

file copy

**Board of Adjustment
Canterbury, NH
Notice of Hearing**

Case No. 2025-7 Variance

You are hereby notified that a hearing will be held

Monday, 24 November 2025

at 7 PM in the Meeting House in the Town Center regarding a request by **Michael Pelky**.

The application involves Tax Map 101; Lot 037 located at 17 Nottingham Road. The proposed use states "1,000 max size ADU. The Selectmen said I have to add mechanical room to ADU". The application references Article 18, 18.3 1A.

You are invited to appear in person or by agent or counsel and state the reasons why the request should or should not be granted.

Respectfully submitted,



Lisa Carlson, Clerk
Board of Adjustment

For ZBA use:

Fees paid: 510.00 Cash

Case #: _____

Date: 10/27/25

**ZONING BOARD OF ADJUSTMENT
CANTERBURY, NH**

APPLICATION FOR VARIANCE

The undersigned hereby makes application for a Variance under the terms of Canterbury Zoning Ordinances.

Applicant: Michael Pelky

Owner: Bergeron Family Trust

Address: 17 Nottingham Rd
Canterbury NH

Address: 86 River St Franklin
NH

Phone # _____ (H) 603 266 9948 ^{cell} (W)

Phone # 603 934 6787 (H) _____ (W)

Zoning District (AC, C, CH, I, N, RE or RU): RE

Map and Lot #: 101-037

Article and Section of the Zoning Ordinance involved: Art. 18, 18.3 1.A

Brief description of the proposed variance: 1,000 Max Size ADU

The Selectman said I have to add mechanic Room to ADU

The undersigned alleges that the following circumstances exist to support this variance request.

1. An unnecessary hardship would be imposed by a literal application of this ordinance.

a) For a use variance, the following must be determined to support a finding of unnecessary hardship:

1. The zoning restriction as applied to the applicant's property interferes with the applicant's reasonable use of the property, considering the unique setting of the property in its environment; _____

Property is new construction and
this issue came after completion

2. No fair and substantial relationship exists between the general purposes of the Zoning Ordinance and the specific restriction on the property; _____

3. Granting the variance will not injure the public or private rights of others; True

b) For an area variance, the following must be determined to support a finding of unnecessary hardship;

1. An area variance is needed to enable the applicant's proposed use of the property given the special conditions: The increase of sq footage

of ADU Because of utility Room counted
into sq ft of ADU

2. The benefit sought cannot be achieved by some other method reasonably feasible for the applicant to pursue other than an area variance. All Finished

NO Access for other door

2. Authorization of a variance will not be contrary to the public interest; True

3. The spirit of this Ordinance shall be observed and substantial justice done in the use or structures resulting from the authorization of a variance. _____

Utility Room Not For storage for ADU
locked -

4. No diminution in the value of surrounding properties would be suffered as a result of the authorization of the variance. True

Plot Plan to Accompany Application. This application must be accompanied by a plot plan which is drawn to scale and is of sufficient detail to support the statements made in this application, and to illustrate compliance with the special conditions required in the ordinance. At a minimum, the plot plan must show the location and dimension of existing and proposed building footprints, setback distances to the property lines and road right of way; the location of well and septic systems; significant physical or topographic limitations to development of the lot; and parking and loading areas as applicable. Setback distances from roads must be based on the distance from the edge of the right of way, not the pavement edge. If you are

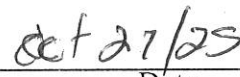
uncertain of the road right of way location, contact the Town Road Agent for more information.

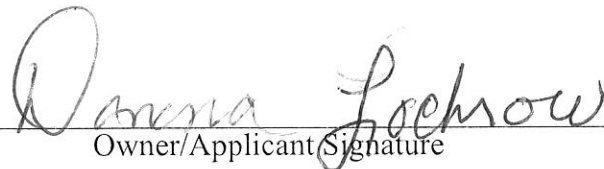
By signing this application I/we understand that the information provided herein is accurate and is in accordance with the Canterbury Zoning Ordinance and other land use regulations of the Town and other applicable state and federal regulations which may apply.

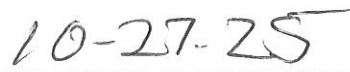
If the applicant is not the same as the owner, a letter of authorization must be submitted along with the application.

I/we consent to allow the Canterbury Zoning Board of Adjustment or its designee to make onsite inspection(s) of my/our property as deemed necessary for the evaluation of my/our application.


Owner/Applicant Signature


Date

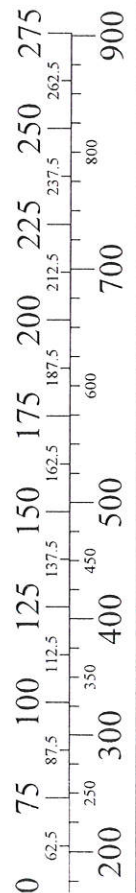

Owner/Applicant Signature

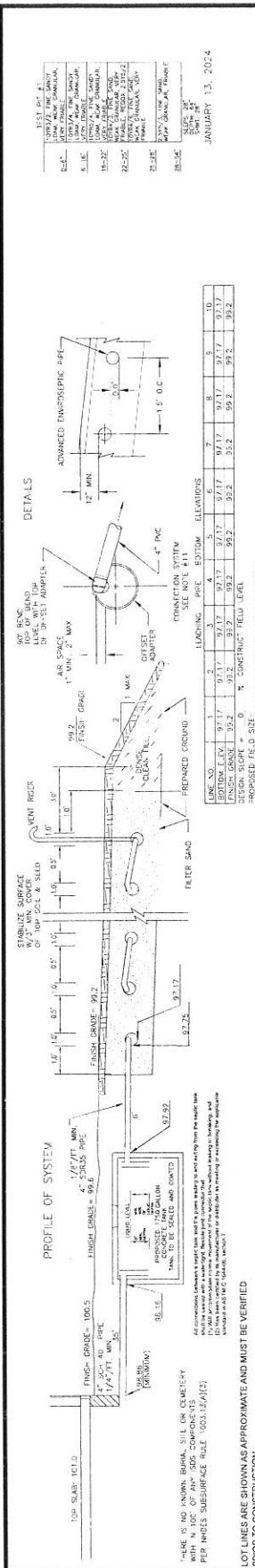

Date



MAP NOTES

SCALE





DATE: JANUARY 17, 2024
JANUARY 13, 2024

DESIGN INTENT: RED TO AT 97.12 WHICH IS 0.33' BELOW
EXISTING GRADE ON THE UPHILL SIDE (97.45). THIS WILL PROVIDE
A 2' C' SEPARATION BETWEEN BED BOTTOM AND THE ADVANCED
SHIRT USING THE ADVANCED ENVIROSEPTIC LEACHING SYSTEM.

SITE DATA:
SOIL TYPE: METACOM FINE SANDY CLAM
PERMEABILITY: 12 MIN/INCH
PERCOLATION RATE: 12 MIN/INCH
SEASONAL HIGH WATER TABLE: 28"
DEPTH TO LEDGE: NO REFUSAL AT 64"
SUBDIVISION APPROVAL NUMBER: PRE 1987

SYSTEM DESIGN: LEACHING: 2 BORMS-IN-LAW 525 GPD
LEACHING AREA: 528 SF
PIPE LENGTH REQUIRED: 280 LF
PIPE LENGTH PROVIDED: 300 LF
ADVANCED ENVIROSEPTIC PIPE
SEPTIC TANK: 12' X 12' X 6' CONCRETE TANK
DISTRIBUTION BOX: NOT REQUIRED
WATER SUPPLY: WELL ON LOT (EXISTING)
LEACHING PIPES: ENVIROSEPTIC LEACHING SYSTEM* PER
DESIGN & INSTALLATION HANDBOOK FOR WLL, REVISED 2019

CANTERBURY

NOTES

1. THE SOIL PURPOSE OF THIS PLAN IS FOR THE REGION AND
THESE ARE NOT TO BE USED FOR ANY OTHER PURPOSES.
FOR ANY OTHER PURPOSES, THE USER MUST CONSULT THE
DESIGNER FOR ANY OTHER PURPOSES.

