

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

December 11, 2018

BOARD MEMBERS PRESENT: Jim Snyder, Chairman, Joshua Gordon, Vice Chairman, Art Rose, Tyson Miller, Hillary Nelson, Kent Ruesswick, Cheryl Gordon (BOS Representative), Lucy Nichols, Alternate

ABSENT: Kent Ruesswick

OTHERS PRESENT: Chris Blair, Ken Stern, and Tom Osmer for the Conservation Commission. Beth McGwinn from the Energy Committee

Review of November 27, 2018 Minutes: Joshua Gordon moved the Minutes, seconded by Hillary Nelson. Discussion: None. Vote Unanimous. 11/27/18 Minutes were approved.

Preapplication Conceptual Consultation with Susan Bennett of Shaker Village: Jim Snyder advised the applicant of the procedure for a conceptual consultation. Susan Bennett spoke for Shaker Village and explained she served as interim Director for Shaker Village in January 2017 and stayed on as Director. The Village has a lot of financial and other challenges which have been chronic throughout its existence. The biggest factor is visitation. In the 90's it was at 60,000 visitors, today it is under 20,000. They are trying to respond with fund raising, grant writing, and using resources to generate an income stream. They would like to support Mindy Beltramo's interest in opening a preschool at the Village at the Visitor Education Center. That building made sense when it was built but it hasn't been needed for a while now. The class space in that basement has only been used sporadically. Mindy approached them to open a nature based preschool from September to May or June with 24 students. The basement space meets State agency requirements and the fire chief inspected as well. Hillary asked if she went to the Zoning Board yet. Mindy did and found that an education use was allowed under the code. Tyson Miller asked about non-profit status as an educational institution. Susan explained it would be a collaborative relationship and that Shaker won't be running the preschool, they're renting the space to Mindy. Joshua asked about septic and whether it was sufficient. Susan said yes. Plenty of parking as well.

The Board discussed possible site plan requirements as far as change of use and also discussed design of the building, square footage, sprinklers, toilet/sanitary space, and licensing. Tyson questioned the need for site plan. Jim responded that the only reason we'd consider not doing site plan in this case is because it's an existing quasi educational facility already. Jim said it seems we have a consensus that an amended site plan does not seem to be required, although it's close. Art Rose pointed out that in

47 this instance this is an existing facility. If the renter needs a special license, the State
 48 health and human services takes care of all that. This is more between the State, local
 49 building inspector, and the renter. Jim said the local building inspector wouldn't get
 50 involved unless there was construction.

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 52 Susan explained that the next issue they're working on is using solar power at the
 53 Village. They've been in discussions with a local company about solar arrays through a
 54 power purchase agreement. The Board of Trustees for the Village has not signed off on
 55 this yet, but they'll meet again in January. In addition to us, they have a conservation
 56 easement and archaeological issues to address. They've gone through conservation
 57 review and an archeological review. All of that was fine with the State. Susan said this
 58 is an investor based model where investors join for tax benefits. Shaker won't have to
 59 come up with hundreds of thousands of dollars for capital outlay and the savings are
 60 shared between the Village and investors. The location would be behind their parking
 61 lot. The optimal location for transmission lines and little trenching is west of the north
 62 parking lot. The handout Susan provided shows the arrays. The question is the
 63 aesthetic issue. They would plan to screen the solar arrays with hedge or vegetation. It
 64 would soften the impact, if not completely hide it. Some of the trustees are concerned
 65 about people driving in the parking lot and seeing them. Susan feels people are
 66 enthusiastic about solar power and the Shakers embraced change over time. They'd
 67 probably be doing solar. Additional discussion was had about removing it in the future if
 68 necessary, and the specific location of the arrays on the property.

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 70 Susan also advised the Board that they have parted ways with Lakes Region
 71 Community College at the restaurant. They won't be there any longer. It's a long
 72 complicated story that she's happy to share if need be. They reached the conclusion
 73 that a restaurant of any type in that location is not something they want to pursue. They
 74 are looking for alternative uses and the leading one is to bring it to a use much closer to
 75 the mission of the village, which is a collections storage facility and a place for their
 76 archives. There are a lot of proposals, but it looks like they may be steering in that
 77 direction. They are working on costs and is aware they'll need a building permit.
 78 Jim thanked Susan for coming in now and can see that there may be a future need to
 79 come in. He's glad she's keeping the Board informed. Susan assured the Board
 80 they're not looking to do anything that would be incompatible with the Village.

