



COMMUNITY DEVELOPMENT

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

Draft Zoning Board of Adjustment Minutes January 22, 2013

Board Members:

Mark Samsel, Chairman – Present
Heath Partington, Vice-Chairman – Present
Elizabeth Dunn, Member – Arrived at 7:35 pm
Jim Tierney, Member – Present
Jay Yennaco, Member – Present

Mike Scholz, Alternate – Present
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. Scholz to sit for Ms. Dunn.

Mr. Tierney read Case # 2-2013 Lot 17-J-137 into the record.

Lot 17-J-137, Case # 2-2013

Applicant – Frank Morse
Owner – Morse Irrevocable Trust
Location – 15 Gardner Road
Zone – Residence A District & Cobbett's Pond Watershed Protection Overlay District

Variances from the following sections of the Zoning Ordinance are requested to allow an addition to the existing home, including a deck, and an addition to the existing garage:

Section 406.2 - to allow an increase in the volume and footprint of the existing non-conforming structures within the required setbacks thereby rendering the structures more non-conforming;
Section 702 and Appendix A-1 – to allow a lot area of 27,470 +/- sq ft where 50,000 sq. ft. is required; to allow 126+/- feet of frontage where 175 feet is required; to allow the home addition to be constructed no less than 38 feet from the shoreland reference line where 50 feet is required; to allow the deck to be constructed no less than 15 feet from the shoreland reference line where 50 feet is required; and to allow the garage addition to be constructed no less than 30 feet from the front lot line where 50 feet is required and no less than 14 feet from the side lot line where 30 feet is required.

Mr. Morse addressed the Board. He stated he was told he had two years to get the foundations in and five years to build. He explained to the Board why it hadn't been done yet and he was asking for permission to extend his variances.

The Board asked the following questions:

Had Mr. Morse obtained the building permit? Mr. Morse stated he did not. The Board explained the building permit process. The Chair suggested Mr. Morse speak to Ms. Prendergast if his application was approved.

Ms. Prendergast stated the applicant had an approved variance from 2010. The applicant had received Planning Board approval for a major Cobbett's Pond Watershed application and a Shoreline Impact Permit. The applicant would like to submit a building permit if the Board approves the variance. Drawings submitted tonight are based on conditions of approval from the ZBA approval of November 1, 2010. The Board asked Ms. Prendergast if there were any changes made with the Cobbett's Pond approval or the Shoreline Permit. Ms. Prendergast stated no.

The Board questioned if the applicant needed relief from section 616.6 (c) 1. Ms. Prendergast stated no.

Mr. Morse read the five criteria into the record.

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

The Board discussed the application stating nothing has changed in zoning and zoning is less constrictive now.

Mr. Partington motioned, in consideration of the 5 criteria, to grant variances for Case #2-2013, Lot 17-J-137, from Section 406.2 to allow an increase in the volume and footprint of the existing non-conforming structures within the required setbacks thereby rendering the structures more non-conforming and Section 702 and Appendix A-1 to allow a lot area of 27,470 sq. ft. where 50,000 sq. ft. is required, to allow the home addition to be constructed no less than 38 feet from the shoreland reference line where 50 feet is required, to allow the deck to be constructed no less than 15 feet from the shoreland reference line where 50 feet is required, and to allow the garage addition to be constructed no less than 30 feet from the front lot line where 50 feet is required and no less than 14 feet from the side lot line where 30 feet is required per plan submitted, seconded by Mr. Scholz. Motion passed 5 – 0.

Mr. Partington motioned for Case #2-2013, Lot 17-J-137, that relief is not required from the 175 feet frontage as it is pre-existing, non-conforming, seconded by Mr. Tierney. Motion passed 5 – 0.

The Chair advised all of the 30 day appeal.

Ms. Dunn was seated on the Board.

Review and Approval of Draft Meeting Minutes

January 8, 2013

Minor amendments were made.

Mr. Tierney motioned to approve the amended minutes of January 8, 2013, seconded by Mr. Partington. Motioned approved 4 – 0 -1 with Mr. Yennaco abstaining.

October 9, 2012

Minor amendments were made.

Mr. Yennaco motioned to approve the amended minutes of October 9, 2012, seconded by Mr. Partington. Motion passed 4 – 0 -1 with Mr. Tierney abstaining.

Old/New Business

Ms. Prendergast stated there was one case the next meeting, a few more applications might come before the Board and there are 6 – 7 applications in February

Mr. Partington motioned to adjourn, seconded by Mr. Yennaco. Motion passed 5 – 0.

Meeting adjourned at 8:078 pm.

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