2. THE DESIGNER ASSUMES NO LIABILITY FOR THE PROPER
FUNCTION OF ANY SYSTEM UNLESS CONTRACTED TO PROVIDE
CONSTRUCTION AND MAINTENANCE OF THE SYSTEM.
(1) BORMS-IN-LAW
(2) BORMS-IN-LAW

3. SYSTEM IS NOT DESIGNED FOR ANY USE OVER 525 GPD.
(1) BORMS-IN-LAW
(2) BORMS-IN-LAW

4. SYSTEM IS NOT DESIGNED FOR USE WITH SANITARY DISPOSAL
OF SOLID WASTE OR OTHER SOLID WASTE.

5. CONNECTIONS TO EXISTING LUMENARY AND SEWAGE
SYSTEMS SHALL BE MADE IN ACCORDANCE WITH THE
DESIGNER'S REQUIREMENTS. THE DESIGNER SHALL BE NOTIFIED PRIOR TO
CONSTRUCTION.

6. THE SYSTEM IS NOT DESIGNED TO BE USED WITH ANY
PUMP OR WATER TREATMENT SYSTEM.

7. THE SYSTEM SHALL BE INSULATED AND APPROVED BY STATE
OR LOCAL AGENCIES PRIOR TO INSTALLATION.

8. ADVANCED ENVIROSEPTIC SYSTEM DESIGN TO BE THE SAME
AS PROVIDED DESIGN DISCUSSION.

9. SECOND SHIRT, EXISTING DISCUSSION, AND VERTICAL CONTROL.
OF THE SYSTEM SHALL BE CONSIDERED.

10. ADVANCED ENVIROSEPTIC SYSTEM DESIGN TO BE THE SAME
AS PROVIDED DESIGN DISCUSSION.

11. THE CONNECTIONS SHALL BE MADE IN ACCORDANCE WITH THE
DESIGNER'S REQUIREMENTS. THE DESIGNER SHALL BE NOTIFIED PRIOR TO
CONSTRUCTION.

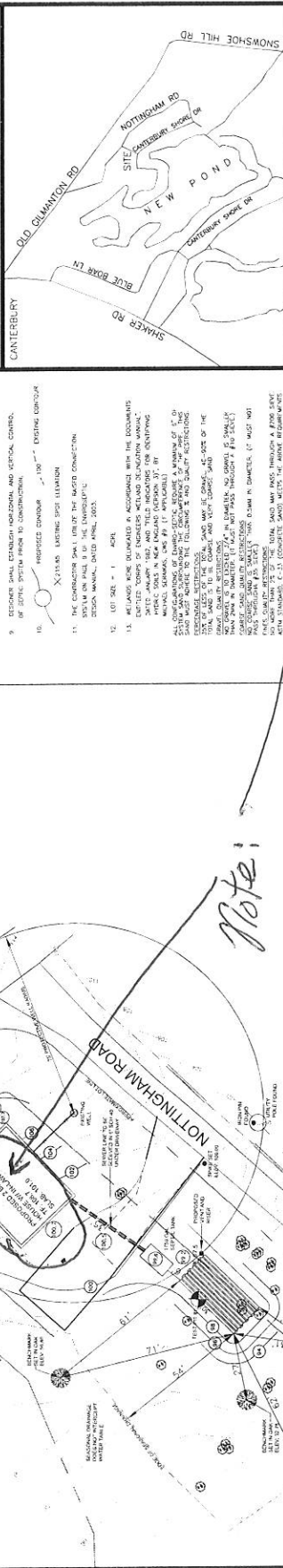
12. LOT SIZE = 1 ACRE

13. RELEASER MORE ELIMINATED AS ACCORDANCE WITH THE DOCUMENTS
CANTERBURY TOWNSHIP ENGINEERING AND CONSTRUCTION
PUBLIC CODE, IN NEW ENGLAND (SECTION 37) - BY
THE TOWNSHIP ENGINEERING AND CONSTRUCTION
ALL CONSTRUCTION OF ENVIROSEPTIC SYSTEMS SHALL BE IN ACCORDANCE WITH THE
DESIGNER'S REQUIREMENTS. THE DESIGNER SHALL BE NOTIFIED PRIOR TO
CONSTRUCTION.

14. THE DESIGNER ASSUMES NO LIABILITY FOR THE PROPER
FUNCTION OF ANY SYSTEM UNLESS CONTRACTED TO PROVIDE
CONSTRUCTION AND MAINTENANCE OF THE SYSTEM.
(1) BORMS-IN-LAW
(2) BORMS-IN-LAW

15. THE DESIGNER ASSUMES NO LIABILITY FOR THE PROPER
FUNCTION OF ANY SYSTEM UNLESS CONTRACTED TO PROVIDE
CONSTRUCTION AND MAINTENANCE OF THE SYSTEM.
(1) BORMS-IN-LAW
(2) BORMS-IN-LAW

16. THE DESIGNER ASSUMES NO LIABILITY FOR THE PROPER
FUNCTION OF ANY SYSTEM UNLESS CONTRACTED TO PROVIDE
CONSTRUCTION AND MAINTENANCE OF THE SYSTEM.
(1) BORMS-IN-LAW
(2) BORMS-IN-LAW



SEWAGE DISPOSAL SYSTEM

LOTS: 36+37, MAP: 101, 17 NOTTINGHAM ROAD, CANTERBURY
OWNER: BERGERON FAMIL TRUST
27 CHESTNUT ST
TILTON, NH 03070

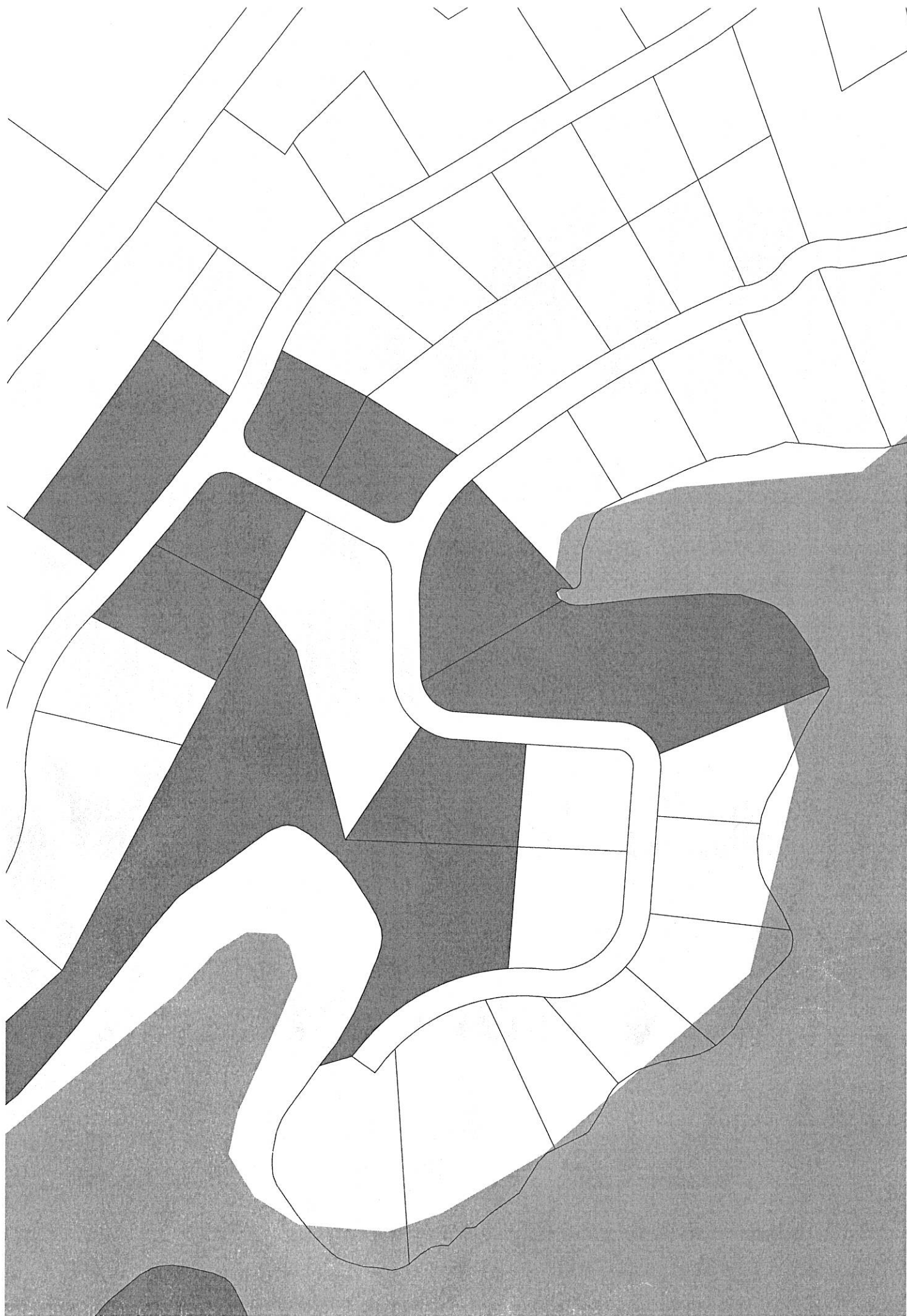
SCALE: 1"=20'

