

**Board of Adjustment
Canterbury, NH
Minutes of Meeting
25 June 2025**

Case No. 2025-2 Special Exception

Present were: Chairman Jim Wieck, Scott Herrick, Christopher Evans, Web Stout (via zoom) and Lisa Carlson (Alternate). Sean O'Brien was an excused absence.

Also present were: Randi Johnson and Gary Spaulding, Kal McKay, John Arnold, Melissa Lane, Cher and Kenneth Guillemette.

Chairman Wieck reviewed the application saying Ms. Lane is applying for a special exception to allow: "the operation of a small homeschool learning center (aka: homeschool enrichment program) where less than eight children (aged five years and older) attend on specified days and times to learn together as a group, complete projects and socialize with one another". The application involves Tax Map 233, lot 001, 490 Northwest Road in the Agricultural/Conservation zone. The application references Article 5.3 C. Chairman Wieck gave a detailed description as to the conduct of the hearing procedure.

Melissa Lane wants to operate an in-school learning center to include herself, her two children and five to six other children from other families joining them each day. The ages of the children are between 5-11 years old. All the children attending the program for the day are registered as homeschoolers with the state. The property itself does not require any changes. She is giving up a bedroom in her house to turn into a classroom. As far as traffic, since it's so few families traffic on route 132 will not be impacted. The entirely fenced-in play area in the back yard has only one in and one out entrance, thereby providing safety and security. The property is 1.8 acres. All the attending children are not in any kind of physical contact with our neighbors. The closest neighbor is Sandy Scripture who is in behind them and has expressed her support. Noise is not an issue. The additional children would be no louder than their own children playing in the yard. Chairman Wieck pointed out a special exception is required for an educational facility. Ms. Lane concurred, saying she needed some initial clarification because they are all home schoolers. She does supply some sort of curriculum for different subjects, but the children can choose to bring their own. It is a strange, gray area where I am not a teacher, we're not a school, they are just children who are choosing to learn for a few days a week outside of their normal home-schooling enrichments. Chairman Wieck called her attention to her application and the Table of Uses and one of the classifications is an educational facility. She concurred that is what she would be considered.

Ms. Lane addressed the seven criteria for a special exception:

1. That granting the permit would be in the public interest. Peapod Place is a unique educational program that serves the home-schooling community as well as additional forms of home education (EFA). Very few similar programs currently exist. Peapod Place caters specifically to children who learn best in small intimate groups, require more time outside in nature physically moving their bodies and desire a less centered structure that also allows for individual exploration of interests. The public benefits from having a variety of alternative educational options so they may find which best suits their children's individual needs and learning styles.
2. The proposed use would not adversely affect the property values in the district. Operating the program as planned would not result in any physical or lasting changes to the property itself or its neighbors. As a benefit, the yard has been upgraded in many ways to improve curb appeal and natural beauty with the installation of fruit trees, ornamental trees, secure fencing, and a manicured lawn and garden. Operating the program places extra emphasis on keeping the house and yard tidy and neat.

3. The specific site is an appropriate location for the proposed use. Because the group of children attending is so small, no special modifications need to take place to operate successfully. As the children attending are all enrolled in home education pathways, a comfortable home, especially one that offers ample

Case No. 2025-2 cont'd

2

outdoor space, it is the perfect place to operate from. The property is easily accessible on a main road with a large, paved driveway which offers room to turn around before reentering the roadway.

