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2
3 **Canterbury Planning Board**
4 **Meeting**
5 **Tuesday 22 December 2020**
6 **Meeting House and telephonically**
7

8 **Board members present in person:**

9 Chairman Tyson Miller, Vice Chairman Kent Ruesswick, Joshua Gordon,
10 Cheryl Gordon (BOS representative)
11

12 **Board members on phone:**

13 Brendan O'Donnell (appointed as a voting member for Lucy)
14 Mandy Irving (Planning Board Associate) Hillary Nelson and Bob Steenson
15 (Selectman)
16

17 **Absent:**

18 Lucy Nichols
19

20 **Others on the phone:**

21 Tim Blanchette, Sylvia Styles, Mike Pinard, John Wencek, (interested in the
22 campground ordinance discussion) and Greg Heath (Quaker meeting
23 member)
24

25 **Others Present:**

26 Joseph Levitt, owner of NH Twelve Volt, LLC, of 374 Dover Road,
27 Chichester, NH.
28

29 **Agenda**

30
31 **1. Call to order by the Chair**

32 Tyson Miller started the meeting at 7:05 pm. and as Chair read the
33 announcement in accordance with Governor Sununu's Emergency Order
34 #12 and Executive Order 2020-04 regarding the meeting being conducted
35 telephonically for residents and some Board members. The phone number
36 to call in on the Conference call is 1866 678 6823 with access code
37 8863361#.
38

39 **2. Approval of Minutes of December 15 2020**
40

41 Kent Ruesswick moved that the Minutes be approved. Tyson Miller
42 seconded. There were no comments. All members present voted aye.
43 Joshua Gordon abstained.

44

45 For the record, Joshua wanted to change line 106 in the Minutes of
46 December 8, regarding the discussion of the proposed rotary plans at Exit
47 17. He had wanted to know if there were reasonable alternatives that did
48 not bind the Town.

49

50 **3. Site Plan Application for Self-Storage facility from Mr. J.P. Levitt,**
51 **owner NH 12 Volt LLC, 374 Dover Road, Chichester NH**

52

53 Mr. Levitt was present and was invited to give a presentation of his
54 proposal. The address of the property is now 12 Oxbow Pond Road, across
55 the street from the Quaker Meeting house. He had done a study with a
56 consultant regarding getting a Self-Storage facility there and felt it would fit
57 with the Town aesthetics. The land is stumped but not surveyed. He
58 wanted to get the feeling of the Town before he engaged in a large-scale
59 engineering project.

60

61 Tyson invited the members and then the public to speak, for then against.
62 They looked at the application for completeness.

63

64 Brendan added that included with completeness was the question of where
65 this application fits in the Table of Uses? If this is not clear he would have
66 to go to the ZBA for a variance prior to the Planning Board hearing.

67

68 Mr. Levitt suggested his proposal was not a warehouse and would have
69 much less usage than a retail facility. It's use as a commercial lot would be
70 retail. The State defines self-storage not as a warehouse. He read the
71 State definition of a self-storage facility. A self-storage is retail allowing
72 storage of personal property. RSA 451/c1 14. These were in the letter he
73 sent to the Planning Board. He would be selling a service to allow people to
74 keep their property in.

75

76 Tyson thought this was storage and no heavy traffic would be likely.

77 Brendan read from the Table of Uses again. He thought that self-storage
78 was within the meaning of this Table of Uses. There was storage that was
79 prohibited in this zone.

80

81 Joshua had no question about storage. Kent could go along with it - he
82 agreed with Brendan. Hillary agreed with Brendan.

83

84 Mr. Levitt asked if he needed a variance then? Brendan responded yes,
85 because ZBA would decide on a variance and give a statement about
86 allowed use. Without that, the Planning Board's decision could be appealed
87 to the ZBA for misinterpretation.

88

89 Brendan moved to determine the application was not complete because the
90 proposed use is not allowed and the applicant requires a ZBA variance.
91 Kent seconded. Members voted. Josh aye, Kent aye, Hillary and Scott
92 aye, Brendan aye. Tyson nay but the ayes have it.

