

~~Unapproved~~ **Approved**
Candia Selectmen's Public Meeting Minutes
Monday, October 26, 2009

Attendance: Chairman Fred Kelley, Selectman Joe Duarte, Selectman Carleton Robie, Selectman Richard Snow, and Administrative Assistant Andria Hansen. **Absent:** Vice-Chair Rick Lazott

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

The Board to accept Halls Mill Road and bond reduction. Selectman Duarte asked Road Agent Lewis if they were all set. Road Agent Lewis noted the only thing that was brought to his attention was that they weren't sure if the cistern had the float installed. He suggested that the Planning Board review this. Selectman Duarte noted that in the future the Planning Board would like to review it first. Road Agent Lewis explained the road issues have been all addressed. Chairman Kelley asked Acting Fire Chief Davis to let the Selectmen's Office know when he has looked at the cistern and then it should be all set.

The Board to announce Superintendent of the Cemeteries Richard Anderson's resignation and discuss filling position. Chairman Kelley stated he didn't want to accept this resignation, but they understand why Mr. Anderson has to resign. Mr. Anderson noted he would stay on as long as he could, but it would be from day to day. Chairman Kelley replied that he understood and would accept the resignation with deep regret and as a good friend. Selectman Duarte added Mr. Anderson has done a great job on the cemeteries. Selectman Snow motioned to accept the resignation of Richard Anderson as Superintendent of Cemeteries with deep regret. Seconded by Selectman Duarte. All were in favor. Motion carried. Chairman Kelley addressed filling the position and asked Selectman Snow if he had talked with Mr. Gray. Selectman Snow explained he would talk to Mr. Gray after a notice has been posted for the position. Mr. Anderson explained that Mr. Gray expressed interest in the position.

The Board to consider appointment of Paul Mortimer as a Firefighter/EMS Provider based on Interim Fire Chief Davis' recommendation. Selectman Duarte explained Mr. Mortimer application had been since July. Acting Fire Chief Davis noted that Mr. Mortimer has been regularly attending meetings and is enrolled in a Firefighter 1 class. He has an EMS background as well. Selectman Duarte motioned to appoint Paul Mortimer as an EMS provider/Firefighter to the Candia Volunteer Fire Department. Seconded by Chairman Kelley. All were in favor. Motion carried.

Approval of Previous Minutes: Public meeting minutes of 10/12/09. Selectman Snow motioned to accept the October 12th, 2009 public meeting minutes as presented. Seconded by Selectman Duarte. All were in favor. Motion carried.

Tax Rate Setting: Chairman Kelley announced the tax rate setting would be on October 30th, 2009 at 9:00 a.m.

Other Business

Tax Collector Stamatelos recommendation for Deputy Tax Collector. Chairman Kelley explained that Tax Collector Stamatelos has recommended Paula Galatis as Deputy Tax Collector. Selectman Snow motioned to appointment Paula Galatis as Deputy Tax Collector based on Tax Collector Stamatelos' recommendation and contingent upon a successful background check. Seconded by Selectman Duarte. All were in favor. Motion carried.

Southeast Watershed Alliance: Selectman Snow motioned to recommend that the Town join the Southeast Watershed Association and delegate a representative. Seconded by Chairman Kelley. Chairman Kelley motioned to recommend that Selectman Snow be the representative to the Southeast Watershed Alliance. Seconded by Selectman Duarte. All were in favor of both motions. Motions carried. Selectman Duarte commented that at this point there is no charge, but if they do start to get charged the Board should revisit this. Selectman Snow stated it was his understand that there was a charge for joining that might come after they establish the rules. Since they would already be a member it would be his expectation that they wouldn't be able to charge them. He didn't believe there would be any cost associated with it and would take Selectman Duarte's comment under advice.

