

MINUTES OF THE MEEETING
OF THE
CANTERBURY PLANNING BOARD

January 10, 2012

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; Christopher Evans, Doug McCallum, Chris Blair, Alice Veenstra, Joshua Gordon, and Tyson Miller, Selectman Representative.

BOARD MEMBERS ABSENT: Seth Cohn.

Draft minutes of December 13, 2011. Motion by Christopher, seconded by Doug, to approve the minutes. Motion passed unanimously.

Pre-application conceptual consultation with Luke Mahoney regarding Brookford Farms' plans to change the existing buildings on Intervale Farm and to build two new buildings. Jill McCullough and Mark Stevens from the Agricultural Commission were present, as was Tim Meeh, an interested resident. The Chair noted that site plan review is triggered when you are either changing your use or increasing your use by 500 square feet or 10%, whichever is more restrictive. We are here today to talk just generally about Luke's plans. It is not a public hearing, so we can't make decisions, but we can determine whether site plan review is required. We have to decide whether or not the change in use requires site plan review.

The Chair then read from RSA 674:32-b that talks about existing agricultural uses. It basically says that any agricultural use which exists pursuant to RSA 674:32-a may without restriction be expanded, altered to meet changing technology or markets, or changed to another agricultural use, as set forth in RSA 21:34-a, so long as any such expansion, alteration, or change complies with all federal and state laws, regulations and rules, including best management practices adopted by the commissioner of agriculture, markets and food, subject to certain limitations. The Chair then read those limitations to the meeting. He believes that the RSAs indicate that the State is willing to give agriculture a little more laxity than other uses.

Luke noted that in order to be approved for a building permit the board needed to see some sort of plan to see whether he needs site plan review. He then drew a plan of

41 what they would like to do on the property. There are certain things in the project that
42 need to happen immediately because their lease is up as of April 1. They need to be
43 able to move their business so that they can carry it on and their income stays the
44 same. There are certain things that will happen next summer and other things in 15 or
45 20 years. He then went on to explain what they would like to do with the various
46 buildings on the property and what they would like to put up. The new barn that has
47 been put up is the workshop or garage. Within the next 2-1/2 or 3 months they would
48 like to divide the big barn into one-third and two-thirds, and most of the work would be
49 done in the smaller space for the next two months. There will be a milking parlor with
50 floor drains that go into settling tanks. This all needs to happen within the next three
51 months in order to get the cows moved in April. That is Plan A. We can put the cows
52 up on a hill with portable fencing until the barn is ready. The next step involves some
53 expansion of buildings. He indicated the building where he and his family would be
54 living, and he asked if that is a change of use. Tyson responded that it is not a change
55 of use, as the previous family was living there.

56
57 Luke then went on to explain some structural changes they will be making, such as
58 pouring an apron on the south side of the big barn and opening up the wall. That plan
59 actually spills over into another building, so they would need to have a table where they
60 could grab bales with a tractor or by hand. They might just set up the bales by hand.
61 There would be a feeding table for the dairy cows and the heifers. That would be the
62 new building they are proposing. That is Plan B. In the long run they would also like to
63 have a pig barn. How long this all takes he doesn't know. He just wanted the board to
64 be thinking about all this. He showed where in ten years he would like to have a pole
65 barn that you can drive into in order to fix things. They would like to grow grain. They
66 want to have that area as far back as possible to keep the rodents away. He indicated
67 where, long run, they would like to have their house and possibly a bakery.

68
69 The Chair commented that the first thing that comes to his mind is that, at some point in
70 time, we should have a site plan review public hearing. It doesn't have to be a big deal.
71 Doug questioned why this needs site plan review. The Chair responded that it may be
72 because of the expansion that is triggered in site plan review. A 10% expansion should
73 require site plan review. Doug said that that seems pretty excessive. The Chair
74 commented that the board has the ability to waive it if we want. He told Luke that it
75 would be good to get as much as possible into a site plan review even if he didn't ever
76 do all of it. He can get approval for it.

