

1 Planning Board Meeting

2 7pm, October 22, 2024, Meeting House

3 Members Present: Greg Meeh (Chair), Rich Marcou, Joshua Gordon, Logan Snyder, Kent  
4 Ruesswick (BOS rep), Megan Portnoy, Brendan O'Donnell (Alternate)

5 Members Absent: John Schneider (Vice Chair), Hillary Nelson (Alternate)

6 Others Present: Ken Folsom, Tyson Miller, Beth Blair, Scott Doherty, Clifton Mathieu, Tim  
7 Sheedy, Esq., Sam Foisie, Mariette Leahy, Tim McGibbon, Erol Duymazlar, Keith Anestasy

8 1. Agenda

9 2. Call to Order

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

11 3. New Business

12 a. Meridian Land Services: Pre-Application Conceptual located at 114 West  
13 Road, Mixed Use (Residential and Commercial) Cluster Development

14 Sam Foisie from Meridian Land Services represented Keith Anestasy, owner and  
15 applicant. Sam and his team wanted the board to know they were introducing  
16 this project to the town early on to get an understanding of the clustering of the  
17 residential portions and an understanding of how the density calculation is  
18 within the ordinances before they start looking into potential commercial uses.  
19 They believe the planning board would find the proposal favorable and aligning  
20 with the towns Master Plan.

21 They are looking at accessing the site through approximately where the existing  
22 access is currently located. They know this is governed by DOT and will work  
23 with them accordingly. The plan is to cluster residential on the flat plateau and  
24 the road will move past the wet land where there is an existing woods road which  
25 does need improving leading to a commercial area in the back. They are  
26 currently exploring preliminary commercial options. They would like an  
27 understanding of the residential from the board before they explore options in  
28 the front and potential options in the back. Greg asked for more information on  
29 what they meant for the front. Sam stated that the front portion that abuts the  
30 road is too small for commercial options, so they are looking at acquiring some  
31 portions of the adjacent property to make for a better commercial pad with  
32 proximity to the highway. To maximize the site, they are looking into putting in a  
33 public water supply well. Sam has done preliminary calculations for site loading  
34 and what size well would be required the protected well radius is shown beyond  
35 what is required. Houses will be served by individual septic systems; some might

36 be combined if they are a duplex unit. The commercial portion would have their  
37 own. The commercial portion would have their own septic systems. It is very  
38 preliminary and will take some input from the board before they get going on  
39 design work. Sam said they do want a product that fits well the town would like.

40 Kent asked if they had done any boring to see what is underneath the soil. Sam  
41 said that they have not yet but based off the knowledge of the site the way it was  
42 explained that a lot of that was used for fill for the highways and from looking at  
43 the topography he thinks it is good material and in the towns aquifer protection  
44 district which does mean it drains well there so he expects the public water  
45 supply to yield high enough to support this development.

46 Kent asked if they had dug any test pits and Sam said they have not yet, he said  
47 once they have a more concrete plan, basically after this meeting they will make  
48 adjustments to the concepts to where storm water needs to go, expect septic  
49 to go and then he will be sending his soil scientist out to inspect the test pits that  
50 are dug.

51 Greg brought up the Master Plan and the need for housing, but it also identifies  
52 concerns about tax base, tax rate and how residential development don't meet  
53 the cost so to put in this type of development does put a burden on other  
54 residents if we do not have mixed use. The purpose of this is to keep the tax rate  
55 bearable for everyone including the people living in the new development. Greg  
56 suggested that there be more focus on retail/commercial to help us find a  
57 financial balance. Greg asked in regard to the small front section if they had  
58 subdivided part of this property off earlier and Sam said it was purchased after  
59 the subdivision occurred, Keith responded that it was done simultaneously.

60 Joshua asked if there is anything on the 2-3 lots east of the entrance and Sam  
61 said there is an existing house on the knoll but it is vacant at this time. Greg said  
62 that it would not be too difficult to push some of that back into the residential  
63 back from West Road enough to have more commercial near the road. Sam said  
64 they would manipulate the plan to where the housing would work with  
65 commercial use and would like to separate it with some form of landscaping or  
66 distance or the combination.

67 Greg brought up the town's interest in energy and areas near three phase power,  
68 which your area is, and possible development for commercial solar selection  
69 and asked if they have considered that in the back area. Sam said they have not

70 talked about that option, but he does have another client that does this and if  
71 the numbers work, they are not opposed to this option.

72 Greg brought up impact on services and we are looking for the balance of  
73 generating income. Sam felt residents would be less likely to use the town's  
74 infrastructure and that they would be more likely to get on the highway to use the  
75 town of Concord with the exception of registering a vehicle.

