

**CANDIA PLANNING BOARD
MEETING MINUTES OF
February 20, 2019
APPROVED**

PB Members Present: Rudy Cartier, Chair; Al Hall III, Vice Chair; Scott Komisarek, BOS Rep.; Joyce Bedard; Josh Pouliot, Alt.; Robert Jones, Alt.

PB Members Absent: Mark Chalbeck; Judi Lindsey; Mike Santa, Alt.

Audience Present: Dennis Lewis, Road Agent; Dean Young, Fire Chief; Bryan Ruoff of Stantec; Chad Branon of Fieldstone; Attorney John Cronin, counsel for applicant; Sue Young, BOS Rep.; many town residents.

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

Approval of Meeting Minutes -January 16th, 2019:

A. Hall made a **motion** to accept the minutes of January 16th, 2019 as presented. S. Komisarek **seconded**. J. Bedard **abstained**. **Motion passed (5-0-1)**.

Letter of Interest:

Review letter received by Robert Jones, regarding his interest in serving on the Candia Planning Board as an alternate member.

A. Hall makes a **motion** to accept Robert Jones to the PB as an alternate member. J. Pouliot **seconded**. **All were in favor. Motion passed (5-0-0)**.

The Town Clerk swears in Robert Jones as an alternate member on the Planning Board.

S. Komisarek removes himself from the Board on the grounds that he is the applicant in the case being handled by the PB tonight (case #19-001). Sue Young, BOS Rep. is added to the Board in Scott's place as an alternate.

Continuation of 19-001 Major Site Plan Application: Applicant Candia Crossing LLC, 38 Fieldstone Lane, Candia, NH 03034; Owner: Same; Property Location: High Street; Map 406 Lot 16; Intent: To re-open an existing 2007 conditionally approved major site plan for a 43 unit elderly housing project as the site plan has been redesigned. Upon a finding by the Board that the application meets the submission requirements of the Candia Major Site Plan Regulations the Board will vote to accept the application as complete and a public hearing on the merits of the proposal will follow immediately. Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

The Board begins by discussing the question of authority it has over the project to determine if the previously approved variances in 2007 are still valid and/or still required at this stage or does the applicant need to go before the Zoning Board of Adjustment (ZBA) prior to Planning Board (PB) approval.

After further examination it was determined that because the application was not accepted and approved by the PB as complete at the 1/16/19 meeting, anything done was only in an advisory capacity and therefore did not have the authority to grant any waivers or act on the application at that time.

R. Cartier reads a letter into the record from Attorney John Cronin addressed to the PB Chair, dated 1/23/19. A drafted response letter is then read into the record for review by the PB.

Board discusses the site plan validity vs. the variance extensions and the question of which board has the authority to grant each piece in order to move forward with the project.

Attorney Cronin comments on his letter to the PB, the history of the pending case and concerns regarding the applicant, in his opinion, not being properly notified of any potential issues arising from the variance that would

inhibit any further progress. He asks the Board to determine and vote, based on the ordinance (section 2.05) and under Innovative Land Use Controls, if variances are required for this project to get amended.

R. Cartier proposes the Board go into an executive session to discuss advice from Town counsel.

Motion to enter Non-Public session made by: A. Hall. J. Bedard **seconded. Motion passed (6-0-0).**

Enter **Non-Public** session at **7:34pm**

Return to **Public** session at **7:48pm**

After discussion and review of applicant's counsel as well as Town counsel, it was determined by the Board, based on RSA 674:21 (II) "Innovative Land Use Controls", that variances are not required.

J. Pouliot makes a **motion** that there are no variances required for this project based on Section 2.05, under "Innovative Land". A. Hall **seconded. All were in favor. Motion passed (6-0-0).**

Resident, T. Dimaggio requests his letter received via email by the Land Use office on 1/28/19 be read into the minutes *(see attachment). R. Cartier agrees to read and address the resident's concerns.

Resident, Debbie Graff 's concerned about unforeseen affects in the future such as wells and ponds drying up in drought weather due to the large size of the development.

J. Bedard makes a **motion** to accept and approve the application as complete. A. Hall **seconded. All were in favor. Motion passed (6-0-0).**

C. Banon (Fieldstone) begins his presentation and provides the PB with a Revised Waiver Request Letter dated 2/20/19. The letter is reviewed by the Board.

