



## COMMUNITY DEVELOPMENT

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### Approved Zoning Board of Adjustment Minutes July 9, 2013

#### Board Members:

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

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

#### Staff:

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

#### Call to Order/Attendance

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

The Chair appointed Mr. Mazalewski to sit for Mr. Scholz.

#### Public Hearings

Mr. Samsel read Case # 19-2013 into the record along with the abutters list and a letter of authorization from Mr. James Schelzi to allow Herbert Assoc. to represent him

#### Lot 11-C-2516, Case # 19-2013

Applicant – Edward N. Herbert Assoc. Inc.  
Owner – James Schelzi  
Location – 17 Camelot Road  
Zone – Residence A

Variances from the following sections of the Zoning Ordinance are requested to allow the construction of a 20' x 15' shed within the required setbacks and to allow an existing 16'x16'-4" octagonal pool house to remain as built: Section 702 and Appendix A-1:- to allow a 20' x 15' shed to be constructed 15.4 feet from the side-rear lot line where 30 feet is required; and to allow 16' x 16'-4" octagonal pool house to remain 11.1 feet from the rear lot line where 30 feet is required.

- Mr. Shayne Gendron of Herbert Assoc. stated that Mr. Schelzi would like to build a shed behind the existing garage. The area they would like to put the shed is shielded from the road. The shed will need a garage door as he is storing equipment for the property in it. The lawn area is heavily landscaped and the applicant does not want to have to cross that with his tractor. The variance they are requesting is to allow the shed to be located 15.4' from the easterly (side-rear) lot line in order to better preserve lawn areas, recreational space and access ways. There is 75 feet of vegetative

buffer to the neighbor's house. Mr. Gendron stated the proposed location is the best place due to the septic system location and drainage easement. The proposed location is not visible to the neighbors or the street view. They are also requesting a variance to allow the existing pool house to remain 11.1' from the rear lot line. Mr. Schelzi pulled a permit for it years ago and did the work himself. He owns the two abutting back properties behind the pool shed. Mr. Gendron read the 5 criteria into the record.

### **Questions/Comments from the Board**

- The Board asked Mr. Gendron what the size of the two abutting back lots were. Mr. Gendron stated 1.23 acres and 1.7 acres.
- The Board asked Mr. Gendron if the shed was on the opposite side of the house if it would interfere with the septic system and also if the neighbors could see it. Mr. Gendron stated yes to both questions.
- The Board asked how many feet were between the pool house and the fence. Mr. Gendron stated 5 feet. Mr. James Schelzi stated the reason the fence is where it is because it sits on a retaining wall and the architect used the corner of the house to line it up.
- The Board asked Mr. Schelzi if he had spoken to the Simione's about his plans. Mr. Schelzi stated he has met with Joyce & Ray Simione, 19 Camelot Rd, and showed them his plans and they have no objections.

The Chair opened the hearing to the public at 7:56 pm, hearing no comments the public portion was closed.

### **Mr. Samsel motioned to go into Deliberative Session, seconded by Mr. Yennaco. Motion passed 5 – 0.**

- Mr. Yennaco stated the existing pool shed with the retaining wall would cost a lot of money to move and it was an honest mistake. The proposed shed is in the best spot as it is hidden from view and is in the best interest of the public. The Board concurred with Mr. Yennaco's statement.
- The Chair stated there will be no change in the character of the neighborhood, there are no health or safety issues, there is no diminishment of property values, it is in the spirit and intent of the ordinance and the lot is unique due to this being the best location for the shed.
- The Conservation Commission letter stated they had no comments.

**Mr. Samsel motioned in consideration of the five points to grant the variance for Case # 19-2013 from Section 702 and Appendix A-1:- to allow a 20' x 15' shed to be constructed 15.4 feet from the side-rear lot line where 30 feet is required; and to allow 16' x 16'-4" octagonal pool house to remain 11.1 feet from the rear lot line where 30 feet is required, seconded by Mr. Yennaco. Motion passed 5 – 0.**

The Chair advised all of the 30 day appeal period.

## **Review and Approval of Draft Meeting Minutes – 5/28/2013 revised; 6/11/2013**

**May 28, 2013**

**Mr. Samsel motion to accept the amended minutes as written of May 28<sup>th</sup>, seconded by Mr. Mazalewski. Motion passed 5 – 0.**

**June 11, 2013**

- Minor edits were made.

**Mr. Samsel motioned to accept the amended minutes of June 11<sup>th</sup>, seconded by Mr. Tierney. Motion passed 4 – 0 – 1 with Mr. Yennaco abstaining.**

### **Old/New Business**

Court Cases: Roberts (Pending), 21st Century (ZBA decision reversed)

#### **Roberts Case**

- The Board is still waiting for a decision

#### **21<sup>st</sup> Century Case**

- The Board has received a confidential letter from Attorney Campbell and the ZBA decision was reversed. The Board discussed if there would be an appeal. It was stated that the Community Development Department would be the appropriate body to escalate to the Board of Selectmen if they wanted. The Board discussed adding to the By-Laws how to proceed in these cases. A language change in the Ordinance might be appropriate. At the request of the Chair the letter will be shared with the Planning Board and Ms. Prendergast will be working with the Planning Board on the Sign Ordinance. The Board discussed confidential letters and how they are made public. It was stated that this letter was written to Ms. Prendergast as the ZBA/Code Enforcement Administrator and only she can release this letter. Ms. Prendergast stated this will be shared with the Planning Board but otherwise will not be released.

### **Adjournment**

**Mr. Samsel motioned to adjourn, seconded by Mr. Tierney. Motion passed 5 – 0.**

**Meeting adjourned at 8:15 pm.**

These minutes were amended and approved 7/23/13 and respectfully submitted by Cathy Pinette, ZBA Minute Taker