Planning Board Meeting

7pm, January 14, 2025, at the Meeting House

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

Members Absent: Hillary Nelson (Alternate), Logan Snyder, Brendan O'Donnell (Alternate)

Others Present: Beth Blair, Scott Doherty, Rene Brooks, Evan Hauptman, Calvin Todd, Clifton Matthew, Ward Peterson President of Sunset Fish and Game, Heidi Chaney, Terry Pfrimmer, Brian Zikaras, Martin and Kathleen MyCoy, Matt Monahan (CNHRPC), Samuel R. Foisie, P.E. Project Manager, Meridian Land Services, Inc., Keith Anastasy (applicant/owner), Mariette Leahy, Tim McGibbon, Erol Duymazlar

Agenda

1. Call to Order

Greg Meeh (Chair) called the meeting to order at 7:01 PM.

1. 11/26/24 Previous Minutes

The minutes have been approved as corrected. Rich made the motion to accept as amended and Kent seconded.

12/10/24 Previous Minutes

The Minutes have been approved as corrected. Joshua made the motion to accept as amended and Rich seconded; Megan abstained.

12/23/24 Previous Minutes

Rich made a motion to accept, and Kent seconded; No discussion, minutes approved; Megan abstained.

1. **Meridian Design Review**

Meridian has been before the board once prior with a conceptual consultation. Greg gave a brief explanation of what a design review is. A design review is similar to a conceptual consultation, except the applicant provides a more detailed plan. It is meant to be a free flow of ideas, nothing binding that is said by either party. This is a conditional use permit, which provides the board with flexibility to shape projects to promote or enhance what the town has identified as desirable. Although the board’s ability to grant density bonus is limited to what is specified in the ordinance, the board has a great deal of flexibility in balancing other requirements to promote a positive outcome. In specifying requirements and finding a balance that works for the town, the board looks to the vision, goals, and recommendation in our master plan as well as the words and intent in our ordinances. The application has been reviewed by the town administration and CNRPC staff.

This evening, we need to focus on the big picture because the applicant cannot accurately provide many required details until we address the CUP issues that have been discussed.

1. Allocation of Density Requirements
2. Percentage of Mixed Use
3. Design Standards
4. Energy Efficiency
5. Solar
6. ADUS
7. Highway Sound Mitigation

Our Town Administration reviewed this application and found missing or incorrect checklist items:

1. Boundary lines and easements
2. Right-of-way lines
3. Street Names
4. Zoning Districts
5. Tax Block, parcel number, owners, owners address of abutting tract to be.
6. subdivided.
7. Proposed lot numbers and proposed street names
8. Location/description of all monuments
9. Certificate of seal of Engineer or Surveyor
10. Flood Zone
11. Existing soils delineation based on Soils Survey, Merrimack County
12. Data Listing
13. Length of Street
14. Area of open space/conservation lands in acres
15. Names of Abutters
16. Zoning district boundaries

Added:

1. Show owners amenities areas, common and private, such as: garden plots, pet areas, parking, trash storage and removal, solar area, sports facility, etc.
2. Clarify that twenty-seven, d. is UNDISTURBED open space.
3. Show location and acreage of slopes over 15%.

Sam Foise started off his presentation wanting to clarify that Meridian had been before the board once and submitted for a second conceptual but withdrew that application. This application is a result of the towns Master Plan and specific items that refer to expanding the tax base and supporting the mixed use is what this project is seeking to accomplish. The plan encourages diversity of housing types, but more specifically geared towards a more affordable type of housing which is why it is clustered together and has the commercial use component.

Additionally, the mixed-use component, exit eighteen is specifically mentioned for mixed use in the towns Master Plan. Sam reiterated that the main objective that we needed to provide is our determination of the percentage of density, how we do that and what is the interpretation of the zoning board and how it relates to the density calculations.

Secondly, provide the board with a clear picture of where the open space relates to the overall project and make sure that they are reading the standards of the cluster subdivision. Thirdly, architectural designs that we believe the board wanted and lastly, commercial uses, recognizing that not all commercial is going to be cohesive with residential use, more of a concept plan of what could be put in the back and what could go in the front space.

Sam submitted a density interpretation letter. The residential and commercial cluster, with the planning boards discretion, could be a mixture, since they are following the Master Plan, they feel this would comply.

