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4 **Canterbury Planning Board**
5 **Work Session on Campground Ordinance**
6 **Tuesday 15 December 2020**
7 **Meeting House and telephone conference**
8

9 **Board members present in person:**

10 Chairman Tyson Miller, Vice-Chair Kent Ruesswick
11
12

13 **Board members on phone:**

14 Brendan O'Donnell (appointed as voting member tonight)
15 Bob Steenson (BOS representative in lieu of Cheryl Gordon)
16 Ken Folsom (Town Administrator)
17 Lucy Nichols
18 Hillary Nelson
19 Mandy Irving (Planning Board Associate)
20

21 **Agenda**
22

23 Tyson Miller as Chair read the announcement in accordance with Governor
24 Sununu's Emergency Order #12 and Executive Order 2020-04 regarding
25 the meeting being conducted telephonically for residents and some board
26 members. The meeting was opened at 7:04 pm. He stated that most of the
27 relevant documents were available on the Planning Board website.
28
29

30 **1. Approval of December 8 Minutes**
31

32 Kent Ruesswick moved that the minutes be approved and Hillary
33 seconded. Brendan requested that on line 353 'removing' should be
34 'allowing'. Members voted to accept Minutes with that alteration. Bob
35 Steenson abstained.
36

37 Lucy Nichols said she cannot hear everything that is said over the phone
38 so the detailed minutes are helpful.
39

40 Bob suggested moving the removable mics from the console round the
41 room. He also mentioned that the Conservation Commission meeting on
42 Zoom had to be canceled due to technology difficulties. Ken Folsom said
43 he was looking into 'Meetings 2' being used in Boscawen before getting the
44 Zoom account. There are other platforms, Bob said. Tyson asked how the
45 Town would hold public meetings like the second session of Town Meeting.
46 Guidance is needed from the State, Bob replied.

47

48 **2. Campground Ordinance Discussion**

49

50 Tyson announced they would start with Brendan's revised ordinance text
51 and compare with Tyson's earlier draft of the ordinance.

52

53 The Statement of Purpose section is fine. Bob suggested you might add 'as
54 amended' in case the State changes their rules.

55

56 Definitions: The RSA is clear, and Tyson suggested some be spelled out
57 otherwise people have to read the RSA's. Brendan agreed. Bob pointed out
58 it was helpful to keep it that way so long as the definition is fluid with the
59 State. It is not that difficult to look up RSAs.

60

61 Zoning Districts: in the original ordinance campgrounds are only allowed in
62 the Agricultural and Rural zones but now it is proposed that they be allowed
63 everywhere. Brendan had thought this was the Canterbury way of allowing
64 people to make use of their property with light business and so on. There
65 was discussion about the merits of listing specific zones or leaving it as it
66 is.

67

68 Hillary mentioned that Canterbury Shaker Village (CSV) allows people to
69 put campers in their parking lot. She thought they would not want to be
70 excluded from this use. Bob said that a night or two in an RV for free was
71 not a campground. Hillary asked if they should approach CSV if they
72 wanted to be part of the conversation. Tyson pointed out that CSV would
73 not be home occupancy use. Hillary responded Shaker Village is sui
74 generis. It is commercial and a non-profit and different from everything else
75 in town. Do they want it to be included? The Masterplan showed
76 Canterbury residents in support of CSV.

77

78 Bob said they could be asked. He was not sure the Planning Board should
79 reach out to one specific group in town because they would be reaching out

80 to everyone in the hearing process. Kent said the difficulty was if a fire ever
81 got going up there it would be a big problem. Campfires could be
82 problematic. Brendan said there had to be a permit from the Fire
83 Department for fire pits and annual inspections. No fire was safer than
84 permitted fire.

85

86 Hillary mentioned the Natural Resource Reserve which has its own zone.
87 Campgrounds are not allowed in that zone but should be. Tyson said the
88 camps would be 200 ft from any streams or wetlands and the Conservation
89 Commission could look at that.

90

91 Bob asked if the land used for the campground could be in Current Use?
92 Mandy replied popular opinion is no. It would need to come out of Current
93 Use with a penalty assessed.

