

**CANDIA PLANNING BOARD
MEETING MINUTES OF October 4th, 2023
APPROVED MINUTES**

PB Members Present: Rudy Cartier, Chair; Mark Chalbeck, V-Chair; Brien Brock, BOS Rep.; Tim D'Arcy;

PB Members Absent: Mike Guay, Alt. (excused); Scott Komisarek (excused), Judi Lindsey (excused); Kevin Coughlin; Linda Carroll, Alt.; Mike Santa, Alt.

* Rudy Cartier, Chair; called the PB meeting to order at approximately 6:30PM, followed immediately by the Pledge of Allegiance

Call to Order: Pledge of Allegiance: Roll Call:

New Business:

- **Informational Hearing: (Potential Subdivision) Applicant/Owner** – David Gould— 81 Halls Mill Road, Candia, NH 03034. Property Location: 81 Halls Mill Road, Candia, NH 03034 Map 402 Lot 7-6 **Intent:** Subdivision of lot to make a single building lot.

Dave Gould, 81 Halls Mill Road

The overall plan here is, I own 402-7-10 which includes frontage on Halls Mill Road. I am trying to a 5-acre lot to the back land. I have a couple theories, but I am not exactly sure. I own adjacent land. I have a bunch of questions. Am I able to divide this one parcel into two parcels? I think that is the simplest thing to do.

R. Cartier: We cannot create a non-conforming lot.

B. Brock: We cannot create a lot that is non-conforming.

R. Cartier: If it was existing before the ordinances.

D. Gould: I thought non-conforming only applied if you wanted to build on it.

M. Chalbeck: What is the frontage on the proposed lot? Does he have enough to put a road?

T. D'Arcy: Do you have any other property surrounding?

D. Gould: I also own an adjacent lot that does have some road frontage. I could join those two and that would make it a conforming lot. If I did it that way, what would that be called?

R. Cartier: That would be legal.

J. Franklin: Do a lot line adjustment.

R. Cartier: You could put a road in, but I think there are other issues. If you look behind at the backline, obviously there are wetlands.

D. Gould: That is a stone wall that has water going up to it.

B. Brock: Where is your house located to the cul-de-sac? Right in the center?

D. Gould: Yes.

R. Cartier: What is your intention? To subdivide?

D. Gould: No.

M. Chalbeck: You wouldn't have any desire to put a road in in the future?

R. Cartier: We would go into the difference between a minor and major subdivision. We have, in the past, also done things such as conservation easements. I think on this one, my concern would be that you really couldn't access the whole area in here because you would have some pretty significant wetlands. If we go with the minor, we just have to somehow address the fact that it is a large lot, that in theory could be developed.

J. Franklin: As the surveyor that prepared those plans. I don't see it as a subdivision. It is a lot line adjustment.

R. Cartier: If you look at our regulations, he is creating a lot.

J. Franklin: We are not creating a lot. We have two lots now and we will have two when it is completed.

T. D'Arcy: The boundary line gets adjusted down to 5.2 acres. The other boundary line also. We do two lot line adjustments. Call me crazy but does that work?

B. Brock: Like Jim says, this is a lot. We are not creating a lot.

D. Gould: Technically, we are making it less developable than it is now.

B. Brock: Does that make sense to you?

D. Gould: Yes.

R. Cartier: I think that would be perfect.

M. Chalbeck: I am good with it.

J. Franklin: That is one of the questions we had about the second sheet, access.

R. Cartier: Jim, because the wetlands bisect that property would there still be sufficient uplands?

J. Franklin: Yes. We can just move them around, if not. The lot lines. That was the preliminary. One of the questions we had was can it be done before or after?

B. Brock: It should be after. And that would be triggered when you pulled the building permit.

D. Gould: We will do that next.

- **Case #23-004 (Lot Line Adjustment):**

Applicant: Carl Pearson & Sarah Merrill, Map 410 Lot 133 and Geho Family Revocable Trust, Map 410 Lot 134, Both on South Road, Candia, NH 03034;
Owner(s): Carl Pearson & Sarah Merrill, Map 410 Lot 133 and Geho Family

Revocable Trust, Map 410 Lot 134; Property Location: South Road, Candia, NH, 03034; Map 410 Lots 133 & 134.

