

Dave Murray

From: Lewis, Eben [Eben.Lewis@des.nh.gov]
Sent: Wednesday, August 22, 2018 8:12 AM
To: 'nhbuilder41@gmail.com'
Cc: 'syoun@cantianh.org'; 'bchivers@cantianh.org'; 'Boyd Chivers';
'info@candiaconservationcommission.org'; Dave Murray; Bilodeau, Neil
Subject: Land Resources Management File 2018-02472, 436 New Boston Road , Candia, Tax Map
402 Lots 1.1/1.1.1
Attachments: 2018-08-16-LOWER-TIER-VIOLATION-2018178373.pdf

Good morning, Dan,

Thank you for speaking with me this morning and providing an update to your on-going efforts to stabilize the property to ensure stormwater runoff from the property does not negatively impact your abutters and nearby wetland resources. Per our discussion, I have attached our letter we sent yesterday via USPS. As you explained, please have your engineer provide their assessment of the site to us. Feel free to contact me with any further questions.

Best,
Eben

Eben M. Lewis, Wetlands Inspector, Southeast Region Supervisor, New Hampshire Department of Environmental Services, Land Resource Management Program, Pease Field Office , 222 International Drive, Suite 175, Portsmouth, NH 03801, p: 603.559.1515, f: 603.559.1510
e: eben.lewis@des.nh.gov

Visit [DES Land Resources Management](#) for helpful tools and information! We value your feedback! Please complete our survey:
www.surveymonkey.com/r/lrmsurvey



LOOK
PLEASE READ
SY C.R.
RD SK.
PL



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



August 21, 2018

Page 1 of 2

Daniel A. Cotnoir
B.M.T. Construction LLC
PO Box 1385
Londonderry, NH 03053

RE: Land Resources Management File 2018-02472, 436 New Boston Road, Candia, Tax Map 402 Lots 1.1/1.1.1

Dear Mr. Cotnoir:

On August 15, 2018, personnel from the New Hampshire Department of Environmental Services (NHDES) Land Resources Management Program conducted an inspection on the above referenced properties (the "properties"). The purpose of the inspection was to determine compliance with RSA 482-A, Wetlands Law, and RSA 485-A, Terrain Alteration, and applicable rules relative to controlling soil erosion and managing stormwater runoff from developed areas.

During the inspection, NHDES personnel observed and documented the following on the properties:

1. The properties had been forested, tree stumps grubbed, and earth graded. Exposed, unstabilized soils are present on the properties in excess of 100,000 square feet;
2. Erosion was noted within the properties and evidence of untreated stormwater leaving the properties was found in the following locations:
 - a. Turbid stormwater entered the property of 437 North Road (Candia Tax map 405 Lot 132) and ultimately reached a perennial stream on 464 New Boston Road (Candia Tax map 402 Lot 001); and,
 - b. Turbid stormwater entered the property of 425 North Road (Candia Tax Map 405 Lot 133), through a forested wetland southeasterly onto 413 North Road (Candia Tax Map 405 Lot 134), ultimately reaching North Road and flowed into twin culverts beneath North Road.

NHDES has no record that a permit was issued for the impacts observed on the property. In accordance with RSA 485-A:17 Terrain Alteration. – I. Any person proposing to dredge, excavate, place fill, mine, transport forest products or undertake construction in or on the border of the surface waters of the state, and any person proposing to significantly alter the characteristics of the terrain, in such a manner as to impede the natural runoff or create an unnatural runoff, shall be directly responsible to submit to the department detailed plans concerning such proposal and any additional relevant information requested by the department, at least 30 days prior to undertaking any such activity.

The operations shall not be undertaken unless and until the applicant receives a permit from the department. The department shall have full authority to establish the terms and conditions under which any permit issued may be exercised, giving due consideration to the circumstances involved and the purposes of this chapter, and to adopt such rules as are reasonably related to the efficient administration of this section, and the purposes of this chapter.

