

**Board of Adjustment  
Canterbury, NH  
Minutes of Hearing  
9 October 2013**

**Case No. 2013 Special Exception Continuation**

Present were: Chairman Joe Halla, Jim Wieck, Web Stout, alternates Christopher Evans and Lisa Carlson.

Chairman Halla presented a description of the nature of the hearing continuation and gave a detailed explanation as to the conduct of the hearing procedure.

Steve Blackmer presented a narrative of their new, sharper, clearer and more focused proposal. It is substantially different and Steve thanked everyone to whom he has spoken and received feedback for their input. This is now a proposal about a church only, not a retreat center contemplated as a part of this proposal. He provided a packet of information in support of their new proposal. They are seeking to create a small church on Foster Road with a particular focus on nature, conservation, prayer and spiritual practice rooted in the earth. He thinks of it as a forest sanctuary with a chapel and a meeting house to provide a shelter. Again with a particular focus on this as a church without a retreat center.

Mark Hopkins presented copies of the site plan and a very large map. He provided a photograph depicting the view from the church site to Foster Road. The proposal is for a church which is focused on the woods. In as much as the church is considered the woods in this case the buildings are accessories to that use. In that sense it differs somewhat from what is commonly thought of as a church which is a building. In this case the roles are reversed. The land is the church; the improvements to the site, the buildings contemplated are subservient to the land. He too thanked the neighborhood for their input. It helped to focus this proposal more sharply on the coordination. The reason for the buildings, being in the woods, being in Canterbury, the primary reason for the church building is to have a meeting place out of the rain, the bugs, a place to remove ticks, generally a shelter. The site organization: it is their intent to make use of existing features on the property that includes a cleared landing that was constructed during the recent logging operation. No significant additional clearing is contemplated to receive these buildings. They hope to reroute the driveway if it is feasible. The current driveway hugs the right of way to Foster Road so it is very close to the property line, crosses the snowmobile path and crosses wetlands that were a point of contention with the Conservation Commission when the logging operation was there. It was an old existing woods road, but they hope to restore the wetlands in this area of the road and reroute the driveway for a couple of reasons. One is to take vehicular traffic away as far from Foster Road as quickly as possible. Another one which is a safety issue, it's a much improved angle at that intersection of Foster Road as you approach 90 degrees. You are avoiding doing any damage to the existing archeological features or historic features. They would be threading between two old existing foundations that are right on Foster Road and taking advantage of an existing breach in

an old stonewall at the landing site which is where their proposed building site is. They will do no further damage to the walls. Their intent is to rehabilitate them as much as is practical which is part of their stewardship of the land. The expectation is to move all vehicular traffic quickly off the road and park it on a gravel lot which is approximately 400 feet from Foster Road and surrounded by natural buffers some of which are existing, of which they will be adding to. In addition to adding to the parking lot buffering, they are proposing to add significantly to the natural buffer between Foster Road and the current driveway which is a slope that would slope down to the existing drive and it would be planted with white pine and hemlock from the other areas on the property. An additional consideration when siting the buildings in the clearing is that there is more than adequate area between the two proposed buildings for any fire equipment now or in the future to make a complete loop around that clearing without having to back up so that is something that would be important from the fire department's standpoint. The lighting is intended to be at a bare minimum. Steve respects the dark sky protocol and it's their intent to have only necessary lighting at the entrance to the building only when it's in use, otherwise no lighting at all. He addressed the utilities saying the electric service will be run underground in conjunction with the construction of the driveway most of which will be on the existing woods road and they hope to bring the last leg around the backside of the existing foundations. If that is impractical they would be proposing to run it directly to Foster Road to the nearest utility pole. That is up to the power company, the exact configuration of that. It is intended to be buried and invisible. The septic and leach field and a presumed drilled well will be located near building number two which is on the south side of the existing clearing. The well and septic will be serving that building number two exclusively and no further such utilities are contemplated.

They engaged a traffic engineer to address the concern about the volume of traffic. (See Memorandum) Stephen G. Pernaw & Co, Inc. did the research. The most important conclusion from the report is based upon his monitoring existing traffic over the course of a week and weekend to get actual traffic counts for daily and weekend time periods so they have that to compare the projected use to. Traffic flow rates of 28 vehicles per hour on infrequent Saturdays with a special event or 16 vehicles per hour on Sundays with church services are inconsequential from a traffic operations capacity of a delayed standpoint. The peak flow rate on Sundays with church services is comparable to the peak flow rates that currently occur on week days. That is an important statement that is based upon an actual traffic count. It's an easy way to imagine the actual volume resulting from a church service and comparing that to rush hour on Foster Road as it currently is. Increases of this order of magnitude both on a daily and hourly basis will not create traffic congestion and/or increase delays to those traveling on Foster Road. Mark culled out of one of tables the following to compare the proposed use to an alternative use for this lot which would be a single family residence. It would result in 9.5 trips per day on an average weekday. The Church of the Woods on a typical day during the week would result in twelve trips. That is a net increase of 2.5 vehicular trips per day during the week. They don't know at what time that car or that half car would go down the road, but it appears to be insignificant. The numbers for Saturday currently are ten for an alternative single family home, twelve for the Church in the Woods which is a net gain of

