

Planning Board Meeting
7:00 p.m. June 24, 2025 at the Meeting House

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

Members Absent: Greg Meeh, Hillary Nelson (Alternate)

Others Present: Mike Tardiff (CNHRPC), Kal McKay (Admin Assistant), Sam Foisie (design engineer and engineering director), Keith Anastasy (Applicant), Erol Duymazlar, Nicolo Anastasy, Tim McGibbon, Tim Sheedy, A. Eli Leino, Peter Schmidt, Lisa Carlson, Nate Bragdon, Randi Johnson, Heather Cassavaugh, Judith Patterson, Alice Todd, Jude Mosher, Ruth Mann, Rebecca Davis, Calvin Todd, Kent Ruesswick, Harold French, Lenore Howe, Mary Witschonke, Alison Witschonke, Greg Paninski, Edgar Rivera, Beth Blair, Sam Papps, Rick Zeller, Scott Venti, Jessica Mitchell, Aaron Portnoy, Jennifer Weberski (zoom), Nancy Kress (zoom), Tyson Miller (zoom), Robin Preve (zoom), Mandy Irving (zoom)

Call to Order

The Planning Board meeting was called to order at 7:04 p.m.

114 West Road Application

Conflict of Interest:

An anonymous letter was received indicating that some board members had potential conflicts of interest. Brendan opened the floor for discussion. Logan has a business relationship with someone involved in the project but does not have a direct interest in it. Clifton is a member of Sunset Mountain Fish and Game Club, an adjacent property owner, and will abstain from this application.

Completeness of application:

Sam Foisie presented the checklist information: proposed street addresses are done with emergency services at a later point in the project and recognized that would need to be provided as a condition of approval later on in the process; when appropriate they will be seeking state permitting (NH DOT driveway permit, NH DOT excavation permit, NH DES Alteration of Terrain, NH DES state subdivision, NH DES standard Dredge and Fill permit for wetlands, NH individual sewage disposal systems and NH DES public water supply). Permits are conditions of approval. Sam stated this is a fluid application where we need definitive answers from the Board. Construction General Permits are completed later.

Brendan requested Sam to review the set of plans:

Cover and Sheet Number 2: General notes

Sheet Number 3: Detail of existing site

Sheets Number 4 to 6: These are place order plan sets for the definitive subdivision plans once density is formalized.

Sheet Number 7: Engineering; general layout of the project including proposed Phase 1, and Phases 2A and 2B for the commercial component.

Sheet Number 8: Detailed layout of grading and drainage plan, stormwater features placed around the site. Wells will serve as a community public supply, providing 14-28 thousand gallons per day, with further testing required. This includes a water supply for all structures.

Sheet Number 9: Clearing and grubbing activities scheduled for Phase 1.

Sheet Number 10: Erosion and control measures; silt fence within 50 feet as a precaution, allowances for mulch burns or hay bales, and double control measures.

Sheet Number 11: Project data; main access road, Oak Mont Drive, general grading, general stormwater basins, no work proposed at this time for that area. It also shows phase lines and stormwater conveniences within the closed stormwater system.

Sheet Number 12: Farmhouse Lane loop and stormwater conveniences.

Questions from Board Members:

- Brendan inquired whether the application addresses how electricity would be supplied to residents. Sam noted that utilities are typically considered part of the common area and mentioned limited underground electric options.
- Megan asked about the fiscal study that was promised in January. Sam responded that they would appreciate formal direction from the Board during this meeting regarding which studies are needed, including the fiscal impact. They have contacted Mark Revier, a planner based in Milford, NH, and have initiated the process. Documents will be provided as the project progresses, acknowledging that these must be presented to the Board for their final decision. Once clear directives are received, those documents will be supplied.

Motion to find the application complete made by Joshua and seconded by Megan. All were in favor, motion carried.

Regional Impact:

Joshua expressed his opinion that this project does not have regional impact. Brendan proposed that this should be addressed methodically:

Number of dwellings: The development comprises 35 units, which is substantial compared to typical developments in Canterbury. Each unit potentially accommodates more than one person.

Proximity to Municipal Boundaries: The property is situated near exit 18 on Interstate 93, making it physically close to Boscawen. Northfield lies to the north with multiple access roads linked to exit 18.

Anticipated Emissions: Although emissions from residents are expected to be minimal, the proximity to Interstate 93 poses potential visibility concerns for residential development on both northern and southern parts of the property.

Surface Waters: Canterbury's 2023 aquifer map indicates a significant aquifer spanning up to the southern portion of Northfield, extending west to Merrimack and into Boscawen. Additionally, the Merrimack River, a shared water body, connects several municipalities, reflecting shared facilities implications.

