

**CANDIA PLANNING BOARD
MEETING MINUTES OF JULY 20, 2022
APPROVED MINUTES**

PB Members Present: Rudy Cartier, Chair; Mark Chalbeck, V-Chair, Brien Brock, BOS Rep; Josh Pouliot; Judi Lindsey; Scott Komisarek; Tim D'Arcy, Newly Appointed Alternate, sitting in for Joyce.

PB Members Absent: Mike Santa, Alt.; Joyce Bedard

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

R. Cartier, first order of business, introducing Amy Spencer as the new Land Use Coordinator.

New Business:

Case #22-005 (Minor Subdivision):

Applicant(s): Liberty Woods, LLC, PO Box 299, Candia, NH, 03034

Property Owner: Liberty Woods, LLC, PO Box 299, Candia, NH 03034; Property Location: Lane Road, Candia, NH 03034; Map 414 Lot 147

Intent: MINOR Subdivision. To subdivide Lot 147 into 3 Lots.

Plans were distributed for review by the board.

Keith Martel, present on behalf of the Liberty Woods LLC.

Jim Franklin, Land Surveyor

Minor Subdivision of 1 lot into 3 lots.

Boundary Survey was done again. When a lot of the original work was completed, corner markers were set. A Wetland Scientist was hired in February. A Wetland Delineator Surface Scientist, to identify the wetlands.

For administrative purposes, R. Cartier stated that the application has been accepted as complete.

Review of remaining contingencies in order to accept the application as complete

Missing Letter from Tax Collector for Current Use Status

Motion to accept the application as complete by M. Chalbeck, second B. Brock. All were in favor.

R. Cartier opened up Public Hearing for 22-005:

One of the areas of concern that were discussed during the review were contiguous uplands. All of the lots are 3 acres and all of them have more than the minimum required frontage. Both Lot 147 and 147.1 both have at least 1.5 acres of have contiguous uplands between Lane Road and the wetlands. And Lot 147.2, referenced notation, 47,000 square feet 1.07 - 1.1 acres between the wetlands and Lane Road. But

the rear of that lot has 1.8 acres of contiguous uplands. Test pit information to be provided to the board. Site Line, all straight, not hilly.

J. Lindsey asked search for endangered species? Jim Franklin stated that it was done when they did the original subdivision. J. Lindsey inquired as to whether or not there were findings. One Blanding's turtle was found but it was determined that it was far enough away.

Heritage Commission Investigation was also completed for historically significant sites back when the original subdivision was completed in 1995. J. Lindsey stated that would be a concern and something to think about being redone in those many years. J. Pouliot agreed that was a long time.

R. Cartier stated that it cannot be done as a condition of approval. It would have to be done before. Jim Franklin stated that he is pretty agreeable and will do whatever the board would like.

Keith Martel: Typically, if I may interject, we have a fair amount of experience. What you are requesting is something that we commonly see when we have a wetlands impactor or something that will trigger a DES Permit. Where the property itself slopes away from the road at a considerable pitch, so I will certainly meet with your road agent, but I am not envisioning any culverts or things of that nature. That's where we typically see their input, looking for different product types, concrete vs. plastic, etc. I don't envision the use of any of those products being necessary. Secondary to that, we usually see it as a benefit of educational location on all of the plan sets. Pictures, who to call, daily inspections, things like that. I am not aware of anything that triggers a specific search but that's a quick search and I suspect somewhere in that radius peripheral, I don't know of a compromise, maybe to add the notations onto the plan sets preemptively. No wetlands are being crossed so there will be no dredge and fill necessary. If someone wanted to build back there, they would certainly have to go through the process with DES. It would seem to me that we could concede to the end result of the notations that would be required, if there was a pit within a radius coming into it, so that we cannot have extensions for something, that at the end, will not be put into use.

R. Cartier: I know we have done this, even for lack of a subdivision, for endangered species, we do have a lot of them in Candia. J. Lindsey: And they are getting fewer. R. Cartier: And so, it doesn't necessarily have to have a wetland crossing for us to trigger that.

Keith Martel: So, just for my own clarity, you are looking for somebody to physically visit inspect the site for endangered species?

Jim Franklin: We submit a request to the state, and they go through their database. The heritage database for endangered species. Then they will send a letter back saying there is or there is not and if there is, then a study is triggered. (Bats were mentioned) If the majority of the board wants that, I will be happy to provide it.

R. Cartier: The only other question I would have for the board, Lot 147.2 does have 1.07 acres in the front, and it does have 1.8 acres in the back. So, it is not well-defined, as to what contiguous is. Jim is correct in putting in here that there is upland. Probably, the house would be built in the 1.07 acres on the lot. Unless they wanted to do the wetlands crossing, which would involve a wetlands permit. I just wanted to get the boards' feeling on that technicality, that yes indeed, there is 1.5 contiguous acres on the lot but it's not at the front. It meets the letter of the law, correct? I think it does.

