



Canterbury Conservation Commission Canterbury, NH

DRAFT MINUTES

Present: Kelly Short, Steve Seron, Teresa Wyman, Lance Messinger.

Attending by Zoom: Audra Klumb, Bob Steenson

Absent: Ken Stern

Guests: Planning Board Chair Greg Meeh

1. **Conservation Subdivision** – The Planning Board is seeking Conservation Commission input on possible changes to the town’s Conservation Subdivision (CS) rules (also known as Cluster Development). Kelly provided a general overview of the concepts involved and issues the Planning Board might want our input on. Bob Steenson, who through his professional work has extensive experience with Conservation Subdivisions, outlined 10 key things that Planning Boards often address in their CS rules:

1. Specify where CS is allowed by right
2. Can require CS in special areas, such as on property adjacent to any already conserved parcels.
3. Decide if any portions of the property, such as wetlands and steep slopes should be excluded in the calculation of number of units allowed by regular development rules.
4. Set minimum total area required to be eligible for CS.
5. Set min lot size within the CS.
6. Change setbacks and frontage requirements within the CS to allow denser development (e.g. 50-foot frontage, 10-15 foot front and rear setback).
7. Can offer density bonus for things like public access, agricultural use of undeveloped portion, affordable housing.
8. Can offer bonus extra densities for things that matter to the town, such as creating amenities (tennis courts, swimming pools) that all town residents can use, or building “affordable” or smaller-size homes to meet demand for specific types of housing.
9. Can specify what is prohibited in or excluded from the conserved space (e.g., developed recreation amenities).
10. Stipulate acceptable ownership structures for conserved area (Home Owners Association, the town, private owner (often in the case of a farmer who continues to farm the undeveloped portion)).

Planning Board Chair Greg Meeh joined the meeting to discuss the changes the PB is considering, specifically:

- a. Allow in Ag/Conservation zone through a conditional use permit (i.e., not allowed by right). Most of the town’s open space is in the Ag/Conservation zone (approx. 65% of town)
- b. CS permit requires public access to the undeveloped land.
- c. Monitoring to be paid by HOA (though there will still be some administrative burden for town).
- d. Requiring a 50-foot wooded buffer around the CS to maintain rural look/privacy for neighbors.

- e. CS is currently permitted in Residential Zone with 50% set aside, and Rural zone with 60% set aside. PB considering higher requirement for Ag/Conservation zone.
- f. Setback changes: internal to the development, may eliminate min lot size and frontage requirement. Opens door to pocket neighborhoods.
- g. Possibly give incentive extra density bonuses for:
 - a. New stone walls
 - b. Affordability
 - c. Conserving more of the property than is required
 - d. Amenities that town can use too (built within the developable area, not the conserved area)
 - e. Design standards based on traditional NE building types and formulas. E.g., Canterbury Hall type redevelopment. If part of a cluster development, existing structures could be incorporated. "Density bonus for preserving a heritage structure."
- h. PB has talked about excluding steep and ledgy areas.
- i. Monitoring of green space: require HOA to pay for monitoring and be responsible for maintenance such as invasives. Violations of site plan allows town to fine daily. Some kind of a joint admin responsibility. E.g., hire same monitoring agent as the town uses to monitor Conservation Easements, file with Code Enforcement Officer. Requirements are conditions of the site plan permit. The conserved area is required as a condition. It does not have a Conservation Easement unless a CE is specifically created. Site plans can get re-opened, so there is some risk that the "conserved" land might have new uses in the future. Responsibilities for enforcement need to be determined and planned for.
- j. PB would prohibit infrastructure (septic, well, etc.) in conserved space.
- k. Concept is to allow 20% density bonus for CS in In Ag/Conservation zone, plus options for bonus density allowances, as in other zones.
- l. Viability of development is affected by access; less road = less expensive to develop (therefore appealing to developers).
- m. PB is trying to minimize how much of ordinance is changed to make it easier for people to understand.
- n. Greg asked how CCC's co-occurrence maps might be factored into the permit. E.g., keep top level areas of occurrence maps out of construction area.

Questions and suggestions from CCC members:

- a. The commission supports allowing and incentivizing CS in the Ag/Conservation zone to promote conservation of open space and important farm soils. We should think about how to promote conservation development via our language, e.g., using the term Conservation Development to show that conservation is the goal.
- b. Suggestions:
 - a. Require 75% set-aside in Ag/Conservation zone.
 - b. Exclude wetlands, steeps from calculation of normal development potential.
 - c. Prohibit infrastructure (wells, septic) and built amenities (pools, tennis courts, golf courses, etc.) from the conserved area.
 - d. Include bonus density to incentivize CS on parcels adjacent to existing protected land, where the newly conserved land would be immediately adjacent to the existing protected land (i.e., don't sandwich development between the 2 protected areas; create a larger contiguous conserved area).

