

**Canterbury Planning Board
Meeting January 12, 2021 7 pm
Meeting House and by telephone conference
(1 866 678 6823: access code 8863361#)**

Board Members present:

Tyson Miller (Chair), Kent Ruesswick (Vice Chair), Cheryl Gordon (BOS rep), Joshua Gordon

Others present:

Chance Anderson

Board Members on phone: Scott Doherty, Hillary Nelson, Brendan O'Donnell (Alternate), Lucy Nichols

Others participating on phone: Elle Bezanson, Lee Ann Mackey, Cathy Donahue, Ginger Laplante, Barbie Tilton, Bob Steenson (BOS), Roy Plisko, Bob Carson, Sean O'Donnell

Agenda

1. Call to order

Chairman Tyson Miller explained that the applicants whose applications are already submitted were not affected by this ordinance. Chairman called the meeting to order at 7 pm. He read the Governor's statement enabling the Planning Board to meet electronically except for a few members masked and distanced.

2. Draft Minutes for Meeting December 22, 2020 and Draft Minutes of Site Visits January 9, 2021

Kent Ruesswick moved approval of the 12/22/20 draft Minutes and Joshua Gordon seconded. Some corrections were needed. Lucy Nichols noted that on line 169 it should say most were 'working' at home not 'walking'. Joshua noted that on line 212 it should read RSA 674:44.

Some corrections were requested for the draft Minutes from the January 9th Site Visits. Elle Bezanson wanted the correction made regarding 'other countries' should read 'Alaska' and instead of campers not parking to block access correct to 'campers would not park in the roads.'

Lee Ann Mackey asked for changes at line 45 to say the winter brook is 'completely dry' in the summer not 'quite dry'. Line 51-52 regarding the disused well should say it was being incorporated within some new wooden fencing. The pump on top is disused. They were expecting to use it for the campground. It will be within a field that is fenced off. Tyson clarified that none could crawl in. At line 59-60 it should say that the stream will not be fenced off but the horses will be fenced off so they cannot get to the stream. And at line 83-84 it should say mud season will be over when they open.

Tyson asked for a vote for the motion to accept 12/22/20 draft Minutes. All members voted 'aye'. Kent moved to accept the Site Visit Minutes with corrections. Joshua seconded. There was no further discussion. All members voted aye.

3. Class VI Road Waiver on Ames Road

Members Tyson, Joshua and Kent had been there as had Bob Steenson.

Bob said that the applicants Mr. and Mrs. Carson may be on the line and that the waiver request was discussed at the Conservation Commission meeting last night.

Mr. Carson confirmed he was on the phone and he had other professionals involved with his building plan available. Bob Steenson spoke for the Board of Selectmen. The parcel in question had 3 lots and covered 295 acres and was owned by Morning Dove and had been granted a special exception for a campground. The Carsons want to buy all 295 acres and build a single-family home with driveway access from Ames Road. The Road agent and Fire Chief have been to see the road. The Carsons are interested in the long-term conservation value of the property. The Conservation Commission views the property of high conservation value and the land abuts very well preserved forests. The Conservation Commission recognizes the need for Fire and safety access but they wish to see road maintenance at a minimum. The Carson's would be the first

80 driveway. The Conservation Commission feared that major upgrades of the
81 road would encourage more traffic. Bob now spoke for himself saying he
82 concurs with all those recommendations. The Road agent suggested
83 widening the road and adding some gravel. Parts of the road are quite
84 steep and Fire access could be an issue. But it was no steeper than
85 sections of Hancock or Boro' Road. He added the two homes up there are
86 already doing a good job on keeping the road passable. It is in good
87 condition so Bob feels that adding a single family home will not increase
88 the overall use of the road. He believed the Town should grant this waiver
89 so the Carsons can complete their purchase.

90
91 Tyson asked if Mr. Carson wanted to add anything. Mr. Carson said Bob
92 summarized it well. They had been looking for a long time to live in
93 Canterbury. They wanted to build a modest residence on the ridge with its
94 good views and improve it for wildlife habitat, with no more development.
95 Most of it will be in conservation. Tyson asked if they were also owning a
96 commercial lot. Mr. Carson had no desire to use that commercial lot or
97 build a road on it.

