

~~Unapproved~~ **APPROVED**  
**Candia's Selectmen's Public Meeting Minutes**  
**February 24<sup>th</sup>, 2020**

**Attendance:** Selectman Russ Dann, Selectman Boyd Chivers, Selectman Brien Brock and Administrative Assistant Linda Chandonnet

**Absent:** Chair Susan Young and Vice-Chair Carleton Robie

**7:00 p.m.** Selectman Brien Brock called the public meeting to order following the Pledge of Allegiance.

Roll call was conducted.

**Approval of Minutes: Non-Public Meeting Minutes February 10<sup>th</sup>, 2020.** Selectman Chivers moved to accept the February 10<sup>th</sup>, 2020 Selectmen's Non-Public meeting minutes as presented. Seconded by Selectman Dann. All were in favor. Motion carried by a vote of 3-0-0.

**Approval of Minutes: Public Meeting Minutes February 10<sup>th</sup>, 2020.** Selectman Chivers moved to accept the February 10<sup>th</sup>, 2020 Selectmen's Public meeting minutes as presented. Seconded by Selectman Dann. All were in favor. Motion carried by a vote of 3-0-0.

**Motion to close the Public Meeting.** Selectman Chivers made a motion to close the public meeting. Seconded by Selectman Dann. All were in favor. Motion carried by a vote of 3-0-0.

**Motion to open a Public Hearing on Keno.** Selectman Chivers made a motion to open the public hearing for Keno. Seconded by Selectman Dann. All were in favor. Motion carried by a vote of 3-0-0.

Selectmen Brock stated that Candia does not need to be a participant in Keno in order to receive the benefits. Keno is on the Town Election Warrant Ballot because the Board did not support it and there was a citizens' petition request. There were no public comments.

**Motion to close the Public Hearing on Keno.** Selectman Chivers made a motion to close the public hearing for Keno. Seconded by Selectman Dann. All were in favor. Motion carried by a vote of 3-0-0.

**Motion to re-open the Public Meeting.** Selectman Chivers made a motion to re-open the public meeting. Seconded by Selectman Dann. All were in favor. Motion carried by a vote of 3-0-0.

**Agriculture Commission Appointment:** Agriculture Commission Chair Matt Cobb, DVM submitted a letter and informed the Board that Debbie Graff had to resign from her position of the Agricultural Commission because of a new job and a change in her schedule. Her term runs until March 2022 and what the Commission would recommend is to Robin Vergato who has been secretary and alternate for the past year to be placed into that position as a voting member. Once Robin takes the position that will then create an open alternate position that the Commission could make a recommendation for.

Selectman Dann made a motion to accept the Agricultural Commission's recommendation of Robin Vergato as a voting member to the Board. Seconded by Selectman Chivers. All were in favor. Motion carried by a vote of 3-0-0.

**Intersection of Chester Road and Main Street:**

Leo Champagne who lives at 201 Crowley Road and a resident for over 13 years, stated that in the past few years the town of Candia has grown and has a lot more traffic. On the corner of Chester Road and Main Street intersection it can be very dangerous for accidents. He would like to request a convex mirror to be put on a pole at 245 Main Street so that drivers can see what is coming up beyond over the hill. The Board was very supportive and that they would need to write a letter to the NH DOT (New Hampshire Department of Transportation). Road Agent Lewis added that the NH DOT has been very aware of this intersection over the years, but they have not done anything. Fire Chief Young said that they could request permission from Public Service if they decide to put up a convex mirror on a telephone pole if it's in a good spot and that they may approve it. The Board reassured Mr. Champagne that they will work on contacting NH DOT and try to get answers back in a reasonable amount of time.

