

**CANDIA PLANNING BOARD
MEETING MINUTES OF
September 16, 2020
APPROVED**

PB Members Present: Rudy Cartier, Chair; Brien Brock, BOS Rep.; Josh Pouliot; Robert Jones, Alt; Joyce Bedard

PB Members Absent: Mike Santa, Alt.; Scott Komisarek; Judi Lindsey; Mark Chalbeck, V-Chair

Audience Present: Kevin Gagne (BI), Bill & Anne Saffie (applicant), Jim Franklin (applicant's surveyor) and town residents.

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

Informational:

Applicant: William & Anne Saffie, 30 Patten Hill Road, Candia, NH 03034; Owner: same; Property Location: same; Map 409 Lots 221.

Intent: *Lot Line Adjustment.*

R. Cartier starts by confirming that the applicants are present, and they are as well as their representative and Land Surveyor, J. Franklin.

J. Franklins starts by handing out a packet of information to the Board members for review. Included is the deed for the property owned by the Saffie's depicting the details of their lands. Currently the tax maps show only one large parcel with approx. 30 acres (409-221). He states that the deed was recorded at the Registry and given to them from the previous owner, Gladys Baker. The deed describes 5 separate parcels of land. He refers to the other information in the packet which is a printout of RSA 674:39-aa. He states that this law say that if a person owns 1 or more lots side by side and the Town has merged them as 1 piece, the land owner can apply to the Town to have them unmerged and they have until 12/31/2021 to do so. It also states that the municipality shall have the burden of proof to show that any previous owner voluntarily merged these lots. He states that he has searched the online Registry and has not found any lot merger form recorded, which is a requirement by law. He also notes that he doesn't have anything that indicates there is not 5 parcels of land. B. Brock asks, so the only thing that says that there is, is the way we tax them correct and J. Franklin says correct.

J. Franklin says there are instances where, for example, a person owns 3 pieces of property and each one is 4 acres, they all abut, that gives them 12 acres and then they can apply to the assessor to have it considered as current use. There are some case where it's even across the street as long as there's no abutter in between. He references the tax map he included in the packet for the Board to review and noted he wasn't sure when the maps were updated but this one was from around 1990. He says at that time it showed 3 parcels of land (409-221, 222, 223). He is not definite as to the numbered location of each parcel (1-5) because it has yet to be surveyed.

J. Franklin states that the Saffie's (applicant) would like to do is a LLA and consolidation. They intend to build on 1 of these parcels, bring it up to Town standards of 3 acres, and do the necessary work that the BI requires to issue a building permit. This would include such items as test pits, perk tests and a state approved septic system design. R. Jones asks what parcel this is intended to be built upon? J. Franklin says it would probably be on some portion of parcel #5 because we are not sure where the existing house and garage is relative to those lines. Parcels 1, 2 & 5 would have the lot lines adjusted in some fashion. The applicant notes that they are not selling the lot, they just want to build a house there for their daughter and grandkids to live in. B. Brock says, so 1, 2, & 5 is what is going to change? J. Franklin states that his recommendation to the applicants at this point, without having surveyed it yet, would be they consolidate parcel 3 & 4 with what's left of parcel 1 & 2 so they would end up with two separate, distinct lots and one meets and bounds description around each lot.

R. Cartier says, so you would combine parcel 1, 2, 3 & 5 into one lot? J. Franklin says not necessarily, because it depends on where the measurements are on the ground that are called for by deed and where the existing house and garage are as well as frontage.

R. Cartier confirms with J. Franklin the frontage amounts of the potential parcels 1 & 5, but no one is sure as to the balance between the lots because it is not labeled or described in the deed. He says it looks

like somehow parcel 5 & 1 didn't get on the tax maps, so lot 409-221 is being taxed on that entire square. There is no access right now to lots 409-222 or 409-223 as they are landlocked. J. Franklin says there wouldn't need to be because they are in one ownership and by law a landowner can not deed himself a ROW to his own property.

R. Cartier says the Board wouldn't be able to go by just this information presented and J. Franklin agrees that a certified boundary survey would be necessary. R. Cartier continues and says if indeed the deed says there is 5 distinct parcels and should've been listed that way, then those are all legal lots of record. He says the applicant could combine them, and J. Franklin says, or the applicant could apply to the ZBA and get separate building permits. R. Cartier says not on 409-222 & 223. J. Franklin says that's another matter because if the Board is saying those parcels are landlocked, yes and no. They do have access out to Patten Hill Road so the applicant could sell 222 & 223 to someone else and give those people a ROW over his property to give access. R. Cartier disagrees with J. Franklin on this point. J. Franklin says the applicant doesn't need to have a road. He says they could get an attorney if the Board likes but he's already been through this in other towns. R. Cartier says those lots are distinct, divided lots that have meets and bounds. He can sell them but can not build on them. J. Franklin says the applicant can go to the ZBA. If the applicant has a ROW, they could deed the new owner the ROW for access and then go to the ZBA and ask for a variance to build on those rear lots because they are separate lots of record.

R. Cartier says there is no survey for this property right now so he can understand that they are trying to figure out where the parcels are. The question is why it says 253 feet and 210 feet and there is no number in the middle. It looks like someone forgot to put the bounds in, but it doesn't have the missing number in the middle. R. Jones says if the numbers on this map are semi-accurate, it's 58 feet in between parcels 1 & 5.

