

MINUTES OF THE MEETING  
OF THE  
CANTERBURY PLANNING BOARD

November 22, 2016

BOARD MEMBERS PRESENT: Art Rose, Chairman, Jim Snyder, Co-Chairman, Kent Ruesswick, Tyson Miller, Hillary Nelson, Joshua Gordon, George Glines, BOS Representative.

BOARD MEMBERS ABSENT: Alternate, Alice Veenstra

OTHER PARTIES PRESENT: John Elliott, Tim Bernier

**Draft Minutes of October 25, 2016:** Joshua made a motion to approve the minutes as presented. Kent seconded. Discussion: None. Vote: Unanimous. 10/25/16 minutes were approved.

**Public Hearing on Revised Application for Site Plan of JTG Properties for commercial development at Scotch Pine and Riverland Roads, Tax Map/Lot 267/38:**

Art introduced the application for the Board. John Elliot was present, along with his surveyor, Tim Bernier.

Tim reminded the Board that the project is here as a revised plan. The previous version of this plan was considerably larger. There was over 43,000 square feet of impervious surface and the cost to address the alteration of terrain thresholds got out of control. They scaled the project down so the building is half the size and the impervious surface is down 70%. It is now under the standard at 12,000 square feet, which is the same as a residential house with a long driveway. The building is now 6,400 square feet with a 5 car parking lot. They received a variance from the Zoning Board on November 14th to have 5 parking spaces rather than the required 32. Back in June 2016 they were also granted a use variance for warehouses, truck storage, and business operations. They were going to rent space from the previous building but they're not doing that anymore. The ZBA decided it wasn't necessary to re-do the variance and accepted this plan as an update. Joshua asked about the variance and whether a future owner would be able to use the variance currently approved, or if they would be required to then have 32 parking spaces. The variance does pass to future owners.

Tim passed out a packet containing notes that will be added to the plan. The notes explained the use is for storage of vehicles and the equipment associated with the vehicles. If the Planning Board approves, he will add the notes to the final plan. If there is some substantial change of use to the building down the road that required additional

43 parking, it would trigger site plan approval. Tim advised the Board that in September,  
44 the City of Concord approved this site plan.

45  
46 Another concern was drainage. Even though they no longer meet the criteria for this,  
47 Tim advised that they spent some time looking at the project as a whole and looked at a  
48 pre and post runoff analysis. Tim described a diagram he brought to explain how the  
49 analysis worked. He said the soils on this property are class A soils, which drain very  
50 well. They also looked at how the water will affect the culvert to be sure it won't cause  
51 any damage. Tim discussed the property and building in relation to storm water runoff.

52  
53 Tyson reviewed the conditions of the last approval the Board gave JTG to determine  
54 which conditions still applied. The first and second conditions no longer apply. The  
55 third condition related to future tenants. Tim said that goes back to an event that would  
56 change the use, which would trigger site plan review. This project will no longer have  
57 tenants. Any changes to the building or a change of use would be reviewed to see if it  
58 rose to the level of site plan review. There was discussion about the different uses and  
59 what some thresholds would be. Hillary reviewed some regulations to be sure they all  
60 applied. Tim confirmed that this is a warehouse being used to store vehicles. John  
61 spoke up to say he's parking brand new trucks and antique restored trucks that are  
62 there. It's only to keep them under cover and there won't be any maintenance on the  
63 vehicles on site. Tyson would like to clarify the use so they can later determine any  
64 change of use. Tim pointed out the notes he will be adding to the plan.

65  
66 Hillary asked what the percentage of the lot is now impervious. Tim calculated it to be  
67 approximately 14%, which does not meet any thresholds set by the Town.

68  
69 Tyson made a motion to approve the revised site plan of JTG Properties (John Elliott)  
70 for the commercial development of a storage building at Scotch Pine Road and  
71 Riverland Road, Tax Map 267, Lot 38. Joshua seconded. Discussion: None.  
72 Vote: Unanimous.

73  
74 As a matter of procedure, Tyson informed the Board he was doing some research and  
75 learned that when we do a conditional approval, the conditions precedent have to be  
76 done before the Board signs off and gives a final approval. Conditions subsequent are  
77 after. Once we confirm all conditions have been met, a new "final" approval needs to be  
78 prepared.

