



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Approved Minutes Zoning Board of Adjustment June 23, 2015

7:30pm @ Community Development Department

Mike Scholz	Chairman	Excused	Mike Mazalewski	Alternate	Present
Heath Partington	Vice Chair	Present	Kevin Hughes	Alternate	Excused
Mike Samsel	Secretary	Present			
Pam Skinner	Member	Present			
Bruce Breton	Member	Present			
Jim Tierney	Alternate/on-call	Present			

Staff:

Dick Gregory, Code Enforcement Administrator

Suzanne Whiteford, Minute Taker

Mr. Mazalewski seated for Mr. Scholz

Lot 11-A-1415, Case# 15-2015

Applicant/Owner Michael Boutin & Stefanie Snow (Boutin)

Location – 7 Pilgrim Road

Zone – Rural District

Variance from the following sections of the Zoning Ordinance is requested to allow the addition of a garage, mud room and wood shop.

Section 406.2 to allow an increase in the volume and foot print of the structure.

Section 702, App. A-1 to allow the new addition to be 17' 6" from the side lot line, where 30 ft. is required

Motion by Mr. Samsel to continue this hearing as there is not a plot plan.

Board discussion on the motion:

Mr. Samsel believes a plot plan needs to be submitted with the applications as there are extensive wetlands involved.

Mr. Mazalewski pointed out that the setback on the architectural plan is different from the setback posted in the hearing.

Mr. Partington asked the applicant if the setback requested is 17.5 feet or 15 feet. The applicant does not recall requesting 17.5 feet.

Mr. Partington asked the Board what to weigh in on whether or not they would like to see a plot plan.

Ms. Skinner would like to see a plot plan including WWPD delineation.

Applicant what WWPD means.

Ms. Skinner and Mr. Partington explained what WWPD means and why it is important to include WWPD delineation in the application, and why the setback needs to be notified correctly. Mr. Tierney informed the applicant: that per state law a full site plan must be submitted to the state to receive a building permit; If the applicant wants to go down to the 15.5ft, the abutters will need to be re-notified; advised the applicant to meet with Mr. Gregory so abutters can be notified in time for the next hearing.

Second by Ms. Skinner

Amended motion by Mr. Samsel to include date certain July 14, 2015

Second by Ms. Skinner

Vote 5-0-0 to continue the hearing at July 14, 2015 ZBA meeting.

Mr. Tierney seated for Mr. Scholz

Lot 11-A-410, Case # 16-2015

Applicant – Joseph Maynard

Owner – Christopher LaFrance

Location - # Haverhill Road

Zone – Rural District

Variance from the following sections of the Zoning Ordinance is requested to build a dwelling.

Section 601.3 to erect a building which is not a permitted use in the WWPD.

Section 601.4.6 to allow a waste disposal system which is not a permitted use in the WWPD.

Section 601.4.8.1 to erect a building which is not permitted in the WWPD.

Section 601.4.8.4.1 to allow WWPD boundary markers to not be installed.

Section 702, App. A-1 to allow the house to be 27 ft. from the side lot line where 30 ft. is required and to allow a house to be built on a lot with no frontage on a town street.

Applicant Mr. Joseph Maynard, Benchmark engineering, briefed the ZBA members and public on the background of the plan for Case #16-2015. Mr. Maynard met with conservation commission and they signed off on the application. Mr. Maynard described that the parcel of land as landlocked without any frontage on Haverhill Rd. Mr. Maynard discussed the placement of WWPD markers on the property due to uniqueness of the building location.

Mr. Tierney asked about access to the property from Harwood Rd.

Mr. Tierney replied there is not access from Harwood Rd.

Mr. Samsel asked if boundary markers would be permanent or just for construction

Applicant replied the boundary markers are supplied by the town and nailed to a tree: the markers stay as long as the tree remains.

Applicant reviewed the five variance criteria of the application for Case #16-2015

Hearing opened to the public

Brian Richard Welch, 3 Harwood Rd

Abutter, spoke in support of the plan.

