



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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**Approved minutes Zoning Board of Adjustment
September 8, 2015
7:30 pm @ Community Development Office**

Mike Scholz	Chairman	Present	Mike Mazalewski	Alternate	Present
Heath Partington	Vice Chair	Present	Kevin Hughes	Alternate	Excused
Mike Samsel	Secretary	Present	Jim Tierney	Alternate	Excused
Pam Skinner	Member	Present	Jay Yennaco	Alternate	Excused
Bruce Breton	Member	Present			

Staff:

Dick Gregory, Code Enforcement Administrator

Suzanne Whiteford, Minute Taker

Meeting called to order at 7:30 by Chairman Scholz

Case #28-2015 and abutter list read into the record by Mr. Samsel

Lot 24-E-14, Case #28-2015

Applicant/Owner – James & Christina Thoele

Location – 125 Lowell Road

Zone – Residence A

Variance relief from the following section of the Town of Windham Zoning Ordinance and Land Use Regulations is requested to allow the construction of 32 ft. of 8 ft. high fence.

Section 710.3.1 to allow 32 ft. of an 85 ft. long fence to be 8 ft. high where 6 ft. is allowed.

James Thoele, 125 Lowell Road. Requested variance as listed above. Mr. Thoele presented the five variance criteria for Case #28-2015.

Hearing opened to the Public. No public input.

Motion by Mr. Samsel to go into deliberation

Second by Mr. Breton

Vote 5-0-0

Motion passed

Five variance criteria for Case #28-2015 reviewed by Mr. Partington.

In consideration of the five variance criteria and testimony presented, a motion was made by Mr. Samsel to grant relief for Case #28-2015 to allow the construction of 32 ft. of 8 ft. high fence. Section 710.3.1 to allow 32 ft. of an 85 ft. long fence to be 8 ft. high where 6 ft. is allowed.

Second by Mr. Breton

Approved ZBA Minutes September 8, 2015

Vote 5-0-0

Motion passes

Chairman Scholz notified the applicant of a 30 day appeal period.

Case #29-2015 and abutter list read into the record by Mr. Samsel

Lot 17-L-83, Case # 29-2015

Applicant: Edward N. Herbert Assoc., Inc.

Owner: Eugenia Ferrante

Location: 5 Grove Street

Zone: Residence A, and Cobbetts Pond and Canobie Lake Watershed Protection District (CPCLWP).

Variance relief from the following Sections of the Town of Windham Zoning Ordinance and Land Use Regulations is requested to allow the construction of a new dwelling.

Section 616.9.1 to allow a new septic system to be 17 ft. from poorly drained soil where 50 ft. is required.

Section 702, App. A-1 to allow 0 ft. of frontage where 175 ft. is required, lot area of 8,057 sq. ft. where is 50,000 sq. ft. is required, 17 ft. setback from rear lot line (lake) where 50 ft. is required, 2 ft. setback from both (2) side lot lines where 30 ft. is required.

Applicant, Mr. Shane Gendron, on behalf of Edward N. Herbert Assoc., Inc. presented Case #29-2015. **Exhibit 'A'** which included 3 sheets: 1. Elevations Ferrante Lake House, 2. Floor Plans Ferrante Lake House, and 3. Colored photos, entered into the record.

Mr. Partington asked for the impervious area coverage measurements

Mr. Gendron stated impervious area coverage measurements.

Mr. Partington inquired about the location of the abutters.

Mr. Gendron pointed out the existing abutters on the plan.

Mr. Samsel asked if there is a proposed increase in the footprint.

Mr. Gendron replied there is actually a slight decrease in the proposed footprint.

Mr. Samsel inquired about the existing house lot line located on the far right of the plan.

Mr. Gendron replied the house in question is 18 inches off the lot line.

Mr. Partington asked what the width of the property at the narrowest point measures.

Mr. Gendron replied the narrowest point of the property is 24 feet.

Mr. Gendron reviewed the five variance criteria for Case #29-2015.

Chairman Scholz asked if relief from 406.2 was needed.

Mr. Gregory explained relief from 406.2 was not needed because the applicant is not intending to add on to an existing structure.

A letter of support from abutting neighbor, living at 3 Grove Street, read into the record by Mr. Samsel and entered into the record as **Exhibit B**.

Kelly Galant, 7 Grove Street. Ms. Galant lives to the left of the applicant. Ms. Galant has no problem with the proposed plan.

Lawrence Sarkozy, 9 Grove Street, abutter, spoke in favour of the proposed plan. Mr. Sarkozy is especially happy the patio is being removed and the aging septic system is being replaced.

Peter Coffin, 1 Grove Street, abutter concerned about the well. Chairman Scholz reviewed for the abutter that the well issue has been addressed. Mr. Coffin asked if there will be any impact to his Right of way to his property.

Applicant, Mr. Gendron, pointed out on the plan the two existing access points to abutting properties. Both access points will be left in place. A septic line has to be placed through the access points. Mr. Gendron intends to maintain the existing access points after the septic line is placed.

Mr. Mazalewski asked the size of the eaves.

Applicant Mr. Gendron replied the eaves are about 1 foot in some places, and 1.5 feet in other places

Mr. Mazalewski inquired about the bump out in the dining area.

Mr. Gendron explained that the dining area bump out is a cantilever that comes out about a foot and is not foundation.

Motion by Mr. Breton to enter into deliberation.

Second by Mr. Samsel

Vote 5-0-0

Mr. Partington recognizes the plan will result in a decrease to impervious area, a new septic system which is a clean solution system, and a structure that meets building code. Several abutters, as listed above, are in favor of the plan. Mr. Partington pointed out that in regards to the five variance criteria, there is concern about congestion and being close to the lot line. Mr. Partington commented that there is always a worry about the water, but moving and replacing the septic system is good. No negative impact to the public, no diminish in value of abutting properties, and there is a letter in favor from the abutter. Mr. Partington commented the plan meets the hardship criteria, the property is unique, the plan is reasonable, and the applicant and owner did the best they good for the betterment of the water and met the abutter needs.

Mr. Samsel believes the plan is a balancing act due to the size of the lot and that the improvements outweigh any possible detriment. Mr. Samsel pointed out that approval by the neighbors is always good to hear, the plan is under the impervious coverage criteria, and much attention has been given to detail.

Mr. Breton concurs with Mr. Partington and Mr. Samsel's comments

In consideration of the five variance criteria and testimony presented, a motion was made by Mr. Partington to grant Variance relief from the following Sections of the Town of Windham Zoning Ordinance and Land Use Regulations as requested to allow the construction of a new dwelling. Section 616.9.1 to allow a new septic system to be 17 ft. from poorly drained soil where 50 ft. is required. Section 702, App. A-1 to allow 0 ft. of frontage where 175 ft. is required, lot area of 8,057 sq. ft. where is 50,000 sq. ft. is required, 17 ft. setback from rear lot

line (lake) where 50 ft. is required, 2 ft. setback from both (2) side lot lines where 30 ft. is required, as presented.

Second by Mr. Breton

Vote 5-0-0

Motion carries

Chairman Scholz advised the applicant of a 30 day appeal period.

Draft Minutes for August 11, 2015 reviewed and amended for later review.

Motion to Adjourn by Mr. Samsel

Second by Mr. Breton

Vote 5-0-0

Meeting Adjourned @ 8:43pm

Minutes submitted by Suzanne Whiteford, Minute Taker