



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Zoning Board of Adjustment

Approved Minutes February 23, 2016

7:30 pm @ Community Development Office

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

Jim Tierney, Alternate – Present
Mike Mazalewski, Alternate – Present
Jay Yennaco, Alternate - Excused

Staff:

Dick Gregory, ZBA Code Enforcement Administrator
Suzanne Whiteford, Minute Taker

Meeting called to order by Vice Chairman Partington

Public Hearing

Jim Tierney seated for Bruce Breton
Mike Mazalewski seated for Mike Scholz

Mr. Samsel read case #1-2016 into the record

Lot 21-Z-268, Case #1-2016 (continued)

Applicant – Joseph Maynard/Benchmark Engineering, Inc.

Owner – The Carr Hill Family Trust

Location – 25A Cobbett's Pond Road

Zone- Residence A and Cobbett's Pond & Canobie Lake Watershed Protection (CPCLWP).

Variance relief from the following section of the Town of Windham Zoning Ordinance and Land Use Regulations is requested to construct a new dwelling, garage and screen room:

Section 406.2 to expand the volume from 27,720 cu. ft. to 35,256 cu. ft.

Section 405.5 to allow some of the new structures to not conform to the required setbacks.

Section 702, App. A-1 to allow a side setback of 20 ft. where 30 ft. is required, to allow a rear/lake setback of 35 ft. where 50 ft. is required, to allow the lot to be 21,652 sq. ft. where 50,000 sq. ft. is required, to allow a frontage of 147 ft. where 175 ft. is required, to allow a rebuilt screen room to remain 6 ft. from the high water mark where 50 ft. is required.

Applicant Joseph Maynard reviewed the five variance criteria for Case #1-2016.

Case #1-2016 opened by Mr. Partington for public input
No one from the public spoke

Motion by Mr. Samsel for the ZBA to go into deliberative session
Second by Mr. Mazalewski
Vote 5-0-0
Motion carries

Mr. Partington reviewed the 5 variance criteria

A motion was made by Mr. Samsel for Case # 1-2016 to grant relief as requested from Section 406.2 to expand the volume from 27,720 cu. ft. to 35,256 cu. ft. Section 405.5 to allow some of the new structures to not conform to the required setbacks. Section 702, App. A-1 to allow a side setback of 20 ft. where 30 ft. is required, to allow a rear/lake setback of 35 ft. where 50 ft. is required, to allow the lot to be 21,652 sq. ft. where 50,000 sq. ft. is required, to allow a frontage of 147 ft. where 175 ft. is required per plans submitted
Second by Mr. Tierney
Vote 5-0-0
Motion passes
The applicant was informed there is a 30 day appeal period.

A motion was made by Mr. Tierney that per plans submitted for Case #1-2016 the rebuilding of the screen room does not require zoning relief.
Second by Mr. Samsel
Vote 5-0-0
The applicant was informed there is a 30 day appeal period.

Mr. Hughes seated for Mr. Breton
Mr. Mazalewski remains seated for Mr. Scholz
Mr. Samsel read Case #3-2016, the abutter list, and a letter of authorization into the record.

Lot 18-L-475, Case #3-2016

Applicant/Owner- Blaise Coco

Location – 43A Woodvue Road

Zone – Residence A, Cobbett’s Pond and Canobie Lake Watershed Protection District.

Variance relief from the following section of the Town of Windham Zoning Ordinance and Land Use Regulations is requested to enlarge a two (2) bay garage that is under construction, to a three (3) bay garage.

Section 702 App. A-1 to allow the garage to be 18 ft. from the side lot line, where 30 ft. is required.

Applicant Karl Dubay requested to withdraw the application without prejudice. Mr. Dubay will not be proposing to enlarge the garage from 2 bays to 3 bays.

Motion by Mr. Samsel to accept the applicant's request to withdraw by the owner's representative Mr. Karl Dubay for Case #3-2016

Second by Mr. Hughes

Vote 5-0-0

Motion carries

Mr. Hughes seated for Mr. Breton

Mr. Samsel read Case #4-2016 and abutter list into the record.

Lot 2-B-754, Case #4-2016

Applicant/Owner –Jeff Viens

Location – 29 Nottingham Road

Zone -Rural, Wetland & Watershed Protection District

Variance relief from the following section of the Town of Windham Zoning Ordinance and Land Use Regulations is requested to allow a 26'x 22' attached family room built in 2002, with a building permit, to remain in the WWPD.

Section 601.3 to allow the family room to remain in the WWPD where no building is allowed.

Applicant owner Mr. Jeff Viens reviewed Case #4-2016

Mr. Partington advised the applicant that there is not adequate information in the application for the ZBA members to make a decision.

Mr. Tierney believes there are two options on the table: 1. Can the Board get enough information and testimony to satisfy the information that is lacking in the application, or 2. Continue the application to allow Mr. Viens to submit more information with the application.

Mr. Samsel read the Conservation Commission opinion into the record.

Mr. Samsel asked Mr. Gregory when the WWPD delineations were placed on the plan.

Mr. Partington advised the applicant of his options to present his plan tonight or continue the case to allow more time for the applicant to submit the application with more information.

A motion was made by Mr. Samsel, at the applicant's request, to continue Case #4-2016 on March 8, 2016

Second by Mr. Hughes

Vote 5-0-0

Motion carries

Motion by Mr. Samsel to adjourn

Second by Mr. Mazalewski

Vote 5-0-0

Motion carries

Meeting adjourned at 9:38pm

Minutes submitted by Suzanne Whiteford

