

1 Planning Board Public Hearing for Master Plan draft chapters

2 And Planning Board Work Session – Final Minutes

3 Tuesday April 9, 2024, Town Hall

4 Members Present

5 Greg Meeh (Chair), John Schneider (Vice Chair), Joshua Gordon, Rich Marcou,
6 Hillary Nelson (alternate), Kent Ruesswick (BOS rep), Megan Portnoy

7 Members Absent

8 Logan Snyder, Ben Stonebraker (alternate)

9 Others Present

10 Mike Tariff, Executive Director and Vincent Pagano, Regional Planner,
11 CNHRPC: Kelly Short and Ken Stern, Co-Chairs of Canterbury Conservation
12 Commission: Donna Miller, Julie Dewdney, Beth Blair (selectman): Brendan
13 O'Donnell and Jonas Sanborn: Alfred Nash and Cathy Viau (applicants) with
14 Web Stout, surveyor and Ruth Hall, attorney.

15 Agenda

16 1. Call to Order and introduction to Master Plan draft chapter review

17 Greg Meeh called the meeting to order at 6.40 pm. He introduced the first part
18 of the evening as the public review of 2 chapters of the Master Plan, the
19 Natural Features and Transportation draft chapters. Greg introduced the
20 Board members present this evening and the Conservation Commission Co-
21 chairs Ken Stern (Chair) and Kelly Short (Vice Chair).

22 2. Natural Features – Draft Chapter review

23 Mike Tardiff gave a brief background into the work that was started back in
24 2020 pre-Covid. Generally, the Master Plan is updated every 6 to 10 years. The
25 Land Use chapter tends to be the core chapter. And overall, the Master Plan is
26 an advisory document and the basis for town and Board regulations.

27 Kelly Short presented the Natural Features chapter. She noted that they had
28 worked on several drafts over the past 3 years. The first 9 pages summarized
29 the different natural resources in town and why they are important. The meat
30 of the chapter is in section 8.10, where they list the Objectives and
31 Recommendations. These are all related to conservation and recognize the
32 things that are valued about Canterbury and how to go about protecting them
33 in the future. It will help to have common goals in years to come and these
34 goals can be referred to for broad guidance.

35 Donna Miller asked a question about how the Objectives work for action
36 items. Kelly said they are not exhaustive lists of action. In the previous Master
37 Plan version there used to be hyper specific details and lists of things to do.
38 Mike noted that they tried to keep the text readable and concise and many of
39 these things could go into the Appendices. Kelly thanked the Regional
40 Planning Commission for all their help with mapping aspects of conservation
41 in town showing the different types of conservation land in Canterbury. The
42 Commission pays attention to contiguous parcels. It is good for wildlife when
43 there are conserved areas next to each other. **Greg asked for Appendices
44 to data that might have been cut out**, understanding that for this evening
45 Mike had brought chapters just with text.

46 Greg also asked about the Co-occurrence maps that used to be on the town
47 website. Kelly explained how the Conservation Commission works, keeping an
48 index of conservation lands in town, keeping a Natural Resources Inventory,
49 and working on the Co-occurrence maps that show the highest priority and
50 most valuable conservation areas in town measured by several criteria.
51 Currently these maps are not on the website because they are being updated
52 and the Commission wants to talk to landowners who may be potentially
53 interested in conservation before that information is shared publicly. For now,
54 those maps are a work in progress.

55 Donna also asked what percent of town acreage is in conservation. Kelly
56 estimated that it was about 5,000 of the 28,000 acres in town so less than

57 25%. The NHSPF is recommending that towns try for 25% of their land under
58 conservation by 2030.

59 Donna also raised the issue about including references to the problem with
60 **invasive plants in town. Many are ruining native plants. Mike said there**
61 **was room to add text about that issue. It will involve some public**
62 **education too.** Kelly said they do refer to supporting landowners to use best
63 management practices, which would include managing invasives, but for now
64 those specific 'to do' lists are not in the text but will be in the Appendices.

65 Donna also raised the issue of the town protecting pollinators with
66 appropriate mowing, around town cemeteries for instance. That would also
67 need public education, about leaving fall flowers and other means of helping
68 pollinators. Kelly responded that the Commission does do this, for instance
69 with the Robert S Fife Conservation area which is divided into two and each
70 half is mowed each year to allow wildlife to go through a whole life cycle.