NHDES believes these can be corrected by taking the following actions:

1. Please stop all earth moving activities on the properties immediately, except as necessary to stabilize the properties.
- 2 **BY AUGUST 28, 2018**, Please retain a Certified Professional in Erosion and Sediment Control (CPESC) or a professional engineer (P.E.) licensed in New Hampshire. Please notify NHDES of the name, address, and telephone number of the CPESC or P.E. retained. .
3. **BY SEPTEMBER 11, 2018**, Please submit a stabilization plan for the property prepared by a CPESC or P.E. to NHDES. The plan should include temporary and permanent erosion and stabilization measures and a schedule for implementing the measures.
4. Please submit monitoring reports prepared by your CPESC or P.E. to NHDES **once every week and within 24 hours of rainfall in excess of 0.50 inches**, until otherwise requested by NHDES, beginning immediately next week.
5. Please implement the stabilization plan only after receiving written approval from, and as conditioned by, NHDES.

RSA 485-A was enacted to protect water supplies, to prevent pollution in the surface and groundwaters of the state, and to prevent potential health hazards.

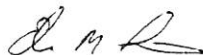
If compliance is not achieved within this period, NHDES may take further action against you including issuing an order requiring that the deficiencies be corrected and/or referring the matter to the New Hampshire Department of Justice for injunctive relief. NHDES personnel may re-inspect the property at a later date to determine whether you have come into, and are maintaining, full compliance with applicable laws and rules. NHDES reserves the right to pursue monetary penalties for the deficiencies noted in this letter as well as any deficiencies noted in subsequent inspections of the property.

Please address all documents, correspondence and submissions in response to the foregoing requests to NHDES, as follows:

Neil R. Bilodeau
Compliance Specialist
Land Resource Management Program
NH Department of Environmental Services
222 International Drive Suite 175
Portsmouth, NH 03801
Phone: 603-559-1513
e-mail: neil.bilodeau@des.nh.gov

Thank you for your anticipated cooperation in this matter. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at eben.lewis@des.nh.gov or (603) 559-1515.

Sincerely,



Eben M. Lewis
Wetlands Inspector
Southeast Region Supervisor
Land Resources Management Program

ec: Susan Wilderman, Chairperson, Candia Conservation Commission
Susan Young, Chair, Candia Board of Selectmen
Boyd Chivers, Candia Board of Selectmen
Dave Murray, Candia Building Inspector
Dennis Lewis, Candia Road Agent

Service which requires a permit, license, or other official approval, which requires the applicant to be at least 21 years of age (not a minor).

COPY



emailed +
mailed reg mail to
BMTT (PO box)
+ cert. mail to
Coldwell Banker

AUG 16 2018



Town of Candia
BUILDING DEPARTMENT/CODE COMPLIANCE
74 High Street
Candia, New Hampshire 03034
(603) 483-1015
ATTENTION B.M.T. CONSTRUCTION L.L.C.
CEASE & DESIST

August 16, 2018

To: B.M.T. Construction, LLC
PO Box 1385
Londonderry, NH 03053

Cc: Coldwell Banker Classic Realty
Attn: Jay Lafore
1330 Hooksett Road
Hooksett, NH 03106

LOOK
PLEASE READ
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Dear Mr. Cotnoir,

After reviewing your properties on New Boston Road in Candia, 394 New Boston Road, Tax Map 402 Lot 001-1.4 and 436 New Boston Road, Tax Map 402 Lot 001-1, with Department of Environmental Services representative Eben Lewis, Candia Selectman Boyd Chivers and our Road Agent Dennis Lewis, I am issuing this **CEASE AND DESIST** on any further construction to the homes on these properties due the deficiencies of the proper site work requirements including an **ALTERATION OF TERRAIN PERMIT** not being applied for.

Proper site work may continue in **compliance with NHDES requirements** however until these requirements have been fulfilled to the satisfaction of NHDES and the Town of Candia any further construction of the homes will be prohibited.