77
78 Art stated that we should take into consideration that there are conservation easements,
79 and Luke needs to go to the Forest Society for each building he builds. That means
80 there is another agency that is keeping track of things. At some point in time he would

81 have to produce a plan of this whole property. Because of the high profile of this piece
82 of property, we would serve people best to have something on record. There are a lot
83 of things in site plan review that can be waived. Approvals have to be done down the
84 road, and he would need to present a plan. He could mark things that are for the
85 future, and it would save him from coming back for all sorts of approvals. Tyson stated
86 that he doesn't feel that he needs site plan to check on what the Forest Society is
87 already checking.

88
89 Doug questioned why the board should micro-manage a farm. He disagrees, and until
90 there is some violation of the setbacks or some issue that requires our attention, he
91 doesn't see why we want to do it. The Chair responded that the purpose of site plan
92 review is to give abutters a chance to weigh in exactly on what is coming to town. Is
93 there a question about public safety, lighting, appearance from the road, etc.? Those
94 are all valid reasons for the planning board to get involved. Doug commented that the
95 nature of a farm is that you are constantly building buildings and moving things along.
96 It is a work in process.

97
98 Art stated that, because of the high profile of this project, we would be best serving
99 everyone if we had a plan that shows the piece of property with the easements in place,
100 the existing buildings, and the proposed buildings. Any number of things can be waived
101 by the board.

102
103 Christopher commented that he wouldn't say that our consideration for site plan review
104 would have anything to do with the profile of the property or with other agencies. That is
105 up to Mr. Mahoney to take care of if he feels it is necessary. He doesn't think we should
106 make this decision for him. That is between the other agencies and Luke. Art noted
107 that the other agencies may require something more in-depth. Christopher commented
108 that other interests should not influence our decision. It is up to Mr. Mahoney.

109
110 Luke reported that they have an architect now. He didn't get the property surveyed, but
111 he has walked it with a rolling ruler. Joshua stated that he would like to see something
112 that isn't an engineered plan but has rough dimensions without having to go to the
113 expense of hiring someone. Art commented that, because of the activity that is
114 proposed, he believes this warrants an overall plan that shows the scale, the size of the
115 buildings, parking, etc. Luke said he would like to have that himself.

116
117 Tyson commented that Luke may want his house in a different location next year. He
118 would have to go to the Forest Society. The use is grandfathered. Joshua stated that a
119 plan takes away all of the misunderstandings someone might have. That is the

120 advantage of having a relatively accurate plan. The Chair asked Luke whether a plan
121 would be a benefit for him. Luke responded that he would like a plan for many reasons.

122
123 Doug stated that he is not sure that a signed plan is necessary for an initial move-in. He
124 doesn't think this is a significant change in use. He can't do something that covers 15
125 or 20 years. Christopher said he agreed with that. The latitude that is given in site plan
126 review for agriculture is there for good reason. Tyson asked if anyone sees anything
127 that might turn Luke down. Chris mentioned a retail store and the Chair mentioned a
128 farm stand. The Chair said that RSA 21:34-a describes a farm stand as follows: "A farm
129 roadside stand shall remain an agricultural operation and not be considered
130 commercial, provided that at least 35 percent of the product sales in dollar volume is
131 attributable to products produced on the farm or farms of the stand owner." Our Zoning
132 Ordinance describes a farm stand as a structure from which agricultural, horticultural, or
133 silvicultural products are offered for sale.

134
135 The Chair asked if any of the members of the Agricultural Committee had any questions
136 or comments. Jill stated that it looks as if Luke is going to have some hoops to jump
137 through. It is beneficial for him to hear what the board is concerned about so that he
138 can occasionally update them. Mark noted that Wayne Mann's term on the committee
139 is up. He said it strikes him that Luke will have a lot more building needs. Those kinds
140 of things weren't mentioned. Luke responded the bulk tank will be in their processing
141 area, and there is the possibility of silos. Mark added that he has a little concern about
142 the board setting examples. Make sure that you are treating everyone the same way.

143
144 The Chair commented that the board got into a lot of detail for a conceptual
145 consultation. He stated that he has Luke's application for a building permit. He needs
146 to know whether Luke has to go through site plan review. The changes that Luke
147 mentioned would not trigger site plan review. It is his view that it would not be onerous
148 for Luke to have site plan review for this project. There is enough construction and
149 expansion that it is warranted, and the RSA doesn't prohibit Luke from doing that.
150 He thinks it can be done in a way that Luke could come in with a plan showing the
151 proposed buildings and a possible time frame for building them. He could have a whole
152 stack of requests for waivers that the board could vote on, have a hearing, and have the
153 public and abutters weigh in. Then Luke would have an approved plan and it would
154 benefit the town. Joshua commented that he doesn't want Luke to have to hire
155 someone to draw up a plan.