two. On a Sunday with a residence the number is 8.5 trips. The average Sunday without a meeting at the Church of the Woods would be twelve for a net gain of 3.5 cars per Sunday. When there is a church meeting or a special event, the increase over and above the standard rule of thumb for a single family residence is 23.5 trips which would presumably be cars going one way and the other. This is all based upon common engineering statistics. The key statement from the traffic engineer is, "In all cases Foster Road will continue to be a very low volume roadway with the Church of the Woods site in operation". With the more functional requirements of this proposal, the first thing that would be built is a small chapel of approximately 140 square feet which is smaller than most tool sheds. It would be set back from Foster Road approximately 800 feet and approximately 150 feet from the sideline setback from the property line of Mary Ann Winograd. This building would function as Steve's study, a shelter for a very small group of church goers and it is not anticipated that it would be electrified or otherwise fitted with utilities. This like the other two buildings would be heated by wood (primarily wood from the site). It may be more practical in the slightly larger buildings to heat them with wood pellets preferably from New Hampshire trees, the best local source of that is in Jaffrey. The second building is the church building which will consist of a meeting room, rest room, small office and basic kitchen equipment. This building is intended to be ADA compliant, it will be hyper-insulated using low maintenance materials, wood or pellet heat; it will provide room on the backside upstairs for a future caretaker's apartment should that become necessary or appropriate. The church building is proposed to be approximately 1100 square feet which is comparable to nearby barns. It will be dressed in the style of a 19<sup>th</sup> century vernacular agricultural building using native materials, probably a hybrid Timberframe, wood siding, metal roof, etc. The third building proposed is an equipment barn and this like the second has approximately a 480 foot setback from Foster Road. The purpose of this building is for tools and equipment, possibly a small tractor for maintaining the grounds and the woods. That would be proposed to be 800 square feet. The total of these three buildings is approximately 2,000 square feet which is comparable to other homes on Foster Road and smaller than some that already exist. The important thing is to serve the woods, to be as unobtrusive as possible, to fit with the look and feel of the neighborhood, and if anything it will look more 19<sup>th</sup> century than most of Foster Road currently does.

Steve Blackmer spoke saying he believes this parcel is particularly well suited for this kind of church which is a different kind of church, a woods church. The parcel is large, 106 acres, quiet, full of natural beauty and already substantially conserved by the Town with a conservation easement held by the Town. This sort of church which he is particularly called to create cannot be located just anywhere. For this ministry it is essential to be in a quiet place in a rural area away from highways and other busy activity. The location of this parcel plus the fact that the land is already conserved makes it ideal for what it is that he wants to do. Because what they are proposing is so inherently peaceful and quiet and conservation minded they believe, it will actually be a benefit and not a detriment to the neighborhood. The uses that they are talking about are uses you would associate with any small church: prayer, worship services, education, potlucks and special community events such as a wedding on occasion. He is envisioning services twice a month in the afternoon, not every Sunday so not to conflict with other

churches. That is 24 services a year, plus for seasonal events such as Christmas, Solstices, Easter, etc., and for other community events such as a weddings so approximately 32 events. So 32 days a year, that is 9% of the days of the year could be that higher level of use. So the other 91% of the days of the years there would be essentially no use. So the vast majority of the time there is nothing going on save a few cars for hikers using the trails. The woods and the place are quiet. He believes the proposal is entirely consistent with the rural zoning reserving from most intensive development. This is not a place where there is any intensive development. No additional municipal services will be required. It preserves the character the community and indeed of Foster Road. In addition, it is very much in keeping with spiritual communities here in Canterbury. He has talked extensively with Pastor Bill at CUCC about ways they might collaborate. It's a use that is inherently quiet, unobtrusive and peaceful. The values of their church are explicitly in keeping with the conserved nature of the land. They are very willing to consider additional conservation and protections on the land in order to keep the land from ever being used for anything other than a forest sanctuary and this limited amount of development. Their interest and desire is to keep it in this state. The traffic load is well in keeping with the ordinary and expected level of traffic and capacities of the road and at a time that avoids the busiest times, Sunday afternoon.

Steve read a letter submitted by Dwight Keeler (see copy in file) siting reasons for the application to be approved. They want to keep the land and its use open to their neighbors who have enjoyed it for many years. Finally, the people who are posing this are from Canterbury. They are not from "away". They are local and can answer any and all questions about because they are willing and readily available. They believe the use that is inherently quiet and peaceful and in keeping with the neighborhood. He reviewed the seven criteria for a special exception approval as follows:

They believe it is in the public interest. The proposal is consistent with the intent of the rural district to avoid the most intensive development, the need for additional municipal services and preserving the character of the community. They believe it does not adversely affect property values in the district and he referenced Dwight Keeler's letter to indicate this will reduce property values and in fact may enhance them. It's an appropriate location for the proposed use. It's inherently quiet, peaceful and conservation minded. It's a perfect location for what they have in mind. There are not very many pieces of land that suit this. It's an ideal fit, an ideal use for a piece of land that has been conserved by the Town already. There is no adverse effect on health or safety and if anything having a place where people can come for quiet and peace-filled prayer may increase health and safety. It's a large enough property (106 acres) that it will have no impact on neighbor's uses. There's no nuisance involved because the use is quiet and peaceful and focused on conservation and nature. They will make efforts to continue to reduce in the ways that Mark described an already low level of impact, relocate the driveway, plant a screening of trees, and keep light minimal. The only occasional use will be much less than an active family because there won't be busy people there every day. Granting it is in the spirit of the ordinance because it is

allowed by special exception with this level of review this particular church use. It is consistent with the spiritual history of Canterbury. There is no hazard at all due to traffic, certainly not hazardous materials, the road is clearly adequate (referenced Pernaw's Report) and it will have not more impact than a home which is exactly what the land otherwise would be used for.

