

**CANDIA PLANNING BOARD  
PUBLIC HEARING  
MINUTES of June 3, 2009  
APPROVED**

**Present:** Mary Girard, Chair; Sean James, Vice Chair; Kim Byrd; Judi Lindsey; Joe Duarte, Selectmen's representative; Ginny Clifford; Amanda Soares, Alternate; Scott Komisarek, Alternate; Dennis Lewis, Road Agent; Dick Snow, Selectman; Jack Munn, Southern NH Planning Commission

**Absent:** Garrick Asselin

Chair Girard called the meeting to order at 7:00 p.m. S. Komisarek was asked to sit for G. Asselin.

**Harbor Street, Crowley Road Map 414 Lot 090**

Chair Girard said it was important to meet because there was a discrepancy on the amount of money that was accepted for the road improvements. At the last meeting the Board had decided to include the additional money for the road improvements. She said unfortunately D. Lewis, Road Agent did not tell the Board that he had put in writing that he could do the job for the original amount if the applicant brought in his money by the end of May. She said she understood he was trying to help but this puts the Planning Board in an awkward position.

D. Lewis said he may not have been clear at the last meeting when he explained that if the applicant brings in the \$205,000 he would be able to start on the road work immediately and finish by June 30, 2009 before the price increases on July 1, 2009. D. Lewis feels this is where the confusion has taken place because he did not make this clear.

D. Lewis said the applicant called him when he received the letter from the Planning Board dated May 5, 2009 saying that there would be an increase in the paving costs if he waited until the end of the extension June 30, 2009 to post the money.

One of the applicant's last conditions was to have the Road Agent sign off on the project. Mr. Falzone said he didn't want to come in with the \$205,000 and not have Dennis Lewis sign off because he may be asked for the additional increased costs and that is why there is a signed letter. D. Lewis apologized for putting the Planning Board in a bind.

Chair Girard said she called the applicant after sending the letter and Mr. Falzone said he could only come up with the \$205,000 and not the additional \$16,000 and had sent her a copy of D. Lewis's letter that he had signed.

Chair Girard said she is asking the Board to rescind their vote from the last meeting and vote on acceptance of the original amount of \$205,000 and she takes responsibility for accepting the \$205,000 and having it deposited. The applicant brought in a check May 28, 2009 which has been deposited and has cleared. Now D. Lewis has enough time to complete the job for the original amount of \$205,000. Now all that is left to do is to sign the plans as the applicant has met all the conditions.

J. Duarte said he was concerned that D. Lewis should have come to the Board before he had signed anything and is not comfortable reversing the decision made at the last meeting to include the increased additional costs. J. Duarte asked Dennis Lewis in the future if he is faced with this again that before he signs anything to come to the Board and work with the board to avoid any issues.

J. Duarte asked what would happen if the prices go up again. Chair Girard said they have permission to prepay the asphalt to lock in the price. J. Duarte said he has not seen a contract or anything in writing reflecting this or who is going to do the paving. D. Lewis said he has requested 3 quotes from Pike, Continental and Brocks. D. Lewis said that so far Pike is the cheapest but it will be the selectmen's decision on who does the paving. He said the rest of the work will be done by himself and his crew.

S. James said it makes sense to take the low bid as long as the Town is not legally bound to take a bid from a certain company. He said next time the Planning Board should put in an escalation cost clause in the conditions. Also, S. James said that the applicant should have been told at the time the extensions were granted that they may have to pay any increased costs for the paving.

J. Duarte said he was in agreement with K. Byrd that something should be put in writing that would not make the Town liable for the any extra cost. D. Lewis said this is no different then a warrant article that has to be done within budget and he will keep within the budget of \$205,000.

G. Clifford said she has no issues and said this it playing out exactly as D. Lewis had presented it last month. He can do the job for \$205,000 as long as he received the money in time and the plans get signed. Chair Girard said that she has no issues.

Chair Girard asked about the logging trucks that are presently down on Crowley road D. Lewis said that they will be out of there by Tuesday of next week. He said the big tree at 90 degree corner is taken down and hauled out. He said when he talked with the applicant that they were not going to start any home construction or driveways until he was done so they wouldn't be in his way when the road is being worked on. He said a box culvert that is going in spans the width of the road which will cause the road to be temporarily closed for installation.

M. Girard **motioned** to accept \$205,000 on recommendation from Dennis Lewis, Road Agent that he can do the paving roadwork on Crowley Road for this amount. The check has been accepted and it has cleared and the Road Agent is all set to the work once the plans are signed tonight. S. James **seconded**. M. Girard, S. James, S. Komisarek, G. Clifford, Judi Lindsey were in favor. K. Byrd and J. Duarte were not in favor. (**Motion carries 5-2**)

The Planning Board signed the Mylars. The Mylars will be brought to the registry to be recorded June 4, 2009. Chair Girard thanked the Board for attending the meeting.

### **Other Business**

#### Exit 3

Chair Girard told the Board that certified letters have been sent out to the owners of the lots at exit 3 410-137 & 137-1 on what their intentions are and there has been no response back.

#### Impact Fees

Chair Girard reminded the Board the Public Hearing to adopt the Impact Fees is at the next meeting June 17, 2008.

Judi Lindsey **motioned** to adjourn at 7.30pm. K. Byrd **seconded**. **All were in favor.**

Respectfully submitted,  
Sharon Carrier  
Land Use Secretary