



BOARD OF ADJUSTMENT

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

April 12, 2005

Rob Gustafson – Chairman
Chris Doyle – Vice-Chairman (Absent)
Georges Roy – Secretary (Excused)
Tony Pellegrini – Member
Mark Samsel – Member

Lot #13-D-100 & 120, Case #13-2005 (Continued from March 22, 2005)

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

An Appeal of An Administrative Decision is requested from Section 200 Definitions of the Zoning Ordinance regarding a decision made on January 28, 2005 that:

- Cots are limited to a few days.
- Hot Plates are not allowed.
- Are Toaster Ovens Allowed?

Lot #13-D-120, Case #14-2005 (Continued from March 22, 2005)

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

An Appeal of An administrative Decision is requested concerning NFPA Life Safety Code 101 regarding a decision made on January 24, 2005 that the occupancy load for each unit in the rear two-story building should be two persons per room.

Lot #13-D-100 & 120, Case #15-2005 (Continued from March 22, 2005)

Applicant – Richard Messina
Owner – Richard Messina
Location – 43 Route 28 & Jones Road
Zone – Business Commercial A

An Appeal of an Administrative Decision concerning a decision made on February 10, 2005 regarding the size of the motel rooms, use of cots and small appliances.

After reading into the record a letter from Mr. Messina requesting that his cases be continued to the April 26, 2005 meeting, Mr. Pellegrini motioned and Mr. Samsel seconded the motion to



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continue Cases 13-2005, 14-2005 and 15-2005 to the April 26, 2005 meeting. Passed unanimously 3-0.

Lot #17-L-78, Case #17-2005

Applicant – Alexandra M. Tokanel

Owner – Alexandra M. Tokanel

Location – 30 Horseshoe Road

Zone – Residential A

A variance is requested from Sections 401 & 702 of the Zoning Ordinance to permit an addition and deck to be 24-feet from the lakefront lot line where 50-feet is required and 26-feet from the south side lot line where 30-feet is required. The addition and deck will increase the extent of the existing structure which is non-conforming.

Mr. Pellegrini read the case into the record. Attorney Bronstein, representing the Applicant, submitted a proposed certified plot plan and presented the case. Attorney Bronstein explained that the Applicant wants to add a second story and a deck to the existing house. The current deck is in disrepair. The current living area is 1570 square feet with a 624 square foot garage. The proposed house would be 3670 square feet. There would be a 480 square foot addition to the footprint. The proposed deck would be 10-feet wide, 25-feet on the southerly side and 22-feet on the westerly side. Mr. Tierney, Building Inspector, advised the Board that this request will require a waiver from the Shoreland Protection Act and that the current deck is approximately the same age as the home. Attorney Bronstein submitted copies of two photos and the Chairman marked them as Exhibits A-1 and A-2. Attorney Bronstein read the supporting facts into the record. This will remain as a three-bedroom home. The surrounding homes are similar in size. Lot coverage will be less than 20%. The Chairman closed the public portion of this case. Mr. Pellegrini motioned and Mr. Samsel seconded the motion to go into Deliberative Session. Passed unanimously 3-0.

Deliberative Session, Case #17-2005

Mr. Pellegrini motioned and Mr. Samsel seconded the motion to grant or deny Case #17-2005 per the submitted plot plan. Mr. Samsel, Mr. Pellegrini and Mr. Gustafson voted to grant the request. Passed unanimously 3-0.

Lot #13-D-100+120, Case #4-2005 (March 22, 2005 Meeting)

Applicant – Richard Messina

Owner – Richard Messina

Location – 43 Route 28, Jones Road

Zone – Business Commercial A

A re-hearing is requested on the decision made by the Zoning Board of Adjustment on March 22, 2005.



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Mr. Pellegrini read the re-hearing request into the record. Mr. Samsel motioned and Mr. Pellegrini seconded the motion to continue the re-hearing request to the April 26, 2005 meeting. Passed unanimously 3-0.

Minutes

Mr. Samsel motioned and Mr. Pellegrini seconded the motion to review the March 22, 2005 minutes at the April 26, 2005 meeting. Passed unanimously 3-0.

Mail

- Board of Adjustment Handbook
- Letter dated March 21, 2005 from Attorney Campbell regarding Jarosky appeal
- Letter dated March 22, 2005 from Attorney Mason regarding 5 Harris Road
- Copy of a letter dated March 24, 2005 to Rebecca Way, Town Planner, from Attorney Campbell regarding 46 Lowell Road
- Copy of a letter dated March 24, 2005 to Mr. Turner from Mr. Messina regarding Mr. Turner's letter of March 18, 2005.
- Copy of letter dated March 26, 2005 to the Board of Selectmen from Mr. Messina regarding his ZBA not hearing his case against the Fire Department.
- Copy of letter dated March 26, 2005 to the Board of Selectmen from Mr. Messina regarding smoke detectors.
- Letter dated April 10, 2005 to the Board of Adjustment from Mr. Messina requesting his cases be continued to the April 26, 2005 meeting.

Other Business

The Chairman asked Mrs. Kovolyan to make copies of the *Board of Adjustment Handbook* for all Zoning Board Members.

Mr. Pellegrini motioned and Mr. Samsel seconded the motion to adjourn at 8:07 PM. Passed unanimously 3-0.

The next meeting of the Zoning Board of Adjustment is scheduled for April 26, 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.