



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

3 No. Lowell Road, Windham, New Hampshire 03087

(603) 432-3806 / Fax (603) 432-7362

www.WindhamNH.gov

1
2
3
4
5
6
7

**Draft Minutes Zoning Board of Adjustment
Revision #1
May 10, 2016
7:30pm @ Community Development Department**

8 **Mark Samsel, Chairman** - present **Mike Mazalewski, Alternate** - present
9 **Heath Partington, Vice Chair** - present **Kevin Hughes, Alternate** - excused
10 **Pam Skinner, Secretary** - excused **Jim Tierney, Alternate** - present
11 **Mike Scholz, Member** - present **Jay Yanneco, Alternate** - excused
12 **Bruce Breton, Member** - excused

13
14 **Staff:**

15 Dick Gregory, ZBA Code Enforcement Administrator
16 Andrea Cairns, Minute Taker

17
18 Meeting called to order at 7:33p.m. by Chairman Samsel.

19
20 Mr. Scholz was appointed as Secretary in place of Ms. Skinner.

21
22 Mr. Mazalewski was seated for Mr. Breton.

23
24 **Review of 1/12/16 Minutes**

25 Pg. 3 – should read, “Mr. Thoele indicated he is here to specifically address...”

26 Pg. 6, 2nd paragraph – should read “Chairman commented that the community can decide to petition
27 for a change to the ordinance.”

28 Pg. 9 – last paragraph – should read “A motion was made by Mr. Breton to deny the request for
29 rehearing for Case #41-2015 as the ZBA determined there were no technical errors made and no
30 new information...”

31
32 Mr. Tierney joined the meeting and was seated for Ms. Skinner.

33
34 **MOTION: Mr. Scholz made a motion to approve the 1/12/16 minutes as amended.**

35 **Mr. Partington seconded the motion.**

36 **No further discussion.**

37 **Vote 4-0-1, Mr. Tierney abstained.**

38 **Motion carries.**
39

40 **Lot 21-G-600, Case #4-2013**
41 **Request for re-hearing of the decision made on 3-22-2016.**

42
43 Chairman Samsel stated it was a public meeting but for this hearing request they would not
44 entertain input from the public. They were only determining if technical errors were made or if there
45 was new information presented that was not otherwise known at the time of the previous hearing.

46
47 The board reviewed items 1-12 contained in the rehearing request submitted by Jon Carpenter and
48 Brad Balise.

49
50 1a - No technical errors, no new information

51 Chairman Samsel noted a challenge to the decision would have happened within 30 days of the
52 hearing. They are outside that timeframe and no new information has been presented. Mr.
53 Partington commented that they discussed, in-depth, the reasoning why they granted the rehearing.

54
55 1b - No technical errors, no new information

56 Mr. Scholz commented that it is beyond the purview of the board to discuss the merits of the civil
57 matter. Mr. Partington commented that Attorney Clark, on behalf of the abutters discussed the time
58 limits during the hearing.

59
60 2a, b, c, d - No technical errors, no new information

61 It talks to the original variance, which the board does not have purview to use as evidence to request
62 a rehearing.

63
64 3 - No technical errors, no new information

65
66 4 - No technical errors, no new information
67 It goes beyond the purview of the board.

68
69 5 - No technical errors, no new information

70
71 6 - No technical errors, no new information

72
73 7 - No technical errors, no new information

74
75 8 - No technical errors, no new information

76
77 9 - No technical errors, no new information

78
79 10 - No technical errors, no new information

80
81 11 - No technical errors, no new information

82
83 12 - No technical errors, no new information

84 Mr. Scholz commented that nothing he does on the board is personal. It is never his intent to upset
85 someone or do anything that is not according to the law. Mr. Partington added that state RSAs do
86 matter and they still need to adhere to state law despite what the ordinance might say. Mr. Samsel
87 stated that the board is not here to support or not to support activity; they are here to make fair and
88 lawful decisions.

89 **MOTION:**
90 **Mr. Partington made a motion to deny the request for a rehearing for case #4-2013 as the**
91 **board made no technical errors and no new information was presented.**
92 **Mr. Scholz seconded the motion.**
93 **Vote 5-0-0.**
94 **Motion carries.**

95
96 **Review of 3/22/16 Minutes**
97 Pg. 1, Election of Officers – remove the extra “Mr.”
98 Pg. 2, 7th paragraph, line 3 – “Ms. Breton” should read “Mr. Breton”
99 Pg. 7 – 5th paragraph – remove apostrophe after “not”

100
101 **MOTION:**
102 **Mr. Scholz approved the 3/22/16 Minutes as amended.**
103 **Mr. Mazalewski seconded the motion.**
104 **Vote 4-0-1, Mr. Tierney abstained.**
105 **Motion carries.**

106
107 **Review of 4/12/16 Minutes**
108 Match the format to the 3/22/16 Minutes
109 Pg. 1, public hearings, second paragraph, last line – should read “...even in the event of a request
110 for withdrawal”
111 Pg. 2, 3rd paragraph from bottom, last line – should read “1, 2, 3, or 5.
112 Page 3 – strike the first sentence; paragraph should start with “Mr. Sampson spoke...”
113 Add reasons 1, 2, 3, 5 to motion.
114 Pg. 3, paragraph 9 – change “neighbourhood” to “neighborhood”
115 Pg. 4, 2nd paragraph – add line “Mr. Watkins did not respond.”
116 8th paragraph, last line – should read “...understood the request for additional time.”
117 13th paragraph, last line – should read “...rear of the property is unique”
118 Pg. 5, 4th paragraph – “5” should read “five”
119 Last paragraph – should read “...drainage design. Chairman Samsel...”
120 Pg. 6, 6th paragraph – strike last sentence

121
122 The board requested to review another draft of the 4/12/16 Minutes.

123
124 **Meeting Minutes—Review and Approval**

125 The board felt the current level of detail was appropriate. They would like to include line numbers
126 moving forward.

127
128 **MOTION: Mr. Scholz made a motion to adjourn at 8:26 p.m. Mr. Tierney seconded the**
129 **motion.**

130 **Vote 5-0-0.**
131 **Motion passes.**

132
133 **Submitted by Andrea Cairns**