

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

May 10, 2011

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

BOARD MEMBERS ABSENT: Art Rose and Christopher Evans.

The meeting opened at 7:00 p.m. with the Chair presiding.

Draft minutes of April 26, 2011. Motion by Alice, seconded by Tyson, to approve the minutes. Motion passed unanimously.

Review for completeness the application for a 3-lot subdivision proposed by Sean McDonald and Brett Barton on property they own on Old Gilmanton Road (Tax Map 203, Lot 2). Sean McDonald was in attendance. Copies of the application and the plan were distributed to the board members for their review. It was noted that the 61-acre lot labeled Lot 2 was mislabeled on the plan; it should be labeled Lot 3. The Chair commented that the board has to determine whether more information is needed in the application. He noted that in 2003 the applicant filed a road waiver with the Selectmen. There was also a road improvement agreement that the applicant carried out at that time. Sean commented that Old Gilmanton Road is a Class VI road that has been upgraded to Class V standards.

The Chair stated that this raises the question as to whether that original road waiver agreement runs with the new lots or whether the new lots would each require a road waiver. Sean responded that on each of the deeds there was a road waiver that had to be signed and attached to the deeds.

The Chair stated that he thought that there was some sort of restriction on further subdivision. We should review the minutes of the Selectmen and the Planning Board. The Planning Board had to grant a road waiver before turning it over to the Selectmen. He read portions of the Statutory Building Permit Requirements in the Zoning Ordinance, and stated that he believes the applicant would have to meet the road requirements before subdividing. He also read portions of the Subdivision Standards that cover when subdivisions may be approved on a Class VI or private road. He suggested to Sean that he might want to secure the road waiver before going to any further expense.

45 The Chair then asked board members to review the check list attached to the
46 application. He noted that Sean is going to request a waiver on the topography
47 and also a road waiver.

48
49 Motion by Tyson, seconded by Chris, to accept the application as complete.
50 Tyson commented that, if there is a public hearing, we want to have the 2003
51 minutes of the Selectmen and the Planning Board to see if there are any
52 limitations in those documents. Motion passed unanimously. It was noted that
53 the public hearing on this application is scheduled for June 14.

54
55 Report from Joshua regarding what is the Right-to-Know status of materials that
56 are distributed among the members of the Planning Board by email between
57 meetings. Joshua referred to the letter that he had distributed to all of the board
58 members. Basically it says that you can distribute anything you want between
59 meetings as long as it is available at the next regularly scheduled meeting and as
60 long as there is a copy on record with the town.

61
62 Contents of minutes – “Meeting Minutes 101”. This article was on the agenda to
63 let the board know that the Local Government Center has published such a
64 document.

65
66 Further discussion of an Aquifer Protection Ordinance. Tyson reported that he
67 downloaded an eight-page model aquifer protection ordinance prepared by NH
68 DES. We need to have an ordinance and a map to create an overlay district.
69 Seth commented that, if we create an overlay district, we will be in agreement
70 with RSA 485. Tyson stated that there would be two public hearings after the
71 Planning Board votes on it, and then it would go to town meeting. Seth stated
72 that he would be glad to make a clean copy of the ordinance and circulate it to
73 the board.

74
75 Other business. Seth gave a brief update on the voluntary merger issue. As he
76 understands it, there is going to be an amendment to the bill.

77
78 Joshua referred to an error in Article IV of the board's bylaws. It should read that
79 meetings commence at 7:00 p.m. rather than 7:30 p.m. The Chair stated that
80 that is a good reason to put the bylaws on the agenda for next meeting. He
81 asked the secretary to email them to all board members so they can look them
82 over to see if there are any other errors or anything that needs to be changed.

83
84 Tyson reported that the town attorney will be meeting with the Gold Star attorney
85 to work on a settlement to get the sod farm off the property. They claim they own
86 some of the buildings and some of the equipment. What do we do with the sod
87 farm after they are gone? There are three options: (1) a new tenant, (2) a lease
88 with option to buy, and (3) sell it. There is a meeting with LCHIP tomorrow, and
89 there could be some major road blocks. It may be that the town has the property
90 to manage forever.

91 Tyson stated that he would like the board to look at a settlement letter between
92 the Planning Board and Cal Dunn that would allow us to get some money and a
93 promise from Mr. Dunn of no further excavation activity.

94
95 Pursuant to RSA 91-A:2 Ib, there was a motion by the Chair, seconded by Alice,
96 to adjourn the meeting at 8:45 p.m. to go into a non-meeting session to review a
97 settlement letter regarding an ongoing legal matter. Motion passed. The Chair
98 recused himself from this non-meeting, and Tyson replaced him as acting Chair.

99
100 Motion by the acting Chair, seconded by Chris, to reconvene the meeting at 9:05
101 p.m. Motion passed unanimously. Tyson appointed Seth to replace Art, and he
102 appointed Joshua to replace Christopher.

103
104 Motion by the acting Chair, seconded by Seth, that the agreement presented to
105 the board between the Planning Board, the Town of Canterbury and Cal Dunn,
106 Jr., be approved, and that we direct the Chair to sign the document on behalf of
107 the board. Motion passed by a vote of 5-1.

108
109 Motion to adjourn at 9:15 p.m.

110
111 Nancy Lilly, Secretary

112
113 Next meeting: June 14, 2011, 7:00 p.m., The Meeting House.