J. Franklin: When we had talked, we had discussed briefly about putting a note on the plan and I did put that note on the plan, next to the bottom. That way, anybody who buys the lot will know that they have to do that.

R. Cartier: I think the only thing is, if you can get the Endangered Species Review done. But before we do anything else, does anyone else have any other questions?

Questions or comments:

B. Brock stated that it is a suitable area. J. Pouliot stated that the lots are of regular shape, which is nice to see.

R. Cartier: Stated he just had one more question for Jim. On that lot 147.2, if you look in here, there are some steep slopes in there. If the building was to be built, on that front portion of it, would there need to be alteration of terrain that would create a problem with runoff? I am just concerned that there could be a problem with it. Not that it would require an AOT or anything. I just wanted to ask the question because if you look at left side of that lot.

Keith Martel: Prior to any stumping and grinding of lots, we generally put up erosion control at any sensitive areas that are downgraded. In a case like this, really, it is the back of all of the lots. I don't know about steep slope; it is about a 6-foot drop over 50. If you extend that it is 12 feet over 100, that's about 12% grade and it flattens off right by 147.2. Regulations are currently 20 and will be going down to 15.

J. Pouliot addresses Jim to inquire about what is next to Lot 147.2? It is vacant.

No further questions. R. Cartier states that the best move would be to continue. J. Franklin mentions that the state has 30 days to make a decision on the state subdivision approval. R. Cartier states that if the case is continued, that the board will keep it on the agenda for each meeting until a decision is made. The decision needs to be made in 65 days.

State has 30 days

Motion to continue. So **moved**. **Moved** by J. Lindsey. **Seconded** by J. Pouliot. **All were in favor**. **Motion passed**.

Old Business:

Case #17-002 (Amended Site Plan)

Applicant(s): Wildcat Land Development Services, LLC, 43 Lawson Farm Road, Londonderry, NH 03053. **Owner(s):** Same. **Property Location:** 285 Old Candia Road, Candia, NH 03034; Map 410 Lot 137.

Intent: Extension Request – Extension required to comply with the Conditions of Approval. Request to extend until September 1, 2022.

R. Cartier reads the email from Joe Sobel, requesting a 30 day extension from August 1, 2022 until September 1, 2022. "In order to meet the conditions of our amended site plan approval; 6122 Candia First Stop Country Store. Candia Map 410 Lot 137 I have attached an updated status to address to address each specific condition. Also, I have attached correspondence from Bruce Gilday, our wetlands consultant from NH DES to address conditions regarding the wetland encroachment issue. Thank you for your cooperation as we work to address all conditions." Included in the submission was an email correspondence from Bruce Gilday.

Motion by M. Chalbeck to approve the 30-day extension. **Seconded** by B. Brock. **All were in favor.**
Motion passed.

Case: #22-004 (MAJOR Site Plan)

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

Intent: MAJOR Site Plan. Commercial Elderly Housing Facility – 29 Units.

S. Komisarek recused himself prior to R. Cartier reopening the public hearing & prior to the applicant providing a summary overview of the application and a review of any missing requirements.

R. Cartier opened the public hearing at approximately 7:29PM.

Chad Bannon, Civil Engineer, Fieldstone

Scott Komisarek, 23 Main Street LLC, Candia, NH

Attorney John Rattigan

Chad Bannon:

Continuation of last hearing. This evening the topic of discussion is the site plan application before you for the elderly housing project located at 23 Main Street 409-91 Tax Map Parcel. A fairly thorough presentation was given at the previous meeting. Touch on some highlights. This property consists of 6.795 acres of land. Just shy of 960 linear feet of road frontage along Main Street. Currently occupied by one residential structure and primarily consists of an open field area and what we are proposing is a redevelopment of the site into a 29-unit elderly housing development.

Site Plan Package, detailing a number of site improvements, such as: access, parking, lighting, landscaping, stormwater management, controls was reviewed at last meeting. Since the last meeting, they did have an opportunity to address, in large part, all of the original comments. There are some recommended cleanup items in a recent letter that was received from Stantec on July 19th.

A request to move site plans to more visible location for the public

The majority of the revisions were notation revisions. We added the pending state permitting. Included some of the notes on the permitting details as well as on the utility plan as it pertains to fire protection.

Not much was changed as far as the design of the site plan. Made some modifications to some striping to better define parking areas. Added area for parking of delivery vehicles. Noted waivers on the plan set. One waiver request to discuss as it pertains to designing the site to accommodate a WB67 Tractor Trailer Truck. That size vehicle is very large that is actually used for industrial projects. This project has been designed to handle your largest single unit vehicle such as fire truck. Any normal delivery such as Amazon, moving trucks, etc. would be able to appropriately navigate through the site. The entrances to the site have been designed to accommodate a WB67 but the turn internally does not allow for that movement. Request of a waiver, after reviewing with the town engineer and he felt that was reasonable considering this is an elderly housing project, not a commercial development or an industrial development

where you would anticipate getting deliveries of that nature and magnitude. Review letter that was received, second review, summary, follow up of cleanup items from the initial letter, primarily centering around securing state permitting. As well as a number of comments related to the DOT Permit. Crossed culverts that go under Main Street that are associated with DOT jurisdiction. Some questions related to some of the proposed modifications They did offer a number of comments relative to the drainage report. All very minor in nature and we are hoping that the board will consider those as part of the conditional approval.

