

1 Planning Board Meeting – work session – Final Minutes

2 August 13, 2024, 7pm, Meeting House

3 Members Present

4 Greg Meeh (Chair), John Schneider (Vice Chair), Rich Marcou, Logan Snyder, Joshua
5 Gordon, Megan Portnoy, Ken Ruesswick (BOS rep),

6 Alternates: Hillary Nelson, Brendan O’Donnel (Alternates)

7 Members Absent: Ben Stonebraker

8 Others Present: Randi Johnson (School Board Member and Recreation Committee member
9 who spoke with the Chair regarding the school district section of the Master plan, Gail Ober
10 (Land Use Administrator) Michelle Hammond (secretary in training), and Lois Scribner
11 (Planning board secretary).

12 Agenda

13 1. Call to Order

14 Greg Meeh called the meeting to order at 7PM.

15 2. Previous Minutes of July 23, 2024

16 Greg requested a change at lines 117-119, delete the sentence about chronology. Replace
17 with: “It is a piece of the overall budget, so it was suggested it be in the town report.”

18 Also, at line 225 it should read “rephrase not phrase”. Rich Marcou made a motion to move
19 the minutes, Kent Ruesswick seconded it, all members voted to approve the minutes as
20 amended.

21 3. Land Use Regulations Discussion

22 Greg introduced the overview. Joshua asked if the proposal was to use the NHMA
23 handbook to inform our regulations. Greg responded that we started with a general
24 handbook and are now focusing on making it easier to use, narrowing the scope, and
25 making this a more comprehensive document. For example, it is a template, sidewalks are
26 not applicable in Canterbury. Matt and Mike suggested using it as a placeholder to revisit
27 for future development. We have eliminated some things that are not appropriate for
28 Canterbury.

29 A second rational for updating the regulations is that there is a lack of consistency between
30 the site plan and the subdivision regulations.

31 Thirdly, clarity is needed for settling thresholds required, what is a material change, what
32 thresholds are required, and when is it a minor or major site plan, and/or subdivision. More
33 than 3 it becomes major. Greg felt the difference between major and minor is applicable for
34 Canterbury but input from the board would be helpful.

35 Joshua suggested the updated version should be called Land Development Regulations
36 and remove the word handbook to eliminate confusion. Greg confirmed that the word
37 handbook should be eliminated.

38 Matt pointed out the difference between regulations and ordinances. The Planning Board
39 can vote to waive regulation but if it is it is an ordinance it cannot be waived and must be
40 submitted to the ZBA for variance.

41 Fourthly, Checklist will be in the Appendices in later drafts and include thresholds for minor
42 versus major applications.

43 4. Whole Board Discussion of Following Points

44 (i) Page 10, point raised should light pollution be added to the checklist.

45 (ii) Page 16, section 2.4, When to require independent studies by professionals: If
46 the board limits the amount of research, then it puts more necessity on
47 requesting independent analysis. Typical examples would be wetlands review,
48 traffic studies often need a third-party review by a professional and paid for by
49 the applicant. Gail shared examples of reasonable requests. 2.4 includes a
50 checklist. Hillary said that the public and abutters can come to the town and
51 share concerns.

52 Megan asked if it goes to court, does the court follow the planning board ruling
53 and is there a specific list people can ask for. Gail responded that the state
54 allows you to ask for anything reasonable. For example, tree removal on a
55 slope. Joshua said consistency is not an issue unless someone is alleging
56 inconsistent treatment. Compliance with an ordinance is an issue but less so
57 consistency with past actions. Greg stated this is related to triggers, for
58 example, if it were 2 houses, we would not likely need a traffic study but if it
59 was referencing an intersection, you might.

60 (iii) Application Review Committee: The board was asked to consider if such a
61 body would be useful in the application process. It is thought that it is not
62 necessarily suited for Canterbury as we can ask our town department heads
63 who are specialists. Gail said other small towns like Belmont do have an ARC,
64 but she sees how the department heads in Canterbury can weigh in and are
65 currently working for the town. Hillary asked if this needs to be recorded. Gail
66 said it is not covered under the Right to Know law; it is brought to the board,

67 but the issue is more about concerns than completeness. Hillary asked how
68 do we know who approves? Joshua responded that we have every department
69 head in town look at it and how they feel the job would be impacted by this
70 change. We already do this, but this would formalize it. Greg is going to ask
71 Matt and have the Land board use professional (Gail) review and check in with
72 other department heads. Gail shared that this is standard procedure for the
73 surveyor or builder to work with department heads. Joshua said having an
74 ARC is too formal. Rich and Greg felt this needed to come before the board for
75 future planning that is included in the Land Use Regulations and the ARC
76 would be bringing Canterbury in case, we need it in the future even if we do
77 not use it now, we will have it later on.

