

**CANDIA PLANNING BOARD  
MEETING MINUTES OF December 20th, 2023  
APPROVED MINUTES**

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

Linda Carroll, Alt.

PB Members Absent:

Brien Brock, BOS Rep (excused)

Mike Guay, Alt. (excused)

M. Santa, Alt.

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

**New Business:**

- **Proposed Zoning Amendments for 2024**

After review and discussion, the Board will set a date for the Public Hearing.

R. Cartier: The first thing on the agenda is proposed Zoning Amendments. I apologize that when we had the last meeting, we were going to have the public meeting tonight. I neglected to make sure that Amy knew that it had to be posted ten days in advance.

T. D'Arcy: So, it's her fault?

R. Cartier: Well...

A. Spencer: It's my fault.

R. Cartier: I checked like nine days before and I said, I haven't seen it. I checked with Amy, and we didn't do it, so... Which is okay because we did have another Citizen's Petition, so instead of having to worry about doing another public hearing, with just that one, I think it will actually work out better.

The first one that I want to go over is the one that we discussed, that would come from the Planning Board. I made the changes that we talked about in here. We did send it to legal and I think you have a copy. Very minor comments from Mike, that we can easily incorporate.

K. Coughlin: How many areas in town would this fall over?

R. Cartier: That's a good question. I don't know. I know that the New Boston Road area is one of them. And North Road where the land slopes way down to the river.

Linda Carroll is going to sit in but we can't replace Brien with one of our alternates. The Selectmen Representative has to be replaced by the Selectmen's Alternative Representative.

M. Chalbeck: Rudy, this 15%. That's different than the State RSA. The State RSA was 25.

R. Cartier: Right. That's the one that when we did the Steep Slope Maps, Bryan suggested that we do 15.

T. D'Arcy: So, with the 15%, we are adding in additional considerations. And at 25 we are saying forbidden unless there are extenuating circumstances, and the planning board says okay.

R. Cartier: So, I think it kind of makes it a little bit clearer that at 15%, these are the things that you have to do, so they really have to come to the planning board or the ZBA.

M. Chalbeck: Sometimes I kind of...I know the State has the RSA and they set the bar and then if you go above and beyond, I think we are restricting more land.

K. Coughlin: And the measures that fall on the landowner are bordering on punitive. When you read what they are responsible for. I am glad you said something, I would like to keep people out of punitive situations. I am just personally against creating rules that are stricter than the RSAs.

Some discussion and research about Steep Slopes transpired.

M. Chalbeck: I don't feel comfortable making a decision.

T. D'Arcy: I don't see a huge difference between the two.

R. Cartier: It's got to be at least 20,000 square feet for this regulation to apply.

S. Komisarek: We are trying to strike the appropriate balance between regulation and freedom.

R. Cartier: We can leave it like it is or we can change it to a different number. Amy and I can research and at the Public Hearing, we can always modify it, if necessary. That's part of the reason to have the public hearing. The way that these Zoning Ordinances have to be done. On Thursday, January 4<sup>th</sup> is the last day to post the published notice for first public hearing on a proposed adoption of amendments to zoning ordinances. So, the problem with that is that our next meeting would be January 17<sup>th</sup>. So that would be basically the end of that period because then on the 18<sup>th</sup> is the last day to post a published notice for last hearing on January 29<sup>th</sup> for proposed adoption or amendment of zoning ordinances.

The problem with that is that the Warrant needs to be done by January 29<sup>th</sup>. We don't have a meeting after the 17<sup>th</sup>. So we can put it off, to have the public hearing for this particular one on January 17<sup>th</sup> but we run the risk of either not having, if we need to have another hearing, we can't or we have a special meeting. We need to vote to put this to a Public Hearing. Let's just go with it the way that it is. If it is a significant enough change, then we have a second hearing.

J. Szot: There is 14 days between your two meetings. You have two days in there. Everything has to be ready to go.

R. Cartier: That won't be a problem.

Some discussion about changing the verbiage. As well as some reiteration about the process of taking the amendment to Public Hearing.

M. Chalbeck: **Motion** to move this proposed amendment, as amended, to Public Hearing. J. Lindsey: **Second**. All were in favor. **Motion Passed**.

