

1 MINUTES OF THE MEETING
2 OF THE
3 CANTERBURY PLANNING BOARD
4

5 February 11, 2014
6

7 The Chair called the meeting to order at 7:00 p.m. It was determined that a quorum was
8 present.
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10 BOARD MEMBERS PRESENT: Art Rose, Chair, Doug McCallum, Joshua Gordon,
11 Chris Blair, Alice Veenstra, and Tyson Miller, BOS Representative.
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13 BOARD MEMBERS ABSENT: Jim Snyder, Seth Cohn
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15 OTHER PARTIES PRESENT: Chris Moultroup, Unitil, Naomi Scanlon
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17 **Draft Minutes of January 21, 2014:** Alice made a motion to hear the minutes.
18 Seconded by Joshua.
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20 Discussion of minutes: Tyson referred to lines 181 and that “year round” should be
21 changed to “seasonal workers.” Also line 271, the word “egregious” should be changed
22 to “proposed.”
23

24 Alice made a motion to approve and accept the minutes as amended. Joshua
25 seconded.
26

27 Vote: Unanimous. Minutes were approved.
28

29 **Chris Moultroup of Unitil RE: Tree Trimming on Scenic Roads:** Chris Moultroup
30 reminded the Board they completed all the ground to sky work and they would like to do
31 the trimming on the rest of the circuit which is Hackleboro Road. The would like to do
32 15 feet above and to the side, and ground cut brush under the wires. There were four
33 trees added to the list Chris M. provided the Board. Art stated it appears, based on the
34 notes on the list, that the trees mentioned are dead. Chris M. said there is one pine
35 growing directly under the wires, trimming would look bad, he recommends removing
36 the tree. The property owner needs to give permission, which he does not believe they
37 will give. Art asked if Unitil will be doing their standard trimming. Chris M. confirmed.
38 Art mentioned they did this a couple of years ago and Chris M. stated yes. Tyson asked
39 if the trees are marked, and Chris M. confirmed they are. Art asked if Unitil talked to the

land owners. Chris M. said they have about the pruning, but not the hazard tree removal yet.

Joshua asked how long before the pruning does Unitil notify the land owner. Chris M. said there is not mailer sent out, it is all done by hand. The hand outs are done weeks before trimming. Art reminded the Board that power companies only come to the Board about scenic roads. In the case of scenic roads, they have an easement on scenic roads, they come here out of courtesy. If the Board sees a situation, they discuss it. He said typically someone from the Board goes out and looks at the trees that are marked. Art reviewed Chris' packet and is comfortable that most of the land owners have been spoken to. Chris M. said trimming sometimes looks terrible, sometimes you'll need to cut it to the ground. Some property owners do not want them to cut to the ground, and if that is the case, they abide by that. Tyson and Chris Blair believed that a member or members of the Board should look at the trees. Chris B., Joshua and Alice all stated they were available to look at them. Chris M. said they would be looking to start the work in the next couple of months. Chris M. will call Chris B. to coordinate a day to review the proposed trees. Chris B. will also call Tom Osmer from the Conservation Commission to join them.

Art said they will look at the trees and at the next meeting, we will resolve it and send Chris Moultroup a letter.

Agri-Tourism: Joshua went to a seminar regarding a statute defining agriculture that gives agriculture an extra-generous interpretation. It says that Agri-tourism must be ancillary to the farm's regulation operations. Henniker had an issue where the road is at the top of a very narrow ridge, there is very little flat area at the top, and the guy who owned the tree farm owns from the road down one side and the abutters own from the road down the other side. The only flat spot to hold weddings was very much at the top of the ridge, right in the way of the abutters, and right near the road. This issue is going to the Supreme Court to decide what is ancillary and how much is too much. Joshua said he doesn't think there is a big problem in Canterbury, but since 2010 there is federal money that encourages agri-tourism. There is a State statute that encourages it, and he feels that Canterbury would want to encourage it as well. There may be farms in Canterbury that may want to supplement their income by holding different events. He feels that the Board may want to address this before it becomes a problem, if it ever did. Maybe the Board should look at the Ordinances. Art does not feel there are real issues at the present time since Canterbury leans more toward the agricultural end of things, but it's a good idea to bring up. Tyson doesn't believe there is anything in our zoning that would prevent different events or festivals. He thinks the Henniker problem came up when it was decided that it wasn't really ancillary, they were having professional

