

CANDIA ZONING BOARD OF ADJUSTMENT
Minutes of May 28, 2013
APPROVED

Place: Town Hall; Meeting room

Call to Order: 7:00 pm

Members Present: Boyd Chivers, Chairman; Ron Howe; Ingrid Byrd; Bob Petrin, Alt

Members Absent: Judith Szot; John Easter; Amanda Soares, Alt

Pledge of Allegiance

Chair Chivers asked B. Petrin to sit for J. Szot.

Approval of Minutes

Members Sitting for Approval of Minutes: Boyd Chivers; Ron Howe; Bob Petrin; Ingrid Byrd

MOTION: made a motion by I. Byrd, seconded by B. Petrin, to approve the minutes of November 27, 2012 as amended. The motion carried with a vote of 4-0-0.

Case 13-594 Applicant: Jesse Remington High School, 15 Stevens Lane, Candia NH 03034; Owner: Candia Congregational Church 183 High Street, Candia NH 03034; Property Location: 15 Stevens Lane; Map 405 Lot 009; for a variance under Section 6.02: Table of Dimensional Requirements: to permit the construction of a farmer's porch within the front setback in a residential zone.

Members Sitting for this Hearing: Boyd Chivers, Ron Howe; Bob Petrin; Ingrid Byrd

Applicant/Agents Present: Jim Philbrick and Jeff Philbrick, Jesse Remington High School, 15 Stevens Lane, Candia NH 03034

Lieutenant

Abutters/Public Present:

Kathryn Carlson 12 Stevens Lane, Candia NH 03034

Chair Chivers said before the applicant states he asked to have a memo from the Building Inspector read into record,

"To the members of the ZBA:

In regard to the farmers porch addition for the Jesse Remington School, I have gone over this with the Philbricks and although the proposed addition will be two feet beyond our local ordinance requiring a 50 foot setback I believe that the location of 15 Stevens Lane plays a big part in our decision. Stevens Lane has very little vehicular traffic. In fact the kids play basketball in the street at lunchtime and encounter zero traffic. The proposed addition will be 48 feet from the edge of the pavement and that still provides adequate safety that I am sure was the intent of this particular ordinance.

The applicants have addressed the 5 point reference list and cover the requirements adequately.

I have seen the drawings of the proposed addition and as all the projects done by them it is very aesthetically pleasing and structurally sound to say the least. The school has a timber framing class that shows incredible craftsmanship and never fails to impress me.

I would very much like to see this approved for the school, it will add so much architecturally to the appearance of the building without going against the intent of the ordinance. Thank you. David R. Murray Building Inspector Town of Candia.”

Chair Chivers asked Jeff Philbrick to present his case. He commended him on the level of detail he has provided to the Board. J. Philbrick showed the Board a rendering of the 10’ farmer’s porch. Chair Chivers asked what encroaches on the setback the stairs out front or the porch itself. J. Philbrick said the structure of the porch would be encroaching 2 feet. Chair Chivers said you want to include the calculation of the stairs as well as that is considered a structure within the 50 foot setback. J. Philbrick said the stairs would be approximately 5 feet as they have not yet projected the height of the porch. He said there would be a need for walk ability on the sides as well. R. Howe asked if there is handicap access and J. Philbrick said the handicap access is on the other side at ground level.

J. Philbrick said he wanted to go over the 5 points from the ZBA application:

“1. The values of the surrounding properties are not diminished.” He said they believe adding this porch will enhance the value and look of the property, as well as those around them. He also said they plan to build something that will be aesthetically appealing and functional and create a look that complements the existing buildings.

“2. The Variance will benefit the public interest.” J. Philbrick said it is the REC (Remington Education Center) main building and three times per day it gets congested and busy including times of drop off and or pick up. He said this is where lockers are accessed, offices, bathrooms, friends meet, kitchen services, etc. He said this is also an arrival place for staff members, volunteers, parents, visitors, vendors etc. and this porch will create a place of entrance, gathering and waiting during these busy times to create a space to stand, enter, wait, meet He also said this will help keep everyone covered during inclement water and help reduce the mess that comes into the building. He said it would also be an additional sitting/eating/resting/meeting place for groups of students in the warm months and during the Lights on the Hill Christmas Celebration which is a community event will provide a broader, more comprehensive and ease of access to the building which will have better lighting for access and safety as it is often a snowy rainy wet weekend. He said this will make the event more successful as guests can enter/exit between exhibits and a place for outdoor staff members to get out of the rain/snow and for guest waiting for the shuttle bus. J. Philbrick said they can also use the porch for their Wilderness Camp Summer Program for younger children as a meeting/registration place and or headquarters/office for the camp

3. “Denial of the variance would limit the benefits as stated” J. Philbrick said they feel they have made effective use of our campus buildings for our student body of 50, however, as mentioned, there are congested and crowded times and even though it is just a famers porch it will make their day go a lot easier and meet their needs.

4. “Substantial Justice is done” J. Philbrick said a 10’ porch is big enough to really make a positive impact in the everyday lives of their students, parents, faculty, guest etc. Many people, over time, will benefit from this modest addition to the campus. He said a 10’ porch (as opposed to 8’) is what is needed in order for them to meet their needs as a place of entrance, gathering and waiting; increased efficiency and safety and as mentioned before enhance property value.

