

Planning Board Meeting – Draft Minutes
Tuesday, March 26, 7 pm, Meeting House

Members Present:

Greg Meeh (Chair), John Schneider (Vice Chair), Joshua Gordon, Megan Portnoy, Rich Marcou, Logan Snyder, Kent Ruesswick, (BOS rep), Hillary Nelson (Alternate), Ben Stonebraker (Alternate)

Others Present:

Web Stout (Surveyor), Matt Taylor (CNHRPC), Alfred Nash (Applicant), Cathy Viau (Applicant), Scott Doherty (Selectman), Corey Pethic (Applicant), Clifton Mathieu (Resident Observer), Beth Blair (Selectman)

1. Call to Order

Greg Meeh called the meeting to order at 7:00 p.m.

2. Previous Minutes

Kent made a motion to approve the minutes for the Planning Board meeting on March 12, 2024. Rich seconded. All in favor by roll call, motion carried.

3. Board election for Chair and Vice Chair

- a. Election for Chair – There was preliminary discussion. Megan asked Greg to commit to recuse himself for any matters with personal affiliation. Greg replied that he would.

A secret ballot was cast to elect the Planning Board Chair. Six votes were cast. **All six votes were for Greg Meeh, and he was re-elected Chair.**

- b. Election for Vice Chair – there was preliminary discussion. Greg nominated John Schneider. Josh nominated Rich Marcou. Megan nominated Logan Snyder. The Board discussed the nominees' qualifications and professional backgrounds. Megan asked for clarification of what this position entails. When the Chair is unavailable or recuses themselves, the Vice Chair will act as Chair.

A secret ballot was cast to elect the Planning Board Chair. Six votes were cast. Three for John Schneider; two for Rich Marcou; one for Logan Snyder.

Accordingly, John Schneider was elected Vice Chair. On behalf of the Select Board, Kent thanked the members of the Planning Board for running.

4. Matt Taylor, CNHRPC, CUP application, big picture Land Use Handbook and initial questions

Kathleen distributed a list of questions for the Board from Matt Monahan (CNHRPC). The current regulations are difficult to follow. The Board is considering creating a flow chart and/or handbook that would provide a more user-friendly guide for applicants and the Board. The Board has created a sub-committee to work on this project.

There was discussion about the proposals. Joshua and John both expressed concern that a document like this could create more confusion. Especially if the "handbook" contradicts the actual regulations or

the “handbook” becomes outdated over time. Logan suggested putting a date on the “handbook” and a disclaimer that the regulations themselves were the source of truth. Greg clarified that the “handbook” would just provide pointers to parts of the regulation. (e.g. “When you reach this step of the process, go read page 71, part 3”). Rich pointed out that the regulations have some redundancy and some sections that are not always applicable. Also, the checklist that currently exists is not all encompassing and is thus misleading. Creating this handbook would help the Board clean up the regulations. Megan suggested making the application digital and available online so that the checklist isn’t needed, and applications are more likely to be complete. Greg noted that the regulations have internal contradictions. He suggested that it is likely better for the Board to clean up the regulations first before creating a chart or handbook.

The Board reviewed the provided questions from CNHRPC.

i. Would a pre-application meeting be desirable?

Greg asked what the difference is between a pre-application meeting and the existing conceptual consultation. Matt said they are essentially the same.

ii. Minor and Major site plan thresholds? Minor and Major subdivision requirements?

Matt explained that these questions are to determine if the Board would like to make a distinction between “minor” and “major” site plans and subdivisions. This would allow the Board to reduce requirements and the administrative burden for “minor” applications. Some towns will have a size threshold like “a building that is 1000 square feet or more requires a site plan review”. Canterbury already has a distinction between minor and major subdivision applications. Joshua said that the McKerley’s on Riverland Road are a good example of when this would be useful. They have a multi-unit building and they are currently forced to do a new site plan each time one of the businesses in the building changes.

Greg suggested that creating a site plan amendment process would address this problem. The Board would need to be careful where the thresholds are so public input and abutter impact is still considered. The threshold(s) would likely take the form of a series of questions to determine the impact of the proposed change. Kent suggested putting the discussion of these questions on hold until the next working session.

iii. Town engineer role?

Canterbury does not have a Town Engineer but did have one in the past.

This question is better phrased as “What role would you want an engineer to play in the application process?” The Board could create a threshold to determine when an engineer is required to be involved.

iv. Parking and Road standards?

