

**APPROVED**  
**CANDIA ZONING BOARD OF ADJUSTMENT**  
**MINUTES OF June 24, 2008**

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

**Absent:** Judith Szot had an excused absence.

Chair Chivers called the meeting to order at 7:00 p.m. Ingrid Byrd was asked to sit for Judith Szot.

**Approval of Minutes**

I. Byrd **motioned** to accept the minutes of May 27, 2008 as amended. R. Howe **seconded**. **All were in favor.**

- Page 1, 3rd paragraph change Judi to Judith.

**Case 08-556 Applicant: David/Gwen Paprocki; Owner: Same; Location: 64 Pine Ridge Drive; Map 410 Lot 066; For a special exception to fill in ¼ acre poorly drained soil as provided under Section 10.05A.** Chair Chivers explained that the application is defective for two reasons. First the wrong address was noticed and secondly the Board has no jurisdiction on what the applicant is asking for. The applicant has withdrawn their application. The applicant has to get necessary permits from the State and then go back to the Building Inspector.

**Continuance**

**Case 08-555 Applicant: Aaron & Laura Hayes; Owner: Same; Location: 75 Langford Road; Map 408 Lot 25; For a special exception under Section 13.04 E to allow for an accessory use of a dwelling in the residential district as provided under Section 5.02 A.** Aaron & Laura Hayes were present. Abutters were notified and no abutters were present. Chair Chivers explained that Laura Hayes was in last month with plans that were not acceptable. The Board also wanted the applicant to discuss this issue with the Building Inspector. W. Hallock said he was contacted by the applicant on June 23, 2008 to come and look at the property on June 24, 2008, but he was unable to go due to unforeseen circumstances. An updated plan on graph paper was given to the Board. A. Hayes explained the drawings. Chair Chivers asked if the issues were addressed that were brought up last month. A. Hayes explained the updated plans were drawn to scale with the upstairs foot print with a total of 556 sq ft of living area. Pictures of the property were also submitted. Chair Chivers said the issue before the board is what is to become of the unfinished space. He asked if anyone was living there or had in the past. Laura answered that her nephew will be staying for about a month and in the past friends, family who come to visit stayed there but the applicant did not have tenants. She also showed in the photos where the locked door was separating the living area from the storage area. Chair Chivers asked why the delay in the contacting the Building Inspector and L. Hayes answered that she had been very busy but did try to schedule one this week. Chair Chivers asked the Board about making a decision tonight without the input of the Building Inspector or to continue the hearing. I. Byrd agreed to give W. Hallock time to go to the property. Chair Chivers wanted the Building Inspector to give his recommendations on how to keep the living area from expanding and make recommendations to the board how that could be done. A. Hayes said he wanted to eventually make it into a game room. The unfinished area is currently open concept with rafters and would like to put insulation in the rafters to conserve on heat at a later time.

The total footage upstairs is 1495' sq feet. There was a discussion of definition of finished and use. Chair Chivers said it is an accessory dwelling because it has a kitchen so the area cannot exceed 600'. F. Albert said to keep the areas separate, the applicant needs a solid wall and no door. R. Howe noted that if you build a wall today doesn't stop the owner from putting a door in the wall later and there will always be a potential to put a door in. I. Byrd would like to see the door removed. Chair Chivers said once the Board approves this, the applicant has the right to rent the unit. L. Hayes answered that restrictions could be put in the condition. L. Hayes asked even if the Building Inspector came and looked at the building there isn't anything more that could be added. R. Howe agreed with the applicant that the Building Inspector most likely would not be able to add to what Board doesn't already know. R. Howe suggested approving at 556 sq ft and at some point when the building is reevaluated and it is found that the accessory dwelling is more than 556' sq ft then they would be in violation. Chair Chivers asked I. Byrd to read the rest of the ordinances and see if the applicant complies. I. Byrd read Article 13:04 E. "1. There shall be only one bedroom in the accessory dwelling unit." The applicant met this requirement. "2. Adequate sewer and water service shall be provided. One septic system shall serve the entire property." The applicant has two septic systems there were built over 25 years ago. "3. There shall be a maximum of 600 sq ft of space in the accessory unit" The applicant met this at 556 sq. ft. "4. On site parking for one additional vehicle shall be provided." The applicant met this. "5. All existing set back ordinances must be met." The applicant met this. "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." The applicant met this. "7. The residential character of the area must be retained." The applicant met this. "8. Density requirements of Article 13.04 C 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." The applicant met this.

