



BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment Minutes December 9, 2008

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

Seat Alternate

The Chairman appointed Mr. Richardson to replace Mr. Murray for Case #62-2008.

Lot #20-E-127, Case #62-2008

Applicant – Marjorie Dastous
Owner – Marjorie & Steve Dastous
Location – 22 Bear Hill Road
Zone – Rural

A variance is requested from Section(s) 602.1 of the Zoning Ordinance to permit the operation of a pet grooming business within a residential dwelling, located in the rural district. If allowed, the owner requests that if granted, the use variance become null and void if they move from 22 Bear Hill Road.

Mrs. Fallon read the case into the record. Mrs. Dastous presented her case. A typical pet grooming business would consist of cleaning, cutting, bathing, and fluff dry. The pet grooming business will:

- Consist of a 9'1" X 13'9" finished grooming room and a 5'X6' bathing area both located in a partially finished basement.
- No construction will be done inside or outside of the home.
- The business will occupy only 5% of the living area.
- Only one client will be scheduled at a time and there will be no overlapping of appointments.
- Traffic will be no greater than customary residential use.
- There will be no signs posted outside the home.
- There will be no noise from barking dogs because they will be picked up and dropped off inside the home. At no time will a dog be left outside alone.
- A few packages, containing shampoo and small supplies, will be delivered approximately every two months.



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- There are six available parking spots in the driveway and a two-car garage. Only one parking spot is need for this business.
- All dog waste will be picked up and disposed of properly.
- There will be no hazardous waste material produced from this business.
- There is adequate water for the business. The well yields 8 gpm.
- The septic is able to accommodate the small amount of water used for bathing dogs, approximately 6-8 gallons.
- The home septic system will be protected from dog hair by a strainer put in the bottom drain of the tub to collect any loose hair and a professional basket strainer is attached to the plumbing of the tub that catches any hair and debris before it can clog pipes and get into the septic system. A photo of the strainer was marked as Exhibit A.

Mrs. Dastous read from the October 24, 2006 Zoning Board minutes (marked as Exhibit B) stating that Case #58-2006 was granted a variance from Section 602.1 to allow equine grooming, boarding and a riding academy business.

Pamela Harris Kaiser of 12 Bear Hill Road submitted a letter that was marked as Exhibit C and spoke in support of this request.

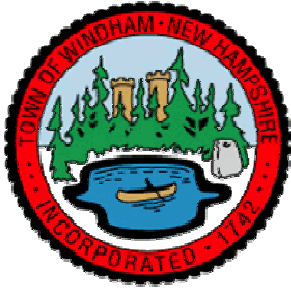
A letter of support from Cathleen McLaughlin of 14 Ministerial Road was submitted and marked as Exhibit D.

Mr. Alosso motioned and Mrs. Fallon seconded the motion to go into Deliberative Session. Motion Passed unanimously.

Deliberative Session, Case #62-2008

Mr. Alosso motioned and Mrs. Fallon seconded the motion to approve the request for a variance for Case #62-2008 from Section 602.1 of the Zoning Ordinance to permit the operation of a pet grooming business within a residential dwelling located in the rural district for dogs and cats only, no signage, limit of two employees in a 13' X9' work area as shown on the plan dated 8/12/08 for Zoning Board Case 53-2008. The use variance will become null and void if the owner sells 22 Bear Hill Road.

The Chairman replaced Mr. Richardson with Mr. Murray for the balance of the meeting.



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Lot #17-J-70, Case #63-2008

Applicant – Benchmark Engineering

Owner – Chris & Pauline McGadden

Location – 90 Indian Rock Rd/Granite Hill Rd, Unit E

Zone – Residential A

A variance is requested from Section(s) 702 Appendix A-1 of the Zoning Ordinance to permit the construction of Unit E with a 20' side setback and a 30' setback from the private road in accordance with the previously approved plans. The property was zoned Business Commercial but is now zoned Residential A. The setbacks for Residential A are 50' from the road and 30' from the side yard.

