

**CANDIA PLANNING BOARD
MEETING MINUTES OF
October 21, 2020
APPROVED**

PB Members Present: Rudy Cartier, Chair; Brien Brock, BOS Rep.; Robert Jones, Alt; Judi Lindsey; Joyce Bedard
Scott Komisarek

PB Members Absent: Mike Santa, Alt.; Josh Pouliot; Mark Chalbeck, V-Chair

Audience Present: Dennis Lewis (Road Agent), A-1 Ventures (applicant-partners Craig St. Peter and Joe Sobel),
Bryan Ruoff (Stantec, Town Engineer) and town residents.

*Rudy Cartier, Chair called the PB meeting to order at 7:06pm immediately followed by the Pledge of Allegiance.

Informational:

Applicant: A-1 Ventures Group, LLC, 59 Forest Street, Londonderry, NH 03053; Owner: same; Property Location:
274 Old Candia Road, Candia, NH 03034; Map 410 Lot 160.

Intent: Proposed commercial building approx. 15,000 square feet -sales & service of heavy equipment vehicles.

R. Cartier starts by confirming that the applicants are present, and C. St. Peter is in person, but his partner J. Sobel was not available tonight.

R. Cartier starts by noting that at the last meeting the applicant attended, there was incomplete information on exactly what was being proposed under section 5.02(B-11) Table of Use Regulations. He asks the applicant to give an update.

The applicant (C. St. Peter) starts by stating that they contacted the potential buyer of the property to provide a brochure to the PB for review of his current business in Pelham, NH and that was done. It provides a general list of trucks, etc. that they would be selling with some service work from them that may be needed. Before submitting plans or moving forward, they wanted some feedback from the Board to make sure they are ok to receive plans for this use. We think that it does apply to the regulations under B-11. It's similar to other uses that were used adjacent to the Candia 1st Stoppe land: the old car dealership, rental facility and now probably maintenance facility and body shop. Before the potential buyer makes any steps to submit plans or hiring engineers, surveyor, etc. they want to make sure the PB is on board and is ok with the proposal.

B. Brock asks the applicant, it states in the ordinance about storage of inoperable vehicles is not allowed so from what was said, they new buyer would be purchasing direct or through auction and then refurbishing if needed and selling it? They are not going to operate a semi-junkyard where they have a lot of dismantled stuff or held over for discard, like a junkyard would operate? The applicant confirms that there will be no junkyard activities going on and no dismantling of equipment service maintenance when needed to vehicles to get them in to working order for sale or their own use. B. Brock says it looks like everything on the brochure is what others around town such as Severino Trucking and the rental place across from CoParts are doing. They are not in sales, but they do service all the equipment that they rent. He notes that he is comfortable with the brochure and what it demonstrates they will be working on.

R. Jones says because they have a location already in Pelham, this could be called a multi-site operation. If there are certain things that they need to do but the PB is uncomfortable with in that zone, they still have another place they can do it. If this site is more of the sales and maintenance type facility, I can see any issue with it either. Maybe this is an opportunity for the PB to do due diligence and next year it is articulated with a language change to make the ordinance clearer than it is right now.

R. Cartier states that his biggest concern is after looking over the list, he sees 7 items that he would consider to be heavy motorized equipment: excavator, backhoes, log loaders, rollers, feeler bunchers, skidders and cranes. His 1st question is, if there was a limitation on what could be actually brought into the site, would that be an issue? Especially since they have the 2 sites as R. Jones had mentioned. The applicant says the 2 sites are planned to be independent of each other. They are going to be owned by the father and then the other by the son. Almost competitors. The idea is to buy the equipment and make them mechanically correct for sale, not to break down motors, etc. They want to guarantee the equipment for proper use and safety. This is the light industrial zone, and I don't know where else you could put selling

equipment in town besides this zone. There has to be an area, I would think, that the Town would like to see something like this. It's away from residential and is good for the Town to keep it in this area. Our standards are high, and we want to represent the Town well and ourselves.

B. Brock notes his comment from the last meeting about motorhome/RV sizes and they are allowed and can be the same or much larger in size than some of the vehicles on the brochure such as an excavator or even some of the wreckers. He struggles with the definition of a heavy motorized vehicle.