Conservation Commission easement update: Selectman Snow noted that Mark West has been hired by the Conservation Commission to do the wetlands evaluation based on the ARM (Aquatic Resource Mitigation) sub standards. He worked with the legislature when they put this together, so Mr. West is familiar with it. The Conservation Commission has the expectation that Mr. West will be done with his work in November and bring the results to the November Conservation Committee meeting. Selectman Snow would like Lori Sommer to attend the December 15th Conservation Committee meeting. They would like to have Bear Paw, the Sanders, Lori Sommer, and anyone else interested so they could wrap this up. In addition to this they have the Clay Pond (Gagne property) easement, in which they could talk to Bear Paw and ask them to have that available to them. The language would have to be available to the Selectmen before that and then they could finish that one up on December 15th as well. The Hooksett portion of the Clay Pond easement is supposed to be finished by the end of the year also. Selectman Snow mentioned that there are three other properties that they are actively involved in looking at and possibly doing something with. One of the properties is the Rand property on High Street. The Rand's came to a Conservation Committee meeting a couple of months ago and they voted to pursue a conservation easement on that property. Selectman Snow noted the he, Conservation Chair Susan Wilderman, and Jim Lindsey walked that property last week, before the meeting. They suggested at the Conservation Committee meeting that they get an appraisal of the property, so Conservation Committee and the Rand's had some idea of the value of an easement on that property. The normal way the Conservation Commission does this is by signing an agreement with

the landowner. The Conservation Commission will pay for the appraisal out of the conservation fund contingent upon the Rand's eventually doing a conservation easement. If they don't end up doing an easement, they will pay back the Conservation Commission when they sell the property. The Conservation Commission wants the consensus of the Selectmen on whether they want them to pursue this. If they do an appraisal and the Board backs out they lose that money. They don't want to put the money up front to do an appraisal without an expectation that the Selectmen agree to this on some level. The Rand easement is contingent upon the Board of Selectmen reviewing the easement and agreeing to the language. The easement would contain the language that would do the ARM mitigation. Chairman Kelley asked if the Rand's were going put all of their land in an easement. Selectman Snow replied they are not, because they have a house on their property. He noted the Rand's can make a decision on whether or not they want to do this after the appraisal. The next step would be to decide how much land they would like to cut out for the house and then they have it surveyed. The Conservation Commission would pay for that survey which would show where the easement existed. It's a 30 acre piece which runs from High Street all the way out to Baker Road. If that piece was developed it would open up the back into Baker Road. The Conservation Commission is very interested in this piece, because it would help protect up to Baker Road and Kinnicum Pond. These locations are part of the Town's conservation areas. Selectman Snow noted there are three other properties the Conservation Commission would like to consider. Selectman Duarte noted he appreciated all of the hard work Selectman Snow has been doing on this, but he didn't want to hear about all of the potential easements because he hasn't even heard about one yet. He would like get more information about this property. In addition, he would like to see where the property is located, what they can do with it, and what other options there are other than putting it in an easement. It might be a good piece of property for residential homes. Selectman Duarte stated if it's a good idea he will probably go along with it. He felt there wasn't enough information on the property. Selectman Robie stated he would like a brief summary on the other properties. Selectman Snow explained the Rand property is between High Street (at Jane Drive) and the Brock property heading towards Hooksett. The Rand's explained to the Conservation Commission that they would like to put an easement on the back half of their land prior to the time they decide to sell it. Selectman Snow stated he wasn't thinking in terms of what else they can do with the land. He would like to respect the land owner's wishes and help them get an easement on their land. Selectman Duarte stated they have 30 acres that is already in current use and the tax payers make up the difference on the tax bill. He felt if there was a possibility of us recouping some of the penalty money on the land use change tax maybe they could look at it.

Selectman Snow noted the Conservation Commission has talked with Richard Gilbert. Mr. Gilbert has a piece of land on Langford Road with a lot of land in the back and behind his 28 acres there is another 70 acres that runs down to Aunt Mary Brook Road. There is a possibility of getting to the 70 acres through the 28 acres. Selectman Snow stated if Mr. Gilbert was interested in selling his land for a conservation easement that would lock the 70 acres up. It would also save them some cost if someone wanted to put Aunt Mary Brook Road back in.

Selectman Snow stated the Conservation Commission reviewed other possible easements for map 404 lot 118 (Donovan Road) and map 411 and lot 038 (Donovan Road). Road Agent Lewis noted the property is located near the railroad bed. Selectman Snow further noted it was in the Kinnicum pond area. Selectman Snow explained an interest has been expressed and they have not had the opportunity to talk with the property owners.