- 95 e. Require site plan to avoid development in high-scoring areas of the town's co-
96 occurrence map. (specific language suggestion to come).
97 f. Consider offering density bonus of more than 20% in Ag/Conservation zone to
98 incentivize use of CS vs. conventional development. 20% bonus does not seem like
99 sufficient incentive.
100 g. Avoid closing off access to public water bodies.
101 h. Determine most durable mechanism to ensure the set-aside area remains
102 undeveloped.
103 i. CCC might want to be notified of potential large CS projects to decide whether to
104 pursue a conservation easement at the same time.
105 j. Bob Steenson suggested checking Londonderry's CS ordinance as a good model.
106
107 c. Questions
108 a. What's required for subdivision development, e.g., soil tests, wetlands survey, soils
109 maps? Beyond perc test, it's better to require site specific soil maps.
110 i. Every subdivision requires soil type ID. Under 5 acres requires septic
111 perc test. Any building permit requires state approved septic. Site
112 specific soil map not required; we use county maps.
113
114 b. Should we require, or provide density bonus for, conducting Natural Heritage
115 Bureau review and avoiding development where there are sensitive species?
116 i. In discussion, agreed this is impractical, as NHHB hasn't surveyed
117 everywhere and animals are mobile anyway, so data of sightings do not
118 fully inform development choices. It's the kind of requirement that
119 would make developer would balk and not do the CS.
120
121 c. How do we make sure the 75% conserved stays protected. What's the best mechanism?
122 a. Is deed restriction enough? Can the site plan permit require CE?
123 b. Undeveloped land ownership usually transfers to HOA, private landowner, town
124 (not desired).
125 c. Put development restriction into deed for property.
126 d. Greg will check with CNHRPC about best (most durable) methods of preventing
127 development in the set-aside area.
128 a. CCC might request being notified by PB early in process for large (acreage TBD) CS
129 so CCC can potentially negotiate a full conservation easement simultaneously, which
130 might be financially advantageous to developer if there are high conservation values
131 on property that warrant CE protection.
132
133
134 2. **Master Plan Update:** Greg said all of the draft Master Plan except the infrastructure chapter is on
135 the town website. Comments are welcome. When complete, PB will vote to approve and
136 implement.
137
138 3. **Minutes:** Steve Seron moved approval of the October 14, 2023 minutes. Lance Messinger seconded
139 the motion. No further discussion. Vote was unanimous to approve.
140
141 4. **Conservation Easement monitoring** – Update and plan for the future.
142 a. Norm Spicher and Ken Stern have completed monitoring properties.

- b. Have had discussion / correspondence with possible CE monitors for next year. Will put out a request for proposals in Dec., contract in Jan. We'll switch to a 1-year contract for the future.

5. **Budget for 2024** – Submitted on time. no questions yet. Next budget meeting in December.

6. **Property Management**

a. Riverland –

- i. Based on site walk-in Oct, Kelly proposed we hire Chris Aikens/Field Works to mow town-owned field area. Lance asked about opening up an old walking path. Kelly said the need this year is to mow as much as possible, then we can consider other changes.

- ii. As a follow-up to last summer's work, Ken requested a proposal from Chris Aikens/Field Works to mow more frequently. Chris proposed \$325/cut to mow the edges of Lois Ln, the edges of the Riverland parking lot and the right-of-way leading from the parking area to the beach (tree line to approximately 50 feet out). The purpose is to keep the invasive vegetation from reestablishing and spreading further within these areas.

Chris recommends mowing at least 2 times (late May and in July/Aug, and possibly a 3rd time in fall depending on growth. Annual cost would be \$650 - \$1,000, which should fit within our land management budget. The price will increase if we add the field area to the mowing contract.

Steve moved and Bob seconded contracting the 2-3/yr mowing to Field Works. No further discussion. Vote was unanimous.

- b. Robert S. Fife Conservation Area – Field has been mowed and looks good. Informal work session planned for those who can make it (optional event) the morning of 11/18.

7. **Other Business**

- a. **Meadowsend property:** Forest Society pleased at our interest in conserving the property, which bumps it to the top of list for potential projects with Meadowsend. Rough timeline: hope to complete in winter 2025. SPNHF board votes in December whether to pursue project. If so: SPNHF will update appraisal this winter, Meadowsend will survey over summer 2024, SPNHF applies for grants to LCHIP, Moose Plate and Merrimack partnership in spring / summer 2023; public fundraising fall 2024; complete in winter of 2025.
- b. **Members:** Kelly will be talking with a prospective member. Neither of Steve's contacts seem likely to join.
- c. No one attended the **NHACC annual conference**.
- d. **Permits** – We were notified of a Shoreland permit application. Kelly will send to code enforcement review.
- e. Bob urged that we seek potential BOS candidates who support conservation.

8. Adjourned: 8:59

Submitted by Kelly Short (with assistance from Teresa Wyman)