

CANDIA ZONING BOARD OF ADJUSTMENT
Minutes of August 23, 2016
APPROVED

Place: Town Hall; Meeting room

Call to Order: 7:00 pm

Members Present: Bob Petrin, Chairman; Judith Szot, Vice Chair; Ingrid Byrd; Boyd Chivers; Ron Howe; and Dana Buckley, Alt.

Members Absent: None

7:00 pm Pledge of Allegiance

Approval of Minutes June 28, 2016

Members Sitting for Approval of Minutes: B. Petrin, Chair; J. Szot, Vice Chair; B. Chivers; I. Byrd; R. Howe.

MOTION: **Motion** made by I. Byrd to accept the minutes from June 28, 2016 as presented. R. Howe **seconded**. **All were in favor**. The **motion carried** with a vote of **(5-0-0)**.

Request for Rehearing Case 16-612 Applicant: In-Laws Construction LLC 298 Chester Turnpike Candia NH 03034; Owner: same; Property Location: Old Manchester Road; Map 413 Lot 105; for a Variance under Article VI Section 6.02 Intent to build on a nonconforming lot in the Light Industrial District.

Abutters present None

Residents present Richard Snow 127 Depot Road, Cameron Lilley 211 Raymond Road, Christopher and Kimberly Walker 23 Laliberte Lane, Michael Melanson 215 Raymond Road.

Roger Demanche, In-Laws Construction owner, applicant was present. His Attorney, Maria T. Dolder, Esquire from Hebert & Dolder, PLLC was present.

B. Petrin said having read the documents by attorney Dolder, it appears that there is a substantial cause to re-hear. B. Chivers recused himself.

B. Petrin confirmed that B. Chivers would recuse himself from this portion. D. Buckley, Alternate was asked to sit in for B. Chivers.

MOTION: B. Petrin asked for a **motion** to grant the rehearing. J. Szot **motioned** the rehearing. R. Howe **seconded**. B. Petrin, Chair, J. Szot, Vice Chair, I. Byrd, R. Howe, D. Buckley were **All in Favor**. **Rehearing granted. (5-0-0)**. B. Petrin commented that it would be scheduled for the next month and we will review the incident and see if we can't come to a better understanding on it. J. Szot mentioned that it needs to be re-noticed and to contact Andrea about that. R. Demanche "thank you."

B. Petrin asked B. Chivers to return to his seat and thanked D. Buckley, Alt.

Case 16-613 Applicant: Cameron & Gina Lilley 211 Raymond Road Candia NH 03034; Owner: same; Property Location: 211 Raymond Road; Map 409 Lot 135; for a Variances under Article VI Section 6.02 & 2.02B; Intent to build a garage within the side setbacks on a nonconforming lot in the Commercial District.

Abutters Present: Michael and Elise Melanson 215 Raymond Road, Candia, NH 03034.

Cameron Lilley was present.

B. Petrin asked Cameron Lilley to present his case. We are in possession of the letter you sent in.

C. Lilley said he has the letter and the sketch. Prior to purchasing the lot, I wasn't aware that it was a non-conforming lot. I had no intention originally of building a garage and I had no idea that my wife and I would end up having two children and needing the extra space in the house when we initially set out on this journey together to move to Candia. Fortunately we had our first son a few years back and our daughter is one, and the house has started to get a little cramped. We are looking to gain a little space, I don't know how much garage space will help, additional storage or should we choose, to go above that at some point. It would certainly make our lives a little bit easier. We've rooted into the city here, been here since 2009 or 2010. I've done my best to try and up keep the house, make improvements on it, make the town a better place. I fear that if we can't expand that it may be a situation where we need to start looking elsewhere. I know Mike has seen to know the course of the work over the years and the evolution of the property, it would be a hardship for me. I don't think I would get my money back out of the house. It would be a financial hardship for me to have to sell the house and move on. I like the city, like the town. I like being here. We partake in the things going on around town, the fairs, I'd like to see my children start in the schools here shortly. I'm hoping that it will get approved. I don't think that there is any visual downside to it. Mike and Elise are the only abutters that I think that would have any visual site of the actual structure itself. They are to my East side. The folks that live behind me are blocked by a heavy tree buffer. On the other side of the property that's also a heavy tree buffer. I considered putting the garage in a different position on the lot but that also isn't a feasible plan due to the positioning of some of the already existing parts of the house. At the top of my driveway is my well. I can't have a pass through past the well. Potentially I would have to move the well or it would present a problem where there could be oil run off or some kind of contamination of my well water. And then on the other side of the house is my leach field and septic, so I can't branch off of that side of it. So it doesn't grant me any access to the back yard to put a free standing structure. And I can't see it being any better putting it in the center of my front yard. I think aesthetically a detriment to the town rather than an upgrade. Pretty much where I'm at is the most plausible spot to put the garage and hopefully that is something you will consider.

