approved whether the parking spaces that were out front met the zoning requirements for the number of marked parking spaces. R. Severino said back then they did but out back is an existing gravel parking area. A couple of acres of gravel parking out there right now. We're not looking to add employees we're trying to get some room. Everybody is sharing offices right now. We did show spaces on the original plan. But everybody is still parking in the same place. It's not shown on here but there's parking along the front in this area and we do park out back as

well. R. Cartier reiterated so you're not increasing the number of employees. R. Severino replied well there might be one but it's not the plan. The big part is to get a conference room. We have no meeting room, we have no storage area. We're just getting pretty overloaded in there. Most rooms have two people in an office; just trying to make some room. R. Cartier said I don't think it's a major issue it's just a matter of detail whether it had to be marked paved areas but I didn't have....I don't have heartburn over it. T. Giffen commented I would think that there's plenty of parking between the existing area out front where people park and the available area out back where it's obviously suited for the purpose. R. Severino said employee parking is a small problem compared to all the other stuff we have, to park there every night, the different trucks and things. This is phase I. We're going to try to get this office thing done, up and rolling and I do need to come back with a Major Site Plan Review because we do need to add onto the shop. That will entail a Major Site Plan and we do need more parking area. We're trying to fit that in somehow. When that comes, all that part's going to change. For now, we're just sitting this on an existing footprint and not disturbing any new ground. We came in with a minor; it doesn't call for much engineering so we didn't get into too much detail with contours and things as we weren't changing anything.

3) R. Cartier continued the river is right behind there are there any wetlands or marshes that aren't shown on the plans that should be? R. Severino said no this was pretty much an old gravel pit, many years ago; 30's and 40's. It was just a big lunar landscape when I took this over. There were no trees in there. There are wet areas once you go beyond this blue line you start to get into some wet areas. Other than that, there's a gravel bank that comes up out of the river all the way around this thing.

4) R. Cartier continued the only wooded area is what is shown on the right hand side of the office building. That's all the trees. R. Severino replied in that whole area we have some trees out front. R. Cartier clarified but around the building, that area, there aren't trees that you have to cut. R. Severino said no we don't have to touch anything. It's a blank slate out there, if anything we'll be adding trees. R. Cartier said it wasn't clear. No heartburn on that one either.

5) The location of the utilities. We found the water. R. Severino said the well is in the building so the water line doesn't show because the well is in the mechanical room.

6) R. Cartier said and the septic location. R. Severino replied the septic, that's shown, it's an as built of what it is.

7) R. Cartier said just on the building itself show, I think it was on one of the plans before, where the electrical comes in, it's underground if I remember. R. Severino confirmed it is and it comes in at this front corner and there's a pole out front. R. Cartier said if you can just show that on the plan just so it makes it complete.

8) R. Cartier asked any new lighting or signage. R. Severino said after 40 years we got the sign in so that's not changing. Lighting will be the same as what's there because there are lights on the back of the building now which will come off and we'll be putting new lights in the corners of this addition. So we're not adding anymore but new ones to replace where this is going. No pole lights.

9) R. Cartier said and a completion schedule. R. Severino said it's on there, June 30, 2019. We added that note after so you might not have seen it.

T. Giffen said it sounds like the issues are quite small and are not much more than housekeeping; a couple of minor modifications.

MOTION:

A. Hall **motioned** to accept the minor site plan *application* as presented. J. Lindsey **seconded**. **All were in favor. Application was accepted. Motion carried (7-0-0).**

T. Giffen asked if there were any abutters. R. Severino said I apologize, I was an abutter to the last one but I forgot that I was. But I had no comments.

C. Robie asked the main office and the shop, how many square feet is that. R. Severino said we're about 17,000 square feet right now. C. Robie said I was just curious. R. Cartier said Ron I looked at the

plans and you did submit a new set that I didn't see as items were addressed on them. R. Severino replied yes we added some notes after the fact. R. Severino said some of the things do show on my original plan but where this is kind of an addition to. T. Giffen replied and that's referenced as well in this isn't it. R. Cartier said they are minor details but want to make sure they're covered so we're being fair to everybody.

