

CANDIA PLANNING BOARD
MINUTES of June 3, 2015
APPROVED
Public Hearing

Present: Albert Hall III, Vice Chairman; Ken Kustra; Tom Giffen; Mike Santa; Scott Komisarek BOS Rep; Mark Laliberte Alt; D. Murray, Building Inspector; Dennis Lewis Road Agent

Absent: Sean James, Judi Lindsey

Vice Chair Hall called the meeting to order at 7:00 pm immediately followed by the Pledge of Allegiance. He asked M. Laliberte to sit for J. Lindsey.

Minutes May 6, 2015

The minutes were postponed due to lack of quorum.

Tree Trimming Scenic Road: Notice is hereby given that the Candia Planning Board in accordance with RSA 231:158:II. Effect of Designation as Scenic Road, the Candia Planning Board will hold a public hearing on Wednesday, June 3, 2015 at 7:00pm in the Town Office Building, 74 High Street, Candia NH, to take comment on the request of Eversource Energy (PSNH) to perform tree trimming within the ROW on all scenic Roads in Candia which have been designated as a scenic road by town meeting vote, Libbee Rd, Pine Hill Rd, Adams Rd, Depot Rd, New Boston Rd, North Rd, Patten Hill Rd, Critchett Rd, Flint Rd, Baker Rd, Crowley Rd, Lane Rd.

Vice Chairman Hall asked if the meeting had been noticed twice per RSA 231:158:II. The hearing had only been noticed once. T. Giffen said if there has not been sufficient notice you cannot have a valid meeting and perhaps they can reschedule. Vice Chair Hall said he would entertain a motion to continue to allow sufficient public noticing and hear the case at the next meeting June 17, 2015. M. Laliberte asked the Board's thought if it would be possible to hold this meeting and a second meeting as there are a lot of people present tonight that are here to speak. M. Santa said unfortunately he does not see any point in hearing testimony as the meeting has not been properly noticed. T. Giffen was in agreement as they could expose themselves to risk if they proceed as it would not be a valid meeting. S. Komisarek said they need to notice properly. T. Giffen said he hates to disappoint all the people who turned out for the meeting tonight. T. Giffen made a motion to adjourn to continue the public hearing on scenic tree trimming until the next meeting to allow for proper noticing. It was asked if the people who came tonight could speak and document it. Vice Chairman Hall said the Board is trying to determine if it is a legal meeting or not. M. Santa said you could write a letter if they are unable to make the next meeting. It was brought up that a public notice was seen in the Hippo but it was determined the clipping came from the Candia Auburn Post. M. Laliberte said an article was published in the Candia Auburn Post a week after the public notice that gives the time and date of this public hearing. He said he would argue that would count as the second posting per RSA 231:158: II.

T. Giffen said since his original motion never was seconded, he will strike the first motion he made. T. Giffen **motioned** to accept the article published in the May 27, 2015 Candia Auburn Post that advertises in an article about scenic roads, the time, date, place and purpose of the public hearing as a valid second posting. Mike Santa **seconded. All were in agreement.** Motion carried (6-0-0).

Vice-Chairman Hall opened the public hearing. Brian Salas, Regional Arborist and Ian Farley Utility Arborist for Eversource Energy, applicants were present. B. Salas said he requested the hearing for trimming and removal on scenic roads. He said there are two separate projects going on in the town. One of them is maintenance and removal of hazard trees and the other project ETT (enhanced tree trimming project) is a project they have been doing over the last couple years to improve the reliability on main lines within the towns that serves the bulk of the customers. He said they are doing maintenance trimming on all the other roads in town with a few hazard trees removals separate from the list given which have been marked with ribbons. He asked if any one has any question on this portion he would answer questions. He introduced Ian Farley Utility Arborist for Eversource Energy who is representing Adams Road portion of the scenic road.