B. Ruoff mentions a new waiver in the letter under site regulation regarding the curbing in the project and the Board votes to approve the waiver after further discussion.

J. Pouliot makes a **motion** to accept the specific new waiver request for Article 14.20 of the Subdivision Regulations and 8.02-H and 8.03 of the Site Plan Regulations. S. Young **seconded. All were in favor. Motion passed (6-0-0).**

B. Ruoff (Stantec) provided the PB members with a Revised Plan Review letter dated 2/20/19 and specific comments/items were brought forward for approval by the PB. After further discussion and review with B. Ruoff, the Board approved these items with the conditions listed for final approval.

C. Branon presents letter from Bruce Lewis Engineering dated 2/20/19, regarding water system approvals for the project.

C. Branon presents letter from Dean Young, Fire Dept. Chief, dated 2/12/19, regarding fire suppression system for the project and the voluntary contribution to the Fire Department in lieu of the sprinkler requirement in the units and the need for cisterns to be located on site.

Chief Young notes the excessive costs of cisterns and lack of use in current times. More modern accommodations are used now and what would be more effective is dry hydrant placement in town to assist with any situations that did arise and suggests a waiver in this instance.

C. Branon presents a written waiver from Attorney Cronin dated 2/20/19, to the PB for the fire suppression system.

J. Bedard makes a **motion** to grant the waiver in lieu of the fire suppression system, that a voluntary contribution be made to the Candia Fire Department of \$21,500, and it is done on a case by case basis only. A. Hall **seconded. All were in favor. Motion passed (6-0-0).**

C. Banon requests the Board to grant the original waiver request be extended from only the first 9 homes to the whole project.

A. Hall makes a **motion** to accept the waiver as requested under Article V, Section 5.06.14 of the Zoning Ordinance. J. Bedard **seconded. All were in favor. Motion passed (6-0-0).**

R. Cartier opens the meeting to public comment at 9:36pm and reads the letter submitted by T. Dimaggio. C. Branon and B. Ruoff respond to the concerns in the letter and it is stated that the updates in this project have met and now go beyond state standards. B. Ruoff met with the water source experts at Stantec, and because the drilling exceeds 1,000 feet in order to obtain an adequate water supply for this system, it's a believed to be a different water supply all together than the adjacent lots, and once state reports are received this should be conclusive.

R. Cartier asks if T. Dimaggio wants the agreement would be acceptable just between himself and Scott or have it as a condition of approval. T. Dimaggio states he wants any agreement in writing and will work with Scott on that and if any correlation comes to pass with the development, then Scott will assist as agreed.

J. Bedard clarifies that in regards to the T. Dimaggio letter, this plan is already pre-approved and not a new unapproved plan. In addition, each property owner has the choice to have what type of well they choose, whether it be dug or drilled, but the PB cannot make decisions based on those choices.

B. Ruoff mentions compliance inspections for the project and C. Banon responds that Fieldstone will take care of the inspections as usual and will be subject to state standards.

Resident, Dave B. (Fieldstone Lane) comments that the project has great potential for the revenue of the town as well as minimal impact.

Attorney Cronin requests the substantial construction and completion be extended from 2-4 years to 3-6 years.

J. Pouliot makes a **motion** to approve the proposed amendments to this site plan and continue the periods for active and substantial development for 3 years and substantial completion to 6 years, from the date of signature of the plans, subject to the conditions of approval. A. Hall **seconded. All were in favor. Motion passed (6-0-0).**

R. Cartier closes public hearing at 10:24pm.

A. Hall makes a **motion** to accept and approve the revised application/plans as presented with conditions. Sue Young, BOS Rep. **seconded. All were in favor. Motion passed (6-0-0).**

Conditions of Approval:

