

**CANDIA ZONING BOARD OF ADJUSTMENT
MEETING MINUTES OF
August 26th, 2025
APPROVED MINUTES**

ZBA Members Present: Judith Szot, Chair; Boyd Chivers, Vice-Chair; Ron Howe; Tony Steinmetz; Gale Pellegrino, Alt.; Bill Keena

ZBA Members Absent: None.

*Judith Szot, Chair, called the ZBA meeting to order at 6:30PM, followed immediately by the Pledge of Allegiance

New Business:

- **Case #25-007:**

Applicant: Shane Brady, 323 South Rd., Candia, NH 03034; **Owner:** Ranch Roller Coaster, LLC, 670 N Commercial St., Manchester, NH 03101; **Property Location:** Chester Turnpike, Candia, NH 03034; Map 410 Lot 1; **Intent:** *Seeking a variance to waive terms as stated in Article II Section 2.02E (1) to allow the construction of a single family home on an existing nonconforming lot with 50.96 feet of frontage.*

J. Szot: Okay, so, Megan let the record show that all members of the board are present. for those of you who may not know I'd like to explain a little bit about the procedure and however our board works we hold hearings and also meetings this is a hearing which means the audience is allowed to speak and give any kind of input that they would like. During this particular meeting what will happen is that the applicant will present his case to the board. The board will ask questions of the applicant. And then when the board is finished asking questions of the applicant, we will then ask members of the audience if they wish to make any statements or have any questions. We will first take questions and comments from the people who are in the room in favor, and we will ask the people who are Zooming if they wish to speak, and then we will take comments from the people who are here who have questions or who have comments that are not in favor of this project. And that's basically the way this board works. And I'm not sure if the applicant's attorney is here or the applicant is here. Sir, if you'd like to come up front, you're welcome to pull a chair up to the table here and if you would please identify yourself and spell your last name.

R. Howe: Judith, do you want to read this?

J. Szot: Oh, yes. I'm sorry. Yes. Thank you, Ron. Megan, do you want to read the case first, please?

M. Ross (Land Use Coordinator): Case number 25-007. Property location, Chester Turnpike, Candia, New Hampshire, 03034, map 410, lot 1. Intent: seeking the variance to weight terms as stated in Article II Section 2.02E1 to allow the construction of a single-family home on an existing nonconforming lot with 50.96 feet of frontage.

J. Szot: Okay, and sir, if you would identify yourself and spell your last name.

J. Cronin: Madam Chair, my name is John Cronin, that's C-R-O-N-I-N. I work for a law firm in Manchester. I've been doing that for many years, and I'm representing the applicant here this evening on this variance request. As you probably know from the application, this lot is approximately 90 acres in size, and it has a narrow frontage at the street on Chester Turnpike. According to the plans, it measures over 50 feet, about 50.1, leaving it nine feet or so short of your ordinance, which has a very unusual section regarding prior nonconforming lots. This has been a lot of record for a significant period of time. I went through and looked at the dates of your ordinance being established from the 60s and then repealed and reenacted several times over that period of time. And this lot, in my view, meets the standard of a prior nonconforming lot. Your ordinance states that in order to build on it for the purposes allowed in the zone, you need to have 60 feet of frontage. I don't know where that number came from. Was there a study done to determine that 60 was okay and 50 was not? I've never seen that anywhere else in New Hampshire. Usually if you have a prior nonconforming lot and you're proposing something that meets the standard of the section of the zone. For example, if you wanted to put a commercial building in a residential zone, not going to work. But if you're zoned for single-family residential and you're proposing it and you're not increasing the nonconformity in any way, changing it or reducing it, you would have a constitutionally protected right to go forward with that. And the basis for that is zoning laws can't be applied retroactively. That's why you have this whole body of nonconforming law. But the path of least resistance is to come and seek a variance. And when you look at the facts of this case and apply them to the five criteria of the zoning law, I think the facts support a favorable vote on the variance. To the extent you can't see fit to do that, I would ask you to make some findings under the Bartlett analysis, and the Bartlett analysis arises out of a case involving the Brookside Church, where it said the zoning board, in addition to have its power to grant variances and special exceptions, also has a right in the first instance to determine whether or not a variance is even required. So that's something that, you know, it probably makes it more complex than it needs to be. So we'll go through the variance first. And if you want me to supplement that Bartlett analysis and give some more explanation to it, I will. If the variance is granted, that essentially becomes moot. So just to lay out, I was doing a little homework before the hearing, and I was trying to figure out this lot. If you looked at the plans, it has a narrow opening at the street and then widens up to over 1,000 feet in the area where this home is going to be built. It's a very large lot. And it's kind of pie-shaped, is where the discrepancy is, and I kind of trace it out. If we were back doing our algebra and geometry, we'd do the squares and get the hypotenuse and figure out what the area was. I said I'll just do it in a square box and do the width versus the height. It comes up to about 900 feet, you're short, of the land area, you know, if you go back a little. And the total land area of the 90 acres is about 3,900,000 square feet. So we're talking about, you know, that's two-tenths of 1% here, we're looking for relief, which in my 40 years is about the smallest deviation that I've ever seen in seeking a variance. But that was just to try and give it some perspective. All lots, regardless of their size, have the right to be accessed and to be used. This land could be used for pasture land. It could be used for animals. It could be used for a whole host of things. But the goal here is to build a single-family residence on it. I looked at your statement of purpose, which is always a factor to consider when you're doing the variance criteria. In Section 1.02, you lay out the purposes and the intent of the ordinance, which are all pretty standard. You know, orderly and planned growth of the town, lessen congestion in the streets, have secure safety from fires and

