

Board of Adjustment

Canterbury, NH

Minutes of Hearing

21 November 2024

Case No. 2024-7 Special Exception

Present were: Chairman Jim Wieck, Web Stout, Christopher Evans, Calvin Todd, Sean O'Brien and Alternates Brendan O'Donnell and Scott Herrick.

Also present were abutters Beryl Boivert and Louis Audet, abutters.

Chairman Wieck advised those present **Mercedes Martinez Gould** is seeking a special exception as regards property located at 141 New Road, Tax Map 258, Lot 016 located in the rural zone. The proposed use states "to be used as a multi-purpose educational facility under the My Village Micro Schools and Wildkidd nonprofit organizations". The application references Article 5, Section 3-C. He gave a detailed description as to the conduct of the hearing procedure.

Ms. Martinez Gould read her six-page narrative describing her intentions fully (available in the public file). Chairman Wieck asked Ms. Martinez Gould to read aloud her responses to the seven criteria needed to be met to secure a special exception which she did (avail in the public file). She added she has curriculum information and the binder from the seller of the property if the Board is interested in seeing those. Chairman Wieck asked if she has plans for the use of the house/building. The school is going to be an outside learning classroom experience as much as possible. The house will serve as a place to teach certain lessons like cooking. The living room will be a library and a place to store educational materials. The majority of learning would be outdoor classrooms. They would hope to build one outdoor classroom that would be covered...I call it a tree house; it is not really a tree house but a raised building, a small classroom for when it rains or it's too windy or the weather conditions are too difficult to be outside. The majority of the time would be gardening, learning about the trees around you and playing. There is a stream that goes by, focusing on doing schoolwork outside in an outdoor setting where we set up comfortable seating with logs. Chairman Wieck asked if they have any plans developed for this out building. She advised she is working currently to get them, but there is nothing in stone. We sign on the property tomorrow. They have not wanted to ask to be on the property a lot and having people come and doing drawings and seeing the site to tell me what I can do. So, no, not at the current time, but I spoke with the gentleman who I believe is about the building permit to get a better understanding of what would be required when it comes time that I want to build something. The application process is what I would be looking at to do that. He went on....the area that the children would be in, can that be observed from surrounding properties and homes. She replied, the majority of it, no. Maybe like passing by the majority of it was like behind the house. There are a lot of trees, you can see people driving in and dropping their kids off and maybe sometime out there we plan to have a flag out front so we would do like a morning gathering at the flag. But the majority of our learning will be behind the house in the woods on the property. He asked if she has any plans showing the parking, the hub you mentioned for people being dropped off. She advised she has spoken briefly with someone who manages exit 17 Park and Ride. Near exit 17 is where I'd like the

hub to be, close to the highway. I don't know if I can do it in the Park and Ride, if I can do it in a parking lot, one of the buildings there. The goal is to get as many people as possible to take the bus, connected to do some kind of day long appointments, a parent would come to the school to pick them up. Chairman Wieck asked for clarification your intention is to have up to 30 students at once. In the first year perhaps fewer to begin with but 30 would be the maximum number. We would like to host community events, like a community day once a year, a public open house for people to come see and learn about the school grounds, if someone has a skill to come and offer a class to the students whether an 8-week course or a one-time afternoon course for a couple of hours. Chairman Wieck asked her to put a number on the most number of people might be on the property on a given day or event. She replied what she envisions is doing a 9-2 event where people can come and stop by, and she does not know how much people would want to come and get involved like that. Web asked do you mean more like an open house? Yes. Chairman Wieck asked once a year? As of right now what she envisions in her plan, yes. Having like once a year, a community event where people can come and look for things they could volunteer with or come teach a skill. Chairman Wieck asked about the age range. They are hoping to have K-12. In their high school age program, she would like to implement vocational classes and have the students make up a list of things they are interested in. So, say they are interested in mechanics, plumbing and roofing, I would look within the community and businesses to see if we could get them connected to do some kind of day long, follow along so they could see if they are interested in that field for when they graduate. Web asked would it be a course in that, like teaching the fundamentals...she replied we are kind of hoping to get the community involved to create courses like that. She does not have people actively with a schedule actually created yet, but she is hoping she can get this going and get connected with the community and the people around us that have the skills that the students want to learn about.