1. *Submission of all final approvals from the New Hampshire Department of Environmental Services and third party agencies;*
2. *Resolution of all comments to the satisfaction of the Town of Candia's engineering consultant, "Stantec";*
3. *Submission of final approval of the community water system;*
4. *Receipt of the approval from the Board of Selectmen of the Town of Candia to build a private road with the required waivers and indemnities;*
5. *Submission of acknowledgment to pay a total of \$21,500.00 to the Candia Fire Department in lieu of sprinklers and fire concerns. Payment of the \$21,500.00 shall be made in five equal payments of 20%, the first payment to be made upon receipt of the first building permit and each subsequent payment to be made on an annual basis on the anniversary of the first payment for the following four years. The timing of the payments is subject to change if the building permit per year limit is waived, varied or otherwise deemed not to be applicable to the project;*
6. *Submission of the final condominium documents;*

7. *Submission of the final retaining wall dimensions and details which are expected after Alteration of Terrain approvals are obtained;*

8. *Submission of the elevations and renderings of the proposed homes. Details of the same being subject to change per customer preference by separate styles and heights to be consistent with elevations and renderings;*

9. *Maintaining the current bond in place subject to review by Stantec and recommendation at a Compliance Hearing regarding the same;*

10. *Submission of copies for compliance reports, submitted to the New Hampshire Department of Environmental Services, the Town of Candia's Planning Board, and other agencies as applicable; and,*

11. *Active and substantial construction shall start within three years of the date the plans are signed unless otherwise extended by the Planning Board.*

12. *Substantial completion (infrastructure) shall occur within six years of the date the plans are signed unless otherwise extended by the Planning Board.*

13. *A Compliance Hearing shall be scheduled prior to the signing of the plans to confirm that the conditions precedent is satisfied.*

S. Komisarek returns to the Board.

Other Business

- Any other matter to come before the Board

*ZRRC meeting to directly follow this PB meeting without adjournment of board

ZRRC meeting:

J. Bedard **motioned** to adjourn at approximately 10:40pm. A. Hall **seconded**. **All were in favor. Motion carried (6-0-0).**

Respectfully submitted,
Lisa Galica
Land Use Secretary
cc file

*(T. Dimaggio letter attachment)

**Thomas & Sandra DiMaggio
42 North Rd.
Candia NH 03034**

To the Planning board.

Please add this to the official minutes in the upcoming meeting.

This letter is asking you to consider the citizens of Candia and especially the residents that border this development that would impact us.

The following are concerns that I have and believe the others have.

1. The amount of water to be used by this concentrated development:
The state lists the average home would use 120 gal. per day. This equal 5,160 gal per day, 154,800 gal. per month. Even though there may be enough to start at this rate how long would this last, and what effects would it have on the abutters and their water supply. The town is not equipped to supply water at this time and what effect would it have on the taxes.
When the original development was proposed we had a start of an agreement that with the developer would protect our well, the problem was the agreement started after the first draw down, and not after the completion of the last unit. The developer would not change the agreement. I need the board to protect my home and water.
2. Because of the water usage stated above there is also the sewerage, which must be considered along with the surface runoff. If you look there is on average a little over 2 feet of top soil on top of ledge. What this means is that any sewerage and runoff will flow down hill to my well and water supply. I am not the only abutter that would be affected by this. What will happen if the board lets this pass and the above statements comes to be, we will be forced to move, and our houses will become 0 in value. as the developer becomes wealthy, I and the other longtime residents will have lost everything.
3. Even though the developer stated that the traffic flow would be below 10 cars per day per house hold per day the state and federal government has done the studies and have given us the average. There for it only stands to reason that the developer would state less for his benefit.
4. Then there is the will of the voters that voted for single story houses no matter what the look and design. If the planning board ignores the will of the voters, then what good is the voice of the residents in town when the planning board does what it wants. There goes democracy. The builder clams it would be a hardship for him without considering the other people affected by this. And the fact that the developer already has 2 properties that he has done nothing to and is starting to look rundown. I would think he would do something with them before taking on more.
5. There are several tributary streams which flows through my property and near my house It flows in the spring and though the fall and winter. This stream feed into the North branch of the Lamprey river and could contaminate the river with sewerage and runoff.
6. Based upon all of the above It seems obvious that this project belongs in a town or city that has public water and sewerage. Over 55 does not mean no children in schools and that these people would not be working. It takes only a quick look around at other towns to see that similar developments have not been filled and have the problems listed above.
7. Finally, I realize that the developer is a selectman and is on the planning board which make it hard to say no but as elected officials voted to protect the citizens you must say no to a development of this site.