



38 **Public hearing on Amendment 1 to Canterbury Zoning Ordinance: Revise**  
39 **Definition of a Farm Roadside Stand:**

40  
41 Tyson brought handouts that contained a copy of all amendments before the Board  
42 tonight.

43  
44 Tyson gave a brief history of the farm stand question. He discussed the effects of the  
45 new and old wording and its relation to the Site Plan Review process.

46  
47 Jim asked Board members if they had any comments. There were none.

48  
49 Jim opened the hearing to members of the public.

50  
51 Naomi Scanlon, Chair of the Agricultural Commission, spoke to say that the current  
52 farm stand language works against farm stands. The majority of our farms are tucked  
53 away and this language helps open new possibilities to bring farm stands closer to the  
54 customers.

55  
56 Dave Emerson (Agricultural Commission) spoke to support this revision as well.

57  
58 There was no further discussion.

59  
60 Jim closed the public hearing portion for this issue.

61  
62 Tyson made a motion to accept the amendment and bring it to Town Meeting, seconded  
63 by Alice.

64  
65 Discussion: Jim advised the Board that the document Tyson handed out, "2015 Town  
66 Meeting, First Session Official Ballot Language" would now be referred to as the  
67 "Official Ballot Language" for purposes of tonight's meeting.

68  
69 Vote on motion to accept the amendment and bring it to Town Meeting: Unanimous.

70  
71 **Public hearing on Amendment 2 to Canterbury Zoning Ordinance: Renew the**  
72 **effective dates of Article 11, Number of Residential Building Permits:**

73  
74 Jim introduced the next article as basically a house keeping issue in that the sunset  
75 date periodically needs to be addressed by the Board.

76  
77 Tyson pointed out that the date lapsed last year and we are extending it for 5 years to  
78 stay on track.

79  
80 Jim opened the hearing to members of the public: No comments.

81  
82 Jim closed the public hearing portion of for this issue.

83

84 Tyson made a motion to accept question 2 of official ballot language and to add it to the  
85 official ballot. Cheryl seconded.

86  
87 Further discussion: None.

88  
89 Vote on motion to accept question 2 and bring it to Town Meeting: Unanimous.

90

91 **Public hearing on Amendment 3 to Canterbury Zoning Ordinance: Add new article**  
92 **(Article 18) regarding campgrounds:**

93

94 Tyson gave a history of the development of this article. He explained that this proposed  
95 article is not related to the campground project that previously received a special  
96 exception from the Zoning Board. That project has not come to this Board with an  
97 application. The only affect that issue had was that it woke us up to the fact that we had  
98 nothing in our ordinances relating to campgrounds. Tyson explained we started from  
99 scratch looking at regulations from many towns. We picked language we felt fit and put  
100 it all together as a working document. The Board has gone through it to choose what  
101 they felt was appropriate for Canterbury.

102

103 We then considered and discussed not allowing campgrounds at all. The Board chose  
104 to go back to the proposed article, and have worked with that to come up with this final  
105 version.

106

107 Jim asked if any other Board members had comments at this time. There were none.

108

109 Jim opened the hearing up to members of the public.

110

111 Donald Blajda spoke for the Concerned Citizens of the Region. Don thanked the Board  
112 for their efforts and for incorporating some of their suggestions throughout this process.  
113 However, they still have some concerns with the proposed article as written.

114

115 Don discussed recreational facilities, quite time/nuisance noise/decibel levels and pets.

116

117 Don stated with the revisions he suggested, they feel the ordinance would be an  
118 effective tool without infringing on surrounding property owners.

119

120 Full text of Don's comments can be found in the "Campground Ordinance 2014" file in  
121 the Planning Board office.

122

123 Jim asked if anyone else has comments.

124

125 Brian Harvey from Loudon spoke to agree with Mr. Bladja's comments and supports  
126 them. Brian referred to line 105. He would like to see inserted "only the campers  
127 occupying the campgrounds shall use the recreational facilities." This way it would not  
128 become a commercial project with anyone having the ability to use it.

129

130 Mr. Harvey then referred to lines 154 and 175: Recreational vehicles should be fully  
131 licensed at all times and will not be allowed to deteriorate. He wanted to know who  
132 would be policing this requirement. He suggested language to fine tune this section  
133 including specific dates.

