

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

February 28, 2017

BOARD MEMBERS PRESENT: Art Rose, Chairman, Jim Snyder, Co-Chairman, Kent Ruesswick, Hillary Nelson, Joshua Gordon.

BOARD MEMBERS ABSENT: Tyson Miller, George Glines, BOS Representative, Alternate, Alice Veenstra

OTHER PARTIES PRESENT: Betty Fifield, Steve Fifield, Ken Stern

Draft Minutes of January 10, 2017: Jim made a motion to approve the minutes as presented. Kent seconded. Discussion: None. Vote: Unanimous. 1/10/17 minutes were approved.

Betty Fifield Preapplication Conceptual Consultation for Home Occupation: Jim Snyder informed the Board that Betty Fifield contacted him to find out what she needed to do in order to move from a homestead license with the State to a different license for a home occupation. Jim said Betty lives in the natural resource zone and in that zone she can have a home occupation with a special exception from the ZBA. He read the definition for home occupation from article 2.5, A-E of the Zoning Ordinance. Betty spoke to say that based on what Jim read, she fits into A-E of that definition. She would like to prepare food in her kitchen and sell it at various places. Nobody will go to her house to purchase food. She'll deliver it to the establishments that would sell the food. There will be no physical changes to her home, everything remains the same. She has a stove and sink and wants to be able to use them to produce more baked goods and she'd like the Town's approval. She doesn't intend to have any employees.

Jim stated this is a nonresidential use and the only thing this Board needs to decide is whether we would require a site plan review. All agreed we would not. Betty was advised to contact the ZBA for a special exception. Art reminded her that if at some point if she decides to market something from the house and people would come to the house, she would need to come back to the Planning Board. Betty understood.

Jim also told Betty and the Board there was a case before ZBA a few years ago for a home occupation where the ZBA could not grant the special exception because the use was called out as not an accepted use in the zone. Jim didn't agree with that decision. There is language in the Ordinance that talks about wholesale food and bakery being allowed in a commercial zone and thinks the interpretation of the language was incorrect.

Hillary asked Betty where she'll be selling her products. Betty was unsure at this time. Hillary pointed out, for Betty's information, that going to a farmers market, for example, is not wholesale. There was discussion about other small bakeries being licensed in this town previously, on Hackleboro and on Brookwood. Hillary said Marlene Hall used to do this as well.

Art asked Betty if she needed the special exception as part of her license. She said getting permission from the town is required, so she would say yes.

Betty will contact Lisa Carlson to schedule with the ZBA.

Discussion of NH Motor Speedway County Music Festival: Hillary read and quoted from the Loudon Board of Selectmen minutes of their meeting on January 31, 2017 relating to David McGrath's (NH Motor Speedway) discussion with the Board about the proposed Country Music Festival. Basically the Selectmen told Mr. McGrath if they simply said yes to the festival, people will scream at them. He advised Mr. McGrath he needs to talk to the Loudon Planning Board. David is scheduled to go before the Loudon Planning Board on March 16th. Hillary felt we needed regional impact notice from Loudon, which we have not received. She felt we need to go to the meeting and let them know our position on regional impact, which will shut the meeting down. Hillary believes an appeal would then go to the ZBA and then possibly Superior Court. She would like to see our town attorney get involved. Jim and Art did not feel our town attorney, Bart Meyer, would need to be involved yet.

The Board discussed the January 9, 2017 letter received from McLane Middleton. Hillary said the protective wording we need to rely on is in the deed and transfers to the current owners. She continued to say the speedway also asked the Loudon Planning Board for permission for the Snow Bowl in 2011 which was not held on the oval. They gave them a one-time permit for that.

Art's understanding is that when approvals were granted for their site plan, there were conditions set. Some conditions were required to be written in their deed. Rather than get lawyers involved, we should make sure Loudon understands that this is regional impact, and members of the Loudon Planning Board need to be reminded that conditions were set and certain items were places in the deed. Joshua asked when Canterbury should get involved with a lawyer. He felt if Loudon solves this problem by itself, we should not create any animosity with our neighboring town. Hillary felt differently. When Canterbury had a problem with noise in 1999, the judge asked why we weren't there at the hearings to voice our opinion. We need to be there this time. Art felt we would bring in an attorney if this reached an appeal process. Hillary proposed we send a letter to the Loudon Planning Board outlining the issues we see, and letting them know we'd be at the March 16th meeting. Joshua volunteered to draft the letter.

Jim felt as a courtesy we should let them know we're going to want to see a vote on regional impact.

Joshua discussed Loudon's position on regional impact based on the racetrack attorney's 1/9/17 letter and the fact that they don't see this as a new development. Hillary read from minutes of the 1/31/17 in relation to regional impact.

Ken Stern spoke to say he believes the Planning Board should hire a lawyer soon. He believes it's money well spent to get someone at the table early. Art believes that going out at this juncture is premature. If we send the letter to their Planning Board and they make a determination it is not regional impact, there's an appeal period and he feels that's when we bring the lawyer in. Joshua thinks it's a mistake not to contact a lawyer now and at least talk to them. We cannot use our attorney, Bart Meyer, since he is also Loudon's town attorney. Any lawyer we want involved in this will need lead time. Art said Joshua could talk to someone in a casual conversation and report back to the Board as to what he finds out. Joshua asked for clarification of what the procedure is for an attorney to be hired at some point for this.

Other Business:

Hillary said New Freedom Academy has a couple things going on. Eric is still landing his helicopter and he's accepting women there now. Jim asked how she can prove women are there. Hillary said one of the women ran away and there is a police report of it. They did not find her, her boyfriend picked her up somewhere. Joshua asked about enforcement of the women and helicopter. Jim said it's a Selectmen issue. Jim said Art should call Ken to ask how to proceed.

Kent said he heard there is a company looking to set up another cell tower in town. None of the other members were aware of it or have heard anything about it.

Jim informed the Board he resigned from his position of Code Enforcement and Building Inspector positions. He feels we should invite the new building inspector to a meeting to familiarize ourselves with him.

Jim moved to adjourn. Kent seconded. Vote: Unanimous.

Meeting adjourned at 8:00 p.m.

Lori Gabriella, Secretary