

**Unapproved Approved**  
**Candia's Selectmen's Public Meeting Minutes**  
**June 12<sup>th</sup>, 2017**

**Attendance:** Chairman Carleton Robie, Vice-Chair Susan Young, Selectman Scott Komisarek, Selectman Russ Dann, Selectman Mark Laliberte, and Administrative Assistant Andria Hansen.

**7:00 p.m.** Chairman Robie called the Public Meeting to order and immediately followed with the Pledge of Allegiance.

**Approval of Previous Minutes: Public meeting minutes of 5/22/17.** Selectman Dann moved to approve the Selectmen's Meeting minutes of May 22<sup>nd</sup>, 2017 as presented. Seconded by Selectman Young. All were in favor. Motion carried.

**Department Report: Highway, Police, Fire, Building, Solid Waste, & any other depts.**

**Highway:** Road Lewis said it was quiet for the month of May. The beavers have been very busy. They have quite a few beaver families in town. They are on New Boston Road, Merrill Road, Podunk Road, and South Road. Some of them have slowed down or given up and some have dug their heels in and got more aggressive. There has been patching as needed. He lined up the paving projects for some time in July. He's not sure when, but he is working on that. He has quite a bit of shoulder work to do first. The ditches have been too wet to do anything with and it doesn't work well when you do it that way. Hopefully July will be drier and he'll get that stuff done. Chairman Robie asked where he was going to spend the asphalt maintenance this year. Road Agent Lewis replied Island Road. They are going to pick up from Critchett Road going down to where the big beaver pond is on the right as they are going down the road. They are going to reclaim, gravel, ditch it and he thought they have one culvert to do some work to then he will repave it. They are going to do Christine Lane and two sections on Douglas Drive. They need to have a cross culvert there and a drop inlet. Those two projects are pretty much going to use up our money. They have a little spot to do on Fieldstone Lane and that's just a shim layer. If they can bring the equipment over from Christine Lane they'll shim it. They have a repair to do where the top coat is coming off on North Road (just beyond Halls Mill Road) over the steep hill. This is happening everywhere even on state roads and other towns. He didn't know if the paving mix has changed a lot but you see it everywhere now. It isn't lasting the way it ought to. Chairman Robie confirmed that he was going to overlay Chester Turnpike. Road Agent Lewis said he was and that was the warrant article. It would be the whole length from the Hooksett line to Old Candia Road. Selectman Dann mentioned the Hooksett line and on the Candia line and Tower Hill there are some big holes. Road Agent Lewis asked if it was Hooksett and there are some big holes. He could call the Town of Hooksett and ask them. Selectman Dann noted someone put a red line around the big pot hole. Road Agent Lewis said he could believe it the biggest one has to be a foot deep.

**Police: Jane Drive update:** Chief McGillen wanted to give the Board an update on Jane Drive. SNHPC came down and they have a speed device out there measuring traffic since a resident brought up that concern about the speed limit. They said they should have a report done mid to late June on that and then he can bring it back to the Board and discuss it further. **Golf course**

