



# BOARD OF ADJUSTMENT

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

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

November 14, 2006

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

### **Seat Alternates**

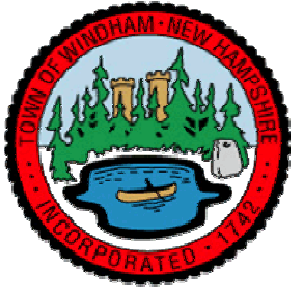
The Chairman appointed Mr. Murray to replace Mr. Pellegrini and Mr. Souma to replace Mrs. Webster for this meeting.

### **Lot # 16-E-26, Case #60-2006**

Applicant – Joseph Maynard  
Owner – Paul & Stella Tokanel  
Location – 50 Ministerial Road  
Zone – Residential A

A variance is requested from Section(s) 401, 406.2 & 702 Appendix A-1 of the Zoning ordinance to permit the construction of an addition to the existing dwelling. The proposed addition to be 3-feet from the side lot line (Paper ROW) where 50-feet is required and 10-feet from the front setback (Ministerial Road) where 50-feet is required. The lot is undersized and does not have the required frontage.

Mr. Murray read the case into the record. Mr. Joseph Maynard of Benchmark Engineering presented the case for the owner. The existing home is two rooms. With the addition the dwelling will be approximately 800 square feet. The proposed addition would be 3-feet at its closest to the side property of the right-of-way and 10-feet at the limits of the right-of-way to Ministerial Road. The right-of-way was created in the 1920-s when the subdivision was formed. A new state approved septic system was installed last year. Mr. Maynard read the supporting facts into the record. Mr. Samsel said that it appears as if the proposed addition is going over part of an existing driveway. Mr. Maynard said that there is a paved patio area that is near the proposed addition and the existing driveway partially goes over the paper right-of-way with the addition



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going up to the edge of it. Mrs. Mariam Cianciulli, of 40 Fairview Avenue, Malden, Massachusetts is a seasonal resident and owner of the property at 8 Third Street. Mrs. Cianciulli said that the roads in the subdivision are to be kept open and she was surprised that part of the road was paved. The Chairman closed the public portion of this case. Mr. Samsel motioned and Mr. Murray seconded the motion to go into Deliberative Session. Motion passed unanimously 5-0.

### **Deliberative Session, Case #60-2006**

Mr. Murray motioned and Mr. Samsel seconded the motion to grant an area variance for lot 16-E-26, Case #60-2006 from Sections 401, 406.2, & 702 Appendix A-1 to allow an addition to be 3-feet from the paper right-of-way and 10-feet from the front setback per the plan submitted. Motion passed 4-1. Mr. Samsel, Mr. Murray, Mr. Souma and Mr. Gustafson voted for the motion. Mrs. Fallon voted against the motion.

### **Lot # 16-P-1005, Case #61-2006**

Applicant – Joseph Maynard of Benchmark Engineering

Owner – Richard & Violet Brownlee & Dianne Reeves

Location – 11 Third Street

Zone – Residential A

A variance is requested from Section(s) 401 & 702 Appendix A-1 of the Zoning ordinance to permit the construction of a single-family dwelling on a Class VI road. The lot does not meet required area or street frontage.

Mr. Murray read the case into the record. Mr. Joseph Maynard of Benchmark Engineering presented the case for the owner. A new two bedroom dwelling, well and septic system will be constructed on this 0.29 acre lot. Lot coverage will be under 20%. This is a corner lot having two front and two side yards with no backyard. The Chairman stated that the setback was not listed in the posting. Mr. Maynard decided to continue with the case and request relief from lot area and street frontage only and will submit a new application for setbacks. Mr. Maynard read the supporting facts into the record. Mr. Francis Leonard Jr. of 7 Third Street spoke in opposition to this request. Mrs. Mariam Cianciulli of 40 Fairview Avenue, Malden, Massachusetts asked about placement of the well and septic system. Mr. Maynard showed the placement of the well and septic on the displayed map. The Chairman closed the public portion of this case. Mr. Samsel motioned and Mrs. Fallon seconded the motion to go into Deliberative Session. Motion passed unanimously 5-0.

