

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

JULY 11, 2017

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

BOARD MEMBERS ABSENT: Hillary Nelson, George Glines, Alice Veenstra (Alternate)

OTHERS PRESENT: Kathy Temple, Marie Bolger, Don Temple, Fran Brown, Bob Surowiec, Danielle Bell, Dick LeClair, Craig Pullen, Kelly Pullen Cronin, CJ Cronin, Jeremy Slayton, Ken Stern, Web Stout.

The Board agreed to review the June 27th Minutes after hearing the two applications on tonight's agenda.

Preapplication Conceptual Consultation for CJ Cronin and Kelly Pullen Cronin for ice cream stand at Windswept Farms: Jim Snyder explained the process to the applicants. Craig Pullen has Site Plan approval for, and has a farm stand at, Windswept Farms where he sells tomatoes and garlic. Kelly Pullen Cronin works at the farm full time. CJ Cronin's family has been in the ice cream business since the 1890's or so. The ice cream is made in Massachusetts and is regulated by State law. Kelly and CJ would like to sell ice cream either from the current stand at the farm, or from an ice cream truck they will bring to the farm.

Jim asked if they reviewed the farm's Site Plan to see if this is already an approved use under that plan, and said if they hadn't, they should. If it is not an already approved use, the Board would have to make a decision as to whether it is a sufficient enough change to warrant a revised site plan, which would require a public hearing. The applicants were not clear if it is approved or not. Jim let the applicants know that tonight we could look at the definition of farm stand in the Zoning Ordinance and see if this use already fits in.

The Board and applicants discussed products sold at the farm versus the required percentages and dollar value under the Ordinance. Jim read the definition of farm stand aloud. After reading it, Jim's feeling is that ice cream fits in the "not limited to" clause. He doesn't have any problem with ice cream being sold at the farm stand but wondered if they may run into trouble with the dollar value portion of the wording.

The subject of State approval was reviewed. The applicants were already aware of the State requirements for both a farm stand and an ice cream truck and were prepared to

meet those requirements. Craig and Kelly said the initial thought was to have the truck so they could also take it to the farmers market or to Market Days in Concord, but have not made a decision on truck versus farm stand.

Jim and Kent asked about signage. They would like to have a sign and would be sure it fit within the regulations.

Jim's opinion was they could start selling ice cream and if they find sales were going better than they thought, they could come back to establish that as part of the site plan. Craig felt the trial period is the best approach. Kent suggested if they come back to amend the site plan, they provide as much information as possible. The Board agreed and wished them luck.

Public Hearing for LeClair Bell Trust Subdivision Application, Carter Hill Rd. & Rte. 132, Map 247, Lot 27: Lori informed the Board there were issues with the abutter notices. The notices published in the Concord Monitor, at the Town Office, and Country Store were all correct. The notices sent by certified mail to abutters had the wrong hearing date. When Kathy Temple called Lori to point out the error, Lori called each abutter by phone and notified them of the correct date. Some abutters wanted to attend, and were here, and others were fine with the hearing going forward tonight and did not have an interest in attending. One abutter, Arthur Landry, stated he would like to attend but was leaving for vacation. Arthur had already spoken with Dick LeClair previously to discuss what was going on at the property. After discussion with Lori, Arthur was fine with the project moving forward as long as she conveyed his concern. Arthur has sheep and ducks and was concerned about the new people having issues with his animals, or the children coming over to his property. He was also concerned about how close any buildings would be to his property line. Lori informed him there were requirements for the placement of buildings and any neighbor related issues are not a Planning Board issue. He understood. She also confirmed that Arthur discussed his concerns with Dick LeClair. The Board noted his concerns.

After hearing the notice issues and efforts to correct it, Jim said notices were sent out timely and felt we met our ethical obligation to correct the situation. The abutters received the due process required and the correction was made by phone. The Board left it up to the applicant if they wanted to hold the hearing, or continue it until the first meeting in August. Kathy Temple, an abutter, spoke in favor of holding the hearing since many were present and the others were contacted. After discussing the pros and cons, the applicant decided to move forward.

Kent moved we go ahead with the meeting. Joshua seconded. Vote: Unanimous.

The Board asked Lori if the application appeared complete. She confirmed it did and that no waivers were requested. Kent made a motion to accept the application as complete. Tyson seconded. Vote Unanimous. Application was accepted as complete.