**crosswalk:** They have an ongoing thing with the golf course crossing on South Road. It comes up at the Safety Committee meetings. The crosswalk isn't marked properly. He thought this opened up the town to some liability. He was talking to one of the DOT individuals and he thought it wasn't a good idea for him to go down there to recommend that they paint the crosswalk if it is not going to be up to specifications (that the Feds use for the State). They suggested contacting the town engineering department or SNHPC. He thought they should reach out to SNHPC because the speed limit is 35 mph and it shouldn't be. The State doesn't paint crosswalks for anything over 30 mph. They are asking them to paint it in a 35 mph zone. It is congested and there is a lot of traffic in and out. He didn't think it was safe through that section. There is a reoccurring issue and he would like to see it addressed the right way. He doesn't want to see the town open to liabilities. He would like to reach out to SNHPC and see if they have any suggestions and he'll report back to the Board. This is what he would like to do but he figured he would mention it to the Board. Chairman Robie asked who is responsible for that crosswalk. Chief McGillen said he was told that it is a town road so the town is responsible. Chairman Robie said they have been through this before. Road Agent Lewis added it has been an ongoing thing for years. It is the same for the parking further down the road. It's always fallen on the golf course to maintain it. How that came about he didn't know. It really shouldn't be a town expense because it is a private business. It's not like you have the crosswalk coming from the school to the park. He thought maintenance should fall on them, but he thought they should dictate what that should be for safety reasons so the town isn't liable. Selectman Young asked if it was worth meeting with them. Chairman Robie thought they have over the years. Chief McGillen said he has met several times with them. If you drive down there now you can't even see the sidewalk unless you are within 10 feet of it. Chairman Robie thought it would be a question for legal counsel at this point. He didn't believe it was a town maintained crosswalk or that it ever was. They need to ask Atty. Mayer what his opinion is on this and specify who is supposed to be liable for keeping it maintained. Obviously were not because we never have. The Town of Candia has never maintained that crosswalk. He is certain of that. Selectman Komisarek said when you think of a crosswalk to state or federal specifications, he thinks in terms of the traffic needing to stop. With the golf course they have a stop sign and the carts have to stop and the traffic just goes by. He understands what the Chief is saying and from a liability stand point we really should understand how that should be set up properly. Chairman Robie advised Chief McGillen to talk with Atty. Mayer. Chief McGillen said he would get some guidance and report back. Selectman Dann asked who has complained the golf course because people aren't slowing down. Chief McGillen said there is multiple issues. There is a speeding issue; he has residents on that road report speeding vehicles. Also it comes up at the Safety Committee meeting a couple of times a year. If you read the minutes it has been talked about. He and Building Inspector Murray usually volunteer to go down and deal with these situations. He was told if he gives them advice and they do it wrong it is going to come back on the town. Chairman Robie said it shouldn't have anything to do with us at this point. He didn't believe this is a town maintained crosswalk and they never authorized a crosswalk to be there. There has never been a plan submitted for a crosswalk by the golf course. Selectman Laliberte said that stretch of road is 35 mph. There is a hill and there are pedestrians on there, could the speed be reduced from Old Manchester Road to Libby Road to 30 mph if that is the case could the state then pave the crosswalk. Chief McGillen said it wouldn't be up to them since it is a town road. The state defers to the federal manual which says they don't put a crossing on any road that's above 30 mph. Selectman Laliberte said they are measuring the traffic on Jane Drive to

determine what they are going to do over there. Chief McGillen said SNHPC is doing that. Selectman Laliberte asked if something similar could be done over there. If it is at 30 mph from Old Manchester to Libby would the DOT be willing or able to do the crosswalk. Or are they saying regardless that they won't do it because it is a 35 mph road. Chief McGillen said they won't do it period. The state doesn't put any crosswalks on any road that is above 30 mph. The guy he spoke with suggested that they don't get in that same boat. Selectman Dann suggested a temporary speed bump because you would only need it in the summer months. Chief McGillen thought they should talk with legal counsel first, find out who is responsible and he'll report back. Then they can talk about other issues. Selectman Dann didn't mean permanent because of plowing. There are temporary ones they could use both north and south to slow it down. **Dead tree on High Street:** Chief McGillen said they have another issue with a dead tree on High Street across from the old Chasse's store. They contacted Eversource and they came out and checked it. They said it wouldn't interfere with their wires if it came down, so they're not interested in taking it down. He has a call into the DOT. It is several feet from the edge of the road and they helped us last time. They'll figure it out one way or another. A resident reported this to him during the elections.

**Fire:** Selectman Dann read from the attached report. They are very heavy on EMS calls in town. He noted the Fire Department has been very active in their training.

**Building:** Chairman Robie read from the attached report. He mentioned that Building Inspector Murray has been very active with the Planning Board and there have been a lot of plans that have come through. He has been very busy and is doing a good job.