Chris asked if he understands about the location she is purchasing it is currently in a single family home use and there is no intention of occupying that....your intention is to use it exclusively.... They will initially move in and be on property getting the place ready to host the school, making the play and leaning areas, going through the Department of Education, getting everything approved and then we would transfer from our home....our current home we plan on putting on Airbnb until we can move out of this home, till the school is up and going. And at that point it will be a school, and we will move back to our home. Chairman Wieck asked if anyone wished to speak in opposition. No one spoke. He asked if anyone wished to speak in favor. Beryl Boivert spoke saying she has concerns about the road. It is not a heavily trafficked road. She is not opposed to the school but is more concerned about what traffic would do during mud season. In ice it becomes treacherous, especially the black ice that forms. She is also concerned about abutters and gun use around the property. There is a lot of shooting and hunters. One of the abutters actually has a shooting range, she just wants them to be aware. Beryl said she was curious if they are applying for a 501.C.3 status so they have a tax ID number? It might be owned by you now, but might eventually be transferred to a 501.C.3? They are buying the property in their name, not the school's name. Ms. Martinez Gould explained the non-profit is Wildkidds; it assists as a partnership to help bring programs to the school and a summer camp program. The school is for profit.

Louis Audet spoke saying he does not believe it's a vote thing. He needs more information before he can voice concerns about it. Chairman Wieck asked if the applicant had further comments for

the Board. She did not. He asked for additional questions from the Board. Web asked how many employees. Employees would be three and then herself. If they could reach capacity one teacher per pod of ten students would be assigned that way. Their goal is to get ten students for the first year. Chairman Wieck noted he thinks the special exception is for the operation of a school which is allowed in that zone. Brendan noted you said you'd be moving in, but ideally you would be moving out once the school is running, so is the idea if there was inclement weather or something when children can't be outside all day, the house would be big enough to fit all, a maximum of 30 students in it? Mr. Martinez responded if for some reason the outbuilding isn't finished, yes. He asked about the after-school program, do you have a specific time range you are seeking? Yes, 3 to 6 pm. If they had ample parents requesting a certain earlier time, if the school bus would prefer to drop off at 2:30 or a 6:15 pick up was needed, we would try to accommodate it. But in our plan, it is 3 to 6. Brendan asked so normal school hours are 9-3. Yes. Summer camp they would look to have 30 students as well as the school. Brendan noted that as far as the summer camp goes there is a separate category in the zoning ordinance for recreational facilities as opposed to schools. If you are calling it summer camp, are you envisioning educational camp with school activities through the summer where they are doing school things or more of a summer camp where they are doing more traditional summer camp stuff.... water features and the like. Ms. Martinez Gould responded they mean like a nature/education summer camp, but it would be a summer camp, it wouldn't be a separate enrollment from the school, and it would be open to the public during the summertime, like if public school students came. She is envisioning a core group of students learning about gardening, canning and preserving, food lessons. We have like an 8-week course of what each week would focus on for the summer program. Calvin asked how many weeks they plan to run the school program. The school would comply with the Department of Education state requirements. Essentially, the school system is 40 weeks. It is spread out with holidays and days off, some three-day weeks, but it is essentially a 40-week curriculum. It would essentially follow the public school system schedule. Chris, this is a state requirement. They have to meet for so many hours and I have to keep track of absences and report all of that to the state. The building would have to be approved by the fire department. If this got approved, the department would have requirements for the building to be approved and the areas that they are learning, be sure that they are safe and that our curriculum meets the state requirements, that our hours meet the state requirements. Brendan asked what their plans are if their plans for offsite pick ups and drop offs at private property or the Park and Ride do not work out. Do you have alternative plans? He explained the Board of Adjustment approval is for the land use of a certain thing. We cannot really tie into offsite use. This Board can only grant specific land uses. They do not have a second set location as of now. The back up plan for that would be to come to the community and see can we meet at the library or working with the town to figure out how we can do this to keep the impact of the road down. Brendan asked if you had everyone dropped off and picked up on the property, could the property accommodate that traffic. Could the road accommodate that traffic? Ms. Martinez Gould replied, I would say yes. I don't know that everybody would agree with me. I don't see why not. I am familiar with driving on back roads and dirt roads throughout the seasons, but I know that roads change over time. She feels that if you were to commit to enrolling your students in a program like this, that is just part of the experience and it's not for everybody. Chris asked who the primary regulatory body is for starting any kind of organization such as a school. The Department of Education. She had to file an LLC with the state, but because it was having to do with education before they would

even approve it I had to have I had to have a special meeting, had to get a special letter from the Department of Education overlooking what I wanted to do. It's not approval from them, they go over it and say yes we are going to work with this person to create something.....Chris interjected asking and where are you in this process? She responded that once I nail down a property, I can present my by-laws and the curriculum and the property to the department and they will go over it and they approve that. Then they will come out and I must set up fire inspections and different and various inspections of the property. Chris asked if it's a federal office that is state managed. Do I have that correct; it's actually managed by the State of New Hampshire. Brendan advised the State of New Hampshire Department of Education. There is a federal one and a state one. Chairman Wieck asked for those in opposition to speak and a caution to address any comments to the Board and anything new that has not been said before. No one spoke. He asked if anyone wished to speak in favor. Beryl Boisvert spoke, reminding the Board the Canterbury Fair directs traffic on New Road one day a year. Chris noted, the last Saturday in July each year. Chairman Wieck asked if there were any other questions from the Board. Scott made a comment (inaudible). Chairman Wieck closed the testimony portion of the hearing at 8:10 PM.