K. Kustra asked what part of Adams Road is taking place now. B. Salas said nothing is going to happen until they get approval by the Planning Board and permission from the land owners. K. Kustra said you said there are two projects happening at the same time and none of them have been started yet? B. Salas said not on the scenic roads. He said the portion of Adams Road that is scenic is where they want to do the ETT project and the rest of the scenic

roads will be maintenance trimming. Vice-Chairman Hall said his understanding is the portion of Adams Road between old 101 and Main Street is not scenic. D. Lewis said he was not sure. D. Murray said from his paperwork Adams Road is only scenic from Route 101 to South Road. T. Giffen said a total of 103 trees are proposed for removal on Adams Road.

B. Salas said they listed all the trees to be removed for the ETT project on Adams Road portion and about 50% of the trees are on the other side of the wall and are not in the right of way. He said all the trees have been marked with ribbons for at least a month and that all the land owners are in agreement with all of the work that is planned. He said every land owner has talked with their representative and decided jointly which trees they are willing to have removed and or trimmed and permissions have been granted. Santa just for his education when you say maintenance who determines what is required for maintenance. He said it seems trimming trees on other roads doesn't seem to make sense to him. B. Salas said the reason it may not make sense is their maintenance program is on a 4 year cycle so every 4 years they go after a said circuit and this one just happens to be a long circuit that serves most of the town. He said they are trimming to a required specification removing hazard trees and on every situation they are communicating with the home owner and mailing them a mailer notifying they are coming giving them the ability to communicate with them and some customers choose to do less tree removal and some more and they have the right to do that. B. Salas said everyone has been verbally talked to on Adams face to face with our representatives, which satisfies the RSA. T. Giffen asked about written permission and B. Salas said they usually sign the card if they are going to remove a tree and they retain them. K. Kustra asked how much of the tree is removed and B. Salas said they take the tree down to the stump remove the wood or leave the wood if the customers wants and they will put the wood in their yards. K. Kustra said there were a lot of trees removed on High Street last year that have not been removed. B. Salas said they left the logs per the land owner's request. K. Kustra so the logs are left arbitrarily and not stacked.

Tom Severino, 92 Adams Road, said they have not spoken to anyone regarding trees that have ribbons on them on their property. B. Salas asked if he was in agreement with the trees to be removed and T. Severino said he is okay with the dead pine tree but another tree on the end of his property he would not want removed. T. Severino said other trees marked coming up the road from the highway are very large healthy Oak trees with limbs that are 15 to 20 feet above the lines. He asked why you would remove these large healthy oaks as that would take away from the scenic view of the road. B. Salas asked if they land owner was present. T. Severino asked does the land owner have the right to remove trees on a scenic road. He asked if the residents of Adams Road have the right to ask that these trees not be removed as removal would destroy the scenic road. D. Lewis said as he understands it, if a landowner wants to take down a tree in front of their house on a scenic road they have the right to. He said a landowner could remove all the trees in front even in the right of way because typically on these older roads the land owner owns to the center of the road and they just have an easement over the road so technically the land owner owns the dirt and the trees. B. Salas said if the Planning Board says they do not wish for that tree to be removed then they will not remove it but the landowner could hire someone else to remove it. T. Severino said he knows Rick Johnston 81 Adams Road couldn't be here tonight because he had to work and he was very opinionated that he did not want the trees marked on his property to be taken as well and he was concerned as well about the large healthy oaks and he was concerned at having stumps left and logs left and the burden left to the homeowner to remove. M. Santa asked if Richard Johnson had met with Eversource. T. Severino said Richard Johnson saw someone out there and he has many questions about trimming and trees coming down and since he couldn't come tonight he asked him to ask these questions. T. Severino said he agrees with removal of some pine trees that are dead and some that are not are the ones that when weighed down by snow do snap off and continued why have a scenic road where you take down healthy large oak trees. He said it is rare for limbs on oak trees to come down and it just seems crazy to take down such large beautiful oak trees as there are other trees that are literally hitting the wires. He said there has to be more discretion in his opinion and it is hope that the Board will look at this. B. Salas said they do not have any intention of removing any trees that they do not have consent for and he said they will make sure they get permission. Ian said in some instances when someone is not home they will ribbon some of the trees hoping when they come by again they will be able to talk with them. He said in regards to the large oaks he said he is amazed sometimes what a homeowner wants taken down. M. Laliberte asked if they had some kind of written acknowledgement saying that you can take down the trees with them tonight. B. Salas said they have an agreement with Asplundh that they will have consent for any trees that are to come down. B. Salas the written acknowledgements are held by Asplundh. T. Severino asked for them to produce that document for the property with the large oak trees.