If you have any questions regarding this matter contact the Building Department at 603-483-1015.

Sincerely,

David R. Murray
Building Inspector, Code Enforcement Officer, Health Officer
Town of Candia, N.H. dmurray@townofcandia.org
603-483-1015

Request for Proposal

Update of the Values
Town of Candia, NH

The Town of Candia, New Hampshire, (the “Town”) seeks proposals for an update of values of all taxable and non-taxable properties situated within the Town.

The total area of the Town is 18,539.14 acres, with 1,948 parcels. The following is a breakdown of the parcel count:

• Residential Improved	1,458
• Residential Vacant	122
• Mixed Use	48
• Commercial Improved	36
• Commercial Vacant	30
• Industrial Improved	5
• Industrial Vacant	4
• Exempt	111
• Current Use	321
• Utilities	2

Candia’s last total revaluation (measure and list) was conducted in 2014. A statistical update was conducted in 2009.

Interested assessment companies (“Bidder”) are invited to submit proposals that shall include:

1. The Bidder’s ability to provide the services and minimum specifications described below;
2. Name and telephone number of person(s) to be contacted for further information and clarification;
3. Bidder’s ability to conform to attached proposal schedule;
4. A list of all DRA approved personnel who will be assigned to Candia, including their years of experience and qualifications;
5. Listing of all municipal valuation updates completed during the past five (5) years, including client contracts, telephone numbers, and size of municipalities (indicated by number of real estate parcels, scope of services rendered, and date completed under present corporate entity). Such list must include at least two (2) communities comparable to the Town of Candia.
6. Indication of how many years Bidder has been engaged as a company, corporation, partnership, or individual specializing in government tax revaluation services.

Seven (7) copies of proposal shall be submitted no later than 3:00 p.m. on Monday, December 17, 2018 to:

Candia Board of Selectmen
c/o Andria Hansen
74 High Street
Candia, NH 03034

Inquiries may be directed to Andria Hansen at 483-8101 on Monday through Friday from 8:30 AM. to 3:00 PM. Tax maps and records are available for review at the Candia Town Offices on Monday through Friday from 8:00 AM to 3:00 PM or by appointment.

Services to be Included

All services shall be performed in a professional manner according to the New Hampshire Revised Statutes 75:1 and regulations stated within.

1. Perform sales analysis of all sales, determining appropriate classification using data from April 1, 2018 through April 1, 2019. The sales analysis and final values will be determined as of April 1, 2019.
2. Input sales analysis data into Town's appraisal software (6.5 Vision) and generate new values for the entire town.
3. Make progress reports to the Selectmen, Tax Assessor Clerk and DRA Monitor every three (3) months (quarterly) or as agreed to by both contract parties.
4. Perform public relations with the residents of Candia, including, but not limited to, ongoing progress reports, notification of revaluation results, and informal reviews.
5. Appraisal software shall be updated by August 15, 2019 and shall contain current assessment data for all properties in Candia as of that date.
6. The update shall be considered complete only when:
 - * informal reviews have been completed
 - * the figures are reviewed by the DRA Monitor and then by the Board of Selectmen
 - * changes have been made as required
 - * the Board of Selectmen has accepted new values
 - * all data has been entered into the assessing program on the Town's computer system
 - * the Bidder has completed defending appeals of assessments, and abatements. If not included in the bid price, please specify a rate per abatement or a per hour rate.

Commencement and Completion of Work

1. The project shall begin no later than 30 days after the execution of a contract between the winning Bidder and the Town, or on such other date as agreed by both parties to the contract. The project shall begin with a meeting among Town officials, the winning Bidder and the DRA.
2. The project shall be concluded and the final results delivered to DRA Monitor two weeks prior to the Selectmen and Tax Assessor Clerk receiving them by September 15, 2019.
3. Appraisal software shall be updated by September 1, 2019 and shall contain current assessment date for all properties in Candia as of that date.
4. The revaluation shall be considered complete only when informal reviews have been completed, the figures reviewed by the DRA Monitor and then by the Board of Selectmen, changes have been made as required, the Board of Selectmen has accepted new values, and all data has been entered into the assessing program on the Town's computer system.
5. The revaluation shall also be considered complete when the Bidder has completed defending appeals of assessments after revaluation.

