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4 **Planning Board – Work Session**

5 **Tuesday, November 28, 2023, Meeting House**

6 **Final Minutes** [SEP]

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8 **Members Present:**

9 Greg Meeh (Chair), John Schneider (Vice Chair), Anne Dowling, Joshua Gordon,  
10 Logan Snyder, Kent Ruesswick (Select Board representative), Hillary Nelson  
11 (alternate) and Ben Stonebraker (alternate).

12 Absent: Rich Marcou.

13

14 **Others present:**

15 Michael Tardiff, executive director of Central New Hampshire Regional Planning  
16 Commission (CNHRPC); Jonathan Halle of A&B Vending Co.; and residents  
17 Clifton Mathieu, Al Edelstein, Lisa Carlson and Beth Blair; Secretary Lois  
18 Scribner and Recording Secretary Ray Carbone.

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21 **Agenda**

22

23 **1. Call to Order**

24 Chair Greg Meeh opened the meeting at 7:01 p.m.

25

26 **2. A&B Vending Co. Decision**

27

28 Jonathan Halle of A&B Vending Co., at 26 Hall Street, reviewed plans from the  
29 original site plan accepted in 2004. These had been discussed by the Board  
30 previously. He outlined exactly what changes were proposed to the building,  
31 including the addition of a 42-foot loading platform and an overhead door. He  
32 explained that the business has been sold and the changes are to accommodate  
33 the new owner’s operating system, i.e., tractor-trailers will deliver goods at the  
34 facility at night and the vendors will bring their smaller vendor trucks in the  
35 following day when they will be filled with products. Vending trucks will no longer  
36 be kept on the grounds all night. The new fleet will be all-electric (or propane)  
37 and there will be charging stations to service the trucks.

38

39 Board members noted that the proposed changes would not change the amount  
40 of impervious surface on the property and that no new night lighting would be  
41 added.

42 The consensus of the Board was that the changes were acceptable. Greg said  
43 he would sign the plans, *which are kept in the town office*, and that Halle would  
44 be “good to go.” Secretary to take the signed amended plans to Mandy Irving.  
45

### 46 **3. Previous Meeting Minutes**

47  
48 Greg drew the Board’s attention to the November 14, 2023, meeting minutes.  
49 Joshua Gordon (*Kent Ruesswick*) made a motion to approve the minutes as  
50 presented; Logan Snyder (*Joshua Gordon*) seconded. In a voice vote, the Board  
51 unanimously approved the motion. John Schneider noted that at line 420 the  
52 word Hethlon was misspelt. Secretary to amend prior to posting Final Minutes.  
53

54 Kent Ruesswick then made a motion to approve the minutes from the September  
55 26, 2023 meeting with a minor alteration; Joshua seconded. In a voice vote, the  
56 Board unanimously approved the motion.  
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### 58 **4. Items for Discussion with Central New Hampshire Regional** 59 **Planning Commission (NHRPC) staff**

- 60  
61 • Accessory Dwelling Units (ADUs)

62 Mike Tardiff of the CNHRPC said that the Board has been *discussing* whether  
63 ADUs should continue to be allowed in all zones if the Zoning Board of  
64 Adjustment (ZBA) approves it by special exception, or whether other stipulations  
65 might be added. For instance, a special exception could be required for a  
66 detached ADU, but not for one that’s inside the primary residence. Or the special  
67 exception might be required only if the square footage exceeds the Town’s  
68 current allowable size of 1000 square-feet.  
69

70 Greg asked the Board members how they felt about the general idea of  
71 maintaining the 1,000 square-foot maximum size for ADUs. The state mandates  
72 a maximum of at least 750 square-feet.  
73

74 Resident Lisa Carlson, who serves as the ZBA’s secretary and alternate  
75 member, said that she’s not heard anyone who has appeared before that board  
76 say that the ADUs should be bigger.  
77

78 The Board discussed the idea that a couple with one or two small children could  
79 probably live fairly comfortably in 1,000 square-feet. A larger space might lead to  
80 increased numbers of children entering the public school system that may not be  
81 fair to other residents if the ADU residents are not paying property taxes.

82 Greg reminded the Board that, while individual ADU residents may not pay  
83 property taxes, an ADU adds to value of a property, so the property owner  
84 typically pays a higher tax. “The impact is not the impact of having two separate  
85 buildings,” he conceded. He also noted that the Town is not allowed to regulate  
86 how many people live in a family home. “If you have nine kids, you have nine  
87 kids,” he said.

