

Board of Adjustment
Canterbury, NH
Minutes of Hearing DRAFT
24 June 2026

Present were: Chairman Jim Wieck, Scott Herrick, Gary Spaulding, Randi Johnson (Alternate), Lisa Carlson (Alternate), Web Stout (via zoom). Sean O'Brien was absent.

Also present were: Calvin Todd, Beth Blair, Ken Folsom, Kal McKay, Al Edelstein, Jim Moir, Kevin Bragg, Eileen Peterson, Jim Valz, Ted West, Beryl Boivert.

Chairman Wieck advised approving the minutes of the May hearings and meeting would be postponed till the end of the meeting tonight. He advised those present the Canterbury Community Market, LLC is seeking a special exception regarding "the property that houses the Canterbury Country Store to also allow the use as a restaurant". The application involves Tax Map 106; Lot 4 located in the Center Historic District. The application references Article 5.3, Section C, Tables of Uses. Chairman Wieck gave a detailed description as to the conduct of the hearing procedure. Chairman Wieck introduced the board members by name and advised those present about the quorum for this evening's hearing.

Jim Moir introduced himself and provided a brief overview of the building that houses an apartment, the post office and the store as well as a history of business ownership, successes and failures of different storekeepers. He reviewed the history of Bob Summers, the Hallas, the Balshaws, and noted now changes with new storekeepers Kayla and Manny Sanchez adjusting to the changing desires of the shopping and purchasing wishes of the community. He noted it has operated under a grandfathered use as a store for these many years. In our ordinance a restaurant is an allowable use. Because the LLC wants to comply with legal allowable uses it is coming before the board to request the special exception that restaurant status be added to its use as regulations and permitting allow. There is no expectation it will become a gourmet restaurant but will continue with the current popular offerings of ready-made foods using paper service only. The LLC's founding mission is to keep the store in the town center open for business.

Gary asked how many seats. Eighteen seats, no wait staff. How many people are working. Two adults, two teenage children. It will be paper service only with sandwiches and ready-made food offerings. They anticipate being open till 5 pm when the post office closes. Jim Wieck noted this board is here to approve what we hear reported. Gary asked what the ratio of seating versus the grocery offerings is. He noted the questions he was asking have to do with the septic system and flows permitted.... increased water usage.

Jim Moir advised a revised Joint Septic Agreement was signed just this morning with the town, church and LLC. Water use is carefully tracked by separate metering, so we all know what water usage is. It is not anticipated there will be a change in amount from the Balshaws to the Sanchez. Gary went on to state the apartment water tracking is different than the rest of the building with metered tracking. Jim Moir disagreed, saying the daily flow of uses from the apartment and store and post office does not come anywhere near the allotted use designated by the state. Gary stated the rules have changed as of February 2026 for metered flow use. He went on to explain what he knows saying he does not disagree with what you want to do, but before the ZBA can approve of this it has to meet the state requirements. How we get there is entirely up to you folks. Chairman Wieck stated we could conditionally approve. It's the purview of the DES. Gary replied he understands that I'm just pointing out this isn't just a single equal change of use from when it was a store originally to a food service to a restaurant now. The problem that I have is the septic system as it is designed is undersized for its use based on the current rules. When I talk about the current rules, there is nothing that prevents you folks from putting in an application for a change of use and asking for a waiver. Gary went on to say the last item he has is under the land use rules in town, was his concern about parking space rules. He asked if we have a written church agreement about shared use. Kevin Bragg spoke to this. We are not aware of any site plan done with the church. Public parking is being done on private property in the center that is owned by the church and the LLC. It is not currently lined. Discussions are

taking place because of increased activities taking place in the center and all the public parking that comes with those activities, i.e. the

