



Candia Volunteer Fire Department

11 Deerfield Road

Candia, New Hampshire 03034

(603) 483-2202

(603) 483-2311 (fax)

www.CandiaVFD.org

MAR 04 2019



March 4, 2019

Mrs. Susan Young, Chairman Board of Selectmen Town of Candia 74
High Street Candia, NH 03034

Re: Recommendation for Appointments to the Candia Volunteer Fire Department

Dear Chairman Young,

It is my pleasure as Chief of the Town of Candia Volunteer Fire Department to provide you with the name of an individual who I recommend for appointment to the Department. This individual has demonstrated a strong commitment to providing professional level emergency services to the Town of Candia and I offer this recommendation without reservation.

The person recommended has submitted background information attesting to their individual skill level and have agreed to attain and maintain at least a minimum level of professional certification consistent with the needs of the Department. This applicant has also provided information as to their character and background and will have undergone a criminal background investigation conducted by the Candia Police Department and the State Police.

I would request this appointment be made effective March 11, 2019.

Michael Kelley
93 Currier Road
Candia, NH 03034

Michelle Gaudet
117 South Road
Deerfield, NH 03037

Again, I am pleased to recommend this individual for appointment. If you have any questions please feel free to contact me at 603-703-7155 (cell).

Sincerely,

Dean Young, Chief
cc: Personnel file

LOOK
PLEASE READ
S
C.R.
RD
BR

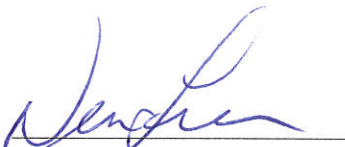
* 3/11 BOS mtg?
Yes @ beginning so
they can go to their
mtg

February 11, 2019

TOWN OF CANDIA
ROAD AGENT'S REPORT
Month of February 2019

Work Summary:

- There were 6 plowable storms & 17 sand/salt spreader runs.
- Grading on all dirt roads due to muddy conditions
- Patching was done as needed
- Cleaned up down trees town wide due to high winds
- Hauled stone for muddy conditions



Dennis Lewis
Road Agent

No Crime Incident Event Breakdown

Event	Description	Total	%
911	911 Hang Up	0	00.0
ACP	Animal Complaint	0	00.0
AFE	Assist Fire/EMS	0	00.0
AIM	Aided Motorist	0	00.0
AL	ALARM	0	00.0
AOA	Assist Other Agency	5	08.1
ASC	Assist Citizen	10	16.1
BEA	BEAS Investigation	0	00.0
CF	Dog License Civil Forfeiture	0	00.0
CIN	Child In Need of Services	0	00.0
CIV	Civil Standby	0	00.0
COM	Community Outreach	0	00.0
CRA	Cruiser Accident	0	00.0
DCF	Discharge Firearm	0	00.0
DCI	DCYF Investigation	0	00.0
DIS	Disturbance	0	00.0
DOG	Dog At Large / Loose Dog	0	00.0
FIN	Fingerprinting	0	00.0
FPR	FOUND PROPERTY	0	00.0
IEA	INVOLUNTARY EMERGENCY HOSPITALIZATION	0	00.0
JUV	Juvenile Complaint	0	00.0
LPR	Lost Property	2	03.2
MED	Medical Call	1	01.6
MIP	Missing Person	0	00.0
MVC	MOTOR VEHICLE COMPLAINT	0	00.0
NC	Noise complaint	0	00.0
NDT	National Drug Take Back	0	00.0
NED	Neighbor Dispute	0	00.0
NO	NOTIFICATION	0	00.0
NTO	No Trespass Order	0	00.0
OD	DRUG OVERDOSE	0	00.0
OF	FATAL OVERDOSE	0	00.0
OHR	OHRV COMPLAINT	0	00.0
OTH	Other	0	00.0
PDB	Prescription Drug Box	0	00.0
PIN	Police Information	19	30.6
RAD	RADAR ENFORCEMENT	0	00.0
RH	Road Hazard	0	00.0
RPO	RETURN PROPERTY TO OWNER	0	00.0
SC	SHOOTING COMPLAINT	0	00.0
SDA	Suspected Drug Activity	0	00.0
SDT	Sudden Death	1	01.6
SEC	SECURITY CHECK	0	00.0
SGA	Suspected Gang Activity	0	00.0
SP	SERVE PAPERS	12	19.4
SPA	SUSPICIOUS ACTIVITY	4	06.5
SPM	SUSPICIOUS MOTOR VEHICLE	2	03.2
SPP	SUSPICIOUS PERSON	1	01.6
SSA	SAFE SCHOOLS ACT	3	04.8
SUI	SUICIDE	0	00.0
SX	Sex Offender Registration	1	01.6
TE	Traffic Enforcement	0	00.0
TRU	Truancy	0	00.0
TWD	Tree / Wires Down	0	00.0
VIN	VIN VERIFICATION	0	00.0
WB	Well Being Check	1	01.6
---	Not Specified	0	00.0

01/01/2019 - 02/28/2019

Offenses (State Law) By Month

	<u>JAN</u>	<u>FEB</u>	<u>TOTALS</u>
Simple Assault; Physical Conta	0	1	1
Criminal Threatening - Conduct	0	1	1
Theft by Unauthd Taking \$0-\$10	3	1	4
Attempt To Commit	1	0	1
False Personation	0	1	1
Identity Fraud; Pose to get In	1	1	2
Identity Fraud; Pose as Anothe	1	0	1
Identity Fraud; Obtain Persona	4	2	6
Identity Fraud; Obtain Info fo	1	0	1
Identity Fraud; Pose to get In	1	0	1
Criminal Mischief	0	1	1
Criminal Mischief	1	0	1
Issuing Bad Checks \$0-\$1000	0	1	1
ARREST ON ANOTHER AGENCY'S WAR	1	0	1
Dog; Menace, Nuisance, Vicious	1	0	1
CRIMINAL LIABILITY FOR CONDUCT	1	0	1
DOG RUNNING AT LARGE-Candia T.	1	0	1
Suspension of Vehicle Registra	1	1	2
Drive after Rev/Sus; Reckless	1	0	1
Drive after Rev/Sus - subsqt	1	0	1
Drive after Rev/Suspension	0	1	1
Conduct After Accident	1	0	1
TOTALS	<u>21</u>	<u>11</u>	<u>32</u>

**Candia Volunteer
Fire Department
11 Deerfield Road
Candia, NH 03034
603-483-8588
603-483-0252 fax**

Memo

Date: March 11, 2019
To: Board of Selectmen
Re: Monthly Report

February 2019 HIGHLIGHTS

- 1. Regular Truck and Building Maintenance
- 2. Airbags & Cribbing, Firefighter Down Training
- 3. EMS Training

Candia Volunteer Fire Department

Departmental Activity

Current Period: 2/1/2019 to 2/28/2019, Prior Period: 2/1/2018 to 2/28/2018

00:00 to 24:00

All Stations

All Shifts

All Units

Fire Alarm Responses, Dispatch/Remote Responses, Training Classes,
 Activities (Non-Incident), Occupancy Inspections and Activities, Hydrant
 Insp/Repairs, Hydrant Flow Tests, Equipmt Maint/Testing, Departmental Events