Contract Awards

The Town of Candia reserves the right to reject any or all proposals, or accept the proposal that the Town deems to be in the best interest of the Town, regardless of lowest bid amount.

The Town of Candia reserves the right to request additional data or information or a presentation in support of written proposals. However, the Town may award a contract based on offers received, without additional submissions. Accordingly, the proposed should be submitted on the most favorable terms from all aspects, which the Bidder can submit.

The New Hampshire Department of Revenue requires a contract for review and recommendations before any work shall commence. Any contract awarded as a result of this RFP will comply with the contract requirements of the DRA Rev. 600 rules.

Sincerely,
Candia Board of Selectmen

Susan Price Young

Carleton Robie

Russell Dann

Boyd Chivers

Scott Komisarek

Revaluation Schedule Dates

Proposed bids due:	December 14, 2018
Contract awarded:	January 14, 2019
Begin Update:	April 1, 2019
Market sales and analysis:	June 3, 2019
Draft valuation:	July 1, 2019
Completion of values:	August 2, 2019
Taxpayer hearings:	August 15 – August 30, 2019
Final values to Selectmen:	September 13, 2019

DEFAULT SERVICE REIMBURSEMENT AGREEMENT

This Default Service Reimbursement Agreement (this "Agreement") is by and between **Standard Power of America, Inc.** (the "Administrator") and [**the Town of Candia**] (the "Customer") (together referred to as "Parties") and each individually as a "Party") and is effective and binding on the Parties as of the date hereof.

Background

1. Seller is the Administrator of a group net metering arrangement (the "Group"), of which the Customer is a member.
2. Customer is a default service customer of its default electric service provider, Eversource.
3. As a member of the Group, the Customer is entitled to a default service reimbursement payment ("Default Service Reimbursement Payment") pursuant to the governing Group Net Metering Agreement.

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PLEASE READ
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NOW, THEREFORE,

In consideration of the mutual covenants and agreements herein set forth, the Parties hereby agree as follows:

Section 1. **Term and Termination.** This Agreement will have a term of 12 months starting November 2018 or until the earlier termination of this Agreement pursuant to this Section 2 (the "Term"). This Agreement can be terminated by either Party upon sixty (60) days prior notice. All payment obligations arising prior to the termination of this Agreement shall survive the termination thereof.

Section 2. **Obligation to Provide Default Service Reimbursement Amount.**

- (a) In consideration of the Customer's participation in the Group, the Administrator agrees to make, and the Customer agrees to accept, the Default Service Reimbursement Payment.
- (b) The Default Service Reimbursement Payment shall be paid to the Customer within ten (10) days of the end of each calendar quarter during the Term. The Default Service Reimbursement Payment shall be calculated as follows: (a) the rate shall be the average Eversource default energy rate (energy only) during the previous quarter minus eight cents (\$0.08) (the "Rate"); (b) the Rate shall then be multiplied by the total kilowatt-hours ("kwh") used by the Customer during that same quarter. This calculation shall be performed for each Customer meter listed in Schedule A of the Group Net Metering Agreement.
- (c) In any quarter, the Administrator's payment of the Default Service Reimbursement Payment to all members of the Group, including the Customer, shall be unconditionally limited by the amount of generation (kwh) produced by the facility during that same quarter. To the extent there are kwh's of excess generation from previous quarters that were not used to make Default Service Reimbursement Payments in those previous quarters, the Administrator shall provide additional kwh credits up to the amount that was not covered by the actual generation during the current quarter.
- (d) The Administrator shall perform a true-up of annual generation from the facility to the Customer's annual usage by June 15th of each year during the Term or, if the Term ends prior to June 15th,

at the end of the Term. If, based on the annual true-up, the Customer shall have received Default Service Reimbursement Payments during the previous year for less than its full kwh usage during that year, the Administrator shall pay to the Customer the Rate multiplied by that difference.

