

MINUTES OF THE MEETING  
O F THE  
CANTERBURY PLANNING BOARD

OCTOBER 13, 2020

**Due to the COVID-19 crisis and in accordance with Governor Sununu's Emergency Order #12 and Executive Order 2020-04 this meeting was conducted telephonically for residents. Board members and applicants were present at the Meeting House.**

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

ABSENT: Scott Doherty

OTHERS PRESENT: Barbie Tilton, Attorney Peter Imse, Robert Wolfe, and Maryanne Wolfe (by phone)

Tyson Miller read Executive Order 2020-04 relative to holding meetings telephonically, and appointed Brendan O'Donnell to stand in for Scott Doherty.

**Review of 9/22/20 Minutes:** Kent Ruesswick moved the Minutes. Second by Joshua Gordon. Amendments or Discussion: Lucy Nichols questioned the wording at line 149 relative to home occupation. Tyson Miller questioned whether a revision was necessary. A vote was held, Tyson, Kent, Hillary, Joshua, and Cheryl voted in favor of approving the Minutes. Lucy voted against. Brendan O'Donnell abstained. After additional discussion, Joshua made a motion to amend the minutes to say "home business or site plan" rather than home business. Second by Kent. Vote to approve amended Minutes: Unanimous with the exception of Brendan O'Donnell who abstained. Amended Minutes approved.

**Public hearing of Barbie Tilton, 76 Pickard Road, Tax Map 253/34 for a 12 site Hipcamp campground:** Barbie read her proposal for a recreational campground with a maximum of 12 sites. She read from her application documents describing that there are firepits, water, solar shower bags, firewood, picnic tables, and a place for a tent or two at each site. All cars are parked at a site or off the wood road for access to each site. One site could host a small pickup truck camper, but the rest are specifically tent sites. No large campers or travel trailers are allowed. She has porta potties on site, which she owns, that are cleaned and disinfected regularly, and are pumped as needed. Trash is carried out by the guests so there wouldn't be an impact at the recycling center. She has a set of rules such as a leash law, fire ban, no fireworks, and advises of the Town Noise Ordinance. She only uses the app or website Hipcamp, which provides insurance. She's been to ZBA and received her special exception.

Barbie also had a list of RSA's pertaining to campgrounds (216-i) and State Park systems (216-A:1) that she reviewed.

The roads have been there since Huey Fifield in his 20's. No updates to anything on the land other than cutting down small little trees and adding fire pits. All the RSA's are for recreational campgrounds which is all the State provides. Barbie feels our Zoning Ordinance needs to be revised because it addresses commercial campgrounds, which this is not. Commercial

campgrounds have hookups, shower units, pools. She met all of the RSA's, however, the Town is concerned with 6 of them.

Joshua spoke to say he's not sure we have much discretion with this. The State says water and septic are required if you have two or more campsites. How can we approve this application if she doesn't have that?

Brendan O'Donnell discussed the general DES requirements and stated she'd need something from DES saying she meets criteria. He is not saying that porta potties can't be sufficient. DES has to approve the porta potties and say they're sufficient. There are specific regulations DES has, she has to review the requirements and provide documentation from DES.

Barbie addressed the water issue saying guests can come up to the house to use the hose, shower bags and 5-gallon water bottles she provides. Joshua said that has to be approved by DES as well. Hers is a private supply, not public. Public means the municipality provides water/sewer.

Density – Barbie stated the requirements is that 600 feet shall be provided for each tent site. The Building Code inspector said all sites were over the requirement and read from a letter written by the Building Inspector. The Town has a copy of the letter. (At the end of the meeting Barbie left a copy of the letter for the file).

Sites: Barbie and the Board discussed the makeup of the sites and the one site that could hold a pickup camper. Tyson wants to specify an allowable length for a camper. The board agreed it can be no longer than 20 feet, which is basically an SUV with a 13-foot camper. The requirement for that size is 1,000 square feet and all her sites meet that requirement. Tyson wants to make sure there's a 6-foot path to any campsite in the woods. Barbie said that's fine, it's a wood road. Barbie had a map of her property and showed members where the wood road is on her property, along with the swamp. None of the sites are near the swamp area. There's no concern about erosion.

Brendan asked if she had a full-size plan of her property since the copy she brought was very small. She didn't since she bought the property by a personal sale. The Town may have a copy. Brendan asked about a trail going to Horseshoe Pond. Barbie said it's not all on her property, but said her guests don't go out there. It's out a mile from her area.

Barbie read the 8/19/20 letter from Joel French, the Building Inspector, who inspected the sites along with a representative of the Fire Department. Stating all sites are above proper sizing, talked about the porta potties, 10-15 gallons of fresh water, and solar showering bags per site. The stone campfire rings met State regulations.

