

CANDIA ZONING BOARD OF ADJUSTMENT
MEETING MINUTES OF
April 26, 2022
UNAPPROVED

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

ZBA Members Absent: none

Audience Present: Jim Hurley (applicant), Lynn Champney & her mom Norma Glidden (abutter).

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

Case #22-005:

Applicant: James S. Hurley, 357 Critchett Road, Candia, NH 03034; Owner(s): same; Property Location: same; Map 407 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 747 square foot accessory dwelling unit.*

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

J. Hurley starts by introducing himself and B. Petrin asks if this is in an existing structure and the applicant notes that it is part of a new construction addition to their home over the attached garage that is currently unfinished. M. Raumikaitis confirms that this is a direct connection to the home.

J. Szot confirms that there will be a utility room outside the main door of the apartment and then there will be a door to enter the ADU.

R. Howe asks about the stair access to the ADU and the applicant notes that the stair access is on the outside of the ADU and points them out on the plans.

T. Steinmetz asks where Critchett Rd. is compared to the home and the Land Use Office Coordinator gave a copy of the plot plan from the Building Dept. application so they could see the full outline of the lot with the structures in question.

B. Petrin asks if there is ample parking and if the septic is adequate for the home plus the ADU. The applicant confirms plenty of parking space on the lot and the septic was approved for 5 bedrooms when the new home (4 bdrm) was built approx. 2 years ago.

J. Szot asks about the other structures on the property and the applicant notes that there is a shed and the original house that is close to the main road, which has been decommissioned and approved by the former Building Inspector (D. Murray) for use but not to have any occupied living space.

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 the relief under Section 5.02A(2) to construct an accessory dwelling unit at 357 Critchett Road (map/lot: 40-53). M. Raumikaitis **seconded**. **All were in favor. Motion passed.**

Case #22-006 (case has been W/D):

Applicant: Art & Colleen Gosselin, 45 High Street, Candia, NH 03034; **Owner(s):** Nomad Holdings, LLC, 45 High Street, Candia, NH 03034; **Property Location:** same; Map 406 Lot 19; **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 in an existing structure, with an increased square footage area above the maximum 750 sq ft requirement.*

B. Petrin starts by asking the Land Use Office Coordinator to explain to the Board why this case was withdrawn, and she states that the applicant did not have the required documentation for the septic system, and they have decided to change the plan for the space into more of a family room space instead of the ADU space. They will come back to the Board in the future if they decide to add to the space again.

Minutes -March 22, 2022:

J. Szot **motioned** to approve the minutes with the changes noted. B. Chivers **seconded**. **All others were in favor.**
Motion passed.

Other Business:

- Zoning Regulations -review ordinance:
 - Boarding, Rooming, Short-Term Rental Guidelines -Article XV Section 15.02
 - The Board briefly discussed the ordinance and if the Town could benefit from more details being added as to what is required for the special exception. They decided to table the item for the time being and look at it in the future as they gather more information.

- Zoning Regulations -review ordinance:
 - Accessory Dwelling Units -Article XV Section 15.04(E)
 - The Board briefly discussed the ordinance and if the Town could benefit from increasing the size limitation. B. Chivers will draft a memo the Board with some of the ideas that were discussed so they can continue to review this in the future.

- T. Steinmetz is also up for his position as alternate and was advised that if he intends to continue, his Letter of Interest to the Board is due in May.

MOTION:

B. Chivers **motioned** to adjourn the ZBA meeting at approximately 7:59pm. B. Petrin **seconded**. **All were in favor.**
Motion passed.

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