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Hillary Nelson said that she attended a New Hampshire Housing workshop program regarding ADUs and none of the other towns represented had an allowable size as large as Canterbury’s 1,000 square-feet.

The Board members indicated that they thought that the current maximum size allowance of 1000 square feet was a good one for the Town.

Greg pointed out that there are some small lots in Town, some as low as one-quarter acre, and they could present a problem for waste or portable water if a large number of people were to live in such a structure. But Mike Tardiff said that, regardless of the use of the building, there are legal limitations based on the ability of a septic system to handle its waste.

Joshua said that there are evidently a good number of property owners who are illegally allowing ADUs on their property, at least partly because of the cost of applying for the ZBA special exception, which can *add up to* approximately \$400. One reason the Board is looking at this issue is to make it easier for people to apply for and get approval for ADUs, allowing the Town to better count and regulate them. He proposed changing the process from requiring a ZBA special exception to one that would require a conditional use permit (CUP) that could be granted by the Planning Board. “It seems that the Planning Board is more in line with the issues that are likely to come up, like waste and parking (access),” he suggested. Greg noted that the Town doesn’t currently have a CUP structure, so that would have to be added to the zoning ordinance. Mike Tardiff said he could help provide the language for the addition.

Greg suggested that the CUP be required only for a detached ADU. An ADU inside a primary building would still require approval from the Town’s building inspector, he noted. This proposal would have to be approved by Town Meeting voters in March.

Resident Beth Blair asked how people would know where to find out what they should do and if there was a way to link information about adding an ADU to the Town website so that it could be readily available for residents. Greg said that the Board is planning on holding an ADU workshop early in 2024.

- Farmhouse Conversion/Design

Mike Tardiff handed out a draft of proposed changes to the Town’s ordinance Article 6, “Cluster Neighborhoods.” He said that the Board could simply revise the current language in this section, or it could utilize new language (as proposed in the draft supplied by CNHRPC staff). The latter would add density bonuses for design elements, i.e., keeping or constructing a new building resembling the large farmhouses that have long been a part of Canterbury’s landscape.

Greg suggested that the Board consider one element of Tardiff’s proposal at a time.

134 To begin: Should there be a mix of residential and commercial uses allowed in  
135 cluster neighborhoods in the areas around Interstate 93's exits 17 and 18, and in  
136 the commercial zone on Rte. 106? The Town currently allows for commercial  
137 cluster developments. This would add residential as part of a cluster in the  
138 commercial zone. I would not allow commercial use as part of a cluster except in  
139 the commercial zone.

140  
141 This led to some discussion touching on the low level of commercial  
142 development that has taken place in these current commercial zones. Kent said  
143 that the Town typically hears more complaints from residents in mixed-use  
144 commercial/ residential zones than from commercial enterprises. Board members  
145 pointed out that people who move into these areas know beforehand that  
146 commercial uses are part of the neighborhood.

147  
148 Kent said that there's little land available for any kind of development around exit  
149 17. He also described the lack of options at exit 18, where much is already  
150 owned or being used for businesses and there is extensive conservation on the  
151 Cochrane land. Greg said that at recent vision sessions there has been some  
152 interest in development around exit 18, which could be "a good place for some  
153 kind of denser residential development." Kent added that the Town recently was  
154 given a piece of property on Rte. 106, but Kent had walked the property and  
155 seen that there was a great deal of surface water that would make any  
156 development very limited.

157  
158 It was mentioned that all cluster development will continue to require a minimum  
159 of 10 acres.

160  
161 Mike Tardiff noted that certain changes that Board raised would require an  
162 alteration to the zoning ordinance's Table of Uses. Greg proposed altering the  
163 Table of Uses to allow residential development in commercial zones. It was one  
164 way to be proactive in encouraging the kind of development Canterbury favors.

165  
166 In connection with subdivisions, he mentioned that the Town's zoning ordinance  
167 currently forbids the construction of a road through the Agricultural and  
168 Conservation zone. "That seems an unreasonable and onerous restriction on  
169 property owners," he said, adding that it may not be a defensible position if  
170 challenged in court. "And it's not going to be a little developer," who would mount  
171 a legal challenge, he said, but a major developer who has the money to  
172 vigorously oppose restrictions of this type. After some additional discussion, Mike  
173 Tardiff suggested that the Board set aside considering allowing cluster in the Ag  
174 Con Zone and assess the best way to move forward on these issues next year  
175 after Town Meeting.

176  
177 He pointed out that CNHRPC is already helping the Town to update its  
178 subdivision and site plan regulations which voters will consider at Town Meeting.

