

MINUTES OF THE MEETING  
OF THE  
CANTERBURY PLANNING BOARD

October 8, 2019

BOARD MEMBERS PRESENT: Tyson Miller, (Vice-Chairman), Art Rose, Hillary Nelson, Lucy Nichols, (Alternate), Brendan O'Donnell (Alternate), Cheryl Gordon (BOS Representative)

ABSENT: Jim Snyder (Chairman), Joshua Gordon, Kent Ruesswick, Scott Doherty (Alternate)

OTHERS: Tom Osmer, Ann Berry, Gail Deary

Tyson Miller, Vice Chairman, stepped in to run the meeting in Jim Snyder's absence.

**Review of 9/24/19 Minutes:** Art Rose moved the Minutes, second by Hillary Nelson. Discussion: None. Vote to approve Minutes: Unanimous – 9/24/19 Minutes approved.

**Board discussion: Obnoxious uses ordinance language:** The Board reviewed the draft ordinance language prepared by Hillary Nelson. Tyson liked it but would like more specificity on the penalty language. The Board discussed various revisions to the language. Brendan O'Donnell wondered if it was better to upgrade the enforcement procedure currently located in the Zoning Ordinance located at in Article 9. He felt everything within the Zoning Ordinance should be enforced the same way, including this proposed ordinance. Hillary gave Brendan some background on how her proposed language came about to provide an understanding where this idea originated. He confirmed he likes the definition of the obnoxious use but felt the enforcement language could be revised.

The Board discussed procedures and penalties and agreed that Brendan will make revisions and send it to Lori to distribute to the Board for review at next meeting.

**Board discussion: Class VI roads:** Tyson advised he went to the Regional Planning Commission meeting where there was discussion about not allowing building on Class VI roads and the fact that there are cases where Class VI road waivers have been set aside. Art felt we should not allow building on Class VI roads and said the post office doesn't even deliver mail on them. His opinion is if you want to provide a fair situation, people should have to bring the road up to Class V standards to the extent of their property, which the Town would then maintain. Hillary agreed but said there can be issues if a home is sold and the new owner doesn't maintain the road.

Cheryl Gordon said the original reason for the new Class VI road procedure handed out from the Selectmen at last meeting is that mortgage companies weren't giving mortgages due to the road. They wanted waivers.

The Board discussed requiring a homeowner to have a bond, or insurance policy. Art said you'd be hard pressed to have something bonded., and if it was, it's difficult for a town to collect on a bond. The best thing to do is to bring it up to Class V standards before they can occupy the house. Growth in the town is growth in the town and a road brought up to Class V standards will have to be maintained.

Ann Berry, a resident on Welch Road, is being required by the Town to improve her portion of that Class VI road. It's very expensive and she doesn't even have a guarantee that she'll receive a waiver for a house lot once she's done. The procedure is wrong and needs work. She doesn't like the way the process is handled.

Tom Osmer, also a resident on Welch Road, felt this process needs to be more logical. No other residents on the road have road waivers, the road is not brought up to Class V, yet Ann is being required to improve her end of the road. Is the Town going to go up the road and only maintain her portion? They're all trying to figure things out as neighbors.

He's concerned whether the Town knows what the Town is doing and whether all the boards are giving the same answers. How many permits will be issued on a road before they say the Town should plow or maintain that road? His observation is that some residents are being required to dot the I's and cross the T's when the Town doesn't do what they should be doing. Tom said his road looks like a Class V, but it's not. He'd like the Town to say what is and isn't allowed on the properties and how many residences and businesses will be allowed on a Class VI road before it's brought up to Class V standards. The State requires two things on a Class VI road, a waiver and a policy for each road. We already have 4 houses and zero waivers on Welch Road in the condition it's in. Right now, Tom plows it and grades it. Neighbors kick in a submarket rate for repairs so they can maintain what's there. This isn't right.

The Board discussed Ann Berry's issue and asked Cheryl Gordon (BOS representative) about a conditional approval of a road waiver. Hillary and Art said people should have their assurance that if they do the work, they'll get the permit. The Board discussed conditional language. Cheryl will speak with the Selectmen.

Anne also spoke to say she thinks there's a place for Class VI roads in Canterbury and wasn't sure that a requirement to upgrade all to Class V makes sense. Look at what we've done to Welch Road to come up to Class V, and that destroyed that road. It would have been perfectly reasonable to go with a 14-foot-wide road with a landing at the bottom. Art said minimum width for fire apparatus is 22 feet.

88  
89 Gail Deary spoke to the issue of widening the road for fire apparatus. Her house sits 30  
90 feet from the road. If the road is widened at her house, she'll have a 5-foot lawn in front  
91 of her house. That makes no sense.

92  
93 Anne said about 15 years ago the Conservation Commission had a very quiet meeting  
94 with the Planning Board trying to shut down a Class VI road that ran thru a piece of land  
95 she owned. She was never notified about the meeting and considers that a taking. She  
96 had to spend money to hire an attorney and it ended up not being shut down. Art said  
97 that had to do with controlling growth and things run differently now.

98  
99 Hillary read about Class V roads in the Hard Road to Travel book. She feels the Class  
100 VI to Class V issue should be a town wide discussion. We need some criteria for when  
101 a town takes over a road. Brendan said it's by vote. The problem with the waivers is  
102 subsequent owners don't find out about waivers since they weren't recorded years ago.  
103 If you're a buyer now, it's unlikely you see the title search for your property. We should  
104 restrict or get rid of waivers and have policy instead.

105  
106 Hillary really appreciated the residents coming in and bringing this to our attention.

107  
108 **Additional Agenda Items Continued:** Due to time, Board discussion on Short-term  
109 rentals, and zoning of downtown area/multi-family development was continued to the  
110 10/22/19 meeting.

111  
112 Motion to adjourn by Art, second by Hillary. Vote: Unanimous.

113  
114 Submitted by Lori Gabriella, Secretary  
115 Canterbury Planning Board