



BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment Minutes August 25, 2009

Board Members

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

Staff

Michael McGuire – Building Inspector
Patricia Kovolyan – Secretary

Lot #16-P-500, Case #28-2009

Applicant – Robert & Jeanie Dean
Owner – Robert & Jeanie Dean
Location – 18 Fourth Street
Zone – Residential A

A variance is requested from Section(s) 401 & 702 Appendix A-1 of the Zoning Ordinance to permit a 10' X 12' shed on a non-conforming lot with a 5-foot rear setback where 30-feet is required and a 5-foot side setback where 30-feet is required.

Mrs. Fallon read the case into the record. The owner, Mr. Robert Dean, presented his case. The shed will abut town owned land and will be used to store lawn equipment. Mr. Dean advised the Board that there are sheds in his neighborhood on smaller lots. Mr. Dean read the supporting facts into the record.

The following residents spoke in favor of this request:

- Mr. Dennis Root of 15 Third Street.
- Mr. Mike Swider of Fourth Street

Mr. Alosso motioned and Mrs. Fallon seconded the motion to go into Deliberative Session. Motion passed 5-0.



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Deliberative Session, Case #28-2009

Mr. Alosso motioned and Mrs. Fallon seconded the motion to grant an area variance for Lot #16-P-500, Case #28-2009 from Section(s) 401 & 702 Appendix A-1 of the Zoning Ordinance to permit a 10' X 12' shed on a non-conforming lot with a 5-foot rear setback where 30-feet is required and a 5-foot side setback where 30-feet is required. Motion passed 5-0.

Lot #16-F-2, Case #29-2009

Applicant – Donald & Paula Jones

Owner – Donald & Paula Jones

Location – 20 Ash Street

Zone – Residential A

A variance is requested from Section(s) 401 & 702 Appendix A-1 of the Zoning Ordinance to permit the addition of a 12' X 16' open deck on the pond side of the existing house with a side setback of 7-feet where 30-feet is required.

Mrs. Fallon read the case into the record. The owner, Mr. Donald Jones, showed on a displayed plan where the deck would be added to the existing house. The house was constructed with French doors leading to a deck that was to be added at a later date. A variance was granted on March 25, 1997 to allow the proposed deck. Mr. Jones explained that the deck was never added because he needed to take care of other projects. Mr. Jones read the supporting facts into the record.

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

Deliberative Session, Case #29-2009

Mr. Murray motioned and Mr. Tierney seconded the motion to grant an area variance as requested for Lot #16-F-2, Case #29-2009 from Section(s) 401 & 702 Appendix A-1 of the Zoning Ordinance to permit the addition of a 12' X 16' open deck on the pond side of the existing house with a side setback of 7-feet where 30-feet is required. Motion passed 5-0.

Lot #13-A-196, Case #30-2009

Applicant – Edward N. Herbert Associates Inc.

Owner – Abaco Real Estate Enterprises LLC

Location – 5 Industrial Drive

Zone – Limited Industrial

A variance is requested from Section(s) 702.5 Appendix A-1, note #9 of the Zoning Ordinance to permit the construction of a commercial office building in the limited industrial zone that abuts a pre-existing non-conforming residential use in the limited industrial zone with an 18-foot buffer where a 50-foot buffer is required.



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Mrs. Fallon read the case into the record. Mr. Peter Zohdi of Herbert Associates, representing the owner, presented the case. Mr. Zohdi explained that when you are in a commercial or industrial zone and are abutting residential use or a residential zone you are required to have a 50-foot landscaping buffer between the zone and the use. Mr. Zohdi reviewed with the Board the booklet he submitted that contained site plans, photos, tax map, minutes from the June 9, 2009 TRC Meeting etc. The NH Department of Transportation has a drainage easement on the property. The proposed office building is a permitted use in the Limited Industrial Zone. There will be four offices on each of the two floors of the proposed building. There will not be a full basement only enough room for the elevator shaft.

Mr. Alosso motioned and Mr. Murray seconded the motion to waive the reading of the supporting facts. Motion passed 5-0. The lengthy supporting facts were included in the submitted packet.

Mr. John Connors of 70 Lowell Road said that he was not speaking in opposition to the request but making an observation. Mr. Connors asked if the variance was being sought because of the size of the building. The Board advised Mr. Connors that the building size was not an issue. Mr. Connors said he also had concerns regarding the site line issues. Mr. Connors was told that site line is a Planning Board topic.

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

Deliberative Session, Case #30-2009

Mr. Alosso motioned and Mrs. Fallon seconded the motion to grant an area variance for Lot #13-A-196, Case #30-2009 from Section(s) 702.5 Appendix A-1, note #9 of the Zoning Ordinance to permit the construction of a commercial office building in the limited industrial zone that abuts a pre-existing non-conforming residential use in the limited industrial zone with an 18-foot buffer where a 50-foot landscaping buffer is required. Motion passed 5-0.

Lot #18-L-1, Case #17-2009 Request for Rehearing

Applicant - Attorney Gregory Michael
Owner – Andrew P & Christine J. Lane Revocable Trust
Location – 2 Woodvue Road
Zone - Residential A

A rehearing is requested regarding the decision made by the Zoning Board of Adjustment on July 28, 2009.

The Chairman advised that a letter was received from the owner stating that he was withdrawing the application for a rehearing of Case #17-2009.



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Minutes

Approval of July 28, 2009, July 29, 2009 and August 11, 2009 Minutes.

Mr. Alosso motioned and Mrs. Fallon seconded the motion to approve the July 28, 2009 minutes as amended. Motion passed 5-0.

Mr. Alosso motioned and Mr. Murray seconded the motion to approve the July 29, 2009 minutes as amended. Motion passed 5-0.

The Chairman replaced Mrs. Fallon with Mr. Richardson for the August 11, 2009 minutes.

Mr. Alosso motioned and Mr. Murray seconded the motion to accept the August 11, 2009 minutes as written. Motion passed 5-0.

Mr. Alosso motioned and Mr. Murray seconded the motion to reconsider the vote for the July 28, 2009 minutes. Motion passed.

The Chairman replaced Mr. Murray with Mr. Richardson for the July 28, 2009 minutes.

Mr. Alosso motion and Mrs. Fallon seconded the motion to approve the July 28, 2009 minutes with the change in the Board and as amended. Motion passed 4-0-1. Mr. Tierney abstained.

Mail

- Invitation for the Chairman to attend the dedication of the Windham High School on September 12, 2009 at 10:00 AM.
- August 21, 2009 Letter from Attorney Campbell regarding 2 Woodvue Road.

Mr. Murray motioned and Mr. Tierney seconded the motion to adjourn. Motion passed 5-0.

The next meeting of the Zoning Board of Adjustment is scheduled for September 8, 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.



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