

**CANDIA PLANNING BOARD  
MEETING MINUTES OF  
November 17, 2021  
APPROVED**

PB Members Present: Rudy Cartier, Chair; Mark Chalbeck, V-Chair; Brien Brock, BOS Rep.; Josh Pouliot; Judi Lindsey; Joyce Bedard; Robert Jones, Alt. (sitting in for S. Komisarek)

PB Members Absent: Mike Santa, Alt.; Scott Komisarek

Audience Present: Dean Young (FD Chief) and Al Hall

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

**Old Business:**

**Minutes -November 3, 2021:**

M. Chalbeck made a **motion** to approve the minutes as presented. J. Pouliot **seconded**. J. Bedard **abstained**. **Motion passed.**

• **Zoning Ordinance -Large Gatherings (re-open public hearing for discussion):**

- The Board agreed to put this back on the agenda because of feedback and questions regarding the details of the amendment and wanted to discuss them. Some have inquired about the vague language and how the Board came up with the details of solid waste issues, single vs. multi-day, inside or outside, emergency services requirements as well as permitting. Though little to no feedback came to the Board at the Final Hearing on 10/6/21, the Board is re-opening the discussion to provide the Town with more details where they can.

\*R. Cartier opens the public hearing at 7:04pm.

R. Cartier asks if there are any questions/comments from the Board, abutters or audience and D. Young says the Board knows where he stands and takes issue with some of the details.

R. Jones states that when he and J. Pouliot were assigned this, it was about trying to protect someone's ability to use their property the way they wanted to. He feels like it's being interpreted in the opposite fashion, like they are trying to control a person's ability to do it, and that was not the intent when it was started, and the Board agrees with that. He continues and says they used Josh's events at the HIVE as an example initially, but it wasn't the only one happening in town. There were problems with charging to get into the event and it went into other problems such as police breaking up the event and he's not sure if fire/rescue came because of the property inadequately supporting the number of people attending. He says, if Josh was not charging and didn't have music playing after an "unreasonable" time, the PD & FD would never have shown up...is that correct? R. Cartier notes that the short answer is...yes.

R. Cartier notes that the PB intended the ordinance to say a certain thing and the public is not seeing it the same way. He says there is a disconnect in the interpretation.

R. Cartier says if someone wants to have a party at their house and doesn't charge, they can do that and it's not a problem. R. Jones asks no matter how many people and R. Cartier confirms this. R. Jones says he wouldn't need to turn down/off the music at any time technically, because the Town has no noise ordinance. B. Brock states that the police may show up and ask you to turn it down and eventually if their requests are not followed or it becomes more of a problem for whatever reasons, they may step in after 2 or 3 times and more serious things may happen. R. Cartier notes that the problem comes in when you have an event that is charged for in a residential area, it's not allowed because it's a commercial activity in a residential zone.

The PB has been looking at these items closely and back in 2021 the Board had added the Home Services Contractor. That was something the Board found that was a commercial operation in a residential zone. If you have your own machine or wood shop, no one says things because you're doing this for yourself on your own property, but when you cross that line and start charging for something, that's when it gets to be an issue with zoning. R. Cartier says for example, if someone has a piece of land and wants to have a wedding

venue there, (J. Bedard says like the Chivers do), R. Cartier says yes, like the Chivers, but they don't charge for that. If someone wanted to charge that would be different. J. Pouliot says he doesn't know for a fact, but they (the Chivers) are not just letting people have weddings at their property without charging them and B. Brock confirms that they do not charge for the event and adds that their homeowner's liability insurance policy covers these types of events because they do not charge. If they started charging, they would have to have a different liability clause.

R. Cartier states this is the reason the Board added various items like this because the way it's interpreted is that if it's not in the zoning ordinance, you can't do it. When the PB added the "Home Services Contractor" one of the things that came up was that the owners couldn't do it because it wasn't in the ordinance. Whether the Board or residents agree with it or not, legally it's correct.

R. Jones states that from the limited public input the Board received, the public doesn't want the ordinance, but if it's not in the ordinance, they can't do it anyways...so where does the Board go from there? R. Cartier states that after he read the feedback and talked to a couple people about what the new ordinance stated, the structure of it wasn't clear to residents. He reviewed the ordinance further and it was run on paragraph and the others are bulleted and the criteria is specific. On the "HSC" the Board added that to the Table of Uses (section 5.02) and then added the bulleted criteria in Accessory Uses (section 50.3), so it was more clearly established and understood. The Board agrees to revise the structure/layout of the ordinance to mirror that of the additions that have been added previously.

D. Young notes that in this world today there are so many rules and too many regulations telling people what they can do, and people are fed up. J. Bedard says that is not the point of this ordinance. He would argue that not having it written in the ordinance that he can't work out of his home is not right and it's the American way. R. Jones states that they are just using Josh's example as where it can go wrong. All Josh had to do was stop charging and turn his music off by 11pm and then there would have probably been no problems at all.

