

**CANDIA ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES OF  
April 27, 2021  
APPROVED**

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

Audience Present: Amelia Heeley (applicant), Toby Sperry (AH applicant's dad), Greg Huard & his mother Cynthia Huard (applicant) and town residents.

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

**Case #21-001 (continued from 3/23/21):**

**Applicant:** Amelia Heeley, 82 Critchett Road, Candia, NH 03034; Owner: same; Property Location: same; Map 406 Lot 129; For a Special Exception under Article V Section 5.02A(2): Table of Use Regulations: Type of Land Use - Residential and a Variance under Article XV Section 15.04(E): Specific Special Exception Uses: Accessory Dwelling Units.

**Intent:** *to allow the construction of an accessory dwelling unit with an increased square footage area above the maximum 750 sq ft.*

B. Petrin starts by confirming that the applicants are present, and they are in person and asks them to tell the Board about the updated plans they adjusted.

T. Sperry starts by explaining they changed around the design quite a bit. B. Petrin notes that they didn't change the footprint but how they organized it and now it's a single story. T. Sperry notes it will only be a single story with a full cellar with outside access. He provides the Board with an updated sketch of plans for the file.

B. Petrin asks if there are any further questions/comments from the Board or audience and there are none.

**\*B. Petrin closes meeting to the public at 7:05pm**

B. Petrin requests that B. Chivers read through the criteria to meet the terms of Special Exception Uses, 15.04E, Accessory Dwelling Unit and the Board will vote on each as they are read out. **All agree.**

**Section 15.04E – Accessory Dwelling Units**

*Any single family dwelling unit in the residential or mixed use districts may be converted or constructed to provide for one accessory dwelling unit subject to conformance with Section 15.02, Special Exception Standards and any additional requirements imposed by the Board of Adjustment under Section 15.03, Special Exception Conditions and subject to the following restrictions:*

- 1. There shall be no more than one accessory dwelling unit for any single family dwelling;*
- 2. There shall be no more than two bedrooms in the accessory dwelling unit;*
- 3. Adequate sewer and water service shall be provided. One septic system shall serve the entire property and the adequacy of the system shall be certified by a licensed septic installer;*
- 4. There shall be a maximum of 750 square feet for the accessory dwelling unit;*
- 5. On-site parking for one additional vehicle shall be provided;*
- 6. All existing set back requirements shall be met;*
- 7. The accessory unit shall be within or attached to the main dwelling unit;*
- 8. Architectural enhancements will be employed for the purpose of maintaining aesthetic continuity with the principal dwelling unit resulting in both units appearing as a single family dwelling unit;*
- 9. Either the primary or the accessory dwelling unit shall be occupied by the owner of the property;*
- 10. The current State Building and Fire Codes for two family dwellings shall apply.*

### **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;*
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 material;*
3. *No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;*
4. *No excessive demand on municipal services, including but not limited to water, sewer, waste disposal, police and fire protection, and schools;*
5. *No significant increase of storm water runoff onto adjacent property or streets.*

### **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.*

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

B. Petrin suggests a motion be put forth to **approve** the Special Exception. **All were in favor.**

B. Chivers **motioned** to grant the Special Exception for relief under Article V, Section 5.02A(2) for the accessory dwelling unit of 750 square feet at property (map/lot: 406-129). R. Howe **seconded**. **All were in favor. (5-0) Motion passed.**

#### **Case #21-003:**

**Applicant:** Greg & Cynthia Huard, 924 High Street, Candia, NH 03034; Owner: Cynthia Huard Revocable Trust, 924 High Street, Candia, NH 03034; Property Location: 924 High Street, Candia, NH 03034; Map 404 Lot 53; For a Special Exception under Article V Section 5.02A(2): Table of Use Regulations: Type of Land Use -Residential.

**Intent:** *to allow the construction of a 34'x22' accessory dwelling unit (748 square feet), to provide necessary care to my handicap mother.*

B. Petrin starts by confirming that the applicants are present, and they are in person and asks them to tell the Board about the project plans.

G. Huard starts by introducing himself and his mother Cynthia Huard and asks his mother if she agrees to him speaking on her behalf and she agrees. He continues by stating the proposal is a 748sq ft ADU that will be attached to an existing dwelling. He notes there should be a revision in the plans because of where they determined to put the addition.

