**Board of Adjustment**

**Canterbury, NH**

**Minutes of Hearing**

**26 January 2022**

**Case No. 2022-1 Special Exception**

Present were: Chairman Joe Halla, Calvin Todd, Christopher Evans, Jim Wieck. Web Stout was an excused absence. Lisa Carlson as a voting Alternate for this hearing. Also present was Dale Spaulding.

Chairman Halla advised those present Caley and John Shepherd are seeking a special exception as regards a Home Occupation on their property. The application involves Tax Map 257, Lot 10 located at 261 Morrill Road. It is located in the Rural zone. Then proposed use states “The construction and use of an accessory building as an occupation shop. The proposed business is a single therapist, pediatric physical therapy clinic that utilizes indoor treatment space and natural outdoor space to provide physical therapy services to children with needs”. The application references Article 2.5 Home Occupation. Chairman Halla gave a detailed description as to the conduct of the hearing procedure**.**

Ms. Shepherd advised those present she is a Pediatric Physical Therapist working in Concord for a large business. She would like to work for herself and have the opportunity to work outside. She grew up on the land that they own now. Her parents built it in 1990 and she loves where she lives.

It’s got a wonderful natural atmosphere to provide natural learning experiences for children needing physical therapy. So that is what she wants to do. It has the added attraction of working at home, making her own hours, making her own schedule. She would like to construct a building. There is a perfect spot on their land that is already cleared. It is naturally separated from the dwelling part of the property by stonewalls already. There is parking already for a small clinic that would be just herself. There is a good location to put a pathway down from parking to where she wants to locate her building. She has already spoken with several contractors in town about electrical, building, septic, etc. She has troubleshooted most of this already.

Chairman Halla asked if she is going to do this entirely by herself. Yes. He asked you aren’t going to have any employees. Her plan is not to when she opens. There is a pediatric occupational therapy clinic in town that is run by Kim O’Donnell and she has OT. It would be beneficial down the road to add aspeech therapist, but she has no interest in having employees. Chairman Halla asked how big is the building she plans to build? The building will be 1,100 square feet. Chris asked how many clients would she be seeing typically at once? Only one at a time. This is a one-on-one service. Chris asked do the parents stay with the child. Yes, they do. They are welcome to wander the property. The sessions are 45 minutes long and then there is a period for discussion with the parent upon completion of the session. Chairman Halla asked how many days a week would she be doing it. It would probably be 3 to 4 days a week. Her ideal caseload would be working 38 weeks of the year, closing the clinic in the summer for vacation. To do that she would need to see 30 clients a week, but it would probably start out more fulltime 52 weeks a year seeing about 20 clients a week.

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Chairman Halla asked if there were any more questions from the Board. He asked if anyone wished to speak in favor. There was no one present able to speak in favor. He asked if anyone wished to speak in opposition. No one spoke. He asked the applicants if they had anything further to add. They did not.

Calvin asked what the distance would be between the main building and the clinic building. Approximately 150 feet. So, there is ample parking with a turnaround. She has already spoken with all the abutters who reside on their properties and they have no concerns. The Van Cleaves asked that she not have any outside lights pointing at their property. Chairman Halla asked so the most there at any one time might be two families coming or going. This is correct. He asked if there were any other questions from Board members. He asked if the applicants had anything further to add. No one else spoke in favor or in opposition. The testimony portion of the hearing was closed. Jim asked if we have a size limit to building of this nature. We do not. Chairman Halla asked if anyone wished to make a motion. Jim Wieck made a motion to **GRANT** the application for the following reasons:

1. That granting the permit would be in the public interest. Building the accessory building and having

 the home occupation is going to provide services of physical therapy that are needed in the

 community.

2. That the proposed use would not adversely affect the property values in the district. There is enough

 separation between the property and other properties on the side the building is on is not going to

 have any negative impact.

3. That the specific site is an appropriate location for the proposed use. Home occupations are allowed

 in the zone. It is consistent with the Canterbury Plan for Tomorrow.

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.

 Again, there would be very little impact, likely would be completely unnoticed.

5. That the proposed use would not constitute a nuisance because of offensive noise, vibration, smoke,

 dust, odors, heat, glare, or unsightliness. This is a physical therapist with a single client at a time so

 none of these things are applicable.

6. That granting of the permit would be in the spirit of this ordinance. It allows for a home occupation

 which is in the spirit of the ordinance.

7. The proposed use would not constitute a hazard because of traffic, hazardous materials or other

 conditions. There would only be one client there likely at a time or possibly two passing and no

 hazardous materials or other conditions would be a hazard.

Chris seconded the motion. The Board vote was a unanimous decision to **GRANT** the special exception.

Chairman Halla explained the thirty-day appeal process and advised them to contact the Planning Board about site plan review. The minutes of Case No. 2021-7 hearing were unanimously approved as written.

Respectfully submitted, DRAFT

Lisa Carlson, Clerk

Board of Adjustment