

BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment Minutes June 24, 2008

Mark Samsel –Chairman
Jim Tierney – Vice-Chairman
Dianna Fallon – Secretary
John Alosso – Member
Tom Murray – Member
Bruce Richardson – Alternate

The Chairman appointed Mr. Richardson to replace Mr. Murray for Case #38-2008.

Lot #9-A-1621, Case #38-2008

Applicant – Katherine & Victor Quijano
Owner – Victor & Katherine Quijano
Location – 3 Sirod Road
Zone – Rural

A special exception is requested from Section(s) 602.1.8 of the Zoning Ordinance to permit the keeping of chickens on a lot that is less than 2 acres.

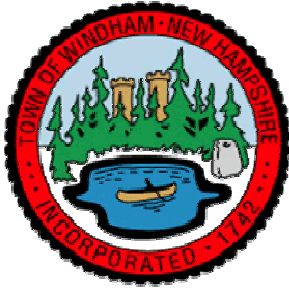
Mrs. Fallon read the case into the record. Dr. Victor Quijano along with his wife Katherine Quijano presented this case. The State of New Hampshire does not allow purchases of less than 12 chickens but you can buy less than 12 from private organizations. Dr. Quijano intends to have 6 hens no rooster. A pre-existing 15' X 20' structure will be used as a pen. The pen will not be visible from the street or abutting properties. This is a .92 acre lot. Eight photos were submitted and marked as Exhibit A. Dr. Quijano explained that the pen will be 30' to the left side property line, 110' to the right side property line, 158' to Mr. Rex Norman's property line and 100' to the road.

Suzanne Liddell of 5 Sirod Road spoke in support of this request.

Tracey Lord of 1 Sirod Road spoke against this request and submitted two pages of photos of chicken coops from the internet that was marked as Exhibit B.

The Chairman marked the Sewage Disposal System as Exhibit C.

Dr. Quijano explained that the coop will be approximately 3 ½ X 2 ½ X 3'.



BOARD OF ADJUSTMENT

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

Mrs. Fallon read into the record a June 24, 2008 letter from Mr. Alfred Turner, Director of Planning & Development regarding chickens and health hazards. *...I certify that the raising and keeping of chickens is not in itself a health hazard as long as the poultry keepers use common sense in the care and cleaning of the poultry. Hands should be washed after handling the birds and cleaning the coops..Bird droppings should be disposed in an approved manner and not up wind from your neighbors...*

Mr. Alosso motioned and Mr. Tierney seconded the motion to go into Deliberative Session. Motion passed 5-0.

Deliberative Session, Case #38-2008

Mrs. Fallon motioned and Mr. Alosso seconded the motion to grant a special exception as allowed per Section 602.1.8 of the Zoning Ordinance with the following stipulations:

- With no more than six (6) hens.
- No Roosters.
- The pen must be 25 feet from the property line.
- No butchering in the back yard.
- The coop and pen should be built in a similar fashion as submitted.
- Chickens must be confined to the pen.
- Bird droppings should be disposed in an approved manner and not up wind from neighbors.

Mr. Tierney said that he wanted to go on record as not approving the portion of the motion that the chickens must be confined to the pen because it is beneficial to have chickens run loose to get rid of insects and ticks.

Motion passed 4-1. Mr. Tierney voted against the motion because he believes there should be some time for the chickens to run free.

The Chairman replaced Mr. Richardson with Mr. Murray.

Lot #16-Q-214A, Case #36-2008 (Continued from June 10, 2008)

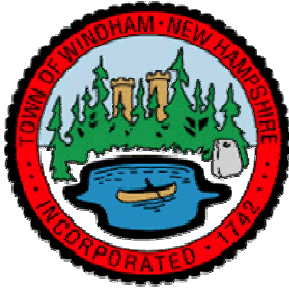
Applicant – Alexander Felson

Owner – Alexander & Katharine Felson

Location – 6 Viau Road

Zone – Residential A

A variance is requested from Section(s) 710 of the Zoning Ordinance to permit the installation of a 6-foot fence to the water line.



BOARD OF ADJUSTMENT

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

Mrs. Fallon read the case into the record. Mr. & Mrs. Felson submitted nine photos that were marked as Exhibit A and presented their case. The houses are very close together and a fence will keep trespassers off their property and protect their children. The existing 3' fence does not solve the problem. Mrs. Fallon read into the record two letters of support one from Mr. & Mrs. Notini of 4 Viau Road and one from Mr. & Mrs. Drummond of 48 Gaumont Road.

