

**Board of Adjustment
Canterbury, NH
Minutes of Hearing
26 July 2023**

**Case No. 2023-5 Special Exception
Short Term Lodging**

Present were: Chairman Joe Halla, Calvin Todd, Christopher Evans, Jim Wieck, Web Stout and Sean O'Brien (Alternate abstaining from voting for this hearing). Also present was Wayne Doucet, Applicant.

Chairman Halla advised those present **Wayne Doucet** is seeking a special exception and short-term lodging granting as regards his property located at 35 Harmony Lane South. The application involves Tax Map 203, Lot 049 located in the Resource Reserve Natural Zone. The proposed use states "Air B&B-Short Term Lodging". The application references Article 2, Section 11 of the Canterbury Zoning Ordinance. Chairman Halla gave a detailed description as to the conduct of the hearing procedure.

Mr. Doucet advised what he has is a family camp. What he wants to do is an Air B&B. He co-owns the camp with his sister. Her section has a bedroom, bathroom, and small kitchen area with a table. So, basically, it's cordoned off from the rest of the house. So, while she is gone, we are thinking of doing Air B&B on that side alone. The camp is only open from May to October at most. My wife and I are there all summer so the owner will be on site. It has only one bedroom with a pull-out couch we are not sure is useable. We are only looking for a couple or a really small family only while we are there and only when she is not there. I have talked with two of my neighbors, we've known them for years. We will not stand for the place to be abused. Chairman Halla asked if they live there fulltime. They are only summer residents. He asked when they are going to do the Air B&B. Only when they are there. Chris asked about the other side of the house. Their side has three bedrooms, his sister's side is the smaller area they purchased from their siblings. Jim asked if there would be an increase in the occupancy. There will not. It will only be rented when his sister is not there. His sister is in Vermont now so was unable to attend this hearing. Mr. Doucet advised he pretty much runs the place and maintains it, pays the bills. Jim asked if there would be increased parking. There will not. Mr. Doucet advised the Building Inspector has been there twice. He came once last week and made suggestions which they corrected. He came back out to see what they had done and was supposed to send an email to the ZBA. We did receive notice from him and that was presented during the hearing. They installed fire extinguishers on both sides. Web noted 211.B requires a joint inspection by the fire department and code enforcement. Jim asked if the fire inspection was done. Mr. Doucet advised he didn't know if the code enforcement officer was going to be a part of that. So, no, a separate fire inspection has not been done. Mr. Doucet said they are welcome to come any time, they are there. Mr. Doucet advised upon the code enforcement officer's recommendation they installed three new smoke alarms. Mr. Doucet will contact the fire department and request an inspection.

Chairman Halla asked if anyone else had any questions. There were none. No one was present to speak in favor or opposition. The applicant had nothing further to add. Mr. Doucet will call the Sam Lake House and contact the fire department.

Chairman Halla made a motion to grant a Conditional Acceptance which is contingent upon Mr. Doucet getting that done and the fire department sending a written report to the Board of Adjustment.

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1. Granting the permit would be in the public interest because short term lodging is allowed by special exception in the district.
2. That the proposed use would not adversely affect the property values in the district. There has been no addition to the property other than what is there right now. It certainly would not affect property values.
3. That the specific site is an appropriate location for the proposed use because it is an Air B&B in the applicant's house.
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. Nothing other than a residential nature that exists there now is going to exist thereafter.
5. That the proposed use would not constitute a nuisance because of offensive noise, vibration, smoke, dust, odors, heat, glare, or unsightliness. The only thing that might be of concern is noise, but the applicant plans to be on site. There will not be renters there alone, so this is not an issue.
6. That the granting of the permit would be in the spirit of the ordinance because it's allowed by special exception.
7. That the proposed use would not constitute a hazard because of traffic, hazardous materials, or other conditions. Nothing that has been presented would warrant that.

Jim Wieck seconded the motion. The Board vote was a unanimous decision to **GRANT a Conditional Acceptance**. Chairman Halla explained the thirty-day appeal process. He reminded Mr. Doucet it is up to him to contact the fire department and for the ZBA to receive a written report before he can go forward with an Air B&B.

The Board voted unanimously to accept as written the Minutes of Hearing for 2023-4, Jeff and Mindy Beltramo.

Respectfully submitted,

Lisa Carlson, Clerk
Board of Adjustment

DRAFT