

MINUTES OF THE MEETING  
OF THE  
CANTERBURY PLANNING BOARD

January 28, 2015

The Chair called the meeting to order at 7:00 p.m. It was determined that a quorum was present.

BOARD MEMBERS PRESENT: Art Rose, Chair, Jim Snyder, Vice-Chair, Joshua Gordon, Chris Blair, Alice Veenstra, Tyson Miller, and Cheryl Gordon (BOS Representative)

BOARD MEMBERS ABSENT: Douglas McCallum, Seth Cohn, George Glines

OTHER PARTIES PRESENT: Walter Archer, Steven Kosusko of Joseph M. Wichert, LLS, Inc., Alan Johnson, Ken Folsom, Joe Halla, Concerned Citizens of the Region, Canterbury Residents

**Draft Minutes of January 13, 2015:** Jim made a motion to approve the minutes of January 13, 2015. Chris seconded the motion.

Discussion: Tyson discussed a change regarding the language at line 77. The way it's worded looks like we are extending it six years, but we are actually only extending it for five years. Tyson made a motion to amend according to the above discussion. Joshua seconded the motion

Vote to approve amendment: Unanimous

Vote to approve January 13, 2015 minutes as amended: Unanimous. Minutes were approved.

**Public Hearing on Application for Site Plan Review, Walter Archer, 16 Scales Road, Canterbury Tax Map/Lot number 258/1:**

Mr. Archer introduced himself and discussed his plan to build a 60x100 foot barn to store hay and farm equipment. He will be running power and water out to it for the animals.

The list of waiver requests was reviewed by the Board.

Joshua asked about lighting around barn and driveway. There will be single lights on the barn to light the doorways, but none on the driveway.

41  
42 Jim said this is a relatively small residential use that, by a fairly small degree, rises  
43 above the definition of residential use. Jim moved to grant waivers 1-12. Tyson  
44 seconded.

45  
46 Discussion: Joshua said this is a site plan for a commercial establishment since he will  
47 be selling meat out of the establishment, so there are items we need to discuss. # 12  
48 was removed since all abutters were notified.

49  
50 Jim asked how many customer he would have at one time. Mr. Archer said this would  
51 be down the road, but as it is right now it would probably be open on a Saturday. There  
52 would probably not be more than a few people at a time.

53  
54 Joshua asked about a sign on Scales Road. Mr. Archer said not right away, but at the  
55 end of the driveway at some point. Maybe a "turn here" sign. Jim referred him to the  
56 sign ordinance for size and the additional provisions for agricultural uses.

57  
58 Art asked how wide the driveway will be to the barn. Mr. Archer said right now it's a 14'  
59 driveway to the house and from there it's pretty open now, probably 20 feet or more.  
60 The area is clear and wide open. Art asked if it was gravel. Yes. Jim asked if a fire  
61 truck can turn around. Yes. Art told him he needs 22 feet wide. Mr. Archer said ok, he  
62 can accommodate that.

63  
64 Hours of operation are on call basis. Tyson asked if it was a store, or just pick-up  
65 orders. Mr. Archer said just pick up, the orders will be ready when they arrive to pick  
66 them up.

67  
68 Jim moved to amend his motion from waivers 1-12 to say waivers 1-11. Seconded by  
69 Tyson. No further discussion. Vote on amended motion: Unanimous.

70  
71 Vote on motion to approve as amended: Unanimous. Waivers granted.

72  
73 Jim moved to approve site pan. Joshua seconded.

74  
75 Discussion: Tyson asked what are you doing with all of the insides he pulls out of the  
76 cows? Mr. Archer stated that will be taken care of at the slaughter house. He's just  
77 growing cows, not slaughtering.

78  
79 Alice asked about parking. He responded that 8 people can park there no problem.

80  
81 Discussion ended.

82  
83 Vote on motion to approve Site Plan: Unanimous.

**Public Hearing on Application for Subdivision, Alan Johnson/Kathleen Dandurand, Boyce Road and Hethlon Road, Canterbury Tax Map/Lot numbers 263/8 and 267/18.**

Jim recused himself.

Presenting the plan was Steven Kosusko from Joseph M. Wichert Land Surveying for Alan Johnson and the Dandurand Trust.

