

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

FEBRUARY 27, 2018

BOARD MEMBERS PRESENT: Art Rose, Vice-Chairman, Tyson Miller, Hillary Nelson, Lucy Nichols (Alternate)

BOARD MEMBERS ABSENT: Jim Snyder, Joshua Gordon, Kent Ruesswick, George Glines (BOS Rep.)

Others Present: Scott Frankiewicz, Christopher Hayward, Kelly Hayward, Ken Stern, Dave Rauseo, Laurie Rauseo.

Draft Minutes of February 13, 2018: Tyson made a motion to approve the minutes. Hillary seconded. Discussion: None Vote: Unanimous, 2/13/17 Minutes were approved.

Preapplication Conceptual Consultation of Kelly and Christopher Hayward: Art Rose explained the process of the consultation to the applicants. Scott Frankiewicz from Brown Engineering represented, and spoke for, the applicants. The proposed project is a 3 lot subdivision at Flagg Road, Tax Map 256, Lot 006. Scott provided a recorded plan of the property and highlighted its boundaries. The Haywards are looking to purchase the property and subdivide it to three lots, two would be sold and they would keep one for themselves. There was discussion as to whether this area was a Class V or Class VI road. Scott stated the road is maintained to a certain area and highlighted the area where the road maintenance ends. He was out there a few weeks ago and indicated it was plowed up to a certain point and learned that another owner who lives further down the road plows the remaining part of the road.

Art said as far as he knows there is no rule that you can't subdivide on a Class VI road, but you wouldn't be able to get a building permit without a road waiver from the Selectman. Access to this property is through Loudon. Tyson Miller talked about municipal boundaries and the laws associated with those boundaries. Hillary Nelson added that if a Class V road runs between two towns' boundaries, it gets very complicated and there is a different rule about closing it, i.e. gates and bars. Tyson said it also has to do with which zone applies to the particular area. Flagg Road is a Class V in Loudon and is town maintained. Loudon plows the Canterbury portion of Flagg Road as a convenience. A portion of the original land the applicants are looking at was in Loudon, but that part has already sold. The applicants are only looking to buy the Canterbury portion of land.

The parcel is in the agricultural/conservation zone with 495 acres behind it being conservation land. There was discussion as to whether the road is discontinued, which

would mean they wouldn't have frontage at all. Art told the applicants they need to establish whether it is still a deeded roadway to the town of Canterbury or Loudon. If not, it presents a few problems. As far as subdividing on a Class VI road it's not a major problem for the subdivision, but the permitting would have to be addressed by getting a permit from Selectmen or upgrade the road. There could be right of way issues as opposed to an actual road depending on how it was deeded. Any time a town discontinues a road, it is done at Town Meeting and they could find some information in the Minutes of that meeting. Scott said the registry will also have the deeds if it was actually discontinued and they would look there as well.

Ken Stern said the Conservation Commission would like to be notified if the applicant does come back with more plans since it abuts conservation land. Art assured Ken that since it is conservation land, we would extend an invitation as an interested party.

Art ended the consultation by saying they have a lot of homework to do before going too much further and encouraged the applicants to get any decisions they find in writing to be sure they've covered their bases. There was discussion about wetland requirements and buildable area.

Discussion to schedule possible meeting with applicant of Exit 17 project for

Concord: This agenda item was intended for discussion among the Board, however, Laurie and Dave Rauseo were in attendance and joined the Board at the table. They are appearing before Concord Planning Board on March 21st and when they saw the agenda, they thought it would be helpful to come in and familiarize this Board with the project. The Board was happy to have the discussion at this meeting and thanked them for joining.

