

**CANDIA PLANNING BOARD
MEETING MINUTES OF July 19th, 2023
APPROVED MINUTES**

PB Members Present: Rudy Cartier, Chair; Mark Chalbeck, V-Chair; Brien Brock, BOS Rep.; Scott Komisarek; Kevin Coughlin; Tim D'Arcy; Mike Guay, Alt. (Sitting in for Judi Lindsey)

Linda Carroll, Alt.

PB Members Absent: Judi Lindsey (excused); Mike Santa, Alt.;

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

Call to Order: Pledge of Allegiance: Roll Call:

New Business:

- Informational Hearing: (Potential Major Site Plan) Applicant/Owner – Candia Police Station — 100 Raymond Road, Candia, NH 03034. Property Location: 100 Raymond Road, Candia, NH 03034 Map 409 Lot 96 & Lot 97 Intent: To begin preliminary presentation / discussion about next steps.

(This will be on the agenda / discussed at the next meeting on August 2nd.)

- Informational Hearing: (Potential Lot Line Adjustment / Residential Demo / Remodel) Applicant/Owner – Donald Mara— 143 Langford Road, Candia, NH 03034. Property Location: 143 Langford Road, Candia, NH 03034 Map 408 Lot 14 Intent: To build a house.

Kristin Mara and Shauna Mara: Representing their father Donald Mara:

Kristin Mara: We are looking to building a new house on my dad's current lot and tear down the old house six months after he moves in. I know there is a rule about buying three acres. We are looking at purchasing up to the stone wall from Linda LaMarche, which will bring it to around 1.7 acres. Which at one time, back in the 90s, my dad did own 1.7 acres and he is not sure what happened with the whole tax, now only owns .8... .62 now. Somehow it changes, he doesn't know how. We do already have approval from Linda LaMarche to purchase that land.

Shauna Mara: What we're looking at currently right now is to be able to build on the existing property, with just purchasing the right-of-way right now. are looking to be able to purchase on the existing property. So we know we would need a variance for that front because of the frontage.

T. D'Arcy: Is this right-of-way just for this piece of property?

Yes

R. Cartier: There is also access, you have the 320 feet over in that area?

Shaunna: She has an access on the right, and she also has an access on the opposite side of the cemetery on Depot Road.

R. Cartier: That is currently 28. Will that stay the same or be reduced by the house?

Kristin Mara: So, we are looking at putting the house actually right under the number 408-14. We have a design. It's not going to be a huge house. Something we can all live in down the road with my dad. It's just the house is really, really, really old and for us to try to redo that house and him still living in it, would not work.

K. Coughlin: That is the one right on the road?

Kristin and Shaunna: Yes, it is the yellow one.

R. Cartier: Okay, just to make it clear for me., the existing lot is 408-14, which has 1.1 acres

Kristin Mara: .61

Shaunna Mara: .62

R. Cartier: It's just the hashed portion in here that is going to be transferred over to 408-14

Kristin & Shaunna: Yes. Initially. Then we are going to buy more land next year from her.

And then we are going to buy more land from her next year.

K. Coughlin: How big is that second piece.

K. Mara: It would probably be 1.7 Acres total for the whole thing.

R. Cartier: The board can't increase the use of a nonconforming lot. You can use a nonconforming lot for whatever is in there. If you are looking to just do a lot line adjustment in here, It's not increasing the nonconforming use, it's actually making it less nonconforming.

B. Brock: Making it more conforming.

R. Cartier: If it's just a lot line adjustment, there's not going to be doing any kind of subdivision on it. I wouldn't think that there is much that needs to be done from our standpoint. The only thing you would have to do is a lot line adjustment, which is a lot easier than just about anything else that you need to do. We can confirm that just to make sure but from my review of the ordinances and the laws,

B. Brock: We cannot create nonconforming but we can certainly add to a nonconforming.

M. Chalbeck: So, who would they have to see about building the new house?

Collectively: The building department.