Mr. Partington commented the WWPD markers, if placed according to the ordinance, would need to be placed literally through the house. Mr. Breton commented he would prefer the WWPD markers not be placed at all rather than have them placed incorrectly.

Motion by Mr. Samsel to go into deliberative motion

Second by Mr. Tierney

Vote 5-0-0

Mr. Tierney asked if the ZBA would be agreeable to have the applicant place the WWPD markers on the west side of the house, not the side with the septic system; and are they being placed so future owners are aware of the location of the WWPD and wetlands on the property.

Mr. Breton agreed with placing WWPD markers on the backside and include them on the plan. Fine with the plan and the change, it is an existing nonconforming lot.

Mr. Partington reviewed the five variance criteria.

Motion by Mr. Samsel to grant relief, as presented and in consideration of the five variance criteria, from Section 601.3 to erect a building which is not a permitted use in the WWPD.

Section 601.4.6 to allow a waste disposal system which is not a permitted use in the WWPD.

Section 601.4.8.1 to erect a building which is not permitted in the WWPD.

Section 702, App. A-1 to allow the house to be 27 ft. from the side lot line where 30 ft. is required and to allow a house to be built on a lot with no frontage on a town street.

And to grant relief from Section 601.4.8.4.1 from East side WWPD markers, but maintain the West side limit of the WWPD

Second by Mr. Tierney

Vote 5-0-0, Motion Carries

There is a 30 day appeal period

Mr. Mazalewski seated for Mr. Scholz

Lot 11-A-350, Case # 17-2015

Applicant – Joseph Maynard

Owner – Alonzo Farms, LLC

Location- 14 Haverhill Road

Zone – Limited Industrial District

Variance from the following sections of the Zoning Ordinance is requested to allow construction of town house condominiums which is not a permitted use.

Section 606.1 to allow construction of town house condominiums which is not a permitted use.

Applicant, Joseph Maynard, Benchmark Engineering briefed the ZBA members and public on the background of the plan.

No questions from the ZBA members for the applicant.

Exhibits A, B, C, and D entered into the record.

Applicant reviewed the five variance criteria of the application for Case #17-2015

Mr. Samsel asked about the square footage of the two buildings on the far left of the drawing

Applicant responded both buildings are 425 feet x 80 feet.

Hearing opened to the public:

Karla Doukas, 7 Hardwood Rd.:

- Not in favor of the plan as proposed
- The plan as proposed creates a mixed use property abutting a rural district
- 75 residential units is not the same as office condominiums
- Increased traffic not regulated
- Impact on the schools
- 8 unit townhomes are only allowed in residential B or C areas
- Significant impact on infrastructure
- Consider rezoning the land so it is better suited for the area
- The land was intended to be Limited industrial zone, low impact
- The project does not promote the master plan and is not in accordance with the 2005 survey results of the town.
- Question the impact on property values
- Not a reasonable use, intended to maximize the profit of the land

Tom Case:

- Agrees with Abutter comments
- No criteria in limited industrial for doing anything like this
- Change the zone to residential B and then try to develop it
- Granting a variance is not the right way to go.

Eliza Baldrige, 19 Hardwood Rd.:

- Asked where the buffer is (buffer pointed out on the map by the applicant)
- What is the plan to screen the cell tower. Applicant: no plan for screening the cell tower.
- Asked what the road is on the far right lower corner of the map. Applicant: it is access road to the wells.
- How many units are being proposed?
- What are the value and density of the units?
- Is access off route 111?
- Are there any public areas/amenities/open space?
- Would like more information regarding what it looks like.
- Not like other condo developments in town.

