

**Zoning Board of Adjustment  
Canterbury, NH  
Notice and Minutes of Decision**

**Case No. 2022-2 Special Exception Appeal**

**Date: 6 April 2022**

Present were: Chairman Joe Halla, Chris Evans, Calvin Todd, Web Stout, Jim Wieck (non-voting member) and Lisa Carlson (voting alternate).

Also present were: John Schneider, Al Edelstein, Ali DiNome, Sam Papps, Kent Ruesswick, Doneta Fischer, Bob Steenson, Derek Januszewski, Greg Meeh, Ann Dowling, and Cheryl Gordon.

Chairman Halla called the meeting to order and introduced the four regular and one alternate voting members present from the original hearing and Jim Wieck who will be a present but non-voting member because he was not present at the original special exception hearing.

Chairman Halla stated how this meeting will be conducted. This is a request by the Board of Selectmen for a rehearing of Case No. 2022-2, the special exception for 417 Shaker Road. When we consider this, it is based on what is submitted to us in writing and we take no testimony at all from anybody. So, you are welcome to stay and we will discuss this and hopefully reach a decision, but I'll remind you that we don't take any testimony. Chairman Halla asked the Board has everybody read this? The Board all said yes.

Chris asked what is the new information? Calvin said I don't think there is any. I think everything addressed in this letter should be brought to site plan. I don't think that's the zonings....there is no information that's not zoning pertinent to that site planning, adequate parking, adequate access, trash impact, that's all site plan issues, not zoning issues. Chris asked Chairman what specifically are the requirements for a rehearing, new information? Chairman Halla responded, specifically, a technical error would be one. In other words, it wasn't posted properly, an abutter was not notified that comes forward and says I was not notified. That would be automatic grounds. Other than that, it is compelling evidence of some kind, generally something that wasn't presented the first time that wasn't available the first time. He offered to read it out of the handbook if you want to hear it that way. That's basically what it is. Chris stated that's pretty much the way I understood it. Chairman Halla read through the written appeal (available in its entirety in the file). He asked from what I've just read and what you've read is there anything there that wasn't either discussed, touched on in the motion to approve? Is there any new evidence that wasn't available that night or wasn't discussed that night? There is no claim in here that we made a technical error, and I don't believe that an abutter was not notified or that it was improperly posted.

Chris responded as I go through these all I see are issues that they wish to be looked at further, but nothing that would suggest any of that weren't correct in our interpretation during the hearing or any new evidence that it wasn't correct. It just seems like a criticism on additional contexts. Chairman Halla asked what Chris meant by that. Chris replied they just want more clarification regarding certain items

that I thought we covered. I went through the minutes, and it seems like we talked actually about everything. We went through when the motion was made, we went through the seven items. I don't recall anyone having a problem with any of it. So, I don't see where there is any new information submitted that would compel me to rehear the case. Web said I agree. I don't see anything new. I think we touched on all of these at the hearing....with a lot of the accessibility and that he knew that he was going to have to go to the Planning Board for Site Plan. Chris concurred. Chairman Halla stated in broader terms if you look at what they are listing here specifically, I think they were all discussed and I think parking, access, waste disposal, water, traffic impact would all be handled at Site Plan Review. Chris said I think we even brought that up during the hearing. Calvin concurred, the same as campgrounds. Chairman Halla paused the meeting to read through the appeal one more time. He asked Calvin if he had any comments. There is nothing that wouldn't be addressed in Site Plan Review. Chris said he thought so much of what we discussed is going to be dealt with. The State is going to be interested in the kitchen aspect, Site Plan Review is going to cover that. Chairman Halla asked if anyone had anything else. The Board had nothing further to add.

Chairman Halla made a motion to **DENY** the request for a rehearing for Case No. 2022-2 for the following reasons:

1. There is no evidence that a technical error has been made in the posting of the notice of the hearing or notification of abutters or any other procedural problem.
2. There is no new evidence that has been submitted tonight that was not available at the time of the first hearing and that many of the concerns, if not all of the concerns that they wanted specific questions to be addressed would be addressed at Site Plan Review.

Chairman Halla asked for a second to that. Chris seconded the motion. Chairman Halla asked if there was any discussion. There was none. The Board vote was a unanimous decision to **DENY** the Request for Rehearing. This is the end of the appeal process with this Board. The applicant has thirty days to file an appeal of this decision in Superior Court.

The Minutes of the two special exception hearings for 2022-3 were approved as written.

Respectfully Submitted,

Lisa Carlson, Clerk  
Board of Adjustment