

**CANDIA ZONING BOARD OF ADJUSTMENT
MEETING MINUTES OF
October 28, 2025
UNAPPROVED MINUTES**

ZBA Members Present: Judith Szot, Chair; Ron Howe; Tony Steinmetz; Bill Keena; Gale Pellegrino, alt.

ZBA Members Absent: Boyd Chivers, Vice Chair, Excused

*Judith Szot, Chair, called the ZBA meeting to order at 6:31PM, followed immediately by the Pledge of Allegiance

- **Case #25-011:**

Applicant/Owner: James Logan, 438 High Street Candia, NH 03034; **Property Location:** 466 High Street Candia, NH 03034; Map 405 Lot 29; **Intent:** *Seeking a special exception as provided in Article V Section 5.02 to allow short-term rentals at 466 High Street.*

Mr. Logan explains the house is planned to be used as a community center for a future 55-plus development. Long-term leasing of the property is not feasible due to the uncertain timeline for the future development, and he does not want the house to remain empty. He mentions a previous issue with squatters in an empty house next door and wants to avoid that happening with the house in question. He states he was unaware of Candia's ordinance on short-term rentals. The property is set back from the road behind trees that are a natural buffer for sight and sound. He states that the rentals are not impacting the neighbors or property values, and the property will only be used as a short-term rental for a short period.

Board members ask about the expected end date of the short-term rentals. Mr. Logan mentions the possibility of renting rooms to visitors of the 55-plus community in the future, but he expects to end the public Airbnb option once construction commences for the new development. The board discusses whether a time-bound limitation on the short-term rental is appropriate. Mr. Logan states he is open to a time limit, but the Chair clarifies that there are no time limits on the use of the property as a short-term rental, only a limit on the length of stay.

Judith Szot opens the public hearing at 6:45pm

No questions or comments are raised from the public.

Judith Szot closes the public hearing at 6:46pm

The board discusses the special exception standards outlined in Article XV Section 15.02 of the Candia Zoning Ordinance and agrees the use of the property as a short-term rental meets all standards. There is no hazard to the public or traffic, no detriment to property value, does not require excess demand of municipal services, and no significant increase in stormwater runoff.

B. Keena: **Motion** to approve the special exception to have short-term rentals on the property. T. Steinmetz: **Second**. All in favor. **Motion passed**.

The Chair announces the transition to the next case.

- **Case #25-012:**

Applicant/Owner: Ranch Roller Coaster, LLC, 670 N. Commercial Street Manchester, NH 03101; **Property Location:** Chester Turnpike, Candia, NH 03034; Map 410 Lot 1; **Intent:** *Seeking a variance to waive terms as stated in Article II Section 2.02E (1) to allow the construction of a single-family home on an existing non-conforming lot with 50.96 feet of frontage.*

Attorney Cronin, representing Mr. Brady, introduces himself. He notes that many of the board members were present at the previous meeting where they discussed the five criteria in the application but digressed into issues about the building's size and appearance as a commercial building. This led to Mr. Cronin withdrawing the application. Mr. Cronin states that he addressed the building inspector's concerns regarding the building by removing the cupola to conform to height restrictions and submitting a signed letter of intent from Mr. Brady, committing to residential use and not commercial.

Mr. Cronin describes the single-family home as having ample storage and live-in quarters for Mr. Brady's son. He states the large garage area is intended for the storage of cars, snowmobiles, ATVs, hunting equipment, and the like.

