

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

August 26, 2014

The Vice-Chair called the meeting to order at 7:00 p.m. It was determined that a quorum was present.

BOARD MEMBERS PRESENT: Jim Snyder, Vice-Chair, Chris Blair, Doug McCallum, Joshua Gordon, Tyson Miller, Kent Ruesswick

BOARD MEMBERS ABSENT: Art Rose, Chair, Alice Veenstra, Seth Cohn, George Glines,

OTHER PARTIES PRESENT: Robin Roy, Gary Hermsdorf, Gary True, Carol True, Linda Hamilton

Kent Ruesswick and Tyson Miller were appointed as alternates in place of Alice and Art.

Draft Minutes of August 12, 2014: Chris made a motion to approve the minutes of August 12, 2014. Kent seconded the motion.

Discussion of minutes: Tyson made a motion to amend the minutes. Doug seconded. Tyson pointed out that at line 94 it said "Tyson felt it was a good..." What he actually said was "Tyson felt it was "not" a good idea to get a copy, but to get a copy from our own town records."

Discussion: Joshua remembered that he wanted to see the contract but thought we could get it from our own records.

Tyson: At line 124 it should say "Tyson said he would like to see "what" specific changes...."

Joshua: Line 88 the word collation should be changed to "co-location".

Jim: He would like to fix the spelling of Steve Cochrane's name correct spelling only.

Discussion: No further discussion

Vote: Unanimous. Minutes were approved as amended.

Briar Bush Road, Class VI Road Review for Tax Map 214, Lot 7: Lori read from the minutes of 8-12-14 to remind the board what the overall opinion of the road review was, and pointed out that no signatures were needed on any form. Jim informed the Board that the only thing the Planning Board weighs in on is if we think it's appropriate to issue building permits, traffic patterns, or future growth. Joshua asked what the authority was for this and was told it was delegated from the Selectmen who are looking for our opinion. Jim said their statutory role is to make a decision under the advisement of planning, conservation etc. Jim feels there is no reason not to support development there as long as the road is adequate. Chris felt that the Board's consensus was that bringing Briar Bush Road to a Class v standard was doable. Jim said that without objection we should respond to the Selectmen stating that we have no objection to development up to Lot 7 on Briar Bush Road. Lori will email the Selectmen.

Discussion on Recreational Vehicle Park/Campground Language for possible Ordinance:

Jim asked that Tyson present his information to the Board and then the Board will take questions from the audience.

Tyson handed out a draft proposed ordinance he prepared for the Board to start working with. He stated he went through several different towns' ordinances and spoke with people in both the State and different towns. He spoke with Pete Anglin; John LaRoche, Canterbury Police Chief; a woman named Bouker from DES Underground Water Supplies; and the fire warden. He tried to incorporate, without repeating, the rules and regulations that apply. He said he cherry picked language from different towns to help create the draft. A major addition when reading through is reference to RSA 216-i, along with a variety of State regulations and fire rules that would apply. The last page has notes that should explain what he tried to do.

He talked about items in the current zoning that need to be changed. Tyson recommended that the Board take the draft home and take some time to review it and come up with questions or things to discuss. He also recommended the Board look at RSA's and zoning.

Tyson referred to line 79 of the draft where it references Meredith, Freedom and Alton. He explained that means we can go look at ordinances in those other towns to see what they have done in that particular instance. He's also extracted items relative to roads, density, residence, and things exterior to the campground, including a traffic impact study. Tyson read from various areas of the handout to further explain his approach and how he arrived at it.

There was general discussion about acreage and number of people per acre. Chris wanted to know where the discussion happens about how many people can be at the campground. Tyson said that happens at the Zoning Board. Joshua asked about setbacks. Tyson said that is all handled at the Zoning Board through special exceptions. Tyson gave examples of square footage and what it could be used for

90 within the campground. There was discussion about number of people per acre and
91 maximum number of sites per acre. Tyson said there are also minimum sizes per camp
92 site discussed as well. Tyson asked if there should be a maximum size to a
93 campground. Chris stated he isn't concerned about a 20 acre campsite with 5 tents, but
94 a 20 acre campsite full of RV's is a bigger impact. Tyson said that would be addressed
95 through the ZBA.

96
97 Joshua read from the Zoning Ordinance at page 45, Section 8.2 relative to proposed
98 uses. There was discussion about what the ZBA's and Planning Board's responsibilities
99 or duties would be as far as deciding a reasonable use of the land. There is a
100 legitimate question about size within the campground. There is a big difference
101 between 20 campsites versus 200 campsites.

102
103 Tyson told the Board it is important not only to read the document all the way through,
104 but look at the Site Plan Review regulations again, the Zoning Board items, and the
105 State RSA's (mainly 216-i), and then we should come back and discuss this.

