

Final

Canterbury Planning Board
Meeting January 26 202, 7 pm
Meeting House and by telephone conference
(1 866 678 6823: access code 8863361#)

Members Present:

Tyson Miller (Chair), Kent Ruesswick (Vice-Chair), Joshua Gordon

Members on phone:

Hillary Nelson, Lucy Nichols, Ken Folsom (in place of Cheryl Gordon BOS rep)

Absent:

Brendan O'Donnell, Scott Doherty

Others present:

LeeAnn Mackey, Mark Hampton, James Blombach

Others on phone:

John Udaloy, Roy Plisko, Barbie Tilton, Cathie Donahue

Agenda:

1. Call to order:

Tyson Miller read the Chairman's statement regarding the Governor's emergency order during the Covid pandemic that permits the Planning Board to meet with limited numbers in person and for others to participate via telephone conference, using the number above.

2. Minutes of January 12, 2021

A motion was made by Kent Ruesswick to accept the Minutes of January 12 and seconded by Joshua Gordon. Hillary Nelson requested a correction at Line 184 so that "as was documented in Canterbury's Master Plan" was added. Roy Plisko asked if his full statement from January 12 was made

40 available. Yes, it was in the materials on the website. All members present
41 voted aye and the Minutes passed.

42
43 **3. Site Review Application hearing for the Pitch Perfect Campground**
44 **submitted by LeeAnn Mackey and Ginger Laplante:**

45
46 Kent Ruesswick was recused for this hearing.

47
48 LeeAnn was introduced and given a microphone to use. She said she was
49 going to skip her narrative since they had heard it and it was given to the
50 Board already. She assumed they would go right to the letter of 24
51 December 2020 regarding the list of things she needed to satisfy. She sent
52 a response to the Board on 27 December. She was asking what she still
53 needed to address.

54
55 LeeAnn went through the various waivers, regarding water supply, septic
56 arrangements, use of bottled water, the lack of wetlands, the duty of care
57 that landowners have, adherence to the Town noise ordinance, and the
58 additional waiver for a topographical map because she had submitted her
59 own plan with some topographical information on it.

60
61 Tyson asked for a vote to accept the waiver. Joshua moved that all the
62 waivers be accepted. He felt that having visited the campground, requiring
63 a licensed survey now seemed superfluous so he moved to grant all the
64 waivers.

65
66 Hillary wanted to ask about the email letter Brendan had sent from DES
67 regarding wetlands. Brendan had been talking to Dawn Buker at DES
68 about campsite sewage disposal. Hillary quoted that subdivision approval
69 was required. She was not comfortable saying that the wetlands waiver
70 could be accepted. She read extracts from the DES information and
71 interpreted them as saying the DES had to approve the septic
72 arrangements even if it is just porta potties. Hillary added that there are
73 wetlands - the running water and brooks.

74
75 LeeAnn responded that she too had been through Dawn Buker at DES and
76 subsequently she had been contacted by her boss Timothy Drew and he
77 had explained to LeeAnn that what they had is applicable if subsurface
78 systems are not used and he had suggested 'alternative use' and she had
79 written that in her DES exemption. Hillary asked for the dates of that

80 discussion. LeeAnn said she had this in October - but Hillary pointed that
81 this note from Dawn was from January. Hillary thought the letter from Dawn
82 contradicted what LeeAnn was saying and she wished Brendan was on.
83 Hillary suggested maybe the Board needed to talk to Dawn's boss and get
84 clarification to the Planning Board in writing. LeeAnn said they had told her
85 they were not going to do that. LeeAnn had done the researching for them.

86
87 Tyson asked if the Board could not satisfy this issue for themselves, boiling
88 it down to porta potties and stuff being hauled away? He noted that the
89 State was not offering to come out.

90
91 Joshua said that he could not figure it out on the fly. He thought there was
92 a subdivision issue in all this and no one was subdividing anything in this
93 application. He was not sure, but the DES letter almost misunderstands the
94 question. Tyson agreed. Lucy Nichols wondered if the State treats
95 campgrounds as their own commercial lots whereas Canterbury has small
96 ones as part of residential land. Hillary read from the DES emails again. It
97 says each site is commercial subdivision.