R. Severino said if you have any questions of what I'm going to do; compared to the rest of what's out there it's a small piece of that. I feel there will be very little site impact as I go forward we'll be coming back. We've done a lot of small things along the way; it's time to get a new plan.

C. Robie asked do we want a motion to approve. T. Giffen and R. Cartier said we just did. R. Severino and C. Robie said no you've accepted an application.

MOTION:

C. Robie **motioned** that now we're going to grant approval. When he comes in for his building permit he'll have the other issues addressed with Mr. Murray and they'll be noted by Andrea and Mr. Severino can move forward. J. Bedard **seconded**. T. Giffen stated all those in favor of approving the plan. **All were in favor. Motion carried (7-0-0).**

Informational: Applicant: Chad Branon of Fieldstone Land, Consultants, PLLC; Owner: Michael R. Thompson; 564 Old Candia Road, Candia, NH 03034 Property Location: same; Map 413 Lot 46; Intent: To subdivide Map 413 Lot 46, a 42.66 acre parcel into 5 lots; Lot 46, 46-1, 46-2, 46-3, 46-4.

Present: Chad Branon of Fieldstone Land, Consultants, PLLC

Abutters Present: Robert & Linda Cepeck of 29 Hook Road; Brian and Linda Cooper of 7 Hook Road; Dennis & Anne Marie Hetzel of 37 Hook Road; Kevin Turner of 568 Old Candia Road.

C. Branon introduced himself; I'm a civil engineer with Fieldstone Land Consultants. I'll be representing Michael Thompson this evening. We are before you to discuss the conceptual subdivision of Tax Map 413 Lot 46. The subject property consists of approximately 42.2 acres of land and is situated at the intersection of Old Candia Road and Brown Road. It's on the south side of both of those roadways. The property is burdened by a fair amount of wetlands. There's about 26 acres of uplands so 42 acres total but still a lot of upland area on the property. What we're proposing, my client's proposing to do is to subdivide the property into 5 residential lots. There would be 4 new lots essentially all the lots along Brown Road would be new, so 3 lots there and one (*lot*) at the intersection of Brown Road and (*Old*) Candia Road. The 5th lot consists of the existing residence which is located off of (*Old*) Candia Road. The lots would range from 5.1 acres in size, which is the smallest lot and that is the lot where we're proposing that the existing residence would remain on, all the way up to 18.2 acres which is the big property in the back, that my client would ultimately like to sell his home and build a home on that particular piece of property. All of the lots would meet the local regulations as far as lot size. We are in the residential zone so it's the 3 acre minimum; 1.5 acres of contiguous non-poorly drained soils. We have looked at all of those criteria and we believe they would satisfy, we know they would satisfy that criteria. Rather than coming forward with a full application we thought it would be prudent to come before the Board and get some feedback that you may have. Many of you may be familiar with this project. Back in 2011 the landowner was proposing a 7 lot subdivision and there were a lot of concerns relative to that development. Which were primarily centered on, we were proposing two common driveways at that time and they were very long in size. I think the local ordinance or the way the interpretation of the local ordinance was that the common driveway had to run along the common boundary to the home site and then break off and that plan didn't really conform to that regulation. So this plan reduces the number of lots, it gets rid of a lot of the concerns that were raised by that former application.

T. Giffen stated as a courtesy to the Board and to any abutters who may be present would you be so kind as to point out the wetland areas that are present on that lot. C. Branon replied sure the wetlands are all the areas that are shaded in that light gray shade on this plan. It is a large piece of property 42.2 acres of land. We do depict all the wetland setbacks on here and show the proposed building sites complying with those areas. But there is a pretty significant wetland that basically runs through the property. There is a flood plain area that runs along the back of the property and comes into about the mid-point. There's a heavy bold line on the plan that depicts that. When we did the topography of the site we actually sent that information to FEMA and they came back to us and supplied us with that flood plain line. So they ran it through their database and did a flood analysis on the site. We're confident that that's the actual 100 year flood line as depicted on the plan.