Some discussion transpired about the different classification requirements and standards for vehicle accommodation and design.

R. Cartier:

Couple of questions on checklist that was discussed:

When looking at the original waivers for the conditional use permit; Section on Parking - Our regulations do allow garages to be used as parking. We do have the architectural renderings now. We have the Front, side, & elevation. Color rendition samples to be provided. Fire suppression system. conditions. The other concern, nothing in writing from NH DOT on traffic, driveways or anything of that nature. It really is critical on the application for us to have something in writing. The board has nothing to go on as far as documentation.

Chad – DOT guidelines/requirements are if your project has over 500 feet of frontage and you can meet 400 feet of site distance, at two locations, you are allowed to have two driveways. ...The DOT Permit process is not a lot different than an AOT Permit process. Or any other state or federal agency for that matter. What we ask the Zoning and Planning Boards to do is conditionally approve a project based on obtaining those permits. If something changes than ultimately, we have to provide that if it is large enough in magnitude to require it. This project is lesser in magnitude than previous projects. It is not going to reach a threshold that will require a traffic study. I can tell you through years and years of experience that it does not. It is not a large project in the traffic realm. We don't disagree with any of the comments in Stantec's letter. They will be resolved through the DOT approval process.

R. Cartier: We need to have the copies of the applications that have been submitted. They need to be provided to the town. I cannot stress enough that the board cannot go on hearsay, which is basically what is happening without documentation.

Chad: With all due respect, we cannot submit the permits without all of the comments. I can tell you right now that I haven't dealt with a community that requires us to file before they will give us a conditional approval. Normally we don't file for permits until we are granted conditional approval from the local planning board. Primarily because we have no assurances that the plan is not going to change through a local review until after we get a conditional approval. It's a more complete and thorough process if we handle it a little more linear and we file these permits within a week of receiving a conditional approval.

R. Cartier: We have to set the precedence that we need to have the applications. Now you have stated that you didn't receive the letter from Stantec until Tuesday. That is because they did not get the plans until Friday. We talked about this back on the 6th. In our subdivision regulations, information should be, is supposed to be submitted to the town 11 days before the meeting.

Chad: We communicated with your consultant and he share with us that we could get it to him on Friday because we are trying to address the additional concerns because you met with the engineer to review the checklist again even though we had already done that at the checklist review meeting. It is a two-way road.

R. Cartier: I agree with you but like I said, 11 days is a lot different than 2 days because that is what is in our regulations that we need 11 days. You know darn well that we turn things around pretty quickly now. He didn't get it until Friday afternoon, and you got the letter on Tuesday. That's a quick turnaround. Every time that we have ever had anything like this before, once this letter gets in here, and unfortunately he couldn't be here tonight but the unfortunate part of it is, is that there is there are probably 50 different things in here that need to be discussed with our engineering firm, to go over them to make sure he is comfortable that the stuff that is in here is on the plans. I'm not going to do it. No one on this board has the technical expertise that Stantec has to make sure this stuff is on here. And I can't sit here and say okay, I am going to put 57 different conditions of approval on an approval letter. That is just preposterous. You have got to be dealing with him on a regular basis so that we have our subject experts in place with what's going on. Like I said before, every single one of the subdivisions that have come in here, they have had AOT Permit Application, they have had every other state permit application and they submit them to us so that we have them on the record.

Chad: I would just like to state for the record that there are absolutely not 50+ items. There was a review that started in the beginning. Many of the items that were in that letter were them were conditional use items. Many of them were minor notations. Most of them are gone. If you look at the latest letter from Stantec, which I think, as I stated before, I would be happy to go through on an item by item basis. But there is very few, some of them are actually on the plans and we can point the out. But there are 1,2,3,4,5...there are maybe 25 items and a lot of them are very, very minor.

R. Cartier: That's not the point. The point is that they haven't been reviewed by the town engineer and we depend on Stantec to give us the approvals or whatever, to go through all of these things and say, yes we have discussed it with the engineers and we have taken care of those. Here are the ones that the board actually has to be concerned about. It is a total waste of our time to try to go through each one of these because we have not expertise in these areas. That's not the way that it works. We depend on these people to give us this information, in writing, so that it is documented, and we make sure everything has been addressed. I just can't do it without documentation. We can't comment on these because we do not have the expertise. We depend on these people to give us this information, in writing, so that

John Rattigan: Mr. Chairman, Attorney John Rattigan, speaking on behalf of the applicant. If the town has regulations, that require a study so that an applicant can submit certain information to the board so that an engineer or consultant can review it, they can require that. But State permits are not submitted until the application has been completed so that we know what the board wants and the engineer can submit that information to the state. And that's the practice of all of the municipal land use boards. So if an application happens to have been submitted sequentially by an applicant, they can share it but you cannot require it. You can require studies but you cannot require state applications because you may be changing the applications during the process based on the recommendations of your engineer and that would cost a lot of money for an applicants engineer to then submit a revised application to the state.