The Selectboard makes road standards not the Planning Board. However, the Planning Board does have regulations regarding roads for new subdivisions.

The Board may want to consider aligning with [AASHTO](#) design guidelines.

v. Does the Board want architectural standards?

Canterbury does have a few standards, mostly from the HDC. Matt explained that some towns will have architectural and landscaping regulations. The Board was skeptical of this.

vi. Lighting standards?

Canterbury currently has rules about Dark Sky compliance and sign lighting.

Matt explained that the Town could require a lighting plan if a site plan is big enough. The regulations already allow for a lighting study to be requested by the Board.

99
100 vii. Landscaping standards?
101 In the past, the board has discussed “visual barriers” and has asked for setbacks not to be disturbed. We
102 should clarify those in our regulations. The Board expressed reluctance to create and enforce rules
103 beyond that.
104
105 viii. Definitions: Any missing terms? Too many?
106 The Board agreed there are many missing definitions.
107
108 ix. Post-approval certification from Town staff?
109 Matt will try to get clarification from Matt Monahan about what this question means.
110
111 x. Other observations: What works well? What gap?
112 This was covered earlier in the conversation.
113
114 b. Handbook sub-committee
115 This sub-committee was created in a previous meeting and consists of Greg, Rich, and Lois. The goal
116 of the sub-committee is to work with CNHRPC to develop these ideas. Their first meeting is April 2nd
117 at 6 p.m in the Library.
118 **John made a motion to appoint Megan Portnoy to the handbook sub-committee. Josh seconded.**
119 **All in favor by roll call, motion carried.**
120
121

122 **5. Corey Pethic Subdivision Center and SW Roads, Tax Map 247, Lot 6, Public Hearing**
123 **presented by Web Stout**
124

125 There was discussion initially to confirm that Web had made the additions to the plat. The board had
126 asked about zone boundaries within 200’ Web clarified that the boundary with the AG zone is well over
127 200’ from the subdivision so is not required. The board agreed.
128 Joshua asked about note 6 which references zone X. Web explained that this is a zone designation on
129 FEMA maps meaning that it is not in a flood plain.
130 Web explained that he was waiting for approval # for existing septic design. That it is on the revised
131 plan and will be on the mylar. Web also explained that the state subdivision number was not filled in. It
132 is on the revised plan and will be on the Mylar. Web added that he got the 911 street number for lot 6-1
133 from Dave Nelson. Note 9 addresses this. Dave Nelson requests one at bottom of road with all 3
134 numbers, then numbers where the driveway divides indicating the 911 # for each residence.
135

136 **Rich Marcou made a motion to approve conditional completeness and Joshua Gordon seconded.**
137 **As there was no further discussion the board voted that the application is complete, conditional**
138 **on adding septic permit # for the existing lot and the state subdivision approval #.**
139

140 There was discussion of setback lines shown on the plat. Web explained that the 50 ft setback is the
141 town requirement and the 100’ setback is a deed restriction, and Web submitted a copy of the
142 regulations about setback for the record.
143

144 Next the Board considered if the subdivision application was of regional impact. **Joshua Gordon**
145 **moved that it was not an issue of regional impact. It would have no impact on another town. John**
146 **Schneider seconded. All members voted aye.**
147

148 **Then the Board considered if it was necessary to have a site walk. Rich Marcou moved that there**
149 **should be no site walk. Joshua Gordon seconded and all members voted aye.**
150

151 Next the merits of the application were considered. Approval is conditional on the state subdivision
152 number and the septic permit for the existing residence being on the Mylar. There were no abutters or
153 neighbors present at the hearing so a motion for conditional approval was sought.

154 **Joshua Gordon moved to grant approval conditional on the**
155 **State subdivision number and septic approval number being added for existing lot. Rich Marcou**
156 **second. All members voted aye.**
157

158 Web brought it to the Boards attention that the 2nd sheet of the plan. Topo won't be shown at reg of
159 deeds on mylar. But the town will have both copies.

