

~~Unapproved~~ **APPROVED**
Candia's Selectmen's Public Meeting Minutes
February 11th, 2019

Attendance: Chair Susan Young, Vice-Chair Carleton Robie, Selectman Russ Dann, Selectman Boyd Chivers, Selectman Scott Komisarek and Administrative Assistant Andria Hansen.

7:00 p.m. Chair Young called the public meeting to order following the Pledge of Allegiance.

Roll call: Chair Susan Young, Vice-Chair Carleton Robie, Selectman Russ Dann, Selectman Boyd Chivers, Selectman Komisarek and Administrative Assistant Andria Hansen.

Public comment: There was no public comment at this time.

Approval of Minutes: Public and Non-Public meeting minutes of January 28th, 2019 and Public minutes of February 5th, 2019. Selectman Dann moved to approve the Selectmen's Meeting minutes of January 28th, 2019 as presented. Seconded by Selectman Chivers. Chair Young, Selectman Robie, Selectman Chivers, Selectman Dann were in favor and Selectman Komisarek abstained. Motion carried on a vote of 4 to 1. Selectman Chivers moved to approve the Selectmen's Meeting minutes of February 5th, 2019 as amended. Seconded by Selectman Dann. Chair Young, Selectman Dann, Selectman Chivers were in favor and Selectman Robie and Selectman Komisarek abstained. Motion carried on a vote of 3 to 2. Selectman Robie moved to accept the Selectmen's Non Public Meeting minutes of January 28th, 2019 as presented. Seconded by Selectman Chivers. Chair Young, Selectman Robie, Selectman Chivers, Selectman Dann were in favor and Selectman Komisarek abstained. Motion carried on a vote of 4 to 1.

Departmental Reports: Highway; Police; Fire; Building; Planning; Solid Waste; Budget; Other.

Highway: Road Agent Lewis read from the attached report. This has been the worst winter they've had in a long time. They haven't had much snow but they've had three mud seasons already. The freeze/thaw has been horrendous. They've had a couple of ice storms already. It is not good for the budget. He's patched some of these roads once a week. He used 11 tons of patch for the month of January which is ridiculous. Normally that is what they use in the summer. He hauled gravel to muddy dirt roads. Every dirt road has turned to mud. Some of them are almost impassable. He tried to grade them at night as they freeze or early morning so they freeze flat. Otherwise they wouldn't be able to plow them. It is pretty tough on their trucks as it is when they aren't quite frozen. It does a number on the plows and the trucks. They've had some flooding issues and had a rain storm on January 24th. He didn't know where all of the water came from on Douglas Drive, but it came down Christine Lane like a river. It overpowered all of the culverts in that subdivision. It went down Christine Lane turned and came down Pine Ridge Drive. It went into two yards on Pine Ridge Drive and there was nothing they could do. The culverts were going at full bore. That road must have had six inches of water from snow bank to snow bank. The residents were not happy and he told them there was nothing he could do, it was the volume of water. It finally went down by 11 pm that night. He cleaned all of the gravel and debris out of the road and it froze up again the next day. He didn't know where it came from, but it didn't come from the new house lot. There was absolutely no run off from the new house lot. It overpowered the culverts from Flint Road all the way down to Old Candia Road. He didn't know if there was more rain there, but there was a fair amount flooding around town that night. He hasn't seen water like that on Douglas Drive in years. It's been an interesting winter. Chair Young saw that Raymond closed down Lane Road; it's not just Candia where this is happening. Road Agent Lewis said they've had a fair amount of high wind; there were quite a few trees to

clean up around town. Chair Young thanked Road Agent Lewis and she has heard nothing but good reports about the way he maintains the roads.

Police: Chief McGillen introduced Police Officer Mike Bever to the Board. He is the newest full time officer. He lives in Nashua and he is a Military Police Officer in the Army Guard. Chief McGillen explained he is currently training with Corporal Langlois. The Selectmen welcomed Officer Bever aboard.

Chief McGillen mentioned they have a lot of identity fraud going on. He and Corporal Langlois are keeping busy. They have a lot of small things that may not be noted on the report, but they are swamped. It's just the two of them handling the calls and the other two guys are working the midnight shifts. Keeping busy is an understatement right now.

Selectman Chivers asked if Lt. Gallagher was all done. Chief McGillen said he was eager to help the day he was leaving. He was going to help Rick out, but he is down in Florida now. He wanted to work on the day he left and he didn't know about his surprise party. Selectman Chivers mentioned that it was a nice little event they had for him here in the meeting room. His family was here, his Mom, Dad, and kids. Chief McGillen noted they also had something outside where the officers get on the radio, it is customary. It's called their last call.

Fire: Selectman Dann read from the attached report. He mentioned that he was talking with Fire Chief Young about alarms. The alarms can get dirty and dusty. Then they can malfunction, but they'll do what they are supposed to do and set off a signal. If people would be aware and had the alarm for some time, look at having them cleaned. The Fire Department doesn't care if there is an alarm they are going (to show up) that is what those alarms are for. They will respond to it. He reiterated that people really need to think about having them cleaned.