Section 3. **Assignment**. The Customer may not assign or transfer this Agreement to any other person or entity without the other Administrator's prior written consent, and any attempted assignment or transfer without such consent shall be void. The Administrator may sell, transfer, pledge or assign this Agreement or any right herein in connection with any financing agreement or receivables purchase program, and may assign this Agreement to another energy supplier, energy services company or other entity as authorized by the New Hampshire Public Utilities Commission.

Section 4. **Access to Customer Usage Information**. Upon request by the Administrator, the Customer shall provide monthly invoices from Eversource to confirm usage information for accounts listed in Schedule A of the Group Net Metering Agreement.

Section 5. **Liability**. The remedy in any claim or suit by the Customer against the Administrator will be solely limited to direct actual damages (which will not exceed the amount of Customer's single largest monthly payment in the immediately preceding twelve (12) months). All other remedies at law or in equity are hereby waived. In no event will either the Administrator or the Customer be liable for consequential, incidental, indirect, special or punitive damages. These limitations apply without regard to the cause of any liability or damages. There are no third-party beneficiaries to this Agreement.

Section 6. **Governing Law**. This Agreement shall be governed and construed in accordance with the laws of the State of New Hampshire, without giving effect to principles of conflict of laws that would require the application of any other law.

Section 7. **Taxes**. All taxes of whatsoever kind, nature and description due and payable with respect to service provided under this Agreement, other than taxes based on the Administrator's net income, shall be paid by the Customer, and Customer agrees to indemnify the Administrator and hold the Administrator harmless from and against any all such taxes.

Section 8. **Regulatory Change**. This Agreement is subject to present and future legislation, orders, rules, regulation or decision of a duly constituted governmental authority having jurisdiction over this Agreement or over the services to be provided hereunder. If at some future date there is a change in any law, rule, regulation, tariff or regulatory structure ("Regulatory Change") which impacts any term, condition or provision of this Agreement, including, but not limited to price, the Administrator shall have the right to modify this Agreement to reflect such Regulatory Change by providing thirty (30) days' written notice of such modification to the Customer.

[Signature Page Follows on Separate Page]

IN WITNESS WHEREOF the Parties do hereby execute this Agreement as of the ____ day of _____, 2018.

ADMINISTRATOR:

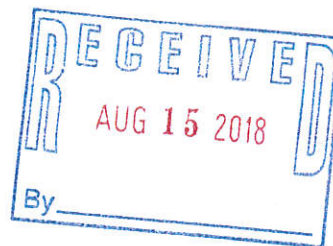
Standard Power of America, Inc.

By: _____
Name: _____
Title: _____

CUSTOMER:

[the Town of Candia]

By: _____
Name: _____
Title: _____



TO: Key Officials

FROM: Judy A. Silva, Executive Director
Cordell A. Johnston, Government Affairs Counsel

DATE: August 13, 2018

RE: 2019-2020 Legislative Policy Conference ~ Friday, September 14, 2018

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Floor Policy Proposals

Enclosed please find copies of the floor policy proposals that have been submitted for discussion and vote at the NHMA Legislative Policy Conference. These supplement the policy recommendations prepared by the three legislative policy committees, which were mailed to each municipality on June 20, 2018. Delegates at the conference will vote on the policy recommendations and the floor policy proposals, along with NHMA's Legislative Principles. If you need copies of any of these documents, you can find them on the NHMA website, www.nhmunicipal.org. (Near the top of the home page, click on the "Advocacy" tab, then use the menu on the left to find "Legislative Principles," "2019-2020 Legislative Policy Recommendations," and "2019-2020 Floor Policy Proposals.")