98
99 Board members were invited to out questions. Joshua asked if Mr. Carson
100 intended to merge the 3 lots? Mr. Carson understands they are all owned
101 by one entity now, Morning Dove, and he assumes he will take title of it as
102 one entity. Joshua said by not merging, is there the possibility of 3
103 residences? Tyson said that current focus was about the road not what was
104 done with the property. Lucy said she tried to get there by Hancock Road
105 but a tree had fallen and she wanted the Town to know that. Tyson said he
106 had driven the road. It was steep but well maintained. He did not see any
107 major issues other than it should be maintained.

108
109 There were no further questions. Kent made a motion that Town Board of
110 Selectmen proceed to approve a Class VI road waiver to the Carsons.
111 Joshua seconded.

112
113 Bob asked if there were any other sentiments about it. Scott Doherty
114 mentioned in terms of the road itself that the narrow areas were a concern
115 for emergency vehicle access. So that needs to be in the letter from
116 Planning Board. The road needs to be maintained up to the minimum
117 standard. Hillary encouraged them to follow Conservation Commission
118 recommendations and not be too expansive but follow the minimum level.
119 Bob said that adding a single-family home won't make the access issues

any worse than it is now bearing in mind the need to keep roads clear for emergency vehicles. There are a couple of spots where it is only 13 feet wide and such spots may need widening. They are not recommending any kind of highway standard. Scott said the Fire Department is looking for minimum access standards. Tyson said the Board concurs.

Kent asked if the Town has to say anything about the 3 households on the road? Bob thinks the Town will not do that because the other two homes do not have Class VI waivers. Lucy asked what that means? Bob replied they were built before the Class VI waiver was passed. Nonetheless those homeowners have kept the road in excellent condition over the years.

Mr. Carson asked for clarification regarding responsibility for the maintenance of the road if there were multiple residences. If he was granted a waiver would he be solely responsible for the maintenance of the road and the other owners would not be? Bob replied he would be responsible from Rt 106 to his driveway solely in terms of formal responsibility. The actual moral responsibility belongs to all of them living up there but his would be the only one formalized because of the road policy and how the laws had changed. Tyson said it sounded as if the Planning Board was agreeing that it should be allowed, not too wide and up to a minimum standard.

Members voted. All voted Aye, except Brendan O'Donnell who abstained. The motion passed. Tyson asked if a letter was needed — or will Minutes suffice? Bob said a short note from the Board to the Board of Selectmen would be appropriate.

Mr. Carson thanked Board for time and attention. Tyson said they were doing a wonderful thing with that piece of property.

3. Campground Ordinance Discussion

Tyson thanked Brendan for pulling the final document together. He then read what would be the short form on the ballot — the full version will be available at the Store, on the Planning Board website, at the Town offices and then at Town Meeting. This was an overview.

159 Tyson asked for Board discussion first. Joshua questioned if making
160 campgrounds accessory use to a residence, was the purpose of that to
161 keep it a family business and not run by a remote landlord? Would an
162 applicant be on notice from the text that this was an expectation or is it only
163 by inference of the accessory use provision that they could discern that it
164 must be a family business? Brendan replied from line 23-27 where it says
165 the property owner does have to reside there.

166
167 Tyson opened the discussion to anyone from the public to speak for the
168 Ordinance or pose questions.

169
170 Barbie Tilton spoke about the limit being put on. She wondered if it should
171 be 20 acres. Her thought was with 10 acres and 6 sites and with a house, it
172 would be pretty crowded but if it was bigger it would let people make an
173 income from it, which was the intention. Why was the number of sites so
174 low? Tyson said if you own less than 10 acres no sites, but with 10-30
175 acres you can have 4 sites and with 30 or more acres it would be 6
176 campsites. Barbie questioned whether you could make money.