94

95 Hillary thought this should be made clear in the article. Mandy disagreed as
96 no other ordinances mention taxable impact. Bob said it was not the
97 Town's job to give financial advice or tax regulations into any zoning. Tyson
98 said that Mandy as Assessor would tell people about Current Use. The
99 curtilage under the campsite plus roads plus structures would be coming
100 out of Current Use. It was decided to add the Natural Resource Reserve as
101 to Agricultural and Rural.

102

103 Lucy asked what the implication was for the large site on 106?
104 There was discussion about that site. Brendan said that current use cannot
105 be extended. Tyson said it had gone out of business and never operated.
106 Ken said that land was to be purchased for a house.

107

108 Maximum Number of Occupants: It was agreed to keep that as written, at
109 2,4,6. So if there were 21 acres it would still be 4 campsites.

110

111 Number of Occupants: was written as 6 per site per night. Lucy wondered
112 about limiting it to 4 people per site to keep noise down and reduce the risk
113 of partying. Bob's opinion from the Town executive was that was
114 unenforceable - camp owners had to enforce the noise ordinance and also
115 the Police Department. Bob felt Brendan's approach worked. Tyson asked
116 about guests who might just show up? Or what about day visitors to the
117 campground facilities? Bob said it would not be enforceable though a
118 zoning ordinance. The owners would have to regulate these things. The

119 Code Enforcement Officer and Police would issue violations if there were
120 problems. Bob suggested delete 'each night' — Hillary said leave it in.

121

122 Individual Campsite Size: Tyson asked about the maps being kept up to
123 date, could it be a condition of a license?

124

125 Bob thought the Town could not do that. Brendan agreed they should not
126 add more administration on the Town. Applicants would go to Fire
127 Department and that was sufficient.

128

129 Tyson asked about trash issues. Brendan said if a violation was discovered
130 the Town would act.

131

132 Hilary asked about potable water and bathrooms. Lucy thought most
133 people were on private wells - it had to be tested and inspected. Brendan
134 said that would be a burden on the Town. It was up the business owner to
135 ensure things were up to date. Bob agreed the Town was not equipped for
136 that. Nor did the Town have authority to enforce anything about water.
137 Hillary said there were bad water issues in the community and people
138 should have to show their water is good. Lucy said it was to do with
139 commercial use.

140

141 Hillary asked again if we know whether the DES is enforcing or licensing
142 any of this? Brendan said he would check with DES to find out which
143 specific bureau enforces this. Tyson added he has 2 contacts for water and
144 septic.

145

146 Hillary said it would be good to have a guide on the town website to show
147 people who they would have to talk to when thinking about setting up a site.
148 Tyson agreed that advice should be there.

149

150 Bob recommended deleting the property owner annually reviewing the map
151 with Police and Fire each year — who was to enforce that? Ken stated that
152 applicants did have to get an annual permit from the Fire Department. They
153 would have to do a site inspection once a year. They would be looking at
154 the map and could ask for an upgraded map if things changed. The map
155 was part of getting everything in place at the start and then during annual
156 inspections. Brendan said a copy should be required to be with Police and
157 Fire anyway. Each year they would have to get a burning permit from the

158 Fire Department which has to do a site inspection to give that. His hope
159 was that the Fire Department would go regularly.

160

161 Setbacks: It was agreed to change that to 'See zoning ordinance'. Bob
162 asked about the 200 ft limit from a pond or a stream, which seemed
163 restrictive. Brendan responded it was typical. Wetlands and water bodies
164 were protected, avoiding disturbing the site leading to erosion or water
165 pollution. It was agreed to leave that as it was but to add 'wetland' after
166 'lake'.

167

168 There was some discussion about imposing more restrictive setbacks. Bob
169 stated that Zoning addressed use and the Planning Board addresses the
170 specifics of a site. A specific variance to that specific thing would be
171 necessary. Brendan said that was more of a site plan review function.

