Planning Board Meeting
7:00 p.m. July 22, 2025 at the Meeting House

Members Present: Brendan O'Donnell (Chair), Rich Marcou (Vice-Chair, via Zoom), Greg Meeh, Logan Snyder, Megan Portnoy, Joshua Gordon, Scott Doherty (Selectboard Rep)

Members Absent: Clifton Mathieu (Alternate), Hillary Nelson (Alternate)

Others Present: Kal McKay (Admin Assistant), Michelle Hammond (Land Use Administrator), Beth Blair (Selectboard), Calvin Todd (Selectboard), Keith Anastasy (Applicant), Sam Foisie (Meridian), Tim McGibbon (Meridian), Tim Scheedy (Applicant's Attorney), A. Eli Leino (Applicant's Attorney), Jude Mosher (Meridian), Erol Duymazlar (Meridian), Nicolo Anastasy (Meridian), Harold French, Kevin Bragg, Katelyn Fehn (via Zoom), Lisa Carlson, Beth McGuinn, Johnathan Kravis (Hoyle Tanner & Associates, Inc.), Rick Zeller (Applicant), Lucyann Zeller (Applicant), Benjamin Matott (Applicant)

Call to Order

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

Logan moved to postpone approval of previous minutes to the end of the meeting. Greg seconded. All in favor by roll call, motion carried.

114 West Road Hearing

This hearing was continued from the Planning Board meeting on July 8, 2025.
A site walk was conducted at 6 p.m.

Applicant Keith Anastasy was present along with their representatives from Meridian Land Services (Sam Foisie, Tim McGibbon, Jude Mosher, Erol Duymazlar, Nicolo Anastasy) and their attorneys (A. Eli Leino, Tim Scheedy).

Since the last hearing, regional impact notices were sent out. Central NH Regional Planning Commission (CNHRPC) and the Shaker Regional School District both submitted letters. Copies of these letters were provided to the applicant at the meeting.

Brendan reviewed the rules of the hearing and noted that Rich Marcou was present via Zoom.

The application is for the property at 114 West Road, Map 248 Lot 8. The applicant is proposing to build 35 residential units clustered together and 2 commercial units. Right now, they are just trying to get approval for Phase 1, which would be the cluster subdivision for the residential units and stormwater improvements.

Mr. Foisie reviewed the history of this application. The applicant first met with the Board for conceptual consultation in October 2024 with questions about use, density, arch style, and use of open space. They attended 2 meetings earlier in 2025 for design review and began the hearing for the application at the last meeting. This will be the 5th time they have come before the Board. They would like to get clear answers tonight on baseline density, allocation balance of

commercial vs residential, and use of open space. They are currently working on providing a fiscal study, a traffic study, and a DOT permit. From Rt 132 to Exit 18, West Road is owned by the State.

Nicolo Anastasy displayed a slideshow on the TV and Zoom. Mr. Foisie reviewed the contents. It showed mockups of what the residential development will look like and an overview of the whole property. They are trying to create affordable starter homes in a walkable neighborhood. There would be landscaping and forestry buffers between the residential buildings, commercial buildings, and highway. They intend to preserve most of the mature trees, but they can't commit until they are able to submit a definitive design. They anticipate most traffic to/from the development will be to/from the highway. They showed a number of examples of other developments they have done and designs they are working on. They expect the fiscal study to show that the commercial development will provide a significant offset on the tax base.

Mr. Foisie read passages from the 2025 Canterbury Master Plan.
"Encourage a mix of uses and densities in appropriate parts of town… Continue to promote economic development in areas of town that are well-suited for business uses. Encourage the construction of housing for residents of all ages and income levels… Support a mix of housing densities and types in Canterbury. Promote the use of cluster subdivisions and other zoning tools to increase the availability of housing. Encourage the development of additional residential units that are smaller and more affordable to accommodate downsizing seniors and young families." (p. 2.5)
"In the Housing chapter, high priorities include the previously noted support of cluster developments, support for mixed-use zones in the vicinity of Exits 17 and 18 to accommodate a mix of housing and small-scale retail/office uses." (p. 3.2)

Meridian believes this development perfectly represents what the Master Plan is trying to accomplish. Mr. Foisie emphasized that clustering in a higher density will allow construction costs to be low enough that young families could afford the condos.

