

## BOARD OF ADJUSTMENT

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

October 26, 2004

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

### **Alternate Appointment**

The Chairman appointed Miss DiFruscia to replace Mr. Roy for this meeting.

### **Lot #17-C-22, Case #49-2004**

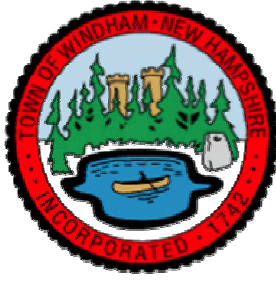
Applicant – Gary & Mary Marlow  
Owner – Gary & Mary Marlow  
Location – 41 Sawtelle Road  
Zone – Residential A

A variance is requested from Sections 401 & 702 of the Zoning Ordinance to permit the construction of a 32' X 26' garage 41-feet from the front setback where 50-feet is required, 22.4-feet from the side setback where 30-feet is required and 4.2-feet from the rear setback where 30-feet is required.

Mr. Pellegrini read the case into the record. Attorney Mason, representing the Applicant, presented the case. Mr. & Mrs. Marlow advised the abutters of the proposed garage. The existing shed will be removed and a portion of the deck will be incorporated into the garage. Attorney Mason read the five supporting facts into the record. Mr. Tierney, Building Inspector, asked if the area above the garage would be used. Attorney Mason said although there will not be any plumbing, the area above the garage will be used as a recreational room. The Chairman closed the public portion of this case. Mr. Pellegrini motioned and Mr. Souma seconded the motion to go into Deliberative Session. Passed unanimously.

### **Deliberative Session, Case #49-2004**

Mr. Pellegrini motioned to grant Case #49-2004 per the plan submitted. Mr. Souma seconded the motion. Passed unanimously 4-0.



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### **Lot #21-H-13, Case #50-2004**

Applicant – Greg Carlson

Owner – Greg Carlson

Location – 17 Lakeshore Road

Zone – Residential A

A variance is requested from Sections 702, 401, 405.1, & 1200.1.3 of the Zoning Ordinance to raze and replace an existing 3-bedroom structure with a new 3-bedroom structure of equal size and to center the new structure on the lot and to place the structure 4-1/2 feet further away from Cobbetts Pond. The new home is intended for year-round occupancy.

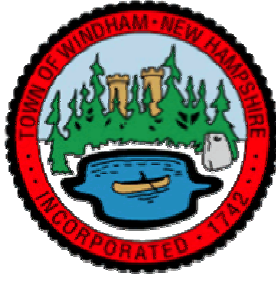
Mr. Pellegrini read the case into the record. Attorney Mason, representing the Applicant, presented the case. The proposed request represents the replacement of a 50-year old building with a three-bedroom one bath new structure. Attorney Mason explained that there is a state approved four bedroom shared septic system on neighboring property, therefore, the Applicant does not need relief from Section 405.1. Attorney Mason read the five supporting facts into the record. Catherine Wallace of 19 Lakeshore Road spoke in favor the request but voiced concerns regarding construction vehicles blocking access to her property, the length of time that it will take to construct the proposed home and construction affecting the septic system (the shared system is on Mrs. Wallace's property). Mr. Greg Moe of 12 Lakeshore Road spoke in favor of the request but is concerned about possible damage by construction vehicles to the private road and asked that the road be brought back to its current condition. Attorney Mason said that if construction causes damage it would be the Carlson's responsibility to repair the road. Mr. Tierney explained that Mr. & Mrs. Carlson must submit an RSA 674:41 Agreement & Release application to the Selectmen. A building permit cannot be issued until there is an approval and it is recorded at the Registry of Deeds. The Chairman closed the public portion of this case. Mr. Pellegrini motioned and Mr. Souma seconded the motion to go into Deliberative Session. Passed unanimously 4-0.

### **Deliberative Session, Case #50-2004**

Mr. Pellegrini motioned to grant Case #50-2004 excluding Section #405.1. Mr. Souma seconded the motion. Passed unanimously 4-0.

### **Minutes**

Mr. Pellegrini motioned and Mr. Souma seconded the motion to accept the October 12, 2004 minutes as written. Passed unanimously 4-0.



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### Other Business

Mr. Pellegrini motioned and Mr. Souma seconded the motion to approve forms 001, Cover Sheet, 004 Area Variance, 004 Use Variance and 024 Abutter list. Motion passed 3-0-1. Miss DiFruscia abstained because she was not at the October 12, 2004 meeting and had not reviewed the forms.

Mr. Gustafson asked Mr. Tierney if he spoke with Attorney Campbell regarding the fees for both an area and a use variance. Mr. Tierney said that he had not had time to discuss the fees with Attorney Campbell but would do so before the next Zoning Board meeting.

Mr. Pellegrini motioned to have the second Zoning Board meeting in November on November 30, 2004 not November 23, 2004. Mr. Souma seconded the motion. Passed unanimously 4-0.

Mr. Pellegrini motioned and Mr. Souma seconded the motion to adjourn at 8:28 PM. Passed unanimously.

The next meeting of the Zoning Board of Adjustment is scheduled for November 9, 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.