

1 Planning Board Meeting

2 7pm, January 14, 2025, at the Meeting House

3 Members Present: Greg Meeh (Chair), Rich Marcou, Joshua Gordon, Kent Ruesswick (BOS
4 rep), John Schneider (Vice Chair), Megan Portnoy

5 Members Absent: Hillary Nelson (Alternate), Logan Snyder, Brendan O'Donnell (Alternate)

6 Others Present: Beth Blair, Scott Doherty, Rene Brooks, Evan Hauptman, Calvin Todd, Clifton
7 Matthew, Ward Peterson President of Sunset Fish and Game, Heidi Chaney, Terry Pfrimmer,
8 Brian Zikaras, Martin and Kathleen MyCoy, Matt Monahan (CNHRPC), Samuel R. Foisie, P.E.
9 Project Manager, Meridian Land Services, Inc., Keith Anastasy (applicant/owner), Mariette
10 Leahy, Tim McGibbon, Erol Duymazlar

11 Agenda

12 1. Call to Order

13 Greg Meeh (Chair) called the meeting to order at 7:01 PM.

14 2. 11/26/24 Previous Minutes

15 The minutes have been approved as corrected. Rich made the motion to accept as
16 amended and Kent seconded.

17 12/10/24 Previous Minutes

18 The Minutes have been approved as corrected. Joshua made the motion to accept as
19 amended and Rich seconded; Megan abstained.

20 12/23/24 Previous Minutes

21 Rich made a motion to accept, and Kent seconded; No discussion, minutes approved;
22 Megan abstained.

23 **3. Meridian Design Review**

24 Meridian has been before the board once prior with a conceptual consultation.
25 Greg gave a brief explanation of what a design review is. A design review is similar to a
26 conceptual consultation, except the applicant provides a more detailed plan. It is meant to
27 be a free flow of ideas, nothing binding that is said by either party. This is a conditional
28 use permit, which provides the board with flexibility to shape projects to promote or
29 enhance what the town has identified as desirable. Although the board's ability to grant
30 density bonus is limited to what is specified in the ordinance, the board has a great deal of
31 flexibility in balancing other requirements to promote a positive outcome. In specifying
32 requirements and finding a balance that works for the town, the board looks to the vision,
33 goals, and recommendation in our master plan as well as the words and intent in our
34 ordinances. The application has been reviewed by the town administration and CNRPC
35 staff.

36 This evening, we need to focus on the big picture because the applicant cannot
37 accurately provide many required details until we address the CUP issues that have been
38 discussed.

- 39 1. Allocation of Density Requirements
40 2. Percentage of Mixed Use
41 3. Design Standards
42 4. Energy Efficiency
43 5. Solar
44 6. ADUS
45 7. Highway Sound Mitigation

Our Town Administration reviewed this application and found missing or incorrect checklist items:

- a) Boundary lines and easements
- b) Right-of-way lines
- c) Street Names
- d) Zoning Districts
- e) Tax Block, parcel number, owners, owners address of abutting tract to be.
- f) subdivided.
- g) Proposed lot numbers and proposed street names
- h) Location/description of all monuments
- i) Certificate of seal of Engineer or Surveyor
- j) Flood Zone
- k) Existing soils delineation based on Soils Survey, Merrimack County
- l) Data Listing
- m) Length of Street
- n) Area of open space/conservation lands in acres
- o) Names of Abutters
- p) Zoning district boundaries

Added:

1. Show owners amenities areas, common and private, such as: garden plots, pet areas, parking, trash storage and removal, solar area, sports facility, etc.
2. Clarify that twenty-seven, d. is UNDISTURBED open space.
3. Show location and acreage of slopes over 15%.

69 Sam Foise started off his presentation wanting to clarify that Meridian had been before
70 the board once and submitted for a second conceptual but withdrew that application. This
71 application is a result of the towns Master Plan and specific items that refer to expanding the tax
72 base and supporting the mixed use is what this project is seeking to accomplish. The plan
73 encourages diversity of housing types, but more specifically geared towards a more affordable
74 type of housing which is why it is clustered together and has the commercial use component.

75 Additionally, the mixed-use component, exit eighteen is specifically mentioned for mixed
76 use in the towns Master Plan. Sam reiterated that the main objective that we needed to provide is
77 our determination of the percentage of density, how we do that and what is the interpretation of
78 the zoning board and how it relates to the density calculations.

79 Secondly, provide the board with a clear picture of where the open space relates to the
80 overall project and make sure that they are reading the standards of the cluster subdivision.
81 Thirdly, architectural designs that we believe the board wanted and lastly, commercial uses,
82 recognizing that not all commercial is going to be cohesive with residential use, more of a
83 concept plan of what could be put in the back and what could go in the front space.

