



OLD VALUES - NEW HORIZONS

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 August 26, 2014 – 7:30 PM

Board Members:

Mark Samsel, Chairman – Present

Mike Scholz, Vice-Chairman – Present

Heath Partington, Secretary – Present

Jay Yennaco, Member – Excused

Jim Tierney, Member – Excused

Mike Mazalewski, Alternate – Present

Kevin Hughes, Alternate – Present

Staff:

Dick Gregory, Code Enforcement Administrator

Laura Accaputo, ZBA Minute Taker

The Chair called the meeting to order at 7:30pm, introduced the Board and Staff, and explained the meeting process.

The Chair sat Mr. Mazalewski for Mr. Yennaco and Mr. Hughes for Mr. Tierney

Public Hearing

Mr. Partington read case #32-2014 into the record along with the abutter list.

Lot 2-A-75, Case # 32-2014

Applicant/Owner – James A. Cirillo

Location – 14 East Nashua Rd.

Zone – Rural

Variances from the following sections of the Zoning Ordinance are requested to allow an addition on a pre-existing non-conforming lot to be within the required setbacks.

Section 406.2 the addition will increase the footprint from 500 sq. ft. to 1,400 sq. ft. and the volume from 6,000 cu. ft. to 10,050 cu. ft.

Section 702, Appendix A-1 the addition will be 40' from the front lot line where 50' is required.

- James Cirillo, Applicant, addressed the Board. He explained the request is for a variance to allow an addition within the setback on an existing undersized lot.
- The Chair asked where the 40ft mark is on the plan and Mr. Cirillo explained it is at the rear of the house.
- Mr. Partington asked if they were adding volume to the existing house and Mr. Cirillo stated they are just adding on to the rear.
- Mr. Cirillo read the five criteria into the record.
- Mr. Scholz asked if this was an undersized lot and Mr. Gregory answered yes.

The Chair opened the hearing to the public at 7:40pm and hearing none the public portion was closed.

- Mr. Partington asked since Section 406.2 speaks to volume why the setback is just to the addition when typically it would all become a variance rather than leaving the house non-conforming and the addition a variance. The Chair stated the house is grandfathered and Mr. Scholz stated although they have done it in some cases, such as when a second story is being added, the rationale in this case is the addition is off the existing house. Mr. Partington stated Section 406.2 would be a volume increase on the existing structure and Mr. Scholz stated he was speaking to setbacks only and the increase is in footprint not volume of the existing structure.

Mr. Scholz motioned to go into Deliberative Session, seconded by Mr. Partington. Motion passed: 5-0.

- Mr. Scholz stated if this variance is granted they should refer specifically to the need for volume and footprint to the addition and not the house. He is fine with the setbacks of 40ft in this case and believes there is no other reasonable place to put the addition.
- Mr. Partington stated he thinks it meets the five criteria; there will be no change in character to the area, no health and safety concerns, substantial benefit to the owner and no issues for the public, the uniqueness is that the lot is undersized and the house is already substantially closer than the 40ft setback. His concern is having half pre-existing non-conforming and half (back side) granted by variance which could be difficult to discern in the future.
- Mr. Mazalewski stated he feels the request is reasonable and meets the criteria.
- Mr. Samsel stated he concurs with the comments from the Board.

Mr. Scholz motioned for Case #32-2014, Lot 2-A-75, in consideration of the five criteria, to grant relief from Section 406.2 for the addition attached to a pre-existing non-conforming 2 bedroom structure which will increase the footprint from 500 square feet to a total square footage of 1,400 square feet and a volume increase from the current 6,000 cubic feet to a combined 10,050 cubic feet and Section 702, Appendix A-1 to grant relief for the addition to be 40 feet from the front lot line where 50 feet is required per plan submitted, seconded by Mr. Hughes. Motion passed: 5-0.

The Chair advised of the 30 day appeal period.

Review and Approval of Draft Minutes- August 12, 2014

Mr. Scholz motioned to approve the August 12, 2014 ZBA minutes as amended, seconded by Mr. Mazalewski. Motion passed: 3-0.

Mr. Scholz motioned to adjourn the August 26, 2014 ZBA Meeting at 7:55pm, seconded by Mr. Hughes. Motion passed: 5-0.

These minutes are respectfully submitted for your approval by Laura Accaputo, ZBA Minute Taker.