

Town of Canterbury, NH
Zoning Board of Adjustment
Date: 2025 March 26
Location: Meeting House
Case No. 2025-1 Special Exception

Board Members Present: Jim Wieck (Chair), Web Stout, Sean O'Brien, Lisa Carlson (Alternate)

Others Present: Brian Gaessler, Jennifer Gaessler, Chris Nicolopoulos, Calvin Todd, Bob Steenson, Beth Blair, Kelly Short, Ellen Bassett, Mindy Beltramo

1. The meeting was called to order at 7 p.m.
2. Lisa Carlson was seated as voting member.
3. Case No. 2025-1 Special Exception
 - a. Brian and Jennifer Gaessler are seeking a special exception as regards property located at 49 Hackleboro Road, Tax Map 103, Lot 15 located in the residential district. The proposed use states "home office" for an electrical business. The application references Article 5, Section 5.3 of the Canterbury Zoning Ordinance.
 - b. Chairman Wieck gave a detailed description as to the conduct of the hearing procedure.
 - c. Brian Gaessler and his attorney, Chris Nicolopoulos, presented the application.
 - i. Mr. Nicolopoulos explained that 7 or 8 months ago, the Gaessler's learned that there was a question about needing a Special Exception (SE) to run a business out of the property.
 - ii. Mr. Gaessler is an electrician and runs a business with four employees. The applicants do not believe that this business is a home business because Mr. Gaessler doesn't meet clients, produce products or hold meetings at the property, or have business products delivered to his home.
 - iii. Mr. Gaessler has a truck that belongs to the business which he drives home at night.
 - iv. One of Mr. Gaessler's employees is his nephew, who comes to the house every morning to carpool to work together.
 - v. There is no sign for the business at the property.
 - vi. To appease the Town, they filled out this paperwork and applied for an SE, but they do not think it is needed.
 - d. Chairman Wieck asked if anyone present wanted to speak in favor of granting the special exception. No one spoke.
 - e. Chairman Wieck asked if anyone present wanted to speak against granting the special exception.
 - i. Bob Steenson (61 Hackleboro Road)
 1. Mr. Steenson explained that he and the other neighbors are concerned about the paved parking lot, parking lot lighting, dumpster in a prominently visible location, an externally illuminated sign (not related to the business), metal warehouse storage building, outdoor storage of vehicles, trailers, and other equipment related to the business.
 2. Mr. Steenson stated that the Zoning Ordinance Section 2.5 defines a home office occupation as being entirely inside the dwelling unit or accessory structure.
 3. Mr. Steenson quoted 2.5.A. which states that the use must be "incidental and secondary to use of the premises for residential purposes". He believes that due to the size of the parking lot, storage building, and quantity of equipment, the business might be the primary use of the site.