79  
80 **Board's Discussion of Air BNB's:** No representatives from the Board of Selectmen  
81 (BOS) were here other than George Glines. George said the BOS main concerns were  
82 Code enforcement for B&B's, and rooms and meals tax. They were looking at people  
83 who are just renting out rooms in their homes versus being "permitted" to rent them out.  
84 The general consensus of the BOS was if they're using only one room, it's ok, but two  
85 or more rooms they should be permitted.

86 Art said this issue becomes a problem when a taxpayer brings it to the attention of a  
87 town official. The Selectmen then look at the code enforcement officer who typically

88 would have a leg to stand on with an ordinance in place. There isn't an ordinance for  
89 this. Art discussed homeowner's insurance and possible injuries on someone's  
90 property. He wondered if it would be possible for the guests to look at the town for  
91 allowing something to go on that is not an allowed use and the possibility of lawsuits.  
92 Joshua spoke to say he didn't see how the town would be on the hook. He can't think  
93 of any liability.

94 Art felt we should establish an ordinance that doesn't allow this type of use. Hillary  
95 pointed out that we do allow a bed and breakfast by special exception. She thought Air  
96 BNB's were covered with that Zoning Ordinance.

97 Jim did some research and found we have three locations in Canterbury who participate  
98 with Air BNB. The basic idea is you sign up with the website, they help you get renters,  
99 and you probably pay a percentage back to them. The State is having a lot of issues  
100 with Air BNB because the homeowners may not be paying room and meals tax. The  
101 State is also distinguishing between short term rentals, B&B's, and hotels. Jim also  
102 contacted Air BNB and, after speaking with them, said he felt there are three routes to  
103 go. 1) Ignore it. 2) Say it's a B&B and they have to go through the same processes, or  
104 3) Say it's a short term rental and if it's only one room they can do it with a selectmen's  
105 permit. Jim isn't advocating any of those three things but wants to open the discussion.

106 Art would be the first one to allow anyone to do whatever they want on their property,  
107 but, he thinks what's good for Joe is good for John. You want to have a B&B, you have  
108 to go through the ritual, regardless of how many rooms. All people should be treated  
109 the same way.

110 Tyson said there's a range of rental options. When he looked at the three Air BNB's in  
111 Canterbury, he found they very seldom serve you breakfast, and that a true B&B serves  
112 at least breakfasts. Portsmouth tried to control it by saying no short term rentals. He  
113 said the room and meals tax is a State issue, not ours. Tyson thinks we should just let it  
114 hang.

115 Hillary looked at the bed and breakfast definitions in our ordinance. It says they "may"  
116 provide meals. Hillary doesn't feel comfortable saying we should do this or that. We  
117 should do some research and add it to our ordinance. She wants a process behind the  
118 decision. Art said it won't hurt the situation to review an expansion of the Ordinance.  
119 Tyson felt the State should do it since they're in the throes of working on it already.

120 Jim said there's not a bright line between renting a room in your house and going down  
121 the path of being regulated under the B&B. He thinks they're all bed and breakfasts, or  
122 we invent a new position for the single room situations.

124 **Discussion Central NH Regional Planning Commission Contract:** Tyson had the  
125 contract for the final phase of the work on the Zoning Ordinance, which is for \$2,500.  
126 Art reminded the Board the history of discussions with CNHRPC and Steve Henninger,  
127 and each phase. The Board felt we've gotten more than our money's worth from this  
128 process with Steve. There were initial discussions about spending \$10,000-\$15,000 on  
129 this entire project and we're nowhere near that number.

130 Hillary moved that the Board approve the contract for \$2,500 for CNHRPC and for  
131 Steve Henninger to continue our work as described in the contract. Kent seconded.  
132 Discussion: None. Vote: Unanimous.

133 Art signed the contract and Lori would give it to Jan for the BOS to sign and send  
134 payment. Joshua asked about our process for spending money. Art explained the town  
135 budget and how the process works.

136  
137 **Other Business:**

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139 Hillary distributed the Table of Use draft changes and described it to the Board. The  
140 Board will review the document and it will be discussed at a future meeting.

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142 Tyson passed out a document detailing Article 18 proposed Conditional use Permits  
143 (CUP). The Board will read through all documents.

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145 Joshua moved to adjourn. Kent seconded. Vote unanimous

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147 Meeting adjourned at 8:30 p.m.

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149 Lori Gabriella, Secretary **Next meeting: December 13, 2016**