B. Petrin asked C. Lilley; once we cross from the proposed garage and we cross onto the next lot, the Melanson's lot, what is the nature of the habitat there? Is that treed or open right across from where that garage would be?

M. Melanson responded we have probably a 10 foot strip of trees between the two yards. C. Lilley said then it's my back lawn. M. Melanson said it's open. B. Petrin asked M. Melanson if there was any objection to that 10 foot setback on your part. M. Melanson responded no. My only concern was drainage and we've already discussed that. B. Petrin commented run of from roofs and so on. M. Melanson responded right. It shouldn't be much of a problem we already have a culvert on that side of my property dug in my yard that brings it down to the drain. So he's already talked about putting in drainage along his driveway too to handle the drainage issues so we should be fine. C. Lilley said if there was anything that is needed, I would certainly be willing to do that. If I have to run drainage down the east side of the driveway, I have no problem with that.

B. Petrin any questions or discussion from the board? J. Szot asked I'm looking at the attachment here. What is this open area across the street from you. C. Lilley replied that the properties are on Raymond Road, we both have residential but I think they are actually zoned commercial. M. Melanson stated residential-commercial lots. C. Lilley said that across the street at one point it was an auto garage, that was sold and it was turned into J & S Landscaping. J. Szot oh okay, I just wanted to know where you were. I. Byrd asked if that white square was J & S? C. Lilley yes, honestly I thought with the commercial being there. I mean I can't, it could be a car lot I was putting in or something like that but hopefully...J. Szot responded that other thing when I was looking at your map the dot for 211 Raymond Road is the house that is on the road but your house is actually in the back here that's exposed, is that correct? M. Melanson responded 215 is on the road. J. Szot, the arrow for 211 is right in front of your house, I figured

the way you had it drawn that this was your lot. C. Lilley they were actually joined and subdivided back in the 50's. J. Szot said pre-zoning. R. Howe asked C. Lilley what's the actual distance between the building and the lot line. Is it 10 feet? C. Lilley distance between my existing structure and the actual lot line is 41 feet. R. Howe said not the existing structure the proposed new structure. C. Lilley replied that it would be right around 10 or 11 feet, give or take. R. Howe expressed concern that you literally don't have a way to get behind your house with a vehicle or fire protection, some of those kinds of things. I'd be a little bit concerned about but then the question is at that lot line, you said there are trees at the lot line, so you really aren't going to access the back of your house in any way. C. Lilley said that there is the other side but I wouldn't want to drive over it. R. Howe responded that means driving over a leach field and a septic tank. C. Lilley said you would be driving over a well on the other side. So they really wouldn't be able to drive over the top of that anyway. The well actually sits directly behind the end of the existing driveway right now. It wouldn't change the access. I have a fence up there. They would literally have to knock the fence down and drive over the top of my well to have any kind of additional access as it stands right now. I don't think it would change a whole lot. I know that in a scenario where it was an emergency responder's situation, by all means, if you have to drive over the top of my leach field to save my house. B. Chivers said he would still have 10 feet too to get through. J. Szot asked if the travel lane on a highway, isn't it 10 ft wide? B. Chivers said the trucks are about 8 feet wide. J. Szot travel lanes of highway are 10 feet? B. Chivers said either 10 or 11 feet. J. Szot said he said well is right in front, there are not going to get in there. Fire trucks aren't going in there. R. Howe said I hate creating a situation where you literally can't get to the back of your property in any way. M. Melanson said we currently use his driveway to venture into our backyard. Our driveway ends at a stone wall that used to be a barn there. There's no way to get into the back yard. C. Lilley said we already kind of share that. M. Melanson said that whenever I do need to get into the woods behind my house or my backyard, I use his driveway to get around my home to get in past my septic to get into my yard. I drive directly around mine.

