

MINUTES OF THE MEETING  
OF THE  
CANTERBURY PLANNING BOARD

MAY 22, 2018

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

BOARD MEMBERS ABSENT: Art Rose, George Glines (BOS Rep.)

OTHERS PRESENT: Ken Folsom (Town Administrator), Kimberly Scamman

**Draft Minutes of May 8, 2018:** Kent Ruesswick made a motion to approve the minutes. Joshua Gordon seconded. Discussion: None. Vote: Unanimous, 5/8/18 Minutes were approved.

**Continued discussion of Table of Use:**

- Prior to starting the meeting, Jim Snyder asked Ken Folsom if he was here to discuss a certain issue and noted he could change the order of the Agenda if need be. Cheryl Gordon asked Ken to come to discuss a permitting process for events like the Brookford Farm burger night. Jim moved the discussion of the Table of Uses to the first item and continued with the permitting topic.

When the Board of Selectmen (BOS) met, they discussed Article 9.2 of the Zoning Ordinance, which deals with the BOS authority to require permits. After its discussion, the BOS was not willing to do the permit processing of things like the Brookford Farm events. Cheryl and Ken both wanted a better understanding of the criteria for permits for events of this nature. Tyson Miller said he read the Article and pointed out that it says the Board of Selectmen "shall" issue permits..... Tyson spoke with Mike Tardiff of the Central New Hampshire Regional Planning Commission (CNHRPC), who strongly believed permits are issued under the authority of the BOS. The Board discussed various RSA's relating to this issue such as police powers and insurance requirements. Hillary recalled when she had met with Steve Henninger of the CNHRPC in the past, he stated permits should not be in the Zoning Ordinance, and instead should be in the book of ordinances which Ken Folsom confirmed did exist.

Ken asked if the burger night event fit into Brookford Farms current site plan. Tyson said this event falls under agritourism either way. There was discussion about the Agritourism definition being very cloudy and the fact that new laws are being proposed every day. It's not clear what is allowed and what isn't allowed. Jim pointed out that just because any event may fall under Agritourism doesn't

mean it can't be regulated, and confirmed Brookford Farm's event is not outside their current site plan.

Lucy suggested people look at the Town of Peterborough's permitting information and documents.

It was decided that Tyson will work with the Board of Selectmen to come up with a permitting process. Joshua Gordon felt if the Town wants to regulate anything, it's on this Board to spell it out. There was additional discussion about what the cutoff would be to require a change to a site plan, which would trigger a person to come in.

Jim also said a good starting point would be to contact the Municipal Association for legal advice relating to permits. Cheryl offered to call and will let the Board know what she learns.

- Tyson amended the language that defines Agritourism that he presented at a prior meeting so it mimics the Statute. He also said he wants it listed under Accessory Use.

**Loudon Planning Board NHMS regional impact decision:** Jim previously recused himself from detailed discussions about the New Hampshire Motor Speedway issue, however, he believes tonight's discussion would not require him to recuse himself. The Board agreed, this is an issue with Loudon, not a racetrack issue. Jim wanted the Board's input as to whether we do anything about how the Town of Loudon handled the recent regional impact issue for the flat track application due to the fact that this continually happens with Loudon. They decided that in their opinion it was not regional impact. The Board discussed what went on at the Loudon Planning Board meeting and what the regional impact RSA actually states. Mike Tardiff was asked if he felt this was a regional impact issue and he said yes. Loudon voted 5-2 that it was not, even after receiving our letter advising it is. Loudon went forward with their meeting and permitted the flat track racing. Jim read the RSA relating to regional impact aloud to the Board. The Board discussed the language including "doubt" and felt if one person thinks its regional impact, it's regional impact. When this was mentioned to Loudon Planning Board, there was no comment. Hillary stated other Loudon abutters were there and were furious about this application and lack of oversight during these events.

The Board discussed options for remedies. Tyson reached out to various people and is waiting for responses. We need to be aware of the appeal deadlines. Joshua will do some research and will let us know what he finds. Hillary moved we designate Joshua to determine the correct course of action in consultation with Jim or Cheryl. Tyson seconded the motion. Discussion: None. Vote: Unanimous. Joshua will do research and advise of the initial the course of action, which will be discussed at our next meeting.

**Other Business:**

- Lucy went to the Zoning Board of Adjustment meeting last night to listen to a hearing. A couple wanted to build a house on a lot across from the Quaker Meeting House, which is zoned commercial. They were told they had to have a business as the main use and the house would be an accessory use. The variance was denied. It can't sell as a commercial property and the realtor asked if the town would consider changing the zoning. This is something to think about in our Table of Use work.
- Jim took a moment to commend Tyson for being a rock star in preparedness and wanted to recognize all of Tyson's hard work for this Board.

Motion to adjourn: Hillary, seconded by Jim. Vote: Unanimous. Meeting adjourned at 8:20 pm.

Lori Gabriella, Secretary

Next meeting: June 12, 2018