

CANDIA PLANNING BOARD
APPROVED MEETING MINUTES OF September 7, 2022

PB Members Present: Rudy Cartier, Chair; Mark Chalbeck, V-Chair, Brien Brock, BOS Rep; Josh Pouliot; Judi Lindsey; Scott Komisarek; Tim D’Arcy, Alternate

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

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

R. Cartier: New applicant for an alternate on the planning board.

J. Lindsey made a **motion** to accept Michael Guay’s application to be a planning board alternate. **Seconded** by S. Komisarek. 6-1 **Motion Passed.**

New Business:

Informational Hearing: (Potential Major Site Plan) Applicant/Owner - Steve Cotran — 30 Joppa Hill Road, Bedford, NH 03110. Property Location: Raymond Road and Langford Road, Map 409, Lot 122

Steve Cotran – 17 Tidewater Farm Road, Greenland: Back in 2005, this was approved for four units. Decided not to move forward at that time. Reapply / reissue. 5 acres for the proposed building site. Septic would have to be redone. One structure, 4-unit, contractors’ garage. Approximately 40x80 building with the parking.

R. Cartier: We need to research if there is any time limitations of when you could build. Obviously, it was 17 years ago that it was approved. Would you mind if we research this a little bit? Would you mind getting a copy of this for us?

S. Komisarek – recused himself

Peter an abutter, stated that he did not receive anything as an abutter in regard to a notice of decision.

Case #22-004 (Major Site Plan) (Public Hearing continued): Applicant: 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: MAJOR Site Plan for a 29-unit Elderly Housing Development. 22-004- 23 Main Street, LLC

R. Cartier: There is a potential issue with this. This afternoon, all the planning board members, including myself, as the Chair; served on me as the officer or authorized agent for the Town of Candia Planning Board. It's a summons for a Planning Board Appeal that I received about 5:00 tonight. That is basically a summons for an appeal of the planning board decisions for issuing the Conditional Use Permit Waivers. Part of the process, the court orders shall be issued. The proceedings upon the decision appealed are stayed. The planning board shall deliver sworn and certified copies of all papers acted on by the board to Superior Court at Rockingham Superior Court. We have not even had a chance to look at this with town counsel. So, we are put into a very uncomfortable position with this. From what I read in here and again, I haven't been able to contact town counsel, is that we can't proceed with the major site plan application because the major site plan application proceeding was based on issuing the conditional use permit.

Some discussion transpired about whether the meeting could legally continue, in regard to the case involved in the court summons.

R. Cartier: I think probably be the best thing to do is to take a motion on which way we want to go.

B. Brock: Do you need a motion?

R. Cartier: Yes.

B. Brock: I make a **motion** that we proceed. M. Chalbeck: **Second**.

More discussion about waiting or proceeding.

Original motion revisited:

B. Brock: I make a **motion** that we proceed. M. Chalbeck: **Second**.

R. Cartier: No; M. Chalbeck: Yes; B. Brock: Yes; J. Pouliot: No; Judy: No; T. D'Arcy: No

Motion Failed: 4-2 to not proceed tonight.

T. D'Arcy: **Motion** to seek legal advice on the subpoena. J. Pouliot, **Second**

R. Cartier: Yes; M. Chalbeck: Yes; B. Brock: Yes; J. Pouliot: Yes; Judy: Yes; T. D'Arcy: Yes

Motion Passed – 6-0 to seek town council advice.

R. Cartier: I think we need a motion to not take action on Case 22-004, Major Site Plan Application, until after we have advice from legal counsel. Continued to September 21st, 2022. J. Lindsey: So **Moved**; T. D'Arcy: **Second**

R. Cartier: Yes; M. Chalbeck: Yes; B. Brock: Yes; J. Pouliot: Yes; Judy: Yes; T. D'Arcy: Yes

R. Cartier: We will wait to get legal advice on how we should proceed, and we will discuss it at the next meeting, September 21st, 2022.

8:08 S. Komisarek rejoins the board.

Old Business:

R: Cartier:

Case #22-006 (Conditional Use Permit) (Public Hearing continued): Applicant: James Logan, 273 Currier Road, Candia, NH 03034 Property Owner: James Logan, 273 Currier Road, Candia, NH, 03034. Property Location: New Boston Road, Candia, NH 03034; Map 406 Lot 97. Intent: Conditional Use Permit for a 39-unit, Elderly Housing Subdivision.

Case #22-006 (Major Site Plan) (Public Hearing continued): Applicant: James Logan, 273 Currier Road, Candia, NH 03034 Property Owner: James Logan, 273 Currier Road, Candia, NH, 03034. Property Location: New Boston Road, Candia, NH 03034; Map 406 Lot 97. Intent: MAJOR Subdivision for a 39-unit elderly housing subdivision.

We received an email from the applicant this afternoon that he wishes to continue the public hearing until the next meeting. There have been discussions and onsite work done with Stantec, the town engineer and town road agent. They are working on those before they want to come back before the board.

Approval of Minutes: July 20th

J. Lindsey: **Motion** to accept the minutes as amended. B. Brock: **Second**. All were in favor.

Motion to Adjourn J. Pouliot – J. Lindsey – **Second** – All were in Favor. Adjourned at 9:36 PM.