134

135 Tyson spoke to say the current languages say campers are allowed to be kept over the  
136 winter and asked if they object to that. Brian confirmed they would object to that.

137

138 Paul Fitzgerald, an attorney at Wescott Law office in Laconia, spoke. He represents  
139 Mourning Dove. Mourning Dove does have an interest in this ordinance. It appears to  
140 him that this ordinance is in reaction to the Mourning Dove proposal. He considers this  
141 proposed article to be a significant overreaction however, he does appreciate all the  
142 work the Board put into this document.

143

144 Attorney Fitzgerald said that the reality is we're not talking about a race track or casino,  
145 or a nuclear power plant. We're talking about a place where families go to camp with  
146 their kids. He's never seen regulations this intense or restrictive for this type of a use  
147 that he can remember. Attorney Fitzgerald began discussing issues of setbacks, open  
148 space use and number of acres per site. He discussed permits that may be required by  
149 the Board of Selectmen.

150

151 As Attorney Fitzgerald was speaking, Jim asked him if he could refer to a line number  
152 so the Board can follow along. Mr. Fitzgerald thought it might be better if he submitted  
153 his letter and he could hit the high points for the Board.

154

155 John Wiencek spoke to suggest that this is a public hearing and if Mr. Fitzgerald is  
156 going to make his comments, that he states them publicly, rather than submitting the  
157 letter he has to the Board. The citizens will not have the ability to read it. Jim asked Mr.  
158 Wiencek who he was and if he was a resident of Canterbury. He replied that he owns  
159 property in Canterbury and he is representing himself.

160

161 Tyson also requested that Attorney Fitzgerald refer to a line item of the ordinance  
162 language. If any changes are made for or against, Tyson needs to refer to which line  
163 and be specific. Attorney Fitzgerald was not prepared to refer to a specific line item and  
164 after some discussion, decided to read his letter aloud. His concerns addressed  
165 definitions, Board approvals/permits, traffic, acreage requirements, open space, size,  
166 number of sites, setbacks, impact limits, retail shops, accessory buildings, roadways  
167 and operational requirements. The full text of Attorney Fitzgerald's letter can be found  
168 in the "Campground Ordinance 2014" file in the Planning Board office.

169

170 Jim felt this was a good time for the Board to ask questions to Attorney Fitzgerald.

171

172 Joshua asked about accessory buildings and the need for staff to live onsite. Attorney  
173 Fitzgerald said there's no normal situation, but suggested if there's a restriction along  
174 these lines, there should be some flexibility. The current draft says one residence is  
175 allowed, period.

176

177 Jim had a couple comments. First he wished Attorney Fitzgerald had come to the  
178 Board earlier in the process with his concerns. He said in his opening remarks,  
179 Attorney Fitzgerald felt this proposed article was overly restrictive. Jim asked Attorney  
180 Fitzgerald if he spoke with other towns. He said he received input from campground  
181 consultants and other sources. He has practiced municipal law for more than 30 years.  
182 Jim told him we've reviewed a lot of ordinances in other towns and felt we were quite a  
183 bit less restrictive than others.

184

185 Jim went on to say that Attorney Fitzgerald, in his letter, referred to the grandfathered  
186 status of Mourning Dove proposal. Jim pointed out that no one has been more  
187 protective and careful in keeping Mourning Dove out of these discussions than he has.  
188 The fact that the project was out there made the Board look around and realize we  
189 didn't really have the structure in our Ordinance to deal with any campground proposal,  
190 and some things we do have, just didn't make sense. This is the first time Jim was  
191 comfortable even addressing their project and he's even hesitant now. Jim stated that,  
192 yes they have Zoning Board approval, and Jim believed if Attorney Fitzgerald brought  
193 his project forward to this Board, they would get a very fair hearing. They might get  
194 some opposition, but they would see some support too. Whether this Ordinance goes  
195 forward to a vote in any way, Jim has a question as to how much this would apply to a  
196 project that has already gone through the Zoning Board. He needs help knowing  
197 whether or not they are legally bound by this and if they need variances for anything  
198 they don't like; and even if the Board doesn't approve their project, we've done the work  
199 to familiarize and education ourselves about campgrounds and what is important.  
200 That's what Site Plan Review is for, with or without this document. We can apply  
201 whatever conditions we feel are appropriate up to an including denying the proposal.  
202 Their use has been cleared by the Zoning Board, but the specific proposal still needs to  
203 clear this Planning Board. Jim just wanted to assure Attorney Fitzgerald that  
204 regardless, they would get a fair hearing.