Betty Dunn:

- Not an abutter
- Concerned about town development
- Not possible to grant a variance based on the spirit and intent of the ordinance
- The parcel is intended to be limited industrial
- Town voted to make the area limited industrial
- Zoning of the parcel cannot be changed by a variance granted by the ZBA
- If changed to multifamily residential it is the decision of the people of the town

Peter Livingstone, 2 Yorkshire Rd.:

- If variance is granted is it for the specific plan submitted or is the land changed to residential forever?
- Mr. Breton clarified the ZBA would be granting a use variance not what is on the plan.
- How much blasting will be needed for the plan submitted?

Scott McNeal, 6 Yorkshire Rd

- Not a balanced use for the land
- Concerned about changing the use to residential will negatively impact tax revenue.
- Concerned about the impact on traffic on 111.
- Not the right process to change the land use by the ZBA; should be the entire community decision.

Applicant rebuttal:

- Difficult to compare proposed condominium against existing condominiums.
- Density is determined by soil tests.
- The cell tower that exists on the property, is allowed in other zones and doesn't affect the value.
- Shaw's didn't have to go 400 feet back because of wetlands.
- Agricultural use doesn't work on property like this because of the land slopes.
- A limited industrial plan can go further back.
- Traffic, am and pm peak spikes with limited industrial, not with residential use
- Offsets from 111 will be required regardless of the use of the property.
- Possibility of rezoning the property, agrees there is a process to rezone a piece of property however, does not think people appreciate the hardship of the land and will vote 'no' just based on the proposal of 75 condominiums.
- There is some form of blasting with limited industrial.
- Blasting falls under the town's ordinance.
- Test pits do not indicate more blasting with residential use but more blasting with industrial use.
- Cannot speak to the market value of the proposed homes.
- Does not anticipate an impact on property values.
- No amenities are being proposed.
- Most questions posed are not part of the plan in this phase of the process.
- True hardship due to the wetlands that exist to the lower end and across the property.
- Access to the property would be strictly from Haverhill Rd.
- Road in question to the lower right of the plan is a gravel access road.

Karla Doukas, 7 Harwood Rd.

- Cars driving into the development will impact the neighbor.
- The applicant bears the burden not the existing resident.

Debbie Livingstone, 2 Yorkshire Rd.:

- Residence is 800 feet behind the cell tower
- Concern what it will look like
- Noise impact
- Effects of blasting
- If approved can the number of residents be reduced?

Applicant, Mr. Maynard:

- Limiting the density cannot be guaranteed
- It is a concept and the application is for use
- There is flexibility
- Want to use it differently than what it is zoned for

Motion by Mr. Samsel to go into deliberation

Second Mr. Mazelewski

Motion by Mr. Samsel to go back to public

Second by Mr. Mazelewski

Vote 5-0-0

Troy Heath, 7 Hardwood Rd.:

- Pointed out that if the use of the property is changed the applicant can develop it anyway he wants.
- The voters want to give their opinion regarding land use.
- Concerned about overcrowded schools.
- Residents want to vote on change of land use.

Motion by Mr. Samsel to go into deliberation

Second by Mr. Mazalewski

Vote 5-0-0, Motion Carries

Board comments/discussion:

Mr. Samsel:

- Reviewed the 5 variance criteria.
- Believes the applicant failed to meet the criteria for #1, 2, 4, and 5.
- No comment on Variance criteria #3.
- This is not the best way to go about a change of use.

Mr. Mazalewski and Mr. Breton agreed with Mr. Samsel.

Mr. Partington:

- Agreed with above and commented on the process for change of land use.
- Disagreed with the applicant with regards to PB: if the PB supported the rezoning it would pass.
- When a change of use is granted in this fashion the rest of the ordinance does not contemplate the residential uses.
- The limited industrial is transitional use land.

- With regards to 5 criteria, agree with Mr. Samsel, conflicts with the basic zoning of the ordinance.
- Property values would not be diminished.
- Does not meet the hardship criteria.
- Substantial justice is not met.
- There is some benefit to the applicant, the negative impact to the public outweighs the benefit to the applicant.
- It fails to meet the 4 out of 5 criteria.

