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4 **Canterbury Planning Board**
5 **Meeting February 9, 2021 at 7 pm**
6 **Meeting House and by telephone conference**
7 **(1 866 678 6823: access code 8863361#)**
8

9 **Board Members present:**

10 Tyson Miller (Chair), Kent Ruesswick (Vice Chair)

11
12 **Others present:**

13 Kevin Bragg, applicant, Howard Moffett (neighbor)

14
15 **Board Members on phone:**

16 Cheryl Gordon (BOS rep.), Brendan O'Donnell (alternate in place of Hillary
17 Nelson)

18
19 **Absent:**

20 Hillary Nelson, Scott Doherty, Joshua Gordon, Lucy Nichols

21
22 **Agenda**

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24 **1. Call to order**

25
26 Chairman Tyson Miller called the meeting to order just after 7 pm. He read
27 the Governor's statement enabling the Planning Board to meet
28 electronically except for a few members and principals masked and
29 distanced and others attending via telephone conference (number above).
30

31 **2. Draft Minutes for Meeting January 26, 2021**

32
33 Kent Ruesswick moved the Minutes of 26 January be accepted, Tyson
34 seconded and asked for any corrections.

35
36 Kent noted that in Line 184 'Northfield' should be deleted.

37
38 Tyson noted too that the Agenda for this evening mentioned materials for
39 the 2 campgrounds and that was a Secretary typo – the campground
40 hearings were not scheduled for tonight. Those applicants had been written

41 to. Cheryl Gordon and Kent asked for copies of those 3 letters of the
42 decision of notice to the applicants. Members present both tonight and at
43 the last meeting voted. Kent and Tyson voted aye so the Minutes were
44 accepted with revision.

45

46 **3. Pre-conceptual discussion – Kevin Bragg – 364 Baptist Road,**
47 **Farm Stand and Greenhouse in Agricultural zone**

48

49 Tyson reminded members that they did not get into actual details in a pre-
50 conceptual discussion as in a site plan review because no abutters had
51 been noticed so this was just about the zoning ordinance and general
52 points of discussion.

53

54 Kevin Bragg explained he had received a letter from the Building Inspector
55 back in September 2020 noting that he was selling items from his
56 greenhouse. He was asked to contact the Building Inspector so he could be
57 scheduled for both ZBA and PB.

58

59 Kevin said he had been growing in greenhouses since 1995 when he
60 moved to town, in different zoning areas on Old Tilton Road, Morrill Road
61 and Center Road. He had grown but not sold from his home then, he sold
62 at farmer's markets and off site. Just over 2 years ago he moved to 364
63 Baptist Road. Under the Table of Uses there are about 5 levels of
64 agricultural uses for that zone and greenhouses are allowed in that zone.
65 He had been doing the whole sale operation last year but since Covid he
66 needed to sell the plants so he decided it was a good time to make the
67 switch to selling at the property. This was the first time he had people
68 coming to his house to purchase plants.

69

70 He was not sure what he was being asked to do in that letter. He had gone
71 to ZBA and talked to Joe Halla and they looked at the zoning ordinance
72 and said that greenhouses for commercial purpose are allowed in that
73 zone. So he was not sure what he needs to do – a site plan review or home
74 occupation exception. His greenhouse was built by him and it was a
75 structure that could be taken down and reconstructed with no impact to the
76 ground beneath. He said he had LED lights that he switched on if he
77 needed to work at night but then switched off when done. With the small
78 scale operation he had using lights to grow was not economically feasible.

79

80 Tyson said there were 3 things going on here. The roadside stand and
81 commercial greenhouse and ZBA special exception, which is not needed.
82 The building is allowed under the zoning but the site plan review would go
83 further than that, recognizing it is allowed. There was some discussion
84 about the site plan review regulations and interpretations regarding pick
85 your own, horticultural and agricultural activities.

86

87 Kent asked where exactly the farm stand was? Kevin had bought in a
88 visual showing it is the little grey roof building on the west of the property.
89 Kent said he was seeing Abboton Road. That was a pre-existing driveway
90 off there. Tyson asked about dimensions and Kevin said that it should be
91 20 ft from the front or 45 ft from the center of road and shall not exceed
92 1200 sq feet. His is 816 sq feet.

93

94 Tyson commented that the Board doesn't usually do a site plan review for a
95 farm stand so he did not think Kevin needs to do anything further about
96 that. Cheryl had no further questions. Brendan said he thought Kevin had
97 walked through the regulations well, farm stands are allowed and are
98 exempt from site plan review so long as they meet regulations. Kent had no
99 further questions.