106
107 Jim pointed out that line 259 talks about temporary use of a mobile home during
108 construction. That is already in our Zoning Ordinance and he thinks the period is one
109 year. We could always move it to the new article, but we can decide that at a later date.

110
111 At this point, Jim took questions or comments from the audience and reminded them we
112 are the beginning stages of a draft ordinance.

113
114 Michelle Lee asked about how many campsites the project was going to do. Jim
115 explained that we are not talking about any project that may come before us. We are
116 talking in general.

117
118 Gary Hermsdorf: Suggested the Board also look into an RV or campground set up and
119 look at the issue of transients coming in for one weekend. He feels there is no handle
120 on how many there could be. That could raise the amount of people in the area quite
121 substantially. Tyson said he feels the average of 5 people per campsite would be it.
122 There would also be a registration process that would control that issue. Tyson said
123 registration is addressed on Line 229. Joshua thinks enforcement of the registration
124 process and extra friends showing up for the weekend needs to be good enough so the
125 owner isn't letting in too many people. Tyson believes the owner would want to make
126 sure they know whose coming in their campground as well.

127
128 Gary also gave a hypothetical idea of the ZBA giving a special exception and the
129 owners not doing all of the work set forth, or the work doesn't meet what we want, and
130 asked what happens then? Jim said what the ZBA does is approves a use and it can
131 set limits on the use, but it still comes to us for site plan review. We can't say you can
132 have the use but we have the authority to limit the use, set conditions on the use, or
133 deny the use at that point. We open up a lot of legal cans of worms when we come to
134 that.

Chris Lane: Asked if the Board does a site walk? Jim said often we do. Chris said we would for big projects.

Carol True: If abutters requested a walk of the site would we do that. Jim said not necessarily, but said this Board traditionally has been differential to abutters and residents, which is our job. Some want to do whatever they want with their land and others want everything regulated. The role of the Planning Board is to mitigate between the rights of the individual and the interests of the Town.

Gary Hermsdorf: He asked the Board how many of them have been to Rocky Pond and know Rocky Pond? If they haven't he'd like to invite them over to show the milfoil problems and other potential problems in the future. Chris said if there was a campground going in near a pond, any potential problems would be addressed since we are very big on site plan review and meeting all regulations. Jim said if we thought it was important to require a study about the impact of a body of water, we just require it. Jim thanked him for the offer but we don't have anything at hand on Rocky Pond so he declined.

Tyson then also brought people's attention to the noise ordinance language he included. He read from the document.

Jim asked that it be on the agenda for the next meeting to give the Board time to review the draft document.

Kent Ruesswick fpr Zoning and Planned Unit Development:

Kent reminded the Board that they asked him to make a list of pros and cons about Planned Unit Developments (PUD's). He talked to a lot of people and came up with a lot of pros and only one con. He passed out copies of his findings. Kent found a document from Seattle as a suggested ordinance and would be happy to send it around to everyone if we thought it was a good idea. Doug said PUD's are typically done through a negotiation process with delegates from the city. It can involve fees, things like developments being approved if they build a school etc. Doug said PUD's don't have zoning. You can invent each development with different setbacks and negotiations. It depends on the situation. It's an alternative method. Various scenarios were discussed as to how it could be developed.

Jim said we would have to put some sort of structure in our Zoning Ordinance dealing with this. Doug agreed and said you do need to have some basic rules of the game. If you don't like the deal, then you would go back to Zoning, is the basic thought. A big developer can come in and build something huge, all based on a deal. It's interesting and allows flexibility. Jim asked if we knew of anyone in NH is doing this. Joshua asked if clusters are a subset of a PUD, Kent thought it was the opposite. Joshua asked the difference between a PUD and a cluster. Kent stated that a cluster is a road and circles with a house lot every 150 feet, and you can reduce the size of the lot

because some the land involved goes into a common area. With a PUD the land seems to be more in common. You don't own a piece of land, like a condominium.

Chris read from Wikipedia for a definition of a PUD. After reading Chris suggested that you would have an area of land and in exchange for building the houses, you would make a deal to fix something the town has wanted fixed or improved for some time. Doug said a lot of it is mixed use development. The layout can be anything; you negotiate where the buildings are.

Kent stated he wants to build something like The Spruces. Chris didn't think that was the same as a PUD. Chris discussed variances and their purpose. A variance is a high threshold type of thing, and he felt a PUD was as well. Tyson said a cluster subdivision allows you to put two houses on one acre lots with some area for conservation. Tyson said somewhere in there it says you can't have a major subdivision in the agricultural zone. Jim pointed out that clusters are in the Table of Uses already. The Board reviewed the Table of Uses as far as cluster developments in certain zones, and using variances for other zones. Jim felt for a long time that we should be reviewing the cluster development issue. Chris believes there would be a lot of resistance to changing the overall definition of the agricultural zone, and we should do it very infrequently. The other extreme is to use a variance and put something in that the Town likes, the developer likes, and it works.

