

1 Planning Board Meeting – Work Session

2 7 pm, May 28, Meeting House – FINAL Minutes

3 Members Present

4 Greg Meeh, (Chair), John Schneider (Vice Chair), Rich Marcou, Kent Ruesswick (BOS rep;
5 Logan Snyder; Megan Portnoy; Jonas Sanborn, Hillary Nelson and Ben Stonebraker
6 (alternates).

7 Members Absent

8 Joshua Gordon; Brendan O’Donnell (alternate).

9 Others Present

10 John Noonan, Project Manager, Fieldstone Consulting; Clifton Mathieu; Kal McKay
11 (Administrative Assistant); Beth Blair (Selectman).

12 1. Call to Order

13 Greg Meeh, Chair, called the meeting to order at 7:01 pm. He noted that Joshua Gordon
14 was absent and seated Hillary Nelson as the next alternate in the rotation. Previous
15 Minutes discussion was postponed until after the Patriot Holdings LLC presentation.

16 2. Patriot Holdings LLC, Self Storage units, Hall Road, Canterbury, additional requests
17 to site plan

18 John Noonan of Fieldstone Consulting returned to the Board. He had brought a revised site
19 plan with him showing the proposed additions.

20 Two of the buildings were already constructed and the owners were looking for some
21 changes to the approved site plan. These included adding 3 parking spaces, building a
22 formal office with a rest room for a manager, adding a septic system, and also a tank and
23 sewage dump station for the RVs to come back to and rinse off. That tank would hold 5000
24 gallons and have an alarm system. Lights would go off in the office and alert them to call a
25 licensed septic dealer. The town would get copies of all this from the Subsurface Bureau of
26 the State. John stated it would involve a minor increase in impervious surface (20 by 30 ft).

27 Members asked questions. Hillary clarified that the sewage dump station would only be for
28 renters. John said yes, it was gated, and that dump would not be for other people. Greg
29 asked about the addition of an office. John said the owners were finding that they needed to
30 have a place for their regional managers to spend a whole day on the site, and they
31 required rest rooms, so Patriot Holdings were doing this for many of their sites. Greg asked
32 what would happen if the tank was full and no one was there when a renter came to dump.

33 John responded that the alarm system on the tank would be like a home septic system –
34 the alarm was not set at the top but allowed for capacity above the alarm level. John
35 Schneider had concerns. Rich Marcou wondered about managing in the fall if everyone
36 came back from travels.

37 Greg stated the question before the Board was whether this request was minor or would
38 require a new hearing with abutter notices about the additional changes.

39 Members commented. John Schneider said if he was an abutter he would want to know.
40 Hillary said there were issues with people sleeping in the units in the past. John Noonan
41 replied that was when they were not fully gated. Hillary considered the neighbors should
42 have a chance to weigh in. Kent Ruesswick listed the abutters he was aware of – they were
43 mainly other businesses. Hillary said they would want to hear from the Select Board too,
44 about the living situation. Kent wondered about having one sewage collection. John
45 Noonan said the septic being installed was only for 300 gallons (?), the smallest
46 commercial option, so there had to be something separate for the RV dumping. Rich asked
47 about setback, and having the septic pipe shown to scale on the site plan. John Noonan
48 said that would all be required by the state. Logan asked about going over the impervious
49 surface maximum. John responded they had a waiver for that and there would be no
50 change to drainage.

51 Megan Portnoy asked what the typical standard for sewage questions was. Greg said there
52 were different triggers, but the Board had not received a request for a holding tank yet.

53 Rich asked about clarity on the plan for the well, the property line and the septic. John said
54 there would be a 160 ft pipe. The septic would be the smallest for a commercial site.

55 Greg suggested the Board could not add conditions if they did not hold a hearing. John said
56 they could set the float for the tank lower and auto call the office. These conditions would
57 be on the septic permit from the state. Greg said the Board would like to see those on the
58 site plan.

59 **Logan made a motion to have the applicants come in for a hearing. Megan seconded.**
60 **All members voted in favor.**

61 There was further discussion about items to be included in the new site plan. Greg asked
62 for information about protection of overflow. John Schneider had concerns about
63 someone, an employee, trying to live on site, so they should add a provision for no
64 residence. Hillary asked for it to state that the sewage dump would only be for renters with
65 spaces on the site. Megan asked about what would be dumped. John said only what was
66 allowed. There would be cameras on site. Rich was concerned that something like anti-
67 freeze could be dumped. Hillary thought the presence of cameras might make people think

68 twice about illegal dumping. Greg said it should include notification that it is for septic only.
69 Rich asked about where the other septic system would go – that would be shown on the
70 new site plan.

