

Town of Canterbury, NH  
Zoning Board of Adjustment  
Date: 2025 January 22  
Location: Meeting House  
Case No. 2024-7 Special Exception Continued Hearing

Board Members Present: Jim Wieck (Chair), Christopher Evans, Calvin Todd, Sean O'Brien, Scott Herrick (Alternate)

Board Members Absent: Web Stout, Brendan O'Donnell (Alternate)

Others Present: Mercedes Martinez-Gould, Jamie Gould, Tim Entwistle, Evan Hauptman, Mary Hauptman, Beryl Boisvert, Brittany Courchesne, Dan Bowman, Kevin Harriman, Louis Audet, Maureen Santanello, John Santanello, Cathy Lucas

1. The meeting was called to order at 7 p.m.
2. Chris Evans made a motion to approve the minutes for the ZBA meeting on November 21, 2024 for Case No. 2024-7. Sean O'Brien seconded. All in favor by roll call, motion carried.
3. Continued Hearing for Case No. 2024-7 Special Exception
  - a. Mercedes Martinez-Gould is seeking a special exception as regards property located at 141 New Road, Tax Map 258, Lot 016 located in the rural zone. The proposed use states "to be used as a multi-purpose educational facility under the My Village Micro Schools and Wildkidd nonprofit organizations". The application references Article 5, Section 3-C.
  - b. The first hearing for this case was on 11/21/2024. At the end of that meeting, the Board decided to continue the hearing so that the applicant could provide additional information to address concerns of the Board.
  - c. Chairman Wieck read aloud the additional information that was asked for:
    1. A site plan showing how the land would be used, specific areas for various outdoor activities, including parking and how the parking would be managed on the property safely so the number of vehicles that might come to the property to park or safely offload or pick up.
    2. Input from the Town Road Agent relative to the ability for New Road to be able to handle that kind of traffic, specifically looking at seasons of the year when the road condition will be poor, mud season.
    3. Also provide information on buffers, landscape, so we can understand how the proposed use might affect neighboring properties, to that same end, distance to residential structures from the areas that are planned for use by the school.
    4. And signage, a plan that you may plan on.
  - d. Chairman Wieck read aloud a letter received from Road Agent John O'Connor.

"Canterbury Road Agent, John O'Connor met with applicant that is seeking a Special Exception for a Multi-Purpose educational facility at 141 New Rd. today.  
The applicant asked the Road Agent if he felt that there were any concerns with the school operating at the address particularly with the use of the road for 20 or so students.  
The Road Agent feels that there would be no significant impact to the road with this additional traffic. The road is a public-school bus route and has to be maintained for this purpose as well as the regular residential traffic."
  - e. Chairman Wieck asked the applicant to address the additional information that was asked for.
    - i. Ms. Gould began reviewing documentation she brought with her. She had several satellite photos of the property with diagrams showing where the existing trails are and where the