DATE: JANUARY 17, 2024

DESIGNER: BEAVER BROOK PLANNING AND DESIGN LLC
PO BOX 222
PO BOX NEW HAMPSHIRE 03302
603 - 496 - 9097

REVISIONS

1. DESIGNER'S REQUIREMENTS
2. DESIGNER'S REQUIREMENTS
3. DESIGNER'S REQUIREMENTS
4. DESIGNER'S REQUIREMENTS
5. DESIGNER'S REQUIREMENTS
6. DESIGNER'S REQUIREMENTS
7. DESIGNER'S REQUIREMENTS
8. DESIGNER'S REQUIREMENTS
9. DESIGNER'S REQUIREMENTS
10. DESIGNER'S REQUIREMENTS
11. DESIGNER'S REQUIREMENTS
12. DESIGNER'S REQUIREMENTS
13. DESIGNER'S REQUIREMENTS
14. DESIGNER'S REQUIREMENTS
15. DESIGNER'S REQUIREMENTS
16. DESIGNER'S REQUIREMENTS
17. DESIGNER'S REQUIREMENTS
18. DESIGNER'S REQUIREMENTS
19. DESIGNER'S REQUIREMENTS
20. DESIGNER'S REQUIREMENTS
21. DESIGNER'S REQUIREMENTS
22. DESIGNER'S REQUIREMENTS
23. DESIGNER'S REQUIREMENTS
24. DESIGNER'S REQUIREMENTS
25. DESIGNER'S REQUIREMENTS
26. DESIGNER'S REQUIREMENTS
27. DESIGNER'S REQUIREMENTS
28. DESIGNER'S REQUIREMENTS
29. DESIGNER'S REQUIREMENTS
30. DESIGNER'S REQUIREMENTS
31. DESIGNER'S REQUIREMENTS
32. DESIGNER'S REQUIREMENTS
33. DESIGNER'S REQUIREMENTS
34. DESIGNER'S REQUIREMENTS
35. DESIGNER'S REQUIREMENTS
36. DESIGNER'S REQUIREMENTS
37. DESIGNER'S REQUIREMENTS
38. DESIGNER'S REQUIREMENTS
39. DESIGNER'S REQUIREMENTS
40. DESIGNER'S REQUIREMENTS
41. DESIGNER'S REQUIREMENTS
42. DESIGNER'S REQUIREMENTS
43. DESIGNER'S REQUIREMENTS
44. DESIGNER'S REQUIREMENTS
45. DESIGNER'S REQUIREMENTS
46. DESIGNER'S REQUIREMENTS
47. DESIGNER'S REQUIREMENTS
48. DESIGNER'S REQUIREMENTS
49. DESIGNER'S REQUIREMENTS
50. DESIGNER'S REQUIREMENTS
51. DESIGNER'S REQUIREMENTS
52. DESIGNER'S REQUIREMENTS
53. DESIGNER'S REQUIREMENTS
54. DESIGNER'S REQUIREMENTS
55. DESIGNER'S REQUIREMENTS
56. DESIGNER'S REQUIREMENTS
57. DESIGNER'S REQUIREMENTS
58. DESIGNER'S REQUIREMENTS
59. DESIGNER'S REQUIREMENTS
60. DESIGNER'S REQUIREMENTS
61. DESIGNER'S REQUIREMENTS
62. DESIGNER'S REQUIREMENTS
63. DESIGNER'S REQUIREMENTS
64. DESIGNER'S REQUIREMENTS
65. DESIGNER'S REQUIREMENTS
66. DESIGNER'S REQUIREMENTS
67. DESIGNER'S REQUIREMENTS
68. DESIGNER'S REQUIREMENTS
69. DESIGNER'S REQUIREMENTS
70. DESIGNER'S REQUIREMENTS
71. DESIGNER'S REQUIREMENTS
72. DESIGNER'S REQUIREMENTS
73. DESIGNER'S REQUIREMENTS
74. DESIGNER'S REQUIREMENTS
75. DESIGNER'S REQUIREMENTS
76. DESIGNER'S REQUIREMENTS
77. DESIGNER'S REQUIREMENTS
78. DESIGNER'S REQUIREMENTS
79. DESIGNER'S REQUIREMENTS
80. DESIGNER'S REQUIREMENTS
81. DESIGNER'S REQUIREMENTS
82. DESIGNER'S REQUIREMENTS
83. DESIGNER'S REQUIREMENTS
84. DESIGNER'S REQUIREMENTS
85. DESIGNER'S REQUIREMENTS
86. DESIGNER'S REQUIREMENTS
87. DESIGNER'S REQUIREMENTS
88. DESIGNER'S REQUIREMENTS
89. DESIGNER'S REQUIREMENTS
90. DESIGNER'S REQUIREMENTS
91. DESIGNER'S REQUIREMENTS
92. DESIGNER'S REQUIREMENTS
93. DESIGNER'S REQUIREMENTS
94. DESIGNER'S REQUIREMENTS
95. DESIGNER'S REQUIREMENTS
96. DESIGNER'S REQUIREMENTS
97. DESIGNER'S REQUIREMENTS
98. DESIGNER'S REQUIREMENTS
99. DESIGNER'S REQUIREMENTS
100. DESIGNER'S REQUIREMENTS

