

1 **Planning Board Meeting- Draft Minutes**

2 **December 13, 2022, Meeting House**

3 **Members Present**

4 Greg Meeh, (Chair), Kent Ruesswick (BOS rep), John Schneider, Lucy Nichols, Scott  
5 Doherty (Vice Chair), Joshua Gordon, Logan Snyder (alternate), Hillary Nelson  
6 (alternate)

7 **Members absent**

8 Anne Dowling

9 **Others Present**

10 Matt Taylor, Matt Baronas, (CNHRPC staff), Wayne Mann (Agricultural  
11 Commission, Canterbury), Kelly Short (Canterbury Conservation Commission);

12 Webster Stout, surveyor; Mary Ellen MacCoy, Brian Hutchinson, Adrienne  
13 Hutchinson, (for subdivision), Calvin Todd, (abutter); Alfred Nash (applicant) and  
14 Cathy Viau

15 **Agenda**

16 1. **Call to Order**

17 Greg Meeh called the meeting to order at 7 pm.

18 2. **Minutes of November 29 - Work Session**

19 Scott Doherty moved the previous minutes. Kent Ruesswick seconded. There  
20 being no discussion, all members voted to approve the minutes, except for Joshua  
21 Gordon and Hillary Nelson who abstained since they were absent that evening.

22 3. **CNHRPC members Matt Taylor and Matt Baronas – special permits,**  
23 **discontinued roads and mapping**

24 Greg introduced these issues. There had been some discussion about  
25 separating the Agricultural and Conservation zones. It could be difficult to do.  
26 More information was needed. Wayne Mann, chair of the Agricultural  
27 Commission was invited to attend this evening because he had researched the  
28 discontinued roads in Canterbury. The Planning Board has little jurisdiction

29 over roads but did want to see that the status of the roads in town were  
30 delineated correctly on maps. This has been and is a complex task.

31 Special Permits from the Planning Board:

32 Matt Taylor from CNHRPC had drafted some language for Conditional Use  
33 Permits to replace the Special Planning Permit (SPP) in the ordinance. His draft  
34 would cover 4 types of application: excavations, possibly driveway excavations  
35 (though this is a 'double permit'), commercial cluster developments and  
36 essential public utilities. Changes to the Table of Uses would be necessary.

37 Board members asked clarifying questions. Matt's work was based on RSAs,  
38 the town ordinance and research. The SPP is in the ordinance, as a special  
39 permit from the Planning Board as distinct from the SPS which is the special  
40 permit from the Select Board. It appears that there is no appeal to a ZBA for  
41 these permits. For Conditional Use Permits (CUPs) the statute does not give  
42 appeal other than to the superior court. The list of criteria (listed a-h) for the  
43 permits was open to editing, Matt had created it looking at ordinances and  
44 information in their office. It could have agriculture added to the  
45 natural/conservation conditions mentioned. It could also be framed in positive  
46 language rather than the negative imperatives used in this draft.

47 **It was agreed that the Board needed time to digest this draft and come back**  
48 **to regional planning for further discussion,** taking into consideration the  
49 timeline necessary if it was to go to Town Meeting in March 2023.

50 B) Discontinued Roads

51 Greg described some of the history of roads being discontinued in town. It  
52 started as early as 1905 and up until 1945 the roads were discontinued by a  
53 vote at Town Meeting with some notification to the State. After 1945 that was  
54 dropped. Wayne Mann had researched this topic. The municipal book on  
55 roads, A Hard Road to Travel, mentioned the requirement to send notification  
56 to a court but there is no record in town regarding which particular road.  
57 Permission was supposed to be sought from a court. The Selectmen would  
58 have been responsible for notifying another town if a road was discontinued in  
59 Canterbury and it continued into another town adjoining Canterbury. Prior to  
60 1945 court permission was needed but that is no longer required unless there

61 is a court case pending for neglect of a road (see page 70 if A Hard Road to  
62 Travel).

63 The issue for the Planning Board and town was that some roads had been  
64 treated as if they were private roads since 1928, some houses had been built  
65 on them, and it was important to get the status of the roads correctly reflected  
66 on a map that showed Class 6 roads. Matt Baronas had already worked on  
67 such a map. Kent had seen it. And to get the right information for the map,  
68 **Kent was setting up a small committee of folks who would know which roads**  
69 **were certainly discontinued, and then they could look at the roads where it**  
70 **was not so clear whether they were discontinued or not.** Corrections could be  
71 made to the draft map when that information was assembled. **The town**  
72 **attorney should also be involved in the making of corrections.** Regional  
73 Planning can do so much, they can map, but getting the correct information  
74 requires town research. It emerged in discussion that the DOT gets its  
75 information from the town, so if the town does not have correct information,  
76 then regional planning cannot get accurate data either. There is a map to work  
77 from, that was created by the former committee who worked on discontinued  
78 roads. Wayne Mann had been part of that committee. Kent had a copy of that,  
79 and he gave it to Matt Baronas to use. Wayne noted a minor mistake made on  
80 part of Scales Road. Greg thanked Kent for taking the initiative in forming  
81 another committee to look at the data.

