



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Approved Zoning Board of Adjustment Approved Minutes May 26, 2015

Board Members

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

Staff:

Dick Gregory, Code Enforcement Administrator
Suzanne Whiteford, Minute Taker

The meeting was called to order at 7:30 pm by Chairman Scholz.

Public Hearing

Mr. Samsel read Case#11-2015 and Abutter List into the record.

Mr. Mazalewski seated for Pam Skinner

Lot 25-C-3, Case # 11-2015

Applicant/Owner – Linda Trust

Location – 8 Jordan Street

Zone –Residence A District

Variance from the following sections of the Zoning Ordinance is requested to allow conversion from seasonal to year round with an increase in volume.

Section 401 to allow an increase in the extent of the non-conforming use: seasonal to year round use.

Section 406.2 to allow an increase in the volume of the structure: from 20,006 cu. ft. to 21,399 cu. ft.

Section 1200.1.3 to allow the conversion of a structure from seasonal to year round with a side setback of 12 ft. & 5 ft. where 30 ft. is required, a front (pond) setback of 0-5 ft. where 50 ft. is required, a frontage of 55 ft. where 175 ft. is required & a lot size of 8,712 where 50,000 + is required.

Ms. Trust addressed the Board explaining that she would like to convert her seasonal property to year round. Ms. Trust requested a variance for increase in volume due to space needed to update the stairs inside the home. The conversion stays within the current footprint. Ms. Trust has owned the home for 20 years, it is her favorite place on earth and she wants to use it year round. Pictures of the staircase and bathroom submitted as Exhibit A.

Mr. Partington requested clarification from staff regarding the meaning of 0 to 5 feet

Mr. Gregory clarified the measurement indicates it is right on the line, wasn't sure where to distinguish.

Public/Abutters:

Norm Young, 1 Jordan Rd. Windham spoke in support of the plan:

- Conversion will be an improvement
- Preserving trees and natural environment
- Takes out an existing driveway
- Increase value of Mr. Young's home and surrounding properties
- Will look better after conversion than the existing property

Wayne Morris, 14 Jordan Rd, Windham spoke in support of the plan:

- Ms. Trust has been a great neighbor for 20 years
- The cottage has been there since the 1930's
- The tax map indicates Linda's front lot line is 60 feet not 55 feet

Mr. Samsel: confirmed with Ms. Trust and Mr. Gregory that the footprint is not expanding and asked for clarification on the location of the 55 feet.

Ms. Trust confirmed the footprint was not expanding

Mr. Gregory clarified the 55 feet is the frontage of the lot

Mr. Samsel inquired about frontage of lots of abutters.

Mr. Mazalewski explained all even number neighbors' have 60 feet frontages and asked Ms. Trust to explain which lots she owns and what side of the property she was asking for relief

Ms. Trust clarified she owns lots 8&10 and the side lot line she is asking for relief.

Mr. Samsel verbalized confusion with the way the case is posted, questioning if 1200.1.3 is grandfathered

Mr. Partington concurs with Mr. Samsel, the way the posting is listed is redundant, not necessarily incorrect, however relief from existing setbacks is not needed only relief from increase in volume is needed.

Mr. Gregory showed on the map where the increase in volume will be and confirmed the structure stays the same size

Mr. Mazalewski asked if the septic plan was calculated for Ms. Trusts two lots combined.
Ms. Trust answered no; the septic plan was calculated for only one lot

Mr. Breton confirmed the increase in volume was just to get up the stairs.
Mr. Gregory confirmed the reason for the need for increase in volume was for the stairs

A motion was made by Mr. Samsel to go into Deliberative Session.

The motion was seconded by Mr. Breton.

Vote 5-0-0 Motion carries.

Mr. Samsel: does not believe 401 is needed

Mr. Partington: 406.2 covers 401

Mr. Samsel: agrees with Mr. Partington; section 1200.1.3 is grandfathered and not needed if relief is granted

Chairman Scholz: the plan is a pre-existing nonconforming lot of record, setbacks are grandfathered. The request is for relief from increase in volume, not setbacks

Mr. Partington: suggests to leave 1200.1.3 out of the motion; reviewed the 5 criteria

Chairman Scholz: concurs with Mr. Partington's suggestion regarding 1200.1.3, and the 5 criteria reviewed.

