

**Canterbury Planning Board**  
**Meeting**  
**Tuesday 22 December 2020**  
**Meeting House and telephonically**

**Board members present in person:**

Chairman Tyson Miller, Vice Chairman Kent Ruesswick, Joshua Gordon, Cheryl Gordon (BOS representative)

**Board members on phone:**

Brendan O'Donnell (appointed as a voting member for Lucy)  
Mandy Irving (Planning Board Associate) Hillary Nelson and Bob Steenson (Selectman)

**Absent:**

Lucy Nichols

**Others on the phone:**

Tim Blanchette, Sylvia Styles, Mike Pinard, John Wencek, (interested in the campground ordinance discussion) and Greg Heath (Quaker meeting member)

**Others Present:**

Joseph Levitt, owner of NH Twelve Volt, LLC, of 374 Dover Road, Chichester, NH.

**Agenda**

**1. Call to order by the Chair**

Tyson Miller started the meeting at 7:05 pm. and as Chair read the announcement in accordance with Governor Sununu's Emergency Order #12 and Executive Order 2020-04 regarding the meeting being conducted telephonically for residents and some Board members. The phone number to call in on the Conference call is 1866 678 6823 with access code 8863361#.

**2. Approval of Minutes of December 15 2020**

Kent Ruesswick moved that the Minutes be approved. Tyson Miller seconded. There were no comments. All members present voted aye. Joshua Gordon abstained.

For the record, Joshua wanted to change line 106 in the Minutes of December 8, regarding the discussion of the proposed rotary plans at Exit 17. He had wanted to know if there were reasonable alternatives that did not bind the Town.

**3. Site Plan Application for Self-Storage facility from Mr. J.P. Levitt, owner NH 12 Volt LLC, 374 Dover Road, Chichester NH**

Mr. Levitt was present and was invited to give a presentation of his proposal. The address of the property is now 12 Oxbow Pond Road, across the street from the Quaker Meeting house. He had done a study with a consultant regarding getting a Self-Storage facility there and felt it would fit with the Town aesthetics. The land is stumped but not surveyed. He wanted to get the feeling of the Town before he engaged in a large-scale engineering project.

Tyson invited the members and then the public to speak, for then against. They looked at the application for completeness.

Brendan added that included with completeness was the question of where this application fits in the Table of Uses? If this is not clear he would have to go to the ZBA for a variance prior to the Planning Board hearing.

Mr. Levitt suggested his proposal was not a warehouse and would have much less usage than a retail facility. It's use as a commercial lot would be retail. The State defines self-storage not as a warehouse. He read the State definition of a self-storage facility. A self-storage is retail allowing storage of personal property. RSA 451/c1 14. These were in the letter he sent to the Planning Board. He would be selling a service to allow people to keep their property in.

Tyson thought this was storage and no heavy traffic would be likely. Brendan read from the Table of Uses again. He thought that self-storage was within the meaning of this Table of Uses. There was storage that was prohibited in this zone.

81 Joshua had no question about storage. Kent could go along with it - he  
82 agreed with Brendan. Hillary agreed with Brendan.

83  
84 Mr. Levitt asked if he needed a variance then? Brendan responded yes,  
85 because ZBA would decide on a variance and give a statement about  
86 allowed use. Without that, the Planning Board's decision could be appealed  
87 to the ZBA for misinterpretation.

88  
89 Brendan moved to determine the application was not complete because the  
90 proposed use is not allowed and the applicant requires a ZBA variance.  
91 Kent seconded. Members voted. Josh aye, Kent aye, Hillary and Scott  
92 aye, Brendan aye. Tyson nay but the ayes have it.

93  
94 Joshua asked about the Food Pantry – Mr. Levitt said he was going to take  
95 donations for the Canterbury Food Pantry. He would incentivize donations  
96 with special offers such as one month free storage with donations.

97  
98 Brendan asked one more question. He had seen a waiver regarding front  
99 set back. That was also something to ask the ZBA about not Planning  
100 Board.

101  
102 Tyson asked if others wanted to speak about this. Greg Heath wanted to  
103 speak as an abutter and member of the Quaker Meeting. He did not have  
104 an opinion for or against. But he had an interest in the site plan and its  
105 layout. The other issue would be noise. Greg was referred to the website.  
106 He wondered if the Meeting could have conversation with the applicant.  
107 The concern from the setback from the ZBA, he did not understand the  
108 implications of that. Hillary suggested Greg and Mr. Levitt read about the  
109 zoning ordinances for Canterbury where there are a series of requirements  
110 that applicants have to meet. Greg looked forward to speaking with Mr.  
111 Levitt.