Laurie explained this is a zoning request before the City of Concord, not an application. They own property at 1 and 2 Whitney Road that equals about 10 acres. Susan Whitney owns the remaining land with the total site being 42 acres. The Rauseo's have been working with the City to improve the tax base in Penacook and bring a supermarket to this area. The area is zoned urban commercial. The City had covenants on the property but they were lifted this past November. The Rauseo's also asked to rezone 14 acres. Concord said no more rezoning unless they have a meeting with public to obtain input. In December the Rauseo's held a charrette at 2 Whitney Road. People from Boscawen, Canterbury, Penacook, and Concord did a site walk and participated in a meeting that lasted several hours. After the meeting, they prepared a 30 page report summarizing tax base issues, the results of the charrette and other miscellaneous issues. Concord now has the report and new plan which outlines their desire to rezone the existing urban/commercial lot plus an additional 18 acre industrial zone to a new zone called "Gateway Performance District" consisting of 28.5 acres. 13.5 acres would be industrial. Concord has other areas that are a Gateway district at exits 13, 14, and the mall, for example. Gateway is a performance zone which means extra review, zoning, landscaping, etc. It's a lot of extra work. It's all done with a goal in mind. It's more restrictive but allows for larger size buildings. They're hoping to attract

a supermarket of any size. Lucy Nichols stated that the largest show of hands at the charrette was for a grocery store.

Hillary brought up the traffic issue as being a big problem and wondered what their thoughts were on that. Both Dave and Laurie are well aware of it as they drive it every day. There are signal warrants that limit the ability of the State to put in a signal until the area warrants it. They've been trying to push for this, however, even if you meet the warrant, it doesn't mean you "have" to put in a signal. It just means you "can". They can put in a roundabout anytime they want. At one point, the City approached the State who said "great, widen Route 4 to four lanes and move the ramp." The Rauseo's are trying to get the City and State to talk and figure out how this would get fixed. Even if no further development happens, the intersection needs to be fixed. The Rauseo's have also talked to Andru Volinsky, Executive Council for District 2 for the State of New Hampshire.

Hillary asked how we, the Canterbury Planning Board, can be helpful. Laurie said they don't really have a preference as far as a signal or a roundabout and it really comes down to what the State wants. Laurie said the down side, in Concords' perspective, is this industrial land, so the idea of them giving up one for the other makes everyone nervous. Industrial land pays a lot less than commercial land to the tax base. Laurie and Dave did do a tax evaluation for them and let them know this project would be about 10% of Penacook's tax base. Lucy learned that the State is broke and is going to be broke when it comes to roads because they're focused on widening route 93. That will take every penny for a very long time.

Art suggested to Laurie and Dave that the State is very open to Public Private Partnerships, or P3. Laurie is very familiar with these and said there is also a TIF district as an option. Once they get the big fish, the big fish contributes, then the State contributes.

Lucy asked what we can do at the upcoming hearing. Laurie said Mike Tardiff of Central NH Regional Planning Commission would like to get together with Concord, Boscawen, and the State, and he'd like to include Canterbury. She asked that we keep in touch with Mike Tardiff. They need to be reminded that we want something done since they control what projects get into the 10 year plan.

Dave said the City is soliciting input from abutting towns about this project. Art said we'll draft a letter of support at our next meeting and give it to Dave and Laurie to submit at their March 21st hearing.

Discussion of Conditional Use Permits (CUP): Art noted some discussion of this issue in our last Minutes and it seems to be moving along. Tyson updated Art with an overview of the last meeting as well. He drafted language defining what the term "reasonable" means and read it aloud. Art thought what Joshua said is important, that we not be ambiguous in the language and if written clearly, we should be fine. Tyson wants people to understand that you can't just make someone build an interstate

highway for example, but you could have them improve the road, or traffic, or sound, or whatever it may be. You can rely on a scientific professional opinion, such as a sound study, to create conditions. Art thinks CUPs are good, but he thinks Canterbury is too immature for conditional use. He's excited about the fact we want to institute a CUP process and change some zoning, but also feels the reality is Canterbury is too young to do it. As a Planning Board we have power over what happens with a piece of property and can place conditions on right now. We have zoning that doesn't allow us to put certain things where they should be, and that's the problem we're trying to address. The topic was tabled to next meeting.

Other Business:

- A Voluntary Lot Merger was presented and was signed by the Board.

Tyson made a motion to adjourn, Hillary seconded. Vote: Unanimous. Meeting adjourned at 8:20 pm.

Lori Gabriella, Secretary

Next meeting: March 13, 2018