Voting Delegate

Each member municipality has one vote at the policy conference. Each governing body is asked to appoint a voting delegate to cast the municipality's vote on the policy proposals presented. **We are sending a voting delegate card to the chief administrative officer in each municipality (or the governing body chair if no administrative staff) to return to us indicating the governing body's appointment for voting delegate.** Please mail this card back to us no later than Friday, September 7. See the Legislative Policy Process Questions & Answers document, also sent with the June 20 mailing and available on the NHMA website, for a description of who will have voting privileges for a municipality in the absence of any formal designation.

Policy Conference

The Legislative Policy Conference is scheduled for **Friday, September 14, 2018, at 9:00 a.m.** at **NHMA's offices at 25 Triangle Park Drive** in Concord.

We urge the governing body of each municipality to discuss the full slate of policy recommendations, along with these floor proposals, and take a position on each proposal to give guidance to your voting delegate. ***Do not send your positions on the policy recommendations to NHMA; they are only for the guidance of your voting delegate, and each municipality can register its positions only by voting at the conference.*** At the conference, delegates may vote to approve, reject, amend, or table a policy proposal. They may also vote to change the order of priority of the various policies.

This is an important opportunity for each member municipality to participate in determining NHMA legislative policy for the 2019-2020 biennium—we count on your input! As always, please do not hesitate to call or e-mail (governmentaffairs@nhmunicipal.org) the Government Affairs Staff with any questions, comments, or concerns. We look forward to seeing you on September 14!

①

New Hampshire Municipal Association
2019 - 2020 Legislative Policy Process

Floor Policy Proposal

RECEIVED
JUL 16 2018
NHMA

Submitted by (name): Hudson Board of Selectmen

Date: July 10, 2018

City or Town: Hudson

Title of Person Submitting Policy: Selectmen

Floor Policy Proposal approved by vote of the governing body on July 10, 2018

To see if NHMA will SUPPORT/OPPOSE:

To see if NHMA will support legislation to lower the abatement interest rate that municipalities pay from 6% to 4% (RSA 76:17-a) to better align it with the interest rate on delinquent taxes that were recently lowered by the NH Legislature.

Municipal Interest to be accomplished by proposal:

To align abatement interest paid by a municipality with the recent lowering of interest rates on delinquent property taxes.

Explanation:

Currently, after the timely payment deadline has passed on payment of property taxes, usually 30 days or more of grace time, 12% interest is charged, for a period of six (6) months, and then 18% interest is charged after those six (6) months. The NH Legislature and the Governor have passed into law, a significant decrease in the interest rate that is charged on late property tax bills. As of January 1, 2019, after the timely payment deadline has passed on payment on property taxes, 8% interest is charged, for a period of six (6) months and then 14% interest is charged. This proposal seeks to lower the interest rate on abatements paid by a municipality from 6% to 4% to better align with delinquent property tax interest rates.



2

New Hampshire Municipal Association
2019-2020 Legislative Policy Process

RECEIVED
JUL 24 2018
NHMA

Floor Policy Proposal

Submitted by (name) Jill White Date: July 23, 2018

City or Town Holderness Title of Person Submitting Policy Chair, Select Board

Floor Policy Proposal approved by vote of the governing body on (date) July 23, 2018

Submitted by (name) Brent T. Lemire Date: July 24, 2018

City or Town Litchfield Title of Person Submitting Policy Chair, Select Board

Floor Policy Proposal approved by vote of the governing body on (date) July 23, 2018

Submitted by (name) Rick Hiland Date: July 25, 2018

City or Town Albany Title of Person Submitting Policy Select Board - Chairman

Floor Policy Proposal approved by vote of the governing body on (date) July 25, 2018

Submitted by (name) David W. Swenson Date: July 31, 2018

City or Town New Durham Title of Person Submitting Policy Chair, Select Board

Floor Policy Proposal approved by vote of the governing body on (date) July 31, 2018

To see if NHMA will SUPPORT legislation clarifying that the Town Moderator has authority to postpone the official ballot voting session of town meeting in the event of severe weather or other emergency and establishing clear rules for addressing any practical issues involved in postponing the voting session.

