

Draft

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4 **Canterbury Planning Board**
5 **Meeting January 26 202, 7 pm**
6 **Meeting House and by telephone conference**
7 **(1 866 678 6823: access code 8863361#)**
8
9

10 **Members Present:**

11 Tyson Miller (Chair), Kent Ruesswick (Vice-Chair), Joshua Gordon
12

13 **Members on phone:**

14 Hillary Nelson, Lucy Nichols, Ken Folsom (in place of Cheryl Gordon BOS
15 rep)
16

17 **Absent:**

18 Brendan O’Donnell, Scott Doherty
19

20 **Others present:**

21 LeeAnn Mackey, Mark Hampton, James Blombach
22

23 **Others on phone:**

24 John Udaloy, Roy Plisko, Barbie Tilton, Cathie Donahue
25

26 **Agenda:**

27
28 **1. Call to order:**

29 Tyson Miller read the Chairman’s statement regarding the Governor’s
30 emergency order during the Covid pandemic that permits the Planning
31 Board to meet with limited numbers in person and for others to participate
32 via telephone conference, using the number above.
33

34 **2. Minutes of January 12, 2021**
35

36 A motion was made by Kent Ruesswick to accept the Minutes of January
37 12 and seconded by Joshua Gordon. Hillary Nelson requested a correction
38 at Line 184 so that “as was documented in Canterbury’s Master Plan” was
39 added. Roy Plisko asked if his full statement from January 12 was made

40 available. Yes, it was in the materials on the website. All members present
41 voted aye and the Minutes passed.

42

43 **3. Site Review Application hearing for the Pitch Perfect Campground**
44 **submitted by LeeAnn Mackey and Ginger Laplante:**

45

46 Kent Ruesswick was recused for this hearing.

47

48 LeeAnn was introduced and given a microphone to use. She said she was
49 going to skip her narrative since they had heard it and it was given to the
50 Board already. She assumed they would go right to the letter of 24
51 December 2020 regarding the list of things she needed to satisfy. She sent
52 a response to the Board on 27 December. She was asking what she still
53 needed to address.

54

55 LeeAnn went through the various waivers, regarding water supply, septic
56 arrangements, use of bottled water, the lack of wetlands, the duty of care
57 that landowners have, adherence to the Town noise ordinance, and the
58 additional waiver for a topographical map because she had submitted her
59 own plan with some topographical information on it.

60

61 Tyson asked for a vote to accept the waiver. Joshua moved that all the
62 waivers be accepted. He felt that having visited the campground, requiring
63 a licensed survey now seemed superfluous so he moved to grant all the
64 waivers.

65

66 Hillary wanted to ask about the email letter Brendan had sent from DES
67 regarding wetlands. Brendan had been talking to Dawn Buker at DES
68 about campsite sewage disposal. Hillary quoted that subdivision approval
69 was required. She was not comfortable saying that the wetlands waiver
70 could be accepted. She read extracts from the DES information and
71 interpreted them as saying the DES had to approve the septic
72 arrangements even if it is just porta potties. Hillary added that there are
73 wetlands - the running water and brooks.

74

75 LeeAnn responded that she too had been through Dawn Buker at DES and
76 subsequently she had been contacted by her boss Timothy Drew and he
77 had explained to LeeAnn that what they had is applicable if subsurface
78 systems are not used and he had suggested 'alternative use' and she had
79 written that in her DES exemption. Hillary asked for the dates of that

80 discussion. LeeAnn said she had this in October - but Hillary pointed that
81 this note from Dawn was from January. Hillary thought the letter from Dawn
82 contradicted what LeeAnn was saying and she wished Brendan was on.
83 Hillary suggested maybe the Board needed to talk to Dawn's boss and get
84 clarification to the Planning Board in writing. LeeAnn said they had told her
85 they were not going to do that. LeeAnn had done the researching for them.

86

87 Tyson asked if the Board could not satisfy this issue for themselves, boiling
88 it down to porta potties and stuff being hauled away? He noted that the
89 State was not offering to come out.

90

91 Joshua said that he could not figure it out on the fly. He thought there was
92 a subdivision issue in all this and no one was subdividing anything in this
93 application. He was not sure, but the DES letter almost misunderstands the
94 question. Tyson agreed. Lucy Nichols wondered if the State treats
95 campgrounds as their own commercial lots whereas Canterbury has small
96 ones as part of residential land. Hillary read from the DES emails again. It
97 says each site is commercial subdivision.