J. Szot asked C. Lilley if he was going to have a living space above that garage because you talked about expanding for your family and things. C. Lilley replied a couple of things. We had thought about doing a living space up there, I haven't actually determined whether I want to go with that or not. I would like to have the option to expand to that but I think at this point, financially, I'm going to have to start with it being a storage area because the quotes I've been getting blow my hair back. R. Howe asked if this is just a breezeway or something in between the garage and the house, it looks like there's a connection of some sort. C. Lilley responded so the east side of my house where the garage where will be attaching there's actually, that's my kitchen. The way I wanted to do it was to actually attach it. I didn't want to have a detached garage. I want it to look like it was part of the house from the get go. I've seen a ton of people who've added onto properties and frankly a lot of times it looks awful. You can drive up and in two seconds flat you can see that it's a shoddy attempt at an addition. I think what we want to do, I apologize we don't have plans. But it costs, financial wise, for me to get it fully surveyed and have plans it's quite a bit of money, so I wanted to I guess take a barometer of where I'm going to be at with these two variances. I'd like it to be attached. So with the contractor I think I might go with, where there's a window in my kitchen, instead of the window being there, it will turn into a door and it will step onto a platform right into the garage. R. Howe I'm confused on the footprint of the garage there is a dotted line type thing here, either there was something existing. But then this line goes across here. C. Lilley replied that there is a grass section, I don't know why I added that in there. Little stretch of grass right there. M. Melanson said the dotted lines are actually showing where his paved driveway is now. C. Lilley existing driveway and walkway going in, splits off at little porch. Step out right into garage.

B. Petrin asked C. Lilley; and so the front view from the street, we have a 30 foot wide structure going up, proposed. You would have two garage doors on that? C. Lilley said correct. B. Petrin commented two 10 foot doors for example? What I'm driving at is there any flexibility in that 30 foot frontage of the structure. Could it be narrowed down and gone further back to give you more room on the side, more than that 10 foot? Giving you more room on the setback as well. Because you said you don't have plans I didn't know how much flexibility you had in this 30 x 24 structure. C. Lilley said that my actual thought behind going with the 30 was to run it to the edge of the existing driveway. Two things; I

didn't want to have to move the already paved driveway or have it going to nowhere when the structure goes in. I want it to run and make that flush to the edge of the building so it looks proper. Otherwise I have to jackhammer a driveway just to move it three feet. R. Howe said this driveway looks like it gets wider as you go in. Is that deceptive or does it really? C. Lilley replied it does. It opens up and fans out at top. Realistically it's one vehicle wide, maybe 6-8 feet at the bottom. M. Melanson replied that it's narrow at the road because the culvert is there for drainage on one side. C. Lilley then it opens up to fit two, my truck and my wife's SUV in there fit pretty well. R. Howe commented that it's kind of conceivable that you could narrow this down to let's say 27 or 28 feet by 26 feet, which is what you're saying (to B. Petrin), and it gives you a little more room around the building. C. Lilley yes, a couple of feet, I'm not opposed to doing that. J. Szot said it gives you more room to store your stuff, two feet. You think of the stuff you store in your garage, put your two cars in and then. R. Howe said put your two cars in but if you have more room at the end. J. Szot if you bring it over two feet, then the driveway goes two feet on the other side that's why he chose it go to the end of his driveway. I. Byrd I have a question on the second page, list of improvements. Are any of those improvements that still have to be made? C. Lilley replied no, those are already complete. That's what I was getting at. The only reason I added that list on there, I wanted you to know that we've put, a lot of the things that have been done, have been done by myself. I have a lot of sweat equity and a lot of tears put into that house. My wife and I were married in the house, both of our children were brought back to the house, raised in the house. For me it's more than just a house. I don't want to just sell it off and uproot. The road is a little fast for what I'd like to have my children on but I'm attached to the house. We're rooted into the house. Financially, after the improvements I have in the house, I'm not going to get a dollar for dollar return on that.

