



# TOWN OF WINCHESTER

INCORPORATED JULY 2<sup>ND</sup> 1753



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## Notice

### Request of a Variance Application Review and Public Hearing 11-5-20

To: All abutters and others to be notified  
From: Zoning Board of Adjustment

Under the authority of New Hampshire Law (RSA 674:33), the Zoning Board of Adjustment will hold a public hearing regarding a request for a variance and special exception. Before an application can be considered all abutters shall be notified by certified mail.

The Winchester Zoning Board of Adjustment will be meeting on 11-5-20 at 7pm on the Main Floor of the Town Hall, 1 Richmond Road for the following: The board will review for acceptance an application for a variance request of Article X, D, setbacks, to place a generator and propane tank within the setbacks. The application is submitted by Margaret Leake for property located at 470 Forest Lake Road, map 34, lot 50. If the application is found complete the board will move into a public hearing on the matter.

If a decision is not reached the hearing will continue at the following meeting without further notice. The application is available for review in the Land Use Office during regular business hours and on the town website, [winchester-nh.gov](http://winchester-nh.gov).

Respectfully,  
Margaret Sharra, Land Use Administrator

Red. (MS)  
10/14/20

Application for: Variance

Date: Oct 13, 2020

Map# 34 Lot# 50

Name & address of applicant: Margaret Leake  
470 Forest Lake Road

Email: leake@ccsu.edu Phone: 860-324-7200

Name & address of owner: Margaret Leake  
470 Forest Lake Road

Email: leake@ccsu.edu Phone: 860-324-7200

Location of property: 470 Forest Lake Rd. Zoning District: Forest Lake

Description of property (include a plot plan, frontage, side & rear lines, water, structures, etc.) Attached drawing. The majority of the lot is sloped.

Proposed use/existing use: (Residence) I would like to install a generator that would be only 4' inside the property line and 20' from the road.

Fill out the attached abutters list and submit the non refundable fee of \$150 with the completed application and other necessary forms at least 21 days prior to the review by the ZBA. The ZBA generally meets on the second Thursday of each month if there is business. A complete application will be reviewed for acceptance before a public hearing is held within 30 days. You or your representative must be present at the hearing. All owners NOT representing themselves must submit a letter of representation for the applicant with the application.

Please complete and submit the following appropriate page(s) for the request of a variance, a special exception, an equitable waiver of dimensional requirements, an appeal from an administrative decision or a rehearing. Attach all other supporting documentation to the application.

\*\*\*\*\*  
After the public hearing, the board will typically render a decision within 30 days. You will be sent notice of this decision. If you believe the board's decision is wrong, you have the right to appeal. The Selectboard or any party with standing has similar rights of appeal. With an appeal, you must first ask the board for a rehearing. All requests shall be submitted on the appropriate ZBA forms and include the required fee. The motion must be made within 30 days of the decision and must set forth the grounds on which the claimed the decision is unlawful or unreasonable. The board may grant a rehearing if it is determined there were errors of law or new information is stated in the motion. Notice to the public and abutters are required for a rehearing. Refer to RSA 677:2 and RSA 676:7 for details.

**Variance:** For generator to be closer than 10 feet from property

The undersigned hereby requests a variance to the terms of Article X, section D, line. subparagraph \_\_\_\_\_, of the Winchester zoning ordinance.

M. Yeake 10/13/2020  
Signature of applicant and date

M. Yeake 10/13/2020  
Signature of owner and date

Facts supporting the variance request:

1. Granting of the variance will not be contrary to the public interest because:

It will NOT interfere with ~~any~~ public utility; snow removal or water shed.

It is small and for emergency use.

2. The spirit of the ordinance is observed because:

While still within the property it is a very small piece of equipment. For safety reasons it can't be any closer to the house.

3. By granting the variance substantial justice would be done because:

We lose power frequently and this will prevent freezing pipes; loss of refrigeration & loss of heat.

4. The value of surrounding properties are not diminished because:

It will not be visible when vegetation is planted and it is on a side of the neighbor with no windows. It is not obstructive.

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship; owing to special conditions of the property that distinguish it from other properties in the area, because:

a) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

The slopes on this property create a problem for installing this safety feature anywhere else on the property without exorbitant expense.

and b) the proposed use is a reasonable one because:

There is no other viable place to put the generator. The contractor ~~we~~ recommends this space as the safest.

Or: explain how if the criteria of (a)&(b) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The cost of the installation of the generator anywhere else on the property would increase the cost by over \$1000.

