

**CANDIA PLANNING BOARD
MEETING MINUTES OF May 3rd, 2023
APPROVED MINUTES**

PB Members Present: Rudy Cartier, Chair; Mark Chalbeck, V-Chair; Brien Brock, BOS Rep; Judi Lindsey; Scott Komisarek; Kevin Coughlin; Tim D'Arcy

Mike Guay, Alt.

PB Members Absent: Linda Carroll, Alt.; Mike Santa, Alt.

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

Old Business:

- Bryan Ruoff – Stantec – GIS Update – Open Projects

We are behind schedule, I apologize. And there was a miscommunication on my end. We are meeting with the cemetery department on Monday to get their mapping information so we will be able to incorporate that. We have updated the story map for some of the feedback that we received at the last meeting. We have the information that Brien requested, so you can look up a parcel and look up what zone it's in. Whether there are wetlands, steep slopes, etc. It hasn't been officially published; we have to do a backcheck on it. We are doing the updates that we received on the manufactured housing districts. There shouldn't be any issue to have that updated pretty quickly for next week. Is there a day specifically?

R. Cartier: I need it for Monday.

B. Ruoff: I will let Shelby know and have her work on that so it will be up and ready for Monday. Shouldn't be an issue. Stuff that we have in progress. Obviously, we haven't done anything with the cemetery maps yet. We still need those maps to go over that. We have been coordinating with Jeff on the roads, culverts, road assets. We have that ready, all ready to input, all set up, but we don't necessarily have all of that information. So once we have all of that information we will put it in. Our goal is to, I know this is Jeff's busy season, so we are just trying to be considerate of his schedule, because the idea would be an assessment of all of the town roads, culverts, fire ponds, whatnot, get that entered into the GIS and wrap this up say probably mid-July if that works with Jeff's schedule, to coordinate with him on that. But everything else that we can do that's in our court, we will look to wrap up here shortly. So, it's done and working and ready for you to be able to use. And then, if it makes sense, I think the way we are trending for budget, if it makes sense, we can do another presentation, go over the tutorial that we're creating, just so we give everyone instructions on how to utilize the system and if there are any other questions, anything that we can address or potentially things the town wants to add with the available, remaining budget we can certainly look at that too. I see that as maybe a month away.

The only thing that I am a little embarrassed that we haven't figured out yet because I know it would be infinite benefit to Amy, is the abutter feature. I will get with Shelby this week to see if we can expedite getting that resolved.

R. Cartier: Yeah, I think what would be good, Bryan, is probably at the next meeting, just go over the items that are on the task list we have. We have, what three? 8, 9, & 10. You talked about the first two and the third you expect by mid-July?

B. Ruoff: Yes, that's the plan, depending on Jeff's schedule and what he is able to do. Obviously, we want to get all of the information. We have it all set up and ready, we just want to make sure that we are getting all of the input that we can from Jeff, so that you have that for utilization and planning going forward.

R. Cartier: Yeah, I think the board is probably in agreement that we would rather have it very detailed and accurate as opposed to trying to push to get it done in a short amount of time. The money is allocated and encumbered and everything and I think we are all in agreement.

B. Ruoff: DOT has been a little slow in responding too and I would like to get some input from them on DOT Roads within the town, just so that is on the town's radar as well. I don't want to come off and make it seem like Jeff is holding us up. We scheduled a couple of meetings that I had to reschedule. So, it is definitely in our court, and I apologize if I made it sound like we are waiting on Jeff, we're not.

T. D'Arcy: I agree, I think quality of data and completeness is much more important than timing.

M. Chalbeck: Right now with the roads and the washouts, Jeff is going to be very busy, he is not going to have time until after all of this weather comes through.

R. Cartier: That's going to help him decide which roads and culverts. You will probably get some real accurate data.

General Updates:

B. Ruoff: If you want, I can give updates on the three other projects. We received updated plans and the drainage report and the response letter for Deer Run Road. Everything looked good. All the comments that we had previously have been addressed. The only thing outstanding on that, I wasn't sure what the determination was of the board, is there needs to be some kind of surety in place for the project. The way that the regulations are written, it is to the discretion of the board on what's covered for a site plan. Usually, it's a reclamation bond, so I couldn't say definitively, to the applicant's engineer what was needed for that. But typically for major site plans, reclamation surety is what's been approved for the past seven years. That is something that is put together by either Severino, I believe they are doing the work. Or the developers engineer. I am happy to look at that. I can say it looks good and they are good to go with construction. I know the applicant had had some frustrations about the process but everything was really in his engineer's court to finalize the conditions. So it really wasn't anything that the town or we were working on, just for the record.