Jim wanted to be on the record with a couple of opinions. First, as to whether the agricultural zone should be different in terms of its ability to sustain growth. He supports the reasons for which it was originally limited, it makes sense to have slower growth in an agricultural zone. That being said, there are areas that no longer makes sense for some areas to be agricultural. He thinks it pays to take a look at where the zones are located and periodically see if it needs changing. He would support that. He also thinks in our existing structure, we do have a lot of options to do denser development when it's appropriate. He is also concerned that we're looking at something that's been brought up by a Planning Board member that would benefit him. An outsider looking in seeing we were considering a change that would benefit a Planning Board member could look funny. We need to be careful.

Chris felt this process needs to be a top down process and we need to look at the Master Plan first. He doesn't want to start at the bottom and work up. Doug's concern is that we seem to be missing the big picture and need to do more planning. Chris asked the last time we changed zones or table of uses in Town? Tyson said he doesn't remember doing it as long as he's been on the Board. Chris said it seems it is done rarely and carefully. Doug wondered if we could get grant money and hire a rural designer, get alternatives to think about, and have a public debate about the issue.

Jim asked what we need to do to move this discussion forward. Tyson said the issue is whether a cluster development should be acceptable in the agricultural zone. There was discussion about the pros and cons of that. Chris said there's concern about losing farm land and felt a lot of people will be hesitant.

There was discussion about major versus minor subdivisions. Jim read from page 14 and 15 of the Zoning Ordinance. Chris read from Zoning Ordinance page 24 regarding major subdivisions not being allowed in agricultural zone, which makes it a Town Meeting issue. Chris restated that this is why we need a plan with the big picture in mind. This is a major change. Tyson thought you could adjust the definition of a cluster development. There was discussion about the effect of that kind of a change. Chris wanted to start at the top and determine the things we want to change and work our way down. Tyson thought we could look at elderly housing and Chris mentioned clusters for young people to draw them in. Chris pointed out that we don't want to take the agricultural zone and develop it quickly. There are thousands of acres where this kind of developing could be done and it's not happening.

Jim thinks we need to spend more time improving the cluster development regulation and also look at the possibility of rezoning areas. Jim said he's been told by various people that the ordinance for cluster developments in Canterbury is so restrictive it's just not economical to do. Chris agreed with Jim. If we're making it more difficult, we should work on that, but we have to decide if we want to do it first, and then be careful about how we do it.

Chris thought we should approach it through the Master Plan but that takes a couple of years. There is no shortage of land, but nobody is developing it. Joshua pointed out that people are building, but one at a time.

Jim asked Lori to put this on the second meeting agenda in September.

Chris said we are supposed to be working on the Master Plan and we haven't even looked at it yet. We need to come up with a plan to address the action items. Chris thinks it would be difficult to pass changes that are not built on a solid foundation. Tyson mentioned a book about innovative land use and the State being involved in that somehow.

It was decided that there would be two agenda items for the second meeting in September: 1. Reviewing action items on the Plan for Tomorrow; and 2. Moving this discussion forward. The discussion will be about review of development policies in town.

Other Business:

Tyson talked about the Selectmen's alternate. Tyson looked it up in RSA's. The Selectmen can choose as their member another selectmen or administrative official as ex officio member. Jim said the law doesn't spell out who the alternate can be, all we have is the lawyer from the municipal association who Jim spoke with and interpreted the RSA with him. Lori was asked to send our current Selectman's representative, George Glines, a reminder for each Planning Board meeting and if he is not able to

attend, to let us know. She will also email all Planning Board Members to remind them if they are not able to attend a meeting, they need to email Lori in advance.

Chris felt we needed to start a regular drumbeat on the Master Plan. He thought we should work on the plan a couple of times a year with a goal of having it done on time. Out of those discussions would come recommendations for possible changes. Jim said as part of the discussion next work meeting we should set up a time table to address it. Chris felt we should all read the plan and he wondered if we are restricted from revising the plan before then. Joshua said we can amend the Master Plan whenever we want to according to statute and it actually makes recommendations that we do it every 5 to 10 years.

Doug said city of Laconia developed a design review process and there's a write up on it in the latest AIA newsletter. He can copy it for anyone who wants it. It's about aesthetics of buildings.

Joshua made a motion to adjourn, seconded by Tyson.

The meeting ended at 9:15 p.m.

Lori Venie, Secretary

Next meeting: September 9, 2014, 7:00 p.m.