84 Sam submitted a density interpretation letter. The residential and commercial cluster, with
85 the planning boards discretion, could be a mixture, since they are following the Master Plan, they
86 feel this would comply.

87 Article 6 cluster zoning regulations section 6.4 C establishes that the density or maximum
88 number of residential dwelling units permitted in a cluster neighborhood may not exceed the
89 density allowed under section 5.2 Density of the zoning ordinance except when a request for a
90 density incentive is approved by the planning board.

91 5.2 under minimum lots defines the density under subdivision to how he established
92 density, which reads in computing the minimum lot acreage required under this article, any
93 portion of the lot not suitable for building due to high water table or evidence of water or
94 wetlands shall not be included. Take the gross area of the parcel and minus out wetlands and then
95 you divide it by the minimum lot size, which is one, is how they established the density.

96 Moving on to the bonus determination and what bonuses they are applying, reference 6.6

97 A 2- Preservation and maintenance of five or more acres contiguous open fields. Sam
98 recommended the board go out and view and walk the site. The area where they are
99 putting the houses on is prime for development. Great soil depth, which is great for
100 septic. It overlooks the field that does have a shallow depth to water table which is why
101 those are wetlands, kind of wet meadow, which receives run off from the state right of
102 way which hydrates the low area, preserving more than 5 acres of field.

103 Sam moved on to Item #7, Use of Community Wells or Septic systems, with an
104 emphasis on community well(s) which are located in the middle, which is why we
105 established a bonus density of 15%. We did the math, and we ended up rounding to
106 thirty-seven. How does the board allocate the density? This was a question at the previous
107 conceptual, they believe it is allocated as one unit per acre and plan thirty-five residential
108 units and 2 commercial lots.

109 Sam claims that the ordinance has no definition of steep slopes, He is aware that
110 the new land regulations discuss unbuildable but feels this would not apply. Sam
111 discussed the slope and what he feels is best, but he will later identify the rate of slopes.
112 Some units will have potential for a walk-out basement due to the slope.

113 The commercial portion at the back is situated on a flat space, all of it is on
114 suitable development land. They are utilizing access to the back road to create a buffer.
115 Sam moved on to architecture with the typical colonial, which may require some
116 tweaking to fit on the condominium lot.

117 OpenSpace: Eighteen acres of open space, Sam stated that there is a provision
118 withing the zoning ordinance that allows for the planning board to grant acceptable uses
119 within the open space. Sam recognizes they still need to go to the conservation
120 committee. The green on the map is the open space 50.5% of the lot.

121 They are seeking to include the access road, pump house and the community well.
122 Public wells need to remain undisturbed with the exception of the pumphouse,
123 stormwater improvements and wetlands. Stormwater is a non-intrusive use and provides
124 benefits. This allows us to use more commercial space in the back.

125 An example of potential use of the Southern section: Boat and RV storage and cell
126 tower. Additionally, they plan a buffer from commercial traffic of a 6 ft tall berm,
127 landscaped with vegetation and an 8Ft fence. If commercial use is limited to appropriate
128 uses, the nuisance is limited. If you are moving in you are aware there is commercial use
129 behind.

130 They are seeking information on the density and open space so they can move
131 forward and provide a completed application. The end of Sam's presentation.

132
133 Density calculation: specifically for commercial use, the zoning ordinance is one
134 acre minimum, the board needs to determine if a commercial five acres is counted as one
135 acre. The Board is going to look into this more.

136 Mixed Use: The Master Plan mentions mixed use at exit eighteen 12 times in the
137 first 3 chapters. The ordinance states that the purpose of the commercial zone is: To
138 permit commercial and retail growth and development in those areas most convenient for
139 residents and visitors to meet the daily needs of the community. The board has the ability
140 to make a decision as to what is appropriate.

141 Sam asked for what commercial recommendations the board suggests. Members
142 responded with commercial uses would help the community. For example, food service,
143 elder daycare, child daycare, physical therapist, medical office, business office. Sam
144 responded that the storage unit is not definitive, the pad would remain until they find a
145 suitable use and they would take the boards approved commercial list and decide.

146 Meridian members asked for some direction in percentage, as to how much
147 commercial percentage is permitted. There seems to be demand for residential and they
148 would like to fit the vision the town has.

149 Meridian asked how you define density based on your regulations. Greg, it is per
150 unit, so there are some areas where it may not be clear, for example, a storage facility, is
151 each space counted as a unit or is whole thing 1 unit. This is a conditional use permit; the
152 board has a lot of flexibility to obtain a positive outcome. Meridian stated that it is an
153 easy adjustment to make the front mixed use, we can adjust but would like the board to
154 determine what the maximum allowed density is. Sam's interpretation is thirty-seven.

