

Town of Canterbury, NH
Zoning Board of Adjustment
Date: 2025 February 26
Location: Meeting House
Case No. 2024-7 Special Exception Continued Hearing

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

Others Present: Mercedes Martinez-Gould, Jamie Gould, Beryl Boisvert, Evan Hauptman, Mary Hauptman, Stephen Wearn, Louis Audet, Kevin Harriman, Cathy Lucas, Theresa Crick, Dan Bowman

1. The meeting was called to order at 7 p.m.
2. Chris made a motion to approve the minutes for the ZBA meeting on January 22, 2025 for Case No. 2024-7. Sean 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. The second hearing for this case was on 1/22/2025. 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.
 - d. Chairman Wieck read aloud the additional information that was asked for on 1/22/25:
 - i. 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.
 - ii. 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?)
 - iii. 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.
 - e. Chairman Wieck asked the applicant to address the additional information that was asked for and reminded everyone that only new information relating to the 3 items requested may be presented.
 - i. Ms. Gould presented a site plan and explained the features displayed on it. It shows existing and proposed buildings, paths, gardens and how densely forested the area is. She displayed a photo demonstrating what they considered "moderately wooded" when creating this plan.
 - ii. Ms. Gould brought in a document titled My Village School Family Agreement. She explained that this would have parents agree to use the bus services whenever possible to reduce the number of passenger cars traversing the road.
 - iii. Ms. Gould reviewed what issues had been addressed already at the last hearing. Predicted attendance, noise levels, operation hours, and alignment with rural character were already addressed. She cited a study showing that schools can increase property values.

- iv. Ms. Gould stated that private schools don't carry a "school zone" and the federal gun-free school zone law, which prohibits guns within a 1,000 ft distance of a school zone, doesn't apply to private property that is not part of the school grounds. So the ability of neighbors to use guns on their property wouldn't be impacted by this school.
- v. Regarding the 3rd item requested, Ms. Gould contacted Road Agent Donald O'Connor and he gave his response letter to Kathleen McKay this morning.
- vi. Chairman Wieck read the letter aloud.
 - 1. Mr. O'Connor stated that the width of the road is 18 ft, but moving the mailbox for 123 New Road could visually widen the narrow-looking corner.
 - 2. He listed traffic counts for 2001 – 2022.
 - 3. He said the road can get slimy and develop ruts during mud season, but Highway works to keep all dirt roads open and passable. The Dept. will add material where needed.
 - 4. "The road will not be pavement hard and slow travel is expected. New Road has a long mud season..."
- vii. The size of the property in question is 24 acres.
- viii. Ms. Gould was unable to get accurate numbers for the distances to the nearest structures on the neighboring properties, so she calculated the distances to the property lines instead.
 - 1. The property line closest to Mr. Audet (Map 258, Lot 10) would be 328 ft. from Classroom A, 675 ft. from Classroom B, and 822 ft. from Classroom C.
 - 2. The property line closest to Mr. Bowman (Map 258, Lot 15) would be 318 ft. from Classroom A, 395 ft. from Classroom B, and 697 ft. from Classroom C.
 - 3. The property line closest to Ms. Boisvert (Map 258, Lot 10) would be 312 ft. from Classroom A, 477 ft. from Classroom B, and 322 ft. from Classroom C.
 - 4. The property line closest to the Hauptman's (Map 257, Lot 14) would be 700 ft. from Classroom A, 393 ft. from Classroom B, and 139 ft. from Classroom C.
 - 5. They did not calculate the distances to the Otey property (Map 257 Lot 12).
- ix. Ms. Gould explained that they would need to go to the State to get accredited as a school and part of that process is going through the Town for building inspections and food inspection.
- x. Ms. Gould explained that the learning will mostly be held outdoors and they would only stay inside the classrooms during extreme weather. The classrooms would have heat.
- xi. They plan to follow the Canterbury Elementary School calendar, holding classes from September to June. They will also do a non-profit summer camp.
- xii. They will have composting outdoor toilets and will use bubblers to supply water in the classrooms. The bathrooms in the house wouldn't be used except during extreme weather days when they are stuck inside.
- f. Chairman Wieck asked if anyone present wanted to speak in favor of granting the special exception and reminded everyone that only new information relating to the 3 items requested may be presented.
 - i. The site plan was displayed so everyone could see it.
 - ii. Beryl Boisvert (161 New Road)
 - 1. Ms. Boisvert stated that she has lived on this road for over 50 years and despite 20 new houses being built in that time, the road is still passable.
- g. Chairman Wieck asked if anyone present wanted to speak against granting the special exception.
 - i. Dan Bowman (135 New Road)
 - 1. Mr. Bowman expressed concern about the septic system. Chairman Wieck explained that is not something this board can consider.