Category	Current Period		Prior Period	
	Count	Staff Hrs	Count	Staff Hrs
Dispatch/Remote Station Incidents*				
EMS Incidents	0	0.00	0	0.00
NFIRS Incidents	0	0.00	0	0.00
	<u>0</u>	<u>0.00</u>	<u>0</u>	<u>0.00</u>
Fire Alarm Situations				
Chemical release, reaction, or toxic	1	2.31	1	6.51
Electrical wiring/equipment problem	2	6.74	0	0.00
Emergency medical service (EMS) Incident	17	44.61	16	49.64
Extrication, rescue	0	0.00	1	0.65
Good intent call, Other	1	0.30	4	3.01
Medical assist	2	1.86	0	0.00
Mobile property (vehicle) fire	0	0.00	1	3.64
Outside rubbish fire	0	0.00	1	2.40
Rescue or EMS standby	0	0.00	1	1.12
Service call, Other	1	3.77	0	0.00
Steam, Other gas mistaken for smoke	2	2.94	1	1.08
Structure Fire	0	0.00	1	11.90
System or detector malfunction	1	1.80	0	0.00
Unintentional system/detector operation	2	2.41	1	0.60
	<u>29</u>	<u>66.74</u>	<u>28</u>	<u>80.55</u>
Non-Incident Activities				
Communications Work/Maintenance	0	0.00	4	29.00
Company Training	0	0.00	6	0.00
Driver Training	0	0.00	2	3.00
Duty Sunday	16	29.50	22	40.00
Equipment upkeep	1	4.50	0	0.00
Protective Clothing	0	0.00	1	1.25
Station Maintenance	0	0.00	1	1.50
Station Standby - Town Coverage	0	0.00	5	10.50
Station Work	1	3.00	1	4.00
Storm Duty-- On Standby	0	0.00	3	20.00
	<u>18</u>	<u>37.00</u>	<u>45</u>	<u>109.25</u>

* Staff hours for Fire Alarm responses that have an associated EMS alarm record are considered shared hours. Shared hours are posted only with the EMS alarm responses to avoid duplication of staff hours in totals.

Candia Volunteer Fire Department***Departmental Activity***

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 Activities (Non-Incident), Occupancy Inspections and Activities, Hydrant
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Category	Current Period		Prior Period	
	Count	Staff Hrs	Count	Staff Hrs
Permits Issued				
SEASONAL Fire Permit	0		3	
	0		3	
Training				
Air Bags	11	16.50	0	0.00
Combined Operations	0	0.00	11	0.00
CPR	0	0.00	15	15.00
Emergency Medical Services	4	8.00	0	0.00
New England Fire Training Props	11	93.50	0	0.00
	26	118.00	26	15.00

* Staff hours for Fire Alarm responses that have an associated EMS alarm record are considered shared hours. Shared hours are posted only with the EMS alarm responses to avoid duplication of staff hours in totals.

February, 2019 Building Activity Report Summary

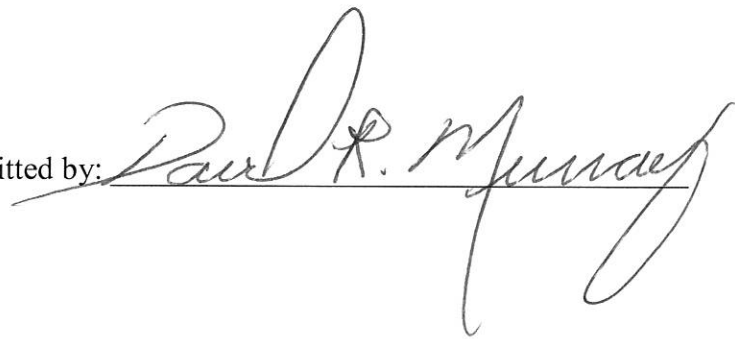
	<u>February, 2018</u>	<u>February, 2019</u>
Permits Issued	18	19
New Code Enforcement Cases	0	0
Open Code Enforcement Cases	3	4
Code Enforcement Cases Closed	0	0
Inspections Performed	75	62
CO's/CC's & Closed Permits	30	26
Renewed Permits	3	4

Revenue Feb, 2018
\$1,154.00 + \$243.04 = \$1,397.04

Revenue Feb, 2019
\$845.00 + \$250.56 = \$1,095.56

Revenue YTD, 2018
\$ 1,387.06 + \$1,397.04 = \$2,784.10

Revenue YTD, 2019
\$1471.56 + \$1,095.56 = \$2,567.12

Submitted by: 

Date: 3/11/2019

February 2019

INSPECTION BREAKDOWN including CO's

Commercial, Mixed, L1, L2

Building (BP)	
Electrical (EL)	
Gas Piping (GP)	
Place of Assembly (POA)	1
Solar Panels (SO)	

Residential

Building (BP)	12
Chimney (CH)	4
Electrical (EL)	10
Gas Burner (GB)	3
Gas Piping (GP)	1
Gas Tank (GT)	1
Oil Burner (OB)	2
Plumbing (PL)	2
Solar Panels (SO)	
Underground Tank (UG)	
Use Permit	
CO's and Closed Permits	26

Total Inspections: 62

BREAKDOWN PERMITS ISSUED

Permits issued Breakdown

Building (BP)	1
Chimney (CH)	2
Electrical (EL)	8
Fire Alarm (FA)	
Gas Burner (GB)	1
Gas Piping (GP)	1
Generator (GE)	1
Mechanical (ME)	
Oil Burner (OB)	1
Plumbing (PL)	2
POA/Use/ FC	
Solar Panels (SO)	2
Underground Tank (UG)	

Total Permits: 19

February 2019

The Candia Recycling Center land-filled **47.73** tons of Municipal Solid Waste (MSW). The CRC sent out **21.88** tons of C&D debris to a C&D Recycling facility. The total amount of waste processed at the Candia Recycling Center during February 2019 is **69.61** tons.

Recyclables

Mix Paper – 11 bales = 12,400 lbs. = **6.20** tons

Cardboard – 7 bales = 8,608 lbs. = **4.30** tons

#1-#7 mixed plastics – 2 bales = 2,402 lbs. = **2.22** tons

Aluminum cans – 2 bales = 1,641 lbs. = **.82** tons

#2 Natural Plastics – 1 bale = 739 lbs. = **.37** tons

There were **23** bales of recyclables created during Feb. 2019 that weighed **15.60** tons. There was also one load of glass recycled which weighed **10.61** tons which gives a grand total of **26.21** tons of material recycled in Feb. 2019.

There was one load of cardboard and mix paper marketed that generated **\$365.40** in revenue.

Year to date the recycling Center has generated **\$9,070.24** in total revenue. As of 3/1/19, YTD we have collected **24** TV's, **33** pieces of bulky furniture, **23** tires and **8** Freon devices. These fee items generated **\$1016** in revenue. The same time frame in **2018** generated **\$3464.78** in total revenue; there were **15** TV's, **15** pieces of bulky furniture, **9** tires and **6** Freon devices brought into the facility that generated **\$738** in revenue.

TOWN OF CANDIA

CLASS VI AND PRIVATE ROAD POLICY

**ADOPTED BY CANDIA BOARD OF SELECTMEN
JULY 23, 2007**

TOWN OF CANDIA

NEW HAMPSHIRE

CLASS VI AND PRIVATE ROAD POLICY

Under RSA 674:41, the Board of Selectmen has the discretion to authorize the issuance of building permits on Class VI and Private town roads, after review and comment by the Planning Board.

The Board of Selectmen has adopted this Class VI and Private Roads Policy to help guide the decision-making process with such an application. It is emphasized that the Board of Selectmen will consider any factor relevant to the authorization of a building permit on an individual case basis. Therefore, this statement is not intended to describe an exhaustive list of considerations, but to be a policy for both the Board of Selectmen and applicants for such building permits.