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 82 **Preapplication Conceptual Consultatio with Jennica Barrera:** Jennica is the
 83 daughter of the Himes, who are the owners of the property. She is also a relative of the
 84 Goodwins. The Himes purchased their property 40 years ago and wanted her and her
 85 brother to subdivide it. Her brother is not interested, but she is. The property shape
 86 poses some challenges. She's looking to subdivide at an iron pipe to do a straight shot
 87 to create a triangle shape where they would build a house. She'd give her parents the
 88 right of way and a shared driveway. The property only has 76 feet of road frontage and
 89 she read in the Zoning Ordinance that you have to have 300 feet. She's wondering if
 90 there is a special exception process and referred to a neighbor down the road who had
 91 a similar problem. She's looking for guidance.

Jim said the frontage is probably her biggest problem. We can't approve it without 300 feet per house. The existing lot is nonconforming by today's standards. The only way to get past the frontage requirement for subdivision would be to go to Zoning to ask for a variance. It's a tough standard to get a variance for dimensional requirements. The Board discussed purchasing land from a neighbor to get the frontage, considering the soggy wet area on the property and the need for a shared driveway. Jim said a shared driveway is something this Board can approve, however, there are often issues with them. He knows this is a family lot right now, but it may not be forever. Jennica spoke with a surveyor. There's a natural spring on the property that comes down and drains and pools which dictates where her driveway is. Jim explained we don't have discretion in this area. What she wants to do can only be done with a variance, for which she's at the mercy of the Zoning Board.

The Board also discussed the idea of an accessory dwelling unit, or a two family home that may have to be connected. Jennica stated she wants to build a cottage that is 1,500 square feet. She is 4th generation and they want to stay there.

The Board directed her to Zoning for a variance that would give her the road frontage. If she gets that, she needs to come back to this Board to get the subdivision done.

Discussion of Table of Use project with Conservation Commission: Chris Blair, Ken Stern, and Tom Osmer appeared for the Commission. Beth McGwinn from the Energy Committee was also in attendance. Chris stated they were there as individuals from the Committee, not as the Committee.

Hillary opened the floor to Conservation to hear their ideas and thoughts on the Table of Use document shared with them. Hillary said the document has been through many iterations and that the Zoning Board wanted no part of the conditional use permit, so that's probably going away. Hillary asked where they thought the holes in the document were. For example, there are no wetlands setbacks. Joshua felt there were more holes after seeing the Conservation maps Kelly Short previously provided.

Tom stated he sent a letter asking two basic questions: 1. What is changing?. He felt it was left to them to ferret out the changes and he thought it was more reasonable to point out the changes and to articulate how those changes would affect Canterbury in the future. Hillary said there is an earlier iteration that included notes that people felt should come out, so notes are not on this version.

Joshua said we're not trying to change the character of the town, there are just so many things in the Zoning Ordinance that are unaddressed that this is an attempt to start addressing them.

Chris gave a list of concerns:

- Can we get the whole entirety of the changes;
- Estimate of impact of changes and why they're doing it;