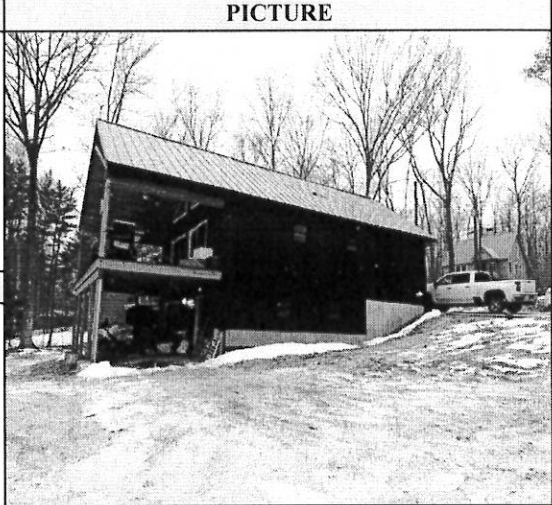


Map: 000101

Lot: 037000

Sub: 000000

17 NOTTINGHAM ROAD

OWNER INFORMATION		PICTURE
LOCKROW, DONNA TRUSTEE BERGERON FAMILY REVOC TRUST OF 86 RIVER STREET FRANKLIN NH 03235		
PARCEL DESCRIPTION Acreage: 1.000 1.50 STORY FRAME RANCH Zone: RU - SHERWOOD IMP Year Built: 2024 Neighborhood: AVERAGE Bed/Bathrooms: 2 / 2.0 Land Use: 2F RES Gross Living Area: 1,590		
PROJECTS & ACTIONS		
Type: NEW HOME Name: HOUSE Status: OPEN Project Date: 05/16/24 Application Submitted: Public Hearing: Completed Date: Owner Phone: / Impact Fee: Project Number: Description: 30' X 40' SINGLE FAMILY HOUSE 2 BEDROOM 1 BATH WITH WALKOUT BASEMENT		
Inspection Type: ELECTRICAL SERVICE Number: 2024000023 Status: PASSED Inspected By: JOEL FRENCH Inspection Status Options: ☐ FAILED ☐ PENDING ☐ REVIEW Added Date: 04/25/24 Insp. Date: 04/25/24 Fee: Contractor: Phone: / Contractor Company: License: Notes: TEMP SERVICE		
Permit Type: BUILDING PERMIT Number: 2024 BP-11-3 Status: OPEN Appr. Date: 05/16/24 Expr. Date: 05/16/25 Estimated Cost: \$0 Fee: \$585.00 Applicant: Phone: / Contractor: MICHAEL PELKI Phone: 603-266-9948 / Contractor Company: License: Permit Permission: 30' X 40' SINGLE FAMILY HOUSE 2 BEDROOM 1 BATH WITH WALKOUT BASEMENT WITH PLUMBING, ELECTRICAL AND GAS PERMIT PAID FOR BUT NEED TO BE SUBMITTED Notes: 30' X 40' SINGLE FAMILY HOUSE 2 BEDROOM 1 BATH WITH WALKOUT BASEMENT WITH PLUMBING, ELECTRICAL AND GAS PERMIT PAID FOR BUT NEED TO BE SUBMITTED		
Inspection Type: FOUNDATION Number: 2024000024 Status: PASSED Inspected By: JOEL FRENCH Inspection Status Options: ☐ FAILED ☐ PENDING ☐ REVIEW Added Date: 07/12/24 Insp. Date: 07/12/24 Fee: Contractor: Phone: / Contractor Company: License: Notes:		
Permit Type: GAS PERMIT Number: 2024 GP-22 Status: OPEN Appr. Date: 09/06/24 Expr. Date: 09/06/25 Estimated Cost: \$0 Fee: \$35.00 Applicant: Phone: / Contractor: QUENTIN HUCKINS Phone: 603-796-2007 / Contractor Company: License: GF2111333 Permit Permission: Notes:		
Inspection Type: BUILDING INSPECTION Number: 2024000029 Status: REVIEW Inspected By: JOEL FRENCH Inspection Status Options: ☐ FAILED ☐ PASSED ☐ PENDING Added Date: 09/06/24 Insp. Date: 09/06/24 Fee: Contractor: Phone: / Contractor Company: License:		

Printed: 10/30/2025

Map: 000101

Lot: 037000

Sub: 000000

17 NOTTINGHAM ROAD

Notes: MET WITH MIKE ON-SITE TO LOOK AT SEVERAL OPTIONS TO MAKE STAIRS WORK OUT. FIRST-FLOOR STRINGERS WERE NOTED ONLY TO HAVE 6.5 " RISE AND MIKE WAS TOLD 7.5" WOULD TAKE 2 STEPS OFF THE STRINGERS AND ALSO DOING TURNED STEPS ON THE PLATFORM COULD HELP HIM. BASEMENT STAIR WERE NOT IN AND JOIST PUT IN PLACE A CLOSING HOLE AND SHEETROCKED FASTENED WITH P&E&H IN BAYS. AFTER MEASURING THE AREA I BELIEVE THAT STAIRS COULD BE FIT IN WITH HEADING OFF 3 FLOOR JOISTS SUPPORTED WITH WALL. MIKE STATED THAT WAS TOO MUCH WORK AT THIS POINT AND WOULD NOT BE DOING IT AND THAT HE WOULD BE APPLYING FOR A SPECIAL EXCEPTION FOR EITHER 2-FAMILY OR AADU WITHOUT AN INTERIOR DOOR AND WITHOUT OPEN COMMUNICATION BETWEEN THE FLOORS

Inspection Type: ELECTRICAL- ROUGH

Number: 2024000026

Status: PASSED

Inspected By: JOEL FRENCH

Inspection Status Options: ☐ FAILED ☐ PENDING ☐ REVIEW

Added Date: 09/06/24

Insp. Date: 09/06/24

Fee:

Contractor:

Phone: /

Contractor Company:

License:

Notes:

Inspection Type: ELECTRICAL SERVICE

Number: 2024000025

Status: PASSED

Inspected By:

Inspection Status Options: ☐ FAILED ☐ PENDING ☐ REVIEW

Added Date: 09/06/24

Insp. Date: 09/05/24

Fee:

Contractor:

Phone: /

Contractor Company:

License:

Notes:

Inspection Type: PLUMBING- ROUGH

Number: 2024000027

Status: PASSED

Inspected By: JOEL FRENCH

Inspection Status Options: ☐ FAILED ☐ PENDING ☐ REVIEW

Added Date: 09/06/24

Insp. Date: 09/05/24

Fee:

Contractor:

Phone: /

Contractor Company:

License:

Notes:

Inspection Type: ROUGH FRAMING

Number: 2024000028

Status: FAILED

Inspected By: JOEL FRENCH

Inspection Status Options: ☐ PASSED ☐ PENDING ☐ REVIEW

Added Date: 09/06/24

Insp. Date: 09/05/24

Fee:

Contractor:

Phone: /

Contractor Company:

License:

Notes: WHILE ON METER INSPECTION I HAD INSPECTED THE HOUSE AND IT WAS AT THE POINT OF SHEETROCK. ELECTRICAL AND PLUMBING WERE VISUALLY INSPECTED AND PASSED AFTER TALKING WITH THE ELECTRICIAN TO VERIFY THAT SMOKE DETECTORS WERE ON THE COMBINED CIRCUIT. IT WAS NOTED THAT THERE WERE NO STAIRS BETWEEN THE BASEMENT AND FIRST FLOOR. THE OWNER WAS CALLED LATER THAT DAY AFTER RESEARCH WAS DONE TO CONFIRM A VIOLATION OF A SINGLE FAMILY BUILDING PERMIT OR AADU ZONING REGULATIONS

Project Totals: Permits: 2 Inspections: 7 Impact Fee: Fees: \$620.00

Type: ELECTRICAL PERMIT

Name: TEMP SERVICE

Status: OPEN

Project Date: 04/25/24

Application Submitted:

Public Hearing:

Completed Date:

Owner Phone: /

Impact Fee:

Project Number:

Description: TEMP SERVICE

Permit Type: ELECTRICAL PERMIT

Number: 2024 EP-13

Status: OPEN

Appr. Date: 04/25/24

Expr. Date: 04/25/25

Estimated Cost: \$0

Fee: \$35.00

Applicant:

Phone: /

Contractor: ANTHONY BROWN

Phone: 603-630-0390 /

Contractor Company: BROWN ELECTRIC

License: 8922 M

Permit Permission: TEMP SERVICE

Notes: TEMP SERVICE

Project Totals: Permits: 1 Inspections: 0 Impact Fee: Fees: \$35.00

Type: VIOLATION

Name: NH DES VIOLATION

Status: CLOSED

Project Date: 03/26/24

Application Submitted:

Public Hearing:

Completed Date: 05/10/24

Owner Phone: /

Impact Fee:

Project Number:

Description: DES CLOSURE

Project Totals: Permits: Inspections: Impact Fee: Fees:

Permit # BP-11-3

LAND OWNER Bergeron Family trust Tel. No. 603 9346787 Email mPelky64@t6mail

PRESENT ADDRESS 86 River St Frankie 10H

BUILDING LOCATION 17 Nottingham Rd Canterbury, Vt

CONTRACTOR'S NAME Michael Pelky

ADDRESS 27 Chestnut St Milton -

Telephone # & Email 603 266 9948 mpelky64@t6mail

Zoning District		
AC	RU	RE
I/C	N	H

- The undersigned hereby agrees that the proposed work shall be done in accordance with the foregoing statements and shall conform to the provisions and regulations of the "Zoning and Building Ordinance" for the Town of Canterbury. Any unauthorized changes made to this document shall be grounds for revocation of the Building Permit. All work shall meet requirements under State of NH building codes