93

94 Joshua asked about the Food Pantry – Mr. Levitt said he was going to take
95 donations for the Canterbury Food Pantry. He would incentivize donations
96 with special offers such as one month free storage with donations.

97

98 Brendan asked one more question. He had seen a waiver regarding front
99 set back. That was also something to ask the ZBA about not Planning
100 Board.

101

102 Tyson asked if others wanted to speak about this. Greg Heath wanted to
103 speak as an abutter and member of the Quaker Meeting. He did not have
104 an opinion for or against. But he had an interest in the site plan and its
105 layout. The other issue would be noise. Greg was referred to the website.
106 He wondered if the Meeting could have conversation with the applicant.
107 The concern from the setback from the ZBA, he did not understand the
108 implications of that. Hillary suggested Greg and Mr. Levitt read about the
109 zoning ordinances for Canterbury where there are a series of requirements
110 that applicants have to meet. Greg looked forward to speaking with Mr.
111 Levitt.

112

113 Kent asked about the number of lots on the map, in relation to other
114 properties in that area. Tyson asked Brendan how they could determine
115 what 'storage' means. How can they get the ZBA to define it? Joshua
116 thought the determination from the ZBA would settle that. Mr. Levitt said
117 that outdoor lumber storage was allowed and landscaping goods were
118 allowed. In his opinion the use of the word 'storage' was misrepresented.
119 He will go to the ZBA. Brendan said he had an argument which was
120 reasonable. Brendan said that the ZBA would make a determination as to

121 whether a use was allowed and if person needs a variance or allowance.
122 Brendan was concerned that they should do this in this order so that
123 nothing more was done by the Planning Board until the ZBA had settled
124 that issue. Tyson thanked Mr. Levitt for coming in.

125

126 **4. Review of Lee Ann Mackey/Ginger Laplante Campground at 137**
127 **Old Tilton Road Site Plan application regarding completeness.**

128

129 Tyson explained that these applicants had put their applications in ahead of
130 the ordinance.

131

132 Hillary asked if they needed to vote on allowing things like wetlands being
133 left out of the plans, and vote on the waivers before they decide
134 completeness. Tyson said completeness meant it had been seen by Mandy
135 but the Board could have a different opinion. If the Board wanted more
136 information they could ask for it for the January 26 meeting. He had the site
137 plan checklist.

138

139 There was discussion about the map in the application. Hillary thought it
140 was not complete, it did not show wetlands and the campgrounds were too
141 close to the brook. Joshua agreed and wondered about the use of the porta
142 potties.

143

144 Tyson suggested they should make a visit and see the wetlands because a
145 surveyed wetland map was expensive. Hillary said we were required to
146 show wetlands on the maps for good reasons. There could be cars parked
147 out there - all kinds of things going into the water. It would make a
148 difference where the porta potties were, or do they need more or where
149 people would go to the bathroom. The protection of the water was
150 important. Joshua agreed - we had to look at them as if people were living
151 there. Theoretically 36 people were living for 9 months there and Race
152 weeks would be busy. We were handling this like it was a small thing and it
153 was a pretty big thing. This required thinking through given the relatively
154 large number of people using the place without water and bathrooms. He
155 did not see sewage, traffic and wetlands.

156

157 Tyson said they had to meet State standards. Joshua pointed out it was
158 'bring your own water' and no faucet. Hillary asked if Brendan had
159 discovered anymore about the State requirements. She said they needed
160 counsel to guide them about this. Where would these people be showering

161 - or going to the bathroom or washing their dishes - a lot of questions were
162 not answered so far. She did not feel ready to sign off on the compliance.
163 Joshua was also concerned about washing dishes in the brook. There
164 should be water and sewage facilities.

