

UNAPPROVED  
**Candia's Virtual Selectmen's Public Session Minutes**  
**April 14th, 2025, 6:30 pm**

Note: Individual roll call has been taken after each motion.

**6:30 pm** Chair Brien Brock opened the Public Session Meeting followed by the Pledge of Allegiance.

**Attendance:** Chair Brien Brock, Selectman Patrick Moran, Selectman Boyd Chivers, Selectman Susan Young and Town Administrator Amy Spencer. **Excused Absence:** Selectman Stephanie Helmig.

**Approval of Minutes:** Public session minutes of March 24th, 2025.

**Motion: Selectmen Moran made a motion to approve the March 24th, 2025, Public Session Minutes as presented. Selectman Chivers seconded. Motion carried by a vote of (4-0-0).**

**DEPARTMENT REPORTS**

**Highway:** Road Agent Wuebbolt read the report and gave updates.

**Police:** Chief Shevlin read the report and gave an update. On April 24th, the new police recruits will be attending the academy for physical training (PT) tests before commencing their academy training. New recruits will be accepted in the first week of May. Recent training included police driving, safety, first responder techniques, defensive driving, vehicle safety, and roll call training on handling domestic violence calls.

Two letters were presented, one concerning the department's accreditation process. The process is through the New Hampshire Police Academy, a less expensive alternative to CALEA. The academy's accreditation ensures compliance with policies, particularly regarding use of force, TASER, and OC. The town has acquired PowerDMS software, funded by a grant from Governor Sununu, to facilitate this process and created a comprehensive duty manual and to have it put in place. The \$550 yearly fee for PowerDMS will be reimbursed due to the grant. This accreditation is considered a significant positive step for the department.

Lieutenant R. Stanton has been appointed as the Accreditation Manager, handling correspondence between the Academy and relevant policy bodies. A congratulatory letter from Governor Ayotte was received, acknowledging the Academy's participation in the 287G program and its contribution to safety. The Academy is still in the pending process for the program; once approved, officers will be sent for training. A question arose regarding the 287G program's relationship to sanctuary cities, clarified as a cooperative effort with ICE for information sharing and potential assistance from ICE agents when needed.

Chief Shevlin submitted a breakdown of detail officer hourly rates from other nearby towns and noted Candia should be up to date. In their view, a detail officer's pay should be consistent regardless of rank, as their role is the same. He presented a proposal to allocate \$100 for a detail officer, with the officer receiving \$65, and the remaining \$35 going towards a fund for cruisers and police equipment. This aims to reduce taxpayer burden for vehicle costs. The proposal includes details about how funds from tree cutting services and other details contribute to this fund. He clarified that detail officers assigned to town residents would only be charged the detail rate, not including cruiser costs, as fuel is already covered by taxpayer funds. For town functions like the farmer's market, only the overtime rate would apply, not the detail rate. He clarify that contractors are paid at their own rate, not the company's rate. Administrative tasks for contractors are handled by a different department. It was

noted that detailed funds don't contribute to retirement, and that few, if any, employees are still eligible for this benefit.

**Motion: Selectmen Moran made a motion to approve the detail rate to be increased to \$100/hour and the officers \$65/hour effective May 1st, 2025. Selectman Young seconded. Motion carried by a vote of (4-0-0).**

**Candia Springs Amusement Park Security Issues:** Chief Shevlin brought up the current issue of Candia Springs amusement park, which has been shut down. The police department has been involved in addressing trespassing and vandalism in the park's grounds and surrounding forest. Officers have conducted patrols to deter illegal activity. They are assisting the owners with security measures and advising them to report suspicious activity. There has been increased social media attention on the issue and he will be meeting with the owners to discuss the situation further.

**Upstairs Flooring and Painting Project:** Selectman Moran and Chief Shevlin met on Friday to discuss the project of redoing the tile flooring upstairs in the Police Department. One estimate has been received, and at least one more quote will be needed for comparison before moving forward with the project. Painting is planned to follow the flooring work.