Motion by Mr. Samsel to deny variance from Section 606.12 to allow construction of town house condominiums which is not a permitted use.

Second Ms. Skinner

Vote 5-0-0, Motion Carries, request denied.

There is a 30 day appeal process

Mr. Tierney seated for Mr. Scholz

Lot 16-Q-211 & 16-Q-211B, Case # 18-2015

Applicant – Joseph Maynard

Owner – David & Anita Robitaille & Richard & Virginia Viau

Location – 16 & 18 Viau Road

Zone – Residential A

Variance from the following section of the Zoning Ordinance is requested to allow a lot line adjustment.

Section 702.App. A-1

Applicant, Mr. Maynard, Benchmark Engineering briefed the ZBA members and public on the background of the plan.

Ms. Skinner, asked if all the properties shown on the plan are existing structures

Applicant confirmed the properties shown are pre-existing nonconforming structures

Applicant, Mr. Maynard reviewed the five variance criteria for Case # 18-2015.

Mr. Tierney asked if there is any intention to give a deed of access

Applicant: No

Mr. Partington sites the only negative impact is the back lot decreases by 900 feet

Mr. Tierney asked if the existing buildings get any variances for the way they are currently constructed.

Applicant: no, the buildings exist as originally constructed

Mr. Partington inquired about the increase in the footage and the increase in size of the side yard setback

Hearing opened to the public

Approved Minutes ZBA June 23, 2015

No public questions or comments

Motion by Mr. Samsel to go into deliberation

Second by Mr. Tierney

Vote 5-0-0, motion carries

Board comments/concerns:

Mr. Partington reviewed the five variance criteria

Motion by Mr. Breton for Case #18-2015 to grant relief, in consideration of the five criteria, from Section 702.App. A-1 of the Zoning Ordinance to allow a lot line adjustment per the plan as submitted on April 5, 2015

Second by Mr. Samsel

Vote 5-0-0, motion carries

There is a 30 day appeal period

9:33pm brief break

9:45pm resumed

Mr. Mazalewski seated for Mr. Scholz

Mr. Samsel read Case #19-2015, the abutter list, and a letter of authorization into the record

Lot 11-A-860, Case # 19-2015

Applicant – Joseph Maynard

Owner –James & Patricia Flynn

Location – 35 North Lowell Road

Zone – Residential B & Wetland Watershed Protection District

Variance from the following sections of the Zoning Ordinance is requested to construct an addition.

Section 406.2 to allow an increase in volume & footprint.

Section 601.3 to allow the continued & expanded use in the WWPD which is not allowed

Section 601.4.6 to allow the existing septic system to remain in the WWPD which is not allowed.

Section 601.4.8 to allow the addition to the building without a special permit from the Planning Board

Section 601.4.8.4 to not require WWPD markers.

Joseph Maynard, Benchmark engineering briefed the ZBA members and public of the background of the plan.

Ms. Samsel asked if the plan will go before the planning board.

Applicant Mr. Maynard confirmed the plan will go before the Planning Board as a Minor site plan review.

Mr. Tierney asked if the septic tank need to be moved.

Applicant replied no the septic tank will not need to be moved.

The Applicant reviewed the five variance criteria for Case #19-2015

Mr. Mazalewski asked what the hardship would be if the existing septic system had to be moved. Applicant described the hardship as it relates to the grade issue on the land with regards to having to relocate a septic system.

Hearing opened to the public

Anthony Massahos, 21st Century Development:

- Taking a completely nonconforming building and upgrade it for the community.
- Economically, it is the only way the project can go forward.

No further comments questions from the public

Motion to go into deliberation

Second Mr. Breton

Vote 5-0-0, motion carries

Mr. Samsel believes the request is a reasonable request.

Mr. Mazalewski is concerned about granting variance for a septic system that exists in WWPD

Mr. Samsel reviewed history with previous challenge on granting variance for a septic system in the WWPD. The septic system is in place to protect the land.

