

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

APRIL 10, 2018

BOARD MEMBERS PRESENT: Jim Snyder, Chairman, Art Rose, Vice-Chairman, Tyson Miller, Kent Ruesswick, Lucy Nichols (Alternate), Cheryl Gordon (BOS Alternate)

BOARD MEMBERS ABSENT: Joshua Gordon, Hillary Nelson, George Glines (BOS Rep.)

Others Present: Web Stout, Ken Stern, Ralph Boles.

Draft Minutes of March 27, 2018: Art made a motion to approve the minutes. Kent seconded. Discussion: None. Vote: Unanimous, 3/27/18 Minutes were approved.

Public Hearing on Boles Lot Line Adjustment, Harmony Lane, Tax Maps 203-38 and 2-3-14: Ralph Boles was in attendance and was representing all parties. The survey presented to the Board was prepared Bryan Bailey Associates, who also submitted the application. The Board's understanding was that a representative from Baily Associates would be in attendance to present the application for the parties. Ralph stated he didn't think they needed to be here since it is a simple lot line adjustment and thought he could save money and handle it himself. The Board was hesitant to move forward since we had a letter from the engineer where the parties authorized the firm to represent them, and the remaining Boles family members were also not present. After discussion, the Board agreed to hear the application.

Ralph's son, David, owns the parcel containing 11 acres. They are moving 1 acre to Ralph's land. The Board reviewed the plan while Mr. Boles explained old and new lot lines. Ralph stated that in addition to the certified abutter notices that were mailed by the Board, he also asked abutters if they wanted to come tonight or had any concerns. All abutters he spoke with had no concerns. Jim Snyder asked about the septic and leach field for Elizabeth Boles as far as it not being on her property. Ralph said it never was, but there is an easement to protect her. Jim pointed out the easement is not shown on the plan. Jim also pointed out that all 10 acres of lot 14 are not shown relative to wetlands. Jim explained that the 10 acres has to be exclusive of wetlands and this doesn't show if it has wetlands. Ralph said they got permission to build the house based on those 10 acres years ago.

Jim said the Board needs to be sure we're not approving a nonconforming lot, and that both parties should be here since Bailey's is not present. Ralph said David lives in Florida now and is selling his house. Jim also asked about Harmony Lane and its status. They show it as a right of way on this plan. Ralph said the right of way was made years and years ago and that's why they plow, sand, and put gravel on it, which they've

46 been doing for more than 50 years. Jim said if this plan is approved, it will have land on
 47 both sides of that private road. Ralph stated at one point he owned both sides of the
 48 road and he assumed he owned the road as well. The right of way is in the deed. Jim
 49 said the reason he asks about the road, is if it were public, he would be creating a
 50 second lot on the other side. Ralph said it is not a Class VI road.

51
 52 There was further discussion about all owners not being present and no representative
 53 from the survey company being present. Art Rose pointed out the surveyor put his
 54 stamp on the plan, so any liability would be on him.

55
 56 Art made a motion to approve the lot line adjustment with a condition that we receive a
 57 letter from David Boles spelling out his wishes, for our file. Kent Ruesswick seconded.
 58 Discussion: In the future we should have all applicants present, or a representative with
 59 a letter signed by all applicants. Tyson Miller amended the motion to add the names of
 60 Irene and Renee Boles to the letter. Kent seconded. Vote on amendment to make sure
 61 all owners are represented on the letter: Unanimous. No further discussion on Motion.
 62 Vote on Motion to approve the lot line adjustment as conditioned: Unanimous. Ralph
 63 will submit a letter to the Board signed by all parties detailing their understanding and
 64 approval of the lot line adjustment. No Mylar will be recorded until the letter is received.

65
 66 **Public Hearing on SKID NH LLC Lot Line Adjustment, Baptist Hill Road, Tax**
 67 **Maps 213-12, 213-12-4, and 224-12-5:**

68 Web Stout presented for the applicant, Ken
 69 Stern, who was also present. Jim informed Web and Ken that we may have a
 70 notification issue. A certified letter was sent to the Conservation Commission and
 71 signed for by the Town. The letter was placed in the Planning Board mailbox rather than
 72 the Conservation Commission mailbox at the Town office. The Conservation
 73 Commission did not receive notice of the application. Ken Stern, who is also the vice-
 74 chairman of the Conservation Commission, stated the subdivision has no bearing on the
 75 easement on this property. Ken asked if we could proceed with the whole process and
 76 then see if the Board could meet in two weeks to vote on it. After some discussion, Jim
 77 said we'll move ahead and see what the discussion brings since all other abutters were
 78 notified.

79 Web stated this property goes back to 2006 or 2008 when there were 6 original lots.
 80 Ken had since bought all six lots. Tonight they want to consolidate two of the smaller
 81 lots to one lot, and reconfigure a lot to create lot # 2.4. Wetlands have been shown on
 82 the plan. They do not need State subdivision since they're consolidating, not
 83 subdividing. They're starting this adjustment with three lots and are ending up with two.

84
 85 Tyson asked about the "X" being put next to "type/number" item on the lot line
 86 adjustment application. He felt there should be a type and number rather than an X. For
 87 clarity purposes, in the future a word and a number will have to be on the application to
 88 be sure the intent of the project is clear.

