

**CANDIA ZONING BOARD OF ADJUSTMENT
MEETING MINUTES OF
April 22nd, 2025
APPROVED MINUTES**

ZBA Members Present: Judith Szot, Chair; Boyd Chivers, Vice-Chair; Ron Howe; Bill Keena; Tony Steinmetz (On Zoom)

ZBA Members Absent:
Gale Pellegrino, Alt., Excused

*Judith Szot, Chair called the ZBA meeting to order at 6:32PM, followed immediately by the Pledge of Allegiance

New Business: Case #25-004:

- **Applicant/Owner:** London Bridge South, Inc., 273 Currier Rd., Candia, NH 03034 & Diamond Cove Holdings, LLC, 15 Point Rocks Terrace, Stratham, NH 03885
Property Location: 430, 466, & 476 High St., Candia, NH 03034; Map 405 Lots 28, 29, & 30. **Intent:** *Seeking a variance to waive terms as stated in Article V Section 5.06: Conditional Use Permit Standards to permit an elderly housing development with relief from sections 5.06.14, 5.06.18, & 5.06.20.*

The Chair explains the meeting procedure: the applicant would present their information, followed by board questions. Then, public comment would be opened, first for those in favor of the application, then those opposed, both in person and via Zoom. After all testimony, the public hearing would close, the board would deliberate on the five variance criteria, and a decision would be issued that evening.

Chad Brannon, a civil engineer of Fieldstone Land Consultants, introduces himself and states he represents London Bridge South, Incorporated and Diamond Cove Holdings, LLC regarding variance applications for an elderly housing development, named Farms of Candia. Situated on approximately 166 acres of land, the project aims to provide much-needed housing while preserving the rural character of the area. The project proposes 51 units, with density calculations indicating 52 units. This is a concept, and the final number of units could vary depending on project progression, layout adjustments, and comments received, but it would not exceed 52 units. A key feature is the dedication of roughly 70% (116 acres) of the land to protected contiguous open space, maintaining natural features and an agricultural dimension to respect existing pastures and woodlands. The development will include site amenities designed to complement the rural setting. Brannon notes that he and Mr. Logan have worked on the project for several years, carefully considering the best development approach for the property. He

highlights the thoughtful consideration given to the development, emphasizing its sensitivity to the surroundings and respect for land features. He introduces the "Farms of Candia" narrative, submitted with the application, as reflective of the project's vision. The name is derived from the historical uses of the three properties involved: the Stewart Goat Farm, the Bowman Tree Farm, and the Holmes Flower Garden. Brannon mentions the historical significance of each farm, acknowledging their past functions and their contribution to the project's name. Building preservation is a significant aspect, involving the renovation and reuse of existing structures to maintain the historical and rural character of the project. The plan involves repurposing 438 High Street (Bowman House) and its barn into homes, preserving the New England architectural style. 466 High Street (Holmes House) will be converted into a clubhouse for the development. The goal is to maintain the aesthetic of the existing properties, reusing and repurposing them as amenities for the proposed 55+ development. This is considered a unique selling point, supported by market research suggesting strong buyer appeal.

The discussion then shifts to conservation efforts, focusing on preserving the mature woods and scenic areas behind the development. Brannon notes the initial consideration of building a road into this higher land area but explains that Mr. Logan's plan instead prioritizes the conservation of this beautiful, undeveloped land with existing trails, rather than extending the development into it. The plan prioritizes preserving the natural features of the property, including woodland areas to the north, existing trails, pastures, Bowman Forest, and as many stone walls as possible. Cattle ways will be utilized as trail conduits to access the open space area. Unlike typical developments that cluster homes near roads, this project respects the existing landscape, resulting in a layout that avoids placing homes directly on roadways. Multiple concept plans have been generated to achieve a visually appealing and environmentally conscious layout.

Chad Brannon describes the proposed roadway design, emphasizing its consideration for existing features like wetlands and buffers. The plan includes a primary horseshoe-shaped road looping from High Street, incorporating an upgraded fire pond. The road's design aims to follow the topography, minimizing visual impact from High Street by positioning homes beyond the crest of a hill. One dead-end cul-de-sac road will utilize the pasture land for home settings, and an interior road connecting to the clubhouse and existing High Street driveway will be gated due to limited sight distance, clarifying that it serves as an emergency access route.

Mr. Brannon then moves on to describe the specific variances he and his client, James Logan, are requesting. The first is to allow a 2-story option for residents, the second is to allow for narrower roads to maintain a rural setting and encourage slower driving speeds, and the third is to omit formal street lighting throughout the development as it is a rural area with private, low-speed roads, deeming it not a safety requirement. B. Keena and R. Howard express concerns regarding safety with a lack of lighting at community buildings and main intersections, to which Mr. Brannon replies that motion lights for the community center could be considered. Mr. Brannon provided thorough arguments for each variance request, fully addressing each criterion for the three requests.

