



## BOARD OF ADJUSTMENT

PO Box 120  
Windham, New Hampshire 03087  
Telephone (603) 432-3806

December 9, 2003

Bruce Breton – Chairman (Excused)  
Chris Doyle – Vice-Chairman  
Rob Gustafson – Secretary  
Al Souma – Member  
Georges Roy – Member  
Tony Pellegrini – Alternate (Absent)  
Kara DiFruscia – Alternate

### Alternate Appointment

Mr. Doyle appointed Miss DiFruscia to replace Mr. Breton for this meeting.

### Lot #16-R-183B, Case #55-2003

Martin F. Delaney, Jr.  
27 First Street

A variance is requested from Section 702 of the Zoning Ordinance to permit the building of a ground level deck encroaching into side setbacks.

Mr. Gustafson read the case into the record. Attorney Andrew Myers presented the case for Mr. Delaney. The encroachment on the proposed ground level deck is the same as the upper level deck that was granted a variance in 2001. The proposed deck extends 20-feet out from the basement. Many Cobbetts Pond area homes have similar decks. There will be no change in the use of the interior of the building. The property is located on a very rocky slope. The easement that was mentioned at the August 26, 2003 meeting is an easement to a well that is no longer in use. The certified plot plan that was submitted by Mrs. Donovan shows the distance between the deck and the side lot lines to be 8'6" and 6'; the same distances provided in Mr. Delaney's plan. The plan also shows that the Donovan house encroaches onto the Delaney property. Attorney Myers read the five supporting facts into the record. Mr. Dennis Root and Mr. Bob Grue spoke in favor of this request. Mr. Donovan representing Mr. Douglas Marshall of 187B Second Street, Sandy Rollston, Karen Marshall Graham and Attorney William C. Donovan representing his Grandmother Margaret Donovan spoke against this request. Attorney Myers addressed some of the abutters' concerns. Mr. Gustafson motioned and Mr. Souma seconded the motion to go into Deliberative Session. Passed unanimously.

### Deliberative Session, Case #55-2003

Mr. Gustafson motioned to grant to construct a deck per plan submitted not to exceed 26' X 20' and to be no closer to the lot line than the existing house. Mr. Roy seconded the motion. Mr. Souma and Miss DiFruscia voted to grant. Mr. Gustafson, Mr. Roy and Mr. Doyle voted to deny. Mr. Gustafson motioned and Mr. Doyle seconded the motion to reconsider. Mr. Roy, Mr. Souma, Mr. Gustafson and Mr. Doyle voted to reconsider. Miss



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DiFruscia abstained. Mr. Gustafson motioned and Mr. Roy seconded the motion to go back into Public Session. Passed unanimously. Mr. Gustafson motioned to continue Case #55-2003 to the January 13, 2003 meeting. Mr. Souma seconded the motion. Passed unanimously. The Members decided to do a site walk before the January 13, 2003 meeting.

### Lot #6-A-809, Case #56-2003

Jill Robbins

12 Bedros Street

A special exception is requested from Section 602.1.6 of the Zoning Ordinance to permit a customary home occupation; allergen free baking.

Mr. Gustafson read the case into the record. Mrs. Robbins presented her case. Mrs. Robbins explained that she would be delivering the baked goods to stores. Mrs. Robbins is not sure if she will be proceeding with this project because the State may want her to modify her bathroom. Mr. Gustafson motioned and Miss DiFruscia seconded the motion to go into Deliberative Session. Passed unanimously.

### Deliberative Session, Case #56-2003

Mr. Gustafson motioned to grant the Special Exception to allow the Applicant to pursue her baking and customary home occupation as applied for. Miss DiFruscia seconded the motion. Miss DiFruscia, Mr. Gustafson, Mr. Roy, Mr. Souma and Mr. Doyle motioned to grant this Special Exception. Request granted 5-0.

### Lot #22-L-208, Case #57-2003

Placido Ardizzone

3 West Shore Road

A variance is requested from Sections 401 & 702-A-1 of the Zoning Ordinance to permit the construction of a 12' X 18' screen porch on a portion of the existing open deck attached to the single family residence.

Mr. Gustafson read the case into the record. Mr. Ardizzone presented his case. Mr. Ardizzone explained that the proposed screen porch would be of high quality construction with attention paid to details. The proposed porch covers a portion of the existing deck. The roofline will be no higher than the existing roofline. Because of the Shoreland Protection Act, RSA 483-B-11, no windows will be installed, but the installation of screening is allowed. Mr. Ardizzone read the five supporting facts into the record. Mr. Gustafson motioned and Mr. Souma seconded the motion to go into Deliberative Session. Passed unanimously.

### Deliberative Session

Mr. Roy motioned to grant Case #57-2003. Mr. Souma seconded the motion. Mr. Souma, Mr. Roy, Miss DiFruscia, Mr. Gustafson and Mr. Doyle voted to grant this variance. Request granted 5-0.



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### Minutes

Mr. Gustafson motioned and Mr. Souma seconded the motion to accept the November 18, 2003 minutes as written. Passed unanimously.

### Other Business

Mr. Gustafson motioned to amend the By-laws to make the application fee read \$60.00 + \$5.00 per abutter. Mr. Roy seconded the motion. Passed unanimously.

### Mail

- Letter from the Rye, NH Planning Board & Board of Adjustment regarding a proposed wireless telecommunications tower.
- Memo from David Sullivan, Town Administrator, regarding the 2003 Annual Town Report. All narratives must be submitted prior to December 24, 2003, all statistical information must be submitted no later than January 14, 2004.

Mr. Gustafson motioned and Mr. Souma seconded the motion to adjourn at 9:47 PM. Passed unanimously.

The next meeting of the Zoning Board of Adjustment is scheduled for January 13, 2004 at 7:30 PM in the Planning & Development office.

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