

MINUTES OF THE MEETING  
OF THE  
CANTERBURY PLANNING BOARD

October 22, 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, Joshua Gordon, Doug McCallum, Alice Veenstra, and Tyson Miller, BOS Representative

BOARD MEMBERS ABSENT: Seth Cohn, Chris Blair

OTHER PARTIES PRESENT: Tim Bernier from T.F. Bernier; Jane Cohen, Edward and Linda Schmid. Greg Meeh, Tim Meeh.

**Draft Minutes of August 13, 2013:** Jim Snyder made a motion to accept and approve the minutes of August 13, 2013, seconded by Alice Veenstra. Tyson stated that at line 72 he thought he stated "does on the scenic roads, the selectmen on others". He wanted the language changed to reflect "others on town property". He could not recall if that is exactly what he said so rather than amend the minutes, Tyson will notify the Board that the minutes will not be amended, but he was referring to town property. A vote was taken to approve the draft minutes and the vote was unanimous.

**Pre-Application Conceptual Consultation for Mourning Dove Holdings, LLC by Tim Bernier. Tax/Map # 210/8, 8.1 and 8.2:** Tim Bernier presented the proposed project on 106 Ames Road and Harmony Lane. 295 acres total. Alice asked if while driving north, is it on right or left. Tim said left. The Town line runs along Suncook River. He brought Edward and Linda Schmid, and Jane Cohen, an RV consultant. They are looking to put in a seasonal RV resort. They are proposing 299 sites more or less. The lower left portion is zoned commercial 39 acres, 48 acres are in resources reserved natural zone, and the remainder of 240 +/- is in the rural district. They will need to go for special exception with the Zoning Board and a public water supply through DES. In the commercial zone they may possibly do a convenience store and check-in area. They are not sure the convenience store will happen. It could give the operator a winter job, but are investigating the feasibility of that.

There would be a centrally located recreational facility with a pool, water park, upscale facility, and playgrounds. They are considering excavating a pond in the lower portion of the land. There is just under four miles of walking trails. Jane researched and

learned that the number one activity of campers is hiking. Tim is looking for feedback on the resource natural zone. By special exception recreational activities are permitted. They thought about tennis courts, walking trails, a pool, and pavilion which are all possibilities. They are considering a low intensity access to rocky pond accessed by trails, not Harmony Lane, with the possibility of kayak rentals as well.

From an engineering standpoint, the issue of leach fields needs to be addressed. A lot of parks use waste water treatment facilities with some sort of aeration system to pretreat the effluent. The soils in the lower zone are better for that since they are downhill from the project. It is an environmentally better spot to do it.

**Discussion:** Tyson asked if they saw Bowles previous work and reminded Tim that the Board was concerned about a fire water cistern, and two exits if there were to be a forest fire. Tim said the old Harmony Lane access road was listed as a second means of egress, which is a good idea since the Suncook River is nearby. The fire protection aspect would be addressed as well. The park will be closed during the winter and not plowed. Tyson asked about a turnaround area for fire trucks. Tim said RV's are bigger than ever and if that can be turned around on these roads, a fire truck can be too. Art asked about a seasonal area for seasonal campers. Jane stated there will be a mix of weekenders, vacationers for a week, or some seasonal campers as well. Joshua stated Gunstock leaves trailers all year round even though not plowed. Tim said the seasonal people will leave them all winter. Jane added if they've signed up for next season, they will leave them but have no access. The speed limit in the park would be 5 m.p.h

The issue of paving vs gravel was discussed in relation to permitting and run-off. Tim said the infrastructure costs will be high since they are completely designing it from the beginning.

Police and fire needs were discussed. Jane said the park itself would have a staff with night rangers on duty that roam the property monitoring quiet hours etc. They are not police, but rangers. Impact on police and fire is very low.

This campground is geared more towards families. The 55 and over age range is 61% of the camping community. The campground would be closed during winter months, so there will be no winter activities.