Building: Building Inspector Murray read from the attached report. Selectman Chivers asked if they ever found out what happened with the lights outside. Building Inspector Murray explained the big square light outside that faces the building, the ballast burnt out and it looked like it was on fire at some point. It shorted everything out. Electrician Mark Hetzel came in, isolated it and found out it was that. It was old style ballast. So he put in an LED bulb and took the ballast out and now it's just two wires. They shouldn't have any problems with that again. Building Inspector Murray said that Mark is a good man and he takes good care of us.

Planning: Chair Young explained that Planning Board Chair Rudy Cartier will be coming to the next meeting. He has another commitment this evening.

Solid Waste: Selectman Dann read from the attached report. He mentioned that the Recycling Center was awarded \$5,000 towards the purchase of the new Skid Steer from the NH the Beautiful organization.

Budget Committee: Chair Young announced the Budget Committee is meeting Wednesday evening at 7:00 pm if anyone is interested.

Old Business

Chad Brannon of Fieldstone Consultants – Donovan Road subdivision: Chair Young said the Chad Brannon wasn't able to make it this evening, he had a scheduling conflict. She didn't know if the Board wanted

to briefly give him some direction or discuss this. Or would they rather wait until the next meeting. He asked to be on the agenda for the 25th.

Selectman Chivers said he would prefer to hear from Mr. Brannon. Does he have a copy of our Class 6 Road Policy? Chair Young said he does and she'll be honest when she went over it, again her intent is to not have this gentleman spend a lot of money on engineering if it is not necessary. But when she went over the policy it says the Selectmen could or may allow improvements, only a single dwelling unit would be considered. She was hoping that he read this carefully, so he knows what the decision may be that night, but he does have a copy of the policy and the RSA's.

Selectman Robie didn't think that was completely clear. The gentleman is looking to subdivide a piece of property on Donovan Road and it already has a house on it. He thought if he wants to upgrade the road to a Class 5 or better like they spoke about a month ago, he thought they needed to look at it and consider it. The better part is going to come into play with the town specifications for a new construction road which is better than Class 5 which turns out to be a paved road with the property gravels and everything else. He thought they needed to make sure they get this right; he didn't think they could tell the gentleman that this is not doable. He thought in some way it is. Selectman Dann clarified if he brought the road up (to standard) he could build. Selectman Robie said that was his interpretation.

Chair Young explained there are two ways to change a Class 6 road to a Class 5. The first way is to have the town vote on it and the abutters have the right to have a petition to not to allow it. The second way is for the Selectman to reclassify it according to layout. There are only two ways to change a Class 6 to a Class 5.

Selectman Dann said that Carleton is saying that it would be better than a Class 5 and it would be paved. Selectman Robie said a Class 5 is a dirt road. Road Agent Lewis said a Class 5 is anything the town maintains or the state. The road right out front is a Class 5 road and so is Currier Road. Selectman Robie said his interpretation was a little different than that. Our town spec for a road is above a Class 5 road in their interpretation. Road Agent Lewis said their standard may be a Class 5. There is no Class 5 standard per se. Like he said Currier Road is a Class 5, but our subdivision regulations make a very good Class 5 road. When they rebuilt Adams Road they do their best to do what our subdivision regulations say. The only thing they can't do is site distance and they can't do grades because they are existing. That's the main difference they try to do the same gravel layers, sand layers, same type of pipe and under drain.

Selectman Dann confirmed this would be a subdivision that this gentleman is talking about. Selectman Robie said that is what he is working towards. Chair Young explained that the Planning Board doesn't have the authority to grant him one on a Class 6 road. Unless she is reading this incorrectly, it might be backed up with what town counsel's opinion was. Chair Young read from the Class 6 Road Policy "you must receive written permission from the Board of Selectmen" and "Only a single dwelling unit without accessory units will be considered". This is what the policy says. Selectman Dann noted that it already has a unit. Selectman Robie said that is the issue. Chair Young said he wants to go above and beyond it.

Chair Young explained what she was citing is the only way to reclassify a Class 6 to a Class 5, a legislative body vote or the reclassification layout. Selectman Dann said the abutters and other people on that road have to be in favor of it too. Chair Young answered not necessarily. There are two ways. The entire town votes on making it a Class 6 to a Class 5. They can do it that way, but also within that parameter the abutters or anyone served by this road have the right to also put in a warrant article that says "we do not want you to". So that preserves people's rights. The second way is the town may reclassify a Class 6 road to a Class 5 status through the layout process which involves putting a Class 5 over a Class 6 road. Under this method the town's governing body (Selectmen) is responsible for laying out the new highway. The betterment assessment option detail under RSA 231:23, this is available under the layout process. Again she'll talk about this when the gentleman comes in. She would like the Board to be thinking about fairness. If they are going to do one you

are going to have to think what your decision is going to make on anyone else who wants to develop on a Class 6 road.

