

1
2 MINUTES OF THE MEETING
3 OF THE
4 CANTERBURY PLANNING BOARD
5

6 September 25, 2018
7

8 BOARD MEMBERS PRESENT: Jim Snyder, Chairman, Joshua Gordon, Vice
9 Chairman, Art Rose, Tyson Miller, Kent Ruesswick, Hillary Nelson, Lucy Nichols
10 (Alternate), Cheryl Gordon (BOS Representative)
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12 OTHERS PRESENT: from Zoning Board of Adjustment: Christopher Evans (ZBA
13 alternate), Jim Wieck, Barbie Tilton, Lisa Carlson (ZBA alternate and secretary), Joe
14 Halla (Chair)
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16 **Draft Minutes of September 11, 2018:** Kent Ruesswick made a motion to approve the
17 Minutes. Art Rose seconded. Discussion: None. Vote: Unanimous, 9/11/18 Minutes
18 were approved.
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20 **Discussion of draft language for Conditional Use Permit with Zoning Board of**
21 **Adjustment members:**
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23 Jim Snyder gave a little history for the ZBA members as to what the Planning Board has
24 been working on with the Table of Use and discussions about conditional uses. He
25 explained the Board felt it was important and helpful to get input from the ZBA. The
26 documents being discussed were emailed to Joe Halla through the website link, but Joe
27 indicated he did not receive them. Lisa Carlson will provide email addresses for each
28 individual member for future notices. Therefore, the ZBA members did not have the
29 opportunity to review the documents prior to the meeting in order to have a meaningful
30 discussion.
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32 Jim explained that a subcommittee of Hillary Nelson, Kent Ruesswick, Tyson Miller, and
33 Lucy Nichols, has been working on the language that is then discussed at the Board's
34 regular meetings. Tyson spoke for the committee and explained that Conditional Use
35 (CU) appears on the draft Table of Use document where we are suggesting conditional
36 use would come in to effect.
37

38 Joshua Gordon discussed the flexibility CU permits coming to the Planning Board could
39 allow and that some projects could be a good fit for Canterbury or a particular area, but
40 could be turned down when going before the Zoning Board for not fitting exactly in the
41 zone. However if they came before the Planning Board we may be able to approve a
42 good use by applying conditions under the CU permit. Joe Halla asked what projects
43 they didn't approve that would have been approved by the Planning Board. Nobody
44 provided specific projects but was speaking more in general. Hillary spoke to say this

45 process could be very useful, especially with larger projects. Conditions can be placed
46 on certain projects that are a good fit for Canterbury rather than having to deny them.

47
48 Christopher Evans said this could also give an opportunity to look more arbitrarily at a
49 project. Hillary agreed and added it also allows a lot of time to air all of the issues that
50 might be involved. Tyson gave examples of the type of conditions this Board would
51 assign. Jim Wieck said he would like to provide input but since they hadn't had the
52 opportunity to review the documents prior to tonight, discussing it right now is not
53 feasible.

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55 There was discussion about appealing different applications, variances and special
56 exceptions. Tyson reviewed the draft CU permit language for the ZBA members in order
57 to have a limited discussion about it.

58
59 Hillary explained that there's so much energy that goes into the presentation of an
60 application on the applicants part. Once they've completed their presentation with the
61 ZBA, they then have to come over to us as well. Hillary felt if they could just cut to the
62 chase and address all the issues at the Planning Board level it would simplify things.

63
64 Joe asked why we don't just have conditional use for everything then? Barbie felt if this
65 CU process went into effect, it's not going to be Canterbury anymore, it will be Concord
66 and Manchester. She thinks we'd approve everything people want once they come up
67 with reasons for it. Barbie, wants to know who's going to police it. Jim assured her that
68 was not the intent.

69
70 Hillary referenced the commercial and industrial zone. People come to us for uses not
71 specifically on our Table, so we send it to ZBA, and if approved, they have to come
72 back to the Planning Board.

73
74 Both Boards agreed the Table of Use needs to be updated. There were differing
75 opinions about the CU process.

76
77 Jim asked the ZBA members if they were willing to come back another time and discuss
78 these topics once they've had a chance to review all of the documents. The members
79 agreed they would. Jim asked if they could think of specific instances in the Zoning
80 Ordinance where the ZBA oversight via special exception is important enough that they
81 would not like to see it go away, or the converse, ones they think they are seeing that
82 they would rather not be seeing. He also asked for their input on the Table of Use in
83 general, problem areas, and asked that they come back with suggestions at the next
84 meeting. Jim felt that would be very valuable to the Planning Board in updating the
85 Table.

86
87 Hillary said she'd be really happy to throw CU under the bus if the two boards could
88 come together on the Table of Uses. Joe struggled because he just doesn't remember
89 that many problems. The big projects, yes, there are going to be problems. You can
90 never make everyone happy. Joe and Chris think the bigger projects would be better

served by the two boards. Tyson said he'd rather hear it directly once rather than get it through the minutes. Lisa explained we get a verbatim reflection of what happens at the ZBA hearings and that she records the meetings. Art suggested having a joint hearing in instances of a larger project. Chris said basically we have an administrative issue here. Joshua said it would help if the minutes could be broken down to paragraphs. Lisa said the court could ask for tapes which are listened to by the clerk or someone else. Those tapes have saved tens of thousands of dollars to the town. If the process isn't a good one, Lisa asked what they want done differently. Hillary felt that when conditions are applied, there should be a second meeting to write them out, reread them to be sure every word is right. That way, things that may not have been considered could be addressed. Joe said the applicant is stating his own conditions at their hearings which become a matter of record, and then gave an examples. He said they don't rewrite them. It's already in the minutes.

Jim pointed out there is a lot of lively opinion on these two issues and felt the two Boards could really make progress on the Table of Use. Kent agreed and said the Planning Board could really use input from the ZBA.

As an example, Lisa discussed the recent complaint letter for Church of the Woods, which is a granted use. They said they'd do all of these certain things, and they haven't done them. Who's going to make sure people are doing what they say they're going to do? Jim said the Selectmen handle enforcement. Cheryl Gordon said the building inspector, fire chief, and police chief are looking into that particular complaint.

Lisa talked about transparency and education for residents. The Boards discussed publishing information and using the website. Permitting of events was also discussed.

Jim's observation was that if it's this hard to get everyone in this room to agree, it will be very difficult to get the town on board. The most important thing is getting the Table updated, and maybe we can put conditional use off. Cheryl agreed that we shouldn't overload the populous.

Lori will coordinate with Jan and others to get the next meeting scheduled.

The Planning Board felt this was very helpful feedback.

Other Business:

- Lori showed the Board the plan received from Doug Thomson that appeared to be an as-built and landscape plan. This will be added to a future agenda;
- Jim said we received a plan from Hiltz. We will check in with applicant and surveyor and be sure the as-built will be provided once the project is complete;
- Lucy said the information level about what the conditional use permit is needs to come up more. We could consider a field trip to another town doing a conditional

137 use session or having a State expert come in. Joshua felt we should worry about
138 special exception and conditional use next year and get the Table of Use done at
139 this year's Town Meeting.

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141 Joshua said he marked up the draft CU v4 in great detail, most of which is small,
142 but he'd like to get together with Tyson and go thru the revisions together.
143 Joshua's revisions can be found in the file.

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145 Kent made a motion to adjourn, seconded by Art. Vote: Unanimous. Meeting
146 adjourned.

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148 Lori Gabriella, Secretary