**Drug Takeback Event and Neighborhood Patrols:** Details of the Drug Takeback event on April 26th were shared, including the collaboration with the Raymond Coalition of Youth and the location at the Candia First Stop from 10:00am to 2:00pm. Attendees are encouraged to bring any unwanted narcotics. The possibility of requesting extra patrols for neighborhood concerns like speeding or suspicious activity was also mentioned, with instructions on how to contact the Police Department's Administrative Assistant for the requests.

**Fire Department:** Selectman Chivers read the report. Chief Young gave an update on the ambulance repair, noting its extended time in Maine for repairs and the insurance company's decision not to total it. The report also mentions two recruits currently at the recruit school, who will graduate with Firefighter 1 and 2 certifications but have not yet received their EMS certifications. The successful federal grant program for training and its positive impact on recruiting and equipping our new personnel with paid training, classes, and \$4,000 worth of gear. A spring cleanup day in the Fire Station is planned for the following Sunday. The installation of a new ventilation system will occur within the month. Four ventilators will be installed in each bay to filter carbon monoxide and improve safety for our personnel. Upcoming house burns are planned for later in the summer.

Selectman Moran questioned if Deerfield was experiencing the same success on the grant as Candia. Chief Young's had uncertainty about Deerfield's progress and emphasized the strong team in Candia, mentioning specific individuals and their proactive approach to recruitment, the remaining year on the grant, with the possibility of utilizing Deerfield's allocated slots. A total of 24 individuals are involved in the program, but it will not evenly split between the two locations.

**Solid Waste:** Selectman Chivers read the report and gave updates. Selectman Young questioned on how Deerfield's Recycle Center was doing. Selectman Chivers said there was resident dissatisfaction with recycling that arose from improper coding of materials, leading Casella to initially reject them as recyclable. After addressing the coding issue and satisfying residents, it was determined that significant recycling was occurring, rendering Deerfield's request for additional recycling resources with Candia is unnecessary.

**Budget Committee:** Selectman Young had no updates to report.

**Planning Board:** Chair Brock talked about the Diamond Hill project, noting its continuance and the lack of budget information. There are significant upcoming Senate and House Bills concerning housing and development, and he is planning to attend with Town Administrator Spencer to observe. Selectman Young questioned if they offered public speaking opportunities during or after the legislative sessions. It was noted contacting representatives and senators is possible via email and at online resources.

**Building Department:** Building Inspector Dinsmore read the report. He presented a mutual aid agreement between Candia and Raymond to the Board's attention for discussion. The agreement covers building officials, allowing for coverage in cases of sickness, injury, or vacation, preventing vacancies in the building department. It allows the towns flexibility in scheduling building officials, enabling coverage even when the regular official is unavailable. This involves towns contributing a few days a week of coverage.

There is an upcoming court case involving a town resident scheduled for May 1st, but the Town's Attorney requested a postponement due to unavailability. The new date is uncertain but will likely be in person. The location is confirmed as 308 Raymond Road.

Selectman Chivers questioned if the mutual aid agreement needs to go before our Town Attorney. Building Inspector Dinsmore said our Town Attorney will definitely review it. presented a draft mutual aid agreement, largely based on other agreements, outlining reciprocal coverage between two entities. The agreement details that if one entity needs to cover for the other's building inspector, the respective town would pay the inspector's fees. A \$50/hour rate was proposed, acknowledging it needs adjustment, and mileage would be calculated separately. A formal motion was considered unnecessary, as the agreement would be reviewed by Town Counsel first.

Nominations for Health Officer and Deputy Health Officer:

**Motion:** Selectman Young made a motion to nominate William Dinsmore as the Health Officer and Michael Kelley as Deputy Health Officer. Selectman Moran seconded. Motion carried by a vote of (4-0-0).

**ZBA Reappointment:** The Board received a letter requesting the reappointment for Judith Szot.

**Motion:** Selectman Young made a motion to reappoint Judith Szot to the ZBA as of April 14<sup>th</sup>, 2025. Selectman Moran seconded. Motion carried by a vote of (4-0-0). The Board Members congratulated Mrs. Szot for her many years of service to the town beginning in 1992.