Both on South Road, Candia, NH 03034 **Intent:** *to adjust a portion of the common boundary between lots 133 & 134.*

R. Cartier: Speaking of lot line adjustments.

J. Franklin: I think the agreement is not necessary because both landowners signed. The entirety of the property is from Pine Hill, it extends along South Road, almost to the railroad and backs up against. We are going to So that lot 134 ends up with 6 acres. 133 will end up being about 101. 135 is not part of this application.

T. D'Arcy: We are combining these two lots together?

J. Franklin: Yes

R. Cartier: Where the granite bound was?

J. Franklin: The Southwest corner, we need to put a granite bound.

B. Brock: It makes a nice lot for them.

R. Cartier: I don't see any problems.

Paul: Does this generate two buildable lots or just a single larger lot?

J. Franklin: A single larger lot.

K. Brewer: It's just going to stay a field. Sweet.

Motion to accept the application: T. D'Arcy. **Second:** M. Chalbeck. All were in favor. **Motion passed.**

Motion to accept the lot line adjustment as proposed: T. D'Arcy. **Second:** B. Brock. All were in favor. **Motion passed.**

- **Lot Merger**

Amy Spencer, Map 411, Lots 043 & 044, 369 Chester Turnpike, Candia, NH 03034; Owner: Amy Spencer, Map 41, Lots 043 & 044, 369 Chester Turnpike, Candia, NH 03034; Property Location: 369 Chester Turnpike, Candia, NH, 03034: Map 411 Lots 043 & 044.

Intent: *To merge two lots into one.*

R. Cartier: Amy, what is it that you would like to do?

Amy Spencer. 369 Chester Turnpike: I would like to merge my two lots into one if I may please.

M. Chalbeck: So, you would just make it into one?

Amy Spencer: Yes.

M. Chalbeck: That back lot, you can't even get to it. It's land bound.

Amy Spencer: Exactly

M. Chalbeck: We should do that.

Motion that we accept the application: M. Chalbeck. **Second:** T. D'Arcy. All were in favor. **Motion passed.**

R. Cartier: We have accepted the application. Any questions?

T. D'Arcy: What is the acreage of the two lots.

Amy Spencer: 19ish.

T D'Arcy: Combined?

Amy Spencer: Yes.

M. Chalbeck: That back area. It gets kind of wet back there anyway.

T. D'Arcy: The way I look at it, we are creating a conforming lot out of a non-conforming lot.

R. Cartier: Right, well. It's actually, even though it is landlocked, it is conforming because it was in place before.

B. Brock: It just cleans up another one.

T. D'Arcy: What's your frontage Amy? Not that it matters.

M. Chalbeck: It's at least 200 feet.

Amy Spencer: Yes.

B. Brock: It's just cleaning up another one.

Motion that we accept the lot merger as proposed: T. D’Arcy. **Second:** M. Chalbeck. All were in favor. **Motion passed.**

- **Seeking Recommendation for Select Board**

Paul and Sarah Brassard, 266 Donovan Road, Candia, NH 03034; Owner(s): Paul and Sarah Brassard, 266 Donovan Rd., Candia, NH 03034; Property Location: 266 Donovan Rd., Candia, NH 03034; Map 411 Lot 40.

***Intent:** Seeking a recommendation from the planning board for the selectmen to request permission to apply for a building on a Class VI Road for a barn/garage.*

R. Cartier: Just a bit of history on this one. This was at the ZBA at the last meeting. Unfortunately, one of the things that happened was that under RSA 674.41, before anything goes to ZBA, it has to go to the Select Board. Basically, you can’t build on a Class VI Road unless the local governing board, after review and comments by the planning board has voted to authorize the issuance of a building permit for the direction of building on a Class VI Highway or portion thereof and the municipality neither assumes responsibility for the maintenance of the Class VI Highway nor liability for damages resulting from the use thereof, pursuant to RSA 674:41,1 (c) (3). Such notice shall be recorded at the expense of the applicant. Prior to the actual issuance of any building permit authorized by the Board of Selectmen, the applicant shall sign and provide the Town with an executed release and agreement to be recorded at the Rockingham County Registry of Deeds. That’s where we are. It has to go to the Board of Selectmen first and under the RSA, they need a recommendation from the planning board.

P. Brassard: This close to voting on it. I brought a tax map for clarity for everybody. I have the google maps, roughly where my house is.

T. D’Arcy: Asked for clarification of the provided documents / structure location.

R. Cartier: This plan originally came through when there was a request for a subdivision on that property. The property has not been subdivided. It’s all still one continuous.