Jim mentioned any other approvals in addition to the Planning Board. There is also an "all other outdoor commercial recreational facilities". Jim talked about activities in the natural resource zone, i.e. the water park and swimming pool, if they are in the rural zone may need their own special exceptions under the table of uses. Jim wanted to be sure they get everything in there. Secondly, he asked if they identified whether they need any other State permits that you would need other than alteration of terrain. Tim stated that there will be some septic and well, public water supply, and internal road

permits. Jim asked if some of the land is covered by the ground water protection map. Lastly, one of the things that was important to the Planning Board when a previous project was proposed for this land, was protecting a piece of the land, which may have been the rectangle area. Art said it was 80 acres. Jim would like Tim and the owners to consider that the conservation easement may be totally compatible with what they want to do. Jim, personally, would like to not see that aspect completely go away. Tim said they would certainly look into that

Mr. Therrien is an abutter on 3 sides of 65 acres of the parcel, and is also speaking for Mr. Cass who is an abutter, stated he has a conservation easement on the property with the Department of Environmental Services and the Fire Conservation Trust. His question is whether or not they would allow people to use ATV's while staying on the property. Tim said seasonal people love golf carts, but didn't think there were plans for ATV's. Jane confirmed it's pretty uncommon to allow ATV's in campgrounds. Mr. Therrien stated he has managed his land for over 30 years, it is unposted, and is concerned that a lot of people will be in an area wandering around, and they could go on his property. He doesn't mind this project as long as they follow the rules. He has no plans to post the land but has a concern also that he spent a lot of money fixing up Ames Road, which is discontinued, and people will use the road, just driving around, which is not a problem, but – it's more and more use. He wants to be a good neighbor and he expects other people to as well. Mr. Schmid also owns conservation property, and he shared his concerns and provides public access, hunting, and snow mobiles too, but it is posted against ATV's. He met with all the abutters and asked them to alert them to vandalism or misuse of the property. Mr. & Mrs. Schmid are looking to build a quality campground for people who love the outdoors. Tim confirmed that there will be managers of the campground and they would be on board to protect surrounding property. Tim said Ames Road he viewed as a beautiful walking road. Mr. Therrien said there is a timber sale going on with a professional forester, and marked timber they are harvesting. They have a logger who is a registered certified logger, so he looks at that as being a positive and showing concern for the land.

Tim asked generally how the board feels about the project. Tyson said he doesn't see any red flags yet. Jim said it's not appropriate to say if we like it but it seems to fit in the table of uses. Art said it will generate revenue to the Town. Art told Tim that moving forward he should think about trash, impact on, not necessarily police, but fire, ambulance, and possible regional impacts to Loudon and Belmont. Jim asked timeline. Tim said he hopes to be in front of ZBA in 30 days. Alice asked about a construction timeline and Tim said next summer, as soon as possible. Art reminded him of the procedures to look for and follow.

The Board discussed possible regional impact and at what point it would be determined.

**Review of site plan application for completion for Shaker Road, LLC, Map 225-6.**

Joshua recused himself from this matter. Tyson asked if we determine the application is complete, then when do we decide if it has regional impact? Art stated this is a review of the application for completeness only. If it meets all requirements, it is complete, if it has not met all requirements, then it is sent back to the applicant to fulfill all requirements, and resubmitted for consideration. If the Board feels that something needs zoning approval then yes, it would be part of this review. If the Board feels this has regional impact that will be discussed as well.

Art introduced the agenda item. Art stated there was an approved site plan previously for an operation. Apparently, that operation is being proposed to change and they are submitting their site plan for a change in use.