B. Brock asks, looking at parcels 5, 1 & 2, at some point after its surveyed are they going to draw a line straight back to separate that frontage on Patten Hill correct? And then his lot is going to connect to parcel 3 & 4? And the smaller lot is where his daughter will build? J. Franklin confirms this information and notes that this will all depend on the survey and where the existing structures are on the land. First a boundary survey will be done that will go on file at the Registry of Deeds, once we have that then we can come back to the Board for an Informational to show the Board what the applicant would like to accomplish.

R. Cartier asks if the other sketch from the applicant was regarding the LLA and that is confirmed. R. Cartier states that the way that it's drawn in here is that if you do the LLA to move the line over 30ft, it's going to cut things down to 170ft across, the problem is we could do that because that 30ft has to go 100ft back, J. Franklin notes it also has to be at least 50 ft wide to be considered contiguous, and that would make it so the applicant wouldn't have that 200ft of required frontage. The applicant states that he pushed that piece in because there is an existing garage there. B. Brock asks about how far is it from the road to the garage, and the applicant says more than 100ft. B. Brock says, so that line could be moved up then and the applicant confirmed this. The applicant says they have 2 rows of pine trees and they look cool, so they want to save them. R. Cartier says if the line went in the 100ft and then cut in, it wouldn't be bad. Boards tend to be reluctant to have very odd shaped lots but there are factors that are taken into account for each case.

The applicant asks the Board if they can survey 221 & 222 because we are not really affecting lot 4 (223)? B. Brock says unless parcel 4 ends up coming into the mix to get the 3 acres. R. Cartier says if the applicant is going to leave that lot the way it is then fine, but the Board's concern would be 1, 2, 3 & 5. J. Franklin states that he hasn't done any deed research for it, so he doesn't know how they fit together. B. Brock notes that the survey will show that better once complete. The Board agrees that a survey will make this a lot easier when the time comes to see the plan moving forward.

R. Cartier summarizes that the tax maps supplied by the applicant in the packet given to the Board do not have parcels 5 & 1 on them but they are in the deed listed as being 5 separate parcels. There is also no owner of record for 222 & 223. There are no tax cards for them. R. Cartier notes to the applicant that they could wind up getting new tax bills for 222 & 223 after all this. The applicant asks about current use. R. Cartier says this has to be researched further.

R. Cartier notes to J. Franklin that on the issue about the Town doing Lot Consolidations without letting people know, there is a prohibition against that in Section 2.09 -Contiguous or Attached Properties. J. Franklin says someone must've updated it to comply with the State Law because all the Towns did it, the cities did it everywhere, and enough legislatures got together to say enough is enough. R. Cartier notes that has been in there since he's been involved with the PB, so it has been awhile. J. Franklin states that most

other Towns do not have that in their subdivision regs or zoning ordinances. He notes a LLA case he did in Nottingham with 5 small lake properties that were 100 x 50 and wanted to make each 2 acres and the Town staff said they needed a variance. He said he argued they did not because they are making a non-conforming lot more conforming. After filing and scheduled a hearing, their Town Attorney agreed the variance was not needed either. This also happened in Hooksett.

R. Cartier notes that all the abutters, including the owners for the other parcels will be listed on the plan after the survey to update the assessor. J. Franklin states that what he usually does is just assign a number or letter to those parcels and then let the tax assessor do what they want with them. He just has to record them on his plan. The Land Use Secretary asks if a new deed will be provided to the Town after the survey plan is recorded so it can update the Town's assessing dept? J. Franklin says there will not be any new deed until after the LLA is complete, and if that didn't happen the plan would just stay on file at the Registry. Assessing will have to update their records with the deed that is on file at the Registry. J. Franklin states that assessing will have to go back through the records and find out who and when requested the tax mappers to change these things? B. Brock raises the question that there may or may not have been a request by anybody and instead an exercise of simplification. He suggests that this is possibly not the first time something like this has happen and J. Franklin agrees with this, noting a case on Knowlton Road he had in the past with this same issue.

The applicant states that the Town records show they own 30.2 acres, so wouldn't that already have been taxed on? R. Cartier says that's what we will find out once the survey is done.

R. Cartier says so the 1st thing is to get the survey done and possibly another Informational. J. Franklin says IF the applicant wants to go that way, but if not, then the plan will just be filed with the Registry.

Case #20-002:

Applicant: Mountain States, LLC, P.O. Box 502, Weare, NH 03281; Owner: same; Property Location: 291 Raymond Road, Candia, NH 03034; Map 409 Lots 131.

Intent: *MAJOR Site Plan.* To construct three 7,500 square foot contractor garages.

The applicant was not in attendance for this meeting and has requested a continuance. They need additional time for further work with DES on the AOT. The hearing has been continued to 10/7/20.

CIP -Draft Review:

The PB received an updated Draft of the CIP from Stantec to review and rank the projects by priority. The Board went through each project listed and based on the information provide by each department, they determined the appropriate placement of priority and the year it was to begin. These updates will be submitted back to Stantec to produce a final draft for the 10/7/20 PB meeting. If the report is approved by the Board at that time, it will then go before the BOS for review and back to the PB for a tentatively scheduled final hearing on 11/4/20.

Minutes -August 19, 2020:

B. Brock made a **motion** to approve the minutes as presented. J. Bedard **seconded**. R. Jones **abstained**. **Motion passed**.

MOTION:

J. Bedard **motioned** to adjourn the PB meeting at approximately 8:22pm. J. Pouliot **seconded**. **All were in favor**. **Motion passed**.

Respectfully submitted,
Lisa Galica
Land Use Secretary
cc: file