98
99 Elle Bezanson said that these campgrounds were not subdivisions. Joshua
100 agreed these were not subdivisions where 'sub surface systems are in
101 use'. LeeAnn said this was moot because they are not using any sub
102 surface systems. So Dawn's boss had told her to look at alternatives. She
103 had found one more recently RSA 483B. It is for agricultural use. It
104 exempts from shoreline protection regulations.

105
106 Tyson then asked if they wanted to accept the waivers and accept the site
107 plan that shows all the features on the land. Board members have been
108 and seen the site.

109
110 Joshua said they could tack on a condition to comply with DES permitting
111 adding that the permitting was between LeeAnn and DES, not the Board.
112 Hillary was not opposed to waiving the topographical survey but she
113 wanted to see the wetlands delineated. She wanted to see that the
114 wetlands were documented. They had not seen those on the site visit,
115 LeeAnn said, because they are half a mile up the road. Lucy asked what
116 would have to happen to accomplish the wetlands being delineated. Tyson
117 replied it required a costly engineering survey.

Joshua said to Hillary that there were probably wetlands when they visited the site but he did not see much of a use of the wetlands that mattered. The campground use was not going to impact them. Hillary felt that they were not scientists and they had seen it in the winter when there was no flood. There are unforeseen things that can happen to wetlands and she was concerned about protecting water supplies. What if a car dumped its gas out there? There would be cars, animals, and so on. She did not mean to add costs but this was a cost of doing business and it says in the regulations it is needed.

Tyson asked for vote to waive the topographical survey. Joshua voted yea, Tyson yea, Lucy aye, Hillary no. The ayes have it so that waiver passed.

Joshua then moved that the entire list from the September 14, 2020 letter be waived, the whole list which had to do with elevations, snow removal, lighting, traffic, etc. He feels his questions were answered. Tyson seconded that motion and invited discussion.

Lucy said she would like to see that wetlands commission conducted if the campground was to be extended in the future. She would like to include that as a condition. Tyson pointed out that the new warrant article was coming up. This campground will be a non-complying ground in the future and would have to come to ZBA for a variance and to Planning Board to expand. He did not think that they needed to do what Lucy was asking for because it was a given.

Hillary asked, could they vote separately on these other things. Joshua offered to amend the motion to do the remainder. Hillary said she was willing to waive all the rest of them. Joshua amended his motion to say they would grant the waiver for numbers 3-13 on the letter. Members voted. Joshua, Tyson, Hillary and Lucy voted aye.

Lucy wished to add a comment to compliment this applicant on the quality of the work she had done. And secondly, she suggested that the turning into the campground was really difficult so perhaps there should be a mirror at the entrance. LeeAnn replied that was on her list to discuss, they were more than willing to help the Town pay for that. They had wanted to have the whole intersection signposted because of past accidents on the road.

158 Tyson invited discussion from the public who were either in favor or
159 opposed. Elle Bezanson was in favor. Barbie Tilton also in favor.

160
161 Mark Hampton, a neighbor, wanted to speak in opposition. He and his wife
162 Doris lived at 38 Borough Road, about 4/10 mile from the Laplante's house
163 and back 15-20 years ago Ginger had a little dog that wandered and would
164 often come up to theirs. Ginger would call from her house to get the dog to
165 come home. They could hear her clearly. Some of the campground sites
166 will be less than a tenth of a mile from their road and they were concerned
167 about noise. Some houses further down will be even more impacted. Tyson
168 asked if some of the noise he was concerned about would not be
169 countered by the Town noise ordinance. Mark said he was worried about
170 nighttime partying. Roy commented that Ginger used to call the horses and
171 dogs at a decibel level to be effective. LeeAnn added she had been an
172 opera singer too and that is why she could use that decibel level. Tyson
173 asked LeeAnn about noise concerns. She replied they would follow the
174 Town ordinance absolutely - after 10pm all noise except quiet conversation
175 will be stopped. Campers will have to sign on their reservation form to
176 accept that, they will have a welcome packet that reiterates the rule and
177 they can be thrown out for breaking it. She will also be verbally reinforcing
178 that rule.

179
180 Kent was asked, as a member of the public, about his concern for traffic.
181 He was deeply concerned about the entrance to Borough Road. The
182 problem was north to east, you cannot see over the hill as they turn. He
183 thought it should be a T intersection not a Y. He was not sure how much
184 was involved but it impacts Canterbury. He uses the second entrance to
185 the road because it is the vehicles who are coming down the hill if you are
186 crossing the Y that cause the problem. He was not sure where the land
187 boundaries lay. The Town would have to agree to make this a T section.

