

BOYD D. CHIVERS



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May 4, 2020

Susan Price Young
Chairman, Candia Board of Selectmen
74 High Street
Candia, NH 03034

Dear Chairman Young:

Please accept this letter as an expression of my interest in reappointment to the Candia Zoning Board of Adjustment before my term expires sometime this month. It has been my honor to have served on that board for the past 18 years and I respectfully request the opportunity to continue doing so.

Sincerely,

Boyd Chivers

CC: Robert Petrin, Chairman
Candia Zoning Board of Adjustment

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

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.

Joe Duarte

2.10.2020 Board of Selectman Meeting

Public Comment: Sheila McDonough stated she is here on behalf of her brother William Socha who has a pending application for an intent to cut Timber on his land on off of Libbee Road. Chair Young asked her address. Ms. McDonough replied, she is from 301 Spawford Road, Auburn, NH. She is here on his behalf because his wife's grandmother passed away today so they are down in Massachusetts, so forgive me if I'm getting through into the middle of this. Ms. McDonough said, so he just wanted me to ask about his application on his Intent to Cut. He was looking about harvesting about 30% of the timber on his land off of that Libbee Road parcel I believe. I don't know if you've seen the application come before you or not? The Board replied, no. Ms. McDonough said, she knows he asking to be able to put some gravel down and he is looking for 4 inch min/inch gravel at the end of Flint Road towards Libbee Road to be able to get some of the removal of the tree off that class VI Road. Chair Young said, may I ask you a question? Is this something he could address at our next meeting? Ms. McDonough replied, he could, I know he is just trying to get the logger in there and to get the ball rolling with you people to be able to schedule it with the logger and everything. Chair Young stated that she (Linda Chandonnet) is going to look for it, but sometimes it takes awhile to get the whole thing through the process. I didn't know if we'd meet in 2 weeks to save you a lot of pressure. Ms. McDonough asked, what do they need to do to get on your agenda for that? Is there any paperwork you're going to need? Or anything like that? Chair Young replied, you can but I think she (Linda Chandonnet) is looking for the application because I didn't happen to notice it. I see him. Road Agent Lewis said Mr. Socha called him about a week ago and asked about doing some upgrades to that and Flint Road. I informed him that it wasn't his call and it would be the Selectmen's call. He has contacted Brien and what he wants to do is put some gravel in to make it passable for a log truck, and basically that is all he's asking as far as I know. But Brien thought he should come to the Board. Road Agent said he called Will (Mr. Socha) and said he needs to come to the meeting and he (Mr. Socha) said he couldn't come to the meeting tonight and he can't come to the next one is what he told me, because it's school vacation week and he must have something planned. So he (Mr. Socha) wanted to know if I could relay the information and he called me and left a message at the house saying that Sheila (Ms. McDonough) was coming. So, he (Mr. Socha) wants to do some work to the end on the Class VI section of Flint which is the Selectmen's call. What you will allow him to do and what you won't. Chair Young asked if we have a map or anything that we can be looking at for this or? Selectmen Brock asked, how many feet did you figure that it was? Road Agent Lewis replied, about 1,000 feet. It goes up to meet Libbee Road and it's just Flint Road ends at Libbee Road. It's up to the Selectmen. Ms. McDonough said, he (Mr. Socha) isn't at looking to clear cutting the property or anything like that. There was (unclear here) a harvest of 30% I believe, the Timber which about 10% of the profits of that goes to the Town I believe. Selectman Robie said, but that is on his Intent. All that information is on the Intent. The question before the Board is, will the Select Board allow him to put some gravel at the end of Flint Road to go up to meet his property where he'll put in a landing. I have no problem what so ever with that. Selectman Chivers said I don't know why we would deny a request like that. Chair Young replied, because it's a Class VI Road. Selectman Chivers said he's not going to scrape it up when he's done, is he? He's going to leave the gravel there right? Road Agent said, I would assume. But it's a Boards decision, it's not my call to make. Chair Young said because it's a Class VI Road. Selectman Brock said it's not my call either. Judith Szot said both of the roads are scenic Road and both are Class VI Roads, both Flint & Libbee are Scenic & Class VI. And I don't think that affects really the decision but because I think they're