Mr. Partington reviewed the five variance criteria

- 601.4.8 Does not meet the spirit of the ordinance, is contrary to the public interest and does not meet the hardship criteria.
- 601.4.8.4 To place the WWPD marker away from the houses to at least partially mark the line.

Amended motion made by Mr. Samsel for Case #19-2015 to grant relief as requested, in consideration of the five criteria, from section 401 and 406.2 and section 601.3 without condition.

Second by Mr. Breton

Vote 5-0-0, motion carries

There is a 30 day appeal period

Motion by Mr. Samsel to grant relief from section 601.4.8 to allow the addition to the building without a special permit from the Planning Board

Second by Mr. Breton

Vote 3-2-0 Ms. Skinner and Mr., Partington opposed

Motion passes

There is a 30 day appeal period

Motion by Mr. Samsel that no relief is required from section 601.4.8.4

Second by Mr. Breton

Mr. Samsel motion to amend the motion as the concern that was raised is accommodated by 601.4.8.4.2

Second Mr. Breton

Vote 5-0-0, motion carries

There is a 30 day appeal period

Mr. Tierney seated for Mr. Scholz

Case #20-2015, the abutter list, and a letter of authorization read into the record per Mr. Samsel.

Lot 22-L-73, Case # 20-2015

Applicant – Joseph Maynard

Owner – Chowdry Family Trust

Location – 35 West Shore Road

Zone – Residence A & Cobbetts Pond & Canobie Lake Watershed Protection District.

Variance is requested from the following sections of the Zoning Ordinance to allow the construction of a dwelling.

Section 702, App. A-1 to allow frontage of 49 ft. where 175 ft. is required, lot area of 4,516 sq. ft. where 50,000 sq. ft. is required, to allow side setback of 8 ft. where 30 ft. is required, rear (lake) setback of 35 ft. where 50 ft. is required and front setback of 15 ft. where 50 ft. is required.

Applicant Joseph Maynard, Benchmark engineering briefed the ZBA members and public of the background of the plan.

Applicant reviewed the five variance criteria for Case #20-2015

Hearing opened to the public

Ms. Johnson, 51 West Shore Road

- The two lots next to the proposed lots were denied to combine the lots and to replace a structure that burned down; so the family donated the lots to conservation.
- The DES has a setback of 50 feet, all primary setbacks as of 4/2008 must be setback greater than 50 feet
- Our town voted in an ordinance to protect Canobie Lake as it is the drinking water for the town of Salem

Betty Dunn

- This proposal is a path that can be detrimental to the lake
- This property has never been a building lot, it is an access lot
- The lot size is only .11 acres
- Encourage the ZBA members to have the lot staked out and then take a site walk to appreciate how small the building lot is.
- Special consideration to be given to the fact that Canobie Lake is unique to surrounding lakes as it is drinking water supply to residents.
- If you think about death by a 1000 cuts, this is not the first cut
- How can this be in the spirit and intent of ordinance with the lot being so small
- As per the applicant, if all the setbacks were met there would be no building space

Mr. Tierney pointed out the town has been challenged on lots in that area with smaller lots. As the Supreme Court has ruled in the past, for example the Robert's Case, something will be built there as on the lot. Every property owner has the right to develop and enjoy your property

Tom Murray, 29 West Shore

- Something would be allowed to be built
- Recalled contentious case that went to the Supreme Court
- Two houses down the street with a 3600 sq. foot home on a 0.1 acre lot

Applicant rebuttal to public objection

- Spoke about the use of the land
- Not looking for any relief from town zoning

Motion by Mr. Samsel to go into deliberation

Second by Mr. Breton

Vote 5-0-0, motion carries

Mr. Samsel believes to deny this variance would be considered a land taking
The building coverage is 20% which is reasonable.

Mr. Tierney said the plan is over 300 sq. feet of what the town allows with regards to impervious area, believes it is a reasonable request, it is a small house in comparison to other houses in the area.