188
189 LeeAnn said she would talk to Ginger. Did they not think that a mirror on
190 the other side would help? Kent said the hill there made that impossible. A
191 mirror would not change that. Mark said there was a rise there. LeeAnn
192 responded it was the traffic on the other side where it was not her land. The
193 rise is on Borough Road. It is similar to where Baptist and Shaker Roads
194 meet, where there is a rise and a triangle. Tyson said that the traffic issue
195 would also apply to residents living further up the road. He was thinking
196 they should make that intersection a focus. It sounded dangerous and they
197 should recommend to the Town and Road Agent to do something about it.

Ken Folsom was asked about the recommendation that the Planning Board could make about the road. Tyson thought that the campground traffic was just one part of it and there was residential traffic from further up the Borough Road. They could pass this on to the Select Board and they could make recommendations to the Road Agent. Ken said he was in favor of the campground, all the BOS were in favor.

Joshua raised the issue of campsite #2 in the proposal which was really close to Borough Road and across the street from a newly built house. He felt there was an insufficient buffer at that site and he would like to propose deleting that campsite from the ground. It was not fair to the landowner across the street nor to the campers. There would be some foliage in the season but it was far less than the setback in the new ordinance so he would favor the campground but he did not want to include that particular site. LeeAnn responded it was more than 200 foot set-back but it was their overflow site to use if all others were full. She and Ginger were already tossing around ideas about that. Maybe they could plant some well grown bushes in that area where foliage was not already thick enough. She did not want people to see each other. Joshua said he thought that the property owner might have issues with it. It was a big clearing. LeeAnn did not want to make it an eleven-site campground though.

Tyson asked if they would agree to a condition to do additional planting, which could be a condition to their approval. Hillary said they could make a condition and then check on it in a year. Joshua asked about the mechanism for that. LeeAnn thought that the natural mechanisms were in place with complaints from neighbor or campers. Hillary suggested they make a condition that she agrees to do a planting to make the campsite obscured from the road in one or three years. LeeAnn was happy to accept that.

Tyson mentioned the stream by the field. He wanted to put in a condition that the horses would always be fenced away from the stream. Tyson asked about the electric fence. LeeAnn and Elle said most equine fences have battery operated or solar fencing.

Lucy sought to clarify that the stream was not going to have a fence between it and the pasture but that campers would bring portable electric fencing. Tyson understood that.

238
239 Tyson referred to the application for Barbie Tilton where they had given a
240 list of items with the notice of decision.

241
242 One was no off highway or recreational vehicles. That would be included
243 here. Two was to maintain fire permits for emergency access. Five was to
244 ensure campers register as required under RSA 465 with records for the
245 police to see whenever needed. Also a maximum of 12 sites in this one.
246 LeeAnn said they would have a maximum of 4 people per site in this
247 campground, she hoped for 2 adults and 2 children. Tyson continued, they
248 would need to obtain Building Inspector approval. She has already done
249 that. They were ok with the dates March or first snow since they will not
250 operate in snow and November 15 would be the end of the season. There
251 would have to be a minimum 6 foot path from road access to sites, but in
252 future if one site would be replaced they would have to ensure an RHV
253 (ranger vehicle) could get access. She said that if they had to move site 2 it
254 would be well accessed. Tyson noted they would have to update the map
255 in that case for emergency vehicles.

256
257 Tyson returned to port potties. He wanted to include that they would use
258 approved porta potties. LeeAnn said they had to have a license and
259 sewage removal company which are State licensed, which they have using
260 Best Septic. They supply the porta potties and then Best Septic cleans
261 them. Joshua said that he thought the porta potties were close enough to
262 encourage them being used rather than being avoided but he would like to
263 see a condition about numbers of porta potties. Four seems reasonable so
264 there should be a porta potty within reasonable distance for all sites.
265 LeeAnn replied they had 3 to start with then upped it to 4 because they
266 don't want to make it inconvenient nor having people use the grass.