Chair Chivers asked if the Board had any more questions for the applicant. I. Byrd asked if the building permits had been researched. L. Hayes explained these were brought to last meeting but it was impossible to match what the permit said to what was on the property. The permits were from 1979. A. Richter asked the applicant if they were going to rent the unit out and L. Hayes replied no. The Board asked why she was coming in for a special exception and L. Hayes explained that she was sent a letter from the Building Inspector to legalize the unit. She also explained that she was being taxed for the whole upper level being finished and wanted to clarify that as well. Chair Chivers suggested making a stipulation that the unit cannot be rented or leased. R. Howe said there is no ordinance stopping them from making a game room with a wet bar. Chair Chivers noted that the Board will decide the case tonight. Chair Chivers said all of the decisions are recorded at the registry of Deeds and would show up on a title search. Mr. & Mrs. Hayes thanked the Board for their time.

**Case 08-557 Applicant: Kevin J. Dumont; Owner: Same; Location: 446 Raymond Road, Map 408 Lot 31: For special exception under Section 8.06; Size Restrictions-Commercial Light Industrial.** Kevin J Dumont and Rick Bean were present. Abutters have been notified and none were present. Chair Chivers clarified that this is a variance not a special exception, the applicant proposes to exceed size limitations in the ordinances minor error continue. Chair Chivers 8.06 limits the size of sign located on the property on which the business is located. R. Bean explained that currently there is a 40 sq sign that is esthetically pleasing on the rock near the entrance. The applicant found once the park was open they needed a sign closer to the road that could be viewed east and west. The proposed sign is 4 x 8, 32 sq feet. R. Bean said since they have an existing sign on rock that they would need a special exception for another sign. Chair Chivers felt

the sign on the rock is hardly commercial advertising and more a feature of the landscape like a logo. R. Howe agrees anything you create for safety is more important than a signage issue.

**Case 08-558 Applicant: Kevin J. Dumont; Owner: Candia South Branch Brook Holdings; Location: 512 Raymond Road, Map 407 Lot 5-2: For a variance to erect signs offsite under Section 8.02.** Chair Chivers clarified this is a west bound sign. K. Dumont presented to the Board a sample of the sign he wants to use. The ordinances require 1 x 2 and the applicant is proposing a 2 x 4 with letters 5” tall explaining that this size lettering is more appropriate for speeds of 40 to 50 mph. Chair Chivers read “Article VIII, Section 8.02: Signs not advertising use on which located. Signs shall refer only to a use or activity carried out on the lot upon which they are located except if the Board of Adjustment may grant a Special Exception for erection off the premises of a limited number of signs providing the following conditions are met. 1. Each sign shall not exceed 2 square feet in area on each of two sides. 2. The sign is intended solely to give local directional information. 3. Multiple signs shall share a common post.” Chair Chivers said the Board’s authority is limited to granting you a directional informational sign and not to exceed 1 x 2. He asked if the Board agreed with this. Chair Chivers explained that in Article 8.02, 40 sq feet is allowed and the Board has the authority to grant a larger size. F. Albert agreed with the applicant that 1 x 3 signs are not big enough to be seen at 40-50 mph. R. Howe also agreed. I. Byrd said that there needs to be a sign off exit 3 and off 101 she asked if the State was going to give them a green highway sign. K. Dumont answered he tried to get a State sign at that location but the State denied that location and gave him one further down. There is also a State sign in Raymond. The State signs are 20” x 8” and lettering on those signs is based on the speed of the road. I. Byrd suggested seeing if the Getty Station would let them put up a sign, in the past they have allowed a sign for Pasqualies. Chair Chivers said the ordinance has size restrictions of site signs that are inappropriate for the speed of the road. Affidavits were provided for each case. K. Dumont said that these signs would be seasonal and would be covered when the park is closed. R. Bean said that the signs would be more permanent looking sign next year. I. Byrd said this would put two signs just a few hundred feet apart. K. Dumont said putting a sign at 512 Raymond road would give cars a chance to slow down. Another good location is the crest of the hill on the Heirs of Walter & Ray Davis property. R. Howe was concerned with the safety issue and suggested the Chief of Police be involved and to ask for his opinion. I. Byrd was in agreement. A. Soares noted the transfer station is going to put up small signs and traffic will be increased on weekends in the same area. F. Albert agreed with the 2 x 4 signs and agreed with I. Byrd there are too many signs. Chair Chivers suggested one sign coming east and one sign coming west. K. Dumont said these signs would be up from May until the beginning of October. Chair Chivers suggested giving the Police Department until June of 2009 for their recommendations and I. Byrd suggested May 1 in case there are changes to be made. R. Howe suggested planting flowers to bring attention to the signs. He also noted the 2 rows of flagging are not necessary and did not want to set a precedent. Chair Chivers said this was okay as they will come down before long. F. Albert said keeping them up for their first season is fine.

