

Board of Adjustment
Canterbury, NH
Minutes of Meeting DRAFT
5 August 2026

Present were: Kal McKay, Calvin Todd, Beth Blair, Kevin Bragg. Also present were Sean O'Brien, Gary Sapulding, Jim Wieck, Web Stout (via zoom as out of state). Randi Johnson is an excused absence. Scott Herrick did not attend.

Chairman Wieck advised those present of the agenda for this continued, continued meeting: a discussion about the Canterbury Community Market, LLC special exception withdrawal and the ZBA By-Laws draft. He noted there are four voting members in attendance, Lisa Carlson will be acting as the secretary in that capacity only but otherwise recusing herself. Gary asked about the solidity of the quorum number with Web being in attendance via zoom. Three members constitute this board's quorum; therefore, he can be a voting member in his zoom attendance was clarified.

Chairman Wieck advised the LLC withdrew their application for a special exception and in the withdrawal made the assertion that it was unnecessary. They will be going forward without having the special exception. In talking with the Selectmen and with the town's attorney generally, if the business is in fact a restaurant, then under the ordinance, he thinks they do need to come and revisit a special exception with us. The thought was from the attorneys that we had to make a decision whether or not we wanted to do this. But it would be appropriate for the Board to send a letter to the LLC whatever opinion we have. Since this is what we did the last time, we will make this a non-public session to have our discussion, that was the recommendation of the attorney, and we will go back into public session if we want to vote on anything. So, to follow that procedure, I'll have to ask folks to leave. Lisa provided the checklist for going into a non-public session to Chairman Wieck. Kal provided guidance as to what portions of the checklist need addressing. Chairman Wieck stated this is based on consideration of legal advice provided by legal counsel of the town orally to me. Lisa asked if the motion to go into non-public session needs to be made first. Chairman Wieck made a motion that the board go into a non-public session based on RSA 91-A:3, II (l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even when legal counsel is not present. Gary seconded the motion. The board vote was a unanimous vote to enter non-public session. Web Stout spoke saying he had a question. I'm just wondering, nothing against Lisa, but I'm wondering if Lisa will have to remove herself. Chairman Wieck responded, I think so. Sean concurred. Lisa asked on what basis Web. Web responded asking, "aren't you the CEO of the LLC? Lisa replied, "I am". Web continued, I'm just wondering if it's a closed meeting. Chairman Wieck said I think that's right, thanks for bringing that up. Lisa stated, okay, I'm not here tonight representing the LLC, I'm here as the secretary of the zoning board. Jim stated we often have to recuse ourselves just as you have on the voting, I think as this is a private, a non-public portion I don't know, well it's true you've got two hats....Lisa responded, it's a little squirrely. You get to determine if I'm not wearing that hat and I'm not voting; I'm here as the recording secretary. Web responded it might look a little bit better if something should happen to go...that's just my concern. Chairman Wieck asked Kal if there were other examples from other boards where this has come up. Kal responded there has never been an example of this from another board, I don't know, because it is legal counsel, it's probably right to not have the CEO of the organization hearing the legal counsel's advice. As far as I know you kind of just said what the legal counsel's advice was a minute ago. Jim responded I did take some additional advice that's available, so...Kal replied in order to keep it private it probably shouldn't be in front of, even though you are wearing a different hat... Lisa stated you are the chairman of the board; you get to say what you want. Jim replied, "I think the other board members should weigh in a little bit". I think it makes sense. Web stated, do you think we should vote on it? Jim, ya, someone want to make a motion? Web stated I think it would be best for Lisa to recuse herself for the closed non-public meeting as she is the CEO of the LLC and not be present. Jim asked for a second. Sean seconded the motion. The board

vote was a unanimous decision. Kal asked if the board was going to take its own minutes. Jim asked Kal if she would stay and take the minutes of the non-public session. Beth asked would you be discussing....other business, do we need to come back or don't you know at this time. Chairman Wieck advised when they are done with the non-public portion there is a public piece. The non-public session convened at 7:08 pm .

The non-public session convened at 7:27 pm. Kal stated you could do the vote to seal the minutes. Chairman Wieck made a motion to seal the minutes of the non-public session. Sean seconded. The board vote was a unanimous decision to do so. Chairman Wiek halted the meeting to wait for Beth Blair to return. Lisa asked if Chairman Wieck heard from Scott Herrick. He did not. Chairman Wieck made a motion for the board to prepare a letter to be provided to the LLC that provides our opinion. Gary seconded the motion. The board was a unanimous decision to do so. Chairman Wieck stated he thought that addresses that issue. He went on to say we have the bylaws to vote on. We've gone through those at this point if everyone has seen the final revised version. Kal presented to Chairman Wieck a copy of the final bylaws. Chairman Wieck advised the board had made some changes in the drafts and now before the board is the final current version. He asked if anyone wished to discuss any parts of the bylaws any further. If not, then a motion to approve the bylaws as written is appropriate. Gary made a motion to approve the bylaws as written. Sean seconded. The board unanimously voted to approve the bylaws as written. Chairman Wieck advised he would sign it as chair. Chairman Wieck said Web as vice chair can sign it when he returns. Kal advised if the board could get as many signatures tonight, she will get it to Sam who will get Web's signature upon his return. Chairman Wieck asked if the board needs to be in session to sign it. Kal advised no. Chairman Wieck asked for a motion to adjourn. Sean made a motion to adjourn. Gary seconded the motion. The board unanimously voted to adjourn the meeting at 7:32 pm.

Respectfully submitted,

DRAFT

Lisa Carlson, Clerk
Board of Adjustment