

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

April 10, 2012

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

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

BOARD MEMBERS ABSENT: Seth Cohn.

The Chair postponed the election of a Chair and a Vice Chair to near the end of the meeting unless someone has a problem doing that.

Draft minutes of March 18, 2012. Motion by Joshua, seconded by Doug, to approve the minutes. Motion passed unanimously.

Review of a Notice of Lot Merger application presented by Luke J. Smith and Elaine J. Smith. (RSA 674:39-a) Luke Smith was present for this agenda item.

The Chair read to the board the entire section regarding voluntary merger. He stated that the law requires the board to sign the notice, and there is really no discussion necessary. He mentioned to Luke the importance of the record holders' names being identical on both parcels. Luke assured him that they are the same. The notice was then signed by the board members present.

The Chair, as building inspector, went on to explain that Luke applied for a building permit on this set of merged lots. In reviewing Luke's application he noted that the building meets the state setback of 50 feet, but it doesn't meet the town's setback of 75 feet from a great pond. He told Luke that he couldn't issue a building permit without a variance. He also told Luke that the Planning Board has no role in this matter.

Luke explained that in 2002 he bought the lot at 56 Shore Drive, and it is assessed at \$75,000. Because of the ledge on the lot, there wasn't enough room to put in a septic system and a well with the right dimensions. He has been paying \$1500 a year in taxes on this lot for 10 years. He had a surveyor, a septic engineer, come in, and they looked to see if he could buy an abutting property belonging to the town. With that abutting lot he could join those two lots. He met with Frank Tupper and Mike Capone, and the lot

41 was assessed by the town. They told him that they were reviewing their policy, and
42 they couldn't give him an answer that night. He has a copy of the minutes of that
43 meeting. By the following February they did notify him. In the meantime they went
44 ahead and sold the lot to someone else, so he didn't have an option for an abutting lot.
45 He found a neighbor who had a lot across the street. The value of the first lot went from
46 \$7000 to \$9000 and they paid taxes for 10 years so as not to lose that other lot. The
47 engineer said they could use a lot across the street at #57 for the septic system and put
48 the house at #56 Canterbury Shore Drive which is a better lot.

49
50 When he moved to Canterbury in 1973 you could buy a lot for about \$5000. He started
51 buying lots. He took out a trailer that had a cesspool and well within 50 feet, and he
52 took the trailer to the dump. He worked on several other parcels on Blue Boar Lane.
53 After this misconception by Mike Capone and Frank Tupper, he should be able to
54 merge these two lots. Anybody who knows him knows that he has worked on drainage
55 at Sherwood Forest and has also used his own tractor to work on the roads.

56
57 The Chair noted that the two things that Luke wants are to merge the lots and get a
58 building permit. The board can merge the lots. On the building permit, if this board had
59 a way to help, he expects that they would do it. If none of those pan out, he would
60 suggest that Luke should appeal. He told Luke he would still have the same setback
61 problem. It was 75' then and it is 75' now. The only board that can help him is the
62 Zoning Board of Adjustment. This sounds like a case that meets the requirements to
63 satisfy a variance.

64
65 The Chair told Luke that there are two things that need to go in his file before a building
66 permit is issued. One thing is a letter from the association saying that he pays dues.
67 The other thing is something that says the association gave permission to put a pipe
68 under the road.

69
70 Joshua noted that the Notice of Lot Merger, signed by the Planning Board, is to be filed
71 in the Registry of Deeds and a copy mailed to the municipality's assessing officials.

72
73 Pre-application conceptual consultation with Eric Sanborn regarding a 60" x 30" sign he
74 would like to erect on business property owned by Lord & Sanborn at 156 West Road
75 (Tax Map 251, Lot 005). Eric Sanborn was present for this agenda item.

76
77 The Chair noted that this is the old train station building. The previous owner was a
78 REMAX realtor. The current owner is an investment company. There is not a big
79 difference between a real estate business and an investment company. He asked Mr.
80 Sanborn if he had been able to locate a previous site plan review, and Mr. Sanborn

81 responded that he had not been able to locate it. The Chair commented that the site
82 plan is in the town office. The question is whether a sign was discussed in that previous
83 site plan review. If it had been discussed and approved at that time, the board probably
84 would have said that there would be no problem with the sign tonight.

85
86 Joshua asked if there has been a sign there all these years. Mr. Sanborn responded
87 that the only sign was inside the building when you walked in the front door. There was
88 a huge real estate sign on the road for five years trying to sell it.

89
90 The Chair commented that the proposed sign is slightly larger than the 10 square feet
91 allowed in the Zoning Ordinance. If they take out the negative space, they would be
92 less than the 10 square foot maximum. The sign person could figure it out. This board
93 doesn't have any discretion about the size of the sign. It is either less than 10 square
94 feet or he has to go to the Zoning Board. He believes Mr. Sanborn could reduce that
95 size to less than 10 square feet. The use is the same.

96
97 The Chair told Mr. Sanborn that the board cannot make any decisions at a conceptual
98 consultation. We cannot vote on things. We can only hear what your interests are and
99 try to help you in the process. The only decision we can make is whether or not you
100 have to go for site plan review. He is thinking that a real estate business and an
101 investment business are pretty much alike. He can't see any reason to require
102 Mr. Sanborn to go for site plan review. Art suggested that Mr. Sanborn tweak the sign
103 so that it is less than 10 square feet. Tyson agreed that there is no need for site plan
104 review. Mr. Sanborn repeated that, as long as he keeps the sign under 10 square feet,
105 he doesn't have to come in for site plan review. The Chair stated that that is correct, but
106 if he wants to make it bigger, he can go before the ZBA.

107
108 Election of a Chair and a Vice Chair. Jim called for Chair nominations. Tyson
109 nominated Jim, seconded by Doug. Jim nominated Chris, seconded by Tyson.
110 By a unanimous ballot vote, Jim was elected as Chair.

111
112 The Chair then called for nominations of a Vice Chair. Jim nominated Art, seconded by
113 Joshua. Jim nominated Doug, seconded by Alice. By a unanimous ballot vote, Art was
114 elected as Vice Chair.

115
116 Other business. Tyson reported that the State is probably going for a Park'n'Ride at
117 Exit 18. They are just protecting the area where people are already parking.

118
119 Tyson reported that they are waiting for the judge's verdict in the Dunn matter.

121 Tyson reported that there is a discretionary easement on the golf course that has run its
122 course. The question is whether or not to renew it.

123

124 Motion by Christopher, seconded by Art, to adjourn the meeting at 7:45 p.m. Motion
125 passed unanimously.

126

127 Nancy Lilly, Secretary

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129 Next meeting: April 24, 2012, 7:00 p.m., The Meeting House.