

BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment Minutes **April 11, 2006**

Rob Gustafson - Vice-Chairman
Tony Pellegrini - Secretary
Mark Samsel - Member
Dianna Fallon - Member
Gail Webster - Member
Jim Tierney - Alternate
Al Souma - Alternate
Tom Murray - Alternate (Excused)

Mr. Gustafson was Acting Chairman for this meeting.

Lot #9-A-400, Case #15-2006 (Continued from March 28, 2006)

Applicant - Brian Bauchman, Jr.
Owner - Brian Bauchman, Jr.
Location - 120 Haverhill Road
Zone - Rural

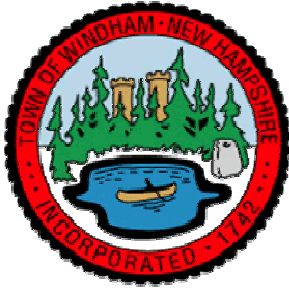
A variance is requested from Sections 400, 404, 405.2 & 503 of the Zoning Ordinance to permit the installation of a 50' X 60' three bay addition to an existing garage at the rear of the property. This addition would replace the four bay garage that was at the front of the property until it collapsed during a snowstorm. By moving it to the rear the closest point to the lot line would be 61-1/2'.

Mr. Pellegrini read the case into the record. Attorney Brad Westgate, recently hired to represent Mr. Bauchman, requested a continuance to the June 13, 2006 meeting, in order to have time to review all the information associated with Case #15-2006. Mr. Samsel motioned and Mrs. Fallon seconded the motion to continue Case #15-2006 to the June 13, 2006 meeting. Passed unanimously 5-0.

Lot 18-L-35, Case #18-2006

Applicant - Herbert Associates
Owner - Patricia E. Letizio Family Trust
Location - 5 Woodvue Road
Zone - Residential A

A variance is requested from Section(s) 702 Appendix A-1 of the Zoning Ordinance to permit an addition to be 26.7 feet from the side lot line where 30-feet is required. The property is located at 5 Woodvue Road, Tax Map 18-L-35 in the Residential A Zone.



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Mr. Pellegrini read the case into the record. Mr. Wes Aspinwall of Herbert Associates, representing the applicant, presented the case. Mr. Aspinwall submitted a plan showing the proposed increase in area in the kitchen. There was a lot line change back in 1992 to accommodate the pool. The addition, which is mostly in the rear of the house, will provide another entrance into the garage. The existing bulkhead, the only egress from the basement, will be removed and the entrance will be incorporated into the proposed addition. The existing deck will be removed. The new stairway and handrails to the basement will be a substantial improvement. Only a small portion of the addition will be visible from the road. Mr. Aspinwall read the five supporting facts into the record. Mr. Al Letizio, Jr., owner, explained that their architect was asked to find the least intrusive method to accommodate the addition and the second egress from the basement is a safety issue. Mr. Pellegrini read into the record letters of support from Christine & Eric Mawby of 7 Woodvue Road and Patrick & Vanessa Nysten of 4 Edgewood Road. Mr. Andrew Lane of 2 Woodvue Road spoke in opposition to the request. Mr. Lane asked if the applicant met the hardship requirement. Mr. Lane submitted a photo that was marked as Exhibit A. Mr. Lane explained that he was concerned that the addition will have a negative impact on the neighborhood and that it would reduce property values. Mr. Gustafson read Mr. Lane's letter into the record. Mrs. Christine Lane of 2 Woodvue Road read into the record her letter of opposition. Mr. Letizio said that there is more of a reason for Mr. & Mrs. Lane to be here than to oppose the value of what he is doing. Mr. Letizio said that he is one of 27 neighbors who oppose Mr. & Mrs. Lane's project. Mr. Letizio showed on the displayed plan that Mr. Lane does not have a direct view of his property. Mr. Letizio went on to say that Mr. Lane considers himself an abutter to his property but when Mr. Lane was building his garage Mr. Letizio was not listed an abutter. The Chairman closed the public portion of this case. Mr. Pellegrini motioned and Mr. Samsel seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

Deliberative Session, Case #18-2006

Mr. Samsel motioned and Mrs. Fallon seconded the motion to grant Case #18-2006 per the plan presented. Passed unanimously 5-0.

