

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

January 22, 2019

BOARD MEMBERS PRESENT: Jim Snyder, Chairman, Joshua Gordon, Vice-Chairman, Hillary Nelson, Tyson Miller, Lucy Nichols, Alternate

ABSENT: Kent Ruesswick, Art Rose, Cheryl Gordon (BOS Representative)

OTHERS PRESENT: Cheryl Himes, Lynda Pinard, Chris Pinard, Michael Pinard, Doug Pounds, Jacki Pounds, Silvia Styles, Peter LaPierre, Samantha LeClair, Tim Blanchette, Fred Portnoy

Review of January 8, 2019 Minutes: Tyson Miller moved the Minutes, seconded by Hillary Nelson. Discussion: None. Vote to approve Minutes: Unanimous, 1/8/19 Minutes approved.

Preapplication Conceptual Consultation of Doug Pounds for low key family campground of 20 tent sites at 2 Hancock Road, Tax map/lot 209-21:

Jim Snyder explained the purpose of the Preapplication Consultation to the applicant, which is to help the applicant understand what path or approvals they may need, and what potential conflicts the Board sees within the Zoning Ordinance. We can take some comment from public but it will be limited. The public will not be able to speak in favor of or opposition to the project, that is for a public hearing.

Joshua Gordon informed the Board he is an abutter to the applicant and recused himself from participating in any decisions, but is happy to sit and participate in this process. Jim asked if anyone in the room was opposed. None.

Doug passed around a handout for the Board and explained he bought the parcel last year from Kathleen Pearson at 2 Hancock Road. He is interested in starting a low-key family campground, not a big commercial venture. He described his background and said he is looking for something to keep him busy after retiring. Last year he started to put together tent platforms and found out he put the cart before the horse. He realized he needed to put the brakes on the project and has completely stopped until he went through the proper steps. In the long run, he and his wife are looking to build a log cabin and add some facilities that would help campers. This would be a tent only campground. This property consists of 2 acres. He'd like permission for 20 tent platforms scattered throughout the parcel, along with a solar grid for electricity.

Doug and the Board discussed regulations applying to campgrounds, water, and septic issues. Jim explained allowed and not allowed uses within the Zoning Ordinance and

said that this parcel would fall under commercial campgrounds, which is an allowed use by special exception through the Zoning Board of Adjustment (ZBA).

Jim explained the fact that Hancock Road is an issue and the process Doug would have to go through with the Selectmen for a Class VI road waiver. Joshua discussed the wetlands during certain times of the year and feels it would need a bridge. Jim said there's a lot of history on Hancock Road and suggested Doug look into the road waiver granted for the property at map 209, lot 20.

The Board discussed emergency services, DES, handicap accessibility, wetlands, flush toilets, bottled water, and the details of a Site Plan Review should he receive the special exception. Hillary suggested he read the campground regulations very carefully before going to the ZBA. They're tough and he should be prepared with his information.

Jim told Doug we've historically been supportive of recreational uses but protective of wetlands and ponds, particularly in that area since they're heavily developed. He also said there are a lot of challenges for Doug on this project but the place to start is the ZBA.

Jim asked how many people present tonight were here as neighbors or abutters. It was about 10 people. He's reluctant to open this up for discussion because all of their concerns or support would be heard at any hearing on this matter. He told the applicant and others present that the ZBA is very formal with their hearings. You make a presentation, they make comments, the go to abutters, and everyone is heard.

Jim apologized for making this sound nearly impossible, but it's a tough lot to do something on. Doug understood.

Preapplication Conceptual Consultation of NE Solar Garden (Paul Mulcahey) for 5 and 15 megawatts solar farm Off Sawyers Ferry Road, Tax map/lot 236-17:

Paul Mulcahey is here for the applicant. Jim let Paul know he's proud of our Board with respect to solar. Out of 7 members, 5 have solar installations and one of those is totally off grid.