Chad:

With all due respect, Mr. Chairman, can we please go through Stantec's letter?

R. Cartier:

No

Chad:

I think it is unfortunate that the letter is so simple and that Stantec is not here to address that. A majority of the comments are state permit related.

R. Cartier:

It doesn't matter. The point is, like I said before, the board has set a precedence, that this is what we want to do to protect the town. The other thing is, that as I said before, the data that was sent last Friday, should have been sent, at the latest, the 7th of July. Because that way, Stantec would have reviewed it in two days, they would have called you up. You would have gotten together to review, and you would have gone through each one of these things so when we get to the board meetings, the board doesn't have to go through all of this. That is the reason that we have you meet with our town engineer, so that we don't have to go through, there is probably something like 32 different items in here right now. The board does not want to waste time going through these items. We have subject experts that do this for us so that when we get to the meeting, we say, okay, all of these things have been addressed, what do we need to do for the board, to address anything that you haven't worked out with the engineers. That is the bottom line and as far as the permits go, we set that precedence many years ago. For every project that I have had to deal with, in the time that I have been here, we have had those applications submitted. It is crazy to put this kind of pressure on us to do all of this stuff and go through an engineering report in two days. That is just not appropriate.

Scott: I have talked to Bryan Ruoff a couple of times about this project, and he said he is all set, this project is very straight forward. Basically, we have no issues with any of the comments. My engineer is stating that these are not big issues. I know you want to document everything, but it was very minor in the beginning.

Chad: I think it is important to note, Mr. Chairman, that a majority of the comments on the report are drainage related and we submitted our drainage report with the original submission, and we got those review comments yesterday. So, this isn't on us.

R. Cartier: It doesn't matter who it is on. The point is that we need the documentation and we need the response from our subject experts, the town engineer for all of these. Because you are right, some of them are saying, they need additional stormwater calculations. That is not how it works. The reason that we hire the town engineer is so that they can work with you guys and address these issues. Every single one of them before it gets to the board. Not that the board goes and addresses them. It is totally unfair.

Scott: I think we have made reasonable effort Rudy. If you listen to what he is saying.

Brien: At that last meeting, I specifically asked Bryan if he was all set and if he had any outstanding issues and he said no. And I agree with the attorney, I think he is little bit wiser than us when it comes to state permits.

Judi: I think it is wiser that we are not going to rush through this and we are going to have our experts look at these. There is no hurry, we want to do it right.

Attorney Rattigan: Just to be clear. If you want to have your engineer come to another meeting to discuss something and he will be here, we can do that. You cannot require the applicant to put together state permit applications. You cannot do that as a condition for you to finalize your review. You can require studies that your regulations require. Nor can you require someone to submit a state permit application to you, unless your regulations require such a thing. It is unlawful to do that. State law says you cannot require state permit applications. You cannot require them to submit it ahead of time. You cannot force an applicant to submit an application that they would spend a fortune to submit, if it is going to be revised based on your suggestions or if there are required changes.

Scott: If you knew this going into this and I had been informed. If you would have communicated that to me, I could have requested a continuation.

R. Cartier: You understand the practical side of that?

Attorney Rattigan: I do. The whole idea of having the board getting the information and then apply for permits later is so that you can tell us what to do to make it acceptable and then we take that information and we go to the state, and then the state looks at it and if the state says we need to change that or fix that, the state requests changes, and we come back to you because we have to revise our permit application. And that's how it works.

Rudy: As I have said in the past, we have to go the way our town council says that we should go.

Chad: Request that the letter from the Fire Chief be read.

Rudy: What I was going to suggest. Is, there is a number of items that have been brought up. One from the building inspector. I have a couple of questions. What I would like to do is go through the public hearing, go through all of these items, so that if we do a continuation, that we have all of the information. I hate to be so picky, but it has to be documented. We have had issues come up with the board over the past few years and because information was not documented, it has created some very difficult situations for the town. If that is appropriate, I would rather do that. If we need to change our regulations based on advice from town council, then we will.

Judi: Reads letter. ***(see attached)***

Rudy request audience to not clap and to keep meeting civil and quiet.

Judi: Conservation Commission is only an advisory commission.

Rudy: What we would normally do...the old waivers were voted on and approved. Waiver for truck size is the only one for this evening. Stantec & Fieldstone. Do not want to continue beating a dead horse.