165
166 Brendan commented one had to have a system - the morass of regulations
167 at DES was complicated because they regulate so much. They don't want
168 'grey water' created. The water supply triggers the need for a system. He
169 had not called DES. Most were working at home and you got voicemail if
170 you left messages. One of the Board could put together a question and
171 send it to the DES bureaus? Hillary offered to do that if Brendan helped her
172 with the language of the inquiry. They should not go forward without this
173 information. Some peoples' water supplies could be polluted. Brendan said
174 this is why they should require surveys and elevation lines and can see
175 where other structures are. It was common to ask for a wetlands report
176 from a wetlands scientist. Hillary said part of the application was about the
177 equine facility in the 70s and 80s but science has changed and that should
178 not be part of the consideration now. Brendan said the wetlands statute
179 was from 1989. Tyson had a conversation about that with a contact and
180 was told a faucet was required. A tested water supply coming out of a
181 faucet outside of the house would be needed. Brendan said he shared
182 Hillary's concern.

183
184 Joshua argued that it was not complete and it was not their job to tell an
185 applicant what they had to do. Tyson thought they should go through the
186 whole checklist, which is under Documents on the Planning Board Website.

187
188 Brenda said 2a was not complete. Tyson asked would the survey be the
189 whole 72 acres or just the campsite area. Brendan replied there could be a
190 waiver for part of the property in the site plan.

191
192 Hillary asked about the dirt road of Old Tilton Road. It was hard to use in
193 the winter. They might want to know about problems with the road. Tyson
194 said traffic was on the list further down. Brendan said the easiest thing was
195 to ask for the recommendation of the Road Agent for that issue. Kent was
196 recused as an abutter.

197
198 Members also discussed grade elevations from the check list. Hillary
199 thought they should have it for the water issues. Joshua agreed. Hillary
200 asked Brendan about where the water would be going off these campsites.

201 He replied a partial site plan could indicate that - with elevation markers on
202 the site plan.

203

204 Mandy asked a question. For 2c - they had requested a waiver. She asked
205 about the decision for that, Joshua said they had to vote on a waiver.
206 Brendan said you can prepare a report about the reasonableness of a
207 waiver request — they could ask them why they thought a waiver was
208 appropriate. Hillary said they had to have an explanation as to why a
209 waiver was correct. It was their job to protect the lands. Applicants had to
210 be very specific about why a waiver was appropriate.

211

212 Joshua mentioned the waiver statute was 674:44 for Mandy.

213

214 There was discussion about the check list items that were included such as
215 streets and internal roads. Hillary also raised the issue of utilities and asked
216 what exactly that included? Electricity? Internet? Water? It was felt that the
217 size and place of the water sewer should be shown. Brendan suggested a
218 conditional approval could always be issued if some of these issues like
219 water and restrooms were shown on the map. It was also noted there were
220 2 RV sites shown on the map. It was clarified that the operator of the site
221 was also a family member.

222

223 Bob Steenson commented it felt they were off track. The ZBA had
224 approved as it a campground because it was listed as a use in the
225 ordinance.

226

227 There was discussion about landscaping buffers and setback requirements.
228 For parking campers would park right by their tent. It is not known exactly
229 how many cars may come with each camping group. Questions like that
230 would be part of the full hearing.

231

232 Members felt this was taking more time than it should given the applicant's
233 responsibility to find these things out. Tyson asked Bob for his thoughts.
234 Bob said they might be off the track and going into specifics of a site plan.
235 He said they should proceed and decide if it was complete or not and at the
236 hearing they could tell the applicants. Hillary said there were parts of the
237 requested waiver they did not agree with and so they could vote right now,
238 but it was their duty to proceed through the waiver requests and vote on
239 those. Brendan suggested they could ask for a noise study — he was fine
240 with waivers of noise traffic for now.

241
242 Joshua moved that this application was not complete at this time. Cheryl
243 seconded. Brendan specified under 2a, 2c, 2d it was not complete in terms
244 of drainage and wetlands though the rest was good to go until the full
245 hearing was held. That does not mean everything else is fine but can be
246 discussed. Brendan suggested modifying it. Joshua said utilities, traffic,
247 wetlands, Joshua needed a second, Cheryl seconded. Members voted.
248 Kent recused himself. Cheryl yes, Tyson no, Hillary yes, Joshua yes, Scott
249 yes and Brendan yes - with adding specifications as to what was
250 incomplete. He wanted to include wetlands, elevations, drainage for now.