156
157 Luke stated that he is concerned about having to do more work. If it is necessary, he
158 will do what he feels he must do to have an idea where the buildings should go. Art told
159 him that if he does decide to expand the buildings, he must show physically where the

easement is. Luke responded that he is being policed by the Forest Society. Canterbury is no longer the holder of the easement. It is none of the board's business. Chris wondered why, if it is within the envelope, the board would care about it. The Chair responded that that is the board's job under the regulation.

Motion by Christopher, seconded by Tyson, that we do not require site plan review for Mr. Mahoney's project. The Chair commented that what we should be voting on is what needs to go through site plan review. Art suggested saying that site plan review would not be required on some of the proposals that have gone around the room tonight. This is a large enough expansion to require memorialization. At some point in time somebody is going to want to look over that property. Tyson noted that Luke can't put up a building until it passes through the Forest Society. Chris said he thinks there is no site plan review based on Plan A. The Chair stated he can't issue a building permit until there is a plan. Tyson noted that Luke put up 20 years' worth of construction. Asking him to come in for site plan review is foolish. Art stated that Plan A takes an existing building and modifies it. Chris wondered why the board has to make any decisions. We don't need site plan review now. Christopher withdrew his previous motion, and Tyson withdrew his second.

Alice suggested that, between now and April 1, Luke gets moved in and gets settled and modifies the existing structure. Then if there is talk about a new barn, he may need site plan review. Luke stated that, if all goes really well, they would like to have a series of barns done. Tyson suggested to Luke that, once the Forest Society passes on a plan, they could give it to him. Come to us when they have approved it. The Chair noted that the Forest Society is working together with NRCS. He told Luke that they will do his drawing for him. Luke said he will keep following the track he is on and come in to the next meeting when the Forest Society plan is available. The Chair stated that, unless someone thinks the board should require site plan review for Plan A, we are done.

Clarification of Groundwater Protection language. Tyson reported that the other two selectmen are concerned about how much of an enforcement obligation this ordinance is going to put on the town. He then reviewed various changes to the ordinance, and he asked the board if they wanted to approve these changes. Motion by Alice, seconded by Chris, to accept Tyson's proposed changes to the Groundwater Protection Ordinance. Motion passed unanimously.

Final review of proposed ordinances and regulation. There was nothing further to be reviewed.

200 UPWP Special Project idea – Kimball Pond Road. Doug handed out a picture and a
201 description of what the traffic problem is at the intersection of Kimball Pond Road and
202 Morrill Road. It is a very hazardous intersection. The Central NH Regional Planning
203 Committee is offering us a service that it offers to towns under its Unified Planning Work
204 Program. He is asking the Board of Selectmen to request some funding and assistance
205 from CNHRPC under this program to provide analysis of possible solutions to get this
206 dangerous intersection corrected. The Chair suggested that Doug talk to the road agent
207 about this, as this is not the first time it has come up. There was a study some years
208 ago. Doug commented that it could be re-graded so cars don't go off that side of the
209 road. He believes it is funded. If the board wants money, he could talk to the planning
210 commission and come up with a proposal for that. He wanted to make sure that the
211 board is in agreement. The board indicated that this is a good idea. Tyson stated that
212 the planning board should also make a request.

213
214 Other business. The state DOT is providing a training program for road agents. There
215 is going to be a requirement in the future that all road projects that are funded by the
216 state are covered by something from the selectmen saying that the road agent has
217 taken this training program.

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219 Motion by Christopher, seconded by Art, to adjourn the meeting at 9:30 p.m. Motion
220 passed unanimously.

221
222 Nancy Lilly, Secretary

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224 Next meeting: January 24, 2012, 7:00 p.m., The Meeting House.

225 **PUBLIC HEARINGS ON TWO PROPOSED CHANGES TO THE**
226 **ZONING ORDINANCE AND A PROPOSED CHANGE TO THE**
227 **SUBDIVISION REGULATIONS.**