

2025-04-22 Planning Board Minutes

Town of Canterbury, NH
Planning Board
Date: 2025 April 22
Location: Meeting House

Members Present: Greg Meeh (Chair), Rich Marcou, Brendan O'Donnell, Joshua Gordon, Logan Snyder, Megan Portnoy, Clifton Mathieu (Alternate), Scott Doherty (Selectboard Representative)

Members Absent: Hillary Nelson (Alternate)

Staff Present: Jan Stout (Land Use Administrator), Kal McKay (Administrative Assistant)

Others Present: Fred Portnoy, Beth Blair

1. Call to Order

- a. The meeting was called to order at 7:00 p.m.

2. Approval of April 8, 2025 Draft Meeting Minutes

- a. Rich made a motion to approve the public minutes for the Planning Board meeting on April 8, 2025. Megan seconded.
- b. Changes to the minutes were proposed:
- i. Line 5: Add Brendan O'Donnell and Clifton Mathieu (Alternate) to list of members present
 - ii. Line 14: Correct the date to March 18, 2025
 - iii. Line 40: add "as proposed" to describe the CIP
 - iv. Correct several typos.
- c. Rich made a motion to approve the public minutes as amended for the Planning Board meeting on April 8, 2025. Megan seconded. All in favor by roll call, motion carried.

3. Voting for Chair and Vice-Chair

- a. Greg explained that the vote for Chair and Vice-Chair cannot be done by secret ballot so that the public can know how each board member voted.
- b. Greg announced that he is not going to run for Chair again. He does not intend to run for another term on the Planning Board and would like to pass on the responsibility of Chair so that someone who is staying longer can be trained.
- c. Greg asked for nominations for Chair.
- d. Megan nominated Brendan for Chair. Scott seconded.
- e. Greg nominated Rich for Chair. Joshua seconded.
- f. Brendan explained that if he was elected Chair, he would step down as an alternate for the Zoning Board of Adjustment. He would do so for the purpose of focusing on the PB, but it would also sidestep the issue of whether or not the PB Chair could be on the ZBA.
- g. Brendan explained his job with the State handles election complaints, so unless the PB sued the State, there would be no conflicts of interest. However, he would not be comfortable taking a position on legislation. In instances where the PB wants to voice their opinions, he would send someone else to represent the Board, like Megan just did for SB 84.
- h. Rich explained that he has been a very active member of the PB, worked on the Land Use Subcommittee, and is the Chair of the Solid Waste Committee. He discussed how he wants to add an addendum to the Master Plan for solid waste. He submitted a draft 6 months ago after the legislature authorized adding chapters for solid waste. He would like the PB to address the definition of mixed use.
- i. Greg spoke in favor of electing Rich as Chair due to his perfect attendance, consistently doing his reading and homework, skills as a proof reader, and experience with ordinances/regulations.
 - j. There was discussion of if Rich would have a conflict of interest since he is Chair of the SWC. The consensus was that wouldn't be a problem, since the decision to move or not move the Transfer Station would not be subject to PB review.

