

APPROVED
CANDIA ZONING BOARD OF ADJUSTMENT
MINUTES of June 26, 2007

Present: Boyd Chivers, Chair; Frank Albert, Vice-Chair; Ron Howe, Ingrid Byrd, Alternate; Amanda Soares, Alternate

Absent: Arlene Richter, Judy Szot

Ingrid Byrd was seated for Arlene Richter and Amanda Soares was seated for Judy Szot.

Approval of Minutes

Frank Albert **moved** to approve the minutes of May 22, 2007 as amended. Ingrid Byrd **seconded**. **All were in favor**. The following amendment was made:

- Page 2, 2nd Paragraph, Line 6 from bottom, remove the comma after “Building Inspector”.

APPLICATION WITHDRAWN - 7:15 PM – Continuance of Case #533 – Applicant: Paul Gosselin, 17 Murray Hill Road; Owners: Same; Location: Same; Map 413 Lot 012; For a Special Exception as provided under Section 13.04E for the construction of an In-Law accessory use dwelling unit.

The Chair decided to hear the cases and postpone the decision until the applicant’s scheduled hearing time.

Case #535 – Applicant: Ron Severino, Owner: Candia South Branch Brook Holdings; Location: 143 Raymond Road, P.O. Box 410, Map 409 Lot 188; For a Variance under Section 6.02 to construct a 12’ x 60’ addition within the sideline set back.

Ron Severino was present. Amanda Soares excused herself due to a possible conflict of interest. Mr. Severino currently has an application in process with the Planning Board and Amanda served as an alternate at his Planning Board hearing. The Chair asked Mr. Severino if he would waive his right to a five-member board and it may be a tied vote. Ingrid Byrd noted if it’s a tied vote the motion fails. Mr. Severino waived his right. Mr. Severino explained he wanted to put an addition off the back of units 1 and 2 to enlarge the bathrooms. He stated it would be a minimum of 10 feet and up to a maximum 96 feet long. He explained one end of the building is right on the setback and the other end of the building will be 5 feet into the 25-foot setback. He presented the Board with some drawings. Ron Howe asked if Fire Chief Rudy Cartier had any concerns. Mr. Severino explained he was considering moving the pavement back to the stonewall, behind the addition. He stated it would be subject to site plan review. There was discussion regarding the septic system. Mr. Severino explained he has a cross easement, so if one of the lots is sold both lots will have access to the septic. The Chair stated he recently visited the site and found it to be very crowded behind the building. Mr. Severino replied it was his intention to repave and clean up behind the building. Frank Albert stated there should be enough room for emergency vehicles to get behind the building. The Chair confirmed the total encroachment was 250 square feet. Fire Chief Cartier arrived at 7:25 p.m. Fire Chief Cartier

stated his major concern is that it's tough to get an emergency vehicle around the back of the building. He further explained he needed at least 20 feet for a fire lane. Mr. Severino replied it's his intention to extend the pavement to the stonewall. Mr. Severino informed Fire Chief Cartier he would be receiving plans for his review before July 11th. The Chair closed the hearing at 7:30 p.m.

Amanda Soares rejoined the Board.

Case #534 – Applicant: Kenneth and Melissa Madden; Owner: Same; Location: 166 Chester Road, Map 414 Lot 72.1; For a Variance under Section 6.02 to construct a 24' x 24' addition within the frontline set back.

Kenneth Madden was present. Abutters Mike Sabin and Arthur Sanborn were present. Mr. Madden explained he wanted enlarge the three season room from 8' x 19' to 24' x 24'. He further explained that sills under the room were rotted and would like to replace them. The Chair asked if the addition would lie in the setback. Mr. Madden replied the house almost in its entirety lies in the setback. He presented the Board with drawings. Abutters Mike Sabin and Arthur Sanborn had no problems and thought it was a good idea. The Board reviewed the five criteria.

1. No diminution in the value of surrounding property would be suffered. The Board agreed it would not.
2. Granting the variance would be of benefit to the public interest. The Board agreed it would.
3. Denial of the variance would result in unnecessary hardship to the owner arising out of special conditions affecting the land and/ or buildings that distinguish the property from other similarly restricted property in the area. The Board agreed it would.
4. Granting the variance would result in substantial justice. The Board agreed it would.
5. The use will not be contrary to the spirit of the Ordinance. The Board agreed it would not.