Any camper registering is thru HipCamp, they pay thru them, no registering is done on site. Barbie looks at their profiles on the app/website before they come and approves or denies any guests based off their profile and camper rating. Hipcamp takes care of taxes. Hillary wants to make sure the plan approval is not dependent on Hip Camp in case they went under and Barbie wanted to advertise on her own website in the future. Barbie stated she only plans to use Hipcamp but if they no longer existed and she continued on her own, she would make arrangements for people to sign a guestbook and do all the check-in, taxes and things that Hipcamp does. Hillary just wants to be sure we don't limit her to Hipcamp.

Tyson asked if Barbie would be able to provide records of who was there and the dates if the police came looking for information. Barbie said yes, she has all that information and will retain that.

Kent asked if she had a lighted area when guests arrive? She said no. She does go out sometimes to meet them, but she doesn't have to. Sometimes she walks thru with her dog to be sure they have enough water and things like that. If they need something, they can email her and she gets it right away. They may also call. She has sites marked and they get a map ahead of time with directions, the driveway, and pictures.

The Board began to create a list of conditions that they would require.

Dates of availability were discussed, and all agreed it would be March 21<sup>st</sup> to November 15<sup>th</sup> with the condition she provides snow removal on her access roads. Barbie believes guests are limited to 7 days, which is listed in her rules. Brendan said you can run into problems where people think they are long term and are tenants. It doesn't seem like we have to worry about this.

Barbie doesn't store anybody's items or equipment on her property. They come with their items and they leave with their items.

Lieutenant Nelson of the Fire Department said Barbie meets all fire requirements. If there is a ban on fires, she has a note on Hipcamp advising guests and telling them they cannot burn during a ban. Brendan discussed seasonal fire permits and would ask that a condition be placed that she maintain her permits yearly.

Barbie discussed liability issues and understood the information.

Quiet hours: Barbie's online information provides the leash law and Noise Ordinance. Campers are advised that 10:00 pm is quiet time. They don't have to go to bed, they just need to be considerate of her neighbors. She has 40 acres. So far none of them even knew anything was going on out there.

The Board discussed Barbie, or someone on her behalf, being present at all times. Brendan's view is that doesn't need to be a requirement, she's a business owner and is responsible for the property. Brendan said if it becomes unsafe or a nuisance, we have other ordinances for that.

Tyson reviewed her Site Plan application and the fact that she included a checkmark next to commercial for this project. Barbie said there's been discussion about that. Joshua didn't understand the distinction of commercial for this project, other than needing a site plan, which is what we're doing now.

Barbie read the requirements for Site Plan review and said not all items applied to her. She had to do a waiver for the 13 items that didn't apply, she asked that they be waived, and thinks this process needs work from by the Town. Brendan respectfully submitted that the items did apply, and that's why he had asked questions he did. He feels they were all discussed in any event. He added that regardless of the Special Exception, it's a change of use under the Site Plan Regulations.

Joshua made a motion to approve the application with the following conditions:

1. No off highway recreational vehicles;
2. Obtain and maintain all fire permits and fire department approval of emergency access;
3. Promptly seek approval from DES to obtain and provide a DES water supply permit or provide proof from DES that no permit is required;
4. Promptly seek approval from DES to obtain and provide a DES individual sewage disposal system permit, or provide proof from DES that no permit is required;
5. Ensure campers register as required by RSA 216-I:5;
6. Maximum of 12 sites: 11 tent only, 1 for tent or 20 foot max pick-up camper;
7. Maximum of 6 people per site;
8. Obtain letter from building inspector that sites have adequate parking for each site;
9. Guests can only occupy sites from March 21<sup>st</sup> to November 15<sup>th</sup>. Provide snow removal to ensure safe access as necessary; and
10. Minimum of 6-foot path from road access to sites.

Brendan second to Joshua's motion. Discussion: Barbie said she was approved by ZBA and they told her to come here. She should be allowed, like anyone else coming before the Board and is approved, to start her business up again while she meets the conditions. Tyson stated that any cease and desist is decided by the Selectmen.

Vote on application with the above conditions:

Approved: Hillary Nelson  
Lucy Nichols  
Brendan O'Donnell  
Kent Ruesswick  
Joshua Gordon  
Tyson Miller

Cheryl – abstained.

**Attorney Peter Imse with Robert & Maryanne Wolfe, 4 Old Boyce Road, for discussion of Exit 17 development;** Peter Imse is from the law firm of Sulloway Hollis and represents the Wolfes. Robert is here with him, Maryanne is attending by phone. Attorney Imse provided handouts and maps for the Board and explained where the Wolfe's property is located.

Attorney Imse walked thru each sheet showing an arial view of the land, including a copy of the tax map view. He explained that there is currently an unoccupied single-family residence on the Wolfe property now. They bought this property to contemplate future commercial use. Another sheet was an overlay and gave more detail as to the roundabout. A third item is a more detailed rendering of roundabout. The most important thing on this page is the Wolfe driveway. Under the City of Concord plan, they plan to put a basin there and cut off the Wolfe's access to Old Boyce road, rendering their property valueless for commercial use.

