

**Town of Candia**  
LAND USE OFFICE  
74 High Street  
Candia, New Hampshire 03034  
(603) 483-8588

**ZONING BOARD OF ADJUSTMENT  
OFFICIAL NOTICE OF DECISION**

The **ZONING BOARD OF ADJUSTMENT** at its May 6, 2025, meeting made the following decision regarding a request for a variance to waive terms as stated in Article V, Section 5.02: Use Regulations: Table of Use Regulations. #25-006

**APPLICANT:** A-1 Ventures Group, LLC, 43 Lawson Farm Rd., Londonderry, NH 03052

**PROPERTY OWNER(S):** A-1 Ventures Group, LLC, 43 Lawson Farm Rd., Londonderry, NH 03052

**PROJECT LOCATION:** Old Candia Rd., Candia, NH 03034

**TAX MAP: Map 410 Lot Number(s):** 162

**TITLE ON PLAN:** Solar Field Layout Plan

**PLAN PREPARED BY:** The Dubay Group, Inc.

**DECISION:** Approved

**CONDITION(S):** None

**FINDINGS OF FACT:**

The Board discussed the five criteria for the granting of a variance.

(Next pages)

## **Findings of Fact**

### **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 variance will be consistent with public interest. Use of solar energy is encouraged by the State of New Hampshire in RSA 672:1, III-a. The array will have a wooded buffer, preserving the town's rural character and making it not easily visible from the road. The land is difficult to develop, and a solar array will be a low intensity use. It will also further the town's goals by generating tax revenue and clean energy.

### **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 solar array is consistent with community power plan and master plan. The ordinance is silent regarding solar but because it is encouraged in other ordinances and throughout the town, it is assumed a future ordinance would be in support of this plan if such ordinance existed.

### **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.

This project is a positive use for land that is not able to be used in other, more positive, ways and it will reduce operation costs and generate tax revenue.

### **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.

The area is already zoned for light industrial use and no other properties exist near the site to be diminished.

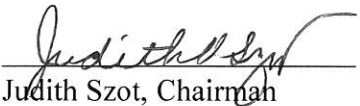
**5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship.**

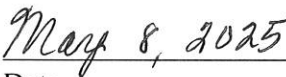
When the hardship so imposed is shared equally by all property owners, no grounds for a variance exist. Only when some characteristic of the particular land in question makes it different from others can unnecessary hardship be claimed. The property owner needs to establish that, because of special conditions 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.

This property has no water or sewer and would be difficult to utilize in any other way. Denial of this variance would render the property essentially useless, and the owners would be burdened with paying taxes on undevelopable land. It is the perfect spot for a solar array.

**NOTE:** Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty (30) days of the date of this hearing. The motion for rehearing shall be in writing and must set forth all the grounds on which you will base your appeal, as per RSA 677.

For further information regarding this decision, contact Town of Candia Land Use Office (603) 483- 8588.

  
Judith Szot, Chairman  
Candia Zoning Board of Adjustment

  
Date