

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

6 October 23, 2018
7

8 BOARD MEMBERS PRESENT: Jim Snyder, Chairman, Art Rose, Tyson Miller, Kent
9 Ruesswick, Hillary Nelson
10

11 ABSENT: Joshua Gordon, Vice Chairman; Lucy Nichols, alternate, Cheryl Gordon
12 (BOS Representative).
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14 OTHERS PRESENT: Web Stout, Greg Giles, Odilia Giles, Aurora Weger, Nathaniel
15 Shoher, Jay Berry, Ann Berry, Abby Ladd, Ken Stern
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17 **Draft Minutes of September 25, 2018:** Kent Ruesswick made a motion to approve the
18 Minutes. Second by Hillary Nelson. Discussion: None. Vote: Unanimous, 9/25/18
19 Minutes were approved.
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21 **Public Hearing Fifield and Berry Lot Line Adjustment, 35 Welch Road, Canterbury,**
22 **NH, Map/lots 253-3-1 and 253-2:**
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24 Jim made a motion that this lot line adjustment has no regional impact. Second by
25 Tyson. Discussion: None. Vote: Unanimous. No regional impact.
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27 Web Stout presented for the applicants. The property is located on Welch Road at the
28 end of the good travel portion of the road, near the ice pond. There are two lots. One lot
29 is 58.2 acres, the other is 2.25 acres. They are proposing to eliminate the smaller
30 portion of the line, the 2.25 acres, and annex the area to lot 2, giving that new lot 16.25
31 acres. The remaining lot will be 44.2 acres. Web spoke with Mandy Irving, Town
32 Assessor, as far as the numbering system and how to label the lots. Web referred the
33 Board to note 1 of the Plan. They are eliminating lot 3.1 and annexing it to lot 2. The
34 new lot would then become 2-1. Lot 2 was a separate piece of property and was a
35 buildable lot in 1976 or 78. Tyson asked if it could be an entrance. Web said it's pretty
36 steep and has wetlands. Web reminded the Board he had come before the it previously
37 inquiring about this lot. There was brief discussion about that meeting. No buildings will
38 be on lot 2-1 after lot line adjustment other than a wood framed shed and a camp down
39 near the ice house. It is believed that Welch Road is all Class VI road so the
40 homeowners do all the plowing and maintenance.
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42 Jim asked Web about lot 2-1 to confirm it would be like a new buildable lot. Web said
43 yes. They moved the line over beyond where the existing structure is. Jim's only thought
44 is that the Board may need to see a road waiver since a new lot is being created on a
45 Class VI road. There was lengthy discussion about at what point a road waiver is

required. Jim thought a note on the plan stating that a building permit would require a Class VI waiver and possibly upgrade of the road. Web pointed out that they're not creating an actual new lot. They started with two and they're ending with two. However, a Class VI road waiver would circulate around to all Town Boards for their input, and the road agent visits the road and has input as to slopes, road width, etc. Jim agreed and said the final decision is up to the Selectmen after input from road agent, fire, police and Town Boards.

There was discussion about language being placed on the Plan relative to road waivers. There were differing opinions.

Jim informed the Board there were two requests for waivers:

- To waive 20 foot intervals for topography because the application is for a lot line adjustment only, with an existing structure; and
- To waive existing soils delineation because the application is for a lot line only with lot sizes ranging from 16.2 acres to 44.2 acres with existing structures.

Art made motion to grant waivers. Second by Kent. No discussion. Vote: Unanimous.

Jim asked if abutters or applicants had anything to say.

Anne Berry: In talking with Mandy Irving, the Town Assessor, the family home on Welch Road going east is a discontinued Class VI road and felt it was in the regulations that a building could happen. Anne wanted to know if it made difference that it's discontinued. Hillary said the family owns all the property so in essence it's a private road. Ken Stern looked at the zoning map which showed it's a Class VI road for some distance and then the dashed road stops. Web said Welch Road would be private for a portion and that should be noted in the Town vote from years ago. If it's not and it's silent on its status, it's a Class VI road.

Aurora Weger said Ken Folsom emailed her stating it was a discontinued Class VI road. Tyson said that makes things different. Greg Giles asked where on the map his property was. He thought they owned part of that road.

There was further discussion and varying opinions as to whether Welch Road is a private road or Class VI road and what any building requirements would be as far as the road. Web and Jim also looked at the digital tax maps.

It was generally agreed that a note needed to be added to the Plan relative to the road.

Jim made a motion to approve the lot line adjustment with the condition that a note be placed on the plan that the frontage relied upon for lot 2-1 consists of partly Class VI road and partly private road, the boundary of which is undetermined. Anyone wishing to

91 apply for a building permit on lot 2-1 would need to be granted a Class VI or private
92 road waiver by the Selectmen. Kent seconded.

