

Final

**Canterbury Planning Board
Meeting February 9, 2021 at 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)

Others present:

Kevin Bragg, applicant, Howard Moffett (neighbor)

Board Members on phone:

Cheryl Gordon (BOS rep.), Brendan O'Donnell (alternate in place of Hillary Nelson)

Absent:

Hillary Nelson, Scott Doherty, Joshua Gordon, Lucy Nichols

Agenda**1. Call to order**

Chairman Tyson Miller called the meeting to order just after 7 pm. He read the Governor's statement enabling the Planning Board to meet electronically except for a few members and principals masked and distanced and others attending via telephone conference (number above).

2. Draft Minutes for Meeting January 26, 2021

Kent Ruesswick moved the Minutes of 26 January be accepted, Tyson seconded and asked for any corrections.

Kent noted that in Line 184 'Northfield' should be deleted.

Tyson noted too that the Agenda for this evening mentioned materials for the 2 campgrounds and that was a Secretary typo – the campground hearings were not scheduled for tonight. Those applicants had been written to. Cheryl Gordon and Kent asked for copies of those 3 letters of the

41 decision of notice to the applicants. Members present both tonight and at
42 the last meeting voted. Kent and Tyson voted aye so the Minutes were
43 accepted with revision.

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45 **3. Pre-conceptual discussion – Kevin Bragg – 364 Baptist Road,**
46 **Farm Stand and Greenhouse in Agricultural zone**

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48 Tyson reminded members that they did not get into actual details in a pre-
49 conceptual discussion as in a site plan review because no abutters had
50 been noticed so this was just about the zoning ordinance and general
51 points of discussion.

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53 Kevin Bragg explained he had received a letter from the Building Inspector
54 back in September 2020 noting that he was selling items from his
55 greenhouse. He was asked to contact the Building Inspector so he could be
56 scheduled for both ZBA and PB.

57
58 Kevin said he had been growing in greenhouses since 1995 when he
59 moved to town, in different zoning areas on Old Tilton Road, Morrill Road
60 and Center Road. He had grown but not sold from his home then, he sold
61 at farmer's markets and off site. Just over 2 years ago he moved to 364
62 Baptist Road. Under the Table of Uses there are about 5 levels of
63 agricultural uses for that zone and greenhouses are allowed in that zone.
64 He had been doing the whole sale operation last year but since Covid he
65 needed to sell the plants so he decided it was a good time to make the
66 switch to selling at the property. This was the first time he had people
67 coming to his house to purchase plants.

68
69 He was not sure what he was being asked to do in that letter. He had gone
70 to ZBA and talked to Joe Halla and they looked at the zoning ordinance
71 and said that greenhouses for commercial purpose are allowed in that
72 zone. So he was not sure what he needs to do – a site plan review or home
73 occupation exception. His greenhouse was built by him and it was a
74 structure that could be taken down and reconstructed with no impact to the
75 ground beneath. He said he had LED lights that he switched on if he
76 needed to work at night but then switched off when done. With the small
77 scale operation he had using lights to grow was not economically feasible.

78
79 Tyson said there were 3 things going on here. The roadside stand and
80 commercial greenhouse and ZBA special exception, which is not needed.

81 The building is allowed under the zoning but the site plan review would go
82 further than that, recognizing it is allowed. There was some discussion
83 about the site plan review regulations and interpretations regarding pick
84 your own, horticultural and agricultural activities.

85
86 Kent asked where exactly the farm stand was? Kevin had bought in a
87 visual showing it is the little grey roof building on the west of the property.
88 Kent said he was seeing Abboton Road. That was a pre-existing driveway
89 off there. Tyson asked about dimensions and Kevin said that it should be
90 20 ft from the front or 45 ft from the center of road and shall not exceed
91 1200 sq feet. His is 816 sq feet.

92
93 Tyson commented that the Board doesn't usually do a site plan review for a
94 farm stand so he did not think Kevin needs to do anything further about
95 that. Cheryl had no further questions. Brendan said he thought Kevin had
96 walked through the regulations well, farm stands are allowed and are
97 exempt from site plan review so long as they meet regulations. Kent had no
98 further questions.

