

Town of Canterbury, NH  
Board of Selectmen  
Date: 2023 August 7  
Location: Meeting House

Selectmen Present:

Cheryl Gordon (Chair), Kent Ruesswick, Scott Doherty

Town Administrator:

Ken Folsom

Others Present:

Kevin Bragg (Historic District Commission)

Lisa Carlson (Zoning Board of Adjustment)

Anne Emerson (Historic District Commission) (arrived 7:06)

Greg Meeh (Planning Board)

John Schneider (Planning Board)

Ken Stern (Conservation Commission)

Mark Stevens (Agricultural Commission)

Webster Stout (Zoning Board of Adjustment)

Agenda:

1. Call to Order
  - a. The meeting was called to order at 5 p.m.
2. Administration
  - a. The Selectmen signed:
    - i. Kent made a motion to sign the August 7, 2023 Accounts Payable Manifest in the amount of \$69,447.00. Scott seconded. All in favor by roll call, motion carried.
    - ii. Kent made a motion to sign the August 7, 2023 Accounts Payable Manifest in the amount of \$494,483.41. Scott seconded. All in favor by roll call, motion carried.
    - iii. Kent made a motion to sign the July 24, 2023 Payroll Manifest in the amount of \$55,456.35. Scott seconded. All in favor by roll call.
    - iv. Kent made a motion to sign the July 24, 2023 NHMS Payroll Manifest in the amount of \$12,231.47. Scott seconded. All in favor by roll call.
    - v. Kent made a motion to sign the August 7, 2023 Payroll Manifest in the amount of \$55,791.21. Scott seconded. All in favor by roll call.
    - vi. The Selectmen signed a Notice of Intent to Cut Wood or Timber for Tax Map 257 Lot 3.
    - vii. The Selectmen signed a Warrant for Land Use Change Tax for Tax Map 241 Lot 11.
    - viii. The Selectmen signed an appointment slip to make Corinne Pullen an Alternate Member for the Agricultural Commission.
    - ix. The Selectmen signed an appointment slip to make Craig Pullen a Member of the Agricultural Commission.
    - x. The Selectmen signed a leave request for Ken Folsom.
    - xi. The Selectmen agreed and Cheryl signed a permanent easement granting Eversource a right of way so that they may access powerlines on Sawyer Ferry Road.
    - xii. The Selectmen signed the checks for the Accounts Payable Manifests. Normally the Treasurer (Al Edelstein) signs these, but he is on vacation.
3. Combined Board Meeting

- a. This meeting is to gather the land use boards and discuss topics that require larger collaborative efforts. This was last done about six years ago. Going forward it will likely occur once a year.
- b. Master Plan Updates
  - i. The updates to the Master Plan are almost complete. Should be done in the next month or so.
- c. HDC Zoning Changes
  - i. This was previously discussed in July 17, 2023 Selectmen's Meeting. See Section 5.c. of the minutes.
  - ii. These changes are intended to make the regulations easier to understand. Some changes can be implemented now, some will require a Warrant Article in 2024.
- d. Driveways
  - i. Requirements
    - 1. Are there reasons for the Town to require driveway waivers besides the State requiring them on Class VI roads?
    - 2. Should the driveway excavation permit be eliminated? Building permits already cover driveway changes, so this permit is a duplicate.
  - ii. Shared
    - 1. In the past the Town has discouraged shared driveways because they often led to disputes that needed to be addressed by the Selectmen. But there are many benefits to shared driveways.
    - 2. Benefits include: less construction and less paving, could allow construction to occur in situations with limited frontage, would allow development without having to build more public roads.
    - 3. It was suggested that to solve this issue, the Town could allow shared driveways but require a deeded road maintenance agreement between the various landowners.
- e. Language Standardization
  - i. Private Road
    - 1. The Town's ordinances do not define "private road". We should refer to the State's laws and clarify our ordinances.
  - ii. Table of Uses
    - 1. There has been confusion between the Boards about some of the language being used in regulations and rulings.
    - 2. Should the language be standardized in the Table of Uses or should the Boards just have an agreement to be more careful about how they phrase things?
    - 3. Lisa Carlson will schedule time between the Planning Board and ZBA to discuss.
    - 4. They will also consult the Assessor (Mandy Irving) to see what language she uses and would prefer.
  - iii. Restaurant Definition
    - 1. The Town has a variety of businesses that include different types of kitchens. Some are "prep kitchens", some are "commercial kitchens", and there are sub-types of each. The zoning regulations aren't clear on which of these kitchen types are considered "restaurants".
    - 2. The State has ten different categories for "restaurants". That is likely too detailed for us, but it is a category the business owner has already figured out, so we may want to align our zoning with those categories.
    - 3. Whether or not a kitchen is "accessory use" also factors into whether a business is a "restaurant".
- f. Shaker Village

