

BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment Minutes June 10, 2008

Mark Samsel – Chairman
Jim Tierney – Vice-Chairman
Dianna Fallon – Secretary
John Alosso – Member
Tom Murray – Member
Bruce Richardson – Alternate

Lot #22-R-508, Case #34-2008

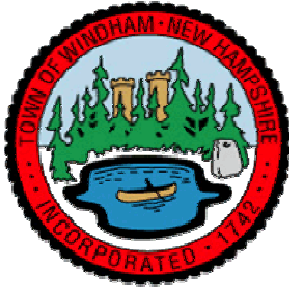
Applicant – Robert & Suzanna Griffith
Owner – Robert & Suzanna Griffith
Location – 10 Cristy Road
Zone – Rural

A variance is requested from Section(s) 702 Appendix A-1 of the Zoning Ordinance to permit a 14' X 20' shed to be built 7-feet from the easterly side setback where 30-feet is required.

Mrs. Fallon read the case into the record. Mr. Robert Griffith presented his case. Mr. Griffith referred to the information he submitted with his application; plot plans, dimensional plans, photographs etc. The exact placement of the shed will be determined at the time of construction but 7-feet from the easterly property line seems to be the best location. The proposed site does not involve the cutting or removal of trees. The eastern side of the shed will line up with the driveway which is also within 7-feet of the easterly property line. The shed would be at least 100-feet from all dwellings on the easterly side and at least 150 feet from the dwelling on the southerly side. The westerly abutter cannot see the shed site from their dwelling. There are no abutters on the northerly side. Mr. Griffith summarized the supporting facts. Mrs. Fallon read into the record a letter of support from the following abutters.

- Matthew & Maria Bowers of 12 Cristy Road
- David & Vicki Edwards of 14 Cristy Road
- William & Robin Frake of 17 Settlers Ridge Road
- Keith & Jacquelyn Byron of 9 Cristy Road
- Thomas & Karin Gelinis of 11 Cristy Road
- Louis & Connie Rieser of 8 Cristy Road

Mr. Griffith explained that the letters of support are actually waivers.



BOARD OF ADJUSTMENT

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

Mr. Alosso motioned and Mr. Murray seconded the motion to go into Deliberative Session. Motion passed unanimously.

Deliberative Session, Case #34-2008

Mr. Murray motioned and Mr. Alosso seconded the motion to approve a variance for Case #34-2008 as requested per the plan submitted. Motion passed 5-0.

Lot #16-R-183B, Case #35-2008

Applicant – Donna & Martin Delaney, Jr.

Owner – Donna & Martin Delaney, Jr.

Location – 27 First Street

Zone – Residential A

A variance is requested from Section(s) 1200.1, 401 & 702 Appendix A-1 of the Zoning Ordinance to permit the conversion of a seasonal dwelling to year round use.

Mr. Tierney recused himself from Case 35-2008. The Chairman appointed Mr. Richardson to replace Mr. Tierney for Case 35-2008.

Mrs. Fallon read the case into the record. Attorney Brian Germaine, representing the owner, presented the case. Attorney Germaine gave a brief history of the property. The property has been taxed as a year round residence since 2003. The existing non-conforming structure has been brought into compliance with the Windham Zoning Regulations by installing a clean solutions system. The owner was required to install a specially designed septic system because of the slope. Attorney Germaine read the supporting facts into the record.

The Board questioned the posting because the setbacks were not listed. Attorney Germaine withdrew the case. Mr. Murray motioned and Mr. Tierney seconded the motion to accept the withdrawal of Case #35-2008. Motion passed 5-0. Mr. Samsel said that he would write a letter to the Board of Selectmen requesting the application fees be waived.

The Chairman appointed Mr. Tierney to replace Mr. Richardson for the balance of the meeting.