Steven explained where the property is located. The main piece is the Johnson property. He went on to explain that there are two parts to this project. One is a subdivision to create a new building lot on the west side of the power line proposed to be 8.4 acres. It meets zoning and subdivision regulations. The remaining parcel will be 23.5 acres. The entire parcel is approximately 32 acres. That's the first part of proposal. So there would be one new building lot. There is also a house under construction for Alan Johnson. The required frontage for that lot will be under the power line so that requirement is met as well.

The second part is a lot line adjustment for the two parcels. This is an equal area swap. The reason for doing the adjustment is that there are trails for ATV's that Mr. Johnson has that run over the Dandurands property. Dandurand's have horse trails that run over Johnson's property. Mr. Kosusko mentioned that a waiver requirement was submitted with the proposal.

Jim spoke up from the audience to say he had a call from an abutter, Dawn Stavros, asking what happened at the meeting last night. Jim said it was postponed to tonight, and he inadvertently told her we were only considering the lot line adjustment. Tyson asked if she had any objections. She thought the lot line adjustment was a good idea. Jim said there is also a plan to do a subdivision at some point. She didn't comment directly on that and was aware that there was enough frontage and acreage to do a subdivision.

Joshua asked if the smaller lot will be a single lot or multiple house lots. Steven stated at this point it would be a single residential lot. Minimum lot size and frontage was discussed. There isn't enough frontage to further divide that lot so there is no proposal to do anything else with it at this time.

Tyson asked if it was critical to get this approved, timewise, since the abutter was misinformed. Mr. Kosusko said they'd like to get it approved as soon as possible. Art said if we're not comfortable about something, then vote accordingly. Mr. Johnson was in the audience and spoke up to say there's no rush.

Tyson wanted to hear from the abutters and felt we should delay until next meeting. Tyson made a motion to table this project until next meeting. Joshua seconded.

Mr. Kosusko asked if there could be any consideration of the waiver of the boundary survey for the Dandurand property? Art said no, it would all be considered at one point now. Vote to table: Unanimous.

A man spoke to say he's curious to learn a little or about this project. He abuts the Maxfield property. He wants to know how this relates to them. Steve brought the plan over to the gentlemen and explained the property.

Jim spoke again to say he just called the abutter and explained his mistake. She authorized him to speak for her to say she has no comment. Art said the matter had already been tabled to next meeting, so that's what we will do.

**Second Public hearing on Amendment to Town of Canterbury Zoning Ordinance regarding Recreational Campgrounds and Camping Parks:**

Tyson reviewed the events of the Board's last meeting and explained that the Board voted to go with another ordinance, version two, to replace the one we were doing. This version essentially says recreational campgrounds or camping parks are not permitted in any district with some exceptions.

Joshua moved to place version two on the March Town Meeting ballot. Chris seconded. Tyson read version two to the public.

Board discussion: Tyson discussed the change that town counsel suggested about redundant language relating to outdoor commercial recreational facilities and boys and girls camps, and read the email from the town attorney. Tyson discussed RSA 485-A:23 discussing youth camps. The Table of Uses already addresses "all other outdoor commercial recreational facilities" which gives a special exception all the way across. The RSA's address the issue as well. There was discussion about removing the language.

Jim spoke of his concern that there will be differences of opinion as to whether this change will apply to a proposed project that already has ZBA special exception. Tyson confirmed that Jim was talking about the general amendment, not the one Tyson had just spoken about. Jim confirmed. Jim wants to say that if he voted for this, it would not be his intent to apply to that project. It's not the right way to do planning. He's heard both side's opinion as to whether this amendment has an effect on that or not. Jim pointed out that the ZBA Chairman, Joe Halla, was present tonight and may be able to weigh in. Joe spoke to say he hasn't gotten a legal opinion but he understands the approved special exception will stand no matter how the Board votes. He thinks if the intent of this is to eliminate that exception then he feels it's cutting the Zoning Board off at the knees. Joe thinks it should. Art explained that the thought process was to develop an ordinance that would address campgrounds since there isn't one. The Board decided at the last meeting that it might be too complicated and we should just ban campgrounds all together. Art's opinion is that this would be the easy way out. Chris said we are trying to be scrupulous about saying this is being forward looking, not

back. Josh reminded the Chair that there are amendments in federal and state that bans retroactive applications.