78 (iv) Revision to approve plans, page 19, section 2.8 Josua, immaterial and
79 material are definitions used in the term of art. Greg will check on this
80 because it came from regional planning. Greg asked to please look at what we
81 have put in as brainstorming with regional planning. We address this in our
82 regulation now to some extent, for example, if it changes the footprint, and
83 that material is something that impacts the outcome and immaterial is the
84 general understanding. Logan said it is better to err on the side of caution.
85 Joshua reminded the board that this was relevant to McKerley's.

86 (v) Page 20, Section 3.3, #2, Abutter lists; Abutters list, an applicant will ask for
87 an abutter list, in our regulations, the Board can tell them to ask the town, but
88 we changed the language such that the town does not guarantee a complete
89 and accurate list. It is the responsibility of the applicant to get the address of
90 the abutter because the town might not always be accurate. Abutters must be
91 properly notified. Concern was expressed that the town should be the place
92 to go for the abutter's addresses. The town needs to inform the abutters that it
93 is their responsibility, not the town's. Megan asked how a layperson would
94 look up abutters and if the town should inform people how to do it and Gail
95 explained the town software used. Greg stated that the planning board does
96 not give the list but will talk to the town office. Rich felt the town should be the
97 place to go for accurate and correct information. Hillary stated that the
98 abutter has the option to come to the town and voice that they want to be
99 included, and she shared the example of the Loudon racetrack. Brendon,
100 applicants must notify the direct abutters. Joshua said the town should have a
101 disclaimer because the law is that the applicant has the responsibility. The
102 board settled on a disclaimer.

103 (vi) Page 25, Section 4.1, #7 Should there be a letter required from Building
104 Inspector confirming zoning compliance prior to hearing. Building Inspector

105 letter to state compliance with zoning: Gail said that the only relief through an
106 ordinance is through the zoning board done administratively. Joshua said that
107 the building inspector works for us and in the past proposed the building
108 inspector be at planning board meetings. Greg asked to change this so that it
109 is not a letter but a checklist. Brendan suggested the Land use administrator
110 talk to department heads. Gail has a coversheet with what ordinances are
111 needed and will update the planning board. Rich felt this is redundant
112 because we already require the site plan to show which zone it is in. Greg
113 asked the Land use administrator (Gail) to update the planning board with her
114 findings.

115 (vii) Page 70 Section 10# 12, substantial Development: What percentage would
116 be appropriate. Substantial development: Joshua said that it should not be a
117 percentage of completion but should be qualitative. Logan and Hillary both
118 asked how stages of development are assessed. Gail stated that completion
119 depends on whether or not the project can be used for the purpose for which
120 it was intended. Brendan said this usually only comes up when they have little
121 to noncompletion and is common for commercial development, however not
122 typical for residential. Rich stressed the key point pertaining to protection.
123 What is the number they need to meet before they must make changes?
124 Brendan replied, as soon as someone has filed an application, they are
125 typically all set with changes. Gail said that Statue 674:39 is subjective.
126 Hillary said this happened with the campground, we changed our ordinances,
127 and the people still claimed they had approval even though two years had
128 passed. Rich recommended that you look at it digitally, but asked what
129 percentage we want it to show, it is in the template. The template said 30%
130 but Greg said we do not have to make a decision tonight and we will revisit
131 this.

132 (viii) Page 78, Appendix; Minimum Street Standards, the board was asked to
133 consider if utility lines should be placed underground.

134 (ix) Page 82 Storm Water Management; the board was asked which flood year
135 standard would be appropriate in climate change. Currently we have a 50-
136 year standard but suggest going to 100 years because there is not much
137 difference between 50-100. John said it is changing quickly and Logan and
138 Hillary agreed sharing the example of severe Vermont flooding. The board felt
139 it was in the best interest of the 100-year standard.

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5. Other Business:

- It was agreed that the board would send Ben a thank you letter from the Chair planning board; Hillary would include poppy seeds (the board secretary will organize).
- Greg passed out a preview of warrant articles to discuss in preparation for the town meeting 2025 to review (this will be added to the website, no final decisions will be made today) which included:
 - Solar fields and battery storage; suggested they be allowed in commercial industrial zones. Recovery and Care Facilities: Suggested the recovery be allowed in commercial zones.
 - Ordinance amendments: Include the detached ADU; there are a lot of non-conforming lots in Sherwood Forest due to lot size, should we include lots under 1 acre, Greg would like to go with a hard number. Non-conforming lots must be visited per Brendan, too many variables of how a lot can be nonconforming, need to revisit this issue.
 - Treated contaminated material: Assess Belmont ordinances.
 - Waste treatment plant sludge: Assess Belmont ordinances
 - Protection of water supplies:
 - Data Processing centers: Joshua said to look into the table of uses; data processing centers, and noise and power issues, allowed in commercial industrial only, not allowed in residential neighborhoods.
 - Protection of Viewscapes; the rural character has come up several times in the Master plan, but we do not have specifics for standards. Should there be design standards for how you must site a home? Protection of the view scape, and open fields. One way is by using the farmstand standard, but it is not currently approved for the agricultural conservation zone.
 - Dark Sky compliance regulation current
 - Rich would like to add cell towers and communication towers. (subcommittee of Community Power looking into cell phone needs; Ellen Scarponi and Beth McGuinn)
 - Megan, would we like to add sound, chainsaws, and fireworks and change the hours to sundown versus 10 pm. Joshua; add to the table of uses. It is permitted if not prohibited.