Chairman Halla asked if the Board had any questions. He asked about how many people they would expect to attend a regularly scheduled church service there. Steve responded about 15-25 on a big day, basically 10-12 cars. A wedding might be up to 40 people. They are designing the facility around that kind of scale. Chairman Halla asked if anyone wished to speak in favor of granting this exception.

Harry Kinter (Kimball Pond Road, 32 years) reminded those present about The Plan For Tomorrow and he cannot see anything in this proposal that would not warrant a special exception as requested. He cannot think of a use for that land that would be more fitting with Canterbury. He worked 37 years in government and knows all about the NIMBY phenomenon. Based upon everything he knows about Steve and the proposed use for this land, there are not going to be any bad things happening and he speaks in favor.

Roy Hutchinson (Hackleboro Road, 50+ years) advised his land does not abut Steve's but there is a narrow strip of land between his land and Steve's. He has hunted that land for years on end. He has been assured that he can still hunt it as long as he doesn't hunt it on Sundays. People that are concerned about traffic, 10 or 15 cars on a Sunday afternoon; he cannot see that as being a problem. When Ben Ladd had his orchard they had 15-20 cars an hour go by his house and he never complained every weekend and even on weekdays. The building being set back 4-500 feet from the road, you're not going to see it. And the talk about lights...how are you going to see the lights if the service is at 2 in the afternoon. You aren't running lights at that time of day. He speaks in favor of it.

Faith Berry (Pickard Road, 50+ years) remembers growing up and there always being 4 or 5 churches here in Canterbury. Now we have two churches in town, the Quaker Meeting House and the CUCC. She believes this is a good opportunity for having more churches in town and to have different places to worship. She cannot think of a better use for that piece of land. She believes it is a wonderful opportunity for the town and looks forward to seeing it happen.

Sarah Hopkins (Shaker Road, 10 years) referenced the Beulah Fellowship and the uses of Shaker Village over the years. She does not notice the changes of traffic patterns when there are services at either of these locations. She would like to see more spiritual opportunities in town. She would like to think in 40 or 50 years we would all be honored to have endorsed this project.

Mindy Beltramo (Hackleboro Road) cannot see the traffic in the area would be any different than on a day when we had a sugaring day on Hackleboro Road or going out to the Smoke House or going for an

afternoon drive. She expressed her concern about how people fly by her when she walks her dogs along Hackleboro Road in late afternoon. So the impact to travel on Hackleboro or Foster Roads for this use will not change traffic patterns. She looks forward to being a part of Steve's endeavor. She has attended services at St. Paul's Church in Concord where he has conducted services and is very much in favor of his ministry here in Canterbury.

Alice Veenstra (Morrill Road, 6 years) knows Steve from St. Paul's Church and that he is very caring to the environment. He strikes her as someone who is very thorough and thoughtful in the work that he does and she thinks the Church in the Woods will become a great asset to the Canterbury community.

Beth McGuinn (Southwest Road) spoke about Steve and Kelly and how they have devoted their lives professionally to conservation and she knows these two individuals would not propose anything that would harm the land. She thinks everyone needs to think about where this comes from. It's not from a place of wanton development; it's from a place of conservation and land stewardship.

Chairman Halla asked if anyone wished to speak in opposition. Attorney Steven Buckley (Manchester) advised he was representing abutters Fern and John Schneider. He asked for clarification about the driveway relocation on the map presented. Steve advised the engineering studies have not been completed to know for certain they can do that. Subject to the engineering study being completed they will know what they can do to change the driveway location. They also plan to put in plantings to provide a greater visual screen. His other question regarded the location of the third building (The Woods Chapel...the one without utilities). Attorney Buckley said he understands the rural zone and that it is designed to be restricted from intense development, primarily uses on gravel roads, supposed to minimize the impact of demand of community services....more than anything else if you take a trip on this road you'll understand that it's a narrow country road, it's got very severe ditch lines and this particular location, where the driveway comes out and by the way the driveway is coming out in the exact same location as the existing driveway, it's just coming out at a better angle, it's still at a point where the road has a pretty severe downhill and uphill curve into an area which he thinks will be challenging for people leaving this property. He understands about this particular road the school buses don't go down this road. The children who get picked up either go to Baptist or Hackleboro Roads for school bus service. Unless he is mistaken, that would suggest even our own school department avoids putting school buses on this road. In the winter he clients report it goes down to one lane with the sides of snow banks. In the spring you have a pretty significant mud road to deal with. These are significant issues and from the standpoint of the Schneiders there is still something that has not been actively addressed. It's obvious the abutters have not had an opportunity to review the report from Mr. Pernaw. It's difficult for the abutters to address their point of view with a professional report of this type. He does not know what Mr. Pernaw is saying about the geometric design of this road. He questions whether or not the road has an adequate geometric design for this amount of traffic that is being added. When you take these things into account they do not think this is a good use for this property. They

believe it will adversely affect the property values of those abutting this use. The Schneider house is oriented above and looks straight down on this property, so they will see the activities there pretty easily. He is not sure it is fair to say there is going to be adequate screening in the winter because he thinks the leaves will all come down and there will be a direct line of sight from where their house sits right into the property location. It's not an appropriate location for a church. Churches are either in village areas or in the Town Center. This far distance from the Town Center on challenging, gravel, dirt road is not an appropriate location. Safety and traffic issues are still a concern; cars entering this property will have a difficult time when they are backed up behind each other leaving an event. He thinks it's likely that's going to create problems if anyone is coming up or down that section of Foster Road given that there's a pretty severe uphill in the curve and downhill in this location. He thinks there is a likelihood there will be an impact to the abutting properties by the noise and dust kicked up from traffic going in and out of the property. They do not think it's in the spirit of the ordinance. Ultimately, the real flaw with this property is again the traffic access. They have not had a chance to look at Mr. Pernaw's report to digest it, evaluate it, to criticize it. The abutters should be given the opportunity to submit a supplemental statement as to what Mr. Pernaw has said. In general, they would urge the Board to find that the applicant has not met all of the requirements in order to be entitled to a special exception.

