



COMMUNITY DEVELOPMENT

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Draft Zoning Board of Adjustment Minutes July 23, 2013

Board Members:

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

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

Staff:

Laura Scott, Community Development Director
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. Pellegrini to sit for Mr. Yennaco.

Mr. Samsel read Case # 21-2013 into the record along with the abutter list and a letter of authorization from George W. and Nancy E. Kimball stating Mr. Maynard could speak for them

Lot 25-D-3, Case # 21-2013

Applicant – Benchmark Engineering Inc.
Owner – George W. and Nancy E. Kimball
Location – 27 Rock Pond Road
Zone – Residence A

Variances from the following sections of the Zoning Ordinance are requested to allow the construction of an 18' x 30' pool and 16' x 24' cabana within the required setbacks:

Section 702 and Appendix A-1: to allow an 18' x 30' pool to be constructed 15 feet from the rear lot line where 30 feet is required; and to allow a 16' x 24' cabana to be constructed 10 feet from the rear lot line where 30 feet is required.

- Mr. Joe Maynard, of Benchmark Engineering, addressed the Board. He stated currently there is a garage, an above ground pool and shed on the property. There are variances for these items. The Kimball's would like to remove the above ground pool and replace it with an in-ground pool and add a cabana/shed. The lot has very sandy soil, the septic is behind the house and if they do any excavation near the septic it has the potential to collapse. The current septic is in good condition at this time. They are on community water. There are 2 abutters on Sharon Road that are 100 feet away and there is a good tree buffer between the lots. Mr. Maynard has 2 letters from the abutters in support of the project. They will be removing the existing shed.

Questions/Comments from the Board

- What style of cabana will be erected. Mr. Maynard stated they have not determined the style yet of the cabana/shed. It will be kept away from the septic.
- Will the current fence be impacted. Mr. Maynard stated there is a fence on the property now and they will be adding to it and adding a fence around the pool.

Mr. Maynard read the 5 criteria into the record.

The Chair opened the hearing to the public at 7:42 pm, hearing no comment, the public portion was closed.

- Mr. Samsel read a letter of support from Michael Depiano, 28 Sharon Rd. and Stephen Petron, 26 Sharon Rd., who were both in support of the variance. Also a letter from the Conservation Commission who had no comment.
- Mr. Maynard stated this was a reasonable request and how the yard is configured now with the septic that this was the best location for the pool and cabana/shed.

Mr. Samsel motioned to go into deliberative session, seconded by Mr. Scholz. Motion passed 5 – 0.

- The consensus of the Board was that this was a reasonable request considering the location of the existing house and septic and there was a large buffer abutting the neighbors. It meets all the 5 criteria.

Mr. Scholz motioned in consideration of the 5 points to grant Case # 21-2013 to allow variances from Section 702 and Appendix A-1:- to allow an 18’ x 30’ pool to be constructed 15 feet from the rear lot line where 30 feet is required; and to allow a 16’ x 24’ cabana to be constructed 10 feet from the rear lot line where 30 feet is required, seconded by Mr. Tierney. Motion passed 5 – 0.

The Chair advised all of the 30 day appeal period.

Mr. Pellegrini stepped down and the Chair appointed Mr. Mazalewski to sit for Mr. Yennaco.

Mr. Samsel read Case # 22-2013 into the record along with the abutter list.

Lot 16-F-2, Case # 22-2013

Applicant – Benchmark Engineering Inc.

Owner – Paula A. Jones Revocable Trust, Paula A. Jones Trustee

Location – 20 Ash Street

Zone – Residence A, Cobbett’s Pond Watershed Protection Overlay

Variations from the following sections of the Zoning Ordinance are requested to allow a detached garage, approximately 30’ x 24’ in size, to be constructed within the required setbacks:

Section 702 and Appendix A-1:- to allow a detached garage to be constructed 10 feet from the side lot line where 30 feet is required and 20 feet from the front lot line where 50 feet is required.