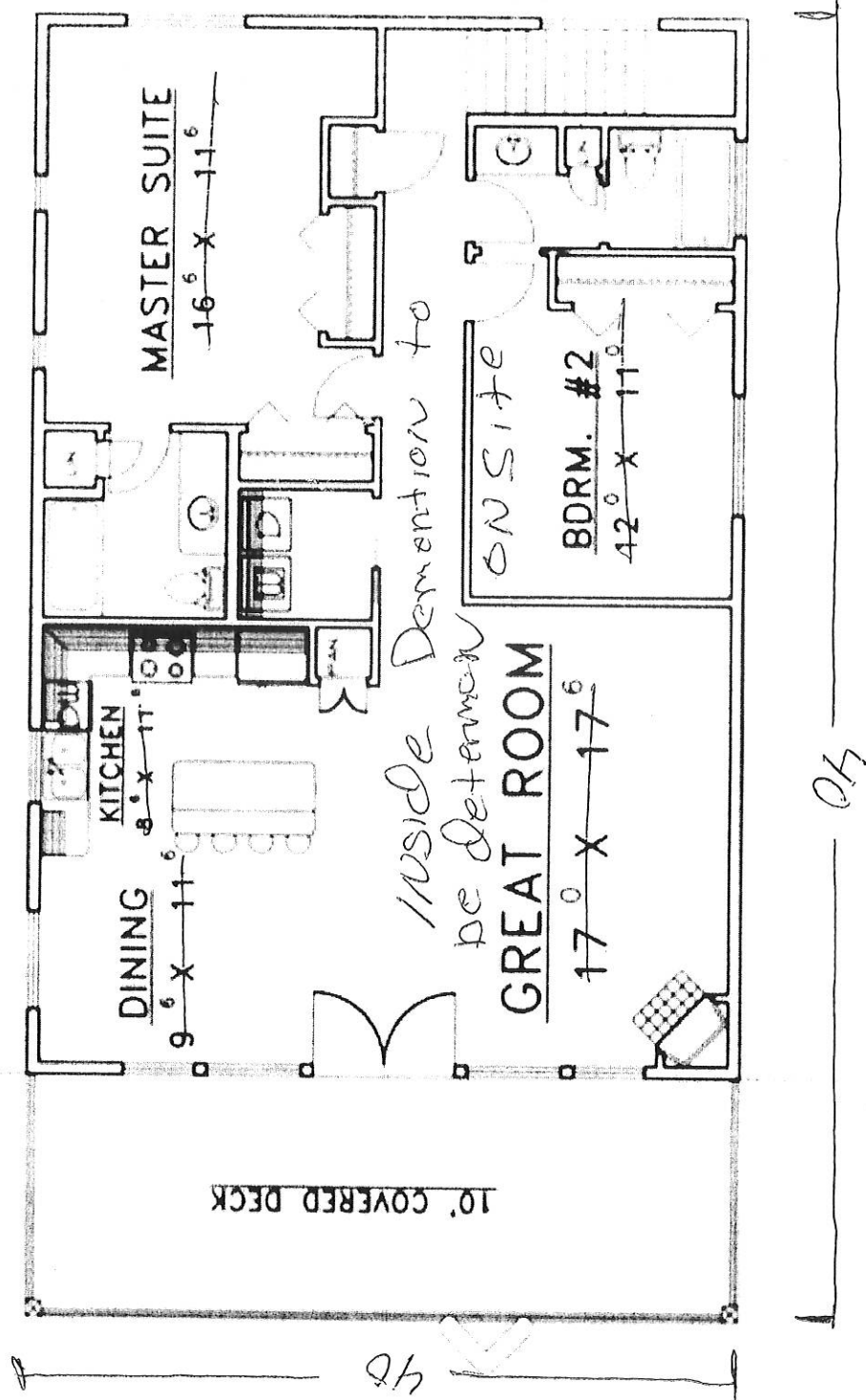
Date: 9/8/2011 Applicant's Signature: 

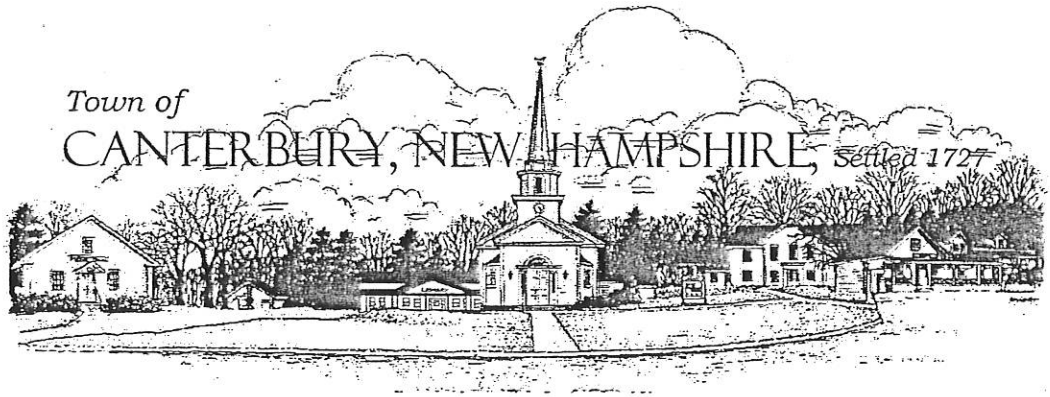
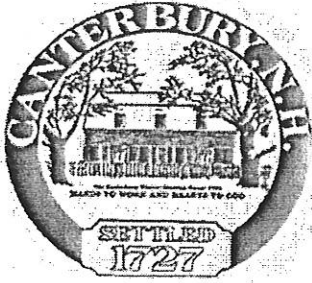
5.1.2014

TGI Roof Rafters
2x6 walls -

R30 Gestirngs-
P19 uncl 15

1st Floor
And Basement





October 22, 2025

Donna Lockrow, Trustee
86 River St.
Franklin, NH 03235

Dear Ms. Lockrow,

The Canterbury Board of Selectmen reviewed the letter from Michael Pelky regarding a Certificate of Occupancy needed for your property at 17 Nottingham Rd. in Canterbury. They also reviewed the letter from the Canterbury Building Inspector stating that the square footage of the ADU is above what is allowed.

The Board of Selectmen agree with the Building Inspector's opinion that the utility room must be used in the calculation of square footage because there is no access from the primary residence.

You would need a Variance from the Canterbury Zoning Board of Adjustment to allow the additional square footage for the ADU.

Ken Folsom

Town Administrator
PO Box 500
Canterbury, NH 03224
603-783-9955 ext. 2
kfolsom@canterburynh.gov

To Canterbury Selectman

I'm trying to get a CO on
17 Nottingham Rd Joel French
Sent me a letter stating Read letter

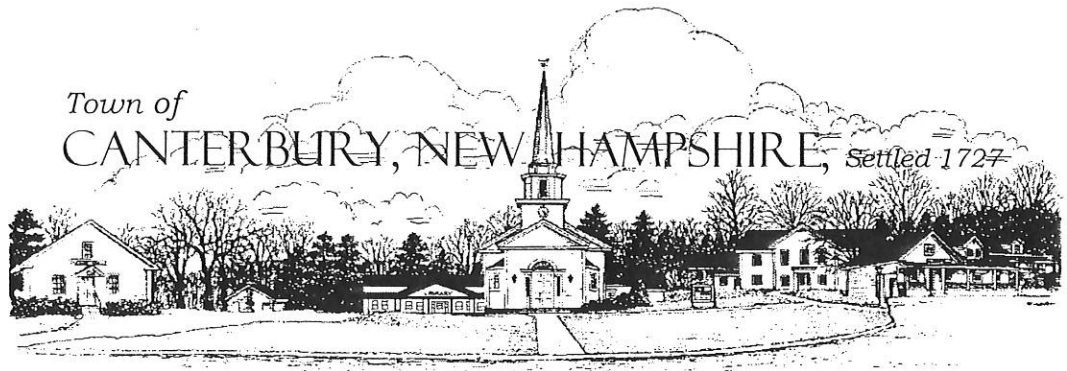
1) July 1 2023 law passed saying do not
need connecting door between units

2) The mechanic Room Boiler/Brecker box
Utility Room is for Both Units
I have 944 living space for unit.

A Boiler room in NH that used by
Both units is not considered part of
the ADU itself

I am out of town
of Friday 17 For a week I
am looking for CO


Michael Pelky
17 Nottingham Rd
Canterbury



September 5, 2025

DONNA LOCKROW TRUSTEE
17 Nottingham Road
Lot 101-37

Dear Donna Lockrow and Mike Pelky,

1. After review of the building plans, assessing data, Canterbury zoning rules, and the State of NH ADU laws and 2025 NH House Bill 577, the ADU request does not fall within the requirements of the rules due to the square footage of each floor is greater than 1000 sq ft. The building size of 30 ft by 40 ft is 1200 square feet per floor. You can apply for a conditional use permit or special exception with the planning board through the Land Use Office and due to their not being open and free communication between the two floors, I can not issue a certificate of occupancy for a single family residence.