177
178 Tyson said they could increase the number of campsites if they wanted to.
179 Hillary Nelson pointed out their thinking had been that allowing an
180 accessory campground to a residential unit would help people pay their
181 taxes, this was a way to allow supplemental income but also making sure
182 the neighborhood did not start to feel like a campground. They had tried to
183 balance the right to make some income from property with not altering what
184 people like about the rural nature of the town as was documented in
185 Canterbury's Master Plan. Barbie said the ZBA has already approved 12
186 sites on the first 3 that have been approved. She was concerned for the
187 people who wanted to do this and that 6 sites was too low. Tyson
188 responded that applicants would have to go to ZBA to get a variance to do
189 more than 6 sites. Joshua commented that the number of people really
190 could impact a neighborhood and alter the nature of it too much. If you had
191 an enormous piece of land you probably could do that via ZBA.

192
193 There was no more from the Board regarding increasing the number of
194 campsites. Brendan asked about comments opposing the ordinance.

195
196 Barbie had just opposed. Roy Plisko read from a statement speaking to the
197 subject of campgrounds generally. He said he was a former long-term
198 resident and also co-owner of Pitch Perfect. He grew up on that horse farm

199 and he will handle responsibility of this in the future for his mother Ginger
200 Laplante. He is speaking with his sister LeeAnn Mackey. They want to keep
201 the property together. He had some serious concerns with the ordinance
202 changes and the approach of the Board in general. The wider subject was
203 agricultural tourism. These are agritourism campgrounds and under state
204 law these mean visitors come to take part in activities that are part of the
205 primary function of the farm. He quoted from RSA 21:34-a. Agri-tourism
206 visitors may engage in activities such as eating a meal, making overnight
207 stays, enjoying the farm environment, education about farm operations, or
208 active involvement in farm activities. He suggested they look up Agri-
209 tourism and the protections and case law in NH.

210
211 One of the big issues he hears about is traffic. Farms and forestry do
212 produce traffic. Do we want people to access our farms and forests or not?
213 They felt they were being picked on when many others agricultural uses
214 were already bringing traffic. Was this to be a suburban or rural
215 community? Canterbury farmers and landowners have a choice. They can
216 try to use the property or they can subdivide it and sell it off. Which makes
217 less traffic? This town should continue to support people using the roads.
218 This ordinance cripples the one use, campgrounds, more than other uses
219 such as orchards, horse stalls, farmer's market, pick your own crops,
220 hunting, farm animals and livestock etc. All these things are to prevent
221 more housing being built, and it is housing that brings more development.

222
223 Their campground is the lowest impact form of primitive camping where
224 nothing is permanent. The kind of ordinance proposed will produce the
225 opposite effect because it pushes more development not less. Primitive
226 camping is low cost, low impact camping. They do not want more plumbing
227 or swimming pools so they can charge more. They feel the Board are
228 viewing them as opportunists and he finds that offensive. Also they were
229 proposing to do this before two applicants have had the courtesy of a
230 formal review. They have good intentions for Canterbury and they have not
231 had opportunity to address concerns. They would prefer to be open not
232 adversarial. He objected that these changes were posted such a short time
233 ago, the ink is hardly dry and it feels like it is overreach and being rushed.
234 Please treat each application individually until there is a move in town to
235 protest these sites.

236
237 Joshua spoke to Mr Plisko. He said he made a good point. There is a
238 balance between having a profitable situation rather than breaking up the

property for residential sale. Joshua was amenable to changing the number of campsites. Does he have a suggestion for balancing? Or what to do if there was a 'bad actor' where too many people come, or there is an uninhabitable place to live with inadequate facilities versus what they are trying to do with their horse farm which is not like that. He is looking for a solution to balance these objectives.

Mr Plisko said that there was no data to support that they would create a nuisance. What about the pick your own crops farms in town? How much is agricultural land different from residential land? His concern was the sweeping nature of this ordinance.

Tyson said that the State is finding that these HipCamps are springing up everywhere in all towns. He understood agritourism has rights. They need camping to be accessory to farming. It is a question of degree in all this. One could come in with an agritourism request for a certain number of sites. It would need some kind of program with it, educational, accessory to the farm. They appreciated Agritourism.

Lucy spoke to Mr Plisko to note the Board has been thinking of this for many years and it has been through a lot of drafts. The ordinance is not just in response to those who have come forward recently. It was a solution to a number of issues including the big campgrounds.

