

1 FINAL

2 Minutes of the Planning Board Hearing

3 December 14, 2021, at the Town Hall

4 Members Present

5 Kent Ruesswick (Chair), Anne Dowling, Greg Meeh, Scott Doherty (Vice Chair),
6 Joshua Gordon, Cheryl Gordon (BOS rep), Lucy Nichols

7 Others Present

8 Calvin Todd, Lisa Carlson, Web Stout, Joe Halla (Chair of the ZBA), Ginger LaPlante,
9 LeeAnn Mackey, Barbie Tilton, Elle Bezanson, Tyson Miller, John Schneider, Kevin
10 Bragg, Bob Steenson (speaking throughout as a private citizen rather than
11 representing the Board of Selectmen)

12 AGENDA

13 1. Call meeting to order

14 Chair Kent Ruesswick called the meeting to order at 7 pm.

15 2. Minutes of November 23, 2021

16 Scott Doherty moved the Minutes of November 23. Greg Meeh seconded.

17 Greg mentioned that Lucy Nichols had made a pertinent comment that was not
18 noted, about pressures on camping at the Racetrack, this being relevant to the
19 campground issues in town. Lucy was not present at that moment, so it was
20 agreed to note this in these minutes.

21 All members present voted in favor of approving the November 23 Minutes, with
22 the exception that Joshua Gordon abstained because he had been absent that
23 evening.

24 3. Campground Ordinance Revision public hearing

25 Kent Ruesswick asked if everyone present had seen the draft revision that had
26 been circulated. He noted two errors that were typos. The numbers '100' in the
27 third paragraph of Operational Requirements needed deleting and in the first
28 paragraph, line 5, the word 'are' was superfluous. He introduced the amendment

29 saying the Board was trying to give campsites the opportunity to be open all year
30 round. He invited Tyson Miller, former Chair, and author of the revision, to speak
31 to it.

32 Tyson Miller said the Board had made seasonal restrictions in the original
33 Ordinance to prevent residency on campgrounds. It was now appreciated that
34 there are more ways to gain residency in town, and the reference to the state
35 definition of campgrounds made it clear in this revision that campsites were for
36 recreational use only and specifically not for year-round residency. Therefore, it
37 was not necessary to limit the operation of the campgrounds to the seasonal
38 dates (November 15-March 23) that were currently in the Ordinance. This issue
39 was the first question, and the second referred to Special Exceptions. It was
40 agreed to discuss them one at a time.

- 41 (i) Question 1, Tyson said, is the technical language. He had scratched out
42 the changed sentences and bolded the new language.

43 Greg Meeh raised the question of the size of cabins since recreational cabins were
44 referred to in Operational Requirements. He asked if the definition of a
45 recreational cabin would be calculated by size of cabins and distances in between.

46 There was discussion about the benefits of keeping a 'live document' that is tied
47 to the state statute or adding a more stringent town definition of cabin sizes. The
48 statute refers to 400 square feet. The town could be more restrictive in future
49 unless there is a statute to prevent that specifically. Greg Meeh referred to the
50 emphasis upon 'primitive camping' when the original ordinance was being
51 created and the development of cabins could require other limitations. Bob
52 Steenson argued that the Ordinance was already very tight and had the necessary
53 restrictions built into it.

54 Lisa Carlson shared her concerns. The Campground Ordinance itself was new, the
55 business was new in Canterbury and the town voted for it in good faith believing
56 that it would be primarily rural in nature. The whole flavor of the campsites would
57 change if buildings were to be added to campgrounds. Seasonal camping was a
58 good idea. Winter camping brings in different concerns to the community about
59 safety and emergency situations. What would happen if there was a health
60 emergency, and the emergency vehicles would not get in to help? Why change
61 this ordinance so soon?