## 82 C) Mapping of Agriculture and Conservation together

83 Matt Baronas shared some of his new maps and the website link for  
84 Canterbury materials. That is available at: [https:// cnhrpc.org/canterbury-](https://cnhrpc.org/canterbury-master-pan-update)  
85 [master-pan-update](https://cnhrpc.org/canterbury-master-pan-update)

86 This is not on the town website yet – it is a work in progress. **Greg asked that it**  
87 **be sent to Ag Comm and CCC, along with Matt's email.** Matt suggested there  
88 could be a subcommittee of Canterbury board/commission members who  
89 could work with him on details on the maps. There were a number of options –  
90 small groups, virtual meeting, or in person large public meeting with the maps  
91 shown large scale. They could facilitate collaboration across groups in town.  
92 Greg suggested that the Board explore holding a session during the second

93 January meeting – **January 24, 2023. Secretary to find out if that would work**  
94 **with Mike Tardiff’s office schedule.**

95 Kelly Short, Co-Chair of the CCC, already had the online material but not the  
96 printed copies. The CCC is working on their Cooccurrence map and having had  
97 members work on their priorities they were now reaching out to a broader  
98 group of professionals in conservation and related fields to take part in the  
99 exercise. She asked Matt B if anything had stood out for him as he worked on  
100 the agricultural/conservation mapping and he said there was no, he had  
101 noticed good soil in other areas such as the Center Historic District and the  
102 Shaker Historic District.

103 Board members thanked the 2 Matts for attending.

104 4. Web Stout – MacCoy Subdivision at the Sugar House, Hackleboro’ Road

105 Web Stout, surveyor, introduced the application. The original lot was 104  
106 acres, and the proposal was to cut of nearly 13 acres on the left side, including  
107 the sugar house, into a separate lot. Both lots have over 300 feet frontage. The  
108 new lot is in the Agricultural zone and the old lot is in the Residential zone.  
109 Although the other lot would be a strange shape it was not so unusual that it  
110 would be against the spirit of the regulations (ex. it was not like a narrow  
111 bowling alley shape). It had been worked out between Brian Hutchinson and  
112 his father. There could be a residence built on the new lot. There was enough  
113 land around the wetlands within the lot. There were natural and road  
114 boundaries around it. The Todd family, abutters, had a deeded right of way to  
115 their property. Barnett Road is almost all Class 6, Calvin Todd stated.

116 There was no one to speak in opposition to the application.

117 **Hillary Nelson moved that the Board approve the motion for the subdivision**  
118 **of the MacCoy property on Tax Map 230, Lot 4, as it is in compliance with the**  
119 **Canterbury ordinance and the Subdivision regulations. Joshua Gordon**  
120 **seconded. Members voted unanimously in support of the motion.**

121 **Web Stout clarified that he would be taking a copy of the property to the**  
122 **Registry that did not have all the topographical data on it.** The Board wanted  
123 to have a copy with that information. **The Mylar will be taken to the Registry**  
124 **by the secretary when it is ready and signed by the Chair.**

125 Preconceptual discussion – Alfred Nash – Wyven Road -

126 Web Stout introduced the preconceptual discussion. Referring to RSA 674:41  
127 he said that when making lot line adjustments he would try to make the lots  
128 more conforming rather than completely conforming. He had a map of Wyven  
129 Road. This is discontinued. Alfred Nash had a house on the North end of  
130 Wyven Road end and was proposing to cut off part of the property to sell to a  
131 friend. There are private roads involved. Some have ownership to the center of  
132 the road and some to the edge of the road. This road would require deeded  
133 easements from the properties that the private road passes over.

134 There was lengthy discussion of some of the issues involved. The Board does  
135 not give permission for building on Class 6 roads – that is up to the selectmen  
136 to issue a waiver. It could be approved as a subdivision. The proposed  
137 subdivision is in the Rural Zone which requires 300 foot frontage and 3 acres.  
138 There is also an association (Soft Path) in the area, where people collectively  
139 pay for road upkeep and there are rights of access. Soft Path has an easement  
140 on the Wyven Road. They would have to be consulted. Web noted that Wyven  
141 is a decent road compared to parts of Shaker Road (it was used by the Shakers  
142 for transport in the winter). Many of the issues to be resolved are private,  
143 between landowners, rather than Board issues. Greg himself owns part of the  
144 road.