179 They will review to assess if we need to address the road restriction and if it can  
180 be done in their revision.

181

182 Greg returned the Board to the issue of residential cluster development,  
183 particularly the idea of raising the density allowance for developers who comply  
184 with certain design elements, e.g., “farmhouse” style. Joshua said he liked the  
185 illustrations included with the draft proposal, showing some examples of what a  
186 structure could look like. After additional discussion, the Board agreed that the  
187 only substantive change it wants to move forward with regarding this issue right  
188 now is adding to the current density bonus in Cluster Neighborhoods if a  
189 developer uses the “farmhouse” design. The Board again discussed allowing  
190 mixed-use commercial/residential cluster development within the current  
191 commercial zones. Hillary Nelson commented that doing so would regularize the  
192 homes that are already in that area.

193

194 There were questions asked by Beth Blair and Lisa Carlson about how the  
195 process of using the farmhouse design for cluster. Hillary and others explained  
196 the density bonus was a carrot to encourage and preserve the look and character  
197 of our town. Lisa asked if the Morrill Road apartments in an old farmhouse were  
198 an example of what it could look like. Answered by several board members and  
199 the public that yes that is an example, and that Canterbury Hall is another  
200 example.

201

- 202 • Floodplain Ordinance Update

203 Mike Tardiff said that the NH Office of Planning and Development has issued  
204 new floodplain maps. The maps are available at the Town Hall and there are not  
205 many changes for Canterbury, but the Federal Office of Emergency Management  
206 asks that all states update their own floodplain regulations to bring them into  
207 compliance with the federal guidelines to avoid any possible problems in the  
208 future. There are no policy changes and Canterbury was less impacted than  
209 some other towns by the update.

210

211 The changes, which Tardiff called “administrative,” will continue to allow private  
212 property owners to secure flood insurance if its available in their area.”

213

- 214 • Building Permit Cap

215 There was a general discussion about Article 11, Number of Residential Building  
216 Permits, how Canterbury’s building permit cap is calculated. Mike and his staff  
217 had worked on trying to make Article 11 less confusing and more relevant. The  
218 town has not come close to reaching the 3% residential building permit cap nor  
219 the 6% multifamily permit cap. It was noted that a single permit could be used for  
220 more than one dwelling unit. Mike suggested one cap, for single and multifamily  
221 dwellings. Greg suggested that the numbers should all standardize on dwelling  
222 units rather than some on permits and some on principle residences.

223

224 After some discussion, it was suggested by the Board that Article 11.1 should be  
225 made clearer, Article 2 should be eliminated, and 11.3 modified to be more fair.  
226 Mike to bring back a draft next time.

227

228 • Agricultural Bunkhouse – resident qualification issues

229 Greg drew the Board’s attention to its previous discussions about Agricultural  
230 Bunkhouses and how they could be defined in the zoning ordinance. He noted  
231 that, as the language is currently stated in a draft proposal, it would forbid people  
232 from living in the structures on a year-round basis.

233

234 Mike Tardiff said that there could be questions raised about what is a “domicile,”  
235 and he suggested that the Board review this language with its Town Attorney.  
236 But Joshua said that the only time a “domicile” issue is noted in N.H. state law is  
237 *in regard to voting*.

238

239 Hillary suggested that, with all the Board has facing it as it prepares for public  
240 hearings that lead up to the annual Town Meeting, it would be wise to put this  
241 issue aside for this year. The Board concurred, but Joshua asked Mike Tardiff to  
242 connect with him about the issue. Mike agreed, but asked if Stephen Buckley,  
243 legal counsel with the New Hampshire Municipal Association, could also be  
244 brought into the discussion. Joshua agreed.

245 Anne Dowling said she was concerned about delaying an important issue for a  
246 year, but Kent suggested that it would be best to do a thorough evaluation of the  
247 issue at a later date. Greg noted that a farmer who first brought the issue to the  
248 Board had said that it was likely to take some time for them to be ready to move  
249 forward.

250 • Outdoor Event Venue

251 Greg noted that there has been some discussion about the idea of a local  
252 business operating an Outdoor Event Venue, i.e., hosting weddings and similar  
253 events on a regular basis. Hillary said that there’s nothing in the Town’s zoning  
254 ordinance that allows for such operations and that, when Windswept Farm  
255 sought a special exception from the ZBA for such an operation in the past, the  
256 ZBA rejected the request because neighbors opposed it, voicing concerns about  
257 unwanted traffic and noise.