Please feel free to contact me at 603-783-9033 with any questions

Thank you

Joel French

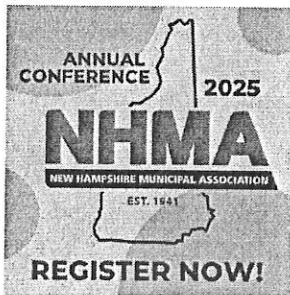
Town of Canterbury
Building inspector / Zoning Officer
603-783-9033
buildinginspector@canterburynh.gov

Ken Folsom

From: Legal Inquiries <legalinquiries@nhmunicipal.org>
Sent: Thursday, October 16, 2025 11:53 AM
To: Ken Folsom
Subject: Canterbury: ADU Square footage

Hello Ken,

The answer to this question is really entirely based on your local ordinance or practices. the law does not provide such specific definitions of what spaces will be considered part of a square footage analysis. You should look to your own codes, ordinances or practices to see how this space is treated in other applications. If there is no specific answer, you can rely on what is reasonable or on how similarly situated structures have been treated in the past.



Jonathan E. Cowal, Esq.
Legal Services Counsel
NH Municipal Association
25 Triangle Park Drive
Concord NH 03301
Tel: (603) 224-7447
Email: legalinquiries@nhmunicipal.org

The attorneys at NHMA provide general municipal legal advice based on the information that is provided by the inquirer. The attorneys at NHMA operate best when they are answering questions of general municipal law—issues of interest to more than just a few communities—especially questions which can be answered by reference to state statutes or court opinions. In the event you have already received legal advice from your town attorney, please understand that NHMA does not provide second opinions and would defer to the advice of town counsel who is in a much better position to advise on specific facts and circumstances. Please read the full legal services FAQ located here: <https://www.nhmunicipal.org/legal-services>.

From: Ken Folsom <kfolsom@canterburynh.gov>
Sent: Thursday, October 16, 2025 7:36 AM
To: Legal Inquiries <legalinquiries@nhmunicipal.org>
Subject: ADU Square footage

Caution - External Email

This email originated from **outside** our organization.

Do not click links or open any attachments unless the sender and attachments have been verified.

Forward suspect emails to the [Mainstay Security Operations Center](#) as an attachment.

Good morning,

Our Building Inspector has received a request for a Certificate of Occupancy for a new residence with an attached ADU (walkout basement with ADU on lower level). The total square footage of the basement is 1,200 square feet, however, there is a 16 X16 utility room for HVAC for the entire building in the basement. Would the utility room be exempt from the total square footage of the ADU?

