

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

July 23, 2013

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

BOARD MEMBERS PRESENT: Art Rose, Chair, Jim Snyder, Vice-Chair, Doug McCallum, Alice Veenstra, and Tyson Miller, BOS Representative

BOARD MEMBERS ABSENT: Seth Cohn, Chris Blair, Joshua Gordon

OTHER PARTIES PRESENT: Jonathan Carowdes for T.F. Bernier, Barry Berube, and Roberta Bailey

Draft Minutes of July 9th: Jim made a motion to accept and approve the minutes of July 9, 2013, seconded by Alice. A vote was held to approve the minutes, it was passed unanimously.

Preconceptual Consultation for Berube: Barry Berube presented a picture board outlining the type of carriages/items he stores in this particular barn. Nothing in this building is for sale, it is a private collection. No business is conducted in this building. This is his hobby. He recently bought a carriage that is over 9 feet tall and the doorway to the barn is only 8 feet. He collects appointments going with carriages i.e. top hats, coats, driving whips. He also collects royal livery items from England and Sweden. He would like to build a 30x30 addition to the existing barn. There is plenty of room for setbacks. The property is right across from the town landing. He'd like to buy more carriages as he is always looking.

Jim stated that as building inspector, his concern was if a business was being run out of this particular barn and Barry stated 110% no. Jim clarified that Barry does run a carriage business. Barry said he does not sell out of the house, but confirmed he does run a business. Jim stated if Barry runs a carriage business and is building a building to store carriages, Jim did not want to be the one to make the decision as to whether the barn is business related or personal use. Jim explained that the only item on the floor is if the Board is satisfied that this is not related to the business, and if it could be considered residential storage if it is not part of the business. Barry stated this project is not related to his business. Jim stated it could be considered residential storage. At a previous meeting, both Barry and Roberta said they were not running any business at

41 that time, but Jim has a clear memory of them saying they do run a business. Roberts
42 thinks Jim was in error there. Roberta stated she was a teacher with Jim's wife. Jim
43 reiterated he has a clear memory of them saying they don't run a business there. Doug
44 asked what the zoning was there. Jim was going to look it up. Roberta asked if Jim's
45 wife runs a business at his house and Jim confirmed. Barry said the addition is so
46 specific to his collection that he had to design a truss to accommodate this addition.
47 Alice asked where the carriages are being sold. Barry has no carriages for sale and if
48 we look at his website, there are no carriages there. He sells the harnesses, driving
49 whips, ladies hat, but he does not sell carriages because it is too hard to move them.
50 Barry stated he is an accountant during the day. He goes to one annual show in
51 Vermont as a vendor to provide scratch money for his hobby. Jim stated it is rural on
52 Barry's side of the road and agricultural on the other. Doug stated he may need a
53 special exception to run a home business, even though it is an online business. Jim
54 said there is a lot of gray area. Barry stated no customers come to the house. Doug
55 also stated he would say just to build a barn in that zoning who cares what he puts in
56 the barn as long as it's not explosive and he's not selling, adding traffic etc. Jim said it
57 also needs to meet the definition for residential use. Barry said Jim told him on the
58 phone that if it is for personal storage then it's exempt. Jim confirmed.

59 Art stated it's a preconceptual consultation which gives them an opportunity to come to
60 the Board with no vote taking, non-binding. Even though it may be personal storage,
61 because you run a business at that location there is always a question whether it's an
62 expansion of the business, which is what prompted Jim to recommend coming to the
63 Board. As the Planning Board we answer to people of the town and neighbors, and we
64 need to follow the proper process to eliminate any confusion. Based on what he's
65 hearing, Art feels this particular building is storage. Barry confirmed once again that it
66 will never hold carriages for sale, it is his personal building to hold his collection.

67 Jim said we can't be voting at a preconceptual consultation, so if any board member
68 speaks up to say they feel uncomfortable and feels it may be storage for his business
69 the we should be saying he needs to come for site plan review. If he's on the record in
70 the minutes saying this particular structure does not and will never have anything to do
71 with his business then he thinks we're done. Alice felt it is very clear it is personal and
72 not business. Doug had no problem. Art feels based on what was presented; Barry
73 does not have to come in for site plan review. Barry thanked the Board and invited
74 anyone to come over to see his collection. Art also reminded Barry and Roberta that if
75 they did do something based on the existing business, to expand upon the business,
76 that would prompt them to come in for site plan review. Barry stated that if he had a
77 carriage for sale, he's not putting it in his own personal barn. Art noted that Barry
78 probably wouldn't jump at the opportunity to come for site plan review but reminded him

that it can be quite painless. It's about the Board being responsible for land development in Town and giving neighbors an opportunity to see what you're doing.

