

MINUTES OF THE MEETING  
OF THE  
CANTERBURY PLANNING BOARD

FEBRUARY 5, 2013

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; Doug McCallum, Alice Veenstra, and Tyson Miller, Selectman Representative.

BOARD MEMBERS ABSENT: Seth Cohn, Joshua Gordon

OTHER PARTIES PRESENT: Kent Ruesswick, cemetery trustee, and Chris Moultroup, Unitil Forestry Division.

**Draft minutes of January 22, 2013.** Doug McCallum moved the minutes, seconded by Tyson Miller. Alice Veenstra made a motion to amend the minutes on page 3, line 99 to change the wording from "mixed breed" to "people of mixed race." The Board voted on her motion, it was unanimous and the minutes were then approved unanimously.

**Public Hearing regarding cemetery burial site setback clause.** Jim opened with a Motion to Approve Amendment to Zoning Ordinance to Incorporate Article 5.2b.8. Tyson asked if it is an amendment or an adoption. Jim said it's amending the zoning ordinance. Doug said it can be amended from time to time and is an amendment. All agreed and Tyson seconded the Motion. Kent Ruesswick thanked the Board for holding the hearing. No other discussion on the motion. The Board voted and unanimously approved the motion. All members signed the Amendment and Tyson would deliver it to Ben Bynum.

**Chris Moultroup from Unitil Service Corp re: tree cutting on Hackleboro Road.** Jim stated he thought Unitil typically brings a letter to these meetings outlining the project. Chris did not bring one as he was not requested to. Chris explained that Unitil is replacing six poles on Hackleboro Road (nos. 5, 8, 10, 31, 32, 38) and there are five old, condemned trees that need replacing. All trees have been marked.

Hackleboro Road is a scenic road and subject to RSA Ch. 231:158. Jim read aloud portions of the RSA (I and II). He asked Chris how many trees are greater than 15" in

41 circumference and Chris stated all five are and there is also some small brush. The  
42 largest tree being 18-21" in circumference. Jim asked the Board if someone should be  
43 sent out to look at them.

44  
45 Tyson questioned why the trees are being cut now. Chris stated the new poles are five  
46 feet taller which means the wires are higher and trees could rest on the new wires, and  
47 some are dying.

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49 Art and Jim had a concern if all trees were within a right of way (ROW) or if Unitil  
50 needed additional consent of any landowners. Chris said he thought basically all of  
51 them were on private property but he has consent of all abutters and they are all fine  
52 with it. Art strongly suggested Unitil get written permission from landowners for trees  
53 outside the right of way, for their own protection. Chris stated he has spoken with all  
54 landowners and has discussed if any of them want the trees cut up to keep for their own  
55 use or not. Art explained the utility company has an easement within that ROW to  
56 maintain their lines. Chris stated it is a very gray area. They have the right to maintain  
57 their equipment and they try to work with the people the best they can.

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59 Art would vote to pass this without going out to look at the trees. Jim agreed and stated  
60 if it was 100 trees they would go out and look at them first. Chris stated the trees  
61 wouldn't be cut until the following week so if they wanted to go look they could.

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63 Jim made a Motion Pursuant to RSA 231:158 That the Board Gives Written Permission  
64 for the Cutting of Trees to Maintain and Replace the Poles on Hackleboro Road During  
65 the Winter of 2013 as Described at the February 5<sup>th</sup> Meeting. Jim asked Chris if he had  
66 a designation for this project, a number. Chris had 36300. Jim asked if we could email  
67 him the letter and Chris agreed. Chris gave the Board the mailer they send out to  
68 residents before the tree cutting. Jim reminded the Board there was a motion on the  
69 floor to vote on. Tyson seconded the motion. Discussion on the motion: Art stated he  
70 was on board with the motion except he would like the letter worded carefully so they  
71 don't give permission for Unitil to cut trees on private property. Jim suggested adding  
72 language to the letter to give permission to cut, but any trees outside the ROW Unitil  
73 should have the permission of the landowner. All agreed. No other discussion. Vote  
74 on the motion was unanimous.

75  
76 Chris had one additional question as to whether the ordinance related to trimming brush  
77 as well, or just trees. Tyson: trees and wall. Chris confirmed that they could trim  
78 Hackleboro as long as there's no hazard trees without coming to the planning board?  
79 Jim confirm that as long as they are not cutting anything over 15" in circumference at  
80 chest height. Tyson added: or damaging stone walls, and that this wasn't a Town

ordinance, it is a State RSA relating to scenic roads. The other scenic roads are Baptist Hill and Clough Pond.

**Other Business.** Luke Mahoney submitted his Site Plan Review application. The Board has typically acted on whether or not the application is complete at the public hearing and Jim is inclined to continue with that procedure. It will be scheduled for public hearing on February 26, 2013.

Conceptual consultations: Jim did extensive research on preconceptual consultations, it is not time sensitive and it will be addressed at next meeting. After speaking with the lawyers at the LGC Jim is convinced that our procedure is awkward and incorrect and we need to do something about it, otherwise we'll have a lot more site plan hearings than needed. If we state a site plan review regulation we can't waive that threshold without having a public hearing. There are other things we can do, but we'll discuss that next time. Tyson asked if we have a threshold. Jim said yes, 500 square feet or 10%. Jim said some of that authority can be delegated without having a site plan.

Jim stated that Luke's application meets the threshold and he needs the site plan review.

Art asked because we have the threshold, we focus on that, if it doesn't meet it, it is automatic for review? Jim said we can change the threshold. There is leeway on agricultural things. The lawyer said we can designate a committee (building inspector and fire chief) to make decisions if something could be done without site plan review as long as it met public safety and building code. (In the case of agriculture) Tyson asked if the way we have been giving people advice is ok. Jim stated yes.

Lori stated Luke did not include waivers and if she should remind him to bring them. Jim said it wouldn't hurt to remind him that if he needs waivers from any of the site plan review regulations it would save time if he prepared them prior to the meeting so we wouldn't have to wait.

Motion to Adjourn by Art, seconded by Doug. Motion passed unanimously, meeting ended at 7:30 p.m.

Lori Venie, Secretary

**Next meeting: February 26, 2013, 7:00 p.m., The Meeting House.**