Lee Dakin (6 Foster Road) spoke saying this seems to be a new spin on the original plan of where we were going to have a conservation area, now we're going to call it a church of the woods. His second point is that it is not a paved road and he agrees completely with what he says. In the winter it gets quite narrow, there are ditches and there are kids and people that walk up and down it in the afternoon especially on the weekends. He has seen people ride horseback. He believes the traffic report is heavily inflated for single-family home use. He lives there and he does not do nine trips a day even on workdays. That is ridiculous. The proposed structures as they are now are fine, what about future structures? If they are granted an exception do they then.....Chairman Halla advised for anything additional they would have to come back to this Board in a separate application. Mr. Dakin continued, but they are already there at that point so coming back would seem like less of an impact than the original. Woods church is not really his definition of what a church is. His notion is more like what the last gentleman mentioned. He is curious as to where the funding for this comes from. Is this part of the Episcopal Church system or privately owned. Chairman Halla stated he was not certain that makes much difference. Mr. Dakin concurred. He is wondering how with 100 acres a congregation of 25 supports it. Originally when they were here in August there was talk about buses up and down the road. Chairman Halla advised they have eliminated that. Mr. Dakin stated he is skeptical about whether they have eliminated that. Chairman Halla restated they said they had. This Board takes testimony based upon what it hears, in good faith with everyone that is here including you and everybody in the room and to make an assumption that they are lying....Mr. Dakin said things can change. Chairman Halla concurred that things can change and they need to come back to the Zoning Board. He does not think it's fair to say they removed the bus thing and maybe they're not going to remove the bus thing. Mr.

Dakin said you never know. There might be an event....Chairman Halla if they said it; he has to take them at their word. Mr. Dakin stated there is old software saying "easy to use is easier said".

Kathleen Bamberg (owns property on Hackleboro Road) and spoke in opposition. Originally this property that she owns was her Father's. The heirs were his children. While it was in the hands of six children there was structure that was put up above the land. It was once the most beautiful piece of land with huge, big maple trees. It has a little cemetery on it. Unfortunately, when this house was built up above her, her brother went to the Concord Police to see what they could do about all the construction people that were going all over their land. They made huge trails because there was no other way to get to the property above them. Chairman Halla asked for clarification....this was across her property? It was. They put in a road that is probably through her property. She did not give permission for it. It may at the end of the property, she does not know if the Town put it in or the construction people put it in. Chairman Halla ventured the Town would not issue a building permit for someone to go across her property. Ms. Bamberg corrected herself saying it is sort of at the end of a large pasture. Chairman Halla asked if it was on her property. She does not know, she did not have it surveyed. Chairman Halla asked what her concern is. She replied they did not to prohibit it and what happened is they had to get a way to get into it and it ended up being with a runoff and packing down of the soil and all of the vehicles that came later that used it for recreation, skimobiles and people going once those roadways were made...and if you look at those beautiful trees, they just died. She does not know if it was gasoline and the skimobiles and the trucks.....Chairman Halla asked again what is her concern. Ms. Bamberg stated she abuts this land that is on the opposite side. The thing she was talking about, there are lessons learned. She did nothing about and her brothers did nothing about it. She is now the sole owner and it is her responsibility and she does not need their permission and she would have to do something about. But the runoff ruined all the vegetation. Also, the new road that was put in at the end of the property, the flow of waters has changed....Chairman Halla asked again what was her concern. She is concerned about the original proposition that said there were going to be trails and when they build that it packs down and the water has to run off somewhere. Chairman Halla asked if she is concerned that it is going to run off onto her property. She wants to know she would trust that its' not going to ruin her property. She stated we do need to trust, she has nothing against churches and thinks the world needs more, but she doesn't want her property ruined. She is opposed.

Mary Ann Winograd (Foster Road, 35 years) thinks the property values will be impacted with mixed uses and the property values will be lowered. The problem is not with Steve and Kelly, but what happens after them and the three buildings. The value of the property use will be changed. It cannot be returned to residential. If the property sold for \$200,000 and you put \$200,000 into erecting three buildings you now have a \$400,000 piece of property that no one will buy because it's unaffordable. She noted the people who spoke previously do not live on Foster Road. There are quite a few people in the Foster Road who have actually bought extra property so we can maintain the rural feeling on this road. She is asking that the Town do its part to keep Foster Road the rural, residential area that it is.