Class VI it has to be approved by the BOS. Road Agent Lewis said, there was no indication of any tree cutting on Flint Road to my knowledge, just put some gravel down to make it passable for a log truck. Chair Young asked, is that to your knowledge or you know that factually or? Road Agent Lewis replied, that is what he told me Socha. Selectman Brock said, we can make that into a motion if you want? Judith Szot said if it turns out that he has to cut trees than what would the procedure be? Selectman Brock said, the Planning Board right? Chair Young said, that needs a Public Hearing because it is a Scenic Road, the Class VI I think is probably with this one. Selectman Brock said, I think it was august before he was cutting. Road Agent Lewis said, as far as Flint Road goes I can't see any reason why a logging truck can't get in there with the trees that exists. They go up there to hay those fields all the time and all that equipment goes in and out of Flint Road all the time so. Selectman Dann asked, is that going to create more traffic do you know? Going on 4 wheeler loggers? Road Agent Lewis answered, they are just logging it so. You mean making the road better? Selectmen Dann said, yes. Road Agent Lewis replied back, that I can't guarantee. Judith Sizot said once you get down the hill from the end of the two bar ways on that parcel on Libbee Road that's the highest point there. Once you get past there it goes past there it goes down and I think last year there was 6 Amazon vehicles that were towed out of there. I understand that it's a \$700 cash deal to get towed out of there. They pulled one brand new Toyota out of there on it's frame, they hooked a winch to it and pulled it out on it's frame 1,000 feet. Selectman Dann asked are there any signs we are talking about down in that area? Road Agent Lewis replied, one there and when we post our roads there is no getting in there once it's mud season. There is only one access point and that is Pine Ridge Drive. And when we post for mud season, we post that so. Chair Young said, can I ask a question Dennis? There has been a couple of people in that area who have complained that people are using Libbee & Flint on whether it's 4 wheel vehicles or trucks or this or that, is adding this going to make it even more accessible? Road Agent replied, undoubtably. Chair Young said, all right, so that is something to keep in mind. Ms. McDonough asked, once he finishes with the logging for that landing pad maybe he could put some stones or boulders or something? Selectman Brock answered, he can't block it. Ms. McDonough said no, on to his property, do you know what I mean if you go up the road which they can probably still do now on a 4 wheeler but not into the land behind. Do you know what I'm saying? I'm just trying to think outside the box. Judith Szot said, the thing is that section of the road is fairly good to begin with it's just when you get past that part down the hill from the 2,000 feet from there to my house that the people on the heavy trucks that have come through there that have ripped it up and now it's pretty impassable except when it's very, very dry. Otherwise there's always water and there's mud and you can't even walk up there anymore. Chair Young asked, so Judith you're in favor of this? Cause I thought you didn't, that's not the impression I got last time I spoke with you? Judith Szot replied, I don't own that property. Chair Young said, right but we're talking about the road not talking about the property, we're talking about the road. Judith Szot replied, it's not going to affect it by me. I mean the road is good, trucks can get through there, people think that they can get all the way around, it's the road between my house and the top of when you get to Flint Road that's impassable. It's just become impassable. And the thing is my road is a 2 rod road, and that's a 3 rod road. So right away the part that you can just drive on is wider than Libbee Road and if he had to come down my road personally they couldn't get under either of our power lines. Secondly he would have to cut all kinds of trees because it's not wide enough to get a truck through. Chair Young said so you're saying it's wide enough where it's proposed. Judith Szot replied, because it's a 3 rod up there up Flint. Chair Young said, okay. I just know last year I was taking pictures because everybody was complaining about that whole section and Flint and everything

else so. Judith Szot said, well the 4 Wheelers go whipping down there and they dig up our section of the road and then it washes away and it costs us money because the Town doesn't maintain that part of the road. Chair Young replied, right. Is there some type of thing that we can put in there so that if trees, because it is a scenic so that's another whole ball of wax. Is there something that we could put in there to protect since it is scenic or if he needs to come that would be a Planning Board thing. Selectman Chivers said, sure, we can do it in a motion. Chair Young said, okay, is that something you're prepared for or comfortable doing? Selectman Chivers said, we can meet your specifications for that road, I mean what is he planning on putting down there? Road Agent Lewis and Selectman Brock replied it doesn't matter. Road Agent said, It's the truck driver that's gonna. Selectman Brock stated, I make the motion that we allow Socha to put the necessary gravel down to make good travel for his logging, but there will be no trees removed, just the gravel on the base. Chair Young said, or no trees on the road you mean. Selectman Brock replied, no trees on Flint Road. Selectman Chivers said, I second that. Chair Young said, does everyone understand the motion? Selectman Robie said, I would like to clarify, if he get to his property and if he has to cut some trees to build a landing in front of his property, if there's a couple of branches hanging over dragging on the hoses, you can trim some branches, but you're not going to take down. Road Agent Lewis said, not the whole tree. Ms. McDonough asked, can we add that we are allowed to trim the overhang. Selectman Robie said, trim the canopy. Ms. McDonough said, trim the canopy, that would be fantastic. Selectman Robie said, would be acceptable. Is that all right I'll add it to my motion. Selectman Brock said, that's all right I'll add that to my motion. Ms. McDonough said, thank you. Chair Young said, all those in favor? All agreed by saying, I. Selectman Robie said to Ms. McDonough, Donna will get your Intent processed and get that signed. Ms. McDonough said, sorry to drop that on you. Selectman Robie said. It's just not done yet, it's been busy around here.





