1. 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. It is also the purpose of this policy to ensure that any structures built on Class VI and Private town roads are accessible to emergency vehicles so that the safety and property of people occupying or using those structures will not be unreasonably placed at risk, nor will the safety of emergency response personnel or their vehicles and equipment be unreasonably endangered.
2. Application. Application shall be received 20 days before scheduled hearing. Applications to the Board of Selectmen requesting that the Board authorize the issuance of a building permit on a Class VI or private town road shall be made in writing and be accompanied by a site plan drawn to scale showing:
 - a) The location and size of the lot and its relation to the Class VI or private road and the Class V or better road which gives access to the Class VI or private road;
 - b) The specific location of all proposed structures
 - c) The location and length of the driveway giving access to the structures from the Class VI or private road;
 - d) Wetlands on or adjacent to the property that could be impacted, and indicate if a State Wetlands Permit application has been submitted;

- e) Any other information which the Board of Selectmen may reasonably require;
 - f) List of abutting property owners;
 - g) Certified Mail costs for each abutter and public notice costs must accompany application.
3. Distance to Class V Road. It is the policy of the Board of Selectmen that in the usual case, no building permit will be authorized if the driveway access to the principal structure from the Class VI road or Private road begins more than six hundred (600) feet from the intersection of the Class VI road or Private road and the Class V or better road which gives access to the Class VI or Private road. Applications that meet the six hundred (600) foot distance will not be automatically approved, however. In addition to any other relevant factors, the Board of Selectmen will consider the following even where the six hundred (600) foot distance is met:
- a) The nature, condition and grade of the Class VI or Private road;
 - b) The nature, condition and length of the driveway from the Class VI or Private road to the proposed structure(s).
 - c) Road surface and condition: Condition of the roadbed with regard to the depth and quality of gravels; steepness of the grade on the portion of the road being considered; the existence of large rocks or ledge in the roadbed; the existence of areas which flood during seasonal rainy periods; the adequacy of drainage along the road; the presence of wetlands; the presence of bridges and culverts; the conditions of curves and switchbacks; vertical and horizontal alignment; proximity of trees to the traveled way; and any other conditions of the road which would affect its suitability for development.
4. Improvements to Class VI Road.
- a) Before beginning any work within the limits of the Class VI or Private road, the applicant must receive a written permit from the Board of Selectmen pursuant to RSA 236:9-11, and shall be subject to the penalties provided by RSA 236:14 for failure to secure or comply with the terms of said permit.
 - b) Only a single dwelling unit without accessory units will be considered.
 - c) Board of Selectmen shall review each application on an individual case by case basis with the specific conditions of the road in question and its ability to support the passage of emergency and safety vehicles being the primary consideration. In general terms the following minimum will apply:

1. Sixteen-feet (16') width with 2 foot shoulders
 2. Twelve-inches (12") minimum of crushed gravel
 3. No grades exceeding 10%
 4. Pull off areas every 500 feet to allow large vehicles to safely pass one another
 5. Hammerhead turnaround at the end of roadway
 6. Stop sign and street name at the intersection with Class V road
 7. Address all drainage issues
 8. Pavement may be required depending on conditions
- d) Beyond the physical standards of the Class VI or Private road, the Board of Selectmen may:
1. 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.
- e) The Board of Selectmen will require that the proper completion of the improvements to the Class VI or Private road be secured to Candia by providing financial security in the form and amount to be determined by the Board of Selectmen.
5. Public Hearing. Prior to the issuance of its decision on the application, the Board of Selectmen shall hold a public hearing with at least 10 days prior notice sent certified mail, return receipt requested, to the applicant and to each owner of property abutting the Class VI or Private road in question. The notice shall also be posted in at least two (2) public places within the Town. The applicant shall pay the costs of such notice, in advance. The Board of Selectmen will also ensure that notice of the public hearing is given to the Chairmen of the Planning Board, Zoning Board of Adjustment, and Conservation Commissions, the Road Agent, Chief of Police, Fire Chief and Building Inspector. All applications under this policy will be forwarded to the Planning Board for its review and recommendation to the Board of Selectmen before any final decision is reached.
6. Agreement to be Recorded. Prior to the actual issuance of any building permit authorized by the Board of Selectmen, the applicant shall sign and provide the Town with an executed release and agreement to be recorded at the Rockingham County Registry of Deeds that the Town of Candia neither assumes responsibility for maintenance of the Class VI or private road nor liability for damages resulting from the use thereof, pursuant to RSA 674:41, I (c) (3). Such notice shall be recorded at the expense of the applicant.

7. Time Limitations.

- a) Required road improvements associated with the Board of Selectmen's approval of applications under these guidelines must commence within six (6) months and
- b) Applicants receiving approval from the Board of Selectmen under these guidelines must apply for and be issued a building permit within the first six (6) months of the Board of Selectmen's Condition of Approval and construction must begin within six (6) months from the date of issuance of the building permit or the approved Application to build on a Class VI or Private road will be void.

8. Occupancy Certificate. No Certificate of Occupancy will be issued by the Town of Candia Building Inspector/ Code Enforcement Officer until the road improvements have been met and approved by the Board of Selectmen or their designee. If the building is occupied without a Certificate of Occupancy, the occupants will be found in violation of local ordinance and state statute, and will be subject to penalty as set forth in RSA 676:17.

9. Other Permits. Should the Board of Selectmen grant approval for applications under these guidelines, applicants are still required to secure any other permits required under local, state or federal law regulations. The Board of Selectmen's approval does not supersede any other requirements by other entities.

10. Repeal. The adoption this policy shall operate as a repeal of any other statement of policy adopted by previous Boards of Selectmen.

IN WITNESS WHEREOF, the undersigned members of the Candia Board of Selectmen have set their hands this 23rd day of July, 2007


Fredrick Kelley, Chairman


Thomas Giffen

James Brennan
Richard Lazott
Richard Lazott
Joaquim Duarte
Joaquim Duarte

AGREEMENT AND RELEASE

NOW COME _____ (hereinafter referred as "Landowner), of _____ Road, Candia, New Hampshire, and the Town of Candia (hereinafter referred to as "Town"), a New Hampshire municipal corporation, having a mailing address of 74 High Street, Candia, New Hampshire, 03034, and agree as follows:

WHEREAS Landowner is authorized to act on the owners behalf for the real property located in Candia, New Hampshire, as described in a deed recorded in Book ___, Page ___, at the Rockingham County Registry of Deeds (hereinafter the "Property"), identified as Tax Map ___, Lot ___, located on _____ Road (the "Road");

WHEREAS the portion of Road upon which the Property fronts is a Class VI or Private Highway, as classified by New Hampshire revised Statues Annotated 229:5,

WHEREAS the Town, has agreed to issue a building permit for the construction of one single family residence on the Property upon the execution and recording of this agreement, pursuant to New Hampshire Revised Statutes Annotated 674:41;

NOW, THEREFORE, the Town and the Landowner, on behalf of himself, his heirs, legal representatives, successor and assigns, covenant and agree as follows:

1. The Town shall issue a building permit to the Landowner to construct a residence on the Property; provided that all conditions and requirements set forth in Town ordinances and regulations are met.
2. The Town assumes neither responsibility for maintenance, including snow plowing, nor liability for any damages resulting from the use of the Road.
3. Landowner shall be responsible for maintaining access to the property and does hereby forever release and discharge the Town, its officers, agents, and employees, from any obligation for maintaining the Road and from any claim of any nature, whether it tort or otherwise, which Landowner has, or may in the future have, against the Town for any loss or damage, including those incurred through failure to provide municipal services, including without limitation police, fire, and ambulance services, arising out of the condition of the Road from the point where the Road becomes a Class VI or Private Highway. Landowner shall hold harmless and indemnify the Town from any and all claims, suits, costs, and other expenses, including reasonable attorneys' fees, whether brought by the Landowner or third parties, arising out of the use and occupation of the Property and the maintenance or repair of the Road.
4. Landowner assumes responsibility for transporting any children to the nearest regular school bus stop.

