

CANDIA ZONING BOARD OF ADJUSTMENT
Minutes of June 23, 2015
UNAPPROVED

Place: Town Hall; Meeting room

Call to Order: 7:00 pm

Members Present: *Boyd Chivers, Chairman; Judith Szot Vice Chair; Ron Howe; Bob Petrin; Ingrid Byrd; Mark Laliberte Alt.*

Members Absent: *None*

Pledge of Allegiance

Chairman Chivers asked M. Laliberte to sit for J. Szot. J. Szot joined the Board at 7:05pm

Approval of Minutes April 28, 2015& May 26, 2015

Members Sitting for Approval of Minutes: *B. Chivers, J. Szot, I. Byrd; R. Howe, B. Petrin, M. Laliberte.*

MOTION: Motion made by I. Byrd, seconded by R. Howe, to approve the minutes of April 28, 2014 as amended. J. Szot, I. Byrd; R. Howe; B. Petrin, M. Laliberte were in favor. B. Chivers abstained. The motion carried with a vote of (5-0-1).

MOTION: Motion made by J. Szot, seconded by M. Laliberte, to approve the minutes of May 26, 2014 as amended. J. Szot, B. Chivers; R. Howe; B. Petrin, M. Laliberte were in favor. I. Byrd abstained. The motion carried with a vote of (5-0-1). I. Byrd said she was not at the meeting, received the minutes and her changes are grammatical. M. Laliberte said he would give her changes. I. Byrd had questions on who “they” were in the document. B. Chivers said if they have something that is a grievous change from what is written they will discuss it but until then the Board will have to live with a certain amount of ambiguity. I. Byrd said no pronouns.

M. Laliberte will continue to sit for comments but will not vote.

By-Laws 2nd meeting on amended changes

Chairman Chivers said the next item on the agenda is to ratify the changes that were proposed to the By-Laws at the last meeting. The proposed changes are in the draft that is everyone’s folder defined in red. He asked if there were any changes to the changes. It was clarified that this is the second meeting and the next meeting they can adopt the changes. J. Szot said this way all the changes made are approved on the same date. No changes were made, everyone was in agreement.

There was a discussion whether a motion should be made and it was in agreement they will read the changes noted in red for the second time with no changes. J. Szot said at the next meeting they will be presented again and then the Board will vote to adopt them.

Proposed changes are as follows this is the second meeting on the proposed changes:

Proposed changes to the ZBA By-Laws in red

Page 3. Article IV:3 D. Add after alternates “, *in consultation with the Chairman.*”

Page 4. Article V: 5.Line 2 replace “~~3-weeks~~” with “*twenty-one days*”. Delete line three “~~news item~~” and replace with “*public notice*”

Article V:6. Line 2 After circumstances add “*by the Board*”

57 Page 5. Article VI: 2. Change “two weeks” to “*twenty-one days*” Article VI: 6. Line 2 after “he” add
58 “*she*”
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60 Page 6. Article VII: 1. A. Change “with” to “*within*” Change “5” to “*10*” Article VII:1 B. Line one add
61 after applicant “*,or*” Article VII: 1. B. Change “5” to “*10*” Article VII: 2. A. & B. Make A into B and B
62 into A.
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64 Page 7. Article VII:B. 7. Line one capitalize **B** on board Line two change “a” to “*at*”
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66 Page 9. Article X: 1. Change under application fee: “\$25.00” to “*\$50.00*” Change under noticing fee:
67 “\$50.00” to “*\$75.00*” Change under abutters fee: “\$6.54” to “*\$7.49**” Add after abutter’s fee:
68 **Noticing fee subject to postal rate changes*
69

70 Page 11 Appendix I:A 10th line change “conditions.” to “*criteria;*” Update 5 Variance criteria
71

72 Page 12 Appendix 1:A Add Special Exception Standards
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74 Page 13

75 APPENDIX 1: A PROCEDURE: The Board meets and holds public hearings on the fourth Tuesday
76 of every month. To insure that your appeal may be heard by the Board at its next regularly scheduled
77 meeting, your completed application (including all exhibits and lists of abutters) must be received at least
78 fourteen days before the date of the next meeting. If your completed application is received less than
79 fourteen days before the Board’s next meeting, the hearing on your appeal may be delayed until the
80 following months’ regularly scheduled meeting.