Selectman Chivers asked if they knew how many miles of Class 6 roads they have in Candia besides Donovan Road. Chair Young thought they had it as part of their packet from last month. Road Agent Lewis reminded the Board that we assume the maintenance of it as soon as you make it a Class 5 road. They don't maintain a Class 6. This is how they became to be Class 6 roads, because they weren't maintained by the town for 5 years or more. They never voted to make the roads Class 6 they voted to close them and then they fall into the Class 6 category by us not maintaining them. Selectman Robie said abandonment after 3 years. Once they make it a Class 5 they are obligated to maintain it. Chair Young said there are several things they tell you to consider before you decide whether you are going to keep it a Class 6 or Class 5.

Selectman Dann asked if the abutters should be notified for this discussion for the next meeting. Selectman Robie said it depended on what this Board directs this gentleman to do. From what he just heard they are going to tell him it is undoable. But if he does go back and draw a plan and he was going to look for approval at some point you have to notify the abutters just like through the Planning Board. He would say that is the Selectmen's responsibility. Chair Young said Mr. Brannon would have to pay for that. Selectman Robie agreed but he would need to notify the abutters.

Selectman Dann said the only reason he is asking is an abutter or anyone living on that road, all of a sudden they give him authority, he is trying to be up front and let them know that someone is thinking about doing it. Then they are aware of things that are happening on their road that is all he is thinking of. Selectman Robie explained that is why it is posted on the agenda. It says "Chad Brannon of Fieldstone Consultants – Donovan Road subdivision". Chair Young added there would be a public hearing prior to the approval. Selectman Dann said he was thinking they would look at this and maybe they will show up and see what is happening. Just that they are aware that someone is looking to do something.

Chair Young said she wasn't quite clear which property this is. Selectman Robie said it is the first lot on the right. There was some discussion about the location. Road Agent Lewis said it was about 800 feet in on the right. Selectman Robie explained the front lot has frontage on Chester Turnpike.

Chair Young said these are just a couple of things to be thinking of before he comes in. If this is not something where the Board of Selectmen wants him to bring in a plan, she would like him not to spend a lot of money on the engineering. Selectman Chivers agreed with that. Chair Young said until they take a vote on what they are going to do, it is hard to tell him that. She thought when he came in last time he was looking for direction, but the next step for him would be to present plans to upgrade to a Class 5 road. She thought some of them didn't want him to spend the money, if it was something that the Board was not going to allow developments on a Class 6 road.

Selectman Komisarek referred to the Class 6 Road Policy section 4(b) "Only a single dwelling unit without accessory units will be considered." Chair Young said that was one of the things she noted. Selectman Robie said it was confusing, that's if the lot doesn't already have something on it and they're not considering subdividing it. If somebody comes in and wants to put a single family dwelling on one lot and the road isn't up to a Class 5 standard or better. Road Agent Lewis explained what that pertains to, say one of us owns a piece of land on a Class 6 road and you apply to the Building Department for a building permit, it just applies to what you need to upgrade the Class 6 road to, to get to your one lot without any subdivision. It is a preexisting lot on a Class 6 road. They needed some sort of a standard to make sure the fire trucks could get in there and things like that. That is basically what that address's. It is not a subdivision on the road or bringing it up to Class 5.

Selectman Robie said that is why they have to go back to the beginning of that policy and read the first paragraph. The second paragraph is where it talks about what you have to do if you want to do a subdivision on a Class 6 road. Road Agent Lewis noted it took them a couple of years to write that. Selectman Chivers said you can read the first paragraph "Statement of Purpose. It is the purpose of this policy to minimize

development along Class VI and Private town roads which might tend to drain existing town services and force increased costs on the Town to provide additional services.” He thought it was pretty clear it discourages it. Selectman Komisarek said as he read through it he saw that. What he saw first was that it was an individual case. They keep talking about its clear “the Board of Selectmen will consider any factor relevant to the authorization of a building permit on an individual case basis.” He went on to read from 4(d) “Beyond the physical standards of the Class VI or Private road, the Board of Selectmen may, seek a written road maintenance agreement if there is more than one party who will be residing on the road in question, or the applicant agrees in writing to assume 100% of the road maintenance costs for the portion of Class VI or Private road affected.” He is trying to understand what the intent is. At that point if someone is taking 100% responsibility is it draining the services.