- Mr. Joe Maynard of Benchmark Engineering, on behalf of the owners, Paula A. Jones Revocable Trust, Paula A. Jones Trustee, addressed the Board. He stated the property at 20 Ash Street goes down to Cobbett's Pond. Ash St. is a private road. A few years ago some improvements were made to the property. There is a big grade change from the street to the pond. The best place for the garage would be off the existing driveway. The back lots on Ash Street have a view of the water between the houses on the water. Placing the garage where it is proposed would not obstruct the back neighbors view. The garage will blend in with the raised septic system. He has spoken to the abutting neighbor about drainage problems from the back lots and Mr. Maynard will be making improvements to slow the water down. He will do stormwater management with a rain garden and the new garage will block some of the water. Mr. Maynard spoke about the other existing properties in the neighborhood which are also close to their respective lot lines. This will be a one story garage for 2 cars with a storage area off to the side.

Questions/Comments from the Board

- Will there be pavement in front of the storage area. Mr. Maynard stated yes as part of the driveway and there is a 4' x 4' jog.
- What is the turnaround area. Mr. Maynard stated they will be adding some pavement and there will be a place for turnarounds. They are under 30% impervious coverage.
- Why is the garage not centered on the lot. Mr. Maynard stated if it was centered they would still be looking for a setback variance, they would lose the ability to do drainage improvements, they wouldn't be able to have a turnaround and it would be over the well. He stated 10 feet seems to be acceptable in the area.

Mr. Maynard read the 5 criteria into the record. Mr. Maynard stated he had a letter from Mr. Morando, 19 Ash St. supporting the variance.

The Chair opened the hearing to the public at 8:00 pm.

- Mr. Tracy Talcott, 16 Ash St., stated he has no objections. He likes the garage where it is proposed and it will help with drainage.
- Mr. Samsel read the letter from Salvatore and Jean Morando, 19 Ash St., stating they had no objections. The Chair entered the letter as Exhibit A. Mr. Samsel stated he had a letter from the Conservation Commission and they had no comment.
- Mr. Maynard stated this was a reasonable request considering the lot size. Most houses in the area have a garage. They are at the farthest place they can be from the Pond.

The Chair closed the hearing to the public.

Mr. Tierney motioned to go into deliberative session, seconded by Mr. Scholz. Motion passed 5 – 0.

- The Board stated the request passes the 5 points and had no issues with the request. The Chair stated this property was unique because of the grade, the existing driveway, the rear property views, and the rain garden and drainage improvements. It meets all the 5 criteria.

Mr. Scholz motioned in consideration of the 5 points to grant Case # 22-2013 Section 702 and Appendix A-1:- to allow a detached garage to be constructed 10 feet from the side lot line where 30 feet is required and 20 feet from the front lot line where 50 feet is required, seconded by Mr. Samsel. Motion passed 5 – 0.

The Chair advised all of the 30 day appeal period.

Review and Approval of Draft Meeting Minutes

7/9/2013

- Minor amendments were made to the June 9th draft minutes.

Mr. Samsel motioned to approve the amended minutes of June 9th, seconded by Mr. Tierney. Motion passed 5 -0.

Old/New Business

Court Cases: Roberts (Supreme Court has affirmed the Superior Court ruling which upheld the ZBA)

- The Robert's Case decision was received by the Department which upheld the ZBA ruling. The Chair received a copy of the ruling and a copy will be sent to the Board members.

House Numbers

- Mr. Scholz stated he had a difficult time finding the house on Ash St as there were no numbers on the houses. Ms. Scott stated Fire and Police are working on numbering houses with residents for safety reasons. The Board and staff discussed the possibility of having a requirement on the application to have the applicant post on the house the street number, lot number and block number for easier identification. Ms. Scott will let Ms. Prendergast know that the Board would like to discuss this at a future meeting.

Adjournment

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

Meeting adjourned at 8:13 pm

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