panic, promote general health and welfare, have adequate light and prevent overcrowding of land to prevent undue concentration of population. And there's a few others in there, but generally the generic purposes for zoning, which you look at in connection with the spirit and intent of the ordinance. The first two prongs, spirit and intent in public interest, it's a case for *Rob v. Keene* that says the standard to review that is if the variance is granted, will it alter in a substantial or meaningful way the essential character of the neighborhood? I think that character of the neighborhood is pretty well defined. Chester Turnpike, you know, is a well-laid-out road, Class V highway. There's houses of different sizes and shapes and frontages along the area, and I'd say it's pretty typical to a small town New Hampshire. This particular lot, being very large and having the house very remote, would not be seen from the street. It would be, you know, in an area where you have 1,000 feet of width of the lot and plenty of buffer surrounding it. Farrar also says if the zoning allows single-family residences and you're proposing a single-family residence, it's consistent with the spirit and intent of the ordinance. Those two prongs are looked at together, and the test isn't much different. The substantial justice prong is the balancing test, and the Supreme Court has wrestled to come up with an objective standard, and to my knowledge they haven't done that yet. They talk about a balancing test. You put on one side of the scale a harm to the applicant if the variance is denied, and on the other side you put the benefit to the public if it's denied. So when you look at the harm to the applicant, if you can't build a single-family house on this lot, you can't do much, if anything, with it, and you put yourselves in a taking situation where compensation would probably be due. I don't think that anyone's intent or desire. Harm to the public. And that's not the guy next door or the person down the street, it's the public at large. You're taking a piece of land that is not very productive and tax based, I think you've got some current use land and things out there. You're taking it and you're making it productive and getting tax revenue. The state of our law, our common law, is that you want all land to be productive and developed and to be used productively and not to sit idle. So we think when you weigh that scale, it tips in favor of the variance. The other factor is to consider the minimal relief here. This isn't a 20-foot frontage we're looking for relief. We're just about there and just a little bit short. As far as the value prong, I did see in the application there's a letter from a realtor that looked at it and talked about putting a house of this nature and kind, single family, would be beneficial to the area and would not harm the values of surrounding properties. Hardship, that's well settled in hardship that lot configuration, as long as you don't create it, is a valuable issue with respect to hardship. Historically, back when I started in the mid-'80s, the teachings to me were that if you could graze a cow on the land, you didn't have a hardship. And that was from a gentleman named Bill Kelly, who I think some of you may know. That changed through a trilogy of cases, starting with *Bochea* in Manchester and arrived at *Simplex*, which you all know well. And Justice Horton, who was a land use lawyer from Nashua, was one of the few that took that path to the Supreme Court, he wrote a dissenting opinion in that case. And well, in *Gray Rocks* was the first one he wrote. And he said, New Hampshire's variance standard is too difficult. You can't meet the tests and it would be almost impossible to meet the hardship test. From *Gray Rocks* went *Bochea* and then to *Simplex*, where they flipped it. It wasn't what you could do with the land or what alternatives you could do with the land. The first thing is there is a fair and objective impact on the application of the ordinance to the property. For instance, if the ordinance said in a residential zone you can have no pig farms, that would certainly be a fair and substantial application of the ordinance, right? You don't want the pig farm next to