Road Agent Lewis said when they were dealing with this they had no policy. They needed to have something in place and what was going on is they have one road where one person was doing the maintenance and other people were building along there who didn't want to contribute. Chair Young said that still happens. Road Agent Lewis said that still happens but the Selectmen do have the authority to ask for a written agreement with everybody now, before it was a free for all. Selectman Robie said it still is. Road Agent Lewis replied if the free for all got out of hand you could step in as the Board of Selectmen and say you people need to present us with a written agreement on how this is going to work. Chair Young didn't believe it was a free for all, there's an agreement and a release that the Board should be getting. Selectman Robie said they don't have any agreement and releases. They have one that isn't filled in, nobody every filled it in. Chair Young questioned who dropped the ball there. Road Agent Lewis explained everybody gets a building permit on a Class 6 road. Chair Young said it does say under Section 5 “Landowner assumes responsibility for maintenance and repair of the Road, to be used solely as access to a single-family residence.” It is not talking about a development here. You have to file this with the Registry of Deeds.

Selectman Komisarek said what he is trying to get clear on is the intent. When he reads this, so it is clear they don't want a drain on services. If you read on it appears that they were trying to find ways that wouldn't be a drain on services, but someone could still do something. He's trying to understand what the sense of the Board is. What was the intent of the policy? If you weren't ever going to consider anything you should have just said it can't be done. He questioned what the intent was. Road Agent Lewis answered let's say you own 50 acres or 3 acres out there you wouldn't be denied use of that for your house. It would be for one home. So we wouldn't end up with a full blown subdivision on a one lane cart path that suddenly drained town services because everybody there would say this is a town road and we want the town to maintain this.

Chair Young said whoever is applying for this building permit or whatever they are doing can sign this agreement or not. It seems like they are urging or making it crystal clear the responsibility for that road is that person or group of persons. She didn't see the development aspect here.

Selectman Komisarek said that fact that they are seeking to subdivide is a key issue. You are saying that it is really inconsistent with what the policy says. Chair Young thought the opinion they got from the town attorney was very similar to that.

Selectman Dann asked if a person has a piece a property a mile in on that road, he builds it and someone else has another piece of property they bought and this person has been keeping that road plowed all of this time. Did this come about because people don't want to chip in? Road Agent Lewis said this is one reason and they needed a policy in place to allow it. People could build on their property as long as it's on a Class 6 road not a closed road. It seemed to have worked. Selectman Dann said as long as they sign the agreement. Selectman Robie didn't think they had any houses built in the past 10 years on a Class 6 road. Road Agent Lewis couldn't think of any and the last one might have been on Donovan.

Selectman Robie asked if they voted in the past 10 or 12 years that there would be no more building permits issued past the last house existing on a Class 6 road. Road Agent Lewis said he didn't know about that.

Building Inspector Murray said he hadn't seen it in writing. Selectman Dann said on Donovan Road there is no other house that could be beyond that one. Road Agent Lewis said it would be on stilts if it was. Chair Young asked if it would be in the policy. Road Agent Lewis clarified that it would have to be a warrant article vote. Chair Young said she didn't remember the town voting on that. Road Agent Lewis thought they should look into that. Selectman Robie said that Building Inspector Murray has never seen it, but he has never been approached to have a building permit past the last house already existing on a Class 6 road.

Chair Young said it appeared to her that any house on a Class 6 whether it is before last one needs to sign this agreement and it needs to be recorded at the registry. Building Inspector Murray thought the purpose of that is to take the liability off of the town.

Chair Young noted if it is agreed to make it a Class 5 or accepted as a Class 5 there is another couple of things that she would be handing out to the Board about liability and what that means and the Board might want to consider. She just wants to give this guy some direction and not come back every month and look at it some more. Road Agent Lewis noted they do have a few miles of Class 6 roads.

Selectman Komisarek thought they should just send him a letter and save him the trip. Chair Young didn't know if they needed a vote or what they needed to do. She will do whatever if they would like him to come back. Selectman Robie thought what he told him last month is what they ought to do. He ought to draw up some plans, upgrade the road, and they need to look at it and consider whether they are going to accept it or not. If they already know they are going to accept it, if he builds a road up to town specifications in the first 800 feet and if he builds the road to town specs then he can go to the Planning Board for subdivision approval. Selectman Chivers said he disagreed with that. He didn't think they should give him any encouragement if they adhere to the policy and the terms of their Class 6 Road Policy. He didn't know how they could give this guy any kind of encouragement. In the Statement of Purpose and Section 4(b) it says "Only a single dwelling unit without accessory units will be considered" and he is proposing more than that. He's in violation of our Class 6 Road Policy. Chair Young didn't think he was in violation. Selectman Robie said he was looking for a subdivision through the Planning Board. In order to have a subdivision he needs a road, so he can't get a subdivision until he has a road. Chair Young added he has to go to us the Planning Board can't make that decision. She thought he was trying to do the right procedure.

Chair Young reiterated that she didn't like leading people on when she thinks she knows what might happen. Selectman Komisarek said he wasn't clear on this. What's supposed to guide us through this decision? He noted that Carleton is saying as a Select Board we just need to make a determination on a road so the guy can go back to the Planning Board. Chair Young said "just" is not the right word to use. If the Board gives him permission to make that a road and he'll present his specs and all that to make a Class 6 road into a Class 5 for the purpose of putting these three houses up. If they do that you have to look at the big picture. Selectman Robie said if they did that, then he would go to the Planning Board, then when they had the public hearing for the subdivision the abutters and anybody else would come in and whether they wanted to approve this gentleman's subdivision on their road which they think is their own private road. The only thing they are going to agree to is if he can get it passed they will accept the road. It was like when they tried to pave Currier Road the residents didn't want to pave it, but at some point they are going to have to. They are putting more money into Currier Road today in gravel that they are never going to get back, then it would cost to build the road and pave it.

