

**CANDIA ZONING BOARD OF ADJUSTMENT**  
**MEETING MINUTES OF**  
**November 23, 2021**  
**APPROVED**

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

ZBA Members Absent: Mark Raumikaitis

Audience Present: Beverly Cole (applicant)

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

**Case #21-010:**

**Applicant:** Ronald W. & Beverly C. Cole, 95 Diamond Hill Road, Candia, NH 03034; Owner: same; Property Location: same; Map 409 Lot 161; For a Special Exception under Article V Section 5.02A(2): Table of Use Regulations: Type of Land Use -Residential.

**Intent:** *to legalize, per the Town of Candia's Zoning Ordinance, the previously constructed 652 square foot accessory dwelling unit within our home.*

B. Cole starts by explaining to the Board that she purchased the home with the apartment already established in the basement over 20 years ago. After further review of the case with the legal department, it was determined that the applicant's ADU was "grandfathered/legalized" and she shouldn't have had to come before the ZBA for approval because of an RSA that was adopted in 2017 that basically legalized all units prior to when the Town's Ordinance for ADU's went into effect, which was 2003 for Candia. Since this is the case and currently the ZBA doesn't have its own revenue line (funds are handled by the BOS), they have agreed by vote to recommend to the BOS that the applicant be reimbursed for the application fees (\$274.98 total) in this case. The recommendation from the ZBA will go before the BOS at their next scheduled meeting for approval. B. Petrin will be attending the BOS meeting for the recommendation on that date.

B. Chivers **motioned** to recommend to the BOS that we refund to Mrs. Beverly Cole the amount of \$274.98, representing the amount she paid for application fees for a special exception that was not required. B. Petrin **seconded**. R. Howe **abstained**. **All others were in favor. (4-0-1) Motion passed.**

**Minutes -October 26, 2021:**

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

**Other Business:**

- ADU Dimensional Requirements:
  - The Board briefly discusses the dimensional requirements of an ADU. Whether the measurements are the exterior or interior walls. The Board wants to be united on the process going forward so they have asked the BI as to what the best practices are for construction. The BI was not able to attend tonight but has spoken with the Chair and B. Petrin tells the Board that after some further investigation, it is best to apply Interior Measurements of usable space to be the norm. The Board agrees to this and votes to adopt this process going forward.

B. Chivers **motioned** for the Board to adopt the policy that the measurements of these structures are obtained from interior dimensions. R. Howe **seconded**. **All were in favor. Motion passed.**

- ADU Ordinance -revision proposal:
  - Article XV Section 15.04E(3)
    - The Board briefly discusses whether the State requirement language should be added to the Town Regulations regarding the septic requirements. After further investigation and assistance from the State as well as local septic designer, Jason Franklin, for the most current practice

and the Board votes to recommend to the PB a revision of language for this item that currently reads: *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,* to instead read: *Adequate sewer and water service shall be provided in accordance with the State of New Hampshire Septic System Regulations.* This memo will be written up and provided to the PB at their next scheduled meeting for discussion/vote.

B. Chivers **motioned** that the Board recommends to the PB that the proposed change to number 3 in Article XV Section 15.04E reads as follows: *Adequate sewer and water service shall be provided in accordance with the State of New Hampshire Septic System Regulations.* B. Petrin **seconded**. **All were in favor. Motion passed.**

- ZBA Escrow Accounts:
  - Starting in January 2022, the Town will be establishing an escrow account for all ZBA cases. The process is regulated by RSA 673:16 and is already setup and in working order for the PB.
- The Board briefly discusses why the ZBA does not have official nametags as do other Boards in town. They believe it makes the hearings/meetings more professionally coordinated and the Board members themselves distinguished from each other. B. Chivers asks the LUC to speak with the Town Administrator and request that these tags be ordered for each member of the ZBA. The Board thanks the Town/BOS in advance.
- R. Howe asks about having all members, including the alternates at the table for discussion of cases. He states that he feels this is very important to them, so they are a part of each case, and they have the best understanding of how the Board runs and its processes, even though not always a voting member (unless invited by the Board when another member is absent). The Board agrees to adopt this as their regular practice going forward.

**MOTION:**

B. Chivers **motioned** to adjourn the ZBA meeting at approximately 7:23pm. J. Szot **seconded**. **All were in favor. Motion passed.**

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