Elle Bezanson spoke. HipCamp and agritourism is world-wide and nationwide. She does not want lots of people on her land. People do not live on the ground. She knows who is coming and their cars. She has been in operation over a year and a half - she has a relationship with these people. She knows what they want to do, where they hike. The Planning Board is not taking any of that into consideration. She is promoting the town she loves where she has been 62 years. There would not be 900 people on her property.

LeeAnn Mackey spoke. She said the numbers being cited are not realistic and are based on full occupancy whereas the reality is far different. There would be a couple of times a year in the camping season where you would see full occupation, July 4, or major holidays.

Tyson asked what they would like to see? She said 10 acres minimum is too low and 20 acres would be better, and it needs to go in increments.

279 Owners with large swathes of land have natural buffers and could put a lot
280 more people but don't want to. She did not want to see an artificial limit
281 based on numbers.

282
283 Mr Plisko added that Canterbury has many attractions. They would bring
284 people in to see the other things in town.

285
286 Tyson asked Brendan about the lot size. Brendan's view was they should
287 keep it the same. He knows these folks have been in town a long time. The
288 ordinance is not about them and it can always be amended to increase
289 limits. But if it is not passed there could be a large campground come in
290 and there was nothing the Town could do about it. He felt this was a
291 reasonable limit. There are abutters concerned with traffic. This allows for
292 some use. And the Planning Board could later take a look at data from
293 campgrounds and then they could find out about traffic and so on. But if
294 they don't pass this there would be no way to stop large campgrounds
295 coming in. Brendan added on the issue of agritourism that the statute 674:
296 32 does not prohibit reasonable regulation of projects to allow
297 municipalities to regulate traffic.

298
299 Elle commented that Canterbury Shaker Village attracts many more visitors
300 than the campsites.

301
302 Joshua put forward suggestions about multiples of sites per acreage.
303 LeeAnn responded that instead of having a hard number why not have
304 lower acreages with numbers but higher number acreage applicants
305 determined on a case-by-case basis. This would give the Board discretion
306 on a case-by-case basis.

307
308 Joshua thought there had to be more guidance than that. He was looking
309 for a multiple of sites per acre as a guide. Lee Ann suggested it be left
310 ambiguous. They understand their hard number is 12. But the article would
311 impact them if they wanted to grow in the future. Tyson said they could get
312 a variance to go above 12 campsites.

313
314 Ginger Laplante spoke. She argued that they needed to consider that
315 primitive camping is different from a regular campground. The number of
316 sites should depend on the type of property and limits should have
317 flexibility. They have 12 sites which largely cannot see each other.

318

Bob offered a comment, speaking as a resident not for the Select-board. The Town requires something in the ordinance to address this innovative use and they cannot not regulate, right now they are exposed. They had ZBA allow a large commercial ground. He recommends that it not be intentionally vague. There should be an upper-level limit and guidance and control. This would guide the Planning Board and Board of Selectmen. He asked about current use. Ginger replied it was allowed in current use. They had looked that up. Ginger reiterated that there should be separate rules for primitive versus commercial campgrounds. LeeAnn clarified she did not mean 'deliberately vague'. Control was needed and they knew they had a waiver in place to go for more than 12 but nothing in the ordinance states that. So the hard number should be added to let people know there was a waiver option in place. Bob agreed. He was not sure it could go through the ZBA for hardship or other reason to expand.

Brendan stated it was in the Zoning ordinance. You can go to the ZBA already, that process is already in place. Based on the special circumstances of your property you can go to ZBA. Elle said that right now there were special exemptions for agricultural use. We don't want commercial grounds in Town but agricultural ones. Limiting people in terms of sites was not feasible. It cost them a fortune to maintain the roads and buy wood for campers.

Joshua shared that he found the hearing enlightening. They have heard weaknesses to the ordinance so maybe a distinction should be made between primitive versus commercial grounds because they are so different yet they were trying to regulate them in the same ordinance. Maybe they needed to be separated. Secondly, on the table of sites he volunteered to work with Brendan to reorganize the ordinance, to adjust that table. Tyson responded that they could make changes to this document tonight but they cannot come up with a new one as there is not time to do so. Joshua said it could not be done tonight. It was too complex.