89
 90 Jim advised the Board it needed to vote on application completeness, and on the waiver
 91 for topography and soils. Kent made a motion that we accept the application as

complete. Art seconded the motion. Discussion: Tyson questioned whether we needed a copy of the easement deed to review. Web pointed out the easement he showed on the plan. Jim confirmed the regulations require it be shown, not that documentation needs to be provided. Vote on completeness: Unanimous.

Waiver: Jim made a motion to approve the waiver regarding topo and soils on lot 213/12. Kent seconded. Discussion: None. Vote: Unanimous.

Discussion continued: Jim confirmed the intent of the adjustment: There were originally three lots for this particular project. They are moving a lot line on one parcel, and consolidating another lot line so the end result will be two lots rather than three. The larger lot is 35.053 acres, the small lot is 5.274 acres.

Tyson questioned the length and width of the building square, to which Web pointed out the reference to it being 250/300. Art wondered why this lot line adjustment was being requested. The smaller lot will have better access and a better building site, and the bigger lot will have better access. The conservation easement doesn't hop any boundaries. It's always been contained on one lot and will remain that way. The easement is unaffected by this adjustment.

Jim went back to the topic of lack of notification to the Conservation Commission. His view is that if we hadn't notified at all, we still could have gone ahead with a clear conscience that the easement totally remains on the lot it had before. The Board agreed and felt no harm was done by the lack of notice in light of the easement being unaffected.

Art made motion to approve lot line adjustment as presented. Kent seconded. Discussion: none. Vote: Unanimous.

PreApplication Conceptual Consultation of Luke Mahoney for Brookford Farms:

Luke is before the Board to discuss housing, storage and a packing house at his farm. For procedural purposes, Jim reminded Luke and the Board that we cannot make any decisions tonight, we can only help figure out a direction for Luke to take to achieve his goals.

Luke said the last time he was here we approved a site plan for the whole site, with future building in mind. He believes his current ideas might fall under that approval but just wants to be sure he's doing everything above board.

Luke gave the Board an overview of the buildings on the property. Right now in question is a building which, when they did the site plan review, was going to be retail; and a building in the back half that was going to be vegetable storage and a packing house. They've been renting space at Hackleboro Orchards for storage and that met their needs for the root vegetables. As much as that's worked out, it's time for them to build storage on the farm itself. Given the limited amount of space for a building envelope, they want to address needs aside from vegetable storage. He has a more

detailed plan including a kitchen to process and jar items for markets that includes a break room, bathroom, commercial kitchen including a walk-in cooler, and vegetable storage. The biggest question is trying to take advantage of all the concrete and roof space, and squeeze in some seasonal living quarters. He needs to know what is allowed for living space in this building. He wants intern housing that would be seasonal dormitory style housing for interns from approximately April to November. He also wonders what would be allowed if it were more of a permanent style residence. He could go either way without much heartache. Lucy Nichols said FDA passed new rules that affect vegetable handlers and asked if this would meet those rules. Luke said the rules should kick in this summer, although there's nobody to regulate it yet, but yes, he has to move in that direction.

Jim asked Luke to refresh his memory whether his property is one lot. Luke believes there are 3 lots in total. There is one residence, where he lives, and it's on lot 1. Jim stated there is one residence allowed per lot, but there is also a provision for a farm worker dwelling in the Zoning Ordinance. There are certain limitations that Luke would have to review to be clear, but that would give him the ability to put in at least one other dwelling besides the primary. There is also an accessory dwelling option, but the requirements might be slightly more restrictive. Jim wasn't sure if there are State regulations on seasonal farm workers. Luke talked about going through the H2A program, which is a program that brings Jamaican workers in under federal guidelines. There was discussion about flood plains and possible cluster development. Luke said the easement holder on the property is going to be more protective and restrictive, and will have some input.

Art said they're showing a 30x90 area for living. Luke said he would have a handful of people, dormitory style living with a community style kitchen and living space. He would love to have another family live there since it's a lot to take care of at night and on weekends.

Luke pointed out a septic would have to be built for the kitchen. If they built just the veggie storage portion of the building this year, he's fine with that. The dormitory style living could take years for him to accomplish.

Luke will have engineered drawings soon and asked what his next step should be. The Board told him he should talk with his easement holder to find out what restrictions might exist there, and then go for a building permit if his plan falls within the square footage requirement previously approved. In any event, Luke stated he will come back and show us his final footprint.

Other Business:

- There was discussion about notifications of easement holders on applications.
- Tyson is on the Board for Central NH Regional Planning Commission. Each year they put a large group of people together to approve lobbying efforts for the year.

184 If anyone has any legal motions, or wants to support something at the State
185 government level, let him know. There are two positions for Canterbury on the
186 Commission and one is available if anyone is interested. They are now lobbying
187 for a State law not allowing short term rentals anywhere. Tyson is vehemently
188 opposed to that.

- 189
190 - Jim informed the Board that there was a court hearing held on a Motion for
191 Summary Judgement regarding the racetrack. They are still awaiting a decision
192 for that. Also, our bylaws require us to hold an election during April for chair and
193 vice chair. If anyone is interested in either position, start campaigning. Jim
194 remains willing. Art is willing, but Art said others should start thinking about
195 stepping up.

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197 Art made a motion to adjourn, Kent seconded. Vote: Unanimous. Meeting adjourned
198 at 8:25 pm.

199
200 Lori Gabriella, Secretary

Next meeting: April 24, 2018