251
252 It was noted the applicant might have questions. Brendan stated we have
253 to tell them why their application was not complete. Hillary agreed they
254 should be transparent and care about the applications. Joshua and
255 Brendan discussed ideas and Brendan proposed that the secretary could
256 write to the applicants and request a partial site plan to include 2a, 2c, 2d
257 items from check list. Tyson seconded it. Members voted and it passed
258 unanimously.

259

260 **5. Elle Bezanson's Campground at 175 Lambert Road, Site Plan**
261 **Application in terms of completeness**

262

263 Members felt a similar response would be given to the previous application.
264 These were tax maps. Joshua said it was missing more things — 2a, 2b,
265 2c, and 2d and lines of streets - the internal streets were not on this plan —
266 otherwise the same as the other one. Brendan asked about 2h, water and
267 sewer - that was missing.

268

269 Kent commented that this was for all practical purposes this was in
270 Northfield. Joshua moved to vote to make this regional impact for
271 Northfield. Brendan seconded that. Kent said it was off Intervale and
272 Sandoggety Road. Bob stated he had walked it as a selectman and the
273 access was via a class 6 road, a waiver was in place from both towns. The
274 access is in Northfield. Tyson and other members felt it had regional
275 impact. Hillary moved it was indeed regional impact and we should inform
276 Northfield. It was seconded by Joshua. All members voted yes for that.

277 Tyson said Northfield will have to know when the hearing is.

278 In the letter to the applicant it should detail 2 a, c, d, f, and h that were
279 needed. And Brendan added, it should depict accurately the location of the
280 tents on the site plan.

281
282 Hillary wondered about class 6 road relevance. Brendan said it would be
283 discussed at the meeting, in terms of impact on the road. It is a road
284 maintained by the applicant, Bob said. They have permission to build on a
285 class 6 road from both towns. The question of building a business on it
286 would be a hearing issue.

287
288 Bob Steenson asked if in the future, does the Planning Board want
289 applicants to give a topographical survey? What would they do with it? He
290 did not understand why the Board was laying that requirement. Brendan
291 said it was for location of water uses. Perhaps some of the sites needed to
292 be relocated if there was going to be erosion or water flowing into a
293 wetland. Hillary said most people are relying on wells and everyone needs
294 to know it is potable. You need to know who is upstream of you and what
295 they are doing with it so the PB and ZBA can be sure there are no negative
296 uses going on. It was incumbent on the Town government to make sure
297 people are doing the best for their neighbor's water supply.

298
299 Joshua move that they deny this application on the basis of incompleteness
300 and authorize the secretary to write to the applicant to explain why.
301 Tyson asked if someone could volunteer to speak to these applicants.
302 Joshua volunteered and said he wanted to see the letter before it goes out
303 to the applicants. Lois to contact Joshua regarding that.

304
305 **6. Campground Ordinance:**

306
307 Tyson referred to a change in the law, **675: 7 RSA whereby** the notice did
308 not have to go to the paper so long as it was on the website home page
309 and be posted 10 days before and be in 2 other public places. For
310 Canterbury these are the Country Store and Sam Lake House. Consensus
311 was to still post in the Monitor this time.

312
313 The question of adding the Natural Resources Reserve was raised. After
314 discussion it was decided to remove both the Natural Resources Reserve
315 and Canterbury Shaker Village. Tyson had spoken both to Kelly Short for
316 the Conservation Commission and Leslie Nolan at CSV so both were
317 aware of the ordinance coming up.

318
319 Hillary said take NRR out and CSV and go back to Rural and Agricultural
320 zones and keep campgrounds as an ancillary business for families. She

321 said it was in the zoning ordinance. An accessory to a residence, she saw
322 as family business.

323

324 Brendan noted changes on line 44 to remove NRR and line 26-26 - where it
325 says the owner lives at the residence.

326

327 Line 144, regarding changes in the Table of Uses, Tyson said could he
328 type it in full so it was clear, not dashes.