145 There are also complications from the history of the road ownership. It was  
146 discontinued in 1941. Web believed courts do not want to get involved in  
147 these issues now. There were no roads mentioned in the original proprietor  
148 records. There were no Class 6 road designation at the time these roads were  
149 discontinued so they cannot return to Class 6. It seems the town discontinued  
150 roads to end the need for town maintenance, so if roads were returned to a  
151 previous status it would make them town maintained again. Web would have  
152 to look at deeds and find out if the town went to court with the  
153 discontinuation in 1941. There might be records in Town Meeting minutes but  
154 often those do not detail which roads were discontinued, and the only record  
155 would be with the state.

156 There was consensus that the Board would need to see some of these private  
157 issues resolved before a vote on the subdivision could be taken. A legal letter

158 proving that the road matches statutory requirements would be necessary. All  
159 parties needed this cover - -the Board, and the applicant and his potential  
160 purchaser. Web said they would talk to Soft Path. Greg asked that they secure  
161 deeded access. The Board would later make a recommendation to the select  
162 board regarding the Class 6 waiver. A right of way from the northern end of  
163 the property could work. The Board thanked Web Stout and the applicant for  
164 attending.

#### 165 5. Hazard Mitigation and Climate Resilience

166 Greg has talked to Matt Monahan at CNHRPC about this. There is language for  
167 master plans to work with. **Issue tabled for next time when Matt Monahan**  
168 **can attend.**

#### 169 6. Economic Development issues

170 Lucy Nichols, economist by training, shared a graph she had drafted that  
171 showed projected tax revenue growth under alternate types of development  
172 and taxing of businesses. Ultimately these would be decisions for the  
173 selectmen. One line on the graph was based on actual data and the other  
174 'paths' shown were projections. As of now the town does not have formal  
175 economic development staff though some town members may well have  
176 computer models that could be used. Net numbers were the best to use. The  
177 graph was a way to show different options for growth facing the town. There  
178 was some discussion about the use of zoning as a way to control growth and  
179 the resulting services needed. 'Scaleability' is important too.

180 The idea of encouraging an economic development committee in the Master  
181 Plan was raised again. It was something else to talk to regional planning about.  
182 What should the primary purpose of such a committee be? Could Lucy's  
183 questions be included in the draft of the Economic Development chapter? A  
184 few years ago, in town there was such a group, who met with a member of  
185 staff from the UNH Cooperative Extension. It disbanded. There was also such a  
186 committee many years ago. **It was decided to table this topic until Mike**  
187 **Tardiff could attend again and assist with developing an action plan.**

#### 188 7. Noise Ordinance

189 There was discussion regarding the presence of a noise ordinance in town. It is  
190 included within the Obnoxious Use ordinance using the ‘reasonable person  
191 standard’. If such a person is disturbed by noise, then the selectmen are  
192 supposed to hold a meeting to discuss the issue. **Hillary Nelson was asked to**  
193 **look this up and check exactly what is currently included in the ordinance.**

#### 194 8. Burial grounds

195 The issue had been raised with the preconceptual discussion at the last  
196 meeting, whereby the Friends Meeting wished to acquire a neighboring lot to  
197 use as a burial ground and memorial garden.

198 Board members discussed some of the issues that had come up. Their ability to  
199 regulate burial grounds is very limited – it would just be the standard site plan  
200 criteria. Because burial is often a religious practice, their regulation is even  
201 more limited by recent statutes passed in the Legislature giving churches new  
202 freedoms from restrictions. So, if the ZBA approves the use of a property as a  
203 church there is little the Planning Board can do. The ZBA would grant a  
204 variance or a special exception depending on the zone that the property is in.  
205 If it was commercial zone, it would need to be a special exception. But a  
206 commercial zone may not stay static over time – the land use could well  
207 change in later decades. Burial grounds are not currently listed in the Table of  
208 Uses. Could the Planning Board approve the use as an accessory use (the  
209 primary one being the church that is already allowed). There were so many  
210 issues raised by this potential application it may well require town counsel to  
211 advise. The issue was tabled for now.

#### 212 9. Adjournment

213 Joshua Gordon moved to adjourn. Kent Ruesswick seconded. It was around 9  
214 pm.

#### 215 Action items

- 216 • **Members to look at the draft for CUP language for further discussion with**  
217 **regional planning and possible preparation for warrant article**
- 218 • **Kent to form small committee for researching discontinued roads to get**  
219 **accurate information to regional planning**

- 220 • **Secretary to contact Mike Tardiff's office to see if further discussions are**
- 221 **possible on Tuesday January 24 (to revisit Mapping work: to include**
- 222 **Hazard Mitigation and Climate Resilience with Matt M attending: action**
- 223 **plan for Economic Development issues with Mike T)**
- 224 • **Chair to sign MacCoy subdivision mylar when available and Secretary to**
- 225 **take to Registry**
- 226 • **Hillary Nelson to check on the Noise Ordinance/Obnoxious Use ordinance**

227

228 Respectfully submitted,

229

230 Lois Scribner, secretary

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