



BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment Minutes February 10, 2009

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

Lot #17-J-110, Case #5-2009

Applicant – R&C Contracting
Owner – Thomas Debyle
Location – 17 Rocky Ridge 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 addition of a 200 square foot dormer.

Mrs. Fallon read the case into the record. Mr. Ron Coish, representing the owner, displayed a site plan of the existing conditions and explained that he has sent an application to Shoreland Protection. Mr. Coish submitted nine photos that were marked as Exhibit A by the Chairman. Mr. Coish displayed the proposed plan and explained that the height of the dwelling would be similar to the neighbors. Mr. Coish mentioned a 360 square foot dormer and Mr. Tierney explained that the request was for a 200 square foot dormer and the Board could not grant more than was requested. It was suggested that Mr. Coish withdraw the request and re-apply for a 360 square foot dormer. Mr. Coish requested a withdrawal of Case #5-2009.

Mr. Tierney motioned and Mr. Alosso seconded the motion to accept the withdrawal without prejudice of Case #5-2009. Motion passed 5-0.

Lot #8-B-5715, Case #6-2009

Applicant – Edward N. Herbert Associates, Inc.
Owner – Naeem & Kimberly Sayeedi
Location – 16 Longmeadow Road
Zone – Rural

A variance is requested from Section(s) 601.3 of the Zoning Ordinance to permit a pool, accessories and a fence to remain on the lot in the current location within the WWP.



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Mrs. Fallon read the case into the record. Mr. Peter Zohdi of Herbert Associates, representing the owner, displayed plans and submitted a booklet containing a copy of the Zoning Board application, abutters list, photos and a site plan. A building permit application for a pool was submitted to the Building Department in 2000. The certificate of occupancy was never issued for the pool. The Sayeedi's purchased the property in 2006. While the Sayeedi's were in the selling process it became apparent that a portion of the driveway, pool, and filter are in the WWPD. Total impact to the WWPD is 11,680 square feet. Mr. Zohdi read the supporting facts into the record. The restriction applies to the pool, accessories and associated fence which were constructed more than eight years ago. Although the pool, accessories and fence are structures they do not contribute to surface or groundwater contamination or reduce surface and groundwater supplies. The distance between the septic system and pool is more than 35 feet. In response to the Board's question Mrs. Sayeedi explained that she has never had to drain the pool and that someone comes to open and close the pool.

The following residents spoke in favor of this request:

- Barbara Murphy of 1 Longmeadow Road
- June Vaillancourt of 17 Longmeadow Road.

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

Deliberative Session, Case #6-2009

Mr. Alosso motioned and Mr. Tierney seconded the motion to grant a variance for Case #6-2009 from Section 601.3 of the Zoning ordinance to permit the pool, accessories, fence, well and all existing improvements as shown on the site plan submitted and dated January 2009, conducted by Edward N. Herbert Associates, to remain in its current location in the WWPD. Motion passed 5-0.

Approval of January 13, 2009 and January 27, 2009 Minutes

Mrs. Fallon motioned and Mr. Alosso seconded the motion to accept the January 13, 2009 minutes. Motion passed 4-0-1. Mr. Tierney abstained because he did not attend the January 13, 2009 meeting.

Mrs. Fallon motioned and Mr. Alosso seconded the motion to accept the January 27, 2009 minutes. Motion passed 5-0.

Other Business

None



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Mail

- Copy of February 2, 2009 letter from Attorney Campbell to Raymond Taylor at Rockingham County Superior Court regarding Heinzl vs. Town of Windham.

Mr. Alosso motioned and Mr. Tierney seconded the motion to go into Non-Public Session per RSA 91-A:3 to discuss reputations. Motion passed unanimously on a roll call vote.

Mr. Murray motioned and Mr. Tierney seconded the motion to come out of Non-Public Session. Motion passed unanimously on a roll call vote.

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 February 24, 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.