

MINUTES OF THE MEETING  
O F THE  
CANTERBURY PLANNING BOARD

OCTOBER 13, 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 for residents. Board members and applicants were present at the Meeting House.**

BOARD MEMBERS PRESENT: Tyson Miller (Chairman), Kent Ruesswick (Vice Chairman), Hillary Nelson, Lucy Nichols, Joshua Gordon, Cheryl Gordon, (BOS Representative), Brendan O'Donnell (Alternate)

ABSENT: Scott Doherty

OTHERS PRESENT: Barbie Tilton, Attorney Peter Imse, Robert Wolfe, and Maryanne Wolfe (by phone)

Tyson Miller read Executive Order 2020-04 relative to holding meetings telephonically, and appointed Brendan O'Donnell to stand in for Scott Doherty.

**Review of 9/22/20 Minutes:** Kent Ruesswick moved the Minutes. Second by Joshua Gordon. Amendments or Discussion: Lucy Nichols questioned the wording at line 149 relative to home occupation. Tyson Miller questioned whether a revision was necessary. A vote was held, Tyson, Kent, Hillary, Joshua, and Cheryl voted in favor of approving the Minutes. Lucy voted against. Brendan O'Donnell abstained. After additional discussion, Joshua made a motion to amend the minutes to say "home business or site plan" rather than home business. Second by Kent. Vote to approve amended Minutes: Unanimous with the exception of Brendan O'Donnell who abstained. Amended Minutes approved.

**Public hearing of Barbie Tilton, 76 Pickard Road, Tax Map 253/34 for a 12 site Hipcamp campground:** Barbie read her proposal for a recreational campground with a maximum of 12 sites. She read from her application documents describing that there are firepits, water, solar shower bags, firewood, picnic tables, and a place for a tent or two at each site. All cars are parked at a site or off the wood road for access to each site. One site could host a small pickup truck camper, but the rest are specifically tent sites. No large campers or travel trailers are allowed. She has porta potties on site, which she owns, that are cleaned and disinfected regularly, and are pumped as needed. Trash is carried out by the guests so there wouldn't be an impact at the recycling center. She has a set of rules such as a leash law, fire ban, no fireworks, and advises of the Town Noise Ordinance. She only uses the app or website Hipcamp, which provides insurance. She's been to ZBA and received her special exception.

Barbie also had a list of RSA's pertaining to campgrounds (216-i) and State Park systems (216-A:1) that she reviewed.

The roads have been there since Huey Fifield in his 20's. No updates to anything on the land other than cutting down small little trees and adding fire pits. All the RSA's are for recreational campgrounds which is all the State provides. Barbie feels our Zoning Ordinance needs to be revised because it addresses commercial campgrounds, which this is not. Commercial

52 campgrounds have hookups, shower units, pools. She met all of the RSA's, however, the Town  
53 is concerned with 6 of them.

54  
55 Joshua spoke to say he's not sure we have much discretion with this. The State says water and  
56 septic are required if you have two or more campsites. How can we approve this application if  
57 she doesn't have that?

58  
59 Brendan O'Donnell discussed the general DES requirements and stated she'd need something  
60 from DES saying she meets criteria. He is not saying that porta potties can't be sufficient. DES  
61 has to approve the porta potties and say they're sufficient. There are specific regulations DES  
62 has, she has to review the requirements and provide documentation from DES.

63  
64 Barbie addressed the water issue saying guests can come up to the house to use the hose,  
65 shower bags and 5-gallon water bottles she provides. Joshua said that has to be approved by  
66 DES as well. Hers is a private supply, not public. Public means the municipality provides  
67 water/sewer.

68  
69 Density – Barbie stated the requirements is that 600 feet shall be provided for each tent site.  
70 The Building Code inspector said all sites were over the requirement and read from a letter  
71 written by the Building Inspector. The Town has a copy of the letter. (At the end of the meeting  
72 Barbie left a copy of the letter for the file).

73  
74 Sites: Barbie and the Board discussed the makeup of the sites and the one site that could hold  
75 a pickup camper. Tyson wants to specify an allowable length for a camper. The board agreed it  
76 can be no longer than 20 feet, which is basically an SUV with a 13-foot camper. The  
77 requirement for that size is 1,000 square feet and all her sites meet that requirement. Tyson  
78 wants to make sure there's a 6-foot path to any campsite in the woods. Barbie said that's fine,  
79 it's a wood road. Barbie had a map of her property and showed members where the wood road  
80 is on her property, along with the swamp. None of the sites are near the swamp area. There's  
81 no concern about erosion.