100

101 With regard to greenhouses, Tyson asked if a site plan review was advised.
102 Concerns are usually about abutters, for example issues like lighting
103 concerns and this property was close to an ecologically sensitive area so
104 there would be concern about effluents into that. Plus any additional
105 greenhouses in the future. Kevin responded that he might well construct
106 another greenhouse. This was intended as a retirement property. He hoped
107 to plant outdoors too. Tyson said he would need to come to Planning Board
108 if he wanted to add another greenhouse but what about just with this one?
109 Cheryl said she did not think so. Kevin has done his homework and she did
110 not have a problem.

111

112 Brendan asked who wrote the letter to the applicant? That might be the
113 best person to ask. Tyson replied it was the Building Inspector and Tyson
114 had talked to Ken Folsom about it. Joel French did not know exactly what
115 the applicant needed to do so had said he should go to Planning Board.
116 Kevin had spoken to Joel to ask if a neighbor had concerns. No, Joel said it
117 was someone on Zoning or Planning Board that had brought it to his notice.

118

119 Brendan said that there was a statute that refers to a change of use
120 requiring a site plan review. He understood that agriculture was sometimes
121 special in those terms. He was not sure what the difference was, whether
122 all greenhouses were subject to these RSA's.

123
124 Brendan said they wanted to balance not being a road-block to what seems
125 a reasonable use on the property, is encouraged in the master plan with
126 the interests of abutters. So if the applicant was to come to them for site
127 plan review and abutters are noticed and none show up they could then go
128 ahead. It is abutters who stand to lose if there is no site plan review.

129
130 Kevin said that he had talked to abutters. He had discussed run off,
131 because he uses organic fertilizer for herbs and plants, and he has drip
132 irrigation not sprinklers. He was happy to answer any questions about his
133 operation. Tyson said it sounds as if he did a site plan he would sail right
134 through. Kevin said he was confused about the Town's expectations about
135 the change of use. Tyson said the Building Inspector did not know and it
136 was not a big deal.

137
138 Tyson invited him to come with a site plan and put in the extra greenhouse
139 idea. The abutters would have a chance to make a comment on the plans.
140 Brendan agreed it was a prudent way to get abutter views and it would give
141 them due process. Hopefully it would go smoothly and the approval would
142 be granted.

143
144 Brendan said he disagrees with the way a lot of towns have dealt with site
145 plan review. They are looking at the specific situation and abutters'
146 interests. It is not an opportunity to say it is not allowed when the use is
147 already allowed.

148
149 Tyson asked Howard if he had views. Howard said he appreciated what
150 Kevin has done in town. He had looked at the zoning and these were
151 allowable as right. Maybe there should have been a site plan originally.
152 Would Kevin need a professional surveyor to do a site plan? Tyson said no,
153 a hand-drawn drawing was sufficient. Brendan agreed that he should start
154 with something sufficient to show them what is going on. Tyson said to
155 Howard that he wanted abutters to have a hearing too. Tyson said that
156 people often wonder why they have to come to Planning if something is
157 allowed but it is more about the issues for neighbors.

158

159 There was some discussion about definitions of greenhouses, about the
160 possible placing of the greenhouses (N/S, E/W), the use of heaters, and
161 the way towns tend to work these things out community to community.
162

163 Kent said they would be working on the Plan for Tomorrow this year and
164 asked if Kevin would consider being an alternate for that. Tyson wondered
165 about Wayne Mann's opinions for the Agricultural Commission, on this.
166 Kevin said he had worked with Wayne, who had a greenhouse too.
167

168 Tyson suggested putting in as many options as possible for the site plan
169 review. Kevin commented there was a finite amount he could do on that
170 space. Kent said it would be nice to see the old wall cleaned up and asked
171 about neighbors. Brendan said to the extent he runs it by the neighbors,
172 they could send letters for the site plan to be supportive.
173

174 Kent asked about a motion. There would be no vote – it is just a conceptual
175 discussion in an area where the regulations do allow commercial
176 greenhouses and sales.
177

178 **4. Other business**

179
180 In terms of old business, Tyson referred to the 3 letters already written to
181 the campground applicants with their notices of decision.
182

183 Brendan apologized for missing the last meeting due to a conflicting work
184 commitment.
185

186 There was no new business so Kent moved to adjourn and Brendan
187 seconded. All were in favor of adjourning at 7.55 pm.
188

189
190 Respectfully submitted,
191 Lois Scribner, secretary to the Planning Board.
192