



**ZONING BOARD OF ADJUSTMENT  
Draft Minutes**

**January 25, 2022 - 7:00 pm @ Community Development Department**

**Physical Location: 3 North Lowell Road (Community Development Department) Live**

**Broadcast: WCTV Channel 20 – Local Cable TV**

**Live Stream: <http://www.wctv21.com/>**

**Attendance:**

**Chairman Mike Scholz- present**

**Vice Chair Nick Shea- present**

**Pam Skinner, Secretary- present**

**Michelle Stith, regular member- present**

**Neelima Gogumalla, regular member- present**

**Betty Dunn, alternate- present**

**Payal Bayalla, alternate- present**

**Staff:**

**Alex- Community Development Director**

**Julie Suech- Planning Technician**

**Anitra Lincicum- minute taker**

**Public Hearing**

**Continued Case:**

**Public Meeting**

**Case #01-2022**

**Parcel 3-B-1**

**Applicant – Cedar Crest Development, LLC**

**Owner – Margaret Smith Revocable Trust**

**Location – 5 Bissell Camp Road**

**Zoning District – Rural**

35 The applicant is seeking an appeal to an Administrative Decision by the Windham Planning Board on  
36 November 17, 2021 regarding PB Case # 2021-17. In accordance with RSA 676:3 (I), the following  
37 reasons were noted by the Planning Board in its Motion to Deny:

- 38 • Non-Compliance with **Windham Site Plan Regulations Section 513** requiring compliance with  
39 the Zoning Ordinance provisions, based on a finding of non-compliance with **Section(s) 610:9.3**  
40 **and 610.9.4 of the Windham Zoning Ordinance.**

41  
42 Ms. Skinner read the case into the record. The attorney for the applicant was present; Attorney John  
43 Levenstein addressed the Board. Attorney Levenstein is representing the applicant who is now the owner  
44 of the property. Chairman Scholz read from sections 677.15, 674:15, 617:21 of the Windham Zoning  
45 Ordinance. Chairman Scholz stated that he understood that the applicant was trying to preserve the  
46 appeals process. Chairman Scholz stated that housing for older people is not listed as an innovative land  
47 use. After discussion, Attorney Levenstein stated that he prefers they do not withdraw it and prefers to  
48 see that there is no jurisdiction, Ms. Dunn suggested that they get individual counsel if needed. Chairman  
49 Scholz is fine to rule that they are without jurisdiction.

50  
51 **A motion was made by Vice Chair Shea for Case #01-2022 that the Zoning Board of Adjustment**  
52 **does not have jurisdiction in this case, Seconded by Ms. Skinner.**

53  
54 The reasons are indicated in the discussion.

55  
56 **Vote 5-0.**

57 **Motion passes.**

58 **The Chair advised of the 30-day appeal period.**

59  
60  
61 [Case #03-2022](#)

**Parcel 21-K-47A**

62 **Applicant – Susan White**

63 **Owner – Susan White**

64 **Location – 28 Turtle Rock Road**

65 **Zoning District – Residence A & WPOD**

Variance Relief is requested from **Section(s) 703.1** to permit placement of an 8’ by 10’ (80 sq. ft.) shed in the front yard where no accessory buildings may be placed in the front yard and may not be placed closer than 10ft from the lot line in the side and/or rear yard.

66  
67 Ms. Skinner read the case into the record. The abutters list is in the public packet. Ms. Susan White  
68 addressed the Board. Ms. White stated that she would like to put her shed in the front yard of her  
69 property. Were she to put it in the back yard, it would be too close to the lake. She would like to use the  
70 shed to store bicycles and lawn equipment. Ms. White stated that she does have a partial basement that  
71 does flood in the spring. Ms. White submitted a plot plan Chairman Scholz labelled it as Exhibit A. Ms.  
72 White stated that her neighbors do have similar sheds and she would be in line with all of those. The  
73 Board discussed that the shed would be a little more than 150 feet from the water. Ms. Dunn asked what  
74 percent of the lot is paved. Mr. Mello stated that the plan would need a minor watershed permit. The  
75 applicant is not asking for relief from the 30% impervious coverage. Chairman Scholz asked if there was  
76 any other additional application the applicant wanted to add. Ms. Dunn stated that she saw many shed in  
77 the category in the same area. The Conservation Commission had no issue with the plan as presented.

78 Vice Chair Shea asked if the bikes and lawn equipment were currently on site. Ms. White stated that she  
79 does not yet have a lawn mower and the bikes are stored in a bedroom.

80  
81 **A motion was made by Ms. Gogumalla to enter deliberative session. Seconded by Vice Chair Shea.**  
82 **Vote 5-0. Motion passes.**

83  
84 Vice Chair Shea stated that he believes this does meet the 5 criteria as presented and there is a unique  
85 hardship in terms of the storage in the basement. Chairman Scholz state that it is in close proximity to the  
86 lake.

87  
88 **A motion was made by Ms. Gogumalla for Case #03-2022 to grant variance relief as requested from**  
89 **Section(s) 703.1 to permit placement of an 8' by 10' (80 sq. ft.) shed in the front yard where no**  
90 **accessory buildings may be placed in the front yard and may not be placed closer than 10ft from**  
91 **the lot line in the side and/or rear yard per plan submitted and signed and dated by the Chair.**  
92 **Seconded Vice Chair Shea.**

93  
94 **Vote 5-0.**  
95 **Motion passes.**  
96 **The Chair advised of the 30-day appeal period.**

97  
98 Continued Case:

99  
100 **Case #62-2021: Application for Rehearing - Case 54-2021 (Admin. Appeal): Parcel 22-R-01, 155**  
101 **Range Rd (continued from December 28, 2021)**

102  
103 There was a letter with a formal withdrawal for the application from Attorney Dresher who was  
104 representing the applicant.

105  
106 **A motion was made by Ms. Skinner to accept the withdrawal of the application for Case#62-2021.**  
107 **Seconded by Ms. Stith. Vote 5-0. Motion passes.**

108  
109 **Meeting Minutes-Review and Approve: [01/11/2022](#)**

110  
111 **A motion was made by Ms. Stith to approve the January 11<sup>th</sup> draft minutes as amended. Seconded**  
112 **by Ms. Skinner. Vote 5-0. Motion passes. Ms. Gogumalla and Vice Chair Shea abstained. Ms.**  
113 **Bayalla and Ms. Dunn voted to approve.**

114  
115 Miscellaneous

116  
117 The Board had a general discussion about case history. The Board asked staff when cases are continued,  
118 is it possible to receive a case history. Ms. Mello stated that that information would be possible to  
119 provide.

120  
121 Ms. Dunn asked about any other training coming up, not that Mr. Mello is aware of.

122  
123 This Board heard from the housing appeals board who continues to show their independence. Chairman  
124 Scholz stated that they do believe they should meet with the town's attorney via zoom. They only have

125 30 days to decide if they want to make an appeal. Chairman Scholz asked if there was any more  
126 legislation for the housing appeals board. Staff stated that there were none that anyone were aware of.  
127

128 **A motion was made by Vice Chair Shea to adjourn at 7:35pm. Seconded by Ms. Skinner. Vote 5-0.**  
129 **Motion passes.**

130  
131 Respectfully submitted by Anitra Lincicum

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