99
100 With regard to greenhouses, Tyson asked if a site plan review was advised.
101 Concerns are usually about abutters, for example issues like lighting
102 concerns and this property was close to an ecologically sensitive area so
103 there would be concern about effluents into that. Plus any additional
104 greenhouses in the future. Kevin responded that he might well construct
105 another greenhouse. This was intended as a retirement property. He hoped
106 to plant outdoors too. Tyson said he would need to come to Planning Board
107 if he wanted to add another greenhouse but what about just with this one?
108 Cheryl said she did not think so. Kevin has done his homework and she did
109 not have a problem.

110
111 Brendan asked who wrote the letter to the applicant? That might be the
112 best person to ask. Tyson replied it was the Building Inspector and Tyson
113 had talked to Ken Folsom about it. Joel French did not know exactly what
114 the applicant needed to do so had said he should go to Planning Board.
115 Kevin had spoken to Joel to ask if a neighbor had concerns. No, Joel said it
116 was someone on Zoning or Planning Board that had brought it to his notice.

117
118 Brendan said that there was a statute that refers to a change of use
119 requiring a site plan review. He understood that agriculture was sometimes

special in those terms. He was not sure what the difference was, whether all greenhouses were subject to these RSA's.

Brendan said they wanted to balance not being a road-block to what seems a reasonable use on the property, is encouraged in the master plan with the interests of abutters. So if the applicant was to come to them for site plan review and abutters are noticed and none show up they could then go ahead. It is abutters who stand to lose if there is no site plan review.

Kevin said that he had talked to abutters. He had discussed run off, because he uses organic fertilizer for herbs and plants, and he has drip irrigation not sprinklers. He was happy to answer any questions about his operation. Tyson said it sounds as if he did a site plan he would sail right through. Kevin said he was confused about the Town's expectations about the change of use. Tyson said the Building Inspector did not know and it was not a big deal.

Tyson invited him to come with a site plan and put in the extra greenhouse idea. The abutters would have a chance to make a comment on the plans. Brendan agreed it was a prudent way to get abutter views and it would give them due process. Hopefully it would go smoothly and the approval would be granted.

Brendan said he disagrees with the way a lot of towns have dealt with site plan review. They are looking at the specific situation and abutters' interests. It is not an opportunity to say it is not allowed when the use is already allowed.

Tyson asked Howard if he had views. Howard said he appreciated what Kevin has done in town. He had looked at the zoning and these were allowable as right. Maybe there should have been a site plan originally. Would Kevin need a professional surveyor to do a site plan? Tyson said no, a hand-drawn drawing was sufficient. Brendan agreed that he should start with something sufficient to show them what is going on. Tyson said to Howard that he wanted abutters to have a hearing too. Tyson said that people often wonder why they have to come to Planning if something is allowed but it is more about the issues for neighbors.

There was some discussion about definitions of greenhouses, about the possible placing of the greenhouses (N/S, E/W), the use of heaters, and the way towns tend to work these things out community to community.

Kent said they would be working on the Plan for Tomorrow this year and asked if Kevin would consider being an alternate for that. Tyson wondered about Wayne Mann's opinions for the Agricultural Commission, on this. Kevin said he had worked with Wayne, who had a greenhouse too.

Tyson suggested putting in as many options as possible for the site plan review. Kevin commented there was a finite amount he could do on that space. Kent said it would be nice to see the old wall cleaned up and asked about neighbors. Brendan said to the extent he runs it by the neighbors, they could send letters for the site plan to be supportive.

Kent asked about a motion. There would be no vote – it is just a conceptual discussion in an area where the regulations do allow commercial greenhouses and sales.

4. Other business

In terms of old business, Tyson referred to the 3 letters already written to the campground applicants with their notices of decision.

Brendan apologized for missing the last meeting due to a conflicting work commitment.

There was no new business so Kent moved to adjourn and Brendan seconded. All were in favor of adjourning at 7.55 pm.

Respectfully submitted,
Lois Scribner, secretary to the Planning Board.