Mrs. Fallon read the case into the record. Mr. Joseph Maynard of Benchmark Engineering, representing the owner, presented the case. The location of the proposed home was approved when the site was Business Commercial zone. In 2006 it was rezoned to Residential A. If the proposed home was moved to meet the Residential A setbacks it would be on top of the septic location. A portion of Units B and C would fall within the 50 foot setback. Mr. Murray read into the record a portion of RSA 674:39. *Every subdivision plat approved by the Planning Board and properly recorded in the registry of deeds and every site plan approved by the Planning Board and properly recorded in the registry of deeds, if recording of site plans is required by the Planning Board or by local regulation, shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances and zoning ordinances adopted by any city, town or county in which there are located unincorporated towns or unorganized places, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 4 years after the date of approval; provided that:...* The application does not need to be heard and the 30 day appeal process does not apply.

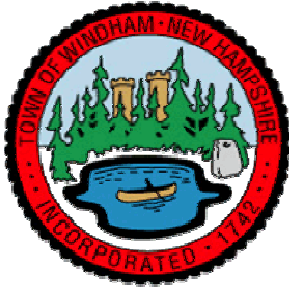
The Chairman recommended that the reading of the supporting facts be waived.

A letter of support from David DeVries, President of the Granite Hill Condo Association, was marked as Exhibit A.

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

Deliberative Session, Case #63-2008

Mr. Alosso made a motion for Case #63-2008, seconded by Mr. Murray, that a variance is not required and we are making an administrative decision under RSA 674:33 Section BII that the plan was previously approved based on RSA 674:39. The plan was not abandoned; no further action is required. Motion passed 5-0.



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Lot #1-C-700, Case #56-2008

Applicant – Carl & Mary Heinzl

Owner – Carl & Mary Heinzl

Location – 110 Kendall Pond Road

Zone – Rural

A rehearing is requested regarding the decision made by the Zoning Board of Adjustment on October 14, 2008.

After the Board reviewed the information submitted for the rehearing Mr. Alosso motioned and Mr. Murray seconded the motion to deny the request for a rehearing because there was no technical error and no new information. Motion passed 5-0.

The Chairman added that the Board was not blurred by any testimony given during the October 14, 2008 public hearing.

Approval of October 14 & 28, 2008 Minutes

Mrs. Fallon motioned and Mr. Tierney seconded the motion to approve the October 14, 2008 minutes as written. Motion passed 6-0.

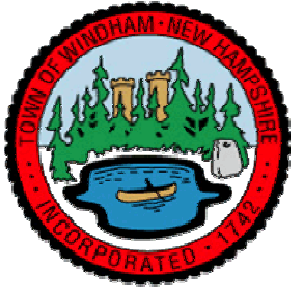
Mr. Tierney motioned and Mr. Alosso seconded the motion to approve the October 28, 2008 minutes. Motion passed 6-0.

Other Business

After checking with the Members regarding attendance for the December 23, 2008 meeting the Chairman decided that there will not be a December 23, 2008 meeting. The next scheduled meeting will be January 13, 2009.

Mail

- October 30, 2008 Letter from Attorney Campbell regarding Bauchman Variance.
- November 3, 2008 Memo from Land Use Planning Staff regarding reference materials to assist towns in their response to Senate Bill 342.
- November 10, 2008 Letter from Attorney Campbell regarding Bauchman Variance.
- November 12, 2008 Letter from Dennis Senibaldi regarding Personnel Complaint.
- November 18, 2008 Letter from Carol Pynn 8 lots on Range Road at the golf course.
- November 20, 2008 Letter from Attorney Campbell regarding Bauchman Appeal.
- November 21, 2008 Letter from Attorney Campbell regarding Heinzl.
- November 21, 2008 Letter from Attorney Campbell regarding 2 Woodvue Road.
- November 24, 2008 Letter from Attorney Campbell regarding an application question.
- December 1, 2008 Memo from David Sullivan regarding the 2008 Annual Town Report.



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- Greater Nashua Habitat for Humanity Holiday Issue 2008.
- November/December issue of *NewHampshire Town and City*.
- December 1, 2008 Letter from Attorney Campbell regarding Heinzl vs. Town of Windham.
- December 5, 2008 Letter from Attorney Campbell regarding Bauchman Towing.

Mr. Alosso motioned and Mr. Tierney seconded the motion to go into non-public session. Motion passed unanimously on a roll call vote.

The next meeting of the Zoning Board of Adjustment is scheduled for January 13, 2009 at 7:30 PM in the Planning & Development Office.

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