

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

August 13, 2019

BOARD MEMBERS PRESENT: Jim Snyder (Chairman), Tyson Miller (Vice-Chairman), Art Rose, Hillary Nelson, Joshua Gordon, Kent Ruesswick, Lucy Nichols, Alternate, Cheryl Gordon (BOS Representative)

ABSENT: Scott Doherty, Alternate

OTHERS PRESENT: Joe Wichert (surveyor), Adam Towne, Web Stout (surveyor), Greg Meeh, Jeff Drouin, Paul Berry, George Beauchemin, Rhonda Beauchemin, Bruce Dawson, Carole Soule, Claire Brewer, Bob Gutowski

Review of July 9, 2019 Minutes: Art Rose moved the Minutes, seconded by Kent Ruesswick. Discussion: None. Vote to approve Minutes: Unanimous – 7/9/19 Minutes approved.

Preapplication Conceptual Consultation of Barbara Corwin: Applicant appeared and advised the Board she withdrew her application.

Public Hearing: Adam Towne application for lot line adjustment at Shaker Road, Map 243, Lot 5:

Jim informed the Board and applicant that we notified the Loudon Planning Board of the hearing, not specifically including RSA language, but regardless have not heard back from them. Jim reviewed RSA 674:53. He confirmed with Joe Wichert, Adam Towne's surveyor, that Loudon will sign off on the final plat once approved by this Board.

Jim asked about abutters for this application, all in attendance raised hands.

Joe Wichert spoke on behalf of Adam Towne. This is really a simple lot line adjustment. A.W. Towne Realty Trust owns a parcel of land straddling the Canterbury/Loudon town line. There was an existing residence in Loudon that has since been removed. By the end of this plan, there will be one single family house and garage built in Canterbury and one house and barn in Loudon. In Loudon they need to shift the driveway north of the old one. They want to take 2/3 of an acre off the Canterbury land and annex it to Loudon. They don't need it for frontage, but it allows a better point of access that will be safer and more desirable. A lot of this is building permit related. The Loudon Planning Board wanted us to consummate the lot line adjustment here before they would issue the permit for the house. This does not change the number of lots and will not create a new buildable lot. They asked for an expedited review process.

47 Discussion: Jim said a main concern is that we don't want someone coming back in 15
48 years trying to claim the proposed triangle portion as a buildable lot. Joe said they are
49 happy to stipulate on the plan that it would not be a buildable lot. Jim added that
50 although this actually is a simple lot line adjustment, it's a little confusing because the
51 triangle portion will be included on the deed for the Loudon lot, but remains land in
52 Canterbury. The law states a municipal boundary is also a land boundary, so it sort of
53 does create a new lot in Canterbury. It was agreed by the Board, surveyor, and
54 applicant that the plat will in fact designate the triangle piece as a non-buildable lot.
55 That way nobody will look to build on it.

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57 Art Rose: Art assumed our Assessor will assign a number to that. Joe said they
58 typically would label it 5-1 or 5-A but he or Adam will confirm with our Assessor and
59 square that away.

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61 Jim opened the hearing up for abutter discussion:

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63 Bob Gutowski: Bob confirmed that in Loudon there was a garage and home, the home
64 has already been demolished, but the garage is still standing. He wondered if that was
65 part of triangle. Joe said the garage sits just east of the town line. The intent is the
66 existing garage will be relocated to align with setbacks.

67
68 Carole Soule: Asked if this is 2 lots already. Joe said his opinion is yes, there is land in
69 Canterbury and land in Loudon. Jim explained that in effect if you own property in
70 which a municipal boundary goes thru, you can treat the boundary as a lot line.
71 Normally, in the simplest situation, if both lots created conforming lots in both towns
72 there is no real issue. In this case they don't. The only reason we're here is because
73 this application wants a slightly different configuration for driveway purposes. Carole
74 also asked why they're doing another lot, why not have a right of way. Joe said typically
75 people won't buy a property if their driveway is not on their property. It's also cleaner for
76 the title.

77
78 Rhonda Beauchemin: Asked whether they are filling in the other driveway, or if they'll
79 have 3 driveways. Joe said they'll have 2 driveways in the end. The existing driveway
80 is abandoned. DOT said they can keep or remove it. Adam wants to remove, or
81 abandon, it due to the safety danger of it. It becomes a 911 issue in Loudon because
82 they'd have to drive further for the new one. Adam said if someday they decided to sell
83 the Canterbury home and the driveway is on another property, it wouldn't work and
84 nobody would really want to buy it. DOT doesn't care about town line to determine
85 driveways.

86
87 Jeff Drouin: Asked if it was a single-family home being built in Canterbury. Adam
88 confirmed.

89
90 George Beauchemin: Confirmed the 3 lots: the Canterbury lot, the Loudon lot, and the
91 triangle. Joe Wichert said it is 3 lots total: 2 buildable, one non-buildable. Hillary
92 pointed out that the triangle wouldn't have enough frontage either way.

Tyson Miller (Board member): Asked whether the triangle lot would be taxed by Canterbury. Joe said yes, he assumes so.

Jim Snyder (Board member): Asked if the note relative to the triangle being non-buildable can be put on the deed for that lot as well, and whether there will be one deed for Loudon and the triangle. Joe said one deed that will have a Parcel A and Parcel B. The deed will reference the plan, and the condition that will be written on the plat will follow the deed since the deed references the plan. It ties it all together.

