



COMMUNITY DEVELOPMENT

PO Box 120, Windham, New Hampshire 03087
(603) 432-3806 / Fax (603) 432-7362
www.WindhamNewHampshire.com

Zoning Board of Adjustment Approved Minutes July 28, 2015 7:30 pm @ Community Development Office

Board Members:

Mike Scholz – Chairman; present	Mike Mazelewski – Alternate; present
Heath Partington – Vice-Chairman; present	Kevin Huges – Alternate; excused
Mark Samsel – Secretary; present	
Pam Skinner – Member; present	
Bruce Breton – Member; present	

Staff:

Dick Gregory – Code Enforcement Officer/Board Liaison

Call to Order – Chair called the meeting to order at 7:30PM and introduced members and staff present.

This meeting was not televised or recorded on cable because of applicants request to withdraw one case and re-hear the remaining two.

2. Public Hearing

Lot 17-J-104, Case # 21-2015

Applicant: Joseph Maynard/ Benchmark Engineering, Inc.

Owner: Roberts Family Trust

Location: 15 Rocky Ridge Road

Zone: Residence A – Cobbetts Pond & Canobie Lake Watershed Protection District (CPCLWPD)

Variance relief from the following sections of the Town of Windham Zoning Ordinance and Land Use Regulations is requested to raze the existing dwelling and allow the construction of a new dwelling.

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

Section 406.2 to allow an increase in volume from 10,900 cu. ft. to 12,600 cu. ft. and an increase in footprint from 984 sq. ft. to 1,220 sq. ft.

Section 702, App. A-1 to allow frontage of 50 ft. where 175 ft. is required, lot area of 6,856 sq. ft. where 50,000 sq. ft. is required, to allow side setbacks of 9 ft. & 4 ft. where 30 ft. is required, rear (lake) setback of 12 ft. where 50 ft. is required and front setback of 26 ft. where 50 ft. is required.

Lot 17-I-111C, Case #22-2015

Applicant: Joseph Maynard, Benchmark Engineering, Inc.

Owner: David & Linda Latta

Location: 23 Walkey Road

Zone: Residential A & Cobbetts Pond & Canobie Lake Watershed Protection (CPCLWPD) & Wetland & Watershed Protection District (WWPD).

Variance relief from the following sections of the Town of Windham Zoning Ordinance and Land Use Regulations is needed to raze the existing structure and to allow construction of a new dwelling.

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

Section 406.2 to allow an increase in volume from 7,215 cu. ft. to 28,062 cu. ft. and an increase in footprint from 962 sq. ft. to 1,330 sq. ft.

Section 601.3 to allow a dwelling to be constructed in the WWPD.

Section 601.4.6 to allow a septic system to be 50 ft. from the WWPD where 100 ft. is required.

Section 601.4.8 to allow the construction of the dwelling without a special permit from the Planning Board.

Section 601.4.8.3 to not require evidence that the WWPD disturbance is the minimum possible.

Section 601.4.8.4 to not require WWPD markers

Section 616.6.4.1 to allow a driveway within the 75 ft. buffer.

Section 616.8 to allow some of the 100 ft. buffer to be disturbed.

Section 616.9 to the septic system to be 50 ft. from hydric-B soil where 75 ft. is required.

Section 702, App. A-1 to allow frontage of 70 ft. where 175 ft. is required, lot area of 4,650 sq. ft. where 50,000 sq. ft. is required, to allow side setback of 9 ft. where 30 ft. is required, and front setback of 26 ft. where 50 ft. is required and a rear setback of 5 ft. where 30 ft. is required.

The Chair read a letter from the Applicant to move the first 2 Cases (21-2015 and 22-2015) to August 11 because of a medical issue preventing attendance this evening.

Motion made by Mr. Samsel and seconded by Mr. Partington to move Cases 21-2015 and 22-2015 to August 11.

Motion approved 5-0. These cases were not read into the record at this time.

Lot 11-C-13, Case# 25-2015

Mr. Gregory indicated that after the posting is determined by further review that this Variance is not required by the Applicant. A letter from the Applicant was read into the record confirming and acknowledging Mr. Gregory's determination.

Motion made by Mr. Partington and seconded by Mr. Breton to accept the Applicant's request to withdraw Case 25-2015.

Motion approved 5-0.

Applicant – Edward Herbert Assoc., Inc.

Owner – Indian Rock Realty, LLC

Location – 91 Indian Rock Road

Zone – Business Commercial A, Wetland & Watershed Protection District (WWPD) and Cobbetts Pond and Canobie Lake Watershed Protection District (CPCLWPD).

Variance relief from the following sections of the Town of Windham Zoning Ordinance and Land Use Regulations is needed to allow a decrease in landscape buffer on the property lines from 20 ft. to 5 ft.

Section 702, App. A-1 note 14 to allow the buffer to be 5 ft. at the property line.

Motion made by Mr. Samsel and seconded by Mr. Partington to move Cases 21-2015 and 22-2015 to August 11.

Motion approved 5-0. These cases were not read into the record at this time.

Mr. Gregory indicated that after the posting is determined by further review that this Variance is not required by the Applicant. A letter from the Applicant was read into the record confirming and acknowledging Mr. Gregory's determination.

Motion made by Mr. Partington and seconded by Mr. Breton to accept the Applicant's request to withdraw Case 25-2015.

Motion approved 5-0.

Review and Approval of draft minutes of 6-23-2015 & 7-14-2015

Discussion by the Board regarding improving the minute taking process in order to provide an accurate and quality document that will help limit the time required to edit, produce and attain approval by the Board.

Board reviewed the draft minutes of 6/23/2015 and 7/14/2015 with many edits. Mr Gregory will provide new drafts for review at the next meeting.

Other Business

Housekeeping - The Chair reviewed a document that clarified the terms of Alternates resulting from his recent discussion with Attorney Campbell. The recommendation is that Alternates are appointed and aligned based on consistent term length.

ZBA Alternate term schedule:

Kevin Hughes – 3 year term ending 5-31- 2018

Michael Mazalewski – 3 year term ending 5-31-2017

Jay Yennaco – 3 year term ending 5-31-2016

Jim Tierney – 3 year term ending 5-31-2017

Vacant spot

Motion made by Mr. Samsel and seconded by Mr. Bretton to accept the Alternate Term Schedule and confirmed the current Alternate aligned appointment.

Motion approved 4-0-1; Mr. Partington abstained.

Motion to adjourn the meeting at 8:34 by Mr. Breton, seconded by Mr. Partington.

Motion approved 5 – 0.

These Minutes submitted by Dick Gregory

Copies of all Zoning Board of Adjustment applications and materials are available for review at the Community Development Department; open Monday – Friday, 8 AM – 4 PM.