112  
113 Kent asked about the number of lots on the map, in relation to other  
114 properties in that area. Tyson asked Brendan how they could determine  
115 what 'storage' means. How can they get the ZBA to define it? Joshua  
116 thought the determination from the ZBA would settle that. Mr. Levitt said  
117 that outdoor lumber storage was allowed and landscaping goods were  
118 allowed. In his opinion the use of the word 'storage' was misrepresented.  
119 He will go to the ZBA. Brendan said he had an argument which was  
120 reasonable. Brendan said that the ZBA would make a determination as to

whether a use was allowed and if person needs a variance or allowance. Brendan was concerned that they should do this in this order so that nothing more was done by the Planning Board until the ZBA had settled that issue. Tyson thanked Mr. Levitt for coming in.

**4. Review of Lee Ann Mackey/Ginger Laplante Campground at 137 Old Tilton Road Site Plan application regarding completeness.**

Tyson explained that these applicants had put their applications in ahead of the ordinance.

Hillary asked if they needed to vote on allowing things like wetlands being left out of the plans, and vote on the waivers before they decide completeness. Tyson said completeness meant it had been seen by Mandy but the Board could have a different opinion. If the Board wanted more information they could ask for it for the January 26 meeting. He had the site plan checklist.

There was discussion about the map in the application. Hillary thought it was not complete, it did not show wetlands and the campgrounds were too close to the brook. Joshua agreed and wondered about the use of the porta potties.

Tyson suggested they should make a visit and see the wetlands because a surveyed wetland map was expensive. Hillary said we were required to show wetlands on the maps for good reasons. There could be cars parked out there - all kinds of things going into the water. It would make a difference where the porta potties were, or do they need more or where people would go to the bathroom. The protection of the water was important. Joshua agreed - we had to look at them as if people were living there. Theoretically 36 people were living for 9 months there and Race weeks would be busy. We were handling this like it was a small thing and it was a pretty big thing. This required thinking through given the relatively large number of people using the place without water and bathrooms. He did not see sewage, traffic and wetlands.

Tyson said they had to meet State standards. Joshua pointed out it was 'bring your own water' and no faucet. Hillary asked if Brendan had discovered anymore about the State requirements. She said they needed counsel to guide them about this. Where would these people be showering

161 - or going to the bathroom or washing their dishes - a lot of questions were  
162 not answered so far. She did not feel ready to sign off on the compliance.  
163 Joshua was also concerned about washing dishes in the brook. There  
164 should be water and sewage facilities.

165  
166 Brendan commented one had to have a system - the morass of regulations  
167 at DES was complicated because they regulate so much. They don't want  
168 'grey water' created. The water supply triggers the need for a system. He  
169 had not called DES. Most were working at home and you got voicemail if  
170 you left messages. One of the Board could put together a question and  
171 send it to the DES bureaus? Hillary offered to do that if Brendan helped her  
172 with the language of the inquiry. They should not go forward without this  
173 information. Some peoples' water supplies could be polluted. Brendan said  
174 this is why they should require surveys and elevation lines and can see  
175 where other structures are. It was common to ask for a wetlands report  
176 from a wetlands scientist. Hillary said part of the application was about the  
177 equine facility in the 70s and 80s but science has changed and that should  
178 not be part of the consideration now. Brendan said the wetlands statute  
179 was from 1989. Tyson had a conversation about that with a contact and  
180 was told a faucet was required. A tested water supply coming out of a  
181 faucet outside of the house would be needed. Brendan said he shared  
182 Hillary's concern.

183  
184 Joshua argued that it was not complete and it was not their job to tell an  
185 applicant what they had to do. Tyson thought they should go through the  
186 whole checklist, which is under Documents on the Planning Board Website.

187  
188 Brenda said 2a was not complete. Tyson asked would the survey be the  
189 whole 72 acres or just the campsite area. Brendan replied there could be a  
190 waiver for part of the property in the site plan.

191  
192 Hillary asked about the dirt road of Old Tilton Road. It was hard to use in  
193 the winter. They might want to know about problems with the road. Tyson  
194 said traffic was on the list further down. Brendan said the easiest thing was  
195 to ask for the recommendation of the Road Agent for that issue. Kent was  
196 recused as an abutter.

197  
198 Members also discussed grade elevations from the check list. Hillary  
199 thought they should have it for the water issues. Joshua agreed. Hillary  
200 asked Brendan about where the water would be going off these campsites.