Calvin commented 30 students, 30 cars going back and forth every day, that's a tough road to be on. He would want to know what Town Road Agent John O'Connor thinks about driving on that road and that far in. Chairman Wieck added also concern about cars coming in and out. You cannot guarantee there is not a bus as an option for people to drop off anywhere, which people are generally inclined to do. You've got a lot of cars coming in and out and we have no plans to show how traffic would be managed on the property. Then there is the concern for the road. Also concerns there are no fixed plans about where the building is, what the outbuilding will be like, how does that change the character of the area. Calvin noted it is about 20+ acres. He noted the property has cliffs and is near a swamp, so it has potential. Chairman Wieck replied it could work, but do we have enough information to put in the record. Brendan noted he heard for profit so, regardless it feels like they need a commercial site plan, traffic, access, parking, a driveway, whether New Road would need regrading. Basically with all of the students and all of the staff going there....this land could have a special exception allowed as a use, but this use sort of assumes there are drop off spots which we can't control in any way. Calvin asked doesn't some of that come in during site plan review. Brendan some of it yes, but just in terms of the fire code, what's the building capacity, do they have enough egress for that. My understanding is we are looking at just the use of something that could occur on this property. Site plan might find the land is not big enough for more than 20-25 students. Chairman Wieck said he understands that we are required to consider whether or not there is a hazard in the traffic. We haven't sufficient information to determine that. Chris noted there certainly is no testimony from abutters that it would present a problem. Brendan noted the road itself is dirt and has issues in the spring. Chris added he would think a school and an environment of this type is going to attract a certain type of person. It's not going to be 30 cars.....Chairman Wieck stated it's 30 students plus teachers, you are talking something that's almost larger than a third of CES (Canterbury Elementary School) on a residential setting. Is that appropriate, is it going to change the character of the neighborhood. Chris spoke saying I think this type of school is so important that I would strongly support it almost to any end. Chairman Wieck said we can't do that....we have to follow....Chris interjected, I understand, but you were saying that the only real hang up is the traffic, is the road. Chairman Wieck restated his

concerns about incoming and outgoing traffic to the property as well as changing the character of the neighborhood having a school with 30 children and teachers all functioning all outside all the time or nearly all the time, how does that change the character of the neighborhood. I don't know if we have enough information provided to.....Chris asked what would we need more to thoughtfully consider this. Chairman Wieck stated a site plan showing us there is adequate distance between where the activities will be held and the opening where the neighbors are, some sort of understanding.....Chris responded so address the site itself and if they could demonstrate the building and property is big enough. Chairman Wieck agreed all this is concept, we need something more concrete. Chris asked could we put something together to help them come back to us. Scott noted there are seasons when New Road is impassable. Brendan concurred the site plan must show how specifically the land will be used and how it is very important to get input from the Town Road Agent. Chris asked could the school close during the mud season. Chairman Wieck stated it sounds like we are looking for a continuance. Brendan noted other bigger issues will be addressed at site plan review. Web wondered what signage would look like.

Chairman Wieck made a motion in the case of Case No. 2024-7, a request for a special exception, that the Board continue the hearing so that the applicant can provide additional information to address concerns of the Board including:

1. A site plan showing how the land would be used, specific areas for various outdoor activities, including parking and how the parking would be managed on the property safely so the number of vehicles that might come to the property to park or safely offload or pick up.
2. Input from the Town Road Agent relative to the ability for New Road to be able to handle that kind of traffic, specifically looking at seasons of the year when the road condition will be poor, mud season.
3. Also provide information on buffers, landscape, so we can understand how the proposed use might affect neighboring properties, to that same end, distance to residential structures from the areas that are planned for use by the school.
4. And signage, a plan that you may plan on.

Web seconded the motion. The Board vote was a unanimous decision by the five regular voting members present to **CONTINUE** this hearing until Wednesday, **22 January 2025 at 7 PM in the Meeting House**. The Board voted to approve the minutes of 2024-5 with a correction made to the spelling of Ken Folsom's name.

Respectfully submitted,

Lisa Carlson, Clerk
Board of Adjustment