B. Petrin **moved** to close it and asked Vice Chair, J. Szot to read the variance criteria;

"1. *The Variance will not be contrary to the public interest;*" B. Petrin, R. Howe, B. Chivers, I. Byrd agree. J. Szot said I agree because I think it will bring value to the town and it will reward them. It will provide space that his family needs. **All were in agreement (5-0-0).**

"2. *The spirit of the ordinance is observed;*" B. Petrin, R. Howe, B. Chivers, I. Byrd, J. Szot all agreed. B. Chivers reiterated that the applicant has made every effort to comply with the setbacks. This lot predates zoning. It's unfortunate that Johnny B put his house where he did, 30, 50 or 100 years ago. This gentleman has a right to the use of that property. Construction of the garage is a reasonable use and I think that it's appropriate. I. Byrd commented considering what he's working with, he's done a good job. B. Petrin I agree, J. Szot I agree, Boyd's points are very well taken. **All were in agreement. (5-0-0).**

"3. *Substantial justice is done;*" B. Chivers said he thinks it would be a substantial injustice to deny this variance. Substantial justice will be done by granting it. I. Byrd agreed. B. Petrin agreed. J. Szot stated I agree, I think it allows him to improve his property. His neighbors don't object. He is close to his neighbor there, they are working together to resolve problems that they have between them. R. Howe agreed. **All were in agreement. (5-0-0).**

"4. *The values of surrounding properties are not diminished;* **All were in agreement. (5-0-0).**

"5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship*". Vice Chairman Szot said if we literally enforced them it would result in a hardship. Because this lot pre-dates zoning and I think it's in an area where the houses are closer together and we have to make accommodations because of the fact that it is a pre-existing, non-conforming lot. **All were in agreement. (5-0-0).**

MOTION: B. Chivers addressed Chair, B. Petrin, Mr. Chairman the applicants met all five criteria for the granting of a variance, may I make a **motion. Motion to grant the variance** and allow the applicant to build his two car garage within the side lot setbacks. J. Szot **seconded. All in favor. (5-0-0). Motion carries. Variance will be granted.** B. Petrin addressed C. Lilley and said he would receive notice of decision and good luck with the project. Thanks for your time.

Case 16-614 Applicant: Christopher & Kimberly Walker 23 Laliberte Lane Candia NH 03034; Owner: same; Property Location: 23 Laliberte Lane, Candia NH 03034; Map 414 Lot 021; For a Area Variance under Article VI Section 6.02; Intent to build a mud room addition within the front setbacks within the Residential District.

Abutters present None

Residents present Richard Snow 127 Depot Road, Candia, NH 03034

Christopher & Kimberly Walker 23 Laliberte Lane were present.

