

MINUTES OF THE MEETING  
OF THE  
CANTERBURY PLANNING BOARD

October 13, 2015

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, Vice-Chair, Tyson Miller, Kent Ruesswick, Alice Veenstra, George Glines (BOS Representative).

BOARD MEMBERS ABSENT: Art Rose, Joshua Gordon, Hillary Nelson, Tyson Miller, Chris Blair

OTHER PARTIES PRESENT: Stephen Blackmer, Mark Hopkins, Marina Green, Craig and Corinne Pullen, MaryAnn Winograd, Lois Scribner, Howard Moffet, John Schneider and Ken Stern.

Kent Ruesswick was invited to sit as an alternate for Chris Blair.

**Draft Minutes of October 13, 2015:** Kent made a motion to approve the minutes of October 13, 2015. Tyson seconded the motion.

Discussion: None

Vote to approve October 13, 2015 minutes: Unanimous.

**Pre-Application Conceptual Consultation for Craig and Corinne Pullen,  
Windswept Farm to discuss offering weddings at the farm:**

Corinne Pullen spoke to the Board to say they are an equestrian farm that is looking to diversify and offer wedding receptions at the farm. She and Craig's two daughters had weddings at the farm in 2008 and then again two months ago. The ceremonies were held in a separate place and then the reception was under a tent in the riding arena. They had a band at one and a DJ at the other. They are looking to start in 2017 by holding three weddings and eventually build up to two per month for a period of five months, totaling ten weddings per year. Weddings would be limited to 150-200 guests max and would be held between 4:00 pm and 11:00 pm. Parking would be in a pasture along the driveway that would be limited to 50 cars. The parking area is approximately 375' x 120'.

The Board and the Pullen's discussed how and where this project may fall into the Table of Uses. Jim informed them that there is some case law in NH already regarding weddings on farms. The State is very supportive of agriculture and recently added a clause to the definition of agritourism to expand the possible uses of a farm so they are more likely to stay viable. The Court case relating to a farm in Henniker was discussed. It went to Supreme Court where they determined weddings were not covered by agritourism. Craig spoke to say his understanding of the court case was agritourism was not included in the definition of agriculture as well. There was discussion about the need to amend a site plan for this type of use, the need for a variance, or the need for a special permit. The Board felt they should talk to the Selectmen to get a special permit.

Corinne said she spoke with other farms doing this type of thing in NH and two of them said they were advised to go to ZBA first to get the ok, then to the Planning Board.

In reviewing the Table of Uses, Jim said he feels they probably fit into the "All other Outdoor Commercial Recreational Facilities" which requires a special exception. Jim said that category leaves a lot of flexibility for interpretation by the ZBA.

The Board agreed their next step would be to go before the ZBA and if they are successful, come back to the Planning Board to amend their site plan.

#### **Public Hearing for Stephen Blackmer and Kelly Short, Foster Road, Church of the Woods:**

The Board reviewed documents provided by Steve Blackmer and prepared by Mark Hopkins.

Steve spoke to say the actual applicant is Kairos Earth who operates the church on this site and leases the land from Steve and Kelly. Church of the Woods is a church that focuses on being in nature. They've been there for one year and have been holding outdoor services. The request at this point is to build a shelter. They'd like to build a chapel and a very small barn for tools. The site was logged pretty heavily 8-9 years ago to the point where the Conservation Commission intervened. There is a conservation easement on the property. They are proposing to put the chapel and barn on the portion of land that is not included in the easement. There will be no further change to the site itself other than a chapel and barn.

Mark Hopkins spoke to explain the plan design. The building is a little over 900 feet from the road. It is approximately 180 feet from the nearest point of an abutter. Neither of the proposed buildings will be visible from anywhere other than on the property. There is no plan to change grades or elevations other than the minor improvements for the driveway at Foster Road. The Road bed is exactly the same as when it was logged. The buildings would be made out of wood. The chapel will be fully ADA compliant. It will sit on a knoll on piers with a plaster interior, slate roof and will provide shelter for the parishioners. No kitchen or restrooms are proposed. They do propose to put a

composting toilet in the barn, which is already approved by the ZBA. The barn would also have a covered porch where people would find a trail map for trails on the property.

