

**CANDIA PLANNING BOARD
MEETING MINUTES OF November 15th, 2023
APPROVED MINUTES**

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

Linda Carroll, Alt.; Mike Guay, Alt.;

PB Members Absent:

M. Santa, Alt.

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

R. Cartier: Before we get started, I just wanted to make a notation about something I had mentioned at the last meeting, at the end of the meeting, that I was going to resign. I have been inundated with calls from a number of people, including some town officials that asked me to reconsider. So, I have reconsidered and I am not going to submit my resignation.

New Business:

- **Informational Hearing: (Potential Subdivision) Applicant** – Matthew Philips – 8 Kings Ransom Lane, Bedford, NH 03110. **Owner** - Mark & Sharon Maloney – 29 Colonial Drive, Auburn, NH 03032 Property Location: North Road, Candia, NH 03034 Map 403 Lot 010 **Intent:** Applying for authorization to build a single-family home on and improve a Class VI Road, in accordance with the Town of Candia Class VI and Private Road Policy.

M. Phillips – 8 Kings Ransom Lane, Bedford: I have an offer contingent on town approval for this lot that is just to the, it's the last one on North Road, just to the West of the George's property. I am asking for approval to build a single-family residence with maybe a couple of outbuildings there. That property is 52 acres, and it is mostly wooded, and it is right on the Hooksett border. It's approximately...when the George's put their driveway in, it's about 1500 feet from Merrill Road, which, the intersection of Merrill and North which is the end of the Class V Road. So, I would need to finish the next section of road there to the driveway up to the standard listed in the Candia Class VI & Private Road Policy. Which is 60' feet wide, 2-foot shoulders, maximum slope, 12" base gravel, and a couple of other criteria there.

R. Cartier: Where would it start in the road? Where the solid line ends?

M. Phillips: Where North Road turns into a dashed double line there, that's approximately where the George driveway is. They've actually finished it another 600

or 700 feet beyond that, to get to the little gravel pit they have there, so it's not actually 2300 feet that would be finished, it would be more like another 1700 feet to where the driveway would come in. And then another 1600 feet of the driveway, to put the house up a little bit, the slope of Hall Mountain there. It's a significant distance beyond where the gravel road is already brought to. It's a pretty rough Jeep Trail but seems like it has a good base, so it would be quite a bit of gravel brought in over it and then finished off there. Tom Severino is going to meet me on Sunday to go walk that section there and the driveway basically follows the existing trail.

R. Cartier: There is nothing there right now?

M. Phillips: Structure wise, no.

R. Cartier: The stuff you have in here is proposed?

M. Phillips: Exactly, yes.

R. Cartier: Thank you.

M. Phillips: The trail actually goes up beyond towards the top. So hopefully after Tom finished walking it, we will all have a better sense of what can be done to specific specs so that emergency vehicles won't have a problem getting up there.

R. Cartier: Okay, the procedure is that you are here at the Planning Board because obviously, the Board of Selectmen are the ones that actually approve or deny. I open it up to questions from anybody on the board. Brien, I think you probably have the most experience on these, so I kind of, maybe depend on you.

B. Brock: I would think that one concern would be where your driveway. How long is your driveway?

M. Phillips: 1600 Feet.

B. Brock: So, at some point at the top of your driveway, you are going to have to accommodate emergency vehicles.

M. Phillips: We will definitely do that. I believe, also, it would require doing a hammerhead or turnaround where the driveway connects.

R. Cartier: Part of that too, like Brien had said, there are some standards for driveways. I think the biggest concern is making sure that any emergency vehicles can turn around. Usually, it's a cul-de-sac but of course, it is a Class VI Road. I think the only other concern would be, I'm sure you probably know this is, you would have to sign, basically a waiver, that the town cannot provide services, if the fire chief determines that it is just not safe for his apparatus to go up there. Then, there is no liability on the part of the town.

M. Phillips: Yes, I am aware of that. As a citizen, I would prefer that the fire chief is never put in that position.

R. Cartier: I assure you that the chief would do whatever was in his power, but you can't guarantee it.

B. Brock: At some point there, probably they would want one or two pull-offs, right?

R. Cartier: Down on the road itself, it's not in there but in the driveway, I believe it's 1000 feet. Is it 500?

M. Phillips: It's 500 for the road, for the Class VI Road. Is it 1000 for the driveway then?

R. Cartier: Yes, the driveway itself is 1000. The reason for that, each one of the fire engine's carries 1000 feet of large diameter hose on it, so they can only go so far. Then, there would have to be a pull-off at 1000 feet, so they can put an engine there and another engine keeps going up. But there is nothing on the road itself. The biggest problem would be, as you know, these trucks are big. In your particular area, it's going to definitely need tanker shuttle to get water up to anything up in that area.

M. Phillips: I am also intending to do sprinklers for the house as well so that will help.

R. Cartier: Always highly advised when you are out in an area like that. Generator too?

M. Phillips: It would be off grid to avoid having to string the utilities all the way down that whole distance as well. It would be a solar battery and maybe have a propane generator as a backup for that. There is another issue as well, which is, North Rd. is designated as a scenic road, so cutting of any trees that are larger than 15 feet inches in circumference. Actually, the last 2016 Transportation Plan said diameter. It's actually not, the RSA says circumference. I would have to get permission to cut those, assuming that continues down this Class VI Road. Now, I've walked it, I'm not an expert, but I don't think there are too many trees that fall into that, that are that big, that would need to be cut down in order to expand but if that is part of it then, is that something we decide now, or will I come back to you later?

R. Cartier: You would have to come back because on a scenic road to cut trees, we would have to hold a public hearing. The public hearing is usually when you have identified the trees and the reason for removing the trees. And then the board would hold a public hearing, take public comments and then the board would either approve or deny the removal of the trees.