82  
83 Brendan asked if she had a full-size plan of her property since the copy she brought was very  
84 small. She didn't since she bought the property by a personal sale. The Town may have a  
85 copy. Brendan asked about a trail going to Horseshoe Pond. Barbie said it's not all on her  
86 property, but said her guests don't go out there. It's out a mile from her area.

87  
88 Barbie read the 8/19/20 letter from Joel French, the Building Inspector, who inspected the sites  
89 along with a representative of the Fire Department. Stating all sites are above proper sizing,  
90 talked about the porta potties, 10-15 gallons of fresh water, and solar showering bags per site.  
91 The stone campfire rings met State regulations.

92  
93 Any camper registering is thru HipCamp, they pay thru them, no registering is done on site.  
94 Barbie looks at their profiles on the app/website before they come and approves or denies any  
95 guests based off their profile and camper rating. Hipcamp takes care of taxes. Hillary wants to  
96 make sure the plan approval is not dependent on Hip Camp in case they went under and Barbie  
97 wanted to advertise on her own website in the future. Barbie stated she only plans to use  
98 Hipcamp but if they no longer existed and she continued on her own, she would make  
99 arrangements for people to sign a guestbook and do all the check-in, taxes and things that  
100 Hipcamp does. Hillary just wants to be sure we don't limit her to Hipcamp.

101

102 Tyson asked if Barbie would be able to provide records of who was there and the dates if the  
103 police came looking for information. Barbie said yes, she has all that information and will retain  
104 that.

105  
106 Kent asked if she had a lighted area when guests arrive? She said no. She does go out  
107 sometimes to meet them, but she doesn't have to. Sometimes she walks thru with her dog to  
108 be sure they have enough water and things like that. If they need something, they can email her  
109 and she gets it right away. They may also call. She has sites marked and they get a map ahead  
110 of time with directions, the driveway, and pictures.

111  
112 The Board began to create a list of conditions that they would require.

113  
114 Dates of availability were discussed, and all agreed it would be March 21<sup>st</sup> to November 15<sup>th</sup>  
115 with the condition she provides snow removal on her access roads. Barbie believes guests are  
116 limited to 7 days, which is listed in her rules. Brendan said you can run into problems where  
117 people think they are long term and are tenants. It doesn't seem like we have to worry about  
118 this.

119  
120 Barbie doesn't store anybody's items or equipment on her property. They come with their items  
121 and they leave with their items.

122  
123 Lieutenant Nelson of the Fire Department said Barbie meets all fire requirements. If there is a  
124 ban on fires, she has a note on Hipcamp advising guests and telling them they cannot burn  
125 during a ban. Brendan discussed seasonal fire permits and would ask that a condition be placed  
126 that she maintain her permits yearly.

127  
128 Barbie discussed liability issues and understood the information.

129  
130 Quiet hours: Barbie's online information provides the leash law and Noise Ordinance. Campers  
131 are advised that 10:00 pm is quiet time. They don't have to go to bed, they just need to be  
132 considerate of her neighbors. She has 40 acres. So far none of them even knew anything was  
133 going on out there.

134  
135 The Board discussed Barbie, or someone on her behalf, being present at all times. Brendan's  
136 view is that doesn't need to be a requirement, she's a business owner and is responsible for the  
137 property. Brendan said if it becomes unsafe or a nuisance, we have other ordinances for that.

138  
139 Tyson reviewed her Site Plan application and the fact that she included a checkmark next to  
140 commercial for this project. Barbie said there's been discussion about that. Joshua didn't  
141 understand the distinction of commercial for this project, other than needing a site plan, which is  
142 what we're doing now.

143  
144 Barbie read the requirements for Site Plan review and said not all items applied to her. her. She  
145 had to do a waiver for the 13 items that didn't apply, she asked that they be waived, and thinks  
146 this process needs work from by the Town. Brendan respectfully submitted that the items did  
147 apply, and that's why he had asked questions he did. He feels they were all discussed in any  
148 event. He added that regardless of the Special Exception, it's a change of use under the Site  
149 Plan Regulations.