155 The board decided they needed to talk to the town council, get the real numbers
156 on wetlands, steep slopes and whether to exclude them or not before this could be
157 answered. Sam responded that wetlands have been surveyed at 5.09 acres. The Board

would like to look at 50% commercial use. Even though residential condo units have a small physical footprint, they are still counted as one unit.

Energy Efficiency: Being an energy efficient community is a goal of our master plan. Errol responded that the houses would be energy star efficient. Greg requested they consider some type of solar as it would be looked on favorably by the board. Errol said they are also interested in energy conservation, with the storage facility with solar on the roof.

ADU: The board is concerned about the overall number of units and the impact on the town. Sam will look into this more. But he understands no ADUS would be allowed.

Design Criteria: Master Plan and Zoning Ordinance repeatedly reference protecting and promoting our rural, agricultural, traditional small-town character. The CUP process provides the board with flexibility to shape projects to promote or enhance what the town has identified as desirable.

Highway Sound Mitigation

The board encouraged more mitigation to absorb sound. For example, additional berms and planting trees.

Additional Items to Address:

Meridian said a fiscal impact study is in process.

In discussion with the town administration, and CNHRPC, the reviews and studies that have been proposed to date are engineering, traffic, legal (condominium

documents), ordinance application and compliance. As the project matures there may be other issues that require review. Escrow to cover these costs is normally required.

Sam believes that NH DOT has jurisdiction over the traffic regulations in this area.

Once the Board sees an application showing ALL the proposed uses, they will evaluate what will be required.

Cell Phone Tower:

No more detail on this.

Question from residents

- Ward Peterson, president of Sunset Mountain Fish and Game, read a letter. RSA 159B, doing everything possible to ensure tranquility with neighbors.
- Brian Zikaras:Has concerns about how to increase tax revenue, , he would like to understand how many units are allowed and what units means. The board needs to get clarification on the number of units.
- Calvin Todd: water limitations, would that lessen the commercial potential? What commercial can we see there? The board discussed the differences, but the answer on number of residential units and commercial uses needs to be first.
- Kerry Pfrimmer from Baptist Hill Road: commercial viability, the last thing you want is more vacant gas stations. More factual input as to what is viable. He liked the mixed-use approach. He would like the board to help Meridian make this work.
- Mr. Fornier: asked the board how much land is available for the commercial zone in Canterbury and how much of an impact that would have for future commercial

200 development? The board responded that we are using mixed use, so it is more
201 resilient to changes. The board acknowledged that there is very limited commercial
202 zoned land in Canterbury and that the Board feels it is important to preserve the
203 commercial potential of the area.

204 • Greg Paninski: asked about school impact? The board answered that population
205 numbers, smaller houses, fewer kids, the trend is heading down but still a concern,
206 once we settle on number of units.

207 • Ben Davis, representing an abutter, will a light pollution study be done? Meridian
208 said every site plan that we do we supply a photometric plan. The board responded
209 that there are regulations but need to find out what is in the commercial. Greg referred
210 people to the revised land use regulation that includes much more detail on light
211 pollution than we have had in previous versions and encouraged people to review it.

212 • Scott Doughty, Canterbury Deputy Fire Chief, would like Meridian to consider
213 residential sprinklers, density is very tight in this development. Meridian development
214 team member responded that fire suppression sprinklers options per unit is 18,000.00
215 because of wells, each has to have 500-gallon wells. Cisterns are being considered.

216 • Resident did not give name asked; Who makes the determination of mixed use for a
217 property? The board responded that it is part of the CUP, and the board determines
218 based on units and the ordinance specifies the requirements. The cluster allows you
219 not to have a full acre. As the board sees fit.

220 • Keith(owner) gave board members permission to walk the property on their own.

221 • Meridian asked for a definite answer so they could come back with acceptable
222 changes. The Board will discuss mixed units, what formula will be applied for

223 density, the number of units with the town council and get back to Meridian by the
224 end of next week. Keith is willing to give an upfront allowance for the attorney to
225 come back with answers.

226 Questions for the town council:

- 227 • Is a wetland exclusion for common area?
- 228 • Mixed use 50%?
- 229 • Steep slopes excluded over density bonus?

230 Meridian will continue this design review meeting **February 11, 2025**, for one more
231 meeting.

232 The Chair closed the Meridian design review part of the meeting at 9:12PM.

233 Warrant Articles for 2025:

234 **ARTICLE 2**

235 Are you in favor of the adoption of Amendment No. 1 as proposed by the
236 Canterbury Planning Board for the Town of Canterbury Zoning Ordinance as follows:

237 To enact certain administrative revisions to the Ordinance including:

238 To amend Article 5.3, Section C, Table of Principal Uses in zoning ordinance, to permit
239 Commercial Solar in the Commercial and Industrial Districts by Special Exception; and,
240 To prohibit Data Storage Centers in all districts.