- k. Greg called for a vote.
 - i. Joshua, Greg, and Rich voted for Rich Marcou as Chair.
 - ii. Scott, Brendan, Megan, and Logan voted for Brendan O'Donnell as Chair.
 - iii. Brendan O'Donnell was elected as Chair.
 - l. Brendan nominated Rich for Vice-Chair. Greg seconded.
 - m. Scott nominated Megan for Vice-Chair. Joshua seconded.
 - n. Megan explained that she will have more time for PB activities now that she has reached the end of the 3rd year of her graduate program. She believes she would excel at the skills needed by Vice-Chair such as ability to run meetings, maintain decorum, and communicate effectively.
 - o. Brendan called for a vote.
 - i. Scott and Megan voted for Megan Portnoy as Vice-Chair.
 - ii. Rich, Greg, Joshua, and Logan voted for Rich Marcou as Vice-Chair.
 - iii. Brendan abstained.
 - iv. Rich Marcou was elected as Vice-Chair.
4. New Business
- a. SB 84 Hearing Report
 - i. A copy of Megan's testimony was distributed.
 - ii. Megan gave testimony on SB 84 at a public hearing on behalf of the PB.
 - iii. Megan explained that the testimony went well and many people have contacted her about spreading the message further, potentially as a letter to the editor for the Concord Monitor and Union Leader.
 - iv. Since the PB voted to have Megan speak on their behalf regarding this issue at the last meeting, Megan can continue to do so through these other outlets.
 - v. Clifton explained that he spoke with our state reps and had a good conversation regarding local control. He urged the PB to reach out to the reps and encourage other residents to do so as well.
 - vi. Scott suggested putting the call to action in the Canterbury Newsletter. Beth (Newsletter Editor) explained that they are trying to stay away from opinion pieces and stick to facts.
 - vii. Megan and Beth will get in contact about publishing an informational piece in the Newsletter regarding this issue.
 - b. Training Report/Boundary Adjustments
 - i. A paper explaining training that NHMA could provide on-demand to the PB for a fee was distributed.
 - ii. Greg explained that he attended one of NHMA's free "lunch and learn" style trainings about boundaries. NHMA has a variety of land use related trainings and he recommended them.
 - iii. Greg learned that Canterbury is processing lot line adjustments correctly by treating them as a sub-division.
 - iv. The main difference between our processes and the best practice is that we do not require a deed along with the survey. They recommend that town employees file both at the same time.
 - v. Currently the Town records the mylars and has the applicant provide a check to cover the recording costs. This is so that no one has a chance to swap the document between approval and recording. To make the recommended change, the plan number on the deed would need to be left blank and handwritten in when the mylar is recorded and given a number.
 - vi. Greg explained that the training also recommended defining "contiguous" in the zoning ordinance. This meaning can be confusing when dealing with properties that meet in the center of a road, stream, pond, etc. If the boundary is in the middle of the obstacle, does that make the properties contiguous or not?

- c. Setback/Buffer Ordinance: West Road Zoning property that abuts cold brook and has a big pocket of wetland in the center
 - i. An inquiry was made by someone on West Road about if the Town's zoning ordinance has a wetlands setback. Canterbury currently does not.
 - ii. The Conservation Commission has brought up this topic several times, but a proposal was never created. This is something that could be added on top of the DES regulations at the state level. However, there is currently legislature being considered that would remove the Town's ability to have setbacks at all.
 - iii. If the PB wished to pursue this, it would have to be a warrant article for next year. Brendan is planning on setting up some internal deadlines for the PB so that they can have their proposed warrants articles ready for the next Town Meeting. Greg will speak with Brendan about the deadlines that CNHRPC has for helping with warrant article language.
 - iv. Jan confirmed that she told the person who inquired that there aren't any local requirements for wetland setbacks at this time.
 - d. Peapod school: School Zoning: Joel French, Town Building Inspector, has sent them a letter on 4/5/2025 requesting them to come before the ZBA.
 - i. There is a "peapod" school on Northwest Road with 7 children grades 1 to 6. A letter was sent to them requesting that they come before the ZBA to get a special exception. If that is granted, the next step would be to come to the PB for a site-plan review.
 - ii. Jan suggested creating an application process since little schools like this seem to be popping up more often.
 - iii. The owner of the school has stated that they are a daycare, and their website says they are a homeschool group, but because they accept tuition, the Town is considering them a school.
 - iv. There are a wide variety of state-level regulations about schools and daycares, the PB could consider those during a site plan review. A site-plan would be able to limit exactly what the school could do.
 - v. Greg warned that schools can change purposes over time, referencing New Freedom Academy (now Canterbury Behavioral Health) on Shaker Road.
 - vi. Schools are allowed by right in the Shaker Village Museum Preservation District, they are not permitted in the Industrial District, and are allowed by Special Exception in all other districts.
 - vii. Jan gave the school owner a deadline of May 7th to submit their application for the ZBA.
5. Old Business
- a. Solar PV Ordinance
 - i. An email from Fred Portnoy explaining SolSmart was distributed.
 - ii. Fred is a member of the CCPC, but this is a cross-committee initiative involving the Energy Committee too.
 - iii. Fred and Greg explained that SolSmart is a group that aims to help municipalities implement best practices in regard to solar zoning, regulation, and process. This group has been engaged by Clean Energy NH and 30-40 municipalities are participating. The program is free, has already begun, and lasts through June.
 - iv. The next meeting is May 15th at noon and will focus on permitting and large scale solar. They would like towns to draft a solar permitting checklist and post it to their websites.
 - v. SolSmart has already looked at Canterbury's Zoning Ordinance and provided recommended language to add.
 - vi. On May 22nd they are offering a solar inspection training. Fred has already shared this with Ken Folsom (Town Administrator) and Joel French (Building Inspector).
 - vii. There was discussion about if SolSmart was looking out for the interests of the municipalities or the solar installers. Brendan questioned their priorities. Greg said he asked

