

MINUTES OF THE MEETING
O F THE
CANTERBURY PLANNING BOARD

OCTOBER 27, 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), Lucy Nichols, Joshua Gordon, Scott Doherty (by phone).

ABSENT: Hillary Nelson, Cheryl Gordon, (BOS Representative), Brendan O'Donnell (Alternate)

OTHERS PRESENT: Barbie Tilton (by phone), Matt and Katie McKerley, Tucker Jadcak

Tyson Miller read Executive Order 2020-04 relative to holding meetings telephonically.

Review of 10/13/20 Minutes: Kent Ruesswick moved the Minutes. Second by Joshua Gordon. Discussion: None. Vote to approve Minutes: Unanimous.

Review Conditional Approval of Barbie Tilton's Site Plan for completion of conditions: Barbie believes we have everything except DES approval for septic, which may take time. She sent the water approval that was emailed to the Board on 10/20/20, and provided a 10/21/20 letter from Joel French stating the parking areas for sites meet requirements.

The State uses a formula for the water issue. If there's more than 25 people at a campground, they need a public water supply. Barbie said there would have to be 25 people daily for 60 days straight. That will never happen. She meets the water requirements with what she's doing now.

Barbie is working on the septic issue. There's a question about what is needed and what needs to be approved. Porta potties are an alternative and should be approved. The State needs a copy of a site plan showing how far apart the sites are to see if she needs a septic system and bathroom facility. If they require it, she's dropping the whole thing. She's not subdividing or taking the land out of current use. Barbie is navigating thru that and it's taking time. She also thinks in the future, RSA 485 and 216 should be addressed with applicants before doing anything else with the town, even a ZBA hearing. She spent a lot of time and money to get where she is. People need to know about these items prior to coming to any of the Boards. Mandy Irving, Town Assessor is revisiting the current use issue now. There are issues about parking cars on current use

48 land. If the DES approves the porta potties and her sites are the appropriate spacing
49 apart, she'll go forward.

50

51 Tyson said we'll table the final approval until she has more answers and sees what
52 direction she's going. Lucy said we may want to revise the condition depending what
53 DES says.

54

55 **Public hearing of Tucker Jadczyk (McKerley property), Site Plan Review**
56 **application for 7 barrel brewery at 2 Oxbow Pond Road, Tax Map 267, Lot 4:**

57 Tucker Jadczyk provided the Board with an updated packet of information from the one
58 provided to the Zoning Board where he got the special exception under wholesale foods
59 and bakery. (See PB file #20-07 for color packet) He's planning to open a 7 barrel
60 brewery at the McKerley property under RSA 178-2, Nano Plus License. He'd be using
61 3 of the 4 units at the property that would include onsite tastings and retail sales. He
62 would have offsite distribution, in a minor way. There was discussion about how many
63 gallons and barrels being produced. A standard barrel is 31 gallons, which is 217
64 gallons per 7 barrels. He wants to produce 700 barrels per year, producing 100 brews
65 throughout the year. There will be 2 employees. Tucker said they would produce 5
66 batches every 3 weeks. One batch is 7 barrels. That equals 35 barrels every 3 weeks.
67 There would be up to 2 pours per person, provided they have food available. Food is
68 prepared offsite so there will be no food prep on site. Examples would be heat and
69 serve pretzels or mac n cheese.

70

71 He's allowed to have direct distribution and plans to sell to farm stands, 2 restaurants
72 and offsite accounts. He's shooting to do niche beers, higher quality beer, which will
73 cost more to produce. He'll be using local fruits and grains.

74

75 The property has a built-in wastewater drainage system, pitched floors into a center
76 drain, then pumped to holding tank. Nothing will go to groundwater. It has to be
77 inspected by the State regularly, and then transferred off site. Storage tank is 2,500
78 gallons. They'll use Rowles sewer and drain to empty the tank. Hours for the brewery
79 will be 8am to 8pm for production, but business hours are 12:00-8:00 pm.

80

81 Steam output would be minimal, with an electric system. Not much smell at all and
82 would really be contained to inside space. Sanitizers are mostly biodegradable. He
83 won't store anything outside. There is ample preexisting parking. Water will be recycled.
84 He will use tanks to retain water so they're not pulling it from the ground all at once.
85 They're not overtaxing water supply.

86

87 Matt McKerley said traffic would be increased with the brewery from the site plan
88 McKerley's had approved. They initially had the site plan for the landscaping and traffic
89 flow was a potential timeframe from 7-7 with potential up to four businesses within that
90 building. Lucy said she thought they would have 3-4 truck and going out. Matt said
91 employees coming in and out, and trucks coming in and out. Lucy asked if they've
92 given up on running the landscaping business from there. Matt and Katie said yes.
93 Tucker was unsure about increased traffic, other than they had 20 transactions per day
94 at Concord Craft. If they did 20 per day on the busiest of days, which would be
95 Saturday, it could be 20 cars. Any other day it would be less.

