



ZONING BOARD OF ADJUSTMENT
Approved Minutes

January 25, 2022 - 7:00 pm @ Community Development Department

Physical Location: 3 North Lowell Road (Community Development Department) Live

Broadcast: WCTV Channel 20 – Local Cable TV

Live Stream: <http://www.wctv21.com/>

Attendance:

Chairman Mike Scholz- present

Vice Chair Nick Shea- present

Pam Skinner, Secretary- present

Michelle Stith, regular member- present

Neelima Gogumalla, regular member- present

Betty Dunn, alternate- present

Payal Bayalla, alternate- present

Staff:

Alex- Community Development Director

Julie Suech- Planning Technician

Anitra Lincicum- minute taker

Public Hearing

Case #01-2022 Parcel 3-B-1

Applicant – Cedar Crest Development, LLC

Owner – Margaret Smith Revocable Trust

Location – 5 Bissell Camp Road

Zoning District – Rural

The applicant is seeking an appeal to an Administrative Decision by the Windham Planning Board on November 17, 2021 regarding PB Case # 2021-17. In accordance with RSA 676:3 (I), the following reasons were noted by the Planning Board in its Motion to Deny:

- Non-Compliance with **Windham Site Plan Regulations Section 513** requiring compliance with the Zoning Ordinance provisions, based on a finding of non-compliance with **Section(s) 610:9.3 and 610.9.4 of the Windham Zoning Ordinance.**

38 Ms. Skinner read the case into the record. The attorney for the applicant was present; Attorney John
39 Levenstein addressed the Board. Attorney Levenstein is representing the applicant who is now the owner
40 of the property. Chairman Scholz read from sections 677.15, 674:15, 617:21 of the Windham Zoning
41 Ordinance. Chairman Scholz stated that he understood that the applicant was trying to preserve the
42 appeals process. Chairman Scholz stated that housing for older people is listed as an innovative land use.
43 After discussion, Attorney Levenstein stated that he prefers they do not withdraw it and prefers the Board
44 find that they do not have jurisdiction. Ms. Dunn suggested that they get individual counsel if needed.
45 Chairman Scholz believes the Board can rule if they have jurisdiction to hear this case.

46

47 **A motion was made by Vice Chair Shea for Case #01-2022 that the Zoning Board of Adjustment**
48 **does not have jurisdiction in this case, Seconded by Ms. Skinner.**

49

50 **Vote 5-0.**

51 **Motion passes.**

52 **The Chair advised of the 30-day appeal period.**

53

54

55 **Case #03-2022 Parcel 21-K-47A**

56 **Applicant – Susan White**

57 **Owner – Susan White**

58 **Location – 28 Turtle Rock Road**

59 **Zoning District – Residence A & WPOD**

Variance Relief is requested from **Section(s) 703.1** to permit placement of an 8' by 10' (80 sq. ft.) shed in the front yard where no accessory buildings may be placed in the front yard and may not be placed closer than 10ft from the lot line in the side and/or rear yard.

60

61 Ms. Skinner read the case into the record. The abutters list is in the public packet. Ms. Susan White
62 addressed the Board. Ms. White stated that she would like to put her shed in the front yard of her
63 property. Were she to put it in the back yard, it would be too close to the lake. She would like to use the
64 shed to store bicycles and lawn equipment. Ms. White stated that she does have a partial basement that
65 does flood in the spring. Ms. White submitted a plot plan Chairman Scholz labelled it as Exhibit A. Ms.
66 White stated that her neighbors do have similar sheds and she would be in line with all of those. The
67 Board discussed that the shed would be a little more than 150 feet from the water. Ms. Dunn asked what
68 percent of the lot is paved. Mr. Mello stated that the plan would need a minor watershed permit. The
69 applicant is not asking for relief from the 30% impervious coverage. Ms. Dunn stated that she saw many
70 sheds in the category in the same area. The Conservation Commission had no issue with the plan as
71 presented. Vice Chair Shea asked if the bikes and lawn equipment were currently on site. Ms. White
72 stated that she does not yet have a lawn mower and the bikes are stored in a bedroom because the
73 basement flooded.

74

75 **A motion was made by Ms. Gogumalla to enter deliberative session. Seconded by Vice Chair Shea.**

76 **Vote 5-0. Motion passes.**

77

78 Vice Chair Shea stated that he believes this does meet the 5 criteria as presented and there is a unique
79 hardship in terms of the storage in the basement. Chairman Scholz state that the house is in close
80 proximity to the lake.

81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124

A motion was made by Ms. Gogumalla for Case #03-2022 to grant variance relief as requested from Section(s) 703.1 to permit placement of an 8' by 10' (80 sq. ft.) shed in the front yard where no accessory buildings may be placed in the front yard, per plan submitted and signed and dated by the Chair. Seconded Vice Chair Shea.

**Vote 5-0.
Motion passes.
The Chair advised of the 30-day appeal period.**

Continued Case:

Case #62-2021: Application for Rehearing - Case 54-2021 (Admin. Appeal): Parcel 22-R-01, 155 Range Rd (continued from December 28, 2021)

There was a letter with a formal withdrawal for the application from Attorney Dresher who was representing the applicant.

A motion was made by Ms. Skinner to accept the withdrawal of the application for Case#62-2021. Seconded by Ms. Stith. Vote 5-0. Motion passes.

Meeting Minutes-Review and Approve: 01/11/2022

A motion was made by Ms. Stith to approve the January 11th draft minutes as amended. Seconded by Ms. Skinner. Vote 5-0. Motion passes. Ms. Gogumalla and Vice Chair Shea abstained. Ms. Bayalla and Ms. Dunn voted to approve.

Miscellaneous

The Board had a general discussion about case history. The Board asked staff when cases are continued, is it possible to receive a case history. Ms. Mello stated that that information would be possible to provide.

Ms. Dunn asked about any other training coming up, not that Mr. Mello is aware of.

This Board heard from the Housing Appeals Board on a recent case. Chairman Scholz stated that they do believe they should meet with the town's attorney via zoom. The Board only have 30 days to decide if they want to make an appeal. Chairman Scholz asked if there was any more legislation for the Housing Appeals Board. Staff stated that there were none that anyone were aware of.

A motion was made by Vice Chair Shea to adjourn at 7:35pm. Seconded by Ms. Skinner. Vote 5-0. Motion passes.

Respectfully submitted by Anitra Lincicum