Mr. Cronin explains that the planning board, in the 1980's, approved the lot as part of a subdivision with the 50-plus feet of frontage, seemingly to allow for a Class V highway in the future. Therefore, he finds the ordinance's 60-foot frontage requirement unique. He emphasizes that the focus should be on the 90-plus acre lot being only nine feet short on frontage. He argues that this is nominal compared to the overall size of the property and believes the variance aligns with the spirit and intent of the ordinance to make all land productive and useful. Cronin further argues that approving the variance will not substantially change the nature of the neighborhood. The house will be set back and not visible from the street. Traffic will be minimal, less than a homestead with barns and livestock. Denying the variance would render the 92 acres useless. He states that the Brady's could build a road and subdivide the property, but that is not the intent. They prefer to build one house and maintain the remainder of the land. He believes this weighs in favor of the town. Mr. Cronin states that the house will not impact property values and has a letter in the record to that effect. He argues that 51-feet versus 60-feet of frontage does not create a health, safety, or welfare difference. He believes the use is reasonable. He also argues that the property cannot be used in any way consistent with the ordinance without the variance.

The board clarifies that the request is for a private driveway to serve a single-family house, not a public road. Mr. Cronin confirms this. The discussion clarifies that the proposed construction is for a private driveway, not a public road, addressing concerns that it might become a public road in the future for potential development of the 90-acre property. It's emphasized that the applicant has 50.9 feet of access, and if it were 60 feet, they would be seeking approval from the Planning

Board for a road. The submitted statement of intent confirms the non-commercial nature of the driveway.

Judith Szot opens the public hearing at 7:08pm

Abutter Gary Archambault inquires about alternative access to the property and the possibility of future housing development. Mr. Brady states he does not have access from any other way and has no plans for a subdivision, emphasizing his intention to preserve the land for his family. He addresses concerns about potential development, stating he understands the fear, but assures Mr. Archambault that he aims to conserve the rural character of Candia.

Direct abutter Kevin Landry raises concerns about the hardship aspect of the variance, given Mr. Brady knew the frontage width when purchasing the property. He highlights potential impacts on water runoff and wetlands, mentioning the unapproved filling of the wetlands that has occurred in preparation for the driveway. Mr. Landry states he and Mr. Brady have come to an agreement to address these issues.

Direct abutter Carol Westland-Kimball echoes concerns about water flow, stating it may negatively affect the stream on her property and result in a backup of water onto her property. She also states concern of the potential for the driveway to become an auxiliary road to a larger development in the future, seeking assurance that it will remain a private driveway. The board clarifies that they can only consider the current request for a private driveway to access a single-family house and that any future road development would require further board approval due to the 60-foot requirement.

Abutter Kathy Ficek expresses concerns about water scarcity in recent years and it being dangerous for the ecosystem throughout the parcels in that area. It is confirmed that the property in question is uphill from the rest, suggesting the project will result in her property receiving more water runoff, not less.

Gary Archambault questions the definition of a single-family home, raising concerns about the large garage with a small “apartment”. The board clarifies that there's no legal basis to dictate house or garage size, and a single-family home definition doesn't exist, even at the state level.

Abutter Susan Torrey raises concerns about setting precedents with variances and the importance of maintaining existing guidelines. The rural atmosphere of the town is why she lives here and bought her property in the first place. She states that when she and her husband purchased their land, they knew the rules. Mrs. Torrey states if the board grants this variance, it is saying the guidelines are moot. The board explains there are very specific criteria for granting variances, and the variance must meet all five criteria; granting variances does not set a precedent.

Carol Westland-Kimball and Gary Archambault ask about addressing water and wetland issues

before granting permits. The building inspector clarifies the process: the zoning board decides on the driveway's right to be built, then the driveway permit is obtained, and conditions are set by the road agent. It is clarified that NH Department of Environmental Services approval is needed if wetlands are affected.

Chester Turnpike residents Denise and Steve Czaja question the company name associated with the property and whether it contradicts the private property designation. The board clarifies that ownership structure (individual vs. company) is not an issue. They also ask if Mr. Brady is pursuing other properties on Chester Turnpike. Mr. Brady responds that he might buy land to protect his property, but not for development. Mr. Czaja inquires about the driveway's proximity to Kinnicum Pond. It is clarified that the proposed driveway is not close to the pond.

Mr. Brady is willing to speak with neighbors and show them around the property if any other concerns arise.