R. Cartier: When I looked at your letter, it didn't look like there was anything that had to be done after we signed the plan. I didn't see anything in your letter that would raise anything up that would require us to have a bond or some kind of surety on something being done post approval.

B. Ruoff: It's really to your discretion. The reason there is a reclamation or surety in place for major site plans is, if for whatever reason, a developer doesn't have funds to complete a project and it's left halfway complete, it gives the town the funds then to restore the site back to a natural, non-erodible condition. Essentially, that's the idea. Where this is in a remote location, is it really necessary in that case? You could probably make the case that it's not for this, in this instance. It's not like a surety where you are ultimately getting the road and you have to ensure that the quality of everything being put in is up to town standards. This is for private development, so for that case, do you really need a surety for this? Maybe not necessarily.

T. D'Arcy: I will throw out the devil's advocate point that these are relatively steep slopes, so bringing it back to a decent erosion situation might be an appropriate response.

K. Coughlin: How is the value assessed, is it a percentage typically? Or is it just a case-by-case basis.

R. Cartier: Case by case.

B. Brock: They are required to bring it back to a stable state.

B. Ruoff: It's case by case but it is based on the square footage of the disturbed area. To loam, seed, and restore the site.

B. Brock: Does the applicant know that he is required to get that from Severino or from his engineer?

B. Ruoff: It was discussed at the last meeting, but it may not be clear to him, I'm guessing, based on the reaction that I heard he had with Amy. It may not be clear on his end.

B. Brock: I think he should probably do that and then it would be nice if you could review it and just give us, "yes, this is acceptable."

B. Ruoff: Yes, that was the plan. That has been standard operating procedures.

R. Cartier: We are not looking for a lot but one of the things that we are trying to avoid is another repeat of the New Boston / North Road landslide disaster.

B. Brock: They stripped the whole hillside and it's all rock and all the water from New Boston Road came down. Everything. Rocks, trees, everything.

R. Cartier: The unfortunate part is, as Tim had mentioned, this is a very steep slope site.

M. Chalbeck: I believe when we did the conditional approval, that we added that in, that language in. Was that right Bryan? We did add that, right?

R. Cartier: Bryan, do you want to talk to their engineer? Or do you feel it would be better coming from the land use office?

B. Ruoff: I have no issue talking to Jason.

T. D'Arcy: I wouldn't feel comfortable in not having that in place considering the slope and everything.

M. Chalbeck: That's why when we voted and Bryan, thank you for being there that night. That was to have you as a guide when we had to bounce questions off you, which was quite a bit.

B. Ruoff: The only other thing that would be needed, and it's not necessarily needed before everyone signs the plans, is the project requires a subsurface permit for the septic system. But as long as that's obtained, prior to getting a building permit, it should be a non-issue.

B. Brock: And we discussed that.

R. Cartier: I should stop looking at laws. One of the ones that is in there from the NHMA is, as you know, we are not supposed to sign plans unless all of the conditions are met. But the way that it was also explained is that there are pre-conditions and post-conditions. Some things, as Bryan just said, you cannot get until you have a signed site plan. So, something like the subsurface disposal, you can't get until after the plan is done. It's a fine line and that is why I asked about the surety for anything was going to be a post condition. Once we sign the plans, we are done, we have no recourse if something happens, so we need to be very careful about that. It sounds like in this case, it is not going to be an issue and we can sign the plans based on what Bryan had said. So Bryan, if you are fine with that, if they want to submit the mylars, I would say that we can sign them at the next meeting. If everyone's in agreement with that.

B. Ruoff: Sure, I will let them know.

No action on the other two projects. Landing Way, I talked to Tommy yesterday. He's thinking with the mud and the amount of rain we've got; it will probably be June before he is out there anyway. He will finish paving and final grading. We should be able to wrap up that project to have a closeout date and hand over that new road to the town by the end of this construction season.

Maplewood. I have not heard anything on that, I will reach out to Wayne tomorrow. The conditions aren't suitable for them to do that drainage improvement. I think he has an extension until August, but it would be nice to wrap it up sooner.

R. Cartier: As far as accepting the road.

B. Ruoff: We are a long way away. We will need an as built.
If I am needed at both meetings, I can be.

R. Cartier: I don't think we signed the contract for GIS for 2023. Do you want to just check that and re-date it and send it.