201 He replied a partial site plan could indicate that - with elevation markers on  
202 the site plan.

203

204 Mandy asked a question. For 2c - they had requested a waiver. She asked  
205 about the decision for that, Joshua said they had to vote on a waiver.  
206 Brendan said you can prepare a report about the reasonableness of a  
207 waiver request — they could ask them why they thought a waiver was  
208 appropriate. Hillary said they had to have an explanation as to why a  
209 waiver was correct. It was their job to protect the lands. Applicants had to  
210 be very specific about why a waiver was appropriate.

211

212 Joshua mentioned the waiver statute was 674:44 for Mandy.

213

214 There was discussion about the check list items that were included such as  
215 streets and internal roads. Hillary also raised the issue of utilities and asked  
216 what exactly that included? Electricity? Internet? Water? It was felt that the  
217 size and place of the water sewer should be shown. Brendan suggested a  
218 conditional approval could always be issued if some of these issues like  
219 water and restrooms were shown on the map. It was also noted there were  
220 2 RV sites shown on the map. It was clarified that the operator of the site  
221 was also a family member.

222

223 Bob Steenson commented it felt they were off track. The ZBA had  
224 approved as it a campground because it was listed as a use in the  
225 ordinance.

226

227 There was discussion about landscaping buffers and setback requirements.  
228 For parking campers would park right by their tent. It is not known exactly  
229 how many cars may come with each camping group. Questions like that  
230 would be part of the full hearing.

231

232 Members felt this was taking more time than it should given the applicant's  
233 responsibility to find these things out. Tyson asked Bob for his thoughts.  
234 Bob said they might be off the track and going into specifics of a site plan.  
235 He said they should proceed and decide if it was complete or not and at the  
236 hearing they could tell the applicants. Hillary said there were parts of the  
237 requested waiver they did not agree with and so they could vote right now,  
238 but it was their duty to proceed through the waiver requests and vote on  
239 those. Brendan suggested they could ask for a noise study — he was fine  
240 with waivers of noise traffic for now.

Joshua moved that this application was not complete at this time. Cheryl seconded. Brendan specified under 2a, 2c, 2d it was not complete in terms of drainage and wetlands though the rest was good to go until the full hearing was held. That does not mean everything else is fine but can be discussed. Brendan suggested modifying it. Joshua said utilities, traffic, wetlands, Joshua needed a second, Cheryl seconded. Members voted. Kent recused himself. Cheryl yes, Tyson no, Hillary yes, Joshua yes, Scott yes and Brendan yes - with adding specifications as to what was incomplete. He wanted to include wetlands, elevations, drainage for now.

It was noted the applicant might have questions. Brendan stated we have to tell them why their application was not complete. Hillary agreed they should be transparent and care about the applications. Joshua and Brendan discussed ideas and Brendan proposed that the secretary could write to the applicants and request a partial site plan to include 2a, 2c, 2d items from check list. Tyson seconded it. Members voted and it passed unanimously.

#### **5. Elle Bezanson's Campground at 175 Lambert Road, Site Plan Application in terms of completeness**

Members felt a similar response would be given to the previous application. These were tax maps. Joshua said it was missing more things — 2a, 2b, 2c, and 2d and lines of streets - the internal streets were not on this plan — otherwise the same as the other one. Brendan asked about 2h, water and sewer - that was missing.

Kent commented that this was for all practical purposes this was in Northfield. Joshua moved to vote to make this regional impact for Northfield. Brendan seconded that. Kent said it was off Intervale and Sandoggety Road. Bob stated he had walked it as a selectman and the access was via a class 6 road, a waiver was in place from both towns. The access is in Northfield. Tyson and other members felt it had regional impact. Hillary moved it was indeed regional impact and we should inform Northfield. It was seconded by Joshua. All members voted yes for that. Tyson said Northfield will have to know when the hearing is. In the letter to the applicant it should detail 2 a, c, d, f, and h that were needed. And Brendan added, it should depict accurately the location of the tents on the site plan.

Hillary wondered about class 6 road relevance. Brendan said it would be discussed at the meeting, in terms of impact on the road. It is a road maintained by the applicant, Bob said. They have permission to build on a class 6 road from both towns. The question of building a business on it would be a hearing issue.

Bob Steenson asked if in the future, does the Planning Board want applicants to give a topographical survey? What would they do with it? He did not understand why the Board was laying that requirement. Brendan said it was for location of water uses. Perhaps some of the sites needed to be relocated if there was going to be erosion or water flowing into a wetland. Hillary said most people are relying on wells and everyone needs to know it is potable. You need to know who is upstream of you and what they are doing with it so the PB and ZBA can be sure there are no negative uses going on. It was incumbent on the Town government to make sure people are doing the best for their neighbor's water supply.

