

1 DRAFT

2 Minutes of the Planning Board Meeting

3 May 11, 2021

4 Meeting House and via GoToMeeting

5 Members Present

6 Kent Ruesswick (Chair), Joshua Gordon, Greg Meeh, Anne Dowling, Cheryl Gordon  
7 (BOS rep)

8 Art Rose (former Chair invited)

9 Remote participation

10 Scott Doherty (PB Vice-Chair), Bob Steenson (BOS/CCC member) and Ashley  
11 Ruprecht and Teresa Wyman (CCC members)

12 Agenda

13 1. Call meeting to order

14 Kent called the meeting to order just after 7 pm.

15 2. Minutes of April 27, 2021

16 Joshua moved the Minutes and Cheryl seconded. Joshua had requested adding  
17 his name as the member who made the motion to amend at line 61-3. With that  
18 correction, all in favor and the Minutes carried.

19 3. Wetlands Setback Discussion including Conservation Commission members

20 Ashley Ruprecht was invited to introduce herself and the issue of wetlands  
21 setbacks. She has lived in town a couple of years and joined the CCC last year  
22 bringing experience as a conservation planner in the city of Laconia. She had  
23 worked on updating the Laconia wetlands ordinance. She is also a wetlands  
24 scientist apprentice.

25 In terms of the documents shared from Ken Stern, many towns would have  
26 revised their ordinances since 2004. The state leaves it up to towns and cities to  
27 make their own ordinances regarding wetlands so that regulations were at the  
28 discretion of different communities. She had concerns about enforcement of any

29 ordinance. Typically, the two routes now are going to the ZBA for a Special  
30 Exception or there could be a Conditional Use Permit and hearings before the  
31 Planning Board. Definitions were important – wetlands should be delineated by a  
32 certified wetland scientist and updated every 5 years. It is not always obvious if a  
33 piece of land is a wetland.

34 Bob Steenson offered views. The town did not have the resources to enforce such  
35 an ordinance either in terms of structure or personnel. The ZBA had too many  
36 issues being pushed through it. The ZBA exists to adjust or change specific uses  
37 from the Table of Uses. It was time to embrace the idea of Conditional Use. If  
38 specifics were clear in the zoning ordinance then an application should go straight  
39 to the Planning Board where they can bring in experts for guidance. The idea of  
40 the wetland setback is good but it needs structuring. For some projects it would  
41 be necessary to include topographical mapping but not for everything (ex. not  
42 required for the recent campground hearings).

43 Conditional Use Permits were discussed further. Planning Board members would  
44 have discretion and could make decisions very specifically for any given project. It  
45 also means that any specified use would be the only use allowed. That is not  
46 something a ZBA can make available.

47 CCC members noted that the CCC should weigh in too as they were both the  
48 advisory body and a source of expertise for the Planning Board.

49 Joshua Gordon asked why a setback ordinance was necessary. Ashley suggested  
50 urban sprawl from Concord posed a threat to habitat protection. Controlling  
51 invasive species and flood control were important too. The most common norm  
52 was a 100 foot buffer. There might be 25 foot buffers for small properties and 50  
53 foot for larger. Ultimately it had to be acceptable to the wider community.

54 Greg Meeh offered another rationale for wetland setbacks. He had experience  
55 with a compromised well that was polluted. It had been expensive to correct.  
56 There is no town water supply, so everyone is dependent on the ground water for  
57 their own wells. Regulation was critical.

58 Art Rose offered his views. A rule made should then be enforced. 50 feet as a  
59 minimum was reasonable. A 100 foot buffer from a standing body of water was  
60 reasonable. Anyone trying to build a permanent structure closer than 50 foot

61 from a wetland was likely to encounter issues with the soil conditions. The Board  
62 would have the authority to impose certain conditions. They would have to  
63 enforce this consistently, every application would need to be regarded in terms of  
64 the wetlands delineation. No waivers for some projects. And wetlands should be  
65 shown on site plans. If there were down sides for developers, there were  
66 remedies through the DES for replacing a wetland should one have to be filled. It  
67 would not hurt developers. It would have to be enforced though and the code  
68 enforcement staff given authority to do so. The Board already had authority to  
69 impose special conditions. Having conditional approval can make things more  
70 complex if there are not the staff to implement it. He also pointed out that most  
71 surveyors were used to working with wetlands scientists. Having these shown on  
72 site plans was not a deal breaker.

