



# BOARD OF ADJUSTMENT

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

June 22, 2004

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

## **Lot #21-V-237, Case #28-2004**

Applicant – Tina M. Kenyon

Owner – Tina M. Kenyon

Location – 26 Fish Road

A variance is requested from Section 702-A-1 of the Zoning Ordinance to permit the replacement of a 29.6' X 6' deck with a 29.6 X 8' deck 24-feet from the right side setback where 30-feet is required and 19-feet from the left side setback where 30-feet is required and 34-feet from the front setback where 50-feet is required.

Mr. Pellegrini motioned to change the agenda order and hear Case #28-2004 first. Mr. Roy seconded the motion. Passed unanimously 4-0. Mr. Pellegrini read the case into the record. Ms. Kenyon presented her case and explained that this is a reconstruction with a 2-foot extension toward Cobbetts Pond, not toward any abutter's property. The existing deck was improperly built. A portion of the deck is sagging, water pools on the deck floor, support of the deck is deteriorating, there are no margins between the planks or between the house and the deck causing poor drainage and the deck is moving away from the house. Ms. Kenyon read the five supporting facts into the record. Mr. Gustafson closed the public portion of this case. Mr. Pellegrini motioned and Mr. Roy seconded the motion to go into Deliberative Session. Passed unanimously 4-0.

## **Deliberative Session, Case #28-2004**

Mr. Roy motioned to grant Case #28-2004. Mr. Souma seconded the motion. Mr. Roy, Mr. Souma, Mr. Pellegrini and Mr. Gustafson voted to grant this variance. Passed 4-0.

## **Lot #11-C-425, Case #29-2004 (Continued from June 8, 2004)**

Applicants – Barlo Signs

Owner – Anthony Mesiti

Location – 61 Indian Rock Road

A variance is requested from Section 706.6 of the Zoning Ordinance to permit the alteration of an existing non-conforming sign. Replace the existing reader board with a new electronic message board which will be 20.167 square feet where 20 square feet is permitted and to allow the existing sign to remain at 18-feet high where 14-feet is



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permitted and to allow the existing top cabinet sign to remain at 64 square feet where 60 square feet is permitted. There wasn't a full board in attendance, therefore, the Applicant requested to have his Case continued to the July 13, 2004 meeting. Mr. Roy motioned and Mr. Pellegrini seconded the motion to Continue Case #29-2004 to the July 13, 2004 meeting. Passed unanimously 4-0.

### **Minutes**

Mr. Pellegrini motioned and Mr. Roy seconded the motion to accept the June 8, 2004 minutes as posted. Motion passed 3-0-1. Mr. Roy abstained because he did not attend the June 8, 2004 meeting.

### **Other Business**

Mr. Pellegrini advised the Members that he had a conversation with Mr. O'Loughlin a former ZBA Member and Mr. O'Loughlin is willing to be an Alternate Member to the ZBA. Mr. Pellegrini was told that Mr. O'Loughlin needs to submit a letter regarding his request to be an alternate to the Board of Selectmen.

Mr. Gustafson discussed with the Members the legal communication from Bernie Campbell concerning the new Supreme Court decision regarding new hardship tests for area variances. Mr. Gustafson discussed drafting a form with Mr. Tierney, Building Inspector.

The Members discussed Attorney Campbell's request to have a meeting regarding the Delaney Case which is scheduled to be heard on July 9, 2004. The Members will meet with Attorney Campbell on Tuesday, June 29, 2004 at 7:00 PM.

### **Mail**

From Attorney Campbell - Certified Record of Appeal for Delaney vs. Town of Windham Docket #04-E-161.

At 8:00 PM Mr. Pellegrini motioned and Mr. Souma seconded the motion to adjourn.

The next meeting of the Zoning Board of Adjustment is scheduled for July 13, 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.