Mr. Foisie displayed a map and reviewed the layout of the property. It is mostly a vacant field that has two flat portions in the north and south, and a middle section that dips down about 10-20 ft. On the west side it has a line of trees buffering the field from the highway. On the east/south side it has steep slopes, trees, and a brook that goes over the property line several times. This property was excavated when I-93 was created. The dip in the middle part of the field was where it was over excavated. That area is classified as a wetland, but it is fairly dry. At the site walk earlier it was dry enough to drive a tractor over and had no standing water.

There is a raised portion in the center of the wetland; that is where they would like to put the pumphouse and community well. There would be a small access road to get to the pump house for maintenance. They chose the location of the access road so as to disturb the least amount of wetlands possible.

From the Planning Board, the applicant is seeking a major subdivision approval and a conditional use permit for the cluster subdivision. From the State, they are seeking a driveway permit, excavation permit to put utilities in the Right of Way (ROW), an alteration of terrain

permit because they are disturbing 100K sq ft, subdivision approval for lots being smaller than 5 acres, a dredge and fill permit for the access road to the pump house, several septic permits, and a public water supply permit.

The applicant would return to the Board for site-plan approval of Phase 2a and 2b in which they will develop the two commercial areas. Which one happens first will depend on the market. They will likely do retail/office/café out front and self-storage in the back.

For the residential section, there will be a public well. The front commercial unit would likely connect to that well. The rear commercial unit would have the choice of drilling their own or connecting to that well. Each unit would have its own septic. There is 3-phase power on West Road, so this site would have access to that.

Mr. Foisie explained that they will need to consult with the Fire Dept. to see what would be considered adequate fire protection between a pump house, hydrants, and fire cisterns. Scott asked if they intend to install residential sprinklers. Mr. Foisie said they would probably not due to the cost. Scott noted his disagreement with that decision.

Brendan explained that before examining the details of the proposal, the Board needs to decide which version of the zoning ordinance to use and what the baseline density calculation should be.

Attorney Leino explained that he previously sent a letter to the Board with his position that the zoning ordinance from 2024 ("rev 04/09/2024") should be used, because this hearing began within 12 months of the preliminary discussions.

Brendan read aloud RSA 676:12, VI, "No proposed subdivision or site plan review or zoning ordinance or amendment thereto shall affect a plat or application which has been the subject of notice by the planning board pursuant to RSA 676:4, I(d) so long as said plat or application was the subject of notice prior to the first legal notice of said change or amendment. The provisions of this paragraph shall also apply to proposals submitted to a planning board for design review pursuant to RSA 676:4, II(b), provided that a formal application is filed with the planning board within 12 months of the end of the design review process."

Brendan referred to RSA 676:4, II(a) and (b). This applicant has done both the Preliminary conceptual consultation and the Design review. The Design review on January 14th, 2025 was noticed as a public hearing and certified letters were sent to abutters. For this reason, Brendan agrees with Attorney Leino that this case was noticed in time for the 2024 Zoning Ordinance to be in effect.

The notice to abutters was mailed out on 12/31/2024. 114 West Road LLC received their letter on 1/3/2025. The first public notice for changes to the zoning ordinance was in February.

The Planning Board agreed that this application will be considered using the 2024 Zoning Ordinance ("rev 04/09/2024") that was in effect in January 2025.

Brendan explained that the Board next needs to determine if they agree with the baseline density calculation that the applicant used.

In the 6/3/2024 letter titled Cluster Density Calculation, Meridian asked for clarity on how to calculate the baseline density and density bonus to determine the number of allowed units. In the letter, Meridian determined that their baseline density should be 32.17 acres and their density bonus should be 4.83, for a total of 37 units.