Rob Lawrence (owns 70 and 72 Foster Road). His concerns are still the same as they were before. He understands there is now a traffic study and it's encouraging to see that. He is not sure how official it is. When the subdivision was done he knows there was a traffic study done. He does not know if it's time to do another one to understand the actual impact or will that qualify. This is the first he has heard of this. If he understands the numbers correctly, just by itself that lot is talking about a 25% increase over even the residential home use. He does not know if they were inflated or not. There was still a substantial increase for just that one location if you compare it to other residential areas. In terms of the character, he bought the pieces of property because he likes the rural nature. They like looking up at the stars, it's a very, very quiet spot, and it's a dirt road, its one and half cars wide. That's its appeal, that's the character of the area. One of the concerns he has is once the foot's in the door with this special exception, what can happen after that. He doesn't if this is something that will grow. In terms of it and a nuisance, he is concerned about how access is going to be controlled to the property. He thinks the proposed setbacks for the buildings seem fairly substantial. That in itself, if this isn't gated control, if nobody is on the property for substantial periods of time, how are we controlling anyone going into those locations and he would be right next door to that. Anybody coming in there, earlier they had them camping, he thinks they removed that.....he is just concerned in terms of those types of control things. If this is opened up for public use, it changes what he thought he was buying into.

Andy Julian (63 Foster Road) stated he likes the idea of a church in the woods but he thinks the traffic numbers are pretty conservative and that's when you start out it's going to be slow. But he has seen the Canterbury Community Church parking lot and their services take up the whole center of town with cars. He thinks the numbers in the traffic study could grow substantially. If this is a woods church people are going to like it and it's going to grow and the traffic is going to increase. He is concerned about the safety. He lives on a farm, he has dogs and he moved there because it was zoned for rural and residential and quiet. He is concerned that this is going to grow, that it's going to be popular and it's going to be much more traffic than they are anticipating. For that reason it does affect the safety. It's a traffic hazard and there's a lot more cars than they anticipate. He thinks it's an inappropriate site because of the growth potential.

Susan Dakin (6 Foster Road) stated this could mushroom into something none of us is envisioning. If it did, suppose he got 200 people. Would he require another meeting here? Chairman Halla responded this Board is going to vote based upon the testimony that they receive tonight. If the is going to grant this or not it is going to be based on basically the inclination or the numbers that the Board has gotten from Steve. He is talking about 35 people at the most. Mrs. Dakin said, suppose they show up. Chairman Halla responded he thought that to be highly unlikely. Mrs. Dakin said that happens with churches particularly if the priest is interesting or good, the church tends to grow. Chairman Halla stated the building would in inadequate, he would assume for 200 parishioners and he would have to come back to this Board to get approval for something much larger because he would need a larger building. But if he didn't require a bigger building he wouldn't have to come back, right? Chairman

Halla responded he thought if it was out of context of what the Board approved, then he would have to come back. This Board is basing its decision on what he is saying is going to happen. If the building needed to be expanded or the parking area needed to be expanded or any of those things he would have to come back to the zoning board for another approval to expand it. He couldn't just expand it. Mrs. Dakin stated her only question is on the other days of the week when there's nothing going on, what's to stop a teenager from going there to experiment with drugs? Chairman Halla said he could not respond to that. Mrs. Dakin stated it's away from the road, really quiet, no supervision, she sees a problem.

Mrs. Kathleen Bamberg asked what about the leaching beds and the septic system? That would all be subject to state approval. Mrs. Bamberg said what if it grows to 200 people. Look at in India how they have those huge demonstrations. Then it's a health issue. Chairman Halla responded he was sure if it grew to a congregation of 200 or more he would have to have a new building and new septic system and he would have to come back to this Board for an approval.

Mary Ann Winograd asked if the services will inside or outside. Chairman Halla responded, both probably. Steve concurred. Ms. Winograd continued, because if they are outside they wouldn't need a bigger building. Chairman Halla said this would not be the case in the winter.

Andy Julian said he would just like to comment on that. If the church is outside and the congregation grows to 200 the woods is the church and they don't need to come back. Chairman Halla responded this Board is basing its decision on the information that he provides. If he provides that the congregation will be in the high number of 35.....Andy stated when you start a business you start with what you start with, what about a three year projection? Something like this could grow to that. Chairman Halla responded when this Board approves a business, somebody has to give us the scope of that business and that is what we vote on. If that changes or increases, they have to come back. There is a limit if the Board imposes a limit. This is why the question was asked of Mr. Blackmer how many people he thought would be coming to the services.

Mary Ann Winograd asked if there are more than 35 people attending do they come back to you to say there were fifty people at a service. Chairman Halla replied at some point it would be appropriate to say this thing is growing beyond what I thought and I need to get another approval.

Dan Therriault is there a size of the parking lot that wasn't mentioned earlier? How many cars are being allowed? Mark responded it will accommodate 20-25 cars in that parking lot and we talked about in the application if there were a special event there would be supplemental parking at the edge of the clearing and at no time is there going to be any parking on the road. They plan to accommodate everything off the road.

Attorney Steven Buckley spoke again saying he has quickly looked at the Pernaw Report. He observed a couple of things: Pernaw is not saying that he agrees the geometric design of Foster Road is appropriate even given the existing traffic use. So he does not know where the report stands that the road will be safe by adding more traffic. He wondered what the Town's Road Agent would say to adding more traffic to this road. He does not think that Pernaw agrees with the site distance. The report says the site distance should be improved, trimming and removal of vegetation on both sides, but if you have been to that property and stood at that intersection, it's not good site distance. You have traffic going up and down a hill on a curve.

Lee Dakin spoke again requesting that a maximum of 25 cars be placed as a condition by the Board.

