

# BOARD OF ADJUSTMENT

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

## Zoning Board of Adjustment Minutes March 25, 2008

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

The Chairman introduced Diane Farmer and some of the boy scouts from Troop 266 who were working on their citizenship merit badge.

### **Lot #21-K-46, Case #21-2008**

Applicant – Edward N. Herbert Associates  
Owner – John & Carol Madden  
Location – 32 Turtle Rock Road  
Zone – Residential A

A variance is requested from Section(s) 401, 405.2, 405.5 & 702 Appendix A-1, of the Zoning Ordinance to permit an existing seasonal dwelling to be razed and replaced with a new year round dwelling on a pre-existing, non-conforming lot. The proposed three-bedroom dwelling will be 7.5' from the west lot line where 30' is required and 7.5' from the east property line where 30' is required. The existing lot has 56.9' of frontage on Turtle Rock Road, a private road, where 175' is required and lot size of 13,167.8 square feet where 50,000 square feet is required.

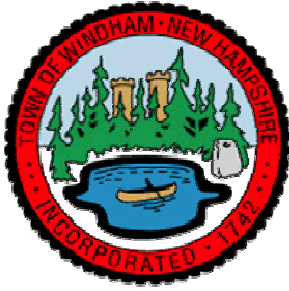
Mrs. Fallon read the case into the record. Mr. Zohdi, representing the owner, submitted 6 pages that were marked as exhibits and presented the case. The proposed house will be moved back to comply with the Shoreland Protection Act. There is a state approved septic system and lot coverage will be 11% with the enclosed screened porch.

Mr. Murray motioned to waive the reading of the supporting facts. Mr. Murray withdrew his motion.

Attorney Mason, also representing the owner, read the supporting facts into the record.

Mr. Alan Leclair of 34 Turtle Rock Road spoke in favor of the request.

Mr. Murray motioned and Mrs. Fallon seconded the motion to go into Deliberative Session.



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### **Deliberative Session, Case #21-2008**

Mr. Murray motioned and Mrs. Fallon seconded the motion to approve Case #21-2008 as requested. Motion passed 3-0.

### **Lot #16-Q-212, Case #22-2008**

Applicant – Benchmark Engineering

Owner – John Boss

Location – 10 Viau Road

Zone – Residential A

A variance is requested from Section(s) 401, 405.2, 405.5 & 702 Appendix A-1 of the Zoning Ordinance to permit the existing house and garage to be razed and the reconstruction of a new year-round dwelling on a non-conforming 12,200 square foot lot where 50,000 square feet is required, with street frontage of 105-feet where 175 feet is required and a front setback of 19 feet where 50 feet is required, side setback of 18 feet where 30 feet is required and a rear (lake) setback of 30 feet (to tie course) where 50 feet is required.

### **Lot #16-R-184E, Case #-23-2008**

Applicant – Benchmark Engineering

Owner – Sylvain & Steven Lebel

Location – 4 Second Street

Zone – Residential A

A variance is requested from Section(s) 401, 405.2, 405.5 & 702 Appendix A-1 of the Zoning Ordinance to permit the existing structure to be razed and the reconstruction of a new year-round dwelling on a non-conforming 7,800 square foot lot where 50,000 square feet is required with an 80 foot street frontage where 175 feet is required, 36 foot front setback where 50 feet is required, side setbacks of 10 feet and 24 feet where 30 feet is required and a 20 foot rear setback where 30 feet is required

Because there was not a full board in attendance Mr. Maynard requested that both Case #22-2008 and Case 23-2008 be continued. Mr. Murray motioned and Mrs. Fallon seconded the motion to continue Cases 22-2008 and 23-2008 to the April 8, 2008 meeting. Motion passed 3-0.

### **Lot #25-E-400, Case #9-2008 Request for Rehearing (Originally heard on 2/12/08)**

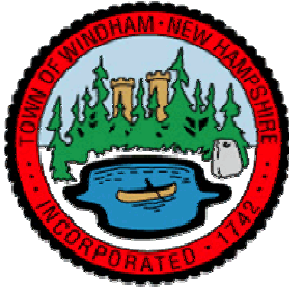
Applicant – Peter H. Bronstein, Esquire

Owner – Randy & Deborah Casey

Location – 25 Abbott Road

Zone – Residential A

A rehearing is requested regarding the decision made by the Zoning Board of Adjustment on February 12, 2008.



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The Chairman advised the Board that he would like to talk with Attorney Campbell regarding the rehearing request of Case 9-2008. The Chairman had a conversation with David Sullivan, Town Administrator, and will set up a meeting with Attorney Campbell. Mr. Murray motioned and Mrs. Fallon seconded the motion to continue the rehearing request of Case #9-2008 to the April 22, 2008 meeting. Motion passed 3-0.

### **Approval of March 11, 2008 Minutes**

Mrs. Fallon motioned and Mr. Murray seconded the motion to approve the March 11, 2008 minutes at the April 8, 2008 meeting.

### **Other Business**

Mrs. Fallon motioned and Mr. Murray seconded the motion to pay a \$50.00 registration fee for Mr. Samsel to attend the OEP Spring Conference. Motion passed 3-0.

### **Mail**

- March 2008 Issue of NH Town and City.
- Invoice #01067 from NH OEP in the amount of \$50.00 for Mr. Samsel's registration to attend the Spring Planning & Zoning Conference.
- NH Local Government Center List of Workshops.

At 8:11 PM Mr. Murray motioned and Mrs. Fallon seconded the motion to adjourn. Motion passed unanimously.

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