Shared Facilities: Canterbury shares a school district with Belmont.

Brendan stated that the standard for determining regional impact should favor regional consideration when there is any doubt. Incorrectly ruling out regional impact can invalidate the application, delaying it by 30 days.

Scott noted that the potential number of children could make it a regional concern affecting Belmont. Joshua disagreed, arguing that the development of 35 houses is not significant compared to other towns. Megan countered that being on a shared aquifer represents a

substantial impact. Logan agreed with Brendan, emphasizing the need to resolve any doubts about regional impact.

Sam remarked that schools seem to be a major concern but also identified a downward trend in New Hampshire school populations. Regarding the aquifer, he pointed out that current standards for septic systems and stormwater treatment must be met.

Brendan added that addressing regional impact involves notifying neighboring municipalities, allowing them to attend public meetings, participate, and provide input. This ensures fairness rather than altering the merits of the proposal.

Sam suggested continuing discussions on density and open space and possibly conducting a site walk. He did not expect immediate approval and wanted to avoid delays.

Attorney Leino mentioned a similar project in Hooksett near the Manchester border that was deemed to have regional impact. He advocated moving forward with pending issues regardless of the Board's decision.

Brendon highlighted that an abutter could appeal and overturn the entire application if regional impact is not adequately considered, leading to setbacks after extensive efforts.

Scott made a motion to recognize regional impact, seconded by Logan. The majority voted in favor, with Joshua dissenting. Four members determined regional impact.

Brendan stated that he does not support proceeding with the application tonight as abutters must be notified of regional impact. Joshua expressed concern for the fairness to the citizens present, and Rich agreed, suggesting that the discussion on the merits continue. Brendan acknowledged the residents' efforts in preparing for tonight's meeting but emphasized that New Hampshire courts have historically overturned applications when individuals entitled to notice are not present.

Eli, an attorney from Bernstein, sent a letter to the board. One consideration that the board may have is that if this proceeds and we consider the merits tonight, eventually approving the project, there will be an opportunity to appeal it. He felt that we have enough open items to discuss preliminarily, and that changes might arise from tonight's discussion that all surrounding towns will be notified of. He did not believe that the Board was at risk of prejudicing the surrounding communities.

Brendan stated that if we do not discuss the regional impact and this decision is later overturned due to lack of notice to affected municipalities, we will have to begin the process anew. The standard procedure would require the Board to only consider the evidence presented in the resubmitted application, excluding any information from the initial submission. They must evaluate the presentation after all interested parties have been notified. When a land use decision is appealed, the principal responding party—the defendant—is always the town.

Logan emphasized that it is a clear legal duty to proceed with notifying the affected towns and providing them with an opportunity to express their views.

Sam requested that a site walk be scheduled. Brendan indicated that individual Board members may conduct a site walk independently, but if the entire Board participates, it must be a publicly noticed meeting due to the quorum requirement.

Sam expressed his intention to continue the discussion tonight. Brendan noted that the Board on should not take any action unless all abutters have been notified. He emphasized that receiving any information at a meeting without notifying all relevant parties is considered improper.

Harold French of 118 West Road inquired why letters concerning regional impact were not sent out concurrently if such issues were anticipated. The Chair explained that it is sometimes the

case that applicants proactively identify potential regional impacts, prompting the inclusion of additional recipients in the abutter list as a precaution. Although, individual Board members receive copies of the application for review, although the board is unable to take any action outside of a formally noticed public meeting.

Keith inquired about the legal implications of engaging in back-and-forth questioning. Brendan replied that the Board should refrain from considering any project-related information until all parties have been duly notified.

Meridian inquired whether the submitted letters had been forwarded to the town council for their comments. Brendan replied that this matter falls under attorney-client privilege.

A site walk will take place at 6:00 PM, preceding the meeting scheduled for 7:00 PM on July 22, 2025.

Errol proposed that the ordinances should specify what actions are permissible. What does "act" mean in this context? Typically, in such processes, a conceptual review is allowed. Why can't we proceed with this plan to obtain the necessary feedback moving forward? Errol believes changes will be made based on the Board's input. He felt despite their attempts to receive clear feedback before submitting a formal application, they have been unsuccessful. Delaying this process further due to regional impact concerns—which can be debated whether it has or does not have—lacks broad consensus. They did not anticipate the possibility of regional impact upon our initial submission. Therefore, Errol requested the board consider having a conceptual discussion regarding tonight's presentation, enabling us to return with a more beneficial proposal.

