

Planning Board Meeting
7:00 p.m. September 9, 2025 at the Meeting House

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

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

Others Present: Kal McKay (Admin Assistant), Jim Snyder (Applicant), Calvin Todd (Selectboard), John Wiencek, Kelly Short (Conservation Commission), Beryl Boisvert

Call to Order

The Planning Board meeting was called to order at 7:01 p.m.

Rich moved to address the previous minutes until after the preconceptual consultation. Greg seconded. All in favor, motion carried.

Preconceptual Consultation 115 Asby Road – Jim Snyder

Jim Snyder submitted a request for a preconceptual consultation for a subdivision of his property on Asby Road, Map 228 Lot 11.

Mr. Snyder explained that he was previously here in 2023/2024 for a minor subdivision to subdivide this same lot and create Map 228 Lot 11.1. He provided a copy of the subdivision plan from that case. He would like to know if the Planning Board would like him to do anything differently from that application.

In that previous application he had been given a waiver to not formally delineate the wetlands on the remaining parcel. The new lot will have them marked, but the remainder lot would be more than 40 acres with less than 5 acres of wetland. He also got a waiver for the locus map. The ordinance calls for a certain scale, but that scale didn't make sense for this parcel.

The new lot will be close to a rectangle, but the remaining lot will be odd shaped. They don't intend to subdivide further. The Snyders would like to keep that sliver of property between Lot 11.1 and the proposed Lot 11.2 because that has sugar maples that they used to tap. Jim thinks that eventually when the Snyders no longer need it, it can be absorbed by the owners of Lot 11.1 or 11.2 to make a more regular shape.

The property used to be an orchard. It is basically grassland, but some spots could be considered wet enough to count as wetlands.

Only Logan indicated that they would need to recuse since Jim Snyder is their father.

Some members of the Board recalled that there were some difficulties with Mr. Snyder's application last time, but those were due to him being the first person to try out using a new checklist. The Board was in agreement that what Mr. Snyder did last time should be sufficient.

Approval of Previous Meeting Minutes

Kal reviewed the suggested changes to the 8/26/25 minutes.

Line 95: “4%” should be “3%”

Line 215: insert “in violation of the ordinance” at the end of the sentence.

Megan made a motion to approve the public minutes as amended for the Planning Board meeting on August 26, 2025. Greg seconded. All in favor by roll call, motion carried.

Contaminated Materials Regulation

Joshua pointed out that this document should be called a regulation not an ordinance. Brendan agreed.

Rich recalled that when this was discussed at the 6/24/25 meeting, Brendan was absent, Logan suggested higher fines, and the Board wanted feedback from the Conservation Commission (CCC) and Health Officer.

Ken Stern from the CCC provided feedback at the 7/8/25 meeting. His statement was high-level support for having these rules, not specifics about what should be in the definition.

There was discussion about how the definition of contaminated materials should be worded. They wanted it to be broad enough so that it can cover any type of material that is discovered to be hazardous, but also specifically list certain materials that the Board is currently concerned about.

Currently the list of included materials only has “septage sludge”. The Board would like to add “thermally treated contaminated soils” to address the materials created by ESMI that were going to be used on Wyven Road (see Selectboard minutes 5/6/24 section 5).

The Board discussed the proposed fine for violating the regulation. It currently reads “\$50 per day from the date the Town first notified the person of the violation.” A normal zoning violation charges \$275 per day. The main cost with this type of violation is paying for the remediation. Regardless of the fine imposed, the Selectboard would have room to waive/low the fee depending on the situation. The Board decided to recommend \$50 up to \$275 to the Selectboard.

There was discussion about when in the construction process would the Town become aware of an issue and force compliance. As with all code enforcement in Canterbury, it would be up to someone to report the issue to the Town so the Code Enforcement Officer can investigate.

There was discussion about if PFAs should be called out in the definition. The extent of PFAs are still being discovered and no remediation currently exists. They are kind of everywhere so would be difficult to regulate away. The Board decided not to include PFAs in this draft.

The regulation identifies the “owner or occupant” as responsible for the cost of remediation because it could be a tenant bringing in the materials or it could be a random passerby dumping materials on someone else’s property.

Kal will update the draft to include the items discussed tonight and send it to the Selectboard. Brendan will attend a Selectboard meeting to discuss this regulation.