241 Definition of Data Center:

242 “High-technology data center” means a facility, campus of facilities, or array of

interconnected facilities in this state that is developed to power, cool, secure, and connect its own equipment or the computer equipment of high-technology data center customers ...” Ga. Code Ann. § 48-8-3(68.1)(G)(ii)

To amend Article 3, Definitions, by adding the following defined terms:

COMMERCIAL SOLAR FIELD: means a for-profit, single facility that generates electricity by means of a solar photovoltaic device that is directly connected to an electric distribution utility's distribution grid and is not a community solar facility, regardless of the operational capacity that the facility is designed for or capable of.

ARTICLE 4

Are you in favor of the adoption of Amendment No. 3 as proposed by the Canterbury Planning Board for the Town of Canterbury Zoning Ordinance as follows:

To amend 3.A in the following manner: A detached Accessory Dwelling Unit shall not be constructed on a lot of less than 1.75 acres excluding slopes over 15% and wetlands.

ARTICLE 5

Are you in favor of the adoption of Amendment No. 4 as proposed by the Canterbury Planning Board for the Town of Canterbury Zoning Ordinance as follows:

To regulate the use of sludge or biosolids as defined by NH RSA 485-A:2,XI-a, “the solid or semisolid material produced by water and wastewater treatment processes, excluding domestic septage; provided, however, sludge which is disposed of at solid waste facilities permitted by the department shall be considered solid waste and regulated under NH RSA 149-M; and to regulate the use of treated soils defined as soils contaminated by treatment processes and certified for distribution and use as soil under NH Env-WQ 802.17 by amending Article 3 (DEFINITIONS) to add:

SLUDGE - means “sludge” as defined by NH RSA 485-A:2,XI-a, as amended; and
SLUDGE FACILITY – means a location or system for storing sludge for longer than 8
months or for the processing, treatment, or disposal of sludge other than for land
applications as defined by ENV-Wq 802.17; and
TREATED SOILS – soils contaminated by treatment process and certified for
distribution and use as soil under NH Env-Wm 3202, having originally been
contaminated with liquids not regulated by the State of NH as hazardous waste as defined
under NH ENV-2603.01.

Further, to amend Article 2.1 OBNOXIOUS USES and add a section 2-12 to read:
Sludge, Sludge Facilities and Treated Soils are prohibited use in all zoning districts.

And further, to amend Article 5.3 C TABLE OF PRINCIPAL USES: Sludge,
Sludge Facilities and Treated Soils are prohibited uses in all zoning districts.

Joshua has concerns about rules and regulations cited. The board is in agreement
that we send a letter to BOS.

ARTICLE 5

Are you in favor of the adoption of Amendment No. 4 as proposed by the
Canterbury Planning Board for the Town of Canterbury Zoning Ordinance as follows:

To amend Article 6.9, Commercial Cluster Development, Section B by indicating
that the total number of lots or units shall be calculated in the same manner.

To amend Article 6.9, Commercial Cluster Development, Section C by adding a
requirement that no Commercial Cluster development shall be more than 50%
residential. This establishes that units and lots are the same for density calculations.

289

290 **ARTICLE 6**

291 Are you in favor of the adoption of Amendment No. 5 as proposed by the
292 Canterbury Planning Board for the Town of Canterbury Zoning Ordinance as follows:
293 (pgs 34, 36, 40, 42)

294 To make non-substantive editing and formatting changes including the following:

295 To correct misspelled words.

296 To eliminate duplicate text.

297 To change asterisks in the table of uses to numbered footnotes.

298 To update references to the Site Plan Regulations and Subdivision Regulations to
299 references to the Land Development Regulations.

300 To update and correct any numbering or spacing issues.

301 Table of Uses: Cluster Development

302 To correct omission in the Table of Uses of the Farmstead Alternative by
303 Conditional use permit in the Rural Zone, the Residential zone, the Center Historic
304 District Zone, and the Shaker Village Museum Preservation District.

305 ***Special Town Meeting Warrant Articles January 16, 2025, at 7PM at the Town Hall***

306 **Adjournment:**

307 Rich moved to adjourn at 10:00pm, Megan seconded to adjourn, all voted in
308 favor.

309 ***Next Meeting, January 28, 2025, at 7PM at the Meeting House***

310 Respectfully Submitted,

311 Michelle Hammond,

312 Planning Board Secretary

313

314