

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

**Case No. 2021-4 Special Exception**

Present were: Chairman Joe Halla, Jim Wieck, Christopher Evans, Calvin Todd and Lisa Carlson (Alternate). Also present were Leanne and Sean O'Brien and their two small children.

Chairman Halla advised those present **Leanne and Sean O'Brien** are seeking a special exception. The application involves Tax Map 216, Lot 14000 located at 132 Ayers Road. It is located in the Agriculture/Conservation Zone. The proposed use states "Accessory dwelling above attached garage (to be constructed)". The application references Article 5, Section 3. Chairman Halla gave a detailed description as to the conduct of the hearing procedure.

Sean advised the Board they just finished building 3-bedroom, 2-bathroom house and installed a septic that is approved by the State for 3-bedrooms plus an accessory dwelling. It is a 1,750 gallon septic tank with an appropriate leach field. The design is in the paperwork submitted in the application that states the intended use. They intend to build a garage the same footprint as the house which is 30x30 and would like to have an accessory dwelling above the garage within the specifications of the town ordinance. It will be no bigger than 1,000 square feet of living space. There will be a two-bay garage with a one-bedroom unit above it. Chairman Halla asked so it will be under 1,000 square feet? It will.

Chairman Halla read aloud the applicant's responses to the seven requirements for a special exception. See public file for content. He asked if the Board had any questions. There were none. He asked if the applicants had anything further to add. Sean said his other request is going to be about how to become more involved and being members of the town. He understands this Board may want an alternate. Chairman Halla concurred we are short an alternate. He advised go to the town office and if you want to become an alternate ask whoever is there, give them your name, where you live. etc. It is then up to the Selectboard to make that decision, but there is an opening right now. Chairman Halla asked as a formality if there was anyone present who wished to speak in favor or in opposition. No one spoke. He closed the testimony portion of the hearing. The Board turned to making a decision. Jim suggested we wait until 7:45 PM to take the vote as this hearing was started earlier to be certain no one came to speak as an abutter.

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

1. That granting the permit would be in the public interest. It will raise the market value and it is something that is allowed by special exception.
2. That the proposed use would not adversely affect the property values in the district. It would probably elevate property values in the district.
3. That the specific site is an appropriate location for the proposed use. It's an accessory dwelling unit that's going to be in a garage serviced by the people in 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. It's going to meet all the required setbacks. It's not visible to neighbors.
5. The proposed use would not constitute a nuisance because of offensive noise, vibration, smoke, dust, odors, heat, glare, or unsightliness. None of those apply.
6. That granting of the permit would be in the spirit of the ordinance. The applicants met all the requirements from the zoning ordinance. Special exceptions do allow for an accessory dwelling unit.
7. The proposed use would not constitute a hazard because of traffic, hazardous materials or other conditions. It's residential use only and there has been nothing here that would indicate that that would be a problem.

Chris seconded the motion. Chairman Halla advised the applicants they will need to talk with the Planning Board to see if they need to go before them for site plan review. They may wave it. He also explained the thirty-day appeal process. After 7:45 PM the Board vote was a unanimous decision to **GRANT** the special exception.

The minutes of the previous hearing were approved as written.

Respectfully submitted,

Lisa Carlson, Clerk  
Board of Adjustment

**DRAFT**