98

99 Elle Bezanson said that these campgrounds were not subdivisions. Joshua
100 agreed these were not subdivisions where 'sub surface systems are in
101 use'. LeeAnn said this was moot because they are not using any sub
102 surface systems. So Dawn's boss had told her to look at alternatives. She
103 had found one more recently RSA 483B. It is for agricultural use. It
104 exempts from shoreline protection regulations.

105

106 Tyson then asked if they wanted to accept the waivers and accept the site
107 plan that shows all the features on the land. Board members have been
108 and seen the site.

109

110 Joshua said they could tack on a condition to comply with DES permitting
111 adding that the permitting was between LeeAnn and DES, not the Board.
112 Hillary was not opposed to waiving the topographical survey but she
113 wanted to see the wetlands delineated. She wanted to see that the
114 wetlands were documented. They had not seen those on the site visit,
115 LeeAnn said, because they are half a mile up the road. Lucy asked what
116 would have to happen to accomplish the wetlands being delineated. Tyson
117 replied it required a costly engineering survey.

118

119 Joshua said to Hillary that there were probably wetlands when they visited
120 the site but he did not see much of a use of the wetlands that mattered.
121 The campground use was not going to impact them. Hillary felt that they
122 were not scientists and they had seen it in the winter when there was no
123 flood. There are unforeseen things that can happen to wetlands and she
124 was concerned about protecting water supplies. What if a car dumped its
125 gas out there? There would be cars, animals, and so on. She did not mean
126 to add costs but this was a cost of doing business and it says in the
127 regulations it is needed.

128
129 Tyson asked for vote to waive the topographical survey. Joshua voted yea,
130 Tyson yea, Lucy aye, Hillary no. The ayes have it so that waiver passed.

131
132 Joshua then moved that the entire list from the September 14, 2020 letter
133 be waived, the whole list which had to do with elevations, snow removal,
134 lighting, traffic, etc. He feels his questions were answered. Tyson seconded
135 that motion and invited discussion.

136
137 Lucy said she would like to see that wetlands commission conducted if the
138 campground was to be extended in the future. She would like to include
139 that as a condition. Tyson pointed out that the new warrant article was
140 coming up. This campground will be a non-complying ground in the future
141 and would have to come to ZBA for a variance and to Planning Board to
142 expand. He did not think that they needed to do what Lucy was asking for
143 because it was a given.

144
145 Hillary asked, could they vote separately on these other things. Joshua
146 offered to amend the motion to do the remainder. Hillary said she was
147 willing to waive all the rest of them. Joshua amended his motion to say they
148 would grant the waiver for numbers 3-13 on the letter. Members voted.
149 Joshua, Tyson, Hillary and Lucy voted aye.

150
151 Lucy wished to add a comment to compliment this applicant on the quality
152 of the work she had done. And secondly, she suggested that the turning
153 into the campground was really difficult so perhaps there should be a mirror
154 at the entrance. LeeAnn replied that was on her list to discuss, they were
155 more than willing to help the Town pay for that. They had wanted to have
156 the whole intersection signposted because of past accidents on the road.

157

158 Tyson invited discussion from the public who were either in favor or
159 opposed. Elle Bezanson was in favor. Barbie Tilton also in favor.

160

161 Mark Hampton, a neighbor, wanted to speak in opposition. He and his wife
162 Doris lived at 38 Borough Road, about 4/10 mile from the Laplante's house
163 and back 15-20 years ago Ginger had a little dog that wandered and would
164 often come up to theirs. Ginger would call from her house to get the dog to
165 come home. They could hear her clearly. Some of the campground sites
166 will be less than a tenth of a mile from their road and they were concerned
167 about noise. Some houses further down will be even more impacted. Tyson
168 asked if some of the noise he was concerned about would not be
169 countered by the Town noise ordinance. Mark said he was worried about
170 nighttime partying. Roy commented that Ginger used to call the horses and
171 dogs at a decibel level to be effective. LeeAnn added she had been an
172 opera singer too and that is why she could use that decibel level. Tyson
173 asked LeeAnn about noise concerns. She replied they would follow the
174 Town ordinance absolutely - after 10pm all noise except quiet conversation
175 will be stopped. Campers will have to sign on their reservation form to
176 accept that, they will have a welcome packet that reiterates the rule and
177 they can be thrown out for breaking it. She will also be verbally reinforcing
178 that rule.

179

180 Kent was asked, as a member of the public, about his concern for traffic.
181 He was deeply concerned about the entrance to Borough Road. The
182 problem was north to east, you cannot see over the hill as they turn. He
183 thought it should be a T intersection not a Y. He was not sure how much
184 was involved but it impacts Northfield and Canterbury. He uses the second
185 entrance to the road because it is the vehicles who are coming down the
186 hill if you are crossing the Y that cause the problem. He was not sure
187 where the land boundaries lay. The Town would have to agree to make this
188 a T section.

