



# BOARD OF ADJUSTMENT

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

April 27, 2004

Chris Doyle – Acting Chairman  
Rob Gustafson – Secretary  
Al Souma – Member  
Georges Roy – Member  
Tony Pellegrini – Member  
Kara DiFruscia – Alternate (Excused)

## Minutes

Mr. Gustafson motioned and Mr. Pellegrini seconded the motion to accept the April 14, 2004 minutes as written. Mr. Doyle, Mr. Gustafson and Mr. Pellegrini voted to accept the minutes as written. Mr. Roy abstained because he did not attend the April 14, 2004 meeting. Motion passed 3-0-1.

## Mail

- Invitations from Coco, Early & Associates to attend a ribbon cutting ceremony for Windham Meadows on April 29, 2004.
- Certificates of Appreciation in honor of National Volunteer Week.

## Lot #21-X-5, Case #16-2004

Donald & Sharon St. Onge  
6 Moulton Road

A variance is requested from Section 702-A-1 of the Zoning Ordinance to permit the building of a garage, extend family room over the new garage, add half bath, remodel kitchen, remodel living room and create a 3-foot overhang, extend existing second floor 5' X 26' farmer's porch.

Mr. Gustafson read the case into the record and a letter from the Applicant requesting their case be heard at either the May 11, 2004 or the May 25, 2004 meeting. Mr. Pellegrini motioned and Mr. Gustafson seconded the motion to continue Case #16-2004 to the May 27, 2004 meeting. Mr. Gustafson, Mr. Pellegrini, Mr. Roy and Mr. Doyle voted for this motion. Passed 4-0.

Mr. Souma joined the Board.

## Lot #21-V-250, Case #13-2004

Scott & Cynthia Roy  
18 Fish Road

A variance is requested from Sections 405.2 & 702-A-1 of the Zoning Ordinance to permit the construction of a single family dwelling (to replace the house that was destroyed by fire) 10-feet and 16.5 feet from the side lot lines where 30-feet is required.



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Mr. Gustafson read the case into the record. Mr. Roy presented his case. The original structure is 5' from the lot line; the proposed structure will be 10-feet from the lot line. The original footprint was 23' X 47', the proposed footprint is 36' X 36'. The existing shed will be removed. The existing septic system that was installed in the 1990's was being used for both houses (total of five bedrooms); the system will only service one three-bedroom house. Mr. Roy read his five supporting facts into the record. Mr. Gustafson read into the record a letter from Bruce Anderson, Chairman of the Conservation Commission, stating that Dennis Senibaldi will be commenting for the Conservation Commission at this meeting. Mr. Senibaldi advised that a motion was passed 4-1 at the April 22, 2004 Conservation Commission meeting stating that the Commission does not support this request for a variance since it would mean increased usage of the lot (i.e. more bedrooms and bathrooms) and therefore would have more impacts such as septic demands and is in close proximity to Cobbett's Pond. Mr. Senibaldi said that part of the motion made by the Conservation Commission is incorrect because the amount of bedrooms will not increase. Mr. Doyle closed the public portion of this case. Mr. Gustafson motioned and Mr. Pellegrini seconded the motion to go into Deliberative Session. Passed unanimously.

### **Deliberative Session, Case #13-2004**

Mr. Gustafson motioned to grant Case #13-2004 per the plan submitted with the stipulation to remove the existing shed. Mr. Roy seconded the motion. Mr. Roy, Mr. Souma, Mr. Gustafson, Mr. Pellegrini and Mr. Doyle voted to grant this variance. Passed 5-0.

### **Lot #20-E-154, Case #15-2004**

Thomas & Brenda Seniow  
62 Lowell Road

A variance is requested from Section 702-A-1 of the Zoning Ordinance to permit the construction of a 24' X 34' barn with a front setback of 40-feet where 50-feet is required.

Mr. Gustafson read the case into the record. Mr. Seniow presented his case and submitted two letters of support. There is no other place on the property where a suitable barn can be placed with vehicle access. The current leach field and garage restrict vehicle passage to the rear of the property along the northeastern border. The proposed barn would be set back in an approximate line with the existing house. Front setbacks in the neighborhood are already non-conforming. Mr. Seniow read the five supporting facts into the record. Mr. Sean Devaney of 64 Lowell Road spoke in support of this request. Mr. Gustafson read into the record the two letters of support, one from Cynthia Cadoret of 63 Lowell Road, and one from Mr. & Mrs. Ronald Cyr of 59 Lowell Road. Mr. Doyle marked the two letters of support as Exhibits A and B. Mr. Doyle closed the public portion of this case. Mr. Pellegrini motioned and Mr. Gustafson seconded the motion to go into Deliberative Session. Passed unanimously.

### **Deliberative Session, Case #15-2004**

Mr. Gustafson motioned to grant Case #15-2004 per the plan submitted. Mr. Pellegrini seconded the motion. Mr. Roy, Mr. Souma, Mr. Gustafson, Mr. Pellegrini and Mr. Doyle voted to grant this variance. Passed 5-0.