Mr. Foisie read aloud the sections of the Zoning Ordinance that were cited in the letter.
Section 6.4.C. reads "The density, or maximum number of residential dwelling units permitted in a cluster neighborhood, may not exceed the density allowed under Section 5.2 of the Zoning Ordinance, except when a request for a density incentive is approved by the Planning Board under Section 6.6 or Section 6.7."
Section 5.2.A.1 reads "In computing the minimum lot acreage requirements under this article, any portion of the lot not suitable for building due to high water table as evidenced by open water or wetland shall not be included. Open water or wetland that has been dredged, drained or filled shall not be included in computing the minimum lot sizes."

The minimum lot size in this area is 1 acre, so Mr. Foisie calculated the baseline density as (gross acreage – wetland acreage) / 1.

There was discussion about whether or not steep slopes should also be subtracted from the gross acreage. Attorney Leino explained that this section of the ordinance only specifies "not suitable for building due to high water table". Since other areas of the ordinance go further to specify steep slopes, but this part omits that language, it can be concluded that steep slopes was purposefully omitted.

Joshua requested documentation from the wetland scientist showing how they arrived at 5.09 acres. Mr. Foisie said he can provide a document showing the calculation for the next meeting.

Steep slopes are brought up in Article 16, but that only applies to Workforce Housing and the applicant is not claiming this is workforce housing.

In the 2025 version of the ordinance, 6.4.I.5. specifies steep slopes, but in the version being used for this application (2024), steep slopes are not discussed.

Meridian is proposing to count the pump house for the well, the access road for the pump house, and the storm water improvements as Designated Open Space. They will need to get approval from the Conservation Commission to put those in the proposed location because of the wetlands. They do not want to relocate those items because it would involve decreasing the size of the commercial section in the rear of the property.

With the currently proposed design and including the above as Designated Open Space, Meridian is calculating their open space at 50%. The subdivision plan would formally show it, but that has not yet been created. On the submitted Condominium Layout Plan (Sheet Q-1), it is possible to see the areas that are being subdivided for each condo. Meridian is counting everything outside

of those boundaries as Designated Open Space. This map shows that the proposed open space would not be contiguous.

It was confirmed that if the developer in the rear commercial area asked for additional room from what is Designated Open Space, they could not do so without a variance from the Zoning Board. Whatever plan the Planning Board approves, will be what they have to stick to.

There was discussion about whether the commercial areas would be considered one unit each. The proposed map shows what it would look like if there was retail space in front and a storage unit business with 8 buildings in the rear. Meridian is counting each area as one unit, because each area will be considered a condo and have one owner. The southern commercial unit is roughly 60K sq ft.

Greg believed the ordinance requires a Yield Plan be created to determine baseline density. Attorney Leino argued that Article 6 of the ordinance does not require that.

There was discussion about if in 5.2.A. only section 1 should be applied to this application or if sections 2 through 4 should also be applied. Section 1 would use a simple acreage calculation. Sections 2-4 would require a Yield Plan be created.

A Conceptual Conventional Subdivision Plan showing 24 units was submitted by Meridian as part of the CUP Application. This diagram is similar to a Yield Plan, where it shows what would happen if the lots were laid out normally rather than in a cluster. Meridian argued that this plan would allow them 48 units because each of the 24 standard lots would be allowed an ADU. Board members expressed disagreement with doubling the number of units because of ADUs and pointed out that the plan submitted would not meet 5.2.A.2. because not all of the lots would fit the required rectangle.

Joshua and Greg argued that all 4 sections of 5.2.A. should be applied because 6.4.C. says to refer to 5.2. and the ordinance should be strictly applied.

Brendan felt that only section 1 should apply because section 6.4.C. says to reference 5.2. for “density” but 5.2.A. doesn’t address “density” only minimum lot sizes. Because cluster neighborhoods don’t use standard lots, it makes more sense to calculate the units based on acreage not a Yield Plan.

Logan agreed with Brendan and thought that this interpretation was more consistent with what the Board discussed when creating the warrant article that led to 6.4.C.

