

BOARD OF ADJUSTMENT

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

September 28, 2004

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

Lot #17-C-92, Case #41-2004

Applicant – Ernest LaBrecque
Owner – Ernest LaBrecque
Location – 27 Sawtelle Road
Zone – Residential A

A variance is requested from Sections 401 & 702-A-1 of the Zoning Ordinance to permit the expansion of an existing garage from 19' X 15' to 19' X 28'; 7-feet from the side setback where 30-feet is required.

Mr. Roy read the case into the record. Mr. Dennis LaBrecque, son of the Applicant presented the case. The garage will be repaired and expanded but will not be any closer to the side lot line than the existing garage. Mr. LaBrecque read the five supporting facts into the record. The Chairman closed the public portion of this case. Mr. Pellegrini motioned and Mr. Souma seconded the motion to go into Deliberative Session. Passed unanimously.

Deliberative Session, Case #41-2004

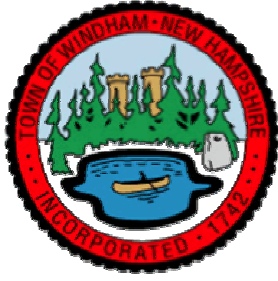
Mr. Doyle motioned to Grant Case #41-2004 as presented. Mr. Pellegrini seconded the motion. Passed unanimously 5-0.

Lot #13-D-40, Case #44-2004

Applicant – Chester & Phyllis Jarosky
Owner – Chester & Phyllis Jarosky
Location – 5 Harris Road
Zone – Rural

A variance is requested from Section 601.4.1 of the Zoning Ordinance to permit the construction of a single-family residence within 150-feet of the high water mark of Flat Rock Brook which is within the WWPB buffer.

Mr. Roy read the case into the record. Attorney Mason, representing the Applicant, presented the case. The requirement to build within the WWPB is the result of the balance of land left to the Applicant after an eminent domain taking of 28-29 acres by the State of New Hampshire. The encroachment in the WWPB is in the outer limits of the



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buffer area. The leach field is outside the 150-foot boundary and any water from drilling will be carried away from the brook. Attorney Mason read the five supporting facts into the record. The Chairman marked as Exhibit A a plan submitted by Attorney Mason that depicts the 150' WWPD line. Mr. Tierney, Building Inspector, read into the record the following comment made by the Conservation Commission at their September 23, 2004 meeting. *Mr. Rouillard motioned and Mr. Anderson seconded the motion that the Conservation Commission objects to the granting of this variance because it is an intrusion into the WWPD which has the potential to adversely affect the water quality for Flat Rock Brook and Shadow Lake and it would be helpful if the plan accurately depicted the 150' WWPD boundary so that other people can more readily assess the plan. The motion passed unanimously.* Mr. Charlie Jaynes of 5 Patricia Road said that the Conservation Commission had the opportunity to attend the meeting and if they don't attend then they don't feel strongly enough to bother with it. Mr. Jaynes questioned whether the Building Inspector had the right to express an opinion of a board that is not at the meeting. Mr. Tierney said that he did not give an opinion he read from the Conservation Commission's minutes. The Chairman closed the public portion of this case. Mr. Roy motioned and Mr. Pellegrini seconded the motion to go into Deliberative Session. Passed unanimously.

Deliberative Session, Case #44-2004

Mr. Doyle motioned to grant Case #44-2004 per Exhibit A. Mr. Roy seconded the motion. Passed unanimously 5-0.

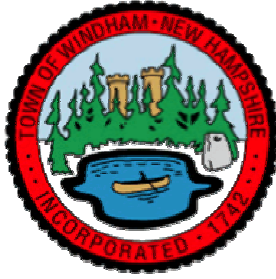
Lot #13-B-94 & 95, Case #48-2004

Applicant – Skyline Industries
Owner – Wayne & Margaret Allfrey
Location – 26 & 28 Harris Road
Zone – Rural

A variance is requested from Section 702-A-1 of the Zoning Ordinance to permit the construction of a single family home on each lot, 26 Harris Road (13-B-95) has 165.88' of frontage where 175' is required and does not meet the

minimum lot area of 50,000 square feet; 28 Harris Road (13-B-94) has 133.31' of frontage where 175' is required and does not meet the minimum lot area of 50,000 square feet.

Mr. Roy read the case into the record. Valerie Tobin, of Skyline Industries, representing the Mr. & Mrs. Allfrey, presented the case. On September 23, 2003 a variance was granted and the application that was submitted for that variance included the land and the Right-of-Way. Part of the granting was to have the Right-of-Way deeded out because of the illegal subdivision issue. Attorney Campbell then realized after the deeding was done



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and the plan was put on record that the square footage and frontage of the lots did not match up with the original Zoning Board application. Mr. Gustafson said that these are two existing lots of record that don't meet square footage and frontage requirements. Ms. Tobin read the five supporting facts into the record. Mr. Wallace Maker of 30 Harris Road asked if you could build on a lot that does not have the required footage. Mr. Gustafson replied that if a variance was not granted then they could not build on this lot of record. It was subdivided back in 1960 at which time it was a conforming lot. Since that time it has been taxed as a buildable lot of record. They are seeking relief from the current requirements to allow them reasonable use of the land. The Chairman closed the public portion of this case. Mr. Pellegrini motioned and Mr. Souma seconded the motion to go into Deliberative Session. Passed unanimously.

Deliberative Session, Case #48-2004

Mr. Roy motioned to grant Case #48-2004. Mr. Pellegrini seconded the motion. Passed unanimously 5-0.

Minutes

Mr. Pellegrini motioned and Mr. Roy seconded the motion to accept the September 14, 2004 minutes as amended. Passed unanimously.

Other Business

The Board discussed the new Area and Use Variance application forms.

The Board discussed representation of the Conservation Commission at Zoning Board meetings. Mr. Tierney suggested that the Chairman of the Zoning Board write a memo to the Chairman of the Conservation Commission.

A discussion took place regarding the need for alternate Zoning Board Members.

Mail

- 2005 Zoning Ordinance Amendment Schedule

Mr. Pellegrini motioned and Mr. Souma seconded the motion to adjourn at 9:00 PM. Passed unanimously.

The next meeting of the Zoning Board of Adjustment is scheduled for October 12, 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.