



# BOARD OF ADJUSTMENT

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

August 10, 2004

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

## **Lot #17-J-90C, Case 35-2004**

Applicant – George Dinsmore  
Owner – Marion Dinsmore Revocable Trust  
Location – Waters Edge Road  
Zone – Residential A

A variance is requested from Sections 702.3, 401 & Appendix A-1 of the Zoning Ordinance to permit the relocation of a right-of-way (Waters Edge Road). Reduce Lot #17-J-90C by 1678 square feet and reduce frontage by 5.9' to 44.1'.

Mr. Roy read the case into the record. Mr. George Dinsmore, representing Marion Dinsmore, presented the case. Mr. Dinsmore gave a brief background of the subdivision. After having the land surveyed six or seven months ago it was established that the existing road does not follow the original subdivision plan. The road was built in 1960 or 1961. Mr. Dinsmore submitted three photos that were marked as *Exhibits A1, A2, A3* by the Chairman. The loss of volume of Lot #17-J-90C is minimal at 1678 square feet; the frontage loss is 5'9". The granting of this variance would allow this plan (right-of-way relocation plan) to be submitted to the Planning Board for action to correct the discrepancy in the right-of-way at Lot 17-J-90C to 17-J-90F that has existed for forty years. Mr. Dinsmore read the five supporting facts into the record. The Chairman closed the public portion of this case. Mr. Doyle motioned and Mr. Pellegrini seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

## **Deliberative Session, Case #35-2004**

Mr. Doyle motioned to grant Case #35-2004. Mr. Roy seconded the motion. Passed unanimously 5-0.

## **Lot #18-L-680, Case #36-2004**

Applicant – Attorney Peter Bronstein  
Owner – Jeremiah & Kathleen Cronin  
Location - 8 North Policy Street  
Zone – Residential A



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A variance is requested from Sections 702-A-1, 405.2 & 405.5 of the Zoning Ordinance to permit the razing of an existing one-story single-family dwelling to be replaced with a new two-story single family dwelling on the same footprint. The new dwelling will have greater area and volume than the previous dwelling and will not meet the required setbacks; west side setback 2.4' where 30' is required, front setback 16' where 50' is required and the deck 12' where 50' is required.

Mr. Roy read the case into the record. Attorney Bronstein, represented the owner, presented the case. Attorney Bronstein submitted a plan showing the existing footprint and a plan showing the structure centered on the lot which would be a bit further away from Canobie Lake and the interior lot line. The plan showing the proposed dwelling centered on the lot was marked as Exhibit A. If the structure is centered, the west side setback would be 13-feet where 30-feet is required and the front setback would be 21-feet where 50-feet is required and the deck would be 17-feet where 50-feet is required. Mr. & Mrs. Cronin would like to replace the existing one-story dwelling with a two-story, two-bedroom home on a 7,344 square foot lot. The owners intended to build on the same footprint but it was suggested by the Planning Staff that the proposed structure be centered on the lot. Attorney Bronstein read the five supporting facts into the record. The Chairman closed the public portion of this case. Mr. Pellegrini motioned and Mr. Souma seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

### **Deliberative Session, Case #36-2004**

Mr. Doyle motioned to grant Case #36-2004 per Exhibit A. Mr. Pellegrini seconded the motion. Passed unanimously 5-0

### **Lot #8-B-5700, Case #37-2004**

Applicant – Dean Smith

Owner – Dean Smith

Location – 61 Goodhue Road

Zone – Rural

A variance is requested from Section 702 of the Zoning Ordinance to clarify the variance granted on May 5, 2004 to reflect as per the plan the creation of two lots without frontage on a Windham Town road. One lot will have frontage on Goodhue Road in Derry, NH and the second lot will not have road frontage, but will be accessed by a permanent driveway easement.

Mr. Roy read the case into the record. Attorney Mason, representing Mr. Smith, presented the case. Attorney Mason explained that a variance was granted for Lot #8-B-5700 on May 11, 2004. Neither lot has frontage on a Windham town road. One lot has frontage in the town of Derry and the other lot has access via a permanent driveway easement. Attorney Mason said that Mr. Turner, Director of Planning & Development wants the language of the request to track the actions of the Zoning Board. Mr. Tierney, Building Inspector, said that the Planning Board is looking for a grant or deny on zero



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frontage on a town road. Our zoning ordinance lists *town* as being the Town of Windham so neither lot has frontage on a Windham town road. Mr. Doyle motioned and Mr. Pellegrini seconded the motion to waive the reading of the five support facts. Passed unanimously. John Raymond of 69 Goodhue Road, Derry, NH and Nancy Craddock of 67 Goodhue Road, Derry, NH requested clarification of the plan. Both Attorney Mason and Mr. Zohdi answered their questions. The Chairman closed the public portion of this case. Mr. Doyle motioned and Mr. Roy seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

### **Deliberative Session, Case #37-2004**

Mr. Doyle motioned to Grant Case #37-2004 clarifying per plan marked as Exhibit A from May 11, 2004. Mr. Roy seconded the motion. Passed unanimously 5-0.

### **Minutes**

Mr. Doyle motioned and Mr. Roy seconded the motion to accept the July 27, 2004 minutes as written. Passed unanimously 5-0.

### **Other Business**

Review of *Use & Area* Variance Applications was tabled to the first meeting in September.

Mr. Doyle motioned and Mr. Pellegrini seconded the motion to adjourn at 8:30 PM. Passed unanimously 5-0.

The next meeting of the Zoning Board of Adjustment is scheduled for August 24, 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.