267
268 Regarding water supplies, the Fire Department says they must supply 5
269 gallons to each site. LeeAnn proposed to use 5 gallon shower bags with
270 hoses on. These can be used also to rinse items and wash hands. The
271 bags will always be full. Joshua asked if they would inspect those bags
272 daily. LeeAnn said yes, they have to inspect daily and they would swap out
273 the bags if they are used. These are for fire use but can be used for other
274 things. Hillary stated there should there be a condition that those bags
275 should be replenished, that there will always be non-potable water at each
276 site kept at 5 gallons. She asked if there will be drinking water too? LeeAnn
277 responded yes, they will be selling that all the time. She will use her ranger

278 vehicle to take these things round. Hillary said there should be water
279 available.

280

281 Tyson asked for any other qualifications or conditions? Hillary said Barbie
282 had quiet hours put into her conditions but Tyson did not see that. Joshua
283 asked about the water supply issue. He read from an RSA regarding
284 campgrounds mentioning an accessible water supply which shall be
285 provided — not purchased. He said it makes sense that water would be
286 sold but should there be a way to refill Nalgene bottles?

287

288 Elle asked to respond. She said the people who come to camp bring their
289 own water. It is included on the website that you bring your own supplies
290 and jugs and so on. She has spare water bottles in her barn. LeeAnn said
291 she would use the same verbiage. Tyson asked why people could not use
292 the faucets already on the outside of their houses? Elle said they would
293 have to get their water tested every 3 months. LeeAnn said their spigot was
294 in a private area and that would not work - they did not want mandatory
295 testing of water. Joshua read from a statute that says it has to be approved
296 by DES. Leeann said they were thinking of having the old well in their field
297 done towards the end of the season or next season but that expense was
298 not possible for now. Joshua said he was sufficiently happy. Tyson asked if
299 the law says there has to be a potable supply of water, whether it is public
300 or private. LeeAnn said they got around it with the 5 gallon bags required
301 by the Fire Department. The other thing they thought of doing was maybe
302 providing a 2-3 gallon water bottle on the tables, drinking water from their
303 own wells.

304

305 Barbie Tilton wanted to speak to that. She does the shower bag and she
306 supplies a 5 gallon container with a spigot to drink or do anything else. It is
307 approved and potable but most people do come with their own water. She
308 thought the shower bag and bottle on table could work for LeeAnn. Barbie
309 has a spigot and she checks in daily to ask if they need water. The State
310 was happy for the campers to use her Barn as a source for getting water
311 and it is tested every year. LeeAnn said but they were ok with testing. Lucy
312 said that the Basic water test was for E-coli and nitrates. It was about \$35.
313 Hillary said that wells with arsenic were more costly. Hillary liked Barbie's
314 idea with the 5 gallon bag and a 3 gallon supply on the table. Lucy added
315 she would advise them to test the water in case someone became sick.
316 Elle said they all had livestock. She had to get her water tested each year.

317

Tyson said he would summarize conditions:

1. no off highway road recreational vehicles
2. obtain and maintain fire approval access
3. obtain 4 porta potties within reasonable distance from each site with licensed and insured sewage removal
4. always maintain a 5 gallon water bag (to put out fires) at each site and 3 gallons of potable water on the table of each site
5. ensure campers register under RSA 216-1:5
6. campsites could have up to 6 people, maximum of 12 sites
7. obtain adequate parking approval from the Building Inspector
8. guests may arrive after March 21 and are to be gone by 15 November and snow removal provided if necessary

Tyson made a motion that they would approve the application with these conditions. Hillary seconded. Tyson, Joshua, Hillary, Lucy, and Ken all voted aye. The motion passed. Tyson noted that if DES had an issue they can come to inspect. Kent said good job. Josh offered thanks for the site walk.

Tyson asked if Barbie was there. From her application, number 4 was outstanding. They could replace it with the porta potty issue. Barbie is going to use the same language that LeeAnn prepared. Tyson just needs to amend Barbie's Notice of Decision with porta potties and sign it. Hillary complimented Barbie.

4. Site Review Application hearing for a campground from Elle Bezanson at 175 Lambert Road, Canterbury

Tyson asked if anyone from Northfield was present on the phone. No. Elle said they had already approved it. Tyson said she had heard the conditions put on the others and Elle said she was good with all the rules.

Joshua made a motion to grant all the waivers that she had included. All his concerns were taken care of in the site walk. Kent seconded this. Ken was included on this hearing. Discussion was invited.