Mr. Partington:

- In support of a site visit.
- Understands the issues with regards to the size of the lot.
- This person has much of a right to come before the board to request a reasonable structure to be built.
- Not an uncommon site.
- The five variance criteria are being met.

Motion by Mr. Samsel for Case #20-2015, in consideration of the five criteria, to grant relief from the following sections of the Zoning Ordinance to allow the construction of a dwelling. Section 702, App. A-1 to allow frontage of 49 ft. where 175 ft. is required, lot area of 4,516 sq. ft. where 50,000 sq. ft. is required, to allow side setback of 8 ft. where 30 ft. is required, rear (lake) setback of 35 ft. where 50 ft. is required and front setback of 15 ft. where 50 ft. is required as presented.

Second by Mr. Breton

Vote 5-0-0, motion carries

There is a 30 day appeal period

Mr. Mazalewski seated for Mr. Scholz

Case #21-2015, the abutter list, and a letter of authorization read into the record per Mr. Samsel.

Lot 17-J-104, Case # 21-2015

Applicant – Josepha Maynard

Owner-Roberts Family Trust

Location -15 Rocky Ridge Road

Zone – Residence A & Cobbetts Pond & Canobie Lake Watershed Protection District.

Variance is requested from the following sections of the Zoning Ordinance to allow construction of a dwelling.

Section 702, App. A-1 to allow frontage of 50 ft. where 175 ft. is required, lot area of 6,856 sq. ft. where 50,000 sq. ft. is required, to allow side setback of 9 ft. where 30 ft. is required, rear (lake) setback of 12 ft. where 50 ft. is required and front setback of 26 ft. where 50 ft. is required.

Applicant pointed out to the ZBA members and public he did not include request for a variance for a side set back of 4 feet.

Motion by Mr. Breton to amend motion to continue case # 21-2015 on July 14, 2015

Second Ms. Skinner

Vote 5-0-0, motion carries

Mr. Mazalewski seated for Mr. Scholz

Case #22-2015, the abutter list, and a letter of authorization read into the record per Mr. Samsel

Lot 17-I-111C, Case # 22-2015

Applicant – Joseph Maynard

Owner – David & Linda Latta

Location – 23 Walkey Road

Zone - Residential A & Cobbetts Pond & Canobie Lake Watershed Protection(CPCLWP) & Wetland & Watershed Protection District (WWPD).

Variance is requested from the following section of the Zoning Ordinance to allow construction of a dwelling.

Section 601.3 to allow a dwelling to be constructed in the WWPD.

Section 601.4.6 to allow a septic system to be 50 ft. from the WWPD where 100 ft. is required.

Section 601.4.8 to allow the construction of the dwelling without a special permit from the Planning Board.

Section 601.4.8.4 to not require WWPD markers

Section 616.6.4.1 to allow a driveway within the 75 ft. buffer.

Section 616.8 to allow some of the 100 ft. buffer to be disturbed.

Section 616.9 to the septic system to be 50 ft. from hydric-B soil where 75 ft. is required.

Section 702, App. A-1 to allow frontage of 70 ft. where 175 ft. is required, lot area of 4,650 sq. ft. where 50,000 sq. ft. is required, to allow side setback of 9 ft. where 30 ft. is required,) and front setback of 26 ft. where 50 ft. is required.

Joseph Maynard, Benchmark engineering briefed the ZBA members and public of the background of the plan.

Mr. Samsel pointed out the Building coverage of 24%.

Applicant pointed out the footprint remaining is the same size structure.

Mr. Mazalewski asked where the rear lot line is and asked why relief from the rear lot line is not requested in the application.

Applicant replied the existing house sits about 5 feet off the lot line in the rear.

Mr. Partington believes the applicant needs 5 foot relief from the rear lot line to build the structure.

Mr. Breton agrees with the chair, the plan is not the exact same footprint.

Mr. Samsel believes the case can be heard.

