

BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment Minutes January 8, 2008

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

Seat Alternates

The Chairman appointed Mr. Richardson to replace Mr. Murray for this meeting.

Lot #20-E-270, Case #68-2007 (Continued from November 27, 2007)

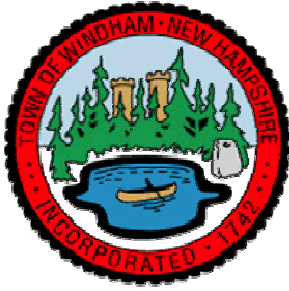
Applicant – Monomoy Development
Owner – Mark Widdison
Location – 44 Lowell Road
Zone – Rural

A variance is requested from Section(s) 405.2, 405.3, 602.2 & 702.5 of the Zoning Ordinance to permit the replacement of a pre-existing non-conforming structure with a new larger building setback 65' from the front lot line and 34' from the side lot line, has a parking area 20' from the front lot line and 10' from the side lot line and has a buffer of 10' where 50' is required. Lot 20-E-270 is to be merged with Lot 20-E-260.

Mrs. Fallon read the case into the record. Attorney William Mason explained that Zoning Ordinance Sections 401 & 503 were added to the original request and re-submitted.

Mr. Peter Zohdi of Herbert Associates advised the Board that this is an existing non-conforming commercial use and that two lots will be combined. The existing building will be taken down and the proposed building will have 5400 square feet with parking in the front. There will be extensive landscaping put in place. The Chairman marked the submitted plan as Exhibit A.

Attorney Mason read the supporting facts into the record.



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

Mrs. Fallon motioned and Mr. Tierney seconded the motion to go back into Public Session.

The Board voiced concerns about the size of the proposed building and the less than 50-foot buffer between the Commercial and Residential Zones. Mr. Zohdi suggested reducing the width of the building from 60' to 50' and moving the driveway 10'.

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

Deliberative Session, Case #68-2007

Mrs. Fallon motioned and Mr. Richardson seconded the motion to grant a variance for Case #68-2007 from Sections 405.23, 405.3, 602.2 & 702.5 with a residential buffer of 20-feet per the plan submitted, modified and marked as Exhibit A. Motion passed 4-1. Mr. Tierney voted against the motion because there was no hardship in regard to the volume and area.

Lot #20-E-270, Case #1-2008

Applicant – Monomoy Development, LLC

Owner – Mark Widdison

Location – 44 Lowell Road

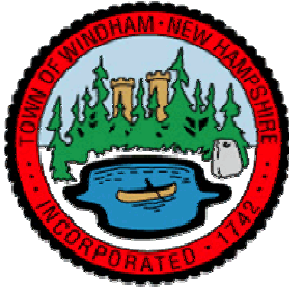
Zone – Rural

A variance is requested from Section(s) 401, 503, 602.1 & 706.6, of the Zoning Ordinance to permit the construction of a new building and signage to be utilized pursuant to the permitted uses in the Business Commercial A District but constructed in the Rural District.

Mrs. Fallon read the case into the record. Attorney Mason read the supporting facts into the record.

Mr. Peter Zohdi of Herbert Associates, read into the record a portion (points 11 thru 15) of Al Turner's letter to Wesley Aspinwall dated July 23, 2007 that lists the sign requirements for the Rural Zone. The Applicant requested sign requirements for the Business Commercial A Zone.

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



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Deliberative Session, Case #1-2008

Mr. Richardson motioned and Mr. Alosso seconded the motion to grant a Use Variance for Case #1-2008 from Sections 401, 602.1 & 706.6 of the Zoning Ordinance to permit the construction of a new building to be utilized pursuant to the permitted uses in the Business Commercial A District but constructed in the Rural District and sign standard specifications for Commercial A District but constructed in the Rural District according to the standards of Section 706.6. Motion passed 5-0.

Lot #16-B-5, Case #2-2008

Applicant – Benchmark Engineering
Owner – Alan Bumstead
Location – 16 Shady Lane
Zone – Residential A

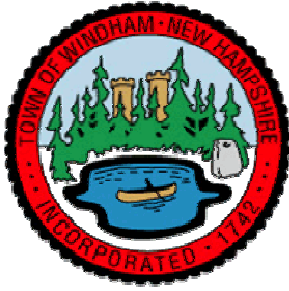
A variance is requested from Section(s) 401 & 702 Appendix A-1, of the Zoning Ordinance to permit the construction of a dwelling on a 12,000 square foot non-conforming lot where 50,000 square feet is required. The driveway and garage will be off Shady Lane. Street frontage will be 40' on Shady Lane and 50' on Ash Street where 175' is required. Side setbacks 10', 7', 7.5' and 9.5' where 30' is required. Rear setbacks 10', 7', 7.5' and 9.5' where 30' is required.

Mrs. Fallon read the case into the record. Mr. Joseph Maynard of Benchmark Engineering submitted letters from abutters and presented the case. Somehow the Assessors Office combined parcel 16-B-5 (has frontage on Shady Lane) and parcel 16-B-7 (has frontage on Ash Street). The two lots were never combined by the owner. There is a five-bedroom septic system on this property that will be shared by a three-bedroom dwelling and a two-bedroom dwelling. Driveway access will be from Shady Lane. Lot coverage would be 13.8%. Mr. Maynard read the supporting facts into the record.

Mrs. Fallon read into the record the following letters of support:

1. December 1, 2007 letter from Matthew & Ann McCabe of 13 Ash Street.
2. December 21, 2007 letter from Alphonse & Karen Marcel of 18 Shady Lane Road.
3. December 21, 2007 letter from John & Roberta Golden of 14 Ash Street.

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



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Deliberative Session, Case #2, 2008

Mr. Tierney motioned and Mr. Alosso seconded the motion to grant an Area Variance from Sections 401 & 702 Appendix A-1 subject to merging lots 16-B-5 & 16-B-9 to create a 19,000 (+) square foot lot where 50,000 square feet is required with side setbacks of 10', 7', 7.5' & 9.5' where 30' is required and rear setbacks of 10', 7', 7.5' & 9.5' where 30' is required. Motion passed 5-0.

Lot #24-F-5100, Case #78-2007 (Originally heard on 12/11/07)

Applicant – Paul Chicklis

Owner – Paul Chicklis

Location – 2 Wilson Road

Zone – Rural

A rehearing is requested regarding the decision made by the Zoning Board of Adjustment on December 11, 2008.

After reviewing the information submitted Mr. Alosso motioned and Mr. Tierney seconded the motion to deny the request for a rehearing of Case 78-2007 because no new evidence or technical error was found. Motion passed 5-0; request denied.

Approval of Minutes

Approval of November 27, 2007 and December 11, 2007 Minutes

The Chairman requested that the minutes be postponed to the next meeting.

Other Business

Mrs. Fallon motioned and Mr. Tierney seconded the motion to accept Gail Webster's resignation with regret. Motion passed 5-0.

Mail

November 26, 2007 letter from Gail Webster resigning from the Zoning Board.

Mrs. Fallon motioned and Mr. Alosso seconded the motion to go into Closed Session per RSA 91-A:3, IIC to discuss reputations. Motion passed 5-0 on a roll call vote.

The next meeting of the Zoning Board of Adjustment is scheduled for January 22, 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.