

BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment Minutes April 14, 2009

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

The Chairman explained that in accordance with RSA 43:7 he would appoint Bruce Breton, Selectman and former Zoning Board member, to replace Mr. Murray for this meeting.

Lot #17-M-22, Case #12-2009

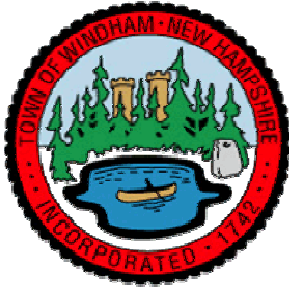
Applicant – Benchmark Engineering
Owner – Richard Armstrong & Alan Armstrong
Location – 19 Oak Street
Zone – Residential A

A variance is requested from Section(s) 401, 405, 406 & 702 Appendix A-1 of the Zoning Ordinance to permit the razing of the existing dwelling & sheds and to reconstruct a new dwelling with a different footprint on a 4658 square foot non-conforming lot where 50,000 square feet is required with 40 feet of street frontage where 175 feet is required, a front setback of 18 feet where 50 feet is required, a side setback of 6 feet where 30 feet is required and a shoreline setback of 20 feet where 50 feet is required.

Mrs. Fallon read the case into the record. Mr. Joseph Maynard of Benchmark Engineering presented the case. Oak Street is a private road and the Armstongs hold the deed. The new septic system will be installed under Oak Street; that section of the road will be paved and you will be able to drive over that area. The septic can be installed under the road because the Armstongs own the road. The lot coverage is 29%; existing is 1349 square feet and the proposed is 1344 square feet for a two story dwelling. Mr. Maynard read the supporting facts into the record.

Mr. Paul Kelleher of Oak Street asked that the drainage issues be addressed.

Mr. Maynard showed on the displayed maps how the drainage would work.



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

Deliberative Session, Case #12-2009

Mr. Tierney said that relief is not required from Section 406 of the Zoning Ordinance. Mr. Alosso motioned and Mr. Breton seconded the motion to grant an area variance for Lot #17-M-22, Case #12-2009 from Sections 401, 405 and 702 Appendix A-1 of the Zoning Ordinance to permit the razing of the existing dwelling and sheds and to reconstruct a new dwelling on a 4658 square foot non-conforming lot where 50,000 square feet is required with 40 feet of street frontage where 175 feet is required a front setback of 18 feet where 50 feet is required, a side setback of 6 feet where 30 feet is required and a shoreline setback of 20 feet where 50 feet is required. Motion passed 5-0.

Lot #17-J-110, Case #13-2009

Applicant – Ronald Coish
Owner – Thomas DeByle
Location – 17 Rocky Ridge Road
Zone – Residential A

A variance is requested from Section(s) 401, 405, 406 & 702 Appendix A-1 of the Zoning Ordinance to permit the relocation of an existing dwelling on an existing 5547 square foot lot of record where 50,000 square feet is required, with 40 feet of street frontage where 175 feet is required and side setbacks of 15 feet and 0.5 feet where 30 feet is required and rear setbacks of 20 feet (house) and 6 feet (deck) where 50 feet is required.

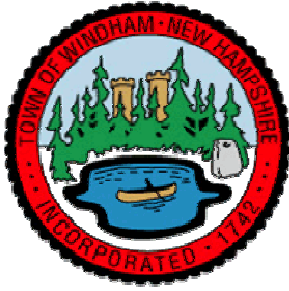
Mrs. Fallon read the case into the record. Mr. Joseph Maynard of Benchmark Engineering presented the case. Mr. Maynard explained that the existing dwelling, depending on excavation will be slid further away from the easterly lot line. The dwelling will be moved approximately 1' – 4'. The distance will be determined in the field. Gutters will be installed on the easterly side and will flow into a dry well.

Because two similar cases for this location were heard recently Mr. Tierney motioned and Mr. Alosso seconded the motion to waive the reading of the supporting facts. Motion passed 5-0.

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

Deliberative Session, Case #13-2009

Mr. Tierney said that relief is not required from Section 406 of the Zoning Ordinance. Mr. Tierney motioned and Mr. Alosso seconded the motion to grant a variance for Case #13-2009 from Sections 401, 405 & 702 Appendix A-1 of the Zoning Ordinance to permit the relocation of an existing dwelling on a 5547 square foot lot with 40 feet of street frontage and a side setback of 15 feet and rear setbacks of 20 feet and 6 feet per the plan shown. Motion passed 5-0.



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Lot #21-V-249A, Case #14-2009

Applicant – Edward N. Herbert Associates

Owner – Paul & Carol Caten

Location – 24 Fish Road

Zone – Residential A

A variance is requested from Section(s) 603.1.1 & 702 Appendix A-1 of the Zoning Ordinance to permit the existing building to be converted from seasonal to year round use on a pre-existing, non-conforming lot. The existing dwelling is 8.0' from the north lot line where 30' is required, 8.2' from the south lot line where 30' is required and 27' from the reference line where 50' is required. The existing lot has 50.27' of frontage on Fish Road where 175' is required and contains 11,314 square feet where 50,000 square feet is required. Only one dwelling allowed per lot. The two seasonal structures need to be removed or no longer used as seasonal structures but may be converted to sheds or a garage and will required restrictions that they may never be used as dwellings of any nature.