- 49 4. Mr. Steenson quoted 2.5.D. which states “there is no exterior storage of commercial
50 material or equipment including the parking of more than one commercial vehicle”. He
51 said that on average there are three open trailers, one closed trailer, an excavator, a small
52 tractor, a van, a pickup truck, and currently a pallet of what appears to be metal conduit.
53 5. Mr. Steenson continued to quote 2.5.D. which states there can be no “variation from the
54 residential character of the premises.” He grants that the property is neat and clean, but
55 the parking lot, lighting, storage building, and equipment are not residential in character.
56 6. Mr. Steenson referenced 2.5.C. which says there cannot be offensive glare. He believes
57 that the lighting as currently installed would not pass site plan review by the Planning
58 Board. He quoted Site Plan Review Regulations section V.F.1. “outdoor lighting shall
59 not glare on abutting properties or on public highways or streets”.
60 7. Mr. Steenson believes there is more to this property than a home office. If an SE were
61 granted, then they would need to come into compliance with the Zoning Ordinance,
62 including restoration of the residential character of the property. If it is not actually a
63 home occupation, then they should be here for a variance not special exception.
- 64 ii. Mindy Beltramo (158 Hackleboro Road)
- 65 1. Ms. Beltramo expressed concern about the second driveway at the bend in the road. It
66 has stones that get moved by various pieces of equipment and the rocks fall back into
67 the road. She considers this a traffic hazard.
- 68 iii. Kelly Short (107 Hackleboro Road)
- 69 1. Ms. Short expressed concern that the overall look and feel of the property is very
70 commercial. Hackleboro Road has been designated by the Town as a Scenic Road. She
71 reiterated the concerns about the size of the paved area, the commercial looking garage,
72 and the variety of vehicles parked on the property.
- 73 iv. Ellen Bassett (100 Hackleboro Road)
- 74 1. Ms. Bassett explained that the lighting is bright enough that it casts shadows hundreds
75 of yards away into the woods. She echoed the concerns about the property looking
76 commercial, the size of the parking lot, and the “obnoxious” lighting.
- 77 v. Other discussion
- 78 1. Ms. Beltramo asked if the SE is approved, will there be a limit to how many vehicles
79 they can have on the property? Chairman Wieck explained that the applicants would be
80 limited to the testimony provided. In this case, that would mean one commercial truck
81 and the nephew that comes over to carpool. If there was anything that wasn’t consistent
82 with the Zoning Ordinance, that would be a matter for Code Enforcement.
- 83 2. Ms. Beltramo asked what the history of the property was. Jennifer Gaessler explained
84 how she was related to the previous owners and how the property came into their
85 possession.
- 86 3. Mr. Nicolopoulos responded to some of the comments detailed above. He believes the
87 comments don’t address the core issue of if there is a business happening at the location,
88 just that the neighbors don’t like the size of the driveway, the lighting, and the garage
89 material, etc. He said that Mr. Gaessler happens to have a lot of equipment that has
90 nothing to do with his business. There is a dumpster because the Town doesn’t have
91 curbside pickup. The house is built to code and the primary use is residential.
- 92 4. Mr. Stout asked if the vehicles are registered. Two of the trailers are currently not
93 registered, when they were, they were registered to Mr. Gaessler personally.
- 94 5. Mr. Nicolopoulos stated that the lighting isn’t display lighting and the sign saying
95 “Gaessler Home” is no longer lit.
- 96 6. Mr. Gaessler stated that in regard to the rocks covering the driveway, the Town Hall
97 gave him approval to move them when he was hauling dirt.