There was further discussion where the Board failed to reach a consensus.

Brendan called for a vote on whether density should be calculated using just acreage (Section 1) or acreage, depth, and width (Sections 1-4).
Scott, Megan, Brendan, and Logan voted to just use acreage.
Greg, Joshua, and Rich voted to use acreage, depth, and width.
The Board voted to calculate the base density using only acreage as described in 5.2.A.1.

Brendan asked the Board to next decide whether the Designated Open Space needs to be contiguous. There have also been questions about if the roads and pump house for the well should count as Designated Open Space.

In section 6.4.I. the ordinance says "Fifty (50%) percent of the total land area of the parcel shall remain undisturbed as Designated Open Space, except for activities and improvements approved by the Planning Board after consultation with the Conservation Commission."

Mr. Foisie explained that they are considering the ponds, roads, and pump house as open space because the uses are generally passive.

There was discussion about the northeast corner which is disconnected from the rest of the proposed Designated Open Space. Mr. Foisie argued that it wasn't contiguous with the open space on this lot, but it does border undeveloped space on the neighboring properties.

Brendan, Joshua, and Megan expressed similar concerns that a small non-contiguous parcel that would require going through backyards doesn't comply with the spirit of the ordinance which is open space that people could use and environmental protection. Perhaps multiple large useable parcels would be acceptable, but not this corner.

There was also discussion about the definition of "undisturbed". Greg thought that the ponds could count. Brendan thought that the road to the commercial property in the rear shouldn't count.

Joshua and Brendan agreed with Greg regarding the storm water basins/ponds being counted as Designated Open Space. The Conservation Commission will need to be consulted on if those count since the land will be disturbed to create those ponds.

There was discussion about if the larger triangle of space between the northwest corner and the road to the rear of the property could be considered contiguous open space. Brendan felt the steep slopes made the area unusable. Scott felt the area was accessible by crossing the road.

Brendan summarized that the Board does not think that the small corner in the northeast could be counted as Designated Open Space and that as long as the Conservation Commission approves, the Board is alright with storm water basins/ponds being counted as Designated Open Space.

There was disagreement amongst the Board on whether the larger triangle should be counted. Brendan, Megan, and Greg did not think it should be counted. Scott and Joshua felt it should be counted. Brendan tabled this discussion for now to allow time for public comment.

Brendan opened the hearing up to public comment and reviewed the rules.

Harold French of 118 West Road said that he has seen the proposed project and has no objections to it or to the number of units.

Kevin Bragg of 364 Baptist Road said he doesn't think the designs meet the voluntary farmstead aesthetic desired by the town (Zoning Ordinance 6.7.). He pointed out that despite being called a "walkable neighborhood", the design has no sidewalks or front porches. He said that he is not against the development, but thinks that Meridian could do a lot more to make a unique area that fits in with Canterbury. Megan agreed with Kevin. She saw another development by Meridian and felt it stuck out from the surrounding area and had identical designs to what was presented tonight.

Beth Blair of 50 Hackleboro Road asked if the triangle in the northeast corner could be used as a park or playground. Greg answered no. Beth further asked about the logistics of creating the condo association. Meridian will need to create the condo association and the bylaws they create will need to govern all the shared spaces.

Katelyn Fehn of 215 Intervale Road (via Zoom) brought up the letter from Michael Tursi, Superintendent of the Shaker Regional School District regarding the impact this development would have. Mr. Tursi felt that this development could lead to moving the CES 5th Grade class to BMS, larger class sizes, and longer bus rides. Joshua felt that the letter from Mr. Tursi overstated the problem. Joshua estimated that out of 34 units, half would have kids and most families these days have 2 kids each. He believes 10% would go to private schools, so maybe 30 children would be added to the district. These kids would be spread across K-12, so the impact would be diffuse. Brendan explained that the Board is only responsible for ensuring compliance with the Zoning Ordinance. Regional impact has already been determined and notice was given. Capacity of the school district doesn't change the requirements for cluster development.