P. Brassard: The map I gave you is one continuous property, Sir.

T. D’Arcy: What is the acreage?

P. Brassard: One piece is 18 & the other is 6. Roughly 24.

T. D’Arcy: Any other houses beyond this?

P. Brassard: There are two houses on my side of the road. I have 2000 feet of Donovan Road and then it goes into the nine acres that belongs to Mr. Cummings on the end to the railroad bed.

M. Chalbeck: Then you have people across the road.

P. Brassard: I have one across the road on the left. There’s three houses on the left. I took a google for the ZBA Board in August. It’s roughly about 450 from any of them.

M. Chalbeck: You were just going to put a barn up.

P. Brassard: A 30x30 with a 14' overhang. I made the mistake, I am a city guy, thinking two-foot variances are given in the city all the time. I cleared a piece of acreage, roughly 150' x 175' right before my house. I will just go ask the ZBA for a variance. It turned out to be much more than what I thought. 66' ROW, 3 pin road. I got schooled. I have a master's degree now but I got my PHD in land surveying, reading rules and everything else now. I was technically humbled and the original spot I wanted to put it in is not gonna work.

B. Brock: And that was the issue that you had with the building inspector? He told you that you had to move it?

P. Brassard: Not the Building Inspector. The ZBA.

B. Brock: But they both said you had to move it, what was it 15 feet or so?

P. Brassard: No, I was still within the variance but it was gonna be super short. It was gonna be like four feet. And I didn't realize it was four feet. I thought it was 50 foot from the road's edge or 75 feet from the center of the road because Donovan Road is a 3 pin road. It's 66 feet wide. Donovan Road sits on the farthest portion.

B. Brock: 4 rod road.

P. Brassard: Whatever the rods are. 66'. I was measuring from the edge of Donovan and that would put me right on the edge of the right of way. That's what I was told by the building inspector. And then they came out to do a site survey. They came out and said this a rod road. I have a piece of galvanized steel in the corner on Donovan where the end of the road kind of forks off and follows the edge. I had to do my due diligence and went to Milford to the people who did the survey in 2018.

B. Brock: This little box here, is that the house or the proposed barn?

P. Brassard: That's the proposed barn, right in front of my house.

B. Brock: Where is your house?

P. Brassard: Literally, right where the driveway is. That line going in is the driveway.

B. Brock: So, you are not accessing any of the town property that we gave you permission for?

P. Brassard: Negative. It has nothing to do with it.

T. D'Arcy: I believe he is accessing it through the same stretch of road that his is accessing the house with.

M. Chalbeck: The same driveway.

P. Brassard: Mr. Brock gave us a 20-foot right of way to access another 40-acre piece. It's not even remotely near that. 30x30. 14-foot overhang, monolithic slab, 24" frost wall

T. D'Arcy: You are outside of the ROW?

P. Brassard: Yes. The plan is to go from here to the Selectmen to the ZBA. For the new one it is going to need much less. After we got all the pins, I am going to need about a 14 or 15 foot variance is what I am seeking from the ZBA.

M. Chalbeck: **Motion** to make a recommendation to the Board of Selectmen that we allow it. **Second:** T. D'Arcy.

B. Brock: I just had one question. You said you are going to need a variance for what now? Just to be able to build?

P. Brassard: For the setback. Just for the setback.

B. Brock: What are you looking for for a setback? What are you looking for a variance?

P. Brassard: 14 or 15 feet.

B. Brock: That's what you want a variance for? Now you're at what 36'? How many feet are you from the setback.

P. Brassard: My house or?

B. Brock: No, the barn.

P. Brassard: Yeah, so the bard would be roughly 36 feet from the edge of the right of way.

B. Brock: And you can't move it another 14 feet?

P. Brassard: We have an equipment permit for a home excavation LLC. Turning our gear around is why we wanted to do another spot to safely and effectively turn around in our driveway, is what we want.

B Brock: I don't know if that works for the criteria for a hardship but have at it.

R. Cartier: That's going to be for the ZBA. From our standpoint, purely from the planning boards' standpoint, if we make a recommendation to go to the Board of Selectmen, that it would have to be just that the zoning ordinance...