D. Peightell - 823 North Road: I didn't hear you say anything about improvements to any existing road. The last waiver they issued, it beat the ... out of the road. I would like to know how you address that. Also, I would like to know. You can't just put in culverts and drain into wetlands. I want to know who is going to enforce. You just said build your road, build your house. We lost property. Plus, the additional traffic. Our property out to the hot top, it's degraded terribly in two years. The corner of Merrill and North. We live 600 feet in. We were the original builders that met the 600-foot

regulations. We built the road, and it has held up. That road can't handle it. Plus, it's narrow. There is a blind spot. When the waiver was issued. It's dangerous. I would suggest that you take a walk before you issue a waiver.

R. Cartier: I appreciate you giving us those concerns. I think everyone on the board should think about what the recommendation should be.

J. Lindsey: I thought the road improved dramatically when the Georges moved in. I think it is amazingly stable. I actually did hit a car on the knoll before the road had been improved. Luckily, we were going really slow at the top and we just kissed the cars. My driveway is across from the Peightells.

T. D'Arcy: I am going to agree with Judi that the road has been improved since the Georges.

M. Phillips: Yes, there are a couple of streams that cross the road that would require culverts. Definitely going to have to have something that covers down there. It is not impossible that this whole project might require an AOT Permit. That is something that I understand is required. This is sort of right around there, so it is going to require an engineer. It's just me and my partner and our cats and we are homebodies. As I understand it, the traffic on the road has diminished. That's heresy.

R. Cartier: It would probably be worthwhile to talk to Jeff, the Road Agent to see what his recommendations might be.

J. Lindsey: When you talk to Tommy Severino, he'll let you know.

M. Philips: I have never done this before. I am still trying to figure all of that stuff out. I was also going to reach out the fire chief.

B. Brock: You are in there quite a ways now.

R. Cartier: There should be a pull-off. I think from where the Georges are.

With 2300 feet there would have to be four of them.

The increase in traffic that is being referenced. It would be the Georges coming out.

Motion: The Planning Board that we recommend to the Select Board that they review the applicant's request for a building permit, with conditions.

T. D'Arcy: Question. Doesn't it have to go before the Zoning Board and the Selectmen.

M. Phillips: I believe I will need to go to the ZBA.

J. Szot: RSA is 674:41(c)

R. Cartier: “Minimum Road Access Requirements Under State Law RSA 674:41 has been characterized by some as zoning on the state level. It is a law that applies in all towns and cities, unless the municipality does not have a planning board with subdivision approval authority. Under RSA 674:41, no building permit can be issued, nor can any building be built, on any lot unless that lot has access from one of these five types of streets: • A Class V or better public highway, including one that has been previously laid out, or one that has been accepted by the municipality (RSA 674:41 I(a), I(b)(4)); or • A road shown on a plat approved by the planning board - either a subdivision plat, or a street plat (RSA 674:41, I(b)(2) and (3)); or • A Class VI highway, but only if the governing body, after consulting with the planning board, has adopted a policy allowing building on that particular Class VI highway, or portion thereof, and then only if the owner has recorded a notice in the registry of deeds acknowledging that the town is not liable for maintenance or any damage that might occur on that road (RSA 674:41, I(c)); or • A private road, but as with Class VI roads, only if the governing body, after consulting with the planning board has adopted a policy allowing building on that particular private road, or portion thereof, and then only if the owner has recorded a notice in the registry of deeds acknowledging that the town is not liable for maintenance or damage that might occur on that road (RSA 674:41, I(d)); or • A street shown on a subdivision plat that was approved by the zoning board of adjustment or governing body before the planning board was granted subdivision jurisdiction. The Street must already have at least one building on it and must have been constructed prior to July 23, 2004 (RSA 674:41, I(e)).

R. Cartier: In the letter we will put in that the planning board has reviewed.

Motion: The Planning Board has reviewed the applicant’s request, and we are going to provide a letter to recommend to the Select Board that they review the applicant’s request for a building permit, with conditions. J. Lindsey. **Second:** K. Coughlin All were in favor. **Motion passed.**

T. D’Arcy had to leave. L. Carroll stepped in.

Old Business:

- Nate Miller – SNHPC – CIP
- Southern NH Planning Commission - InvestNH HOP Updates – Steering Committee
- Approval of Minutes, 11.1.23

Motion to accept as amended: J. Lindsey. **Second:** K. Coughlin. All were in favor. **Motion passed.**

Appeal Updates:

- *Foster Farms, New Boston Road* – No updates

Other Business:

- Town Planning

R. Cartier: We have had one request from the Land Use Office. Bob has asked us to update to the 2018 IRC, IBC, and Electrical. I think that is a decision for The Board of Selectmen.

M. Chalbeck: That regulation we need to check. But I hate kicking the can. Let's kick the can a little bit less. We've got a whole bunch of things.

R. Cartier: All of a sudden, right after Mark did that, we found numerous things in the regulations that we were granting waivers for. I think after the first of the year, we can delve into it a little more. It's not easy, as Mark knows. For the board members that were not here when this whole thing started. They totally clear-cut a lot and it rained, which it sometimes does in Candia. It washed out that whole hill.

How can we put in a regulation that is not super specific but is reasonable.

K. Coughlin: Dillon at Rust Wrecks.

R. Cartier: If you own property, you can cut your trees.

M. Chalbeck: If you want to cut and you are in a river area, you may not be able to cut.

Any other matter to come before the Board.

Motion to Adjourn: J. Lindsey. **Second:** L. Carroll. All were in favor. **Motion passed.**

Respectfully submitted,

Amy M. Spencer

Land Use Coordinator

cc: file