

**APPROVED**  
**CANDIA ZONING BOARD OF ADJUSTMENT**  
**MINUTES OF August 24, 2010**

**Present:** Boyd Chivers, Chairman; Judith Szot, Vice Chairman; Frank Albert, Ron Howe; Ingrid Byrd

**Absent:** Amanda Soares, Alt

Chairman Chivers called the meeting to order at 7:00 p.m.

**Approval of Minutes**

F. Albert **motioned** to accept the minutes of July 27, 2010 as presented. R. Howe **seconded**. **All were in favor.** J. Szot abstained.

**Case #10-581 Applicant: Peter & Mary Desantis, 128 Critchett Road, Candia, NH 03034; Owner: Same; Map 406 Lot 133; For a special exception under Section 14.04 E Accessory Dwelling Units: To permit construction of an 600 sq ft accessory dwelling unit above the garage.** Mr. & Mrs. Peter & Mary Desantis applicants were present. Abutters were notified and Mr. & Mrs. Jesse & Doris Mann of 145 Critchett Road, Candia were present.

Chair Chivers said the applicant is asking for a special exception to construct a 598 sq ft accessory dwelling unit above their existing garage. Drawings and pictures were presented. The second floor of the garage is at street level with the garage under. The footprint of the building will not change. Chair Chivers asked how far the garage was from Critchett road. Mr. Desantis said he is 77' from the center of the road. Chair Chivers asked if there were any other violations and the applicant replied no.

J. Szot asked about the storage area adjacent to the accessory dwelling unit. Mr. Desantis said he would like to make that area into an office. Chair Chivers said it would be easy to convert that area to be part of the accessory dwelling and exceed the minimum size. Mr. Desantis said the top driveway is near the front porch at ground level where the accessory dwelling will be accessed. He said he uses the driveway that goes to the garage below and walks up the stairs to their home.

Chair Chivers read: "*E. Accessory Dwelling Units, Any dwelling in a residential zone may be converted or built to contain an accessory dwelling unit on the following conditions by special exception: 1. There shall be only one bedroom in the accessory dwelling unit.*" The proposed unit is 598 sq ft and has one bedroom. "*2. Adequate sewer and water service shall be provided. One septic system shall serve the entire property*" There is one septic system to service everything. "*3. There shall be a maximum of 600 sq. ft. of heated living space in the accessory unit.*" The applicant's plan shows 598 sq. ft. of heated living space. "*4. On site parking for on additional vehicle shall be provided.*" The property has adequate parking with two driveways. "*5. All existing set back ordinances must be met*". The unit meets all setbacks and is located above the garage. "*6. The accessory unit shall be within or attached to the main dwelling or located in an accessory building that exists on March 15, 2003, located on the same lot as the main building.*" The plot plan shows the unit is above the existing garage. "*7. The residential character of the area must be retained.*" The Board was in agreement that the residential character of the area is retained. "*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 occupies the main house. It was the consensus of the Board that the applicant meets all the requirements under Section 14.04 E Accessory Dwelling Units.

Chair Chivers asked abutters; Jesse & Doris Mann of 145 Critchett if they had any questions. The abutters said they give their full support to Mr.& Mrs. Desantis. Chair Chivers asked the Board individually if they had any other questions and hearing none closed the public hearing to deliberate the case.

Chair Chivers read each special exception standard into record: “*Section 14.02: Special Exception Standards, Special exceptions shall meet the following standards: 1. Standards provided by this Ordinance for the particular use permitted by Special Exception;*” Chair Chivers said this does not apply to the applicant. “*2. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials;*” It was the consensus of the Board there was no hazard. “*3. 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;*” It was the consensus of the Board there is no detriment. “*4. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;*” It was the consensus there is no traffic issue. “*5. No excessive demand on municipal services, including, but not limited to water, sewer, waste disposal, police, and fire protection, and schools;*” It was the consensus of the Board there are no excessive demands. “*6. No increase in storm water runoff onto adjacent property or streets.*” It was the consensus of the Board there is no increase in run off.

Chair Chivers said the applicant meets the standards of Section 14.04E Accessory Dwelling Units and 14.02 Special Exception Standards.

J. Szot **motioned** to grant a Special Exception under Section 14.04 E Accessory Dwelling Units to construct an accessory dwelling unit not to exceed 598 sq ft as shown on plans submitted August 24, 2010. R. Howe **seconded. All were in favor.** Chair Chivers said the motioned carries and the special exception is approved. He said a written Notice of Decision will be mailed to the applicants. Mr.& Mrs. Peter & Mary Desantis thanked the Board for their time.

R. Howe asked how the NOD is accepted and recognized. Chair Chivers said the assessor also looks at all the new building permits and the accessory dwelling will be picked up for assessment at that time. I. Byrd said the tax card is flagged for revaluation and that a NOD expires within a year if not acted upon.

### **Other Business**

#### **LGC Law Lectures 2010**

Chair Chivers announced the Law Lectures are coming up in September and October. He said the first lecture is “Cell Towers: Managing the approval process to protect municipal interests and comply with Federal Law”, second lecture is “Conflict of interest: Disqualification and local land use board decision-making process” and the third lecture is “Administrative decisions in Planning and Zoning: How they’re made, how they’re appealed”. Chair Chivers asked to have the brochure and application sent to the Board and said if anyone is interested please contact the Secretary to sign up.

#### **AT & T case 09-567**

Chair Chivers said the U. S. District Courts has returned their decision for the Town of Candia. He passed out copies of the order and letter from the Town Attorney to the Board. He said the Court has remanded the case back to the Town of Candia. It was the consensus of the Board to

read the order and letter and to schedule a meeting with the Town Attorney prior to the scheduled September 28, 2010 meeting in a timely manor to be able to notice if necessary.

ZBA Alternate Members

Chair Chivers asked if there were any inquires to the ZBA alternative position. The ZBA alternate public notice was published in the Hooksett Banner July 29, 2010. The notice was also posted on the website, Post Office and Town Hall. He asked the Board members to see if they could find anyone interested in being an alternate.

The next scheduled Zoning Board of Adjustment meeting is September 28, 2010.

J. Szot **motioned** to adjourn at 7:50 p.m. R. Howe **seconded**. **All were in favor**.

Respectfully submitted  
Sharon Robichaud  
Recording Secretary