**Solid Waste:** Selectman Dann said he didn't have a report for this evening but he did want to mention a letter that a resident sent in. It was referring to the Sunday after the town wide yard sale the resident commended Nick Broadwater for all of his help. He didn't realize it, but after the town wide yard sale that Sunday is a zoo at the recycling center because people who didn't get things sold bring it in. They also bring some stuff to the swap shop. It puts an extra load on the personnel there. He wanted to commend the staff and how well they work together. The people praise them and sometimes they hear complaints but this letter was a positive. He'll try to have a report for next meeting; there are some materials that have gone out.

**Park:** Chairman Robie commented that Moore Park looks good. The building looks nice and the bleachers look good. Selectman Komisarek said he still needs to track down the guy from Eversource for the light at the skateboard park. The person they used to deal with left and he has been going back and forth to try and coordinate with those guys. He put another call in today, they'll get it done. Chairman Robie asked about grinding and paving the entrance to the park the next time they do some road reconstruction. He asked if they could think about that at budget time. Road Agent Lewis thought the last time they did it was 16 or 18 years ago. It needs to be done. He can figure out what it would cost per ton and let Selectman Komisarek know. Chairman Robie said maybe they can do the strip out back between the parking area and the skateboard park. Road Agent Lewis asked if it was the whole area. Chairman Robie said it would be nice. Road Agent Lewis said it would make plowing easy through there. Chairman Robie said it was just a thought to improve the park a little bit. Selectman Dann asked Selectman Komisarek about the light and will he be talking to Eversource about LED lights.

Selectman Komisarek said he would. Road Agent Lewis asked where they want him to move the shed. He'll move it to wherever they want. Selectman Komisarek said he has talked with people that use it from time to time and they thought it was convenient where it is located. Chairman Robie said it was convenient but it doesn't look good. Road Agent Lewis reiterated he can move it anywhere. Chairman Robie said if it doesn't bother anyone but him then too bad for him. They have fixed up the buildings, put on new roofs, and painted and that building has been sitting there since they put it there. Road Agent Lewis said they could tuck it over to the tree line near the batting cages. Selectman Komisarek said it kind of sets down and it needs to come up a little bit and it needs a little bit of paint. Road Agent Lewis added they could take some gravel from the salt shed to make a pad and put it on a few blocks. Selectman Komisarek said that would get it out of the snow and wetness.

**Atty. John Cronin to meet with the Board to discuss Believe Freetown, LLC. (Map 407 Lots 066 & 071 Island Road) and zoning options.** Atty. John Cronin was present. He represents Believe Freetown, LLC who owns property at the Raymond line. Our clients acquired the land accidentally. They made a loan to the prior owner and were forced to take it back. The owners recognize there is a lot of acreage there and a lot of potential. It is zoned residential. There are eight lawyers in his firm and they do a lot of land use which typically is to subdivisions, site plans, variances, and special exception. From time to time they represent towns and do various things and rezoning. When this came to him the application had already been file with the ZBA for a variance. He reviewed it and the told his clients that he respects what they are trying to do, but it is the wrong approach. You have a property of this size and magnitude and no specific uses for it he didn't know of any Zoning Board that would be comfortable granting you a use variance for some undetermined uses in the future. They talked about it a little bit and he suggested the better way to approach this would be to do a professional job. Look at the property with some experts like an engineer, a zoning professional, traffic engineer and try to draft a petition that people could embrace. Not just the Select Board and the Planning Board but the people that live in that area who when this was filed he came to the hearing and withdrew it. There were a number of folks who he had a chance to chat with outside and anyone who lives in that area would naturally be concerned about it. If he lived there he would be concerned about it and people don't like change. They have assembled a team including Mark Fougere who they spoke with initially and many of you know as a Selectman in the Town of Milford. He has been the Planner up in Henniker and assists in Hollis and he does a lot of consulting work as a professional planner. He assists with the drafting of ordnances and fine tuning ordinances. He is very familiar with some of the flex zones and performance zones which seem to be the going trend to give towns flexibility to do things that may be revenue positive without getting caught in the quagmire of variances and other obstacles. It would still give them the control to deny in the appropriate case. The owners looked at this particular site and there is a lot of value there in rock. The prior owner did not do a tremendous job as far as the facings that were left and the condition of the site. Fortunately our folks have been able to establish a recycling operation over on the Raymond side. There are two other parcels that abut this that are in Raymond and they have permanent approval to do some work over there which is modest in scale but at least getting some revenue generated to cover taxes and operating expenses. Long term this is 75 acres that would have a long absorption rate no matter what you do. Some of the people he has spoken to just under the general notion there is a parcel of land out there that is relatively close to a very prominent and major highway. One was an operator of