weddings there all the time and drawing cars. They fought over it for years and it ended up in court. Tyson said there is a proposal regarding a rock music festival that happens in Concord and they've approached the idea of having it in Canterbury in the future. Tyson felt it doesn't seem like something negative to have, but we have no idea how the neighbors would react to it. It would be something to consider. Art said it's all about being good neighbors, but he would think that anyone wishing to have a gathering of that size, even if it is on private property, they would need to get a permit from the Selectmen, and if they don't have to do that, the Selectmen should review that idea. There was discussion if there should be a site plan in order to hold a festival of that kind. Art stated if the Selectmen were to produce an ordinance that would require someone wishing to hold that type of event on their property, to go to the Selectmen for a special permit for that day or days, the Selectmen would then ask what they were doing about parking, lighting, sanitary facilities etc. Art strongly suggested the Selectmen consider a special permit situation. Chris asked if you currently need to have a special permit to have a wedding at your house. Tyson said no. Joshua said he thinks it would only become a problem if it happened too often. Art thought people should have to get a special permit to get the event planners in front of the Board so the town officials know what is happening in town. Tyson does not believe there is anything in our zoning stating people need a permit to hold a festival or event. Art thought there should be. Doug pointed out you may need police directing traffic, or an ambulance for injuries. Art said this is not about a fee, it is about knowing what type of events are going on in Town.

Naomi Scanlon spoke on behalf of the Agricultural Commission. A couple of years ago the Commission put out a map of farms in Canterbury. Since then there have been 13 new farms that have been added to the map and a couple more in the works. Naomi said any time the Board has any agriculture related questions, she is happy to help and suggested the Board get in touch with her. There is a Bill going to the Senate regarding Agri-tourism, cleaning up a lot of the wording, partly because of the Henniiker issue. She thinks the bottom line of it is to keep in mind that it has to involve agriculture. If there were to be a music festival, it would have to be agriculturally related. She feels it is a pretty sharp line when something is agricultural or purely commercial. She keeps up to date with legislature regarding bills. The Farm Bureau and has a conference call every Monday morning reviewing what happened the previous week and what is coming up so she can be a good resource to the Board. The Board thanked her for her input.

Renewal of Board's recommendation for two Planning Board Commissioners to the Central Regional Planning Commission: Tyson said this is a periodic recommendation, every three or four years. Tyson and Doug McCallum are on the Board. Tyson would like to remain on the Board. Doug is willing to do that, but thought

Alice might like the spot. Tyson said as the law is written, the Planning Board makes suggestions to the Selectmen and the Selectmen appoint commissioners. Alice asked if this is to be on the Planning Commission's Board. Tyson said this would be the Commission, and that the Commission has an executive Board. Tyson is on the Executive Board as Chair. Alice would be a regular commissioner. Her demands would be once a month board meeting. Doug is also on the Transportation Committee and they have been meeting several times a year. Alice stated she is already on CEDS committee. Doug said he is happy to continue to do it, but thought someone else would enjoy it. There are great speakers. Alice will think about it and let the Board know.

Article 11 of Zoning Ordinance (Growth Ordinance): Tyson stated that the Article expired. It sunsets in March. This article expires every two or four years. Art stated when these articles were formed 15 years ago, a lot of towns, mostly in the southern part of the state were becoming boom towns overnight, a lot of central and northern towns looked for something to protect them from large growth that the towns couldn't deal with. This is a growth ordinance and the idea is the individual town would stay in line with its neighboring towns as far as growth. The object wasn't to stop growth, the idea was that if it comes to you, it will grow in a fashion and it would not make you a boom town. You and your neighboring towns would grow at a consistent rate, or not grow at a consistent rate. It's not an ordinance to stop the growth, it is an ordinance to control the speed of growth. The town systems needs to be able to accept additional capacity, like sewers, which Canterbury doesn't have. This growth ordinance is not to stop growth, it is to contain so that Towns do not suffer. Canterbury chose to limit the number of building permits and in the past seven or either years, we have not exceeded the growth parameters. To change it from what it is today, we need to check if we are in line with neighboring towns (Chichester, Loudon, Boscawen). If we are not in line with our ratio, and someone chooses to develop here but are denied the permits based on a growth ordinance that is not in line with surrounding towns. A Judge would say that we're not in line with our neighbors, so your ordinance holds no weight.