Judith Szot closes the public hearing at 7:36pm

The board reviews the variance request using the five established criteria, agreeing to vote on the first and second variance criteria together:

Variance from Article II Section 2.02E (1): Non-Conforming Uses and Structures

Five Variance Criteria

1. The variance will not be contrary to the public interest.

For a variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?

The request for a private driveway for a single-family home will not be contrary to the public interest. It will enhance the value of the property and increase tax revenue. It retains the rural character of the town and neighborhood as the house will be set far back from the road, and the remaining land will be maintained as open space.

2. The spirit of the ordinance is observed.

To be contrary to the public interest, the variance must unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives.

The spirit of the ordinance is observed through granting this variance. By granting a variance for a private driveway to access a single-family home, the board is upholding the ordinance's basic zoning objectives. The property will be used to construct a single-family home. The applicant

included a signed letter of intent with his application stating there will be no commercial use on the property. Mr. Brady also verbally confirmed his intent is to build a single-family home and not to subdivide the property.

B. Keena: **Motion** to agree that this variance is not contrary to the public interest and the spirit of the ordinance is observed. T. Steinmetz: **Second**. All in favor. **Motion passed**.

3. Substantial justice is done.

Perhaps the only guiding rule is that any loss to an individual that is not outweighed by a gain to the general public is an injustice. A board of adjustment cannot alleviate an injustice by granting an illegal variance.

Substantial justice is done by granting this variance because without it the applicant will not be able to use this land. Provided the wetlands and water runoff issues are addressed properly, there is no harm to the general public.

B. Keena: **Motion** to find that substantial justice is done if we grant this variance. G. Pellegrino: **Second**. All in favor. **Motion passed**.

4. The values of surrounding properties are not diminished.

The ZBA members may draw upon their own knowledge of the area involved in reaching a decision on this and other issues. Because of this, the ZBA does not have to accept the conclusions of experts on the question of value, or on any other point, since the function of the board is to decide how much weight, or credibility, to give testimony or opinions of witnesses, including expert witnesses.

Denying the variance will diminish the value of the property itself by depriving the applicant of his right to use the land. Historically, the land has been used for logging. Using the land for a single-family home upholds the nature of the neighborhood and protects the remaining acreage. The value of the surrounding properties will not be diminished based on the evidence provided.

R. Howe: **Motion** to approve number 4; the value of the properties are not diminished. G. Pellegrino: **Second**. All in favor. **Motion passed**.

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship.

When the hardship so imposed is shared equally by all property owners, no grounds for a variance exist. Only when some characteristic of the particular land in question makes it different from others can unnecessary hardship be claimed. The property owner needs to establish that, because of special conditions of the property, the application of the ordinance provision to his property would not advance the purposes of the ordinance provision in any "fair and substantial" way.

Denying the variance would result in unnecessary hardship to the owner because he would not be able to use his property. By allowing the construction of a single-family home with a private driveway, the board will preserve the rural nature of the town and allow the applicant to execute his right to use his land in a way that upholds the purpose of the ordinance.

B. Keena: **Motion** to find that literal enforcement would result in unnecessary hardship. R. Howe: **Second**. All in favor. **Motion passed**.

Variance to waive terms as stated in **Article II Section 2.02E(1)** is **granted**.

Other Business:

- Review of Minutes from 9.23.25

G. Pellegrino: **Motion** to approve the minutes as presented. R. Howe: **Second**. All in favor. **Motion passed**.

- Possible date change for December meeting & changing regularly scheduled meeting dates

B. Keena: **Motion** to change regularly scheduled ZBA meetings to the second Tuesday of each month, starting in December. R. Howe: **Second**. All in favor. **Motion passed**.

T. Steinmetz: **Motion** to adjourn. G. Pellegrino: **Second**. All in favor. **Motion passed**.

Meeting adjourned at approximately 7:56pm.

Respectfully submitted,

Megan Ross

Land Use Coordinator

cc: file