



COMMUNITY DEVELOPMENT

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Draft Zoning Board of Adjustment Minutes January 8, 2013

Board Members:

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

Mike Scholz, Alternate – Excused
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 7:30 pm, introduced the Board Members and staff, and explained the meeting process.

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

Lot 11-A-819, Case #1-2013

Applicant: Douglas Zukowski
Owner – Douglas Zukowski & Christine McCutcheon
Location – 7 Oriole Road
Zone – Residential B District

Variations from the following sections of the Zoning Ordinance are requested to allow a shed to be constructed in the front yard and within the front yard setback:

Section 703 - to allow a shed in the front yard where accessory buildings are only allowed in the rear and side yard in conformance with the yard requirements of the district in which it is located.

Section 702 and Appendix A-1 - to allow a shed to be constructed 20-8" from the edge of pavement (approximately 8-8" from the front lot line) where 50 feet is the minimal required front yard.

Ms. Dunn read case #1-2013 into the record along with the abutter's list.

- Mr. Tierney commented and wanted made part of the record that the way the notice was posted, it makes the statement 20' 8" from the edge of pavement which is not recommended by Planning. The notice makes it sound like it is 20' 8' from the edge where it is actually 8' 8". The Chair asked Mr. Tierney and the Board if they were good with moving forward. Mr. Tierney and the Board were ok with that.
- Mr. Douglas Zukowski, 7 Oriole Road, addressed the Board. He stated he spoke to Mike McGuire last May and asked about putting a shed on his property. He explained to Mr. McGuire where he

wanted to put it and the size. Mr. McGuire stated it was ok. When Mr. Zukowski asked about the 50' setback Mr. McGuire told him that was for dwellings only, so he put the shed up.

- Mr. Tierney asked if he has applied for a permit. Mr. Zukowski stated he asked Mr. McGuire about a variance and was told he didn't need one. Mr. Zukowski handed the Board 3 pictures which the Chair entered as Exhibit A. Mr. Zukowski stated the shed is behind existing shrubs and trees, there was another potential spot but there were underground power lines so that was eliminated. Mr. Tierney asked for, and was provided by Ms. Prendergast with the plot plan. Mr. Zukowski stated the reason he wanted the shed was for easy access and to clear his garage for cars. The location that he is proposing is the best place. He can change the roof height, put in more shrubs but does not want to take out the 10' x 12' pad and replace it with a 10' x 10' pad due to misinformation he was given. He stated the sloping grades, septic tank, leach field, power and phone lines hinder his options for side and rear locations. Mr. Zukowski read the 5 criteria into the record.
- Ms. Dunn expressed her concern with the location being so close to the road and being visible, and stated that the variance would go with the land. She suggested Mr. Zukowski put the shed near the concrete wall near the driveway. Mr. Zukowski stated it would block access to his garage.
- Mr. Mazalewski questioned why the applicant did not put it to the left of the house. Mr. Zukowski stated he looks at that part of his lot as the front of his house, it is sloping, he doesn't want to drive his vehicle over the lawn and it would not suit his purpose.
- The Chair asked Mr. Zukowski where the sloping starts on the edge of pavement and Mr. Zukowski pointed that out to the Board in picture 2. The Chair asked about the elevation of the driveway and Mr. Zukowski stated 6 feet. He also stated he has a sprinkler system installed in his lawn. He stated he is willing to build according to the ordinance if he has to take the shed down.

The Chair opened the hearing to the public at 7:57 pm, hearing no comment the public portion was closed.

The Chair entertained a motion to go into Deliberative Session.

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

- The Chair stated the Board has to look at this as a proposal that the applicant wants to put in a shed.
- Ms. Dunn stated she has concerns and understands the applicant's issues with the land. She stated it was an unusual lot but being this close to the road is a big concern and landscaping does not hide it. Her other concerns with this application were the spirit and intent of the Ordinance and diminution of property values.
- Mr. Partington stated it was unfortunate the applicant was given incorrect information but it is very close to the road, it is visible and it doesn't meet the spirit and intent.
- Mr. Tierney stated it doesn't meet the spirit and intent or hardship. The size and height are issues from a public safety standpoint. He stated there should be an adequate place on the lot. Being so close to the road is a safety issue.

- The Chair agreed with the other Board members points. He stated even if the Board placed conditions such as landscaping or fencing it would have to always be maintained.

The Chair entertained a motion.

Mr. Partington motioned to deny a variance for Case #1-2013 for Lot 11-A-819 as it does not meet the spirit and intent of the Ordinance or the hardship criteria, seconded by Mr. Tierney. Motion passed 5 – 0.

- The Chair told Mr. Prendergast that we need to work more closely with Mr. McGuire to make sure the right information is disseminated.

Review and Approval of Draft Minutes

October 9, 2012

- Ms. Prendergast stated the Board has the second draft of the minutes with edits by the Chair, Mr. Partington, Ms. Dunn, Ms. Pinette and herself. The minutes were clarified to each of the pints to state what was being talked about at the time. These minutes will be moved to January 22nd so the Board can review them.

December 11, 2012

Mr. Partington motioned to approve the minutes of December 11, 2012 with edits, seconded by Mr. Tierney. Motion passed 4 – 0 – 1 with Ms. Dunn abstaining.

Adjournment

The Chair entertained a motion to adjourn.

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

Meeting adjourned at 8:20 pm.

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