5. Landowner assumes responsibility for maintenance and repair of the Road, to be used solely as access to a single-family residence. In addition, the Landowner agrees to clear and solely maintain the Road to a width of not less than 20 feet, and to repair and maintain the traveled portion of the Road in a good and passable condition at all times. Town shall have no responsibility for obtaining contribution from other users of the Road for such costs of maintenance and repair.
6. The obligation to the Town of the Landowner, if more than one, shall be joint and several.
7. An original or certified copy of the Agreement shall be recorded in the Rockingham County Registry of Deeds. This Agreement shall be deemed to touch and run with the Property and shall be binding on all successors to Landowners' interest in the Property.

WHEREFORE, the parties have executed this Agreement and Release as of _____, 2007.

Witness

Landowner

Witness

Landowner

TOWN OF CANDIA

Witness

Fred Kelley, Chairman

Witness

Tom Giffen

Witness

James Brennan

Witness

Richard Lazott

Witness

Joe Duarte

Class VI Highways

Introduction

A Class VI road is defined as:

All other existing public ways, and shall include all highways *discontinued as open highways and made subject to gates and bars*, except as provided in paragraph III-a [new boating access highways], and all highways which *have not been maintained and repaired by the town in suitable condition for travel thereon for 5 successive years or more*. RSA 229:5, VII (emphasis added).

Although neither the state nor its political subdivisions are required to maintain them, Class VI highways are public roads. As such, Class VI roads are generally subject to the same legal principles that govern all highways, including:

- Abutters' rights issues (Chapter 1);
- Methods of public highway creation (Chapter 2); and
- Towns regulatory authority (Chapter 6).

Formation of a Class VI Highway

In 1925, all non-maintained public highways were classified as Class VI. The gist of the Class VI category is the absence and/or discontinuance of maintenance. The law provides four ways roads may qualify for Class VI status:

- Lapse (absence of maintenance for five years);
- Discontinuance subject to gates and bars;
- Layout subject to gates and bars; and
- Department of Transportation's discontinuance of a Class I or II highway.

LAPSE: ABSENCE OF MAINTENANCE FOR FIVE YEARS

The overwhelming majority of Class VI highways resulted from simple neglect, a consequence of rural population decline. The lapse or statute of repose component of RSA 229:5, VII, provides that a road falls within the Class VI classification if it has not been maintained and repaired in suitable condition for travel for five successive years or more.

'Suitable Condition for Travel.' It is immaterial whether the road is "suitable for travel" so long as the town has not maintained and repaired the road for a period of at least five consecutive years. For instance, although a road that has not been maintained and repaired may be traveled, it does not become a Class V highway. *Glick v. Town of Ossipee*, 130 NH 643 (1988). In *Glick*, the trial court erroneously held that the Ossipee Mountain Road was a Class V road because, among other things, it had been traveled continuously for 30 years. The Supreme Court reversed, holding that a Class V road must be both traveled and maintained. The *Glick* Court concluded:

[T]he legislature's construction recognizes that if roads could be designated [C]lass V highways [as opposed to Class VI] solely because they are "traveled," even those roads that have been discontinued subject to gates and bars would be [C]lass V highways deserving of regular town maintenance because people continue to travel them. The legislature clearly seeks to avoid this incongruous result by restricting the [C]lass V designation to highways that are both "traveled"

From *A Hard Road to Travel - New Hampshire Law of Local Highways, Streets and Trails*, edited by Susan Slack, Legal Services Counsel, Local Government Center, 2004

and "maintained."

Resumption of Maintenance. Resumption of maintenance of a Class VI highway now affects its classification status, as a result of a 1999 amendment to RSA 229:5,VI. A Class V road that attains Class VI status as a result of a lapse of maintenance (see above) will revert to Class V status again if the town has maintained it for at least five consecutive years. The "illegal" maintenance and repair must be "regular" and "on more than a seasonal basis" so that the road is in "suitable condition for year-round travel." Class VI roads that have been maintained after having been declared emergency lanes under the procedures outlined in RSA 231:59-a do not revert to Class V status because of such maintenance.

If a town seeks to perform some minimal maintenance to a Class VI road, it should do so under the emergency lane statute. See Chapter 5. Independent of liability concerns, the emergency lane law (RSA 231:59-a) is an exception to RSA 231:59, which requires road maintenance monies be spent only on Class IV and V highways.

Also, a town's performance of maintenance or repair work may arguably be the basis for municipal estoppel arguments – that is, in a lawsuit involving a landowner, a town may be barred from arguing that it is not required to maintain a road due to its Class VI status. *Turco v. Barnstead*, 136 NH 256 (1992).

DISCONTINUANCE SUBJECT TO GATES AND BARS

RSA 229:5, VII authorizes a town to vote to discontinue an open highway and have it made subject to gates and bars. Importantly, the vote must be by town meeting and not the board of selectmen. When drafting a warrant article or vote by the legislative body to convert a highway to Class VI, the wording should closely reflect the language of the statute – "discontinue subject to gates and bars."

Prior to 1903, a town could only discontinue a highway completely. Only after the Legislature promulgated Laws of 1903, Chapter 14:1, could a town discontinue an "open" highway and subject it to gates and bars. The term "gates and bars" is not expressly defined by statute, but the term historically refers to an owner's right to enclose premises for his or her own benefit – usually to confine livestock. The owner required public travelers to open and close the gates or bars as a condition to travel. The term "gates and bars" first became associated with Class VI highways in 1925, when the legislature enacted Laws of 1925, Chapter 12:1, which provided a town had no duty to maintain any highway that had been closed subject to gates and bars.

LAYOUT SUBJECT TO GATES AND BARS

A town may categorize a strip of land as a Class VI road through the "layout" process. RSA 231:21 permits a highway to be laid out "subject to gates and bars." It states, in relevant part: "Any highway may be laid out subject to gates and bars... In such case it shall be determined... by whom the gates and bars shall be maintained." RSA 231:21 The town's authority to lay out a road subject to gates and bars is also found in RSA 231:22 (titled, "Previously Discontinued Highway") and RSA 231:23 (titled, "Conditional Layout"). However, towns rarely exercise the "gates and bars" authority because it is unlikely that any such prospective roads would satisfy the "public convenience and necessity" test. See Chapter 2.

DISCONTINUANCE OF CLASS I OR II HIGHWAYS

The commissioner of Transportation has the authority to discontinue a Class I or II road as a state highway. In such instances, the highway may revert to the town as either a Class V or Class VI highway. RSA 230:57. The statute is silent regarding the classification criteria for determining whether a discontinued highway shall become a Class V or VI road. According to the

Attachment from Candia Selectmen's Meeting on 3/11/2019

From *A Hard Road to Travel - New Hampshire Law of Local Highways, Streets and Trails*, edited by Susan Slack, Legal Services Counsel, Local Government Center, 2004

Department of Transportation, the commissioner has the discretion to make such determinations.

ALL CLASS VI ROADS SUBJECT TO GATES AND BARS

In 1999, the legislature enacted RSA 231:21-a, which clarified for the first time that all Class VI roads, regardless of how created, "shall be deemed subject to gates and bars." The gates and bars may not interfere with public use, and must be capable of being opened and closed by users of the road. The selectmen are authorized to regulate the structures to assure public use.

Development Along Class VI Highways

As stated above, Class VI roads are public highways for purposes of the public's right to use. However, they are distinct from other public roads for purposes of abutters using the road as access for an adjoining development.

CLASS VI ROAD NOT AN 'APPROVED STREET'

RSA 231:45 provides, in relevant part: "Any [C]lass IV, V or VI highway... may be discontinued as an open highway and made subject to gates and bars... Such a discontinued highway shall not have the status of a publicly approved street." The statute was intended to alleviate pressure exerted by developers against towns to improve roads subject to gates and bars. In *King v. Town of Lyme*, 126 NH 279 (1985), the Court stated:

The purpose of the act was to make it clear that towns were not responsible for maintaining highways discontinued subject to gates and bars...The act amended RSA 231:45 in the face of growing concern that many areas were opening up to development and that developers might try to force towns to improve highways subject to gates and bars.