Chair Young asked if he was saying it didn't matter what the people who live there say. Selectman Robie said he just did say they will go to the Planning Board meeting and they will lobby their case to the Planning Board on why they don't want a subdivision on a Class 5/Class 6 road. Chair Young said it would then be an approved Class 5. Selectman Robie answered they would give him permission to do the improvement if he could get the subdivision approved. Selectman Chivers clarified that it would have to be a Class 5 road before they could consider a subdivision on that. Selectman Robie said when it is a brand new

subdivision the road isn't built and they give them an approval for a subdivision. Chair Young said like the one on High Street.

Road Agent Lewis said he wants a 3 lot subdivision on a Class 5 road, but he doesn't have a Class 5 road yet and he needs the Board to make it into a Class 5 road. He's not asking for a subdivision on a Class 6 road, he's asking to upgrade Donovan to a Class 5. He has neither right now. Selectman Robie said he needs to start with the road.

Selectman Komisarek asked if they were saying this policy doesn't apply. Road Agent Lewis said it doesn't. He can't do what he wants to do by that policy. He needs the Selectmen to make it a Class 5 road then he can just go to the Planning Board and subdivide on a Class 5 road.

Chair Young asked if they have ever known the Planning Board to say no when the subdivision has met all of the regulations. If doesn't matter if Trump comes down here and doesn't want it, have you ever known the Planning Board to say "I hear you public we aren't going to approve the subdivision" because she has never seen that happen. Just due to public input, because if you meet the regulations you've met the regulations. Selectman Chivers agreed.

Resident Carla Penfield said that Mr. Dann mentioned abutters and whether or not they want the road upgraded. Are there abutters on the street? Chair Young confirmed there were. Resident Carla Penfield thought before the Select Board decided to tell this man to upgrade to a Class 5 road you have to hear what the abutters have to say don't you. Chair Young said you actually don't, she believes they should. Selectman Robie said they talked about this and you have to notify the abutters. Selectman Dann said if he understood Carleton if you want to do this you have to bring it up to a Class 5 road if the Board says that. Now he has to go back to the Planning Board and he presents whatever he has to present. That Class 5 road is going to be laid out on his plans. The abutters are now going to have to either approve or not approve. He is familiar with this road and is he going to end it at his property, so the other people down the road still don't benefit by it. Then you need a turnaround for emergency vehicles. This would be the development he would need in the plan.

Chair Young didn't believe there is any legal notification to the public or the abutters in general until a developer goes to the Planning Board. The Selectmen do not send a letter to all of the abutters saying on our agenda next week is going to be this decision. We do not do that, we don't have to do it, and we don't normally do it. What Carleton said, if she didn't misinterpret it is they are given notice by knowing what is on the agenda. No offense, but she doesn't know what is on the School Board agenda. It's her personal opinion if they are going to start making roads from Class 6 into Class 5 they better think about it seriously. Because in her opinion for fairness if you are going to give it to one developer, you are going to give it to another and the next one might not want three. If you look at the tax maps and you look at the topography there's opportunity for a lot more on a lot of Class 6 roads. So you can determine what kind of character you want to keep in Candia and what you want keep for roads and how you want it to go.

Robert Sanborn of Auburn asked if it was in the Master Plan the character and all that. Chair Young answered it is actually in the Capital Improvement Plan and they talk about keeping a certain characteristic.

Selectman Komisarek said when they are looking at the Class 6 Road Policy when they talk about upgrading to a Class 5 it's a case by case, but they are saying is we are throwing that away. Now they are saying that if they just look at the Class 5 road now they are setting precedent which is unrelated to the actual policy. Chair Young said that is if we approve it. If they say to him we'll let you make it into a Class 5 according to your plan and of course he asked to come in with plans. But it is five of them deciding not the community and not the abutters. Let's say the Board agreed to make it into a Class 5 then he or she has a Class 5 road and then they go to the Planning Board and then the abutters are formally and legally noticed. Selectman Komisarek said at that point they are setting precedent. Chair Young answered yes, if they've decided to make a Class 6 into a Class 5. Selectman Komisarek said in the road policy it is case by case so they are not setting precedent. So they are really doing something that has gotten away from the road policy. Selectman Chivers

said it is just a matter of fairness to the next applicant. Chair Young said in her opinion if you treat one person one way you have to do it for another. So if someone came and asked if they could build on the extension of North Road or Merrill Road, if someone wanted to put three houses up there how are they going to say no as long as they bring it up to Class 5 specs. If she was a builder and wanted to build on that little section and you told her no she be saying wait a minute someone was in here a couple of years ago and you let them and why not me. It is something to think about.