R. Cartier asked when I took a look at the plans and did the wetlands I also took a look at the flood plain. The flood plain extends more and cuts out more of the dry land; was that taken into account too when you're looking at the number of acres that are actually buildable because obviously you can't build in a flood plain. C. Branon replied are you talking about the flood line that we're showing on our piece? R. Cartier said yes. C. Branon replied yes, that did come out of the 1.5 acre contiguous land and lot size calculations. There's plenty of land here to support 5 lots. There's about 26 acres of upland area. R. Cartier said you've shaded the wetlands but you hadn't shaded where the flood plains are so it looks like there's more land that's available than there really is. C. Branon responded right, you are correct in that the majority of the flood plain area is on this lot here, which is the largest of the lots. So certainly that lot is adequate size but that's information that we'd be happy to come forward with additional data, breaking those areas out. I don't have that for you this evening so I can't speak specifically as to what amount of the flood plain is on any particular lot but knowing that's a concern that the Board may have, that's why we're here tonight to make sure we answer any questions.

R. Cartier said there is a considerable amount of land in that 413-46-4 parcel. Also it looks like there would be a problem with lot 413-46-3 the way that you have the driveways set up. C. Branon said that's not a flood plain line, I'll highlight it on here (*on the plan*). The floodplain line comes up through here. I should have plotted this in color, it would have been easier.

T. Giffen commented I have some thoughts. First of all, I'm not sure if you are aware that the 7 lot subdivision was denied in 2012 and it ended up going to the Supreme Court. The Town prevailed. We're dealing with a couple of things in my perspective. First we have the principal of administrative finality and that principal outlines the fact that unless the new plan is substantially different from the old plan and addressed the concerns of the old plan, we're not bound to approve it. That remains to be seen. I would also comment that although FEMA may be a source for flood plain mapping, they're ability to have accurate, granularity; an accurate delineation on a small parcel in a Town like Candia, is not necessarily good. I believe that's generally known throughout the engineering business. I don't have a whole lot of faith in the FEMA plan offering much in the way of accuracy or relief. There would have to be something fairly significant; different about this plan in the way that the wetland issue is addressed for this to even have any chance of going forward so that's the type of battle the applicant is up against.

C. Branon asked how would we get a determination on that because reducing the density by 2, getting rid of the long common driveways, those are significant plan changes that would typically address the very concerns that you raised. I just want to point out that we're not showing this line per a FEMA map, that's actually a FEMA calculation. There's nobody else that determines the 100 year flood boundary and so they've done this study based on detailed topography that we've given them. They are the resource. This is...(*unintelligible*). T. Giffen replied I stand corrected on that point.

A. Hall asked has FEMA updated their flood plain statistics since the last time this was presented five years ago. C. Branon replied they updated them I think right before we asked them to do this study but I'll look into that. It was right around September of 2011 that they started to re-evaluate some of the flood plain areas. That's a very good question I'd be happy to look into that. A. Hall continued as I recall at that time our Road Agent provided some more current updates as to actual flooding of Brown Road at that time

that FEMA was not aware of. C. Branon said it's been many years and I've talked to people in the area that have lived on this road and they've never seen it flood so I'm not saying there hasn't been a drainage issue or a culvert issue that causes localized flooding, that certainly can be the case but we are relying on the data that's available to present, the flood plain information. I'm not aware and nobody's presented any data and details and proof that there's a flood, flooding issues other than...at least not to me and we'd be happy to see that if it exists. To my knowledge I haven't seen anything else from all of our research. This is the best information that I've seen in the research because we've gone to the source and had them do the evaluation based on detailed information. There was some testimony about there being potential flooding problems along Brown Road I believe back in 2011. I just don't know if that's the case and if there is documented proof of that being an issue or if it was a localized drainage issue; a culvert blocked, those are all different circumstances than a 100 year flood.