71 John thanked the Board. Greg invited him to send in a new site plan review application.

72 3. Previous Draft Minutes – May 7 and May 14, 2024.

73 Lois reported that there were only 2 changes she was aware of for the May 14 draft Minutes.

74 John Schneider requested a small change at line 140, to note that the state-wide median
75 value of houses is now closer to \$515,000, rather than Canterbury. He had talked to Mike
76 Tardiff before the meeting and learned the new higher figure. Logan suggested it could be
77 included as a note. Greg was concerned that it did not state something that was not
78 actually said in the meeting. John noted it was not so much a correction as it was that Lois
79 misheard him.

80 Greg requested that Line 273 replace ‘build up’ with ‘build out’. Lois needed to take Beth
81 Blair’s name from the attendees at the Meeting House portion of the meeting.

82 **Rich made a motion to move the May 14 draft Minutes. Hillary seconded, as corrected.**
83 **All members voted in favor.**

84 For the May 7 draft Minutes, there had been no requests for edits.

85 **Rich made a motion to move the May 7 draft Minutes. Logan seconded. All members**
86 **voted in favor.**

87 4. Road waiver documents packet discussion

88 Members had hard copies of documents related to Class VI/Private Road policy and waiver
89 requests (see full list at end of Minutes) from the town’s website. These were not new
90 documents. (One document, Road Design Standards, 2003, was missing as hard copy).

91 Discussion included:

- 92 • Clarifying why they were looking at these documents – the Board of Selectmen had
93 asked for the Planning Board review these and suggest possible changes
- 94 • There was a new requirement in RSA 674:41 that states the Board of Selectmen has
95 to certify access. There had been new case law mentioned in the new edition of A
96 Hard Road to Travel – Greg was to ask town counsel where this certification of
97 access should be placed.

- 98 • There seemed to be a distinction now between Class VI and Private Roads in the
99 waiver request – at one point maybe it treated them both together as an ‘either/or’
100 but now it was clear it was one or the other.
- 101 • Megan asked if the Board was commenting on a change, a new policy and that was
102 something for Greg to ascertain from Ken Folsom, with regard to the ‘good and
103 passable’ standard and access for emergency vehicles
- 104 • It was noted that some long-established roads in Canterbury may not meet the
105 Class V standard
- 106 • Greg recalled the Chair of the Board of Selectmen had concerns about anything less
107 than Class V for emergency vehicle access – both the road width and having access
108 to turn around a firetruck were issues of concern though there are many parts of
109 town (including Sherwood Forest) where roads are narrower and the fire department
110 has been able to gain access
- 111 • There was discussion about the necessary road width for a fire truck to turn around
112 – the town standard is 18 ft width – a more general standard might be 20 ft
- 113 • And that there had been some concerns about environmental impacts from road
114 widening in the past (ex. Hancock and Welch Roads)
- 115 • The different road documents can be confusing to read together – maybe there
116 could be a cover letter (ex. use the Procedure document) for them as a packet,
117 listed in order, making it clear which document has to be used for different purposes
- 118 • It was important to figure out any changes needed and then make sure the
119 Ordinance matched the standards in these road documents
- 120 • Megan noted a typo, 3 e’s on the policy page second para #3.
- 121 • Greg had learned via NHMA that there could be future legal actions that will
122 eventually require towns to take on maintenance of Class VI or private roads where
123 residences have been built - it is a complex issue for the town because Canterbury
124 has more non-maintained roads than most NH towns

125 **Greg stated he would see the Board of Selectmen and 1) resolve the issue of access**
126 **certification 2) ask about a cover sheet for the road documents and 3) talk about Class**
127 **V Road standards and how to make these documents conform with the Ordinance.**

128 5. Rules and Procedures update

129 Greg had a document with some of the issues raised in earlier meetings, and proposed
130 language from town counsel for some of these items.

- 131 (i) Entering meeting materials in the record:

132 The language to be added was: “The secretary shall prepare a list of all documents
133 submitted regarding an application that are circulate/distributed to members for a meeting
134 and that list shall be entered in the minutes.”

135 It was suggested this be added to the Minutes section of Rules and Procedures. Rich
136 suggested Article 4, 8, F. It would include all materials regarding an application – letters,
137 emails etc. and be added to the section on public hearings near where the secretary shall
138 report etc.

139 **Rich moved to add ‘Entering meeting materials in the record’ as outlined in the Rules**
140 **and Procedures under 8F. Logan seconded. All members voted in favor.**

141 (ii) Circulation of materials:

142 The language to be added was: “The secretary shall email all available application
143 documents to all board members at least 10 days prior to the meeting at which the
144 application will be considered.” Rich suggested this could be in section 8, D. Could it be
145 combined with the next item? No, it was a different issue.