The Wolfe property is in unique situation. It has long frontage, but no rights to put a driveway in on that frontage. Primary access is off Old Boyce Road, which is the central reason we're here. The Concord City Planning Board knows this is a project of regional impact, meaning Canterbury will be heard. Attorney Imse and the Wolfe's visited the Board of Selectmen of Canterbury asking that they take this issue under advisement and would appreciate if the Town could help the Wolfe's and other landowners who would be impacted by Concord's project. Brendan asked if this proposal uses all land that Concord or the State owns or whether there is an eminent domain process happening. He asked if the NH DOT would be a party to this. Attorney Imse said they'll definitely have to be a party to this. After understanding the scope of the concerns being discussed Brendan O'Donnell recused himself from this discussion.

Joshua wondered what Canterbury can do if the problem exists in Concord or State land. Attorney Imse explained that under the proposal, the retention pond will block the only spot that is available for access to the Wolfe's property.

Kent was unsure how we can talk about this because there's no land in Canterbury for this project. Attorney Imse said most of this is happening in Concord. What Concord is doing is having a negative impact on Canterbury landowners and future potential use. Their hope is that this Board would have an interest in seeing that our landowners aren't taken advantage of by the City of Concord.

Hillary stated this is a commercial piece of property, not residential, and it's going to be a very valuable piece of property. Attorney Imse and the Wolfe's appreciated that, which is the reason they're here.

Hillary asked if their driveway was a deeded right of way. Attorney Imse said they haven't found anything to support that. The taking was in 1958. The DOT has been helpful in finding some of the old plans, but they don't have everything. Tyson said the State took the land in front of the Wolfe's and it seems they could put a road in for him.

Joshua asked what we can do. Attorney Imse said they wanted to make us aware of the issue, and of their concerns. The Concord Planning Board would start considering this at some point and Canterbury will have to receive notice of regional impact. They would love a Canterbury voice adding to the Wolfe's voice, asking that the City doesn't forget them. The property next door to the Wolfe's may be impacted by this as well. It looks like a few of the properties right there could be impacted. We have a personal, very focused interest, and the Wolfe's would like to be protected in this process.

The Wolfe's hired an engineering firm who came up with two alternatives to the current plan. They have an interesting design where the rotary feeds off toward the Wolfe Parce,l and Old Boyce and Shoestring would fee into it at a stop sign. The design provides a different solution. They're not suggesting anyone approved this, or it's the answer. It's just a concept.

Tyson agreed that there will be a Concord Planning Board meeting that Canterbury would be attending. Tyson would vociferously support an adjustment to the Wolfe's and provide access to their property. Tyson felt this is very early in the planning stages. When it is done, as Canterbury residents, we need to accommodate these people in some way. Hillary said this property is commercial and the Town needs to protect its taxation interests. They should not be undermining our future tax base.

Lucy wondered by the State was taking so much land and wondered whether it was meant to be another park and ride. Attorney Imse thought that was a good guess. They took a 270-foot ROW on 93 to the river planning for the future, probably 2 lanes in each direction. As far as the oval, that's where they dumped a lot of fill a few years ago. There's some conjecture that it could be a park and ride, but it's not on any State plans.

Mr. Wolfe's understanding is Concord is paying up front and will have a negotiated development agreement after that.

Attorney Imse is happy to provide more information as needed and he's hoping he sees us at the Concord Planning Board meetings. Tyson assured him they will.

There was brief discussion about the type of commercial project the Wolfe's could consider on their property.

**Board discussion 2021 budget;** The Board discussed the budget and agreed to keep it as is for 2021. They discussed the Central NH Regional Planning Commission funds that will be needed as well. The Board agreed to keep budget as is, and Tyson will talk to Ken Folsom and Kelly Short about the new secretary budget and how Mandy may play in to this.

**Other Business:** The Board discussed in general the process of bringing a campground ordinance to next Town Meeting. We need to discuss and have a public hearing for Town Meeting. Kent reminded members we won't change the law before Town Meeting. There was discussion about all projects being held in abeyance once we have a public hearing and vote to bring it to Town Meeting.

- Tyson informed the Board that we have an application for a brewery at the McKerley property on Oxbow Pond Road, which will be regional impact. The City of Concord and Central NH Regional Planning Commission will receive notices of the public hearing, at which time we'll vote on the issue of regional impact.
- Joshua said there is a small piece of land on the corner of Shaker and Baptist Hill Roads that has a for sale sign. It's a little piece of land selling as a buildable lot. The neighbors are upset because it's grandfathered and he's not sure what's going on with this land. Cheryl knows that there was an older couple who owned that lot and another lot next to it and they parked their camper there. Cheryl thinks it's 1/3 of an acre. Brendan said if it already exists as a separate lot, the grandfathering doesn't matter. They don't need subdivision, they need a variance.

Kent made a motion to adjourn with a second by Cheryl. Vote unanimous. Meeting Adjourned.

Submitted by Lori Gabriella, Secretary  
Canterbury Planning Board