**Contract Review of Real Estate Portfolio Sale:** Selectman Chivers and Town Administrator Spencer met with Richard and Weston Sager of New Hampshire Tax Deed Auctions to explore this sale. An initial inventory of around 50 properties was compiled, excluding currently used properties like the school. Selectman Chivers explained the sale of 19 surplus properties with no purpose to the town. Initially, a larger number of properties were identified, but this was reduced to 30, then further refined to 19 after consultation with an auctioneer. These 19 properties are vacant, unoccupied, unencumbered by conservation easements, and valued at approximately \$2.2 million. The plan is to sell these properties and deposit the proceeds into a Capital Reserve Account dedicated to the Police Department, although legal advice initially suggested this deposit could only occur after the sale. The

auctioneer provided a sales analysis for each parcel. A commitment from the town is needed to hire the project team. A contract obligating the town to proceed and hopefully sell the properties this summer was presented. The compensation model is a 10% buyer's premium, costing the town nothing.

The Board authorized the chairman to sign a contract for the property sales. Selectman Young had questions regarding the number of properties (19) to be included, prompting clarification. Selectman Chivers said the process involves submitting a list of properties to the Planning Board, Conservation Commission, and Heritage Commission for review and comment, though the Board of Selectmen is not bound by their recommendations. The contract itself does not specify a number of properties, as the seller's ability to determine the quantity is limited. The agreement only covers hiring the seller to sell the properties; the specific properties and sale methods (absolute auction or otherwise) will be determined later. The seller is expected to suggest individual pricing for each property.

Concerns were raised about landlocked properties and their limited appeal. A previous suggestion to retain 30 acres donated for the fire department was revisited, with some attendees believing the town might find a use for it. The meeting then shifted to authorizing Brien to sign the contract, allowing the process to move forward. The contract will allow the sellers to proceed with a list of properties, which will be presented to the Planning Board, Conservation Commission, and Heritage Commission for review. Clarification was made that signing the contract does not obligate the town to sell all 19 properties but rather allows the process to continue.

**Motion: Selectman Chivers made a motion to signing the contract in hiring NH Tax Deed Auctions for the Town of Candia property sales. Selectman Young seconded. Motion carried by a vote of (4-0-0).**

**Abatement Process:** Selectman Young inquired about the abatement process, noting a potentially large number of abatements. Town Administrator Spencer clarified that the deadline for submitting abatement documentation is April 15th, and the Assessors are still gathering information. Once gathered, they will make a recommendation to the Board, and it will be followed by a meeting. Chair Brock and Town Administrator Spencer said not many residents have filed abatements.

**Candia First Stoppe - Solar Panel Project:** Chair Brock said this topic is for discussion only and no action is required. Craig St. Peter, Joe Sobol, and Ken Gould (attorney) from Candia First Stoppe presented information regarding their solar panel installation project on their 24-acre land. the project has been in development for over two years, involving extensive planning, engineering, and financial analysis. The presentation focused on the building inspector's interpretation of a lack of relevant zoning regulations, which is currently preventing the issuance of a building permit. A-1 Ventures, a company owned by Mr. St. Peter and Mr. Sobol, is undertaking the project and on their land located directly across from the Barnyard. Last fall, Mr. Sobol met with the Town of Candia's previous Building Inspector to discuss the project's feasibility, ensuring compliance with town regulations for LI2 zoned land. The Building Inspector approved the installation, contingent upon the submission of detailed professional engineering electrical drawings for permit issuance. The permit cost was estimated at 20 cents per square foot. The inspector's initial approval was based on similar projects already permitted in town. To address the current Building Inspector's zoning concerns, information was presented referencing Section D, page 20 of the zoning regulations, which defines solar energy as an essential service under the "essential services" category. Additionally, Section C, page 19, allows for manufacturing within the industrial zone, and the project was presented as manufacturing electricity.

The proposed solar panel system meets the zoning ordinance criteria because it's self-enclosed. They highlight that all components are self-enclosed, fulfilling the requirement. Other similar projects are already connected to the grid, and theirs will follow the same process. They emphasized that they believe their project aligns with the spirit of the zoning ordinance, citing approximately 60 solar permits already issued in town, some in 2023 and 2024, implying prior approvals as well.