Article 6 cluster zoning regulations section 6.4 C establishes that the density or maximum number of residential dwelling units permitted in a cluster neighborhood may not exceed the density allowed under section 5.2 Density of the zoning ordinance except when a request for a density incentive is approved by the planning board.

5.2 under minimum lots defines the density under subdivision to how he established density, which reads in computing the minimum lot acreage required under this article, any portion of the lot not suitable for building due to high water table or evidence of water or wetlands shall not be included. Take the gross area of the parcel and minus out wetlands and then you divide it by the minimum lot size, which is one, is how they established the density.

Moving on to the bonus determination and what bonuses they are applying, reference 6.6 A 2- Preservation and maintenance of five or more acres contiguous open fields. Sam recommended the board go out and view and walk the site. The area where they are putting the houses on is prime for development. Great soil depth, which is great for septics. It overlooks the field that does have a shallow depth to water table which is why those are wetlands, kind of wet meadow, which receives run off from the state right of way which hydrates the low area, preserving more than 5 acres of field.

Sam moved on to Item #7, Use of Community Wells or Septic systems, with an emphasis on community well(s) which are located in the middle, which is why we established a bonus density of 15%. We did the math, and we ended up rounding to thirty-seven. How does the board allocate the density? This was a question at the previous conceptual, they believe it is allocated as one unit per acre and plan thirty-five residential units and 2 commercial lots.

Sam claims that the ordinance has no definition of steep slopes, He is aware that the new land regulations discuss unbuildable but feels this would not apply. Sam discussed the slope and what he feels is best, but he will later identify the rate of slopes. Some units will have potential for a walk-out basement due to the slope.

The commercial portion at the back is situated on a flat space, all of it is on suitable development land. They are utilizing access to the back road to create a buffer. Sam moved on to architecture with the typical colonial, which may require some tweaking to fit on the condominium lot.

OpenSpace: Eighteen acres of open space, Sam stated that there is a provision withing the zoning ordinance that allows for the planning board to grant acceptable uses within the open space. Sam recognizes they still need to go to the conservation committee. The green on the map is the open space 50.5% of the lot.

They are seeking to include the access road, pump house and the community well. Public wells need to remain undisturbed with the exception of the pumphouse, stormwater improvements and wetlands. Stormwater is a non-intrusive use and provides benefits. This allows us to use more commercial space in the back.

An example of potential use of the Southern section: Boat and RV storage and cell tower. Additionally, they plan a buffer from commercial traffic of a 6 ft tall berm, landscaped with vegetation and an 8Ft fence. If commercial use is limited to appropriate uses, the nuisance is limited. If you are moving in you are aware there is commercial use behind.

They are seeking information on the density and open space so they can move forward and provide a completed application. The end of Sam’s presentation.

Density calculation: specifically for commercial use, the zoning ordinance is one acre minimum, the board needs to determine if a commercial five acres is counted as one acre. The Board is going to look into this more.

Mixed Use: The Master Plan mentions mixed use at exit eighteen 12 times in the first 3 chapters. The ordinance states that the purpose of the commercial zone is: To permit commercial and retail growth and development in those areas most convenient for residents and visitors to meet the daily needs of the community. The board has the ability to make a decision as to what is appropriate.

Sam asked for what commercial recommendations the board suggests. Members responded with commercial uses would help the community. For example, food service, elder daycare, child daycare, physical therapist, medical office, business office. Sam responded that the storage unit is not definitive, the pad would remain until they find a suitable use and they would take the boards approved commercial list and decide.

Meridian members asked for some direction in percentage, as to how much commercial percentage is permitted. There seems to be demand for residential and they would like to fit the vision the town has.

Meridian asked how you define density based on your regulations. Greg, it is per unit, so there are some areas where it may not be clear, for example, a storage facility, is each space counted as a unit or is whole thing 1 unit. This is a conditional use permit; the board has a lot of flexibility to obtain a positive outcome. Meridian stated that it is an easy adjustment to make the front mixed use, we can adjust but would like the board to determine what the maximum allowed density is. Sam’s interpretation is thirty-seven.

The board decided they needed to talk to the town council, get the real numbers on wetlands, steep slopes and whether to exclude them or not before this could be answered. Sam responded that wetlands have been surveyed at 5.09 acres. The Board would like to look at 50% commercia use. Even though residential condo units have a small physical footprint, they are still counted as one unit.