146 **Rich moved that ‘Circulation of application materials’ be added as written. Hillary**
147 **seconded. All members voted in favor.**

148 (iii) Circulation of meeting prep material:

149 The language for this was: “Meeting preparation material shall be assembled by the
150 secretary and electronically distributed in packets to all board members, not individually.
151 When practical the secretary will distribute packets at least 24 hours before meetings.”

152 **This item did not have final approval from town counsel so was tabled for the next**
153 **work session.**

154 (iv) Time limitations:

155 The language proposed here was: “The board may adopt time limits for testimony,
156 questions, comments, and discussions of all issues before the board to ensure that the
157 meeting is efficiently run.”

158 Members discussed this proposal as a tool that could be employed to manage meetings.
159 Megan asked for specificity on this as it could lead to accusations of First Amendment
160 violations. Hillary had heard discussions of this tool at training seminars and it was difficult
161 to enforce, and had to apply to everyone testifying and be specific. It was noted it was
162 worded as ‘may adopt’, but there were sufficient concerns about how it was written to send
163 it back to town counsel.

164 (v) Minutes Procedure: to be added to Article 4

165 The language proposed here was: “The Board Secretary shall draft meeting minutes and
166 make available to the public within 5 business days of the meeting. These draft minutes will
167 be sent via email to all board members for board members to review. Board members may
168 reply to the secretary only with suggested minutes changes. The secretary is NOT to
169 circulate these suggested changes prior to the meeting. In order to efficiently compile draft
170 minutes, the board chair and secretary may communicate regarding draft minutes. The
171 secretary shall include a disclaimer when sending out draft minutes: ‘Please see attached
172 meeting minutes. Please do not circulate or reply all. You may reply to this email only with
173 any suggested changes’. Minutes procedure and policies will be determined only by
174 majority vote of the board.”

175 Members discussed possible additions. Rich wanted to see something about hard copies
176 of the suggested changes made by the secretary. Greg suggested adding something like
177 ‘the secretary may compile a list of suggested changes and distribute them at the meeting
178 at which the minutes are being considered’.

179 Megan wanted the Board to abide by the NHMA guidance about the draft minutes be the
180 output of a single staff person or board member tasked to do that. The secretary will have
181 the recording. The state is going to require all the boards and committees to record
182 ultimately. Rich disagreed, referring to another committee where he is Chair and sees the
183 Minutes, where as Chair he has an overview. Members were reluctant to repeat discussion
184 of the issue. Megan distinguished between asking questions of a Chair and making
185 substantive changes. **Greg agreed to talk to town counsel again about this section of**
186 **the Rules and Procedures.**

187 (vi) Alternates:

188 The language to be added was: “Alternates may serve on subcommittees and may vote on
189 subcommittee recommendations to the Board.”

190 Members had already approved alternates serving on subcommittees but not that they
191 could vote. **John Schneider made a motion that the Board follow this language about**
192 **alternates. Megan seconded. All members voted in favor.** That change would be in 5. A.
193 of the Rules and Procedures.

194 (vii) Absence:

195 The language here to add would be: “Board members and alternates should advise the
196 secretary at least 24 hours in advance if they know they will not be attending a meeting.”

197 This would go in Article 4, number 1 at the end of the paragraph. **Logan moved to add this**
198 **language. Hillary seconded. All members voted in favor.**

199 (viii) Electronic Devices:

200 There was discussion about the fact there will be more information to come on this,
201 specifically about referencing non-public materials or materials not available to the public
202 at the meeting. Members had used their devices to look up information already in that
203 meeting, information already sent, or information on the internet. **Greg will talk to town**
204 **counsel again.** He had been advised that if members used their devices, they could be
205 subject to subpoenas.

206 (ix) Additional questions:

- 207 • Town counsel had said that all the kinds of information pertinent to an application
208 listed in the questions should be available – that would include: not just the
209 documents and testimony presented at the meeting but also personal knowledge,
210 official town map property details, the tax map, and opinion from the town
211 emergency services (that should be in the form of a letter or testimony, not in ex
212 parte conversations with board members).
- 213 • Use of a google doc or drop box: Hillary recollected that being used in past
214 subcommittee work before – so was that a meeting, if it had been 3 people? Logan
215 thought that town counsel had misunderstood the question. If they were only
216 sharing documents, and there was no facility to comment and reply, how was that
217 any different from sending via email? Such sharing could be set up without the
218 ability to reply or edit.
- 219 • Rich had asked about clarifying the issue about all other persons refraining from
220 excessive talking. Greg had not included that this time. There was further
221 discussion about what would happen to a member’s phone if they were required to
222 hand it over. A member would send in information they regarded as relevant, unless
223 there was a RTK court case, in which case it was subject to subpoena and
224 discovery.
- 225 • John had asked earlier about the availability of printed draft Minutes for members at
226 each meeting, especially if there were suggested changes and edits to be made.
227 After discussing the ideal number of copies to be made, Greg suggested that the
228 Board try having 6 copies of the draft Minutes available.