172

173 Impact Limitations: Brendan said the Planning Board could be allowed to
174 adapt to specific situations as needed.

175

176 Hillary asked if there were no more than 30 occupancy days - is that
177 contiguous or total? Brendan replied it was total. More than 30 days was
178 like a RV campground. Bob said he would not object to that - the length of
179 stay provision was not something they could enforce.

180

181 Tyson asked if there would be a registration book? Bob said the key
182 concern was to make sure this did not become year-round housing.
183 Brendan commented the definition of a recreational campground was
184 recreational only. No one can establish permanent residency. It is
185 incorporated in the definition. Line 106 says no site can be an all-round
186 residence.

187

188 Lucy asked about RVs on a seasonal basis - would you be there all
189 season? Does that mean on closing day you have to remove until the next
190 opening day? Brendan responded they had to be vehicles that can be
191 driven off. All campers and RVs would have to be removed no later than
192 November 15.

193

194 Mandy said campground operators had to provide a list of campers before
195 April 1. The list was given to Assessors around May to see who has to be
196 taxed for the year. Anything wider than 8 ft 6 ins counts. Mandy will send

197 out reminders to tell them to give the list. It should say that the campers
198 have to be registered too.

199

200 There was discussion about the prohibition of the recreational use of off
201 highway vehicles. Hillary believed that residents cannot use off road
202 vehicles commercially, only privately. Tyson said there will be 4 wheelers.
203 Hillary said that one of the campsites had stipulated no off-road vehicles.
204 The Town permits snow mobiles but ATV's were restricted. Bob said it was
205 in the State law so did not need to be excluded. He suggested they could
206 write in that campground owners could not allow these vehicles to be
207 driven, so that would be clear. Brendan said it would be the visitors not the
208 landowners who would be prohibited. A line would be added.

209

210 Ken asked about Buildings and Facilities: Brendan said applicants would
211 have to show they need a building for operation of the campground.
212 Otherwise there is no automatic right to other buildings. Bob said he was
213 concerned about managing this ordinance, what does 'necessary' mean?
214 Should 10 be struck? Hillary worried this could be exploited in some way.
215 There was discussion about adding other buildings that are said to be
216 accessory to dwelling. Tyson said the State allows tiny Cabins. Brendan
217 said someone could ask to do that - they are allowed as it is currently
218 written if they are less than 400 sq feet. He added that if someone was
219 using it permanently the Town could take action via the Code Enforcement
220 Officer. To rent something like this on Air B and B would need a special
221 exception. Bob suggested none of this applies as it is not a campground.

222

223 Access and Fire Safety: There was discussion about driveway permits.
224 DOT want to make sure driveways are sufficient. Mandy asked about
225 second driveway access on a property. Brendan stated for the State it
226 would need a new permit and proposed driveways would be put to
227 Planning Board for site plan review. In most cases the grounds would have
228 separate driveways, Tyson said. It would be on a case by case basis,
229 Brendan responded.

230

231 Access and Fire Safety - Roads: There was discussion about whether or
232 not they have to be graveled or paved? Tyson questioned this. Brendan
233 said the road has to be good enough for a Fire Department all terrain
234 vehicle to get down there but not an ambulance. That requirement would
235 be deleted.

236

237 Bob thought it was about getting the Fire Department access. The Town
238 would not want people to build roads on campsites. Brendan said keep
239 lines 95-8 so that the Fire Department would have to approve of any plans
240 for access.

241
242 Operational requirements: at present the proposal is for a campground
243 season from March 21-15 November.

244
245 There was discussion about this as a requirement. There is concern that
246 someone staying could become a permanent resident. Brendan clarified
247 campground dwellers are not tenants and do not have such rights. It was
248 felt that there should be at least one month in the year where campgrounds
249 closed, but which month? It was decided to leave it as it is and also to
250 require RV's to be gone by November 16.

251
252 Water and Sewage: Bob stated that it should be left with the DES, who
253 have said there should be a faucet and available to use. DES can then say
254 you have to test it from that one site too. Hillary asked if this requires that
255 the campground owner must test the water. Ken said municipal water
256 supplies have to be tested per levels of occupancy and the Town has to do
257 this test monthly.