C. Robie asked have you located the driveways on the lots, I can't see it from here, does that show any type of location, that's my first question. C. Branon replied we did, yes. C. Robie continued second I don't think there is a driveway that's going to be constructed that won't require a wetland crossing. I can't see that from here, am I correct. C. Branon replied you are incorrect in that 2 of the lots will not require a wetland permit. This back piece of land here, which consists of about 26 acres, is isolated by a wetland so we would need a wetland crossing. C. Robie confirmed you need 3 of them. C. Branon replied 2. C. Robie confirmed 5 lots, 2 don't need a crossing and 2 do. C. Branon agreed, that's correct. C. Robie said and neither one of them will be minimum impact correct. C. Branon agreed, that's correct. C. Robie continued and Brown Road was almost level with Brown Road with the water probably going over it somewhat so any driveway constructed would have to be constructed at least to road level. That's existing there. C. Branon said ok and go across. C. Robie said go across there, the elevation changes. I was questioning what NHDES would say about that. C. Branon replied we're confident we would build; secure wetlands permits through the state because for one you are allowed to access your land. C. Robie replied well you can access it before you do your subdivision. C. Branon responded you cannot. You can't access this back area without having at least one wetland crossing and I'm confident we'd be able to secure that permit on the state level.

A. Hall commented I would like to see if we could resolve the issue of flooding on Brown Road contradicting FEMA given our Road Agent personally experienced that I'd like to hear his comments.

D. Lewis replied it flooded one time, I think it was 07' (C. Robie said *Mother's Day flood*) probably 18 inches deep over Brown Road. The road has a tip to it so one side was deeper than the other and it was from the swamp side, not the inlet of the culvert. It backed up over the road. And it remained there for probably a good day before it had all dispersed to wherever it goes in Auburn. Any driveway that's in there, should you have another 100 year flood, would need to be higher than that elevation.

R. Cartier said to go along with what the Road Agent said if you look at your plan on Brown Road for that wetlands area that's up in that upper right hand corner, the wetlands actually do extend out into the roadway as it stands now. It would seem to me that any kind of rain event in that marsh area is going to spill over those banks. D. Lewis responded when the state moved the road there they filled in the wetland to put the road there. The wetland used to be where the road is and when the state relocated Brown Road for 101, they filled in that wetland. C. Branon replied I don't know enough to say whether something's changed over the last 10 years downstream what Dennis just presented is in fact the way FEMA represented it to us. This is a tail water condition on the flood situation where it's flooding back into the site. That's something we could look into; there very well could have been a structure change downstream that doesn't allow it to back up into the property anymore. I can't speak to that but you're verifying that's the way that you saw it happen.

R. Cartier asked has there been a soil study done... C. Branon said there will be. R. Cartier continued for the land that's being proposed to actually being built on. C. Branon replied yes. R. Cartier continued so it will handle foundation loads, it will handle septic. C. Branon replied yes.

J. Lindsey asked has it been checked out for endangered species. C. Branon replied I do believe with the last application we did in NHB data check as part of this application, we would go through the same process.

R. Cartier commented what I noticed from the last application is that the Water Works owns land that abuts that and they're concerned about having anything built in the wetlands because it's part of their watershed. I think that would have to be addressed to Water Works. T. Giffen commented I'm sure they would be interested as an abutter and comment. I suspect that their comments would remain quite similar to those received the last go around but that would remain to be seen.

J. Bedard said I'm reading over this Supreme Court decision it does say right here "*rather than prohibiting subdivision altogether, the board specifically referenced preference for a different plan with fewer lots.*" So it seems like that's a significant change. C. Branon said we would be looking...the reason why we're here. We're trying to take as much of a productive approach to this subdivision as possible. We understand there was history. We want to put the plan and the development before the Board so if that's something that the Board needs to consider, we would like that to be done prior to us submitting a final application for this project. What I mean by that is that I certainly believe that this is a substantial change and is consistent with what was requested in the court documents awhile back but if there is a difference of opinion amongst the Board then we should probably have that dialogue.

R. Cartier said you just brought up an excellent point but the flip side of that is that I think you said your major change was that you went from 7 to 5 lots. C. Branon replied well there were a number of them; 7 to 5 lots, density was one thing but I think density played a factor into how we were accessing the lots and the common driveways was a big concern with the last application and the length of one of the common driveways came back up into here and I know that was a big concern. So I think this plan, I would like to think it addresses all the concerns. We're proposing single driveways; we've certainly reduced the number of lots. And we believe its reasonable; its 42.2 acres, 26 acres of upland and we're presenting a plan that meets your regulation and trying to be sensitive to the concerns that were raised with the last project. R. Cartier replied but there's no change to the site conditions from what was before. C. Branon said we can't change the conditions of the site but we can present the facts of this is where things are and this meets your ordinance. I think concerns were raised relative to safety with the length of the common driveway and maintenance issues that may result from that. Nowhere in the document did anyone make reference to changing the conditions of the land I think it was changing the proposal to be more consistent with some of the concerns that were raised.