Although RSA 231:45 prohibited public improvements to roads that were discontinued subject to gates and bars, it did not expressly impose a similar restriction on Class VI roads that resulted from the five-year lapse period. Further, the statute did not address private development along Class VI roads. Depending on the condition of a particular road, each town dealt with private development differently. Such piecemeal planning predictably resulted in a lack of uniformity.

BUILDING ALONG CLASS VI HIGHWAYS: RSA 674:41, I (C)

In 1983, the legislature enacted RSA 674:41, I (c), to address the disparate approaches taken by municipalities to permitting development along Class VI highways. Under RSA 674:41, I (c), in order to construct a building along a Class VI highway, the following is necessary:

- The local governing body (board of selectmen), after review and comment by the planning board, has voted to permit building.
- The municipality assumes neither responsibility for road maintenance nor liability for any damages arising out of road use.
- Prior to the issuance of a building permit, the applicant produces evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds.

Authority to Deny Construction Along a Class VI Road. RSA 674:41, I (c) allows a town to prohibit building along Class VI highways. In *Vachon v. Town of New Durham*, 131 NH 623 (1989), the Court upheld a town's policy of prohibiting any building along a Class VI road if the driveway was more than 600 feet from the nearest Class V or better road. In doing so the Court

From *A Hard Road to Travel - New Hampshire Law of Local Highways, Streets and Trails*, edited by Susan Slack, Legal Services Counsel, Local Government Center, 2004

rejected the landowner's argument that the landowner had the right to build so long as it offered the town a release from liability.

In lieu of denying a building permit, many towns have adopted policies restricting building along Class VI roads unless the owner/applicant agrees to upgrade the road for reclassification as Class V.

Exception from the Zoning Board of Adjustment. When the local governing board rejects an application for a building permit, an aggrieved owner can request an exception from the zoning board of adjustment, RSA 674:41, II.

Record Notice of Limitations at Registry of Deeds. For purposes of satisfying the statutory notice of limitations requirements, RSA 674:41, I (c) does not require any particular form. However, the following information should be provided as part of any notice:

- Landowner's name and contact information.
- Description of the property.
- Location of owner's deed at the registry of deeds (that is, book and page).
- Road's name.
- Road's status as a Class VI highway.
- Circumstances surrounding road's classification (for example, discontinued subject to gates and bars, five years of non-maintenance, etc).
- After the planning board's review and comment the governing body has adopted a policy under RSA 674:41, I (c) that allows building on this particular Class VI highway. The notice should also detail when the policy was adopted and its location on file.
- Details regarding the issued building permit and its location on file.
- With reference to RSA 674:41, I(c)(2) and RSA 231:93, a statement that the municipality has no legal duty to maintain (for example, plowing, grading, drainage, etc.) the highway or any liability for damages resulting from road use. Further, the notice should provide that municipal services (for example, police, fire, ambulance, school bus transportation, etc.) may be unavailable at times.
- The owner agrees to these limitations of town responsibility and liability, and the owner is responsible for any road maintenance and repair work.
- Prior to performing any road repair or maintenance work, the owner must obtain approval of the governing body or highway agent under RSA 236:9. The notice should also describe types of work where the owner has permanent recorded permission to perform, together with any conditions.
- The road is a public highway, and the owner shall not prohibit authorized public use.
- Pursuant to RSA 41:11, the governing body retains full authority to regulate the public use of the highway, including the applicant's use, and the erection, of unlocked gates or bars.
- Witnessed signatures of the owner(s) and the local governing body.

The statutory notice requirement should not be taken lightly. At least one New Hampshire court has found that a town is required to provide maintenance to a Class VI highway where the landowner was unaware of a road's legal status. In *Turco v. Town of Barnstead*, 136 NH 256 (1992), the Court held that a landowner had justifiably relied on a building permit as a representation that the town would provide some road maintenance.

Reclassification of Class VI Road to Class V

The law provides two instances in which a municipality may reclassify a Class VI highway as a

Attachment from Candia Selectmen's Meeting on 3/11/2019

From *A Hard Road to Travel - New Hampshire Law of Local Highways, Streets and Trails*, edited by Susan Slack, Legal Services Counsel, Local Government Center, 2004

Class V.

LEGISLATIVE BODY VOTE

Pursuant to RSA 231:22-a, the legislative body (town meeting) may reclassify a Class VI highway "by vote ... as a [C]lass V highway, or as a [C]lass IV highway if located within the compact sections of cities and towns." The statute allows a town to reclassify a road irrespective of whether the Class VI status arose under the five-year lapse provision or by discontinuance subject to gates and bars.

Importantly RSA 231:22-a allows the legislative body to delay the effective date of any reclassification, thereby affording a town an opportunity to upgrade or effectuate any repairs to a road prior to any status change. A town may also condition any reclassification upon compliance with betterment assessments as provided in RSA 231:28 through 231:33. Property owners abutting or served by the road have the same rights and remedies as provided in these statutes, including the right to submit a petition not to conditionally reclassify the highway. Finally, the costs assessed against the owners cannot reflect construction standards any higher or more stringent than those reflected in the best town road giving access to the reclassified highway.

RECLASSIFICATION BY LAYOUT

A town may reclassify a Class VI road to Class V status through the layout process this process involves laying out a Class V road over an existing Class VI road. Under this method the town's governing body is responsible for laying out the "new" highway. The betterment assessment option detailed under RSA 231:28 et seq. is available under the layout process.

2004 Class VI Road List
Prepared by Road Agent Dennis Lewis on 3/31/04

North Road- Approximately 900 feet West from Merrill Road Intersection

Baker Road- from High Street to Peter O'Neil's property known as Map 410, Lot 098 and from South Road to Tamara and Scott Cambell's property known as Map 410-103.

Donovan Road- from Chester Turnpike to the driveway entrance adjacent to the residence located on the property owned by Richard and Priscilla Blevens known as Map 404, Map 027.

Knowlton Road- approximately 200 feet from the intersection of High Street.

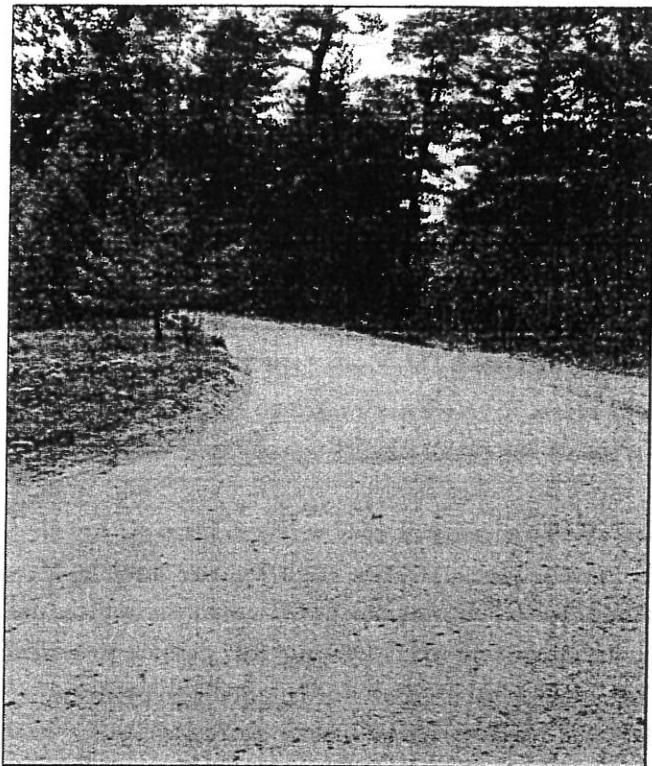
Libbee Road- from South Road to Flint Road

Flint Road- south from Libbee Road for approx. 900 feet.

