

MINUTES OF THE MEETING  
OF THE  
CANTERBURY PLANNING BOARD

January 11, 2011

BOARD MEMBERS PRESENT: Jim Snyder, Chair; Tyson Miller, Vice Chair; Christopher Evans, Doug McCallum, Chris Blair, Seth Cohn, Alice Veenstra, Joshua Gordon, and Briggs Lockwood, Selectman Representative.

BOARD MEMBERS ABSENT: Art Rose and Ken Stern.

The meeting opened at 7:00 p.m. with the Chair presiding. He noted that there was a quorum present. He also noted that in attendance were Megan Bailey and Nina Gordon who, as a requirement of one of their ninth grade subjects, have to attend and report on a town meeting.

Draft minutes of December 14, 2010. Motion by Christopher, seconded by Tyson, to approve the minutes. Motion passed unanimously.

Public hearing on the board's proposed amendment to Article 4 in the Zoning Ordinance. The Chair explained the procedure for this public hearing. If there are no changes to the proposed amendment, we can move it along and put it on the warrant for town meeting. Tyson explained that this proposed amendment will bring the ordinance into conformity with RSA 674:39-a, and it would add a new Section 4.2. He then read the proposed amendment. He noted that this amendment was recommended by town attorney since it made it clear that the law is not retroactive; it takes place as of September 18, 2010.

The Chair asked if there was any discussion from board members. Joshua asked what happens if we don't adopt this? What happens if the legislature gives this up and the town has adopted our proposed amendment? In the event that the legislature undoes this, would it revert back? The Chair responded that one of the options that we considered was doing nothing, but town counsel advised us to keep the status quo in place with this proposed wording. Tyson commented that if the legislature did change it, then what we changed in ours would not be valid. We would probably have to go back and change it in order to keep it in alignment. This amendment keeps us in conformance with current state law. We would want to be in conformance. Briggs stated that we will have to change it back if the legislature changes it. The Chair said he feels it is important to keep the ordinance up to date.

The Chair asked for questions/comments from the public. Mark Stevens stated that he thinks our ordinance should reflect the law. He noted that there is a great deal of confusion among the towns as to how to deal with this legislation. There followed some discussion about how the ruling should be interpreted, including

whether it should be retroactive. Different attorneys have different opinions. Joshua commented that he believes the legislature will have a hard time making the ruling retroactive. The Chair stated that, no matter what the board does, there are going to be court cases about this new legislation.

Seth commented that, given the fact that this matter is still in flux, is there any benefit in adopting the board's amendment? The Chair responded that this is the best advice from our town counsel.

Motion by Tyson, seconded by Doug, to present, for a vote at town meeting, the following Zoning Ordinance amendment as proposed by the board:

4.2 The provisions of Section 4.1 regarding the automatic merger of contiguous pre-existing non-conforming lots shall not apply to lots acquired by a person on or after September 18, 2010, except by consent of the owner.

There was no discussion on the motion, and the motion was passed unanimously.

Other business. Tyson gave an update on the Cal Dunn matter, plus a brief history.

The Chair commented that the Boles subdivision and site plan have never been finalized, and it is time for the board to ask Mr. Boles to come in and show that the subdivision is complete and that he has complied with the conditions that were placed on the site plan review. If he hasn't met all of the conditions, we should suggest a reasonable time frame for him to meet them.

The secretary noted that there will be no meeting on January 25.

Motion to adjourn at 7:45 p.m.

Nancy Lilly, Secretary

Next meeting: February 8, 2011, 7:00 p.m., The Meeting House.