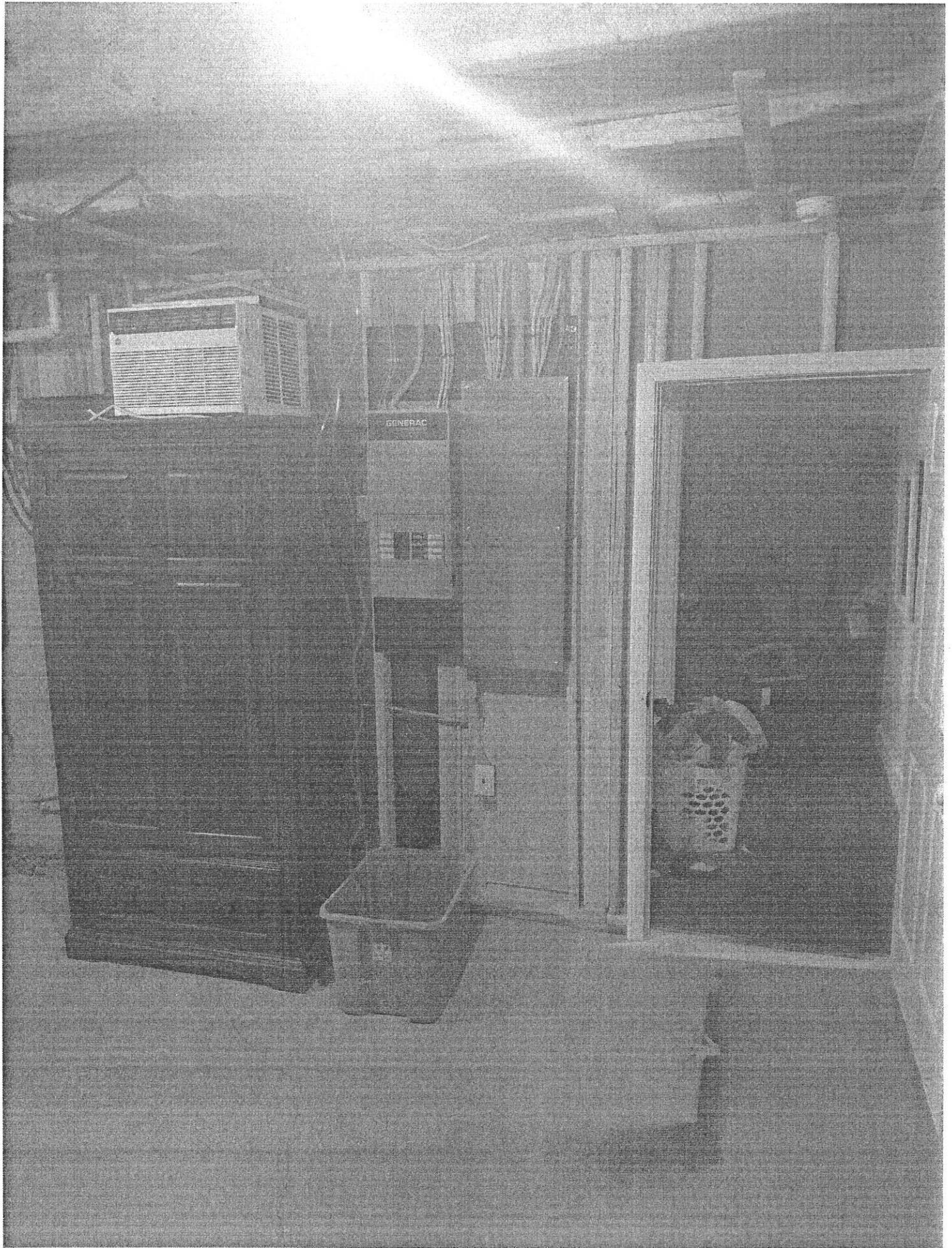
Thanks for any help on this,

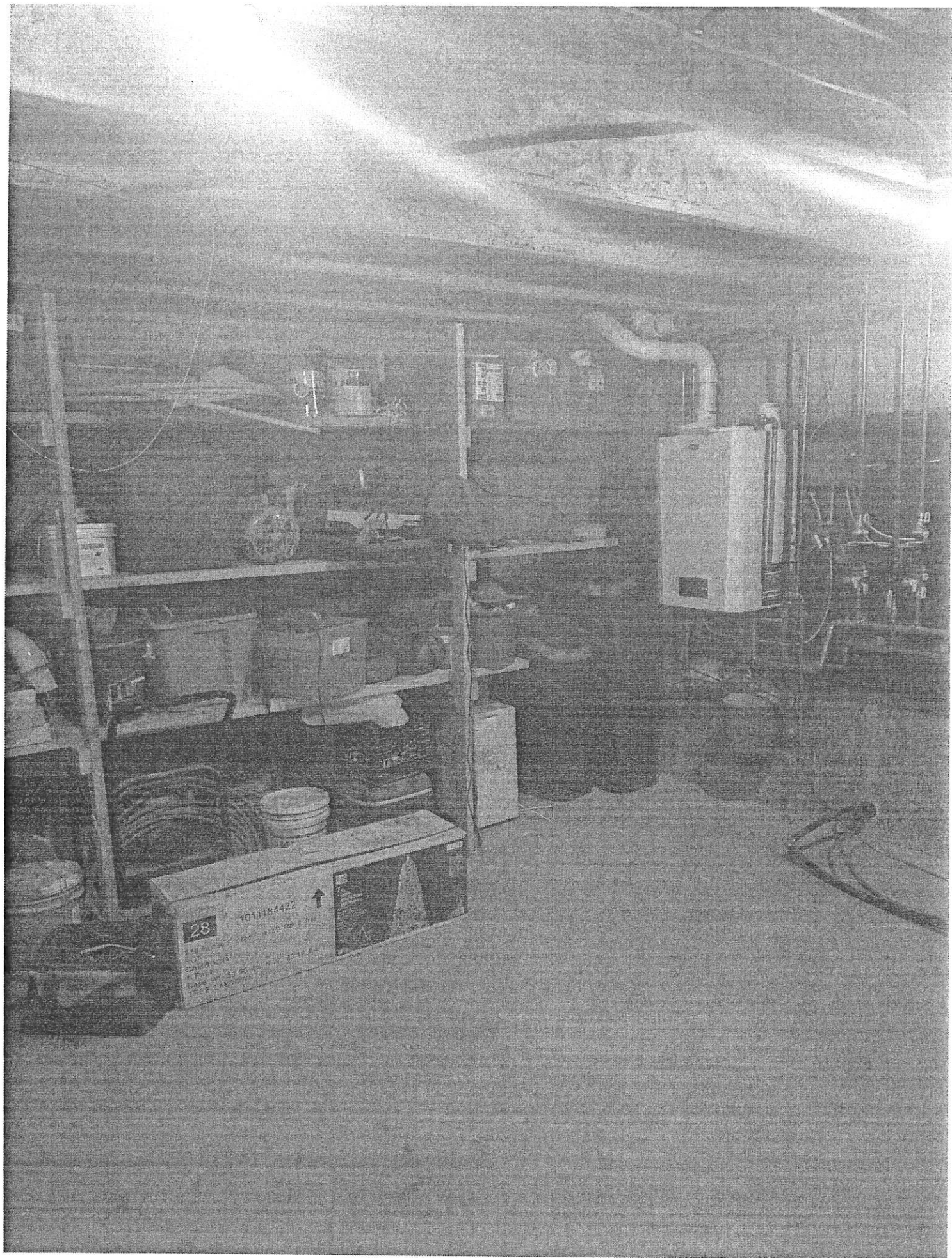
Ken

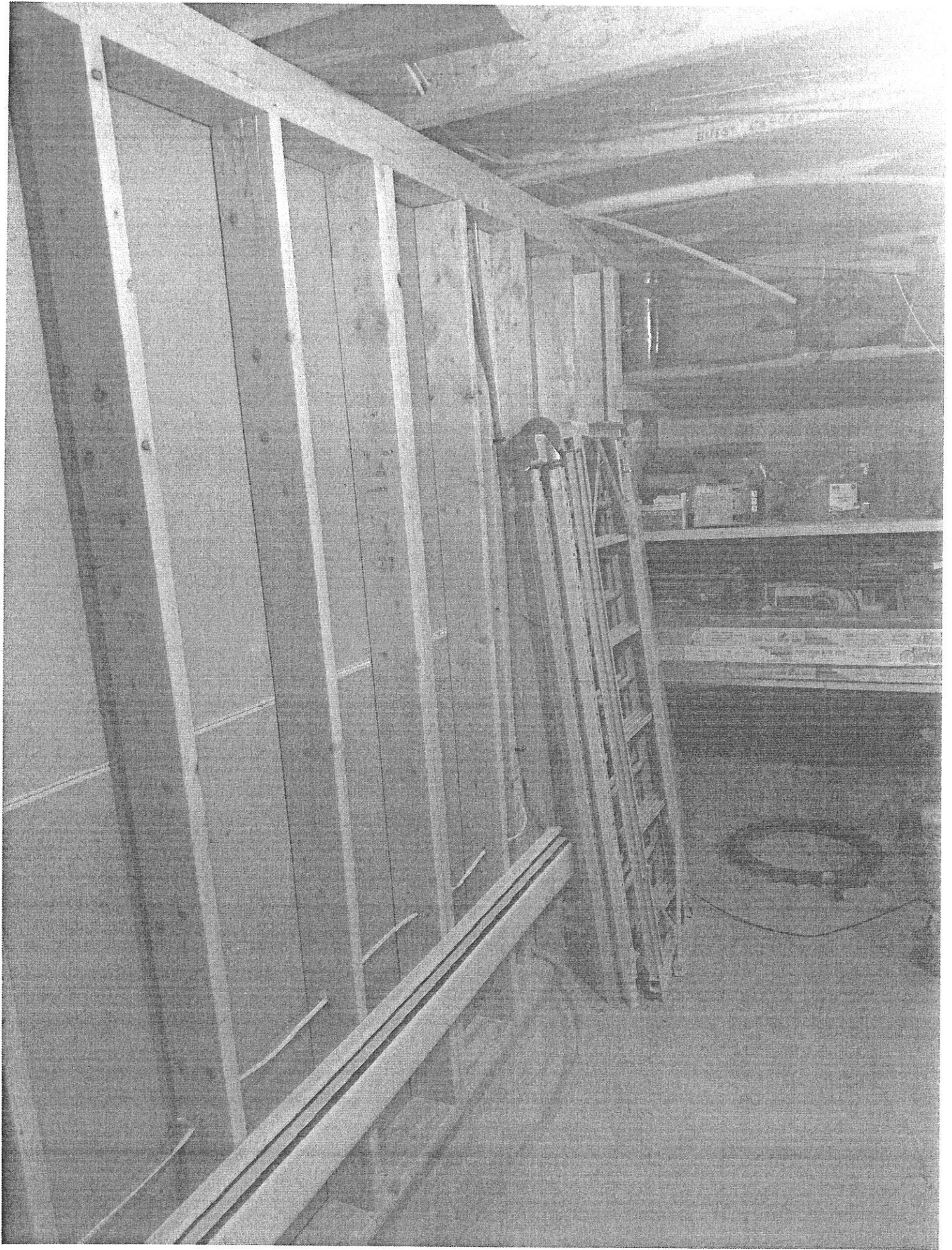
Ken Folsom
Town Administrator
PO Box 500
Canterbury, NH 03224
603-783-9955
kfolsom@canterburynh.gov

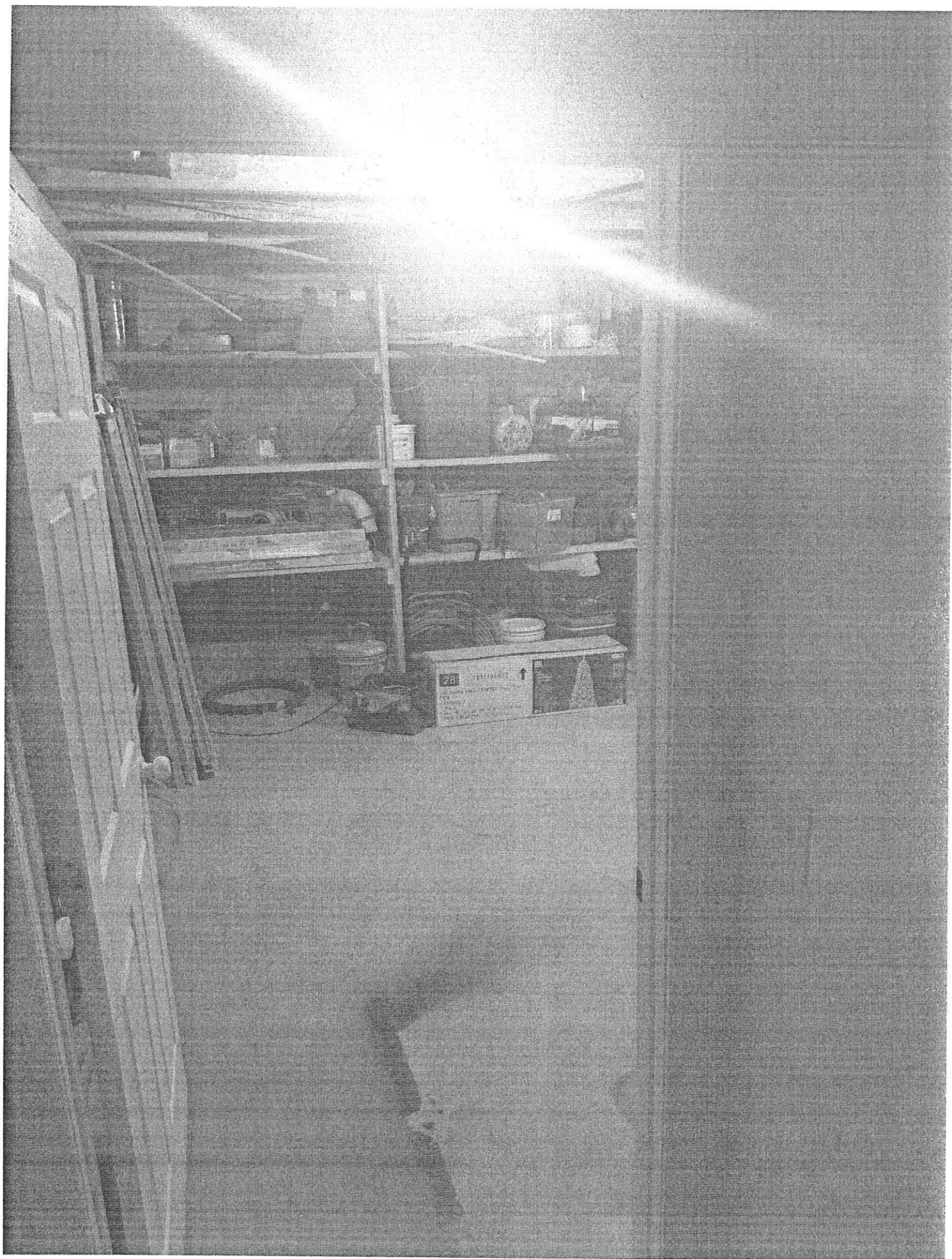
Effective June 17, 2022 my email address has changed to kfolsom@canterburynh.gov