Pine Hill- south road to old Candia, (43/01)

Legal Q&A, Class VI Roads and Maintenance Issues

By Susan Slack, Counsel, Local Government Center



Highway repair and maintenance projects are usually well underway at this time of year, prompting questions about maintenance of Class VI roads. There are lots of misconceptions about Class VI roads, so here are some reminders.

Q. What is a Class VI road?

A. In the state's highway classification system, which is defined in RSA 229:5, Class VI roads are "all other existing public ways," meaning public ways not otherwise classified as Class IV or Class V roads. Class VI roads include those that have been discontinued subject to gates and bars, as well as those that have "not been maintained and repaired by the town in suitable condition for travel" for five successive years or more. (See RSA 229:5, VII.) The two important keys to this statutory definition are that Class VI roads are *public* ways, and they are roads that the town has no duty to maintain. Note that the definition of a Class V road is one that the town does have a duty to maintain. (See RSA 229:5, VI.)

Q. Can the town appropriate money to maintain or repair Class VI roads?

A. RSA 231:59 authorizes municipalities to spend money to repair Class IV and V highways, not Class VI roads. One of the basic tenets of New Hampshire municipal law is that towns and cities have only that authority granted to them by the state legislature. Without a specific grant of authority, towns and cities do not have authority to act.

Q. Can private parties maintain or repair Class VI roads?

A. Yes, with permission of the municipality. RSA 236:9 prohibits anyone from excavating or disturbing the ditches, embankments or traveled surface of any town road, including a Class VI road, without the written permission of the municipality's governing body (board of selectmen or town/city council) or the road agent. RSA 236:10 provides that the municipality may regulate such private road work and may require a bond for the satisfactory restoration of the road. RSA 236:11 requires anyone who excavates or disturbs town roads to restore them to the satisfaction of the authorized local official.

Q. What happens if the municipality maintains or repairs a Class VI road?

A. There are several important reasons to avoid maintenance and repair projects on Class VI roads. First, municipalities enjoy protection from liability for damage or injury due to the condition of a Class VI road. RSA 231:93 provides that municipalities have no duty to maintain or repair Class VI roads. The highway maintenance duty established in RSA 231:90 through 92-a applies only to Class IV and V highways. A municipality that undertakes Class VI road maintenance exposes itself to the risk of liability for damage or injury resulting from that work. Second, performance of maintenance or repair work could result in stopping municipal arguments, meaning that in a lawsuit involving a landowner, a municipality may be barred from arguing that it is

not required to maintain a road due to its Class VI status. See *Turvo v. Barnstead*, 136 N.H. 256 (1992). Third, a Class V road that attains Class VI status as a result of the lapse of maintenance will revert to Class V status again if the town maintains it for at least five consecutive years. The "illegal" maintenance and repair must be "regular" and "on more than a seasonal basis" so that the road is in "suitable condition for year-round travel." See RSA 229:5, VI.

Q. What if there are public safety reasons for occasionally repairing or maintaining Class VI roads?

A. If a municipality wishes to spend money on Class VI road, it should do so under the emergency lane statute, RSA 231:59-a, which was enacted in 1994. That statute authorizes municipalities to raise and appropriate money for the maintenance of any Class VI road (or private road) that is declared an emergency lane by the governing body. The procedures required for making this declaration include a public hearing and written findings "that the public need for keeping such lane passable by emergency vehicles is supported by an identified public welfare or safety interest which surpasses or differs from any private benefits to landowners abutting such lane."

Q. What kind of maintenance or repair of Class VI roads is authorized by the emergency lane statute?

A. RSA 231:59-a, I provides that such repairs may include "removal of brush, repair of washouts or culverts, or any other work deemed necessary to render such way passable by firefighting equipment and rescue or other emergency vehicles." The municipality can establish a capital reserve or trust fund for this purpose. Maintenance or repair of Class VI roads undertaken in accordance with the emergency lane statute does not create any duty or liability for the municipality. See RSA 231:59-a, IV.

Q. Can gates or fences be put up on Class VI roads?

A. Yes, but RSA 231:21-a, I requires gates or bars maintained by private landowners to be erected so as not to interfere with public use of the Class VI road. Such gates or bars must "be capable of being opened and reclosed by highway users." Municipalities

are authorized to regulate these structures "to assure public use" and they have authority to have gates or bars removed if they have fallen into disrepair or if they interfere with public use of the Class VI road.

Q. What does the term 'gates and bars' mean?

A. Prior to 1903, a town could only discontinue a highway completely, meaning it was no longer a public way. Only after the state legislature enacted Laws of 1903, Chapter 14:1 could a town discontinue an "open" highway and subject it to gates and bars. The term "gates and bars" is not expressly defined by statute. Nevertheless, the term historically refers to an owner's right to enclose premises for his or her own benefit--usually to confine livestock. The owner required public travelers to open and close the gates or bars as a condition to travel. The term "gates and bars" first became associated with Class VI highways in 1925, when the legislature enacted Laws of 1925, Chapter 12:1, which provided that a town had no duty to maintain any highway that had been closed subject to gates and bars.

Q. Are there other ways in which municipalities may regulate Class VI roads?

A. RSA 231:21-a, which was enacted in 1999, provides that all Class VI roads--regardless of how they obtained Class VI status (by layout, discontinuance subject to gates and bars, or lapse of maintenance of Class V roads)--are deemed subject to gates and bars. The statute clearly authorizes municipalities to regulate their use under the provisions of RSA 41:11; RSA 47:17, VII, VIII and XVIII (highway ordinances); RSA 236:9 through 11 (excavation and disturbance); RSA 236:13 (driveway access); and RSA 231:191 (weight limits).

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New Hampshire Town and City July/August 2004

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Laying Out Highways

Section 231:8

231:8 Petition. – Selectmen of a town, upon petition, may lay out any new class IV highway not financed in whole or in part with federal aid highway funds, and class V or VI highway or alter any such existing highway within their town for which there shall be occasion.

Source. RS 49:1. CS 52:1. GS 61:1. GL 67:1. PS 67:2. 1921, 31:1. PL 74:2. RL 90:2. 1945, 188:1, part 5:1. RSA 234:1. 1967, 157:3. 1981, 87:1, eff. April 20, 1981.

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Laying Out Highways

Section 231:21-a

231:21-a Uniform Provisions Governing Class VI Highways. –

All class VI highways, whether such class VI status resulted from a layout pursuant to RSA 231:21, a discontinuance subject to gates and bars pursuant to RSA 231:45, or by the failure of the town to maintain and repair such highway in suitable condition for travel thereon for 5 successive years or more as set forth in RSA 229:5, VII, shall be subject to the following provisions:

I. All such highways shall be deemed subject to gates and bars; provided, however, that any gates or bars maintained by private land owners shall be erected so as not to prevent or interfere with public use of the highway, and shall be capable of being opened and reclosed by highway users. The selectmen may regulate such structures to assure such public use, and may cause to be removed any gates or bars which fall into disrepair or otherwise interfere with public use of the highway.

II. Even though, as set forth in RSA 231:93, class VI highways are not subject to any municipal duty of care or maintenance, the municipality shall have the same regulatory authority over such highways as is the case with class V highways, including but not limited to the authority to regulate their use pursuant to RSA 41:11 and RSA 47:17, VII, VIII and XVIII, to regulate the excavation or disturbance of such highways pursuant to RSA 236:9 through 236:11, to regulate driveways and other access pursuant to RSA 236:13, and to establish weight limits pursuant to RSA 231:191.

Source. 1999, 113:1, eff. Aug. 9, 1999.

TITLE XX

TRANSPORTATION

CHAPTER 231

CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Laying Out Highways

Section 231:23

231:23 Conditional Layout. – Whenever a highway will be of special advantage to any individual the selectmen may require him to bear such portion of land damages and expenses of constructing and maintaining it, and the gates and bars across it, if any, or any of the same, as they may deem just; and the highway may be laid out subject to such condition.

