



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Zoning Board of Adjustment
Draft Minutes
February 22, 2011

Board Members

Mark Samsel – Chairman
Tom Murray – Vice-Chairman (Excused)
Dianna Fallon – Secretary
Elizabeth Dunn – Member
Heath Partington – Member
Jim Tierney – Alternate
John Sycamore – Alternate
Mike Scholz – Alternate (Excused)
John Alosso – Alternate (Excused)

Staff

Tim Corwin – ZBA/Code Enforcement Administrator (Excused)
Patricia Kovolyan – Administrative Assistant

Seat Alternates

The Chairman appointed Mr. Tierney to replace Mr. Murray for this meeting.

Case #67-2010, Lot #21-Z-264 (Continued from 1/25/11)

Applicant – William R. Mason, Esquire
Owners – Leslie Crook
Location – 6 Horne Road

Zone – Residential A & Cobbetts Pond Watershed Protection Overlay District

The applicant proposes to subdivide an existing lot into two lots, neither having frontage on a public street and one lot not having the minimum required area. Variances are requested from Sections 401 & 702/Appendix A-1 of the Zoning Ordinance to permit the subdivision of a parcel of land into two lots where both lots will have frontage on a public street of 0 feet where 175 feet is required and one lot will have an area of 35,109 square feet where 50,000 square is required.

Mrs. Fallon read the case into the record.

Attorney Mason, representing the owner, presented the case. The lot is just over 50,000 square feet and is bisected by Horne Road. The existing cottage will be razed and replaced with a new dwelling that will be further away from the pond. Attorney Mason read into the record the schedule of permits he submitted to the Planning Office on February 22, 2011. Attorney Mason asked that the two building files and two planning files that he used to compile his schedule of permits be incorporated as part of the Zoning Board file.

The following is a schedule of permits issued by the Windham Building Department and where applicable, the proposed use and lot number is referenced on the permit.

1. June 24, 1992 Building Permit for remodeling bedroom/bath.
2. July 16, 1992 Application for a Well Permit for Lot 21-X-10.

3. *July 27, 1992 Plumbing Permit for building identified as a dwelling. Permit submitted identified the parcel as Lot 21-X-10.*
4. *July 28, 1992 Electrical Permit.*
5. *August 24, 1992 approved septic system plan. Approved by State and Local Officials identified the parcel as Lot 21-X-10.*
6. *October 30, 1992 Certificate of Compliance to the Energy Code identified the parcel as Lot 21-X-10.*
7. *Building Permit issued on March 14, 1995 for Lot 21-X-10. Building identified as a two (2) room seasonal dwelling.*
8. *March 14, 1995 Building Permit issued for an 8 X 16 deck. Lot identified as 21-X-10, proposed use residential.*
9. *September 22, 1995 Certificate of Occupancy issue for an 8 X 16 deck. Lot identified as 21-X-10.*

- Schedule of Permits marked as Exhibit A.
- Affidavit submitted by Attorney Mason and signed by David Chouinard marked as Exhibit B.
- Floor Plan for Seasonal Cottage submitted by Attorney Mason marked as Exhibit C.

The proposed dwelling will be in compliance with all setback regulations and a state-of-the-art septic system will be installed.

This property has been seen by a number of building inspectors over the years. There were no violations in the files and the property was in this state when purchased by the current owner. The Board discussed whether a kitchen was part of the June 24 1992 Building Permit to remodel a bedroom and bathroom.

Mr. Partington motioned and Mrs. Fallon seconded the motion to go into the Deliberative Session. **Motion passed 5-0.**

Deliberative Session, Case 67-2010

The Board entered the Deliberative Session based on testimony provided and the five criteria as set forth in the Applicant's Variance Application.

Mr. Partington motioned and Mr. Tierney seconded the motion to deny Case #67-2010. **Motion passed 3-2.** Mrs. Fallon, Mr. Partington and Mr. Tierney voted to deny the request because it did not meet the hardship requirement or the spirit and intent of the ordinance.

Approval of Minutes

Mr. Partington motioned and Mrs. Dunn seconded the motion to approve the February 8, 2011 minutes as written. **Motion passed 5-0.**

Adjournment

Mrs. Dunn motioned and Mr. Tierney seconded the motion to adjourn. **Motion passed 5-0**

The next meeting of the Zoning Board of Adjustment is scheduled for March 8, 2011 at 7:30 PM in the Community Development Office.

These minutes are in draft form and are respectfully submitted for approval by Patricia Kovolyan.