

**CANDIA ZONING BOARD OF ADJUSTMENT
MEETING MINUTES OF
February 27th, 2024
APPROVED MINUTES**

PB Members Present: Boyd Chivers, Vice-Chair; Ron Howe; Tony Steinmetz; Mark Raumikaitis; Gale Pellegrino, Alt.

PB Members Absent:

Judith Szot, Chair (excused)
Bill Keena, Alt. (excused)

*Boyd Chivers, Vice-Chair called the ZBA meeting to order at approximately 6:30PM, followed immediately by the Pledge of Allegiance

New Business:

Case #24-002:

Applicant: Jeffrey Lees, 451 High Street, Candia, NH 03034; Owner(s): Jeffrey Lees, 451 High Street, Candia, NH 03034; Property Location: 451 High Street, Candia, NH 03034; Map 405 Lot 74.

Intent: *Seeking a Special Exception to convert existing room to 725 Square Foot In-law apartment with kitchenette and bathroom.*

B. Chivers: You are entitled to a hearing before a full Board and five members.

J. Lees – 451 High Street: Four works for me, that's fine. We have an existing, we call it a great room, between the existing house and the barn which has been winterized and finished off. Now we want to add a small kitchenette and a bathroom so down the road, as my wife and I get a little older.

B. Chivers. I have to commend you, this is the best proposal, best set of plans I've seen. Bob, have you been to the site?

B. Donovan: No, I haven't. It's an interior of an original building so I don't have to go look at the setbacks or anything.

J. Lees: No changes to the existing structure.

G. Pellegrino: Reads requirements needed to meet Special Exception:

A. 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 in accordance with the State of New Hampshire Septic System Regulations. (2022)
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 setback 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.

Applicant agreed to and with all above conditions.

B. Chivers: Because this is a Special Exception, you have to meet some other standards. These are the standards that apply to all Special Exceptions not just your proposal.

G. Pellegrino: Reads the standards:

SPECIAL EXCEPTION STANDARDS:

Special Exceptions shall meet the following 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 materials;
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.

B. Donovan: Any two-family structure has to have a firewall.

M. Raumikaitis: I do have a question on septic. In the past when we have had these requests, we receive a document or a letter from a septic professional, stating that the septic system was acceptable for the additional bedroom. How do we know that the septic system will accept the additional load?

B. Donovan: Before I can issue the permit, he has to show if he has a four-bedroom house now and he's adding a bedroom. He has to show that it's a five-bedroom septic design. If not, he has to get an approved septic design from the state of NH before I can issue the permit.

M. Raumikaitis: So that will be handled through the Code Office.

J. Lees: As an alternative, what if I take a couple out of service? The septic is approved for a four-bedroom design now. If I take a couple out of service? They call it a bedroom because it has a closet in it. It's an old 1700's house, every room has a closet. I've got a lot more bedrooms than I need. Even in the future, as far as I can see. If I take a couple out of circulation? If I need to take a closet out, it's not a big deal.

M. Raumikaitis: I still think it might fall under code enforcement.

B. Chivers: You can work that out with Bob.

B. Chivers: The applicant has met all of the required criteria.

T. Steinmetz: This home was built around the 1700's. When was the current septic system installed?

J. Lees: 1998. End of 98.

T. Steinmetz: That was a four-bedroom design, right?

J. Lees: Yes, when we bought the house, it was a new septic system.

T. Steinmetz: And there will be two people in the in-law eventually?

J. Lees: Depending on the timing, one or two.

B. Donovan: The worst-case scenario is he will be required to get an approved septic design, approved by the state of NH. It doesn't mean you have to put the septic in, but you have to have an approved design system in case the system you have now fails. Then you can upgrade to a five-bedroom.

T. Steinmetz: How does that work Bob? Does he get in touch with the state for a certificate of some sort?

B. Donovan: He would have to have someone design a new septic design for a five-bedroom. Then they submit it to the state. The state approves it and it is on file so if the septic design he has now fails, he's already been approved for the new system.

T. Steinmetz: Does he have to contact the state?

B. Donovan: Whoever does the septic design will submit the paperwork to the state of NH.

J. Lees: So, I would hire an engineer to design the septic system?

B. Donovan: Correct.

B. Chivers: The application meets the criteria for the accessory dwelling unit. It doesn't violate any of the standards, which leaves the Board with no choice but to approve it.

T. Steinmetz: **Motion** that the applicant be approved for his ADU. **Second:** M. Raumikaitis. All were in favor. **Motion** passed.

G. Pellegrino: **Motion** to accept the meeting minutes of 1.30.24 as presented. T. Steinmetz: **Second.** All in favor. **Motion passed.**

Motion to adjourn: M. Raumikaitis. **Second:** G. Pellegrino. All were in favor. **Motion passed.**

Respectfully submitted,

Amy M. Spencer

Land Use Coordinator

cc: file