Mr. Sobol noted Candia's support for solar power, citing building permits issued to both residential and commercial properties, including a golf course and the Seacoast Specialties Car Facility. In 2012 Southern New Hampshire Planning Commission attended a meeting in Candia where solar power was extensively discussed. He provided a packet to the Board detailing 59 building permits issued in 2023, 2024, and year-to-date 2025 for solar installations. They further cite the minutes from that meeting, quoting Jack Munn's presentation of goals to reduce energy use and greenhouse gas emissions, promote participation in energy reduction programs, and encouraged the installation of renewable energy systems, including solar. A list of attendees of the meeting, including members of the Planning Board and Board of Selectmen, noting Sean James' commendation of Jack Munn's presentation. He gave summarized comments from Jack Munn and Al Hall regarding the potential for solar energy projects in Candia. Jack Munn, representing Peregrine, suggested the Fire Station and School Library as suitable locations due to their solar orientation, proposing future solar renewable energy projects for the town. Mr. Hall added Liquid Planet and the winery as alternative sites. The need for Candia to have a plan ready to act quickly when opportunities arise. Mr. Sobol then read comments indicating Candia's support for solar energy, citing numerous issued building permits for solar installations. They referenced New Hampshire RSA 671:1 3a, which states that municipalities cannot unreasonably limit the construction of structures facilitating renewable energy collection, including solar energy. The definition of "unreasonably limited" was raised, prompting a discussion and the distribution of relevant documents.

Mr. Gould references section 3A which mentions proper regulation to encourage energy-efficient development. The interpretation of municipal zoning powers regarding renewable energy systems, specifically solar energy. Therefore, the installation of solar, wind, or other renewable energy systems should not be unreasonably limited by zoning ordinances. They cite section 3-D, which defines "reasonable interpretation," and emphasizes that renewable energy systems are considered traditional and accessory land uses in New Hampshire. It points out that because solar is not a permitted use in the current ordinance an approval must come from the ZBA. However, it clarifies that the lack of solar inclusion in the ordinance cannot be used to deny solar installations due to state mandate.

Chair Brock said the purpose of this discussion is to inform the Board about the situation, as the matter will proceed to the ZBA for administrative relief, and not to overrule the Building Inspector's decision regarding a tax relief application but are merely seeking clarification. Selectman Chivers pointed out this Board lacks the authority to overrule the decision. Chair Brock confirmed they informed the applicant's Attorney of this and further discussions with our Town Attorney and the ZBA are planned to address the legal aspects. Selectman Young questioned the rationale behind providing tax relief if the town doesn't support the project, referencing solar tax relief as an example. Chair Brock said there are valid reasons for supporting the application, despite the procedural issues.

Building Inspector Dinsmore commented on the difficulties in interpreting zoning ordinances, highlighting the variability in interpretation among different administrators. He emphasizes that the Building Inspector's interpretation is key, and that the ordinance's "table of uses" and overall text are crucial. If a use is not explicitly permitted, it is implicitly denied, a point confirmed by Town Attorney.

He explained the inability to approve a solar permit due to the applicant's failure to fit the solar use within the ordinance's defined uses, therefore he feels unable to redefine the ordinance and cannot approve the permit without a specific allowance for solar. The distinction between accessory structures, accessory uses, and primary lot use, and the issue of defining the primary use when solar is the sole use on the lot. He questions the definition of "accessory" and its applicability to a standalone solar array, contrasting it with a solar array on a residential roof. The ordinance's definition of "accessory use" includes "a use of land," not just land with a building, suggesting that a standalone solar array could potentially qualify as an accessory use.

Mr. St. Peter raised a question about the implications of this interpretation for future permit applications. He explains that a permit was denied despite providing reasons why the project aligns with the zoning ordinance's provisions for utilities or essential services. He mentioned existing solar arrays in Candia not located on buildings. The application met the criteria defined in the ordinance, emphasizing that the wording "solar" isn't explicitly required, but "utilities or essential services" is, and their application fits this definition. They argue that because the land lacks a primary use, the solar array cannot be considered incidental. Even without explicit allowance in the ordinance, Building Inspector Dinsmore said the matter requires a Zoning Board of Adjustment (ZBA) decision due to the ambiguity in the current ordinance.