5. The spirit of the ordinance is observed. J. Philbrick said they feel it has meet the spirit of the ordinance and as it is a modest relaxation of the 50’ requirement and continued Stevens Lane is quiet, street traveled primarily by JRHS and the 4 residents. He said the 10’ porch will not add to roadside problems, and if anything, will increase the safety and well-being of the students, by enhancing the functional of the facility.

J. Philbrick said they submitted two drawings, one a top view showing 58' from edge of pavement to the building and other drawing shows the existing building on the entire parcel. Chair Chivers asked the Board if they had any questions for the Applicant.

R. Howe didn't have any questions for the applicant and said determining where to measure from is a constant issue which he said was brought up recently at the ZRRC meeting that followed the Planning Board meeting on May 15th. He said somebody needs to be able to solve this issue on where do you measure from. Chair Chivers said fortunately we have the Building Inspector here tonight. R. Howe said at the ZRRC meeting they both sat there with the same issue saying there is no good way to determine. D. Murray said roads change over the years. R. Howe said the problem is they have straightened roads out so many times and often do not know the width of the right of way to begin with. D. Lewis said roads can be moved to the edge of the right of way on one side or the other.

Chair Chivers said with the absence of dealing with the issue of where the right of way is and where it will be in the future the Board needs to deal with the issue tonight and assume where the right of way is from the plans. I. Byrd said that is the only fair thing to do. R. Howe said the edge of the road is not the right of way as the right of way is usually wider than the road. D. Murray said they have been going off the edge of the pavement. I. Byrd said every time the road is paved it can get wider or shrink. Chair Chivers said these plans clearly show the edge of the road and history has been to measure from the edge of the road and in the absence of a policy and a firm determination said they should accept what is in front of them. He suggested having the Road Agent come to the ZBA some night to explain this. R. Howe said that was brought up at the May 15th ZRRC meeting and D. Lewis indicated it is very expensive to actually determine where the right of way as it involves research of deeds which he has done on some roads. I. Byrd said then you some roads where you have the stone walls and the stone walls are boundaries. R. Howe said if you know a road is a 3 rod road (49.5') and you have stone walls on each side you can comfortably know where the right of way is.

Chair Chivers said does the ordinance say 50' from the pavement? It reads 50' from the front lot lien on the table and under another section 75' from the centerline of road from roads with less than 50' of right of way but they do not know the right of way. J. Philbrick said it is 20' road. He said since they do not know what the right of way is; they will have to decide this case with what is in front of them tonight. R. Howe said it is an issue that needs to be dealt with.

Chair Chivers asked if there were any abutters who had any questions. Kathryn Carlson 12 Stevens Lane said she is their neighbor and has no problem with their request and supports it.

Chair Chivers said hearing no further questions closed the Public Hearing.

Chair Chivers said the applicant has to satisfy 5 criteria to be granted a variance. He read the first criteria under Section 14.02, "*1. No diminution in the value of surround properties would be suffered.*" He asked what the Board found. All of the members agreed there would be no diminution in the value of surrounding properties. "*2. Granting the variance would a benefit to the public interest.*" All Board members were in agreement. "*3. Denial of the variance would result in unnecessary hardship to the owner arising out of special conditions affecting the land and or buildings distinguish the property from other similarly restricted property in the area.*" All Board members were in agreement. "*4. The variance would result in substantial justice.*" All Board members were in agreement. "*5. The use will not be contrary to the spirit of the ordinance.*" All Board members were in agreement.

Chair Chivers asked to word the variance not just for the two feet of the porch but also for the 5 feet for the steps.

MOTION: I. Byrd made a motion seconded by R. Howe to grant the area variance 6.02 to allow the framers porch and steps 7' within the front setbacks. The motion carried with a unanimous vote of 4-0-0. Chair Chivers thanked the applicant for a well supported and well documented presentation. J. Philbrick thanked the Board.

R. Howe said the letter from the Building Inspector was good at helping the Board decide as he had been out to the site and said it was very helpful. I Byrd said if the BI has issues to state them as well in the letter. D. Murray said he does put issues in his review letters.

Other Business

Elections

MOTION: I. Byrd made a motion, seconded by R. Howe, to nominate Boyd Chivers as Chairman. The motion carried with a vote of 3-0-1. Ron Howe, Ingrid Byrd, and Bob Petrin were in favor. Boyd Chivers abstained.

MOTION: I. Byrd made a motion, seconded by R. Howe, to nominate Judith Szot for Vice Chair. The motion carried with a unanimous vote of 4-0-0.

Chair Chivers said the Board was given a handout from Dick Snow, BOS concerning the Lamprey River (LRPC) who said they are looking for input of from the town mainly the Planning board but other Boards as well. He asked them to review and send comments or recommendations to next month's meeting and then as a Board discuss them and send them to the Planning Board.

AT & T Special Exception Expiration

R. Howe asked if the Board was aware that the AT & T's Special Exception for the cell tower has expired as well has the Major Site Plan. He said after everything they went through they let the special exception expire.

Adjournment

MOTION: I. Byrd made a motion, seconded by B. Petrin, to adjourn. The motion carried with a unanimous vote of 4-0-0. The meeting adjourned at approximately 7:30 pm.

Respectfully submitted,
Sharon Robichaud
Recording Secretary