

MINUTES OF THE MEETING
O F THE
CANTERBURY PLANNING BOARD

JULY 14, 2020

**Due to the COVID-19 crisis and in accordance with Governor Sununu's
Emergency Order #12 and Executive Order 2020-04 this meeting was conducted
telephonically.**

BOARD MEMBERS PRESENT: Tyson Miller (Chairman), Kent Ruesswick (Vice
Chairman), Hillary Nelson, Joshua Gordon, Lucy Nichols, Scott Doherty, Cheryl Gordon,
(BOS Representative)

ABSENT: Brendan O'Donnell (Alternate)

OTHERS PRESENT: Carol Lake, Tim Bernier (TF Bernier), Matt McKerley, Kathleen
McKerley

Tyson Miller read Executive Order 2020-04 relative to holding meetings telephonically.

Review of 3/10/20 and 5/12/20 Minutes: Kent Ruesswick moved the Minutes, second
by Cheryl Gordon. Amendments or Discussion: None. Vote to approve Minutes:
Unanimous – Minutes approved.

**Public hearing for Amended Site Plan Review of McKerley Properties; 2 Oxbow
Pond Road, Tax Map 267, Lot 45.**

Tim Bernier of TF Bernier, Inc. spoke for applicant. He and the McKerley's came in two
months ago for a preconceptual consultation. They needed a special exception from the
ZBA, which they received. This Board was in possession of the Minutes of that approval
hearing. We're here talking about an accessory dwelling unit and floor drains for the
existing 4,000 square foot building approved by this Board on March 8, 2016. They
received a Certificate of Occupancy, so it's substantially complete. They tried to avoid
floor drains in the original plan, but it's become clear they were necessary due to
vehicles coming into the garages with snow melting, causing icy areas. The only way to
have floor drains in NH is if it goes to a holding tank and it's pumped out by a licensed
hauler registered with the State. This would be a 2,500 gallon holding tank. The
Amended plan will have the State approval date and number. The state will periodically
check the tank to be sure it's properly handled.

The accessory dwelling unit will be an 840 square foot, 2-bedroom apartment, which is
allowed by special exception in mixed use. This was also approved by the ZBA. The

unit is really work force housing for seasonal help in the landscaping business. That's the intent for now. Sheet 2 of the Plan shows the enlarged leach field, which has been submitted to the State for approval.

If they consider the paved areas, building structures, parking areas, and sidewalks, they're at 23.1% for impervious surfaces. Well under criteria. Tyson asked whether they counted the gravel area in the back of building in their calculation. Tim confirmed they did not.

Lucy Nichols: Complimented them on a good job and asked further about the impervious surface. There was discussion among the Board and Tim about impermeable surface calculations, what should and should not be included, and VLAP opinions. Tim said the State has an alteration of terrain permit. If you disturb 33,000 square feet, you need a permit. Impermeability is rated on scale of 1-10. Plastic/roof is 10, asphalt is 9, gravel is 6-7. Hillary Nelson wanted to be sure we were compliance with State.

The Board discussed the apartment. The applicant said there is heat, insulation, and hot water to code, you could live there year-round. It has a small kitchen/living room area as well. The guys that live there now will leave to go back to Puerto Rico around Thanksgiving. The intended use is seasonal.

Tyson opened the floor to public: No comments.

Kent Ruesswick made a motion to accept the plan, with a second by Hillary.

Vote: Unanimous. The amended Site Plan was approved.

The public hearing ended.

Lucy spoke to say this type of hearing sets a good precedence. They originally came in asking for one set of plans, and built more. This Board told them they need to jump thru a few hoops for the additional work, and they did. Word of mouth will get around and residents will understand they should go thru proper steps from the start.

Tyson: It was also made clear they'd have to come back for any changes to impervious area. Tyson read from Site Plan Regulations section K.

Public hearing for Site Plan Review of Carol Lake, 30 Wilson Road, Tax Map 259,

Lot 16:

Carol Lake spoke on her own behalf stating the farm would like to offer onsite and traveling yoga, meditation, stress reduction, organic farming, and homesteading workshop for all ages. It would be for 6 months of the year, not in the winter. Classes would be held during the day as she can't foresee any in the evening. Class size would be 24 for children, 10 for adults. The parking area is already there, 55 x 65, and made

up of sand and gravel. She is not paving or adding landscaping. There will be one sign at the end of driveway. Participants will bring their own water. New Hampshire calls this a youth skilled camp rather than a recreation camp. She is required to get a background check, which she will do.

Board input:

Kent Ruesswick confirmed Carol's property location and questioned the size of the lot, which is 5 acres. He asked about the number of animals and whether this will be used as a school. Carol has mostly small ponies, goats, and sheep. This wouldn't be a school but is considered educational programs. The hours would roughly be 9-3 and some after school or homeschooling classes. The yoga and meditation are for adults.