K. Coughlin: Are abutters a consideration? Do they have to be notified?

B. Brock: Not for a lot line adjustment. Only the ones involved.

R. Cartier: What you would need to do is have the land surveyed and have a plot plan made up and submit it to the board under a lot line adjustment. You probably wouldn't want to wait until the future purchase. Just to keep it clean do it with what you want to do right now. Check with Amy for the application and get a surveyor. Any other comments or questions.

M. Chalbeck: Thank your dad for his service.

- Informational Hearing: (Potential Major Site Plan) Applicant/Owner – Candia Tank Farm, LLC — 6 Hillside Avenue, Amherst, NH 03031. Property Location: 5 High Street, Candia, NH 03034 Map 406 Lot 201 Intent: To discuss upgrades to the existing facility, to include (3) 30,000-gallon propane storage tanks, (1) 40,000-gallon fuel oil storage tank, and (2) 15,000-gallon fuel oil storage tanks.

Chris Swiniarski – Attorney from Devine Millimet representing Candia Tank Farm and Rick Wenzel Oil: As you know from our submission, we are looking for your input on a conceptual proposal of an expansion to the existing fuel storage facility at 5 High Street. Chad Brannon who is the project engineer is with me as well. He can go over some details of it. Really, we are just looking for any input, any concerns, any questions that you have. We do know that we have to go to the ZBA for a variance on this as well. Typically what we do is we like to get your input and feedback first in case we end up making some changes to the design, we don't want to have to go back to the ZBA with a new plan.

Chad Brannon: Civil Engineer with Fieldstone Land Consultants: Representing Rick Wenzel Oil Company and Candia Tank Farm, LLC. Good evening, Mr. Chairman, members of the board. The subject property is located at 5 High Street, Tax Map 406-201, consists of approximately 4.8 acres of land that has 200 feet of frontage along High Street. I figured we would start real quick with the existing conditions plan just to talk about what's currently on the site and then talk about what we are proposing. So currently the site does have an existing residence along the front of the property. There are a number of outbuildings on the property. There is an existing fuel storage barn on the property right now that has 30,000 gallons of storage inside. The site did obtain a variance some time ago for the use in order for that to be there. I don't live in town, but I wasn't aware that was back there. I think the residential home out front kind of hides the back of the property. There is an existing paved pad where they currently park their trucks. There are a number of improvements. Jurisdictional wetlands kind of wrap around the eastern side of the side with one crossing located here. What we are proposing is to basically maintain that same look along the front of the property and then make some improvements internally and into the back. What we are looking to do is keep the existing building and then add some additional heating and oil storage kind of centrally located. The reason for that location is providing adequate separation to the jurisdictional areas and allowing for access around that area for truck access as well as well fire emergency access.

T. D'Arcy: Is there heating oil or propane?

C. Brannon: Both. This would be new. It would be an expansion of the existing heating, oil, and diesel that they have on site. We would also be looking to expand to have propane as well.

T. D'Arcy: Is there currently propane?

C. Brannon: There is not propane on the site currently, no.

K. Coughlin: So, what exactly is there now?

C. Brannon: There's 30,000 gallons of fuel storage onsite right now.

M. Chalbeck: Was there ever propane on that property?

C. Brannon: I am not aware of there being any on the property.

B. Brock: Next door had the propane.

C. Brannon: We are proposing a building so the vehicles can park inside with this application as well. The good part about this proposal is It would bring everything up to date. Stormwater mitigation and treatment. Right now there nothing out there so all the runoff flows into the jurisdictional wetlands. Here we would be capturing all of that and handling it appropriately. We would definitely be able to provide some drainage improvements onsite. It's an existing business that is looking to grow in town. It makes a lot of sense for them to expand their operations on this site. They still want to kind of be nestled in the back and maintain that residential appearance.

B. Brock: Is the site adequate for what they want to do? It's not difficult to put in what you want?

Chad: Yes. No, I don't think the site is difficult at all. In fact, there is a very large usable area here. This is a pretty conventional type layout. We do have Bob Coluccio with Webb Engineering with us as well. Bob and I have worked together on a number of these facilities over the years. He does a lot of the permitting and designs for the tanks and containment and stuff like that. We wanted to have him here tonight in case the board had any specific questions relative to that.