B. Petrin asked if any abutters were present and K. Walker said we brought a letter from our abutter friends. Our neighbors are all in support of this and they feel it would be a wonderful addition to the neighborhood and would increase the values. So those are the three abutters, Rick Muse, Tim Brennan and Adam Lufbery. Those are the three abutters that are in front of us, behind us and beside us. She showed photos of her house from her laptop. That's the house, that's what we initially, remember a couple of months ago we were looking for a garage, we live on 23 Laliberte Lane, second house on the right. So as you can imagine, before we had hoped to have a breezeway with a garage but we were within both setbacks, the neighbor behind us and the road. So we decided instead of going with a garage, we would just do a mudroom. I don't know if her copy came out in color print. She passed out more plans. No longer going to go into the Lufbery setback, we kept it within the 25 feet so we didn't need a variance from them. We're hoping to put an 18 x 18 mud room on. It looked pretty similar to this side of the house, just a little bit smaller. We have a growing family, a 15 and a 12 year old. We've got everything you can image, backpacks, shoes, hockey, lacrosse, soccer balls in our dining room. We're not going to get the garage we hoped for but decided this is a great opportunity for us. Nice closet in there.

C. Walker stated that this 18 x 18 gives us a little expansion in our kitchen because it is very small, our kitchen in that house. It gives us some expansion in the kitchen, a very good size storage room, closet. But it also gives us that room to put your shoes, coats.

B. Chivers commented that what I appreciate about this is this is a fair compromise from the original concept you came in with a month ago. This is a nice way to accommodate. I sincerely respect that. You heard what this Board said a month ago, you came back with a slightly different plan. It accommodates some of your concerns and addresses some of our concerns and I think that's a fair way of doing it. That's my input.

B. Petrin said that is huge and the fact that originally when you were here for an informational format, we were talking about 20 foot front setback, in some case a car's length. K. Walker said that now we are 14 feet in and nothing on the side. All of our abutters signed.

C. Walker said the decision was...yeah, we'd really like to have a garage but it's not enough for us to come in here and battle about it. Then again, the financial decision too. This is a lot less expensive and where we have kids that are going to college here soon.

B. Petrin commented that you are gaining actual living space. K. Walker replied yes, we get more out of this.

B. Chivers said architecturally you're going to balance the house. Rather than putting a bigger addition on one side of it, it's going to be eventually balanced.

K. Walker said I actually snapped a photo of my neighbor's home, they have a very similar addition to what we are looking to put on, same style house. K. Walker showed a photo on her laptop of neighbor's home. So this is Adam and Sheila, the folks that are behind us. They put that little mud room on the side of their home. That's what we are looking to do. The folks that are right behind us. We hope that you'll see the value to the town, value to neighbors, property values, and the Town, we've been here since 99', we love Candia.

J. Szot asked is this going to be open into your kitchen? C. Walker said yes. Right now there's a side door and when she's in the oven she's got her foot against the door so nobody's coming in the house. No closet space on that whole first floor. One little hall pantry closet and that's it.

B. Petri asked if a slab is intended. C. Walker a slab yes, or put in a footing with a foundation. B. Chivers said yes put a basement under it. I have a sump pump. But you know, whatever they would put in a footing in a 3 ft. concrete wall, however deep it will go. I. Byrd asked who's doing the work for you? C. Walker said not sure yet. We wanted to put the feelers out. We wanted to make sure we had this before. K. Walker said one of them said wait til you go to your meeting and then call us. B. Chivers asked if they brought a statement from your abutters? K. Walker, yes I'll read what it says. "*Neighbor Support, 18 x 18*

mudroom/home addition for Kim and Chris Walker, 23 Laliberte Lane, Candia. My signature below is to confirm for the Candia Zoning Board that I am in support of this proposed home addition (including the needed variance) for our neighbors Kim and Chris Walker.” Signed Tim Brennan, Adam Lufbery and Rick Muse. B. Chivers asked if these are all three of your abutters. K. Walker said these are the folks that are in front of us, beside us and behind us. The folks that were on Palmer Road, they just bought that house. B. Chivers confirmed these people are abutters? K. Walker, yes. B. Petrin asked you actually about Kinnicum? C. Walker yes, way in the back of our property.

R. Howe I have a question for Dave. Carports. Do you have to have a permit for a carport? D. Murray replied if its' over 120 sq. ft you do, yes. Setbacks are 25 feet side and rear. R. Howe asking about if some way to put just a carport in this space.