the houses. And then he went on to say the real test is to look as to what you're doing reasonable. And then you back into it that way. So here, when you look at the application of 60 feet, which, again, I don't think there's any support touching on any of those purpose criteria that 60 does any more than 50.1. I think it both provides the same, right? In either case, they're not 200 feet, which might be required if you're doing a new lot. But they do provide adequate access to the system of public highways. It's a level road. It's pretty straight. I went out and looked at it for the site distance issues. Really not a factor. You have the ability to trim some of the trees if the road agent deems that it's necessary. So in that instance, we believe that it works. And secondly, putting a single-family residence on this property is reasonable. We're not asking for 40 townhouses or 48 multifamilies. So I believe we meet the variance criteria, and I would ask you to consider that first. If, certainly you have to hear from the public, and I'm sure they have comments, but when you decide it, if that does not go forward, if you'd like me to come back up and address the Bartlett prong and the request for findings, I'd be more than happy to do that. Or, Madam Chair, if you'd like me to do that now, I would.

J. Szot: I'd like to continue with this first and see and go through this process. I think the board would also like to continue through the variance process and look at your plans and talk about what you've proposed.

J. Cronin: Okay, that's fine. And you have the plans, right? They were filed with the building permit application.

J. Szot: Yes, the plans are right there.

J. Cronin: Okay, you've got them. Okay, good. All right. I will sit down and allow the public to be heard unless anyone...

J. Szot: Well, you can stay here because I think the board may have some questions.

J. Cronin: Okay.

B. Chivers: I have a question.

J. Cronin: Sure.

B. Chivers: That poster there is titled the Shane Brady Barn.

J. Cronin: Yeah.

B. Chivers: Where's this single-family house you're talking about?

J. Cronin: The living area is up on the second floor.

B. Chivers: Okay. And that living area is how big?

J. Cronin: 1,500 square feet approximately.

B. Chivers: What's the size of the entire structure?

J. Cronin: About 10,000.

B. Chivers: So what is that, 15% of the entire structure?

J. Cronin: Yeah, about that.

B. Chivers: And the rest of it is?

J. Cronin: You can put anything in there you want. Storage, you can put some cars, you could put farming equipment, maybe a few horses, whatever you want.

B. Chivers: Is commercial use intended?

J. Cronin: No commercial use intended, and we recognize it's not allowed. It's prohibited. But if I had cars I wanted to store there, I could. If I had ATVs, if I had some animals, which there is some thought to have some general farming activities out there, that you could set up the lower level to accommodate that.

B. Chivers: Okay. And does Mr. Brady intend to live there?

J. Cronin: I don't know. I don't think so. He has a home, as you know, in town, but one of his sons may live there.

B. Chivers: Okay.

J. Cronin: I think that might be the intention.

J. Szot: Anyone else have any questions?

B. Keena: Yeah, I'd like to discuss about traffic.

J. Szot: Okay.

B. Keena: With a building with such a small living space with such a large footprint, and room for so many vehicles and equipment, what will the traffic be coming in and out of there onto the road?

J. Cronin: Well, most of the things are not going to be operated on a daily basis or back and forth to the road. So if you've got a 1,500-square-foot space, That may be a little big for a two-bedroom apartment in today's standards, which probably range from 9,000 to 1,100 square feet. So it's pretty small. If somebody had two cars or three cars, it would be a very minimal trip generation. As far as the other things coming in and out, generally be storage. There'd be a trip where they came in, probably sit most of the time. I know I have an old car, not a very valuable car, and I've kept it because it's not worth anything to sell. I drive it about 200 miles a year and it sits in a garage. And I expect that's what it would be. There's not going to be activity back and forth.