96

97 Capacity was discussed. Tucker went thru Joel, the building inspector in Town, which
98 has been a difficult process. Joel is only available on Wednesdays and Tucker may not
99 hear from him until the following Wednesday. Joel was able to look at the plan and from
100 what he put together he didn't see issues. Matt said it was fuzzy as to who the Fire
101 Marshall for Canterbury is and who they're supposed to speak to. Tucker and Katie
102 McKerley had to call multiple people to find answers and get anything done. Ken
103 Folsom felt that Joel's knowledge and his assignment as building inspector should be
104 able to handle configuring plans for set up, occupancy, and meeting the code with the
105 fire piece. In the end, according to Joel, it looks like 42 would be occupancy maximum.

106

107 Tyson asked if there were sprinklers. No – not required. Tyson asked what role the
108 State has, which is just the licensing of the brewery.

109

110 Lucy asked Scott if the fire department was happy with the building inspector making
111 this decision. Scott indicated that Joel is a fire fighter and trained inspector. If the Select
112 Board and Ken are comfortable with him calculating that occupancy load, he's ok, but
113 he'd like to defer to the new fire chief, Michael Gamache, to make the decision.

114

115 There was discussion about whether they had to go to the Concord Planning Board.
116 Katie said they don't need to. The Concord Planning Board received a certified notice of
117 this public hearing and provided no input and are not present.

118

119 There was discussion about regional impact, historically and current. After discussion
120 Joshua moved to declare the project regional impact. Kent seconded the motion. A
121 vote of yes means it's regional impact, no means it's not. Vote: Tyson yes, Lucy, No,
122 Kent no, Joshua No, Scott yes. The majority vote is that this is not regional impact.
123 Regardless, Concord is still abutters under the law and have been notified.

124

125 Lucy was not clear on how many people are using this building other than the 3 bays
126 Tucker will be using. Katie said other than Tucker, at most, vehicles on any given day
127 could be 4 vehicles: hers, another tenant who is a one to one fitness center for a total of
128 2 vehicles, and employees there from end of march to November. Tyson asked why
129 they didn't come to us for the one to one fitness center. Katie said she fell under their
130 original approval. The brewery needed a special exception. Lucy said Oxbow Pond is
131 the entrance to Muchwydo which is increasingly the hang spot and they park on the
132 outside of the McKerley lot. If they were to overflow on the road, it would create parking
133 on both sides of lot. There are 32 currently, 8 in the back. We could feasibly fit 48 cars
134 without using any overflow lot.

135

136 What happens when you finish the brew and no farmer wants the product? Tucker: At
137 Concord Craft they had one farmer for the last 4 years who took every mashout, and
138 that's twice the size of what will go on here. Every week they have farms calling asking
139 for spent grain. He anticipated they'll be able to get rid of it with relative ease.

140

141 Joshua said other than the studies, it looks like they have everything. Tyson said based
142 on the checklist of documents required, they're all set other than something from the fire
143 department that it is safe. Tucker got that from Joel. Scott would still like this to go thru

144 the fire chief. Joshua asked if we can do a conditional approval requiring additional
145 approval from the fire chief.

146

147 Drinking outside the building was discussed. Tucker stated they don't have plans for
148 that right now, but possibly down the road opening the garage door and having
149 something right there. He'd have to go thru the fire department for that.

150

151 Joshua moved we approve this application on the condition that the fire chief provide a
152 letter that the facility meets the regulations for this use. Scott suggested wording it so
153 the fire chief attests that the occupancy meets the codes. Tucker said if that's the case it
154 would have been helpful to know this ahead of time. Working with Joel over the last 2
155 months has been long. Scott: We haven't had a fire chief for the last year so Joel has
156 done his best, but in his opinion, it should be fire chief.

157

158 Tyson said if Tucker wants to provide seating and drinking outside, he needs to come
159 back to the Board. Katie said there was lighting approved under their site plan and the
160 lighting they have takes care of all that is needed.

161

162 Joshua moved we give approval on the condition that the fire chief attests that
163 occupancy meets NFPA codes for businesses of this type. Kent second. Vote: Lucy,
164 Kent, Joshua, Tyson, and Scott approve. Lori will send a conditional approval to the
165 McKerley's and Tucker.

166

167 Joshua stated that when the applicant makes a representation at the public hearing it's
168 binding on them.

169

170 **Board discussion: Create checklist of requirements for campground**

171 **applications:** Delayed for further meeting. Tyson said the list would pretty much be the
172 conditions of approval given to Barbie Tilton with a few tweaks.

173

174 **Board discussion: Continued discussion of Planning Board Secretary:** Tyson
175 prepared job descriptions for Mandy and for a new secretary. Kent doesn't have
176 objections as long as the Selectman are happy with what Mandy is taking on. Tyson will
177 review this with Ken Folsom and place the ad for a new secretary.

178

179 **Other Business:** Kent asked about the campground ordinance. Tyson is still working
180 on it and can likely bring it to the next meeting.

181

182 Kent made a motion to adjourn with a second by Joshua. Vote unanimous. Meeting
183 Adjourned.

184

185 Submitted by Lori Gabriella, Secretary
186 Canterbury Planning Board