The maps and documents, to include the addendum to the application and letter outlining waiver requests to the Planning Board, were passed around for review by the Board. Jim read the letter aloud. Jim described the addendum which outlined the Zoning Board's (ZB) conditions for approval of a special exception. Art stated the Board should note there were conditions placed on the ZB's approval and at the public hearing we would listen to and act on those then. Tyson asked if responses to those are part of the application. Art stated no, they are discussed at a public hearing. Jim said if they had not yet been to ZB, and we looked at this application, they would need to have something from the ZB. They went to ZB requesting special exception and it was granted, but in the absence of that, if the Board was looking at the Zoning Ordinance and questioning how it fits into the Table of Uses, there are only two places it could fit for a special exception, churches or educational facilities, or, nursing homes or convalescent facilities. If they had come to us first, we would have said they need a variance. They were granted the special exception, but Jim is not sure the special exception is enough. Jim thinks if they went to get a variance, he thinks they would get that too because of the interplay of why they got the special exception. This is important to the Planning Board because if someone else comes to the Board later and wants to put something similar up somewhere else in Town, then all they would need is a special exception, not a variance. Alice asked if a variance is a lower standard, Jim and Art stated yes. Art said if we act on the application it's almost like a chicken before the egg situation. Part of the completion is getting what they need from the ZB. Jim said whether the use is allowed by special exception is the question. The ZB allowed the special exception and nobody appealed it. Tim Meeh spoke up and said they got the special exception, it was appealed, but the appeal is on hold. Greg said they have an appeal, he has a request for re-hearing and both are on hold until there is resolution at the Planning Board. There is a list of conditions and there is a verbal agreement on an unfinalized list of conditions. Neighbors and 367 Shaker Road folks agreed that once the conditions are agreed to, they will be attached to the site plan. Jim didn't

155 realize they appealed it. Greg said they requested a re-hearing. Jim said that is the  
156 first step in an appeal. Greg said they have an appeal in, the neighbors have a request  
157 for a rehearing and he believes they have reserved a right to apply for a variance.

158 Art spoke to say they went to the ZBA, there was a vote, they were denied. They had  
159 a reconsideration meeting, they were granted their request with conditions. There is an  
160 appeal period after any decision by a Zoning Board or Planning Board, typically 30  
161 days. Jim confirmed 30 days. Art said once that's done, the decision by the Zoning  
162 Board is in limbo until that appeal is heard or dropped. A decision has to be made on  
163 any objection. This is in limbo. From the PB's standpoint, Art does not want the Board  
164 to review the application until the appeal period is over and objections have been  
165 resolved. Technically the application is not complete based on that. Greg Meeh said  
166 he may have unintentionally misled the Board. He clarified that they have filed the  
167 appeal but there is also an agreement between the parties to suspend both their actions  
168 until agreement on conditions and resolution of the Planning Board. Both parties have  
169 signed that they will drop their appeal and request. Art said basically it's a Mexican  
170 standoff and from the Planning Board's position, we are not going to accept an  
171 application unless it is coming to us clean. Art stated that if during the appeal period an  
172 objection is raised, it has to be resolved. Tyson asked how they can stop the appeal.  
173 Art said if nobody objects in the 30 day appeal period, then it is done. If there is an  
174 objection, it has to be heard and resolved.

175 Jim stated that regarding the special exception, since we do not have a ZBA  
176 representative here, we are on shaky ground, this is hearsay, so we should say there is  
177 a cloud and we're not sure where we stand with the ZBA. We can at least look at the  
178 application and say we still need this....this...this to give the application an idea of what  
179 the Board needs to accept it. And we need to decide if the special exception is enough  
180 or we need a variance.

181 Art opened the discussion by reminding the Board that they are discussing items that  
182 should be on the plan and whether the application is complete. The issue of regional  
183 impact was brought up. Art stated the property is on a town road, is an existing  
184 property, but from an impact point, he is unsure if it would have regional impact unless  
185 someone pointed it out to him. Jim agreed, he doesn't see regional impact. Jim stated  
186 that regional impact will also to be discussed at public hearing. Tyson disagreed, he  
187 thinks it is up to the Planning Board. Jim disagreed and said an abutter might raise a  
188 point that could change our mind. Tyson said someone could raise it and we could then  
189 agree and it becomes part of public hearing. Art said we could say in our review of  
190 application for completeness we have determined it does not meet regional impact  
191 threshold or not.

