

2

3

4

Planning Board – Work Session

5

Tuesday, November 28, 2023, Meeting House

6

Final Minutes

7

Members Present:

8 Greg Meeh (Chair), John Schneider (Vice Chair), Anne Dowling, Joshua Gordon,
9 Logan Snyder, Kent Ruesswick (Select Board representative), Hillary Nelson
10 (alternate) and Ben Stonebraker (alternate).

11 Absent: Rich Marcou.

12

13

14

Others present:

15 Michael Tardiff, executive director of Central New Hampshire Regional Planning
16 Commission (CNHRPC); Jonathan Halle of A&B Vending Co.; and residents
17 Clifton Mathieu, Al Edelstein, Lisa Carlson and Beth Blair; Secretary Lois
18 Scribner and Recording Secretary Ray Carbone.

19

20

21

Agenda

22

23

1. Call to Order

24

Chair Greg Meeh opened the meeting at 7:01 p.m.

25

26

2. A&B Vending Co. Decision

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

Jonathan Halle of A&B Vending Co., at 26 Hall Street, reviewed plans from the original site plan accepted in 2004. These had been discussed by the Board previously. He outlined exactly what changes were proposed to the building, including the addition of a 42-foot loading platform and an overhead door. He explained that the business has been sold and the changes are to accommodate the new owner's operating system, i.e., tractor-trailers will deliver goods at the facility at night and the vendors will bring their smaller vendor trucks in the following day when they will be filled with products. Vending trucks will no longer be kept on the grounds all night. The new fleet will be all-electric (or propane) and there will be charging stations to service the trucks.

Board members noted that the proposed changes would not change the amount of impervious surface on the property and that no new night lighting would be added.

42 The consensus of the Board was that the changes were acceptable. Greg said
43 he would sign the plans, *which are kept in the town office*, and that Halle would
44 be “good to go.” Secretary to take the signed amended plans to Mandy Irving.

45 46 3. Previous Meeting Minutes

47
48 Greg drew the Board’s attention to the November 14, 2023, meeting minutes.
49 Joshua Gordon (*Kent Ruesswick*) made a motion to approve the minutes as
50 presented; Logan Snyder (*Joshua Gordon*) seconded. In a voice vote, the Board
51 unanimously approved the motion. John Schneider noted that at line 420 the
52 word Hethlon was misspelt. Secretary to amend prior to posting Final Minutes.

53
54 Kent Ruesswick then made a motion to approve the minutes from the September
55 26, 2023 meeting with a minor alteration; Joshua seconded. In a voice vote, the
56 Board unanimously approved the motion.

57 58 4. Items for Discussion with Central New Hampshire Regional 59 Planning Commission (NHRPC) staff

60 61 • Accessory Dwelling Units (ADUs)

62 Mike Tardiff of the CNHRPC said that the Board has been *discussing* whether
63 ADUs should continue to be allowed in all zones if the Zoning Board of
64 Adjustment (ZBA) approves it by special exception, or whether other stipulations
65 might be added. For instance, a special exception could be required for a
66 detached ADU, but not for one that’s inside the primary residence. Or the special
67 exception might be required only if the square footage exceeds the Town’s
68 current allowable size of 1000 square-feet.

69
70 Greg asked the Board members how they felt about the general idea of
71 maintaining the 1,000 square-foot maximum size for ADUs. The state mandates
72 a maximum of at least 750 square-feet.

73
74 Resident Lisa Carlson, who serves as the ZBA’s secretary and alternate
75 member, said that she’s not heard anyone who has appeared before that board
76 say that the ADUs should be bigger.

77
78 The Board discussed the idea that a couple with one or two small children could
79 probably live fairly comfortably in 1,000 square-feet. A larger space might lead to
80 increased numbers of children entering the public school system that may not be
81 fair to other residents if the ADU residents are not paying property taxes.

82 Greg reminded the Board that, while individual ADU residents may not pay
83 property taxes, an ADU adds to value of a property, so the property owner
84 typically pays a higher tax. “The impact is not the impact of having two separate
85 buildings,” he conceded. He also noted that the Town is not allowed to regulate
86 how many people live in a family home. “If you have nine kids, you have nine
87 kids,” he said.

88
89 Hillary Nelson said that she attended a New Hampshire Housing workshop
90 program regarding ADUs and none of the other towns represented had an
91 allowable size as large as Canterbury's 1,000 square-feet.