T. Giffen said he had a concern that T. Severino hasn't been contacted and his trees were marked and R. Johnson had questions about his marked trees and here we are at a hearing. He said the process is not quite complete

He said given the amount of people present and we have a resident that has not been contacted concerned that due diligence has not been done. B. Salas said they need both the landowners and the Planning Board's permission before anything happens and they won't take any action until then and said the Planning Board could put a contingency that if long as the homeowner approves said removals. T. Giffen would like to see in writing that the home owners are in agreement not verbal. B. Salas said per the law states either verbal or written RSA for permission.

Robert Schleck 85 Baker Road said he received a card that he signed saying he wanted to meet with them but nothing happened and they did not contact him. Rebecca Hopkins 110 Baker Road said she did not receive anything in writing apart from the card and she did walk the road but they did not say anything about their process. Donald Francis Arsenault 53 Adams Road, said he did not receive a mailer notice but there was something left at his back door which he signed indicating that he wanted the two large pines on his property removed and he does have a large oak tree but it is rotten from behind and he was okay with that removal as well. Carl Pearson asked if he could speak for his mother Hope Pearson 139 Old Main Street at the corner of Adams Road and Vice Chairman Hall said he could speak. C. Pearson said his mother has a 150 year old barn and is in the barn preservation program in town and they are okay with them taking down the large pines as it is easier to replant trees then replace the barn. He showed a picture of trees marked where he believes is a non scenic part of Adams Road. It was brought up that Crowley Road is 3/4 NH Electric Coop and Patten Hill Rd and Depot Road in that section of town are under NH Electric Coop. B. Salas said they will only trim what is Eversource and portions where both Eversource and NH Electric Coop run. Paul Bohan 206 South Road he said he would like the Planning Board to keep in mind the trimming of the trees on Adams Road in particular affects other people fed with the same circuit. He said they have had some major outages because of the trees. He said he is not in favor of turning Adams Road into a meadow but it is worthwhile to do the enhance trimming as it affects more than just the Adams Road residents

D. Lewis said on Adams Road there are a couple of pine trees that were not marked that are dead that have been a problem for the last twenty years. He said however the large oaks are perfectly healthy he sees no reason to remove them and the twenty years he has been taking of the road very few oaks have ever been a problem. He said it is always a red maple always the pines and removing these oaks would change the integrity of the road dramatically and this is a scenic road. He said the trees are marked with ribbon before removal and he asked them to mark the stumps that way there is evidence on the stump that they didn't take the wrong tree which is the way foresters do it. B. Salas said they can do that, they just do not want to do that ahead of time. D. Lewis said hopefully every homeowner is contacted. R. Hopkins 110 Baker Rd, asked if there are no taped trees is that an indicator that there are no planned tree removals or that they have not been contacted yet. B. Salas said it sounds most likely that they do not have any trees scheduled to be removed as they would have been contacted. R. Hopkins said but you already have a discrepancy with one land owner and the tree was taped sounds like there could be more and appears there is an issue between procedure and policy. M. Laliberte asked if someone at Eversource be able to get back to R. Hopkins to verify that trees won't be removed from her yard or may be. B. Salas said he will review and verify every single tree prior to removal and will get a signed document from all the land owners for approval for removal.

B. Chivers 165 Depot Road asked with all the trees marked on Adams road how many do you have permission to remove. B. Salas said it was his understanding they have permission from all the landowners but he is hearing tonight that is not the case. B. Chivers asked if you have the landowners agree to have the trees cut down could the Planning Board decline to give permission. B. Salas said the Planning Board can decline if they feel there is a consensus to not cut down certain trees and they would not do any work and if the landowner wanted to remove the trees they would have to do it on their own. Craig Sandler 10 Fieldstone Lane said he has been a land owner for 15 years and has seen multiple outages and whenever he makes an inquiry on the outages they emanate from Adams Road and having a medical issue there have been numerous occasions he has woken up at 2am not being able to breath and would have to start the generator in the middle of the winter. He felt there are good reasons to trim these roads for liability, health and public safety and would stand in favor of it. C. Pearson is in agreement. B. Salas asked if the Planning Board could approve the scenic road hearing subject no removals occur unless the Board is provided with written documentation from the land owners on Adams Road. He said he certainly does not want to remove any trees without the homeowner's permission.

