

# BOARD OF ADJUSTMENT

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

## **Zoning Board of Adjustment Minutes** **March 14, 2006**

Chris Doyle - Chairman  
Rob Gustafson - Vice-Chairman  
Tony Pellegrini - Secretary (Excused)  
George Roy - Member  
Mark Samsel - Member  
Al Souma - Alternate (Excused)  
Tom Murray - Alternate

### **Seat Alternates**

The Chairman appointed Mr. Murray to replace Mr. Pellegrini for this meeting.

### **Lot #16-F-5, Case #6-2006 (Continued from February 28, 2006)**

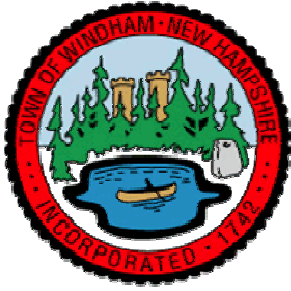
Applicant - John Spatharos  
Owner - John Spatharos  
Location - 26 Ash Street  
Zone - Residential A

A variance is requested from Sections 702 Appendix A-1 & 401 of the Zoning Ordinance to permit the remodeling and enlarging of an existing dwelling with a proposed setback to remain 14-feet where 30-feet is required and to have a front yard setback of 47-feet where 50-feet is required.

Mr. Murray read the case into the record. Attorney William Mason presented the case. There is an existing building on the property. The submitted house plan is not exactly what will be built but is representative of the type of house that will be constructed on the property. This .32-acre lot is a pre-existing lot of record which does not meet the current regulations with regard to lot size. There is no additional land available to purchase. The reason for positioning the proposed building at 14-feet from the side lot line is not to encroach the 50-foot Shoreland Protection District. Attorney Mason read the supporting facts into the record. Mr. Murray read into the record a letter of support from James Frazier of 24 Ash Street. The Chairman closed the public portion of this case. Mr. Gustafson motioned and Mr. Samsel seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

### **Deliberative Session, Case #6-2006**

Mr. Gustafson motioned and Mr. Samsel seconded the motion to grant Case #6-2006 per the plan submitted. Passed unanimously 5-0.



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### **Lot #17-J-109, Case #12-2006**

Applicant - Attorney Bronstein  
Owner - Brian Harvey  
Location - 14 Rocky Ridge Road  
Zone - Residential A

A variance is requested from Sections 401 & 702 Appendix A-1 of the Zoning Ordinance to permit the construction of a single family dwelling on a Class VI road with side setbacks of 10-feet and 10.5-feet where 30-feet is required and a front setback of 20-feet where 50-feet is required.

Mr. Murray read the case into the record. Attorney Peter Bronstein presented the case. There is no structure on this .12-acre lot. The proposed building will be 768 square feet and the porch will be 88 square feet. A new septic system will be installed. The proposed building will be centered on the lot and the lot coverage will be 17%. Attorney Bronstein read the supporting facts into the record. Mr. Eric Meyer of 12 Rocky Ridge Road voiced his concerns about setbacks, parking and the effect to his well. Mr. Douglas Park of 18 Rocky Ridge Road and Mr. Jeff Gallant of 21 Rocky Ridge Road spoke against this request. Attorney Bronstein said that they would be seeking approval from the Board of Selectman to build on a Class VI road (RSA 674:41). The Chairman closed the public portion of this case. Mr. Roy motioned and Mr. Samsel seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

### **Deliberative Session, Case #12-2006**

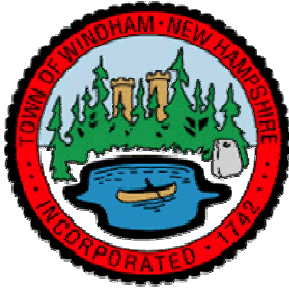
Mr. Gustafson said that since there was no feedback from the abutters to Mr. Harvey's offer to postpone construction until next Fall, he would encourage the applicant to explore that offer with the abutters. Mr. Roy motioned and Mr. Samsel seconded the motion to grant Case #12-2006. Motion passed 4-1. Mr. Murray voted against the motion.