92
93 The Board members indicated that they thought that the current maximum size
94 allowance of 1000 square feet was a good one for the Town.

95
96 Greg pointed out that there are some small lots in Town, some as low as one-
97 quarter acre, and they could present a problem for waste or portable water if a
98 large number of people were to live in such a structure. But Mike Tardiff said that,
99 regardless of the use of the building, there are legal limitations based on the
100 ability of a septic system to handle its waste.

101
102 Joshua said that there are evidently a good number of property owners who are
103 illegally allowing ADUs on their property, at least partly because of the cost of
104 applying for the ZBA special exception, which can *add up to* approximately \$400.
105 One reason the Board is looking at this issue is to make it easier for people to
106 apply for and get approval for ADUs, allowing the Town to better count and
107 regulate them. He proposed changing the process from requiring a ZBA special
108 exception to one that would require a conditional use permit (CUP) that could be
109 granted by the Planning Board. "It seems that the Planning Board is more in line
110 with the issues that are likely to come up, like waste and parking (access)," he
111 suggested. Greg noted that the Town doesn't currently have a CUP structure, so
112 that would have to be added to the zoning ordinance. Mike Tardiff said he could
113 help provide the language for the addition.

114
115 Greg suggested that the CUP be required only for a detached ADU. An ADU
116 inside a primary building would still require approval from the Town's building
117 inspector, he noted. This proposal would have to be approved by Town Meeting
118 voters in March.

119
120 Resident Beth Blair asked how people would know where to find out what they
121 should do and if there was a way to link information about adding an ADU to the
122 Town website so that it could be readily available for residents. Greg said that the
123 Board is planning on holding an ADU workshop early in 2024.

124
125 • Farmhouse Conversion/Design

126 Mike Tardiff handed out a draft of proposed changes to the Town's ordinance
127 Article 6, "Cluster Neighborhoods." He said that the Board could simply revise the
128 current language in this section, or it could utilize new language (as proposed in
129 the draft supplied by CNHRPC staff). The latter would add density bonuses for
130 design elements, i.e., keeping or constructing a new building resembling the
131 large farmhouses that have long been a part of Canterbury's landscape.

132 Greg suggested that the Board consider one element of Tardiff's proposal at a
133 time.

134 To begin: Should there be a mix of residential and commercial uses allowed in
135 cluster neighborhoods in the areas around Interstate 93's exits 17 and 18, and in
136 the commercial zone on Rte. 106? The Town currently allows for commercial
137 cluster developments. This would add residential as part of a cluster in the
138 commercial zone. I would not allow commercial use as part of a cluster except in
139 the commercial zone.

140
141 This led to some discussion touching on the low level of commercial
142 development that has taken place in these current commercial zones. Kent said
143 that the Town typically hears more complaints from residents in mixed-use
144 commercial/ residential zones than from commercial enterprises. Board members
145 pointed out that people who move into these areas know beforehand that
146 commercial uses are part of the neighborhood.

147
148 Kent said that there's little land available for any kind of development around exit
149 17. He also described the lack of options at exit 18, where much is already
150 owned or being used for businesses and there is extensive conservation on the
151 Cochrane land. Greg said that at recent vision sessions there has been some
152 interest in development around exit 18, which could be "a good place for some
153 kind of denser residential development." Kent added that the Town recently was
154 given a piece of property on Rte. 106, but Kent had walked the property and
155 seen that there was a great deal of surface water that would make any
156 development very limited.

157
158 It was mentioned that all cluster development will continue to require a minimum
159 of 10 acres.

160
161 Mike Tardiff noted that certain changes that Board raised would require an
162 alteration to the zoning ordinance's Table of Uses. Greg proposed altering the
163 Table of Uses to allow residential development in commercial zones. It was one
164 way to be proactive in encouraging the kind of development Canterbury favors.

165
166 In connection with subdivisions, he mentioned that the Town's zoning ordinance
167 currently forbids the construction of a road through the Agricultural and
168 Conservation zone. "That seems an unreasonable and onerous restriction on
169 property owners," he said, adding that it may not be a defensible position if
170 challenged in court. "And it's not going to be a little developer," who would mount
171 a legal challenge, he said, but a major developer who has the money to
172 vigorously oppose restrictions of this type. After some additional discussion, Mike
173 Tardiff suggested that the Board set aside considering allowing cluster in the Ag
174 Con Zone and assess the best way to move forward on these issues next year
175 after Town Meeting.