71 Megan Portnoy if there were educational materials in town for people to learn
72 more about what to do if they were interested and had land that was high
73 value for conservation. Kelly responded that as a volunteer board they tend to
74 refer residents to conservation trusts. **Ken Stern added that there is a NH**
75 **Land Trust Coalition, and their publication tells people how to conserve**
76 **land. Alternatively, residents can reach out to the CCC directly and they**
77 **would help direct them in the right direction. Greg requested that kind of**
78 **detail be included in the Appendices.**

79 Hillary asked if noise was discussed in the document. It was included on page
80 7 regarding the Loudon Speedway. Hillary asked about the noise from firearms
81 being discharged in town. Rich responded that is problematic due to the
82 Second Amendment. Light pollution is mentioned, Kelly said.

83 Julie Dewdney asked how the town, run by volunteer committees, actually
84 does these things. Greg said one way was that anyone who had a real
85 easement had to have monitoring by agencies. They notice invasives. Some
86 properties are monitored annually and some on a rotating basis. Kelly

87 reiterated that the CCC is a volunteer board and has alternate vacancies,
88 which could help address some of these tasks. **Mike noted that in the**
89 **finished version of the Master Plan there will be an Implementation**
90 **section and that will include many of the action items from all the**
91 **previous chapters.**

92 Beth Blair asked about referencing ways to improve the dark sky policy, how to
93 give guidance to people. Kelly said there used to be links on the website; Mike
94 noted these are hard to keep up to date.

95 Megan asked again about noise, that townspeople really valued the quiet
96 nature of town, yet there is not much in the document about how to protect
97 that. Should there be a town ordinance about noise, with requirements
98 specified. Kelly believed that the Natural Resources chapter will overlap with
99 the Land Use chapter – they are **citing quiet as a natural resource and how**
100 **to protect it should be in the Land Use chapter.**

101 Julie Dewdney praised the Conservation Commission for their work.

102 3. Transportation - Draft Chapter Review

103 Rich Marcou presented the Transportation draft chapter. He briefly described
104 the detailed sections about existing conditions and trends, road maintenance
105 and funding improvement, planning ahead for residents and visitors, the
106 vision statement, state aid and so on. He noted that Canterbury is unique in
107 NH because it has more private roads than state-maintained roads. Generally,
108 the state maintained and town-maintained roads are good enough, as are
109 most of the bridges. When Rich referred to data about traffic volume, which
110 had been impacted by Covid, Mike said that they had new data showing
111 rebound of traffic more recently and needed to update that section. There was
112 data about safety and crashes included. This led to a discussion about some
113 roads in particular, notably Shaker Road, where there have been 2 fatalities.
114 Hillary Nelson stated these were both in a section where the road rose and
115 fell, and young drivers went into a tree driving at speed. Vincent Pagano said
116 they had more data they could include from different parts of Shaker Road.

117 Greg noted that there are some intersections in town that are always referred
118 to as unsafe and in need of attention. Also, there had been a move to provide a
119 safe walkway in the Center between the school and the Library, including a
120 crosswalk, an idea which had never been implemented. John Schneider asked
121 why that had not been done. Kent Ruesswick thought it was to do with the
122 State controlling Baptist Road and they decided it was not a safe place at the
123 bottom of the hill to put a crosswalk. And who would staff it? **Mike suggested**
124 **putting something about this in the Master Plan so it could be followed up**
125 **on.** There might be federal funding if there was data about the path the kids
126 took from school to the Center. Ken Stern recalled that there was a school
127 crossing guard years ago.

128 Megan asked about speed bumps on Kimball Pond Road and Baptist Road. In
129 NH these are not common because of the needs of the snowplows.

130 Jonas Sanborn asked about roads maintained by the state. Historically this
131 has been difficult to get any change. Hillary said she had tried to get a sign
132 saying 'Caution Children' by their house and state refused. Mike said
133 narrowing lanes can slow traffic but then it is problematic for bikes and
134 walkers. Jonas asked about people who are going over town lines, using the
135 Canterbury roads to get to adjacent towns. Mike said speed comes up a lot as
136 an issue and enforcement helps, especially if the speed devices were moved
137 around town. There was discussion about the benefits of flashing lights and
138 speed reminders. The former police chief had not thought these would be
139 effective and there was not funding.