76 Greg asked if they had done a calculation of impact on the school. Sam said they  
77 did not. Erol Duymazlar, (developer consultant for the owner) came forward  
78 regarding taxes, and shared that they plan to incorporate a mix of housing styles  
79 for diversity, one of the plans is ranch style home. He stated that in his  
80 experience they have found that if they build ranch style homes, not only does it  
81 attract families of younger folks but also for 55 and older. The older folks have a  
82 much lower draw on the school systems and that they will provide data for that  
83 down the road. He stated that in the past, communities that have done this  
84 approach have had a positive impact in terms of tax revenue.

85 Brendan asked what percentage is planned on being common open space on  
86 the map and where is this located and what variances do you anticipate needing  
87 for this project? Sam said common open space is hard to determine without an  
88 end user for the commercial, but the obvious answer is the internal portion and  
89 not sure what size that is. Greg stated that there is a limit to how much wetland  
90 can be counted towards that area.

91 Greg asked about the dimensional allocation and the dimensional calculation.  
92 Sam said they took the entire portion of the lot and then divided that by the  
93 minimum lot size, (an acre) which gets them to approximately 37 units. Then if  
94 you apply a 10% bonus, one of them being a public water supply well increases  
95 that to about 40. Greg stated that you are completely using the entire  
96 dimensional allocation for those 40 units for the entire lot. Sam said yes, they  
97 are. Greg asked where the dimensional allocation for the commercial comes  
98 from and Sam responded that in reading the ordinance it was not specifically  
99 clear on how to do that and that is why we are coming before the board  
100 conceptually to understand the towns mixed use between residential and  
101 commercial.

102 Joshua had concerns about the rest of the commercial zone across from 93 and  
103 what kind of potential large messy industrial use, and brought up the gun range,  
104 which gets complaints frequently and putting a lot of residents there might raise

105 concerns and how they might mitigate those issues that could come up. Sam  
106 said there should be an obligation on anyone moving in to understand what the  
107 existing uses are, the shooting range and know that they were there first.  
108 Secondly, when you purchase a place it is part of a mixed use and the residents  
109 should be put on notice, either in the marketing for it that there is commercial  
110 use on the front or back portion and then third, there are some design elements  
111 that they can incorporate such as landscaping that provides visual barriers and  
112 physical barriers and extreme you could install berms. They would look for  
113 commercial use that is cohesive to the community. Greg wanted everyone to be  
114 aware that there is significant highway noise in this location regardless and  
115 pointed out that steep slope and wet land are not excluded from the area  
116 calculation.

117 Megan addressed that the Canterbury residents want to maintain the character  
118 of the town and she said the design plans look cookie cutter similar to Austin  
119 Texas where she is from. Sam replied that if there were any suggestions to make  
120 them in line with the town of Canterbury, he assured that the design team would  
121 be amendable to them. Greg said there is some guidance in the farmstead  
122 design standard section in the zoning ordinance. Erol stated that they have not  
123 engaged an architect yet but will as they proceed further but that they are  
124 sensitive to Canterbury and the exterior architecture will be much more  
125 impressive when they come back.

126 Joshua asked if floorplans are 2 or 3 bedrooms? Erol stated they vary but thinking  
127 2-3 bedroom floor plans with flexibility. Joshua encouraged three bedrooms for  
128 the purpose of families. Greg pointed out that our master plan talks specifically  
129 about smaller for downsizing seniors and couples starting out and a mix is really  
130 what our direction is. Erol will bring back more samples at the next meeting. Erol  
131 brought up the possibility of a main house with an ADU and that they would like  
132 to explore this option.

133 Greg wanted to revisit Brendan's question about cluster development and  
134 reserving open space and the requirement is at least 50% of the space reserved  
135 for common use, so it needs to be put into calculations. Greg said this is a  
136 conditional use permit and this allows some flexibility but are new to the board  
137 and we are still learning about some of the details of how CUPs work.. Our  
138 building permit cap ordinance currently allows ¼ of those permits to one  
139 developer per year.

140 Megan asked if there was an estimated timeline for this project and Sam replied  
141 that they are going to move through the process methodically and appropriate,  
142 but the goal is to start construction when the ground thaws, which is April or May  
143 2025. They do need to obtain other permits from the state prior.

144 Kent asked what kind of commercial development do you see? Keith responded  
145 something like Vault storage on Route 106. Sam said boat storage would be  
146 cohesive with the residents and minimal traffic.

147 Kent asked if you are going to plan on subdividing the piece up front and Sam  
148 said they are planning on doing a land condo, so it will remain as one lot that  
149 separates the houses as a unit and there would be limited common area to  
150 essentially give people the rights of a yard around their house and the open  
151 space which would be the remainder of the road infrastructure.