Joe felt this whole thing was brought up because of this special exception. Chris agreed and said we weren't aware of campgrounds before that. We're not talking about what happened, we're talking about any potential second campground and where it would. Art felt if people weren't happy with the proposed zoning ordinance that Tyson put together, to go to public hearing and subsequently to town meeting, then let it die on the vine. This meeting is to vote it up or down. He is not in favor of the amendment to ban campgrounds. He is interested in hearing from people that are pro banning the campgrounds and people who are against the proposed article to ban campgrounds. Chris said this is a vote to allow the town to decide, not a vote to ban campgrounds. Chris supports the Town deciding.

Tyson doesn't feel we are cutting the ZBA off at the knees at all. They worked with the law they had and gave a special exception. Tyson has said all along what we are doing here does not apply to that project. However, he also pointed out that whether or not it does now, he's not sure. They applied to the ZBA 6 months ago. Tyson felt that the fact that rules may get changed many months later should not cause the ZBA to be insulted.

Jim remains in favor of the original proposal. It gave us more tools and limited campgrounds. His biggest concern was road access.

#### Public Discussion:

Hilary Nelson brought up the fact that there is a time limit on a special exception, she believes 24 months, before it expires if they haven't pursued it. Joe Halla believes there's something dealing with variances but was unsure about special exceptions. She wanted to clarify that even if this amendment went through, this would not necessarily preclude the group from pursuing their campground. She thinks it's important for people to know that they're not necessarily going to harm this campground if they vote on the amendment. Hilary said she is concerned that people may not want to vote for this because it may be punishing these people, but that's not the case. The zoning law already says you have "x" amount of time to pursue a special exception.

Elizabeth Bowles – She wished someone had asked her if she could have input before it was put on her. A small group of people have made a decision to get this far and she wishes she could have had input on a project of that magnitude.

Jannella McDonald: She respects the Planning Board and ZBA as elected officials and thinks they do their job well. She thinks some things are big enough and affect the town to such a degree that we as a small town do need to come together. She is definitely in favor of voting. It's beyond the group of people sitting around the table.

David Bowles: He submitted emails from others who are all in favor of putting it to a town vote and in favor of the zoning ordinance. There have been a couple of U-turns

but pointed out it is a second U-turn. This same ordinance was proposed months ago, but flipped around. Art said it was a work in progress until it comes to a public hearing. At the first public hearing, it took a U-turn, but up until then, it was just a work in progress.

Joe McKeon spoke to said he is in favor of moving it ahead to a town vote.

Paula Mercier asked once it goes to town vote if it would be voting on this particular campground or a campground zoning. Art explained it would be to change the Zoning Ordinance to ban campgrounds. Chris said if this change is voted down, then we have what we have today, which means there are certain areas where campgrounds are permitted by special exception.

Ralph Bowles would very much like to see this go to a vote.

Don Blajda brought letters from Leanne Crawford and others who were unable to make it. They would like to see it be put forward as it is currently so Canterbury residents can vote for or against it. Jim and Cathy Cass want it put to the town people for a vote.

Don asked for a show of hands for people with the Concerned Citizens that don't want to speak, but would like to see it go to a public vote. Members of the audience raised hands. Don spoke about the UTurn and how divided the Board is. That in itself is a sign that this needs to be done democratically rather than by a small group.

Ken Folsom, Town Administrator, addressed the tax impact. He's done research at campgrounds within the state and discussed annual property tax potential. From a business standpoint as a Town Administrator, a campground is considered a low impact to the town as far as town services, police, fire. As far as this proposed zoning amendment, as a resident, he's disappointed that the Planning Board did a lot of work on the amendment that was brought up, and feels bad that the work was thrown by the wayside and we're back down to a negative, not a positive. A negative because this amendment will go before the town saying not permitted, as opposed to saying something may be permitted, with these specific regulations. Ken feels that discussing it in a forum on a large scale gives the opportunity for everyone to discuss it on both sides. He's disappointed in the way we vote on amendments. It's on the ballot and you don't get to talk to anyone about it.