Josh: The letter from Kevin:

Rudy: A couple of things I would like to address. It sounds like you are agreeable to do a continuation. Is the board comfortable with doing a continuation? Letter from Kevin: reads letter. (see letter) – ***see attached***.

We can verify that with architect. We would have to comply with height regulation.

Rudy: That would be something that needs to be addressed right away. If the barn is indeed 39 Feet, it would need to go before the ZBA for a variance.

Tim: There is not elevation listed for any of the buildings.

Rudy: Back elevations show sliders. Patio or decks. Because of the waiver that was granted for the setback over there, there will probably have to be some type of a limitation so that it doesn't encroach on the setback.

Tim: I believe the plans said 300 gallons for the regulations.

Chad: 300 gallons per unit, which would be in the unit and that is detailed on the plans.

Rudy: Condition of approval, would be that an alarmed and monitored fire alarm system, designed by a fire protection engineer.

Kevin: It would be assuming that the tank would be in each unit. If there were to be one tank that would serve the 8 unit structure and one for the 10 unit structure. If it would need to be located outside, that would need to be notated on the plan. In the past, the water tank has been located in a common area and the pumping apparatus is located in a common area. It would need to be notated on the plan, in order for it to be approved.

Chad: Mr. Gagne is correct in that the community water system is a very large permit through the state of NH. And in fact, with that permit, I know with the last project wasn't filed until after we obtained the conditional approval because the design and undertaking for that permit is very, very significant. The components for the system, like the storage, the pumps, the infrastructure for the community water system for this project, I believe we have been talking about putting it in the basement of the clubhouse, which is a similar design of what was done for Candia Village. The system is being designed by the same person, Bruce Lewis. It's a specialized industry for sure, so the details and stuff like that are typically not part of a local review. We can add notes to that nature to the plan and specify where the location will be. We are running lines accordingly on the plan but we can detail that a little bit better.

R. Cartier: Anything that would change the site for us and the requirements put into place. If all of that is still confined to the inside of the buildings that are being proposed, it's not really a concern for the planning board.

Chad: Then I would like to say, just for the record, that there was consultation done with the DES Community Water Section relative to the community garden and the solar field and it was verified with them that it would be permissible within the community well radius but there would have to be restrictions on pesticides and fertilizers. It cannot be disputed that there are regulations that states this stuff is prohibited but there are conditions where you can work certain things into the permit and I haven't personally been the one having those communications with the state but I believe Bruce Lewis and Scott Komisarek has. I just wanted to share that Stantec addressed that in the review and I think one of the remaining comments was, just add a sign that there will be no fertilizers or pesticides in the community garden area. That is one of the minor comments left to address.

Rudy: If you have any documentation, please provide so that we can add it to the file so that we will be covered. Ask Amy to add requirement of alarmed monitoring system for fire chief.

Inquiry about a sign. Chad: The sign proposal was removed from the plan. A note was added to the site plan, that says when and if a sign is proposed that a permit has to be pulled and it has to meet the current regulations. We don't currently have a design for the sign so it is appropriate to handle that separately.

R. Cartier: The Landscape Plan - Was it designed by a Landscape Designer. Not necessarily a Landscape Architect but it has to be a qualified Landscape Designer.

R. Cartier: Will there be any lighting in the back. Any floodlights or anything like that?

Chad: No flood lights, just back door lights next to the slider.

R. Cartier: Question about the Solar Array. Will that be individual metering? Group metering or sub-meter?

Scott: Group Net metering project. On the South on one of the buildings. I don't have all the specifics.

Josh: Net metering in NH is very complicated. You can have one meter and then sell your excess energy to the other. You will have to greatly overproduce to make it worthwhile to the other meters. You basically feed the meter that is going to produce the most and sell the excess to the additional meters.

Chad: The solar array is a future proposal. That doesn't necessarily have to happen on day one. But it is a planning mechanism. This is where we would allocate the space. So obviously with the rising costs you would get further into the distance of a project like this before you would absorb that infrastructure cost. We have seen it on other condominium style projects and I believe they have handled it where the association fees get credited somehow by the amount of electricity that is saved so there is a mechanism where it is handled within that structure. It is more complicated than what I can accurately present, but I think it's important to understand that solar professionals get involved in that and that is something that would be handled within the Homeowners Association.

Rudy: As long as it is contained within the site plan.

Josh: It is also going to have to be approved by Eversource. That all has to be worked out.

Rudy: The only other thing that you are really going to have to start working on is HOA documentation so that we can get that to legal counsel for review.

Attorney Rattigan: HOA is equivalent of condominium association. Is only reviewed by the town. It is approved by the Attorney General's Office. Condo Documentation and Bylaws.

Rudy: I am glad you brought that up. This is going to be different than the previous project. The only other item on that is deed restrictions. The deeds were separate.

Scott: The AG's office only looks at. All of those things will be reviewed.

Rudy: The difference between HOA and condo documents. Is it harder to change one than the other? Down the road.