62 Anne Dowling pointed out there is a statement in the Operational Requirements
63 to plow snow to allow access.

64 Calvin Todd asked who would monitor the safety of the campgrounds in the
65 winter – police, road agent, fire?

66 LeeAnn Mackey spoke on behalf of the three existing campground owners
67 present. She said that they as landowners were responsible for safety because the
68 sites were on their private property. They are all thinking of safety. Barbie Tilton
69 and Elle Bezanson were looking to open in the winter and had spent money on
70 gravel and so on. Barbie Tilton noted that Building Inspector comes out annually
71 to check their sites and they plow their driveways. Elle Bezanson said she had only
72 a few visitors in the winter, and they were mostly military people who could not
73 get into state parks in that season. She was not going to plow anywhere
74 dangerous. Only 3% of her entire business had been after the general summer
75 season. LeeAnn said she has had 1% of their business outside the season. They
76 stated they had 4-wheel drive trucks so they could access their own roads and
77 trails in winter. It was also noted that snowmobilers come onto the trails at Elle
78 Bezanson's and no one requires emergency access assessment for that. They all
79 had to deal with weather issues in the spring and summer too – wind and rain or
80 mud issues for instance.

81 Tyson said it was a nice service these campsites were offering for folks who
82 wanted to meditate or snowshoe or some such activity. There was no good
83 reason to interfere with a landowner's rights to make income on their property by
84 providing this service. There was more risk from campfires in the summer than in
85 the winter. He supported this change.

86 John Schneider spoke. He had concerns about compliance – not everyone plays by
87 the rules.

88 Bob Steenson spoke in favor of this change. The town had no reasons to prevent
89 these small businesses doing this. There was no risk of residency, the operating
90 risks were normal. There was no benefit in restricting campground use but benefit
91 to allowing it for the town. He repeated that the Ordinance was already
92 restrictive, limiting campsites by size, zone and access requirements for instance,
93 and requiring annual inspections by the Building Inspector.

94 LeeAnn said she was in favor of the change.

95 Joe read letter from Jim Wieck, another ZBA member. He recommended that the
96 change was not accepted. His letter covered both question 1 and question 2 and
97 opened contentious discussion of question 2 before question 1 was resolved. The
98 Chair had asked for all points of view to be aired first before any votes were
99 taken.

100 Some questions and arguments were repeated.

101 Web Stout asked if anyone on the Planning Board had talked to Fire Chief? Scott
102 Doherty replied as the Deputy Fire Chief. These scenarios had been discussed at
103 length. Their department has a 4-wheel drive mobile vehicle and a utility vehicle
104 that is 4-wheel drive, so they are prepared. In the past there have been incidents
105 in town where they have had to go off road to rescue people and they have
106 become pretty good at that. So far, no incidents have been reported from any of
107 the campsites.

108 Kent addressed Lisa Carlson's question regarding timing. The issue of residency
109 had been the primary reason for seasonality and since that was no longer
110 necessary, they did not need to keep the campground owners waiting another
111 year to make this change. The owners themselves were saying they will take
112 responsibility for safety issues.

113 Kevin Bragg spoke in favor of the change if the residency issue did not exist. He
114 agreed that responsible business owners plowed their parking lots and access.
115 And in terms of enforcement, he also thought that extreme weather events could
116 strike in spring or summer as well as winter.

117 Members of the Board briefly discussed the wider issue of enforcement in town
118 where there were not fulltime staff to undertake the work. For now, the annual
119 inspection by the Building Inspector serves as a license for the campgrounds and
120 the Fire Department have to check the fire pits.

121 Chair Kent Ruesswick moved that the Ordinance be modified to allow winter
122 camping, using the document they had before them, typos taken care of. All
123 members present voted aye, with the exception of Cheryl Gordon (BOS rep) who
124 abstained.

125 (ii) Question 2 – this addressed the proposal to remove requirement for a ZBA
126 special exemption for campgrounds.

127 There was further contentious discussion about who was running the meeting.

128 Chair Kent Ruesswick had welcomed help from previous Chair Tyson Miller in
129 drafting these changes. Kent said he did not feel strongly about this issue and had
130 not realized it would be there, but it was in the document, so it was up for
131 discussion.

132 Joe Halla, Chair of the ZBA asked were they trying to make campgrounds an
133 allowed use? You had Allowed, Not Allowed and Special Exception in the Table of
134 Uses. In that case, had the Planning Board reviewed other recreational activities
135 to see if they are also allowed uses? This is spot zoning if not.