M. Chalbeck: I would just be concerned about safety as far as, is there going to be some type of a monitoring system or backup generation?

B. Coluccio: Not necessarily. A generator doesn't necessarily make the facility safer. If the power goes out on a propane tank, the pumps don't operate and that's a good thing. And all of the control equipment is pneumatic and so there is no requirement for electrical to close any valves. And then the oil will be inside a concrete containment. If there is a power outage, you can't pump oil, it just shuts down. Nobody has talked about having a generator.

M. Chalbeck: Because I know you are beyond a radial feed on electric. You are on a radial feed for electric.

R. Cartier: Under our zoning ordinances this is not allowed in a commercial or mixed-use district. It's only allowed in the industrial district, so it does require special exception from the ZBA. There was one that was granted for what exactly what Chad talked about before, the existing buildings. The first thing they would need to do is go to the ZBA to get a variance to do exactly what they want to do in here. Then, that was expansion of use... There is some, and I think you've addressed this in here, there are some questions on nonconforming lots if it is going to be increased the way they want to increase in here that there are not going to be any negative wetland impacts or individual hazards..."that the proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater or other reason." Same thing with groundwater. Another thing they would have to do is an AOT and fuel storage is covered under Article 15 for special exception uses and it basically outlines no safety hazards with traffic. There are some hurdles that would have to be crossed before we even get to site plan review to address the concern about the safety aspect. This would have to be designed under, I believe, NFPA 58. It would involve having a Fire Protection Engineer to take a look at all of the safety aspects, especially for the propane. You have to remember that is 90,000 gallons of liquid propane in the mixed-use district. The way that the tanks are currently aligned is it would hit the fire station and the school. Doing a proper fire analysis would be required for that.

T D'Arcy: I didn't do this little calculation to be a doomsdayer or to be a naysayer because it sounds like you are trying to improve the lot and everything else. But I have some concerns about it. I think safety concerns are going to be a major issue, right? I'm not saying we can't address them, but I actually did a calculation and do you realize that each 30,000-gallon tank has the same amount of explosive and kinetic energy as 1.3 million pounds of dynamite. That blew me away. No pun intended. I think for a town our size, I think emergency services is certainly an issue that needs to be discussed when this comes around.

R. Cartier: Chad, I don't know if you have fire protection personnel on your...

B. Coluccio: I would be writing the fire safety analysis. And I would just say, you hear about people blowing themselves up with dynamite everyday but you never hear of explosions at these propane plants.

C. Brannon: Think about the tanks at everyone's homes.

B. Coluccio: Sometimes you have to remind people that they have a propane tank under their kitchen window that is more of a threat to somebody. There are more incidences in that realm.

R. Cartier: The biggest incident that could happen would be in the transfer of products.

B. Coluccio: It is definitely a valid concern to raise, and of course we would be addressing it in the formal application. Without a doubt, we hear you.

R. Cartier: I think the biggest hurdle you are going to come across is talking to the ZBA. This is specifically not allowed, and you are going from fuel oil and I don't want to say it is less dangerous because it could leak out and go into the wetlands. But you can contain that better. The biggest thing is the gaseous fuels. I don't know if you have talked to the state yet, but they are going to be reconfiguring that intersection at some point in time. Probably within the next two to three years.

C. Brannon: Certainly, anything here would involve a DOT Permit and we would go through that process.

R. Cartier: Are you going to continue the use of the residential structure?

C. Brannon: That's the plan, yeah.

K. Coughlin: There is an existing facility there, so would they be grandfathered to that or is this completely ZBA's call?

B. Brock: ZBA's call.

R. Cartier: What they did. When the original owners came in, they requested a variance for just exactly what it was approved for. You cannot increase the size or usage of a nonconforming lot. This would be increasing.

M. Chalbeck: Once they get through the hurdle of the ZBA, they would have to come back for the site plan review.

R. Cartier: Fencing

M. Chalbeck: You just mean around the tanks.

R. Cartier: Yes. Just the high hazard areas.

From my background in fire protection engineer, you should probably consider getting together with the fire chief to do some trainings, water supply access. There will be concerns with the safety.

