

**Board of Adjustment
Canterbury, NH
Minutes of Meeting
13 October 2021**

Case No. 2021-3 Special Exception

Present were: Chairman Joe Halla, Jim Wieck, Christopher Evans, Calvin Todd and Lisa Carlson (Alternate). Also present were Dirk and Anelle van der Merwe.

Chairman Halla advised those present **Dirk van der Merwe** is seeking a special exception. The application involves Tax Map 230, Lot 8 located at 333 Hackleboro Road located in the Rural Zone. The proposed use states "The construction of a cabin in the woods". Chairman Halla gave a detailed description as to the conduct of the hearing procedure.

Anelle spoke saying her 3-year old sister will be moving into her bedroom. Because they have all the extra property, they are thinking of constructing a cabin for her to live in. She designed it herself and showed her original floor plan, noting it was not very practical at first. She and her Dad went through her designs and made digital renderings of what they were planning on doing and had to actually make the original idea that she had of how to in a sense. They are planning on doing it on the back end of the house that is furthest from the road. So, it won't be really in a public spot. It won't create any extra noise, that sort of thing. She showed the Board a painting of the actual cabin. She noted it looks kind of like a pumpkin because they are planning on covering the outside in copper sheathing. Chairman Halla asked if that is pretty much what was submitted in the application. Anelle concurred. Anelle advised it will be 24 feet in diameter. The entire cabin floor is a circle and will be about 15 feet tall. It is a dome. It's a little bit more than a half ball structure so they can fit in taller things furniture and doors that actually work. For heating they will put in a wood stove. There is going to be electricity and plumbing which they are going to hook up to the house. It is going to be a one-person cabin with a single bedroom, bathroom and small guest bedroom in a loft. She referenced her Dad's idea that if she ever goes away and comes back with a family there will be ample place for kids to stay. Dirk noted they have very long-distance grandparents that come to stay for 2-3 months and this will provide a place for them to stay comfortably. He advised Anelle did a great job preparing for this. She spoke to all the neighbors before they started this process. Chairman Halla asked how many square feet will this be? It will be approximately 450 square feet. It will be located 200 feet from the house, within walking distance to the house. Lisa asked about egress, how many doors? One door for exiting, if you include the bedroom and bathroom doors, three. Dirk added, one main door and the front window is a sliding glass door. Calvin asked about how the septic is going to work. Is it going to tie back into the main house? Yes, it will.

Chairman Halla read aloud the applicant's responses to the seven requirements for a special exception. See the public file for content. He asked if anyone wished to speak in favor. Geoffrey Hubbell spoke saying he is a neighbor and abutter of the van der Merwe family. He lives at 325 Hackleboro Road. He advised they came over to talk to him about it. He went over the other day to look at the site. It's tucked down in the woods, you could never see it from my house. It looks like a great little location.

They are good neighbors, quiet, never had any problem. There would be no adverse affect from this little cabin. It probably would just make the family happier.

Chairman Halla asked if anyone wished to speak in opposition. No one spoke. He asked if they had any intentions of renting it out at any time on Air B&B or some such. No. They have no intentions of doing that. Anelle stated it would be sort of like renting out your bedroom. Chairman Halla asked if the Board had any further questions. He asked if they had anything further to add to their testimony. They had nothing further. He noted the cabin will be 180 feet from the main house and they have 27 acres of land and you cannot see his house now. He closed the testimony portion of the hearing. The Board turned to making a decision.

Chris said does he understand this to be an Accessory Dwelling Unit, detached, looking at page 95, 18.3, section G, that isn't determined by us, is that correct? That's determined by the building department? Chairman Halla concurred. Jim said he thinks it meets all the requirements. Chris concurred.

Chairman Halla made a motion to **GRANT** the application for the following reasons:

1. That granting the permit would be in the public interest. The attached and detached dwelling units are something that are allowed by special exception and that's what they are here for tonight.
2. That the proposed use would not adversely affect the property values in the district. It's far enough from all the neighbors and the road that it's certainly not going to affect anybody else's property values.
3. That the specific site is an appropriate location for the proposed use. It's close to the house and it's a cabin, a small cabin of 450, under 500 square feet that is a secondary dwelling unit for the house so it is an appropriate location. It's within the 500 feet limit as far as distance from the house.
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 has even been hinted that anything like that would happen, it's simply a dwelling unit.
5. The proposed use would not constitute a nuisance because of offensive noise, vibration, smoke, dust, odors, heat, glare, or unsightliness. None of these apply.
6. That granting of the permit would be in the spirit of the ordinance. It is allowed by special exception.
7. The proposed use would not constitute a hazard because of traffic, hazardous materials or other conditions. Basically, what's going to happen is you've got the same family members coming in and out that were living in the house.

Chairman Halla stated if you read the other part of the ordinance, the other thing that comes to his mind is that in the long future, somebody in your family has to live in either the house or this. In other words, in the future you could not move away, rent the house and this. You could rent one, but you could not rent them both.

Chris seconded the motion. The Board vote was a unanimous decision to **GRANT** the special exception. He advised they will need to get on the agenda to go for site plan review with the Planning Board. They can wave that. He explained the thirty-day appeal process.

Respectfully submitted,

Lisa Carlson, Clerk
Board of Adjustment

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