

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

September 27, 2011

The Chair called the meeting to order at 7:00 p.m.

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

BOARD MEMBERS ABSENT: Chris Blair.

Draft minutes of September 13, 2011. Christopher moved the minutes, seconded by Tyson. Motion by Tyson, seconded by Christopher, to amend the minutes. In the sentence starting on Line 56 Phil's name should be replaced by Roger's and Tyson's names. Motion to amend passed unanimously. The minutes as amended were passed unanimously.

Discussion of the Aquifer Protection Ordinance. Tyson commented that the Planning Board had invited various organizations in town to comment on the proposed legislation. It was noted that Ken Stern from the Conservation Commission and Wayne Mann from the Agricultural Commission were present for this discussion. Tyson commented that there will be two public hearings before the ordinance goes to the town for ratification. He reminded board members that Ken had sent each of them a letter expressing the importance of protecting the groundwater in Canterbury and his thoughts about the ordinance. Ken stated that he feels a decision should be made to have this ordinance follow tax map lot lines. Start with the blue areas and overlay them on the tax maps, then draw a line on the property boundaries so you don't get into an argument about what is in the zone and what is out of the zone. Make the lines definite. He believes it would reduce the level of controversy.

Tyson noted that Matt Monahan suggested the following scenario if there were a disputed boundary: Town zoning would indicate where it is, the applicant disputes it and hires a professional to define the boundary, the board can either go with what the applicant's professional says or hire their own to confirm or deny the location of the boundary. From there it might go to court, but it probably would be resolved.

40 Art commented that the idea behind developing this ordinance is that, by adopting it, we
41 would have a little more control. The Chair said he leans toward using the property
42 lines. If you use property lines, you can still have someone dispute it. Art wondered
43 what we know that has been proposed and accepted. People have had to accept the
44 Zoning Ordinance. We have wetlands around the whole state with ordinances and
45 people seem to accept them. Other than the zoning and the wetlands, there are always
46 going to be gray areas. We know we have aquifer areas within the town. Our object
47 would be to develop an ordinance to get some measure of control as to what happens
48 in those areas.

50 Wayne stated that he has a 155-acre parcel that is bisected by this zone. Who is going
51 to walk that land to show him where the aquifer is located? He agrees that it should be
52 the town; it shouldn't be up to the property owner. Tyson commented that if there is a
53 question about a property line, the property owner should come to the planning board.
54 Someone is going to have to spend money to show where the aquifer is. Christopher
55 stated that he doesn't think it is right that the property owner has to pay.

57 There followed considerable discussion, including who would be responsible for any
58 expenses that might be incurred if there were a disputed boundary line. The Chair
59 commented that he believes that the instances in which a boundary is going to become
60 an issue are going to be so remote and infrequent, we are probably worrying about it
61 too much.

63 Tyson distributed a draft Section 17.17, Aquifer and Groundwater Protection District
64 Overlay Map Boundary Dispute Resolution, to be included in the ordinance. (Later
65 correctly numbered 17.18.)

67 Art commented that everything goes back to the information that Ken showed us in the
68 USGS map. Someone has established something. He doesn't think the board needs to
69 reinvent the wheel. He is more concerned about what can or cannot take place in a
70 certain location. Ken noted that we are all in an aquifer because we get our water from
71 a well. The places where he thinks this should have some bearing are Mr. Dunn's
72 property on 106, the town industrial zone at Exit 18, the gas station at Exit 18. Exit 17 is
73 also industrial. Those would be the areas of concern where you might get potential
74 development. As far as contamination around town, the best thing is to have a
75 household hazardous waste collection, but it is very expensive. We did it once or twice,
76 and it is something that he thinks we should have.

78 Tyson asked Wayne if the Agricultural Commission had any comments. Wayne noted
79 that Section 17.9K exempts forestry field equipment from refueling. What about farm

equipment when his tractor runs out of fuel and he is using it out in his fields? Tyson noted that the board needs to find out what the SPCC says. The Chair said he would try to come up with a better understanding of Article 17.9K. It was noted that Shaker Village is shown as an aquifer, but it is not in that category because they have transient populations. Tyson commented that he tried to modify the map, but only the state can do that. There will eventually be a circle around the town. He suggested leaving the ordinance the way it is and incorporating Article 17.18. The board has accepted this map with the lot overlay and the addition of Article 17.8. Joshua commented that there needs to be a reference to the map in the ordinance.

Discussion of the Planning Board Rules of Procedure and Bylaws. Alice reported on some of the suggested changes that have been made in reviewing these bylaws. She will continue to review them and report at the board's next work meeting.

Discussion of a regulation to confirm the delegation of certain duties to the road agent by the board. (RSA 236:13 and 14, Excavations and Driveways. Joshua stated that he didn't get to complete this for tonight's meeting. He will have something at the next work meeting.

Review of sign ordinance. The Chair stated that, because Chris wasn't present for tonight's meeting, this agenda item will be taken up at the next work meeting. Joshua reported that the NH Supreme Court has upheld a lower court decision regarding Concord signs that mimic movement.

Other business. Doug reported that he went to a conference on the green building code that is coming out in 2012. It addresses some sustainable zoning issues. He has a draft copy on a CD if anyone is interested. He believes they are meeting in November to vote on the final version of the code.

Tyson reported that the selectmen are looking for a new owner or renter for the sod farm (Intervale Farm).

He reported that the new assessments in town have gone out.

Motion by the Chair, seconded by Alice, to adjourn the meeting at 8:45 p.m. Motion passed unanimously.

Nancy Lilly, Secretary

Next meeting: October 11, 2011, 7:00 p.m., The Meeting House.