Energy Efficiency: Being an energy efficient community is a goal of our master plan. Errol responded that the houses would be energy star efficient. Greg requested they consider some type of solar as it would be looked on favorably by the board. Errol said they are also interested in energy conservation, with the storage facility with solar on the roof.

ADU: The board is concerned about the overall number of units and the impact on the town. Sam will look into this more. But he understands no ADUS would be allowed.

Design Criteria: Master Plan and Zoning Ordinance repeatedly reference protecting and promoting our rural, agricultural, traditional small-town character. The CUP process provides the board with flexibility to shape projects to promote or enhance what the town has identified as desirable.

Highway Sound Mitigation

The board encouraged more mitigation to absorb sound. For example, additional berms and planting trees.

Additional Items to Address:

Meridian said a fiscal impact study is in process.

In discussion with the town administration, and CNHRPC, the reviews and studies that have been proposed to date are engineering, traffic, legal (condominium documents), ordinance application and compliance. As the project matures there may be other issues that require review. Escrow to cover these costs is normally required.

Sam believes that NH DOT has jurisdiction over the traffic regulations in this area.

Once the Board sees an application showing ALL the proposed uses, they will evaluate what will be required.

Cell Phone Tower:

No more detail on this.

Question from residents

* Ward Peterson, president of Sunset Mountain Fish and Game, read a letter. RSA 159B, doing everything possible to ensure tranquility with neighbors.
* Brian Zikaras:Has concerns about how to increase tax revenue, , he would like to understand how many units are allowed and what units means. The board needs to get clarification on the number of units.
* Calvin Todd: water limitations, would that lessen the commercial potential? What commercial can we see there? The board discussed the differences, but the answer on number of residential units and commercial uses needs to be first.
* Kerry Pfrimmer from Baptist Hill Road: commercial viability, the last thing you want is more vacant gas stations. More factual input as to what is viable. He liked the mixed-use approach. He would like the board to help Meridian make this work.
* Mr. Fornier: asked the board how much land is available for the commercial zone in Canterbury and how much of an impact that would have for future commercial development? The board responded that we are using mixed use, so it is more resilient to changes. The board acknowledged that there is very limited commercial zoned land in Canterbury and that the Board feels it is important to preserve the commercial potential of the area.
* Greg Paninski: asked about school impact? The board answered that population numbers, smaller houses, fewer kids, the trend is heading down but still a concern, once we settle on number of units.
* Ben Davis, representing an abutter, will a light pollution study be done? Meridian said every site plan that we do we supply a photometric plan. The board responded that there are regulations but need to find out what is in the commercial. Greg referred people to the revised land use regulation that includes much more detail on light pollution than we have had in previous versions and encouraged people to review it.
* Scott Doughty, Canterbury Deputy Fire Chief, would like Meridian to consider residential sprinklers, density is very tight in this development. Meridian development team member responded that fire suppression sprinklers options per unit is 18,000.00 because of wells, each has to have 500-gallon wells. Cisterns are being considered.
* Resident did not give name asked; Who makes the determination of mixed use for a property? The board responded that it is part of the CUP, and the board determines based on units and the ordinance specifies the requirements. The cluster allows you not to have a full acre. As the board sees fit.
* Keith(owner) gave board members permission to walk the property on their own.
* Meridian asked for a definite answer so they could come back with acceptable changes. The Board will discuss mixed units, what formula will be applied for density, the number of units with the town council and get back to Meridian by the end of next week. Keith is willing to give an upfront allowance for the attorney to come back with answers.

Questions for the town council:

* Is a wetland exclusion for common area?
* Mixed use 50%?
* Steep slopes excluded over density bonus?

Meridian will continue this design review meeting **February 11, 2025**, for one more meeting.

The Chair closed the Meridian design review part of the meeting at 9:12PM.

Warrant Articles for 2025:

**ARTICLE 2**

Are you in favor of the adoption of Amendment No. 1 as proposed by the Canterbury Planning Board for the Town of Canterbury Zoning Ordinance as follows:

To enact certain administrative revisions to the Ordinance including:

To amend Article 5.3, Section C, Table of Principal Uses in zoning ordinance, to permit Commercial Solar in the Commercial and Industrial Districts by Special Exception; and,

To prohibit Data Storage Centers in all districts.