K. Dumont formally withdrew the following cases: Case 8-559, Case 08-560 and Case 08-561.

**Case 08-559 Applicant: Kevin J. Dumont; Owner: Candia South Brook; Location: 143 Raymond Road, Map 409 Lot 188: For a special exception to erect signs offsite under Section 8.02.**

**Case 08-560 Applicant: Kevin J. Dumont; Owner: Candia Youth Athletic Association; Location: 23 Raymond Road, Map 409 Lot 207: For a special exception to erect signs offsite under Section 8.02**

**Case 08-561 Applicant: Kevin J. Dumont; Owner: Matthew A & Debra Cobb; Location: 472 Raymond Road, Map 408 Lot 32-1: For a special exception to erect signs offsite under Section 8.02**

**Case #562 Applicant: Kevin J. Dumont; Owner: Heirs of Walter & Ray Davis; Location: Raymond Road, Map 408 Lot 48: For a special exception to erect signs offsite under Section 8.02.**

Chair Chivers clarified that this is the eastbound sign and asked if any of the members had any questions. Hearing none closed the hearing.

Case 08-557

Chair Chivers noted that the applicant is proposing a 32 sq ft sign and the ordinances gives the applicant the authority for a 40 sq sign. He said the applicant already has a sign but the sign is an integral part of their landscaping located on a rock and more like a logo. Chair Chivers asked if anyone had any questions, hearing none he asked for a motion.

F. Albert **made motion** to approve a variance under Section 8.06 Size Restrictions – Commercial, Light Industrial for a 4 x 8 sign. R. Howe **seconded** with discussion. It was clarified the sign was 32 sq feet in addition to the existing sign onsite. **All in Favor.**

Case 08-558

Chair Chivers explained this is a variance to erect an offsite sign under Section 8.02. He said the applicant wants to erect a 2 x 4 sign each year in May and remove in October. He said there was discussion of getting a review and recommendations from the Chief of Police by May of 2009. Chair Chivers said the applicant will install more permanent signs next year. F. Albert was not in favor of the Police review. A. Richter agreed that by next year the Police Department would be able to review. R. Howe said with the amount of traffic generated the Police Department needs to review and evaluate.