150  
151 Joshua made a motion to approve the application with the following conditions:

152

- 153 1. No off highway recreational vehicles;  
 154 2. Obtain and maintain all fire permits and fire department approval of emergency access;  
 155 3. Promptly seek approval from DES to obtain and provide a DES water supply permit or  
 156 provide proof from DES that no permit is required;  
 157 4. Promptly seek approval from DES to obtain and provide a DES individual sewage  
 158 disposal system permit, or provide proof from DES that no permit is required;  
 159 5. Ensure campers register as required by RSA 216-I:5;  
 160 6. Maximum of 12 sites: 11 tent only, 1 for tent or 20 foot max pick-up camper;  
 161 7. Maximum of 6 people per site;  
 162 8. Obtain letter from building inspector that sites have adequate parking for each site;  
 163 9. Guests can only occupy sites from March 21<sup>st</sup> to November 15<sup>th</sup>. Provide snow removal  
 164 to ensure safe access as necessary; and  
 165 10. Minimum of 6-foot path from road access to sites.  
 166

167 Brendan second to Joshua's motion. Discussion: Barbie said she was approved by ZBA and  
 168 they told her to come here. She should be allowed, like anyone else coming before the Board  
 169 and is approved, to start her business up again while she meets the conditions. Tyson stated  
 170 that any cease and desist is decided by the Selectmen.  
 171

172 Vote on application with the above conditions:

173 Approved: Hillary Nelson  
 174 Lucy Nichols  
 175 Brendan O'Donnell  
 176 Kent Ruesswick  
 177 Joshua Gordon  
 178 Tyson Miller

179 Cheryl – abstained.  
 180

181 **Attorney Peter Imse with Robert & Maryanne Wolfe, 4 Old Boyce Road, for discussion of**  
 182 **Exit 17 development**; Peter Imse is from the law firm of Sulloway Hollis and represents the  
 183 Wolfes. Robert is here with him, Maryanne is attending by phone. Attorney Imse provided  
 184 handouts and maps for the Board and explained where the Wolfe's property is located.  
 185

186 Attorney Imse walked thru each sheet showing an arial view of the land, including a copy of the  
 187 tax map view. He explained that there is currently an unoccupied single-family residence on the  
 188 Wolfe property now. They bought this property to contemplate future commercial use. Another  
 189 sheet was an overlay and gave more detail as to the roundabout. A third item is a more detailed  
 190 rendering of roundabout. The most important thing on this page is the Wolfe driveway. Under  
 191 the City of Concord plan, they plan to put a basin there and cut off the Wolfe's access to Old  
 192 Boyce road, rendering their property valueless for commercial use.  
 193

194 The Wolfe property is in unique situation. It has long frontage, but no rights to put a driveway in  
 195 on that frontage. Primary access is off Old Boyce Road, which is the central reason we're here.  
 196 The Concord City Planning Board knows this is a project of regional impact, meaning  
 197 Canterbury will be heard. Attorney Imse and the Wolfe's visited the Board of Selectmen of  
 198 Canterbury asking that they take this issue under advisement and would appreciate if the Town  
 199 could help the Wolfe's and other landowners who would be impacted by Concord's project.  
 200 Brendan asked if this proposal uses all land that Concord or the State owns or whether there is  
 201 an eminent domain process happening. He asked if the NH DOT would be a party to this.  
 202 Attorney Imse said they'll definitely have to be a party to this. After understanding the scope of  
 203 the concerns being discussed Brendan O'Donnell recused himself from this discussion.

204  
205 Joshua wondered what Canterbury can do if the problem exists in Concord or State land.  
206 Attorney Imse explained that under the proposal, the retention pond will block the only spot that  
207 is available for access to the Wolfe's property.

208  
209 Kent was unsure how we can talk about this because there's no land in Canterbury for this  
210 project. Attorney Imse said most of this is happening in Concord. What Concord is doing is  
211 having a negative impact on Canterbury landowners and future potential use. Their hope is that  
212 this Board would have an interest in seeing that our landowners aren't taken advantage of by  
213 the City of Concord.

214  
215 Hillary stated this is a commercial piece of property, not residential, and it's going to be a very  
216 valuable piece of property. Attorney Imse and the Wolfe's appreciated that, which is the reason  
217 they're here.

