

1 MINUTES OF THE MEETING
2 OF THE
3 CANTERBURY PLANNING BOARD
4

5 January 24, 2012
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7 The Chair called the meeting to order at 7:00 p.m. Joshua was appointed to take the
8 place of Doug McCallum. It was determined that a quorum was present.
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10 BOARD MEMBERS PRESENT: Jim Snyder, Chair; Art Rose, Vice Chair;
11 Christopher Evans, Chris Blair, Alice Veenstra, Joshua Gordon, and Tyson Miller,
12 Selectman Representative.
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14 BOARD MEMBERS ABSENT: Doug McCallum and Seth Cohn.
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16 Draft minutes of January 10, 2012. Motion by Christopher, seconded by Chris, to
17 approve the minutes. Christopher, seconded by Joshua, moved to amend the minutes
18 by deleting the sentence beginning on Line 107 and replacing it to read: "Christopher
19 commented that other interests should not influence our decision." The amendment
20 was passed unanimously, and the minutes as amended were passed unanimously.
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22 The Chair referred to the two zoning amendments and the new section for the
23 subdivision regulations that are being heard tonight. With regard to the two zoning
24 amendments, at the end of tonight's hearings we will likely vote whether or not to move
25 them ahead and have them placed on the ballot for town meeting. If we vote to move
26 them ahead, that means that the public can vote as to whether or not they can become
27 part of our Zoning Ordinance. The addition to the subdivision regulations doesn't go to
28 a town vote. If it is passed tonight, it just becomes part of the subdivision regulations.
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30 Public Meeting #3: Add to the Zoning Ordinance a new Article 17, Groundwater
31 Protection. Tyson explained that the UMLAC advisory committee, working together
32 with the Central NHRPC, came up with a listing of items that this town and other towns
33 may be behind on regulations. There are four items. Of those four the one we should
34 be protecting is the aquifer along the Merrimack River and the public watershed
35 protection areas. There are two parts of the ordinance. One part applies only to the
36 attached map. The actual electronic version can be expanded to see individual lots.
37 We have no influence on the protection areas. The state handles those. This particular
38 ordinance does not apply to residences. It does apply to a home business that works
39 with regulated substances. In general, it requires certain handling in the usage of those
40 substances. The board struggled with some of the requirements that we were given,

41 and we have lightened up on a few. If someone has a complaint or an issue with the
42 way a farmer is handling an operation, you can refer it to us, and we will refer it to the
43 Commissioner of Agriculture. Not all of the rules are required for every farmer, as all
44 farms are different.

45
46 As far as hazardous waste is concerned, residences are excluded, the thought being
47 that it is difficult to handle hazardous waste in our own homes. We do require care
48 when it comes to commercial operations. We raised the limit on gas being stored to
49 40 gallons to make it less restrictive. It only applies to gas and fuel oils.

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51 Why do this in Canterbury right now? The state said to come up with a plan before
52 there is an issue. The biggest impact is going to be in our commercial zone. It would
53 be difficult to put in another gas pump at Exit 18. Current activities are all
54 grandfathered.

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56 The Chair noted that we can make minor changes to this document tonight and vote on
57 it without having a second hearing. If we make substantive changes, we would have to
58 hold a second hearing. There being no further discussion among the board members,
59 he opened the hearing to the nine public members in attendance.

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61 Wayne Mann referred to Article 17.6A where it refers to the Manual of Best
62 Management Practices for Agriculture in New Hampshire, June 2011. It states that any
63 subsequent revisions to this manual may be substituted for this edition upon review and
64 formal vote of the Planning Board in a public meeting. Tyson commented that this
65 came up because two of the selectmen were concerned about taking on future
66 regulations. The Chair commented that it does seem a little odd that we are willing to
67 say as amended from time to time for an RSA and not for Best Management Practices.
68 Tyson noted that the RSAs are forced upon us.

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70 Tyson commented that he doesn't want the board to acquiesce to future modifications.
71 Christopher said he agrees with that. It says that revisions may be substituted. Wayne
72 commented that Best Management Practices should stand on its own. Tyson noted that
73 the manual covers a lot of subjects other than what is stated in the article. Not all
74 complaints have to be referred. Wayne went over the list of Best Management
75 Practices. It does cover things that could be in the aquifer other than manure. Chris
76 commented that changing some of the wording makes things clearer. It was agreed to
77 re-write Article 17.6A using the changes that have been suggested.

