

1 . Planning Board Meeting [L]
[SEP]

2 September 26, 2023, Meeting House

3 Final Minutes [L]
[SEP]

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6 **Members Present:**

7 Greg Meeh (Chair), John Schneider (Vice Chair), Anne Dowling, Rich Marcou,
8 Joshua Gordon, Hillary Nelson (alternate), Ben Stonebraker (alternate) and Kent
9 Ruesswick (BOS rep).

10
11 **Members Absent**

12 Logan Snyder.

13
14 **Others present**

15 Matt and Katie McKerley; Tim Bernier of TM Bernier; Arthur Nash; Luke
16 Mahoney; residents of Wyven Road and the Soft Path Community Association
17 (including Denise Luneau, Kerry Clock, Ruth Heath, Mr. Messier, Jennifer and
18 Andrew Jackson-Baro); other abutters and residents; and Recording Secretary
19 Ray Carbone.

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22 **Agenda**

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25 **1. Call to Order by the Chair**

26
27 Chair Greg Meeh opened meeting at 7:00 p.m.

28 He announced that the board would consider minutes of the Sept. 12 minutes
29 after the McKerley Properties application was reviewed.

30
31 **2. Site Plan Review Application for McKerley Properties, LLC new**
32 **office construction on Riverland Road, Tax Map 267/Lot 44 & 45**
33

34 Tim Bernier of TM Bernier, Inc. presented the plan on behalf of owners Matt and
35 Katy McKerley. He said the new development would be on Lot 44. It would be
36 basically a reproduction of the current building on Lot 45, i.e., a 6,740 square-foot
37 building used primarily for the storage and distribution of industrial materials, i.e.,
38 for plumbing, construction, etc. The space would be subdivided into five rental
39 units, each of 25 x 54 square feet; each unit would include a small office space in
40 and a bathroom. (The space will be reconfigurable so renters could incorporate
41 two or more units or repurpose the office space.) A mezzanine above the office

space will be used for a two-bedroom Accessory Dwelling Unit (ADU), with a bathroom, that could be used for employees. The Zoning Board of Adjustment (ZBA) has already approved a special exception to allow the ADU/dwelling unit, Bernier told the board. The exterior of the project would include some additional paving but the soils around the whole two-lot property will easily be able to absorb the additional runoff. Bernier said that the McKerleys are asking for several waivers. One is for the required noise study. As with the other building, this structure will basically be a warehouse, with no manufacturing operations. So all activity tends to happen early in the day when contractors stop by to pick up their materials. The second is for a required traffic study. Bernier said that the five units would generate only a minor amount of additional traffic. (The addition of the nearby rotary has greatly improved traffic on the road, he noted.) Third is for the required additional lighting study. All lighting will be downward directed, shielded to prevent glare, dark sky compliant as directed in ordinance. The fourth is the required lot coverage, which will be above the 35% limit in the ordinance when the addition building and paving is done, but still well below what's typically allowed in this kind of mix-used zone.

The Chair asked for input from abutters or other residents at the meeting. No one spoke.

Chair Meeh then made a motion to waive the required noise study. Rich Marcou seconded. In a voice vote, the board unanimously approved the motion.

Chair Meeh made a motion to waive the required traffic study. Josh Gordon seconded. In a voice vote, the board unanimously approved the motion.

Chair Meeh made a motion to waive the required lighting study. Anne Dowling seconded. In a voice vote, the board unanimously approved the motion.

Chair Meeh made a motion to waive the required lot coverage based on evidence that the applicant has provided regarding 100% infiltration for a 50-year storm event. Marcou seconded. In a voice vote, the board unanimously approved the motion.

Chair Meeh made a motion to approve the site plan application as submitted and amended. Gordon asked about signage on the properties and the McKerleys indicated that they would simply add more names on to the current sign. Gordon then seconded the Chair's motion. In a voice vote, the board unanimously approved the motion.

3. Minutes of Sept. 12, 2023, Public Meeting.

88 Chair Meeh brought the minutes of the last meeting to the Board's attention.
89 Marcou made a motion to approve as presented. Dowling seconded. In a voice
90 vote, the board unanimously approved the motion. (Both Vice-Chair John
91 Schneider and Ben Stonebraker (alternate) recused themselves from voting
92 because they did not attend the meeting.
93
94

95 **4. Subdivision Application hearing for Alfred Nash at Wyven Road,**
96 **Map 212, Lot 16**
97

98 Chair Meeh said that he owns property on Wyven Road, so he recused himself
99 from this hearing. Vice-Chair John Schneider assumed management of the
100 meeting.
101

102 Web Stout, a local surveyor, began the presentation on behalf of Alfred Nash by
103 noting that the map submitted with the application doesn't show the topography
104 of 75.2% of the parent tract, because it is not related to the project. He asked that
105 the Board approve a wavier.
106