- Approval of Minutes, 4.19.23

Motion to accept April 19th as amended: J. Lindsey – **So moved**. **Second**: K. Coughlin. K. Coughlin abstains. All remaining were in favor. **Motion passed**.

Appeal Updates:

- **Foster Farms**, New Boston Road – We did have the status meeting yesterday. Nothing really came up. Submittals are going to be developed by town counsel and the plaintiff's counsel. We will discuss that in a non-public. The HAB is looking for document submittals from both sides. If you weren't on the call, this is all about count II.
- *23 Main Street – That has been continued to May 10th at Superior Court in Rockingham County.*

HOP Updates – No Updates HOP Phase I Update and HOP Phase II Update.

Other Business:

- Town Planning

R. Cartier: I did give you guys and girls the most recent updates. These are the ones that are left. House Bill 252. This basically exempts agricultural across the board. It won't affect us at this point in time. Just because it doesn't affect us know, it could come back to bite us.

Senate Bill 78. This kind of goes along with what we were just talking about. Surety Bonds on projects. This one is specifically for subdivisions.

This bill is eliminating the option for a developer to offer sprinkler systems.

We can't require sprinklers under state laws. Taking this out doesn't allow that as an option. A contribution to the water supply fund. And that is based on an engineering analysis. Instead of doing that, contribute.

M. Chalbeck: What gets me is when they require the cisterns. When there is an identified spot. I am just thinking, as a community.

R. Cartier: We have that ability, as a planning board.

M. Chalbeck: Or that dry hydrant over here.

B. Brock: It is going to have to be based on our knowledge of the accessibility of water in that area.

R. Cartier: It goes back to local control. In my opinion, we are in pretty good shape with the way that we handle things.

Right now, the road agent does the driveway permits. If the driveway is over 150 Feet in length, then the minimum width has to be 12 feet. We have a number of driveways in Candia that are over 1,000ft.

T. D'Arcy: Maybe it is just me but it seems to me that they have more important things to look at then the length of the driveway. Isn't that the planning boards' job?

B. Brock: We generally have a good discussion with the applicant if they have long driveways.

T. D'Arcy: We talked a few weeks ago about trying to build a pipeline to social media.

K. Coughlin: I can put a link for anything.

T. D'Arcy: What we could possibly do as an outreach. We could potentially post to the Candia site. We could talk about whether that makes sense.

R. Cartier: What I would like to see is something like Chester does. They have all of the applications on the website. If we develop something that takes the place of that, we are doing much much better.

Non-Public: Shutting down the zoom portion of this meeting. Motion by R. Cartier.
Second K. Coughlin. RSA: 91-A:3 Section II e

All were in favor. Motion Passed. 7:56PM

Out of non-public.

K. Coughlin: **Motion** to seal non-public minutes. B. Brock – **Second**. All were in favor. **Motion passed**.

- Any other matter to come before the Board.

B. Brock: We have had this issue come up a couple of times. And it was evident in the Logan case where they had spent a sizable amount of money and then received a denial. So, I was just curious. We did talk a little bit but not much about it. Is there a process that we can go through that will somehow not be so expensive for an applicant to get their decision.

R. Cartier: The answer to that is yes because the warrant article to take away the ability for the planning board to grant waivers, makes it, so that everything needs to go to the ZBA. With that being the case, if someone comes in for an informational and there is something that needs to be waived from the zoning ordinance, they have to go to the

ZBA. Tim and the rest of the lawyers up at the legal office in Concord say that it is enforceable.

M. Chalbeck: I would like that in writing.

R. Cartier: There is a difference between the ordinance and our regulations.

R. Cartier: I apologize for that; I should have mentioned that many moons ago.

B. Brock: At what point will we have to bring the plans in for the PD site?

R. Cartier: Obviously, the earlier the better. They can come in for an informational with sketches.

B. Brock: We have a final plan now.

R. Cartier: In actuality the town does not have to follow their own ordinances.

R. Cartier: I only have one more thing. Across from PetAgree. The ZBA has granted him an exception so that he can build three duplexes on one lot. He is still going to be allowed to build a big barn and any kind of agriculture on that land. From what I understand, the barn is going to be on the other side of the wetlands. It's going to come back to the Planning Board.

M. Chalbeck: The only way to access that is through Horizon.

R. Cartier: It's going to be interesting. He couldn't sell them as condos because that's not what he got approved for.

Motion to adjourn: K. Coughlin. **Second:** J. Lindsey. All were in favor. **Motion passed.**

Respectfully submitted,

Amy M. Spencer

Land Use Coordinator

cc: file