Preconceptual Consultation by T.F. Bernier for Mourning Dove Holdings:

Art reviewed the idea of a preconceptual consultation. Jonathan started by telling the Board that the property is located in the far northeastern corner of 106 near Rocky Pond. Alice asked north of Shaker Road? Jonathan stated yes. She asked how far from the Shell station. Jonathan wasn't sure, he just got assigned to this project. Jim was familiar with the area. It abuts Ames Road almost in Gilmanton. Jim asked if it was the Bowles property, Jonathan said a portion of it was. Art said Bowles had come in years ago and cut that piece off. It is right across the street from Cal Dunn.

This is a 30.6 acre lot and they are looking to possibly subdivide it to two lots roughly 18 acres and 12.5 acres. Art asked if they were to subdivide where shown would you still be able to get a state approved driveway on the 18 acre piece. Jonathan believes so but they haven't fully looked into that as yet. Art explained reviewing the site plan review regulations, subdivision regulations, and reading through them to try to obtain the necessary documents. Art recommended doing a subdivision first and site plan review secondly for the lot building on. Alice asked why not do them concurrently. Art said one has to come before the other so we're not looking at the 30 acre site. Jonathan will have to establish a separate site plan to show the other lot. It can all be part of the same hearing, notifying abutters only once. Art stated if possible he should be able to tell us the status of any permits needed from the state i.e. driveway permits and he would want to be telling us they have a permit for the 18 acre piece. Alice stated one of the things we did was pass an ordinance on an aquifer protection. This parcel being that close to the river, with gasoline and oil would raise questions at the hearing. Tyson suggested he review regulations due to fuel oil and be sure they follow best agricultural practices. Jonathan stated they already have NRCS involved with a soil conservation plan and a nutrient management plan.

Jonathan asked if we wanted to discuss the site plan. Art stated Jonathan could ask questions but we can't get into the merits of the plan. Jim stated that Jonathan called him earlier identifying that he needs a special exception for this as an automobile sales business. Jim stated the Board would want the special exception before coming to the Board for a hearing. Jonathan showed the site plan review and gave a very brief explanation of the layout. Alice showed Jonathan the aquifer map to locate the lot in question to give Jonathan an idea if it will be an issue for them regarding hazardous materials. Art asked if this is a mom and pop type dealer. Jonathan said he believes so. Art said special considerations need to be considered for runoff, septic systems and things like that. Jonathan said there are going to be some wetland impacts and they

were considering runoff in a pond or something like that. Jim said he believes Jonathan can get a more accurate read where the line is from the Central NH Regional Planning Commission. He referred Jonathan to page 106 of the Zoning Ordinance. Jonathan had no further questions, he just needed feedback. Alice referred him to Article 17 in the Zoning. Jonathan said they will have to go through zoning first. The surrounding area was discussed as far as residential use or commercial use. Art said the piece that lot was carved out of there was a site plan review for a larger residential development on an abutting lot. At some point that may happen. The AOT ran out and that owner has to start from square one now. It looked to be a viable development. Art stated to be aware of us looking at storm water, lighting, noise, traffic, signs, those types of things. Traffic shouldn't be a huge concern due to coming off a major thoroughfare. He suggested Jonathan become familiar with the signage ordinance. Jonathan hasn't added up impacts to see if it triggers AOT, but that could be a deal breaker. Jim asked if they will be altering within 250' of river. Jonathan wasn't sure. Jim said its 250 for ponds. Alice said it looks like they are not. The lot is on the left and the river is on the right with 314 foot area between that. The river across 106 dips way down, he should be fine there. Jonathan said assuming no AOT and no shore land, it could go forward. Art said that area is a little sensitive with the State because the piece across the street didn't file for an AOT permit. Art summed it up with zoning first, subdivision and site plan back to back. Art reviewed the procedure of submitting application and timelines. Jonathan confirmed that the site plan and subdivision could be submitted together for the same meeting. Art confirmed. Jonathan asked if we need a driveway permit in hand for the hearing, Art said it would be good.

Other Business

The Board reviewed mail and signed necessary documents.

Unitil tree cutting. The selectmen would like any tree cutting tightly supervised. Jim attested to the tightness of the new policy. Their new policy is ground to sky 10 feet away from pole, which is a severe cut. It still looks ok but there are places that we want protected. Unitil will be scheduled to come to the Board on August 13th. Art believed Tyson will be monitoring the marking of trees with ribbon.

Art said something was brought before Zoning Board last week on Foster Road. We may see something come in from them. Alice said they are building a retreat center, trails and a church in the woods.

Jim made a motion to adjourn, seconded by Doug. Motion was voted on and approved.

158 Meeting adjourned at 7:55

159 Lori Venie, Secretary

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161 **Next meeting: Tuesday, August 13, 2013 at 7:00 p.m.**