- i. There is some confusion about the zoning at the Shaker Village due to a lack of recent assessment, their non-profit status, and the wide variety of uses on the land.
  - ii. Ken Folsom will have the Assessor (Mandy Irving) and the Code Inspector (Joel French) meet with the Village and schedule a new assessment so we can make sure everyone is on the same page.
- g. Forest Fire Preparedness
  - i. The Town is anticipating having to deal with forest fires in the coming years (similar to those occurring in Canada). The Boards would like to see if any preventative measures should be considered.
  - ii. Subdivisions that do not have access to Town roads are a concern. How would firefighters reach those areas?
  - iii. Should there be eased access/deeded right of way for subdivisions and conservation areas?
  - iv. Are man-made firebreaks effective and should the Town consider creating any?
- h. Visual Barriers
  - i. The feedback on the Master Plan indicates that the Community considers the “character” of the town to be significantly affected by what is visible from the road. There have been complaints about being able to see the new storage units from the road.
  - ii. The Town currently doesn’t have any requirements for visual barriers.
  - iii. If the Town were to consider making a requirement, it would be very difficult to quantify and enforce.
- i. Housing
  - i. The Master Plan indicates that the Community wants “incremental change”. So any proposed changes will be taking that into account.
  - ii. Accessory Dwelling Units (ADU)
    - 1. ADUs are currently allowed by special exception in certain zones. They are limited to 1000 square feet and must be within a certain distance of the primary residence.
    - 2. ADUs are considered to be an effective way to increase affordable housing with minimal disruption. This is commonly used for multigenerational families who have adult children and elders living at home.
    - 3. The Planning Board would like to make ADUs easier to create. Potential changes include increasing the allowed size by 20%, increasing the distance to the primary residence, making ADUs an allowed use in certain zones, and lifting severe restrictions on storage space.
    - 4. Do ADUs count against the yearly cap on building permits?
  - iii. Cluster Developments
    - 1. Also known as “pocket neighborhoods” or “open space neighborhoods”.
    - 2. The Community would like more developments like the Spruces, with a focus on helping older residents stay in town. Maybe the cap on dwellings in these situations should be raised from 16 (the number of units in the Spruces) to 18 or 20 (a 20% increase).
    - 3. These are an effective way to provide more housing. Central Regional Planning recommends that we make the regulation language more friendly.
    - 4. It is important to consider the tradeoff between protection of land, for increased development concentration. Could consider adding a density bonus if the development takes certain steps for conservation.
    - 5. Large developments are not allowed or possible in our community due to limited infrastructure (Fire, Police, Highway, etc.) and the yearly cap on building permits.
  - iv. Farmers