R. Cartier: The second one is **Amendment #2**: To see if the Town will vote to revise Article XVI, Section 16.01: by adding the following section:

### C. Building Codes

The following New Hampshire State Building Codes as currently in effect statewide are used for all construction in Candia:

1. International Building Code (IBC)
2. International Existing Building Code (IEBC)
3. International Energy Conservation Code (IECC)
4. International Mechanical Code (IMC)
5. International Plumbing Code (IPC)
6. International Residential Code (IRC)
7. International Swimming Pool and Spa Code (ISWPSC)
8. NFPA 70, National Electric Code (NEC), as published by the National Fire Protection Association (NFPA)
9. NH State Fire Code

(Per a request of the Candia Land Use Office)

What this does, is it just codifies in our ordinances, what is currently under the State regulations, so we don't have to worry about adopting building regulations. Same thing we did with DOT Specs, that we just went along with whatever the State says, that is what we are going to do. No more, no less.

T. D'Arcy: **Motion** to Move Amendment 2 to Public Hearing. **Second**: K. Coughlin. All were in favor. **Motion passed.**

R. Cartier: This has been in a couple of times before. These are the things that would just be minor changes because the verbiage was wrong or somehow it got put in there in error. It hasn't been a problem in the past. It usually passed and it has stood up to legal muster. **Amendment #3**: To see if the Town will vote to authorize the Planning Board to make typographical, syntax and other revisions that do not alter the intent of any section of the Zoning Ordinance.

J. Lindsey: **Motion** to move Amendment #3 to Public Hearing. **Second**: L. Carroll. All were in favor. **Motion passed.**

R. Cartier: Thank you everyone. There was some great discussion.

Citizen Petitions: We don't have a lot to do at this point in time, other than scheduling a Public Hearing on each one of them.

T. D'Arcy: **Motion** to send these to Public Hearing, Wednesday, January 3<sup>rd</sup>. **Second**: J. Lindsey. All were in favor. **Motion passed.**

T. D'Arcy: **Motion** to send Petition Warrant Article received November 28. **Second:** K. Coughlin: All were in favor. **Motion passed.**

K. Coughlin: **Motion** to send Petition Warrant Article received December 12<sup>th</sup>. **Second:** J. Lindsey. All were in favor. **Motion passed.**

**Old Business:**

- Nate Miller – SNHPC – CIP
- Southern NH Planning Commission - InvestNH HOP Updates – Steering Committee

J. Szot: There is a survey that is going to be released that is going to be sent out through emails. Also, places in town where there will be hard copies available. The tabulation of that information will be done into February and then we will come up with some suggestions for housing in Candia. We've got the survey ready to go. They have a way to differentiate any written answers.

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- Approval of Minutes, 12.6.23

J. Lindsey: **Motion** to approve the minutes as presented. **Second:** T. D'arcy. All were in favor. **Motion passed.**

**Appeal Updates:**

- *Foster Farms*, New Boston Road – No news. We are working on five or six months.

**Other Business:**

- Town Planning

R. Cartier: ADUs: I did some research. Brien had requested that some research on them be done. I know that Amy has been really busy, so I did it.

The other thing though is. I sent you a copy of a Bill. A bill that has been introduced via legislature. The town has to allow detached ADUs as a matter of right. Right now, what is in place, is we have a special exception. If anything needs to be different, such as in the case of handicapped housing, they have made exceptions. My thought process is to wait to see what happens. Obviously, it is too late for us to do anything at this point.

One of the units has to be owner occupied.

Maybe what we would be looking at is a percentage of the primary dwelling.

J. Szot: A 20x40 ranch. 740 square feet. When you are thinking about 750 square feet, and we have large lots. Think about the people in Manchester that are living in 20x40 ranches. This is from the Master Plan where we did survey the resources in town. If you've got two bedrooms,

you have the potential for 4 people. We don't have water in some places, and we don't have a way to get rid of water. There are a couple of different places in town that have aquifers.

R. Cartier: We have to look at, what is the purpose of the ADUs.

J. Szot: We started doing ADUs before it was even required by the state.

R. Cartier: We did make the requirement that the septic be compatible.

S. Komisarek: I agree with Judith. You know where the water is in this town.

J. Szot: If you are compacting the population, it is an arterial road.

R. Cartier: Once we get the impact fees done, hiring an engineer would be beneficial.

M. Chalbeck: I like the point that Judith made about where they want those houses to be. But then they voted down The Village District.

Extensive discussion about all the things that have to be taken into consideration in the development of ADU Regulations.

- Any other matter to come before the Board.

B. Ruoff has offered to help out with the review of the Safety Complex.

**Motion** to Adjourn: J. Lindsey. **Second:** S. Komisarek. All were in favor. **Motion passed.**

Respectfully submitted,

Amy M. Spencer

Land Use Coordinator

cc: file