

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

5 April 26, 2016
6

7 BOARD MEMBERS PRESENT: Art Rose, Chair, Jim Snyder, Co-Chair, Tyson Miller,
8 Hillary Nelson, Kent Ruesswick, Joshua Gordon, George Glines (BOS) representative.
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10 BOARD MEMBERS ABSENT: Alternates: Chris Blair, Alice Veenstra
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12 OTHER PARTIES PRESENT: Lois Scribner, Howard Moffett
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14 **Draft Minutes of April 12, 2016:** Jim made a motion to approve the minutes as
15 presented. Kent seconded. Discussion: None. Vote: Unanimous. 4/12/16 minutes
16 were approved.
17

18 **Review of Lois Scribner's Site Plan Application (for completeness only) Tax**
19 **Map/Lot 109/106, 2 Baptist Road:**
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21 The Board reviewed the Plan submitted with the application. Hillary asked if there was
22 a narrative the Board could read. Art said there was and it would be given to the Board
23 at the public hearing to review.

24 Jim moved we accept application as complete. Tyson seconded. Vote: Unanimous
25

26 The public hearing will be scheduled for May 10, 2016.
27

28 After the vote, Tyson made a motion to send out narratives prior to the meeting. Hillary
29 seconded the motion.

30 Discussion: Tyson felt it would be nice to know what they're looking at before the
31 meeting to accept an application as complete. Art said all we are doing at the review
32 time is to be sure all necessary items were submitted with the application and the Board
33 didn't need to know what the narrative says at this point, they just need to know there is
34 one. The Board discussed the documents being public documents once they are
submitted to the Board and the pros and cons of reviewing the documents electronically
prior to the meeting to review for completeness.

35 Tyson amended the motion to say that the full application should be sent out
36 electronically to the members of the Board for review prior to the meeting for
37 completeness. Any costs would be incurred by the applicant. Hillary seconded.

Art said if this motion is approved, everyone needs to be very careful not to discuss the documents prior to the public hearing. All we do at the completeness meeting is to be sure all the requirements have been met. Art explained the stages of the process again and said viewing the documents prior to the meeting could create discussion about the project prior to the public hearing. The Board needs to keep in mind the Right to Know Law and that any discussion could be subject to that. The Board understood Art's point and just wanted to review the documents. Joshua thought that in the event the motion passed, it should end up in our bylaws so an applicant knows about the electronic requirement.

There was no further discussion on the motion. Vote: 4-3 in favor. All documents received will be sent electronically to Board members prior to meetings for completeness.

Election of officers:

Elections:

Chairman:

Kent nominated Art for Chairman. Joshua seconded.

Tyson nominated Jim for Chairman. Hillary seconded

Art and Jim were both happy to serve whatever way the Board votes.

George moved that nominations be closed for Chairman.

There was no discussion and a paper vote was held. Voting results: Art will continue to be Chairman.

Vice-Chair:

Hillary nominated Jim. Kent seconded.

Jim nominated Hillary. George seconded. Hillary asked if she could decline as she doesn't feel she has enough experience yet to serve as vice chair. Art said she could decline. Jim was the only nominee.

No further discussion. Vote: Jim will continue to be Vice-Chair

Board's Discussion of City of Concord Planning Board Letter (Nancy Larson):

The Board reviewed a certified letter received from Nancy Larson of the City of Concord Planning Board relative to two projects this Board recently approved that Concord felt had regional impact. The projects were the McKerley Site Plan Application for a

71 commercial project and the Nichols Site Plan Application for a Bed and Breakfast. Art
72 reminded the Board that about six months ago we also had an application come to us
73 on Route 4 (the tent place). The City of Concord felt that was regional impact and were
74 upset we didn't determine it as such. Nancy Larson came to the meeting and the
75 subject was discussed at length. We now recently approved two applications in that
76 same area off Exit 17 and also determined they were not regional impact. Art said the
77 basis of Concord's issue is that they have a traffic problem. Since the Mobil station
78 went in, it acerbated the problem. Concord levied impact fees on that project and never
79 put a light in. Art wasn't sure if the fees covered the cost or not, but fees were levied.

80 Art also reminded the Board that the two recent applications we approved had
81 requested a waiver on the traffic study. We told them both we wanted the study and
82 both projects returned a traffic study that showed the projects offered minimal impact on
83 the traffic.