Old Business:

- Nate Miller – SNHPC – CIP – Nate Miller will be here at the next meeting.

Cam Prolman: SNHPC: Presentation – Brief slide show (See Attachment) to help guide this conversation. I wanted to give another review of this project. Timeline and potential deliverables. This project and how the grant was developed. Data Analysis. Updating chapters of the master plan. We have begun doing some data collection and analysis. This will take until the end of the summer and possibly into September. We would like to talk about rolling this survey out this summer. I have planning board meetings here. This also represents the committee that we will be forming. We are looking at the end of this year to early next year of doing the actual work of updating the chapters.

What are we missing? Do we want to ask more specific questions? Or do we not want to do that and keep it a little more general? I am also getting into the weeds a bit here. This might be something more for the committee.

We are going to want to identify a date and a location for community engagement.

R. Cartier: Back on the housing needs survey. One of the things that kind of concerns me on that...is there some way to control people stuffing the ballot box?

C. Prolman: There is, and we have done it in the past. As far as we know, it has been relatively successful. If people really wanted to try to get around that, they could. As far as I know, we have not experienced that in the past. We can try.

M. Chalbeck: Should number 2 be what is your living situation in Candia?

C. Prolman: We want this to be answered by Candia residents. We can be more specific. You bring up a good point, and I can wordsmith that a bit.

The existing master plan which is unique. I really like the Candia Master Plan. It is very digestible and actionable. It's organized. Updating this section is something the committee will discuss at length. We want to present an updated and comprehensive data analysis. We are going to want to use this data to help tell a story. Adding a stand-alone chapter that would feed and inform other chapters. It will also help inform the future land use section.

The next steps for us involve formally establishing the committee.

K. Coughlin: What does establishing the committee mean?

R. Cartier: What I would like to do is leave it out there a little while longer. We can't go too, too long.

S. Komisarek: What's a good number?

R. Cartier: I don't want it to be too small, but I also don't want it to be too unwieldy. I would like to ask people to submit a letter of interest and explain how they feel they could be beneficial to what the committee is doing. I want real people.

C. Prolman: We will be analyzing the data, providing a summary, and creating a narrative around it. If we post the survey and we can give access to the town as a form of transparency.

R. Cartier: I think the other thing would be to appoint the committee, I would like to have some kind of document as to what their charge is. With this particular phase, this is the data gathering of what is currently there...

M. Chalbeck: Staying within the mandate of the grant.

K. Coughlin: How often will they meet?

R. Cartier: That will be up to them.

K. Coughlin: Will they elect the chair?

M. Chalbeck: I would think they would elect the chair. The other thing I like, thinking about it, as a planning board member, I can take notes, digest.

R. Cartier: This committee is going to have to have public meetings and minutes will have to be taken.

C. Prolman: It would be a good idea to have them on Zoom or recorded. They should be accessible. Southern NH is going to be doing the legwork. The committee is going to be a guiding body. They will be doing the review rather than asking the planning board to review. Although you will at the end, I am sure.

R. Cartier: I also want to make it clear that this is a commitment. It's not going to be an easy thing to do.

S. Komisarek: Being honest and setting the expectation.

R. Cartier: Tentatively, I would like to be able to put this on the August 2nd agenda.

Anne Lacey: 39 Critchett: Did you say you passed out flyers?

R. Cartier: Not yet. We are going to post it at the post office and other spots. The biggest thing we have is social media and the bulletin board.

Anne Lacey: Are the surveys going out before the nine people go out before the nine people get together and look at the survey?

C. Prolman: No, I want the committee to help vet the survey. I wanted to get it rolling. With meeting schedules, it can be difficult. I just wanted to get it kickstarted. The survey is something I would like the committee to vet and bless before it gets put out into the community.

P. Davis: What I am a little confused about is what does the committee do? I am happy to do it and help in town, but I don't know what I will be expected to do.

C. Prolman: The survey the planning board has is a draft. My hope is that the committee would provide new questions. The committee is going to guide this process.