Jim asked if anyone thinks there is regional impact. The Board agreed they do not see anything that would affect regional impact and it was the Board's opinion that this project does not meet the threshold for regional impact at this point.

A copy of the plan was passed out to each board member. Art went thru the list of items required to be submitted with the application, which are found on pages 4-6 of the Site Plan Review Regulations.

All items were determined to be there except:

III.2.g. Show all easements – no easements were seen on the plan, please confirm that there are no easements on this property.

IV.1 Narrative description of the proposal to include its purpose, hours of operation, parking needs, lighting, employment figures, land use compatibility, aesthetics, school population projection, noise and traffic impacts. (although some of these items may be generally addressed in the documentation you provided, the Board needs a more detailed narrative)

IV.4 A plan of all buildings with their type, size and location (setbacks) and first floor finished elevation. (missing 1<sup>st</sup> floor elevations)

IV.6 A description of the parking needs including the location of off-street parking and loading spaces with a layout of the parking indicated. (parking lot shown on plan, but not number of spaces. The Board also needs you to identify their needs and what they are providing)

IV.7 A description of the location, size and design of proposed signs and other advertising to instructional devices. (no description of size or design was included)

IV.8. Description of the type and location of solid waste disposal facilities (need to outline disposal plan)

IV.9 A description of provisions for snow removal and disposal. (need to outline snow/storage removal plan)

IV 11, 12, and 13 Noise, traffic and lighting study – (needs to be address by waiver or study)

We can't have a public hearing until we have a completed application. The Board's mission was to discuss whether the application is complete and based on the items that are missing, the application is not complete.

Alice made a motion to determine that the application is incomplete. Doug seconded the motion.

**Discussion on the motion:** Alice wanted to clarify whether the Board makes a statement as to concerns about a variance not being completed. The Board felt it seemed clear that something is needed that was not obtained, but that would be discussed at public hearing, which cannot be held until the application is complete.

Jim read the definition of convalescence: 1. The gradual return to health and strength after illness; 2. The period needed for returning to health after an illness. If you consider alcohol abuse an illness, and most do, then maybe it does fall under convalescence. Others have made an argument to him that it means something very different. The Board felt it needed to know more about convalescent facilities to make a determination. The discussion ended and a vote was held on the motion.

The vote on the motion to determine that the application was incomplete was a unanimous decision. The application is incomplete. Lori will provide Nicole Duquette of T.F. Moran a list of missing items via email and will await resubmittal of those items.

**Other Business:**

Joshua rejoined the meeting.

Alice brought up the regional plan meetings email that Lori forwarded to the Board from the Central NH Regional Planning Commission who is working on a regional plan. They had an advisory meeting and have done outreach work and have wonderful data. Lori will put Alice on the next meeting agenda to discuss CEDS plan and regional plan. (CEDS = Comprehensive Economic Development Strategy).

Alice said one of the things that we as a town need to do is figure out if we have any projects for consideration by the CEDS plan. If you apply for an EDA grant, they cover infrastructure and large development projects, which are large dollar grants. In order to apply for the grants, you need to have the project in the CEDS plan. One of the things that comes up frequently is broadband with the number of consultants and small businesses in town. A website cannot be hosted on DSL. Alice will be added to the next agenda to discuss this in more detail.

Tyson wanted to discuss some developments in town. Some people in Town want to save Scarponi's barn. Scarponi's lot is for sale and there is consideration by the selectmen of purchasing that lot and turning it into a public/private cluster houses. The town is a little small and it would be nice to have a small walkable community there. In looking at the cluster development rules, it states the buildings are supposed to be 100 feet apart and we may want to consider changing that on a warrant issue, and maybe a few others. Art is going to walk the property with Tyson and Bob and connect him with the State's top developers for discussion.