Selectman Robie asked what was wrong with that. Chair Young said you have to decide, she has given her opinion. Selectman Dann said we would have more taxable property that would be a subdivision road so it would have to meet all of the specs. Would that change the character of Candia at that point? Chair Young answered she didn't know and she didn't want to go that far because you'll have people in town that will say every house you build changes the character. Someone is going to complain about Crowley Road that's not even in our town and that is going to change the character. So you'll have different opinions on that. Her only stance with the Class 6 road is just be careful that it's going to be something that you are going to be consistent with. There is a list with the few remaining Class 6 roads that they have left and they have to decide whether they want those developed or not.

Selectman Robie thought consistency was a good point. What they are talking about here is a case by case basis. Chair Young said they are talking about changing a Class 6 to a Class 5. Selectman Robie said they are talking about the future and this is a case by case decision that the Board is going to make. You look at this gentleman's application and he has 800 feet on the right hand side of Donovan Road that he wants to subdivide into four lots there is already one house on it. He wants to subdivide four lots and create three new ones. It is probably 1,000 feet because that first lot is a couple of hundred feet. He would upgrade that road to the 1,000 foot mark. The people on the left hand side of the road are going to benefit if they want to benefit from an upgraded road. The people beyond those 1,000 feet are going to benefit for that first 1,000 feet that is going to be upgraded that they're not going to have to upgrade. They talk about the case by case basis and if you talk about Baker Road (South Road end) or Libbee Road (near the golf course) and to get to the next buildable lots it is a long way. Which he knows the direction Chair Young is talking because she used North Road as an example. You have to go up there and see what is available for lots and what has frontage along those roads that would be considered subdivide-able if they had road by them. So it is all case by case or application by application.

Selectman Dann said it would be a case by case, because a developer would turn around and say am I going to spend "x" amount of dollars to put the road in to sell these lots and is it feasible to get the money out from these lots that they're selling. Chair Young said it is not inexpensive. Selectman Dann said some of that would curtail a developer from saying "I can't sell the house lot to recoup the cost". Chair Young thought he might have figured that out. He wouldn't be coming before us if he hadn't. Selectman Dann asked when it comes to the Planning Board they have public input and they could put in a warrant article to stop it or something. Chair Young said they can't at that point. Selectman Dann said the question he had was anyone on that road wouldn't have a say then. The people beyond that still wouldn't have a say in whatever happens. They still have their muddy road up into their area. Someone on the end might want a better road. Chair Young said they can't do that unless they petition. It is once a year and it would have had to be done for this year by now. It is the only way that anyone has a vote. Everybody has a right to their opinions. They can complain or whatever such as Currier Road. Half of the people don't want it paved and half of them do. So you can complain all you want. The one time you get a vote that influences something; it's not at our meeting or the Planning Board meeting. They could tell the Planning Board they hate this and it is a horrible idea, but she would be very surprised if the Planning Board refused that development if it met the specs.

Chair Young said you can wish all you want if you need to make something happen it has to be at the yearly meeting. If you have a warrant article saying "We do not want ---" then the whole town votes on it.

Selectman Robie said on that note if there is a piece on the left and a piece on the right and the person wanted to subdivide on the right. They could argue about who owns the road but it belongs to both parties on both sides and he has a right to develop his side of the road. He has the right whether the person across the street wants him to develop it or not. Robert Sanborn of Auburn said doesn't the town own the road if it is a Class 5. Selectman Robie said it is Class 6 and when you abandon that road it reverts back to the landowners on each side. Building Inspector Murray asked if there was a right of way over there that was owned by the town. Road Agent Lewis answered they just have an easement over everyone's property, 90% of the roads in town unless they are a new subdivision road and they have a deed they just have an easement over their properties. They still own to the middle the stone walls down either side of the road are the edge of our easement. The landowners own to the middle. Chair Young thought they owned to the middle if it was closed. Road Agent Lewis explained if they close the road we relinquish our easement. Chair Young confirmed it is only if they close it. Road Agent Lewis said they always own the land but we no longer own the easement for it. That is basically the difference between a Class 6 and a closed road. We still own our easement that is why the Board and the people have the say over what can happen on that easement. If they were to close it, it would be gone.

Selectman Robie said that is why he has to come to the Selectmen to be granted permission on a case by case basis from what he understood. Chair Young asked if that was what they intended to do just so they can get back to this gentleman. She told the Board to be prepared at the next meeting to let this gentleman know whether the Board is supporting his plan for a Class 5 road.

Selectman Komisarek clarified they are back to the policy and saying based on the policy depending on how you interpret it, like what Sue is saying is we really don't have the right to allow the guy to do it. Selectman Chivers said they should change the policy if we disagree with it. Chair Young didn't think that was fair to do midstream. Selectman Komisarek said just based on this policy one could make a strong case that we wouldn't be acting in good faith. Chair Young asked the Board to be prepared to give this gentleman some type of strong direction on February 25th.