R. Howe: This impresses me as a commercial building. I don't know how you can call it anything but that. In a residential zone. And we don't know what the intent to use it is. But certainly there could be a lot of traffic involved with vehicles coming and going. I mean, this building is huge.

J. Cronin: If you had a farm there, sir, you would have a lot more vehicles there with a lot more obstruction to traffic. And your regulations in terms of standards for residential or commercial, they don't really limit you to a certain number of square feet. I know there are a lot of houses in

town here, some of them with maybe more than four bedrooms and a lot of different multiple vehicles there. So you have great power, or maybe the planning board does, or your enforcement official. If this is being used in any way other than the way it's being represented, you have the power to stop it, and that's something that's well recognized. So anything that we represent here in the course of the meeting as far as single-family usage, we're bound to that. And looks and design, it may not be someone's particular taste. It may not be something that I would build, but that's the beauty of land ownership. If you own land, a big piece of land, you can pretty much build what you want as long as you meet the building regulations. And this isn't about the building regulations. If there was nine additional feet there, there'd be no doubt that the town would be obligated to issue the building permit.

G. Pellegrino: I think the question is, in your application, it says a single-family house on a dirt driveway that's already in. I don't believe the dirt driveway, one, is already in, but also we don't see that this is a single-family house. So it's almost like the application isn't accurate for what you're asking.

J. Cronin: Well, what do you think the application should say in terms of what's being proposed?

G. Pellegrino: Is the driveway already in, one?

J. Cronin: There was an existing driveway there. A paved driveway is not. They requested permission to improve what's there to do test pits. And when Merrill, the contractor, came out to start doing work, they were asked to stop, which they did. So that's not complete.

G. Pellegrino: Okay. And then the building, in my opinion, is not a single-family house. This is an apartment with other amenities added to it more than a single-family house. And I think we are looking at what's being requested on the application.

J. Cronin: Could you show me or cite me to any regulation where that's prohibited?

J. Szot: Where what's prohibited, sir?

J. Cronin: The building of this type is a residential, do you have—

R. Lavoie: A residential home is mainly used as residential That is mainly either commercial or agriculture It's not a single-family home.

J. Cronin: Commercial has to be used for commercial purposes, to be rented or leased or driven--

R. Lavoie: There's nothing in there saying that it's going to be anything other than single-family home, and then they show a shop, an office, and a two-car garage. What's the shop for?

J. Cronin: You can use a shop in your house. I have a shop in my house. In fact, Boyd does too.

J. Szot: Is your shop 8,600 square feet?

J. Cronin: Mine is not, no.

J. Szot: But this house is 1,500 square feet, and the shop, I've seen it called a shop, I've seen it called a garage, I've seen it's called a barn, but it's 8,600 square feet. So 85% of that building is not residential.

J. Cronin: So what I want you to do, because I see where this conversation is going, and I'm not going to debate back and forth, I want you in your findings to tell me where in the ordinance the government can regulate a structure of this kind. I can't build a small house and have a large garage? I can't have a barn storage on my rural or agricultural land? If I can't do that, and we're not asking for your permission to allow us to build this building, we're asking you to deal with the frontage, which is approximately 900 square feet short, in about 3.9 million in land area. I don't think you're going to win that one. You can deny it if you want. Good for me, not good for the applicant. But it's a very nominal request. If this building doesn't meet the residential code, the building inspector can deny it. And you can. And we can have that conversation. But that's not the variance issue.

R. Lavoie: There's many reasons that I will deny that. If they approve this, that's fine, but I will deny it.

J. Cronin: Okay. I just ask you to make your findings--

B. Keena: I think what we're trying to do is understand what this is so that we can filter through the variance criteria. That is the source of the questions. I think you're correct. We're not here to disapprove or approve that plan. We are here to understand whether the variance should be granted, which means things like traffic in and out of the site are important, right? And to do that, we want to understand what it's used for. So I think that's the sense of the questions we're asking.