Lisa Carlson of 109 Morrill Road asked where there would be space for septic units with this layout. Brendan put it on the list of questions for a future meeting.

Calvin Todd of 11 Barnett Road asked if the ordinance specifies how much of a mixed use property can be commercial vs residential. Brendan explained that the 2025 ordinance (6.9.C.5.) limits a Commercial Cluster development to 50% residential, but the 2024 ordinance does not specify a percentage and that is the version being applied to this application.

Beth McGuinn of 234 Southwest Road asked how the Board will handle that the new ordinance provides guidance on mixed use, but the old one doesn't. Brendan explained that the 2024 ordinance will be followed for this application.

Brendan asked the Board to consider if a density bonus should be granted. The base agreed upon earlier in the meeting was 32 units. Meridian's letter from 6/3/24 asks for a 15% density bonus based on meeting requirements 2 and 7 in 6.6.A. The proposed design needs 35 units. The granting of a density bonus is at the Board's discretion if they think the proposal is "exemplary".

The Board circled back to the issue of whether each commercial area could be considered one unit regardless of what the commercial use ends up being. Brendan asserted that the Board has no authority over what type of commercial use goes in and each area can be counted as a single unit. Logan suggested adding a definition for a "commercial unit" in a future ordinance.

Joshua expressed concern that Meridian is prioritizing residential development in a commercial zone. He asked for assurance that the commercial development would actually happen, either through changing the order of the phases so commercial development happened first or by making agreements now with commercial entities to develop the land later.

Attorney Leino explained that based on the experience of their team, the rear lot would be a logical site for a passive use like storage units. Mr. Duymazlar asserted that this process is the assurance; if the Board approves Meridian's plan, then Meridian can only use those two units for commercial development. He can't say for certain what the final use will be; that will depend on the market.

Greg also wanted assurances that the commercial development could happen. Megan agreed that Meridian was treating the commercial development as secondary to the residential, but understood that assurances like Joshua was asking for could not be provided.

Mr. Foisie offered to provide design examples for other types of businesses that could go in the rear lot to prove it is viable.

Brendan and Megan both expressed that this mix of commercial and residential is not what they would consider "exemplary" so are disinclined to grant the density bonus.

Joshua insisted on getting assurances. He felt that if the Board allows the residential area to be built, but then the commercial area never materializes, it would amount to rezoning. Greg and Rich echoed the concern that mixed use was meant to jumpstart commercial development, not provide a loophole to the commercial zoning.

Various Board members and Meridian representatives explained that it is not possible or within the Board's purview to demand the type of assurances Joshua is asking for. If the Board approves Meridian's plan, then Meridian can only use those two units for commercial development. At this juncture, the Board may only determine if this is an "exemplary" development that should be granted a density bonus.

The Board returned to the issue of if the larger triangle in the northwest corner should be considered Designated Open Space. Scott and Joshua said it can. Logan said it can as long as it is wooded. Brendan, Megan, Greg, and Rich said it cannot.

Logan had to leave the meeting due to the late hour. They left at 9:23 p.m.

The Board discussed if each commercial area could be considered one unit regardless of how many buildings are eventually installed in those areas. Joshua and Greg argued that without knowing what will eventually be put in those spaces, the Board can't determine how many units they are. Brendan explained that Meridian will need to come back for site plan approval when a business is ready to move in; if they return with a plan to have several different businesses that would be a further subdivision.

The Board members each stated if they believe (A) each commercial area can be considered one unit (for a total of 2 units) and a definite design plan for the commercial units cannot be required right now or (B) if they believe Meridian needs to provide a proposal and defined use for the commercial spaces now so that the number of units may be determined.
Scott, Megan, Greg, and Brendan agreed with option A.
Joshua agreed with option B.
Rich agreed that each area should be considered one unit, but felt that Meridian should provide assurances that the commercial development would be part of Phase 1.

Meridian will attend the Conservation Commission meeting on August 14th and return to the Planning Board with a modified plan.

