

## FINAL

### Minutes of the Planning Board Hearing

February 22, 2022, at the Meeting House

And remotely on GoToMeeting

#### Members Present

Kent Ruesswick (Chair), Lucy Nichols, Joshua Gordon, Anne Dowling, Greg Meeh, John Schneider (alternate) and Logan Snyder (alternate)

#### Members Attending Remotely

Scott Doherty (Vice Chair) Cheryl Gordon (BOS rep)

#### Others present

Ann and Jay Berry, Canterbury Hall Trust

#### AGENDA

##### 1. Call meeting to order

Chair Kent Ruesswick called the meeting to order at 7.00 pm.

##### 2. Minutes of February 8, 2022

Joshua Gordon moved minutes. Greg Meeh pointed out a correction necessary on line 37, from “committed use” to “permitted use”. Joshua moved the minutes as corrected. Greg seconded. All members present voted aye.

##### 3. Canterbury Hall Trust – Finalizing Site Plan Review - Ann and Jay Berry

Kent invited Ann and Jay Berry to check that there were no changes to the application they had submitted in July 2021. There were no changes in the waiver requests from the list of Required Exhibits. There were no further concerns from the Board.

**Greg proposed that the Board approve the waivers requested for item 10 (erosion and sediment plan): item 11 (noise study): item 12 (traffic study): item 13 (lighting study): as well as items under 2 relating to existing external features. Joshua seconded the motion. All members voted aye.**

**Joshua then moved that the Board approve this updated site plan on condition that the secretary amended the current site plan to change the wording to “multifamily with no additional construction or modifications” written on the site plan. All members voted in favor.** The secretary would see Mandy Irving in the office to do this and let Ann Berry know so that she could also initial the site plan update.

4. Heads up - MDM Properties returning to the Planning Board on March 8 and discussion of general issues around commercial development at exit 17

The Board used the rest of the meeting for discussion of topics likely to be relevant to upcoming applications.

There was discussion regarding the current Table of Uses and whether it could be burdensome to commercial development of light industrial businesses at Exit 17 in the Commercial zone. The Board discussed the idea of relieving such businesses of the requirement to go before the ZBA for a Special Exception each time there is a new occupant, depending on the nature of the business and whether it is included in the categories in the Table of Uses. The Table of Uses also refers to SPP, or Special Planning Board Permits. Is it possible that the Board could use a SPP for such a project as this, looking at the multi-occupancy commercial buildings as a kind of cluster project. What is a SPP though? Could the Board attach conditions to a SPP?

It was acknowledged by members that it is helpful to hold a Planning Board hearing for each new tenant within these buildings. That allows for monitoring of public safety and environmental issues that arise from flammable or otherwise potentially dangerous materials being present. There have already been changes in the nature of the applications and turnover of unit renters.

With regard to MDM Properties specifically there was a consensus that the Board should invite them to come as scheduled on March 8, but in the meantime, in case they should be going to the ZBA first, contact them to ask where they thought they fitted in the current Canterbury Table of Uses. They listed “Commercial use – contractor units and offices (permitted)” on their application. Greg could not see ‘office’ as a commercial use in the Table of Uses, in home-based businesses.

**Kent made a motion to invite MDM Properties for March 8 and communicate with them to ascertain they have thought where they qualify in the current Table of Uses. Greg seconded the motion. All members voted in favor. The secretary to email their agent at TF Bernier and the McKerleys and Joshua will check the communication content. Lucy noted that a site visit could be helpful.**

5. Subdivisions and “Cluster Residential Developments” – general discussion

Kent suggested that every month or every other month, members might have the opportunity to discuss a general issue of relevance to the town. This evening he posed the subject of cluster condominiums.

Greg raised questions about condos as a kind of cluster development and how the ordinance regulated these. Condos are a method of financing and marketing, not a particular kind of subdivision. Site plan review is needed. There are common aspects of the development, such as the roof, elevators, common rooms, recreational facilities, as well as the privately owned apartment rooms where occupants lived. They were governed by bylaws. The Board would not have responsibility for any drafting of those or the legal documents for condo dwellers. The condominium organization does not release owners/developers from everything else in the ordinance. They could be multifamily or single family or something else and still be a condo type of cluster residential development.

There was discussion about the density bonus that developers could qualify for if they built affordable and/or workforce housing rather than over-55 accommodation. The open space requirement and wetlands requirements must be met too. There is a formula for the density bonus. Article 16.7, page 81-2 of the zoning ordinance spells out the formula. If at least 20% of the units are affordable, the Board may grant a 10% density bonus and a 15% reduction of the minimum lot size. Perhaps that meant that a project such as that proposed for Boyce Road could indeed qualify for 6 units rather than the 4 units they would otherwise qualify for with the 8 acre lot.

Kent asked if the Board should speak to the Boyce Road applicants again and see how the project was developing. They had planned to do a survey when the ground was not frozen and had said they were going to approach the ZBA. The Board would be interested in hearing their plans before they attend the ZBA. **It was agreed that the secretary should email the applicants to say they were**

**interested in the project, and it would be helpful for them to come back to the Planning Board to update members, and determine next steps, before they went to the ZBA.**

There was further discussion about types of cluster development and the likely pressure on the town for more housing in future years. Cluster residential developments might be one way to address that demand. See Article 6, page 33 of the zoning ordinance for Cluster Residential Development. Accessory Dwelling Units would be a part of that development and were currently permitted in the Commercial zone but not the Industrial zone.

Other possible topics for discussion might include what is meant by SPPs, the Special Permits that the Planning Board may grant: Conditional Use Permits, perhaps with a context and specific issue attached to the discussion: asking someone like Mark Stevens to come and answer questions about their professional experience of zoning/construction issues: and having former Chairs come in for discussion and sharing of views.

Greg noted that it can be helpful to have direction about relevant reading prior to a meeting, to prepare for discussion and questions.

#### 6. Adjournment

Joshua moved to adjourn, and Anne seconded. It was 8.31 pm.

Respectfully submitted,  
Lois Scribner, secretary