athletic fields. They have an operation down in the south of Foxboro Massachusetts, where the old dog track used to be. It is a complex of outdoor fields. They had an inquiry as we talked about it and said maybe we could establish some type ordinance that would allow something like that which he thought would be a win-win use. It would be good for the public and it would be good for the tax base. It wouldn't generate a lot of traffic during the weekdays but they do host tournaments which are good for the local economy and combine that with other light commercial and industrial type uses. He is not a builder, planner, or developer so he can't say what makes economic sense. When we start to embark on these endeavors he thought it was always best to start with the Selectmen and the Planning Board. Let them know what we are doing and ask them if they want to participate. He always gives out the invitation if the Selectmen want to nominate a person (Select Person or someone else) to join us at the meetings just to observe what we are doing and the approach we are taking. If this is something the Planning Board would like to do he would also welcome that. They can be part of the process and coach us and tell us what is going to work and what won't. They can get some feedback rather than try to force some type of warrant article in late November or early December and catch everyone off guard. So he can do it that way or he can come back periodically and report to you folk or whoever you suggest and tell you what we are doing. We haven't had our initial meeting yet to start drafting. He anticipates next month they will have a meeting with the traffic engineer, the civil engineer, Mr. Fougere and the clients. Also with a rock expert to figure out how that can be contoured to make a use and wetlands classification. There are some wetlands out there and it's just non developable. So they are going to have to do that mapping and get it squared away. Basically he is here to tell you what we are doing and invite you if you wish to designate someone to join us in this process. We hope to have an initial draft in September and tweak it in October and are ready in November to present something for the voters to consider for a zoning change in the spring time. He is happy to entertain any questions. Chairman Robie thought if they notified the office when they are going to have a meeting someone from the Planning Board or Select Board will be noticed and see if anyone is interested in going. Selectman Dann asked where they plan on having the meeting. Atty. Cronin said probably in his office in Manchester it's not too far and they have a large enough conference room there where they can accommodate all the parties and any guests that want to come. They welcome any involvement. Chairman Robie told Atty. Cronin to email the Selectmen's Office to let Board know. Atty. Cronin explained as they go through the process they will keep the Board informed whether they attend or not. They'll ask them if they see things they like or don't like. Chairman Robie said that would be more the Planning Board. Atty. Cronin said he would copy them as well. The worst thing for us to do is to show up in late October or November with something. The benefit is going to be something like a performance zone which has worked really well in Bedford. Massachusetts has had some success in these types of parcels with some flex zones. It gives you a broad scope of what you can do subject to the controls you would typically have with density, traffic, and setbacks. So this is what they are shooting for and the more information they can provide to them and in turn at least be on the public record for people in that area that we are never going to get to know and may not choose to speak to us. They have no obligation to speak to us. They would welcome them to give us some feedback. The property there and the location are remote enough. It has frontage on two points and it does have access from Raymond. He reiterated that he would keep the Board posted. Selectman Komisarek commented when you drive by there it doesn't have a residential feel to him at all; it has more of a commercial/industrial feel. One of the concerns he has heard from talking with people in town is the reclamation of the property. He would suggest