229

230 6. Question from Town Counsel re September 26, 2023, hearing

231 Greg had been asked by town counsel, with regard to the Nash hearing on September 26,
232 2023, if he had handed out a document. The Minutes did not indicate anything being

233 handed out. Lois was out of the country that week. A former recording secretary had taken
234 the minutes. No other members recalled anything being distributed, nor kept stacks of
235 materials from past meetings. Megan said she does keep them, but she was not there. Rich
236 noted that if there was a list of materials for each meeting, they would have known from
237 that list.

238 7. Request from Mike Tardiff about members editing Master Plan chapters

239 Mike Tardiff had offered more than one way for members to submit edits of the 4 chapters
240 already heard in public. These are Natural Features, Transportation, Land Use and Housing.
241 His email was available in hard copy for members. The edits would only be typos and word
242 choice, not anything substantial. **Lois mentioned that in the past they had submitted**
243 **suggested edits to Mike and his team via sending emails to her as secretary and then**
244 **she forwarded those on. It would be helpful to have those edits by June 4 if possible**
245 **and then those could be sent to Mike during the week before he attends again on June**
246 **11 for more Master Plan discussion.**

247 Lois mentioned the other 2 Tuesdays in June – the Right to Know seminars on June 4 and
248 June 18.

249 8. Other Business

250 (i) Rich asked Megan about the letter to be addressed to the Board that she had
251 mentioned at the last meeting. Megan responded she had fallen downstairs in
252 their unique house and sustained an injury, which had impacted her work. That
253 letter was coming.

254 (ii) Greg reported that many members had asked if they could return to shorter
255 summary style minutes now there were recordings of meetings. There was
256 consensus that the publicly available recording took away the need for
257 transcription style minutes. Rich moved that they Board go back to shorter
258 summary minutes, typically less than 6 pages. Logan seconded. All members
259 voted in favor. The need for greater detail for applications and hearings was
260 repeated, as from earlier meetings.

261 (iii) Megan noted that regarding item 6 on the agenda, the issue of something being
262 handed out, it highlighted one of the reasons why the NHMA says minutes
263 should be the output of one person. With no one remembering, it highlights a
264 vulnerability. Rich disagreed. There were safeguards in place.

265

266 9. Adjournment

267 Logan made a motion to adjourn, and Hillary seconded. It was 8.47 pm.

268

269 MATERIALS DISTRIBUTED

270 Documents from the Secretary (see website attached with agenda)

271 Agenda

272 Re: Patriot Holdings, Plan submitted by John Noonan, along with recent email record: pp2-
273 3 of Site Plan regs re material or immaterial requests

274 Road documents – Class VI/Private Road Policy, Agreement and Release Building Permit for
275 Class VI/Private Highway (aka Road waiver form), RSA 674:41 Application to Build on a
276 Class VI Highway or Private Road, Road Upgrade Agreement, Procedure for Class VI or
277 Private Road Waiver. (Missing was Road Standards 2003)

278 Email May 23, from Mike Tardiff re Master Plan edits work (not on website)

279 From the Chair (not on website)

280 Document listing some suggested language from Town Counsel re additions to Rules and
281 Procedures

282 **ACTION ITEMS**

283 **Chair:**

- 284 • Discuss Road status documents with Board of Selectmen and 1) resolve the issue of
285 access certification 2) ask about a cover sheet for the road documents and 3) talk
286 about Class V Road standards and how to make these documents conform with the
287 Ordinance.
- 288 • Contact Town Counsel re Rules and Procedures issues (Circulation of meeting
289 preparation material, Time Limits, Minutes Procedure, referencing materials in
290 meetings, and Rich’s issue regarding excessive talking)

291 **Members:**

- 292 • Send edits (typos and word choice issues) from first 4 Master Plan chapters to Lois
293 to forward to Mike Tardiff – by June 4 if possible.

294 **Secretary:**

- 295 • Correct May 14 Final minutes and post online and in town, also May 7 Final.
- 296 • Draft Minutes from May 28 meeting and email to members/post online and in town.
- 297 • Add to Rules and Procedures the items voted on during May 28 work session.

298 • Collate members responses re Master Plan chapters to pass onto Mike Tardiff
299 before end of week beginning June 3.

300 **NEXT BOARD MEETING IS TUESDAY JUNE 11, 7 PM, MEETING HOUSE.**

301 Respectfully submitted,

302 Lois Scribner, secretary

303