189

190 LeeAnn said she would talk to Ginger. Did they not think that a mirror on
191 the other side would help? Kent said the hill there made that impossible. A
192 mirror would not change that. Mark said there was a rise there. LeeAnn
193 responded it was the traffic on the other side where it was not her land. The
194 rise is on Borough Road. It is similar to where Baptist and Shaker Roads
195 meet, where there is a rise and a triangle. Tyson said that the traffic issue
196 would also apply to residents living further up the road. He was thinking

197 they should make that intersection a focus. It sounded dangerous and they
198 should recommend to the Town and Road Agent to do something about it.

199

200 Ken Folsom was asked about the recommendation that the Planning Board
201 could make about the road. Tyson thought that the campground traffic was
202 just one part of it and there was residential traffic from further up the
203 Borough Road. They could pass this on to the Select Board and they could
204 make recommendations to the Road Agent. Ken said he was in favor of the
205 campground, all the BOS were in favor.

206

207 Joshua raised the issue of campsite #2 in the proposal which was really
208 close to Borough Road and across the street from a newly built house. He
209 felt there was an insufficient buffer at that site and he would like to propose
210 deleting that campsite from the ground. It was not fair to the landowner
211 across the street nor to the campers. There would be some foliage in the
212 season but it was far less than the setback in the new ordinance so he
213 would favor the campground but he did not want to include that particular
214 site. LeeAnn responded it was more than 200 foot set-back but it was their
215 overflow site to use if all others were full. She and Ginger were already
216 tossing around ideas about that. Maybe they could plant some well grown
217 bushes in that area where foliage was not already thick enough. She did
218 not want people to see each other. Joshua said he thought that the
219 property owner might have issues with it. It was a big clearing. LeeAnn did
220 not want to make it an eleven-site campground though.

221

222 Tyson asked if they would agree to a condition to do additional planting,
223 which could be a condition to their approval. Hillary said they could make a
224 condition and then check on it in a year. Joshua asked about the
225 mechanism for that. LeeAnn thought that the natural mechanisms were in
226 place with complaints from neighbor or campers. Hillary suggested they
227 make a condition that she agrees to do a planting to make the campsite
228 obscured from the road in one or three years. LeeAnn was happy to accept
229 that.

230

231 Tyson mentioned the stream by the field. He wanted to put in a condition
232 that the horses would always be fenced away from the stream. Tyson
233 asked about the electric fence. LeeAnn and Elle said most equine fences
234 have battery operated or solar fencing.

235

236 Lucy sought to clarify that the stream was not going to have a fence
237 between it and the pasture but that campers would bring portable electric
238 fencing. Tyson understood that.

239

240 Tyson referred to the application for Barbie Tilton where they had given a
241 list of items with the notice of decision.

242

243 One was no off highway or recreational vehicles. That would be included
244 here. Two was to maintain fire permits for emergency access. Five was to
245 ensure campers register as required under RSA 465 with records for the
246 police to see whenever needed. Also a maximum of 12 sites in this one.
247 LeeAnn said they would have a maximum of 4 people per site in this
248 campground, she hoped for 2 adults and 2 children. Tyson continued, they
249 would need to obtain Building Inspector approval. She has already done
250 that. They were ok with the dates March or first snow since they will not
251 operate in snow and November 15 would be the end of the season. There
252 would have to be a minimum 6 foot path from road access to sites, but in
253 future if one site would be replaced they would have to ensure an RHV
254 (ranger vehicle) could get access. She said that if they had to move site 2 it
255 would be well accessed. Tyson noted they would have to update the map
256 in that case for emergency vehicles.

257

258 Tyson returned to port potties. He wanted to include that they would use
259 approved porta potties. LeeAnn said they had to have a license and
260 sewage removal company which are State licensed, which they have using
261 Best Septic. They supply the porta potties and then Best Septic cleans
262 them. Joshua said that he thought the porta potties were close enough to
263 encourage them being used rather than being avoided but he would like to
264 see a condition about numbers of porta potties. Four seems reasonable so
265 there should be a porta potty within reasonable distance for all sites.
266 LeeAnn replied they had 3 to start with then upped it to 4 because they
267 don't want to make it inconvenient nor having people use the grass.