The applicant states that something about the orientation of this lot makes it possible to do work behind potential building locations so as to keep a more professional look to the site in front.

R. Cartier states that the issue is not whether we like it think or we think it would be a good fit, the issue at hand is that the regulations currently don't allow it. He notes that the applicant brought up a good point that there isn't any place that really allows it in the regulations. The other places that we were mentioning, like MTS & Severino's, the difference is that they own their own equipment. It's not being held for sales or service, it's just being repaired under normal maintenance and not being sold. He doesn't disagree that it might be advantageous in the regs that allows it, but currently it doesn't. He says he looked over it and anything that says trucks is ok but when you get into large excavators and backhoes, etc. that would, to me, be considered heavy equipment. There are a couple of things that we could take a look at; as R. Jones said, we can look at an ordinance amendment to make it clearer that it could be allowed by right, but still if we do a site plan review there are going to be things like landscaping so it's not going to be an eyesore. The big issue is that some of the items on the brochure list are considered to be heavy equipment. R. Cartier asks the Road Agent for his opinion as to what he feels constitutes "heavy equipment"? The Road Agent states any earth-moving equipment is usually heavy equipment, unless it's a bobcat or something small. He goes on to note that the road in front of the Town Hall has endless traffic with heavy equipment on it all day, a lot of them pull up and fuel up with an excavator on the trailer so he doesn't see an issue with this. He does say he understands R. Cartier's position though because the ordinance says they cannot have heavy equipment there. He states that to him, heavy equipment would be anything over 10 tons.

R. Cartier states that this is the dilemma, the regs are fairly clear and the info that Platinum (potential buyer's current business in Pelham) has given us is very good. He doesn't want to have the buyer submit something to the PB and say ok, we'll put an exception in but only if you change this, this and this.

The applicant says if we read that (ordinance) closely, it does exclude the repairs of heavy motorized equipment, but it doesn't exclude the sales. R. Cartier says correct, repairs are not a problem. The applicant says so they can sell the equipment here but if they cannot repair certain items right now, with that sister-site they could potentially repair them there. I'm sure if a piece of equipment had a wiper blade needing repair it wouldn't be an issue but not something like a big motor job to an excavator or track replacement? R. Cartier says he's thinking the difference between maintenance and rebuild.

The applicant notes that what he understands he's hearing from the Board is that the potential buyer could sell the equipment but there is a fine line as to repairs of heavy equipment that would be allowed based on the regulations. There may be a fine tuning of the regs down the road to clarify a few things, but at this time, the potential buyer is trying to decide if the Town is receptive to them coming into town. R. Cartier notes that he doesn't think the PB is not receptive to them coming into town but a matter of making sure that the regulations are covered.

R. Jones asks R. Cartier if he knows what the concern was when the past Board decided on the ordinance language, but he is not aware of the intent at the time. There have been a lot of things put into place to protect the environment, but it is unclear what this was.

The Road Agent states that if the potential buyer was to build and conduct his business and some day the ordinance changed, he could pick that piece up and carry on with his business. R. Cartier notes that the Board is not looking to make the regs language more restrictive. They do not want developers to have to come back before the Board or to the building Inspector for approval before progressing their business.

The applicant says that he doesn't think any of them were around for the writing of B-11, and as someone who's done a lot of permitting in their life, he thinks there was heavy concern of the dismantling and storage and not to become a junkyard. It leads into the same sentence or run-on into the repair statement of the ordinance. I think they may be content with the trucks side, then maintenance on the heavy side but excluding the heavy repair work on big equipment because they buy it in fairly good shape but it's usually light maintenance.

R. Cartier notes that the Board is not against working with the potential buyer as an applicant and stating, this is what the regs say as of now, but the Board seems to be favoring the fact they might want to address that particular ordinance in the next go around. As of right now though this is how it stands but we are willing to work with a company that wants to come in. There is going to be a lot of working together with a site like this. The applicant notes that he is pleased with the discussion tonight with the Board, and even if the potential buyer does not follow through with this, it's good to have a general discussion about that B-11 for other potential people that may come forward.