J. Szot: And I think that the application says single-family house, and I remember coming into the office and asking for the plans, and I'm rolling the plans and saying, oh, Megan gave me the wrong plan. This is the warehouse.

B. Keena: I don't think there's anything that says that can't be called that, but it's not what we would normally call it. We're trying to understand--

J. Cronin: So I'll tell you what I'm going to do. I'm going to withdraw the application because I've been told that even if you were to grant it, we're going to go to court anyway because the building inspector is going to deny it. I don't know what those criteria are, but I will follow up with you and ask you to give me your reasons, and we'll deal with this in a different forum, or we'll reapply, and change the language on the application, and I will ask for some input from you as to what this application should look like and get the code sections.

J. Szot: Well, the thing is, sir, you're allowed to put a house. This is a residential area, and you are allowed, Mr. Brady is allowed, to put a single-family house in this area. But this is... the living area is 15% of the building. It has 15 foot garage doors this building is being built for other purposes it seems that it's being built for other purposes in the future and when you have those, just having those huge doors in there--

B. Keena: I think we're trying to understand. It doesn't mean we're...

J. Cronin: I'd like her to keep going because I'm interested in what she has to say.

B. Keena: I don't think there's a conclusion here. I think what we're trying to do is understand.

J. Cronin: I think there is. We're asking for a very minimal variance, and I've been told that no matter what happens, we're not going to get it. And look--

B. Keena: That's not what was said. He's not sitting on the board to determine the variance.

R. Lavoie: But that building doesn't meet codes.

J. Cronin: But what good is that? The whole purpose of doing this is to build the building.

R. Howe: Well, you can build a house. Nobody has a problem with a house with a two-car garage. Although I do have a question. I mean, if we approve this 60-foot 50-foot variance and you build the house, what's to stop the creation of 30 houses on that piece of property? Three-acre lots. You've got the road in now. Now it becomes a planning board issue and many other things, I realize, but...

J. Cronin: It would be the same for any large, you can't go just put 30 houses on without doing a site plan.

R. Howe: I realize that, but I'm saying—

J. Cronin: And you would do traffic and all the things--

R. Howe: All of those things would have to be done and met.

J. Cronin: But that has nothing to do with what we're asking for tonight.

B. Keena: Tonight, that's correct.

R. Howe: You're right. But the potential--

B. Keena: Nor whether you'll get a building permit or whatever. The question you're asking is 50.1 feet, can we grant a variance? That's the only question we're hearing.

J. Cronin: And if we get the variance and the building inspector, your name isn't up there so I apologize, if he says, hey, I don't want this, we'll work with him to try and get him to give him. We don't want to fight about this. And I'm sure there's some flexibility as to what we do and to get him to issue a permit, and that would be the goal. And I think, and I'll look when we draw it and come back, I think I could go build a barn there and, you know, plant hay or have horses or other animals and do that.

R. Howe: I think you're probably right.

J. Cronin: So be careful what you wish for.

R. Howe: Type of building that would be—

B. Keena: We're just trying to understand.

J. Szot: The thing is the ordinance very clearly does say that that lot can be a pre-existing non-conforming lot can be used for the purpose that it was intended as a single-family home. I guess our thing, my problem is that 15% of this is living space, and 85% is 35 feet high and all open with huge, huge garage doors. And that says to me that this isn't a single-family residence, that the purpose of this driveway is not for a single-family residence, which I don't think the board, if you would come in here and you had a plan for a single-family house, I don't think anyone on this board would deny the variance for a single-family house, but this just doesn't look like a single-family house to me. I've gone through those plans, I can't tell you how many times, and looked at the specifications and looked at everything inside there.

J. Cronin: Well, I'm going to do it a different way. I'm going to work with... I'll answer your question. You've been raising your hand for a while.

B. Chivers: We have about seven questions we've asked. We've drafted about the use of the property. Would you mind answering these for the record?

J. Cronin: The use of the property?

B. Chivers: Yeah, okay. The first one was, what work will be done in that shop?

J. Cronin: No idea. Whatever is allowed by law.

B. Chivers: Okay.

J. Szot: Well, nothing commercial is allowed by law.

J. Cronin: We understand that. We're not asking for anything commercial. And I'm probably going to give you the same here. I'm not going to live in the house, or I'm not probably going to go to the house. So whatever somebody builds there, they should be able to do whatever they can do according to law. Can they make methamphetamine and sell it? Probably not.