Selectman Moran inquired about the size of the solar array, learning it comprises approximately 1,040 panels covering roughly 85,000 square feet. Mr. Sobol clarified that the array is solely for Candia's internal power needs and not for external sale. Selectman Moran raised a point about the land's size (over a million square feet), questioning how using less than 10% for solar panels constitutes a primary land use. He clarified that the Boards intention is not to oppose the project, but to understand how to classify the 80,000 square foot solar array on a million-square-foot property. Building Inspector Dinsmore concluded by stating the core question is defining the land's use.

The Town Attorney's position was mentioned by Mr. Gould, indicating support for the Building Inspector's stance, although not necessarily based on a belief that the zoning ordinance permits the project. Concerns were raised about the potential legal ramifications for the Zoning Board if they do not approve the project, given a relevant state statute. Selectman Young expressed her personal opinion that solar energy is beneficial and that denying this project would be unfair, given existing solar installations in the town and the tax credits offered for solar energy. She suggests that it is better to allow the project and then amend the zoning ordinance as needed, rather than denying it outright. The "don't ask, don't tell" approach is criticized, advocating for a more open and fair process.

Mr. Gould pointed out the challenges faced by the applicants due to the current zoning ordinance. He explained the reasons for their presence, highlighting the time-sensitive nature of a government grant tied to the solar project. He clarified that the applicants have been working on this grant for many years. explaining that if the zoning board denies the project due to the ordinance's lack of explicit allowance, an appeal to Superior Court could take a year, causing the loss of the grant. Building Inspector Dinsmore said the role of common sense in such situations and that the issue is not straightforward, citing the example of mini-splits and their unlisted status in the ordinance. They pointed out that solar panels, similarly unlisted, are attached to structures, and including every such item would make the ordinance excessively long. He further explained that the lack of clarity regarding unlisted items in the ordinance implicitly denies them, creating difficulties in decision-making. Making decisions based on personal interpretation of zoning regulations and the potential for errors due to the lack of specific guidelines for certain structures like mini splits.

Mr. St. Peter mentioned the difficulties in defining accessory structures. They proactively consulted the previous Building Inspector, who approved their project based on the existing land zoning. However, this consultation resulted in increased costs due to further engineering work, making the project contingent on securing a grant. Failure to obtain the grant would render the entire project unaffordable.

Mr. St. Peter questions the decision to proceed, stating that the town directed them to do so. The lack of written documentation supporting this direction is discussed, in suggesting contacting their attorney and the previous Building Inspector for additional clarification. Mr. Gould inquired about a conversation with Town Attorney, which he describes as limited, revealing a lack of complete knowledge about the project's direction but noting the Town's Attorney support, primarily focusing on statutory aspects. A hypothetical scenario is presented: if a small trailer were placed on the property, could the solar array be considered an accessory to it? Whether the solar array needs to be directly connected to a building to be considered an accessory, claiming that the statute doesn't specify this requirement and that the array's connection to the grid is sufficient.

Ms. Penfield (resident) expressed her concerns, stating that she does not oppose solar energy itself. However, she questions why the project applicants didn't seek informational guidance from the Planning Board earlier in the two-year project timeline, suggesting that this would have been a more appropriate starting point. If the process had begun two years prior, sufficient time would have been available for the planning board to establish relevant zoning, allowing for a vote at the last town meeting. Ms. Penfield also raises concerns about the sales agreement for the property, recalling stipulations regarding its intended use and questioning whether the current proposal aligns with those stipulations. She inquired about potential revenue generation from the property they sold and if the solar array project proceeds, given prior revenue expectations. Residential solar is not the same as what Mr. Sobol and Mr. St Peter are here for. What she does not like to see is people trying to circumvent our zoning regulations. Chair Brock said he does not believe this is the case. Ms. Penfield said she wants to make sure they are not bending the rules to make it happen. A disagreement arises regarding the classification of a golf course as commercial, stating it's a business generating revenue.