Municipal interest to be accomplished by proposal: Preserve local control over elections and enable local officials to take necessary steps to protect public safety.



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New Hampshire Municipal Association
2019-2020 Legislative Policy Process

RECEIVED
JUL 26 2018
NHMA

Floor Policy Proposal

Submitted by (name) Bedford Town Council Date July 18, 2018 City or Town
Town of Bedford Title of Person Submitting Policy Rick Sawyer, Town Manager

Floor Policy Proposal approved by vote of the governing body on (date) July 18, 2018

To see if NHMA will SUPPORT/OPPOSE: legislation that would allow municipalities to be able to regulate the use of outdoor watering on all properties.

Municipal interest to be accomplished by proposal:

The proposal would allow municipalities to place outdoor watering restrictions on all properties during drought conditions not just residential properties as currently permitted under RSA 41:11-d.

Explanation: During two of the last three years the State of NH has faced drought conditions and the State Department of Environmental Services has recommended that municipalities ban or limit the outside watering of lawns, car washing, etc. Currently RSA 41:11-d limits the ability to place such a restriction to only residential land. It is very challenging to enforce such a restriction on our residents when the commercial properties they drive by are watering their grass and it significantly reduces the potential replenishment of the aquifer that the restriction could bring. During the last legislative session HB173 came close to providing for this change with the House approving it 249-100, but it ultimately failed in the Senate.

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Mail to 25 Triangle Park Drive, Concord, NH 03301; or email to governmentaffairs@nhmunicipal.org.
Must be received by August 10, 2018.



4

RECEIVED
AUG 9 2018
NHMA

New Hampshire Municipal Association
2019-2020 Legislative Policy Process

Floor Policy Proposal

Submitted by (name) Robert Thibault Date August 9, 2018

City or Town Easton Title of Person Submitting Policy Selectman

Floor Policy Proposal approved by vote of the governing body on (date) July 30, 2018

Submitted by (name) Eric Meth Date August 9, 2018

City or Town Franconia Title of Person Submitting Policy Selectman

Floor Policy Proposal approved by vote of the governing body on (date) July 30, 2018

Submitted by (name) Margaret J. Connors Date August 9, 2018

City or Town Sugar Hill Title of Person Submitting Policy Select Board Member

Floor Policy Proposal approved by vote of the governing body on (date) 7/30/2018

To see if NHMA will SUPPORT/OPPOSE:

Support a bill that would clarify that the Site Evaluation Committee does not have jurisdiction over use of municipal roads by merchant utility projects.

Municipal interest to be accomplished by proposal: Maintain local control over municipal roads.

Explanation:

On Page 282 of the Site Evaluation Committee's March 30, 2018 written decision denying Northern Pass a certificate of site and facility the SEC explains why it believes it have the authority to supersede existing state law that gives the authority over control of use of municipal roads by utilities to the governing body of the municipality. Either the SEC has the authority to supersede municipal control over municipal roads or it doesn't. This needs to be made clear for all municipalities and for all future potential applicants to the SEC. While it is clearly stated in RSA 162:H (the authorizing statute for the SEC) that its authority supersedes local land use regulation, there is no reference at all to control over municipal roads. Municipalities are vulnerable to losing control over their own roads if this legal confusion is not cleared up.



