



BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment Minutes May 12, 2009

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

Seat Alternate

The Chairman appointed Mr. Richardson to replace Mrs. Fallon for this meeting.

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

Applicant – Linda & Michael Balles
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.

Chris Lane of 2 Woodvue Road asked Mr. Murray to consider recusing himself from this case in order to avoid even the appearance of a conflict of interest because he lives on the same road. Mr. Murray said that he had no pecuniary interest in this case and no personal relationship with Mr. Hannon. Mr. Murray went on to say that he lives at the other end of West Shore Road at #29. Mr. Murray did not recuse himself.

Mr. Tierney read the case into the record. Attorney William Mason, representing the owner, presented the case. Attorney Mason submitted a packet containing copies of the original material submitted with the January 2009 request. Attorney Mason submitted information showing the dates when the lots were conveyed to Mr. Hannon. Mr. Hannon would like to build a 1597



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square foot ranch home on the merged lot. Attorney Mason read the supporting facts into the record.

Mr. Peter Zohdi of Herbert Associates displayed a plan that showed the existing garage was in place as early as 1971. The existing shed was built sometime in the 1950's.

The following residents spoke in opposition to this request:

- Andrew Lane of 2 Woodvue Road submitted 9 pages that were marked as Exhibit A.
- Mike Swiderski of 5 Pine Ridge Road.
- Chris Lane of 2 Woodvue Road.
- Linda Balles of 12 Pine Ridge Road.

Attorney Mason said that there would be improvement to both the land and the lake quality. On March 27, 2009 Mr. Hannon did receive a Shoreland Impact Permit.

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

Deliberative Session, Case #4A-2009

Mr. Alosso motioned and Mr. Richardson seconded the motion to grant a variance for Case #4A-2009 from Sections 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. Motion passed 4-1. Mr. Tierney voted against the motion because he felt that granting the request would be contrary to the public interest.

Approval of April 28, 2009 Minutes

Mr. Tierney motioned and Mr. Alosso seconded the motion to approve the April 28, 2009 minutes. Motion passed 5-0.

Other Business

None



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Mail

- RPC public discussion with the NH Legislature's Groundwater commission is scheduled for May 13, 2009 at 6:30 PM at the Seabrook Public Library to discuss what role your community should have in regulating large ground water withdrawals.

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 June 9, 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.