The barn would hold equipment to maintain trails. The chapel would be heated by a woodstove and off grid solar panels, and would be insulated. No other use is planned for it, other than a shelter. The chapel would also have a covered porch. The parking area can handle 20 cars. The ZBA put a restriction of 25 cars and the applicants are perfectly happy with that. The ZBA conditioned that there was no parking on the road.

Jim said he would like to handle the waivers first and then general questions from the Board and abutters.

Jim felt the first two waivers (noise and lighting) could be combined. Kent made a motion that waivers one and two be grouped together and that we waive the noise and lighting study. Tyson seconded. Discussion: None. Vote: Unanimous, the waivers will be heard together.

John Schneider (abutter) asked the hours of operation. Steve said the Regular gathering time is 2:00-4:00 pm on Sunday. That could change but that is the plan for the future. He said at the most, an abutter would see a porch light. Marina Green (abutter) asked about the lighting to be sure there isn't going to be 24 hour lighting. Steve said their whole goal is to be out in the nature. Jim said it sounds like this will be nothing more than you would expect from a single family residence, which Steve confirmed.

Vote on waiver for noise and lighting study: Unanimous. Waiver granted.

A waiver was also requested for two foot topography and for an erosion and sediment plan. They will not be altering existing landforms, will have negligible impact on the existing natural topography, drainage, or vegetation, and will only affect about one-hundredth of one percent of the property.

George made a motion to grant waiver three. Kent seconded. Discussion: Kent didn't see a problem as long as things are remaining the same. Steve advised the Board that DES already permitted the culverts on the property. Jim Sawicki had thought it would be helpful to divert water coming down the driveway. Discussion from abutters: None. Vote: Unanimous. Waiver granted.

The Board began their discussion of the Site Plan in general: The Board reviewed the plan presented and discussed the location of abutters and the ability of fire trucks to access the property. There was a question of whether people would be spending the night at the property. Steve said they could have camp outs and sleep overs but nothing close to activity that would be similar to a residence. The line of site was approved by the Town and they went through the lighting issue with the ZBA.

Jim had a couple of concerns: He felt we need to hear from the fire department about how many people would be in the heated building and what the proposed egress is; and he's thinking there may be some state law that he's unaware of that governs occupancy in those type of buildings. He thinks the fire department would be more knowledgeable about that. He's not looking to slow them down, but feels we need to be careful. Mark said he's done a lot of work for the Episcopal Diocese and some of their smaller chapels and is familiar with the general character of what they need to do. This proposed chapel has 3 means of egress. The woodstove would be inspected and approved by the fire department before being operated. Kent asked how many people could fit in the building. Mark said a couple dozen. There won't be any fixed seating but there may be benches. There will be space for wheelchairs to turn around and move about.

There was discussion about the type of activities that would be happening on the property and the need to be specific about them. Steve was concerned about being too specific and risking a violation for something that is a normal type activity for this use. Steve said they are deliberately keeping it very small and simple, so they are deliberately designing for a low impact kind of use. Jim said the challenge for the Board is how to address that issue, and at the least feels it's normal to include hours of operation, which was discussed.

Jim opened the meeting to abutters.

MaryAnn Winograd asked if the building would be locked at night. Steve said yes.

John Schneider asked how many square feet for the two buildings combined. Mark said just under 1,000.

John was upset that at no point did the abutters ever get due process as to the location of the driveway. He said the minutes of the ZBA basically threw it over to the Planning Board. They never got Site Plan approval. Steve said they received an existing location with an existing driveway. Jim asked what the issue with the driveway is. John said the light coming from the driveway shines right into their windows on their faces. MaryAnne informed the Board that the ZBA said the applicant would do everything possible to address the screening issue for the individual who lives across the street, which is the Schneider's.

Steve really thought the lights hit the bank rather than the house. Steve said he informed John about everything they were doing all along and John has never once come and talked to him about it. Jim asked Steve if there was anything more that can be done to screen the light and there was discussion about possible ways to do that. John would like to see the driveway relocated. Jim asked John barring that, what he would like to see for screening. John said screening is a fine compromise with something that worked. Steve invited John to meet with him to discuss the best way to make that happen. John did not respond. Steve said nighttime use is expected to be pretty modest and six days out of seven days there's no traffic.