Mrs. Fallon read the case into the record. Mr. Shane Gendron of Herbert Associates submitted an information packet and three letters from abutters and presented the case. The owners would like to change the property from seasonal to year round use. The dwelling meets all current building codes. The three bedroom home has been reduced to two bedrooms. Mrs. Fallon asked if at least one of the seasonal structures could be removed. Mr. Gendron explained that the owner would like to keep the two seasonal structures as sheds and use them for storage; the plumbing will be removed from the two cabins. Mr. Gendron read the supporting facts into the record. Lot coverage with the two cabins is 21%. Mrs. Fallon read the following three letters of support submitted by Mr. Gendron.

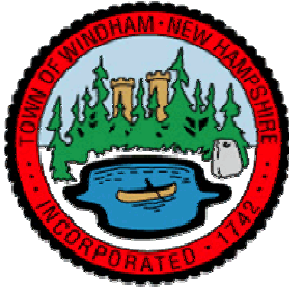
- John & Betty Thompson
- Tina Kenyon
- Darren & Susan Sykes

Mr. Darren Sykes spoke in support of this request.

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

Deliberative Session, #14-2009

Mr. Tierney said that relief is not required from Section 603.1.1 of the Zoning Ordinance. Mr. Tierney motioned and Mr. Alosso seconded the motion to grant a variance for Case #14-2009 from Section 702 per the plan shown dated March 2009 with the condition that the two seasonal structures be converted to accessory structures and no longer be utilized as dwelling units. Motion passed 4-1. Mrs. Fallon said that she voted against the motion because they are moving to a more intense use and the elimination of one structure is a fair request.



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Lot #17-L-89B, Case #15-2009

Applicant – Edward N. Herbert Associates

Owner – Pominville Enterprises LLC

Location – 6 Grove Street

Zone – Residential A

A variance is requested from Section(s) 406.2 & 702 Appendix A-1 of the Zoning Ordinance to permit an existing two-bedroom seasonal dwelling to be raised and placed on top of a new full foundation, a new first floor level on the same building footprint with an addition of a new deck and stairs on the northwesterly and northeasterly sides and a new upper balcony on the southeasterly side and that the house be converted from seasonal to year round use. The lot and building predate the zoning ordinance and are non-conforming with no frontage on a public road with building setbacks of 5.4' to the southwesterly lot line, 11.9' to the northeasterly lot line, deck/stairs setback of 7' to the southeasterly lot line and 9' to the northeasterly lot line on an undersized lot with 0.16 acres.

Mrs. Fallon read the case into the record. Mr. Shane Gendron of Herbert Associates submitted an information packet and presented the case. The owner would like to increase the size of the structure, raise the structure and install a foundation and a new first floor. The existing structure would be the third floor. A raised enviro-septic system will be installed. Mr. Gendron read the supporting facts into the record.

Mr. Coe Carty of Triple C Construction gave a brief explanation of the building plans.

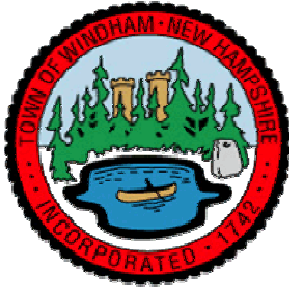
Lisa Eberhardt of 4 Grove Street spoke in support of this request.

Beatrice Heinze of 14 Grove Street questioned parking.

Paul Heinze of 14 Grove Street requested a photo of the proposed plan. A sketch was given to Mr. Heinze.

Mr. Gendron addressed the parking question.

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



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Deliberative Session, Case #15-2009

Mr. Alosso motioned and Mr. Tierney seconded the motion to approve a variance for Case #15-2009 from Sections 406.2 & 702 Appendix A-1 of the Zoning Ordinance to permit an existing two-bedroom seasonal dwelling to be raised and placed on top of a new full foundation, a new first floor level on the same building footprint with an addition of a new deck and stairs on the northwesterly and northeasterly sides and a new upper balcony on the southeasterly side and that the house be converted from seasonal to year round use per the plan submitted with building setbacks of 5.4' to the southwesterly lot line, 11.9' to the northeasterly lot line, deck/stairs setback of 7' to the southeasterly lot line and 9' to the northeasterly lot line on an undersized lot with 0.16 acres. Motion passed 5-0.

Approval of March 24, 2009 Minutes

Other Business

None

Mail

- Copy of March 23, 2009 Letter from Carol Pynn to the Planning Board regarding Lot 21-U-30, 3 Cobbetts Pond Road.
- Copy of March 23, 2009 Letter from Jonathan & Jocelyn Sycamore of 15 Cobbetts Pond Road regarding 3 Cobbetts Pond Road.
- Copy of March 27, 2009 Letter from Attorney Campbell to Michael McGuire regarding Sneider vs. Town of Windham.
- March 27, 2009 Letter from Attorney Campbell to Mark Samsel regarding the Hannon variance.
- Cop of April 1, 2009 Letter from Laura Scott, Community Planner, to Jonathan & Jocelyn Sycamore regarding 3 Cobbetts Pond Road.
- NHLGC schedule of workshops.
- April 2009 issue of *NH Town and City*.

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

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