

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

September 9, 2014

The Chair called the meeting to order at 7:00 p.m. It was determined that a quorum was present.

BOARD MEMBERS PRESENT: Art Rose, Chair, Jim Snyder, Vice-Chair, Alice Veenstra, Chris Blair, Doug McCallum, Tyson Miller, Kent Ruesswick

BOARD MEMBERS ABSENT: Joshua Gordon, Seth Cohn, George Glines

OTHER PARTIES PRESENT: Robin Roy, Michael Aaron Roy, Gary Hermsdorf, Liane Crawford, Ron Beauchesne, James Cass, Kathleen Cass, Jennifer Weinek, Michelle Lane, Chris Lane, Linda Hamilton

Draft Minutes of August 26, 2014: Jim made a motion to approve the minutes of August 26, 2014. Chris seconded the motion.

Discussion: Jim line 53: Briar Bush road is a Class VI already, he thought Chris meant to say Class V. Jim made a motion to amend the minutes on line 53 to say "the Board's consensus was that bringing Briar Bush Road to a Class V standard was doable." Chris seconded the motion.

Vote on amendment: Unanimous.

Further discussion: None.

Vote to approve minutes as amended: Unanimous.

Continued Review of AT&T's Request to Add Microwave Dish at 129 Intervale Road:

Put on hold by applicant.

Continued General Discussion About Draft Ordinance for RV/Campground Parks for 2015 Town Meeting:

Tyson stated said since the last meeting he talked with an attorney at the Local Government Center, Steve Buckley, about campground zoning in general. Attorney Buckley referred him to RSA 216. Tyson asked in general what the range of

possibilities are for limiting campgrounds. Buckley said all the way to not allowing any in Canterbury at all. He didn't see anything in the law giving them special protection from the Town, limiting them by other reasons besides zones, for example paved roads. Tyson mentioned that a big worry would be people staying year round or long enough to become residents. Buckley felt we are going to have that problem anyhow, regardless of the language we use. Tyson asked what language Buckley would use if he were writing a law. Buckley could not think of anything he could write, other than not having them at all.

Tyson wondered why we didn't create zoning stating that we can't have campgrounds on unpaved roads. When Tyson looked at other towns and what zones they allowed campgrounds in, he found that they allowed them in commercial zones. Canterbury doesn't. He didn't see a reason a campground couldn't go off exit 18 off Route 93. There was general discussion about campgrounds in that area.

Tyson felt that the Board could review areas we all might agree to allow campgrounds in and then boil it down to other areas of concerns. He felt the major concern is going to be zoning. Art felt talking about where they would go is a good point, roads are a primary concern. Art felt they would be a more likely fit in a commercial zone. Traffic is going to be a concern on roads as far as use, i.e. amount of vehicles, type of vehicles, weight of vehicles. A lot of our roads are gravel. Our canopy situation on roads is pretty heavy. So damage to trees is a concern.

Doug asked if there were any campgrounds in town now. Art said he didn't believe so. Tyson spoke with Joe Halla who had a positive view on traffic studies, and did say there was another application on Intervale years ago that they turned down.

Doug asked what the benefits of a campground are for the town. Art said the only one, as with any other piece of property, it could be developed and produce revenue for the town. That can be said for any developed piece. Doug asked if anyone did a cost benefit analysis as far as cost to town. Is that offset by increase in tax revenue? The Board talked about different concerns that could arise. Tyson stated that Steve Buckley also said we could do an overlay zone as well.

Doug said his opinion is that the Board should propose that we eliminate campgrounds as a conditional use, or any kind of use in town. He felt they really don't provide a benefit that is worth the cost as far as aesthetics and environmentally. Chris said if we're talking about cost benefit, commercial development in commercial zones is a good thing in general.

Art doesn't buy into Steve Buckley's assessment that it can't be stopped and felt it was very easy to stop. Chris asked what the loss would be if we prohibited campgrounds completely. There are so many questions involved on the cost side. Why agonize over

77 the details if we can stop the problem and change it in the future if we need to. Art said
78 we can't look at just campgrounds, we need to look at other uses too.

79 Art felt we could establish an ordinance for campgrounds that could control where, how
80 big, things like that, but when it comes to denying certain things and you don't have
81 criteria in place, it's tough to do.

82 Art pointed out that if you don't want to develop an ordinance for campgrounds in town
83 and you prefer to eliminate it from the Table of Uses, then go down that road rather than
84 talking about details of limits. Chris felt we need to do some use cases. Is there a
85 situation where a commercial development would clearly be more positive than
86 negative? He sees benefits as tax revenue, but there are also some major costs.
87 Chris felt it could work in a commercial area where it is away from residences. The
88 potential loss of removing it from the Table of Uses is tiny. We've only had 2
89 applications in 50 years. The risk of having it in an inappropriate place is real.

90 Tyson felt you'd leave it in the Table of Uses and label it as not allowed. Tyson asked if
91 someone could ask for a variance. Jim said yes. Tyson felt he would rather have us
92 pick spots where we think it's appropriate and have a list of rules for it. Tyson said we
93 did the same thing with work force housing. We had an overlay district.

94 Art again pointed out that if we don't want to strike it, then we need to discuss details.
95 Our commercial road system is big enough to support some of this activity. Chris felt it
96 was the only place to support it. The Board looked at the maps to determine where
97 commercial zones were in Canterbury.