- 137 - Why were all special exceptions replaced with conditional use permits? Hillary
138 explained it had a lot to do with the campground that was proposed. People felt
139 there was a giant development that got through Zoning without adequate site
140 plan review.
- 141 - Build-out estimates. They like smart development so we have well clustered land
142 use. It's expensive and complex, but how will it impact Canterbury's
143 development over the next 50 years. Hillary discussed commercial uses and
144 Steve Henninger's comment that realistically this won't happen in our town
145 because we don't have municipal sewer and water, nobody will want to do a big
146 development. We see mini multiuse commercial projects coming to us. Chris
147 said it seems we're saying it won't be a big impact. Tyson added that cluster
148 development would be changed in a way where they'd be easier to build and
149 there'd be a lot of land committed to conservation. Everyone discussed clusters
150 in the agricultural zone and whether it promotes more development.
151 Art Rose explained that the root of the problem is when an applicant goes to the
152 Zoning Board, they don't always follow-up with this Board so we're trying to
153 address that. It's better, but in the past we didn't see them. If we recognize
154 applicants need something from Zoning, we send them there as a next step. If
155 Zoning had been doing the same thing, we wouldn't be having this issue. Art
156 said the cluster approach is a gentler approach to development. At the end of
157 the day everyone knows the likelihood of this town being Londonderry is slim to
158 none. There's no infrastructure and is too costly to develop. Cost of land in this
159 town is very expensive and young people can't afford it. The school, in about 10
160 years will be empty.
- 161
162 Tom Osmer pointed out that all of the Boards speak different languages and
163 each sees the Town in different ways. Zones is not how he sees and
164 understands the resources of the Town. He sees them as places most
165 appropriate for development or more appropriate for open space for 11 features
166 they decided were important to the Town. When you ask him about zones, he
167 doesn't know which zone he's most interested in. He knows that a certain piece
168 of land is critical wild life. When they talk about zones he sees the maps they
169 created. When zones were created 70 years ago, conservation maps and zoning
170 maps were more similar. Joshua said the zones on the zoning map make no
171 sense compared to the maps the Conservation Commission had created. Tom
172 said their mapping project overlaid their maps on the tax maps, they never
173 thought to do that with the zoning maps. The value in these maps is to help
174 safeguard the rural character of the town, valuing open space, outdoor
175 recreation, and natural resources etc. Those are the values they're here to
176 discuss. He doesn't want to get into number of school kids, police or fire
177 protection. He would be concerned if any of the changes change the rural
178 character of the town for example. Hillary said that one of the things the Planning
179 Board hears from farmers in town is the need to have the ability to build places
180 for their employees to live. Workforce housing. Tom said they're here to talk
181 about conservation and it makes sense that someone else should be here talking
182 about workforce housing.

Some members of the Planning Board strongly feel we need a Planner for the Town. We have an update to the Master Plan coming up. Chris felt we may want to tackle all of this in the Master Plan first.

Hillary is very frustrated. Why don't we just start over and figure out how to make it work. Jim said he feels the same frustration and said the more we try to propose, the more likely that everyone in town will find one thing they don't like to vote against. It's almost impossible to pass anything with this kind of proportion or complexity. Ken said maybe turn the whole thing on its head. The new library failed at least 3 years in a row until a group of people said we need a fire station and meeting house, and it finally passed because they all got behind the idea of all three.

Tom felt that the Conservation Commission doesn't have the teeth for this, the Planning Board does. Tyson said the Town actually does. We would have to do a warrant and that's where the teeth are. We have the tools. The Planning Board appreciated the Conservation members attending the meeting and talking through the points.

Discussions about Accessory Dwelling Units (ADUs): Tyson briefly discussed a handout relating to ADUs. Joshua said we're nowhere near ready for public hearing on this issue and had many points to discuss. Cheryl Gordon wanted to add that she hasn't talked to the other selectmen about this language yet, but will and will let the Board know the feedback. She personally feels it's a good idea. It helps a family be a family and that's what makes it community, and is also affordable housing. Joshua wanted to know why we care about the size of the accessory dwelling. Tyson said because it's only meant to be an accessory to the house and discussed the possible density issues on individual lots. Jim agrees that 750 square feet is a little small, but doesn't agree with unlimited. The Board agreed that 750 square feet is now going to be 1,200 square feet for an ADU. They reviewed and revised Tyson's proposed documents.

Lori will look at meeting space for a December 18th meeting to make up for the lost meeting on Christmas Day so the Board can finalize any language for a warrant article. Jim won't be able to attend but is on the record for the exterior design question. We can't regulate what the first house will be, so we shouldn't regulate what the second house will be.

Hillary moved to adjourn. Tyson second. Vote: Unanimous

Submitted by Lori Gabriella, Secretary
Canterbury Planning Board