B. Chivers: Can you go through the list and you can answer each one? Number two, what materials will be stored in this building?

J. Cronin: Whatever is allowed by law.

B. Chivers: Number three, how many employees will be at the shop?

J. Cronin: Zero.

B. Chivers: Okay. What are the hours of operation?

J. Cronin: Operation? I'm sure they'll be there 24-7.

B. Chivers: Okay.

R. Howe: Okay, but will they be there because they're living there?

J. Cronin: There's no commercial operation, so I'm not going to get caught into the nuance—R. Howe: Okay.

J. Cronin: If I'm living there and I want to be home for the day, and I want to have my friends over and watch the game, I'm going to do that.

B. Chivers: Two more. Will there be customers at the shop?

J. Cronin: No.

B. Chivers: One more, or actually two more. Will there be deliveries to the shop?

J. Cronin: There will be probably deliveries to the home from Amazon or the mailman or the guy bringing horse feed or whatever.

B. Chivers: That's fair. Who will live in the residential area?

J. Cronin: Whosever allowed to by law.

B. Chivers: Okay.

J. Szot: Okay, would you entertain questions from the audience or would you prefer to just...

J. Cronin: I'm just going to withdraw the application and I'm going to try and schedule an appointment with the building inspector and see if we can figure out what a good plan would be because I've been doing this for a long time I don't want to waste your time, I don't want to waste the applicant's time--

R. Howe: Can I suggest, for your benefit and ours both, that we listen, these people are here, that at least you get a feel for what the neighborhood feels about this, or are you not--

J. Cronin: If I'm withdrawing the application, I don't think you have any jurisdiction to do that. And if we're going to come back with a different plan, we'll come back with a different plan, and they can comment on it.

J. Szot: I see some people who have made the effort to come here. Would it be helpful to your client to hear what the concerns are of the people in the neighborhood? Maybe they have no concerns. Maybe they're in support of you.

J. Cronin: It won't be helpful to me, you know, whether they're supportive or not. You know, this is a large piece of land. It's a valuable piece of land. We're trying to make it work in every way but the frontage. And I think we may need to flush out legally whether or not your ordinance is valid with respect to the 60-foot limitation and what support you have for that, which may end the whole thing altogether and may not have a need to come back.

J. Szot: Well, I think my feeling is the 60-foot requirement is that that would be the requirement for you to put a road in because you need 200 feet of frontage, which you don't have for a residential lot. So allowing the 60 feet allows you to put in a road which then gives you a road which is built to town standards, which then gives you the frontage on a class V or better road. And I think that's where the 60 feet comes from, because it allows you to put in a road according to what the standards are.

J. Cronin: I'll respectfully disagree under 641 with the streets and roads, if you align and correspond with the roads, we don't need to have a driveway meets class V standards. Very few do. I bet most of your driveways in town are 14 feet, give or take 2 feet, and not 50 foot right-of-ways with 24 feet of pavement. And if you wanted a commercial use, maybe you'd want that. And most towns that I know in single-family residences prefer less pavement than more pavement. So that's a whole unrelated issue to me. But I hear you. I'm not trying to be short with you. I just want to make sure that we deal with the building first, right, because that's what I'm hearing is the contention, even though I don't think it's relevant to what you're doing. If we can satisfy the building inspector, that makes this process a lot easier.

J. Szot: Well, maybe if you heard some of the comments that would help—

B. Keena: I think he's... he's spoken on this.

J. Szot: Alright, then...

J. Cronin: Thank you very much for your time. Thank you. Good to see you.

B. Keena: Do we have further business?

B. Chivers: We didn't do a roll call.

J. Szot: We did. I did. I said let the record show that all members of the board are here.

G. Pellegrino: She did.

K. Landry (abutter): I'm super disappointed I didn't get to speak here. And I'm super disappointed that Brady wasn't here because he blew up my phone all week long.