J. Szot the tragedy in this is that you have so much frontage and I don't understand why they stuffed the house. C. Walker we have 3 acres and off in the woods, we have some wetland, leach field right up front. It's crazy, the guy in front of us, his house is turned sideways, it's all southern exposure but it's really kind of funny the way they positioned.

J. Szot the problem is that when you do that, you really restrict any kind of building, any kind of additions, you love your house, you love where you live. I need more room, I want to do this and suddenly you're in the whole thing with a variance because they put it right up against your side setbacks and you've got no place to go. C. Walker said we were always going to have an issue to have to get a variance for whatever we did.

B. Petrin one last question regarding the map. Where would the well and septic be? K. Walker the well is back here behind, this is a doghouse coming out of the basement, and the septic is up front. I did bring the septic design if you need to see it. B. Petrin said it's nowhere near where you're building? K. Walker, no. B. Petrin no further questions. Asked Vice Chair, J. Szot to help with the requirements.

J. Szot to read the variance criteria;

“1. The Variance will not be contrary to the public interest;” B. Petrin, R. Howe, B. Chivers, I. Byrd agree. J. Szot said it helps to provide the family with space but hat it also aesthetically increases the look of the house. **All were in agreement (5-0-0).**

“2. The spirit of the ordinance is observed;” B. Petrin, R. Howe, B. Chivers, I. Byrd, J. Szot I agree. I think it's our job to try to help people accommodate what they want to do on their property. This is a situation where unfortunately this house was put on this lot in a way that precluded any kind of changes or any kind of additions to the house, so I think that it's our job to help them make it better. R. Howe agreed. B. Chivers agreed. All were in agreement. (5-0-0).

“3. Substantial justice is done;” **All were in agreement. (5-0-0).**

“4. The values of surrounding properties are not diminished;” B. Chivers said none of the abutters object to this. You can hardly diminish the value of the property by making the house look better. So I agree with that. **All were in agreement. (5-0-0).**

“5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship”. Vice Chairman Szot said I agree because what I said before, the way that this originally was placed on this property just precludes anything being done because of where the septic is and it's so close to the side boundary that there's no way that they can do anything without a variance. **All were in agreement. (5-0-0).**

MOTION:

B. Chivers stated Mr. Chairman the applicant's met all five variance criteria is it appropriate to make a **motion**? B. Petrin replied it is appropriate. B. Chivers **motioned** to approve as submitted. J. Szot **seconded**. **All were in favor. (5-0-0).** B. Chivers reiterated that this was a nice compromise and this was really easy to understand. This was really well done. K. Walker responded that it was Roscoe Blaisdell, surveyor, who did it for us.

B. Petrin stated; you will get a written notice of decision and we appreciate your forthcoming with this, such an agreeable plan. Congratulations on that and good luck with the project. Thank you.

Other Business

B. Petrin asked D. Buckley to please join the board. B. Petrin asked if there was any other business.

J. Szot mentioned getting a new copy of this, (*regarding New Hampshire Office of Energy and Planning 2015 booklets*), this is a handbook for the Zoning Board of Adjustment. It goes through variance criteria, what it means, how you deal with it. Also talks about rehearings and how we go about doing that. I think that some of this will be different. I think we need to look at it because we may have to revise that check off sheet because there are three sections now for hardship. It has to meet this, this and this. 2015 version.

B. Petrin said I think it's appropriate to get it. One for every member and some extras.

B. Chivers addressed Mr. Chairman and asked if he could bring the board up to date on what our Zoning Review Committee is working on. The Planning Board has a little sub-committee that reviews any potential changes in the zoning ordinance and one project that I volunteered for was to re-write the ordinance that regulates in-law apartments in Candia. So that it conforms with the State Law that takes effect in June of 2017. I don't know if you folks are aware of it SB146 was passed, signed into law, which requires all towns to permit accessory use dwellings in the residential district. It removes some of the limitations that Candia has in its ordinance. Our ordinance now is limited to 600 square feet, a one bedroom, it can be an attached dwelling or detached dwelling and it has to be by special exception upon application to this board. In June of next year, that all changes. We can't have a limitation on the size. We can't prescribe a size fewer than 750 square feet. We can't prescribe the number of bedrooms. And we can't require that it be occupied by a relative of the owner of the house. What this does, it makes almost every building in the residential district, a duplex. I. Byrd said or a rental unit.