CNHRPC and they hadn't heard of SolSmart. Rich questioned their data saying that 65% of total cost of solar energy system is soft costs.

- viii. Fred thinks their efforts to get costs down and improve workflows aren't an attempt to circumvent regulation but to make things easier for everyone. He also explained that his initial interest in the program was due to the fact they offer consulting on municipal solar projects which the CCPC has been exploring.
- ix. There was discussion about who would do the work required to participate in this program. Logan suggested their father, Jim Snyder, since he has experience on the Planning Board and as Building Inspector, and has been installing solar for years.
- x. Greg suggested getting CNHRPC involved since they could help craft the warrant article language that would be needed for a zoning ordinance change.
- xi. Brendan thinks that since the draft ordinance language has already been provided, attending the meetings isn't necessary. He also pointed out that if SolSmart suggested anything weird, they could tell by comparing the recommendations with other solar ordinances.
- xii. The EC and CCPC met with a battery installer recently and there was some interest in potentially doing another "Solarize Canterbury" program and including batteries along with solar installation.

b. Adoption of Master Plan

- i. The draft Master Plan is back at CNHRPC for edits because they accidentally included maps of Chichester instead of Canterbury.
- ii. May 13th at the regular PB meeting, there will be a public hearing to formally adopt the Master Plan.
- iii. Rich discussed his frustration with CNHRPC regarding their lack of response on the solid waste chapter he suggested adding. There was discussion about nudging CNHRPC and/or circumventing them by just adding the chapter as an addendum at a later date.

6. Other Business

- a. Megan said that she doesn't think it is appropriate for PB members to question why someone is attending a public hearing.
- b. This was in reference to the last PB meeting (4/8/25) when Kal McKay joined the meeting via Zoom during voting for Chair and Rich questioned why Kal and Beth Blair were on the call. At the time, Kal explained that Beth had contacted them when the PB decided to do a ballot vote. Beth had been on the Zoom for most/all of the meeting.
- c. Rich explained that he thought the PB was not allowed to use electronic devices during meetings and thought that someone had contacted Kal and Beth to let them know that the PB was voting. He said that he had considered filing a Right To Know request, but decided not to.
- d. Brendan recalled that town's counsel advised not using electronic devices during judicial hearings, but does not think the PB ever took a vote to institute such a policy.
- e. Joshua recalled promising not to have side conversations via text. Greg also remembered deciding not to use electronic devices during a public hearing.
- f. Logan pointed out that the appearance of inappropriate use of devices could open the door to having their personal devices looked at for RTK requests.
- g. Greg suggested waiting for the Town to come out with guidelines about use of electronic devices during meetings, since that is in the works.

7. Adjournment

- a. Logan made a motion to adjourn the meeting at 8:23 p.m. Joshua seconded. All in favor by roll call, motion carried.

Next Meeting: 2025 May 13, 5:00 p.m. at the Meeting House

Minutes submitted by Kathleen McKay, Administrative Assistant