Marina Green spoke saying she and Rob Lawrence purchased their property at 70-72 Foster Road. She had lived in Canterbury for about ten years and moved away. One of the reasons they came back is because she loves the community, the environment and they found the location on Foster Road because of the quiet, the dirt road, the residential community. Her concern is also the traffic. The study seems off to her. She thinks there will be more cars with functions. Her concerns are the events, the environment, and the noise if it's a church outside and they are doing services for weddings and events. There will be noise that will affect the property next door if you abut up against it. She believes her neighbors want to keep the rural nature, the quiet of the road the way it is. She is not in favor of the church though she admires Steve's vision and the conservation. She has to look at the scope and being a resident in that area.

Sarah Tirrell-Wysocki expressed her concerns saying they had actually had a fatality on Foster Road, so the road does have some dips and hills that make it challenging to drive and she is concerned about traffic. She and husband David would like to conditions placed upon it to make sure that it stays small; this might make it more palatable to the neighbors. Certainly, 20-25 cars and she likes the fact that she knows what time the services are going to be so she can walk her dog at a different time. As others have expressed she too wants to be certain that we do have control over this. If it grew any larger it would change the environment of Foster Road and why they chose to live there.

No one else spoke in opposition and Chairman Halla returned to the applicant for final testimony. Steve read from the Pernaw Report. The peak flow rate would be the same level of traffic. They are very willing to put on additional conservation protections. No buses will be part of this endeavor. They concur with the 25 car limit. If three people come in one car and there are 60 people that would be difficult, but limiting it to 25 cars seems like a good way to get at this.

Christopher Evans was going to ask if they would be willing to consider a limit on vehicles and that was just covered. That was really his only concern.

Chairman Halla asked Mark Hopkins if the church building was the only building with a rest room. It is.

Typically, what would that accommodate as far as people? What does the State require if you say you are building a church and I'm going to have a leach field, do you flush the toilet 400 times a day? It's actually based upon the number of seats in the church.

Mark Hopkins asked to speak. School buses have never gone on Foster Road to the best of his knowledge and there are no more than 2 or 3 school aged children on Foster Road. The neighborhood is aging out quickly. This is typical of other low volume roads for school buses because of budgets, etc. HE also wanted to make another point about the viability of Foster Road to handle the existing traffic and possibly a tiny additional amount. It is comparable to a number of other similar roads in town. Clough Pond Road has the Sno-Shakers that have large events occasionally. Portions of Baptist Hill, Abbott, Cogswell Hill, Lamprey, New, Orchard Road (which has significant traffic this time of year and Briarbrush Roads by way of examples. There are many other roads in town that might be deemed inadequate, but seem to function just fine for the neighborhood uses that are ongoing. In terms of visual screening in the seasons when the leaves are off, currently the site consists of 30-35% evergreens. They will be planting more evergreen as a visual buffer next to Foster Road, so if anything the screening would be improved over time. As far as the use of trails, it is historic that there is discontinued map of snowmobile trails. No one has had an issue with that over the time that the Sno-Shakers maintained it. The intent is to allow no motorized recreational vehicles. The only motorized vehicles in the conserved portion of the land would be a tractor or a skidder every decade or two as cutting and pruning becomes prudent. These trails will not be open to ATV's or snowmobiles. In terms of teenagers doing drugs, he does not know that teenagers need to go that far to do drugs if they are intending to do so. He does not see that this is an additional attraction or even of material interest to the Board. The comment first is it is set back too far so nobody can keep an eye on it. The other view is that it is not set back far enough because you might catch a glimpse of a light. Realistically a 400 plus foot setback would put you over the neighbor's lot line in certain lots in almost every zone in Canterbury. You cannot do much better than 400 feet from the road. The issue of what happens if it becomes too popular, well, it's Steve's hope that it will become popular and the model for this small church can be utilized for other such congregations on other conservation lands in other places in the Northeast and beyond.

Jim Wieck asked if they ever see a need to use a public address system outside. Steve replied if they did it would be very modest. With the size congregation they are talking about as a rule no. It would not be necessary.

Chairman Halla asked if anyone else wished to speak in favor for the final time. Sarah Hopkins (Shaker Road) said she wanted to separate out two different concepts as this is being considered. The land as she understands it is under conservation and she has 75 acres on Shaker Road, 63 of which are under conservation. If 50, 100 or 200 people chose to come and use her trails; that is permitted under conservation easement. In terms of what is being considered, she thinks there are two different issues where there are the buildings and the fact that this is an easement held for the enjoyment as she understands it of Canterbury and New Hampshire residents. She has very little control if say someone

came and wanted to build a campfire out back. She would have to observe them and go through a process of literally saying this is not permitted on this land. So this is just one piece that she wanted to mention. The other is that while she recognizes and respects the opinions regarding the larger uses of the property, there is nothing to stop any other resident from having a large event. Recently there was a family occurrence that happened and approximately 50 to 60 of her family members were at a residence on Foster Road. There was no rule that said we could not have that family gathering this one time. There are times that this happens, that any one of us is going to have a large get together at a residence. This needs to be taken into account.