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94 Jim said if the applicant wished that to be less ambiguous the surveyor would have to
95 research this more, however, the result doesn't change, they'd still need a road waiver.

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97 No further discussion. Vote: Unanimous. The lot line application was approved with
98 the above condition.

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100 Donna Nobrega asked a question: She stated she has no objection at all. She lives at
101 96 Morrill Road and just wanted to understand the line movement. Web explained it for
102 her and she was satisfied.

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104 End of public hearing.

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106 **Discussion for 2019 budget:** The only items really needing discussion are
107 professional services and secretary wages. The Board discussed a legal budget apart
108 from professional services. Art said the Budget Committee discussed this and the Town
109 has a legal services budget. This Board has a professional services budget that can be
110 used for consultants or other type of professional services. Art pointed out we always
111 need to get services cleared by the Selectmen prior to hiring anyone. Jim disagreed
112 and felt that the money is budgeted to us and we shouldn't have to request it. Art said
113 our budget is part of the overall budget funded by the tax payers. If we spend it, we
114 have to have an accounting of it. Art thought we still have another leg to work through
115 with the Central New Hampshire Planning commission relative to the Table of Use
116 revisions.

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118 Hillary mentioned we need to think ahead toward the 10 year review of the Master Plan
119 in 2020. Jim said we're required to look at it and review it every 10 years, but we don't
120 have to tear it apart and rewrite it. Art felt the simple approach is you look at the end of
121 each chapter and see whether we achieved the goals. If we haven't, you talk about it.
122 There's no reason to change the vernacular in the plan.

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124 Last year Art fought for higher secretary wages but the Selectmen bumped him. Lori
125 asked if she could be converted to a 1099 employee rather than a Town employee. Art
126 mentioned this previously and now wants to raise the secretary budget from \$4,000 to
127 \$5,000.

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129 Tyson said in talking to bigger towns, with bigger budgets, Belmont for example, they go
130 to one person in the office and that person coordinates which board they need to see,
131 and walks them through that process. Tyson suggested we may need a planner in this
132 town. Art disagreed, if you have a competent secretary you don't need that. Our
133 secretary is. She does a little more than normally expected and deserves a couple
134 more dollars. Jim and Hillary agreed. Lori does things most regular secretary's don't do.

Discussion of DOT 10 year improvement plan project suggestions: The Board received a letter received from the DOT to review their questionnaire about projects the Town would like to see addressed. There was discussion about Morrill Road and Kimball Pond Road. Kent said Jeff Brillhart's lot is available for \$60k for a one acre piece. He felt the Town should buy that lot to adjust that intersection to make it safer. Art tried to set up a slope easement years ago but that didn't happen. Kent suggested a warrant article. Jim said that isn't really this Board's job. Kent is going to push this project forward and said this is the most dangerous corner in town. Jim suggested we ruminate on this and add it to the 11/13/18 agenda.

Tyson said if we greased the wheels for the Hoit Road and Whitney Road intersection, they'd be more inclined to do it. Art disagreed. The Rausseo's were assessed funds for that intersection by Concord and hopefully they're still holding those funds for the project.

Discussion of business group (Joshua): In light of Joshua's absence, this discussion was postponed to another meeting.

Other Business:

- Jim was stewing about a couple things from last night's meeting with the Zoning Board. He read portions of the Site Plan regulations. It's our right and responsibility to reject site plans for good cause. Spot zoning is the idea of taking a specific lot and rezoning it to allow a particular activity. It's a dog whistle. Hillary felt the race track zone is spot zoning. Tyson mentioned a little development that wanted a bodega, which is not allowed in a residential zone. Wouldn't that be spot zoning? Jim said yes.

Kent spoke about last night saying he felt we were facing a group of people who didn't want to listen but wanted to protect their purpose. He wants to see if we can move forward with an SE/CU process. Jim thought we should just get the Table of Uses passed and pick out a very small number of things that really make sense to do as CU and add that in there. In the end, the procedure between SE combined with Site Plan review isn't that different from what you'd achieve under CU. The problem is people go to ZBA and think they're done. We've been doing this for so long we don't realize people are unaware of what the town regulations are. It's not their fault. Jim said we probably could do a lot more education for residents.

Art pointed out that this Board, in reviewing a site plan or subdivision, has the authority to place pretty much any condition throughout the approval process. The trick is that once the ZBA gives approval, it needs to get kicked to the Planning Board. Tyson reiterated the need for conditions subsequent and conditions precedent.

Hillary discussed night sky compliance and the Table of Use definitions.

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- Tyson talked about DOT going out to the Excavation project for Hiltz and finding a number of violations. He wondered whether we needed to do anything. The Board felt we don't. In the future, for an excavation project to happen correctly, the applicant comes to us and shows us their plans, maybe we send it to our engineering firm and conservation commission for review, and then issue a permit before they start digging.

Art made a motion to adjourn. Seconded by Kent.

Lori Gabriella, Secretary