218  
219 Hillary asked if their driveway was a deeded right of way. Attorney Imse said they haven't found  
220 anything to support that. The taking was in 1958. The DOT has been helpful in finding some of  
221 the old plans, but they don't have everything. Tyson said the State took the land in front of the  
222 Wolfe's and it seems they could put a road in for him.

223  
224 Joshua asked what we can do. Attorney Imse said they wanted to make us aware of the issue,  
225 and of their concerns. The Concord Planning Board would start considering this at some point  
226 and Canterbury will have to receive notice of regional impact. They would love a Canterbury  
227 voice adding to the Wolfe's voice, asking that the City doesn't forget them. The property next  
228 door to the Wolfe's may be impacted by this as well. It looks like a few of the properties right  
229 there could be impacted. We have a personal, very focused interest, and the Wolfe's would like  
230 to be protected in this process.

231  
232 The Wolfe's hired an engineering firm who came up with two alternatives to the current plan.  
233 They have an interesting design where the rotary feeds off toward the Wolfe Parce,l and Old  
234 Boyce and Shoestring would fee into it at a stop sign. The design provides a different solution.  
235 They're not suggesting anyone approved this, or it's the answer. It's just a concept.

236  
237 Tyson agreed that there will be a Concord Planning Board meeting that Canterbury would be  
238 attending. Tyson would vociferously support an adjustment to the Wolfe's and provide access to  
239 their property. Tyson felt this is very early in the planning stages. When it is done, as  
240 Canterbury residents, we need to accommodate these people in some way. Hillary said this  
241 property is commercial and the Town needs to protect its taxation interests. They should not be  
242 undermining our future tax base.

243  
244 Lucy wondered by the State was taking so much land and wondered whether it was meant to be  
245 another park and ride. Attorney Imse thought that was a good guess. They took a 270-foot  
246 ROW on 93 to the river planning for the future, probably 2 lanes in each direction. As far as the  
247 oval, that's where they dumped a lot of fill a few years ago. There's some conjecture that it  
248 could be a park and ride, but it's not on any State plans.

249  
250 Mr. Wolfe's understanding is Concord is paying up front and will have a negotiated development  
251 agreement after that.

252  
253 Attorney Imse is happy to provide more information as needed and he's hoping he sees us at  
254 the Concord Planning Board meetings. Tyson assured him they will.

255  
256 There was brief discussion about the type of commercial project the Wolfe's could consider on  
257 their property.  
258

259 **Board discussion 2021 budget;** The Board discussed the budget and agreed to keep it as is  
260 for 2021. They discussed the Central NH Regional Planning Commission funds that will be  
261 needed as well. The Board agreed to keep budget as is, and Tyson will talk to Ken Folsom and  
262 Kelly Short about the new secretary budget and how Mandy may play in to this.  
263

264 **Other Business:** The Board discussed in general the process of bringing a campground  
265 ordinance to next Town Meeting. We need to discuss and have a public hearing for Town  
266 Meeting. Kent reminded members we won't change the law before Town Meeting. There was  
267 discussion about all projects being held in abeyance once we have a public hearing and vote to  
268 bring it to Town Meeting.  
269

270 - Tyson informed the Board that we have an application for a brewery at the McKerley  
271 property on Oxbow Pond Road, which will be regional impact. The City of Concord and  
272 Central NH Regional Planning Commission will receive notices of the public hearing, at  
273 which time we'll vote on the issue of regional impact.  
274

275 - Joshua said there is a small piece of land on the corner of Shaker and Baptist Hill Roads  
276 that has a for sale sign. It's a little piece of land selling as a buildable lot. The neighbors  
277 are upset because it's grandfathered and he's not sure what's going on with this land.  
278 Cheryl knows that there was an older couple who owned that lot and another lot next to  
279 it and they parked their camper there. Cheryl thinks it's 1/3 of an acre. Brendan said if it  
280 already exists as a separate lot, the grandfathering doesn't matter. They don't need  
281 subdivision, they need a variance.  
282

283 Kent made a motion to adjourn with a second by Cheryl. Vote unanimous. Meeting Adjourned.  
284

285 Submitted by Lori Gabriella, Secretary  
286 Canterbury Planning Board