73 Bob Steenson's view was that the Planning Board could review any plans if there  
74 was conditional use laid out in the zoning ordinance. The ZBA was a land-use body  
75 versus the Planning Board having the planning function. There was more  
76 discussion about driveways as an example. CPU's versus culvert install permits or  
77 public works permits (in cities). In Canterbury driveway permits on town roads are  
78 issued by the road agent.

79 Scott Doherty offered views. He thanked Ashley and Art. While he agreed with the  
80 support of wetlands he was concerned that the current Building Inspector was  
81 very part-time and he was not sure how realistic these proposals were. Ashley  
82 said it was generally residential enforcement that was problematic as most  
83 developers were used to working with municipal regulations. Perhaps this was  
84 something that could be added to the other items that the Building Inspector  
85 routinely had to look at anyway. It was also possible for neighbors or residents to  
86 contact the DES, take pictures from the public right of way, and then let the DES  
87 investigate for a possible violation.

88 Greg noted the key to this would be keeping it straightforward and simple, so it  
89 could be something a Building Inspector could check off easily. Greg thanked both  
90 Art and Ashley for their time and knowledge sharing. They both stated that run-  
91 off issues were typically not included in wetland ordinances. Protecting the  
92 abutter water supplies was about being a good neighbor and something that  
93 should come up at Board hearings. Topographical maps should show both the

94 wetlands and the presence of storm drains, swales or rain gardens. That  
95 information was critical to decision making and should be shown. It cost more but  
96 not that much more.

97 Kent also thanked Bob, Ashley and Art on behalf of the Board.

98 Art indicated he was willing to be an alternate on the Board. He could be available  
99 and he would sign in with Sam Papps. Jan Stout can add his name on the roster.  
100 Kent said he would want Art's input as they go ahead with this issue.

101 He repeated the town should have wetland setback limits.

102 There was consensus it would be a good idea to re-read the 2004 materials in  
103 light of this evening's discussion and pick up the work again at the next meeting  
104 on May 25.

#### 105 4. Traffic Count Data

106 Ken Folsom had distributed to all town boards the latest Traffic Count data. Bob  
107 Steenson explained it was relevant if the Board were contemplating  
108 developments or if there were key spots of concern round town. The Board  
109 selected Intervale Road, Baptist Hill, Shaker Road at Northfield Line, Baptist Road  
110 E. of school and Boyce Road. Lois will send that list to Ken Folsom.

#### 111 5. Depot Park Covenant document

112 Lois had shared that from the digital files since it had been referred to in the Hall  
113 Road pre-conceptual discussion. Greg asked if it should be used by the Board if  
114 there was another proposal for development there. Was it on the check list? Lois  
115 would ask Mandy.

#### 116 6. Any Other Business

117 a) Greg raised the issue of the Board having time to review decisions. What  
118 mechanisms are in place to catch errors? It was not known exactly how site  
119 plans that are approved get sent to the Registry. Lois will check with  
120 Mandy. Lois mentioned having seen a 65 day time period noted in the  
121 Planning Board Handbook, and would check on that.

122 b) Kent said he had received an email from Mike Tardiff earlier that evening,  
123 which had been forwarded. The traffic study is up online to look at. Kent  
124 also had heard that progress was being made on the roundabout at Hoit

125 Road, likely to be done by Concord City by the fall. No expense to  
126 Canterbury.

127 c) Joshua mentioned seeing Lucy at her yard in Oxbow Pond Road. There is  
128 some concern about the use of the river shore by homeless folks. There are  
129 many trails down to the river.

130 Kent closed the meeting at 8.25 pm.

131 Next meeting Tuesday May 25, for further wetland setback discussions.

132

133 Respectfully submitted,

134 Lois Scribner, secretary.