261 Tyson – There was an RSA (Road Safety Analysis) for the intersection of Morrill Road  
262 and Kimball Pond Road and it was determined that we don't have a high enough  
263 accident rate. The suggestions were: 1. Bring up and widen the road; 2. Create a new  
264 road. There is a little road that goes down to the soccer field. That road could continue  
265 down to Morrill Road. The abutters would get more frontage and alleviate traffic. Or, 3.  
266 Another thought is to close the end of Morrill Road.

267 Art stated in order to make the intersection work at Morrill and Kimball, the property  
268 would have to be purchased from an abutter that has a couple of building lots, and this  
269 is on the hill side of the road. By giving up that property it would affect them  
270 detrimentally, so it makes sense to close the intersection if it could not be enhanced the  
271 way it should be. He would be a proponent to do a new road out by the school and the  
272 town already owns the majority of the property out there. It would be less impact than to  
273 purchase the other property. Even if they were able to buy the property from the  
274 property owner, it will not solve the problem. Land has to be purchased so when you  
275 come on to Morrill Road, you are at least a car length or more and at a 90 degree angle  
276 to Kimball, so quite a bit of property would need to be taken on that hill. The other thing  
277 that has to happen is that the opposite side of Kimball needs to be widened and shifted,  
278 which is where the Town owns property. The Town would need to give the State a  
279 slope easement so they could extend the slope out, take the top of the slope and move  
280 it over a couple feet, or widen the road. The telephone poles would move back. The  
281 slope easement would be shifted over, and the slope that is there now would be further  
282 back and dressed up. That would probably need a piece of guard rail. That is all on  
283 the State end of things. They said they would come back with scenarios for us to look  
284 at.

285 On the Hildreth property, the conservation people have an easement in the back. Any  
286 improvements to Morrill Road and Kimball Road intersection will require a minimum of a  
287 slope easement onto the Hildreth property. Art's understanding is that the Conservation  
288 Commission would like to take the property and give it to the Forest Society. If that  
289 happens, Morrill Road and Kimball Road will forever remain exactly the way they are,  
290 unless the Town has the ability to give the State a slope easement. Jim asked why this  
291 is a Planning Board issue. Tyson said the Selectmen are asking regarding future  
292 municipal planning which is at the beginning of the Planning Board's responsibilities.  
293 Tyson clarified that they want to put the field they bought, "Bob's Field," under  
294 conservation easement with the Forest Society. The Forest Society does not allow fill.  
295 Tyson suggested keeping a corridor along that road for all kinds of reasons and just  
296 keep it out of that easement. If you stand at the telephone pole at Kimball Pond Road,  
297 you would want to put fill to keep anything you pushed out, you want to have enough  
298 distance to put a slope easement and they do not want to allow that. The Selectmen  
299 voted to keep 30 feet reserved on that road out of the conservation easement. The



300 Selectmen would like the Planning Board to be on board with that 30 foot amount. The  
301 issue was discussed as far as development rights, contracts and easements. . Art said  
302 if you allow an easement along the road you have permanently handcuffed yourself.  
303 Tyson said this issue has to go to town meeting and the issue is the language of the  
304 easement with the Forest Society. The selectmen have a contract to discuss. Tyson  
305 prepared a handout and asked Art to pass it out to the Board members. Tyson stated  
306 the Selectmen have already acted on this, they said no, they want 30 feet rather than 15  
307 feet. Tyson suggest the Board craft a statement of their opinion, but the Board could  
308 not come to an agreement as to how many feet would be appropriate. At this point, the  
309 Board tabled the issue.

310 Driveway Permit: The Board reviewed the revised permit application from Jim Sawicki  
311 wherein he added the approved language and second signature block at the bottom of  
312 the application. The Board approved the final document and Lori will inform Jim he is  
313 able to use the new form from now on.

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

316 Meeting adjourned.

317 Lori Venie, Secretary  
318

319 **Next meeting: November 12, 2013**