Source. 1850, 957:1. 1871, 20:1. GL 67:16; 78:4. PS 67:16. PL 74:16. RL 90:17. 1945, 188:1, part 5:19. RSA 234:19. 1981, 87:1, eff. April 20, 1981.

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Regulation of Subdivision of Land

Section 674:40

674:40 Improvements in Unapproved Streets. –

I. A municipality which has established and recorded an official map, as provided in RSA 674:10, or has conferred upon a planning board platting jurisdiction in accordance with RSA 674:35 shall not thereafter accept, lay out, open, improve, grade, pave, or light any street or lay or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street, within any portion of the municipality unless such street:

- (a) Has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the conferring of platting jurisdiction upon the planning board; or
- (b) Corresponds in its location and lines with a street shown on the official map, or with a street shown on a subdivision plat approved by the planning board, or with a street on a street plat made by and adopted by the board.

II. For the purposes of this section, the word "street" shall not mean or include a discontinued highway.

III. The local legislative body may, however, accept, locate and construct any street not shown on or not corresponding with a street on the official map or on an approved subdivision plat or an approved street plat, provided the ordinance or other measure for the accepting, locating, and construction of such street is first submitted to the planning board for its approval and:

- (a) If approved by the board, be approved by a majority vote of those present and voting at a regular or special meeting of the local legislative body; or
- (b) If disapproved by the planning board, be approved by not less than 2/3 of those present and voting at a regular or special meeting of the local legislative body.

IV. A street approved under paragraph III shall have the status of an approved street as though it had been originally shown on the official map or on a subdivision plat approved by the planning board or as though it had been originally platted by the planning board.

Source. 1983, 447:1. 1989, 266:19. 1998, 344:5, eff. Aug. 25, 1998.



September 4, 2018
File: 195113321

Mr. Rudy Cartier, Chairman
Town of Candia Planning Board
74 High Street
Candia, NH 03034

**Reference: Candia, NH
Donovan Road Subdivision Review
Tax Map 411 Lot 40
Project Update**

Dear Mr. Cartier:

We are writing you to provide an update for the subject project. In accordance with the request of the Candia Land Use Office, we have reviewed the following information relative to the Subdivision Regulations and Zoning Ordinances requirements, submitted by Fieldstone Land Services, PLLC for the Preliminary Subdivision Application submittal to create four residential building lots on Donovan Road, a Class VI roadway, for the above referenced project, received on July 19, 2018.

- Preliminary Major Subdivision Application for Tax Map 411, Lot 40, dated July 16, 2018,
- Subdivision Plan of Tax Map 411, Lot 40, prepared by Fieldstone Land Consultants, PLLC, dated July 15, 2018, and
- Site Specific Soils Plan of Tax Map 411, Lot 40, prepared by Fieldstone Land Consultants, PLLC, dated July 15, 2018.

Stantec's completeness review was dated and delivered to the Board on July 23, 2018. As previously discussed, it is our understanding that the Applicant has not provided the required escrow, for Stantec's peer review services based on our estimate, dated July 17, 2018. Per the Town's direction we have suspended any additional peer review services until payment is received by the Town.

Additionally, it should be understood that because the frontage for the proposed subdivision lots are proposed on Donovan Road, a Class VI roadway, the roadway is required to be upgraded to meet Town Roadway standards and would require prior approval by the Selectmen. A reclassification of Donovan Road shall only become effective upon a majority vote of the registered voters of the Town as specified in RSA 231:22-A. Under the current Subdivision Regulations, the development of more than one lot on a Class VI road is not permitting and the reclassification of the Donovan Road must occur prior to the project being heard by the Planning Board.

Please call if you have any questions.

Sincerely,

STANTEC CONSULTING SERVICES, INC

A handwritten signature in black ink, appearing to read "Bryan Ruoff".

Bryan Ruoff, PE
Project Manager
Stantec
5 Dartmouth Drive Suite 101 Auburn NH 03032-3984
Phone: (603) 206-7548
Cell: (603) 801-5870
Fax: (603) 669-8672
bryan.ruoff@stantec.com

c. Chad Brannon, Fieldstone Land Consultants, PLLC
Rene LaBranche, Stantec



Town of Candia

LAND USE OFFICE
Candia, New Hampshire 03034
(603) 483-8588

October 11, 2018

To: Ashwood Development Companies, Inc.
740 Pine Street
Manchester, NH 03104

To Whom It May Concern:

Per the Town of Candia Planning Board Meeting on October 3, 2018, it was noted in the minutes that the application for the preliminary major subdivision case #18-006 was "withdrawn" by Mr. Chad Branon of Fieldstone Land Consultants as the intent is to talk to the Board of Selectmen regarding the road first and then come back to the Planning Board with a new application possibly at the end of November or in December.

The items below were discussed during the meeting however, since the application was not accepted by the Planning Board and it was suggested that a new application be submitted, all waiver requests, third party review requests and a new owner affidavit letter showing that the applicant, Ashwood Development and Fieldstone Engineering can represent the owner should be submitted at that time with a new application.

Below are excerpts of the discussion during the October 3, 2018 Planning Board meeting. Minutes are available online at www.candianh.org under the Planning Board drop down menu in agendas and minutes.

1. Need a letter clearing up the owner/applicant issue so the two entities are tied together: (owner affidavit) saying that the applicant Ashwood Development is authorized by the owner to present and/or apply on their behalf and to also have Fieldstone Engineering represent both parties: Applicant (Ashwood Development) and the owner (Lodi Trust, Christine Tancreti).

a. Excerpt from Minutes of October 3, 2018:

R. Cartier replied there is. The way that it's right now without having any documentation that Ashwood is authorized to act on behalf of the owner, the way that it's listed in here, the owner is Lodi Trust, its two separate entities. We would need something to authorize Ashwood to be either representing the Lodi Trust or they own the property in and of themselves. C. Branon said I thought there was a letter of authorization but I can definitely look into that. R. Cartier replied there is for you to represent Ashwood and for the Lodi Trust but there isn't one that ties the two together, the applicant and the owner.

In that respect, we'd have to say the application is null and void because the applicant doesn't own the property but taking care of that then by having the letter authorizing. Basically the same as the two did to you, then that would cover that section of it. C. Branon replied okay.

2. Applicant is to pay the outstanding engineering fees for a completeness review done by Stantec Engineering. They will not be billed for the Stantec letter dated September 4th which was an update for the Planning Board as to the status and recommendations. Stantec invoice number #1395119 in the amount of \$397.85. Amount due to be paid to the Town of Candia and then the Town pays Stantec directly. *Received payment on October 9, 2018 from Fieldstone Land Consultants. PAID ck #5469 dated 10-5-18 in the amount of \$397.85.*
3. Planning Board needs to look at the Road Policy and make suggestions to the Board of Selectmen; the Planning Board has to give their opinion on what needs to be done and what should be done to be submitted to the Board of Selectmen for their hearing on that. We'll have to discuss that and make a motion on what we want to recommend to the Selectmen on that.
 - a. *Excerpt from Minutes of October 3, 2018: R. Cartier said that's what I was going to suggest. I think the Board needs to take a look at the Road Policy and see how applicable it is and we can either all go or whoever wants to go to the Planning Board (meant Select Board) once that preliminary application is done and make our feelings known on how it would be affecting the subdivision application. Let's table that for now knowing that that's going to be an issue in there.*
4. Planning Board to research, interview and/or invite other engineering firms to a meeting in order to assess the applicant's request for a different third party reviewer (*note: on the submitted application, which was withdrawn*) other than Stantec due to a perceived conflict of interest between Ashwood Development and Stantec Engineering and ask for a disclosure letter.
 - a. *Excerpt from Minutes of October 3, 2018: C. Branon replied I do know that Keach-Nordstrom tends to do design work, they tend to do it on the western side and they do municipal reviews on the eastern side if you will. Ultimately that would have to be disclosed, as you said Mr. Chairman, just as a matter of a conflict of interest and especially if it's asked. I strongly encourage that that's asked. I'm now aware of that being the situation but I'm not privy to that detail either. I didn't put them on that letter with any knowledge that there was so I think it's important, and this is just my opinion, that you consider talking to 2 or 3 companies. The benefit there is we're planning on going to the Selectmen so we probably won't be back before this Board until late November.*

Possible Firms discussed:

- I. Keach-Nordstrom (recommended by Ashwood Development via Fieldstone Engineering). Need to make sure there is no conflict there or that they have never worked with Ashwood Development before. Ask the question when "interviewing" firms.
- II. Comprehensive Environmental
- III. CDL – Now Fuss & O'Neill

5. Application is being withdrawn and a new application will be submitted after getting more direction from the Board of Selectmen. Expect to be back before the Planning Board by late November or December.