140 Rich finished the presentation mentioning other sections about stone walls,
141 scenic roads, and the CAP bus program now in town. The Futures section
142 refers to some improvements that had been completed in recent years. There
143 were Objectives at the end of the chapter, aiming to preserve and maintain
144 existing conditions, address capital improvement projects, prioritize safety
145 including for pedestrians and bicyclists, each with more specific 'to dos'.

146 Joshua Gordon asked a question regarding the requirements for
147 improvements made to Class VI roads. He suggested that some roads, like

148 Hancock Road in Canterbury, were made too wide and too ‘improved’ and
149 removed walls and trees that make Class VI roads special. Maybe there could
150 be a standard in between Class V and Class VI. Greg noted that the standards
151 are set by the Select Board. There was discussion about how expensive road
152 maintenance is in town, given the costs of labor and equipment.

153 *****

154 Greg stated that the rest of the evening was for Planning Board business, it
155 would remain a public meeting, but members were going into a work session.
156 Hillary Nelson (alternate) was seated in lieu of Logan Snyder who was absent.

157 4. Previous Minutes – March 26, 2024

158 Kent moved the previous Minutes and John Schneider (?) seconded. These
159 had been circulated. All members present voted in favor of approving those
160 Minutes.

161 5. Alternate policy

162 Greg had sent members a document summarizing recommendations for
163 alternates based on the Planning Board Handbook for NH. Alternates cannot
164 vote, make motions or second a motion or be in deliberative discussions
165 unless they have been seated. The Board could have up to 5 alternates at any
166 one time, representing different sets of expertise.

167 **Joshua Gordon moved to appoint Brendan O’Donnell and Jonas Sanborn**
168 **as alternates. John Schneider seconded.**

169 In discussion, Greg said Brendan has land use legal experience and has
170 served as an alternate before, and Jonas has worked with the community
171 organization, the Sherwood Forest Association. Both received a significant
172 number of votes in the recent election.

173 Megan asked about Brendan as a land use attorney. Brendan responded he is
174 now working at the NH DOJ. He occasionally runs into land use issues there.
175 Megan then asked about maintaining boundaries about giving advice when
176 the Board has a town attorney. Brendan said he will never give advice. He

177 would be attending as a town citizen and there is no attorney client
178 relationship. He would be the same as any other member.

179 It was agreed to have separate motions for each alternate.

180 **Joshua Gordon moved to have Brendan O'Donnell as an alternate. Megan**
181 **Portnoy seconded. All members present voted in favor.**

182 **Joshua Gordon moved to have Jonas Sanborn as an alternate. Megan**
183 **Portnoy seconded. All members present voted in favor. Greg noted that**
184 **Brendan and Jonas need to go to the Town office to be sworn in.** The Select
185 Board meets on April 15 and could sign the approval slips.

186 Megan asked if the town had a policy about Alternates. Rich noted there is a
187 section in the Bylaws and Procedures document from 2011 though it does
188 need modifying to include all the aspects regarding the usefulness of
189 alternates that Greg described this evening.

190 Megan stated she had concerns about efficiency if the Board became that big.
191 Greg said he advises against appointing any new further alternates after this
192 vote for Brendan and Jonas. Megan expressed an ethical concern, based on
193 disqualifying bias, of the Chair being the sole person responsible for seating
194 alternates, considering the Chair is married to an alternate and maybe the
195 Board could move towards randomized rotation of alternates. Greg noted that
196 he does not always appoint Hillary and stated that we would table the
197 discussion of alternate policy until later in the meeting under agenda item
198 "rules of procedures and bylaws.". Joshua noted this could lead to the
199 Secretary having to keep a record of who was seated and when. It would also
200 depend on who came to each meeting and whether that was known in
201 advance. Greg reiterated that the Alternates could provide relevant knowledge
202 for different meetings and issues.

203 6. New case law

204 Joshua spoke to this. There is a new law for when a building is on a Class VI
205 Road. Greg said the new directive is specifically for private roads. Before a
206 subdivision can be approved the Planning Board needs a ruling from the

207 Select Board that the subdivision has legal access. He gave copies of a legal
208 decision from Steve Buckley of NHMA, regarding the court case Harvey v.
209 Town of Barrington. It noted that unless and until the property owner has
210 secured legal access from the Select Board, the Planning Board cannot grant
211 a subdivision.

