

**CANDIA ZONING BOARD OF ADJUSTMENT**  
**Minutes of June 25, 2013**  
**APPROVED**

**Place:** Town Hall; Meeting room

**Call to Order:** 7:00 pm

**Members Present:** Boyd Chivers, Chairman; Judith Szot Vice Chair; John Easter; Bob Petrin, Alt

**Members Absent:** Ingrid Byrd; Ron Howe; Amanda Soares, Alt

**Pledge of Allegiance**

Chair Chivers asked Bob Petrin to sit for Ron Howe.

Approval of Minutes

*Members Sitting for Approval of Minutes: Boyd Chivers; John Easter; Bob Petrin; Judith Scot*

**MOTION:** J. Easter made a motion by, seconded by B. Petrin, to approve the minutes of May 28, 2013 as presented. The motion carried with a vote of 2-0-2. Judith Szot & John Easter abstained.

**Case 13-595** Applicant: Troy Corey & Freda Paris 54 Healey Road, Candia NH 03034; Owner: Same; Property Location: 54 Healey Road; Map 405 Lot 125; for a Special Exception under Section 15.04 E: Accessory Dwelling Units: to permit the construction of an Accessory Dwelling Unit in a Residential Zone.

*Members Sitting for this Hearing: Boyd Chivers; J. Szot; J. Easter; B. Petrin*

*Applicant/Agents Present: Troy Corey & Freda Paris 54 Healey Road, Candia NH 03034*

*Abutters/Public Present: Eugene Connor 39 Healey Road*

Chair Chivers told the applicant that they are entitled to be heard in front of a full Board which is 5 members and they are only 4 Board members present. He said it is up to the applicant if they want to proceed. T. Corey and F. Paris asked for clarification and said they would like to proceed.

Chair Chivers said they have a memo dated June 18, 2013 from the Building Inspector indicating the applicant meet the criteria of the code and are going to add detectors which are not required by zoning but by the building code. Chair Chivers quoted, *“the homeowners are very understanding and will make any necessary changes to make the final product safe and within code expectations while meeting state and local ordinances. It is my opinion to grant the proposal. Signed the Building Inspector David R. Murray”* Chair Chivers also said the Building Inspector has been to the site and inspected it and the request seems reasonable.

F. Paris showed and explained on the drawing where the accessory unit would be over the garage and part of the second floor of the house. She said the existing game room over the garage is connected to an existing bathroom that is connected to existing bedroom on the second floor of the main house. She said they would need to add a kitchenette and put a divider wall to separate the bedroom from the main house. She said most is already existing finished space so minimal work will be needed.

Chair Chivers asked if the Board had any questions. F. Paris explained the drawing to J. Szot. Abutter Eugene Conner asked if this would be an addition or would be in existing space and it was explained it is in existing space with the house and would not be seen from the road. There were questions of the unit becoming a rental unit. Chair Chivers said unit could be rented out but the original intent was for family.

Chair Chivers said hearing no more comments closed the public hearing to consider the case. He went over Section 15.04E criteria.

**Section 15.04E. Accessory Dwelling Units**

*Any dwelling in a residential zone may be converted or built to contain one Accessory Dwelling Unit on the following conditions by Special Exception:*

1. *There shall be only one bedroom in the accessory dwelling unit. It was verified one bedroom.*
2. *Adequate sewer and water service shall be provided. One septic system shall serve the entire property. It was verified.*
3. *There shall be a maximum of 600 sq ft of heated living space in the accessory unit. 582 sq ft.*
4. *Onsite parking for one additional vehicle shall be provided. It was confirmed.*
5. *All existing set back ordinances must be met. It was confirmed.*
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. It was confirmed.*
7. *The residential character of the area must be retained. Nothing changes outside.*
8. *Density requirements of Article 15.04C will not apply.*
9. *So long as an accessory dwelling is occupied, either the primary dwelling unit or the accessory dwelling unit shall be occupied by the owner of the property. It was confirmed.*

Chair Chivers said the applicant has to satisfy 5 special exception criteria to be granted a variance. J. Szot read the following:

**Section 15.02 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; The Board agreed there would be no hazard.*
2. *No detriment to the 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. All Board members were in agreement there is no detriment.*
3. *No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. All Board members were in agreement.*
4. *No excessive demand on municipal services including, but not limited to water, sewer, waste disposal, police and fire protection, and schools; All Board members were in agreement.*
5. *No significant increase of storm water runoff onto adjacent property or streets. All Board members were in agreement.*

**MOTION:** J. Easter made a motion seconded by J. Szot to grant the special exception under Section 15.04 E: Accessory Dwelling Units: to permit the construction of an Accessory Dwelling Unit in a Residential Zone. The motion carried with a unanimous vote of 4-0-0. Chair Chivers thanked the applicant for a well supported and well documented presentation and thanked the D. Murray.

**Other Business**

AT & T Special Exception Expiration

D. Orzechowski 55 Halls Mill Road, abutter to the AT & T Tower asked since AR & T's special exception has expired what happens now. Chair Chivers read, "*Section 14.06 Variances and special exceptions shall expire unless used within a period of one (1) year from the date granted. The Board may for good cause shown extend such period by as much as one year*" He said they granted a one year extension which the AT & T let expire and Major Site Plan extension also expired at the same time. He said if they come back to the Board they would have to start all over and have to follow the new ordinances that are in place.

D. Orzechowski said AT & T chose this site because the Master Plan identified the site as having a telecommunication tower when it fact it is a ham radio which is significantly different. J. Szot said she was on the Board when it was granted to allow the ham radio antenna which is significantly different from a telecommunication tower. It was discussed to update the Master Plan through the ZRRC committee at a publicly noticed Planning Board Meeting.

**Adjournment**

MOTION: J. Szot made a motion, seconded by J. Easter, 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