Motion by Mr. Partington for Case # 11-2015, Section 401 is unnecessary as it is redundant to section 406.2

Second by Mr. Samsel

Vote 5-0-0 Motion carries

There is a 30 day appeal period

Motion by Mr. Partington for Case # 11-2015, Section 1200.1.3 is not necessary as the lot is a pre-existing nonconforming lot of record

Second by Mr. Samsel

Vote 5-0-0 Motion carries

There is a 30 day appeal period

Motion by Mr. Partington for Case # 11-2015 in consideration of the five criteria to grant relief for Section 406.2 to allow an increase in the volume of the structure: from 20,006 cu. ft. to 21,399 cu. Ft as requested

Second by Mr. Samsel

Vote 5-0-0 Motion carries

There is a 30 day appeal period

Mr. Hughes seated for Ms. Skinner for Case #12-2015

Mr. Samsel read case #12-2015 and abutter list into the record.

Lot 7-A-1075, Case # 12-2015

Applicant/Owner – Sharon Cardinale

Location – 106 No. Lowell Road

Zone – Rural District

Variance from the following sections of the zoning ordinance is requested to allow the construction of a mud room and deck.

Section 406.2 to allow an increase in volume of 432 cu. ft. and an increase in the footprint of 82 sq. ft.

Section 702, App. A-1 to allow a mud room and deck to be within 28 ft. from the front lot line where 50 ft. is required.

Ms. Cardinale addressed the Board explaining her request to add a mud room and deck on the front of the house. It is not an option to add on to the back of the house as there are wetlands; the wetlands are also the reason the home is built closer to the road.

Mr. Partington asked for clarification on conflicting numbers: the existing setback is 42 feet, the listing is asking for 28 feet, 32 feet is listed on the site plan

Mr. Gregory clarified 32 feet is the correct measurement, 32 feet is to the deck, confirmed by Mr. Breton

Mr. Samsel: does not believe relief is needed based on the neighbors' frontage average of the abutting neighbor's frontage

Mr. Breton: neighbors' frontage could change over time, would need to know as of today.

Mr. Partington asked Ms. Cardinale if she considered adding to the west side of the house.

Ms. Cardinale had considered using the west side of the house, her contractor suggested it would look better if added to the front as it would be more consistent with a gambrel type home.

Motion to deliberate made by Mr. Breton

Second by Mr. Hughes

Vote 5-0-0 Motion carries

There is a 30 day appeal period

Mr. Partington reviewed the 5 criteria

Motion by Mr. Samsel in consideration of the 5 criteria to grant relief from section 406.2 to allow an increase in volume of 432 cu. ft. and an increase in the footprint of 82 sq. ft. And Section 702, App. A-1 to allow a mud room and deck to be 28 ft. from the front lot line where 50 ft. is required, as presented.

Second Mr. Breton

Vote 5-0-0 Motion carries

There is a 30 day appeal period

Mr. Mazalewski seated for Ms. Skinner

Motion by Mr. Partington that alternate Kevin Hughes term be extended one more year through May 31, 2016

Second by Mr. Breton

Vote 5-0-0 Motion carries

There is a 30 day appeal period

Draft minutes from 2/10/15 reviewed and amended by the Board

Motion to accept minutes as amended by Mr. Partington

Second Mr. Mazalewski

Vote 3-0-2 Motion carries. Mr. Samsel and Mr. Hughes abstain as they were not present during the 2/10/15 meeting.

Draft minutes from 3/10/15 reviewed and amended by the Board

Motion to approve minutes as amended by Mr. Samsel

Second Mr. Partington

Vote 5-0-0 Motion carries

Draft minutes from 3/24/15 reviewed and amended by the Board

Motion to approve minutes as amended by Mr. Samsel

Second Mr. Breton

Vote 5-0-0 Motion carries

Draft minutes from 5/12/15 reviewed and amended by the Board

Motion to approve minutes as amended by Mr. Samsel

Second Mr. Partington

Vote 5-0-0 Motion carries

Discussion between the Board and Mr. Gregory regarding section 1200.1.3 and its application to seasonal conversions

The Board advised Mr. Gregory to continue to use his discretion in adding sections that may need relief from the Board

Motion by Mr. Samsel to adjourn

Second Mr. Breton

Vote 5-0-0 Motion carries

Meeting adjourned 9:09pm

Minutes submitted by Suzanne Whiteford