

1 Canterbury Planning Board – Final Minutes

2 Tuesday December 19, 2023

3 Members Present

4 Greg Meeh (Chair), John Schneider (Vice Chair), Anne Dowling, Kent Ruesswick
5 (BOS rep), Rich Marcou, Joshua Gordon, Logan Snyder, Hillary Nelson
6 (alternate)

7 Others Present

8 Mike Tardiff, Director, Matt Monahan, Senior Planner, Matt Taylor, Project
9 Planner, CNHRPC

10 Agenda

11 1. Call to Order

12 Greg Meeh called the meeting to order at 7.04 pm.

13 Greg thanked everyone for sticking with the process of updating the Master
14 Plan and ordinance changes.

15 2. Previous Minutes of December 12

16 Rich Marcou moved to approve the previous Minutes. John Schneider
17 seconded. There being no discussion, all members present voted in favor of
18 accepting those Minutes.

19 3. Zoning amendment proposals

20 Greg invited Mike Tardiff, Matt Monahan and Matt Taylor to the table to
21 present drafts of zoning amendments.

22 There was detailed and lengthy discussion about each of the following
23 proposed zoning amendments. In the interests of time and efficiency the
24 record here will note the main points of the discussions and decisions. **The**
25 **CNHRPC staff took precise notes of changes to be made. These corrected**
26 **drafts will then be submitted to Greg to look over with Joshua Gordon's**
27 **assistance prior to sending all the drafts to town counsel for consideration.**

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 - Article 12, Flood Plain Ordinance

29 Mike Tardiff and Matt Monahan explained that the changes came from Katie
30 Paight, who was a former member of the regional planning team. She would

31 be presenting this work to them in a monthly meeting in the New Year. She
32 had read all the flood plain ordinances relevant in NH and produced an
33 update for towns in the state that would complement the upcoming release of
34 FEMA flood plain maps. It was about 10 years since this was last done and
35 climate change has driven changes in flood experiences during that time, so
36 some definitions had been altered accordingly. The update was also intended
37 to assist residents who might need flood insurance and ensure that FEMA
38 related disaster funding could be applied for in the future. There was nothing
39 immediately urgent in this for Canterbury and very few of the town's residents
40 would be directly impacted.

41 It was agreed that this draft should be shared with the Canterbury
42 Conservation Commission – **Secretary to send the draft to Ken Stern and Kelly**
43 **Short. And Greg would also send it to the town counsel.**

44 • **Changes to the Table of Uses in the Ordinance**

45 Matt Taylor had worked on updates that would be necessary for the Table of
46 Uses if the new zoning ordinance amendments were accepted. The big
47 change would be with the introduction of Conditional Use Permits for ADUs
48 and allowing residential development in the Commercial zone (but not the
49 Industrial zone).

50 It was suggested that Matt delete the line with ADU for farm laborers because
51 there is no separate definition or conditions for an ADU for farm labor, it is
52 the same as other ADUs so this will be less confusing for town residents. It
53 was agreed that the distinction between Attached ADU and Detached ADU
54 should be more clearly described. An ADU Attached to a principal residence
55 will be an allowed use. An ADU Detached will be by CU Permit. An ADU in the
56 Commercial Zone must be an Attached ADU.

57 • **Accessory Dwelling Units – ADUs - Article 2.51 and Article 18**

58 There was significant discussion about the draft definition and changes within
59 Article 18. ADUs would be allowed for a business if they were attached to the
60 business building and only in the Commercial zone. It was pointed out that a
61 Conditional Use Permit allowed for some discretion from the Planning Board,
62 unlike the more black and white terms of a Building Permit. It was agreed that
63 a business with multiple other businesses renting spaces (as at the Mckerley

64 properties) could only have one ADU per building lot, not per individual
65 business.

66 Members felt that the deletion of the 500-foot space from the principal
67 residence for a Detached ADU should be reinstated. The requirement to be
68 similar in appearance was still included. It was further agreed that ownership
69 of the principal residence and the ADU had to be the same on the lot,
70 otherwise it would effectively be a subdivision if the ADU was owned by a
71 different person.

72 Also, the owner-occupier of the principal residence and the ADU should
73 reside in one or the other. An ADU should only be allowed on a single-family
74 dwelling lot, not with duplexes or cluster developments. This would need to
75 be run by the town attorney. There is language about the need for the lot to
76 be a 'conforming lot' in the draft.

77 There was a new section, 18.4, on Conditional Use Permit applications, and
78 members wanted to keep the language as simple as possible, so it should
79 read Conditional Use Permit or CU Permit. And Detached ADU rather than
80 DADU. The issue of the Planning Board granting waivers (18.4.2B) was
81 clarified to include both criteria listed, so it should read 'and' rather than 'or'.
82 This would avoid coming up against the higher standards for a variance. It
83 was further agreed that the definition of a commercial ADU in Article 2.5,1,
84 should be incorporated into Article 18, just before 18.4.

