



COMMUNITY DEVELOPMENT

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Draft Zoning Board of Adjustment Minutes December 11, 2012

Board Members:

Mark Samsel, Chairman – Present
Heath Partington, Vice-Chairman – Present
Elizabeth Dunn, Member – Excused
Jim Tierney, Member – Present
Jay Yennaco, Member – Present

Mike Scholz, Alternate – Excused
Mike Mazalewski, Alternate – Present
Tony Pellegrini, Alternate - Present

Staff:

Nancy Prendergast, ZBA/Code Enforcement Administrator
Cathy Pinette, ZBA Minute Taker

Call to Order/Attendance

Chairman Samsel called the meeting to order at 7:32 pm, introduced the Board Members and staff, and explained the meeting process.

The Chair appointed Mr. Pellegrini to sit for Ms. Dunn.

Public Hearings

Mr. Pellegrini read Lot 16-Q-210, Case #39-2012 into the record, along with the abutters list and a letter of authorization of Charles & Barbara Marsden giving Benchmark Engineering, Inc. permission to speak on their behalf.

Lot 16-Q-210, Case #39-2012

Applicant – Benchmark Engineering, Inc.

Owner – Charles & Barbara Marsden

Location – 20 Viau Road

Zone – Residential A District

Variations from the following sections of the Zoning Ordinance are requested to allow the existing structure to be razed, and to allow a new single family dwelling with relocated driveway to be constructed: **Section 405.2** – to allow for an increase in the area or volume of the structure; **Section 405.3** – to allow for an increase of the nonconformity of the structure; **Section 405.5** – to allow the replacement structure to be nonconforming to the required setback requirements; **Section 406.2** – to allow for the expansion of the non-conforming structure within the building setbacks whereby rendering the expansion more non-conforming; **Section 616.10.1** – to allow a new driveway within the 75 feet of Cobbett's Pond; and **Section 702** and **Appendix A-1** – to allow 0' frontage where 175' is required; and to allow a lakefront setback of 25' where 50' is required.

- Mr. Joe Maynard of Benchmark Engineering addressed the Board. He stayed in the Marsden's own a piece of property on Viau Road which is just over an acre of land. It has been the family for over 80 years. They have a three car garage, existing house, a gravel driveway and a boat ramp. Existing structure is 18 feet from Cobbett's Pond. In her nine years ago they put in a new septic system. The Moslems want to raise the structure and build a new home. It will be pulled back from the lake. There are a lot of logistical challenges on the lot. They're trying to use the existing foundation and did some shallow tests pits and found some ledge. They're moving the house back 7 feet. The existing well is staying. There is an existing driveway that will be moved but does not require relief the Cobbett's Pond Ordinance. The new footprint has a deck. The existing house has a good view and they would like to keep that. Mr. Maynard read the five criteria into the record.
- Mr. Tierney asked Mr. Maynard asked if on the area of volume of the current structure that encroaches the shoreline if there was a porch. Mr. Maynard stated yes it's an enclosed porch and it will be added to the new house but without a foundation. Mr. Maynard stated they would be 15% building coverage.
- Mr. Pellegrini asked Mr. Maynard if the state would be involved. Mr. Maynard stated he needed CIPA approval and a shoreline permit.
- Mr. Yennaco asked Mr. Maynard if they were expanding the square footage of the driveway. Mr. Maynard stated he was moving the driveway and it would be the same size. He stated because of the Cobbett's Pond Ordinance he needs a variance.
- Mr. Maynard stated he had three letters of support for the Marsden's which he gave to the Board.

The Chair opened the hearing to the public at 7:45 PM.

- Mr. John Boss, 10 Viau Road, stated he has gone through this process before. He stated there is a lot of ledge on the backside of the lot and he doesn't want them pushing back the house anymore but he is in favor of the variance.

The Chair closed the hearing to the public at 7:47 PM.

- Mr. Maynard stated this is a very modest request for the size of this lot.
- Mr. Partington asked how much higher the new structure would be. Mr. Maynard stated he did not do the elevations, the house is now two stories, there is nothing behind it except a hill, and the ridge height is probably 4 to 6 feet.

The Chair entertained a motion to go into Deliberative Session.

Mr. Tierney motioned to go into Deliberative Session, seconded by Mr. Partington. Motion passed 5 – 0. C

- Mr. Tierney stated as Mr. Maynard pointed out it looks like the pitch changes slightly but moving away from the area of encroachment is better and he is in favor.

- Mr. Partington stated it meets the five criteria, they are moving the structure away from the pond, the land has a hardship, it meets the spirit and intent, and the location of the house and the driveway is good.
- Mr. Yennaco and the Chair both agreed with Mr. Partington.

The Chair entertained a motion.

Mr. Partington motion to grant Lot 16-Q-210, Case #39-2012, Variances from the following sections of the Zoning Ordinance are requested to allow the existing structure to be razed, and to allow a new single family dwelling with relocated driveway to be constructed: Section 405.2 – to allow for an increase in the area or volume of the structure; Section 405.3 – to allow for an increase of the nonconformity of the structure; Section 405.5 – to allow the replacement structure to be nonconforming to the required setback requirements; Section 406.2 – to allow for the expansion of the non-conforming structure within the building setbacks whereby rendering the expansion more non-conforming; Section 616.10.1 – to allow a new driveway within the 75 feet of Cobbett’s Pond; and Section 702 and Appendix A-1 – to allow 0’ frontage where 175’ is required; and to allow a lakefront setback of 25’ where 50’ is required per land submitted, seconded by Mr. Pellegrini. Motion passed 5 – 0.

The Chair advised all of the 30 day appeal period.

Review and Approval of Draft Meeting Minutes

November 13, 2012

The Chair entertained a motion.

Mr. Partington motion to approve the draft minutes of November 13, 2012, seconded by Mr. Pellegrini. Motion passed 5 – 0.

Old/New Business

- Updated Bylaws were handed out to the Board. The new schedule for 2013 was handed out to the Board. The next meeting will be January 8, 2013.

Member Binder Update – Tab 2 - 2013 ZBA Meeting & Application Deadline Schedule; Tab 11 – NH Legal Updates “Effective Prohibition” under the Telecommunications Act

Adjournment

The Chair entertained a motion to adjourn.

Mr. Partington motion to adjourn, seconded by Mr. Pellegrini. Motion passed 5 – 0.

These minutes are in draft form and respectfully submitted for approval by Cathy Pinette, ZBA Minute Taker.