Paul is an independent land agent representing the interests of NE Solar with Chuck Rose. They are here about a roughly 275 acre property owned by Chuck that is in the rural and industrial zone. They approached Chuck Rose due to the unique character of his land. There are not many of this type of property available so when they find one, they approach the land owner.

The property has some challenges, one of which is a Class VI road. The first question would be zoning. Paul spoke with Mandy Irving, Town Assessor, who couldn't come up with anything regarding solar farms on rural or industrial properties and referred him to this Board. The Board looked at the tax maps to familiarize themselves with the property.

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 94 Frontage, access, and where this fits into the Table of Use was discussed. It was
 95 thought it would possibly fit under essential public utility services, although Jim isn't sure
 96 if he'd be essential however. If he is, this project would be by special permit by this
 97 Board. Jim pointed out that there's State law limiting a town's ability to regulate solar
 98 power which says you can't rule it out. Tyson Miller read a portion of RSA 672:1 aloud.
 99 In short it says towns shall not be unreasonably limiting unless protecting public health,
 100 safety, or welfare. He suggested everyone read the full RSA. He also discussed
 101 impermeable surfaces as referenced in the Site Plan Regulations.

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 103 Discussion continued about maintenance, fencing, and whether there were any
 104 chemicals coming off the equipment since the river is right there. Paul wasn't sure and
 105 would have to look into the chemical question.

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 107 Paul said a solar array is like a cemetery, there's just not a lot of in and out at the site.
 108 Ken Stern, who was not here in his official capacity with the Conservation Commission,
 109 asked how they're taxed. Nobody seemed to be sure although Joshua said he believes
 110 the town has the option of taxing if it's residential. This is industrial. Joshua added that
 111 there is currently a process happening in the legislature to address the tax issue state
 112 wide.

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 114 Paul and the Board discussed a backland subdivision and the design build and fatal
 115 flaw analysis. Jim reminded Paul and the applicant they can either come back for
 116 another preconceptual consultation or go to design review if needed.

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 118 **Discussion with Cheryl Himes in follow-up to Jennica Barrera's prior**
 119 **Preapplication Conceptual Consultation:**

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 121 Cheryl came before the Board to discuss the Jennica Barrera's previous Preapplication
 122 Conceptual Consultation relating to land owned by Cheryl and her husband. She
 123 wanted to understand the definition of a hardship and why the ZBA denied her
 124 daughter's application. Joshua explained that the definition in the RSA is skeletal and
 125 that is because there are 30+ Supreme Court decisions on this issue. To understand
 126 you need to do the research. Joshua has handled several of these cases.

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 128 Jim explained we looked at the lot and, in addition to suggesting they go to ZBA, she
 129 could consider buying more frontage, building a two family dwelling, and other options.
 130 Jennica wasn't interested in the alternatives. Tyson told Cheryl that we tried to imply
 131 that ZBA is a challenge. Jim informed Cheryl we were told that at the end of their public
 132 hearing with ZBA, a member of that Board told Cheryl and Jennica that this Board
 133 should never have sent them to the ZBA. That is absolutely incorrect. We have to tell
 134 people to go to the ZBA if that's the only option we see. Anyone can go to ZBA for any
 135 reason for relief.

Tyson had read the Minutes from the ZBA hearing and he agrees, he doesn't see a unique hardship. He added that he doesn't believe we gave her daughter the impression she would get the variance, only that she should give it a shot.

Other Business:

- We have a public hearing on Accessory Dwelling Units next Thursday, the 31st. Jim wants to be sure there is support for the existing plan and doesn't want to hold a hearing and find out nobody's happy with it and waste our time. There was discussion about likes and dislikes with the language and it was agreed to go forward with the public hearing.
- A draft of the Annual Report will be passed around for any input or comment prior to submitting it to Jan

Jim moved to adjourn. Second by Tyson. Vote: Unanimous.

Submitted by Lori Gabriella, Secretary
Canterbury Planning Board