J. Szot commented that it basically cuts down the required zoning, instead of having 3 acres, now you have an acre and a half per unit. B. Chivers stated that you cannot increase the 3 acres, you can't require more than 3 acres for one of these buildings. That was the other thing in there. It's law. Right now, my proposed graph submitted to each member here, 750 square feet just to conform with the minimum requirements of the law. We can put a maximum on it. In-law apartment can't exceed 1,500 square feet but you can't put a minimum less than 750 square feet. I. Byrd suggested put 750 and 1,000. B. Chivers replied yes you could do that Ingrid. I mean the idea here is to not turn this whole town into a bunch of duplexes. B. Petrin said municipal dwellings, it can't be more than two is that what you're saying? B. Chivers said that's right. J. Szot said but basically what it does it makes every house a duplex on whatever your lot is. So when you've got that committee that's working that wants to get down to one acre zoning, now you could conceivably have two units on one acre. How do get a septic system? You can't control the number of bedrooms so you could conceivably have to put in a five bedroom septic system and have a well on a once acre lot in a town that has 60 some percent our wells have limited recharge and 68% of our land has very limited drainage for septic. So how do you allow something like that?

A lengthy discussion ensued regarding accessory dwelling units, setbacks, septic requirements, maximum sizes and attached vs. detached. The consensus was it needs to be attached.

D. Murray, building inspector commented that the setback situation that is in writing, we have that already. The septic system has to accommodate the number of bedrooms, that's in writing now. B. Chivers noted that another thing to put in the ordinance is that parking has to be beyond the 50 foot setback. It can't be in the setback.

More discussion ensued regarding the number of proposed parking spaces. D. Murray said he'd also like to add, before anybody panics, that the way that article is written is very poor. The state article is poorly written. My interpretation after reading it is that if we already have an ordinance in place for this, we don't have to follow that state rule. J. Szot commented I think we can be more restrictive than the state. We can't be less but we can be more. D. Murray said he thinks that may only apply in certain areas.

There was more discussion on size of dwellings, septic and wells, number of bedrooms, and heating units.

B. Chivers stated that this ordinance is just being proposed and we haven't adopted it yet, haven't recommended to the Planning Board, it's something in the draft stage, but we have to comply with the law. So it's going to be on the warrant this year.

J. Szot asked about holding public hearings on it, noticing requirements and that we don't want to be doing this between Thanksgiving and Christmas. We can't propose it too early either. I think there is some restriction that says it can't be more than a certain number of days before your town meeting. There's a time period. We need to find out what that is. Chris Dupree could tell you.

Discussion continued regarding state regulations and enabling legislation, voting, and changes in ordinances. B. Chivers said in reference to the new law that this isn't a specific question about the town of Candia, this is a general question everyone is going to have.

J. Szot said the kinds of questions we need to ask are how do we go about doing it, what are our limitations, do we have any limitations as far as what we can state for the upward size. B. Chivers said he would look into it more.

B. Petrin thanked Boyd for shining the light on that. I. Byrd asked about the Master Plan. B. Chivers said Master Plan is perking along. I don't know of anything that's going to result from it. B. Petrin formerly welcomed Andrea Bickum, Land Use Secretary, thanked D. Buckley for filling in and thanked D. Murray.

MOTION:

B. Petrin asked if there was a **motion** to adjourn. **Motion** by B. Chivers to adjourn. R. Howe **seconded**. The **motion carried** with a unanimous vote of **(5-0-0)**. The meeting adjourned at approximately 8:03 pm.

Respectfully submitted from recording,
Andrea Bickum
Recording Secretary