M. Santa said he read an email B. Salas sent on May 4th and at that time you indicated you were working on the permission for the tree removals and now here we are a month later and it seems we do not have all the permissions required and wonder why didn't come prepared to this meeting putting the burden on the Board to try and come up with acceptable alternative. B. Salas said his understanding was all owners were contacted and it is the first that he is hearing tonight that isn't the case. He said he has not heard from any land owners about the ribbons on the trees.

D. Lewis said when you get done at Adams Road are you going to upgrade the whole section of wires and poles he knows this is the most fragile line in town. B. Salas said he did not know and he knows it is old copper with old poles. Vice-Chair Hall said trimming and removal of trees is not guarantee of any power outages. K. Kustra asked what if the previous owner gave you permission to remove the trees and they put their property up for sale the new owner may not want the trees removed. I. Farley said if the trees have not been removed they would have to re-permission.

M. Santa said on his email there appears to be 6 trees to be taken down on New Boston Road. He said he took a ride up New Boston Road last night and saw a pine tree with the top snapped off with probably thirty feet of dead tree leaning on other trees somewhat attached to the base and is on the side where the lines run but not on the list located near pole #46 to #46.5. He asked why they did not list that tree. B. Salas he said when he drove the other portions of the scenic road he wasn't only taking trees that were immediately hazard to the line, trees that have fallen or have hung up he walked around and thought maybe they will last another 5 years or until the next cycle and only picked clearly rotten trees. B. Salas said if they have a list they will go look at the trees the Board wants him too and if the trees are behind the wall they still have to get the land owner's permission. M. Santa said he would like him to do this as this tree poses a hazard.

T. Giffen said he is in agreement with C. Sandler that they do have a lot of power outages and his concerns in terms of convenience and life safety. He said his only issue is one land owner has not been contacted they need verification all were contacted. I. Farley said they sent out mailers for the maintenance work and with the ETT program they actually go during business work hours to contact the land owners where most of the time home owners are at work some and they have to chase some people. It was noted that the mailer was effective. I. Farley said they leave a hanger if the person is not home. B. Salas said the RSA states that send a mailer through US mail to every customer prior to the work the only reason they didn't on scenic roads is because they are asking for more and their policy is they want a signature if they are removing any trees.

M. Santa asked if they could get the permissions back in time for the next meeting on June 17, 2015. B. Salas asked if the Board if they could approve the other roads except for Adams as they have maintenance crews in the area that are almost complete and if the Planning Board wants to strike the oak trees they have no problem with that. Vice Chair Hall said if he hears everyone correctly Adams Road is the issue and the other roads seem to be ok.

B. Chivers 16 Depot Road asked why were all the scenic roads in town included in the notice if they do not have any intention of doing any work on some of these roads. B. Salas said the scenic road RSA requires them to have a public hearing on trimming as well. He said they are doing maintenance trimming on all the roads in Candia as well as an ETT on Adams Road. D. Lewis said on the corner of South Road, Adams Road and Baker Road there is a big pine tree on the left as you are coming out and he asked how they felt about removing that tree. He said he brought it up so it can be part of the tree removal work.

T. Giffen he doesn't have an issue and does not wish to get in anyone's way with that and would go ahead and approve apart from getting verification that landowners were contacted on Adams Road. Vice-Chairman Hall asked if that was a motion and T. Giffen said yes we can call that a motion to approve Eversource's request to proceed on tree trimming and removal. No issue except with the breakdown of communication on Adam Roads. Vice-Chairman Hall asked if there was a second. M. Santa said he was not quite sure what the motion is.