Ruth Smith (Southwest Road, 8 years) spoke to say a lot of people are imagining things that might happen in the future and this Board is not focused on making decisions based on the future. She would like to invite people to imagine things a little bit differently. As Steve said earlier the church he is planning isn't like a church that we would recognize immediately. It's not the building that we think of at the center, it's not even in the center. It's a place where can connect to a higher power in whatever way that might speak to us, in a way that helps us connect to the earth. As Beth said earlier, there are no two people who have a stronger passion for being stewards of the earth than Steve and Kelly. As one who aspires to that as well, she cannot say enough about them. So the fear that people might have that things would happen out there that wouldn't be good for the neighborhood or the community is based on the fact that they don't know Steve and Kelly well enough. The kind of people they are encouraging to come, they are inviting anybody to come, but part of the message they will be sharing as the ministry that they are going to do out there is to increase stewardship. So, if more and more people come, her guess is that those folks are going to say what can I do to be a better steward of the earth. I don't want to increase traffic on Foster Road; I'm going to carpool with a bunch of folks to go. Or, I don't want to make a lot of noise out there; I want to enjoy the peace and quiet. She thinks a lot of the fears are based upon what people know now and imagine might happen, but she invites everyone to imagine a very different scenario because that is what she understands Steve is trying to create....a different way for us to connect to the earth, to our creator and to each other. One of the reasons that she and Beth moved to Canterbury is that special spiritual grounding, she calls the Shaker spirit, but thinks it's the Canterbury spirit and she cannot imagine anything more perfect to have happening than this.

Mary Ellen MacCoy (Hackleboro Road) stated if you came all the way down Foster Road you would come into their driveway over Hackleboro. There are two ends to Foster Road, so listening to everybody it sounds as if they think everybody is going to come off Baptist Road to come in. They may, but they may also come in off Hackleboro Road, so all of this traffic you are envisioning could be cut in half going by your homes.

Faith Berry spoke again saying a lot of this discussion sounds a lot like what we went through before putting a parking area and turn around down near the dam near Kimball Pond. The big concern was we were going to get a lot of young people collecting in there; people might be cleaning their cars and parking on the road. She walks the trails in there 3 or 4 evenings a week in the good weather. She has

never once in all the years since that was put in felt like she should call somebody's parents; call the police, tell somebody to stop doing what they were doing. It has been completely in line. She thinks there is a lot of unfounded fear.

Mindy Beltramo spoke again saying she agrees that half the traffic would be using Hackleboro Road. She also wanted to point out there was a concern about what to do if no one is there and how to keep people out. It is her understanding in the State of New Hampshire unless things are posted as No Trespassing all of the land is open. The land around their property is open and hunted and used by people walking the woods. She reminded the residents of Foster Road they were new to town when all of the outrage occurred when those lots were subdivided and the horror the signs going up and that's how people ended up buying up their land and trying to conserve that country atmosphere that we have here. But, it's also a progressive town where people can see beyond themselves and look to the good of the whole.

Chairman Halla asked if anyone else wished to speak in favor. He asked how many days might go by when either Steve or somebody didn't visit the property at some time, either go to your office, bring something in, would it be days, weeks. Steve responded someone would be on the property 4 or 5 days a week.

Sarah Tirreill-Wysocki spoke to say she bought two of the bowling alley lots that were divided up as a buffer. She was the woods, the animals there. She is coming to the point where she thinks there could be no better neighbor on that land than Steve and Kelly. She has concerns for two neighbors that are close by and what they have to see especially because they look down on it. She is wondering because you have been so flexible and willing to listen to everyone's concerns, is there some way you can deal with a buffer so they do not have to see the lights. Chairman Halla advised the Board is able if it approves to attach conditions of any kind if it deems that necessary.

Chairman Halla asked for final testimony in opposition that is new. Attorney Steven Buckley referenced one gentleman's testimony that referred to others roads that were similarly situated as Foster that are challenged in terms of their design and operation, but nonetheless carried traffic and everything seemed to be OK. The very point of planning is to avoid those situations. Whether that is happening in any other part of town, here is an opportunity for the Board to make a choice and the choice is between having an activity that is going to be putting more of a burden on the road that is inappropriate, then you've got to decide this is not an appropriate location and deny the special exception. Again, he wants to emphasize the Pernaw Report does not state, in his opinion, the geometric design of this road is adequate for the existing traffic let alone the applicant's proposal. He also wants the Board to keep in mind uppermost as it is deciding this matter the driveway in the present configuration which may be modified based upon where it is going to be moved to, it is a downhill, and then it is an uphill. The uphill will have the lights shining directly into the front yard and windows of the Schneider's house. He thinks that's a consideration to suggest that the traffic leaving on an evening 6,7, 8, 10 cars all at once, that can

have a light and traffic light impact right on their house. That's a diminishment of the enjoyment of the quiet solitude they would like to have on Foster Road.

Lee Dakin spoke saying he assumes most people attending church are going to be from out of town and he believes most of the traffic will be coming from the Baptist Road end.

Wesley Noyes (25 Foster Road) said this figure of 25 cars is a little misleading. He asked if they are still going to have the trails. They are. If you go by any place where they have trails on most any day you can find 8, 10 or 12 cars of people that are hiking. So, the figure 25 is not right.

No one else spoke in opposition and the public testimony portion of the hearing was closed at 8:30 PM.

Chairman Halla asked for the Board members thoughts. Christopher Evans said he was concerned when Attorney Buckley spoke about the rising cars. He assumes that is what the white pine screen is for. But he does not know that this is good....the new driveway. That would be contingent upon approval of a new driveway. Mark responded it's not so much that it needs approval, it needs some engineering and that has not been done yet. There are a number of chicken and egg issues when something is being constructed and you have to make a decision about how much to invest in something that is a possibility. This is one of those cases where their intent is to move the driveway, they would prefer it and if it's doable from an engineering standpoint working with the existing wetlands which they hope to restore....all those conditional clauses, that's their intent. They don't need approval from the state, town, anybody to improve that portion of the plan. Christopher asked if they would concur that as the driveway is now, that cars entering or existing after dusk could propose a nuisance to adjacent property. Mark replied it's conceivable if the abutter was sitting directly in front of a window facing the church driveway. Christopher asked further if they then also believe that by moving the driveway they could remedy that. Mark said that could be or an alternative solution would be to wait for the natural buffer to grow in and fill in and do the job for it. Their intent is to do everything in their power to move that driveway.