Hillary argued that the article was intended to exclude commercial campgrounds in Canterbury and only allow them as accessory to residence. So the commercial grounds were not part of the discussion here. She thought if you start to raise the number you accrue many of the problems they are trying to avoid in terms of traffic. We have spent months talking this through and it was not made in a snap decision. She was not in favor of suddenly throwing the whole thing up in the air.

Joshua asked about adjusting the table from 10 to 20 acres, or one additional site allowed for each additional 10 acres. Hillary said no. Brendan suggested Tyson find out if there were more public comments then start the deliberative portion. Tyson asked for new public comment.

LeeAnn commented it sounded as if there is a big rush to get it done for the Town Meeting. She understood it does need to be done as they are wide open, but they object because for their business changes would be hard in the future and it will be too hard for others coming behind them. She quoted an RSA about unreasonable prohibitions placed by towns. This was singling out their kind of agricultural tourism and not the other ones in operation. In the December 22 Minutes Bob Steenson had spoken about his knowledge of traffic patterns and that their style of campground was not likely to be an impact in terms of traffic. The main cause of traffic is housing development in fact. A small campground will never reach those numbers. And she and Elle have not had their hearings and not everyone on the board has read their applications. They have a lot of studies and data points to bring. It should be considered before rushing into this for Town Meeting. Scrap the article as it is now.

Hillary responded that there were years before where they talked about ordinances, some years in fact.

Tyson said they would close the session for now. Chance Anderson asked if anything else might be discussed that might impact his tiny house that he rents. Those structures are allowed on a campsite, Tyson said. Chance said he is taxed as a shack.

Ginger wanted to say that the way the ordinance is written was designed to kill campgrounds. They cannot operate economically with this in place. All the new houses in the Boro' have turned her quiet little road into a highway. No one considers the impact of that. She now has to fence her dogs in. Please don't tell them the teeny campground will cause a problem.

There was next the deliberative session for the Planning Board members only. Joshua suggested some amendments around line 31. At line 31a it would say less than 20 acres. Then eliminate line 31b and make 31c say 'one additional site per 10 acres of lot size over the 20 acres.' Then 31d would say a maximum 15 campsites. Kent seconded it.

Lucy pointed out that tourism is largely at weekends - we needed to see renting each site 2 nights per week. She said they did not have the information to comment on proportionality.

Brendan commented it goes too far. He thought that they had the 2,4, 6 table at the beginning like the short term lodging in place. It would allow some kind of camping and if passed, next year they could come back and see if it worked or if it had indeed stopped campground applications and then they could return to it. They could collect data regarding week or weekends. And numbers of people per water usage. He would oppose this amendment.

Hillary said she too would like to go with what we have. Joshua said his intent was to broaden it, not restrain it. It was not reasonable for folks who had large lots. His purpose was to try to accommodate the comments they have had. The table was seen as too restrictive. Brendan replied that this would only apply to people with more than 60 acres, and for smaller lots it would be less possible whereas they meant this to be accessory to residence. The amendment as proposed would hinder the vast number of properties in Canterbury doing anything.

Joshua asked if the numbers could be adjusted?

Kent called for a vote on the question that they change the table to show that less than 10 acres is no longer allowed, a minimum of 20 acres with the number of sites over that you take the acres and divide by 10 and a maximum of 15 sites. Members voted. All voted no. The amendment did not pass.

Joshua made a motion to put the Ordinance as it was to the public. Kent seconded it. There was no further discussion. Members voted. All voted Aye. Chairman Tyson said this article is going as is to Town Meeting first session for ballot vote.

Ginger commented they did not listen. Elle said they did not care.

5. Any new business?

There was none.

439

440 Tyson said the meeting was over. Joshua moved to adjourn, and Kent
441 seconded.

442

443 Lucy asked if they would send an email about when Mr. Levitt's application
444 in the commercial district was going to be heard. Tyson said that the ZBA
445 had to hear him first, but members would be kept informed and he was
446 going to be contacted by the Planning Board.

447

448 Respectfully submitted,

449 Lois Scribner, secretary to the Planning Board.

450