MOTION:

M. Chalbeck **motioned** we are going to accept another engineering firm of our choice for this development on the contingency that Fieldstone provides the letter authorizing Ashwood to represent the owner. R. Cartier added the request is being granted because of a perceived conflict of interest between Ashwood Development and Stantec Engineering. J. Bedard **seconded**. A. Hall was **opposed**. The remaining Board members **were all in agreement. Motion carried (6-1-0)**.

Sincerely,

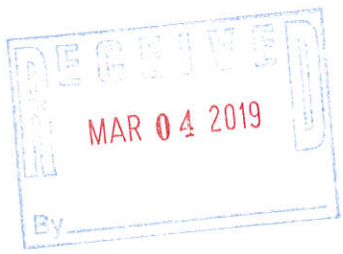


Rudy Cartier, Chair
Candia Planning Board

Cc:

The Lodi Trust
Attn: Christine Tancreti Trustee
266 Donovan Road
Candia, NH 03034

Fieldstone Land Consultants
Attn: Chad Branon
206 Elm Street
Milford, NH 03055



Town of Candia
Conservation Commission
74 High Street
Candia, New Hampshire
03034
Meeting Agenda

LOOK
PLEASE READ
by
RD C.R.
RE

March 1, 2019

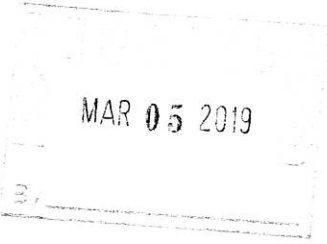
Dear Board of Selectman,

The Conservation Commission would like to recommend the appointment of Leon Austin as a full member to the Conservation Commission. Leon reached out to the Commission this past December and has joined for our last two meetings.

Sincerely,

Susan Wilderman
Chair Conservation Commission

Leon Austin
225 New Boston Rd
Candia NH 03034
603.327.7355 (Cell)



LOOK
PLEASE READ
RD
C.R.

January 18th, 2019

To: Candia, NH Conservation Commission

Dear Members,

I wanted to thank you for your warm regards while I attended your meeting earlier this week. It was exciting to see what the commission does. Being an owner of land protected by a conservation easement, I understand both the interest to preserve and develop our lands. I have been part of a survey crew in the past and have a very good understanding of land development plans with my engineering background. I would also enjoy helping to maintain the conservation land trails for future generations to enjoy.

I would like to put my name in to become a member of the conservation commission.

Leon

Kindly,
Leon Austin

49



Town of Candia

OFFICE OF THE SELECTMEN
74 High Street
Candia, New Hampshire 03034
(603) 483-8101

M E M O

DATE: October 13, 1992
TO: All Town Office Employees
FROM: Selectmen's Office *BEB 10/15/92*
RE: Office Supplies

In order to gain better control of office supply purchases and needs for all Town Office departments, commencing January 1, 1993, the following procedure is to be followed:

No supply orders are to be placed individually; all supply orders are to be placed by the Selectmen's Office. (The reason for this is that most often items purchased in bulk are cheaper, and the Selectmen's Office may have knowledge of more economical vendors.) Departments may request and receive specific supplies; however, the Selectmen's Office will keep a supply of general office supplies which will be available to departments by requisition.

Any office supplies that are needed should be requested on an Office Supply Requisition (sample attached.) All requests should be made on the attached form through the Selectmen's Office. No supplies should be taken from inventory (including pads of paper, pens, typewriter ribbons-- anything). Your department will be charged for the supplies it receives.

Departments will be asked to submit requisitions in January then again in the summer/fall for the bulk of their individual departmental supply needs. (So plan ahead!) Smaller orders may be placed by the Selectmen's Office for your department at other times throughout the year for "emergency" items.

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A copy of the requisition should be kept for your records until the order is filled; the original should be submitted to the Selectmen's Office.

When your order is filled, the Selectmen's Office will record the charges to your department on the requisition and return a copy of it to you for your information. The charges will automatically be charged to the "Supply Line" of your budget.

Please let us know if you have any questions or comments with regard to this new procedure.

gw

TOWN OF CANDIA

Policy Number: 2011-009
Subject: Town Counsel Contact
Sub-Policy of: N/A
Adoption Date:
Revision Date:
Effective Date:
Supersedes: Contact with Town Counsel policy adopted 1/3/1994

SECTION 1. PURPOSE

The Town of Candia expends substantial sums of money each year carrying out the many functions and services that it provides. Taxpayers have a right to expect that the municipality's operations be carried out efficiently and expeditiously with adequate financial control and accountability.

The objective of this policy is to attempt to control potential legal costs to the Town and streamline the lines of communication between Town Counsel and Town Officials. To achieve this, all contact should be brief and any questions to be asked are to be prepared before the contact.

This policy shall be known as the "Town of Candia Town Counsel Contact Policy" and may be cited as such.

SECTION 2. DEFINITIONS

Contact	Any form of communication between Town Counsel and a Town Official, including, but not limited to, via phone, in person, letter, e-mail, text message, fax, etc.
Town Official	Any person involved in any way in the operation of business of the Town of Candia, including, but not limited to, an elected official, appointed official, appointed hired employee, volunteer, etc.

SECTION 3. POLICY

The following positions are the only Town Officials authorized to contact Town Counsel:

- Chairman or Vice-Chairman of the Board of Selectmen
- Chairman of the Planning Board
- Chairman of the Zoning Board of Adjustment
- Chief of Police
- Designees of any of the above (under the specific direction of the individual Chair or the Police Chief, and on a case-by-case basis only)

Bridley Inspector / Code Enforcement
Highway Agent
 Town Counsel Contact


SECTION 4. PROCEDURE

Any board member who wishes to contact Town Counsel must go through their Board Chairman. If for some reason it is not possible for the board member to go through their Board Chair, they must go through the Chairman of the Board of Selectmen.

SECTION 5. NON-COMPLIANCE

Violation of any portion of these policies may lead to disciplinary action, up to and including termination of employment.

Adopted by vote of the Board of Selectmen on this date the 9th of May, 2011.




Fred Kelley, Chairman

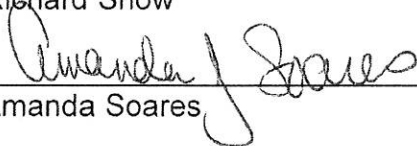


Carleton Robie, Vice – Chairman

Joe Duarte

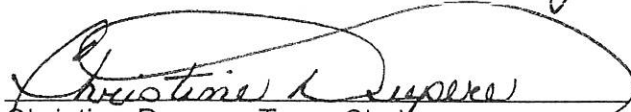


Richard Snow



Amanda Soares

Received and Recorded: May 18, 2011



Christine Dupere, Town Clerk