329

330 Bob said that making it accessory to residential use might pose challenges
331 — tying all these things together — offices etc. were not entirely run from
332 inside the house. The rest of it was good. How to get over the accessory to
333 residence? Brendan suggested that at line 26 they should add not more
334 than 2 other employees are added to family alone. Bob agreed.

335

336 Hillary asked about all home businesses. Josh said he agreed. Bob was of
337 the opinion that in 2021 the Board should address the home occupation
338 issue because so many people work from home now.

339

340 Joshua suggested they add a provision that campgrounds can only be on
341 Class 5 or better roads. Hillary agreed. Bob responded that campgrounds
342 were low traffic generators in general. If there was a waiver, roads would
343 need to be improved. Most of the Class 6 roads were in environmentally
344 sensitive parts of the town. But this might be a good way to curtail this type
345 of use.

346

347 Hillary referred to Hancock Road - the request for a campground up there
348 with a facility to welcome people. But Hancock Road had a wetland through
349 it and for part of the year it was inaccessible due to water. They said no.
350 People had been upset and angry but they had upheld the rules and
351 objective criteria.

352

353 Joshua moved that we add a comma to line 28 and add 'on Class 5 or
354 above roads'. Kent seconded. Tyson said it had to be right. Bob asked
355 what happens when an applicant upgrades the road? There is a Class 6
356 waiver process involving the BOS if someone wants to do that. It might be
357 better to look at these applications on a case-by-case basis, and not add
358 another condition.

359

360 Hillary said it seemed it has been subjective in the past, what was
361 approved. Standards have changed from 20-30 years ago. Joshua thought
362 that Class 5 was a general way of understanding that kind of road with
363 businesses. The idea was to keep campgrounds in areas that were
364 commercial.

365

366 John Wincek, resident of Harmony Lane, owns property near the Rt 106
367 campground. He wanted to be clear about the Class 5 roads proposal.
368 Tyson referred to an emergency lane, only to be used for a fire. Hillary said
369 Town Counsel should give opinion for the people over there.

370

371 Brendan, suggested from line 62, under Access and Fire Safety, that it is
372 covered. It was not necessary to impose a blanket prohibition of Class 6
373 roads. Joshua said generally Class 6 roads were sensitive — if there was
374 an exception it would come up in the site plan review. Bob said you should
375 not tie your hands - they already had all the authority they needed to deny
376 campgrounds on Class 6 roads. He thought it best to leave the Board
377 flexibility in future.

378

379 John Wincek asked where does that put Hamony lane? Bob responded
380 that much of it was a private road, so it depended exactly which end you
381 were. Primary access could not be off Harmony Lane but it might have
382 been a back up in an emergency. Mr. Wincek was concerned that culvert
383 development might spur campground activity. He would like to see
384 prohibition on Class 5 and up and private roadways.

385

386 Tyson said the notion was not to allow class 6 roads and added Brendan's
387 point was good. They could refuse in meetings. Joshua said it was not just
388 about the standard of the road, but the environmentally sensitive nature of
389 the area. Kent was with Joshua on that.

390

391 Brendan said the Board gets to look at everything on a case-by-case basis.
392 People would have to go to ZBA for a variance to put a campsite on a
393 Class 6 road.

394

395 Tyson asked Joshua to make a motion. Brendan moved that in line 62 they
396 should insert 'Class 5 or higher'. Kent seconded. Members voted. Tyson
397 no, Joshua yes, Kent yes, Hillary yes, Brendan no, Scott no, Cheryl no.
398 Motion defeated.

399

400 Joshua thought the warrant article does not say enough about water and
401 sewage. It defers to the State. He felt people deserved to have clean water
402 and sewage and yet it was being kicked to the State and we are not sure
403 where they are. It should require a proprietor to provide water and sewage
404 to people staying at the campground. In response Brendan looked at line
405 109 and suggested the Board could impose 'more restrictive requirements
406 regarding water and sewage'. He was inserting that into the last draft.

407
408 Bob believed that worked even though we still have to go back to the DES.
409

410 John Wincek asked if the Planning Board should ask Town Counsel what
411 this means? Tyson asked for comments. Hillary hoped they would decide
412 what was good for the Town. Bob said they cannot create their own rules.
413 The ordinance provides protection. He said the state rules were pretty
414 rugged. Brendan said DES were currently working on some of those
415 regulations.