**Reclamation Plan:**

Christopher Berry, Bill Stout and Dwight Hill of Berry Surveying & Engineering came to speak to the Board in presenting Believe Freetown LLC. Mr. Berry stated they have stood before the Board in the past for a development at Route 27 in Candia at the Raymond Town Line when the Board requested them to put a Reclamation Plan together for the property to start over on the site prior to conceiving any development potential for this site. This property has a long history to it with the prior owners. With being the new owners, they would like to move forward with the clean-up of the site and have submitted their designs with the future plans of what it would look like. They have done a complete existing survey of the site and have found the towns boundaries as the surveyor has located them. Most of the site looks like the face of the moon so that is why they need to do a lot of clean up. There are two pieces of land, one in Raymond and one in Candia. Some of the natural features they will need to design around is a large wetland area at the front of the site and some buffering needs to take place. Candia's Town Ordinance has some buffering that is required, luckily there is an existing Tote Road and Hall Road that runs through the middle of the property that skirts around the edge of that wetland buffer. They are within minor reason to stay outside the 50 ft. setback to that wetland area. There is a natural wetland that drains down through the site and connects over to this wetland. At some point a wetland permit was gained to have access over that wetland and reinstallation of a modern culvert in that area was installed. At some point one of the prior landowners had gone into the backside of the property and started mining materials out of the center of the property and looks like it was done improperly. There is a larger wetlands area on top of the slope, and they are not looking to make a disturbance within 50 ft. of that area. There are four small manmade wetlands at the bottom of the pit that have now turned themselves into jurisdictional wetland areas. They are simply over excavated areas that have no drainage to them and now have formed a plant life that is required for a jurisdictional wetland. They have an application ready to submit to NHDES (New Hampshire Department of Environmental Services) for the Wetland Permit which is part of the reclamation plan to grade through those wetland areas. All the natural wetlands on site are currently proposed not to be disturbed in any way. They have hired Jack Hayes who is the wetland scientist and a soil scientist that has delineated the wetland on site and all the soil groupings. They group each one of the soils

on site for drainage class. They have had a pre-application meeting with alteration of Terrain. Selectmen Brock asked for clarification about when Mr. Berry references when their application is in, if he means they are waiting for the Board to accept the plans before all the applications are submitted? Mr. Berry responded yes, for the Board to accept the plans for the Wetlands Permit Application. For the alteration of terrain, they did not wait and has submitted already because it takes the longest amount of time to review all of the engineering. They have had a pre-application meeting with alteration of touraine because the western portion of the property was a pre-existing pit on record with NHDES. The rest of it was an unpermitted excavation so what NHDES has asked them to look at it from a drainage standpoint and what it would look like if no one had touched it as of today. Then they run their stormwater analysis on that type of coverage to make sure all the natural soils and trees are still there. That will give a baseline for the amount of stormwater that used to come off the project site and down into the wetland. They then ran the stormwater analysis based on an excavated site, smooth site, no vegetation, trees, grass, feral type vegetation and proposed to install a detention facility to hold that stormwater back and meter the flow going out at a metered rate back into the wetlands.

Mr. Berry showed the overview of the grading plan and that the current operation resides in Raymond. Materials of mostly concrete and demolition building materials such as bricks are brought to Raymond where they go through a crusher and remove metal from the product of typically NHDOT gravels or structural fill materials are made from those recycled materials and then they are exported off the site. What they are proposing to do as you enter that area you can see there is a very steep slope at the site in Raymond. As you come up to Tote Road and around into the pit and the old midway pit is where you will see there is vertical ledge faces, boulders, pits and mounds that are pretty dangerous, slopes that are inverted and not well managed for better slope. They would like to take all of those features away by smooth grading the existing pit floors and land slope to much safer slopes. The actual floor itself would then be loamed and seeded and allowed to naturalize for vegetative growth to take over in the future. Detention facilities would be installed first as part of that reclamation process takes place so all the storm water from those areas would be directed to those stormwater cells for treatment and then metered flow back into the wetland area.