T. Giffen asked what are the lengths of the driveways and how much wetland crossing is there in this plan versus the other. I think an overlay of the two plans would be useful so a comparison could be drawn frankly. C. Robie said that doesn't matter (*regarding driveway length*). C. Branon replied we could take a look at the old plan, we had a wetland crossing here, there, and then this alignment is quite similar because we're trying to minimize the wetland impact and that's an avoidance situation there. This crossing is at a higher elevation than these crossings here which I think raised, addresses some concerns. This driveway crossing was actually occurring inside the flood plain area the new driveway crossing will be occurring outside of the flood plain area here. I can't speak to what the storm was back in 2007 but if I remember correctly that Mother's Day storm was more than a 100 year event. R. Cartier said once every 10 years. C. Branon replied I don't disagree with that statement and I don't think this road has flooded in the last 10 years and there have been some very large storm events that have happened. We are crossing this wetland here; it's at a higher elevation. This one is the highest elevation we can get to. The driveway length this is about a 600 foot driveway, and that one is about 700 feet long. The one prior was close to 1500 feet long. T. Giffen asked in terms of the amount of wetland disturbance, this plan versus the other plan do you have any kind of a measure. C. Branon replied I don't have that measure yet because we're conceptual. We haven't designed the driveways. I suspect we're going to be less but I don't know to what degree. Here and here we'll be less just because this is a singular impact. We're going to be the same up here. Actually no it will be less up here. This again was one of the conditions was the common driveway has to start on the

common line so that caused it additional impacts with this layout whereas on the new plan, we're able to adjust that entrance. This will be slightly less and I do believe this will be less just looking at it but I would need to verify that through design.

C. Robie asked that wetland delineation there is that all very poorly drained soils with no bodies of water, is there any contiguous bodies of water that stay out there at all times? C. Branon responded this is not all very poorly drained soils. There would be a very poorly drained line certainly in this area of the site and it would probably extend a little bit down the site if I had to guess. C. Robie asked and the rest of it is considered poorly drained? C. Branon replied right. C. Robie continued and there's no standing bodies of water? C. Branon replied I think there would be..there's got to be some form of standing water in that marsh. It might dry up seasonably. D. Lewis and some abutters commented it never dries up.

J. Lindsey commented when I look at it, it looks like a bunch of islands and there may be some pieces of land that are just not conducive to building. Like I've said before, man can build on any kind of land that he wants because he has the technology but is it the smart thing with all the water, wetlands, the flooding. It just doesn't seem reasonable to put that many house lots on it.

R. Cartier clarified on the first page that you have, there are no shared driveways is that correct? C. Branon agreed, correct. R. Cartier continued the other item that Water Works had mentioned if the plan was to get accepted and reviewed that they were recommending that a drainage study be done in the area so that would probably be something we might consider too based on their recommendations were. T. Giffen said they're looking for a drainage study that would identify *whether or where (unintelligible)* there's a net increase in drainage from the development of that site and that no doubt would relate to the amount of impervious surface and the requirement that those driveways be elevated a bit relative to the road in order to provide safe passage. C. Branon responded we had met with them; they issued the letter, we met with them; we think we came to some sort of an agreement with them and then unfortunately the Board...we actually had Stantec sign off and the decision was the Board wasn't comfortable with the project and denied it and so all of those were ancillary items but certainly we understand we'd have to resolve those again as part of this project.

