

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

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

ZBA Members Absent: none

Audience Present: Nathan Durand (applicant), Richard Cox (abutter), Kevin Gagne (Building Inspector).

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

**Case #21-006:**

**Applicant:** Nathan Durand, 444 Brown Road, Candia, NH 03034; Owner: Nathan & Brianna Durand, 444 Brown Road, Candia, NH 03034; Property Location: same; Map 414 Lot 26; 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 495 square foot accessory dwelling unit within an existing space in our home.*

B. Petrin starts by confirming that the applicant is present, and he is in person and asks him to tell the Board about the project.

N. Durand starts by introducing himself and tells the Board the ADU will be built over his existing 2- stall garage. The area is finished with an office area and heat, but they will be adding the required electrical and plumbing for the ADU.

B. Petrin asks about the egress entry/exit stair area and the applicant states that the stairs are existing with a separate door at the bottom. That door leads into a mud room which has a separate door to the garage.

B. Petrin asks about the septic system and the applicant states that he has received a copy from DES but the Land Use Office Coordinator notes that the Building Dept. has not received their copy from the State yet and the applicant agrees to email his copy over to the Bldg Dept. asap. The design will be efficient for a 4 bedroom home plus the ADU, and it will be noted on the approval.

The Board asks about sufficient parking for the unit and the applicant notes there is plenty of space already, but his lot is approx. 11 acres, so they have extra space to expand that area if needed.

Richard Cox (abutter 452 Brown Road) notes that he has no issues, comments or concerns with the new ADU.

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 7:11pm**

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) to construct an accessory dwelling unit at 444 Brown Road (map/lot 414-26). J. Szot **seconded**. **All were in favor. (5-0) Motion passed.**

**Minutes -May 25, 2021:**

B. Chivers **motioned** to approve the minutes as presented. J. Szot **seconded**. M. Raumikaitis **abstained**. **All others were in favor. Motion passed.**

**Other Business:**

- The Board briefly discusses the idea of changing the ZBA meeting time from 7pm to 6pm or 6:30pm. They did not determine a significant reason to change or not change the meeting time but will put it on the agenda for further discussion at the next meeting according to the process in the Rule of Procedure.
- The Board has a question regarding the fire suppression system requirements for the new construction in Town and K. Gagne (BI) notes that it is required unless there is a waiver from the FD. It is usually not done and considered exempt for an ADU because the unit is part of an existing structure.

**MOTION:**

J. Szot **motioned** to adjourn the ZBA meeting at approximately 7:34pm. B. Chivers **seconded**. **All were in favor. Motion passed.**

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