98 Chris said some of his best friends are RV people and he may become one someday.
99 But he would never impose an RV on residents or a neighborhood. He's concerned
100 about kids and bicycles, coming out of driveways looking for RV's...all not worth it. But
101 putting it off 93 in some gravel area could be a good thing if we are assured year round
102 residency is an impossibility. Doug asked if we'd need to retain an attorney. Art stated
103 when something comes before the Board and it's a site plan approval, we place
104 conditions on it. One could be that this particular place would operate between these
105 dates and that's it. Those are the playing rules period. These people, if they are running
106 a decent campground, they'll enter into individual agreements with campers. If
107 someone chooses to not abide by the rules, we go to enforcement and get them out.
108 As long as it's clear, we have something to enforce. Tyson didn't see date ranges in
109 other towns, he saw things like 8 months. Art said it doesn't matter if it's overnight,
110 seasonal, weekly, it doesn't matter. They can only operate say mid-April to October.
111 Most places in the northeast tend to close down after Columbus Day due to
112 temperatures. Tyson said what Attorney Buckley is talking about is if a guy goes
113 bankrupt and someone else buys the place and then brings their friends in, and they

114 hang out. To get these people hauled out by police is a real problem. Attorney Buckley
115 said it's a real problem. Art said if that is a big concern, then don't allow them in
116 Canterbury, but let's not waste time talking about an ordinance if we have big problems
117 with enforcement of time frames.

118 Tyson wondered why we can't just say in commercial zones, like off exit 18. On 106,
119 exiting right onto the interstate doesn't bring a lot of cars through Canterbury or around
120 the lake. Doug felt we could be more proactive in trying to attract the types of
121 businesses to this town that we would like to have here. Doug said we have the last
122 undeveloped exit off 93 for quite a ways, and it's not developed. We could try and
123 attract the type of businesses that would provide tax revenue.

124 Chris felt doing a risk analysis makes sense. Tyson feels we could keep a lid on the
125 year round residents. There are campgrounds all over the state that aren't dealing with
126 year round resident problems.

127 Art said it sounds like the Board's feeling in general is that if a campground is allowed, it
128 should be in a commercial zone. Chris said he would push very restrictive locations, or
129 if we do happen to run across an RV site plan review application going forward, how do
130 we handle that. Tyson said the RSA's and what we have in the site plan review already
131 covers a lot of ground.

132 The question was asked when an ordinance would go into effect. Tyson said any
133 ordinance would go into effect once you post it for a public hearing. It ipso facto takes
134 effect until the town meeting as long as it is 120 days before the March Town Meeting
135 date. It runs concurrently with the petitioned motions. Art said we need to develop an
136 ordinance, post it for public hearing which is when the time clock starts. We are a ways
137 from that. The Board talked about effective dates. Tyson stated that Attorney Buckley
138 said it goes into effect when you first post it for a hearing.

139 Art said if you were to simplify things you would not allow campgrounds and they would
140 have to go through the process of getting a variance. There are basic criteria that need
141 to be met. The threshold is higher with a variance.

142 Tyson didn't feel like we have a big demand for campgrounds. Doug didn't feel
143 residents would really be in favor of them. Chris asked what rules would be in place if
144 someone got a variance for a campground? Jim said between State law and the NFPA,
145 we would be covered. Tyson felt we should table the "where" part but felt we should
146 continue with the actual zoning. There was general discussion of zones.

147 Tyson asked the Board to take a poll when allseven7 members are here and see where
148 we want to go with it. Kent said all he hears is 'no' on the Board and felt that all
149 members of the audience would probably say no too. He felt the town would probably

turn it down. Art doesn't want to spend the next few months spinning our wheels if we can't get over hurdles.

Art said we can change the Table of Uses to "not allowed" and the Planning Board does not give up anything because we still have the site plan review process and can give denials or approvals with conditions. Doug confirmed that this would have to be approved by Town Meeting. If it doesn't pass at town meeting, we would have to go back to square one.

There was more general discussion as to whether or not to pursue the issue and other towns that may have had the year round residency issue problem.

Chris felt we should schedule a public meeting where we discuss a change in the Table of Uses to make campgrounds a not allowed use. Jim said the way to do that is to go ahead and write the language changing the Table of Uses and have a public hearing on it. Tyson was willing to write that. Tyson also felt we need more legal advice on this, at least by the town attorney. Art disagreed. Kent felt we needed to touch on travel trailer parks as well. The definitions in the Table of Uses need to be defined. The only definition is for a travel trailer. There was discussion about some of the definitions and what would need to be used for language in a proposed change in the table of use.

Art asked Lori to send George Glines a note that he needs to be here at the 2nd meeting in October, which would be on October 28th. At that meeting we will discuss the draft language that Tyson writes to change the Table of Uses and to discuss definitions.

Other Business:

Chris – in our ongoing discussion about PUD's and changes to cluster zoning, last night Chris was at a Conservation Commission meeting and the general gist of that Board is that they were concerned about changes in density but had positive feedback regarding cluster zoning. It was all informal discussion only and just a matter of keeping them informed.

Kent - He stated that he thought approaching the Board in the manner he did and getting on the board to discuss PUD's and cluster developments was the way to go about getting changes made. He wanted to know how to proceed as far as getting changes made. Art felt it is sometimes easier to make change from within than from the outside. The bottom line is that he's still contributing to the town and he has his finger on the pulse if something is going to move or not. Art didn't think the two needed to be melded together. He felt Kent could do the job as an alternate and promote changes. Chris said he may consider making it as positive as possible and make the optics clear. Kent stated he was trying to make the optics clear as to what he was trying to do. Chris said from the outside looking in, it may not look that way. Doug appreciated his effort in

187 shaking things up and wanting to change things. Art pointed out that Kent had served
188 the Board in the past and has an ongoing interest in the town in general.

189 Chris moved to adjourn, seconded by Kent.

190 The meeting ended at 8:05 p.m.

191

192 Lori Venie, Secretary

193

194 **Next meeting: September 23, 2014, 7:00 p.m.**