160 Web told the board that the registry requires that the plat be legible, so they require certain type size
161 and do not permit topo lines or other information on the plat to obscure the text. He stated he would
162 have the Mylar ready the next day for the Chair to sign.
163

164 **6. Alfred Nash proposed subdivision on Wyven Road** 165

166 Web spoke on behalf of Mr. Nash. The Board needed to consider when the completeness hearing for
167 the Nash subdivision application could be heard. The April 9 meeting is scheduled to be a public
168 meeting for 2 Master Plan draft chapters to be discussed and likely needs 90 minutes. It might be
169 possible to have the Nash application after that. But that would depend on how the Master Plan
170 discussions went. Web stated they were fine waiting although they would prefer to be on the April 9
171 agenda. Members of the Board preferred to have that hearing on April 23, the next scheduled meeting,
172 because it was likely to be a more time-consuming hearing.
173

174 **7. Board communication to Mr. Dickinson, Morrill Road** 175

176 Greg covered the background for this item. This is a subdivision/lot line application. There is a right of
177 way, but it does not seem to be in compliance with state law. Greg went over this with Joel French, the
178 Building Inspector. In the March 12 Minutes, which was a preconceptual consultation, it states
179 repeatedly that the Board doesn't believe this is a buildable lot. Joshua thought the Planning Board
180 should send formal notification that the Board believes it does not qualify for a building permit. The
181 Board would like to know more about the qualification for a building permit.
182

183 It was suggested to ask Joel what he feels is the necessary language for a right of way in order to get a
184 building permit. Note from Chair: Joel is scheduled to come to the Planning Board meeting on April 23
185 to discuss this and other issues.
186

187 The Dickinson easement was originally for logging access. Web explained that a lot of old easements
188 don't include utilities. In the past permits have been denied because of no utility easement. Web added
189 that in some cases Courts have said times have changed and allowed building permits without the
190 utility easement specifically stated.
191

192 The Board discussed why send a letter vs just letting them talk to Joel? Joshua said that when the
193 applicant came in for consultation, he was vociferous in asserting that it was buildable. The Board does
194 not have the authority to issue building permits, but it would be polite to give the applicant a heads-up
195 of a potential problem.
196

197 Greg stated he had talked to Joel about the relevant RSA (674.41). Joel wasn't aware of the RSA,
198 which is very clear. Rich remembered in the discussion that Mr. Dickinson kept rewording the question
199 and making statements as if he was trying to reword what the Planning Board was saying to get what
200 we wanted. Joshua said the proposed letter was just to clarify. He did not feel strongly about this.
201 Logan asked if the Board was going to create problems by sending the letter instead of letting the issue
202 sit. Just doing nothing might be a better option. Rich was of the opinion that the letter would solidify
203 what the Board had already said and was important because it appeared that he wasn't listening. He
204 believed that Mr. Dickinson was trying to get round the regulations. The letter suggests that he likely
205 would need to seek a variance from the ZBA.

207 Megan asked if this is correcting his misunderstanding? Yes, it was. Hillary asked if Mr. Dickinson had
208 asked Joel about the buildable lot? Greg thought not. He had only talked to Mandy, who had said "go
209 ask Joel."

210 Hillary thought the letter should be sent to both Joel and Mandy if it was sent to Mr. Dickinson. If he is
211 eligible, he will have to speak to Joel.

213 **Rich made a motion to send the drafted letter from the Planning Board to Mr. Dickinson as
214 written and copied to Mandy Irving and Joel French. John Schneider seconded.**

216 Megan was concerned that the letter was 'poking bear' and suggested that maybe the letter should go to
217 just Mandy and Joel in case he did come to speak with them. Greg noted he had already talked to
218 Mandy and Joel about the RSA. The board decided that the letter would be copied to them.

220 **The Board voted on the motion made by Rich and seconded by John as above. All voted aye
221 except for Megan, who voted nay. Joshua pointed out a typo of 2 quotation marks for correction.**

223 **8. Biosolids Hearing Review discussion**

225 Greg picked up on this issue after the discussion at last the meeting. There was an article in the
226 Guardian newspaper that he sent around. It said that biosolids are bad because they contain PFAs. So
227 they should be wary of allowing it on agricultural land and maybe anywhere.

229 Logan asked if this was the same as the road material issue. Is this the same sort of material? No.
230 Biosolids (aka sludge) are from municipal or commercial wastewater treatment. It is not the same as
231 Septage which is from residential septic systems.

233 This is a proposal for an ordinance about biosolids. It is not related to the specific proposal (Nash) to
234 use thermally treated contaminated material.

236 Greg summarized some of the points in the Guardian article.

237 The state of Maine has banned the use of biosolids because 72 farms had used it for fertilizer, and
238 PFAS were found in the milk and the farms are now prohibited from operation. The state of Maine has
239 dedicated about 70 million taxpayer dollars to replace income for these farms. There is an EPA
240 proposal to ban biosolids nationwide.

