



# BOARD OF ADJUSTMENT

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

## Zoning Board of Adjustment Minutes February 14, 2006

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

### **Lot #13-B-50, Case #5-2006**

Applicant – Carr Landscaping  
Owner – Milton Wood & William Hamilton  
Location – 20 Rockingham Road  
Zone – Business Commercial A

A variance is requested from Section 706.6 of the Zoning Ordinance to maintain an existing freestanding sign that has a sign area of 120 square feet and a height of 12-feet. The sign is +/- 7-feet from the front setback where 10-feet is required and +/-24-feet from the side setback where 50-feet is required.

Mr. Pellegrini read the case into the record. Attorney Arpy Saunders of Concord, New Hampshire, representing the applicant, presented the case. Attorney Saunders submitted a Planning Board approved plan and a photo. After discussion with the NH Department of Transportation, the applicant was informed that the DOT would not permit the applicant to relocate the sign north on Rockingham Road, in front of the building, due to the DOT's requirements for the right-of-way and setback for the Rockingham Road/Route 111 intersection. The sign cannot be moved to the front because of DOT requirements and required handicap parking. Attorney Saunders read the supporting facts into the record. Mr. Michael McGuire, Building Inspector, advised the Board that the rest of the sign is not in conformance. The area is 120 square feet and the requirement is 100 square feet. Mr. Ryan Carr, property owner, said that the bottom sign could be removed. Mr. Karl Dubay of MHF Design said that Mr. Carr took the sign down in height. The Chairman closed the public portion of this case. Mr. Gustafson motioned and Mr. Samsel seconded the motion to go into Deliberative Session. Passed unanimously 5-0.



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### **Deliberative Session, Case #5-2006**

Mr. Gustafson motioned and Mr. Samsel seconded the motion to grant Case #5-2006 to allow the existing sign to stay with its front setback of approximately 7-feet and the side setback of approximately 24-feet but it will conform to the area and height requirements. Motion passed 5-0.

### **Lot #11-C-2553, Case #7-2006**

Applicant – Paul Mansback

Owner – Christopher & Kim Thompson

Location – 10 Sheffield Street

Zone – Residential A

A variance is requested from Section 601.3 of the Zoning Ordinance to permit the construction of a garage within the boundary of the WWPDP.

Mr. Pellegrini read the case into the record. Mr. Paul Mansback of Neumann & Associates, representing the applicant, presented the case. Since the original presentation of a year ago the footprint of the garage has been reduced, the shape of the garage has been changed and the impact area has been reduced to 513 square feet. The runoff mitigation area will reduce the downstream volume of water, reduce sediment loading and potentially help the aquifer recharge. Mr. Mansback read the supporting facts into the record. Mr. Jack Gatinella, Windham resident, asked that the applicant provide the size of the encroachments. Mr. Mansback responded that there would be an encroachment on one side of 12-feet and 30-feet along the backside. Mr. Pellegrini read into the record the February 9, 2006 Conservation Commission minutes. A motion was passed at the February 9, 2006 Conservation meeting to approve the Thompson residence plan as proposed on the plan dated February 9, 2006. The Chairman marked the February 9 2006 Conservation minutes as Exhibit A and the plan dated February 9, 2006 as Exhibit B. The Chairman closed the public portion of this case. Mr. Samsel motioned and Mr. Gustafson seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

### **Deliberative Session, Case #7-2006**

Mr. Gustafson motioned and Mr. Roy seconded the motion to grant Case #7-2006 per the plan submitted with the stipulation that the erosion control measures and the runoff treatment as proposed to the Conservation Commission on the plan marked as Exhibit B and dated February 9, 2006 be implemented. Motion passed 3-2. Mr. Gustafson, Mr. Pellegrini and Mr. Doyle voted for the motion. Mr. Samsel and Mr. Roy voted against the motion.



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### **Lot #11-C-2553, Case #8-2006**

Applicant – Paul Mansback  
Owner – Christopher & Kim Thompson  
Location – 10 Sheffield Street  
Zone – Residential A

A variance is requested from Section 702 Appendix A-1 of the Zoning Ordinance to permit the construction of a master bedroom addition 21-feet from the setback where 30-feet is required. Mr. Pellegrini read the case into the record. Reading of the list of abutters was waived. Mr. Mansback explained that their area variance that was granted on December 14, 2004 has expired. The plan submitted is the same as the original plan. Mr. Mansback read the supporting facts into the record. The Chairman closed the public portion of this case. Mr. Roy motioned and Mr. Gustafson seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

### **Deliberative Session, Case #8-2006**

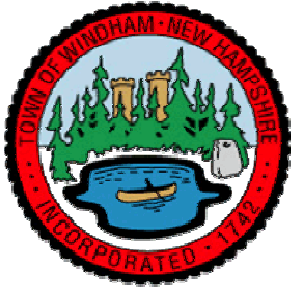
Mr. Samsel motioned and Mr. Roy seconded the motion to grant Case #8-2006 as presented. Motion passed 5-0.