Wayne asked the board how they are going to enforce this article. There is mention of a code enforcement officer. The Chair responded that this gives them a framework to deal with complaints. There are not going to be groundwater police visiting various operations, but if someone calls the town office with a concern, then the town has a framework to know what to do about it. Wayne wondered what would happen if someone wants to put in a gas station at Exit 18. Does that preclude this? Art responded that it gives this board a little more control over what can happen. There really isn't any control other than what the state mandates. The Chair added that someone could always try to get a variance.

Mark Stevens commented on parts of Article 17.6A-H. Article 17.6C states that where regulated substances are stored they must be inspected weekly by the facility owner. Is facility owner too restrictive? Why can't it be a plant manager or an employee? Why does it have to be the facility owner? Does it have to be weekly? He is not saying that it shouldn't be done. The Chair responded that, in his view, it is worrying too much. We say that it has to be inspected weekly. It isn't a presumption that says this shouldn't be done. They are just saying that this is what is required. There is active and passive enforcement. He doesn't see any of this as being something where they will go out and actively look for problems. Christopher suggested the wording "be inspected weekly by the physical owner or designee." It is always regulated by the manual.

Mark then referred to 17.6A that specifies that farmers have to use Best Management Practices for Agriculture. What have you gained by having A? You already have a statute in place.

Craig Pullen commented that you are trying to prevent spills in certain areas of town. It is just as important to prevent spills outside the aquifer area as within it. He said he will certainly dispute where the line is. There have to be state regulations that are already in place. Having a town ordinance opens you up to a major headache. His gut feeling is that this whole thing is overkill. Tyson commented that the Conservation Commission was concerned that this wasn't covered enough. Craig responded that, if you are going to need an ordinance to prevent spillage on commercial properties, it should be the whole town. Tyson said he thinks it should be regulated all over town. Craig responded that he sees a map line going through his property and he doesn't even know where it is located. That is his personal feeling. Tyson stated that the state is fairly sure of where that line is, and that line does move. Chris asked Craig if it is his feeling that, if we are already sufficiently protected by the state, this regulation isn't necessary. Craig responded that that is his feeling.

Fred Norton questioned what a pollutant is. It isn't defined in the "Purpose" section. When you talk about hazardous materials, not all hazardous materials are created equal. You don't define the limit of the hazardous materials that you are talking about. There are certain threshold limits before something becomes hazardous. Tyson commented that they are talking about liquid substances. Fred is saying any liquid items under 17.11. The Chair said his view is that it is fine as it stands.

Motion by Alice, seconded by Chris, that this article, as amended in minor ways tonight, be placed on the warrant at town meeting for approval or non-approval of the voters. The Chair noted that a "yes" vote moves this to the town vote at town meeting; a "no" vote takes it off the table unless we decide to consider it again. The motion was passed by a vote of 6-1, Christopher being the one "no" vote.

Public Meeting #1: Replace current Article 2.6 (SIGNS) of the Zoning Ordinance and replace it with a new Article 2.6. The Chair commented that what has been adopted here by the selectmen and the code enforcement officer is sort of a reactive policy. We don't go out and enforce it. Some people think we should. Motion by Christopher, seconded by Joshua, to put the Sign Ordinance on the warrant for town meeting. Motion passed unanimously.

Public Meeting #2: Add to the Subdivision Regulations a new Section IX C, Highway Protection and Control Regulations. The Chair explained that, if we vote yes on this tonight, we come out with a new version of the subdivision regulations that include this article. It doesn't have to go to town meeting. Motion by Christopher, seconded by Chris, to adopt and add to the subdivision regulations a new Section IX C, Highway Protection and Control Regulations. There was no discussion. Motion passed unanimously.

Tyson distributed a handout of the items that will be on the ballot.

Other business. Jim read a statement clarifying the role of the Planning Board in site plan review, particularly as it relates to agricultural uses.

Motion by Christopher, seconded by Chris, to adjourn the meeting at 8:30 p.m. Motion passed unanimously.

Nancy Lilly, Secretary

Next meeting: February 14, 2012, 7:00 p.m., The Meeting House.