The remainder of the plan set is a large amount of detail on how that is going to operate and how the stormwater features are going to be built. The operation of how material would be removed from site and all of the sediment erosion control devices that would be needed to ensure the site is clean and meets requirements. Selectmen Brock asked about removing material from the site. Mr. Berry replied, some areas will need to be blasted and then brought to the existing Raymond side of the project where it would be crushed and then removed from the site.

Selectmen Brock asked if they could estimate how many cubic yards of rock that they plan to excavate in order to maintain the two slopes? Mr. Berry answered that they did not know. They are only looking to work in the area that has been disturbed. They had discussed in the prior meetings they attended that would require some of it to be removed from the site and it looks like it would be around 300,000 to 400,000 cubic yards. He showed the areas on the map that the clean-up involved. Selectmen Chivers asked him if their intention coming here is to get a permit for a quarry operation? Mr. Berry replied the intention was to come back with a reclamation plan as they were asked to do. Selectmen Chivers asked how much material they will need to truck in to remove all the loam? Mr. Berry stated he did not know the amount but there is no loam on site so they will need to bring in loam material and stockpile it and reclaim as they go. Selectmen Brock said the Board would have an issue with the material that is being generated on site as they thought

the intent was all that material be used for the reclamation and not to be trucked off site for profit or offsetting cost. Mr. Berry stated how there is really no use for that volume of rock. Selectman Brock added that this would go against our town ordinance and that we cannot have an operation like that in a residential area. It cannot be disguised as a reclamation plan if you are lugging material off that has been somewhat processed on the site and then taken off the site for whatever purpose of swapping or selling it out. The Board does not have the authority to allow this type of operation to exist or approve it. Mr. Barry explained there are two forms to reclamation, they come in the management of the site and the slopes, but it also comes in the revisitation. They need to manage the site and slopes and lay those down to a safe level and then they can bring loam in to seed it. Selectmen Brock said, however you are still taking rock out of there and not just dumping it into a hole there as it will be processed materials to be sold. Is the intent for you to do that so it allows you the financial resources to finish the reclamation? Mr. Berry replied, no that these go hand in hand because the material needs to be removed so the site can be reclaimed. It is not financial, and we need to do one thing in order to do another. As you would smooth and grade areas you have to lay loam down. Selectman Brock asked, so you only have a certain amount of time period for everything to be stabilized is that correct? Mr. Berry answered, yes that is correct. Selectmen Chivers mentioned that normally all of the abutters adjacent to this would be present in this room to get an idea of what the proposal is, but where you are coming in with a reclamation plan to the Board, none of the abutters are aware of what the potential is on that site of 73 acres right in the middle of a residential district area and are unaware how they will hear drilling and blasting that will go on for a few years. The abutters would probably be interested in what we are talking about tonight. Mr. Berry stated they are happy to go through a public hearing and public notice, but they were told to come back to the Board of Selectmen with a reclamation plan, so here they are. If they have additional steps that they have to take it is okay with them. Selectmen Chivers stated he would like to see their engineers of Stantec review the plans for the quality of work as well as to find out how many yards of material that would need to be hauled out as well as hauled in to loam and seed. This way we can see how much traffic they would be looking at. This should also go in front of the Zoning Board and to apply for a variance on this type of operation. Selectman Brock exclaimed how they did like their plans and are in favor of this reclamation proposal and help clean up this mess. The Berry Surveying & Engineering did not create it, but there are concerns because material is leaving the site, and this involves excavation. Mr. Dwight Hill added that they Board mentioned there will be stone removed and most likely sold however the money involved would be used to pay for building retention walls, culverts, loaming and seeding to get it to the next stage. Selectmen Brock stated he understands their need to sell the material to offset the other costs, but as Board members they do not feel they have the authority to approve this plan. The Planning Board has jurisdiction over the excavation on the removal of the material with the excavation ordinance in Candia, so there will be few more boards that they would need to see. The Board stated that they will send the plans to Stantec and ask them to review it with Bryan Ruoff who is the company Engineer. Selectman Chivers stated the other item that needs to be settled is the zoning issue because it is in a residential district. Mr. Berry asked the Board what would they expect to see for a reclamation plan of this size and magnitude that would not require what they are they are saying is zoning relief? Selectman Brock answered, everything on that lot that they changed and modified was used on that lot to reclaim it, nothing moved off that site. Mr. Hill told the Board that they want to redevelop residential areas, and that it goes on all the time doesn't it? Why can't they go about it on the Board of Selectmen's side of it to get it reclaimed and go to the next step? Selectman Brock said there is still a lot of bad history there, and