152 Kent asked if there would be classified roads through or driveways and Sam said  
153 it would be a private way, a road that is not maintained by the town, it would be  
154 maintained by the association. The main road would have some radius to keep  
155 travel speeds slow.

156 After lengthy discussion, Greg stated that the board would like to see a more  
157 definite proposal and what commercial is and how it works in relationship  
158 because it is all one and needs to work together. Sam asked if the board is  
159 looking for a concept commercial and Brandan explained that if the proposal  
160 were a condominium with numbers of units you would simply have a plan with a  
161 specific number of commercial units with the size and location of those units.  
162 The way that you are evaluating a total number of units you are creating with the  
163 cluster subdivision but the abstract reserved for future development doesn't  
164 show how many lots are going to be subdivided for the purposes of the  
165 subdivision. Joshua stated that it does not show use, commercial use, for  
166 example, a solar field versus a sports complex. Sam stated that DOT is going to  
167 ask us for hypothetical, he will use more intense use there to over analyze the  
168 driveway.

169 Clifton Mathieu in reference to the public well, other residents have high salinity  
170 due to winter maintenance on the highway. So, he is concerned about having an  
171 adequate water supply for this proposal for this number of units.

172 Tyson wanted to mention that the whole area is over the aquifer protection area.  
173 Greg stated that they are aware of this and are going to look into this issue.

174 Beth said that the cover letter was not clear with the issue of open space for  
175 recreation and wanted to be sure that it was part of the conversation.

176 Megan asked if they knew how many abutters there are and Sam said that there  
177 are less than 6 or 7, one is the state highway.

178 Megan asked can we expect a full impact assessment from you and Sam asked  
179 if she was referring to a fiscal impact and his answer was yes there will be a full  
180 impact assessment.

181 Joshua asked if they had thought about doing a reversal and put the housing at  
182 the back of the lot. Keith said that it is closer to the highway at the back of the  
183 lot.

184 Sam asked the board if there was a commercial unit subtracting from the density  
185 calculation. Joshua replied that we need to read our ordinance, this is a legal  
186 question. Brandan said that knowing what the commercial business is important  
187 for that determination because, as a town if we leave it unspecified commercial,  
188 we can get any type of commercial.

189 Greg said that you are required to have a condo agreement, so the condo  
190 agreement would be a way to address the commercial purpose (list of things it  
191 can be or can't) Erol said that they have talked about this as a development team  
192 and we realize we are mixing residential with commercial so we will come back  
193 with the condominium document. Beth asked if the commercial portion  
194 development would allow for an ADU within the commercial development. Greg  
195 answered that we have to look at this more carefully about how the State ADU  
196 law applies to condominium developments.

197 Sam asked about density calculations, he needs to know about the design, is  
198 there a means of vetting that question with our attorney and the town's attorney.  
199 Brandan said that the town counsel advises the board, but the board makes the  
200 decision and if there is a question on interpretation of the zoning ordinance then  
201 that is a question that if we have to interpret it then it is appealable to the ZBA.

202 Keith asked if we could have a discussion in between the next meeting so we  
203 can move forward, and Greg responded that you could discuss with  
204 administration but not with the board and suggested it would be helpful to bring  
205 forth a list with specific questions as soon as possible.

206 The following questions at present:

207 **1. How do dimensional requirements apply to the commercial part of the**  
208 **cluster development, the commercial density and residential co**  
209 **density?**

210

211 **2. ADU in a commercial building/condominium.**

212

213 **Greg said he will propose these questions to the town administrator and**  
214 **land use administrator and determine how we come up with some**

215 **answers for Sam and his team** and if you have other questions, you can put  
216 them in writing as quickly as possible.

217 *Conceptual consultation ended at 8:06 PM*

218 4. Application Fee Schedule:

219 Gail and Ken worked on the Planning Board Fee Comparison Study. In general, our  
220 fees are very low but after discussion the board **proposed asking Gail and Ken to**  
221 **come back with suggestions for prices. Fees must be approved by the**  
222 **selectboard.**

223 5. CUP form: (conditional use permits)

224 Greg read through some highlights of the CUP which has grown in popularity when  
225 an innovative project is beneficial, essential or desirable to a community but when  
226 the nature of the use or necessitates more specific or special considerations or  
227 mitigations to manage concerns and he stated that this is what we have just gone  
228 through tonight with the conceptual consultation where we were talking about  
229 community concerns and what the town wants. The CUP gives us flexibility to do it  
230 but also gives us some authority. The CUP form states that the municipality  
231 typically makes the approval contingent on satisfaction of certain conditions. In this  
232 way the CUP authorizes the use which allows the proposed project to move forward  
233 while placing guard rails around the project which can give greater municipal control  
234 or safeguards to community concerns.

