

Candia Conservation Commission

APPROVED

Meeting Minutes- 21 February 2006

Present: Chairman Ed Fowler, Co-chair E. Kruse, and members T. Giffen, J. Miele, J. Collette, R. Weeks, D. Lewis, J. Lindsey, E. Davidson, R. Snow, D. Levesque, S. Carrigan, and guest Gary York and Kevin Egan.

The regular monthly meeting was called to order at 7:00pm by Chairman Ed Fowler.

Gary York was present to discuss with the commission allegations made by a neighbor at the previous meeting that 3 of York's trailers and other landscaping materials were being stored on town property. Mr. York stated that he had read the minutes of the previous meeting and that there were two sides to every story. He stated that he resented the use of "Selectman" in the minutes as there was no abuse of power on his part, and asked that the minutes be amended. Mr. York described the situation as "unique" and stated that Road Agent Dennis Lewis was aware of it as well as the former Road Agent Ron Severino, who at the time lived across the street from Mr. York. He said that when he moved there in 1989, the road ended prior to the end of his property. His trailer was parked on the grass making it difficult to plow the snow and caused Mr. Severino to do an 8-point turn around when plowing the street. Mr. York stated that, in 1990 or 1991, an agreement was made with Mr. Severino that he would fill in the end of the road with soil from his backyard, instead of selling it to the contractor who was removing it. This would make room for Mr. York's trailer, give Mr. Severino more room to push the snow, and allow for an easier turn around. Mr. York stated that since then, he has purchased another trailer giving him a total of 2 trailers not three as the minutes stated. E. Fowler disagreed and said that there were three there when he drove by the property. Mr. York stated that one of them was his neighbors, Kevin Egan. E. Fowler stated that there was no way for him to have known that. Mr. York stated that he was trying to do his part for the town by helping out the Road Agent. He then asked if the commission had done a survey to show where the property lines are located. E. Fowler stated that there was a stone wall located on the property and those are usually boundary walls. Mr. York stated that Mr. Egan had put up the wall a few years ago. He said that he was unsure if the trailers and piles of landscaping material were on town property, as he was not sure of where the property lines were. He mentioned 3 options that were available to him: 1. Move the trailers back to where he originally had them which could cause some problems for the Road Agent; 2. Leave the trailers there until a policy is set; or 3. He and Mr. Egan could purchase the property from the Town and then put the land into a conservation easement. Then they would have a 3-acre conforming lot and the commission would have a few extra thousand dollars to purchase conservation land. E. Fowler stated that when Mr. Morin contacted him with his concern, he was unsure if written permission had been granted by the Selectmen or Road Agent. He said that the

commission is now put in the position that if other residents want to use the property, as Mr. York has been, then we can't deny them which puts the commission in an awkward position. R. Snow stated that when that subdivision was created, that lot was created to provide access to the 50+ acres in the back. The town then gave the state permission to use the back parcel as a rock dump and then level it off. R. Snow also stated that before offering to sell that piece of land, he would want to have it surveyed to see if that was the only access to the backland. E. Kruse asked Dennis Lewis what the town needs were for that area. Mr. Lewis stated that he simply plows to the end of the road and then backs into Mr. Egan's lower driveway and will continue to do that as long as it's O.K. with Mr. Egan. R. Snow stated that a plan for that piece of property needs to be developed and options explored. E. Fowler stated that his concern was that other residents may come forward and want to park things on the property and then the commission is in the storage business. Mr. Egan stated that it was his understanding that the 13+- acre town parcel and the 50+- backland parcel were connected and accessible from Old Mill Road. E. Fowler proposed that a survey be completed to determine lot lines. He also stated that adverse possession is still a situation that comes into play. Mr. York stated that there was an agreement made with Ron Severino and there was no intent made on his part. He agreed to work with any option that the commission decides on. Mr. York questioned what the time frame would be for a decision. E. Fowler stated that it would be within three months. D. Lewis asked Mr. York if anyone knew where the property lines were. Mr. York answered that it was pretty sketchy. Mr. Lewis asked what if another resident asks for temporary use of this parcel. E. Fowler stated that everything at this point is on hold until a policy set and a survey is completed so others will not be allowed to use the property. T. Giffen showed concern about how Mr. Morin was going to react to the decision. Mr. York stated that Mr. Morin chose that route because he happened to be a Selectman and in charge of code enforcement. E. Fowler stated that the commission now had additional information and would be taking logical steps to see where the lot lines were. R. Snow said that there was also an implied contract between Mr. York and Mr. Severino which should be investigated. Mr. York said that he also discussed the matter with D. Lewis about parking the trailers there about three years ago. D. Lewis answered that Mr. York had asked if it would be O.K. to park the trailers there once in a while, not as a permanent parking spot. Mr. Lewis agreed with D. Snow and said that former Road Agent Ron Severino needs to be contacted about the alleged agreement that was made in the early 90's between him and Mr. York. E. Fowler agreed, and said that it would be explored so a decision could be made at a future date.

The minutes of the previous meeting were reviewed. R. Snow made a **motion to eliminate all terms "Selectman" in paragraph three. T. Giffen seconded the motion, all in favor, motion carried.** D. Snow made a **motion to accept the meeting minutes from the previous meeting as amended. T. Giffen seconded the motion, all in favor, motion carried.**

J. Lindsey reported for the Planning Board. On 2-15-06, Jeff Cantor, of Car World, came in for a site plan review for a new commercial building to be added his Raymond Road property. Wayne Theodore was denied a lot line adjustment on Baker Road as the parcel was too large. He will be going to the ZBA on 2-28-06.

E. Fowler reviewed the correspondence received since the last meeting with the commission.

R. Snow reviewed the current budget with the commission. A total of \$30.38 was spent in January. E. Fowler stated that the Conservation Fund was at \$229,000 as of the end of January.

E. Kruse reported that the Bear-Paw annual meeting was held on February 11, 2006 with guest speaker Ian MacLeod. A walk on the Fernald 2000 acre property in Nottingham took place after lunch with about 60 people. Another walk will take place there on March 11th. Rebecca Rule will be at the Deerfield Town Hall on March 25th.

E. Fowler reported that the North Road Forest Management Project is about half way complete. R. Snow suggested calling Charlie Moreno to get an approximate amount of positive output from the project to bring to town meeting.

J. Lindsey showed the commission the flier that was created by the Open Space Committee and will be included with the town report. The flier focuses on the commission's warrant articles and the purchase of the Girard property.

E. Fowler reported that Carol Sieminski on North Road was still interested in putting her land into a conservation easement. An appraisal is waiting to be scheduled. A discussion regarding an approximate 139 acres on Critchett Road was discussed. E. Kruse stated that she would contact Phil Auger and try to set up a time with the family to discuss a possible easement.

The commission discussed holding a public hearing, before town meeting, to explain the definition of an easement, what they do for the landowner/town, and the commission's plan for easements. **The public hearing will be held on Wednesday, March 8th at 7pm, in the meeting room at the Smyth Public Library.**

E. Kruse stated that she had contacted Mark West who is willing to come talk with the commission about evaluating the prime wetlands in Candia. E. Kruse will suggest the April or May meeting.

The meeting adjourned at 9:12pm. The next regular monthly meeting will be on Tuesday, **March 21, 2006** commencing at 7:00pm in the Town Office Building, 74 High Street, Candia.

Respectfully Submitted By:
Dawn Anne Higgins-Currie
Conservation Commission Secretary