Mr. Breton points out the notice is for the general public, it wouldn't be fair if it wasn't noticed properly.

Mr. Tierney points out the building height does not meet the restriction, the plan indicates occupiable space.

Exhibit A and B entered into the record.

Mr. Partington invited members of the public that wish to speak in favor of the case to come forward and state name and address to be entered into the record.

Members of the public that entered name into the record in support of the plan:

Ann Barbagallo, 21 Walkeys Road

Christopher McGadden , 28 Walkeys Road

Brandon Tsetsilas, 31 Walkeys road

Will Widgren, 32 Harvest Road

Joseph Levis, 30 Walkeys Road

Motion Mr. Samsel to continue the Case # 22-2015 to July 14, 2015

Second Mr. Breton

Vote 5-0-0, motion carries

Mr. Tierney seated for Mr. Scholz

Case #23-2015, abutter list, and a letter of authorization read into the record by Mr. Samsel.

Lot 17-I-111, Case # 23-2015

Applicant – Joseph Maynard

Owner – Branden & Cheryl Tsetsilas

Location – 31 Walkey Road

Zone – Residential A & Cobbetts Pond & Canobie Lake Watershed Protection (CPCLWP) District.

Variance from the following sections of the Zoning Ordinance is requested to build a dwelling.

Section 702, App. A-1 to allow frontage of 0 ft. (private road) where 175 ft. is required, lot area of 17,400 sq. ft. where 50,000 sq. ft. is required, rear setback (lake) 14 ft. where 50 ft. is required and front setback of 45 ft. where 50 ft. is required.

Joseph Maynard, Benchmark engineering briefed the ZBA members and public of the background of the plan.

Mr. Partington asked where the 12 feet comes into the plan.

Applicant spoke to the 12 feet and pointed it out on the plan.

Applicant, Mr. Maynard reviewed the five variance criteria for Case #23-2015.

Mr. Tierney asked if the applicant intend to remove all the existing amenities on the lot.

Applicant replied the stairs leading to the beach are staying

Mr. Mazalewski does not see the stairs added on the application.

Ann Barbaragallo 21, Walkeys road

- The neighborhood is in transition
- Happy and excited to see the transition take place
- In favor of the proposed plan

Joe Levis, 30 Walkeys Road

- Great neighbors
- Speaking in support of the project

Chris Mc, 28 Walkeys Road

- New in the neighborhood
- Spoke in support the plan

Mr. Tierney asked if the structure will meet the height requirement
Applicant is not asking for relief from it
Elevation not provided

Mr. Mazalewski asked if all existing trees are remaining.
Applicant: Supplemental planting will be proposed, the shoreline application has not been completed, we have to meet 50 points no matter what. If trees are removed they will have to be replaced in another area to meet the 50 points.

Motion by Mr. Samsel to go into deliberation

Second by Mr. Breton

Vote 5-0-0, motion carries

Mr. Samsel believes the plan meets the 5 variance criteria
Mr. Breton agrees with Mr. Samsel, one of the first plans he has seen on the point
Mr. Partington concurs with Mr. Samsel and Mr. Breton believes the plan meets the 5 variance criteria

Motion by Mr. Samsel for Case # 23-2015 in consideration of the five criteria, to grant relief from the following sections of the Zoning Ordinance is requested to build a dwelling. Section 702, App. A-1 to allow frontage of 0 ft. (private road) where 175 ft. is required, lot area of 17,400 sq. ft. where 50,000 sq. ft. is required, rear setback (lake) 14 ft. where 50 ft. is required and front setback of 45 ft. where 50 ft. is required, as presented.

Second by Mr. Breton

Vote 5-0-0, motion carries

There is a 30 day appeal period

Motion by Mr. Samsel to adjourn

Second by Mr. Breton

Vote 5-0-0, motion carries

Meeting adjourned 11:54pm

Minutes submitted by Suzanne Whiteford, minute taker.

Approved Minutes ZBA June 23, 2015