- classroom, yurt, and parking spaces would go. There were also markers showing the distance between the classroom and the homes at 140 and 135 New Road.
- ii. She showed a picture of the woods and discussed how the land has natural barriers between the proposed classroom structure and neighbors, and the garden area and side by side trails were already established by the previous owners.
  - iii. Chairman Wieck reiterated that the Board was looking for a site plan. The provided documentation was passed around to the Board.
  - iv. There was discussion about exactly how far structures were from the road and other properties. The diagrams were not detailed enough to show most of the distances asked for. Some people tried figuring it out on their phones.
  - v. They intend to have 30 kids at the school, 4 of which would be their own. They expect about 20 cars a day since many families have multiple children.
  - vi. The diagram showed a parking area with six spots and a turnabout. Ms. Gould said they do not intend to pave.
  - vii. Ms. Gould passed around a picture of what they would like their sign to look like. She noted that they still need to figure out what size of sign would be allowed.
- f. The documents brought by Ms. Gould were passed around to the others present and a short break was taken so everyone could review the documentation.
- g. Chairman Wieck asked if anyone present wanted to speak in favor of granting the special exception.
- i. Beryl Boisvert (161 New Road)
    1. Ms. Boisvert is an abutter. She is in favor of the school. She was happy to hear that the Road Agent approved the road for this use.
  - ii. Brittany Courchesne
    1. Ms. Courchesne is a friend of the Goulds and a teacher in Concord. She spoke about how she supports their efforts to make this school and the positives of alternative education options.
- h. Chairman Wieck asked if anyone present wanted to speak against granting the special exception.
- i. Tim Entwistle (146 New Road)
    1. Mr. Entwistle is an abutter. He is not opposed to the idea of the school, but does not want it at this location. He presented a petition signed by 15 other abutters who are also opposed.
    2. He expressed concerns about the increased traffic. He said that when the Canterbury Fair uses that road, there are about 200 cars that go by and he has to wash his windows after. He explained that New Road is often used for recreation (e.g. running, walking, horseback riding), and additional traffic poses a safety concern.
    3. He thinks that the school would mostly benefit people outside of the neighborhood and it would not benefit the Town because of the road repairs that would need to be done.
    4. He quoted the new Plan For Tomorrow and said this project goes against the idea of preserving the residential character of the neighborhood and reducing sprawl into rural areas.
    5. He posited that this would negatively affect property values and presented a study from Ohio in 2012 that showed doubling traffic can reduce house prices by 2.1%.
    6. The DOT recorded the number of crossings at the end of New Road and found 310 cars passed a day. Mr. Entwistle believes that this will nearly double the road use per day.
    7. Mr. Entwistle said that he moved to this property for peace and quiet and so did the other neighbors he spoke with. He quoted the Zoning Ordinance's definition of the Rural

- District and explained how he believes introducing this commercial business to the area is against the spirit of the ordinance.
- ii. Louis Audet (140 New Road)
    - 1. Mr. Audet is an abutter. He would like the Gould's to move in as a family, but does not want them to open a school.
  - iii. Dan Bowman (135 New Road)
    - 1. Mr. Bowman is an abutter. He supports the idea of the school, but does not support this location.
    - 2. He is concerned about the implications of being in/near a school zone. He uses guns and worries that a school could impact the use of his property.
    - 3. He is also worried that the school will grow and is concerned about the noise from that many children.
  - iv. Cathy Lucas (120 New Road)
    - 1. Ms. Lucas is in favor of the family moving in, but does not want the school.
    - 2. She expressed concern about the safety of the road during mud season. She said the road often gets bad enough to stop a car or cause a car to slide off the side.
    - 3. She also was concerned about the safety of her dogs when she walks them on the road and the nuisance it would be to have them barking at all the cars going by.
  - v. Kevin Harriman (166 New Road)
    - 1. Mr. Harriman explained that he is also opposed to the school because of the condition of the road during mud season. He described a sharp curve that is not wide enough for two cars to go in opposite directions. He believes increased traffic and people unfamiliar with the road would increase the likelihood of an accident there.
    - 2. Mr. Bowman added that he saw a plow truck in the ditch at that corner this year.
  - vi. Evan Hauptman (233 Morrill Road)
    - 1. Mr. Hauptman is an abutter. He did not speak against or in favor, but he did ask how far they intend to keep from the property line. He hunts on his property and wants to make sure this won't impede that.
    - 2. The only new structure they intend to build is the treehouse/classroom. That will be at least a few hundred feet from the property line.
  - i. Chairman Wieck asked the applicant if they had any additional comments.
    - i. Ms. Gould explained that they plan to offer a bus service to Exit 17 to reduce the amount of traffic on New Road. They don't plan to ever have more than 30 students and 4 would be their own children.
  - j. Chairman Wieck closed the hearing. The Board then deliberated.
    - i. Mr. Todd agreed with the concerns about the traffic, but doesn't think that 20 kids in a heavily wooded lot would cause much of a noise issue. He agreed that having alternate educational sources would be good for the community.
    - ii. Chairman Wieck was concerned about the affects on the neighboring properties, that an actual site plan wasn't provided, the side by side trails weren't discussed in the previous hearing, the Road Agent commented but there are contradictory opinions in the room, and a picture of trees doesn't really answer their request for details about natural buffers.
    - iii. Mr. O'Brien agreed that noise wouldn't likely be an issue, but was concerned about the condition of the road and the effect this could have on property values.
    - iv. Mr. Todd wanted more data about how this could affect property values; schools often raise values, but if a school prevents you from using the property for why you bought it (e.g. hunting), that would be a problem.