107 Gordon made a motion to waive the requirement that the topography of the
108 whole tract be included with the application. Marcou seconded. In a voice vote,
109 the board unanimously approved the motion.
110

111 Gordon then made a motion to accept the application as complete for
112 consideration by the Board. Marcou seconded. In a voice vote, the board
113 unanimously approved the motion.
114

115 Vice-Chair Schneider requested a motion that the Board does not consider the
116 application to be of Regional Impact. The recorder did not catch that member's
117 name. Gordon seconded. In a voice vote, the board unanimously approved the
118 motion.
119

120 Vice-Chair Schneider requested a motion that the board waives the requirement
121 that it do a site walk of the tract. The recorder did not catch that member's name.
122 Marcou seconded. In a voice vote, the board unanimously approved the motion.
123

124 Stout explained that Nash owns 85 acres and is proposing to "cut off" these two
125 lots, one of 3.9 acres and one of 5.8 acres. He reviewed the legal status of
126 Wyven Road, i.e., he said it's currently a Class VI road and he has been unable
127 to substantiate its historic status beyond that.
128

129 Gordon noted that one problem with the application unrelated to the status of
130 Wyven Road is one of the two lots proposed for subdivision is of an irregular
131 shape, which is disallowed in Town. Vice-Chair Schneider agreed.
132

133 Regarding Wyven Road, Gordon questioned Stout's conclusion. Gordon's
134 research left him with the understanding that it's not possible to definitely
135 determine if a town road that is "discontinued" road is a private road.

136
137 After some additional discussion, Vice-Chair Schneider asked if any abutters
138 wished to address the board.

139
140 Kerry Clock of the Soft Path Community Association said that the organization
141 was founded in 1980 with the express purpose of cooperatively overseeing
142 Wyven Road because it was discontinued by the town and is no longer
143 considered a town road.

144 Over the years, the five households on the road have shared the costs of
145 maintaining it to town standards as necessary, installing one-half mile of utility
146 lines and poles (to bring in electricity), etc. In all, those upgrades have totaled
147 approximately \$26,000, not including the annual costs of snow removal (i.e.,
148 approximately \$1,400 per year). To allow other property owners to build homes
149 on this road now would be tantamount to "theft of services" from the association's
150 members because the new homeowners would "take advantage of our
151 investment." He suggested that a better solution would be for the new property
152 owners to exit and enter Wyven Road from the "existing north end" of the road,
153 rather than through the Southern private road section.

154
155 Abutter Denise Luneau said that declaring Wyven Road to be a Class VI road
156 would "greatly impact the life we've created over the last 35 years." The quiet
157 private road – which involves annual costs – allows the road to be quiet without
158 traffic impact. Luneau noted that the gate at the entrance to Wyven Road is
159 never locked.

160
161 Abutters Jenifer and Andrew Jackson-Baro expressed concern that a family with
162 small children loses safety for their kids and peace of mind if there is more traffic
163 especially by public passage if the Road were reclassified. They stated that it
164 would degrade their property value and drive up their cost for maintenance.

165
166 Neighbor Ruth Heath read a letter from herself and her husband, Greg Heath
167 (copy attached) The main points were that reclassification of Wyven Road as
168 class VI would negatively impact their quality of life, increase their maintenance
169 costs and reduce their property values.

170
171 There was considerable discussion among the abutters and the board about
172 whether Wyven Road is a private road or a Class VI town road. Mr. Messier
173 stated that when he purchased his property he inquired of the town about the
174 road status and was informed that, as it had been discontinued, and that he owns
175 to the center of the road.

176
177 Hillary Nelson, an alternate board member, said that the town researched the
178 issue of town roads extensively about eight years ago and, at that time, found

179 that the Canterbury residents had voted to discontinue Wyven Road some years
180 ago, and it therefore can only be classified as a private road. It has been private,
181 she said, for more than 80 years, and the board does not have the legal authority
182 to declare it a Class VI road; such an action could only be done at the annual
183 Town Meeting.

184 Gordon agreed that the Planning Board is not authorized to change road
185 classification from discontinued to Class VI and that he felt the board would need
186 court order to approve.

187 Vice-Chair Schneider asked the board members if they had any questions.

188 Gordon again noted that one of the proposed lots is an irregular shape. Stout
189 said that would be addressed.

190
191 After some additional conversation, Vice-Chair Schneider suggested that a
192 motion be made that the application be tabled until a revised application is
193 submitted that would show: the classification of Wyven Road as a private road;
194 that deeded access has been granted from Shaker Rd. to the subdivided lots; a
195 statement that a deeded road waiver from the Select Board will be required for
196 further development of the lots; a deeded binding commitment to a road
197 maintenance agreement that shares the costs of upgrades and maintenance of
198 the section or the road used to access these lots, between all present and future
199 users; and the regularization of lot shapes.

