

**BOARD OF ADJUSTMENT MEETING
JUNE 11, 2002**

MEMBERS:

Bruce Breton - Chairman
Rob Gustafson - Vice-Chairman
Robert O'Loughlin - Secretary
Al Souma - Member
Chris Doyle - Member
Jack Gattinella - Alternate
Tony Pellegrini - Alternate
Dick Drummond - Alternate

Lot #19-B-2024, Case #20-2002

Thomas & Kathleen Medrek
8 Lancaster Road

A variance is requested from Section 702 of the Zoning Ordinance to permit an 8' X 16' Shed to be located 13-feet from the side lot line where 30-feet is required.

Mr. O'Loughlin read the case into the record. Mr. & Mrs. Medrek presented their case. Mr. Medrek explained that a six-foot high solid wooden fence blocks the view between their lot and the relevant side lot. The shed will be used for storing tools and yard equipment such as a lawn mower. Mr. O'Loughlin read into the record the following Conservation Commission comment:

- The Conservation Commission's only concern is that the proposed structure not be in the WWPD. The WWPD delineation is not clear on the map provided.

Mr. Medrek stated that the shed would not be located in the WWPD. Mr. Medrek read the five points into the record. The Chairman closed the public portion of this case.

Lot #17-M-31, Case #21-2002

Kenneth C. Walsh
5 Oak Street

A variance is requested from Sections 401 + 702 of the Zoning Ordinance to permit the construction of a house addition (1128 square feet), a deck (187 square feet) and a garage (541 square feet) which will be 14.29 feet from a side lot and 11.27 feet from a side lot and 25.80 feet from Cobbetts Pond where 50-feet is required.

Mr. O'Loughlin read the case into the record. Mr. Walsh presented his case. The proposed addition upgrades the existing cottage and includes a new septic disposal system that has been approved by the town of Windham and the State of New Hampshire. This assures the best possible treatment of wastewater and therefore protects the lake. Although the lot contains 14,466 square feet of land both the power lines and the configuration of the lot prevents any further expansion to the northwest and south. The placement of the proposed addition is the only feasible location to expand the existing structure. The entry will be 19.61 feet from the property line and 14.29 feet from the circle. Mr. Walsh has access to his property from Armstrong Road. Mr. Walsh read the five supporting facts into the record. Mr. Gustafson asked if the surrounding properties are seasonal or year-round. Mr. Walsh replied that most of the homes

in his area are year-round dwellings. Mr. Robert Doyle, an abutter, spoke in favor of this request. Mr. O'Loughlin read into the record the following comments from the Conservation Commission:

- The Conservation Commission opposes incursions into the Shoreland Protection Act 50-foot setback. Construction of the house and deck additions violates the setback.
- If this request changes a seasonal structure into a year-round structure, as it appears to, this proposal is in opposition to the Town of Windham's 2000 Master Plan (Chapter 6, pp. 11-12).

Mr. Walsh stated that the structure will be no closer to the lake and that the Shoreland Protection Act does not apply to existing buildings. The Chairman closed the public portion of this case.

MINUTES

Mr. Doyle motioned to accept the amended May 28, 2002 minutes. Mr. Gustafson seconded the motion. Passed unanimously.

DELIBERATIVE SESSION

Lot #19-B-2024, Case #20-2002

Mr. Doyle motioned to grant case #20-2002. Mr. Gustafson seconded the motion. Mr. Souma, Mr. Gustafson, Mr. Doyle, Mr. O'Loughlin and Mr. Breton voted to grant this variance. Request granted 5-0.

Lot #17-M-31, Case #21-2002

Mr. Gustafson motioned to grant Case #21-2002. Mr. Doyle seconded the motion. Mr. O'Loughlin, Mr. Souma, Mr. Doyle, Mr. Gustafson and Mr. Breton voted to grant this variance. Request granted 5-0.

Other Business

The Members discussed adding the words as *per plan* to their motions.

The Chairman told the recording secretary to send a memo to the Conservation Commission regarding attendance at ZBA meetings.

The Members decided to cancel the July 9, 2002 meeting.

Mr. Doyle motioned to adjourn at 8:20 PM. Mr. Gustafson seconded the motion. Passed unanimously.

The next meeting of the Zoning Board of Adjustment will be on June 25, 2002 at 7:30 PM in the Planning & Development Office.

NOTE: These minutes are in draft form and are respectfully submitted for approval by Patricia Kovolyan.