Hillary said that at one site there was a wetland and she remained concerned about wetlands. The map they had from Elle did not include wetlands and it was something applicants were supposed to do. She had

357 seen the wetland and it was not on the map. Elle had bought in an aerial
358 map with her and she distributed that to members present.

359
360 Tyson asked her to speak to that. Joshua said it was below Beaver Pond. It
361 was not signed by a licensed surveyor. Elle said you can see the swamp
362 and the beaver pond. That was created by the beavers. Hillary said her
363 concern was for the future. Suppose someone wanted to put in a lot more
364 sites 30 years from now. So long as the wetland is documented Hillary was
365 fine. Tyson said it the rest of the Board did care about wetlands. He asked
366 about the distance between the nearest campsite and that beaver pond.
367 Elle said it changed all the time but it was 50 feet away currently. Hillary
368 just wanted it documented. The map of the aerial view could be scanned
369 and put in the record of the property.

370
371 Regarding the number of sites, Elle said there were 9 sites currently. She
372 wants to have 12 but has not yet figured out the right locations to make
373 sure people cannot see each other. Hillary suggested they could approve
374 asking her to come back with that information, trying to make it as simple
375 as possible. If she wants to the choice off adding 3 more sites and she
376 would have to give the Fire Department an up-to-date map. Hillary added
377 the ZBA had already approved 12 so could she send in an application to
378 them? Elle said it cost her \$500 for this application already so she was
379 reluctant to do that.

380
381 Kent stated there was nothing out there. Joshua agreed. Ken said he was
382 satisfied if the Fire Department was. Ken suggested a condition that the
383 Fire Department and Code Enforcement Officer had to approve the 3 extra
384 sites. Tyson listed other conditions, a maximum of 12 sites, 3 unbuilt.
385 Hillary wanted to add that they should all comply with the conditions. Barbie
386 Tilton said that Elle had been approved already so could she give the new
387 map to the Code Enforcement Officer? Tyson asked for a motion to do this
388 with conditional approvals. Members voted, all voting aye. The motion
389 passed.

390
391 Joshua wanted to speak to the two applicants. He had heard their
392 comments on the ordinance, he understood their concerns. Elle said she
393 liked the ordinance and two little bits could be tweaked and they both would
394 like to be part of that process. The problem had been there was no
395 ordinance. Roy thanked Joshua for saying that. Barbie thanked the

Planning Board for working with them as this has been tricky for all of them. Hillary said she was sorry if it had been frustrating.

5. New business

Tyson updated members.

- a) There has been ongoing discussion with Mr. J. Levitt for the self-storage unit in the Commercial district. He is going to go to ZBA with 2 items: one, to ask for an interpretation of the rule that says there is no storage in the commercial zone, to see if the Planning Board has misinterpreted the ordinance. And two, if that does not pass he will ask for a variance, under RSA 676.5 III. Joshua said this was the right of appeal. It has not happened before, Tyson commented. Mr. Levitt will then come back to Planning Board for the rest of his site plan review. Both of his abutters are approving of his idea. Kent asked if he wanted a variance on the setback. Tyson said he had written to him about that.
- b) Next Planning Board? Tyson asked who is signed up to run for it in the upcoming elections? Friday is the deadline. Joshua has another year, Kent too. Tyson said he was not sure what happens if no one runs. The Governor has determined that towns can put off Town Meetings to July but Canterbury is going ahead with first part of Town Meeting as normal. Ken confirmed that. Hillary said if no one signed up she will sign up again but she hoped Brendan would run. Tyson noted if the position is left unfilled the Planning Board can appoint. Kent shared someone had spoken to him and Joshua had talked to someone as well. There is 3-5 pm window on Friday to sign up with the Town Clerk. Tyson was glad that Hillary would be willing.
- c) Any other new business? Kent asked if there was anything more to do on this hearing. Tyson said the 3 notices would go out. Hillary said that the DES had not really given an answer. Tyson will write up the conditional approvals and sign them. Tyson said he had sent the campground ordinance to Ken as well, both the shortened notice and the full ordinance article.

Lucy asked - about the residential accessory part of the ordinance - if noise is an issue it will be up to the owner to deal with it. Tyson said the approval was given for a year.

Tyson made a motion to adjourn, Kent seconded and the meeting adjourned just before 9 pm.

436

437 Respectfully submitted,

438 Lois Scribner, secretary

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