

**CANDIA PLANNING BOARD
MEETING MINUTES OF October 19th, 2022
APPROVED MINUTES**

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

PB Members Absent: ; Tim D’Arcy, Alternate; Mike Santa, Alt.

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

Chairmen Cartier reminded everyone of the rules.

New Business:

- Case #22-011 (Lot Line Adjustment). Applicant: Town of Candia, Board of Selectmen, Barbara Kelly, 55 Old Deerfield Road, Candia, NH 03034; Owner(s): Barbara Kelly, 55 Old Deerfield Road, Candia, NH 03034; Property Location: 55 Old Deerfield Road, Candia, NH 03034; Map 406 Lot 166 Intent: to adjust a portion of the common boundary between lots 179 & 180

Letter of Authorization - Jim Franklin representing Barbara Kelly.

No Checklist Review required for lot line adjustment. Jim Franklin Reviews the plans, as well as the intent.

The right-away has already been recorded at the registry of deeds. In section 5.02E, cemeteries are allowed by special exception. This is an expansion of a current cemetery and not the creation of a new one.

First Step to allow for an additional 400 Plots. Conditions to be met with six months of approval.

J. Pouliot: **Motion** to approve the LLA with the conditional waivers. J. Bedard: **Seconded**. All were in favor. **Motion Passed**.

Old Business:

- Case #17-002 (Amended Site Plan). Applicant: Wildcat Land Development Services, LLC, 43 Lawson Farm Road, Londonderry, NH 03053. Owner: Wildcat Land Development Services, LLC, 43 Lawson Farm Road, Londonderry, NH 03053. Property Location: 285 Old Candia Road, Candia, NH 03034; Map 410 Lot 137. Intent: Request an extension of additional time to comply with the Conditions of Approval from October 5th, 2022 to December 5th, 2022.

B. Brock: **Motion** to grant the extension to December 5th. M. Chalbeck: **Seconded**. All were in favor.

Motion Passed

- Case #22-004 (Major Site Plan) (Public Hearing continued): Applicant: 23 Main Street, LLC, 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. **Further proceedings on this application are stayed pursuant to Superior Court Order dated August 5, 2022.**
- 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.

R. Cartier: Opened the public hearing at 7:36.

Chad Branon - Fieldstone Land Consultants: Touching on the high-level details and giving an update on what has been done since the last time they were before the board. This project was started with a preliminary review back in March of 2021. Non-binding discussion. Open dialogue. Discussion about creating some balance with this project.

39 Units - Within two miles of four corners, meeting the density criteria. Maximize open space. 86% of open space. 84 acres of contiguous open space. Condition of New Boston Road. Improvements from site entrance to route 43, not including the bridge, to the amount of \$430,000. Preserving 70 Acres of Conservation Land. This land abuts land that is owned by the town. Consistent with the Master Plan and land preservation.

Review of the Conditional Use Permit Narrative / Waiver Requests: Excerpt from Initial Waiver Request Letter:

"As agent for James Logan, LLC, Fieldstone Land Consultants, PLLC hereby requests the following waivers from the Town of Candia Zoning Ordinance and Subdivision Regulations regarding the above referenced project:

1. *Article V, Section 5.06.06 of the Zoning Ordinance - Regarding the road frontage on an arterial street project. This section states that "All elderly housing developments shall maintain a minimum of 200 feet of frontage on an Arterial Street".*

Section 5.04.10 of the Zoning Ordinance authorizes the Planning Board to grant waivers in evaluating Conditional Use Permits as long as the applicant can demonstrate 1) that requiring compliance with the particular provision for the granting of a Conditional Use Permit would create an unreasonable hardship and 2) that the application would be consistent with the spirit and intent of this ordinance.

We are requesting a waiver from Section 5.06.06 as elderly housing developments are low traffic generators and the traffic that is generated is usually off-peak, midday traffic.

In addition to this, the site is less than a% of a mile away from Route 43, one of the three arterial streets in town. Finally, it is our understanding that at one time the Town's transfer station was located on New Boston Road. Since the road was capable of supporting the traffic to the transfer station it should be more than adequate to support the traffic to the proposed 39-unit elderly housing development.

This is also supported by the attached traffic analysis.

2. Article V, Section 5.06.14 of the Zoning Ordinance - Regarding the maximum building height in an elderly housing project. This section states that "all buildings shall be single story above grade in height".

We are requesting a waiver from Section 5.06.14 as the current market for Elderly Housing Projects frequently offers 2-story housing styles and this is a common request for prospect buyers. "

Significant input and discussion from abutters and residents in opposition of this project.

Betsy Kruse: 53 New Boston Road - (see attached letter)

R. Cartier: Moving on from arterial road waiver to two-story waiver discussion at 9:38PM No public comment. Closed public hearing at 9:44PM First Waiver: Arterial Road

J. Lindsey: **Motion** to deny waiver because it is not on an arterial road. J. Pouliot: **Seconded** Finding of Fact:

R. Cartier: Yes. It is not what the best intentions of the master plan is and adversely affects, I believe, that residential area. And we do have sufficient options in town to have elderly housing.

M. Chalbeck No. That was the dump road. You can't tell me it is not an arterial road. Everybody travelled that road whether you like it or not.

B. Brock: Yes. I think it is a good project, I think it is good for the town but in that area, it would be an adverse effect to those that live in that neighborhood.

J. Lindsey: Yes. It is simple. Regulations state, these dense, big developments are supposed to be located on an arterial road. This one is not.

S. Komisarek: No. I thought it made sense being right off of 43. I thought the use was a good use.

J. Pouliot: Yes. It does not create an unreasonable hardship and because of the road condition and the increased traffic and it not being an actual arterial road. I think the % of a mile does make a difference.

J. Bedard: Yes. Hearing everyone talk about the adverse impact. It was voted by the town, and we represent what people want.

R. Cartier: 5-2 Motion Passed

Second Waiver:

B. Brock: **Motion** to accept the waiver request on the two-story. J. Bedard: **Seconded**: All were in favor.

Motion Passed.

Finding of Fact: Industry Standard

J. Pouliot: **Motion** to deny the Conditional Use Permit based on denying the first waiver. S. Komisarek: **Seconded**. All were in favor. **Motion Passed**.

Finding of Fact: Based on waiver request denial.

Other Business:

Approval of minutes postponed.

Some discussion about zoning.

J. Pouliot: **Motion** to adjourn. J. Lindsey: **Seconded**. All were in favor. **Motion passed**.

Meeting adjourned at 10:35PM Respectfully submitted,

Amy M. Spencer Land Use Coordinator cc: file