Abutters Concerns:

Linda Cooper of Hook Road: Back in 2009 5 house lots were requested. That didn't happen. Then it went to 7 house lots. Nothing has changed. I forget when it was, Mr. Thompson obtained a timber permit. He's allowed to do that, not for drudging and he did clear a lot of the land with the timber permit but no drudging. We have more water now in the wetland on Brown Road before Hook than we ever had. The old logging road off of Brown Road also has water on it. It looks like a stream going in another part on Brown Road. Near the corner of Old Candia Road and Brown Road, there's some water in there as well. I have concerns about that. They're talking about doing another driveway along the snowmobile trail, the old railroad. The driveway would have to be built up to be the same height as the railroad. There's some water that's been there. To me there still would be disturbance of the wetlands. After a lot of the timber was cleared, it seemed that the wetlands spread out more. A lot of trees were coming into the back part like they're all dying off. Everything just spread out. I don't know the last time that anyone took a site walk to see how there is so much more water than there ever has been. I do have concerns. In 2009 he wanted 5 house lots and then it went to 7 and it's been 7 and then everything with the court and filing with the Superior Court and then they appealed it to the Supreme Court. It wasn't going to happen. To me it's like what has really changed?

T. Giffen commented I understand your concerns. Second of all, I was unaware of the previous 5 lot submission back in 09' but it's certainly something the Planning Board should look at to see what affected it and what the changes are from that. Third, when you remove a lot of trees from a landscape, that landscape's ability to act as a reservoir of water is diminished. C. Robie asked have the wetlands been delineated since 2009. Have you done wetlands delineation in the last 10 years on that property? C. Branon replied we've only walked it to field verify that the wetlands look generally the same. C. Robie commented

generally? C. Branon continued we would need to do a...we're here conceptually so that would have to be done as part...in general you have to re-map wetlands every five years so we know that this is something we ultimately have to look at again. C. Robie reiterated that would have to be done.

L. Cooper said concerns that I raised the last time when it was 7 house lots, 5 house lots was that there would be new wells, new septic for all those homes, how is it going to effect the abutters. C. Robie replied I do recall that Mr. Thompson, I think he came in for an informational on 5 lots and I think he was under the impression that might not have been so he came in later with a 7 lot subdivision looking to get the maximum he could possibly get. I don't think there was ever an application for 5 lots; I think it might have been an informational. C. Branon confirmed I was never a part of a 5 lot so I'm not aware of that. I am now.

Dennis Hetzel of Hook Road asked how would you build a driveway through the marshes. You dump fill in there until you get high enough so you no longer have the water is that how that works; do you build a bridge? T. Giffen replied there are various concerns where the water still needs to be able to drain and flow property and typically culverts are involved that would have sufficient capacity. It's an engineering problem, I'm not an engineer. Some considerations would come into play.

Anne Marie Hetzel? (*She did state her name*) commented I've also seen a lot of the like water people up there a lot. So I would want them to take a look as well as well as anyone environmentally for the animals; the environment. My sister works for Fish and Game I'm sure the state would go in and say can you touch this; can you not touch this, I don't know. T. Giffen replied something like a natural resources survey may come into play and Water Works as an abutter would certainly take an interest as they have in the past. Things would come into play.

R. Cartier stated the Department of Environmental Services has requirements for wetlands crossings so there would have to be engineering evaluations done submitted to DES, they would have to review the plans to see if it was going to, make sure it had a minimum impact on the wetland so it's a very detailed process involved with doing any kind of a wetlands crossing. D. Hetzel commented those 2 extended driveways, that's quite a bit of crossing going on there. R. Cartier reiterated it would have to be done by an engineering firm, they would submit it to DES, DES would review it; make sure there is minimal impact. I can't say that there isn't going to be any impact, it will be but they try to minimize it.

A. Hall said one of the abutters mentioned a lot of trees had been removed. Is there a guestimate of number of trees?

L. Cooper replied I saw trees were being cut; he obtained a timber permit to clear a lot of the land. It's his land; they told him what sections he could clear. Since a lot of that was cleared, you can see right through now, it's not dense like it was. The back part of the wetlands on Brown has gone further back than it was and there are trees that are in the water now that were never in the water. They've been dying off. You see water in different parts, like on the logging road, there's water. That's one of the intended driveways, I have concerns.

