



BOARD OF ADJUSTMENT

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

February 8, 2005

Rob Gustafson – Chairman
Chris Doyle – Vice-Chairman
Georges Roy – Secretary
Al Souma – Member
Tony Pellegrini – Member

Lot #22-L-47, Case #3-2005 (Continued from January 25, 2005)

Applicant – Barbara Devine
Owner – Barbara Devine
Location 59 West Shore Road
Zone – Residential A

An Area Variance is requested from Sections 702, 401, 403 & 1200.1.3 of the Zoning Ordinance to permit the construction of a single-family home encroaching on setbacks and increase in volume and area on a non-conforming lot and to convert to year-round use.

Mr. Roy read into the record a fax from Barbara Devine requesting that her application be withdrawn.

Lot #13-D-100/120, Case #4-2005

Applicant – Richard Messina
Owner – Richard Messina
Location – 43 Rockingham Road/Jones Road
Zone – Business Commercial A

An Appeal of an Administrative Decision Section 200 of the Zoning Ordinance, reference paragraph two of the Planning & Development letter dated December 16, 2004.

1. Motels by our ordinance definition do not allow cooking meals in the rooms.
2. The State approved septic systems are not designed or approved for this use.
3. Meals can be prepared in a central kitchen but not in the rooms.

Mr. Roy read the case into the record and a letter from Mr. Messina requesting his application be rescheduled four weeks from today's date. The letter explained that Mr. Messina is working with the Town Staff on clarifying issues that will alter the appeal. Mr. Doyle motioned and Mr. Pellegrini seconded the motion to continue Case #4-2005 to the March 8, 2005 meeting. Passed unanimously 5-0.



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Lot #5-A-380, Case #5-2005

Applicant – Jim Giardina

Owner – Jim Giardina

Location – 17 Nashua Road

Zone – Rural

An Area Variance is requested from Section 702 Appendix A-1 of the Zoning Ordinance to permit the construction of a single-family dwelling.

Mr. Roy read the case into the record. Mr. Giardina presented his case. The existing trailer home and out buildings will be removed from the property. The proposed dwelling will be centered on the property. Mr. Giardina has a state approved septic system. The lot size is 43,560 square feet; 50,000 square feet is required. Mr. Tierney said that the soil type would require 140,000 square feet. Mr. Giardina read the five supporting facts into the record. Mr. David Hasty of 16 Nashua Road and Mr. Bruce Grenon of 14 Nashua Road spoke in support of this request. Mr. Tom Case said at one time 43,560 square feet was a legal lot size in Windham. Whenever there is a subdivision the lot vests and any new regulations do not apply. Mr. Case said that since this is a legal lot of record he was curious why the applicant was requesting a variance. Mr. Jim Tierney, Building Inspector, said that you have four years to exercise your right to build on any lot that was subdivided for use for a single family home. A recreational trailer is not considered a single-family home. Mr. Case disagreed and said that if the subdivision is completed the lot vests and this has nothing to do with houses being built on the lots. Mr. Hasty spoke again and explained that the trailer home that is on the property is on a foundation and is considered to be a permanent home. The Chairman closed the public portion of this case. Mr. Doyle motioned and Mr. Pellegrini seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

Deliberative Session, Case #5-2005

Mr. Doyle motioned and Mr. Roy seconded the motion to grant Case #5-2005 per the plan submitted. Passed unanimously 5-0.

Minutes

Mr. Doyle motioned to accept the January 11, 2005 minutes as amended. Mr. Pellegrini seconded the motion. Passed unanimously 5-0.



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Other Business

The Members discussed the fact that February 22, 2005 in addition to being the second meeting in February for the Zoning Board it is also Candidates Night. Both Mr. Souma and Mr. Doyle will be attending Candidates Night. Mr. Pellegrini advised the Board that he would be gone for the month of March 2005. The Members decided to keep February 22, 2005 as their meeting date. Mr. Souma said that if he is done with Candidates Night early enough he would also attend the Zoning Board meeting. The Members also decided not to have a meeting on March 8, 2005 because it is Election Day.

Mail

- State of NH Office of Energy & Planning – Agenda for the Spring Planning Conference scheduled for April 9, 2005

Mr. Doyle motioned and Mr. Souma seconded the motion to adjourn at 8:12 PM. Passed unanimously 5-0.

The next meeting of the Zoning Board of Adjustment is scheduled for February 22, 2005 at 7:30 PM in the Planning & Development Office.

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