The Board briefly discusses that this item like many others they see may not have come up if someone didn't have a potential project like this and important decisions based on these ordinances that may need to be updated with language and criteria sit until a situation arises and the Board is forced to deter improvement projects such as this (ie: logical site development, job production, tax income to the Town, etc.).

B. Brock asks if the potential buyers plans are to come in as soon as they can, and the applicant says that they are waiting to hear back from him on how the meeting went tonight. They did not want to invest too much into this project until they heard something they felt comfortable with and then they could go forward. B. Brock asks if the applicant thinks he has enough feedback to give to them? The applicant says he thinks so and that he and the Board are in general agreement that they all understand the regulations as far as they can all interpret them as a group and he will pass that on to them and see what happens. He notes this information is good for him as a landowner and for future business.

R. Cartier notes that though the Board may agree that this or any particular regulation may need to be tweaked, there is no guarantee that the voters will say yes.

The Board thanks the applicant and notes if the potential buyers need anything, they can contact the Land Use Secretary to get info from the Board.

R. Jones notes that this situation can be compared to the agriculture issues and there may be similar reasons to use a "Best Management Practices" for this type of project as well.

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 11/18/20.

CIP -Draft Review:

B. Ruoff states that Stantec has received the financial information they have been waiting for and will update the CIP with this. He also notes that he will be contacting the Road Agent for further highway information to include in the report as well.

The Board discussed that in other town CIP reports, they disclose not only what projects are being forecasted outside of the operating budget by warrant articles, capital reserve funds, etc. but what projects are being completed within the operating budget and what those entail as well. This information can potentially help support the request at town votes because the Town residents are aware of the ongoing projects and the necessary funds that must be available to comply with upkeep of the Town on a yearly basis and more extended as in the CIP report budget. The Board asks B. Ruoff to include both lists in the final version of the CIP. These updates will be submitted back to Stantec to produce a final draft for the 11/4/20 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 11/18/20.

Minutes -October 7, 2020:

B. Brock made a **motion** to approve the minutes with changes noted. S. Komisarek **seconded**. J. Bedard **abstained**. **Motion passed**.

Other Business:

- Mike Santa submitted a Letter of Interest to the Board to extend his term as a PB Alternate for an additional 3-years.

B. Brock made a **motion** to accept and appoint Mike Santa for an additional 3-year term as a PB Alternate, effective today 10/21/20. J. Bedard **seconded**. **All were in favor. Motion passed.**

- R. Cartier reviews the working draft of the 2020 Proposed Zoning Amendments that the Board discussed last meeting and revised the language and explanations for clarification, and also agreed to add an additional amendment #7 to the list. The Board will continue to review and have a tentative public hearing for 11/18/20.
- The Board briefly discusses the potential of the Crowley Woods multi-unit project coming back before the Candia PB. Chester sent a hearing notice that was received today regarding a public hearing being held on 11/4/20 to discuss the potential extension of their approval. If available, a couple PB members may try to attend the Chester meeting to get feedback.
- The Board discusses the issue with the BOS removing the \$10k from the PB budget and how that will negatively impact the Board's work throughout the year. R. Cartier notes that at the 10/13/20 BOS meeting, B. Brock had motioned the Board to return the funds back into the PB budget and it was approved 3 to 2. R. Cartier and B. Brock went before the Budget Committee on 10/14/20 to discuss the reasons they believe the funds should stay in the operating budget for the PB.
- The Board notes that Mr. Kyle Thornton (Informational case) had a misunderstanding of the discussion with the Board at the 10/7/20 PB meeting. His understanding was that he did not have to build a road to town specifications, but in fact the PB did tell him and his attorney, Mr. Muller he had to based on the recorded subdivision plan note.
- The Board agreed that instead of having Attorney Stephen Buckley come and do another workshop, the Land Use Secretary would sign the Board members up for the virtual conference on Halloween day through the BOS Admin, Linda Chandonnet.

MOTION:

J. Bedard **motioned** to adjourn the PB meeting at approximately 8:52pm. R. Jones **seconded**. **All were in favor. Motion passed.**

Respectfully submitted,
Lisa Galica
Land Use Secretary
cc: file