Attorney Rattigan: Usually the HOA documents can be amended as long as they are consistent with the terms of the plan.

R. Cartier: The condo documents will have our requirements and limitations within those documents.

Any other questions, comments?

At this time, I will take comments from the abutters and then comments from the public. Just as we have done in the past with projects. I require that you keep it civil with a minimum of back and for

The question was raised that if one of the abutters is the park and Candia owns the park. Don't we all abut it?

That is a very, very good question. My interpretation is that the elected officials would be the representatives for the town, not necessarily everybody in the town. Having said that, everyone in town is entitled to give their opinion on the project. If you do have comments try to keep them to 3-4 minutes.

Public Comment:

Keith Lemay, 16 Adams Rd.

Inquired about a Study for traffic. The intersection of 43 and main street has had some serious accidents over the past several years. There was a study at that intersection in the recent past. Would they be interested in seeing the previous study in regards to triggering the interest of the DOT?

R. Cartier: Because this project is on a state road, we need to go to the DOT for approval. Yes, they have done a study on it. That intersection is scheduled to be rebuilt in 2028. Start in 2024. It is not a short process. They will come in and talk to the town. There will be public hearings. They will come up with multiple options. Yes, it will be looked at.

Keith Lemay, another comment, mentioning runoff water. Where is it going to?

Chad: This project has been designed with a number of storm water management practices. This is kind of what we are actively working through with Stantec as they just offered their first comments. Basically, if you take a look at the site, we have divided this site into essentially three areas. From this point to the South, everything goes to underground filtration systems, under the access road. And then on the East side of the building, there is another chamber system. That chamber system will treat the runoff and infiltrate the runoff as well. On the North side of the site, you design drainage based on soil properties. We are filling the site over here and there is good soils, good receiving water area for infiltration, so we are taking advantage of that practice there. On this side of the site, we have small jurisdictional wetland, with associated buffer area. The test pits here were a little bit more shallow to seasonal, so we are proposing a wet basin here, so this would basically handle this Northwest corner of the site. The two points are being routed around to that wet basin and then that is out letting into this jurisdictional wetlands area. This front area of the site is going to a smaller bioretention area located at this entrance. In the larger storm events that would tie back into the chamber system. The charge for every project is you have to handle the qualitative and quantitative aspects of the stormwater and making sure you are not having negative impacts on neighboring properties. This project has been designed to meet the local standards and also the alteration of terrain standards which is through the DES.

Mention of the Beaver Pond, concern of it flooding as it has previously.

Reassurance that the stormwater flow will be equal to or less than the current flow.

R. Cartier: Kind of along that line, would you point out the percentages of open spaces on that site? How much is actually going to be impervious.

Chad: Under the Summary Table, Note 13 on the site plan. Sheet 3 of 12. Note 13 says impervious area. You are allowed to have 50%, maximum, we are 24.5. Green Space requirement is 30% and we are at 75.5%.

Keith: Do we have the existing fire and ambulance equipment to cover this?

Chief Young: We are actually in a better situation than we have ever been previously.

Steve Higgins, North Road:

Along the lines of the letter read by Judi, spoke at the first meeting prior to waivers being granted. He has spoken to many residents in town that are truly amazed at how many waivers were approved.

John Reilly 97 North Road: What he said. We moved into the town and moved out of Bedford because of exactly what is happening here. Mentioning the comment by a planning board member "We just enforce the rules." The equivalent of running a business and letting the day come to you. Bedford did not necessarily control their development. Bedford is overrun with people and traffic. When you look at our center of town, open space, historic district...I am asking how do so many things get approved that are outside the scope of what the town, the board, regulations all say. I am curious how and why so many things of such an egregious nature got approved in a town that already set all of the rules. These are major changes in a centralized, historic part of a wonderful town.

R. Cartier: I think if you go back to the audio of the last meeting. I don't think it would be appropriate for each person to go through the reason(s) why they voted yay or nay for waiver. Backing up one step. it is incumbent upon the planning board...to have regulations and basically enforce the regulations. Every regulation that is written does have a section in it for granting waivers. Waivers have always been a touchy subject because they are all supposed to be looked at individually to see if the criteria is there. Our responsibility is, we cannot look at anything from a personal standpoint. Whether I like a project or I don't like a project, that cannot enter into the decisions that we make. If the project meets the regulations, we basically do not have much leeway to say no.

John: A waiver is a difference of a regulation, right?

R. Cartier: It is. When someone comes in for a waiver, we have to look at two criteria. Hardship and also does it meet the intent of the regulations? Again, that is a decision that each person on the board has to make. Do they feel that it is a hardship, and do they feel that it is appropriate feeling for what the regulations say. Again, I refer you back to the audio. Public input is also very important to this board, and I don't want to chastise anyone, but we only had like two people here at the last meeting. We have to do everything we do based on these meetings; we cannot meet outside and talk about these projects outside. We have also said in the past that when we look at regulation changes our criteria is how to maintain the rural character of Candia but also allow for housing for various ages and income levels and things like that. It's definitely a balancing act.

