

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

June 14, 2016

BOARD MEMBERS PRESENT: Jim Snyder, Co-Chair, Tyson Miller, Hillary Nelson, Kent Ruesswick.

BOARD MEMBERS ABSENT: Art Rose, Joshua Gordon, George Glines, Alternate: Alice Veenstra

OTHER PARTIES PRESENT: Tim Bernier, John Elliott, Howard Moffett, Lois Scribner.

Draft Minutes of May 24, 2016: Jim made a motion to approve the minutes as presented. Hillary seconded. Discussion: None. Vote: Unanimous. 5/24/16 minutes were approved.

Continued Public Hearing of JTG Properties, LLC for the commercial development of a storage building at Scotch Pine Road and Riverland Road, Tax Map 267, Lot 38:

Tim Bernier and John Elliott, the property owner, confirmed they have been to the Zoning Board and John's variance was approved. The Board felt this use was reasonable and granted the variance for parking and 4 units for renting for potential contractors. Minutes of that hearing are in the Planning Board's file, JTG File #16-06. The appeal period has not yet run out, but no abutters were present at that hearing, so they are comfortable moving forward.

Tim said some things have changed and brought revised plans with him. He scaled back the impervious surface a great deal. They changed the flow of traffic, mostly for truck traffic to make the curve. The total impervious surface is down to 38.5%. The Site Plan Regulations say the limit is 35%, but also say that the Board can make the final determination on that.

Tim met with people about the slope and looked at the grading. He revised that, which saved a lot of trees and vegetative buffer to the slope. He reduced the fill section as well, just by improving grades. He added a berm so all of the drainage runs away from the slope. There were no changes to the intended use. This is in an aquifer protection zone so it has to have a Storm Water Protection Plan (SWPP). The federal government gets involved in anything over an acre, this project is right at an acre. Everything they need to do for a SWPP, they're doing. There are inspection dates, forms to fill out, a book they need to keep on site for tracking, and things like that. They also need to

complete a Notice of Intent where they inform the EPA of the date the construction starts. They will provide the Board with a copy of the SWPP.

Tyson asked if the only regulated substance on site is oil that may leak from a vehicle. Tim confirmed. Hillary suggested they look at the performance standards before allowing a tenant to move in to be sure all are being met. Tim said they can add that right on the plan.

Jim said he quickly read the ZBA minutes and said it's not totally clear what uses were approved. Jim felt that at a minimum we would like John to come back for a conceptual consultation if they have a new tenant just to be sure the new tenants use falls under the approval. It was felt it should be stated on the plan that John would come back to the Board if there was any change of tenant.

The question of the City of Concord's input came up. Tim said he's been trying to connect with Nancy Larson and she hasn't returned his emails. She was pretty adamant that their Board would want to look at the project. Tim said the statute limits what they can review, and it's only the 100 feet of road that's in Concord. They will go and talk to the Concord Planning Board. Tim did add a title block on the site plan for Concord to sign. Tyson is still unsure what it means when it says the plan is not considered to be approved unless it has both signatures. Tim said he's been doing this for 30 years and this is the first time this has ever come up.

The Board discussed the storm water management aspect and whether we wanted our engineer to review the plan. Jim said we could have their plan reviewed by our town engineer or we have an engineer here (Tim) and we could decide that we accept his opinion. Tim discussed handling storm water and the benefit of having a valid plan to avoid any future fines. After some discussion it was decided that Tim will reach out to Heidi, the Town's engineer and discuss the project with her. It is assumed Heidi will want to hear from this Board as well.

Jim said there's still the question of our impervious surface requirement and this project being a few percent over. We can assume if the SWPP is approved and signed off by our engineer then we're all set. Jim read the Site Plan Regulations pertaining to impervious surfaces and the Board discussed soil conditions with Tim, which he stated are excessively well drained.

Jim said they have 38.5% of impervious surface on the lot and he wants an estimate of what percentage are sandy soils. Tim said the whole site is. They went down 5-6 feet in the test pit and hit a layer of silt, but the silt comes and goes. The water runs on silt until it hits the sand. Jim said if the SWPP includes the fact that he's protecting against the 38.5% impervious surface, and it's approve by our engineer, he is satisfied. Tyson asked for the SWPP to be attached to the plan and Tim confirmed he would do that. Tim will also be revising the plan to address the impervious surface requirements, which will automatically address their being over the 35% as well.

After discussing options as to how to move forward, Jim moved that we approve the site plan conditioned on a positive review of the SWPP by the Town engineer. Kent seconded. Further discussion: Tyson confirmed that Tim was going to add information to the plan to include the list of controlled substances on site and the requirement for future tenants to come before the Board to confirm it will fit in the approved use. Hillary said it should say on the plan that this is in the aquifer protection plan. Lori will review all of the above once we receive the plan from Tim and if all is set, Art will sign.

Vote: Unanimous.

Tim will call Heidi and she will then call Jim. Heidi will let us know how much her review will cost, Tim will give us a check and we will give it to Jan.

Preapplication conceptual consultation of Howard Moffett for Subdivision and Lot Line Adjustment at Cogswell Hill and Cross Roads:

Tim passed out a proposed plan for the Board to review and explained that what Howard would like to do is subdivide two lots at the top of the plan at Cogswell Hill Road where it meets Cross Road. They would like to access the property off of Route 132 and get legal frontage on Cogswell Hill Road. They are going to share a driveway with Burgess. Tim said the lots meet the zoning requirements. Jim said he thinks we need to identify what could be called into question in a subdivision hearing. At least one lot doesn't meet the ratio (3:1) and the other one is close. There was discussion about zones and how that would affect a major subdivision.

Tim said the lots on Route 132 are all existing and are smaller lots. Stern is using Cross Road as the driveway to his house. Howard would be doing the same thing. There was discussion about improvements on Cross Road, which is a Class VI road, and Mr. Burgess' improvements to the road. They're not subdividing a lot on a class VI road, they just want to have a driveway on the Class VI road.

Tim asked if they do site walks and thought it might be helpful to get a true feel for this property. The Board confirmed they do. Howard asked if we have any questions about the lower lot on Cogswell Hill Road with the long frontage on Cross Road. The access for that would be on Cogswell Hill Road, a Class V road. Hillary read the regulation about minimum lot depth and width. The 3:1 requirement is so that someone won't come in and create long, narrow lots. Jim told Tim and Howard that an odd shaped lot wouldn't automatically be denied, they would review the merits of the application and make a determination from that. The Board's overall thought is they have options to consider, but there could be issues with what they are currently proposing.

The lot line adjustment is at the Sterns property. The lot line piece of it is just to be sure we're not creating something less conforming than we have.

Tim and Howard understood the concerns the Board had and said he and Howard would review this further and consider all options.

Other Business:

Tyson said the subcommittee on the Table of Use changes has met and moved forward with a definition of conditional use. They will meet every other week, or twice a month. They are discussing when it makes sense for people to come to one board rather than both the planning and zoning boards. They have learned through legal advice that at the end of either a conditional use permit or special exception, the Board needs to be very clear as to what the conditions are. They are looking at changing some things from special exception to conditional use. Tyson talked about private roads and cluster development and the standards regarding Class IV or private roads.

Hillary went to the OEP meeting and said they are changing the requirement for an applicant to submit their application from 15 days to 21 days prior to the meeting for acceptance as complete. This will go into effect July 18, 2016. RSA 676:4 I-b, (2016 HB 1202).

Hillary moved to adjourn. Tyson seconded.

Meeting adjourned at 8:30 p.m.

Lori Gabriella, Secretary

Next meeting: June 28, 2016 at 7:00 p.m.