Public hearing: Web Stout, the applicant's surveyor, spoke on behalf of the applicants. The property consists of about 13.5 acres at the corner of NH Rte. 132 and Carter Hill Road. There is an existing house on the property which will end up being on the 6.3 acre lot (the L shaped lot on the proposed plan). The second lot will be 7.3 acres. It is in the agricultural zone with minimum requirements of 5 acres and 300 feet of frontage. Both parcels have more than enough frontage. Both are over 5 acres and therefore do not need State subdivision approval. The wells are identified on the plan along with topo. Web pointed out the proposed driveway which was submitted for approval on June 6th. He's left multiple messages with the State but does not yet have a response. Jim stated we can subdivide without a driveway, but you can't get a building permit until you have the State permit. Jim wanted to point out for the record that lot 27 (L shaped) is an irregularly shaped lot, but is no more irregular than before the subdivision.

Web said they won't have a problem if the Board wants to make the driveway approval a condition of the subdivision approval. The Board did not feel that was necessary.

After the Board reviewed the plan and asked all their questions, abutters were asked for their input. Fran Brown lives on Carter Hill Road. They attended the hearing just to see what the subdivision was about and to be aware of what was happening in their neighborhood. They don't object.

Jeremy Slayton is an abutter at the far end on Northwest Road. He asked if this land was previously in current use. Dick LeClair said it was not. Jeremy did not oppose the subdivision.

Don Temple lives directly across from the barn that is currently on the property. He asked if they have any intentions beyond residential uses on either parcels. Dick LeClair and Danielle Bell (Dick's daughter) confirmed they do not. His daughter will build a residence on the property.

Marie Bolger is an abutter and lives in the same household as Kathy Temple. She has no issue with subdivision.

Neither the Board or any abutters had further questions or comments. Joshua moved to approve the subdivision application with no conditions. Art seconded. No discussion. Vote: Unanimous.

Draft Minutes of June 27, 2017: Kent made a motion to approve the minutes. Joshua seconded. Discussion: None. Joshua abstained from the vote since he was not present at the 6/27/17 meeting. Vote: Unanimous. 6/27/17 Minutes were approved.

Lori asked the Board for direction as to how detailed they wanted the Table of Use discussion Minutes. The conversations are very detailed and many ideas and approaches are discussed. After a brief discussion it was decided to provide a scope of the discussions, but to do a summary for longer conversations about a specific topic, Tyson asked how we would present the final product to the residents. In addition to

there possibly being a “proposed changes document”, Jim thought we should consult with the Municipal Association for their opinion.

Discussion of House Bill 265: Tyson passed out a handout of the Bill and, as a result of the Bill, he included his proposed language to revise the accessory dwelling unit language in the Zoning Ordinance that he would like to see on the 2018 warrant for the annual Town Meeting. The language is as follows:

In ARTICLE 3 DEFINITIONS, amend ACCESSORY APARTMENT:

1. To prohibit accessory dwelling units associated with multiple single-family dwellings attached to each other such as townhouses, and with manufactured housing as defined in RSA 675:31.
2. To prohibit subsequent condominium conveyance of any accessory dwelling unit separate from that of the principal dwelling unit, notwithstanding the provisions of RSA 356-B:5.

Joshua moved that we adopt the proposed language as written. Tyson seconded. Discussion: Jim’s concern is he thinks we could enforce the new State language without revising our Ordinance, and said the chance of even having to enforce it is extremely remote. He also doesn’t think we could complicate the 2018 warrant by adding anything else while we’re trying to get the Table of Uses revisions passed. Our goal is to get the Table of Uses on the 2018 meeting. Kent felt we’re currently creating zoning to promote affordable housing and thinks we could get hung up on accessory apartments with this proposed language. Tyson didn’t agree that adding this proposal to the 2018 Town Meeting would complicate anything. Art agreed with Jim. The Board discussed tracking any smaller zoning issues and if it looks like we’ll fall short in getting the Table of Use revisions to 2108 Town Meeting, we can look at these issues again. Jim suggested we postpone a decision on this until our next meeting.

Other Business: The Board learned that Bill Egan passed away who was a past chairman of this Board. The Board recalled Bill fondly and was very sorry to hear of his passing.

Art made a motion to adjourn, seconded by Kent. Vote unanimous.

Meeting adjourned at 8:20 pm.

Lori Gabriella, Secretary