



BOARD OF ADJUSTMENT

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

February 24, 2004

Bruce Breton – Chairman (Excused)
Chris Doyle – Vice-Chairman (Absent)
Rob Gustafson – Secretary
Al Souma – Member
Georges Roy – Member
Tony Pellegrini – Alternate
Kara DiFruscia – Alternate (Absent)

Alternate Appointment

Mr. Gustafson appointed Mr. Pellegrini to replace Mr. Breton for this meeting.

Lot #21-K-18, Case #6-2004

Charles Dalton
82 Turtle Rock Road

A variance is requested from Sections 702-A-1 and 1200.1.3 of the Zoning Ordinance to permit the construction of an 18' X 20' deck 32-feet from the front setback where 50-feet is required and to convert from seasonal to year round use.

Mr. Gustafson read the case into the record. Both Mr. & Mrs. Dalton presented their case. The Dalton's have installed a new well, new foundation and new garage to their home. The deck has already been built but is no closer to the water. The Dalton's would like to convert the property from seasonal to year-round. Mr. Tierney, Building Inspector, advised the Board that the deck is 18' X 22'. Mr. Dalton read the five supporting facts into the record. Mr. Souma stated his displeasure in having another case come before the Board requesting a variance for work that has been completed. Mrs. Dalton explained that completing the deck before requesting a variance was not a deliberate choice but a miscommunication between their builder and the Building Department. Mr. Theodore Dyer of 84 Turtle Rock Road spoke in favor of this request. Mr. Bruce Anderson, Chairman of the Conservation Commission, advised the Board that the Commission does not have an issue with the deck, they are concerned about the conversion from seasonal to year-round. The conversion will cause more impact to the pond. Mrs. Dalton advised the Board that this was a seven-bedroom home that has been changed to a three-bedroom. Mr. Gustafson closed the public portion of this case. Mr. Pellegrini motioned and Mr. Souma seconded the motion to go into Deliberative Session.

Deliberative Session, Case #6-2004

Mr. Roy motioned to grant Case #6-2004. Mr. Souma seconded the motion. Mr. Pellegrini, Mr. Souma, Mr. Roy and Mr. Gustafson voted to grant this variance. Request granted 4-0.



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Lot #17-J-100A, Case #7-2004

Lawrence E. Jacobs

11 Rocky Ridge Road

A variance is requested from Section 702-A-1 of the Zoning Ordinance to permit the construction of a deck within 12-feet of the side setback where 30-feet is required and within 15-feet of the front setback where 50-feet is required.

Mr. Gustafson read the case into the record. Mr. Jacobs presented his case. Mr. Jacobs submitted a lot relocation plan that was marked as Exhibit A. The deck, built seven years ago, does not negatively impact the views of the surrounding properties. Mr. Jacobs advised the Board that he also owns the property to the right #9 Rocky Ridge Road, Lot #17-J-100. The deck has been safely constructed in excess of building code standards. Mr. Jacobs read the five supporting facts into the record. Mr. Gustafson closed the public portion of this case. Mr. Pellegrini motioned and Mr. Roy seconded the motion to go into Deliberative Session.

Deliberative Session, Case #7-2004

Mr. Roy motioned to grant Case #7-2004. Mr. Pellegrini seconded the motion. Mr. Souma, Mr. Roy, Mr. Pellegrini and Mr. Gustafson voted to grant this variance. Request granted 4-0.

Minutes

Mr. Roy motioned and Mr. Souma seconded the motion to accept the January 13, 2004 minutes as written. Passed unanimously.

Other Business

Request for Rehearing

Lot #16-R-183B, Case #55-2003 (Heard January 13, 2004)

A variance was requested from Section 702 of the Zoning Ordinance to permit the building of a ground level deck encroaching into side setbacks. At the January 13, 2004 meeting this request was denied 1-4.

Mr. Roy advised the Board that he might have a conflict with Case #55-2003. The Attorney Brian Germaine handled a divorce for a tax client of Mr. Roy's. Attorney Germaine is also involved in a business that Mr. Roy is working for as a consultant. Mr. Roy did not consult directly with Attorney Germaine. Mr. Gustafson asked Mr. Roy if he felt as if he has a conflict. Mr. Roy said no but wanted this information in the record.

Mr. Gustafson said that regarding Case #55-2003 he is concerned that the five original members that heard this case are not in attendance and according to RSA 677:3 paragraph II the Board is required to either grant or deny the application within 30 days of the filing date. There are only four members in attendance tonight and only three of the four heard the original case. The applicant is at a disadvantage without five members. Mr. Gustafson asked Mrs. Kovolyan to contact Mr. Doyle and Miss DiFruscia and ask if they are



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available to hear the Request for a Rehearing of Case #55-2003 on Thursday, February 26, 2004 at 7:30 PM.

Mr. Roy motioned to continue *Other Business* till Thursday, February 26, 2004 at 7:30 PM pending legal input regarding RSA 677:3 paragraph II and the attendance of Miss DiFruscia and Mr. Doyle. Mr. Souma seconded the motion. Passed unanimously.

Mail

None

Mr. Pellegrini motioned and Mr. Souma seconded the motion to adjourn at 8:50 PM. Passed unanimously.

The next meeting of the Zoning Board of Adjustment is scheduled for March 23, 2004 at 7:30 PM in the Planning & Development Office.

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