G. Huard tells the Board that in 1997 his mother suffered an accident and became a paraplegic and then in 2009 he lost his father to ALS. By allowing them to build this ADU, it will assist them in being able to provide adequate care for his mother and have their family close to her and assist him as well.

B. Chivers ask the applicant if there is an updated septic design, and the applicant says there has been a new design submitted the State of NH by Jason Franklin in the event that the existing one fails. He notes when he began this process, he was told by the Building Dept. that a new design would be needed on file at least. M. Raumikaitis says so there is no plan to install, and the applicant confirms this and adds that the current system is still functioning properly and it's not necessary.

B. Chivers asks about the parking situation for all of them and the applicant notes that the home is currently 500ft off the road so there is adequate room for all of them to park on the property.

B. Petrin asks if there are any further questions/comments from the Board or audience and there are none.

J. Szot notes that it's much easier for the Board to make a decision when the applicant has things in order and readily available for review. G. Huard states that it was a lot of leg work for them, speaking with peers and other area residents in order to get things in line and minimize the potential to have to come in front of the Board multiple times and B. Petrin notes that he did a good job in doing just that.

**\*B. Petrin closes meeting to the public at 7:13pm**

B. Petrin requests that B. Chivers read through the criteria to meet the terms of Special Exception Uses, 15.04E, Accessory Dwelling Unit and the Board will vote on each as they are read out. **All agree.**

**Section 15.04E – Accessory Dwelling Units**

*Any single family dwelling unit in the residential or mixed use districts may be converted or constructed to provide for one accessory dwelling unit subject to conformance with Section 15.02, Special Exception Standards and any additional requirements imposed by the Board of Adjustment under Section 15.03, Special Exception Conditions and subject to the following restrictions:*

- 1. There shall be no more than one accessory dwelling unit for any single family dwelling;*
- 2. There shall be no more than two bedrooms in the accessory dwelling unit;*
- 3. Adequate sewer and water service shall be provided. One septic system shall serve the entire property and the adequacy of the system shall be certified by a licensed septic installer;*
- 4. There shall be a maximum of 750 square feet for the accessory dwelling unit;*
- 5. On-site parking for one additional vehicle shall be provided;*
- 6. All existing set back requirements shall be met;*
- 7. The accessory unit shall be within or attached to the main dwelling unit;*
- 8. Architectural enhancements will be employed for the purpose of maintaining aesthetic continuity with the principal dwelling unit resulting in both units appearing as a single family dwelling unit;*
- 9. Either the primary or the accessory dwelling unit shall be occupied by the owner of the property;*
- 10. The current State Building and Fire Codes for two family dwellings shall apply.*

**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;*
- 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 material;*
- 3. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;*
- 4. No excessive demand on municipal services, including but not limited to water, sewer, waste disposal, police and fire protection, and schools;*
- 5. No significant increase of storm water runoff onto adjacent property or streets.*

**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.*

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

B. Petrin suggests a motion be put forth to **approve** the Special Exception. **All were in favor.**

B. Chivers **motioned** to grant the Special Exception for relief under Article V, Section 5.02A(2) for the accessory dwelling unit of 748 square feet at property (map/lot: 404-53). M. Raumikaitis **seconded**. **All were in favor. (5-0) Motion passed.**

**Minutes -January 26, 2021:**

B. Petrin **motioned** to approve the minutes as presented. B. Chivers **seconded**. **All were in favor. Motion passed.**

**Minutes -March 23, 2021:**

B. Chivers **motioned** to approve the minutes as presented. R. Howe **seconded**. **All were in favor. Motion passed.**

**Nominations for Chair & Vice Chair:**

J. Szot **motioned** to nominate Bob Petrin for Chair. B. Chivers **seconded**. B. Petrin **abstained**. **All others were in favor. Motion passed.**

B. Chivers **motioned** to nominate Judith Szot for V-Chair. B. Petrin **seconded**. J. Szot **abstained**. **All others were in favor. Motion passed.**

**MOTION:**

B. Petrin **motioned** to adjourn the ZBA meeting at approximately 7:20pm. M. Raumikaitis **seconded**. **All were in favor. Motion passed.**

Respectfully submitted,  
Lisa Galica  
Land Use Office Coordinator  
cc: file