242 Logan asked if a town ban was within the purview of the Planning Board and Greg replied, yes, if the
243 town passes an ordinance. Rich had been reading a different article about this and asked what was the
244 difference between biosolids and sludge? Chair – They are NOT the same – see above.

Hillary said that the EPA is doing a big review by the end of 2024, but dragging its feet because it is looking like they will have to ban it nationally.

Joshua Gordon moved that the Planning Board write an ordinance for this. He added that the Board would need to learn the science to draft such an ordinance regarding biosolids. Logan Snyder seconded.

The board discussed NHDES <https://www.des.nh.gov/land/biosolids>
Board members noted that NHDES has promoted the use of biosolids as fertilizer for cropland for many years. Over the years they have added significant restrictions and note on their website that they are currently evaluating leachate infiltration into the water table and may be adding further restrictions in the near future. See also DES website on PFAS.
[Biosolids | DES - PFAS Blog \(nh.gov\)](#)

Rich stated the Board would want to be cautious that we differentiate between septage and biosolids in our ordinance. Logan commented that it was important to know that if they banned it here or in NH or the USA, it still exists, and it just goes somewhere else. It's on the planet regardless.

Greg noted that the EPA has said there is no safe level of PFAS. There are over 90 different ones. But they are only testing for two (detail from the Guardian article).

The Board voted on the motion made by Joshua Gordon and seconded by Logan Snyder, to write an ordinance concerning biosolids. All voted aye.

9. Other Business (incl. reminder April 6 site walk)

- a. Upcoming Site Walk - Greg reminded members that the Site-Walk on Wyven Road is a public meeting, not a hearing, so they don't express opinions or make decisions. They will ask Web questions about the proposals. It is scheduled for Saturday April 6th, at 11 am. They agreed to meet at the north end of Wyven Road and to park there. Joshua let the Board know that he went to the Conservation Commission to learn what to ask about. They said they would make a list for us of questions to ask. Greg thought the Conservation Commission may have sent a letter to the selectboard. And if so, that would be circulated and copied to Web. Joshua let Mr. Nash know that he walked his road.

- b. Rich attended a recent Training – it was one of the Lunchtime trainings and the topic was relevant to the handbook and site plans. The trainer touched upon site walks and requirements for a planning board on a site walk. There is not supposed to be any conversation and members need to stay apart from each other. It was noted that the secretary had circulated the training information. Greg asked members to remember that questions should be directed only to Web, and need to be relevant to the application.

- c. Training for Hard Road to Travel
Greg will sign up and Hillary will also. Greg asked Ken Folsom and CNHRPC about the budget. Chair Rich is also planning to attend.
Greg recommended new board members take training and contact him as Chair if they were interested so we funds can be allocated.

Chair: we have \$500.00 for training budgeted. There are also some other good sessions this fall that are not available now, so we want to save some of the Budget for those. There is a lot of training that is free such as the lunchtime sessions.

d. Discussion with Web re proposed Handbook

Web shared opinions about the earlier discussion. He believed that 9 times out of 10 applicants are going to come in and they will hire a professional (surveyor/engineer) who will go by the regulations not the Handbook. He had seen development occur all around Canterbury and our ordinance is a bit behind the times. He recommended redoing the zoning. Board members believed there is likely resistance to zoning changes. Greg asked if Web knew of any town that had good ordinances? Web suggested Salisbury and Loudon. Greg noted it is sometimes hard to adapt other towns ordinances to Canterbury which has some specific regulations such as home business allowance with up to 2 nonfamily member employees.

Megan spoke as a new resident, saying Canterbury seems very reactive and perhaps a strategic plan would be good idea, which would start with completing the Master Plan.

10. Adjournment

Logan made a motion to adjourn the meeting and Joshua seconded. It was 8.39 pm. All in favor by roll call, motion carried.

Next Meeting: Site Walk: 2024 April 6, 11 a.m. assemble at the north end of Wyven Road.

Master Plan Public Hearing: 2024 April 9, 6:30 p.m. at Town Hall

Action items

- Subcommittee to meet 4/2 with Regulations etc.
- Secretary to send letter to Mr. Dickinson
- Secretary to send signed Notice of Conditional Approval to Web Stout/Corey Pethic
- Secretary to complete draft Minutes 3/26
- Members to read regs on Alternates for 4/9
- Notify chair if interested in training sessions

Minutes submitted by Kathleen McKay, Administrative Assistant, and completed by Lois Scribner, PB Secretary, reviewed by Chair 04/02