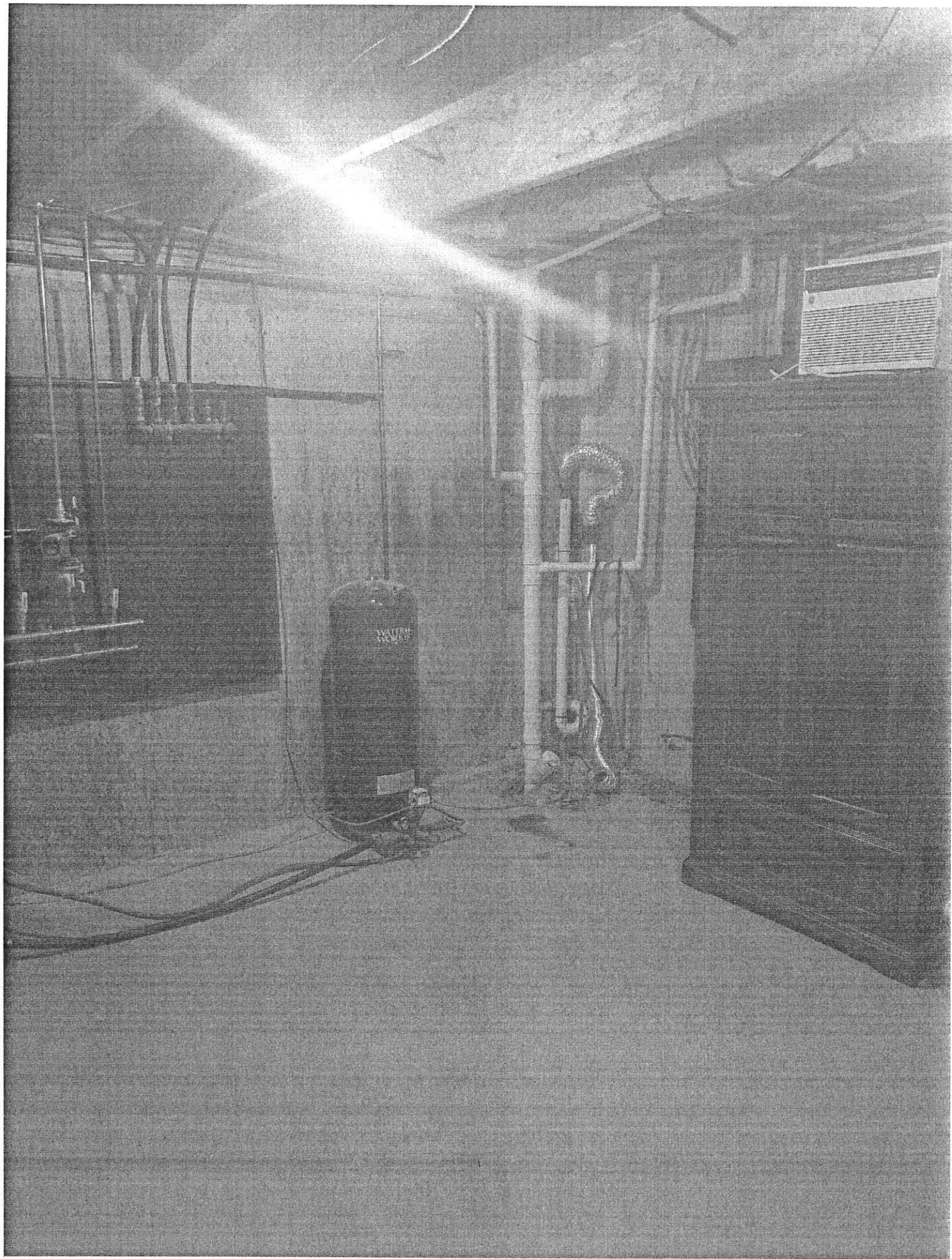
NOTICE: Privacy should not be assumed with e-mails associated with Town business. Under New Hampshire's Right-to-Know law (RSA 91-A), documents – including e-mail communications – in the possession of public officials or public agencies concerning Town business are classified as public records that may be subject to public disclosure.













An AI Overview is not available for this search



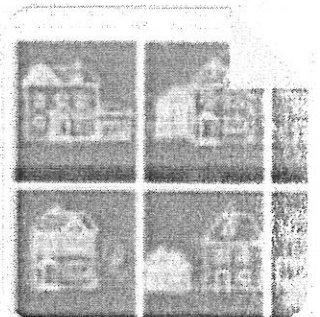
New Hampshire Housing

<https://www.nhhfa.org> PDF



ACCESSORY DWELLING UNITS IN NEW HAMPSHIRE A Guide for ...

For example, if a house has 2,000 sq. ft. of living space, an associated ADU of 1,000 sq. ft. probably could be consider...



36 pages · 8 MB

Missing: ~~Boiler~~ | Show results with: Boiler

People also ask



What is not included in the calculated floor area of dwelling units?



◆ AI Overview



In New Hampshire, a boiler room that serves both an Accessory Dwelling Unit (ADU) and the principal dwelling is **not considered part of the ADU itself**. It is considered a common or shared space and is typically not included in the square footage calculation for the ADU, as the space is not exclusive to the ADU's occupants. 

Here is a breakdown of why a boiler room is not part of the ADU:

- **Definition of an ADU:** Under New Hampshire law (RSA 674:71), an ADU is defined as a living unit that provides independent facilities for sleeping, eating, cooking, and sanitation. Mechanical rooms, such as boiler rooms, do not fall under this definition.

◆ AI Overview



Typically, a boiler room or other mechanical space that serves the entire building is **not** counted as part of the Accessory Dwelling Unit's (ADU) square footage for zoning compliance. ADU square footage calculations usually include only the "livable area" of the unit, which is space for sleeping, cooking, and sanitation. 

What is considered livable versus mechanical space

- **Livable space:** An ADU must be a complete living unit and includes areas like bedrooms, kitchens, and bathrooms. These are the spaces counted toward the unit's maximum allowable square footage.

codes draw a clear distinction between habitable rooms and non-habitable areas.

- **Habitable rooms** include living rooms, bedrooms, kitchens, and dining areas.
- **Non-habitable rooms** include bathrooms, closets, hallways, and utility or equipment rooms, such as a boiler room.
- **Shared Infrastructure:** If a mechanical room houses equipment that serves the entire building, it is considered a shared utility space. This prevents it from being counted toward the square footage of the individual ADU, just as it would not be counted for the main dwelling.
- **Square Footage Limits:** Many municipalities in New Hampshire have maximum square footage limits for ADUs. By not counting a shared boiler room, the habitable space of the

No, a connecting interior door between an attached ADU and the principal home is no longer a statewide requirement in New Hampshire, as of July 1, 2025. While a 2019 law allowed municipalities to require an interior door for attached ADUs, a new state law that went into effect in mid-2025 eliminated this rule and requires towns to permit at least one ADU per single-family lot, including detached ones. However, local rules may still vary, so it's crucial to check your specific municipal ordinance. 

What changed

- **Prior law:** Some parts of the previous law required an interior connecting door between the main house and an attached ADU, though municipalities could choose not to require it. 
- **New law:** As of July 1, 2025, the new law allows for both attached and detached ADUs.