6. New Business

- Exit 17 will be adding more into the commercial center, retail, proposed industrial, and proposed urgent care, Greg shared the folder for review but can be found at the town office.

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- Greg received a phone call from a property owner inquiring about adding a residential 6 acres off the roundabout, but it is likely not
 - Exit 18 A and B vending phoned Greg saying that they want to add a second driveway in line with the loading dock, the problem is that 2 driveways must be 300 feet apart. If we approve 2 driveways on these commercial lots, we will have to approve all. Is this material or immaterial, do they have to submit a site plan or just go through the building inspector? It would increase the impervious surface. Hillary suggested a design consultation. Greg suggested one driveway and present a site plan to the planning board.
 - Gas station: aquifer protection zone; Joel has had conversations with the landowner. They do have a DEA permit. Gail has not seen a site plan or been able to talk with Joel as he is away on vacation. The site plan we have has expired (dated 1989). Ken Folsom spoke with the landowner, and they stopped site work. They were advised to come in for a consultation but have not heard from them at this time.
 - Logan: advised she is attending a Loudon planning board meeting regarding her notice received regarding solar installation this Thursday. Not technically Canterbury business but a possible regional impact if trees are taken down for a solar field at 106 and Asby Road, Lot #61. She will update the planning board.
 - Joshua asked who the new employees were. Gail Obar is the new Land Use Administrator, lives in Laconia, assigned 20 hours a week but no set hours yet. Gail is past vice chair of ZBA in Laconia, a journalist, and is currently on the Laconia planning board. Michelle Hammond has lived in Canterbury for the last 26 years and will be taking over as planning board secretary.
 - Joshua suggested striking the phrase on the bottom of the agenda: “The Planning Board has the right to add or delete any item on this agenda and conduct the meeting as they see fit.” He objected to it because:

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1) It is grammatically wrong, as the Planning Board is an “it,” not a “they.” 2) The Planning Board is a governmental body, and as such it has authorities, not “rights”; citizens have rights against government. 3) The phrase does not accurately set out the law, as Joshua does not believe the Planning Board can vote on a citizen’s case if they have not been given proper notice. 4) Joshua said it was bad governance, as the Planning Board should be transparent and not change agendas after they are posted. 5) Even if the phrase is an accurate expression of the law, Joshua said it was plain arrogant.

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- 215 • Hillary agreed. Rich would like to find out the law and the reason for this is listed at
216 the bottom of the agenda before we vote on striking. Gail added that it allows the
217 chair to adjust the agenda and will research with the NHMA.
- 218 • Megan asked how often land development regulations are reviewed and updated
219 and the fee schedule, for example, a large developer is not paying much more than
220 residential. Gail shared impact fees are where you would list and will look at other
221 towns. Rich said that Matt is going to include that in the appendix. Fees will be
222 addressed.
- 223 • Lois, and Michelle, need to keep up on action items, add at the bottom, and
224 documents handed out at the beginning, but essential for hearings and listed in
225 the agenda and meeting.
- 226 • Lois's last day end of September but will be here for the public hearing to adopt
227 the master plan which will be held at the meeting house.
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229 7. Adjournment

230 Joshua motioned to adjourn the meeting at 8:45 pm and Rich seconded.

231 **Action Items:**

232 Chair

- 233 • Greg to check with town administration about abutter list responsibility – and adding
234 a disclaimer
- 235 • Greg to check on Material v Immaterial
- 236 • Greg to follow up with A and B Vending
- 237 • Greg to share draft list of ordinance work with secretary and members

238 Matt

- 239 • Add 100-year standard in storm water
- 240 • Add process for Land Use Administrator to liaise with town department heads
- 241 • Make sure check lists say 'and anything else the PB might ask for
- 242 • Include that the PB 'may' form an ARC
- 243 • And process for Gail to talk to dept heads and feed back to PB members

244 Gail

- 245 • Create procedure for liaison with Building Inspector
- 246 • And template for applications process
- 247 • And template for Agendas from NHMA
- 248 • Find out about other towns fees, including Impact Fees
- 249 • Stay on top of gas station at Exit 18 with town staff

250 Logan

251 • Attend Loudon PB (as a butter) and feed back to Canterbury PB

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253 All members

254 • Think about material/immaterial issues – changes of use – for revisions to approved
255 plans

256 Secretary

257 • Arrange for card to Ben S

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259 Respectfully submitted Michelle Hammond (incoming Planning Board
260 secretary)and Lois Scribner(Planning Board secretary).

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