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 adjacent or neighboring properties. The property includes 1.8 acres. The children attending are not in direct, physical contact with any of the neighbors as we have a pretty large buffer area between actual houses. The back yard is completely fenced in and the children do not leave the property. Indoor spaces are routinely sanitized to prevent the spread of any illnesses, bacteria or viruses. The health/safety risk is minimal and no different than having a group of friends over for a routine playdate.
5. The proposed use would not constitute a nuisance because of offensive noise, vibration, smoke, dust, odors, heat, glare, or unsightliness. Noise level when children are outdoors is kept in check at all times. All play structures and toys are kept in the fenced-in back yard and are not easily visible from the street. The yard is tidy and maintained and contains a swing set, several raised garden beds, a sandbox, a mud kitchen, climbing dome, manicured lawn and numerous fruit trees.
6. That granting of the permit would be in the spirit of the ordinance. All children deserve to learn in a way that benefits and works for them and their families. By granting this permit, you are supporting local children along their individual and unique learning paths.
7. That the proposed use would not constitute a hazard because of traffic, hazardous materials or other conditions. As a very small group of less than 8 children, traffic impact is nominal. Only a few cars would be pulling in around 9 AM to drop children off and again at 3 PM to pick children up. The location is on an easily accessible main road with a large, paved driveway containing enough room to turn around before re-entering the roadway. Route 132 is not an overly busy road so no traffic would be held up or impacted negatively.

Chairman Wieck asked for questions from the board. Lisa asked about the operating hours. They will be 9-3, Monday through Friday. She asked for clarification about the letters EFA: Educational Freedom Account. Chairman Wieck advised whatever testimony is given and put into the record is what the board will hold you to. If your hours change you must come back to the board for any changes to operations. Scott asked if there would be any signage. There will be no signage. Chris asked a maximum of eight children. Yes. Lisa asked because this is an alternate, educational, supplemental program, what are the requirements from home schooling programs or EFAs for insurance. How are you required to be insured for this. There is no special insurance required. It is suggested; we do have our homeowner's insurance, and we also have every child that is going to enroll sign a liability waiver as far as their children being on the property. Chairman Wieck asked if anyone wished to speak in favor, no one spoke. In opposition? No one spoke. Kenneth Guillemette spoke as the property owner saying he is in favor. Chairman Wieck asked the applicant if she had anything further to add. She said she has always dreamed of homeschooling her own children. This is a way for her to continue her own homeschooling journey. Web said he has a question about rearranging some of the rooms in the house to accommodate the schooling. Ms. Lane responded she gave up the largest bedroom in the house to convert into a classroom to homeschool her own children. This is the same room she will use for this purpose. Web asked has the Code Enforcement Officer been over to inspect. He has not. Web went on since you have the public coming in, just to make sure you meet life safety code. It might be a good idea. Ms. Lane said she is not opposed to that. Web asked if it's 6 hours a day for eight kids, correct? Yes, Monday through Friday. Lisa asked, is that something you will want as a condition if we get to that? Web replied it's something especially with younger kids, just the fire safety needs probably taking a look at. Ms. Lane advised they have at least two fire extinguishers that are up to date in the house. They have all the wired in ones. She is also first aid and CPR certified with the Red Cross. Chairman Wieck asked if there were any questions from the Board. He returned to those who wished to speak in favor. Cher Guillemette spoke saying she is in favor. This would be providing a

service to alternative education for children who have difficulty sitting in classrooms for long periods of time, who need to run around and get physical exercise intermittently. Chairman Wieck asked for a final time if anyone wished to speak in opposition. No one spoke. The testimony portion of the hearing was closed at 7:20 PM. The Board deliberated. Scott said he had no objections. Lisa said for the sake of Web's concerns it would be a good idea to invite our Code Enforcement Officer to come by and give him a tour and then he can say your

Case No. 2025-2 cont'd

3

bathroom is adequate, your kitchen is great, all those things that happen in a traditional daycare or educational setting. There are several small schools in our town, and they have all gone through those hoops. It would make you feel better that everybody knows everything and it would make us as a board feel better that everybody has been safety checked. Chris asked whether we are offering that as a suggestion or as a requirement.

Chairman Wieck asked if someone wished to make a motion. Scott spoke saying feeling that she has met all the criteria for a special exception, he would make a motion to approve. Chris seconded the motion. The Board vote was a unanimous decision to **GRANT** the special exception. Chairman Wieck explained the thirty-day appeal process.

Respectfully submitted,

Lisa Carlson, Clerk

Board of Adjustment