Ron Howe **moved** to grant a variance under section 6.02 to construct a 24' x 24' addition within the frontline setback. Ingrid Byrd **seconded**. **All were in favor.**

Case #536 – Applicant: Kevin Deslongchamps, 608 North Road; Owner: Sandra Deslongchamps, 616 North Road; Location: 616 North Road, Map 402 Lot 012; For a Variance under Section 2.02E5 to waive the requirements to modify a non-conforming lot to a conforming lot.

Kevin Deslongchamps was present. Mr. Deslongchamps presented the Board with a drawing. Mr. Deslongchamps explained his mother Sandra Deslongchamps was giving him a small piece of land. He explained that his wife has a water garden between the two properties. Mr. Deslongchamps' mother currently lives in Florida and is considering selling her property Map 402 Lot 012. He would like to do a lot line adjustment so the water garden would be entirely on his property Map 402 Lot 011. It would be 25 feet at the widest point. The Chair confirmed there would be plenty of access to the remaining lot. The Chair read from a letter Building Inspector Hallock submitted. In summary the lot line adjustment would not create any adverse affect on any existing structures located on the two lots. Ron Howe asked why the lot was considered non-conforming. The Chair replied it's non-conforming in frontage. Abutter Rudy

Cartier was present. He stated he didn't have a problem with the lot line adjustment. Frank Albert **moved** to grant the variance under section 2.02E5 to waive the requirements to modify a non-conforming lot to a conforming lot. Amanda Soares **seconded**. **All were in favor**.

The Board deliberated **Case #535**. Amanda Soares excused herself for the decision. The Chair asked if there were any abutters present, no abutters were present. Frank Albert **moved** to grant a variance under section 6.02 to construct a 12' x 60' addition within the sideline setback. Ron Howe **seconded**. **All were in favor**.

Amanda Soares returned to the Board.

Case #537– Applicant: Jeff and Lisa Cote, 72 Main Street; Owner: Same; Location: Same; Map 409 Lot 214; For a Variance under Section 10.06B to place a 8' x 16' shed within a 100' of a pond.

The Chair stated the Board could hear their case, but could not render a decision until 8:15 p.m. Jeff and Lisa Cote were present. Mr. Cote presented the Board with drawings. They would like place a pre-fabricated shed within 100' of the pond. Mr. Cote stated no matter where the shed was placed on the property they would need a variance. The shed would be used as a changing area near the in-ground pool. Mr. Cote stated they wanted to put the shed on the Main Street side of the property, but the neighbors did not prefer that. Ingrid Byrd stated the pool needed to be fenced in. Ron Howe had concerns about chemicals and pesticides being stored in the shed. The Chair asked if Mr. and Mrs. Cote if they had a problem with the restriction of storing chemicals in the shed. They replied no. Ingrid Byrd stated there were other areas on the property to place the shed. She felt the location proposed was too close to the pond and reminded the Board there is a wetlands ordinance. Ron Howe commented there was no other good place to put the shed. The Chair asked if any abutters were present, no abutters were present. The Board reviewed the five criteria.

1. No diminution in the value of surrounding property would be suffered. The Board agreed it would not.
2. Granting the variance would be of benefit to the public interest. The Board agreed it would.
3. Denial of the variance would result in unnecessary hardship to the owner arising out of special conditions affecting the land and/ or buildings that distinguish the property from other similarly restricted property in the area. The Board Chair Chivers, Frank Albert, Ron Howe, and Amanda Soares agreed, because the pond was pre-existing. Ingrid Byrd did not agree.
4. Granting the variance would result in substantial justice. The Board Chair Chivers, Frank Albert, Ron Howe, and Amanda Soares agreed. Ingrid Byrd did not agree.
5. The use will not be contrary to the spirit of the Ordinance. The Board agreed it would not.

The Chair closed the hearing at 8:10 p.m.

Jim and Judi Lindsey of North Road and Keith Martel of Palmer Road attended the meeting for Case# 536 Kevin Deslongchamps' lot line adjusted. The Chair explained the case to them and the decision rendered.

The Board deliberated **Case #537**. Frank Albert **moved** to grant the variance under section 10.06B to place an 8' x 16' shed within a 100' of a pond the variance requested with the following condition:

- The shed will not be used for chemical storage.

Ron Howe **seconded**. **4 were in favor, 1 opposed**.

Frank Albert **moved** to adjourn at 8:20 p.m. Ron Howe **seconded**. **All were in favor**.

Respectfully submitted,
Andria Hansen, Recording Secretary