Case No. 2026-3 cont'd

2

Farmers Market, summer concerts, holiday celebrations, etc. Kevin stated he is not aware of any site plan for the center that included parking spaces. He reviewed the property lines with Gary. Kevin went on to discuss water usage by stating the LLC was using the state website requirement of 20 gallons per seat for paper service. It also states if you did have meter readings for 6 months you take the highest readings. When we look at that even if you allot 300 gallons for the apartment, which is actually just a one bedroom, the rest of it, 600 gallons, would be coming out of the store portion. So, what you are saying is that 600 minus the 225 leaves 375. We are currently using, because we have both units separately metered. At the peak of Balshaw's use it recorded 90 gallons. The apartment has never used more than 87-89 gallons. That was with three children and a washing machine. So, we know, meter wise we are nowhere near capacity. Gary replied, again, you can submit all this to the state and request waivers. It now requires a year's worth of metering. I am not here to obstruct what you are trying to do, but before this board can grant conditional approval, we want to protect the town and septic system if in the future it becomes a restaurant. Kevin responded that what we currently have is paper service, casual seating and what we'd consider a restaurant which is basically food to order and table service, Gary interrupted, a Dunkin Donuts doesn't have table service and is considered a restaurant. Further discussion ensued about food licensing between Gary and Kevin. Kevin reminded those present a revised Joint Use Agreement was signed this morning with the town and church, so we all have an understanding of what is going into the leach field. Jim Moir added the new agreement requires no change of use without town approval. Kevin alluded to the Balshaws former pizza night. Gary responded that brings up another issue about the hours of operation ending at 5 pm when the post office closes. We want to be sure food is not being prepared after hours. Kevin said he does not know personally what their plan is other than to understand the community, the traffic flows and what the people want and if they stay open till 6 or 7 does that mean they open later at the start of day. Gary asked is that something the LLC could find out and get back to the board and set a time limit. Jim Moir asked, is this board saying as a condition of decision to include 6 to 8 hours. Jim Wieck right now we have three different issues apparently; the parking, septic and some of the actual details of they plan to do. They are not available to the board tonight, so he thinks it reasonable to consider a continuation, not denying it at this point when there might be some things that are simple enough to resolve. He thinks there are too many variables to do a conditional approval. Kevin asked if they operated under the existing conditions with packaged food service, it sounds like the board wants more information before adding restaurant use to the LLC owned building at this time. Chairman Wieck advised the use goes with the property. Gary asked so there was no agreement from the original three-party use of the septic system. Kevin, there was, this is a revised and updated version of the Joint Use Agreement. Gary asked in the agreement who is responsible for replacing the field if grease from the restaurant gets into it. Kevin responded it is all spelled out in portionality. Jim Moir added if the leach field is damaged by the use of the LLC, the LLC is responsible for that. As far as maintenance, there is a formula. Gary added discussion about grease traps. Chairman Wieck noted if it is relative to the rule then it goes to DES. Al Edelstein advised the septic for the LLC is emptied every year. The septic system has a grease trap in the tank. The Sanchez have been advised if any food preparations would involve grease and external grease trap must be provided and maintained by them, to which they have already agreed. Chairman Wieck stated what the use will be will be entered into the record. He asked the board if it wanted to make a conditional decision or wait to get more information and parking, DES and septic and specific use. Scott there are too many issues here to do a conditional approval. Chairman Wieck asked the board are there any other items outstanding that need to be addressed. Gary stated for him it is that they have an approved septic system to protect the town, the LLC and the use. Web concurred and to do a site plan to properly show the parking. Kevin agreed advising they are working with the church not necessarily over store-related parking issues. We want to create a safe, organized parking situation. He asked if the hours are a critical issue because the store doesn't operate under any restrictions. Gary responded because if they close at four, he doesn't have to worry about a super service till 8 or 9. Chairman Wieck added the operation of the business does have some affect on the center. We try to define what the hours will be for any business before they are approved so we

might understand how that might affect the surrounding area. A lengthy discussion between Gary and Kevin ensued about hours of operation yet to be determined by how the town responds to the new business model and food preparations and service. Further discussion by them went on to discuss the apartment water use if a one- or two-bedroom unit. What might the LLC gain or lose by doing so.

Case No. 2026-3

3

Chairman Wieck summarized: this board needs to see the approvals given by the DES to the Sanchez, the site plan showing adequate parking, and a thorough understanding of what the operation will look like, hours of operation, what will be done, details and general understanding, something that will go into the record. In the future if there is change, when you need to come back here and when you don't. Randi read aloud the definition of restaurant and further discussion went on with Gary, Kevin and Jim Moir about the request for change of use, water use and the state's change of requirements as of February 2026. Chairman Wieck asked for a motion to continue this hearing. Scott added a further comment about the hours of operation. Considering the previous use, there is no expectation they are going to come back with matching business hours considering what the use would be changed to. We just need to know to what degree the hours will be changed. Kevin clarified food prepping will take place during some of the store hours, but not during all of them. The store will still be open with prepared foodstuffs, the proportions changing. Most convenience stores these days need prepared foods to sustain their operations. Gary added, when you talk to your tenant you should ask them because the ZBA wants to know the number of staff on site, the number of employees, the square footage of the store because that's the septic design for the dry goods storage and then you've got the post office, so if it were me how can I minimize some uses and maximize others.

Chairman Wieck called for a motion to continue this hearing. Kal spoke saying if we announce the continued hearing date at this hearing it will not be necessary to re-notice the abutters. Gary made a motion to continue this hearing till the Wednesday, 22 July 2026. Scott seconded the motion. The board vote was a unanimous decision to do so. The hearing ended at 8 PM.

Respectfully submitted,

Lisa Carlson, Clerk
Board of Adjustment