T. Giffen **motioned** to accept the request by Eversource to trim and remove the trees on the scenic roads listed with the understanding that they will perform their due diligence. M. Santa said to include Adams Road and T. Giffen said yes given they verify and given they do their work and do not see a reason to meet over this again. S. Komisarek **seconded**. M. Laliberte said so he is clear you say we move forward and give them the go ahead. He said the only concern he has is if they say they do that and we assumed they had done their due diligence when they came to this meeting and they didn't. His argument for the Board and Town is some sort of written verification before they let them proceed. He said he would be comfortable supporting that if the motion said provide to the Planning Board written consent from all land owners of trees selected to be removed on Adams Road before any trees are removed. T. Giffen **motioned to amend** his motion to include; provide to the Planning Board written consent from all land owners of trees selected to be removed on Adams Road before any trees are removed. M. Laliberte **seconded** the amended motion. **All were in favor. Motion carried (6-0-0)**. B. Salas thanked the Board for their time.

Other Business

Population Growth Union Leader Article

K. Kustra said the population is declining in Candia according to the article D. Murray gave to the Board that came from the Union Leader dated May 26, 2015. He asked where does the Planning Board and BOS want to go and do they want to see the town decline or increase.

S. Komisarek said at the school board meeting the high school issue came up which he believes Sean James and Judi Lindsey probably went to down at Pinkerton tonight to discuss. He said for the longest time you couldn't talk about housing starts in southern NH as the towns all thought they would go bankrupt because they would have to build more schools and there was a period where towns had to build schools and it was very expensive. But now it has gone the other way and they can start the argument that when you have all those fixed costs \$8 million a year you probably could handle some housing starts and some students but there should be a target and as a Planning Board decide what type of growth they may want.

T. Giffen said S. James had sent a link around for the actual data source and if you look at the data there is an explanation in the article about the reliability of the data comparing year to year. He said in reality there is no trend line down they are just about flat from the year 2000 to 2013 with no significant change. S. Komisarek asked if he was talking about enrollment in schools or the general population and T. Giffen said the general population. T. Giffen said the school enrollment is changing in one way and the population is more or less flat so the question is there a nature of the population a demographic change and they do not have that data.

M. Laliberte said the trends in most towns in Rockingham County show the population has gone up while Candia has been flat and the trend is throughout NH there has been declining school enrollment which is a statewide issue not just a town issue and you can make an argument that the flat population is a town issue compared to other neighbor towns but not necessarily the school enrollment. S. Komisarek said so essentially they have no population growth in Candia. He said this is a matter for the Planning Board to look at. He said he has been asking for a long time what is the plan, what does the Planning Board want the community to look like and what do you want the school enrollments to look like. T. Giffen said that is where the Master Plan (MP) comes in. He said they need to have the consensus of the community and support of the community to the greatest extent possible or else the town doesn't do anything. He said the MP is the key. Vice Chairman Hall said the MP is in process. K. Kustra said so basically they want growth. T. Giffen said they need a MP so they need to formulate the MP and get a reasonable amount of consensus in the community before they can properly represent the community's interest. K. Kustra said they do not have a supermarket in town. T. Giffen said they may never. K. Kustra said any type of business will generate more people coming and there would be more spending. K. Kustra said if the Planning Board could work hand in hand with the selectmen get something moving but they have to start somewhere. T. Giffen said they just can't randomly decide as a Board what direction they want Candia to go and expect to have broad base support from the community. He said they need to get a sense of what the community wants and that is through the MP foundation start looking for ways to achieve whatever the goals they develop as a community through the MP has to be a process and flow.

M. Laliberte said he grew up left and came back and his concern is and always has been is there always seem to be a core group of people that make everything happen and sometimes that group of people intentions do not represent the full town's intentions honestly there has to be a broad consensus. There has to be good faith effort to get as many people at least aware of the process as possible and once those people get involved then there can be an inclusive that all opinions are respected but not all opinions will be represented in the MP but all will be respected and if that happens will have a very successful MP.