Megan moved to continue this hearing at the August 26th Planning Board meeting. Greg seconded. All in favor by roll call, motion carried.

75 Intervale Road Hearing

The hearing for case 2025-5 opened at 9:36 p.m.

The application is for a lot line adjustment and minor subdivision of Map 249 Lots 14 and 15.

Johnathan Kravis of Hoyle Tanner & Associates, Inc. presented the application on behalf of Rick and Lucyann Zeller of 77 Intervale Road and Benjamin Matott of 75 Intervale Road. All three applicants were in attendance.

Mr. Kravis explained that the applicants would like to take a parcel from Lot 14 and give it to Lot 15, then out of the resulting Lot 15, subdivide to create Lot 15-1.

Mr. Kravis presented copies of a new plan and explained that the lot line differs slightly from the one on the original application. This is because they realized this afternoon that they miscalculated the minimum lot size for Lot 15-1. They originally forgot to subtract the wetlands. To make up the area lost, they had to take a little more land from Lot 15. The previously submitted line is highlighted in yellow and the new line is highlighted in blue. The proposed Lot 15-1 would be 3.38 acres.

Mr. Kravis explained that the existing driveway on Lot 15 which serves Mr. Matott's house, will go through the new Lot 15-1. There will be an easement on the driveway so Mr. Matott can continue to use the driveway along with whoever eventually owns and builds on Lot 15-1.

Mr. Kravis showed on the map where a building could be built on Lot 15-1. It would be right next to the driveway, but significantly higher due to the elevation. They have not yet gone to the State for subdivision approval to ensure it can fit a septic.

Lucyann expressed doubt that they actually wanted to do the subdivision right now. Brendan explained that just because the PB approves it, doesn't mean the applicant has to go through with it. Getting the approval for this plan now could prevent them from having to come back a second

time if they do decide to go through with the subdivision as marked on this map. The changes will only be binding when the applicant records it with the Merrimack County Registry of Deeds.

Megan had to leave the meeting due to the late hour. She left at 9:51 p.m.

There was discussion about if the proposed Lot 15-1 met the Right of Way (ROW) width requirements. The Land Development Regulations specify a minimum of 50 ft (Section 8.20, Item 6), but the plan shows a ROW of 30 ft. Because it is in the LDR rather than the Zoning Ordinance, the Board could vote to waive it.

Mr. Matott explained that the applicants already discussed this and decided on a 30 ft ROW because it would leave more room to build a structure on Lot 15-1.

Brendan asked if any of the Board members had a problem with waiving the 50 ft requirement. All said no (Brendan, Rich, Greg, Joshua, Scott).

Brendan confirmed that the frontage and lot sizes looked correct.

Joshua made a motion to approve the subdivision and lot line adjustment in application 2025-5 with the revised plan that was submitted tonight and with the condition that the applicants get all needed approvals from the State. Greg seconded. All in favor by roll call, motion carried.

Conditional Use Permit: 207 Shaker Road

NHMA sent out notifications about several bills that were recently signed by the Governor which affect local zoning ordinances.

Ken Folsom, Town Administrator, spoke with Brendan because it appears that HB 577 may make the CUP application for accessory dwelling units (ADUs) obsolete. Brendan disagrees and interprets the changes to mean that there can still be a CUP for ADUs, but the requirements are now very limited.

Brendan would like the Board to review the bill and NHMA's guidance and decide at the beginning of the next meeting (8/12/25) if the CUP is entirely preempted or simply limited. Depending on the answer, they can continue hearing this case or dismiss it.

Scott asked what the town staff should do if the Fifields come to the office and demand a building permit before that meeting. Brendan advised asking the Fifields to wait until the next meeting (8/12/25), which is when their hearing is scheduled to continue.

Adjournment

Greg made a motion to adjourn the meeting at 10:06 p.m. Scott seconded. All in favor by roll call, motion carried.

Next Meeting: 2025 August 12, 7:00 p.m. at the Meeting House
Minutes submitted by Kathleen McKay, Administrative Assistant