

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

March 28, 2017

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

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

OTHER PARTIES PRESENT: Arnie Alpert, Paul Mercier, Elodie (Concord Monitor), Lucy Nichols, Ken Stern

Draft Minutes of February 28, 2017: Jim made a motion to approve the minutes as presented. Kent seconded. Discussion: There were two minor spelling revisions that were made. Vote: Unanimous. Tyson abstained since he was not at the prior meeting. 2/28/17 minutes were approved.

Discussion of NH Motor Speedway County Music Festival: Art gave a short history of what has transpired. To date we've sent a letter to the Town of Loudon Planning Board, and copied the Loudon Selectmen and the racetrack manager informing them that the Canterbury Planning Board would like a seat at the table when they discuss the concert, and that we're concerned about the existing covenants and regional impact. We received a response letter from the racetrack's attorney. A second letter was drafted that Art made a few changes just to be sure we stuck to the points of sitting at the table and that we feel there is regional impact here. Art felt that sometimes things have to transpire before making determinations and acting. If we had interjected too much, he felt it could have increased the potential of being involved in a civil suit down the road. If the decision of their Board goes in the wrong direction, then we would perhaps need to get an attorney involved. The letter was revised and sent. Tyson, Hillary, Jim, and Joshua attended the Loudon Planning Board meeting on March 16th.

At that meeting the Loudon Planning Board recognized right away it was a regional impact issue. The attorney for the track called the meeting a preapplication consultation, but they did allow people to speak. Loudon residents were angry about the festival. Mostly the attorney laid out what he thought were pertinent arguments. It was acknowledged that there are certain codicils in the deed that may or may not be involved here. Tyson suggested they were getting beyond the purpose of the meeting and may not want to get into legal details at that time. The Board members indicated they would consult with their town attorney further.

They continued to discuss the zoning of the lots and what was allowed in the zones. They discussed how many concerts could possibly be held, the numbers of days,

46 number of people attending, and the hours involved. They discussed the facilities that
47 would be included. Hillary said they are claiming they can do this on any land
48 purchased subsequent to the signing of the agreement signed in 1989 or 1990. There
49 is a piece of land used for RV parking that was purchased after the agreement and that
50 is where most of this would happen. This piece of land is still under rural residential.
51 Tyson again told them the conversation was going too far and that the Canterbury
52 Planning Board wanted to get to the table where we can all have a conversation, and to
53 let the legal process begin.

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55 Jim said the good news is they walked a couple of things back. They are no longer
56 claiming it's not regional impact and are no longer saying that site plan wouldn't be
57 required. Everyone now seems to agree it is regional impact. There is also a question
58 as to whether it has to go for a variance.

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60 Art said if and when an application is filed and we are at a meeting, this Board should
61 point out the facts: a Site Plan was approved with conditions, there was a civil suit, and
62 conditions were placed on the property. He felt we should concentrate on those things.
63 It was agreed that the Board should formulate an understanding of what we agree on as
64 a Board, prior to attending a meeting. Hillary felt we need to have an attorney and that
65 we, as a Board, have to protect our community and therefore, the covenants. Art
66 reminded the Board that the town of Canterbury was not involved in the civil suit, it was
67 a group of individuals that were involved. The subject of the conflict of Bart Mayer being
68 the town attorney for both Loudon and Canterbury was discussed. Some members felt
69 it was a clear conflict and others did not.

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71 There was discussion as to whether we are the Board who enforces the covenants, and
72 Joshua said at some point we have to get guidance from the Selectman. It was agreed
73 that Lori would send an email to invite the Board of Selectmen and the Town
74 Administrator to our April 11th meeting to discuss this further. Tyson pointed out that
75 Loudon hasn't even received an application yet. Hillary felt the Selectmen need to
76 understand the history, what the covenants say, what the law is, and that this can turn
77 into a big issue very fast. Jim said this proposal faces a more difficult path through
78 Loudon's Zoning Board than the Planning Board due to the strict statutory hurdles. The
79 Loudon Planning Board had a couple of members who were warm to the idea of the
80 concert and suggested having a race that weekend so the concert could be associated
81 with the race.

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83 Hillary referred to Warrant Article 14 that Lori read parts of aloud. It was taken from the
84 1998 Canterbury Annual Town Report. The article refers to the Board of Selectmen,
85 Planning Board, and other elected officials monitoring the operation and expansion of
86 the speedway and to take steps to reduce detrimental effects on Canterbury residents.

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88 Kent's opinion was that if we get the Selectmen and Administrator on board, or keep
89 them in the loop, we'll have a better chance at success. Hillary said over the years
90 we've sent 10-12 letters to Loudon about this.

Theresa Wyman spoke from the audience to say it's very important for the Planning Board and the Select Board to do their jobs and do it well. The track has not been noted for playing nice and we need to have our ducks in a row.

Arnie Alpert read in the Concord Monitor that the speedway said they would not pursue doing the concert in 2017, but are looking to do it in 2018. The Board understood the same thing. Arnie said he does not remember helping to draft Warrant Article 14, but did vote for it. He would like all ducks in a row as well.

Ken Stern spoke to ask if any decision has been made about obtaining legal counsel. Art said no decision has been made. Ken reaffirmed his position about being preemptive and the possible consequences.

Ken reminded the Board that Joshua was going to talk to some possible attorneys and suggested the Planning Board attend the Select Board's meeting since they meet far more frequently. Art informed Ken that Joshua did do that and we do have someone who will work for us if we chose to take that route.

Theresa Wyman spoke again, wondering how we could become involved in a civil suit for doing our homework. Art explained various ways we could become involved and could inadvertently get pulled into a lawsuit. There is no application with the Town of Loudon yet. Arnie pointed out that there may not be a formal application but there are formal statements about the festival. There is a legal agreement that states very clearly that there shall be no concerts at this facility unless in conjunction with a race. There is also a Warrant that calls on the Planning Board to continue to represent the interests of the town.

The Board discussed the timing of an application to the Loudon Planning Board or Zoning Board, whether we would be notified based on Loudon's acknowledgment that this appears to be regional impact, and the public hearing.

Jim wanted to be on the record to say we are not opposed to music.

Discussion of Table of Uses:

Hillary updated the Board and told them she created a Google document that she will send to each member. Art felt we should attack this in the next few months so we allow enough time to hold public hearings and be sure it is on next year's Town Meeting. It was agreed that Lori will schedule the second meeting of each month to discuss the Table of Uses. She will create a schedule of which zone will be discussed at each meeting and will provide that to the Board. There are eight zones to address.

Jim left the meeting at 8:00.

Lucy Nichols spoke to say she thinks commercial and natural resources districts should be combined. She hopes the Board will come to their neighborhood to talk to residents

about various uses in their zone. Lucy had an idea that if you want a low impact development in that neighborhood they should run a fiber optic cable down the road.

Other Business:

Voting for officers will be 2nd meeting of April.

Lucy Nichols also informed the Board that Dumpster Depot has clear cut the lawn in front of the building. She is concerned about what comes next. Hillary informed her that he ended up scaling down his project and it was approved by the Board.

Lucy also added that she's been before a Board in another town and is very impressed with this Board. The Board appreciated her comments.

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

Meeting adjourned at 8:30 p.m.

Lori Gabriella, Secretary