

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

Present were: Chairman Jim Wieck, Scott Herrick, Christopher Evans, Web Stout (via zoom), Lisa Carlson (Alternate), Kal McKay, Randi Johnson and Gary Spaulding.

Chairman Wieck convened the meeting at 6:50 PM. He invited Randi to tell the Board about her interest in becoming an alternate to the zoning board, her background and what she brings to the ZBA. She is a program manager and works in cyber security. She has reviewed the town's ordinances and ZBA procedures. She has served on the school board, has organized Halloween activities for the town for several many years, is a current member of the Friends of Canterbury Center committee and is interested in serving on the Board of Adjustment.

Gary Spaulding spoke saying he has lived in Canterbury for 40 years, owns and operates an engineering design company for septic systems. He has served on the Water Counsel for the last eight years. He is very familiar with Land Use boards. He served previously on the Canterbury Zoning Board for many years and is interested in doing so again.

The Board voted to unanimously recommend to the Board of Selectpersons that they be appointed as alternates to the Board of Adjustment. Lisa will write to the Selectboard requesting they be added to the Board of Adjustment as alternates. The meeting portion was closed at 7 PM to conduct the scheduled hearings on the agenda.

The meeting was reconvened at the close of the hearings. Chairman Wieck moved on to the approval for minutes of the hearing from 26 March 2025. Chris made a motion to approve; Scott seconded the motion. The Board voted unanimously to approve them as written. Scott made a motion to approve the minutes of hearing from 28 May 2025; Jim seconded the motion. The Board voted unanimously to approve them as written.

Kal McKay spoke to the appeal received regarding 141 New Road. The Board briefly discussed it, but at the time did not feel it had enough members present to vote on it. Chris asked for who submitted the appeal: Tim Entwistle, abutter. Discussion about who was present for the hearing and what discussions took place regarding the application. Scott noted he brought up the concern about the speculation of road damage that would occur during inclement weather seasons, that the Board could approve not knowing what that damage would be but could not allow it based on speculation and Chris concurred confirming he was at the hearing. Chairman Wieck suggested the Board start from scratch with the appeal and be assured a quorum of members will be present to see it through. This is a transition time for this Board. Calvin Todd who attended the hearings is no longer a ZBA member because of his election as a Selectboard member. It will be difficult to convene a quorum of members who were present for the hearings. Agreement was reached the Board will carefully review the Minutes of Hearings noting item number 4 about noise and decide at the July meeting if it will consider a rehearing to address only new information that was not available at the previous hearings. No procedural errors took place, warranting an appeal. More discussion ensued regarding abutters' firearms use and if this is or is not a school zone. Ms. Martinez-Gould claimed she will not be a school zone. Chris noted she said it was not a school zone. Would this be new information if she was incorrect and this school zone issue is legitimate. Scott stated he does not disagree with Jim that this probably constitutes.....an appeal and hearing it. Chris stated if it's for that reason, if it's a Second Amendment issue, he thinks we must hear it. Jim said what we could do is reach out to the town attorney and get a legal opinion on what constitutes a school zone. Lisa asked if someone starts a school program on their property, does that then turn their property into a school zone because they are offering an educational experience. This is what the Board wants the town attorney to advise us about. We need legal determination. Chairman Wieck will follow up about this.

Lisa advised whether we have a meeting to determine if the Board will rehear the appeal, we will be meeting July 23rd because there is the possibility of another hearing, and the Board still needs to conduct its procedural meeting. Kal reminded Chairman Wieck he needs to be sworn in at the office of the town clerk. Kal reminded

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Chairman Wieck he needs to advise Michelle of the July meeting agenda items if there is going to be one hearing and then a board meeting or if there are two hearings the meeting needs to take place at another time, but very soon because there are things that need resolution in the board's practices. The agenda needs to be posted several days prior to the next meeting date. Kal noted Chris has submitted a notice that he is resigning at the end of his term. He reiterated his intention to fulfill his obligation by staying on till the end of his term. Kal advised the Selectboard approved the Code of Conduct at their Monday meeting. It was emailed out to Board chairs on Monday. Chairman Wieck will forward them to the board members. Kal stated she is handing out paper copies of the Code of Conduct and a Fact Sheet about Right to Know. She went on to advise the ZBA is an appointed board that can be appointed and unappointed by the Selectboard. It is strongly suggested everyone reads this carefully and follows it. Chairs are being asked to reference the Code of Conduct posted in each meeting place, especially when the public is invited to attend hearings and meetings. It is a commonsense document of decorum that will ensure successful gatherings.

Gary asked about town email addresses on home computers. Kal explained that new Right to Know laws are impacting privacy issues for board members, town employees, etc. Gary and Randy will each receive a .gov email address to be used only for ZBA interactions. Considerable discussion about Right to Know and protecting personal information versus ZBA information. Kal asked again if everyone had watched the Right to Know video training if they did not attend the seminar presentation. She reviewed use of phone and text messages. Chris asked if volunteers are covered for personal liability by town insurance. Discussion took place about examples of if and when this would be an issue. Gary reminded the Board about the hearings involving New Freedom Academy and the strong legal advice given by their presenting attorney at the time of legal rights and ADA accessibility. Kal reiterated the importance of watching the Right to Know video which addresses many of these concerns. Discussion about use of phone calls and text messages, what is practical and what is the spirit of the ordinance. Discussion about NHMA being a lobbying organization and training organization.

Chris made a motion to adjourn; Scott seconded the motion. The meeting ended at 9:30 PM.

Respectfully submitted,

Lisa Carlson, Clerk

Board of Adjustment