- 98 f. Chairman Wieck read aloud a letter from Hannah Sullivan of 41 Hackleboro Road.
- 99 i. Ms. Sullivan stated her support of home offices as defined in Section 2.5 of the Zoning
- 100 Ordinance, but questioned if a Special Exception was necessary in this case and if the
- 101 application was filed properly.
- 102 ii. Chairmen Wieck read this letter as in favor of the application.
- 103 g. Chairman Wieck asked if anyone present wanted to speak against granting the special exception
- 104 with information that hasn't already been stated.
- 105 i. Ellen Bassett (100 Hackleboro Road)
- 106 1. Ms. Bassett acknowledged that the light on the "Gaessler Home" sign had been taken
- 107 down. She said that her objection to the lighting is not personal preference, the lighting
- 108 that is currently in place looks like security lighting for a commercial equipment yard.
- 109 ii. Mindy Beltramo (158 Hackleboro Road)
- 110 1. Ms. Beltramo questioned if the letter from Hannah Sullivan was in favor or against the
- 111 application. Chairman Wieck said the Board would decide how to interpret it.
- 112 iii. Calvin Todd (11 Barnett Road)
- 113 1. Mr. Todd asked about the excavators that have business labeling/signage on them, does
- 114 that count towards the number of business vehicles allowed?
- 115 2. Mr. Nicolopoulos stated that the excavators are personally owned even though they have
- 116 stickers for the business on them. Mr. Gaessler has never used them on a jobsite and
- 117 they were delivered to the house. He has put stickers on them because he is proud of his
- 118 work.
- 119 h. Chairman Wieck asked if the Board had any further questions for the applicant.
- 120 i. Mr. O'Brien said he was satisfied with the answers provided regarding the outside
- 121 equipment, the lighting, and the signage. Mr. Nicolopoulos clarified that the streetlight was
- 122 still up, but the light on the sign has been taken down.
- 123 ii. Chairman Wieck confirmed that the only piece of equipment actually associated with the
- 124 business was a single truck parked outside, there is no business activity conducted in the
- 125 shop, and no employees work at the property (just the nephew who comes in the morning to
- 126 carpool).
- 127 iii. Mr. Gaessler said that the paved area is a driveway not a parking lot. There is a box
- 128 truck/van that is used for the business and parked in the garage. The truck he drives is
- 129 personal and used to drive to/from work. It does have logos for the business, but he puts
- 130 logos on everything. If this SE is granted, he would be limited to one commercial truck.
- 131 iv. Mr. Stout didn't think that this should be considered a home occupation since Mr. Gaessler
- 132 isn't doing any work at home so most of Section 2.5 doesn't apply.
- 133 v. Chairman Wieck thought this use is close enough.
- 134 vi. Mr. O'Brien also didn't think this is a home occupation and questioned what the Gaessler's
- 135 are even applying for.
- 136 vii. Mr. Nicolopoulos stated that he and the Gaessler's also don't think this is a home
- 137 occupation, but he believes the Town told them to do the process anyway because one of the
- 138 neighbors is on the Selectboard.
- 139 i. Chairman Wieck closed the hearing. The Board then deliberated.
- 140 i. Mr. O'Brien felt this SE could be granted.
- 141 ii. Chairman Wieck said the Board could consider granting the SE, but they need to go through
- 142 each of the requirements and the Gaessler's didn't do that. Mr. Stout said that he did cover a
- 143 few of them. The Board decided that they could ask the applicant to address each
- 144 requirement.

- 145 iii. Ms. Carlson questioned if an SE for home occupation could be granted if what Mr. Gaessler
146 is doing isn't a home occupation. She suggested that if this wasn't votable, then this could
147 just be considered an informational session.
- 148 iv. Chairman Wieck felt that it is close enough to a home occupation since there are vehicles
149 and it wouldn't be unreasonable that they could be conducting office work.
- 150 v. Mr. Stout compared the situation to a carpenter who lives at home but has a shop elsewhere;
151 that would not be considered a home occupation.
- 152 vi. Mr. O'Brien felt that granting this SE gives the applicant the option to operate as a home
153 office while also restricting them to operate under this criteria.
- 154 vii. Mr. Nicolopoulos was asked to address each of the relevant criteria. He first stated that they
155 would prefer the situation not be considered a home occupation because no business is
156 being conducted on the property. He then addressed specific parts of the ordinance.
- 157 1. 2.5.A. The Gaessler's live in the house, that is the primary use of the property. There is
158 some parking for a car or two.
- 159 2. 2.5.B. Sometimes the nephew parks his car there, but no employees work on the
160 property ever.
- 161 3. 2.5.C. There is no offensive noise, traffic, vibration, smoke, dust, odors, heat, glare, or
162 unsightliness.
- 163 4. 2.5.D. There is no exterior storage of commercial material or equipment. The excavator
164 and trailers are personal and they will remove the labeling.
- 165 5. 2.5.E. There is plenty of parking, only the nephew tends to park his car there.
- 166 6. 2.5.F. It is not a commercial zone.
- 167 7. 8.1.A. The use of the property for business is minimal and will not affect the
168 neighborhood. It is an appropriate location and there are no affects on health and safety.
169 The business is not a nuisance, it would be in the spirit of the ordinance to approve the
170 SE, and the use presents no hazard.
- 171 viii. Mr. O'Brien made a motion to grant the application in case 2025-1 for Brian and
172 Jennifer Gaessler as they have met the minimum requirements for a Special Exception. Mr.
173 Stout seconded the motion. All in favor by roll call, motion carried.
- 174 ix. Chairman Wieck reminded the applicants that there is a 30-day period where someone can
175 appeal. The approval was based on the provided testimony and if any changes are made,
176 they will need to come back to the Board.
- 177 4. Chairman Wieck made a motion to approve the minutes for the ZBA meeting on February 26, 2025
178 for Case No. 2024-7. Mr. Stout seconded. All in favor by roll call, motion carried.
- 179 5. Appeal for Case No. 2024-7
- 180 a. Timothy Entwisle of 146 New Road submitted an appeal for Case No. 2024-7 on March 24,
181 2025 (within the 30-day appeal period).
- 182 b. Kal explained that Mr. Entwisle was unable to attend the third hearing (2/26/25) for case 2024-7
183 and sent a statement via email to the Zoning Board the night before the hearing (2/25/25). Kal
184 did not check that email account on 2/26/25, so the letter wasn't seen and presented at the
185 hearing. When they discovered the error the following week, they contacted Mr. Entwisle and
186 let him know he had 30 days to appeal the decision if he wished to.
- 187 c. The Board read copies of the appeal letter.
- 188 d. There was discussion about if this appeal needed to be publicly noticed. The Board decided that
189 since testimony wouldn't be accepted anyway, noticing this discussion was unnecessary. If they
190 decided to re-hear the case, then noticing would need to be done.
- 191 e. There was discussion about if anything brought up in the letter warranted a rehearing. The
192 Board leaned towards denying the appeal because Mr. Entwisle had the opportunity to present