81 After you have submitted your application, accompanied by all other forms and paid the necessary
82 fees, a public hearing will be scheduled. Public notice of the hearing will be printed in a newspaper of
83 general circulation within the town, posted outside the Selectmen’s office and mailed to you and to all
84 abutters by certified mail at least five days before the date of the scheduled hearing. *“You and all other
85 parties will be invited to appear in person or by agent or counsel to state reasons why the appeal should
86 or should not be granted.”* move to first sentence in new paragraph 5.

87 After the public hearing, the Board will reach a decision. You and all other parties to the case will
88 be sent a notice of decision. ~~If you believe the Board’s decision is wrong, you have the right to appeal.~~
89 *Any person affected has a right to appeal this decision made by the Board.* The motion for rehearing must
90 be received within 30 days of the Board’s decision. The motion for rehearing made in the form of a letter,
91 must set forth all the grounds by which you claim the decision is unlawful or unreasonable. The Board
92 may grant such a rehearing if, in its opinion good reason is stated in the motion. Whether or not a
93 rehearing is held, you must have first requested one before you can appeal to the courts. ~~When a rehearing
94 is held,~~ *During the rehearing, the same procedure is followed as for the first hearing, including public
95 notice and notice to the abutters. See RSA Chapter 677 for more detail on rehearing and appeal
96 procedures. (move these two sentences to end of new 5th paragraph).*

97 ***The following 5th paragraph is new (see notations from other paragraphs):***

98 *You and all other parties will be invited to appear in person or by agent or counsel to state*
99 *reasons why the appeal should or should not be granted.* ~~When a rehearing is held,~~ *During the rehearing,*
100 *the same procedure is followed as for the first hearing, including public notice and notice to the abutters.*
101 *See RSA Chapter 677 for more detail on rehearing and appeal procedures.*

102 If your appeal is approved by the Board, you will have one year to implement the use permitted by
103 your variance or special exception. If you have not undertaken the use granted by a variance or special
104 exception within one year, your variance or special exception will expire.
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106 Page 14 Appendix 1:B Checklist 5th item Add at after scale, “*on graph paper provided*” 8th item Update
107 filing fee from “\$25.00” to “*\$50.00*” Update abutters list “\$6.32” to “*\$7.49**” Add at end: “**Noticing fee*”

108 *subject to postal rate changes.*”^{9th} item Change “20 days” to “*Twenty-one days*” Add #12 check off item
109 to end of checklist: “*Applicant will be responsible for advising the town if they are within the quarter mile*
110 *Lamprey River watershed corridor.*”

112 Page 16 Appendix 1:D Change “\$6.54” to “*\$7.49**” Change “\$50.00” to “*\$75.00*” Add at end: “**Noticing*
113 *fee subject to postal rate changes.*”

115 Page 19 Appendix III. Add after DECISIONS: “*CONDITIONS*”

117 **Other Business**

118 Zoning Regulations

119 Chairman Chivers said if they have any recommendations for changes to the Zoning Regulations to give to the
120 Planning Board now would be a good time to think about them.

121 Private Helicopters landing on South Road

122 J. Szot asked if Candia allows helicopters to land on private property in town and continued saying the helicopter
123 regularly leaves at 9:00am and comes back at 5:00 pm just about every day. She said it is near the golf course and
124 they also fly in and out on the weekends. She said they are flying in and out quite close to the golf course. She
125 believes it is Brady. D. Murray Building Inspector said there isn’t anything in the ordinance on helicopters.
126 Chairman Chivers said there is a Supreme Court case on that.

