

**Board of Adjustment
Canterbury, NH
Minutes of Hearing
3 October 2016**

Case No. 2016-3 Special Exception

Present were: Chairman Joe Halla, Jim Wieck, Christopher Evans (Alternate) and Lisa Carlson (Alternate).

Chairman Halla presented a description of the nature of Mr. Neil's application and gave a detailed explanation as to the conduct of the hearing procedure.

Mr. Neil spoke saying his is going to build a new home and there are plans for his in-laws to move in with them. He pointed out the main design of the house (provided copies to each Board member) where he and his wife and children will reside and a 750 square foot apartment for his in-laws, but noting there is a walkway between the two. They are going out of their way to make certain this is not two separate, one being a rental section, but it is open living space just because of the interaction between them and his in-laws. Other than that, it's pretty straightforward. It's 750 square feet, consisting of one bedroom, one bathroom, small kitchenette area and a living room. It will be over a standard foundation, it is not a slab that is there. It is sharing the same electric and heating system as well. There will be a different thermostat in their section, but everything is functioning off the same systems going into the home.

Chris asked where the need comes in. Chairman Halla responded he has to have a special exception for what would be called the in-law apartment because it is a separate dwelling unit. It is allowed by special exception, the square footage changed from 600 to 750 square feet at the last town meeting. There's no requirement on the square footage for the house so that is a moot point and does not need to be discussed. But a special exception is required and that is why he is here. Chris asked is the special exception still required even though we have a.....Chairman Halla concurred....because it is a separate dwelling unit. If you removed the kitchen or the bathroom, it would not be necessary to do any of this. It would just be an extension of the house, but because it is a separate thing having a kitchen, bathroom, living area.....it is for his in-laws, but technically, if it gets approved, he could rent it out if he wanted to. Chris asked if what is shown is an entryway for both. Mr. Neil replied there is a main entrance to their side of the house as well. That is the main entrance for the in-law suite as well, but the second page shows a separation within going to the left and to the right for each respective dwelling space. The in-law suite also has its own exit going out to a porch on the side. Jim asked about the stairs in the in-law portion. Do they go to the cellar? Yes, it is a shared cellar area as opposed to doing two basement areas and putting the breezeway on a slab they decided to have the entire thing open down there. Jim asked that it is not part of the actual in-law apartment. It is not. Jim was concerned about square footage.

Chairman Halla asked if there were any other questions from Board members. There were none. He asked if anyone wished to speak in opposition. No one spoke. He asked if anyone wished to speak in

favor. Mr. Dennis Lynch, Mr. Neil's contractor introduced himself. Chairman Halla asked again if anyone wished to speak in opposition. No one spoke. He asked for final testimony from applicant. Mr. Neil said not especially. They are trying to follow the guidelines set out by the town, he knows technically speaking he could turn around and rent it out, but he is hoping his in-laws have several good years left and this is for them. Chairman Halla asked if the Board had any other questions. Chris said he brings up the intent. There is no conflict even if he does want to rent it out. There is none. Chairman Halla spoke briefly to the history of in-law apartments in the town when there were differing requirements. Jim asked about the square footage. Mr. Neil responded it will be 750 square feet on the mark. It was originally 800 and they scaled it back to meet the town's requirements. It does not include the porch. The porch will be on a slab and it is not considered living space. Chairman Halla asked if there were any other questions from anybody. There were none. He asked if anyone wished to speak in opposition. No one spoke.

Chris moved the Board **GRANT** the request as stated for the following reasons:

1. **Granting the permit would be in the public interest. Mr. Neil's project meets the requirements and is found to be in the public interest. There was no testimony to the contrary.**
2. **The proposed use would not adversely affect the property values in the district. No testimony was presented that would suggest otherwise.**
3. **The specific site is an appropriate location for the proposed use. No testimony was presented to the contrary.**
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. There is nothing that would indicate that this would be a problem.**
5. **The proposed use would not constitute a nuisance because of offensive noise, vibration, smoke, dust, odors, heat, glare or unsightliness. That of course is between Mr. Neil and his in-laws.**
6. **The granting of the permit would be in the spirit of the ordinance. The Board members present believe that it is.**
7. **The proposed use would not constitute a hazard because of traffic, hazardous materials, or other conditions. There is no reason to believe there would be hazardous materials or that there would be a traffic problem.**

Jim seconded the motion. There was no further discussion. The Board voted to unanimously **GRANT** the application. Chairman Halla explained the thirty-day appeal process.

Respectfully submitted,

Lisa Carlson, Clerk
Board of Adjustment