1. Farmers have a need for workforce housing. Mostly seasonal workers, but some year round.
  2. Trying to balance the preservation of farmland with the need for housing workers that allow the farms to run.
  3. If we make housing subdivision of agricultural land easier, what happens if the farm goes out of business and there is extra housing left sitting there? What happens if the farmer uses that as an unsustainable way to get revenue?
  4. Zoning Board thinks that ADU changes and using campground ordinances will help the situation.
- j. Enforcement
- i. There are a significant number of people who are asking for forgiveness rather than permission when building.
  - ii. Is the issue a lack of knowledge? If so, would better communication and education help?
  - iii. Is the issue that the process is too difficult? If so, would reducing application fees and making documentation easier to read help? Would the aforementioned regulation changes help?
  - iv. Is the issue that people know it won't be allowed and just hope they will get away with it? If so, would stricter enforcement help? Would increased penalties help?
  - v. The Town has part time staff, thus very limited time. Violations that are reported are investigated, but there are no resources for preemptive investigations. Several cases have gone to court to force the property owner to reverse the unauthorized changes.
- k. Central Historic District Map
- i. The definition for the Central Historic District is changing to a map rather than the current language describing "metes and bounds".
- l. Conservation Updates
- i. Overlay maps are being created to make it easier to see what land is conserved.
  - ii. 400 acres off Bean Hill Road is in the process of being conserved. Aiming for it to be open to the public in September.
  - iii. They are trying to acquire a piece of land adjacent to other conserved parcels in order to create a 1965 acre continuous stretch of conserved land. Refer to July 3, 2023 Selectmen's Meeting Section 4.b.iii.
- m. Secondary Containment for oil
- i. The Agricultural Commission would like to standardize the groundwater protection rules for Secondary Containment for oil.
  - ii. Currently it is written so that farmers in certain areas of town need to use a secondary container when fueling tractors and log skidders with 40 gallons or more. However in the same areas, other residents and oil delivery companies are not required to do the same. Some farms are partially in an affected area and partially not, so farmers have to use different methods in different parts of their property.
  - iii. They propose either having all persons moving oil in the affected area follow the same standards, and/or raise the minimum number of gallons so that routine fueling isn't included.
- n. Zoning Board applications
- i. The ZBA often receives incomplete and inaccurate applications. This results in hearings where decisions cannot be made and time is wasted.
  - ii. The town does not currently have a full time employee dedicated to land-use issues. The work that needs doing to handle these bad applications is more than the ZBA and Planning Board have time for, even with the Assessor and Building Inspector providing significant support.

- iii. Other towns require all application documents be submitted ten days before the hearing so that they can be reviewed in time to cancel or reschedule if items are incomplete or inaccurate.
  - iv. It was suggested that the Town needs to be less hands on with helping people fill out and correct the applications because of liability issues. Explaining what is wrong and sending the applicant away is the limit of what should be done by the Town.
4. Previous Minutes Approval
- i. The July 26, 2023 minutes were amended to
    - 1. remove line 54 because the letter it mentions was never sent
    - 2. edit line 44 from “The lease will cost about \$40K” to “The lease will cost about \$40K and that is part of lease purchase fund.”
  - ii. Scott made a motion to approve the public minutes for the Selectmen’s meeting on July 17<sup>th</sup>, 2023. Kent seconded. All in favor by roll call, motion carried.
  - iii. Kent made a motion to approve the public minutes as amended for the Selectmen’s meeting on July 26<sup>th</sup>, 2023. Cheryl seconded. Kent and Cheryl in favor by roll call, motion carried. Scott abstained because he was not present at that meeting.
5. New Business
- a. Notice of Eversource license to Construct and Maintain Electric Lines
    - i. Ken distributed a letter from NH Department of Energy RE: Notice of Issuance of License and Right to Appeal Pursuant to NH RSA 371:17.
    - ii. The Selectmen reviewed the letter. No action was needed.
  - b. Interviews for vacant positions
    - i. Road Agent John O’Connor and Ken Folsom interviewed two candidates for two different positions in the Highway Department and Transfer Station.
    - ii. Ken would like to move ahead with hiring both candidates pending completion of background checks. The Selectmen agree.
6. Old Business
- a. Bids for Highway Truck
    - i. Four sealed bids were received for the Highway Truck.
    - ii. The Selectmen decided to accept the highest bid.
    - iii. Scott made a motion to accept the bid of \$4,100 from Jeff Burbank. Kent seconded. Scott and Kent in favor by roll call, motion carried. Cheryl abstained because she knows one of the bidders.
    - iv. Ken will call all of the bidders and let them know the results.
  - b. Update on Burt property donation
    - i. This was previously discussed in the July 3, 2023 Selectmen’s Minutes Section 6.a.
    - ii. Ken has been working on the deeding. Currently waiting for the family to arrange for all ten siblings to sign and notarize the paperwork.
7. Adjournment
- a. Kent made a motion to adjourn the meeting at 7:50 p.m. Scott seconded. All in favor by roll call, motion carried.

Next Meeting: 2023 August 21, 5:00 p.m. at the Meeting House

Minutes submitted by Kathleen McKay, Administrative Assistant