The Chair then asks for public comment. Don Seward, an abutter at 445 Baker Road, inquires about the plans for an old logging road, which is a 90ft right of way. The plan is to keep it the same to allow for pedestrian walking and add to the walking trails which already exist. Kathleen

Tierny, of 178 New Boston Road, praises James Logan and Chad Brannon for their well-presented plans and expresses concerns about the material used for the curbing, stating that the proposed bituminous asphalt would need repair over time which could be expensive for the residents. Mr. Brannon responds by stating the installation of granite curbs could actually be more expensive than the maintenance of bituminous asphalt and the condominium association would already have funds dedicated toward maintenance which would be used if and when the time comes. Dean Young, of 334 Deerfield Road, states his support for no formal lighting and encourages the board to grant the variance.

Judith Szot closed the public hearing at 7:58pm

The Chair announces that the board will review the three variance requests individually, using five established criteria for each.

Variance from Article V Section 5.06.14: Regarding the maximum building height in an elderly housing project:

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?

Two-story residences are affordable and energy efficient, they will not alter the neighborhood, and all units will be ADA adaptable.

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 project meets all other restrictions, and the units will not alter the neighborhood.

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.

Allowing two-story housing results in a variety in designs, making them more marketable. There is no public gain in requiring one story.

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.

Two-story buildings will have no impact on surrounding properties, instead the design will enhance other properties.

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.

Literal enforcement will result in a financial hardship. It is more costly to build out than up. The construction of two-story structures is reasonable.

B. Chivers: **Motion** to grant variance. R. Howe: **Second**. All in Favor. **Motion passed**.

Variance from Article V Section 5.06.18: Regarding the roads, access drives, parking lots and walkways:

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 applicants stated a desire to maintain rural character. The road will be owned and maintained by the residents of the community. The roadway will support the use of emergency vehicles (letter provided by Candia Fire Chief).

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 design traffic will allow for emergency vehicles and flow of traffic with less disturbance to the land. The proposal is for elderly housing and anticipates less traffic.

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.

The smaller cul-de-sac will allow for sensible road configurations while meeting emergency vehicle needs. Requiring wider roads and cul-de-sacs will require greater land disturbance and maintenance costs.

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.

There was no evidence presented that the value of surrounding properties will be diminished.

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.

The proposed designs will handle normal traffic, delivery, and service vehicles. The Planning Board and State of NH will have to approve all changes to the road requirements. The board feels there is sufficient oversight to ensure that the roads constructed are safe for

the residents of the community and that it would impose a hardship to require literal enforcement of the ordinance.

B. Chivers: **Motion** to grant variance. R. Howe: **Second**. All in Favor. **Motion passed**.

Variance from Article V Section 5.06.20: Regarding the lighting design:

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?

No other community in Candia has public lighting. In fact, the citizens of Candia have the opportunity to enjoy the night sky.

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.

Removing the requirement for community lighting allows for the spirit of the ordinance to be observed, maintaining the rural character of Candia.

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.

There is no public gain from requiring site lighting. In fact, requiring site lighting would deprive others who wish to observe the night sky.

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.

No evidence was presented where not requiring lighting would diminish property values.

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.

The only reason to require formal lighting is a safety issue. Each house will have its own parking with building-mounted lighting and port lighting as desired. The board did feel it was concerned about safety around the proposed community center and added a provision for motion sensor lighting on the outside of these buildings.

B. Chivers: **Motion** to grant variance with the condition to install a motion sensor light at the community center as a safety precaution. B. Keena: **Second**. All in favor. **Motion passed.**

Other Business:

- Review of Minutes from 2.25.25

The Chair specifies the necessary correction of the minutes to include an important clause that justifies the decision the board reached in the February meeting.

B. Chivers: **Motion** to approve the minutes of February as amended. B. Keena: **Second**. All in favor. **Motion passed.**

- Review of Minutes from 3.25.25

B. Keena: **Motion** to approve the minutes of March as presented. R. Howe: **Second**. All in favor. **Motion passed.**

- Any other matter to come before the Board.

The Chair states there is a scheduling conflict with the date for the next ZBA meeting and proposes the meeting move to May 6th. Both applicants have been contacted, and they are able to attend.

B. Chivers: **Motion** to move the meeting to May 6th. R. Howe: **Second**. All in favor. **Motion passed**.

Public Comments:

B. Chivers: **Motion** to seal the minutes from the nonpublic meeting due to attorney-client privilege. R. Howe: **Second**. All in favor. **Motion passed**.

B. Chivers: **Motion** to adjourn. B. Keena: **Second**. All in favor. **Motion passed**.

Meeting adjourned at approximately 8:24pm.

Respectfully submitted,

Megan Ross

Land Use Coordinator

cc: file