Hillary loves the idea and had thoughts to add. She spoke about septic concerns, water, licensing, COVID, contacting the health officer, and parking. She also touched on the Coronavirus and suggested Carol look at how the library or preschool for masking and social distancing ideas

Carol appreciated all of Hillary's comments and understands them. Carol is a town person, mother, and grandmother, and assured the Board she would be working within the State guidelines for COVID standards and is happy to work with health officer. A further discussion about providing water, what the State regulations are, and a water test was discussed. Carol said the licensing falls under the skilled camp rules, meaning there are no licensing requirements. Carol is advanced certified in equine and has a degree from UNH. The equine mental health programs would include licensed therapist. There is no state license for teaching meditation.

Hillary asked that anything that requires a license is documented and subject to review annually. Tyson felt pretty comfortable that Carol will be doing this above board and according to regulations. Hillary requested that we take some time to consider how to describe what the requirements are and will come back to Carol with those to decide whether she can or cannot meet them. Tyson disagreed and would like to see Carol get her business started. She already has a special exception to do this from ZBA.

Carol reminded the Board that in this State there's no legal certification for riding, farm education, yoga, or meditation.

After much discussion for and against approving the application now versus taking time, Joshua moved to approve the site plan as proposed, with a second by Kent.

Vote: Hillary - No
 Cheryl - Yes
 Scott - Yes
 Lucy - No
 Kent - Yes
 Joshua - Yes

134
135 Motion passed, the Site Plan was approved.

136
137 Carol thanked the Board.

138
139 **Old Business:**

140
141 Reconsider delay of public hearing until end of COVID: This agenda item relates to 367
142 Shaker Road LLC Amended Site Plan application. Their representative asked if we
143 could move forward. It looks like COVID isn't going away and although we previously
144 agreed this hearing should be held in person, we need to move forward.

145
146 There was discussion about the location for the meeting and it was agreed it could be
147 held at the Town Hall to accommodate appropriate social distancing needs.

148
149 Hillary made a motion that we meet with Eric Spofford and his legal representatives if
150 they wish to come. Eric must be present to have the meeting to discuss the amended
151 site plan for New Freedom Academy and the special exception granted to him by the
152 ZBA. The meeting shall happen in a venue subject to physical distancing and mask
153 wearing compliant with coronavirus concerns. There was a second by Kent.

154
155 Discussion: The Board discussed measures for social distancing and confirmed that
156 Eric needs to be present, or we would not hold the meeting. Lori will reach out to his
157 representative. If he's able to attend, the meeting will be scheduled. If not, she will
158 report to the Board for further input.

159
160 Vote on motion: Unanimous by roll call of all members. The hearing will be held at one
161 of the next two meetings, depending on Eric's availability.

162
163 Class VI road waivers: Cheryl updated the Board that the Hancock Road waiver was
164 granted. A building permit will not be issued until road work is done and brought up to
165 good and passable conditions. The Town contacted the Dam Bureau. They said it was
166 not a problem to life and safety. All information is with Ken Folsom, Town Administrator.
167 Cheryl was unsure whether DES was contacted. Hillary wants DES to come out if they
168 haven't. Lori will request information from Ken and will forward it to the Board.

169
170 Rum Brook was approved with a good and passable condition.

171
172 Expired excavation permit for Hiltz: The lot was cleaned up and should have been
173 seeded. Lori will ask Ken for confirmation.

174
175 Master Plan: The Board discussed the status of the Master Plan project and whether
176 they want Central NH Regional Planning Commission be put on hold until we can have
177 a public meeting. Joshua and Kent agreed. Hillary felt we can do legwork in the
178 meantime. Cheryl agreed to putting off CNHRPC and a public hearing until COVID is
179 gone and safe. She was answering for herself, not the BOS.

Joshua will talk to Bob Steenson and Tom Osmer and see if we can put together a group to come up with objective criteria for determining developability on Class VI roads.

OTHER BUSINESS:

Farm Stays: The Board discussed the prior question from the Pullen's relative to the one hookup site at their farm. The Building Inspector went out to look at it and they're doing a septic. Why a septic if not a campground? Bart Mayer's opinion pretty much said one or two campsites falls under agritourism. When does something become a campground, when does overnight stays become a hotel, etc.? There are questions relative to ancillary farm uses. Maybe the agricultural committee could come up with something for that. Tyson thought it should be judgment and the reasonable person standard. Hillary felt the Pullen site was ancillary to their agricultural use. It's easy to look at that and say it's fine, and one site is ok. She also felt it's important to look at the State of NH rules on campgrounds when these issues come up. Tyson will talk to Wayne Mann about this.

Motion to adjourn by Kent Ruesswick, second by Cheryl Gordon. Vote: Unanimous.

Submitted by Lori Gabriella, Secretary
Canterbury Planning Board