Kevin Turner of 568 Old Candia Road said would it be possible to show us on the map where those trees were cut, the area that was cut out. L. Cooper said they probably know how many acres. I don't know but there was a lot that was actually cleared behind the wetlands and throughout the middle on his property. He was allowed to cut so many acres. D. Murray said it was selective cutting, down through here, this whole piece. I know DES and Manchester Water Works were out there checking it out and they were satisfied with what he had done. R. Cartier asked how did they cross the wetlands. D. Murray replied however they do it with the loggers, which is why I had Manchester Water Works out there and DES actually. R. Cartier so no permanent roadways, temporary? D. Murray said with logs; they do it with logs and then take them out after. Everything was above board there I know that. I don't know what the results are now are the wetlands getting bigger or whatever. I know it was well checked out by the officials.

T. Giffen said this is only an informational; no decisions being reached, we're just here to discuss it and give you some impressions. If took the liberty of summing up for the Board, the summation would be there's still a lot of concerns. It's going to be a tough road. There's got to be a clear demonstration that

there's a significant change. There should be some metrics that would help with that among which would be a storm water discharge study or something to show that it's not going to create a significant change that would adversely impact surrounding areas. That's my thought. I can't speak for the Board to that.

A. Hall said I would be interested in knowing the approximate number of trees that were removed. Was it just a half a dozen or 50? D. Hetzel replied just walking the trail, easily over a 100 trees. They selectively cut the bigger Oak trees. A. Hall continued one tree absorbs and holds a lot of water and if you remove that tree, the water's going to have to go somewhere. It's just common sense. C. Robie clarified Mr. Thompson obtained a timber right intent to cut that property. They selectively cut that property. They filed an intent and when they were done logging, they turned in the amount of wood that was processed. Our Forester; if you read what was turned in, the amount of logs; amount of board feet you can estimate the stumpage and how many trees were removed. Other than that, unless you go out there and count the stumps, nobody here can tell us. A. Hall reiterated but the removal of trees...T. Giffen interjected affects the ability of the land to...A. Hall agreed.

Other Business

SNHPC letter regarding Traffic Counts:

T. Giffen said we do have correspondence from SNH Planning to do with traffic counts. C. Robie said we just had a traffic count. SNH seems to like to do them, we always have traffic studies. Do you know more about that Dennis? D. Lewis replied they do 5 or 6 roads per year. We have roughly 50 roads in Town including state roads. So on the rotation we get an updated every 5 year traffic count for every road. It does come in handy when you're trying to decide which roads should be re-built in the long term plan. I find it helpful to know what the traffic counts are because some of roads are becoming very busy. If you read what came in 20 years ago and look at it today, there's another 600-700 cars on that road. It's good information. R. Cartier suggested that the Road Agent suggest 5 or 6 roads that he feels would be helpful. D. Lewis said I have 2 requests this year, the others; they look at what they've done in rotation. C. Robie replied if it's a valuable tool to you, that's all that matters. A. Hall said in full disclosure I am one of the Town Representatives and on the Executive Board for SNHPC and I can assure you that this request is reasonable in the normal line of business. There's nothing in this request that is considered padding if you will. It's legitimate. C. Robie said my point was if there was a better use for the money that SNHPC is using for traffic count in our community, would it be prudent for us to consider that. That was the only reason why I asked that question. I wasn't saying that SNHPC was padding anything. I was just saying if there was an opportunity to do something else other than annual traffic studies, are they a valuable tool to us. D. Lewis replied I think they do this for every community as part of their job every year. I don't know if there's a dollar value they put in or just have permanent staff that just has traffic studies. I do find them valuable. K. Kustra asked how they were done. D. Lewis replied a meter and rubber tubing that goes across the road.

R. Cartier commented it's valuable for the Planning Board, because a lot of times when we talked about Currier Road and the traffic there, having a count 5 years ago and a count now, we can look at these things. D. Lewis said one of the road requests this year is for Currier Road. Last time we did one was 5 or 6 years ago and it was up over 300.

MOTION:

K. Kustra **motioned** to adjourn at approximately 8:30 pm. J. Lindsey **seconded**. **All were in favor. Motioned carried (7-0-0).**

*******Zoning Review & Revision Committee Meeting has been cancelled until further notice.**

Respectfully submitted,

Andrea Bickum, Land Use Secretary

cc file