Definition of Data Center:

“High-technology data center” means a facility, campus of facilities, or array of

interconnected facilities in this state that is developed to power, cool, secure, and connect its own equipment or the computer equipment of high-technology data center customers …” Ga. Code Ann. § 48-8-3(68.1)(G)(ii)

To amend Article 3, Definitions, by adding the following defined terms:

COMMERCIAL SOLAR FIELD: means a for-profit, single facility that generates electricity by means of a solar photovoltaic device that is directly connected to an electric distribution utility's distribution grid and is not a community solar facility, regardless of the operational capacity that the facility is designed for or capable of.

**ARTICLE 4**

Are you in favor of the adoption of Amendment No. 3 as proposed by the Canterbury Planning Board for the Town of Canterbury Zoning Ordinance as follows:

To amend 3.A in the following manner: A detached Accessory Dwelling Unit shall not be constructed on a lot of less than 1.75 acres excluding slopes over 15% and wetlands.

**ARTICLE 5**

Are you in favor of the adoption of Amendment No. 4 as proposed by the Canterbury Planning Board for the Town of Canterbury Zoning Ordinance as follows:

To regulate the use of sludge or biosolids as defined by NH RSA 485-A:2,XI-a, “the solid or semisolid material produced by water and wastewater treatment processes, excluding domestic septage; provided, however, sludge which is disposed of at solid waste facilities permitted by the department shall be considered solid waste and regulated under NH RSA 149-M; and to regulate the use of treated soils defined as soils contaminated by treatment processes and certified for distribution and use as soil under NH Env-WQ 802.17 by amending Article 3 (DEFINITIONS) to add:

SLUDGE - means “sludge” as defined by NH RSA 485-A:2,XI-a, as amended; and

SLUDGE FACILITY – means a location or system for storing sludge for longer than 8 months or for the processing, treatment, or disposal of sludge other than for land applications as defined by ENV-Wq 802.17; and

TREATED SOILS – soils contaminated by treatment process and certified for distribution and use as soil under NH Env-Wm 3202, having originally been contaminated with liquids not regulated by the State of NH as hazardous waste as defined under NH ENV-2603.01.

Further, to amend Article 2.1 OBNOXIOUS USES and add a section 2-12 to read:

Sludge, Sludge Facilities and Treated Soils are prohibited use in all zoning districts.

And further, to amend Article 5.3 C TABLE OF PRINCIPAL USES: Sludge, Sludge Facilities and Treated Soils are prohibited uses in all zoning districts.

Joshua has concerns about rules and regulations cited. The board is in agreement that we send a letter to BOS.

**ARTICLE 5**

Are you in favor of the adoption of Amendment No. 4 as proposed by the Canterbury Planning Board for the Town of Canterbury Zoning Ordinance as follows:

To amend Article 6.9, Commercial Cluster Development, Section B by indicating that the total number of lots or units shall be calculated in the same manner.

To amend Article 6.9, Commercial Cluster Development, Section C by adding a requirement that no Commercial Cluster development shall be more than 50% residential. This establishes that units and lots are the same for density calculations.

**ARTICLE 6**

Are you in favor of the adoption of Amendment No. 5 as proposed by the Canterbury Planning Board for the Town of Canterbury Zoning Ordinance as follows: (pgs 34, 36, 40, 42)

To make non-substantive editing and formatting changes including the following:

To correct misspelled words.

To eliminate duplicate text.

To change asterisks in the table of uses to numbered footnotes.

To update references to the Site Plan Regulations and Subdivision Regulations to references to the Land Development Regulations.

To update and correct any numbering or spacing issues.

Table of Uses: Cluster Development

To correct omission in the Table of Uses of the Farmstead Alternative by Conditional use permit in the Rural Zone, the Residential zone, the Center Historic District Zone, and the Shaker Village Museum Preservation District.

***Special Town Meeting Warrant Articles January 16, 2025, at 7PM at the Town Hall***

**Adjournment:**

Rich moved to adjourn at 10:00pm, Megan seconded to adjourn, all voted in favor.

***Next Meeting, January 28, 2025, at 7PM at the Meeting House***

Respectfully Submitted,

Michelle Hammond,

Planning Board Secretary