Zoning Changes: Data Centers, Wetland Setbacks, Tiny Homes

The Board discussed Brendan's proposed definition for Data Center. There was concern that the proposed definition was too broad and could inadvertently include home offices, especially home offices of those who work in technical fields. The Board discussed ways to make the definition more targeted by addressing the resource consumption issues.

Megan had an AI write a definition that seemed like a good start. She will refine the definition and bring it back to the Board.

The Board discussed Brendan's proposed definition of Tiny Homes. He also sent out some examples of what other towns, such as Barrington, have done.

There was discussion about how to distinguish "tiny homes" from "mobile homes" from "pre-fabricated homes". The definitions and terminology differ depending where you look. In the Canterbury Zoning Ordinance "manufactured housing" is defined to mean "mobile homes" and specifically excludes "pre-fabricated homes" as defined in RSA 674:31-a. At this time, a "tiny home" could be used as an ADU by right. Defining "tiny home" could allow the Board to specifically allow them as primary residences.

Several Board members pointed out that trying to distinguish between "tiny homes" and "mobile homes" is somewhat classist. Besides aesthetics, the only real difference is the chassis which allows the structure to be moved.

The Board discussed the idea of implementing a wetland setback. A draft/list of questions had been circulated back in June. Many towns have wetland setbacks, but there is a wide range of complexity. Some towns have a wetland setback that varies depending on the zone, the type of wetland, and the type of structure being built. Brendan suggested starting simple with saying that new dwelling units can't be built within 25-50 ft from wetlands.

Mr. Wiencek spoke about the letter he sent to the Board in favor of a wetland setback. He initially reached out to the Conservation Commission last year. In July he met with the CCC to discuss this idea. They were supportive but voiced concerns about exactly how to implement it and enforce it. Mr. Wiencek suggested a simple 20 ft setback to start. He discussed the problems he has seen in his home-state of New York with lack of setbacks and water protection. It has resulted in a number of large lakes becoming contaminated from farming and human activity.

Brendan suggested creating a subcommittee with the CCC to further research/discuss this and come up with a draft ordinance.

There was discussion about how to identify a wetland and if "prime wetlands" should have additional protection. Calvin suggested finding out how much of Canterbury is wetland so the Board can understand what the impact would be. Kelly explained that there are maps that try to

identify wetlands, but those are based on geologic data; the only way to be sure if something is a wetland is through soil tests and observation of plants.

Brendan and Megan will join a subcommittee with 2 CCC members to create a draft ordinance that can be brought back to the full Board/Commission for discussion.

Solid Waste Management Chapter

The final Aries Engineering Report on the Canterbury Transfer Station was published yesterday. Some Board members have skimmed it, some haven't had a chance to look at it yet.

The report presents 7 options, several of which include installing a single-phase electric compactor. Not needing 3-phase power reduces the cost of improving the existing site and widens the range if the Town looks for a new site. It indicates that new construction would be allowed at the current site, as long as it doesn't touch the areas where the landfill used to be. WIN Waste and Casella did not want to consider the option of operating our Transfer Station.

The Board discussed if editing this chapter of the Master Plan could continue now or if we should wait for everyone to have time to digest the report. They settled on the later and will pick this back up in the first October meeting. The goal will be to finish editing the chapter and schedule a public hearing.

Megan is on the list for getting PFAs testing done in Crane Neck Pond.

ADU Effect on Building Permit Cap

At the 8/12/25 meeting Ken Folsom (Town Administrator) asked the Board if ADUs should be counting towards the 3% annual building permit cap.

Section 11.1 of the Canterbury Zoning Ordinance says that ADUs should be included. If the cap was reached and someone tried to get a building permit for an ADU, they would have to wait until the next year. If they disagreed with that decision, they could appeal it to the ZBA.

Scott will take this back to the Selectboard.

Land Development Regulation Checklists from Subcommittee

Greg reminded that the Board has yet to review the checklists for site plan and subdivision applications. Kal will recirculate the drafts and put the topic on the agenda for the first meeting in October.

Adjournment

Logan made a motion to adjourn the meeting at 8:59 p.m. Joshua seconded. All in favor by roll call, motion carried.

Next Meeting: 2025 September 23, 5:30 p.m. at the Town Hall; 7 p.m. at the Meeting House
Minutes submitted by Kathleen McKay, Administrative Assistant