Selectman Snow explained the Conservation Commission formally voted to pursue the Rand easement and now they are looking to get the appraisal done. They would like to know the Selectmen's interest, so they don't spend the money and get left hanging. Selectman Robie referred to the Clay Pond easement. He noted the he and Chairman Kelley recently attended a Conservation Commission meeting and spoke in favor of it. Selectman Robie stated that Mr. West will do the wetland survey for the mitigation. Once this is done they will contact Lori Sommer to let her know they have new information. Selectman Snow stated they would like to get this finalized at the December 15th meeting. Selectman Robie replied it probably wouldn't be finalized because it's going to have to go through Lori Sommer at DES, the Corps, and the EPA. Selectman Snow stated they can't hold the Sanders off forever based on something that could happen in the future. If they have done everything that is necessary to satisfy the Board and our attorney, the easement should allow the mitigation to be done after the fact. He can't in good conscience tell the Sanders they have to sit around and wait. Selectman Robie noted they have involved the Town Attorney with this and he recommended until this is finalized there isn't anything that says they can't use this land for mitigation. Selectman Snow replied that he agreed with that on a specific basis. Selectman Robie stated they are not holding anybody up. The Sanders can sell that land to anybody at anytime, but their wishes are to have the land put in conservation. Selectman Snow agreed but the Town would lose the opportunity to have any input on the conservation easement. Selectman Robie thought the Sanders Trust asked the family to put the land in a conservation easement and through the process nobody has stepped up except for the Town of Candia to do this. He felt they could mitigate this land, but until they are positive they can't do anything. Selectman Robie stated he has been paying attention to this from the beginning and felt he knew what the wishes of the trust were. Selectman Snow agreed the Sanders were going to put an easement on the land, but the language of the conservation easement is a function of the people who are buying it. Bear Paw is the primary on this and if they can't get the funds from the Candia Conservation Commission then they will get it from somewhere else. The language on the easement would change and the Town won't get the mitigation. Selectman Robie felt it was the Boards feeling that if they were going to spend conservation money they were going to get a mitigation easement. Selectman Snow agreed with Selectman Robie's concept and thought it was a wonderful thing. He suggested talking with Atty. Mayer and ask if they can finalize the Sanders easement on December 15th with the clear understanding (of DES, the Corps, EPA) this property will be eligible (for mitigation) based on the language that's in the easement at this time. Selectman Robie noted they haven't gotten to the Rand property yet and felt it wouldn't be eligible. He mentioned the Sieminski property and would be interested in it. Selectman Snow noted that piece is on the Conservation Commission's list. Selectman Duarte stated he liked what the Conservation Commission is doing, but couldn't vote on anything this evening. Chairman Kelley thought if it was in the wording

of the Sanders easement, when the mitigation goes through, that piece of land becomes part of it. He noted the last time he spoke with Ms. Sommer's he was under the impression it would have to be finalized before they could move forward with it. Selectman Robie stated they are getting close to getting this done. The State told him that if there was already an easement on the property why would they want to use it for mitigation. Selectman Snow replied this is what they are trying to establish. Selectman Robie stated that is what they are trying to avoid. He questioned why they would open back up an easement that is already in conservation. Road Agent Lewis explained the language would be in the easement to allow it. If in 10 years the State decided to let this happen, it could because it was in the language of the easement. He further explained it could take years for the State to decide what their going to do with this. It won't happen in a month or two, so at this rate the Sanders easement might not ever happen and non of the others. The idea is to have the language in the easement. Selectman Robie agreed and if it's approved something about mitigation should be in the language of the easement. Road Agent Lewis explained to have to wait for the State to make all of the changes and go to legislation will take a long time. Selectman Snow noted the language has been changed to reflect the information about the mitigation. Selectman Robie felt it wouldn't have to go to legislation to get passed. Road Agent Lewis replied there were a lot of things to change at the State level to allow this to happen. Eventually a lot of these people are going to get tired of waiting. Selectman Robie stated if they are waiting for mitigation that's different. Road Agent Lewis explained it was both, if they agreed to put that language in their agreement then they are basically waiting for the funding and the State to change their rules to allow this to happen. The Conservation Commission was thinking if it's in the easement language that the land can be used for mitigation at any future date that it becomes available (at the State level) to do that, so they don't see our money go out of Town. The idea is that the money stays in Town. These people who like to put their land in an easement are not going to want to wait forever. Selectman Robie replied they don't have to wait, if they would like to put their land in an easement they can. He further stated if someone wants to purchase the Sanders property with an easement on it they have the right to do that. Selectman Snow noted the concept with the Sanders easement was the Conservation Commission wanted to have input on what could be done on that property. They wanted to have public access to it. Selectman Snow further noted the money that the Conservation Commission is putting out would be to ensure the people of Candia would always have access to that property. Selectman Robie stated that before the Sanders even came to the Conservation Commission that piece of land was for sale, hoping that someone would purchase the land and put it in conservation. When that didn't happen they went to the Conservation Commission asking for an easement. Selectman Snow stated they saw an opportunity with this land from the beginning. Selectman Robie replied he agreed with Selectman Snow on this and will continue to stick with him. Selectman Snow asked if they could meet with Atty. Mayer and Lori Sommer of the DES. Selectman Robie replied once they have the ARM package done. Selectman Snow replied they should have it by November 17th. Selectman Robie stated he has heard what Selectman Snow and Road Agent Lewis had to say and he would look at this with an open mind.