Web Stout stated his biggest concern is the traffic. Chairman Halla asked if anybody on the Board had any other problems other than traffic. He looked through the zoning and the other uses that could be in there by special exception: golf courses, travel trailer parks, temporary dwellings like the snowbirds, a restaurant, and a Bed and Breakfast with less than ten rooms. That's how our zoning in rural is by special exception. Again, this all before the conservation easement got put on there. That does narrow it down in a lot of these things are alleviated on this property now. There are 106 acres and that whole back area depicted on the map is easement (90 acres of it). There are other uses by special exception not just here, golf courses, and travel motor homes....Chairman Halla advised we have to remember 90% or more of rural zoning is on dirt roads anyway. There isn't too much zoned rural on paved roads, this is something that is allowed by special exception as a number of other things are and almost everything

that is allowed by special exception in the rural zone is going to create more traffic. Web concurred; the bottom line is a single family house is going to generate more traffic than this.

Christopher said if there were a maximum number of allowed vehicles, he does not have a problem at all. He sees this issue separate from a traffic issue dealing with the neighbor and the light because now we're talking about an individual who has a specific impact concern. He believes this has been addressed, but he would personally like to know how we can resolve that to their satisfaction. Chairman Halla said this Board can put a condition on it that says that has to be addressed in a way.....somehow the angle of the driveway has got to be changed.

Jim Wieck asked how many times a year will you be having evening services. Steve said he was glad that question was asked. He has no problem putting this in as a condition of approval or as part of their application that the services would typically be on Sunday afternoons. In the winter there may be some lights. He does not want people in the woods late in the afternoon on a winter day. So, if necessary he will move the services to earlier in the afternoon in the winter. Typically, they will be getting people out of there before dark. He does not want people, a whole bunch of people walking around the woods in the dark. So, he asked is that a condition you think you could accept. What he wouldn't want to do is say they couldn't have a meeting in the building. He would find that an unreasonable restriction. He does not know how to word that. Christopher asked if that screen wouldn't deal with that. Steve said that is their intention and part of why moving the driveway is such a big deal. Christopher said if we could come to some term about the screen that would prevent that angle then the time isn't relevant.

Jim stated based on the traffic report that says on a normal road that wouldn't be a problem, so really that road would have to be terribly unsafe as it is and we have not been provided with any information that says it's terribly unsafe. Web said he was thinking he believes that comes down from the site as you come up. Per Steve, it actually comes up now. It comes out from the old log landing, it dips down and crosses the wetland and then goes off again as it starts to curve around the side. Jim said he thinks there must be a limit to the number of cars. Chairman Halla restated they have agreed to a limit for parking up to 25 cars and if we have an approval the Board can make a condition as far as the buffering for the neighbor that abuts across the road. That can be a condition. He asked if there are any other problems with this. There has been some mention about screening, etc. He looks at this as a small single family dwelling with a barn. Would everybody be concerned about screening and not seeing this, it's 500 feet off the road. You'd have an accessory building maybe or maybe not, but it is not an enormous building. Jim said he would be concerned about noise, but he has already said that is not going to use a speaker system.

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

1. Granting the permit would be in the public interest. Churches are allowed by special exception in the



rural zone. Testimony was presented that Canterbury has always welcomed churches and has in the past had up to 3, 4 or 5. There is a very similar use for a Quaker church that has encountered no problems with traffic on a road that is not a major paved road.

2. The proposed use would not adversely affect the property values in the district. Two real estate agents gave differing opinions. Five hundred feet off the road and eleven hundred and twenty square foot building, it's not going to adversely affect property values.
3. The specific site is an appropriate location for the proposed use. It's the type of church that he wants to have, a church in the woods. Its 100 acres, most of which is in conservation, so it's an appropriate location.
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. There is not anything they are going to do that will affect anyone using their property.
5. The proposed use would not constitute a nuisance because of offensive noise, vibration, smoke, dust, odors, heat, glare or unsightliness. He has already spoken to glare. Unsightliness, if there is any it is 500 feet off the road, that is not an issue. Noise is not an issue, he has said he is not going to use loud speakers. None of the others apply.
6. The granting of the permit would be in the spirit of the ordinance. Churches are allowed in the rural zone. Almost all of the lands in Canterbury in a rural zone are on dirt roads and a lot of the dirt roads are tight and we allow this type of thing by special exception.
7. The proposed use would not constitute a hazard because of traffic, hazardous materials, or other conditions. The Board has decided the increased traffic is not going to be a significant enough issue to issue a denial.

The Board will attach two conditions:

1. The parking area will accommodate only twenty five cars on a regular basis. For a wedding or some such they might be able to park on the fringe, but on a day to day basis, no more than twenty five cars are going to be up there.
2. The applicant will do everything possible to address the screening issue for the individual who lives across the road.

Chairman Halla asked for a second. Christopher Evans seconded the Motion. There was no further discussion. The Board vote was a unanimous decision to **GRANT** the special exception. Chairman Halla explained the thirty-day appeal process.

Respectfully submitted,

Lisa Carlson, Clerk  
Board of Adjustment