212 This approval would work very much like a road waiver including consultation
213 with the planning board. Greg has talked to Ken Folsom about it and the
214 Select Board are trying to figure out how to include it with road waivers and
215 streamline the procedure. There are conditions for road waivers that are not
216 the same as the criteria for legal access. Joshua said he was not sure those 2
217 things could be combined. But as with road waivers, the legal access would
218 also be done in consultation with the Planning Board, so the Board could
219 expect to see some of those in the future.

220 7. New Edition of A Hard Road to Travel

221 There was some discussion about private easements applying for the whole
222 length of a road, only applicable for roads discontinued before 1949. See A
223 Hard Road To Travel, 2022 Edition, pages 61-64.

224 Greg encouraged members to sign up for the various upcoming seminars and
225 noted that Rich, Greg and Hillary have registered for seminars to date.

226 **Secretary to send that information to the 2 new alternates.**

227 8. Rules and Procedures

228 Greg states that the Town of Canterbury Planning Board Rules of Procedure
229 and Bylaws should be in Members' binders. It needs updating. (Note,
230 secretary subsequently found it in Word in an old digital file so it can be easily
231 updated).

232 Greg then referred to the Planning Board Handbook for NH. He learned that
233 **Boards are not supposed to conduct site walks until completeness is**
234 **established for an application.** It could be construed that a Board had
235 approved completeness and then it would start the 65-day clock running. **This**
236 **requirement for site walks needs to be in the Board's updates (for**

237 **subcommittee work).** Also, he noted that for site walks, if the Board conducts
238 a walk it has to be with permission and it is publicly noticed, and minutes
239 taken. Individual members may walk independently, with permission, and that
240 does not need to be publicly noticed.

241 There is a sign off for applicants to agree to this in the existing application
242 forms for site plans and subdivisions. This sign-off on the application grants
243 permission for the board or members to walk the site.

244 Megan noted that we had not revisited the discussion of alternate procedures,
245 which the Chair had said in discussion of agenda item 5 that we would
246 discuss at agenda item 8. She reiterated both efficiency and ethical concerns
247 previously mentioned. The Chair responded that this would require more
248 discussion and offered that it could be done in subcommittee or discussed by
249 the Board as a whole. Megan recommended that bylaws and procedures not
250 be discussed in a subcommittee and stated they should be decided on by the
251 entire Board. The Chair requested that alternate policy be put on the agenda
252 for discussion at the next meeting.

253 9. Nash application update – attorney letter

254 Attorney Ruth Hall (of Alfano Law PLLC) introduced herself as the author of
255 the letter on behalf of Alfred Nash.

256 Prior to recusal, the Chair handed out a copy of a letter from Alfred Nash's
257 attorney to each seated member of the Board and stated that it was not a
258 hearing. A Member asked what we were supposed to be deciding if it wasn't a
259 hearing. Attorney Hall replied that they were there to hear if the Board had a
260 response to the letter.

261 Greg and Hillary recused themselves as abutters in relation to the application.
262 John Schneider took over the Chair. John asked what the professional
263 standard was following receipt of the letter.

264 Joshua suggested that it should be set out for a hearing on April 23 when the
265 application was scheduled. It did not need a response today but in time it did
266 merit a response. Some Members made a mention that they had not seen this

267 letter before. There was substantial discussion of how the letter was sent, to
268 whom it was sent, and confusion over why the Board was just now seeing it.
269 The Board took several minutes to read the letter.

270 Megan asked the Secretary why the letter was not included in the preparatory
271 materials we were sent on April 8th and when the letter was collected from the
272 mail. The Secretary was not sure. The letter was dated April 1. It was
273 determined that it was sent to the town office by US mail.

274 Attorney Hall asked a procedural question regarding what stage the Board was
275 at in considering Mr. Nash's application. There was uncertainty among the
276 Board on the answer to Attorney Hall's question. Several members
277 commented that they were not sure about the stage of the application. Joshua
278 recalled Alfred Nash requesting extensions. Megan pulled relevant
279 documents from Mr. Nash's application, including written notice of the
280 Board's decision to request resubmission with five conditions to the
281 application. The letter was read aloud. The Secretary confirmed this notice in
282 an oral review of minutes from the relevant meeting. Attorney Hall
283 acknowledged her awareness of this notice and stated that they did not agree
284 with the stipulated changes.