B. Brock: It's a procedural thing. We are not agreeing.

M. Chalbeck: We can't agree.

R. Cartier: Our recommendation would be to yes go ahead as long as it meets the zoning ordinance and the building requirements. Obviously, meeting the zoning ordinance means he has to go for a variance, that's part of the meeting itself. So, I'll draft up the letter with Amy and we'll submit it to the Board of Selectmen and the recommendation is that we recommend that the Board of Selectmen.

B. Brock: Hear the case.

R. Cartier: Yes. We have no concerns from a planning board standpoint. And then anything that's done, has to be done in accordance with the zoning ordinance.

P. Brassard: Next question. Gentlemen, what criteria are the Board of Selectmen looking at?

B. Brock: Basically the selectmen will look at it and they'll say, well, you've got an issue with the setback so you are going to have to go to the ZBA.

P. Brassard: So from there, they would say, yes you can build if you meet the ZBA requirements.

B. Brock: We would probably just vote to go ahead and move the process forward.

R. Cartier: I know the whole process is a pain in the butt but we just want to make sure that we...

B. Brock: Class VI Roads are a very sticky area.

P. Brassard: How does that get fixed?

B. Brock: Town vote. You will have to do a warrant article and ask the town to take it back. It would be tough.

P. Brassard: That's a half mile road. That's like a \$300,000 road.

B. Brock: Town Specs - \$500 - \$600 a foot.

P. Brassard: It shows a dirt standard and a paved standard.

B. Brock: Right but we would not approve a dirt road.

M. Chalbeck: If you want to keep it rural.

P. Brassard: The planning board has been great to me. You schooled me on the informational in regards to a subdivision. It's not the building permit that was an issue. You cannot subdivide on a class VI Road because of the RSA.

M. Chalbeck: **Motion** to make a recommendation to the Board of Selectmen that we allow it. **Second:** T. D'Arcy. All were in favor. **Motion passed.**

Public Comments:

Andrew Nicholas: Fact finding mission about a property that is currently zoned residential. Buying it and having it rezoned. I don't have anything planned.

B. Brock: What type of business? Is it one that would work in a residential zone?

R. Cartier: There is a problem with that lot. There was a house on that lot. It is a ½ acre lot. The problem is they tore the house down and it became unbuildable. The decision was that it couldn't be built on. That is the issue with that property. That's why it has been vacant for so long.

Andrew Nicholas: My wife and I are tossing around different ideas. We thought about building sheds.

M. Chalbeck: You would have to get that rezoned.

B. Brock: The problem was the foundation was put too close to the road.

R. Cartier: Put an informational request to Amy. We can do some research and see exactly what the history is. Just to make it so the board can do it properly.

B. Brock: We can't do it, it's a town vote. Someone has to put that in or it has to be a petition warrant article.

R. Cartier: You can be an agent for the property owner. Anyone who owns it can.

B. Brock: It would be a petition warrant article? If it is continued from what is on that road. You just need 25 registered voters to sign the petition.

A. Nicholas: If we were to buy it as residential?

R. Cartier: We would have to look.

- Nate Miller – SNHPC – CIP – Next meeting.
- Southern NH Planning Commission - InvestNH HOP Updates – Steering Committee – The did meet last Thursday and there are some minutes. Amy, can you send those out?

Mark, anything you want to mention? Carla is the Chair, Patti Davis Vice Chair.

- Approval of Minutes, 9.20.23 – table them to the next meeting?

Appeal Updates:

- *Foster Farms*, New Boston Road – We still have not heard anything. I did send an email or had Amy send an email and he contacted the clerk and they said they are still working on it.

M. Chalbeck: It must be something where it is edgy on either side.

Other Business:

- Application Fee Adjustment

That the verbiage on the applications should be changed to “current postage plus \$2.00”.

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Motion that it is acceptable and should change. T. D’Arcy. **Second:** M. Chalbeck.

All were in favor. We support the change to the verbiage for the cost of mailing notification. **Motion Passed.**

- Town Planning

We do need to start thinking about if we want anything on the town warrant.

M. Chalbeck: Impact Fees

R. Cartier: I know that Bob Donovan had a couple of suggestions.

T. D’Arcy: We should look into having it adjust with the CPI.

R. Cartier: we will develop the fee schedule and give it to town counsel.

Motion to Adjourn: M. Chalbeck. **Second:** T, D’Arcy. All were in favor. **Motion passed.**

Meeting adjourned at 7:47PM

Respectfully submitted,

Amy M. Spencer

Land Use Coordinator

cc: file