

## BOARD OF ADJUSTMENT

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

### Zoning Board of Adjustment Minutes January 24, 2006

January 24, 2006

Chris Doyle – Chairman (Absent)  
Rob Gustafson – Vice-Chairman  
Tony Pellegrini – Secretary  
George Roy – Member  
Mark Samsel – Member  
Al Souma – Alternate  
Tom Murray – Alternate

#### Seat Alternate

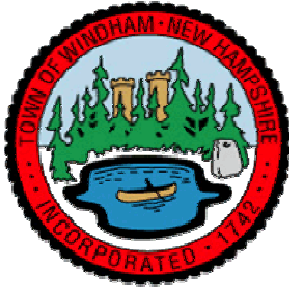
Mr. Gustafson appointed Mr. Souma to replace Mr. Doyle for this meeting.

#### Lot #13-J-1&2, Case #3-2006

Applicant – Lee & Isabel Balcom  
Owner – Lee & Isabel Balcom  
Location – 1&2 Dow Road  
Zone – Rural

A variance is requested from Sections 702 Appendix A1 & 402 of the Zoning Ordinance to permit the demolition of an old existing addition (14' X 34', one and one half stories) and replace it with a new addition (20'8" X 44' 10", two stories).

Mr. Pellegrini read the case into the record. Attorney William Mason, representing the applicant, presented the case. This property is located on the easterly end of Shadow Lake. The proposed addition will be 30-feet from Dow Road where 50-feet is required. The addition represents an upgrade in a portion of the property that is in disrepair. Attorney Mason submitted two photos marked as Exhibits A-1 and A-2. A computer generated rendering of the proposed addition was marked as Exhibit B. The proposed addition is larger than the existing addition but will be code compliant. Attorney Mason read the supporting facts into the record. Mr. Pellegrini read into the record a letter of support from James Galatis and Charles Galatis of 469 Washington Avenue, Chelsea, Ma. and a letter of support from Mark & Tracy Hurrell of 4 Dow Road, Windham, NH. Mr. Joe Gagnon of 19 Mockingbird Hill Road spoke in support of this request. Mrs. Patricia



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Hodgkins of 135 Shadow Lake Road, Salem, NH questioned the height of the proposed addition. Mr. Balcom explained the reasons for the addition. Mr. Gustafson closed the public portion of this case. Mr. Pellegrini motioned and Mr. Samsel seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

### **Deliberative Session, Case #3-2006**

Mr. Samsel motioned and Mr. Souma seconded the motion to grant Case #3-2006. Passed unanimously 5-0.

### **Lot #14-B-3616, Case #4-2006**

Applicant – Charles Terry

Owner – Charles Terry

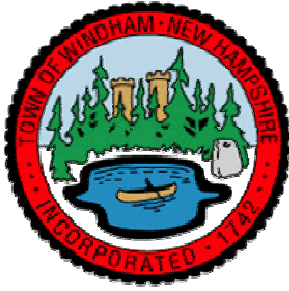
Location – 13A Faith Road

Zone – Rural

A Special Exception is requested from Section 602.1.6 of the Zoning Ordinance to permit an office (the office occupies less than 25% of the normal living area) in the home to complete paperwork for a Home Theater Installation business. Every job is executed off-site at the customer's home or place of business. A detached garage houses a company van and small items such as wires and hardware.

Mr. Pellegrini read the case into the record. Mr. Pellegrini also read into the record a December 22, 2005 letter written by Mr. Terry that lists the conditions met by Mr. Terry to satisfy the requirements of a special exception:

- The Customary Home Occupation is carried on by Mr. Terry in the dwelling and does not change the residential character thereof.
- There are no exterior renovations or construction to the home in relation to the company.
- There is no public display of goods or wares. The promotional sign that was displayed has been removed.
- The office occupies less than 25% of the living area.
- With the termination of tractor-trailer deliveries and the fact that the scope of the business is conducted away from the residence, the neighbors will not be adversely affected by any unusual sight, light, noise smell or traffic.
- The company does not utilize water or sewer, does not block the entrance to the driveway and does not produce the need for off-street parking.
- There is one employee who works away from the home conducting installations and repairs at the job sites. The employee does park his vehicle at the residence.



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Mr. Terry submitted photos and a letter of support and explained the nature of his business. Mr. Pellegrini read into the record a letters of support from Tom Nicoli of 16 Faith Road and Mr. & Mrs. Dan Witmer of 14 Faith Road. Mr. Jim Blanchette of 13 Faith Road said that he had questions regarding the request but did not ask any questions. Mr. Blanchette stated that he was concerned about the deliveries made by tractor-trailers but that issue has been resolved. Mr. Gustafson closed the public portion of this case. Mr. Roy motioned and Mr. Pellegrini seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

### **Deliberative Session, Case #4-2006**

Mr. Samsel motioned and Mr. Souma seconded the motion to grant Case #4-2006 with the stipulation that there will be no tractor-trailer deliveries. Mr. Samsel withdrew his motion. Mr. Samsel motioned and Mr. Souma seconded the motion to grant Case #4-2006 allowing one employee, deliveries are restricted to two per week and there will be no tractor-trailer deliveries. Motion passed unanimously 5-0.

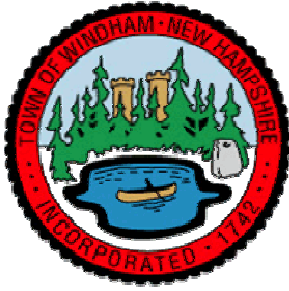
### **Approval of January 10, 2006 Minutes**

Mr. Samsel motioned and Mr. Pellegrini seconded the motion to accept the January 10, 2006 minutes as amended. Motion passed 4-0-1. Mr. Souma abstained because he did not attend the January 10, 2006 meeting.

### **Other Business**

Mr. Gustafson questioned Mr. McGuire, Building Inspector, about requesting a meeting with Attorney Campbell. Mr. McGuire advised the Board to write a letter to the Planning Department requesting a meeting. Mr. Roy motioned and Mr. Pellegrini seconded the motion to have Mr. Gustafson, the Vice-Chairman, write a letter to the Planning Department regarding the legalities of abatements and vested rights. Passed unanimously 5-0.

Mr. Roy motioned and Mr. Pellegrini seconded the motion to reimburse Mr. Murray \$25.00 for registration to attend the Fall Office of Energy & Planning Conference. Passed unanimously 5-0.



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### Mail

None

At 8:50 pm Mr. Pellegrini motioned and Mr. Roy seconded the motion to adjourn. Passed unanimously 5-0.

The next meeting of the Zoning Board of Adjustment is scheduled for February 14, 2006 at 7:30 pm in the Planning & Development Office.

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