

**CANDIA ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES OF  
July 23, 2019  
APPROVED**

ZBA Members Present: Bob Petrin, Chairman; Judith Szot, Vice Chair; Boyd Chivers; Ron Howe; Mark Raumikaitis Alt.

ZBA Members Absent: Ingrid Byrd

Audience Present: Dave Murray (BI), Edwin Ellis (applicant) as well as town residents.

Bob Petrin, Chair called the meeting to order at 7:00 pm immediately followed by the Pledge of Allegiance.

**Case #19-006:**

**Applicant:** Edwin Ellis, 177 Deerfield Road, Candia, NH 03034; Owner: same; Property Location: same: Map 406 Lot 177; For a Special Exception under Article V Section 5.02(B-3) Table of Use Regulations: Type of Land Use - Commercial.

**Intent:** to produce and sell, on a small scale, baked goods as well as gift shop items from my home which was once a general store.

E. Ellis started his presentation by telling the Board he would like to sell his own baked goods and his partner's small gifts from his home. His home has previously been a general store for many years and was used by the town residents daily.

B. Petrin asked about transportation issues and D. Murray said there has always been parking in that space because of the store so people are used to it and doesn't believe it poses any new issues. Jim & Nancy Franklin are neighbors of E. Ellis and note to the Board that they have lived in the area since 1984 and in that time only 3 accidents have occurred. The Police Chief and BI will work together in the future if any new parking issues arise.

M. Raumikaitis, Alt. asks about the hours of operation and E. Ellis states that because he works at the Post Office full time in the mornings, he will have limited hours. The hours during the day will likely be after 3:30pm until approximately 7pm on weekdays and Saturday and Sunday afternoons. M. Raumikaitis has concerns regarding late hours and as a condition if approved, the Board has agreed that there will be no operating hours after 9pm.

E. Ellis asks about signage for the bakery and the Board defers that to D. Murray (BI). D. Murray says if the sign is on the door of the home then there is no issue but if he wants larger signage, he will need to apply for a Sign Permit with the Building Dept.

**\*B. Petrin closes meeting to the public at 7:14pm**

B. Petrin requests that the Board go through the criteria to meet the terms of Specific Special Exception Uses, 15.04(A), Neighborhood Businesses and Professional Offices in Residential Districts and the Board will vote on these terms. **All agree.**

**Section 5.02(B-3) – Table of Use Regulations: Type of Land Use -Commercial**

*Service Establishments and retail stores serving local neighborhood needs including barber and beauty shops, real estate office, drug stores and sale of groceries, baked goods and the like. Where permitted as Special Exceptions in the R District the conditions set forth in Section 15.03 and 15.04A shall apply.*

**Section 15.03 – Special Exception Conditions**

1. *Front, side, or rear yard in excess of the minimum requirements of this Ordinance;*
2. *Screening of the premises from the street or adjacent property by walls, fences, other devices;*
3. *Modification of the exterior features of buildings or other structures;*

4. *Limitations on the size of buildings or other structures;*
5. *Limitations on the number of occupants and methods and times of operation;*
6. *Grading of the premises for proper drainage;*
7. *Regulation of design of access drives, sidewalks, and other traffic features;*
8. *Off-street parking and unloading spaces in excess of the minimum requirements of this Ordinance;*
9. *Regulation of the number, size, and lighting of signs more stringent than requirements of this Ordinance.*

**Section 15.04A – Neighborhood Businesses and Professional Offices in Residential Districts:**

*Those commercial uses identified in Section 5.02:b3, 5.02:b5 and 5.02:b6 of this ordinance and specifically referring to this section may be permitted as Special Exceptions in the Residential Zone provided that:*

1. *Such uses are located only on an arterial street as designated in Article III;*
2. *Such uses do not have an enclosed floor area in excess of 2000 SF;*
3. *Such uses do not detract from the rural aesthetics of the area*

**In this instance, the Board votes based on the Special Exception conditions and to make sure they are met instead of the 5 criteria.**

R. Petrin suggests a motion be put forth.

B. Chivers **motioned** to grant the special exception for the proposed bakery and gift shop. All the conditions stated in Section 15.04A are met. M. Raumikaitis, Alt. **seconded**. **All were in favor. Motion passed.**

Letter of Interest

The Board reviewed the letter received by Anthony Steinmetz regarding to his interest in serving on the ZBA as an alternate member.

J. Szot **motioned** to accept Anthony Steinmetz as a ZBA Alternate member pending BOS approval. R. Howe **seconded**. **All were in favor. Motion passed.**

Approval of Meeting Minutes -May 28<sup>th</sup>, 2019:

B. Chivers **motioned** to approve the public and non-public minutes of May 28<sup>th</sup>, 2019 as presented and SEAL the non-public minutes per *RSA 91-A:3, II (I)*. R. Howe **seconded**. J. Szot **abstained**. **All others were in favor. Motion passed.**

Other Business

- Brief discussion regarding the alternates on the Board and what responsibilities they have during meeting according to legislation. A warrant article will have to be submitted by the BOS enabling the proper legislation RSA 673:6. This will be discussed at the 8/27/19 meeting and tentatively voted on by the Board at the 9/24/19 meeting.

R. Howe **motioned** to adjourn at approximately 7:52pm. B. Chivers **seconded**. **All were in favor. Motion passed.**

Respectfully submitted,

Lisa Galica ~Admin. Assist.  
Building/Land Use/Fire Dept.  
cc: file