136 Bob Steenson stated that he had raised this issue. The goal was to reduce
137 demands on the ZBA. If a campground met the criteria, was in the two allowed
138 zones, (Ag and Rural), there seemed no need to come to ZBA. On the other hand,
139 if someone wanted to open a campsite on land in a different zone, they would still
140 have to come to ZBA. So, it was more like a conditional use. He and Tyson had
141 brought it to the Planning Board for consideration.

142 Kent Ruesswick said he had hoped that the Zoning Board could join with the
143 Planning Board to discuss these issues.

144 Joe Halla still thought it was spot zoning without reviewing any others that might
145 need to be done in the future. There were many other home occupations and
146 home businesses that face restrictions and the ZBA must allow them if they meet
147 the criteria.

148 Joshua Gordon was inclined to agree with Joe Halla that they needed to review
149 the ordinance in its entirety. It was not necessarily a good thing to take away ZBA
150 oversight, but in this instance the campground was a much more restrictive
151 ordinance than the one that applied, for instance, to the Disk Golf recreational
152 site in town. Maybe in the future there will be more restrictive recreational
153 ordinances for other businesses. But the specificity of the ordinance for
154 campgrounds plus needing to come to both boards was burdensome on
155 landowners. This was piecemeal but it was too much to address all of them in one
156 go. It was in effect a conditional use permit.

LeeAnn Mackey spoke against this proposal. It was premature. The two boards should discuss these issues first. When they had come to both boards for their campground hearings it had felt redundant but in retrospect, they were glad there were the checks and balances for everyone. She was opposed to this Question 2.

Tyson Miller commented that in the current ordinance the Planning Board could add further restrictions to protect the rural quality of the town and prevent disruptions to abutters and so on.

Bob Steenson thought that Joe Halla had made a good point. There had been an attempt to update the Table of Uses a few years ago. This was a logical place to start to get some efficiency but if they thought it was too early then he suggested also bringing in the Board of Selectmen because they do the enforcement and at times that is challenging. A comprehensive effort to update the zoning would be helpful. He worked on this nationally and would be glad to share materials. Kent agreed that it would be good to get all 3 boards together.

Lucy Nichols apologized for being late because of a guest at her B and B. She thought allowing more time for community learning was a good idea. She was also in favor of neighbors having opportunities to come to both ZBA and the Planning Board.

The Chair asked for a motion. Scott made a motion NOT to continue with Question 2. It should be talked through with both boards together. Tyson said some towns have joint meetings with zoning and planning all together, so the landowner only has to come once. In response to the motion all members of the Board voted in favor. Question 2 was therefore not approved for inclusion in the zoning amendment.

Joe Halla commented that the 3 existing campgrounds were grandfathered in after the Town Meeting vote. This was about one individual. In his opinion if you changed ordinances for one person and it happens to benefit the other 3, then that cheapens the hearing process and the ordinance. Even if it ends up benefitting more in the future. None of the three campground owners were complaining. They were grandfathered. Tyson Miller disagreed, as Chair of the Planning Board when the Ordinance was passed, he stated that their last public meeting had included the 3 current campground owners and the Board had

190 agreed then to revisit the Ordinance and make revisions as necessary. Some
191 attending for the Campground Ordinance hearing left the meeting.

192 4. Merging Commercial and Industrial zoning

193 Kent Ruesswick spoke to this proposed idea. It is hard to develop an industrial
194 zone if it does not have the infrastructure that commercial zones have, water and
195 sewer for instance. He has a conflict of interest down on exit 18 where he owns
196 some land.

197 Joshua Gordon said he had looked at the Table of Uses. There was a danger if you
198 imported all the Commercial categories into the Industrial that you would
199 potentially have residences in Industrial zoning. Home offices are disallowed in
200 Industrial. He suggested that they should go through the list looking at each
201 category because they were different and should be considered separately not
202 wholesale.

203 Greg Meeh said they had struggled to get development into the Industrial zone so
204 in principle he thought this was a good idea. There was no heavy industry at Exit
205 17. Commercial use has a higher tax dollar value.