176
177 He pointed out that CNHRPC is already helping the Town to update its
178 subdivision and site plan regulations which voters will consider at Town Meeting.

179 They will review to assess if we need to address the road restriction and if it can
180 be done in their revision.

181
182 Greg returned the Board to the issue of residential cluster development,
183 particularly the idea of raising the density allowance for developers who comply
184 with certain design elements, e.g., "farmhouse" style. Joshua said he liked the
185 illustrations included with the draft proposal, showing some examples of what a
186 structure could look like. After additional discussion, the Board agreed that the
187 only substantive change it wants to move forward with regarding this issue right
188 now is adding to the current density bonus in Cluster Neighborhoods if a
189 developer uses the "farmhouse" design. The Board again discussed allowing
190 mixed-use commercial/residential cluster development within the current
191 commercial zones. Hillary Nelson commented that doing so would regularize the
192 homes that are already in that area.

193
194 There were questions asked by Beth Blair and Lisa Carlson about how the
195 process of using the farmhouse design for cluster. Hillary and others explained
196 the density bonus was a carrot to encourage and preserve the look and character
197 of our town. Lisa asked if the Morrill Road apartments in an old farmhouse were
198 an example of what it could look like. Answered by several board members and
199 the public that yes that is an example, and that Canterbury Hall is another
200 example.

201
202 • Floodplain Ordinance Update

203 Mike Tardiff said that the NH Office of Planning and Development has issued
204 new floodplain maps. The maps are available at the Town Hall and there are not
205 many changes for Canterbury, but the Federal Office of Emergency Management
206 asks that all states update their own floodplain regulations to bring them into
207 compliance with the federal guidelines to avoid any possible problems in the
208 future. There are no policy changes and Canterbury was less impacted than
209 some other towns by the update.

210
211 The changes, which Tardiff called "administrative," will continue to allow private
212 property owners to secure flood insurance if its available in their area."

213
214 • Building Permit Cap

215 There was a general discussion about Article 11, Number of Residential Building
216 Permits, how Canterbury's building permit cap is calculated. Mike and his staff
217 had worked on trying to make Article 11 less confusing and more relevant. The
218 town has not come close to reaching the 3% residential building permit cap nor
219 the 6% multifamily permit cap. It was noted that a single permit could be used for
220 more than one dwelling unit. Mike suggested one cap, for single and multifamily
221 dwellings. Greg suggested that the numbers should all standardize on dwelling
222 units rather than some on permits and some on principle residences.

224 After some discussion, it was suggested by the Board that Article 11.1 should be
225 made clearer, Article 2 should be eliminated, and 11.3 modified to be more fair.
226 Mike to bring back a draft next time.

227
228 • Agricultural Bunkhouse – resident qualification issues

229 Greg drew the Board's attention to its previous discussions about Agricultural
230 Bunkhouses and how they could be defined in the zoning ordinance. He noted
231 that, as the language is currently stated in a draft proposal, it would forbid people
232 from living in the structures on a year-round basis.

233
234 Mike Tardiff said that there could be questions raised about what is a "domicile,"
235 and he suggested that the Board review this language with its Town Attorney.
236 But Joshua said that the only time a "domicile" issue is noted in N.H. state law is
237 *in regard to voting*.

238
239 Hillary suggested that, with all the Board has facing it as it prepares for public
240 hearings that lead up to the annual Town Meeting, it would be wise to put this
241 issue aside for this year. The Board concurred, but Joshua asked Mike Tardiff to
242 connect with him about the issue. Mike agreed, but asked if Stephen Buckley,
243 legal counsel with the New Hampshire Municipal Association, could also be
244 brought into the discussion. Joshua agreed.

245 Anne Dowling said she was concerned about delaying an important issue for a
246 year, but Kent suggested that it would be best to do a thorough evaluation of the
247 issue at a later date. Greg noted that a farmer who first brought the issue to the
248 Board had said that it was likely to take some time for them to be ready to move
249 forward.