Josh: It's a good question. I am not sure I will be as eloquent as I should be with this, but we are talking about the center of town. When I first got on the board, we were putting together a plan to get more of center of town feel, shops on the bottom and housing on top. Sort of like a walkable center of town. So we have this land that is in the center of town and we are looking at a development as a good use of that space. A use that has housing for people in Candia hopefully, where they cannot live in their current house. They are sizing down; they are going to this condo association. And because of the way the regulations are, there is not a lot that can go in that space. There are not a lot of other options. I had

voted no to some of the waivers, right. But I think that's maybe what some of the members of the board were looking at. It's the center of town and they wanted to utilize it for the goal and the 10-year plan.

Tim: I was not able to make it to the first meeting, so I cannot speak to the discussions. What I can say, is read the town plan. What the town says for this part of town. This fits within what the town plan calls for that part of town. There is justification for that development being there.

John Reilly: I get the use, the outcome, affordable housing, it fits with the master plan. So build it to meet the specs of the town. Make it look historic. Don't build a two-story building with solar panels on it and a big parking lot. Follow the rules, don't ask for a waiver for the rules that were already established. with so many discrepancies. 6 elderly couples not 29. One story, not tow. There is a way to work within the guidelines of the town, the master plan. At the end of the day, there is still a way to work with the rules and keep within the context of the town.

Kirin Asselin, Critchet Road: I wanted to state how frustrated I was the going back through the audio and minutes and listening to the entire meeting. I listened to almost the entire thing and almost every single waiver that was requested, the reasoning for why is, I can quote "economic hardship, given the ever-increasing costs of building materials and project labor." Now they are saying their hardship is economical and that would make it very difficult. The NH Court variance of hardship definition: "...the deprivation resulting from application of the ordinance [was] so great as to effectively prevent the owner from making any reasonable use of the land."

A reasonable use of the and is 6 units not 29 of them. You're turning Candia into not Candia. Why would anyone want to stay in the place that we are changing into something different. The definition from the NH state is that the hardship must be more than a mere inconvenience or a preference for a more lenient standard. Cost for compliance may be a factor but cost is not determinative, and it is not enough for the applicant to say that the development will cost more in order to comply. The applicant must show the substantial and undo nature of the additional cost as compared to others subject to the same restriction. I'm just baffled as to how this got through with so many different waivers. And we are changing so many rules to put in something that will follow our master plan. A master plan is for business on the bottom, houses on the top. As a younger person, who has grown up my entire life in Candia. I would leave school, go to the library, go to the park with my friends, walk to Candia House of Pizza. That's talking about the walkability that you would like along the center of town and four corners. I don't see myself walking into a 55+ community and having a great time. I don't see the appeal of having it. I see the appeal of having it in town, how about we follow the rules that we've already got. Why have we got like 8 major waivers and so many other minor ones, to make this work for them because their hardship is economical and financial for themselves.

R. Cartier: I/we appreciate your comments, but they would have been more appropriate at the last meeting. The votes were taken.

S. Komisarek that his attorney be able to respond to the previous comment. Attorney Rattigan stated that the things she was speaking of were simply not an accurate description of NH Law.

R. Cartier: We base everything on what our town council says.

There was some discussion about how late the meeting was and keeping comments to topics that have not already been decided. R. Cartier stated that he would like the board to hear the additional commentary so that those things might be taken into consideration while reviewing and approving the final plan.

Pattie Davis. Critchet Rd. Parking. What I understand is that there are 1.5 parking spaces per unit. Is there extra parking for if they have a friend over or if they have two cars?

Chad: There is actually two parking spaces per unit provided. And then there is the parking area at the community center as well that can be used as visitor parking if needed. The parking requirements in town are for 1.5 per unit. The plan exceeds the minimum standards and provides for a minimum of two per unit and then there is some additional parking. It's a private site, so the HOA, or the condominium documents rather can stipulate that spaces can be used for visitor. There are 8 spaces at the community center.

R. Cartier: One other thing is that the Fire Chief can require that there be fire lanes, that you cannot park in certain areas such as fire lanes, etc.

Baldessari – 64 Fieldstone Lane: Speaking in favor of the project. Stated that he thinks it is a wonderful project. He continued that elderly housing means no children and additional tax money. The concept of right sizing was denied. If we have to continue, we need more revenue. If we can get revenue without children, we can apply that to reducing our taxes. I am all for it. My point of view.

R. Cartier: The board cannot take economics into the approval of a major site plan. Thank you for that comment but I just wanted to clarify.

Dean Young, Speaking, not as the Fire Chief – as a citizen... Except for Brien who has probably been here for 70 years, no one in this room loves Candia more than I do. No one. I am 100% in favor of this, I think it is a great use of that space. I guarantee it will be a beautiful, beautiful place. 100% behind this.