Tyson said we are supposed to periodically recalculate this 3% number. We could use Central Regional New Hampshire Planning Commission to do that if we'd like. Tyson said it has a beneficial effect in some peoples mind that someone can't come in and get all building permits for one housing development at one time. It's one per family. It also limits a builder from coming in and constructing 20 houses. We had that occasion with the Bowles subdivision. It does permit us to allow that if they meet certain conservation goals, and that was where they came up with giving us a conservation easement on a large section of their property. Joshua asked where the authority is. Art said it is in the Article. Tyson said building in Canterbury has gone down, school population has gone

down. He's not sure if the 3% is accurate. Art said the 3% may work fine for us, but the important thing is if the 3% is in line with the surrounding towns. Chris asked if it is grossly more restrictive than surrounding towns. We can't be 1% and everyone else is 3%. Art said there are two things the Board needs to determine: 1) what is our present percentage doing to us? It's not hurting us. 2) Are we in line with our surrounding neighbors? Typically, once we determine those, we would then again renew it and carry it forward. Tyson said it's every two years to do the calculation but it's longer to do the sunset. Art believes it is four years. Tyson said it needs to be brought up in Town Meeting to renew it. It's a Zoning Article so it would be in the first session. Tyson said there is a window between March 31st and November 13th where nothing can be done about it. After November 13th we can propose and notice in the paper the new warrant article. When you do that, the new article takes effect. Things are put on hold until the following March when it is voted on. Art said the chances of a large scale development happening in Canterbury are slim to none. The risk is low. Between the cost of the land, the rock, and wetlands, Canterbury is not an ideal town to look to develop. Tyson the study would need to be done in the summer to get done by November. Chris asked if this is for the 2015 vote. Tyson confirmed. Joshua read from the RSA to determine how to go about the study. Art said to meet the letter of the law we would be wise to use the Central NH Planning Commission on this, and he's sure they are doing it for the surrounding towns. Tyson will look into that.

Updating of Master Plan and Article 11 are items that need to be watched so deadlines are not missed. It was decided that this calendaring task and bringing it to the Board's attention would be assigned to the Board's secretary.

Other Business

Reporter: Joshua brought up the reporter that contacted the Board with questions about development on I-93. Tyson referred him to Mike Tardiff at Central NH Regional Planning Commission. Art believed that Tyson should speak with the reporter and will represent the Board's position well. Tyson said many towns up here are losing our young people, they are moving south. He said they do come back in their 40's with their families, but not when they're young. The population in NH is aging. Young people can't afford property in this town, never mind the taxes in this town. Art said we have no commercial property to help offset our property taxes. Chris felt it is regional more than just Canterbury. Art disagreed and named surrounding towns that are not suffering. There was discussion about various reasons young people do not stay in New Hampshire, and move south. Chris said he believes kids today want to live in the big cities.

Statutory Requirements being met: Chris said we need something in our bylaws saying once a year or once a quarter we need to be sure our statutory requirements are being met. Art said it is in the bylaws for this Board and we need to look at them. There are only two items to be aware of, the Growth Ordinance and the Master Plan. Chris suggested that the secretary maintains the calendar and is responsible for maintaining dates. Joshua said we need to come up with a list of deadlines we need to comply with. Tyson said only the Growth Ordinance and the Master Plan.

As far as the Master Plan, Art still believes we need to take a meeting and go thru the master plan. In our master plan there is a list of recommendations and goals. Doug was on a Planning Board in California where the Board had 5 or 6 elements in the Master Plan reviewed every year so things were always being updated. Art liked Doug's idea of reviewing a few every year to keep minds fresh. Doug thought it would be interesting to look in to Art's thought of senior living in Canterbury. Art discussed needing a decent size piece of property to support a septic system, or multi-family building, at least 7 acres to support it. Doug thought we might need a grocery store with a way to get there. Art said most places have a shuttle bus that helps get people where they need to be. Art said most people are in their 60's or early 70's.

Joshua made a motion to adjourn, seconded by Chris. Motion was voted on and approved.

Meeting adjourned at 8:20 p.m.

Lori Venie, Secretary

Next meeting: February 11, 2014, 7:00 p.m.