

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

January 10, 2017

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

BOARD MEMBERS ABSENT: Kent Ruesswick, Alternate, Alice Veenstra

OTHER PARTIES PRESENT: Mindy Beltramo, John Scarponi, Alan Hodsdon, Scott Walker, Al Eledelstein

Draft Minutes of December 13, 2016: Jim made a motion to approve the minutes as presented. Tyson seconded. Discussion: None. Vote: Unanimous. 12/13/16 minutes were approved.

Beltramo Preconceptual Consultation to discuss possible subdivision at 164 Hackleboro Road:

The Beltramo's have lived in town for 15 years. They would like to subdivide their property to two lots and then build a garage for storage with an apartment on top on the new lot. They would like to live in the apartment while they sell their current house and build a new house on the new lot. There is enough road frontage to divide the property. She believes they can have the ratio of the 300 feet and the required depth. Mindy looked through the requirements and she thinks they are good. Once they move into their new house, they would move their aging mother over the garage to better be able to help her. They have several survey pins in place on the property and she's wondering if they could minimize the survey to just the area of development as opposed to resurveying the entire 18 acres in an effort to save money.

The dividing line for the property will be in the middle of the two proposed lots.

Jim said the question about the garage and accessory apartment are not Planning Board issues. We only handle the subdivision of land. Jim said there might be a sequencing problem for them with the new accessory apartment language and there are probably current use implications as well. He explained that the Board can't make decisions at a conceptual consultation. He also explained the Subdivision Regulations and the option of asking for certain waivers, and that those steps would be taken at the public hearing.

Hillary asked about wetlands on the property and that was discussed. She also asked if a wetlands study is sufficient or if they need to do a soil analysis. She was told we commonly see the USGS view.

The Board referred her to Mandy at the Assessor's office for her current use questions. Mindy pointed out that the new lot will not have the 10 acre minimum. They will keep 5 acres plus whatever it takes to absorb the wetlands area.

Discussion with Scott Walker Re: Route 106 Widening: Scott owns Premier Properties and they represent Mourning Dove Holdings in the potential sale of property. This discussion relates to the State's widening of Route 106. He saw an article in the Concord Monitor about the road widening which said it stopped at a certain point. His client has 2000 feet of commercial property and he was wondering why it would stop before that property. Scott called the State (Mr. Koda) who said they have to stop somewhere and that's the only reason. He was told he could propose anything he wanted since it's still early in the process. The State suggested Scott call the Town to have discussions and see if the Town would support his ideas.

Scott said the campground has zoning approval but not site plan approval. The Board informed Scott the zoning approval expired. Scott understood and said he's really just focused on the 30 acres of commercial property. The road widening ends right before you get to Ames Road. Scott wants them to expand the length of the widening which would enhance the marketability of the property. The widening would add a turn lane. It will go from 48 feet to 60 feet.

Jim said as a personal matter he's not in favor of widening the road, as a Planning Board member, he's not sure we have a say in it. Tyson told Scott that Mike Tardiff at Central New Hampshire Regional Planning Commission would be happy to help him with this as well. Hillary asked about wetlands. Scott is asking for some consideration and wants to have the Board's backing. Art said at the end of the day, if he's looking for something from Canterbury to help with the State, he thinks his best backing would come from the Selectmen. It's a state highway and the Planning Board has no say in that. Scott thinks the Board would see it as future planning. Tyson agreed. George said anything that enhances a commercial zone in Town would be welcome. George told Scott he should make an appointment to meet with the Selectmen. Tyson reminded Scott he should contact Mike Tardiff as well. Hillary felt as long as it's not an environmental issue, the Selectmen could help him out.

John Scarponi and Alan Hodsdon discussion re: Application for Restoration of Involuntarily Merged Lots at 304 and 310 Baptist Hill Road:

Art explained to the Board the nature of the application, which is who is responsible to unmerge the lots in question. There is a state law (RSA 675:39-aa) that deals with Restoration of Involuntarily Merged Lots and that law was extended until December 31, 2021. John wants any information the Town would bring to the meeting to support or contradict the application. John's research did not show that Wilder, the owner at the

time the lots were merged, went to the town and asked them to merge the lots. The goal behind the application is to see what the Town says was done, to see what past experience has been, and to see if they had a position on this. There could be burdens put upon him that he is not aware of.

Jim said he spent some time looking in to this. Tom Wilder as a single person bought the lot that was subdivided from his family's property in 1980. It was a graduation gift to him. He got married, they bought the 2 acres next door to add to their property and the land was contiguous. Presumably there was a period of years they were treated as separate lots. Jim was trying to look for the time it stopped being treated as two lots. We have to assume they were merged because they were bought separately and are now treated as one lot. We have to figure out when that happened and why. The law says it's the Town's burden to find out. Either the Town did it, or the Wilders did. The problem with assuming the Town did it is that it doesn't fit the criteria for involuntary merger. The first lot was in Tom Wilder's name, the second lot was jointly owned. If the Town did an involuntary merger, they did it in error. John said if it was voluntarily merged by Wilder then he's ok with that.

Jim said there's language for the Planning Board to do a subdivision and preserve one lot as a conforming lot, and the second lot conforming to the two acre standard. But the Town law is deficient because it doesn't take State law into consideration, and State law trumps Town law. Jim referred to article 4.1 in the Zoning Regulations. If that is accurate and the Town did that, they were in error because one lot was owned by Tom and one owned by Tom and his wife. The two possible outcomes are: the Town merged the lots and John would have the right to unmerge; or, the Wilder's merged them and there's nothing John can do about that. Jim volunteered to figure this out. Al Hodsdon spoke to say there is nothing eminent to do as a result of the decision. The reason they applied for this is to allow them the opportunity to keep the lots separate if they can.

Other Business:

- Hillary reported about their meeting with Loudon relative to lef Enterprises on Route 106. Kent, Hillary, and Joshua attended the Loudon Selectmens meeting. They were not allowed to speak, but Hillary did anyhow. Loudon residents are very very angry. The residents had photographs showing the light from the greenhouses coming in to their bedroom windows. It will be two years before the owner could do anything about it. The Selectmen sent the issue back to their Planning Board. Hillary said the Canterbury Planning Board wanted to talk to the Loudon Planning Board. Hillary stated she called the secretary of the Loudon Planning Board and said they are on the agenda for their next meeting on the 19th. Joshua spoke with the lef Enterprises guy, and learned it's a two year turnaround time before they can physically get up to the lights. They can't put the truck in the greenhouse until there are no plants there. They discussed shades which are pretty close to 100% effective.

134 - Tyson informed the Board that a former Planning Board member, Don Burgess,
135 passed away a month ago. The board was very sorry to hear this news.

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137 Jim moved to adjourn. Joshua seconded. Vote unanimous.

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139 Meeting adjourned at 8:15 p.m.

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141 Lori Gabriella, Secretary

Next meeting: February 28, 2016