

1 Planning Board Meeting 7pm, November 26, 2024, Meeting House

2 Members Present: Greg Meeh (Chair), Rich Marcou, Joshua Gordon, Kent Ruesswick (BOS
3 rep), John Schneider (Vice Chair),

4 Members Absent: Hillary Nelson (Alternate), Logan Snyder, Megan Portnoy, Brendan
5 O'Donnell (Alternate)

6 Others Present:

7 1. Agenda

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9 2. Call to Order

10 Greg called the meeting to order at 7:01 PM

11
12 3. Previous Minutes from October 22, 2024

13 The minutes have been approved as corrected. Rich made the motion to accept as
14 amended and Joshua seconded; John abstained.

15 Previous Minutes on November 12, 2024

16 The Minutes have been approved as corrected. Kent made the motion to accept as
17 amended and Joshua seconded; John abstained.

18
19 4. Old Business:

20 Planning Board Business Communication Protocol:

21 Our rules of procedure say that the secretary shall include a disclaimer when
22 sending out draft minutes that says please see attached meeting minutes, please
23 do not circulate or reply all. You may reply to this email only with any suggested
24 change. Gail Ober, (Land Use Administrator) resigned due to unexpected healthcare
25 issues. Any Planning board business that effects schedules or any documents has
26 to be copied to the secretary.

27 Snowshoe Hill Road Waiver Recommendation:

28 The Innovative Land Use Law justifies denying a road waiver and that is a term of art
29 which is scattered and premature development. Several things go into scattered and
30 premature development, such as, extending town services further out into the
31 wilderness or opening up large areas of land to development pressure. Joshua
32 spoke with Scott Doherty, (BOS) because the road ends up in Gilmanton and he had
33 a sense that the Gilmanton side of the road and the Canterbury side of the road that
34 the subject property is just about in the middle. This proposal would, whether you
35 improved the road from either side, result in a lot more development and because of

36 that there is a regional impact. He felt it was prudent for the selectmen to have a
37 conversation with the Gilmanton selectmen.

38 The Police departments comment on the application said road conditions may limit
39 services provided and response times.

40 The board concurred that this was premature and scattered development. Joshua
41 stated that if it would be developed from either end, development would need a cul-
42 de-sac for safety. Improving it to Class V standard would impact all the stone walls
43 and having to make a turnaround cul-de-sac would as well. Presumably, we only
44 have authority in Canterbury and even though the members did not walk all the way
45 to the Gilmanton town line, we could see it, and there is nowhere really to put a cul-
46 de-sac, and it is very steep. Greg said you could improve the road if it was good
47 weather conditions, you might be able to get equipment down there and back up,
48 but in inclement weather the hill is long and steep. Kent added that if they came in
49 from the other end, it was flat, but there would need to be a bridge or culvert due to
50 the wetlands. Joshua stated that there is two wetlands to get to the lot and there is
51 no development on the road currently. The distance from the Canterbury end of the
52 road to the intersection of South Road in Gilmanton, is approximately 1.3 to 1.4
53 miles and it is guessed to be closer to the Gilmanton side. This development is
54 pretty much in the middle and currently it is impassible. If you come in from the
55 Gilmanton side there is a wetland, but the road on the Gilmanton end is much more
56 well established and in better shape, goes around the wetland, and is already
57 established unlike the Canterbury side. If you were to develop this, once the road
58 was at a passable standard, there is the potential to make 50 to 100 lots. The north
59 side of Snowshoe Hill Road is zoned agricultural, and the South side is zoned rural.
60 If the selectmen approve this, Joshua felt it would likely encourage and open up
61 development swiftly and quickly. There is no plan to develop this area in either
62 the old or new Master Plan. The conservation commission has mentioned that the
63 whole area is undeveloped and there is no plan to develop this area in the Master
64 Plan is focused on preserving that. This proposal is out of step with the Master Plan
65 therefore scattered and premature. There is 3500-4000 acres under conservation
66 easement, and a number of town owned properties in conservation. Joshua said
67 there is issues due to it being an inter town road and that brings a couple of
68 statutory and legal issues along with it and one of them is that it makes it
69 complicated to figure out the status of the road. The sign says it is a private road,
70 whether Gilmanton complied with it, we don't know and there is also a requirement
71 with intertown roads that if you develop them, you are supposed to go in from the

72 shorter side and that would be the Gilmanton side. Joshua felt that we should
73 recommend to the BOS that we deny this.

74 *The planning board recommends against approval of this road waiver and finds this*
75 *proposal not in compliance with the Master Plan development intent, premature*
76 *and scattered. The board is concerned about overextending town services and*
77 *sending out equipment could negatively impact services of other areas in town. The*
78 *board has a concern of negative impact on conservation areas that the town has*
79 *identified to be valuable. (See Minutes for More Detail).*

80 This is not a hearing or ruling, just a recommendation. Greg proposed we make this
81 recommendation to the selectboard, and Rich seconded it, no further discussion.
82 All in favor, voted Aye.

83 Master Plan Update:

84 Beth Blair did submit a list of edits regarding contrast and spacing and went to them
85 on the 15th and they are working on it. Mike informed Greg that they have to take it
86 out of InDesign and back into Word. They are hoping to have it back to us by
87 December 10th. Matt Barossa has returned to CNHRP. The board was thankful to
88 have someone familiar with our projects coming back.

89 Warrant Article Update:

90 First public hearing for warrant articles would be January 14th must be noticed by
91 January 4th.

92 Last Day to hold a public hearing would be January 28, notice by the 18th. This
93 meeting must be specific and exact proposed articles.

