



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Approved Zoning Board of Adjustment Approved Minutes June 9, 2015

Board Members:

Mike Scholz	Chairman	Present
Heath Partington	Vice Chair	Present
Mark Samsel	Secretary	Present
Pam Skinner	Member	Excused
Bruce Breton	Member	Excused
Mike Mazalewski	Alternate	Excused
Kevin Hughes	Alternate	Present

Staff:

Dick Gregory, Code Enforcement Administrator
Suzanne Whiteford, Minute Taker

1. Meeting was called to order at 7:30pm per Chairman Scholz
Applicants offered an opportunity to continue their hearing due to a 4 member board present this evening

2. Public Hearing

Mr. Samsel read Case # 13-2015 and abutter list into the record

Lot 17-L-54, Case #13-2015

Applicant/Owner – John Oliveira

Zone – Residence A District

Variance from the following sections of the Zoning Ordinance is requested to allow an expansion of a deck from 84 sq. ft. to 280 sq. ft.

Section 401 to allow an increase in the extent of the non-conforming structure.

Section 406.2 to allow an increase in the foot print of the structure, from 84 sq. ft. to 280 sq. ft.

Section 702, App.-A-1 to allow the two (2) side setbacks to be within 10 ft. is required and the front (water) setback to be within 40 ft. where 50 ft. is required.

Kim Oliveira, 7 Farmer Road, Applicant Owner

- Exhibit A
- Request an extension of existing deck from 3 feet to 10 feet.
- No intent to enclose the deck in the future
- Mr. Partington asked if state approval was required.
- Ms. Oliveira clarified that the deck would go to the edge of the patio.

Debbie Mckenzie, Lowell Road

- Listing agent when the home was purchased
- Speaking in favor of the deck being extended
- Agrees the deck is not useable the way it is

Kathleen Gill, 5 Farmer Road

- Abutter
- Concerned privacy and views would be blocked
- Concerned for the potential of the deck becoming a screened porch and eventually a closed in room if the property is sold later

Mr. Samsel read abutter's (Kathleen Gill) letter of opposition into the record

Mr. Samsel asked the abutter what degree of lake view would be impeded by the deck
Abutter replied approximately 160 degrees to right of her view would be impeded

Ms. Oliveira disagreed that the view would be impeding the abutter; is agreeable to being open to a condition on the deck not becoming enclosed in, and is requesting privacy glass and screens to create some privacy be permitted on the sides of the deck and the patio

Mr. Samsel asked for further description of privacy screens/glass on the sides of the deck
Ms. Oliveira does not have a plan for the privacy screens/glass for the sides of the deck, she is willing to compromise on closing in the sides of the deck

Chairman Scholz asked about the height of the privacy screen on the deck
Abutter anticipates the height to be standard railing height

Ms. Oliveira confirmed the lower level is an unfinished walk out basement

Motion by Mr. Samsel to go into deliberation

Second by Mr. Hughes

Vote 4-0-0 Motion carries

Board discussion:

- Asked if relief is needed from 401 and 406.2
- Not a change in use
- Lot size and frontage are not an issue
- Concern if the privacy screening was the height of a wall
- Only 5% of the view is a concern
- This type of deck is prevalent on the shoreline
- There's no other way to expand the deck
- Enclosing the porch would require additional variance

Mr. Partington reviewed the 5 criteria and suggests to condition the height of the railing and the sides and front of the deck be as transparent as possible

The board agrees with the conditions and asked staff to clarify what is allowed for the height of the railing. Mr. Gregory clarified there is no restriction on height, and suggested 4 feet may be enough.

Motion by Mr. Partington for Case # 13-2015 in consideration of the five criteria to grant a variance from the following Section 401 to allow an increase in the extent of the non-conforming structure, and Section 406.2 to allow an increase in the foot print of the structure, from 84 sq. ft. to 280 sq. ft., and Section 702, App. A-1 to allow the two (2) setbacks to be within 10 ft. where 30 ft. is required and the front (water) setback to be within 40 ft. where 50 ft. is required as requested with two conditions: 1. the height of the deck rails are not to exceed 48 inches in height, 2. Front and sides of the deck be as transparent as possible within the building code.

Second by Mr. Hughes

Mr. Samsel asked about the setbacks, and acknowledge the increase from 84 sq. ft. to 280 sq. ft.

Vote 4-0-0 Motion carries

The Chairman advised the applicant that there is a 30 day appeal process

Mr. Samsel read **Case # 14-2015** and abutter list into the record

Lot 13-A-365, Case #14-2015

Applicant – Daniel Shattuck

Owner – Charles Basner

Location – 24B Range Road

Zone – Residence A & Limited Industrial District

Variance from the following sections of the zoning ordinance is requested to allow the construction of a single family dwelling

Section 702, App. A-1 to allow a dwelling to be built on a lot with no frontage where 175 ft. is required

Letter of authorization from Charles Basner read into the record

Previous granted variances have expired, the septic approval has not expired

Mr. Partington asked what the driveway will look like. Applicant referred to previously granted variance #20-96

No members of the public were present for the hearing to speak in opposition of favor
Mr. Samsel asked staff if a variance can be requested from the expiration form the last variance.
Mr. Gregory does not think it can be done
Chairman clarified the intent of the applicant is to build a single family home

Motion to go into deliberation by Mr. Partington
Second, Mr. Samsel
Vote 4-0-0 Motion carries

Board Discussion
Mr. Partington reviewed the 5 criteria

Motion by Mr. Samsel for Case # 14-2015 in consideration of the five criteria to grant relief from Section 702, App. A-1of the zoning ordinance to allow a dwelling to be built on a lot with no frontage where 175 ft. is required
Second by Mr. Hughes
Vote 4-0-0Motion carries
There is a 30 day appeal process

Draft minutes from May 26, 2015 reviewed and amended per Board's suggestions
Amended minutes to be reviewed at next meeting

Motion by Mr. Samsel to adjourn
Second by Mr. Partington
Vote 4-0-0 motion carries
Meeting adjourned 8:50pm