R. Cartier: A lot of it is going to be the committee's responsibility to organize.

K. Coughlin: This committee will be participating in that?

C. Prolman: Yes.

R. Cartier: Specific to housing. It only has to do with housing.

D. Snow: Are you or are you not updating the master plan?

R. Cartier: No. This particular grant only deals with housing.

L. Carroll: Isn't it also to help guide us for impact fees. We have to have this master plan for impact fees?

R. Cartier: In a roundabout way but not directly.

- Approval of Minutes, 6.28.23

T. D'Arcy: **Motion** to accept the minutes of 6.28.23 as presented: **Second:** K. Coughlin. All were in favor. **Motion passed.**

Appeal Updates:

Foster Farms: We did go to the HAB. What they are saying is that our ordinance for arterial road requirements is unlawful and unconstitutional. The hearing started off with the appellant's attorney outlining why they felt our Zoning Ordinance section pertaining to the arterial road provision was unlawful as it created a second class of landowners by restricting elderly housing in only certain sections of town.

Our attorney then provided rebuttals to his arguments. Once he did that, he called witnesses.

I went first and my testimony was centered around the history of the Ordinance and my involvement in its development from back when I was on the ZRRC and my understanding of the reasons for the restrictions.

Chief McGillen then testified about the ability for emergency services to quickly access these types of developments and the location of town and emergency services in relation to various roadways.

Jeff Wuebbolt then testified about the condition of state-maintained roads as compared to non-arterial roads and how they tend to be maintained at a higher level especially during severe weather conditions. He also discussed roadway flooding including New Boston Road.

All three of us were cross-examined by the appellant's attorney. Each of us testified for an allocated 20 minutes each (including cross-examination).

At the end of the 90-minute Hearing, the HAB requested that each attorney provide the Board with written summation and submit them to the Board within 10 days. However, with the holiday week, it was requested that additional time be allowed, and a one-week (I believe) extension was granted.

The Board is expected to issue its ruling within 30 days after the summaries are submitted. Jeff wasn't downplaying the quality of town roads, it just that the state has a lot more money to do things than we do.

- **23 Main Street, LLC**– There was a rehearing request and that was denied. That's where it stands right now.

K. Coughlin: That hearing being denied, is that the end of it?

R. Cartier: No, it can be appealed to The Supreme Court

Other Business: I was quite pleased when we received the report from the treasurer. The \$8500 is in the budget. We only have them for solid waste and transportation.

T. D'Arcy: That will at least get the updated?

R. Cartier: Yes. The impact fees cannot be used for maintenance items. They need to be used for things that are directly affected by the growth of the town. State law doesn't require any specific uses of specific areas. The problem we have in Candia is our impact fee, it has to be used in the quadrant that the money came from. If someone built a house up on Podunk Road, it would have to be used for that section.

T. D'Arcy: It is kind of naïve to think that it would only affect that quadrant.

R. Cartier: Again, all of this ties back to the CIP. I did talk to Jeff, wondering if we could use some of the impact fees we have now can be used for Brown Road.

K. Coughlin: How do we undo the quadrant requirement.

R. Cartier: We can do a limited update to the impact fee requirement. If the board is in agreement, I can get some more information.

J. Wuebbolt: I think in that quadrant is roughly \$1300.

R. Cartier: The bus company is going to use that property across from First Stoppe. They have a temporary use permit that is good for six months.

P. Davis: Just a quick something. My name was brought up at a meeting on the 28th and I want to respond. I did not solicit money on social media. People were coming up to me asking to give me money. Someone came forward and set up a fund to preserve the Candia Master Plan. I would argue that the planning board's decision cost the money. Also, Scott said I do not have standing. Involvement is one of the reasons that you have standing, and I think you will all agree I was very involved. This wasn't a frivolous suit by me, this was the direct result of the planning board overstepping their boundaries.

M. Chalbeck: **Motion** to adjourn. M. Guay: **Second**. All were in favor. **Motion passed.**

Respectfully submitted,

Amy M. Spencer

Land Use Coordinator

cc: file