

**Canterbury, NH**  
**Minutes of Hearing**  
**8 May 2024**

**Case No. 2024-2 Special Exception**

Present were: Chairman Jim Wieck, Sean O'Brien, Web Stout, Calvin Todd and Lisa Carlson (Alternate).

Also present were: Tara Bartilucci, Alain Therrien and Marshall Cluney.

Chairman Wieck advised those present **Tara Bartilucci** is seeking a special exception as regards a home occupation on her property. The application involves Tax Map 259, Lot 029 located at 9 Wilson Road in the residential zone. The proposed use states "Tara Bartilucci to operate Big Tree Bread Company from new residential kitchen". Chairman Wieck gave a detailed description as to the conduct of the hearing procedure.

Ms. Bartilucci spoke saying she is here requesting a special exception for her residential kitchen to run Big Tree Bread Company from it. She does not have any employees. It is mainly to sell to farmers markets or in local stores in the area. There will be no out buildings or anything like that. Chairman Wieck added that board members can ask questions at any time. He asked would people be coming to the property or are you baking there and selling at farmers markets. Ms. Bartilucci responded occasionally. During the market season no one comes to the property. During the holidays or off season a few will come by. He asked do you have room for a parking off street? She concurred, they have a large yard and long driveway. Web asked what do you bake? She replied, bread. She advised that she follows the Cottage/Homestead laws. Web asked, you are using your existing kitchen. Yes, it is a new residential kitchen, it is not huge, but it is new. Web asked do you pick up your own materials or have them delivered. She does her own shopping. There are no deliveries.

Chairman Wieck asked if there was anyone present who wished to speak in favor. Marshall Cluney advised his property abuts theirs. He does not think there is anything objectionable about what they are doing and it smells good. No one spoke in opposition. The applicant had nothing further to add. Chairman Wieck reiterated there will be nothing they are doing outside of the house. She cannot make anything outside of the building. Anyone driving by would not notice anything at all. Lisa asked if they get any kind of inspection from the state or the Cottage/Homestead bureau? Is there a bureau, how does this work? Ms. Bartilucci advised it is regulated by the Department of Health for the State of New Hampshire. There is a monetary threshold. Once you are over that, then there are inspections. There are certain towns, Concord being one of them, where inspections are required regardless. Web asked is it incumbent upon how much cooking you do? They give you until you meet the \$35,000 threshold then once you make that then there is another level of licensing. Jim asked again; you have no employees. She does not. Chairman Wieck asked again if anyone wished to speak in favor. He asked if anyone wished to speak in opposition. No one spoke to either. Web asked so it is just you baking. Do you envision having employees because you can have up to two. She replied she does not anticipate that. That is when you are going more toward commercial baking. Chairman Wieck said to be clear everything that is discussed tonight will go on the record and what we vote on will be based upon what you are saying about no employees. If you change that you will have to come back before this board.

Chairman Wieck closed the testimony portion of the hearing. He asked for discussion from the board. He asked if anyone had any problems. It is a pretty straight forward application for the home occupation with no issues at all. Sean asked if they had a sign. They do not. Chairman Wieck advised the town has a sign ordinance they can look up for size. Cannot illuminate a sign. He called for someone to make a motion. Sean spoke saying:

1. That granting the permit would be in the public interest. It's another company, someone supplying goods to the community.
2. That the proposed use would not adversely affect the property values in the district. N/A.
3. That the specific site is an appropriate location for the proposed use. It's inside her kitchen. She is following the Homestead laws. Nothing is changing outside.
4. That 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 would not.
5. That the proposed use would not constitute a nuisance because of offensive noise, vibration, smoke, dust odors, heat, glare, or unsightliness. The only odor would be cooking.
6. That granting of the permit would be in the spirit of this ordinance. It is allowed under a special exception for a home occupation.
7. That the proposed use would not constitute a hazard because of traffic, hazardous materials, or other conditions. She says she has suitable parking, and a long driveway. It is in compliance with the ordinance.

Web seconded the motion. The Board vote was a unanimous decision to **GRANT** the special exception. Chairman Wieck explained the thirty-day appeal process.

The minutes of hearing 2024-1 were unanimously approved by the board as written. The board conducted a hypothetical discussion about an abutter who wants to attend a hearing but cannot attend the hearing date that has been noticed. He wondered if we could go back to the applicant to see if they were willing to reschedule. Sean replied they can send an agent in their stead or Web noted they can write a letter. Lisa advised the Notice of Hearing has a line in it that says you can appear in person or by agent or counsel. Discussion continued about this topic. It is a question. Chairman Wieck said he would check with the Selectboard. Web suggested it might be in the handbook. Web asked if when filling out an application it is being done for the seven criteria required for a special exception. Discussion about the formality of the applicant reading aloud their response to meeting the seven criteria. Further discussion about the requirement of the application form that each applicant provide a plot plan no matter how simple, if even from the tax map, this is a requirement. Our process needs to be more formalized. An interview was conducted earlier today about the land use position. This person would have office hours and could advise an applicant about the necessary documentation when filling out a ZBA application form thereby ensuring applicants would come before the board better prepared whether for a special exception or variance. The land use person could review the application prior to the hearing to double check.

Respectfully submitted,  
Lisa Carlson, Clerk  
Board of Adjustment