206 Joshua Gordon suggested that it would be good to liberalize the industrial zone
207 and members should go through all the aspects at the next meeting. Lucy Nichols
208 said that Exit 17 is excellent for commercial development and there was a
209 difference between Commercial Wholesale and purely Industrial businesses.
210 Commercial Wholesale might fit well down at Exit 18.

211 Web Stout asked about the bylaws in that area. He was fully in agreement with
212 the idea. He wondered if the Board knew about the bylaws? Kent has spoken to
213 Jeff Leiding about those. Greg Meeh recalled that the application the Board had
214 some months ago for a machinery leasing business there had talked about the
215 Covenant and had not found the conditions of it to be onerous.

216 The Board agreed to table this issue until the next meeting.

217 5. Canterbury Hall to return for Site Plan Review?

218 The Board discussed whether or not they should request the Canterbury Hall
219 owners to return following their ZBA hearing and being approved there for multi-
220 family use. There was a consensus that the Board does need to have a Site Plan

221 Review because this is a new use. They should look at what the owners are
222 proposing and make sure that there are conditions relating to future growth. Bob
223 Steenson stated that if they were not doing anything new, they could not be
224 compelled to attend. However, there should be some update on the file in the
225 town office. The Building Inspector could also go out and update the town record.
226 Joshua Gordon proposed that the Secretary invite the owners for Site Plan Review
227 during the January 11 meeting.

228 6. Chance Anderson – site plan review for Tiny Cabins campground, 188
229 Hackleboro' Rd

230 Lucy Nichols recused herself.

231 Chance Anderson gave out a list of waiver requests on large sheets of paper. He
232 said he still had to have the Building Inspector and Fire Chief come to inspect and
233 approve the site. Joshua Gordon suggested the Board could conditionally approve
234 so that it would have to be inspected by the Building Inspector and Fire Chief.

235 The waivers needed to be voted on one by one. Cheryl Gordon (BOS rep)
236 abstained from these votes because there was not unanimous support for this
237 application among the Select Board.

238 Some of the Board had been to visit the property and the Secretary had shared
239 photographs.

240 The series of waivers for otherwise required exhibits were discussed in order.
241 Joshua Gordon and Greg Meeh led the motions to waive the following waivers:
242 2.c) grade elevations: 2.d) catch basins: 2.h) water and sewer: 3. Seal of engineer
243 and owners – Chance Anderson confirmed his sole ownership at this time: 10.)
244 Erosion and sediment plan, and no waste survey needed: 11.) Noise study: 12.)
245 Traffic study: 13.) Lighting study. All members voting voted ayes for all these
246 waivers. It was requested that this list, with Chance Anderson's signature on it,
247 and dated, should be made part of the formal record in the town office.

248 Kent Ruesswick asked for a motion to move the project forward repeating that
249 Chance Anderson will have to ask for inspections from the Building Inspector and
250 Fire departments.

Joshua Gordon moved to approve the Site Plan on condition that the Building Inspector and Fire Chief approved. Greg Meeh seconded. All voting members voted in favor except Cheryl Gordon who abstained and Lucy Nichols who was recused.

Those remaining for this hearing then left.

6. Other business –

(i) Master Plan ongoing work: Kent had received email from Mike Tardiff of the CNHRPC asking to return in the New Year to work further on the Master Plan. The Secretary shared that the Canterbury Conservation Commission are also working on chapters 5-6 and will want to work with the Planning Board.

The email from Mike had been shared. Greg Meeh asked what exactly did he want the Planning Board members to do? The Secretary was asked to find out.

ii) Future items

There is a pre-conceptual application for self-storage on Rt 106 coming up for December 28, along with the Kinter property boundary line for the Center Historic District amendment. That evening could also include working on the Commercial and Industrial zoning amendment.

iii) Right to know law

Joshua Gordon gave out handouts from the NHMA on what constitutes a 'meeting' and the boundaries that board members need to be aware of, especially for sequential phone calls.

iv) Lucy Nichols reported that 'the dirt is moving' down at exit 17 park and ride.

7. Adjournment

Scott Doherty made motion to adjourn, and Greg Meeh seconded, at 8.47pm.

Respectfully submitted,
Lois Scribner, secretary