85 • **Article 6, Cluster Neighborhoods**

86 Mike and Matt Taylor had worked on redrafting Article 6, to include density
87 bonuses and encouragement for farmhouse design. It was agreed to keep the
88 current maximum of 6 dwelling units within the main structure of a farmhouse
89 design and its accessory buildings.

90 There was discussion about the possibility of an amnesty that might allow
91 some existing units to be brought to light if they were in such farmhouse type
92 buildings already. And at 6.7 #5, it was agreed that any density limitations
93 involving the DES would provide for 'whichever is the more restrictive'
94 standard. The second sentence of that section regarding discretion held by
95 the Planning Board should be separate.

96 Members wanted to see the towns of origin for the various photographs
97 attached as examples of farmhouse design. In section 6.4, I, regarding

98 common open space it was agreed that the word “permanently” should be
99 added to the requirement for deeded green space, as requested by the
100 Conservation Commission. There was lengthy discussion about open space
101 and public access. It was agreed that at least 50% of the lot would have to
102 be undisturbed open space, and then in the rest of the lot would have the
103 space that could be used for recreational purposes, which would have to be
104 open to the public as well as cluster residents.

105 • **Short Term Lodging – Article 2.11**

106 Matt Monahan had made the requested change in the definition to “less than
107 30 days” and made it clear that such lodging must be on a lot where the
108 principal use is a single-family home, and there can only be one rental unit
109 per lot.

110 • **Building permits**

111 It was suggested that the town stick with the current 3% limit but that all
112 types of “dwelling units”, not just single-family units, should be included in
113 the calculations – ie. include ADUs as well. This should avoid under-counting.
114 There was discussion about the 25% limit for permit eligibility to anyone
115 person. It was agreed this was trying to be fair, to stop anyone person or
116 group from taking too many permits per year, and that the language should
117 read ‘subdivision’ or ‘site plan’ instead of permit. And that the next date for
118 considering this should be in 2026.

119 • **Congregate Care**

120 Regional Planning had prepared some draft definitions. The issue for
121 Canterbury is to have language that covers institutions where people receive
122 care, not necessarily because of age, and where staff are licensed. Examples
123 might be for disabled children, or addiction facilities. The goal was to ensure
124 that this type of facility will be appropriated sited in the Commercial or
125 Industrial zones.

126 It is something that has been considered for some time, but it was agreed
127 that this was not the year to put it forward and more work was needed to
128 create a warrant article.

129 • **Impervious surface maximum**

130 Greg bought this forward in the interests of ensuring storm water
131 management is included. The current limit is 35% and an applicant is
132 required to have a state approved storm water runoff plan for anything over
133 30% of lot coverage or over 1500sq ft, whichever is less. So, it depends on
134 the size of the lot and the drainage. This would have to be in the ordinance if
135 this change was made.

136 • **Eased access for subdivision**

137 It was agreed this will not need to be a warrant article but would be in the
138 new handbook of Land Use regulations that CNHRPC will be working on in
139 2024.

140 • **Flagpole/Maximum Building height draft**

141 There was discussion about whether this already drafted warrant article
142 should be included this year or not. It was suggested that the Board find out
143 if the State has a building code or something in law that the Board should be
144 aware of. **It was agreed to include it in this year's proposed changes.**

145 • **Future meetings:**

146 **Tuesday January 2 work session, Meeting House, 7 pm; and public hearings**
147 **on Thursday January 18, 6 pm Town Hall.**

148 • **Zoning Map reference**

149 There was discussion about obtaining an up-to-date town zoning map that
150 would be referenced something like '1979 as amended in 2023', and
151 certified by the town clerk, and put up on the wall in the town office and as a
152 pdf on the town website. It will be important to have one zoning map that is
153 accepted as the only town zoning map. There are some minor changes to
154 make for the Shaker Historic District and the SMPD and a couple of road
155 corrections. **Greg will run this plan by the town administration. Secretary to**
156 **connect Mike Tardiff to HDC members to move forward on this.**

157 4. **Adjournment**

158 Logan Snyder made a motion to adjourn, and Anne Dowling seconded. It was
159 close to 9.30 pm.

160 **Action Items**

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- **CNHRPC staff to get drafts with revisions to Greg as soon as possible**
- **Mike T to reach out to Canterbury HDC re zoning map**
- **Greg and Joshua to work on revised drafts then send to town counsel after consulting town administrator**
- **Secretary to send Flood Plain document to CCC**
- **Secretary to send contact info for HDC to Mike T**

Respectfully submitted, Lois Scribner, Secretar