A. Hall notes that it might be an abundance of caution somehow that you could take care of the Candia Crossing folks. They are meeting tonight and there are over 25+ people in the club house and can see their participation in Town, there is going to be a time that the group will get 50-100+ people together and this amendment, the way it is currently, could prevent an event because it may be declared illegal, and we want to avoid that. R. Jones states that the only point that there is exposure around one of those events is when it infringes upon their neighbor's ability to enjoy their properties. As far as those meetings up there (at Candia Crossing) there would have to be a traffic problem or noise after 10pm or something that makes someone pick up the phone and then calls the police and says this is unreasonable and at that point it rolls into all the other things they experienced at the Hive but probably would not happen there, over at the school or maybe not even at the CYAA. R. Cartier says charging is the key point, but R. Jones said what if people aren't charged but music is playing at 11:30pm and then when someone calls, they could get shut down, pulled before the BOS, etc. Using the example of what happened at the Hive, that's exactly what took place.

R. Cartier says he is a firm believer in being able to use your own property and understands Dean's point of view but the reason the Board added in the "HSC" is because everything went to court and the Court said, "no you can't do that because your zoning ordinance doesn't allow it". The Board is trying to do that same thing here so as to avoid that situation again. The idea behind this was always for "commercial" ventures (fees being charges). He has some suggested clarifications for the ordinance to include this information.

D. Young asks who is going to enforce this and R. Cartier states that the complaint will come from a citizen who doesn't like some activity or neighbor and all of it will be enforced by the Building Inspector. He will not be going out looking for things but if a complaint comes in, he will respond to those. Dean says, on Monday morning. It won't be in the moment because no one works on the weekends. B. Brock notes that the restrictions in the ordinance as written right now are that it is too general in saying "weddings" and not commercialized wedding (fees charged). D. Young says people don't want to have to ask what they can or can't do, talk to police, fire, have permits, etc.

R. Jones said at the outset of this, when it was given to him & Josh, it was to make sure people could do whatever they wanted to do because if it's not permitted, they can't. So, the Board felt it was necessary to write something up that would give them the ability to enjoy their property to the best of their ability while not disturbing their neighbors.

R. Cartier passes out his suggestions for the ordinance and the Board reviews them and briefly discusses options, revisions and to where the amendment should be added and where it should be allowed. The language was finalized by the Board, and it has been agreed that it will be added as Section 5.02(A)(15),

Permitted by Right in all districts and the criteria added in Section 5.03(E). It was decided by vote to add it as presented as a new section of the ordinance to the March Town Warrant.

\*R. Cartier opens the public hearing at 8:04pm.

J. Bedard made a **motion** to move the proposed warrant article as presented to the warrant in March. M. Chalbeck **seconded. All were in favor. Motion passed.**

**Other Business:**

- **Stantec -GIS Mapping System:**
  - R. Cartier reminds the Board that Stantec will be presenting the GIS system proposal and what that entails to this point. They have gathered all the required information to begin the system platform and may have the ability to add on a few extra items the PB had on their “wish” list. The presentation will take place at the next scheduled meeting on December 1<sup>st</sup> at Town Hall.
- R. Cartier states that the Board needs to begin looking at some items for the new year such as impact fees, innovative housing, steep slopes and the CIP. A review of what has been completed and what will be moving forward in the new year. He notes that Chester has put together a really good working outline of their CIP and would like the Board to review this for some ideas as how to make Candia’s plan better as well. The Board can reach out to SNHPC to assist with this as they are who assisted Chester with their report. He notes that since SNHPC no longer does work on impact fees, they can only be a reference but cannot assist putting together the information for reporting itself. Both studies are approx. \$5k each, so they can be revisited next year as this year we are working on the GIS program. Starting to look at these items earlier in the year will help us to determine our priorities for the new year.
- R. Cartier states that there was a meeting with Joe & Craig, the owners of the Candia 1<sup>st</sup> Stoppe (Irving Station) regarding a modification to their site plan. They will be submitting a Site Plan Application with updated plans to the PB for review.
- The Land Use Office Coordinator notes that the ZBA intends to recommend a revision to the Zoning Ordinance. They will be meeting on the 23<sup>rd</sup> of this month to go over the revision and submit it to the PB for approval to the 2022 ballot.
- B. Brock gives an update from the Safety Facility Committee and states that they will be moving forward with just purchasing the land this year and try to schedule an open house tour in December of the current Police Dept. so residents, etc. can see what the current situation/standards are.

**MOTION:**

J. Bedard **motioned** to adjourn the PB meeting at approximately 8:18pm. R. Jones **seconded. All were in favor. Motion passed.**

Respectfully submitted,  
Lisa Galica  
Land Use Office Coordinator  
cc: file