

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

MAY 23, 2017

BOARD MEMBERS PRESENT: Jim Snyder, Chairman, Hillary Nelson, Joshua Gordon, Kent Ruesswick, George Glines, BOS representative.

BOARD MEMBERS ABSENT: Art Rose, Tyson Miller, Alice Veenstra (Alternate)

OTHERS PARTIES PRESENT: Patrick Del Duco, David Day, Ted Whelan, Lucy Nichols, Scott Lacroix

Draft Minutes of May 10, 2017: Joshua made a motion to approve the minutes as presented. Kent seconded. Discussion: Kent advised he wasn't present at 5/10/17 meeting. Lori will make clerical correction. Vote: Unanimous. 5/10/17 Minutes were approved.

Discussion with Scott Lacroix, Interim Building Inspector and Code Enforcement

Officer: Jim began the discussion explaining that for the last 20 years the building inspector has also been a Planning Board member, so he thought we should have a conversation about how our duties interact. The Board and Scott discussed setbacks, driveway permits, commercial lots, and septic permits. Scott also lives in Canterbury. He told the Board he is also the full-time building inspector for the Town of Meredith. There is more work than he expected in Canterbury, but he is enjoying it. Jim informed Scott that we are looking at the Zoning Ordinance and will be making changes, and if Scott has any input or questions, he should not hesitate to contact the Board.

Scott described to the Board how he approaches applications. He created a checklist he uses for each application. The applicant gets a copy of the checklist and he keeps a copy. When the required items are completed and the checklist is done, he inspects again and gives a Certification of Occupancy.

Pre-Application Conceptual Consultation for Patrick Del Duco, Tax Map 267, Lot 57: Jim explained the parameters of a pre-application conceptual consultation and lot line adjustments. Patrick familiarized the Board with the location of the property and noted that Steve Chapman is his neighbor. This is the area of property that Lois Booth broke up long ago.

Patrick has a 50 foot easement on Mr. Chapman's property to get out back to his property. Mr. Chapman's driveway is 10 feet away from the easement and he was not

43 aware there was an easement on his property until now. Mr. Chapman is not happy
44 with the situation. He does not want to deal with all of this, so Patrick is doing the
45 legwork. Once there is a solid plan, Mr. Chapman will come to the Board with Patrick to
46 get things finalized. The hope is to adjust the lot lines, but not change the size of either
47 lot.

48
49 The Teen Project currently uses the easement to go down to the ravine area to study
50 frogs etc. The easement will stay on Patrick's property.

51
52 Ted Whelan was in attendance to see what the proposal was about since he intends to
53 build along the back property line of Patrick's property, but did not have any questions
54 at this point.

55
56 David Day questioned when the lots were created as they are now. The easement has
57 been passed through every deed. The owners before Mr. Chapman were all aware of
58 the easement, but somehow it fell through the cracks when Mr. Chapman purchased his
59 property.

60
61 There was discussion about whether we would be allowing a nonconforming lot to be
62 created with the current proposal. It appears the frontage would be moved, and that
63 could be a problem. Hillary felt this was a hardship case and he may need a variance.
64 Jim also clarified that this is a non-conforming lot, not a non-conforming use. The Board
65 referred to Article 4 of the Zoning Ordinance.

66
67 George suggested Patrick could have Mr. Chapman give him an easement for the 50
68 foot right of way and relinquish the existing easement. Mr. Chapman is very adamant
69 that he not have any easement whatsoever. Joshua felt that because there's no
70 existing use on Patrick's property, it seems to have to go to the Zoning Board.

71
72 Lucy Nichols spoke just to let Patrick know the Town gave her a permit to make a
73 circular driveway and wanted Patrick to be aware of it since her property is across the
74 street.

75
76 Jim said the only issue is whether we can tinker with a non-conforming lot. Jim wants to
77 consult a couple sources before going any further with their thoughts. With the Board's
78 approval Jim will contact his sources and communicate directly with Pat about whether
79 he could go for a variance or not. The Board was in agreement. Patrick understood.
80 Jim told Patrick a lot line adjustment is really a subdivision and he needs to follow the
81 regulations for subdivisions. Jim informed him he can also ask for any waivers
82 necessary. Patrick is going to be building a tiny house and will be off grid. Jim said
83 when he does come back to the board we do need to have both parties present.

84
85 **Discussion about procedure for accepting applications for completeness:** Jim
86 read the Board's Bylaw provision on page 2, #3 (Clerk/Administrative Tasks) which
87 states that the Board can appoint an individual to review applications for compliance.

Jim asked if the Board felt it made sense to have Lori do this task. There was a question about whether, legally, Lori can determine an application is complete, schedule it for a public hearing, and then at the hearing the Board would accept it as complete and immediately hold the public hearing. Joshua read RSA 676:4, I(b). After discussion, it was decided that the Board is comfortable unless it appears to be a complicated application, at which point, the Board would like to review the application for completeness itself. Hillary also suggested that if it looked like a project could be regional impact, it should come to the Board for review.

Moving forward, Lori will review applications and schedule them for public hearing if they are complete. If they are complicated or there is regional impact, she will schedule it for review by the Board. For the applications Lori approves as complete, the Board will accept it as complete and have the public hearing the same night. She will keep the Board advised of applications she receives.

Table of Uses: The Board decided to continue detailed discussion until June 27th since Tyson and Art were not present. Kent suggested we have an extra meeting each month in order to have enough time to discuss all of the articles. The subject will be added to the June 13th meeting for further discussion.

Jim updated the Board on his research on energy zoning. Reference was made to RSA's 674:62-66 and RSA 672:1, III-a.

Hillary attended the Planning Board Conference and learned that federal licensing is required for projects where historic areas are impacted.

Other:

- **Cell Tower:** We received a request from a cellular company representative requesting to add 3 antennas and related appurtenances to an existing array on an existing tower and one cabinet to the base at Intervale Road. Jim declined having them appear before this Board, without opposition from members, and asked Lori to have them contact the building inspector for permitting questions.

Hillary moved to adjourn, Kent seconded.

Meeting adjourned at 8:30 pm.

Lori Gabriella, Secretary