Selectman Snow asked the Board how they would like the Conservation Commission to deal with people who would like to put their land in a conservation easement. Selectman Robie replied that he wasn't sure how much interest the Town had in the smaller pieces of property. He noted the lots with back land and very little frontage have little value. There was some discussion about how much frontage it takes to get into the back land. There was some discussion on appraisals. Selectman Robie felt whoever is interested in putting their land in an easement should pay for the appraisal, not the Town. Selectman Snow replied he would not recommend to the Conservation Commission that they spend the money for an easement or purchase without getting an appraisal. The appraisal has to come from qualified people (by the IRS) to look at property for what a conservation easement is worth. Land owners are giving up the development rights. Selectman Snow asked if he should go back to the Conservation Commission and tell people they're not going to look at easements. Selectman Duarte would like to look at each piece of land individually and then look at the advantages and the disadvantages. He felt that until the mitigation matter is settled they shouldn't be telling people anything. Selectman Snow stated the first step in the process is to know what the land is worth. Road Agent Lewis stated people should skip going to the Conservation Commission and go directly to the Selectmen. Selectman Robie replied he wasn't in favor of that and if people are interested in conserving their land they should go to the Conservation Commission. Road Agent Lewis stated the Conservation Commission hands are tied. Selectman Robie asked for Road Agent Lewis' opinion of the land on High Street. Road Agent Lewis replied it would make a wild life corridor someday; it preserves a way for wildlife to get through the Kinnicum Pond, High Street, North Road, and New Boston Road area. Selectman Robie stated every one of those lots runs from High street to Baker Road and on the other side is from High Street to North Road. Selectman Robie clarified that the Conservation Commission wanted to know if the Board had any interest, so they can go forward and have the appraisal done. Selectman Snow replied that was correct. Selectman Robie stated he might not agree with Road Agent Lewis's point, but for the appraisal he would give his okay. Chairman Kelley stated if the property is appraised and it comes in for less money, will the property owner pay back the money. Selectman Snow stated they would enter into an agreement, if they don't not sell the easement to the Town, the Town will get their money back. Selectman Robie stated there is 460 feet of frontage, so there is enough for one house lot. He further noted that land could be used for multi family development. He would rather see an easement than 10 units. Selectman Snow clarified it was the consensus of the Board that the Conservation Commission move forward with an appraisal on the property. The purpose is to find out what the fair market value of that easement would be with the understanding the Town would get the money back if they sold the easement to someone else. However, if the numbers work out they will take the next step which would be to review the easement language. Selectman Robie thought the easement would be an easy process, because there wasn't much mitigation on the property. He further thought it shouldn't be much to have the appraisal done. Selectman Snow thought it was around a couple of thousand dollars.