250 • Outdoor Event Venue

251 Greg noted that there has been some discussion about the idea of a local
252 business operating an Outdoor Event Venue, i.e., hosting weddings and similar
253 events on a regular basis. Hillary said that there's nothing in the Town's zoning
254 ordinance that allows for such operations and that, when Windswept Farm
255 sought a special exception from the ZBA for such an operation in the past, the
256 ZBA rejected the request because neighbors opposed it, voicing concerns about
257 unwanted traffic and noise.

258
259 Joshua said that this "seems like a lower priority" and suggested that the Board
260 put it off until after Town Meeting. Mike Tardiff agreed, saying that any
261 consideration would likely get into issues that are related to growing field of
262 agritourism. Again, the Board decided to revisit the issue in 2024

263
264 • Short-Term Rentals

265 Greg discussed the issue of short-term rentals. They are addressed in the zoning
266 ordinance, he said, but the language is vague, because it doesn't specifically
267 address things like, how many short-term rental units can be on a single piece of

property. Mike Tardiff suggested also putting this question aside until at least next year because the Board has already has a significant amount of responsibilities leading up to the Town Meeting.

Lisa Carlson, who said she serves as the ZBA's secretary and an alternate member of that board, said that this issue is on the minds of many people in Town. She said that there are many people in Canterbury already doing short-term rentals in their garages, barns, tents, attics, etc., and she's concerned about the Town's regulations and enforcement. "We have no idea if they're safe," she said. "Nobody knows they exist."

Board members noted that enforcement is not an issue for the Planning Board, but under the authority of the Select Board. Joshua said that it would be relatively easy to identify many of these rental units through websites like AirBnB. Greg agreed that it's an issue because property owners are supposed to report to the Town when additional housing units are added to their properties, but he suggested that there's not enough time to do a thorough job of drafting effective ordinance changes this year. "It needs to be addressed," he said.

Resident Al Edelstein also said that the issue is an important one. "I think this is a crisis that's growing and needs to be addressed now," he offered.

After brief discussion the Board agreed that limiting to 1 short term rental per property was reasonable. There was discussion about requiring them to be within a residence. The board asked Mike if CNHRPC could draft a warrant that would limit to 1 per property and the Board will address other parts of the Short-Term Rental ordinance in 2024 after Town Meeting

- Congregate Care Facility

Hillary said that the wording "congregate care facility" is not accurate. Instead, the language should be "residential care and health facilities," which require a state license. "It's not just 55 years-old and older (facilities)," she explained, but it could also include other kinds of elder care, those that provide services for young adults with disabilities, and others that require licensing from the state.

5. Further Planning Board Meetings and scheduling

The Board had a brief discussion about its upcoming meeting schedule. *The holidays and the time frame for warrant article preparation required some changes in regular scheduling.*

The December 12 Public Meeting at 7 pm will be preceded by a meeting with the Historic District Commission at 6 pm to look at the zoning amendments they are proposing.

312 The Board will meet on Tuesday December 19 (not December 26). The hope is
313 to get final texts of zoning amendments narrowed down and almost finished
314 then.
315 In order to hold public hearings for the zoning amendments in the time allowed,
316 the Board agreed to meet on Tuesday January 2, 2024, at 7 p.m. At that
317 meeting, final texts of zoning amendments should be agreed upon. Those
318 amendments will have to be publicly posted and noticed for the public hearing at
319 least 10 days in advance.

320
321 The Board agreed to hold the required public hearings on Thursday January 18
322 (to avoid a School Board meeting conflict) and to start at 6 p.m., to make it more
323 convenient for parents to participate. If it seems that a second public hearing is
324 needed, that will have to be noticed a.s.a.p., and be held between January 25-
325 February 5. There would then be the second scheduled meeting in January to
326 be held on Tuesday January 23.

327 328 **6. Other Business**

329 Greg noted that the Board skipped over an item in its published agenda
330 regarding Evaluating Priorities. Some of that decision making had occurred
331 during the evening's discussions and would continue later. Mike Tardiff said that,
332 shortly after the annual Town Meeting in March 2024, the Board could begin to
333 hold public hearings on the update of the Master Plan (Plan for Tomorrow).

334 335 336 **7. Adjournment**

337 Joshua made a motion to adjourn the meeting at 9:12 p.m.; Kent seconded. In a
338 voice vote, the Board unanimously approved the motion.

339
340 Minutes taken by Recording Secretary Ray Carbone and edited by Secretary
341 Lois Scribner and Chair Greg Meeh.