Lot #16-Q-214A, Case #36-2008

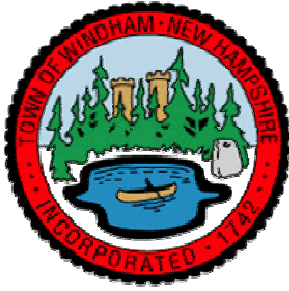
Applicant – Alexander Felson

Owner – Alexander & Katharine Felson

Location – 6 Viau Road

Zone – Residential A

A variance is requested from Section(s) 710 of the Zoning Ordinance to permit the installation of a 6-foot fence to the water line.



BOARD OF ADJUSTMENT

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

Mrs. Fallon read the case into the record. Mrs. Fallon read into the record a letter from Kathy & Alex Felson requesting that their case be moved to the June 24, 2008 Zoning Board meeting. Mr. Tierney motioned and Mr. Alosso seconded the motion to continue Case #36-2008 to the June 24, 2008 meeting. Motion passed 5-0.

Lot #9-A-327, Case #37-2008

Applicant – Edward N. Herbert Associates

Owner – Jerome & Louise Lavigne

Location – 2 Killdeer Road

Zone – Rural

A variance is requested from Section(s) 401 & 702 Appendix A-1 of the Zoning Ordinance to permit an increase in the extent of use on a non-conforming lot and to allow a single family three-bedroom home on an undersized lot.

Mrs. Fallon read the case into the record. Mr. Shayne Gendron of Herbert Associates submitted a packet of information that was marked as Exhibit A and presented the case. Mr. & Mrs. Lavigne have owned the .71 acre lot since 1969. This parcel predates the current zoning regulations. When this lot was approved there was no area requirement. The parcel meets soils requirements for a three-bedroom home. Mr. Gendron read the supporting facts into the record.

Mr. Roger Leblond of 1 Balmorra Road voiced his concerns about protecting his privacy and the potential runoff from the subject property onto his lot. Ms. Ann Lavigne, daughter of the owner, explained that she and her boyfriend will be building on the parcel. They will address the runoff issue and are interested in protecting privacy.

Mr. Gendron said that the owners will work with the abutters.

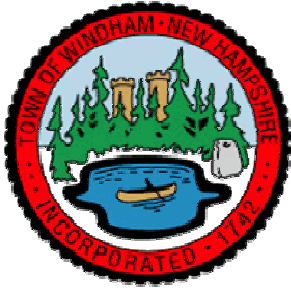
Mr. Murray motioned and Mr. Tierney seconded the motion to go into Deliberative Session. Motion passed 5-0.

Deliberative Session, Case #37-2008

Mr. Alosso motioned and Mr. Tierney seconded the motion to grant an area variance for Case #37-2008 from Sections 401 & 702 of the Zoning Ordinance to permit an increase in the extent of use on a non-conforming lot and to allow a single family three-bedroom home on an undersized lot. Motion passed 5-0.

Approval of May 27, 2008 Minutes

Mrs. Fallon motioned and Mr. Tierney seconded the motion to accept the May 27, 2008 minutes as amended. Motion passed 5-0.



BOARD OF ADJUSTMENT

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

Other Business

The Chairman asked if there were any changes to the By-laws. Mr. Tierney motioned and Mr. Murray seconded the motion to accept the changes to the By-laws. Motion passed 6-0 (Mr. Richardson voted on the acceptance of the By-laws).

The Chairman will contact Attorney Campbell to schedule a meeting with him and the Board Members.

Mail

- Rockingham Planning Commission notice regarding the annual meeting scheduled for June 12, 2008 at 6:00 PM at the Atkinson Resort & Country Club.
- Copy of Shoreland Waiver #2008-00385 for 29 Abbott Road.
- June 6, 2008 Letter from Attorney Campbell regarding 2 Woodvue Road.
- June 9, 2008 Letter from Planning Board regarding Capital Needs.
- Copy of June 5, 2008 Letter from Attorney Campbell to Al Turner regarding Sneider vs. Town of Windham.

Mr. Murray motioned and Mr. Tierney seconded the motion to adjourn. Motion passed unanimously.

The next meeting of the Zoning Board of Adjustment is scheduled for June 24, 2008 at 7:30 PM in the Planning & Development Office.

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