

CANDIA ZONING BOARD OF ADJUSTMENT
Minutes of September 23, 2014
APPROVED

Place: Town Hall; Meeting room

Call to Order: 7:00 pm

Members Present: *Boyd Chivers, Chairman; Ingrid Byrd; Mark Laliberte Alt.*

Members Absent: *Judith Szot; Ron Howe; Bob Petrin. Chairman Chivers asked Mark Laliberte to sit for a full quorum.*

Pledge of Allegiance

Approval of Minutes June 24, 2014

Members Sitting for Approval of Minutes: Boyd Chivers, Chairman; Ingrid Byrd; M. Laliberte

MOTION: Motion made by I. Byrd, seconded by B. Chivers, to approve the minutes of June 24, 2014 as presented. The motion carried with a vote of 2-0-1. M. Laliberte abstained.

Members Sitting for this Hearing: Boyd Chivers, Chairman; Ingrid Byrd; Mark Laliberte

Applicant/Agents Present: Edgar & Jane Babineau 107 Old Deerfield Road, Candia NH 03034,

Abutters/Public Present: *None.*

Case 14-603 Applicant: Mr. & Mrs. Edgar & Jane Babineau 107 Old Deerfield Road, Candia NH 03034; Owner: Same; Property Location: 107 Deerfield Road; Map 406 Lot 117; for a Special Exception under Section 15.04 E: Accessory Dwelling Units: to permit the construction of an Accessory Dwelling Unit in a Residential Zone.

Chairman Chivers asked if the abutters had been notified. The abutters were notified and none were present. He said they have a memo from the Building Inspector and asked M. Laliberte to read it. M. Laliberte read, *"To the Members of the Z.B.A.; I had the opportunity to visit the Babineau residence located at 107 Old Deerfield Road for a review of the proposed in-law apartment. During this meeting with the homeowner Edgar Babineau I was able to confirm that all codes and local ordinances can be followed adequately. 1. The pre-existing 3 season porch is structurally sound and very capable of supporting the added weight of sheetrock, flooring, furniture etc. 2. There is ample parking available for additional vehicles. 3. The bedroom conversion for a new kitchen in the main house will allow the added bedroom of the apartment onto the existing septic system. 4. The property owners will live at the residence described. 5. The footprint of the existing structure will not be changed (no impact on setbacks.) 6. Living space was already provided above the garage area consequently the garage has been sheet rocked to meet fire code. I believe that this project should be relatively easy and meet any and all requirements for occupancy compliance. Respectfully submitted, Dave Murray Building Inspector Town of Candia."*

Chairman Chivers asked if any members of the Board had any questions. I. Byrd asked to have the plans clarified. E. Babineau showed where the conversion was going to be made for the in-law. He said where the kitchen and sun room currently are, is where it will be converted into the in-law apartment. I. Byrd asked what the differences were on the two sheets submitted to see where they fit together and E. Babineau showed how they fit together how it would be reconfigured within the house. Chairman Chivers said it was amazing how he squeezed that all in 580 sq ft. M. Laliberte asked about

the existing septic system with the one bedroom being added. D. Murray said they are removing a bedroom in the main part of the house so the number of bedrooms will remain the same 3.

Chairman Chivers said there are criteria they have to meet to be granted a special exception and the Board has to determine if they meet or don't meet the criteria. He asked M. Laliberte to read the special exception criteria under Section 15.04E. He read, "*Any Dwelling in a residential zone may be converted or built to contain one Accessory Dwelling Unit on the following conditions by Special Exception: 1. There shall be only one bedroom in the accessory dwelling unit;*" The Board was in agreement. "*2. Adequate sewer and water shall be provided. One septic system shall serve the entire property;*" The Board was in agreement. "*3. There shall be a maximum of 600 sq ft of heated living space in the accessory unit;*" Chairman Chivers said there is 580 sq ft and the Board agreed. "*4. Onsite parking for one additional vehicle shall be provided;*" Chairman Chivers said this has been confirmed and the Board agreed. "*5. All existing setback ordinances must be met.*" The Board was in agreement "*6. The accessory unit shall be within or attached to the main dwelling unit or located in an accessory building that exists on March 15, 2003, located on the same lot as the main dwelling;*" Chairman Chivers said this has been confirmed and the Board agreed. "*7. The residential character of the area must be retained;*" The Board was in agreement. "*8. Density requirements of Article 15.04c will not apply; 9. So long as an accessory dwelling unit is occupied, either the primary dwelling unit or the accessory dwelling unit shall be occupied by the owner of the property.*" Chairman Chivers said this has been confirmed and the Board agreed.

M. Laliberte was asked to read the special exception standards under Section 15.02. He read, "*Special Exceptions shall meet the following standards: Standards provided by this Ordinance for the particular use permitted by Special Exception; 1. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials*". Chairman Chivers said this has been confirmed and the Board agreed. "*2. No detriment to property value in the vicinity or change in the neighborhood on account of the location or scale of buildings and other structures, parking areas, access ways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;*" Chairman Chivers confirmed no detriment and the Board agreed. "*3. No creation of a traffic safety hazard or substantial increase in the level of traffic congestion in the vicinity;*" It was confirmed there was no traffic safety hazard and the Board agreed. "*4. No excessive demand on municipal services, including, but not limited to water, sewer, waste disposal, police and fire protection, and schools;*" It was confirmed no excessive demand and the Board agreed. "*5. No significant increase of storm water runoff onto adjacent property or streets.*" The Board was in agreement there was no significant increase of storm water runoff. Chairman Chivers said they have met all the standards in 15.04E & standards in 15.02 and asked for a motion to grant the special exception.

MOTION: Motion made by I. Byrd, seconded by M. Laliberte, to grant a special exception under 15.04E: Accessory Dwelling Units to allow an In-Law apartment at 107 Old Deerfield Road in a Residential Zone. The motion carried with a unanimous vote of 3-0-0. Chairman Chivers told E. Babineau he will receive the NOD right away. E. Babineau thanked the Board. Chairman Chivers said the plans received were well done and made the process easy.

Other Business

Chairman Chivers said hearing no other business or comments asked for a motion to adjourn.

Adjournment

MOTION: Motion made by I. Byrd, seconded by M. Laliberte to adjourn. The motion carried with a unanimous vote of 3-0-0. The meeting adjourned at approximately 7:16 pm

Respectfully submitted, Sharon Robichaud Recording Secretary