Mrs. Fallon read into the record a letter from Mr. & Mrs. Bottiglieri of 50 Gaumont Road objecting to the height of the proposed fence because it would adversely affect their view and the value of their property. Mrs. Bottiglieri was at the meeting and also spoke in person.

Mr. Tierney motioned and Mr. Alosso seconded the motion to go into Deliberative Session. Motion passed 5-0.

Deliberative Session, Case #36-2008

Mr. Alosso motioned and Mr. Tierney seconded the motion to grant a variance from Section 710 of the Zoning Ordinance to permit the installation of a 4 foot fence to the water line. Motion passed 5-0.

Mr. Tierney recused himself from Case #39-2008. The Chairman appointed Mr. Richardson to replace Mr. Tierney for Case #39-2008.

Lot #16-R-183B, Case #39-2008

Applicant – Donna & Martin Delaney, Jr.

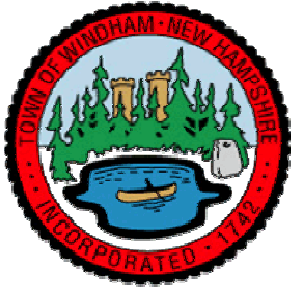
Owner – Donna & Martin Delaney, Jr.

Location – 27 First Street

Zone – Residential A

A variance is requested from Section(s) 1200.1, 401 & 702 Appendix A-1 of the Zoning Ordinance to permit the conversion of a seasonal dwelling to year round use on a lot with 6,171 square feet of area where 50,000 square feet is required, 41-feet of frontage where 175-feet is required, side setbacks of 3-feet and 1-foot where 30-feet is required and a rear setback of 5-feet where 30-feet is required.

Mrs. Fallon read the case into the record. Attorney Brian Germaine, representing the owner, advised the Board that he spoke with and received a letter from Attorney Campbell regarding this request. Attorney Campbell advised Attorney Germaine that a variance is required for a deck that is unpermitted and that the year-round request be postponed until the area variance for the deck is filed and scheduled. Attorney Germaine requested Case #39-2008 be continued to the July 22, 2008 meeting so that the deck issue can be resolved before the conversion issue.



BOARD OF ADJUSTMENT

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

Mr. Murray motioned and Mr. Alosso seconded the motion to continue Case #39-2008 to the July 22, 2008 meeting. Motion passed 5-0.

The Chairman granted a five-minute recess.

The Chairman called the meeting back to order.

The Chairman replaced Mr. Richardson with Mr. Tierney for the balance of this meeting.

Lot #14-B-508, Case #32-2008(Originally heard on May 13, 2008)

Applicant – Walter Colantuono

Owner – Daniel P. McCarthy

Location – 6 Highland Road

Zone – Rural

A rehearing is requested regarding the decision made by the Zoning Board of Adjustment on May 13, 2008.

The Board reviewed the submitted information. Mr. Murray motioned and Mr. Tierney seconded the motion to deny the request for a rehearing of Case #26-2008 as requested because there was no technical error and no new evidence. Motion passed 5-0; request denied.

Approval of June 10, 2008 Minutes

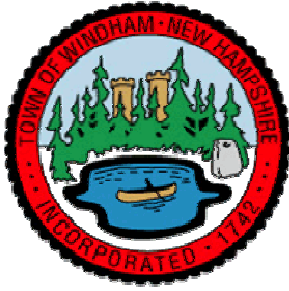
Mr. Tierney motioned and Mr. Murray seconded the motion to accept the June 10, 2008 minutes as written. Motion passed 6-0.

Other Business

None

Mail

- June 2008 Issue of *New Hampshire Town and City*.
- June 12, 2008 Letter from Attorney Campbell to Al Turner regarding *Sneider vs. Town of Windham (Bauchman)*.
- June 10, 2008 Letter from Attorney Campbell to David Sullivan regarding 2 Woodvue Road.
- June 20, 2008 Letter from Attorney Campbell to Brian Germaine regarding Delaney, 27 First Street.
- June 19, 2008 Letter from Dr. Finn, Windham Conservation Commission, regarding 125 Indian Rock Road, Starbucks.



BOARD OF ADJUSTMENT

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

Mr. Alosso motioned and Mr. Murray seconded the motion to adjourn. Motion passed unanimously.

The next meeting of the Zoning Board of Adjustment is scheduled for July 8, 2008 at 7:30 PM in the Planning & Development Office.

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