Lot #20-E-252, Case #19-2006

Applicant - E. Haffner Fournier

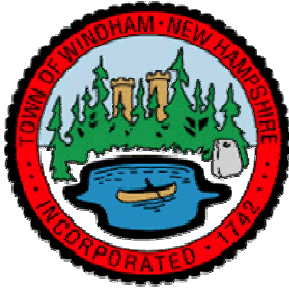
Owner - Fournier Realty Trust

Location - 48 Lowell Road

Zone - Rural

A variance is requested from Section 401 of the Zoning Ordinance to permit the placement of a 30,000-gallon propane tank next to the existing home heating oil bulk plant.

Mr. Pellegrini read the case into the record. Mr. Fournier presented his case and explained that he would not be encroaching on any lot line and there would be no impact to the environment.



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The property already contains an 80,000-gallon storage facility and the addition of a 30,000-gallon propane tank would not diminish the value of the surrounding property. Historically this property has been operating as a PDF (Petroleum Distribution Facility) and the addition of propane would not change its function. Mr. Fournier explained that he is required to meet NFPA (National Fire Protection Agency) standards. Mr. Fournier read the supporting facts into the record. Mr. Todd Spencer of 50 Lowell Road spoke in opposition to this request. The Chairman closed the public portion of this case. Mr. Pellegrini motioned and Mrs. Fallon seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

Deliberative Session, Case #18-2006

Mr. Pellegrini motioned and Miss Webster seconded the motion to grant Case #19-2006. Motion passed 3-2. Mr. Gustafson, Mr. Pellegrini and Miss Webster voted for the motion. Mrs. Fallon and Mr. Samsel voted against the motion.

Approval of March 28, 2006 Minutes

Mrs. Fallon motioned and Mr. Samsel seconded the motion to accept the March 28, 2006 minutes. Motion passed 4-0-1. Mr. Pellegrini abstained because he did not attend the March 28, 2006 meeting.

Election of Officers

Mr. Pellegrini nominated Mr. Gustafson as Chairman and Mr. Samsel as Vice-Chairman. Mrs. Fallon seconded the nomination. Passed unanimously 5-0.

Miss Webster nominated Mr. Pellegrini as Secretary. Mr. Samsel seconded the nomination. Passed unanimously 5-0.

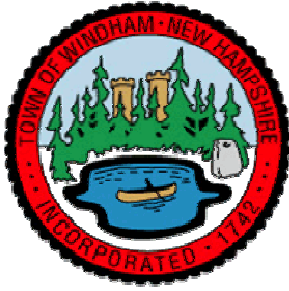
Review of By-laws

Mrs. Fallon motioned and Mr. Pellegrini seconded the motion to amend the By-Laws as stated in our discussion in the minutes and that is contingent upon the request for clarification on the fees. Mrs. Fallon amended her motion and Mr. Pellegrini seconded the amended motion to amend the By-Laws as stated in the minutes (March 28, 2006 minutes). Passed unanimously 5-0.

Other Business

Mr. Samsel motioned and Mr. Pellegrini seconded the motion to reimburse \$30.00 to Mrs. Fallon for the registration fee for the April 1, 2006 Planning Conference. Passed unanimously 5-0.

A checklist form for applicants was discussed. One change (request two plot plans) was made to the submitted form.



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Mrs. Kovolyan suggested changes to Zoning Board form #006. The Board asked that the changes be made to the form and then submitted to the Board for discussion.

Mail

- Letter dated April 3, 2006 from Al Turner regarding Bauchman request for a variance, Lot #9-A-400, Case #15-2006.
- Letter dated April 11, 2006 from Rebecca Hebert to Mr. Bauchman regarding current business activities.
- April 2006 Issue of *Town & Country*.

At 9:33 PM Mr. Pellegrini 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 April 26, 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.