to Atty. Cronin that he get his engineers involved and they look at that and the cost. He has been told the reclamation is going to be so expensive that the reclamation could be more than the value of the land. Atty. Cronin said the good news about reclamation is that the regulations are well defined by statute and there have been a lot of similar properties that have been mined. One case they were dealing with in the Epping area by the Walmart the state took over and ran with a rock company. They extracted a lot of rock for Route 93, Route 3, and Route 101. There are criteria that are in place and the people that work in that field know what is necessary for reclamation. They certainly will be looking at that as they design a type of zoning ordinance. There are no waivers or ordinances to that. You have to comply with state law and get it done the way they want. So they recognize that is an obligation for the Planning Board and the Select Board. The residents deserve to have it reclaimed that way it is supposed to be reclaimed, so this is a non issue. There is as you drive by a substantial area of level land you could utilize today. It is very small compared to the total acreage. They are going to start looking at the cost to level out some of those steep slopes that get to it. Is it feasible or not and that is going to be part of the challenge for the engineers and designers and the zoning folks to determine the best way to lay this out. They do have wetland data and he doesn't know how current or accurate it is. They will have to do some area wetland mapping to get a sense of what's an issue. You can't do it with some precision, but you can look at it and say ok we have some issues over here that are going to require a more refined and specific approach. An actual flagging where you can say those 15 acres, let's not bother. When he looked at the variance application it was done by an engineer and he did a nice job addressing the 5 criteria. He thought if someone was looking at it objectively, they wouldn't have a home there. It is not a residential area, but to ask for a variance without a defined use he thought it was too much of to ask. If they came in with that ball field and said we want a variance on 15 acres to do this ball field that would be a different story and he thought it would be something the ZBA could look favorably on. His recommendation is why do it piecemeal and get everybody worked up every time you have a new project. Why not try to get it zoned appropriately as you get potential uses for it you have knowledge of what you can do and market it appropriately. Then have some confidence with the money that you spend you'll have an approval. This is what they are trying to accomplish. Selectman Dann liked the idea of getting out ahead and letting people know step by step instead of showing up in November with something. Atty. Cronin thought it was no secret that when you look at it state wide if citizen petitions are not supported by the Select Boards or the Planning Boards it doesn't have a chance of passing. If they can get people to embrace it and think that it is a good idea the opportunity to get it approved is much greater. This is not going to be cheap for them to do, but they don't want to go through this effort and pay these experts to fail. They would like to get something done that people will like and support. Atty. Cronin thanked the Board for their time and he'll keep them posted.

**The Board to appoint Mike Sheehan to the Upper Lamprey Scenic Byway Council to fill in the remainder of Al Hall's term.** Selectman Young moved to appoint Mike Sheehan to the Upper Scenic Byway Council to fill in the remainder of Al Hall's term. Seconded by Selectman Komisarek. All were in favor. Motion carried.

**The board to authorize payment of payroll checks and accounts payable checks.** Selectman Laliberte announced the grand total for accounts payable and payroll checks for June 1<sup>st</sup>, June 8<sup>th</sup>, and June 15<sup>th</sup> was \$482,824.00. Selectman Dann moved to approve the accounts payable and

payroll checks for June 1<sup>st</sup>, June 8<sup>th</sup>, and June 15<sup>th</sup> in the amount \$482,824.00. Seconded by Selectman Komisarek. All were in favor. Motion carried.

### **Other Business**

**Elections:** Selectman Laliberte thanked everyone that helped out with the elections last week. A reminder for the Special Election the candidates for District 16 are between Alderman Kevin Cavanaugh and Mr. David Boutin of Hooksett. The Special Election will be July 25<sup>th</sup> from 6:00 am to 7:00 pm here in the Town Hall meeting room. He will be looking to get some people involved to be a volunteer. The Board will be getting an email in a couple of weeks on that.

**Trustee of the Trust Funds vacancy:** Chairman Robie said they still need to fill a vacancy for the Trustee of the Trust Funds. Carol Coppola has resigned and Dennis Hebert is an alternate and doesn't have time to be a full member.

**Economic Development Committee:** Selectman Dann asked if anyone came forward to join this committee. Selectman Komisarek said not that he is aware of. Administrative Assistant Hansen noted they haven't received any letters of interest. Chairman Robie asked if he has received any reports from Carol Ogilvie. Selectman Komisarek said he hasn't, but the Planning Board is working on that. Chairman Robie noted that Planning Board has talked about that but there are some former members from the steering committee that would be helpful.

Selectman Laliberte moved to adjourn at 7:41 pm. Seconded by Selectman Dann. All were in favor.

Respectfully submitted,  
Andria Hansen, Recording Secretary