Mr. Sobol clarified the stipulations of the purchase and sale agreement for 13 acres of land acquired from the town. The only restriction was the prohibition of industrial condominiums on that specific property. They mention acquiring additional contiguous parcels (24 acres total) from Kevin Hobbs, but these were subject to different agreements. He confirmed that tax revenue was not a topic in the original agreement. He emphasized their commitment to being good neighbors and community contributors. Their significant tax contributions and solar project aims to reduce energy costs, enabling them to hire more local residents. The project's two-year development timeline is attributed to securing a USDA grant, without which the project would not have proceeded. The speakers express surprise at the opposition, noting the increasing prevalence of solar projects in the region and clarifying that this project is not for profit but for cost reduction and job creation within the community, benefiting over 130 employees. The discussion concludes with a mention of two key revenue-generating entities in Candia, one of which is the speakers' business.

Mr. Sobol explained that they were led to believe they could build their project but have now hit an obstacle, expressing concern about presenting it to the ZBA (Zoning Board of Appeals). He asked that ZBA members present at the meeting might offer insight into their likely reaction. Chair Brock states that the ZBA will not make a decision without a formal meeting. The conversation then shifts to scheduling, with inquiries about the next ZBA meeting. The April 23rd meeting is full and that even attempting to add the project now is impossible due to insufficient time for proper noticing. The group



concludes that the April meeting is unattainable. The discussion centers around the scheduling of a meeting, ideally on the fourth Tuesday of May, and the subsequent ZBA (Zoning Board of Appeals) meeting. Chair Brock clarified that the board's purpose in discussing this is to be informed, expressing personal support for the proposed location and its positive community impact. The Town Attorney's advice for the applicant to seek an administrative decision from the ZBA based on a prior decision (on Building Inspector Dinsmore decision) is explained, emphasizing that this is not a full ZBA hearing requiring extensive criteria definition. The ZBA meeting will include public input, but not before the vote. The Town Attorney's plan to advise the applicant on their approach to the ZBA.

Chair Brock confirmed that Building Inspector Dinsmore is working on changes for the coming year to prevent similar zoning issues. A discussion ensues regarding the town's solar zoning, with Ms. Penfield suggesting that improved zoning would prevent such situations. Chair Brock disagrees.

Fire Chief Young questioned the board's authority to overrule a building permit issued by Building Inspector Dinsmore. Chair Brock said that he consulted the Town Attorney, who advised them on the matter. Chief Young expresses skepticism towards the attorney's advice and focuses on the board's power to set a precedent, arguing that a positive precedent should be implemented regardless of potential legal challenges. Ms. Szot informed him that it would take one citizen to file an appeal of their decision, and it would still end up at the ZBA, potentially delaying the process. Chair Brock apologized for potentially misleading advice from a previous Building Inspector, clarifying that it was a matter of differing interpretations. Discussion acknowledges the unfortunate timing of the permit issuance and the subsequent building commencement. Selectman Young urges the ZBA to expedite the process by adding an extra meeting, if legally possible, and the urgency of the situation.

Mr. St. Peter inquires whether the agenda request is solely for discussion of the administrative decision. Chair Brock said it is a request for relief. Ms. Penfield suggests the request should include both relief from the administrative decision and a variance request, as the desired outcome might not be allowed. Chief Brock counters this, citing the town attorney's advice. Building Inspector Dinsmore said the ZBA has the authority to handle both administrative appeals and variances, even if the initial request only specifies an appeal. The key issue becomes the appropriate notice for the meeting. He emphasizes the importance of clear and accurate notice, specifying whether the request involves an appeal, a variance, or other forms of relief. If the notice is unclear, it could create problems. Chair Brock said the ZBA might be able to meet sooner to address the issue and encourages finding a solution. He thanked the guests for attending.

A brief discussion regarding the next Board meeting date, resulting in a decision to cancel the next scheduled meeting in April as the Town Administrator will be out, and the lack of pressing issues.

**Town-Wide Cleanup:** Roadside Cleanup organized by the Recycling and Energy Committee, scheduled for April in observance of Earth Month. The trash bags are available at the town office, library, and recycling center, along with planned advertising via posters.

**7:58 pm - Selectman Chivers made a motion to adjourn the meeting. Seconded by Selectman Young. All in favor. Motion carried by a vote of (4-0-0).**

Linda Chandonnet ,  
Recording Secretary