Joshua move that they deny this application on the basis of incompleteness and authorize the secretary to write to the applicant to explain why. Tyson asked if someone could volunteer to speak to these applicants. Joshua volunteered and said he wanted to see the letter before it goes out to the applicants. Lois to contact Joshua regarding that.

## **6. Campground Ordinance:**

Tyson referred to a change in the law, **675: 7 RSA whereby** the notice did not have to go to the paper so long as it was on the website home page and be posted 10 days before and be in 2 other public places. For Canterbury these are the Country Store and Sam Lake House. Consensus was to still post in the Monitor this time.

The question of adding the Natural Resources Reserve was raised. After discussion it was decided to remove both the Natural Resources Reserve and Canterbury Shaker Village. Tyson had spoken both to Kelly Short for the Conservation Commission and Leslie Nolan at CSV so both were aware of the ordinance coming up.

Hillary said take NRR out and CSV and go back to Rural and Agricultural zones and keep campgrounds as an ancillary business for families. She



321 said it was in the zoning ordinance. An accessory to a residence, she saw  
322 as family business.

323  
324 Brendan noted changes on line 44 to remove NRR and line 26-26 - where it  
325 says the owner lives at the residence.

326  
327 Line 144, regarding changes in the Table of Uses, Tyson said could he  
328 type it in full so it was clear, not dashes.

329  
330 Bob said that making it accessory to residential use might pose challenges  
331 — tying all these things together — offices etc. were not entirely run from  
332 inside the house. The rest of it was good. How to get over the accessory to  
333 residence? Brendan suggested that at line 26 they should add not more  
334 than 2 other employees are added to family alone. Bob agreed.

335  
336 Hillary asked about all home businesses. Josh said he agreed. Bob was of  
337 the opinion that in 2021 the Board should address the home occupation  
338 issue because so many people work from home now.

339  
340 Joshua suggested they add a provision that campgrounds can only be on  
341 Class 5 or better roads. Hillary agreed. Bob responded that campgrounds  
342 were low traffic generators in general. If there was a waiver, roads would  
343 need to be improved. Most of the Class 6 roads were in environmentally  
344 sensitive parts of the town. But this might be a good way to curtail this type  
345 of use.

346  
347 Hillary referred to Hancock Road - the request for a campground up there  
348 with a facility to welcome people. But Hancock Road had a wetland through  
349 it and for part of the year it was inaccessible due to water. They said no.  
350 People had been upset and angry but they had upheld the rules and  
351 objective criteria.

352  
353 Joshua moved that we add a comma to line 28 and add 'on Class 5 or  
354 above roads'. Kent seconded. Tyson said it had to be right. Bob asked  
355 what happens when an applicant upgrades the road? There is a Class 6  
356 waiver process involving the BOS if someone wants to do that. It might be  
357 better to look at these applications on a case-by-case basis, and not add  
358 another condition.

Hillary said it seemed it has been subjective in the past, what was approved. Standards have changed from 20-30 years ago. Joshua thought that Class 5 was a general way of understanding that kind of road with businesses. The idea was to keep campgrounds in areas that were commercial.

John Wincek, resident of Harmony Lane, owns property near the Rt 106 campground. He wanted to be clear about the Class 5 roads proposal. Tyson referred to an emergency lane, only to be used for a fire. Hillary said Town Counsel should give opinion for the people over there.

Brendan, suggested from line 62, under Access and Fire Safety, that it is covered. It was not necessary to impose a blanket prohibition of Class 6 roads. Joshua said generally Class 6 roads were sensitive — if there was an exception it would come up in the site plan review. Bob said you should not tie your hands - they already had all the authority they needed to deny campgrounds on Class 6 roads. He thought it best to leave the Board flexibility in future.

John Wincek asked where does that put Hamony lane? Bob responded that much of it was a private road, so it depended exactly which end you were. Primary access could not be off Harmony Lane but it might have been a back up in an emergency. Mr. Wincek was concerned that culvert development might spur campground activity. He would like to see prohibition on Class 5 and up and private roadways.

Tyson said the notion was not to allow class 6 roads and added Brendan's point was good. They could refuse in meetings. Joshua said it was not just about the standard of the road, but the environmentally sensitive nature of the area. Kent was with Joshua on that.

Brendan said the Board gets to look at everything on a case-by-case basis. People would have to go to ZBA for a variance to put a campsite on a Class 6 road.