Possibly Steve Higgins again... Additional question, by allowing all of these variances, waivers, does that set precedent for any future developments?

R. Cartier: No. Every project has to stand on its own. We do have another elderly project coming in next month. It depends on the what the criteria and conditions are.

Steve Higgins: You wish you had the input after the last meetings. The meeting was right after fourth of July weekend, huge vacation week. You had to read really carefully to see all of the details of the projects

R. Cartier: It was very tough on our part to have the meeting that week but once we accept an application and once the public hearing is open and we continue it, we, as the board, have to be very careful. If the applicant is ready to come in, we have to take a look at it because we are under time constraints. We have to look at things and issue a decision in 65 days. State Law. In order to extend it, either the applicant has to extend it or we can extend it but we need to go before The Board of Selectmen. Because holidays exist does not mean we can ignore regulations and State RSAs.

Melissa Madden - Chester Road - Do you guys as a board know what is coming before you as a waiver, before you have a meeting?

Yes. We had a full board. We had one alternate.

R. Cartier: One of the things that I have been pushing for. I have said this for at least a year. I put what is coming up. Every document that comes into the Land Use Office is a public document the minute it hits the desk. Everyone in this town has a right to go in there. Every document is available to the public. If you are interested in looking at the plans and the application, please call the Land Use Office

and make arrangements to do so. I have been spearheading to get the documents online. We are trying to reach out to everyone as best we can.

Melissa Madden: With the waivers. Major waivers. You would think that you would have posted that.

R. Cartier: Good point, if you look at the RSAs. The RSAs are very specific as to what must be posted. We want to be as open and forward as getting the information out to everyone. You have to have some personal responsibility and take the initiative.

Melissa Madden: Certainly, if I had known that there was a 29-unit thing going in, I would have been here. We expect you guys to think like the townspeople and act on our behalf as we have voted, and I don't think this is in the best interest.

Kirin Asselin – Critchet Rd: I wanted to bring up that when we were talking about earlier, that the park borders this development and we are all people of the town, you said that the elected officials are the people who are speaking for the town, I feel as though, specifically, all of these waivers being granted and everything being accommodated to this and you guys speaking as our officials for the park, you are speaking for the townspeople who voted for you, you would be shocked by the blowbacks, specifically by this generation. Mention was made about talk on social media.

B. Brock: I wanted to make a comment. You keep bringing up the park. I just want to remind everybody, that it wasn't that many years ago, that there was a warrant article for the town to purchase that land because of its proximity to the park and it was shot down. The town had the opportunity to purchase that and we wouldn't even be here discussing this. You represent part of the town but there is also a big part of the town that is probably in favor of it.

R. Cartier: One of the things that I would suggest. Every position in the town of Candia is an elected position, If you want to run, run.

M. Chalbeck: There are some people here that voted against buying that property, so when the person who buys it comes to you and says this is what I want to do, we don't have the right to say yes or no. WE are going to say okay, so does it fit in this area? Does the project work? Does it meet the regulations? If we grant a waiver, maybe it's because the lot sizes in this district don't meet the requirements. When we grant people special conditions and then when they come to us and they extend those special conditions, they don't complain because it was hooray for them. Now we do it for someone else and everyone's up in arms.

R. Cartier: One of the things I would like to do before we hear any more comments, if the board is open to it, I would like to take a vote to continue this. And then what I would like to do is open it for public comments. Public input is very important. I appreciate your time. I appreciate your input. I would like to vote to continue to the meeting on August 3rd. Get together with Stantec and get any of these issues resolved.

Josh: For the sake of thoroughness, just for anyone online, make sure if they have comments, etc.

Kevin Gagne: via Zoom mentioned that he feels that the ZBA is means of appeal to Planning Board Decisions.

Pattie / Karin: Is there a timing on that appeal? I think I heard 30 days? Just to clarify, specifically the decision about y'all's planning board decision on the waivers, we an appeal to the Zoning Board to reverse y'all's decision?

R. Cartier: If we, as a board, say go ahead. The only think I can suggest is suggest that you speak to some type of legal counsel?

B. Brock: Someone that knows the regulations and laws. NH Municipal Association. Call them, send them an email.

Motion to Continue: **Motion** by Tim, **Seconded** by J. Lindsey. **All were in favor. Motion passed.**

Other business:

Approval of minutes. Table them.

Josh: Any legality on time frame for approving minutes. No, as long as they are posted.

GIS update. Schedule for 24th. August 24th.

R: Cartier: Mentioned a few line items in regard to affordable housing and zoning in town as it pertains to this subject.

Some discussion amongst the board members.

MOTION: J. Lindsey motioned to adjourn the PB meeting at approximately 9:45pm. J. Pouliot **seconded. All were in favor. Motion passed.**

Respectfully submitted,

Amy M. Spencer

Land Use Coordinator

cc: file