S. Komisarek said in all honestly there has been no planning just reacting. He said with all the traffic that goes through town with all this opportunity to grow a commercial base with no planning it is really starting to hurt Candia. He said if you look at the town's 2 ½ million budget there is nowhere to go up having a lot of fixed costs and costs that go up and there is pressure on the taxes and he feels for the elderly and others and the school board has 8 million budget which he feels could be trimmed but good luck we need to look to broaden the tax base and if enrollments keep going down and school budget goes up they are going to need more children. He suggests having a basic physical impact analysis done. He said for example Fieldstone Lane came to the PB 15 years ago, the Board said that would be bad for Candia and now you have many homes and there are only 2 children on the road and if you look at the average house being \$300,000 and each house having 4 kids you can see ultimately the enrollment should be higher. He said residential growth would be cash flow positive to the town which wasn't always the thought that way but in this period of declining enrollment teachers and fixed costs stay the same still have to pay for them to go to high school would like to see analysis done. T. Giffen said SNHPC has that that data which may not be current or for Candia but for surrounding towns typically for every dollar of revenue it cost \$110 for residential and industrial and generally lower for open space.

Vice Chairman Hall said for two years the Planning Board tried to get a warrant article passed to work on the MP and was voted down and finally a warrant article supported by the BOS passed this year and they are working on the first phase now. He said they need the backing and support of the public.

S. Komisarek said even some of the old time Candia residents that always thought they didn't want anything to happen basically letting the town rot and decay and do nothing even those people now are saying maybe they had it wrong maybe they went too far and were too restrictive. He said Candia is the toughest town in Rockingham County to do anything. He said they need to go out and get a consensus and as a Planning Board they are charged with trying to help and guide an intelligent plan for Candia. He said what makes sense for the broader community but this doesn't happen overnight. In time, it could be said of Candia went through the MP process listened to everyone but the PB took the initiative and looked around at other towns to see what was successful and the PB started to take a little bit more of a lead in town and to guide and lead the town.

S. Komisarek said when he was first on the PB he was asked why he wanted to be on the PB and his reply was he was really interested in Planning. He said he sat here and listened to everybody and tried to talk to people after the meetings about planning and realized that no one wanted to Plan and he said he realized he was on a Board that didn't want to plan only he wanted to plan. He said honestly the PB should plan. He said he has no specific agenda even though he owns property he would sell tomorrow and it's not about the money and he is not here to push his own personal agenda he is here to do some good planning and at the end of the day people can say the PB is actually planning. He said up to this point there has been zero planning.

M. Santa said most PB do not plan in the State of NH they are reactive and wait for the developer to come to town and propose something. He said they have a MP and it is helpful to make decisions but they do not do any planning. He said so if this PB can really do some planning that would really be good. He said back 10 years ago towns and cities were talking about impact fees for single family homes to slow growth. He said aside towns like Londonderry who are experiencing big growth it would be nice to get some single family homes in Candia. He said they need amenities in place to draw people with families here. He said this Pinkerton talk could be a big draw. He said schools are a big thing in a community and the town has not done anything. T. Giffen said the schools are in a way a big foundation of community which makes a community attractive to young families. He said right now the town is very attractive to people who do not want to put kids through school and is no surprise although the population is fairly level the school enrollments are dropping people who are sticking around are not concerned. There was discussion on Candia's school having a low ranking but if it was noted if they have Pinkerton as a high school alternative things will look a lot better. S. Komisarek said what T. Giffen brought up at the School Board Meeting about the village district and the question raised is what do they really have for services and the probably are not going to get the grocery store and how can they create a little bit of soul for the town perhaps a restaurant or a tavern. He said what would make the town more attractive and having Pinkerton would be good. T. Giffen said the state as a whole has issues. Vice Chairman Hall said maybe they could take the lead for the State. D. Murray said with the right input and proper planning.

The next scheduled Planning Board meeting is June 17, 2015 at 7pm at the Town Hall and there will be a public hearing on tree trimming on scenic roads.

T. Giffen **motioned** to adjourn at 8:40 pm. M. Santa **seconded**. **All were in favor. (6-0-0)**

Respectfully submitted,
Sharon Robichaud Land Use Secretary