

**CANDIA PLANNING BOARD
MEETING MINUTES OF
July 6th, 2022
APPROVED**

PB Members Present: Rudy Cartier- Chair, Brien Brock, Josh Pouliot, Scott Komisarek, Joyce Bedard, Mark Chalbeck, Mike Santa, Alt.

PB Members Absent: Judi Lindsey

Audience Present: Chad Gagnon, (Fieldstone Land Consultants), John Ratigan, (Donahue, Tucker,& Ciandella, LLC), Brien Ruoff, (Stantec), & Town Residents

*Rudy Cartier, Chair called the PB meeting to order at 7:02pm immediately followed by the Pledge of Allegiance.

No New Business

Old Business:

Case #22-004 (Conditional Use Permit):

Applicant(s): 23 Main Street, LLC (Scott Komisarek), 14 Main Street, Candia, NH 03034; Owner(s): 23 Main Street Candia, LLC, 14 Main Street, Candia, NH 03034; Property Location: 23 Main Street, Candia, NH 03034; Map 409 Lot 91.

Intent: Conditional Use Permit in accordance with the MAJOR Site Plan. Commercial Elderly Housing Facility -28 units.

Scott Komisarek recused himself from the board at this point.

R. Cartier re-opened the case from the June 1st meeting. R. Cartier explains the procedure for a conditional use permit and a Major site plan review. The application waivers must be accepted for the application process to proceed.

C. Gagnon, and J. Ratigan, are representing Scott Komisarek, the applicant. C. Gagnon described the property. The zoning for this property is mixed use. The plans show reconfiguring the property into 29 unit commercial housing for the elderly. The house on the site will be moved back and be centrally located for a club house community center with the manger's unit being located here as well. The subject parcel is 6 acres. R. Cartier notes that the outstanding issues with some of the conditional waivers still need to be addressed and they need to be in writing for each one to be clear and resolved. They were not addressed within the 60 days required.

Motion to determine if the board should continue with the case. Motion by M. Chalbeck, seconded by J. Pouliot. Motion passed.

R. Cartier asks the board for questions they have regarding the waivers with issues unresolved. Discussion of the goals of the master plan under housing -for residential housing proceeded. The consensus was that it would be beneficial to the town to provide elderly housing. Zoning ordinances for this development need to be addressed and need to be worded correctly. The plan is a very dense development which is not part of keeping with the rural character. B. Brock suggested that it did meet most of the requirements for elderly housing being the location is near many of the services in town and within walking distance as well. C. Gagnon points out that Candia really has a shortage of housing and citing he could go to the State Board of Appeals to fulfill their request as Candia is way behind on providing this.

R. Cartier asks if safety issues on Main Street with the State Dept of Transportation have been addressed? C. Gagnon states this development does not require a study by DOT. C. Gagnon states once approved they would get the required permits and no traffic study is necessary. R. Cartier continues with the residence regulations for classification of the project being rental apartment or condominiums. This being rental for elderly housing it may be difficult for the town to determine who is using these and if they are 55 years of age or older. The use permit needs to state that these will be individual ownership for each of the units and there are requirements to establish a homeowner's association. S. Komisarek stated he agrees and is going to make that alteration. C. Gagnon states that there would be condominium documents stating the requirements and recorded at the county registry.

R. Cartier explains how level of review needs to be like what the Zoning Board of Adjustment does only , they have 5 criteria. This board is looking at two which are: the aspect of hardship and does it meet the spirit and intent for the wavier. Hardship is a very tough term to define. The board is voting on regulations that were voted on and approved by the citizens of Candia and it puts the board in a difficult position. The hardship has to be directly related to the particular site.

Minimum tract area for elderly 20 acres in this case it is 6 acres. What hardship would justify the grant of the waiver? C. Gagnon stated how the location is what elderly residents can take advantage of being near the fire department, town offices, and there is not anything like this for residents B. Brock states we need to look at the site and what's proposed and is this the best use for this piece of property. Discussion ensued about how hardship can be interpreted for housing in general. Discussion about the spirit and intent of the waiver was discussed at length.