### **Lot #13-C-300, Case #9-2006**

Applicant – Herbert Associates  
Owner – Carol Macomber  
Location – 19 Roulston Road  
Zone – Limited Industrial

A variance is requested from Section 601 of the Zoning Ordinance to permit an increase in the driveway area and add additional parking spaces within the WWPD.

Mr. Pellegrini read the case into the record. Mr. Peter Zohdi of Herbert Associates, representing the applicant, presented the case. Because of the setting of the property, if the parking area is located in the back of the building, out of the WWPD, it would create more of an impact on the WWPD leading to the back parking area than if the parking was placed within the WWPD in the front of the building. Total disturbance to the WWPD will be 4,665 square feet; 2,967 square feet is an existing paved area, leaving 1,698 square feet to be disturbed. Mr. Gustafson read into the record the November 10, 2005 Conservation Commission minutes. The Conservation Commission unanimously passed a motion at their November 10, 2005 meeting in support of locating the parking in the front of the building. Mr. Pellegrini read the supporting facts into the record for the applicant. Mr. John Morrison of 17 Roulston Road and Phyllis Jarosky of 15 Roulston Road spoke in support of this request. The Chairman closed the public portion of this case. Mr. Pellegrini motioned and Mr. Gustafson seconded the motion to go into Deliberative Session. Passed unanimously 5-0.



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### **Deliberative Session, Case #9-2006**

Mr. Gustafson motioned and Mr. Pellegrini seconded the motion to grant Case #9-2006 per the plan submitted. Motion passed 5-0.

### **Lot #6-A-809, Case #10-2006**

Applicant – Jill Robbins

Owner – Jill Robbins

Location – 12 Bedros Street

Zone – Rural

A special exception is requested from Section 602 of the Zoning Ordinance to permit the hiring of one employee to help in the home business of baking for children with food allergies.

Mr. Pellegrini read the case into the record. Jill Robbins explained that she has received approval from both the State of NH and the Town of Windham for water and septic for her commercial kitchen. The hiring of an employee would not expand the hours of operation. Denise Sawyer, formerly Denise Bonito, of 13 Bedros Street, spoke in favor of this request. The Chairman closed the public portion of this case. Mr. Gustafson motioned and Mr. Samsel seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

### **Deliberative Session, Case #10-2006**

Mr. Samsel motioned and Mr. Pellegrini seconded the motion to grant the Special Exception for Case #10-2006 specifying Section 602.1.6. Motion passed 5-0.

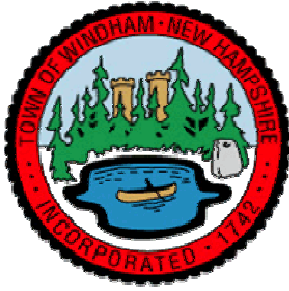
### **Approval of January 24, 2006 Minutes**

Mr. Gustafson motioned and Mr. Samsel seconded the motion to approve the January 24, 2006 minutes as written. Motion passed 4-0-1. Mr. Doyle abstained because he did not attend the January 24, 2006 meeting.

### **Other Business**

A letter from Mr. Roderick de Greef dated February 9, 2006 requesting to be an alternate member of the Zoning Board was read into the record. The Chairman asked that Mr. Roderick de Greef be invited to attend the February 28, 2006 Zoning Board meeting.

Mr. Gustafson read into the record his letter dated February 2, 2006 to Al Turner, Director of Planning & Development requesting a meeting with Town Counsel.



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### Mail

- February 6, 2006 memo from the NH Office of Energy & Planning regarding the Spring Planning Conference scheduled for April 1, 2006 at the Radisson Hotel, Center of NH in Manchester.
- February 9, 2006 letter from Mr. Roderick de Greef requesting consideration to be an alternate member of the Zoning Board.

At 9:40 PM Mr. Gustafson motioned and Mr. Samsel seconded the motion to adjourn. Passed unanimously 5-0.

The next meeting of the Zoning Board of Adjustment is scheduled for February 28, 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.