268

269 Regarding water supplies, the Fire Department says they must supply 5
270 gallons to each site. LeeAnn proposed to use 5 gallon shower bags with
271 hoses on. These can be used also to rinse items and wash hands. The
272 bags will always be full. Joshua asked if they would inspect those bags
273 daily. LeeAnn said yes, they have to inspect daily and they would swap out
274 the bags if they are used. These are for fire use but can be used for other
275 things. Hillary stated there should there be a condition that those bags

276 should be replenished, that there will always be non-potable water at each
277 site kept at 5 gallons. She asked if there will be drinking water too? LeeAnn
278 responded yes, they will be selling that all the time. She will use her ranger
279 vehicle to take these things round. Hillary said there should be water
280 available.

281
282 Tyson asked for any other qualifications or conditions? Hillary said Barbie
283 had quiet hours put into her conditions but Tyson did not see that. Joshua
284 asked about the water supply issue. He read from an RSA regarding
285 campgrounds mentioning an accessible water supply which shall be
286 provided — not purchased. He said it makes sense that water would be
287 sold but should there be a way to refill Nalgene bottles?

288
289 Elle asked to respond. She said the people who come to camp bring their
290 own water. It is included on the website that you bring your own supplies
291 and jugs and so on. She has spare water bottles in her barn. LeeAnn said
292 she would use the same verbiage. Tyson asked why people could not use
293 the faucets already on the outside of their houses? Elle said they would
294 have to get their water tested every 3 months. LeeAnn said their spigot was
295 in a private area and that would not work - they did not want mandatory
296 testing of water. Joshua read from a statute that says it has to be approved
297 by DES. Leeann said they were thinking of having the old well in their field
298 done towards the end of the season or next season but that expense was
299 not possible for now. Joshua said he was sufficiently happy. Tyson asked if
300 the law says there has to be a potable supply of water, whether it is public
301 or private. LeeAnn said they got around it with the 5 gallon bags required
302 by the Fire Department. The other thing they thought of doing was maybe
303 providing a 2-3 gallon water bottle on the tables, drinking water from their
304 own wells.

305
306 Barbie Tilton wanted to speak to that. She does the shower bag and she
307 supplies a 5 gallon container with a spigot to drink or do anything else. It is
308 approved and potable but most people do come with their own water. She
309 thought the shower bag and bottle on table could work for LeeAnn. Barbie
310 has a spigot and she checks in daily to ask if they need water. The State
311 was happy for the campers to use her Barn as a source for getting water
312 and it is tested every year. LeeAnn said but they were ok with testing. Lucy
313 said that the Basic water test was for E-coli and nitrates. It was about \$35.
314 Hillary said that wells with arsenic were more costly. Hillary liked Barbie's
315 idea with the 5 gallon bag and a 3 gallon supply on the table. Lucy added

316 she would advise them to test the water in case someone became sick.
317 Elle said they all had livestock. She had to get her water tested each year.

318

319 Tyson said he would summarize conditions:

- 320 1. no off highway road recreational vehicles
- 321 2. obtain and maintain fire approval access
- 322 3. obtain 4 porta potties within reasonable distance from each site with
323 licensed and insured sewage removal
- 324 4. always maintain a 5 gallon water bag (to put out fires) at each site and 3
325 gallons of potable water on the table of each site
- 326 5. ensure campers register under RSA 216-1:5
- 327 6. campsites could have up to 6 people, maximum of 12 sites
- 328 7. obtain adequate parking approval from the Building Inspector
- 329 8. guests may arrive after March 21 and are to be gone by 15 November
330 and snow removal provided if necessary

331

332 Tyson made a motion that they would approve the application with these
333 conditions. Hillary seconded. Tyson, Joshua, Hillary, Lucy, and Ken all
334 voted aye. The motion passed. Tyson noted that if DES had an issue they
335 can come to inspect. Kent said good job. Josh offered thanks for the site
336 walk.

337

338 Tyson asked if Barbie was there. From her application, number 4 was
339 outstanding. They could replace it with the porta potty issue. Barbie is
340 going to use the same language that LeeAnn prepared. Tyson just needs to
341 amend Barbie's Notice of Decision with porta potties and sign it. Hillary
342 complimented Barbie.

343

344 **4. Site Review Application hearing for a campground from Elle** 345 **Bezanson at 175 Lambert Road, Canterbury**

346

347 Tyson asked if anyone from Northfield was present on the phone. No. Elle
348 said they had already approved it. Tyson said she had heard the conditions
349 put on the others and Elle said she was good with all the rules.

350

351 Joshua made a motion to grant all the waivers that she had included. All his
352 concerns were taken care of in the site walk. Kent seconded this. Ken was
353 included on this hearing. Discussion was invited.