84 The Board discussed impact fees in general. Hillary felt the only thing Concord could
85 weigh in on is the impact on traffic at the intersection over there, not the project itself.
86 Jim said if the project had to go before Concord, they could deny it if it was a regional
87 impact project. Art said he doesn't believe Concord could levy an impact fee on a
88 Canterbury resident however. Art and Tyson agreed that we voted on these two
89 projects and are done. Joshua felt that whether they can impose an impact fee is
90 irrelevant, they can't override our approval, and the regional impact law is broad. Also,
91 we talked about this and didn't feel it was regional project.

92 Hillary pointed out that Lori had emailed Nancy Larson directly to let her know that the
93 two projects were coming before the Board and asked if she had interest. Lori read the
94 2/4/16 email sent to Nancy Larson prior to notices going out on the two projects she
95 references. Nancy did not respond at all. Nancy is also copied on all Canterbury
96 Planning Board agendas and is aware of the projects and their locations that the Board
97 hears.

98 Joshua then stated that he feels any action on any piece of land that has a boundary
99 with another municipality should be considered regional impact. Jim pointed out that we
100 have 10 or 12 businesses in there now and this is the first time this has come up in this
101 way.

102 There was discussion about sending the letter to our town counsel, Bart Mayer, for his
103 opinion. Art said if the City of Concord is compelled to get money out of the residents,
104 that is their prerogative. Hillary interpreted Nancy's letter to say the projects are not
105 legal until the Concord approval block is on the site plan and signed. This could cause
106 problems for the residents. There was discussion about the Board's obligation. Tyson
107 suggested we send the letter to the two landowners for their information. Jim felt we

should send Nancy an apology letter stating we were unaware of some of the requirements outlined in her letter and to send the applicants a copy of Nancy's letter as well. Jim pointed out that based on the RSA's Nancy referenced, if the project is regional impact, it is our responsibility for the application to include the block for the Concord Planning Board on their plan as well. Jim said the law is clear on that and we weren't aware of it.

Lori advised the Board that on May 10th there is another project scheduled for public hearing in that same area. Tyson, Hillary, and Joshua felt we should notify Concord about the meeting as an abutter, not as a regional impact project. Hillary read RSA 36:54 for regional impact. She also read RSA 36:56. The Board discussed whether to put off the public hearing on May 10th and vote on regional impact and then schedule it, or vote at the public hearing. Art said we can vote on regional impact at the meeting. Joshua agreed. Jim said if Nancy's RSA references are accurate (RSA 674:53 VII), we would notify Concord as an abutter and have the public hearing on May 10th. They can be treated as an abutter but not necessarily for regional impact. The Board agreed that Lori would send notice to the City of Concord just like the other abutters and the City could show up that night if they chose to. Concord is an abutter for this project whether we decide it's regional impact or not.

Discussion about sending this to our town counsel continued. Jim felt before we spend money on the town attorney, someone from our Board could call the Municipal Association to get the information. It was decided Jim would contact them. Hillary is concerned about the people already there. Lori will send the two approved project owners a letter including a copy of Nancy's letter for their information. The Board also directed Lori to notice the Regional Planning Commission as an abutter as well.

Other Business:

- Seth Cohen is still listed as an alternate. He sent Art an email confirming he was no longer an alternate. Seth will be removed from the website. It was also confirmed that Chris Blair was not an alternate. We don't have an active alternate since Alice does not have a lot of availability. We need to find additional alternates.
- Joshua and Tyson will not be at the May 10th meeting.

Ongoing Discussion of Table of Use Future Revisions:

Art introduced the Phase II Letter of Agreement. He feels he needs to talk to the CNHRPC himself to square that away. He has some questions.

145

146 Tyson asked where we were on the Zoning Ordinance. Lori advised she had emailed
147 with Jan and there were some changes to be made and then Jan will post the updated
148 Ordinance to the website. Tyson said it seems that the Selectmen are the caretakers of
149 the documents and will go to the Selectmen to determine the proper procedure for
150 making changes so it doesn't take so long next time. Joshua said someone should be
151 in charge and wondered if it should be the town manager. Tyson will look into this.

152 Lori passed out the 22nd annual spring planning and zoning conference to Board
153 members.

154 Kent moved to adjourn. George seconded. Vote: Unanimous

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156 Meeting adjourned at 8:40 p.m.

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158 Lori Gabriella, Secretary

Next meeting: May 10, 2016 at 7:00 p.m.