

**APPROVED**  
**CANDIA ZONING BOARD OF ADJUSTMENT**  
**MINUTES OF February 28, 2012**

Present: Boyd Chivers, Chairman; Judith Szot, Vice Chair; Ron Howe; Frank Albert; Ingrid Byrd; John Easter, Alt

Chairman Chivers called the public meeting to order at 7:00 p.m. immediately followed by the Pledge of Allegiance.

Approval of August 23, 2011 Minutes

F. Albert **motioned** to accept the minutes of August 23, 2011 as presented. I. Byrd **seconded**. **All were in favor.**

**Case 12-590 Applicant: Robert & Linda Cepeck 29 Hook Road, Candia NH 03034; Owner: Same; Map 413 Lot 042; for a special exception under section 15.04 E. Accessory Dwelling Units: to permit an In-law apartment above existing garage.** Robert & Linda Cepeck applicants were present. Abutter Paul McHugh 26 Hook Road was present. R. Cepeck passed out copies of photos of the house and garage and drawings of the proposed accessory dwelling unit. He said currently over the garage there is an existing permitted family room that they have been using as a work shop. He said the bathroom is already in place and they will only need to put in a small bedroom, small kitchen. He said they are going to add an egress at the second window on the side as shown in the photo for a second means of escape. He said it will be a 36" door with a platform and stairs going down to the front of the garage. He said they are going to put in a chair stair on the stairs inside the garage to the in-law. R. Cepeck said the garage is 24 x 26 which is 624 sq ft minus the unheated stairs brings the heated living area to approximately 579 square feet. He said the garage is 2 x 6 construction, fully insulated and the plan is for electric heat. Chair Chivers asked if the abutters had been notified and they were notified. There is one abutter present Paul McHugh 26 Hook Road.

Chair Chivers read into record the memo from the Building Inspector, *"After meeting with Mr. Cepeck and reviewing the submitted plans (drawings), I see no problems with their application. All Setback requirements are met, the heated living space is less than 600 square feet and all emergency egress exits are beyond what is required by code. Ample parking is provided as well."* Chair Chivers asked the Board if they had any questions for the applicant. I. Byrd said it was a nice clear design plan. Chair Chivers asked the abutter if he had any questions and he did not. He asked if the Building Inspector had any comments. D. Murray said he had met with Mr. Cepeck several times and said he is aware of the criteria he has to meet and is willing to comply. Chair Chivers asked for a motion to close the public hearing. I. Byrd **motioned** to close the public hearing. J. Easter **seconded**. **All were in favor.**

Chair Chivers said under Section 15.04 E the applicant has to meet certain criteria for an in-law apartment. J. Easter read the following requirements into record. *1. There shall be only one bedroom in the accessory dwelling unit.* The Board was in agreement the applicant met the requirement. *"2. Adequate sewer and water service shall be provided. One septic system shall serve the entire property."* Chair Chivers said according to the Building Inspector he meets this. *"3. There shall be a maximum of 600 sq. ft. of heated living space in the accessory unit."* Chair Chivers said the heated living space is 579 sq ft. *"4. Onsite parking for one additional vehicle shall be provided."* The Board was in agreement that there was ample parking. *"5. All existing set back ordinances must be met."* Chair Chivers said according to the Building Inspector that is correct. *"6. The accessory unit shall be within or attached to the main dwelling unit or located in an accessory building that exists on March 15, 2003, located on the same lot as the main dwelling."* The Board was in agreement the applicant met the requirement. *"7. The residential*

*character of the area must be retained.*” R. Howe said it did not change. I. Byrd said there was no change to the outside. “8. *Density requirements of Article 15:04 C will not apply.*” J. Easter said it is Elderly Housing article that was repealed. “9. *So long as an accessory dwelling unit is occupied, either the primary dwelling unit or the accessory dwelling unit shall be occupied by the owner of the property.*” It was the consensus of the Board that is correct. Chair Chivers asked the Board if the applicant had met all the requirements in Section 15.04 E. The Board was in agreement the applicant met all the requirements. Chair Chivers asked if there was a motion to grant the Special Exception under Section 15.04 E. J. Easter **motioned** to grant a Special Exception under Section 15.04 E to permit an accessory dwelling over existing garage. I. Byrd **seconded**. **All were in favor**. Chair Chivers told the applicant that they will receive the Notice of Decision by the end of the week.

R. Howe said he felt the 600 sq ft min was not large enough for handicap accessibility. He said for example the bathroom in this accessory is not large enough for a wheel chair and would not meet the handicap requirements. He said it is reasonable to think that a handicap person could be in one of these accessory apartments. R. Howe said perhaps this could be revisited and could become an exception to the special exception for perhaps another 100 sq ft for a handicap dwelling. J. Easter said maybe even 200 sq ft more. I. Byrd said you couldn’t put that over a garage, than you would have to an elevator. R. Howe said he understands this. Chair Chivers said that is a thought for the Planning Board. R. Howe said 600 sq ft for two adults is not a lot of space. R. Cepeck said they had to get creative as the apartment does not have much space and they tried to save every inch of floor space. He thanked the board for their time.

### **Other Business**

#### **Reappointments: Ron Howe and Ingrid Byrd**

Chair Chivers said there are two Board members up for reappointment, Ingrid Byrd and Ron Howe. I. Byrd thought her appointment was not up until 2013. I. Byrd and R. Howe both expressed they wanted to be reappointed. Chair Chivers asked the secretary to send a memo to the Board of Selectmen advising that there are two vacancies that are going to occur and asked them to reappoint I. Byrd and R. Howe. They were both asked to send a letter or email of interest.

#### **Discussion regarding ZBA By-laws and any proposed changes**

Chair Chivers said since it is the beginning of the year, the Board should take a look at the By-Laws to see if there are any changes that may be needed. I. Byrd said she could not think of anything. J. Szot said she did not have anything. Chair Chivers said last year the authority to charge applicants for any additional studies was added to the By-Laws which is similar to what the Planning Board has in place. I. Byrd said last year asked they approached the Planning Board to do something about language for permitting or eliminating certain requirements for home offices and to revisit signage. Chair Chivers said they did address signs. I. Byrd said S. James on the Planning Board was going to look at time submissions deadlines for the Planning Board but she said the ZBA doesn’t tend to run into that. J. Szot said it is good to be proactive.

The next scheduled Zoning Board of Adjustment meeting is March 27, 2012.

F. Albert **motioned** to adjourn at 7:30 pm. J. Easter seconded. **All were in favor**.

Respectfully submitted,  
Sharon Robichaud  
Recording Secretary