### **Lot #21-K-45, Case #13-2006**

Applicant - Herbert Associates  
Owner - Alan & Michelle Leclair  
Location - 34 Turtle Rock Road  
Zone - Residential A

A variance is requested from Sections 401, 406 & 700 Appendix A-1 of the Zoning Ordinance to permit the expansion of the volume of living space of a house on an existing non-conforming lot and to add a 24' X 26' garage that has a side setback of 12.5 feet where 30 feet is required.

Mr. Murray read the case into the record. Because the applicant was not in attendance Mr. Roy motioned and Mr. Samsel seconded the motion to deny without prejudice. Motion passed unanimously 5-0.



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### **Lot #17-J-100A, Case #14-2006**

Applicant - Roland & Nancy Shrull

Owner - Roland & Nancy Shrull

Location - 11 Rocky Ridge Road

Zone - Residential A

A variance is requested from Sections 401 & 702 Appendix A-1 of the Zoning Ordinance to permit the construction of a single-family dwelling on a Class VI road with side setbacks of 10-feet where 30-feet is required and a front setback of 15-feet where 50-feet is required and 24% lot coverage where 20% is allowed.

Mr. Murray read the case into the record. Attorney Peter Bronstein presented the case. The existing 2-bedroom house will be removed from the 6200 square foot lot. The septic system will be shared and will be located across the street. Attorney Bronstein showed on the map that the lot coverage will not be 24% but will be approximately 19.5%. Attorney Bronstein read the supporting facts into the record. Mr. Jacobs of 9 Rocky Ridge Road said that he had requested a copy of the plans but has not received them. He asked that a decision not be made until he has time to take the plans to his engineer to review to see if there will be any affect to his property. Mr. Jacobs also asked that there not be any construction between the months of June and September. Mr. Jacobs was advised that he would receive the plans he requested. The Chairman closed the public portion of this case. Mr. Gustafson motioned and Mr. Samsel seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

### **Deliberative Session, Case #14-2006**

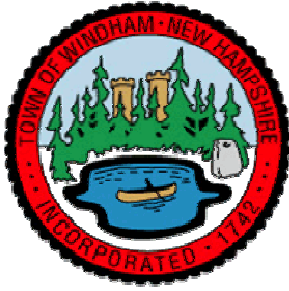
Mr. Gustafson motioned and Mr. Roy seconded the motion to grant Case #14-2006 per the plan submitted and not to exceed the footprint of the plan submitted. Passed unanimously 5-0.

### **Approval of February 28, 2006 Minutes**

Mr. Roy motioned and Mr. Samsel seconded the motion to approve the February 28, 2006 minutes as written. Motion passed 3-0-2. Mr. Gustafson and Mr. Doyle abstained because they did not attend the February 28, 2006 meeting.

### **Other Business**

Mr. Jim Tierney advised the Board that he would like to be an alternate member. Mr. Samsel motioned and Mr. Gustafson seconded the motion to accept Mr. Tierney as an alternate member of the Zoning Board of Adjustment. Passed unanimously 5-0.



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The Board discussed with Mr. Peter Zohdi of Herbert Associates the request by Rebecca Hebert, Town Planner, for clarification of Case # 35-2005. Case #35-2005 was granted per the plan submitted. Mr. Zohdi explained the differences between the plan submitted to the Zoning Board and the plan submitted to the Planning Board. The plan submitted to the ZBA showed a 3.55-acre lot that is now 3.65 acres and a 4.96-acre lot that is now 5.65 acres. The conservation easement remains the same at 3.2 acres. Mr. Gustafson will write a letter to respond to Mrs. Hebert's request for clarification.

### Mail

- March 6, 2006 letter from Rebecca Hebert, Town Planner, requesting clarification of the approval of ZBA Case #35-2005, lot #20-E-135.

At 9:23 PM Mr. Roy motioned and Mr. Samsel seconded the motion to adjourn. Passed unanimously 5-0.

The next meeting of the Zoning Board of Adjustment is scheduled for March 28, 2006 at 7:30 PM in the Planning & Development Office.

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