Paul Perry: Asked about possible development of the back part of the property. Joe said the triangle piece would add frontage to the property, but it would be in a different municipality, so they wouldn't have enough frontage in Loudon to develop the back. Adam confirmed the only plan is to build a single-family residence and barn there. Joe added that they have septic approval and once this is application is approved, they'll have a building permit. Adam stated the Loudon property will hold a house and barn for his daughter, while Canterbury is for he and his wife.

Jim Snyder confirmed that there is an added signature block on the plan for Loudon to also approve since the property is on the town line.

The public portion of the hearing was closed.

Joshua Gordon made a motion to approve with the condition that the plat reference that the triangle portion is not a buildable lot. Tyson seconded the motion. Discussion: Jim intended to disclose that he built a PV system for Adam Towne some years ago, but it doesn't disqualify him from voting. He's not going to vote anyhow.

Vote to approve application for lot line adjustment: Unanimous.

Public hearing: Meeh/Nelson and Booth/Rush Lot Line Adjustment Application, Shaker Road, Tax Map 225, Lots 9 & 10:

Hillary Nelson recused herself since she is a co-applicant. Jim asked the secretary if she reviewed the application and whether it was complete. She confirmed. Tyson made a motion to accept the application as complete, second by Kent Ruesswick. Discussion: None. Vote: Unanimous, application complete.

Web Stout presented for the applicants and provided signed letters by each. He pointed out Greg and Hillary's residence on the plat. They want to take the existing lot line near the wall and tree line and move it over for a buffer. Ms. Booth and Mr. Rush are selling their property. Greg would like to use this portion to put in a fruit tree orchard for his distillery, and possibly an agricultural structure for storage. There are easements on the property which are not a part of this lot line adjustment. The easements are delineated on the plat.

The Booth lot is 4.5 acres and will be reduced to 3.5 acres. The minimum requirement is 3 acres. The septic system is State approved and is more than 5 feet from the boundary. It is about 15 feet away. Web delineated wetlands, topo and soils, and the test pit area as well. Everything you see on the plan meets current zoning. Web discussed the area to be included and excluded from determining lot size and passed out a document from the Zoning regulations. When Greg looked at this area, he wanted a bigger buffer and approached Melora Rush and David Booth. Both owners agree. They're contemplating going to the Zoning Board for an area variance to move it 38 feet. Web would like a conditional approval based on their variance to move that line.

Greg stated he can put more fruit trees in that area and that it's good orchard land. He doesn't want to use hay field land for fruit trees. Web said they'd like a letter stating this Board would be in favor of a variance to bring to the ZBA hearing. Web advised he went to the Registry of Deeds and searched 2000 to 2010 common name plans in Canterbury and briefly reviewed similar prior applications approved by this Board. He pointed out you can't count wetlands in the area calculation. The plan states there are 34,000 square feet of wetlands, bringing you down under the acreage, which doesn't meet the requirement.

The Board discussed lot size, deducting wetlands, and total minimum acreage size.

Jim addressed the two waivers submitted with the application. They are for soils and for topography on tax map 225/10. The information is shown on lot 9. We can address both in one vote. Joshua moved to grant waivers. Kent second. Discussion: None. Vote: Unanimous.

Jim pointed out that when we have a lot line adjustment both owners are typically present. Lenora and David are not. A letter was provided with the application authorizing Web to represent them.

Jim's though was if they were sure they were going to ZBA, rather than doing a complicated approval, that we continue this until they have their variance.

Lucy Nichols wanted confirmation what the variance was for. Web reviewed that when they eliminate the area before the setback and handed out a copy of Article 5.2.A.3 (Minimum Lot Size Standards), the lot will still be 3.2 acres. They can't count the part near the road. Even by not counting the front and the pond, it will still be over 3 acres. However, the leach area on the Booth/Rush property will be in the setback area if the plan is approved. They need an area variance for that portion. The new plan will basically move the lot line 38 feet.

The applicant requested a continuance to September 10th to allow them to schedule a Zoning hearing. The Board approved the continuance.

Jim stated that on September 10th the Board would like to see a new letter from Booth/Rush indicating that they are aware of and approve the proposed plan if they will

not be present. It should include their address, map and lot number on Shaker road since they own other property in Canterbury, and should be notarized and dated.

Jim moved to continue public hearing to 9/10/19, second by Art. Discussion: None.
Vote: Unanimous.

Other Business:

Hillary rejoined the meeting.

- Jim: He received a call from residents. A cease and desist went out relative to a short-term rental. Cheryl confirmed that 5 letters went out on 8/8/19. After Jim's discussion with the resident, he made a couple suggestions. They could go for a variance to see if the ZBA will entertain it. Before that they may get together as a group to talk with Selectmen and point out that this goes on all over the world and discuss how we can we make it work.

The Board discussed whether they would need a site plan since it's clearly a commercial proposition and aren't using it to put family in there. They also briefly discussed special exceptions, rooms and meals tax, the opinion letter received from Preti Flaherty on short term rentals, revenue, and developing an ordinance. The topic will be added to the next agenda.

- Hillary: She was tasked to come up with a document showing what the current Table of Use allows compared with proposed changes which was passed out for the Board's review. Tyson had a different approach and passed a handout as well. Hillary suggested the members look at them and decide which one they feel works better. This will be added to the next agenda.

Cheryl moved to adjourn, second by Kent. Vote: Unanimous. Meeting adjourned.

Submitted by Lori Gabriella, Secretary
Canterbury Planning Board