

**CANDIA ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES OF  
January 28, 2020  
APPROVED**

ZBA Members Present: Bob Petrin, Chairman; Judith Szot, V-Chair; Boyd Chivers; Ron Howe; Anthony Steinmetz, Alt.

ZBA Members Absent: Mark Raumikaitis

Audience Present: Dave Murray (BI); Josh Pouliot (applicant); Dick Snow (resident)

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

**Case #19-008:**

**Applicant:** Joshua Pouliot, 62 Patten Hill Road, Candia, NH 03034; Owner: same; Property Location: same; Map 409 Lot 224; For a Special Exception under Article V Section 5.02(A-5) R: Table of Use Regulations; Type of Land Use - Residential.

**Intent:** to permit Air BNB short term rentals at my property year-round.

J. Pouliot starts his presentation by stating that Air BNB's or bed & breakfasts are all over the world. He's stayed in many when he travels around the country. It also gives you the opportunity to meet a variety of new people and in most cases, you get to have a really nice room that is much less expensive than a regular hotel/motel. His property is set up well for it with its own entrance and parking spot. Its separated from the rest of the house. Thought it would be a good use to have guests to come through town to be able to stay year-round.

B. Petrin notes that the photos provided of the site are good and self-explanatory as to set up and how it would work.

T. Steinmetz asks about the shared bathroom and kitchen and wants to know how many people share it? J. Pouliot states that there are 3 kitchens in the residence. It's an 1860's farmhouse and the old owners kept adding stuff to it, and they attached the barn to it, so it's a lot of square footage. There's 2 other people that rent from me on that side of the house and work full time jobs. There's a bathroom and kitchen on that side of the house that those 2 individuals use, and they would share that with the Air BNB unit. T. Steinmetz asks whose responsibility it is to clean this space? J. Pouliot states that chores have been delegated throughout the HIVE (the property name is the Hive Farm) and one of the other house mates, named Josh as well, his job is to keep the area clean. T. Steinmetz asks how long he has been doing the Air BNB for and the applicant says about a year. T. Steinmetz notes that the reviews he looked up online suggest a little longer and the applicant says he started around Fall of last year.

B. Chivers states that the Town ordinance prohibits the expansion of non-conforming use. He asks J. Pouliot if all his tenants are in permitted apartments, and if this Air BNB is the only enterprise outside the ordinance right now? The applicant confirms this information as correct. B. Chivers then asks the applicant how many guests he expects at any one time and the applicant says it sleeps 3, so no more than that at once. B. Chivers asks if there is enough parking for that number of guests and the applicant says typically that's just 1 car, but the parking area has room for 5+ cars. B. Chivers asks the applicant if the septic system will handle this additional load? The applicant confirms this information. He goes on to state that when he closed on the property in May 2017, the septic failed inspection. He just had it checked this past summer and it passed inspection.

R. Howe says the way you described this, you could just as easily rent this as a single room with shared kitchen and bathroom, what's the difference to you? J. Pouliot says it's more profitable vs. what I'd be able to earn on just the room and it would probably be occupied half the time.

B. Petrin requests that the Board go through the criteria to meet the terms of Article XV Section 15.02, Special Exception Standards, and the Board will vote on these terms. **All agree.**

**Section 5.02(A-5) – Table of Use Regulations: Type of Land Use -Residential:**

*Boarding, rooming and short-term rental accommodations not to exceed 184 consecutive days subject to the provisions of Section 15.02.*

**Section 15.02 – Special Exception Standards:**

1. *No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials; **All were in favor***
2. *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; **All were in favor***
3. *No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity; **All were in favor***
4. *No excessive demand on municipal services, including, but not limited to water, sewer, waste disposal, police and fire protection and school; **All were in favor***
5. *No significant increase of storm water runoff onto adjacent property or streets. **All were in favor***

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

B. Chivers asks the applicant if the Air BNB sign conforms to the ordinance? D. Murray (BI) states it must be no larger than 4 square feet total and the applicant will need to come into the Building Dept. for a sign permit. J. Pouliot says he figured the sign would be approved after the case was approved. He notes that the sign is not to change traffic at all but to see it and pull right in.

R. Petrin suggests a motion be put forth to approve.

**MOTION:**

B. Chivers made a **motion** to grant the Special Exception permitting the Air BNB operation at Josh Pouliot's property, Map 409 Lot 224, with no conditions. T. Steinmetz **seconded**. **All were in favor. Motion passed.**

**Other Business**

- Board thanks the Land Use Secretary for the updates to the Zoning Ordinance. Updates are on the Town website for review.
- BOS are presenting Ingrid Byrd with a plaque at the Deliberative Session on Saturday 2/1/20, in recognition of her years of service to the Town of Candia.

**Approval of Meeting Minutes -September 24, 2019:**

B. Chivers **motioned** to approve the public minutes of September 24, 2019 as presented. R. Howe **seconded**. B. Petrin & T. Steinmetz **abstained**. **All others were in favor. Motion passed.**

**MOTION:**

B. Chivers **motioned** to adjourn the ZBA meeting at approximately 7:18pm. R. Howe **seconded**. **All were in favor. Motion passed.**

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