DOT fly over for aerial mapping: Selectman Snow explained the DOT is doing a fly over of the entire State for aerial mapping. They do this once every century. It gives you the photographic detail to do one of three things: help make the tax maps better, it works

well with planning, and helps Conservation Commissions with the natural resource inventory. The State has offered to municipalities the option to enhanced resolution (6 inch pixels). The cost is \$6,000 to \$9,000. He has mentioned this to the Conservation Commission who was not enthusiastic about it. He spoke with the Lamprey Watershed Association about it and there may be some grant money as well. They would have to submit a nonbinding letter of intent from the Town stating they are interested in what it would cost to get the enhance resolution. Selectman Snow noted they could put it in as a warrant article as well. He felt they should submit the letter of intent and the Board would have to authorize Chairman Kelley to do this. It would be a long time before they had the opportunity to do this again. Selectman Robie felt they didn't need an enhanced product. Selectman Duarte stated the Planning Board didn't show much interest in doing this. Chairman Kelley stated if they were going to pursue this it would have to be a warrant article. He felt \$6,000 to \$9,000 was a lot of money. Selectman Duarte suggested calling the DOT tomorrow to see if they still have the option of doing this.

Thibeault Sand and Gravel: Selectman Snow noted he was going to have to testify to the Raymond Planning Board. He went to the October 15th meeting, which was for the extension of the permit for Raymond Sand and Gravel Excavation. They were discussing three excavation companies. There are three gravel pits in the Town of Raymond that are not properly permitted by the State or Federal Government. They chose to continue the hearing until December or January. It appears that Raymond Sand and Gravel are trying to get out of bankruptcy, so they can sell to somebody. The interest appears to be one of their neighbors. Selectman Snow stated he was going to come up with a list of the Town's concerns concerning Thibeault Sand and Gravel. He had a traffic count done in front of the Candia Recycling Center. He noted that he will be testifying at the November 5th meeting. Some of the concerns he has come up with is the traffic, the aquifer (on the Raymond and Candia side), and the abutters. All of these concerns will be expressed to the Raymond Planning Board. Selectman Robie stated he would like to review these concerns first. Selectman Snow mentioned that he reviewed the Raymond's traffic study, but it didn't mention anything about Route 27. He reviewed the traffic study done for Liquid Planet, but questioned the validity of the traffic study. He noted a member of the Raymond Planning Board questioned the recent change in the configuration on Route 27. Selectman Robie noted if the road needs to be reconfigured that is something the Raymond Planning Board and developer have to agree on. Selectman Snow stated this issue was raised as a concern (pre reconfiguration on Route 27). There was some further discussion about the traffic. Selectman Robie stated he would like to see the list concerns before Selectman Snow meets with the Raymond Planning Board. Selectman Snow replied that he would provide him the list.

Recent ash complaint: Selectman Duarte mentioned he was recently made aware of a complaint concerning ash on a resident's property due to brush burning at the Recycling Center. He noted they were looking for some solutions to the problem i.e. a screen for over the burn pit, burning the brush more frequently. He would like to send the resident an apology letter and let them know we are working on a solution. Selectman Robie stated they should seriously look at a chipper, because wood chips do have a value. Chairman Kelley thought in 2010 they wouldn't be allowed to burn any more. Chairman

Kelley noted that Pleasant Hill Landscaping might be taking brush and they chip wood. He further noted he is in the process of working on something with them.

6 Deerfield Road: Chairman Kelley noted he recently attended the Durgin wake and the family members commended the Fire Department on doing a fantastic job. They thanked the volunteers of the Town as well. Chairman Kelley thanked everyone for what they contributed. Selectman Duarte thanked Candia Lumber for donating the smoke detectors. Acting Fire Chief Davis noted there will be something in the newspaper on this and it will be posted around Town. Chairman Kelley asked if it was one smoke detector per household. Acting Fire Chief Davis stated they don't have a set amount. Selectman Robie stated it's as many as people need.

Announce Next Regularly Scheduled Meeting Date: The next regularly scheduled Selectmen's meeting will be on November 9th at 7:00 p.m.

Selectman Duarte motioned to adjourn at 8:15 p.m. Seconded by Chairman Kelley. All were in favor.

Respectfully submitted,
Andria Hansen, Recording Secretary