



BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment Minutes March 24, 2009

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

Lot #24-F-601, Case #11-2009

Applicant – Edward N. Herbert Associates
Owner – Great Mountain View Estates, LLC
Location – 7 Field Road
Zone – Rural

A variance is requested from Section(s) 702 Appendix A-1 of the Zoning Ordinance to permit an existing dwelling to remain 32' to Field Road where 50' is required and 27' to Ryan Farm Road where 50' is required.

Mrs. Fallon read the case into the record. Mr. Peter Zohdi said that he would present the case with the help of Attorney William Mason. Mr. Zohdi submitted a booklet containing a copy of the Zoning Board application, a letter to Mr. Wesley Aspinwall of Herbert Associates from Michael McGuire dated February 6, 2009, list of abutters, a copy of Section 700 of the zoning regulations, a copy of the tax card for 7 Field Road, two photos and two plot plans. Herbert Associates was involved in the Great Mountain View Subdivision but did not finish the subdivision; MHF Design finished the job. When going for subdivision approval they realized the existing house would be 27.1' from the proposed Ryan Farm Road. A note on the plan states *remove existing building driveway and shed*. The applicant wants to leave the existing house 27.1' from the proposed Ryan Farm Road.

Attorney Mason advised the Board that the existing house, built in 1958 on a 2.94 acre parcel, is a pre-existing non-conforming building. Attorney Mason read the supporting facts into the record.

The Board discussed the existing driveway location having visibility and safety issues.

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



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Deliberative Session, Case #11-2009

Mr. Murray motioned and Mr. Tierney seconded the motion to grant an area variance as requested from Section 702 Appendix A-1 of the Zoning Ordinance to permit the existing dwelling to remain 32' to Field Road where 50' is required and 27.1' to Ryan Farm Road where 50' is required with the condition that the existing driveway be removed and the new driveway be located on the southeasterly gable side of the house toward Ryan Farm Road at approximately station 1+00. Motion passed 4-1. Mrs. Fallon voted against the motion because she felt the request was contrary to public interest because of the line of sight being a public safety issue.

Approval of March 10, 2009 Minutes

Mr. Alosso motioned and Mrs. Fallon seconded the motion to approve the March 10, 2009 minutes as amended. Motion passed 5-0.

Other Business

Mr. Tierney motioned and Mr. Alosso seconded the motion to reimburse Mrs. Fallon \$50.00 for registration to the OEP Spring Conference. Motion passed 4-0-1. Mrs. Fallon abstained.

Election of Officers

Mr. Tierney nominated Mr. Samsel as Chairman and Mr. Alosso seconded the nomination. Passed 5-0.

Mrs. Fallon nominated Mr. Tierney as Vice-Chairman and Mr. Murray seconded the nomination. Passed 5-0.

Mr. Alosso nominated Mrs. Fallon as Secretary and Mr. Murray seconded the nomination. Passed 5-0.

Mail

- March 2009 Issue of *NH Town and City*.

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

The next meeting of the Zoning Board of Adjustment is scheduled for April 14, 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.