354

355 Hillary said that at one site there was a wetland and she remained
356 concerned about wetlands. The map they had from Elle did not include
357 wetlands and it was something applicants were supposed to do. She had
358 seen the wetland and it was not on the map. Elle had bought in an aerial
359 map with her and she distributed that to members present.
360

361 Tyson asked her to speak to that. Joshua said it was below Beaver Pond. It
362 was not signed by a licensed surveyor. Elle said you can see the swamp
363 and the beaver pond. That was created by the beavers. Hillary said her
364 concern was for the future. Suppose someone wanted to put in a lot more
365 sites 30 years from now. So long as the wetland is documented Hillary was
366 fine. Tyson said it the rest of the Board did care about wetlands. He asked
367 about the distance between the nearest campsite and that beaver pond.
368 Elle said it changed all the time but it was 50 feet away currently. Hillary
369 just wanted it documented. The map of the aerial view could be scanned
370 and put in the record of the property.
371

372 Regarding the number of sites, Elle said there were 9 sites currently. She
373 wants to have 12 but has not yet figured out the right locations to make
374 sure people cannot see each other. Hillary suggested they could approve
375 asking her to come back with that information, trying to make it as simple
376 as possible. If she wants to the choice off adding 3 more sites and she
377 would have to give the Fire Department an up-to-date map. Hillary added
378 the ZBA had already approved 12 so could she send in an application to
379 them? Elle said it cost her \$500 for this application already so she was
380 reluctant to do that.
381

382 Kent stated there was nothing out there. Joshua agreed. Ken said he was
383 satisfied if the Fire Department was. Ken suggested a condition that the
384 Fire Department and Code Enforcement Officer had to approve the 3 extra
385 sites. Tyson listed other conditions, a maximum of 12 sites, 3 unbuilt.
386 Hillary wanted to add that they should all comply with the conditions. Barbie
387 Tilton said that Elle had been approved already so could she give the new
388 map to the Code Enforcement Officer? Tyson asked for a motion to do this
389 with conditional approvals. Members voted, all voting aye. The motion
390 passed.
391

392 Joshua wanted to speak to the two applicants. He had heard their
393 comments on the ordinance, he understood their concerns. Elle said she
394 liked the ordinance and two little bits could be tweaked and they both would

395 like to be part of that process. The problem had been there was no
396 ordinance. Roy thanked Joshua for saying that. Barbie thanked the
397 Planning Board for working with them as this has been tricky for all of them.
398 Hillary said she was sorry if it had been frustrating.

399

400 **5. New business**

401

402 Tyson updated members.

403

- 404 a) There has been ongoing discussion with Mr. J. Levitt for the self-
405 storage unit in the Commercial district. He is going to go to ZBA with 2
406 items: one, to ask for an interpretation of the rule that says there is no
407 storage in the commercial zone, to see if the Planning Board has
408 misinterpreted the ordinance. And two, if that does not pass he will ask
409 for a variance, under RSA 676.5 III. Joshua said this was the right of
410 appeal. It has not happened before, Tyson commented. Mr. Levitt will
411 then come back to Planning Board for the rest of his site plan review.
412 Both of his abutters are approving of his idea. Kent asked if he wanted
413 a variance on the setback. Tyson said he had written to him about that.
- 414 b) Next Planning Board? Tyson asked who is signed up to run for it in the
415 upcoming elections? Friday is the deadline. Joshua has another year,
416 Kent too. Tyson said he was not sure what happens if no one runs. The
417 Governor has determined that towns can put off Town Meetings to July
418 but Canterbury is going ahead with first part of Town Meeting as
419 normal. Ken confirmed that. Hillary said if no one signed up she will
420 sign up again but she hoped Brendan would run. Tyson noted if the
421 position is left unfilled the Planning Board can appoint. Kent shared
422 someone had spoken to him and Joshua had talked to someone as
423 well. There is 3-5 pm window on Friday to sign up with the Town Clerk.
424 Tyson was glad that Hillary would be willing.
- 425 c) Any other new business? Kent asked if there was anything more to do
426 on this hearing. Tyson said the 3 notices would go out. Hillary said that
427 the DES had not really given an answer. Tyson will write up the
428 conditional approvals and sign them. Tyson said he had sent the
429 campground ordinance to Ken as well, both the shortened notice and
430 the full ordinance article.

431 Lucy asked - about the residential accessory part of the ordinance - if noise
432 is an issue it will be up to the owner to deal with it. Tyson said the approval
433 was given for a year.

434

435 Tyson made a motion to adjourn, Kent seconded and the meeting
436 adjourned just before 9 pm.

437

438 Respectfully submitted,
439 Lois Scribner, secretary

440

441

442

443

444