

# BOARD OF ADJUSTMENT

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

## Zoning Board of Adjustment Minutes January 27, 2009

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

### Lot #22-L-20 & 22, Case #4-2009

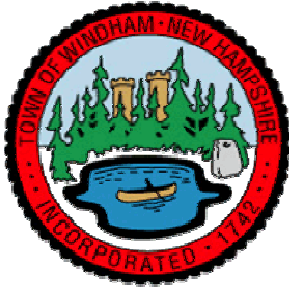
Applicant – Richard Hannon  
Owner – Richard Hannon  
Location – 52 & 54 West Shore Road  
Zone – Residential A

A variance is requested from Section(s) 401, & 702 Appendix A-1 of the Zoning Ordinance to permit the removal of a shed, garage and tennis court and to construct a new dwelling on two undersized lots which will be merged as a condition of the variance approval having street frontage of 100' where 175' is required, a front setback of 36' where 50' is required, side setbacks of 20' where 30' is required on a 9,582 square foot lot where 50,000 square feet is required.

Mrs. Fallon read the case into the record. Attorney William Mason and Mr. Peter Zohdi represented the owner. Mr. Zohdi submitted a package that included the application for a variance, authorization letters, permit denial, pages from the Windham Zoning Ordinance, two deeds, a plot plan and sewerage system design plan. Mr. Zohdi explained that two lots, 22-L-20 and 22-L-22 would be merged. The proposed house would be 56' X 28'. The existing impervious area is 27%; proposed impervious area would be 24%; proposed building area would be 17%. Mr. Zohdi went on to say that 95% of the lots on West Shore Road do not comply with zoning regulations. A waiver request for well radius is not required. The applicant would be required to obtain Shoreland Protection approvals.

Attorney Mason read the supporting facts into the record.

The Chairman marked a two-page submittal by Mr. Zohdi that demonstrates the elevation of the proposed two-bedroom home as Exhibit A.



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The following residents spoke in opposition to this request.

- Mr. Andrew Lane of 2 Woodvue Road and President of the Canobie Lake Recreation Association (two-page submittal marked as Exhibit B).
- Linda Balles of Pine Ridge Road
- Chris Lane of 2 Woodvue Road had questions regarding the location of the septic for the existing house, parking after the existing garage is removed and the 50,000 square foot soil type.
- Mr. Ken Carpenter of Woodvue Road
- Mr. John Carpenter of 44 Woodvue Road

Mr. Zohdi explained soil type requirements for both the State of New Hampshire and the Town of Windham.

Attorney Mason advised that taxes were being paid for both lots.

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

### **Deliberative Session, Case #4-2009**

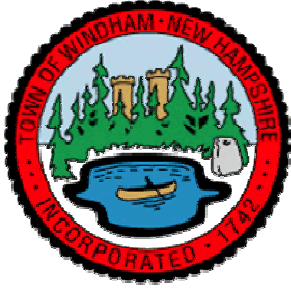
Mr. Alosso motioned and Mr. Murray seconded the motion to grant a variance for Case #4-2009 to permit the removal of a shed, garage and tennis court and to construct a new dwelling on two undersized lots which will be merged as a condition of the variance approval having street frontage of 100' where 175' is required, a front setback of 36' where 50' is required, side setbacks of 20' where 30' is required on a 9,582 square foot lot where 50,000 square feet is required knowing that they have to comply with DES and State approvals. Motion passed 3-2. Mr. Alosso, Mr. Murray and Mr. Samsel voted for the motion. Mrs. Fallon and Mr. Tierney voted against the motion. Mrs. Fallon and Mr. Tierney voted against the motion because the benefit sought by the applicant could be achieved by some other method and spirit and intent of the ordinance.

### **Approval of December 9, 2008 and January 13, 2009**

Mr. Alosso motioned and Mr. Tierney seconded the motion to approve the December 9, 2008 minutes as written. Motion passed unanimously. The Board will review the January 13, 2009 minutes at the February 10, 2009 meeting.

### **Other Business**

Mr. Samsel will send a letter to Mr. Joseph Maynard of Benchmark Engineering regarding Cases 15 & 16-2008.



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### Mail

- January 20, 2009 Faxed Letter from Joe Maynard of Benchmark Engineering regarding Cases 15 & 16-2008.
- January 26, 2009 Letter from Attorney Campbell regarding Heinzl vs. Town of Windham.

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

The next meeting of the Zoning Board of Adjustment is scheduled for February 10, 2009 at 7:30 PM in the Planning & Development Office.

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