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128 I. Byrd said there was a court case where unless something is specifically permitted then it is implicitly not
129 permitted. J. Szot asked if this is something they want; having helicopters landing in neighborhoods. I. Byrd said a
130 resident in Bedford was taken to court because of a helicopter. J. Szot said she believes it was across from the
131 Bedford Village Inn and is something to look into. R Howe said Keith Bleven’s dad used to fly out of his field and
132 Weber too. Chairman Chivers asked if the Board wanted to make a recommendation to the Planning Board to
133 investigate this and said if this is something the town wants. I. Byrd said a resident can bring a concern to any
134 Board and the Board will pass it on to the appropriate authority. J. Szot said she is not sure if he is landing on the
135 golf course or his own property. She said the problem is he is landing near the putting green and where the driving
136 range people walk along side of his property to get to the putting green and driving range and they also walk along
137 the back fence. Chairman Chivers asked the Board members if they should ask the Planning Board to consider the
138 possibility of a zoning ordinance concerning small aircraft landing on private property. J. Szot said she has had this
139 discussion with people in the area and no one wants to say anything or be the bad guy. Chairman Chivers said the
140 problem in Candia is there is only one R district and if you prohibit this it would have to be for the entire district
141 where there are many areas you could land a 747 and never know it. J. Szot said if it is prohibited you have to come
142 in for a variance. D. Murray said or come in for a special exception. I. Byrd asked who owned the helicopter and if
143 they get paid to do so many runs which would make it commercial in a residential district. R. Howe said he does
144 not believe they can make that argument. Chairman Chivers suggested they draft a memo to give to the Planning
145 Board chair saying this is a concern. J. Szot agreed it is a concern. J. Szot said it is one thing if the helicopter comes
146 once or twice but everyday 8:55-9am and comes back at 5pm. It was the consensus of the Board to send the
147 suggestion to the Planning Board for a zoning change.

149 Parking along Golf Course South Road

150 Szot said the parking issue was solved and they were not allowed to park on the street. She said the signs have since
151 been taken down. She said they were going to have a parking lot where the putting green is and they were told no.
152 D. Murray said they put in a pull in area and J. Szot said that was never approved. I. Byrd said to look up the
153 minutes about parking along the golf course. J. Szot said that is an enforcement issue. D. Murray said he will look
154 up the minutes. J. Szot said another problem with parking there is as you are coming up South Road and you get to
155 the crest of the hill, the road actually kind of veers off a little to the left so when you are coming up on the road and
156 you are anywhere near the center you are in the lane of the people coming at you. She said when
157 Mr. Brady used to cut his lawn they would park in front of their house which would shove people driving over and
158 you can’t see them because they are coming either down the hill and up from golf course and there is actually the
159 crest of two hills where people would be out in the middle of the road and you can’t see these people coming up
160 South Road or vice versa. J. Szot unless you have people who have been on the Board for a long time and know
161 the history may not remember but she is pretty sure there were discussions in notes taken about the parking. She
162 said she remembers discussion with D. Lewis, Road Agent who was involved to.

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In-law apartments

Chairman Chivers said he feels that they are getting kind of loose on in-law apartments. I. Byrd said there are an awful lot of rental properties but what do you do. She said if you have an in-law apartment and they move or pass then what do you do and how can you tell people no. Chairman Chivers said a home with the in-law has to be owner occupied. J. Szot said there is an in-law apartment on end of Langford Road that has more than 600 square feet. Chairman Chivers said on the corner of Patten Hill Road and Depot Road there are always 4 or 5 cars in that driveway. He said a lot of these in-laws grow into small apartments. M. Laliberte said there are 5 or 6 cars on old Manchester Road at a home when you get near South Road. R. Howe said do you remember the in-law that was approved near the village store that apartment is bigger than a house. D. Murray said it really is not and is only 600 square feet of heated living space. He said there is an unfinished second story for storage. Chairman Chivers said why build a second story if not to finish it off. D. Murray said they need storage and everything has to come from the main house into the in-law. He also said the upstairs has no electric or plumbing. I. Byrd said maybe they needed to say not to be expanded to the second story. R. Howe said how are you going to find out and there is no reason to go in only if the assessor is reassessing.

Adjournment

MOTION: Motion made by, M. Laliberte seconded by R. Howe to adjourn. The motion carried with a unanimous vote of 6-0-0. The meeting adjourned at approximately 7:40 pm.

Respectfully submitted
from recording,
Sharon Robichaud Recording Secretary