Brendan stated that he made his decision and does not deem further discussion appropriate before proper notification. Conceptual and design reviews are distinct processes. Brendan requested a motion to terminate consideration of this application until all affected municipalities have been informed, and the Regional Planning Commission aligns with the Board's vote on the potential for regional impact.

Sam requested that the Board be prepared to review the letter he submitted and resubmitted, so that they can advance this process at the next meeting. Brendan indicated that the Board now possesses the necessary plans for the formal application and expects timely action once the abutters are notified. Joshua disagreed with the idea that no further discussion could be had tonight. He suggested discussing legal matters that only affected Canterbury and wouldn't matter to people in other towns (e.g. which version of the Zoning Ordinance to use).

Brendan noted that, as part of the ruling on every application, it is imperative to apply the facts to the standard and interpret the ordinance. He emphasized that any party who ultimately disputes our interpretation of the ordinances pertaining to a project has the right to appeal. It is therefore logical that they should be able to hear the entire discussion of the law, and our interpretation of the ordinance related to the specific project.

Public Comments:

Randi Johnson: 69 Morrill Road, requested an expanded impact study inclusive of police, fire, schools, emergency services, transportation, and traffic. She expressed her gratitude to the Board for considering Regional Impact. Randi noted that the calculation for school contributions is based on the number of enrolled students and assessed values. Although overall enrollment numbers are assumed to be declining, Canterbury's numbers are increasing because it is a desirable location to move to. Despite having a small school, Belmont contributes significantly, impacting this situation.

Greg Paninski: 215 Intervale Road: Mr. Paninski attended the January meeting during which the Board discussed a 50/50 split between commercial and residential areas. He inquired about any updates regarding the similarity of the current application to the previous one.

The Chair responded to Mr. Paninski, indicating that the proposal would be presented when reached in the agenda.

Scott moved to continue the meeting on July 22, 2025, and Megan seconded the motion. All members present voted in favor, saying "aye".

The hearing at 114 West Road concluded at 7:57 p.m.

Approval of May 27, 2025 Draft Meeting Minutes

Deferred to the July 8, 2025 meeting.

(HOP) Housing Opportunity Planning Grant

Planning for Public Input

Mike observed that the board has a demanding summer schedule and suggested postponing larger sessions in favor of addressing smaller matters for the time being. He proposed that public input remain a recurring agenda item to allow discussions on a smaller-scale survey, materials for Old Home Day, and housing-related topics stemming from the "Plan for Tomorrow." These discussions could aim toward potential housing changes in preparation for the Town Meeting 2026 or beyond. He recommended delaying this initiative until after August.

For the July 8, 2025, meeting, Mike plans to revisit the agenda and present questions his staff has formulated for a smaller-scale survey. This would provide an opportunity for feedback on housing issues, potential zoning changes, and public display materials to be made available at the town offices over the summer. Additionally, a proposal was made to facilitate smaller discussions with other committees and boards to ensure a cohesive approach.

It was suggested to include public commentary as part of the July 8, 2025 agenda for broader engagement.

Master Plan Chapter 9

The board must convene a public hearing to approve Chapter 9 of the Master Plan, ensuring it does not coincide with the West Road subdivision application. Rich noted that feedback has only been received from Beth, and no other board members have reviewed the chapter.

The board agreed to conduct a high-level review and editing session during the July 8, 2025 meeting. This will be followed by scheduling a public session to discuss the chapter in detail.

Members are encouraged to bring their corrections to the next meeting.

Brendan requested an editable version of the document in Word format. The objective is to finalize the document during the meeting, ensuring it is comprehensive and ready for further action.

Additional Business

Brendan will be responsible for recording minutes during the July 8, 2025, meeting.

The Board of Selectmen has recently adopted a Code of Conduct, which will be circulated among members. Brendan requested that all members review the document thoroughly.

Additionally, a 91-A fact sheet will be distributed to board members for reference.

Joshua inquired about the PSFAS and "Dirty Dirt" topics, as well as whether the board plans to invite the Conservation Commission for a discussion, referencing line 109 of the draft minutes.

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Rich confirmed that the relevant details are documented in the minutes. It was decided to include this matter on the agenda for the July 8, 2025 meeting.

Brendan has begun work on Wetland Setbacks but has decided to postpone further progress until the Board completes its review of hazardous and sludge materials.

Brendan proposed extending an invitation to the Board of Selectmen for participation in the upcoming meeting, a suggestion that Scott endorsed as a productive initiative.

Adjournment

Brendan made a motion to adjourn, which was seconded by Megan at 8:23 p.m. The motion was unanimously approved.

Next Meeting: July 8, 2025 at 7 p.m. at the Meeting House

Respectfully Submitted,
Michelle Hammond
Planning Board Secretary