unfortunately now Berry Surveying & Engineering are owning it, so the Board is going to be very careful. The past owner made a lot of promises to the Board and it did not happen.

Bill Scott stated they have stood in front of the Board before and have done a lot of right with Candia but then the Board keeps talking about the past history and it drags them down and needs to move on forward from it. They have spent a lot of money, done everything that everyone asked them to do and has followed the process as well as they possibly could. He asked the Board was it correct for them to go to the Board of Selectmen first or should they have gone to the Planning Board? Selectman Brock replied no. Selectmen Chivers added that they need to look at it from the people who live in that residential district, their property values are protected by our zoning ordinance and they have a 73 acre quarry backyard and it has some effect on their lives. Mr. Barry stated that if the Board of Selectmen is in favor of the plans that they would like their support on it if they have to go before the Zoning board. They do not want to go in front of the Zoning Board only to be told they have to go back to the Board of Selectmen. They do want to do things the right way and have built a great reputation with the neighbors there. Selectmen Brock agreed with him that the Board did not have a problem going to the Zoning Board Public Hearing and if the neighborhood shows up that he supports the reclamation plan in asking the Zoning Board to endorse it. Selectmen Chivers added, if the Zoning Board approves the variance then that would be the biggest hurdle that they would be looking at and the fact that this is right in the middle of a residential district and they really don't have the right to approve this reclamation plan so this is would be the right way to do it. Selectman Dann added that the Candia's Residents will want to know what the timeframe would be. Selectman Chivers s asked if there would be access to Candia property through Raymond? Mr. Berry replied, yes as that is the major route. Selectman Chivers added that they might want to stress on that to the Zoning Board, because it is a big deal if they are already permitted in Raymond as they could go through that town.

The Board stated the next step for Berry Surveying & Engineering is to go to Candia's Land Use Department to request a variance and the Board of Selectmen has asked them to and that they would attend the meeting. In the meantime, the Board will send the reclamation plans to Stantec for review.

**Board to authorize the payments of payroll and payables:**

Selectman Chivers announced the grand total for payroll for week ending February 20<sup>th</sup> was \$16,452.76. The following week ending February 27<sup>th</sup> was \$15,171.73. Payables for February 20<sup>th</sup> were \$42,058.09. Payables for February 27<sup>th</sup> were \$78,919.63 for a combined total of \$152,602.21. Selectman Chivers moved to make a Motion. Seconded by Selectmen Dann. All in Favor. Motion carried by a vote of 3-0-0.

Selectmen Brock asked Road Agent Lewis if he had picked up the road signs yet? Mr. Lewis replied, he has them, but has not had time to put them up yet.

**Calendar:**

The next Board of Selectmen Meeting is scheduled for Monday, March 9<sup>th</sup>, 2020 - 7:00 pm.

Town Election is scheduled for Tuesday, March 10<sup>th</sup>, 2020 at the CYAA – 6:00 am to 7:00 pm. All the Board members planned to be there all day.

Candia Selectmen's Public Meeting Minutes of 02/24/2020

Hannah Miller member of the Old Home Day Committee announced Candia Old Home Day will be held on Saturday, August 22<sup>nd</sup>, 2020 from 11:00 am to 4:00 pm.

Selectman Dann moved to adjourn at 7:55 pm. Seconded by Selectmen Chivers. All were in favor. Motion carried by a vote of 3-0-0.

Respectfully submitted,  
Linda Chandonnet, Recording Secretary