### **Deliberative Session, Case #61-2006**

Mr. Samsel motioned and Mrs. Fallon seconded the motion to grant an area variance for Case #61-2006 with relief from Sections 401 & 702 Appendix A-1 for lot area and street frontage. Motion passed unanimously 5-0.



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### **Lot # 16-P-460, Case #62-2006**

Applicant – Joseph Maynard of Benchmark Engineering

Owner – Paul & Stella Tokanel

Location – 5 Fourth Street

Zone – Residential A

A variance is requested from Section(s) 401, 406.2 & 702 Appendix A-1 of the Zoning ordinance to permit the construction of an addition to the existing dwelling, on a Class VI Road. The front yard setback would be 30-feet where 50-feet is required.

Mr. Murray read the case into the record. Mr. Joseph Maynard of Benchmark Engineering presented the case for the owner. The owners would like to add an addition, garage and porch to the existing dwelling. The existing encroachment is 30-feet. A new state approved septic system will be installed. Mr. Maynard read the supporting facts into the record. Mrs. Mariam Cianciulli of 40 Fairview Avenue, Malden, Massachusetts asked if this was seasonal property. Mr. Maynard replied that the purpose behind this work is to convert the property from seasonal to year round as the structure is built it will be built in accordance with the town's ordinance for conversions. The Chairman closed the public portion of this case. Mr. Samsel motioned and Mrs. Fallon seconded the motion to go into Deliberative Session. Motion passed unanimously 5-0.

### **Deliberative Session, Case #62-2006**

Mr. Samsel motioned and Mrs. Fallon seconded the motion to grant as requested an area variance from Sections 401, 406.2 and 702 Appendix A-1 for front yard setback of 30-feet for Case #62-2006. Motion passed unanimously 5-0.

The Chairman removed Mr. Souma and appointed Mr. Tierney to replace Mrs. Webster for the Request for a Rehearing because Mr. Tierney attended the October 10, 2006 meeting and is familiar with the case.

### **Deliberative Session**

#### **Lot # 24-F-5, Case #51-2006 Request for Rehearing (Originally heard on 10/10/06)**

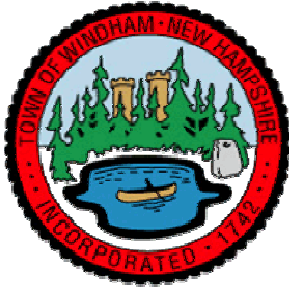
Applicant – Jay Koutavas

Owner – Jay Koutavas

Location 15 Field Road

Zone – Rural

A rehearing is requested regarding the decision made by the Zoning Board of Adjustment on October 10, 2006.



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Mr. Murray read the request into the record. Two points were mentioned in the request.

1. The appeal was timely filed given the timeline for appeal began on August 2, 2006.
2. Submission of Abutters List.

After reviewing the request the board decided that the clock started on August 2, 2006 and the 30-day time period applies to the zoning issue. New information was received regarding the abutters list. Mr. Samsel motioned and Mrs. Fallon seconded the motion to grant the Request for a Rehearing of Case #51-2006 as requested in the November 8, 2006 letter the two points brought forward to the Board. Motion passed unanimously 5-0.

### **Approval of October 24, 2006 & October 10, 2006 Minutes**

Mr. Samsel motioned and Mr. Murray seconded the motion to approve the October 10, 2006 minutes as written. Motion passed unanimously 5-0.

Mr. Samsel motioned and Mr. Tierney seconded the motion to approve the October 24, 2006 minutes as amended. Motion passed unanimously 5-0.

### **Other Business**

The Board discussed road safety.

The Board discussed the date for the Christmas Brunch.

### **Mail**

- Town of Londonderry, NH Zoning Board Agenda for November 15, 2006.
- November 2, 2006 letter from Attorney Campbell regarding the Supreme Court Order regarding Schroeder/Lane/Town of Windham.

At 10:40 PM Mrs. Fallon motioned and Mr. Samsel seconded the motion to adjourn. Motion passed unanimously 5-0.

The next meeting of the Zoning Board of Adjustment is scheduled for December 12, 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.