285 Joshua said it was awaiting completeness. There have been 2 extensions. The
286 secretary read from the Minutes of the September 26, 2023, hearing, where
287 the Board voted to table the application pending receipt of several more
288 pieces of information.

289 Joshua Gordon moved to take no action on this letter that evening. Rich
290 Marcou seconded. All members voted in favor. It was stated that there would
291 be continuation of consideration for completeness on April 23. Megan asked
292 the Acting Chair for the Board's process when an applicant disagrees with the
293 Board's stipulated conditions. John said they would find out.

294 The secretary asked Web Stout, as he left with the applicants, if he had
295 anything else to add. He did not, the applicants did not agree with the

296 requirements. **The next step would be a hearing for completeness and**
297 **abutter letters could be sent first class mail.**

298 10. Updates

299 (i) Capital Improvement Plan (CIP)

300 Johsua asked why this is important. Greg noted it has to do with planning for
301 items covered by the capital reserve costs, and the impact for the Planning
302 Board is that it justifies the land use planning law with the 3% building cap,
303 and it has to be based on and related to the Master Plan. So, the Master Plan
304 must be completed, before CIP work can really begin. Greg suggested that the
305 CNHRPC helps many towns with their CIPs and that it would cost about \$4000
306 for that work and \$1000 of that would come from a grant. This work needs to
307 be done. Joshua asked if the CIP would impact the growth cap. Joshua also
308 asked what is the legal deadline. It is thought the innovative land use planning
309 has to be updated every 2 years.

310 **Note: Chair has inquiry made to the CNHRPC on these two questions**

311 There was further discussion about how the process would work. It would
312 require a CIP subcommittee, which typically includes 2 Planning Board
313 members, one BOS member and one member from the budget committee.
314 The CIP committee, with assistance from CNHRPC will schedule meetings
315 with representatives from town departments and boards to gather the
316 necessary information. The CNHRPC is also working with the town for road
317 maintenance, having provided software to collect information that can be
318 used for the data input for the CIP. Mike Tardiff had suggested to Greg that the
319 work would require about 3 meetings. Megan noted it is meant to be long term
320 financial planning. Financial numbers will need to be updated regularly but
321 the whole document does not need to be revamped every 2 years.

322 (ii) Land Use Professional – new position

323 The Select Board had put out the advert and there was one applicant so far
324 that we are aware of. The BOS is keeping the application open until April 15.
325 Then there will be initial interviews with staff/secretaries (Mandy Irving, Lois

326 Scribner and Lisa Carlson) and then the Select Board and Chairs of Land Use
327 Boards will interview the candidate.

328 (iii) Regulations subcommittee

329 The subcommittee first met last Tuesday. They have received a skeleton
330 version of a Land Use Handbook from Matt Taylor, and an exemplar of a
331 Conditional Use Permit application and another town's land use regs to look
332 at. The Secretary will continue to send subcommittee minutes for info to
333 board members.

334 11. Adjournment

335 Rich motion a motion to adjourn. John and Megan seconded, all were in favor.
336 It was close to 9 pm.

337 **ACTION ITEMS**

- 338 • **CNHRPC put details of specific recommendations/to do lists and**
339 **Conservation information and add issue of invasive plants into the**
340 **Appendices of the Master Plan**
- 341 • **CNHRPC to add issue to issue of speeding/road safety the idea of**
342 **cross walk for CES students in Center, data to be collected, into**
343 **Master Plan**
- 344 • **New Alternates Brendan and Jonas to be sworn in with Town Clerk**
- 345 • **Secretary to send new Alternates recently shared training/workshop**
346 **information and put issue of Alternate policy on April 23 agenda**
- 347 • **Site walk after completeness issue to be included for subcommittee**
348 **work – secretary to send that to Matt T**
- 349 • **Secretary to send out abutter letters re completeness hearing for**
350 **Nash subdivision application by first class mail**
- 351 • **Chair checking with CNHRPC re CIP questions**
- 352 • **Chair to discuss official map from 1991 with Select Board**

353 Respectfully submitted,

354 Lois Scribner, secretary, with formatting assistance from Kal McKay,
355 Administrative Assistant.