Stantec Consulting Services Inc.
5 Dartmouth Drive Suite 200, Auburn NH 03032-3984

August 21, 2018
File: 195118905

Attention: Mr. Dennis Lewis
Town of Candia Road Agent
74 High Street
Candia, NH 03034

Dear Mr. Lewis,

Reference: North Road Culvert Replacements

In accordance with your request we have developed a preliminary engineering services scope of work to develop culvert replacement options, permitting requirements, and assist the Town with exploring potential funding for an emergency repair/replacement of the North Road culverts including the following:

- Set up and attend a meeting with the Town, NHDES and Stantec to determine culvert replacement options and emergency permitting requirements,
- Contact NHDES Dam Bureau to obtain, review and analyze available hydraulic calculations for the recent modifications to the up-stream dam,
- Perform a limited survey to gather information required to perform preliminary hydraulic calculations,
- Perform preliminary hydraulic calculations, culvert and rip rap sizing for the 100-year storm event to establish replacement culvert sizes,
- Coordinate with arch culvert manufacturers for structure availability and lead times,
- Explore emergency FEMA funding opportunities,
- Develop and overall project cost estimate,

The intent would be for Stantec to perform this work on a time and expense basis, to move forward with an initial budget for the noted preliminary engineering work we suggest an amount of \$7,500. As this project progresses we will provide supplemental estimates for preliminary design, final design and will provide Authorizations to proceed with that work for approval by the Town. Attached is a Notice to Proceed for the \$7,500 amount for signature by the Town.

Should you have any questions please feel free to contact us.

August 21, 2018

Mr. Dennis Lewis

Page 2 of 2

Reference: North Road Culvert Replacements

Respectfully



Stantec Consulting Services Inc.

Bryan Ruoff, PE

Project Manager

Phone: 603-206-7548

Fax: 603-669-7636

Bryan.Ruoff@stantec.com

Attachment: Attachment A – NTP

c. Rene LaBranche, Stantec



Stantec Consulting Services Inc.

Rene LaBranche

Senior Principal

Phone: 603-206-7535

Fax: 603-669-7636

Rene.LaBranche@Stantec.com



Stantec

NOTICE TO PROCEED

PROJECT NAME: North Road Culvert Replacement

PROJECT ADDRESS: Candia, NH

STANTEC'S PROJECT NO.: TBD

"CLIENT"

Name: TOWN OF CANDIA, NH

Address: 74 High Street - Candia NH, NH 03034

Phone: (603) 483-8588

Fax: (603) 483-8101

Representative: Dennis Lewis, Road Agent

"STANTEC"

Name: STANTEC CONSULTING SERVICES INC.

Address: 5 Dartmouth Drive Suite 101, Auburn NH 03032

Phone: (603) 669-8672

Fax: (603) 669-7636

Representative: Rene LaBranche, Senior Principal

DESCRIPTION OF ASSIGNMENT AND SERVICES ("SERVICES"):

Perform preliminary engineering services for the funding, permitting and engineering design for the North Road culvert replacement as outlined in Stantecs scope of services letter dated August 21, 2018.

FEE BASIS ("FEES"): Agreement Amount: \$7,500.00. Invoice Basis: TM based on Stantec Rate Tables invoiced monthly

By this **NOTICE TO PROCEED** effective August 21, 2018 ("EFFECTIVE DATE"), CLIENT authorizes STANTEC to proceed with the **SERVICES** in accordance with the **TERMS AND CONDITIONS** of the Professional Services Agreement dated May 1, 2001, between TOWN OF CANDIA, NH and STANTEC CONSULTING SERVICES INC. CLIENT agrees to pay STANTEC's invoices for the **FEES** upon receipt.

TOWN OF CANDIA, NH

Susan Young, Chairman Board of Selectmen

Print Name and Title

Per: _____

Print Name and Title

Per: _____

STANTEC CONSULTING SERVICES INC.

Rene LaBranche, Principal

Print Name and Title

Per: _____

Bryan Ruoff, Project Manager

Print Name and Title

Per: _____

CONDITIONS:

1. The total amount of all claims the CLIENT may have against STANTEC shall be strictly limited to the professional fees paid to Stantec for the **SERVICES**.
2. Fees for Services will be performed at STANTEC'S time basis rates unless noted otherwise above. An 8% flat rate disbursement recovery charge will be applied to all fees.