- v. Mr. Evans thought that even though a site plan hadn't been presented, they did bring enough information to give the Board a good idea about what they want to do. Mr. Wieck disagreed and expressed worries about approving something that isn't sufficiently documented.
- vi. Mr. Evans felt that getting approval from the Road Agent was enough to not worry about the roads. There was discussion about how bad a dirt road can get in mud season.
- vii. Chairman Wieck felt that if the problem is insufficient information, the Board could ask for another continuation. However, if the issue is that there is something fundamentally wrong with the proposed used, then they should vote to deny tonight.
- viii. The Board discussed potentially decreasing the maximum number of students, but there was not sufficient reason to do so.
- ix. There was further discussion about if this would decrease or increase property values. More traffic, a poorly maintained road, and increased noise could hurt values, but the Road Agent says the road can take it and that number of children in the woods may not cause a lot of noise. A school may or may not decrease the pool of buyers for neighboring homes.
- x. Chairman Wieck explained that the Zoning Ordinance does allow for educational facilities in the Rural District so there would need to be something specific about this proposal to justify denying it.
- xi. Mr. Evans and Mr. Todd argued that this was a uniquely good location for a nature-based school and valued the Road Agent's assessment that the road was good enough.
- xii. There was discussion about the side by side trail. It was there before the Gould's bought the property. Ms. Gould said that they only intend to use it to get to the kids in an emergency.
- xiii. Mr. Herrick questioned how the Board could know if the woods would be enough of a buffer for the noise. Mr. Todd pointed out that the same noise issue exists for guns. Both hunting and children playing are fair uses of property.
- xiv. There was more discussion about the safety of the roads. The Board decided they would like more details from the Road Agent about why the extra traffic wouldn't affect safety.
- xv. The board discussed what restrictions a school zone could place on neighboring properties. They did not know and could not accept comments from anyone in the room to find out.
- xvi. The board discussed having the applicant consult with the Land Use Administrator to learn what a site plan is so they could come back with complete information. They also discussed sending the applicant to the Planning Board for a site plan pre-conceptual meeting, but the meeting schedule likely wouldn't permit that.
- xvii. Chairman Wieck made a motion in Case No. 2024-7 Special Exception, that the Board continue the hearing so that the applicant can provide additional information to address the concerns of the Board including:
  - 1. A site plan showing how the land would be used, specific areas for various outdoor activities, including parking and how the parking would be managed on the property safely so the number of vehicles that might come to the property to park or safely offload or pick up. The site plan should also include information on buffers, landscape, and distance to residential structures from the areas that are planned for use by the school.
  - 2. Information on how the presence of a school could impact neighboring property owners. (i.e. Would there be a school zone and if so, what does that mean?)
  - 3. Additional information from the Road Agent about the sharp curve on the road, the condition of the road during mud season, and how that could affect operation of passenger cars.
- xviii. Mr. Evans seconded the motion. All in favor by roll call, motion carried. Mr. Herrick did not vote as he is an alternate.

**xix. This hearing will be continued at the next Zoning Board of Adjustment meeting on Wednesday, February 26, 2025 at 7 p.m. in the Meeting House.**

xx. The Board explained to the applicants more about what a site plan is. Kal told them to come see the Land Use Administrator tomorrow.

4. Approval of Previous Minutes continued

- a. Sean O'Brien made a motion to approve the minutes for the ZBA meeting on May 8, 2024 for Case No. 2024-2. Chris Evans seconded. All in favor by roll call, motion carried.
- b. Chris Evans made a motion to approve the minutes for the ZBA meeting on July 24, 2024. Calvin Todd seconded. All in favor by roll call, motion carried.
- c. Chris Evans made a motion to approve the minutes for the ZBA meeting on November 21, 2024 for Case No. 2024-6. Calvin Todd seconded. All in favor by roll call, motion carried.
- d. Chris Evans made a motion to approve the minutes for the ZBA meeting on December 11, 2024 for Case No. 2024-5. Calvin Todd seconded. All in favor by roll call, motion carried.

5. Adjournment

- a. The meeting was adjourned at 8:39 p.m.

Minutes submitted by Kathleen McKay, Administrative Assistant