205

206 Chris addressed the overall concern of being overly restrictive. He discussed removing  
207 the use from the table of uses, which meant someone would need a variance. The  
208 Board thought that was too restrictive. There was discussion with Attorney Fitzgerald  
209 about the pros and cons of removing this from the Table of Uses and its affect.

210

211 Tyson discussed the 50% open space requirement. Mr. Fitzgerald feels that we don't  
212 have it defined to the level needed. Tyson and Mr. Fitzgerald talked about the square  
213 footage area of campsites in our language compared to other towns. Tyson suggested  
214 the Board cutting the 200 foot buffer from a stream. He does agree that's a high  
215 amount.

216

217 Mr. Wiencek asked if our town attorney reviewed and approved of this document and  
218 what his opinion was. Tyson confirmed that he reviewed it twice. Tyson discussed  
219 some of the changes the town attorney made, for example he was making sure there  
220 wasn't anything in there that was illegal, he made some suggestions regarding the

221 definition, he wanted to make sure we had the ability to enforce this, and we had the  
222 teeth to do it. He also suggested removing the idea of cabins.

223

224 Jim asked if any Board members had any further questions for Attorney Fitzgerald.  
225 There were none.

226

227 Don Bladja spoke about some people not coming to previous meetings. The reason his  
228 group came to all the meetings was to see the amount of effort they put in to come up  
229 with the ordinances. He's disturbed by the tone of Attorney Fitzgerald's letter as almost  
230 having a threatening factor.

231

232 Tim Bernier, T.F. Bernier, Inc. spoke. He came on behalf of the Schmidt's. Jim asked if  
233 he represents the Schmidt's. Tim said he was asked to be here on their behalf, they are  
234 in Florida. Tim gave his professional background and that he's spent the last few  
235 months studying campgrounds. He's been on planning board and was the chairman in  
236 Weare NH, so he's very aware of what is going on. For the last several months he's  
237 been working on designing a campground in Canterbury. He found out last week that  
238 this process was going on and his understanding is that it won't directly affect the  
239 project he's working on. Once he was made aware of the current proposed regulation,  
240 he's tried to incorporate whatever he could to the project he's working on. Jim reminded  
241 him it won't be in effect unless it gets voted in at Town Meeting in March. Tyson said  
242 things would be on hold until the vote. Tim said they are well beyond a lot of these  
243 things in their design so they are relying on their interpretation that their design is  
244 grandfathered.

245

246 Tim spoke about his thoughts based on his experience and his review of the proposed  
247 language. He addressed camping cabins as being very popular and suggested the  
248 Board consider changing the language that prohibits them. Tyson said that was  
249 something specific the town attorney took out. He spoke about transient people,  
250 setbacks and density, fire standards, dates the campground would be open, and patios.  
251 Tim stated he'd really like to see a lot of the items addressed in Site Plan Regulations  
252 because zoning is very tough.

253

254 Aaron Roy, resident of Canterbury spoke to say Mr. Bernier was representing the  
255 Mourning Dove owners and his presentation seemed like he was asking the Board to  
256 modify the ordinance to suit his campground.

257

258 Jim responded by saying Mr. Bernier is representing Mourning Dove, who are land  
259 owners in Canterbury. Any landowner can come and give their opinion or send an  
260 agent to do the same thing. This Board will be making decisions based on merit, not  
261 who they're coming from. Tim responded by saying he's proceeding with the Mourning  
262 Dove project with the legal advice that this ordinance will not apply to us. Tyson asked  
263 if they have a permit into us yet. Tim said they have a permit into the town, but  
264 reminded the Board he's not an attorney, he's designing this thing. Jim corrected them  
265 to say they mean an application, not a permit. Tim was told this was a zoning change  
266 and he didn't need to worry about it. Jim said we don't have to worry or talk about this

267 tonight. Tim stated he really came because he has experience in this area. He has no  
268 opinion if the Board banned it completely. He feels if the Town is allowing someone to  
269 have a campground, then give them the tools to be successful.

