

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

October 25, 2011

The Chair called the meeting to order at 7:00 p.m. It was determined that a quorum was present.

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

BOARD MEMBERS ABSENT: Christopher Evans and Alice Veenstra.

Draft minutes of September 27, 2011. Motion by Doug, seconded by Art, to approve the minutes as presented. Motion passed unanimously.

Recent legislative changes. The Chair noted that Mark Stevens, a licensed land surveyor from Canterbury, was present to give the board members a brief update about some recent legislation that was passed. Mark noted that there are three laws that took effect this last summer, and he thought the planning board should be aware of them.

One has to do with the restoration of involuntarily merged lots (RSA 674:39-aa). This law undoes the involuntary merger ordinance that Canterbury adopted last year, and it requires the planning board to publish a notice in a public place no later than January 1, 2012, indicating that these merged lots can be "unmerged" if requested by the owner prior to December 31, 2016. This notice will remain posted in a public place through December 31, 2016, and will also be published in the 2011 through 2015 annual reports. Tyson presented a draft of a proposed change to Article 4 of the Zoning Ordinance regarding merging non-conforming lots. It would have to come before at least one public hearing. He also presented a draft of Section XV, an addition to the subdivision regulations covering the restoration of involuntarily merged Lots. This will also require a public hearing.

Mark then referred to legislation regarding the location of cemeteries (RSA 289.3). He noted that Canterbury really doesn't have an ordinance. There are cited setbacks, but they may not be 25 feet. This new ordinance requires a setback around cemeteries and prohibits building and excavating near a cemetery or private graveyard. The board may want to consider the 25-foot requirement.

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42 The third legislative change was the addition of a paragraph under 676.4, Board's
43 Procedures on Plats, that reads: " For those proposals in which any structure or
44 proposed building site will be within 500 feet of the top of the bank of any lake, pond,
45 river, or stream, the planning board shall also notify the department of environmental
46 services by first class mail at the same time that notice is provided to abutters, cost to
47 be paid in advance by the applicant consistent with subparagraph (d)(1). The sole
48 purpose of notification to the department shall be to provide information to the
49 department for dam hazard classification. This requirement shall not confer upon the
50 department the status of an abutter. Failure by the municipality to notify the department
51 shall not be considered a defect of notice." Mark noted that this notification to DES
52 would be the responsibility of the planning board. Seth stated that he will research this
53 piece of legislation to see what prompted it.

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55 Further discussion of the Aquifer Protection Ordinance. Tyson presented a new draft of
56 Section 17.18, the Aquifer and Groundwater Protection District Overlay Map Boundary
57 Dispute Resolution. Joshua went over a number of questions/concerns that he had
58 concerning the ordinance. The Chair stated that he has reached a dead end regarding
59 Section 17.9K and the reference to section 5141.2. Seth said he will contact the
60 Department of Agriculture to see if he can get further information.

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62 Further discussion of the Planning Board Rules of Procedure and Bylaws. The Chair
63 commented that, since Alice is not present tonight, this item will be held over to the next
64 board meeting.

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66 Further discussion to confirm the delegation of certain duties to the road agent by the
67 board. Joshua handed out a document referencing the existing RSA 236:13, V. It also
68 included a draft amendment and the Town of Hudson's regulations. Tyson commented
69 that the law says the responsibility goes to the planning board. In most towns the board
70 passes the responsibility along to the road agent, but we don't have any document on
71 record that gives this authority. The board will always have the responsibility to pass it
72 to the road agent. If you have an issue with how the road agent is handling the permits,
73 you have to go to the selectmen. He doesn't think the selectmen would like the road
74 agent to report to two people.

75
76 Art commented that the board should give the road agent the power to do what he does.
77 We should give him the standards that we wish him to incorporate when he reviews a
78 driveway permit request. The Chair stated that the only question is whether we need to
79 incorporate something into the regulations. Tyson wondered where a regulation would
80 go. Art wondered why we can't just write a letter to the selectmen. The Chair stated

that it doesn't belong in the site plan or subdivision regulations. It is not a permit; it is strictly related to taxation. Seth suggested that, since we are going to have a hearing on the other changes, why not include this change, something vested through the selectmen to the road agent? Tyson stated that he would put something together.

Review of sign ordinance. Chris reported that he has talked to Bob Steenson, and Bob is concerned as a landowner in Canterbury about the possibility of unusual signs, such as electronic and digital signs. Bob was going to give him examples of reasonable ordinances. The Chair commented that no one should have a commercial sign unless they have been in for site plan review. Art stated that our ordinance should say no electronic signs and no pedestal signs in excess of 12 feet. Chris commented that he will put something together and have suggested wording for the Zoning Ordinance at the next meeting.

Other business. Tyson noted that, in order to sell Intervale Farm, the selectmen have to come before the planning board and the conservation commission for advice. The board members felt that the two boards should meet together with the selectmen rather than individually.

The Chair reported on a piece of property on Hancock Road that is bank owned. It is situated on a very long Class VI road with a waiver. The road is barely drivable. It is the poster child for what not to do on a Class VI road. We approved an upgrade, but we didn't have a mechanism to require ongoing maintenance. We need to re-visit whether we are going to allow building on Class VI roads. We need to take a further step and require posting of a bond or letter of credit. He has recommended that the selectmen look into this.

Motion by Art, seconded by Chris, to adjourn the meeting at 9:05 p.m. Motion passed unanimously.

Nancy Lilly, Secretary

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