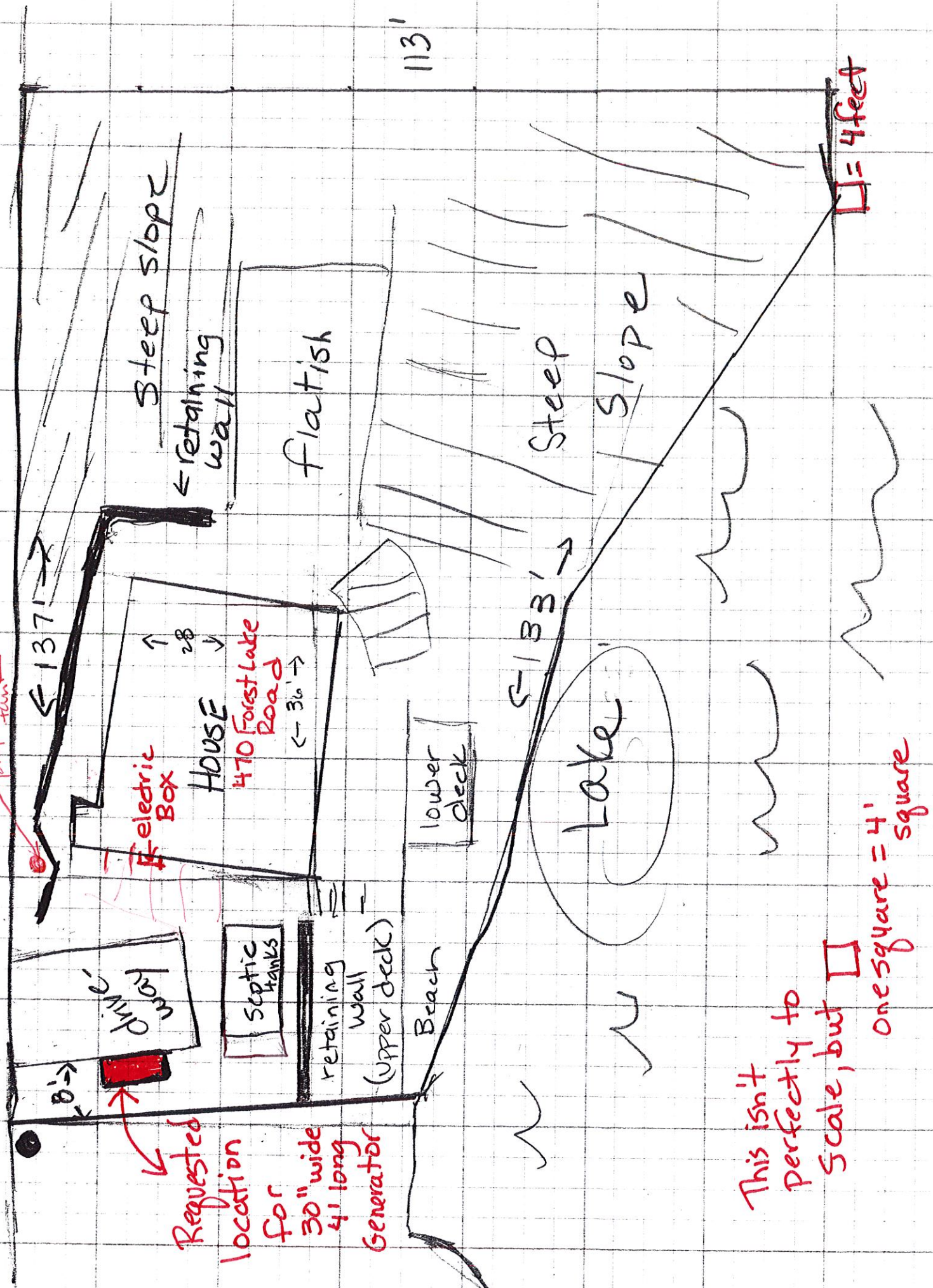
A generator will protect the house should power be lost for any substantial amount of time. As we frequently lose power, this seems a viable solution.

FOREST LAKE ROAD

propane tank

113'

H = 4 feet



Steep slope

← retaining wall

flatish

Steep

Slope

137'

Electric Box

HOUSE

470 Forest Lake Road

36'

lower deck

133'

Lake

Generator

Septic Tanks

retaining wall (upper deck)

Beach

8'

Requested location for 30" wide 4' long Generator

This isn't perfectly to scale, but one square = 4' square

EXISTING...  
BE REMOVED OR ABANDONED AS NECESSARY.

APPROXIMATE LOCATION OF EXISTING METAL  
EXACT SIZE NOT KNOWN (TO BE REMOVED).

TAX MAP #34, LOT #50  
0.16± ACRES

BM #2- SPIKE IN SIDE  
OF 10" WHITE PINE  
ELEV. 94.2 (ASSUMED)  
(4.0' ABOVE ORIG GRADE)

BM #1- SPIKE IN SIDE  
OF POLE  
ELEV. 100.0 (ASSUMED)  
(1.0' ABOVE ORIG GRADE)

*This may not be a useful reference. It is from the septic system replacement. Done in 2008, prior to my ownership.*

# SITE PLAN

SCALE: 1" = 20'



REVISION #3--7/3/08, SHOW PLUMBING TO BE RAISED IN BASEME H-10 RATING. ADD PRESSURE TREATED 6X6 OVER DRYWELL FOR PA

Abutters of 34/50

34/51 Scott <sup>ELWZ</sup> York 474 FLR, Win ✓

34/49 Seth Smalley 464 FLR, Win ✓

9/56 McMath Avevocal-trust  
to June Sullivan ✓  
PO Box 403  
Medford, MA 02155

34/50 Owner - lease ✓