- h. Chairman Wieck asked the applicant, attendees, and board members if they had any additional comments/questions.
- i. Chairman Wieck closed the hearing. The Board then deliberated.
 - i. Only those who have attended all 3 hearings may vote, but all board members may discuss.
 - ii. The Board agreed that the request for a site plan has been met. The Planning Board will likely ask for a more detailed one.
 - iii. Mr. Todd said that when he looked it up, the closest structure on a neighboring property appeared to be 600 ft. away. He doesn't think noise will be an issue now that they can see how densely wooded the property is.
 - iv. Mr. Evans said that his only concern had been the impact of a school zone on neighboring properties and that question has been answered.
 - v. The Board continued to express concern about the condition of the roads. Chairman Wieck was not reassured by the Road Agent's letter.
 - vi. Mr. O'Donnell said that the condition of the road may require the Town do capital improvements, but increased traffic doesn't create a hazard.
 - vii. Mr. Stout pointed out that the Planning Board could ask for offsite impact fees to improve the road.
 - viii. Ms. Gould was given permission to hand out copies of the My Village School Family Agreement that she read from during the hearing. The Board read the document.
 - ix. Mr. Evans made a motion to approve the Special Exception as they have met the 7 requirements.
 - x. No one seconded due to continued concern about the road, so discussion resumed.
 - xi. Mr. Evans and Mr. O'Donnell both reiterated that they don't believe the road is a hazard. It may need increased maintenance, but that applies to any new construction and isn't a reason to deny.
 - xii. Mr. Todd posited the scenario where a child gets hurt and the road isn't passable. Mr. Evans countered that such an issue would be a consideration for the parents when they decide if this is the school they want to send their children to.
 - xiii. Mr. Stout agreed that the road being muddy for a month doesn't constitute a hazard.
 - xiv. Mr. Herrick agreed that there aren't safety issues but expressed concern about the expense and headache this may cause later if the road needs to be improved.
 - xv. Mr. O'Brien agreed that the road conditions can get bad and the school could make it somewhat worse, but not to the point where it is worth denying.
 - xvi. Mr. Todd asked for confirmation that everyone had their concerns about noise addressed. The Board agreed and Chairman Wieck pointed out that any changes to what was presented would need to come back before the Board.
 - xvii. Mr. Evans made a motion to grant the application in case 2024-7 for Mercedes Martinez-Gould and Jamie Gould as they have met the minimum requirements for a Special Exception; conditioned on site plan review through the Planning Board and obtaining all State approvals.
 - 1. They have shown that granting the permit would be in the public interest;
 - 2. The proposed use would not adversely affect the property values in the district;
 - 3. The specific site is an appropriate location for the proposed use;
 - 4. The proposed use would not adversely affect the health and safety of the residents and others in the area and would not be detrimental to the use or development of the adjacent or neighboring properties;
 - 5. The proposed use would not constitute a nuisance because of offensive noise, vibration, smoke dust, odors, heat, glare, or unsightliness;
 - 6. That granting the permit would be in the spirit of the ordinance;

7. And the proposed use would not constitute a hazard because of traffic, hazardous materials, or other conditions.
 - xviii. Mr. O'Brien seconded the motion.
 - xix. Mr. Evans, Mr. O'Brien, Mr. Todd, and Chairman Wieck all voted aye. The other Board members abstained due to not being present for all meetings and/or being an alternate.
 - xx. Chairman Wieck reminded the applicants that there is a 30-day period where someone can appeal. The approval was based on the provided testimony and if any changes are made, they will need to come back to the Board.
 - xxi. Ms. Gould discussed the next steps and clarified what types of changes would require re-approval. The Board advised that setbacks likely won't be an issue, but the Planning Board will need a much more detailed site plan.
4. Adjournment
 - a. The meeting was adjourned at 7:50 p.m.

Minutes submitted by Kathleen McKay, Administrative Assistant