Jim said the most contentious issue here is between the applicant and the abutter, which is the driveway. Jim told John that whatever the Board decides, he has the right of appeal, but Jim also feels that this Board may have made the same decision to keep the existing driveway. Jim said as a matter of enforcement, if John feels not enough was done or proposed to be done, he notifies the Selectmen that they're not following the ZBA decision.

At this point Jim felt two things needed to be addressed as conditions: 1. The requirement of approval by the fire department on fire safety and occupancy of the building; 2. Whether we say we're approving something nebulous like "the activities normally associated with a small outdoor oriented church" so that if someone 20 years from now started doing something outrageous that wouldn't meet that definition, they couldn't challenge it. Or whether we list certain activities we're approving and try to cover as much included as they would do. Jim tends to lean toward the first option. Jim said we need to be careful not to trample their first amendment rights.

There was further discussion about both of those issues.

Howard Moffett was in there as a resident, but not an abutter and spoke only to say he is very impressed by the process we go through. The kinds of questions we're getting at and the attention we're giving to the abutters and trying to work it out with the applicant is great. He hopes when all is said and done, he hopes we get to a yes on this. This is a fairly innovative, small scale, environmentally friendly activity. Churches and the woods are important to him, recognizing the practical issues. He thinks this is an exciting and worthwhile thing and he hopes there's room for it in this community.

Ken Stern mentioned the Quaker Meeting house. He was at this table 10 years ago for that meeting and suggested that if we don't reach a decision tonight, he would encourage us to look at that approval process. There are, in town, quite a few home occupations that have significantly greater presence than this church will. He speaks in favor of it because he thinks it's a small and benign use. Jim said that all the things that make this project different is what makes him want to be careful. We had a pretty good idea what the Quakers would be doing. This is more innovative and we want to be careful with it.

Marina Green asked if the quiet time could be added in.

Tyson made a motion that we approve the site plan application with the following conditions:

1. The site plan accommodate the ZBA conditions attached in case #2013-4 Special Exception, on October 9, 2013; and
2. There be no significant noise generated by the operation; and
3. There be little or no outdoor lighting.

George seconded the motion.

Discussion: Alice would like to loosen up the lighting restrictions. Steve was uncomfortable with a prohibition of outdoor lighting, but felt very modest outdoor lighting is fine. For safety there may be reasons to have a light at the two buildings. Jim asked if the standard is dark sky lighting. Mark said yes.

Jim made a motion to amend the condition to say outdoor lighting to be limited to building mounted lights at entry ways and the solar pathway lights are all to be dark sky compliant. Kent seconded the motion. Discussion: None. Vote on amendment: unanimous.

Jim also moved that we amend the motion to include the condition that the fire department approves the occupancy and safety plan for the chapel. Alice seconded. Discussion: None. Vote: Unanimous.

Jim asked if we wanted to be more specific about what activities are allowed. There was discussion about related activities. The overall feel of the Board is to leave it.

Kent made a motion that there will be quiet time after 10:00 PM and before 7:00 AM. Alice seconded it. Discussion: None. Vote: Unanimous.

With all issues being addressed and discussions completed, the Board held a vote to approve the Site Plan with the following conditions:

1. The Site Plan accommodate the ZBA conditions attached in case #2013-4 Special Exception, on October 9, 2013;
2. Quiet time will be after 10:00 PM and before 7:00 AM;
3. Outdoor lighting to be limited to building mounted lights at entry ways and the solar pathway lights are all to be dark sky compliant; and
4. The fire department approves the occupancy and safety plan for the chapel.

Vote: Unanimous. Site Plan approved with conditions.

### **Other Business:**

We received a request from the Selectmen to comment on a request for a private road waiver on Old Gilmanton Road. The section has already been improved up to the area in question. The Board had no objections.

Tyson confirmed that CNHRPC will be coming back at our next meeting.

Kent made a motion to adjourn, seconded by George. Meeting adjourned at 9:15 p.m.

Lori Gabriella, Secretary

**Next meeting: November 10, 2015 7:00 p.m.**