J. Szot: Alright. Well, then we'll let you know the next time... he's withdrawn his application so there's nothing that the town can do. He'll come in and speak with Mr. Lavoie. And for those of you who don't know, this is Rich Lavoie who is our new building inspector who is doing a phenomenal job. We are so pleased to have him, and he's done a great, great job. Yes, sir. Would you say your name?

G. Archambault (abutter): Gary Archambault, Chester Turnpike. I have a question for the building inspector. So let's say that the variance goes through. He gets a variance for this particular piece of property. Then he decides he's not going to build a single-family home there, and now they're going to go out back and they're going to do what Mr. Howe said, they're going to apply for a variance to get a development back there.

R. Lavoie: That's not my, uh—

J. Szot: We can't—

G. Archambault: That's my concern as a homeowner there. This is a way to get a road in there in order to put a larger development back there. I hate

J. Szot: I hate to do this to you, Mr. Archambault, because I know that people have come here, and I am a proponent, a very strong proponent, of letting people who have come speak. Because I think

if you've taken the time to leave your families and your friends and you've come here, you have a right to speak. But I think it would be inappropriate for us to make any comments because as a fact, we have no application in front of us.

G. Archambault: I just was curious about whether or not that that was something that could be brought--

J. Szot: And unfortunately that's a conjecture and that's nothing that we can talk about and I know it's disappointing to all of you who have come and the one thing I love about Candia is that the people care. You care and you come and you want your voices to be heard and I want your voices to be heard but it would be terribly inappropriate for us to listen to comments. The applicant's attorney is not here, and it's just not appropriate for this board. So I'll say that we have to leave them for another day when he comes back.

B. Keena: Do we have other business, Madam Chair?

J. Szot: We just have a couple other pieces of business. So we need to do the minutes. And also, if you recall, recently we changed our bylaws and I mistakenly called Megan our land use assistant. She is the land use coordinator because she coordinates between zoning, planning, building, so I would like to give her her due and call her what she is. So we need to have a motion that we change that in our bylaws.

B. Keena: I make a **motion** to correct the title in the bylaws to land use coordinator.

J. Szot: Thank you. Do we have a second?

G. Pellegrino: I **second**.

J. Szot: Any discussion? All in favor?

All: **Aye**.

J. Szot: Any opposed? ...Okay so

G. Pellegrino: There's a question on the floor

J. Szot: Oh, yes sir?

M. Yergeau (resident): Sorry, we came in late. Mike Yergeau, 12 Laliberte Lane. If I could make one suggestion without being too bold, is if there is a lawyer counsel here, that the town should have counsel here as well just because the questioning that is being asked—

J. Szot: I will tell you that we did ask counsel to be here and unfortunately, he had another appointment. So I think that if it comes again, that we will take your advice. And it's actually very good advice. Thank you.

M. Yergeau: That's perfectly fine. Again, it's just because I've dealt with this multiple times before. And they use the questioning against you because obviously you're recording, and--

J. Szot: I have to stop you. I'm sorry. I don't mean to be rude or disrespectful. But, I mean, we just can't go in... we can't have any discussion.

M. Yergeau: I'm not asking you to.

J. Szot: Yeah. Okay. But I would just ask that you not... that we just drop it for right now. Unfortunately, we don't want to... it's just inappropriate.

M. Yergeau: Okay. Thank you.

J. Szot: And I apologize. I don't like to cut people off, but it is really inappropriate for us to discuss it. So the only other thing we have is our minutes.

R. Howe: Did you close the meeting?

J. Szot: No, I did not. Well, he withdrew his application, but I will close the public hearing anyway because he withdrew his application. The only thing we have is our minutes, and does anybody have any comments or anything about the minutes?

B. Chivers: I **move** we approve the minutes from June 3rd as presented.

G. Pellegrino: I **second** that.

J. Szot: Any discussion? All in favor?

All: **Aye.**

J. Szot: So I'll entertain a motion to adjourn.

B. Chivers: **Move** to adjourn.

B. Keena: **Second.**

J. Szot: All in favor?

All: **Aye.**

Meeting adjourned at approximately 7:08pm.

Respectfully submitted,

Megan Ross

Land Use Coordinator

cc: file