

1 Canterbury Planning Board – Final Minutes

2 Tuesday December 19, 2023

3 Members Present

4 Greg Meeh (Chair), John Schneider (Vice Chair), Anne Dowling, Kent Ruesswick
5 (BOS rep), Rich Marcou, Joshua Gordon, Logan Snyder, Hillary Nelson
6 (alternate)

7 Others Present

8 Mike Tardiff, Director, Matt Monahan, Senior Planner, Matt Taylor, Project
9 Planner, CNHRPC

10 Agenda

11 1. Call to Order

12 Greg Meeh called the meeting to order at 7.04 pm.

13 Greg thanked everyone for sticking with the process of updating the Master
14 Plan and ordinance changes.

15 2. Previous Minutes of December 12

16 Rich Marcou moved to approve the previous Minutes. John Schneider
17 seconded. There being no discussion, all members present voted in favor of
18 accepting those Minutes.

19 3. Zoning amendment proposals

20 Greg invited Mike Tardiff, Matt Monahan and Matt Taylor to the table to
21 present drafts of zoning amendments.

22 There was detailed and lengthy discussion about each of the following
23 proposed zoning amendments. In the interests of time and efficiency the
24 record here will note the main points of the discussions and decisions. **The**
25 **CNHRPC staff took precise notes of changes to be made. These corrected**
26 **drafts will then be submitted to Greg to look over with Joshua Gordon's**
27 **assistance prior to sending all the drafts to town counsel for consideration.**

28 • Article 12, Flood Plain Ordinance

29 Mike Tardiff and Matt Monahan explained that the changes came from Katie
30 Paight, who was a former member of the regional planning team. She would

31 be presenting this work to them in a monthly meeting in the New Year. She
32 had read all the flood plain ordinances relevant in NH and produced an
33 update for towns in the state that would complement the upcoming release of
34 FEMA flood plain maps. It was about 10 years since this was last done and
35 climate change has driven changes in flood experiences during that time, so
36 some definitions had been altered accordingly. The update was also intended
37 to assist residents who might need flood insurance and ensure that FEMA
38 related disaster funding could be applied for in the future. There was nothing
39 immediately urgent in this for Canterbury and very few of the town's residents
40 would be directly impacted.

41 It was agreed that this draft should be shared with the Canterbury
42 Conservation Commission – **Secretary to send the draft to Ken Stern and Kelly**
43 **Short. And Greg would also send it to the town counsel.**

44 • **Changes to the Table of Uses in the Ordinance**

45 Matt Taylor had worked on updates that would be necessary for the Table of
46 Uses if the new zoning ordinance amendments were accepted. The big
47 change would be with the introduction of Conditional Use Permits for ADUs
48 and allowing residential development in the Commercial zone (but not the
49 Industrial zone).

50 It was suggested that Matt delete the line with ADU for farm laborers because
51 there is no separate definition or conditions for an ADU for farm labor, it is
52 the same as other ADUs so this will be less confusing for town residents. It
53 was agreed that the distinction between Attached ADU and Detached ADU
54 should be more clearly described. An ADU Attached to a principal residence
55 will be an allowed use. An ADU Detached will be by CU Permit. An ADU in the
56 Commercial Zone must be an Attached ADU.

57 • **Accessory Dwelling Units – ADUs - Article 2.51 and Article 18**

58 There was significant discussion about the draft definition and changes within
59 Article 18. ADUs would be allowed for a business if they were attached to the
60 business building and only in the Commercial zone. It was pointed out that a
61 Conditional Use Permit allowed for some discretion from the Planning Board,
62 unlike the more black and white terms of a Building Permit. It was agreed that
63 a business with multiple other businesses renting spaces (as at the Mckerley

properties) could only have one ADU per building lot, not per individual business.

Members felt that the deletion of the 500-foot space from the principal residence for a Detached ADU should be reinstated. The requirement to be similar in appearance was still included. It was further agreed that ownership of the principal residence and the ADU had to be the same on the lot, otherwise it would effectively be a subdivision if the ADU was owned by a different person.

Also, the owner-occupier of the principal residence and the ADU should reside in one or the other. An ADU should only be allowed on a single-family dwelling lot, not with duplexes or cluster developments. This would need to be run by the town attorney. There is language about the need for the lot to be a 'conforming lot' in the draft.