270

271 John Wiencek who is a land owner on Harmony Lane, but not a resident of the state,  
272 spoke. He thanked Tim Bernier for being here because his comments about the  
273 changing nature of RV's and campgrounds and is proving the point that the Board can  
274 try to think of all the possibilities and definitions but the industry changes. Based on the  
275 comments from the representative of Mourning Dove, they don't care. They don't care  
276 about whether or not this Board prohibits campgrounds. They think that they're o.k.,  
277 they're grandfathered in.

278

279 Mr. Wiencek went on to speak about whether there is a need for this ordinance. He  
280 wondered why the Board is going through this exercise. Mourning Dove doesn't care.  
281 Is there another project that this could affect? He felt that this ordinance opens up a  
282 can of worms that they don't have to open. The alternative is there should be no  
283 campgrounds, and they should be eliminated from the Table of Uses and zoning.

284

285 He discussed noise, recreational facilities and conservation. Chris spoke to say the  
286 Conservation Board was consulted. He asked if they approved of this ordinance. Chris  
287 said there was no position taken. Mr. Wiencek asked that they support removing it as  
288 an accepted use. He said the Board has gone down the wrong path here and  
289 suggested they remove campgrounds as an accepted use.

290

291 There was discussion among the Board about going back to changing the Table of  
292 Uses to not allowing campgrounds in any zone.

293

294 Jim closed public testimony and reminded all in attendance that it is this Board's job to  
295 balance the rights of land owners against the good of the rest of the community. That  
296 has to be our guiding principal.

297

298 Joshua made a motion to strike the proposal for article 18 as currently proposed and  
299 replace it with draft proposed version 2 that Tyson drafted a few months ago.  
300 Seconded by Chris.

301

302 Discussion: Chris read the language aloud. Tyson likes the idea of the Canterbury  
303 voters deciding if they want campgrounds at all and if they do, we can always pick up  
304 where we left off with this ordinance next year. Doug thanked Tyson for all the work  
305 he's done. We've all learned a lot in the past couple months.

306

307 There was continued discussion about the need for this ordinance versus simply not  
308 allowing campgrounds as a use in any zone and the desire to have detailed regulation  
309 versus no regulation at all. There was also discussion about variances. Jim has no  
310 problem dealing with something that comes in on a variance. Jim said the big  
311 difference is whether it's going to be allowed by special exception or only by variance.  
312 Scenarios dealing with regulations versus variances were discussed.

313  
314 Tyson said if people decide to vote against campgrounds then the question is settled.

315  
316 This is a 2 step process. Put it in as not allowed and if the voters turn that down, next  
317 year we try something like this ordinance. Jim felt putting it in with a line in every zone  
318 would be good.

319  
320 Vote on motion to strike the proposal for Article 18: Jim polled members individually.

321  
322 A vote of yes means it amends the current proposal by replacing it with a proposal to  
323 remove campgrounds from the table of uses.

324  
325 Alice: Yes  
326 Cheryl: No  
327 Joshua: Yes  
328 Tyson: Yes  
329 Doug: Yes  
330 Chris: Yes  
331 Jim – not voting.

332  
333 Tyson will get language to Lori to hold a second public hearing.

334  
335 **Other Business:**

336  
337 **Right to Know Request:** Joshua gave Lori a disk with his response to Mr. Wiencek's  
338 91-A letter. Mr. Wiencek wants the Board to do their due diligence to come up with the  
339 documents requested and appreciated the effort made to collect the documents to date.  
340 He would just like to be kept apprised of the progress. If we have a document that we  
341 think is exempt, just tell him what the document is and why we're not handing it over.  
342 Tyson said our town attorney recommends we not turn over attorney client documents,  
343 but it is up to the Board. Jim said we shouldn't be supplying attorney/client documents.

344  
345 Tyson said some things were said over the phone, and there are no documents.  
346 Joshua felt we shouldn't release them. The Board agreed not to turn over  
347 attorney/client privileges. Joshua said disclosing doesn't waive the privilege.

348  
349 Jim made a motion to adjourn, seconded by Chris.

350  
351 Vote: Unanimous. The meeting ended at 10:15 p.m.

352  
353 Lori Venie, Secretary

354  
355 **Next meeting: July 27, 2015, 7:00 p.m.**