200 Schneider explained that the applicant has 90 days to return to the board with a
201 revised application. They applicant may request an extension from the board. If
202 there is no revised application or request for an extension within 90 days, the
203 application will be denied and if the applicant will be required to submit a new
204 application for further consideration.

205 Marcou made the motion. Gordon seconded. In a voice vote, the board
206 unanimously approved the motion. Chair Meeh recused from the vote.

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208
209 **5. Pre-conceptual Discussion – Luke Mahoney, Brookford Farm, 25**
210 **West Road, for potential bunkhouse building.**

211
212 Luke Mahoney said that he's approaching the board very early in a planning
213 process. His farm held a public "Sunflower Soiree" event this summer that was
214 very successful. But to manage it, family members came to help out; they later
215 told Mahoney that they had incurred significant expenses because they had to
216 stay at local motels and hotels. As a result, he is considering how he might be
217 able to build a three-season "bunkhouse" domicile on his property that could be
218 used by relatives during the annual sunflower event as well as seasonal workers
219 during the spring/summer/fall.

220 The bunkhouse would be "very rustic", so heat would be provided by a wood
221 stove. Shower space is already available on the property for residents. He
222 estimated that less than 10 people would be staying at the facility at any one
223 time.
224

Chair Meeh said that he felt it preferable that the use be specifically allowed rather than based on an "interpretation of or bending of" the current ordinance.

The board discussed the idea and suggested that the building might be met by adapting sections of the Town's zoning ordinance regarding ADUs, campgrounds and/or agritourism facilities.

Mahoney said that their has been discussed at the state level about the need for some kind of seasonal housing provision for seasonal agricultural workers for some time, but nothing definite has been done.

Board members agreed that this issue should be examined, especially in light of its ongoing efforts to update the Master Plan ("Plan for Tomorrow"). Chair Meeh said the issue should be raised when Michael Tardiff, director of the Central New Hampshire Regional Planning Commission (CNHRPC), comes to the board's next meeting on Tuesday, Oct. 3.

6. Other Business

Chair Meeh asked for board volunteers for two issues:

- a) Two people are needed to review applications as they're submitted to the board to make sure that the applicant has dealt with everything on the checklist. Vice-Chair Schneider and Marcou volunteered.
- b) Two people are needed to review an Excel spreadsheet listing all town roads, and compare it with the new CNHRPC roadmap. Downing and Stonebreaker volunteered.

The Chair also said that A&B Vending of New Hampshire on Hall Street would soon be coming to the board with plans to renovate and expand its facility, including the addition of a loading dock that will allow larger trucks to drive into the facility so workers can easily transfer products onto smaller delivery vans. The new area is estimated to be 500 square feet of an "enclosed roof-over space."

Chair Meeh added that Building Inspector Joel Finch reports that the total impervious surface area will be very close to what was in the company's original site plan application and will not exceed the "under 35% impervious area" limitation in the zoning ordinance. "So I don't think we have justification to ask for a newly engineered storm water runoff site plan because they're not changing the amount of impervious surface," he said.

Selectboard representative Kent Ruesswick said that the building renovation is actually extensive, about \$1 million to completely gut and rebuild the interior. (The business has recently become associated with Prestige Services, Inc., a New York-based company.) The board agreed that a new site plan would have to be submitted.

271
272 Ruesswick also reported that the town has discovered that some of the storage
273 units at All Purpose Storage on Hall Street have people living in them. Police
274 have removed people but the problem keeps reoccurring. The board held a brief
275 discussion about what could be done regarding Patriot Holding, the proprietor of
276 the facility. Ruesswick said the issue is under the authority of the Select Board at
277 this time. Chair Meeh said the issue could still be raised at next week's meeting
278 with Tardiff of the CNHRPC.

279 Ruesswick also noted that trash is piling up by the entrance to the facility and
280 that the realtor who sold the property some time ago still has a sign up. The
281 board agreed that the building inspector should reach out to the owner to have
282 the sign removed.

283
284 Gordon said he wanted to put a close to the board's earlier discussion about
285 flagpoles. The current proposal is: height limit of 30 feet and a requirement that
286 flags be no larger than 5' x 8'. Gordon said that the right to free speech allows
287 people to put anything they'd like on a flagpole on their own property but the
288 height and size limitations are acceptable.

289 290 **7. Adjournment**

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292 At 8:55, Ruesswick made a motion to adjourn. Marcou seconded. In a voice vote,
293 the board unanimously approved the motion.
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