235 Joshua stated that with a special exception or waiver the process is very clear and  
236 the legal guard rails are pretty clear and established whereas the CUP gives us  
237 authority and discretion and that it is easy to abuse and even easier to allege that we  
238 have abused it. Joshua said he has been a proponent of CUP for years but now that  
239 we have one, he is concerned and does not know anything about what experience  
240 other towns have had with them. Greg suggested that we could ask CNHRP.

241 Brandan said his wife wrote an article about CUPs versus special exceptions and  
242 variances so he is very familiar but said that your ordinances should be very clear  
243 about what goes into it. (under Innovated Land Use Controls is the statute) Greg

244 continued on and read that as with all land use permits an attorney is wise to  
245 consult with specific zoning ordinances to determine the process criteria and  
246 municipal body that will govern the CUP and advises that talking to an attorney with  
247 the questions raised. Greg wanted a definite answer to whether the CUP is not  
248 appealable to the zoning board only to the superior court. Joshua said that he  
249 believes that is correct. Brandan said that any decision that we make that requires  
250 us to interpret or apply zoning ordinance could be appealed to the zoning board.

251  
252 Greg read that the flexibility of a CUP can be used to obtain approval of a project  
253 that is otherwise blocked, the same flexibility puts significant power in the hands of  
254 the municipal. Again, the statutes are clear that a municipal authority may qualify  
255 approval on the satisfaction of certain conditions, but the statutes are again silent  
256 about what those conditions may be. This seems to imply that the conditions do not  
257 need to be in the ordinances. Joshua said that they are in the order that we issue.  
258 Greg gave the example, the dimensional requirement for commercial uses, they  
259 were implying that it does not say exactly how that is applied in our ordinance, and  
260 he thinks that is possibly correct, but we know how we want it to apply, and this  
261 seems to indicated that we have the flexibility to say that is how it is. Joshua said  
262 that he thinks the flexibility can be unenumerated in any of the statutes or  
263 ordinances so if we have something that is close to a wetland, we can say we don't  
264 want you building there and the condition is that you can't put your horse paddock  
265 there and we can make it up as we go along and that is a problem. Logan stated that  
266 we can't have an ordinance that covers every possible outcome. Joshua said that is  
267 what the table of uses theoretically is for.

268  
269 6. Previous Minutes from October 8, 2024

270  
271 Motion to approve draft minutes moved by Rich, seconded by Megan, all in  
272 favor Aye.

273  
274 7. Old Business:

275  
276 a. Data Centers have two problems, aesthetics, and resource usage. Data  
277 Centers are out of character for Canterbury but are permitted right now.  
278 Joshua proposed putting a line in our table of uses, for data centers. **Greg**  
279 **asked Joshua to do research on other states.**

280 8. Other Business:

281



- 282 a. Regulations will be available on October 31, according to Matt at CNHRP.  
283 b. Master Plan:  
284 We are bogged down with layout issues. Beth has signed on working directly  
285 with the municipal association with the next phase of layout.  
286 c. Rich spoke with Mike Tardiff regarding the waste section, new law so he  
287 downloaded a copy of the state of NH Master plan dated 2022 and is going to  
288 put something together and Mike will review.  
289 d. Logan shared this will be the last or next to last meeting depending on the  
290 level of involvement will have to recuse from the Meridian Pre Application  
291 Conceptual because Erol Duymazlar (Developer consultant for 114 West  
292 Road) is a client.

293 **Action Items:**

- 294 **1. Greg said he will propose these questions to the town administrator and land**  
295 **use administrator and determine how we come up with some answers for**  
296 **Meridian Land:**
- 297 • **How do dimensional requirements apply to the commercial part of the**  
298 **cluster development, the commercial density and residential co**  
299 **density?**
  - 300 • **ADU in a commercial building/condominium.**
- 301 **2. Ask Gail and Ken to come back with suggestions for fees for updating the**  
302 **Application Fee Schedule. (Fees must be approved by the selectboard).**
- 303 **3. Greg to ask Mike or Matt to do a discussion on CUP at the next meeting if time**  
304 **allows.**
- 305 **4. Greg asked Joshua to do research on Data Centers in other states.**
- 306 **5. Site plan and Subdivision Regulation hopefully to adopt on November 12th.**

307 **Next Meeting is November 12, 2024**

308 Kent Moved to adjourn at 8:49, Logan seconded. All voted in favor.

309 Respectfully Submitted,

310 Michelle Hammond, planning board secretary

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312