There was a new section, 18.4, on Conditional Use Permit applications, and members wanted to keep the language as simple as possible, so it should read Conditional Use Permit or CU Permit. And Detached ADU rather than DADU. The issue of the Planning Board granting waivers (18.4.2B) was clarified to include both criteria listed, so it should read 'and' rather than 'or'. This would avoid coming up against the higher standards for a variance. It was further agreed that the definition of a commercial ADU in Article 2.5,1, should be incorporated into Article 18, just before 18.4.

- **Article 6, Cluster Neighborhoods**

Mike and Matt Taylor had worked on redrafting Article 6, to include density bonuses and encouragement for farmhouse design. It was agreed to keep the current maximum of 6 dwelling units within the main structure of a farmhouse design and its accessory buildings.

There was discussion about the possibility of an amnesty that might allow some existing units to be brought to light if they were in such farmhouse type buildings already. And at 6.7 #5, it was agreed that any density limitations involving the DES would provide for 'whichever is the more restrictive' standard. The second sentence of that section regarding discretion held by the Planning Board should be separate.

Members wanted to see the towns of origin for the various photographs attached as examples of farmhouse design. In section 6.4, I, regarding

common open space it was agreed that the word “permanently” should be added to the requirement for deeded green space, as requested by the Conservation Commission. There was lengthy discussion about open space and public access. It was agreed that at least 50% of the lot would have to be undisturbed open space, and then in the rest of the lot would have the space that could be used for recreational purposes, which would have to be open to the public as well as cluster residents.

- **Short Term Lodging – Article 2.11**

Matt Monahan had made the requested change in the definition to “less than 30 days” and made it clear that such lodging must be on a lot where the principal use is a single-family home, and there can only be one rental unit per lot.

- **Building permits**

It was suggested that the town stick with the current 3% limit but that all types of “dwelling units”, not just single-family units, should be included in the calculations – ie. include ADUs as well. This should avoid under-counting. There was discussion about the 25% limit for permit eligibility to anyone person. It was agreed this was trying to be fair, to stop anyone person or group from taking too many permits per year, and that the language should read ‘subdivision’ or ‘site plan’ instead of permit. And that the next date for considering this should be in 2026.

- **Congregate Care**

Regional Planning had prepared some draft definitions. The issue for Canterbury is to have language that covers institutions where people receive care, not necessarily because of age, and where staff are licensed. Examples might be for disabled children, or addiction facilities. The goal was to ensure that this type of facility will be appropriated sited in the Commercial or Industrial zones.

It is something that has been considered for some time, but it was agreed that this was not the year to put it forward and more work was needed to create a warrant article.

- **Impervious surface maximum**

Greg bought this forward in the interests of ensuring storm water management is included. The current limit is 35% and an applicant is required to have a state approved storm water runoff plan for anything over 30% of lot coverage or over 1500sq ft, whichever is less. So, it depends on the size of the lot and the drainage. This would have to be in the ordinance if this change was made.

- **Eased access for subdivision**

It was agreed this will not need to be a warrant article but would be in the new handbook of Land Use regulations that CNHRPC will be working on in 2024.

- **Flagpole/Maximum Building height draft**

There was discussion about whether this already drafted warrant article should be included this year or not. It was suggested that the Board find out if the State has a building code or something in law that the Board should be aware of. **It was agreed to include it in this year's proposed changes.**

- **Future meetings:**

Tuesday January 2 work session, Meeting House, 7 pm; and public hearings on Thursday January 18, 6 pm Town Hall.

- **Zoning Map reference**

There was discussion about obtaining an up-to-date town zoning map that would be referenced something like '1979 as amended in 2023', and certified by the town clerk, and put up on the wall in the town office and as a pdf on the town website. It will be important to have one zoning map that is accepted as the only town zoning map. There are some minor changes to make for the Shaker Historic District and the SMPD and a couple of road corrections. **Greg will run this plan by the town administration. Secretary to connect Mike Tardiff to HDC members to move forward on this.**

4. Adjournment

Logan Snyder made a motion to adjourn, and Anne Dowling seconded. It was close to 9.30 pm.

Action Items

- 161 • CNHRPC staff to get drafts with revisions to Greg as soon as
162 possible
- 163 • Mike T to reach out to Canterbury HDC re zoning map
- 164 • Greg and Joshua to work on revised drafts then send to town
165 counsel after consulting town administrator
- 166 • Secretary to send Flood Plain document to CCC
- 167 • Secretary to send contact info for HDC to Mike T

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169 Respectfully submitted, Lois Scribner, Secretar