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### **Lot #14-B-550, Case #17-2004**

Stephen & Carrie Reny  
9 Ridgemont Road

A variance is requested from Section 702-A-1 of the Zoning Ordinance to permit the construction of an inground pool, patio and fence no closer than 20-feet from the side lot line where 30-feet is required.

Mr. Gustafson recused himself from this case because he is an abutter. Mr. Pellegrini read the case into the record. Mr. Reny presented his case. He explained that he has both WWPD and vernal pool issues to deal with on his property. The vernal pool ordinance was not in effect at the time Mr. Reny purchased this property. The setback from the adjacent property will be no closer than 20-feet and 85-feet from the neighboring property dwelling. Two of the abutters also have inground pools. Mr. Roy said that Mr. Reny would have use of less than one acre out of a total of five acres. The only other available location on the property is to the side of the house out of sight line and in a location that would require blasting within 15-feet of the septic tank and leach field. Mr. Reny said that he would be providing protection for the existing vernal pool and wetland areas while maintaining adequate setback to the adjacent property lines. Mr. Philip Workman of 10 Ridgemont and Mr. Robert Gustafson of 12 Ridgemont spoke in support of this variance. Mr. Doyle read into the record a letter of support from Mr. & Mrs. Dennis Oliver of 11 Ridgemont Road. Mr. Senibaldi spoke in support of this request for the Conservation Commission. The Commission motioned that the following three comments be presented to the Zoning Board.

1. The Commission has no objection to the proposed pool, deck and landscaping since all of the work will be outside the WWPD.
2. The Commission requests that the ZBA inquire as to whether a variance is required for the play area that already exists in the WWPD.
3. The Commission requests that the applicant be aware that the proposed work is near a vernal pool area and that vernal pool buffer areas are designated as no-cut zones.

Mr. Reny said that the play area would be removed. Mr. Doyle closed the public portion of this case. Mr. Roy motioned and Mr. Souma seconded the motion to go into Deliberative Session. Passed unanimously.

### **Deliberative Session, Case # 17-2004**

Mr. Roy motioned to grant Case #17-2004. Mr. Pellegrini seconded the motion. Mr. Souma, Mr. Pellegrini, Mr. Roy and Mr. Doyle voted to grant this variance. Passed 4-0.

Mr. Gustafson returned to the Board.

### **Lot #13-B-74, Case #18-2004**

Armco Flooring, Inc. / Joseph Armano  
38 Rockingham Road

A variance is requested from Sections 702-A-1, 601.3 and 601.4.8 of the Zoning Ordinance to permit the construction of a 40' X 40' warehouse 17-feet from the rear setback where 30-feet is required.

Mr. Gustafson read the case into the record. Joseph Armano, President of Armco Flooring presented his case along with Mr. Gerald Fortin of Vollmer Associates. Mr. Armano submitted maps of the existing property and maps after the reconfiguration is completed. Mr. Armano explained that he has been

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working with the NH Department of Transportation on a land swap. The State is taking 20-feet of frontage from Mr. Armano's property and rather than payment Mr. Armano asked for a portion of the 10.75 acres the state acquired from Mr. Jarosky. Everyone is in agreement with the land swap and the details are being completed. Mr. Gustafson asked if a variance would be needed from the WWPD since the configuration will change. Mr. Armano replied he would need that variance. Mr. Gustafson asked once the land swap is completed what would the setbacks be for the proposed building. Mr. Armano said that the building would be 75-feet from the new right-of-way. The rear setback will be 30-feet except for one corner of the building that will be 17-feet. Mr. Gerald Fortin said that after Route 28 is expanded the state will be replacing the existing cross culvert with a new cross culvert and will be filling all the wetlands as part of the roadway reconstruction. Under the new configuration no pavement or building will be in the WWPD. There will be an enhancement of the storm water drainage. Mr. Tierney said that the Applicant would need site plan approval from the Planning Board. Mr. Senibaldi, speaking for the Conservation Commission, said that the Commission unanimously voted to pass a motion stating that they do not support this application to construct a building in the WWPD. Mr. Souma asked Mr. Senibaldi if he had been aware of the information given tonight would he have supported the motion made by the Conservation Commission? Mr. Senibaldi said that after hearing the information presented he would have no opposition to this request. Mr. Doyle closed the public portion of this case. Mr. Gustafson motioned and Mr. Roy seconded the motion to go into Deliberative Session. Passed unanimously.

### **Deliberative Session, Case #18-2004**

Mr. Souma motioned to grant Case #18-2004 per the plan submitted. Mr. Pellegrini seconded the motion. Mr. Gustafson, Mr. Pellegrini, Mr. Souma, Mr. Roy and Mr. Doyle voted to grant this variance. Passed 5-0.

Mr. Gustafson motioned and Mr. Pellegrini seconded the motion to adjourn at 9:04 PM. Passed unanimously.

The next meeting of the Zoning Board of Adjustment is scheduled for May 11, 2004 at 7:30 PM in the Planning & Development Office.

These minutes are in draft form and are respectfully submitted for approval by Patricia Kovolyan.