Michelle Bladja appreciated what Mr. Folsom was saying, but pointed out that Tyson has done a wonderful job with all his proposals, and the Concerned Citizens were receptive of that work with minor revisions. When representatives of the campground project showed up at the last meeting and hacked Tyson's work, she was insulted. They made the Board sound like it was incompetent in what they were putting together. The Board did a good job and listened to residents who were opposed to having this in their back yard, and listened to their suggestions. She said it's 50/50 split in this room and feels it needs to be put before the town to decide this.

268 An audience member spoke to say that as opposed to being a minority the citizens of  
269 Canterbury group, the rest of them are the majority of folks who are interested in this  
270 issue.

271  
272 Don Blajda spoke again to say he is offended to be referred to as the minority group.  
273 His group just came to meetings and quietly listened. The minority didn't drive this.  
274 They never asked for this, never proposed anything to the Board other than light  
275 suggestions for whichever version they go with. The just want the Board to pick one  
276 and stick with it. For the Board to say we're not going to put this to the town at all, given  
277 the circumstances, it would not be very responsive to all who have come to this hearing  
278 tonight. This public hearing was noticed in the paper to everyone. It's not just to the  
279 minority, it was to everyone who's interested. If there were people who didn't want it to  
280 go to the Town, they should be here to say so.

281  
282 Art closed discussion. Tyson made a motion to revise and modify the proposed zoning  
283 ordinance by eliminating as an editorial change, the text in section B1 given that it is  
284 confusing, duplicative, and already addressed in the Table of Uses, and renumbering  
285 the remaining parts to 1, 2 and 3. Chris seconded.

286  
287 Art stated voting will take place by roll. This vote is on Tyson's motion to amend.

288  
289 Vote by poll:

290  
291 Art: no  
292 Jim: yes  
293 Chris: yes  
294 Joshua: Yes  
295 Tyson: Yes  
296 Cheryl: No  
297 Alice: Yes

298  
299 It is now an amended motion.

300  
301 Tyson read the language that would appear on the ballot.

302  
303 Art stated that is the official wording. The motion at the start of the meeting was  
304 whether or not we bring this revised ordinance to the voters. It was seconded and  
305 amended. The motion was amended to remove wording and now we'll vote on it.

306  
307 Vote on Amended Motion:

308  
309 Art: No  
310 Jim: No  
311 Chris: yes  
312 Joshua: Yes  
313 Tyson: Yes

314 Cheryl: No

315 Alice: No

316

317 This will not go to town meeting.

318

319 **Other Business:**

320

321 Joshua: He reads the statute as suggesting we could send a zoning change to the  
322 Town Meeting as long as it's printed separately, and he'd like to refer to our lawyer  
323 since that sort of thing might come up again. He's not referring to the Tuesday night  
324 vote, but the Friday Town Meeting so people can discuss it. Alice agreed saying people  
325 don't always understand the issue and might like to discuss it. Jim said a free resource  
326 for this question is the Municipal Association. Tyson will contact them and get an  
327 answer.

328

329 Joshua's second issue is about cluster developments. He wondered if we should have  
330 cluster developments that are 1/8 of an acre rather than an acre for example. He would  
331 like to engage in conversations to make changes in our ordinance to allow a cluster  
332 development to really be a cluster. Art suggested Joshua and Kent could head that up.  
333 Kent suggested we look at our regulations to see if we have other areas that should be  
334 amended. We are reacting rather than being proactive. Jim spoke to Joshua's point  
335 about cluster developments and said it's kind of already there under multi-families.

336

337 Tyson would like to put on the agenda an item looking at our Site Plan Regulations in  
338 comparison with what we were going to propose in terms of the campground. He would  
339 like the town attorney to go through to see what items could be moved to site plan.  
340 Alice agreed. There was discussion about what could be put in site plan.

341

342 Chris made motion to adjourn. Cheryl seconded.

343

344 Meeting adjourned at 9:00 p.m.

345

346 Lori Venie, Secretary

347

348 **Next meeting: February 10, 2015, 7:00 p.m.**