258

259 Joshua said that this “seems like a lower priority” and suggested that the Board  
260 put it off until after Town Meeting. Mike Tardiff agreed, saying that any  
261 consideration would likely get into issues that are related to growing field of  
262 agritourism. Again, the Board decided to revisit the issue in 2024

263

264 • Short-Term Rentals

265 Greg discussed the issue of short-term rentals. They are addressed in the zoning  
266 ordinance, he said, but the language is vague, because it doesn’t specifically  
267 address things like, how many short-term rental units can be on a single piece of

268 property. Mike Tardiff suggested also putting this question aside until at least  
269 next year because the Board has already has a significant amount of  
270 responsibilities leading up to the Town Meeting.

271  
272 Lisa Carlson, who said she serves as the ZBA's secretary and an alternate  
273 member of that board, said that this issue is on the minds of many people in  
274 Town. She said that there are many people in Canterbury already doing short-  
275 term rentals in their garages, barns, tents, attics, etc., and she's concerned about  
276 the Town's regulations and enforcement. "We have no idea if they're safe," she  
277 said. "Nobody knows they exist."

278  
279 Board members noted that enforcement is not an issue for the Planning Board,  
280 but under the authority of the Select Board. Joshua said that it would be relatively  
281 easy to identify many of these rental units through websites like AirBnB. Greg  
282 agreed that it's an issue because property owners are supposed to report to the  
283 Town when additional housing units are added to their properties, but he  
284 suggested that there's not enough time to do a through job of drafting effective  
285 ordinance changes this year. "It needs to be addressed," he said.

286 Resident Al Edelstein also said that the issue is an important one. "I think this is a  
287 crisis that's growing and needs to be addressed now." he offered.

288  
289 After brief discussion the Board agreed that limiting to 1 short term rental per  
290 property was reasonable. There was discussion about requiring them to be within  
291 a residence. The board asked Mike if CNHRPC could draft a warrant that would  
292 limit to 1 per property and the Board will address other parts of the Short-Term  
293 Rental ordinance in 2024 after Town Meeting

294  
295 • Congregate Care Facility  
296 Hillary said that the wording "congregate care facility" is not accurate. Instead,  
297 the language should be "residential care and health facilities," which require a  
298 state license. "It's not just 55 years-old and older (facilities)," she explained, but it  
299 could also include other kinds of elder care, those that provide services for young  
300 adults with disabilities, and others that require licensing from the state.

### 301 302 **5. Further Planning Board Meetings and scheduling**

303  
304 The Board had a brief discussion about its upcoming meeting schedule. *The*  
305 *holidays and the time frame for warrant article preparation required some*  
306 *changes in regular scheduling.*

307  
308 The December 12 Public Meeting at 7 pm will be preceded by a meeting with the  
309 Historic District Commission at 6 pm to look at the zoning amendments they are  
310 proposing.

311

312 The Board will meet on Tuesday December 19 (not December 26). The hope is  
313 to get final texts of zoning amendments narrowed down and almost finished  
314 then.  
315 In order to hold public hearings for the zoning amendments in the time allowed,  
316 the Board agreed to meet on Tuesday January 2, 2024, at 7 p.m. At that  
317 meeting, final texts of zoning amendments should be agreed upon. Those  
318 amendments will have to be publicly posted and noticed for the public hearing at  
319 least 10 days in advance.

320  
321 The Board agreed to hold the required public hearings on Thursday January 18  
322 (to avoid a School Board meeting conflict) and to start at 6 p.m., to make it more  
323 convenient for parents to participate. If it seems that a second public hearing is  
324 needed, that will have to be noticed a.s.a.p., and be held between January 25-  
325 February 5. There would then be the second scheduled meeting in January to  
326 be held on Tuesday January 23.

327  
328 **6. Other Business**

329 Greg noted that the Board skipped over an item in its published agenda  
330 regarding Evaluating Priorities. Some of that decision making had occurred  
331 during the evening's discussions and would continue later. Mike Tardiff said that,  
332 shortly after the annual Town Meeting in March 2024, the Board could begin to  
333 hold public hearings on the update of the Master Plan (Plan for Tomorrow).

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336 **7. Adjournment**

337 Joshua made a motion to adjourn the meeting at 9:12 p.m.; Kent seconded. In a  
338 voice vote, the Board unanimously approved the motion.

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340 Minutes taken by Recording Secretary Ray Carbone and edited by Secretary  
341 Lois Scribner and Chair Greg Meeh.