94 Final language for warrant articles must go to Sam by February 4, 2025.

95 Christmas Eve meeting will be switched to Monday 23, 2024 at 7PM. We currently
96 do not have any pressing business for that meeting. Application must be in by
97 December 5 for the December 23rd meeting. If no applications are received, we will
98 cancel this meeting.

99 First Warrant Article:

100 2. A Strike nonconforming and change acres to 1.75 and change to the following:

101 *Detached Accessory Dwelling Unit shall not be constructed on an existing lot of less*
102 *than 1.75 acres, excluding slopes over 20% and wetlands.*

103 Rich asked if this is still a nonconforming lot but bypasses it because the lot has
104 enough acreage and is the acreage requirement is to circumvent non-conforming
105 lots because they are too small. Greg replied that this is if they are so small that it is
106 not appropriate to put a DADU. Joshua asked if it is okay to have a non-conforming
107 lot of 100 acres oddly shaped that would be a non-conforming lot but big enough for
108 a DADU. Yes, unless it was all wetland. This was asked for by Sherwood Forest
109 residents. Kent said the lots in Sherwood Forest typically all have to go through the
110 ZBA because they can't meet the requirements. Joshua asked if it was okay to have
111 the attached ADU even in those small lots and the answer is yes because the state
112 law says we have to allow it. DADU has different state requirements than an ADU.
113 The ADU can be anywhere that the single-family home is permitted. We will start
114 with this, and it will go to CNHRP and then to the town attorney. (the only change is
115 2A) Greg will work on moving forward on it. This will go to a public hearing.

116 Second Warrant Article:

117 Existing table of uses:

118 Propose adding the Farmstead alternative to make it conditional use in the
119 agriculture zone. Currently its conditional use in the rural and residential, but it is
120 not listed out separate, it is in the ordinance but not listed in the table of use.

121 Third Warrant Article:

122 To add to the table of uses at the request of the CCPC. The proposal to put a
123 commercial solar field in the table of uses and to allow special exception in the
124 commercial and industrial zone. Kent felt it was appropriate to allow in other zones
125 where 3 phase power is accessible (strip along west road, coming up to Hackleboro
126 Road). That would mean developing a commercial solar overlay. Kent said by not
127 allowing it in that place, you have to get a variance, which is difficult where this
128 would be allowing it by special exception in those zones. Greg would like to see
129 CCPC come back with a proposal for an overlay, but this is way more that can be
130 done for this town meeting. Joshua stated that ag zones where you have the solar
131 field it intersperses with keeping livestock. Another example, 3 phase goes up to
132 Hackleboro Orchard and they could use income from a solar field.

133 Fourth Warrant Articles:

134 Belmont Ordinance: Sludge and Dirty Dirt; Greg proposed since they are vetted and
135 approved by a town, have them reviewed by CNHRP.

136

137 West Road Conceptual Consultation:

138 The development has reduced number of units to 35, they have made more
139 definition of the commercial use, showing a storage unit in the back section and
140 moved things into more retail possibilities in the front of the road, they will be
141 meeting with the planning board on the 10th of December.

142 Conditional Use Permit:

143 Greg was reviewing the minutes and realized that we don't have much limitation and
144 a lot of freedom, to make things work for the town and the applicant except the
145 bonuses we can give, and we are limited to giving bonuses on dimensional criteria,
146 setback, we are limited to a 20%. The only break we can give is on dimensional
147 requirements. Joshua, you're suggesting we have more flexibility in giving people
148 more incentives to use the cluster. The board being able to waive more
149 requirements, or to go to a 25% bonus. Greg suggested there is something like an
150 additional 5% bonus the board can allot for what they see fit for whatever
151 requirement they want such as design requirements, examples of typical New
152 England Shapes, sizes, spaces between buildings. Rich has reservations about
153 coming up with a bonus being too arbitrary, this can be easily challenged. Greg said
154 the more bonuses we can give, the more leverage would give to accomplish
155 compliance. Joshua asked Rich if he would like to be more specific not an open-
156 ended discretion. Rich would like it to be a trigger that is something that can be
157 articulated that they went above and beyond. Greg explained that if you opened up
158 an area to public use, that would be a trigger, and it should be specific. Joshua
159 would like to hear from an actual developer to hear what an incentive to anyone
160 would be or have its intended results. Art Rose, past BOS, was brought up by Joshua
161 talked about his comments and how they used to be so practical. Rich shared
162 about his lunch time talks and one was called *How to Attract a Developer*; A
163 developer has certain criteria that the land has to meet, and what they look for.
164 Greg, a good example of that is the West Road. We have changed the regulations for
165 them, and they are complying to get their bonus, public water supply, et. Rich said
166 what he envisioned was the mixed use, ground floor commercial uses, whether it
167 was small business, not necessarily a box store, smaller, ground floor and second
168 floor residences, Greg said that foot traffic, retail is tax value, that is why we are
169 pushing to keep retail in the front of West Road.

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171

172 Other Business:

173 Kent: culvert is going in on the south end of Harmony Lane the week of the second
174 the week of December. Kim Scammon speared this on a private road, they raised
175 300k need additional 90K.

176 Adjournment:

177 Joshua moved to adjourn at 8:35 pm, Rich seconded to adjourn, all voted in favor.

178 Action Items:

- 179 a. Disclaimer on our old agenda:
180 Fix it to be grammatically correct. Michelle will edit agenda.
181 b. Joshua on the Agenda for Data Centers for a possible warrant article but would
182 require a definition of data center.
183 c. Greg: Inquiry into notice in newspaper is still a requirement.

184 *Next Meeting December 10, 2024, at the Meeting House at 7PM*

185 Respectfully Submitted,

186 Michelle Hammond,
187 planning board secretary

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