Tyson asked Joshua to make a motion. Brendan moved that in line 62 they should insert 'Class 5 or higher'. Kent seconded. Members voted. Tyson no, Joshua yes, Kent yes, Hillary yes, Brendan no, Scott no, Cheryl no. Motion defeated.

Joshua thought the warrant article does not say enough about water and sewage. It defers to the State. He felt people deserved to have clean water and sewage and yet it was being kicked to the State and we are not sure where they are. It should require a proprietor to provide water and sewage to people staying at the campground. In response Brendan looked at line 109 and suggested the Board could impose 'more restrictive requirements regarding water and sewage'. He was inserting that into the last draft.

Bob believed that worked even though we still have to go back to the DES.

John Wincek asked if the Planning Board should ask Town Counsel what this means? Tyson asked for comments. Hillary hoped they would decide what was good for the Town. Bob said they cannot create their own rules. The ordinance provides protection. He said the state rules were pretty rugged. Brendan said DES were currently working on some of those regulations.

Hillary stated that they wanted to help people set up businesses but also protect neighbors from pollution.

Kent moved that section 12 allow the Board to add more restrictive requirements. Cheryl seconded it. Members voted unanimously for that.

Joshua raised the issue of traffic. These were businesses that were impactful. Kent had found a traffic study for campsites. Joshua suggested that 6 trips a day for a campsite was typical to get supplies and it may be not just one car per family but multiple cars for young people who would come and go during the day. Tyson asked where that would go into the Ordinance. Hillary thought that there would be one vehicle per adult in the approval. Tyson asked if there should be a practical limit for cars per site. Brendan said line 76 requires adequate parking for their vehicles, it is broad and it already gives the chance for them to impose more restrictive requirements.

Joshua said traffic and parking were two different things but if there was a limit perhaps it would limit the traffic too. Kent said they should be understanding how many cars would be going up and down the roads where these sites were. He spoke generally but cited the example of driving up Borough Road, which is a dangerous intersection now. There will be no taxes from these campgrounds to help improve such roads.

Furthermore, he did not want to see traffic making it hard to get out of his driveway. Parking was not a problem with all the fields but it was more about the traffic getting there. If campgrounds were just in the Agricultural and Rural zones the people living in these zones would bear the burden. Joshua agreed, it could be a significant impact for a substantial part of the year and if there were 3 in a row, there would be 70-80 extra people living there with traffic. Old Tilton Road was a good example where there could be more traffic. So should there be a traffic study or limit cars per campsite?

Mr. Wincek addressed Tyson saying he concurred with Joshua's comments. He agreed it would involve traffic and could impact the quiet use and enjoyment of private property. He was concerned that this ordinance was being rushed in order to make Town Meeting. He thought they would have significant impact on neighbors around the campgrounds. Tyson said if they don't pass this now campgrounds would be allowed everywhere as in the past.

Bob thought that there might be overstatement of campgrounds in Canterbury post Covid pandemic. But in making campgrounds accessory to home use, this will limit the impact in town. He had looked at the traffic studies in his work and suggested this won't register on a traffic engineer study. There will be almost none in those terms.

Tyson asked for motion to change the document. Brendan suggested adding a sentence in line 76 that the 'Planning Board may impose limitations regarding the maximum number of vehicles at each site or in total.' Joshua moved to add that sentence. Hillary seconded. All members voted yes.

Joshua moved they approve this document for public hearing. Kent seconded.

Mr Wencek asked to change one word on line 54. Referring to ZBA and Planning Board, it should be 'or' rather than 'and'. Joshua and Brendan were ok with that - either board could impose addition restrictive measures.

Members voted on the whole ordinance document. Tyson yes, Joshua yes, Kent yes, Cheryl yes, Hillary yes, Scott yes, Brendan yes. The motion passed. Brendan asked to whom he should send the amended document

480 and Tyson clarified to Canterbury Planning Board. He added there would  
481 be a need for a short summary for the public hearing notice. Did Brendan  
482 want to do that? Brendan responded Tyson could do that.

483  
484 Kent thanked Tyson. Joshua moved to adjourn. Cheryl seconded.

485  
486 Other business? Tyson referred to a letter on file regarding Central  
487 Regional Planning. He could send a copy.

488  
489 Kent voted to adjourn. Cheryl seconded. The meeting closed at almost 10  
490 pm.

491  
492 The next scheduled meeting will be Tuesday January 12, 2021, the public  
493 hearing of the Campground Ordinance.

494  
495 Respectfully submitted,  
496 Lois Scribner, secretary.