258
259 Permits: Bob stated there are no operating licenses in the town so strike
260 lines 131-34. Tyson asked who would be doing that? Ken pointed out the
261 Fire Department has to do inspections. The Code Enforcement Officer who
262 is a fire fighter too, but typically it's the Fire Department.

263
264 Table of uses — and title? Tyson asked if it should change to
265 Campgrounds as Accessory to Primary Residence? There was discussion
266 about commercial campgrounds not being allowed at all and discussion
267 about adding accessory uses in which ever zone. Brendan said under the
268 Table of Uses this would change it to not being allowed as a principal use
269 in any zone but as accessory in some zones.

270
271 Brendan suggested the Board take care of that issue more fully next
272 Tuesday. Hillary repeated her view that Canterbury Shaker Village needs to
273 be noticed not just invited.

274
275 Bob said he had another question after he had researched campgrounds in
276 other jurisdictions, namely it has to be under single ownership . There could

277 be 2 adjoining landowners trying to join together to make a campground.
278 Mandy asked if the property owner has to live on site in the residence?
279 Accessory dwelling unit regulations say the owner has to be there, living on
280 site. Hillary agreed as did Lucy, this being necessary for taking care and
281 overall control of the site. Bob said this all assumed that the campground
282 operator was present and also was the owner. Hillary said they had written
283 so far that the owner had to be on the premises and making sure things
284 were ok, otherwise it was a violation.

285

286 Future meeting agendas?

287 Tyson stated there were 2 campground applications (Bezanson and
288 Laplante/Mackey) waiting to be heard and the Mr. Levitt Self Storage
289 application. The public hearing about the campground ordinance will be
290 January 12, 2021. The 2 applicants were scheduled that night and Tyson
291 thought that was too much. He suggested that they keep the public hearing
292 for January 12 and put the 2 applicants off to January 26. Hillary asked
293 what are we supposed to do in a timely fashion? Tyson said once an
294 application was in you have 30 days to decide if it is complete then you
295 have 65 more days to hear the application. Brendan confirmed the first
296 thing a Planning Board does is to say if an application is complete. He
297 checked RSA 676:4.

298

299 It was agreed that the Board look at the Bezanson and Laplante/Mackey
300 applications next week on December 22, to declare them complete and
301 then later hear them fully. Bob said he agreed it was best not to do those
302 things on the same night.

303

304 Tyson asked again about the campground title. He wanted a line item in the
305 Table of Uses stating a campground was accessory to a primary residence.
306 Mandy said change it to campgrounds not commercial campground. There
307 was more discussion about special exceptions. ZBA would want to see
308 specifics. Mandy said people do use the Table of Uses. Hillary suggested
309 Mandy and Brendan should talk about uses and law.

310

311 **3. Members recusing themselves**

312 Lucy asked about recusing herself regarding the Self-Storage unit next
313 week. She is a member of the Quaker Meeting who are abutters. Tyson
314 said she did not have to recuse herself but it was up to her. Hillary said she
315 did not have to recuse herself. Brendan said 673:14 was the standard
316 regarding a direct personal or pecuniary interest or the possibility of being a

317 juror. So if Lucy was an active member of the church she would not be a
318 juror, this was a stringent standard, so probably not. It was up too Lucy to
319 make that decision. Hillary disagreed. Lucy responded she lived there in
320 the commercial district and she wanted to adopt a standard that she could
321 apply in the future. Bob said his municipal service involved training by Jim
322 Bassett and Brendan's advice was good. It was up to her. The appearance
323 of impropriety constitutes impropriety, as it were. But she does to have to
324 be silent, she could sit apart, speak, participate — but not vote necessarily.
325

326 **4. New business?**

327 There was none.

328

329 Tyson said they had done a good job. Thanks to Brendan for working on
330 the revision document. It was 9:20 pm. They had something to deal with
331 next time. Kent moved to adjourn the meeting and all members agreed.
332

333 Respectfully submitted,
334 Lois Scribner, secretary.

335

336

337

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