New Business

Robert Sanborn – abatement request: Mr. Sanborn explained he wrote a letter to the Selectmen on January 18th. He lives in Auburn and he has a sliver of land that's in Candia. It's kind of convoluted his father sold the land that includes this sliver of land years ago. She (Civitina Gordon) ends up dying and it comes back into his family. So he has tax information that he would like the Board to look at. His father passed away and he gets the land and he realizes there is a lien on the property. He is trying to clarify these liens that are on the property plus all of the interest. He is not clear how much is really his responsibility versus the previous owner of this land who was Civitina Gordon. Selectman Chivers explained the lien follows the property. Mr. Sanborn said he wasn't following what Selectman Chivers was saying. Selectman Chivers explained the lien is on the property itself. Mrs. Gordon was probably responsible for paying those taxes while she was alive, but she didn't. Mr. Sanborn said he had no relation to her. Selectman Chivers confirmed that he inherited the property from her. Mr. Sanborn said he didn't inherit it from her his father somehow got the property back whether he paid for it from the heirs of Civitina Gordon, he didn't know the history. So now it comes down to him. When he looks at this she was responsible for the taxes of this land that is getting pushed to him plus interest. He didn't really know if he should be responsible for that if someone incurred those charges. This is what he is pleading to the Board to help him out here. He would like to clear this up.

Chair Young asked if he was in a trust. Mr. Sanborn said the trust has been dissolved and he owns the land. It has been put back in with the major part of 175 acres that is in current use. Chair Young asked when this trust was established. Mr. Sanborn answered years ago. Chair Young said when this land went into the trust whoever the trustee is would be responsible to make sure the taxes are paid. Mr. Sanborn explained the

land didn't come in until his father died. The trust was made a long time ago and he is the trustee, but he didn't become trustee until he passed away in 2017. Chair Young asked who was paying the taxes on that property. Mr. Sanborn thought Mrs. Gordon should have been paying them. Chair Young said someone wasn't paying them since 2013. Mr. Sanborn said if you look at the documents, it says "Year of Lien 2016" and it says Civitina Gordon.

Selectman Chivers said rather than sit here and litigate who is responsible for paying the taxes Mr. Sanborn's request appears entirely reasonable to him. Mr. Sanborn is willing to pay the unpaid taxes in light of all of the circumstances he felt the Board could consider an abatement of \$209.47 in interest. Mr. Sanborn said that was what he was thinking. Selectman Chivers said rather than sit here and argue who is responsible and Mr. Sanborn is current with the 2017 and 2018 taxes. This probably won't ever happen again and this thing got dropped through the cracks with the property transfer and he didn't get noticed of the taxes. In his estimation the Board should consider and give favorable consideration to Mr. Sanborn's request for \$209.47 in relief of interest. Mr. Sanborn said he was totally happy with that idea.

Selectman Chivers moved to abate Robert Sanborn's interest on the property known as 413-010-01 in the amount of \$209.47. Selectman Dann seconded for discussion. Chair Young didn't believe this was a financial hardship. Selectman Chivers said it was a mistake someone made, he didn't get notice of the taxes. Chair Young asked him who did. Selectman Chivers said that Civitina Gordon did. Chair Young said that Mrs. Gordon was dead. Mr. Sanborn said he didn't know the year that Mrs. Gordon died. Chair Young said her thought, just like with the road, we better be darn careful we are being consistent here. Selectman Chivers said he would do this again in a heartbeat next week. Chair Young said she would come in next week and try it.

Selectman Komisarek thought in the past they've consider some of these things and they've always looked at that 18% as being steep. He thought they could tell that if Mr. Sanborn has been aware of it he would have stayed current. They are talking about a small amount of money here. He would support some form of a reduction based on the 18%. Selectman Robie said his thought is the same as Scott's and 18% is high and they have always worked within the numbers to help somebody out that was willing to pay. They got caught up where the interest had accrued at a rapid pace. Mr. Sanborn asked if certified letters were sent out. There is a whole host of issues that could be raised. Selectman Robie said his point is just for precedent and 6% would be a reasonable number. There is a motion made and seconded. So they need to talk about if they are going to retract our motion or amend the motion.

Mr. Sanborn said when they first proposed this he was happy with that proposal. He thought it was fair. He didn't incur these charges. He would like to just end this. Selectman Komisarek said as Boyd pointed out it does run with that land and no matter how it happened Mr. Sanborn is technically responsible. It is an 18% interest rate. Mr. Sanborn asked where he could find where he is technically responsible for that. Chair Young said the Tax Collector has records. Selectman Robie said it's because he owns the land. Selectman Komisarek reiterated that Mr. Sanborn was responsible. Selectman Robie explained if he were to sell that piece of property to somebody that needed to go borrow the money, a mortgage company would research that deed and they would see the lien. The lien goes with the land. Chair Young said she would compromise on the interest rate; she didn't have a problem with that. She just didn't understand why whoever was involved with the trust, why the attorney or who you used didn't bring that up. Mr. Sanborn said he was the guy in the trust but that happened in 2017. Selectman Robie said it has been out there for 2 ½ years. He paid his taxes for 2017 and 2018. Mr. Sanborn said he is trying to research what the responsibility was.