416
417 Hillary stated that they wanted to help people set up businesses but also
418 protect neighbors from pollution.
419

420 Kent moved that section 12 allow the Board to add more restrictive
421 requirements. Cheryl seconded it. Members voted unanimously for that.
422

423 Joshua raised the issue of traffic. These were businesses that were
424 impactful. Kent had found a traffic study for campsites. Joshua suggested
425 that 6 trips a day for a campsite was typical to get supplies and it may be
426 not just one car per family but multiple cars for young people who would
427 come and go during the day. Tyson asked where that would go into the
428 Ordinance. Hillary thought that there would be one vehicle per adult in the
429 approval. Tyson asked if there should be a practical limit for cars per site.
430 Brendan said line 76 requires adequate parking for their vehicles, it is
431 broad and it already gives the chance for them to impose more restrictive
432 requirements.

433
434 Joshua said traffic and parking were two different things but if there was a
435 limit perhaps it would limit the traffic too. Kent said they should be
436 understanding how many cars would be going up and down the roads
437 where these sites were. He spoke generally but cited the example of
438 driving up Borough Road, which is a dangerous intersection now. There will
439 be no taxes from these campgrounds to help improve such roads.

440 Furthermore, he did not want to see traffic making it hard to get out of his
441 driveway. Parking was not a problem with all the fields but it was more
442 about the traffic getting there. If campgrounds were just in the Agricultural
443 and Rural zones the people living in these zones would bear the burden.
444 Joshua agreed, it could be a significant impact for a substantial part of the
445 year and if there were 3 in a row, there would be 70-80 extra people living
446 there with traffic. Old Tilton Road was a good example where there could
447 be more traffic. So should there be a traffic study or limit cars per
448 campsite?

449
450 Mr. Wincek addressed Tyson saying he concurred with Joshua's
451 comments. He agreed it would involve traffic and could impact the quiet
452 use and enjoyment of private property. He was concerned that this
453 ordinance was being rushed in order to make Town Meeting. He thought
454 they would have significant impact on neighbors around the campgrounds.
455 Tyson said if they don't pass this now campgrounds would be allowed
456 everywhere as in the past.

457
458 Bob thought that there might be overstatement of campgrounds in
459 Canterbury post Covid pandemic. But in making campgrounds accessory to
460 home use, this will limit the impact in town. He had looked at the traffic
461 studies in his work and suggested this won't register on a traffic engineer
462 study. There will be almost none in those terms.

463
464 Tyson asked for motion to change the document. Brendan suggested
465 adding a sentence in line 76 that the 'Planning Board may impose
466 limitations regarding the maximum number of vehicles at each site or in
467 total.' Joshua moved to add that sentence. Hillary seconded. All members
468 voted yes.

469
470 Joshua moved they approve this document for public hearing. Kent
471 seconded.

472
473 Mr Wencek asked to change one word on line 54. Referring to ZBA and
474 Planning Board, it should be 'or' rather than 'and'. Joshua and Brendan
475 were ok with that - either board could impose addition restrictive measures.

476
477 Members voted on the whole ordinance document. Tyson yes, Joshua yes,
478 Kent yes, Cheryl yes, Hillary yes, Scott yes, Brendan yes. The motion
479 passed. Brendan asked to whom he should send the amended document

480 and Tyson clarified to Canterbury Planning Board. He added there would
481 be a need for a short summary for the public hearing notice. Did Brendan
482 want to do that? Brendan responded Tyson could do that.

483

484 Kent thanked Tyson. Joshua moved to adjourn. Cheryl seconded.

485

486 Other business? Tyson referred to a letter on file regarding Central
487 Regional Planning. He could send a copy.

488

489 Kent voted to adjourn. Cheryl seconded. The meeting closed at almost 10
490 pm.

491

492 The next scheduled meeting will be Tuesday January 12, 2021, the public
493 hearing of the Campground Ordinance.

494

495 Respectfully submitted,
496 Lois Scribner, secretary.

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