R. Cartier continues -with the waiver requesting 28 units. The maximum density for multi-family housing is one dwelling per one buildable acre which would be 6 units for this parcel. The waiver is for 10 units. Density is a concern. Gagnon explained how it's a good use of the land for mixed use and adds to the community being a commercial entity as rentals.

R. Cartier read each of the waiver requests and they were briefly discussed. A letter from the Agricultural Commission was submitted. J. Pouliot read the letter to the board. The Agricultural Commission voted unanimously at their June 2 meeting to submit a request against granting the development at 23 Main Street.

A letter submitted by Steve Higgins of 391North Road stating how most of the waiver's center around a question of acreage. Asks that the board not grant these waivers.

R. Cartier closed the public hearing at 9:30pm. The board will begin deliberations on each of the waiver requests.

The board voted on the each of the waivers as follows:

- Minimum tract size is 20; the applicant request is for 6.795. **Motion to grant waiver by M. Chalbeck, Seconded by J. Bedard. 5 YES, 1 No., Motion Passed**
- Maximum density 1 unit per 1 dwelling acre is 6 units; request is for 29 units. **Motion to grant the request by J. Bedard. Seconded by M. Chalbeck. 5 Yes, 1 No. , Motion Passed.**
- Maximum number of units per building, maximum is 6; proposed one building with 8 units and 2 buildings with 10 units. **Motion to grant waiver by B. Brock, Seconded by Mark, Yes 5, 1 No., Motion passed.**
- Minimum setbacks are 50 feet; request is for less than 50 feet for between the building units. The request is for 25 ft. **Motion to grant the request by B. Brock, Seconded by J. Pouliot. 6 Yes. Motion passed.**
- All buildings need to be single story; request is for 2 story buildings. **Motion to grant request by M. Chalbeck, Seconded by B Brock. 5 Yes, 1 No., Motion passed.**
- Minimal building separation is 100 horizontal feet for muti-family; The request is for 75 feet between buildings. **Motion to grant waiver by J. Bedard, Seconded by B. Brock. 6 Yes. , Motion passed.**
- Pedestrian sidewalks are to be provided; Request is for interior sidewalks to not be required. **Motion to grant waiver by B. Brock, Seconded by M. Chalbeck. 5 Yes, 1 No. , Motion passed.**
- Elderly housing requires 40% open space of gross area of development; Request for acknowledgement that the land does not meet the requirement. **Motion to grant waiver by J. Pouliot, Seconded by J. Bedard. 6 Yes. Motion passed.**

R. Cartier suggests the board now vote on approval of the Conditional Use Permit as submitted. Motion by M. Chalbeck to accept the Conditional Use Permit with waivers approved as submitted. Seconded by B. Brock. 6 Yes. Motion passed.

R. Cartier states that Case #22-004 Major Site Plan Review be continued at a later time when the plans show the needed information and documentation. The board agreed with this decision.

R. Cartier recommends having application, letters , etc. turned in a few weeks before the meeting date so they can be reviewed.

Old Business:

S. Komisarek is welcomed back to sit on the board for the rest of the meeting. R. Cartier states B. Ruoff (Stantec) sent email to him regarding the GIS and things he wanted to clarify. B. Ruoff said the good news is they now have soils map, and they can be added to the town's soils map at no additional cost. B. Ruoff recommends using the steeper slopes at 15% for the town and this is still a minority of the town's area, instead of using the 20% soils identification. R. Ruoff also stated that the property maps will be done with information as shown on the tax cards. Discussion about having the GIS presentation at a future meeting. R. Cartier informed the board about a future meeting with an applicant on August 3rd. There is an over 55 housing development application coming in for New Boston Road. And suggests doing a preliminary hearing at that meeting and approval at a future meeting because there are so many applicants at this time of the year. Discussion about having a special meeting for the GIS presentation due to so much going on and what dates would work for everyone. TBD. This would still be a public meeting.

Minutes of May 18, June 1, June 15, 2022: Deferred.

Motion to adjourn by J. Bedard, Seconded by M. Chalbeck. All were in favor.