I. Byrd **made motion** to approve a special exception to erect signs offsite under Section 8.02 with the following conditions: 1. 2 x 4 signs to be made more permanent by 2009. 2. Signs to be removed in October of each year and installed no earlier then May of each year. 3. Review and approval from the Candia Police Department by May 1, 2009. R. Howe **seconded** for discussion. **All in Favor.**

Case 08-562

Chair Chivers noted same as Case 08-558 and seeing no questions asked for a motion F. Albert **made motion** to approve special exception to erect signs offsite under Section 8.02 with the following conditions: 1. 2 x 4 signs to be made more permanent by 2009. 2. Signs to be removed in October of each year and installed no earlier then May of each year. A. Richter **seconded** for discussion. I. Byrd suggests that this sign should also be checked by the Police Department. F. Albert **in Favor.** R. Howe, A. Richter, B. Chair, I. Byrd **Opposed. Motion fails**

I. Byrd **made motion** to approve special exception to erect signs offsite under Section 8.02 with the following conditions: 1. 2 x 4 signs to be made more permanent by 2009. 2. Signs to be removed in October of each year and installed no earlier then May of each year. 3. Review and approval from the Candia Police Department by May 1, 2009. R. Howe **seconded** for discussion. **All in Favor.**

Case 08-555

F. Albert said in the past the Board required people to take down walls to limit to 600 sq ft however that cannot be done in this case as the building is over 25 years old. All the Board can do is either approve or disapprove. R. Howe agrees with Frank and suggested to approve with conditions never to exceed 600 sq ft. and never rent. Chair Chivers said

you cannot restrict the applicant from using the other portion of the garage. Chair Chivers suggested a stipulation that no other part structure be made into an accessory dwelling. The applicant stated they had no intention of renting. I. Byrd asked how this could be worded so next owner will not be able to rent this space. R. Howe said this would be an enforcement issue. F. Albert suggested a solid wall and take out the door to keep the areas separate. There would still be access to the storage area with the interior stair case. R. Howe asked if the accessory unit met fire codes with only one door to the accessory unit. F. Albert said that by code only need one entrance. F. Albert **made motion** to grant a special exception under Section 13.04 E to allow for an accessory use of a dwelling in the residential district as provided under Section 5.02A with the following conditions: No other part of the building may be converted into living space, a solid wall to be put in place of the existing door to separate the living space from the storage area and the accessory unit shall only be owner/family occupied and not available for rent/lease to anyone else. I. Byrd **seconded** with discussion. **All in favor.**

### Other Business

#### By-Law Subcommittee Review

Chair Chivers asked if the members had received a copy of the By-Laws. The By-Laws showed the proposed changes by Judith Szot and Ingrid Byrd in red. Chair Chivers asked the Board for any additions, modifications or subtractions. R. Howe asked about the use of shall. A. Richter, I. Byrd and R. Howe were in favor of shall, F. Albert was in favor of should. The following comments were made in addition to the ones in red. All places where Clerk appears in the By-Laws change to “Land Use Secretary”. Cover page add amended (July 22, 2008). Page 2 Article II. 5. Remove all wording after thereof. 6. Add, “unexpired” before the word term. 10. add after the word member “or alternate shall notify the Chairman”. 11. Change then to them. Page 3 Delete 12, in its entirety. Article III, 1. Change offices to Officers and remove “, and Clerk”. Article IV: add “and Land Use Secretary”. 3. Remove Clerk and insert Land Use Secretary. 3.e. Change port to part. 3.f. change by to may. 3.g. add at end “is complete”. Page 5 Article VI 2. Change tow to two. 4. add after number “starting with given calendar prefix”. After discussion, it was the consensus of the Board to change the application fee to \$25.00. Page 8 Article X Change application fee to be changed to \$25.00 and abutter’s fee to \$6.32. Page 14 second item on checklist from the bottom correct spelling of meetings. Page 15 Change \$60.00 to \$25.00 and add \$50.00 noticing fees. Page 17 add place for notary. Chair Chivers said that the final Draft will come back to the Board next month and schedules a hearing. Final draft review and accept and send to the other Boards.

A. Soares informed the Board that together with J. Duarte they are on the subcommittee for zoning revision and review. She asked if anyone was interested and would like to volunteer. I. Byrd said that Judith Szot would probably like to be on the committee. A. Soares noted that no meetings will be set up until after July and most likely the meetings will be on Tuesday at 7pm.

R. Howe **motioned** to adjourn. A. Richter **seconded**. **All in favor.**

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,  
Sharon Carrier  
Recording Secretary