193 this information at the first two hearings and testimony at the third hearing was strictly limited
194 to new information regarding the items requested by the Board at the second hearing.

- 195 f. The Board decided not to vote on the appeal at this meeting because not enough members who
196 voted at the 2/26/25 hearing were present.

197 6. Administration

- 198 a. Ms. Carlson brought up unexcused absences. The Board discussed that if someone can't attend,
199 they need to let Ms. Carlson know. Chairman Wieck will bring this up at the next meeting and
200 send out an email.
- 201 b. The Board discussed making Scott Herrick a full member to replace Calvin Todd (since he is
202 now on the Selectboard). Chairman Wieck will get in contact with Scott.
- 203 c. There was discussion about if Brendan should still be an alternate now that he is a full member
204 of the Planning Board. He legally can be, but it might be too much of a time commitment.
205 Either way, the Board needs to find more alternates.
- 206 d. Jim Wieck needs to reup since his term ends this year. There was discussion about how to
207 stagger terms so that most of the Board isn't up at the same time. They decided that Jim Wieck
208 and Scott Herrick should be given 3-year appointments ending in 2028, the new alternate
209 should be given a 1-year appointment ending in 2026 and then reupped for 3 years after, and
210 that Lisa Carlson should reup now so she can also be up in 2028.
- 211 e. Ms. Carlson make a motion to reelected Jim Wieck as Chair. Mr. O'Brien seconded. All in favor
212 by roll call, motion carried.
- 213 f. Even though there are currently no applications waiting, the Board will meet next month
214 anyway for housekeeping items.
- 215 g. Chairman Wieck made a motion that Scott Herrick be made a full member of the Board, on the
216 condition that he accepts. Lisa seconded. All in favor by roll call, motion carried.
- 217 h. Kal clarified that the ZBA no longer needs to post notice of hearings in the Concord Monitor
218 because the Town consulted with counsel and decided that normal ZBA and Planning Board
219 hearings don't need to be posted in the newspaper. Posting on the website and at the Sam Lake
220 House was determined to satisfy the posting requirements.

221 7. Adjournment

- 222 a. The meeting was adjourned at 8:10 p.m.

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224 Minutes submitted by Kathleen McKay, Administrative Assistant