Chair Young said the Board can vote and they will go with that. Mr. Sanborn said he would do what the Board wants, but do the best they could. Selectman Chivers said they have adjusted the interest (in the past) if there was a hardship, but there is hardship with Mr. Sanborn this fell through the cracks. He didn't think it was unreasonable to abate \$209.47 in interest. Maybe it got lost in the mail. Chair Young asked Selectman Chivers if he knew that. Selectman Chivers thought it was pretty clear. Chair Young asked if he got a certified letter.

Selectman Robie said he didn't receive the letters he didn't become the owner until Mrs. Gordon died. Selectman Chivers added Mrs. Gordon may have received all of the letters, but she didn't pay it. This guy inherits the property along with the tax liability. Mr. Sanborn said he may have gotten a certified letter, but he is not certain. He got it when he went to pay his taxes. Chair Young called for a vote. *Selectman Robie, Selectman Chivers, Selectman Dann, Selectman Komisarek were in favor and Chair Young was opposed. Motion carried on a vote of 4 to 1 (4-1-0).*

Other business

Solid Waste report: Selectman Chivers said they get a report from the Recycling Center every month. Do they think they could make a spread sheet to show how much we sold the previous year so they can identify trends over there? Right now they know how much they send out each month, but if they are going to look at it on a long term basis shouldn't they know what the trends are, how much they are selling and how much they are getting. Chair Young thought the Recycling and Energy Committee could do it because she didn't think they had time for that. Selectman Dann said right now the revenue doesn't come in time for our meeting. Selectman Chivers said it does throughout the year. Selectman Dann said it is a commodity, so it is hard to say you have this much this week and then the market is up or down. Selectman Chivers said you can plot trends after six months. This is what he would do. Selectman Dann said they could look at that. Chair Young reiterated the Recycling and Energy Committee could probably look at that. Selectman Chivers asked if they could make a little spread sheet.

Planning Board secondary rep: Selectman Robie said that Mr. Komisarek is on the Planning Board agenda for next Wednesday night and he is not able to make the meeting. They may want to appoint another Selectmen's Rep to the Planning Board. Selectman Komisarek said this year is almost over and he is going to be leaving and Carleton is unable to make those meetings, so they would like someone to step and finish off the rest of the year. Chair Young said she could do the next two Planning Board meetings. Selectman Komisarek noted he won't be at the Planning Board meeting for the first week in March.

Carla Penfield for the Smyth Memorial Building. Smyth Memorial Building Trustee Carla Penfield was present. She noted they have a septic plan that was drawn up a few years ago and it was registered with the state. But in order to keep it, it needed to be renewed after three years. They didn't renew it and now it is three years later. They would like to renew that septic design. They don't have any money in their budget for it. It was something they just thought about over the last couple of months, so she would like the Select Board to give them \$300 out of their fund. The Board makes the decision on whether or not they can have any money that is in their existing fund. They have around \$10,000 in that fund. She is here to request that they have \$300 from that fund so they can reregister the septic plan. Chair Young said it appeared to her that is where the public wants that building to go. They have discussed having septic and water before it can get there. Selectman Robie moved to solicit the Trustees of the Trust Fund for \$300 from the Smyth Memorial Fund for the resubmission of the septic design. Seconded by Selectman Chivers. All were in favor. Motion carried.

Board to authorize payment of payroll and accounts payable. Selectman Chivers announced the grand total for accounts payable and payroll checks for February 7th and February 14th was \$655,788.98. Selectman Dann moved to approve the accounts payable and payroll checks for February 7th and February 14th was \$655,788.98. Seconded by Selectman Chivers. All were in favor. Motion carried.

Calendar

Candia Selectmen's Public Meeting Minutes of 2/11/2019

- Presidents' Day February 18th, 2019 – Town Offices closed
- Boy Scout enclosure deadline – February 21st, 2019
- Voting on March 12th 6:00 am to 7:00 pm at the CYAA

March voting: Selectman Komisarek noted that Boyd and Carleton do the early shift and Russ can't because he is running. He and Sue will do the later shift. He asked if that worked for everyone. Selectman Robie noted the person running for a position can still work the polls, they just can't be around the ballot box or touching the ballots. It is in the Elections Laws under Selectmen duties.

Public comment: There was no public comment at this time.

Selectman Dann moved to adjourn at 8:22 pm. Seconded by Selectman Chivers. All were in favor. Motion carried.

Respectfully submitted,
Andria Hansen
Recording Secretary