



# BOARD OF ADJUSTMENT

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

## Minutes

October 25, 2005

Chris Doyle – Chairman  
Rob Gustafson – Vice-Chairman  
Tony Pellegrini – Secretary  
George Roy – Member (Excused)  
Mark Samsel – Member  
Al Souma – Alternate  
Tom Murray – Alternate

The Chairman appointed Mr. Murray to replace Mr. Roy for this meeting.

### Lot #16-Q-206A, Case #45 & 45A-2005

Applicant – Kingwood Builders  
Owner – Joseph Joaquim  
Location – 13 Viau Road  
Zone – Residential A

A variance is requested from Sections 702 & 402 of the Zoning Ordinance to permit a deck, sunroom and second floor addition to be 32-feet from the pond where 50-feet is required, 18-feet from the east side setback where 30-feet is required and 45-feet from the street front where 50-feet is required and an increase in the extent of a non-conforming structure.

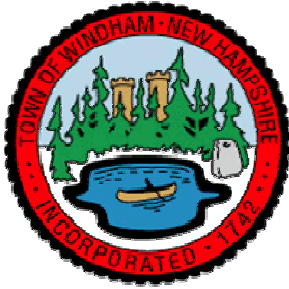
Mr. Pellegrini read the case into the record. The Chairman waived the reading of the abutters. Mr. Pellegrini motioned and Mr. Gustafson seconded the motion to withdraw Case 45-2005 (posted incorrectly) and 45A-2005. Passed unanimously 5-0.

### Lot #11-C-1000, Case #48-2005

Applicant – Mortgage Specialists  
Owner Candela Investments  
Location – 33 Indian Rock Road  
Zone – Business Commercial A

A variance is requested from Section 706.6 of the Zoning Ordinance to permit a wall sign to be 25-feet above grade where 15-feet is required

Mr. Pellegrini read the case into the record. Mr. Doug Watson presented the case. As soon as he was aware that there was an issue Mr. Watson had the sign removed. Mr. Watson read the supporting facts into the record. The Chairman closed the public portion of this case. Mr.



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Gustafson motioned and Mr. Samsel seconded the motion to go into Deliberative Session. Passed unanimously. 5-0.

### **Deliberative Session, Case #48-2005**

Mr. Gustafson motioned and Mr. Samsel seconded the motion to grant Case #48-2005 per plan submitted to allow replacement of the logotype on the gable end. Passed unanimously 5-0.

### **Lot #17-J-70, Case #49-2005**

Applicant – DVMD Holdings

Owner – DVMD Holdings

Location – 90 Indian Rock Road

Zone – Business Commercial B

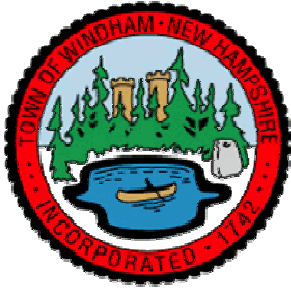
A variance is requested from Section(s) 601 of the Zoning Ordinance to permit a portion of a new structure within the WWPD and some grading. The site has an existing variance (Case #12-2005) to do this work, the Applicant would like to amend the previous variance and relocate the area to be disturbed to an alternate location (approximately 1500 square feet in area of the old building). The property is located at 90 Indian Rock Road, Tax Map 17-J-70 in the Business Commercial District.

Mr. Pellegrini read the case into the record. Marilyn Bailey advised the Board that her notice was sent to the wrong address; it was sent to P.O. Box 1014 but should have been sent to P.O. Box 482. Ms. Bailey went on to say that Billie Jo and Thomas Scallen did not receive their notice. The Scallen's notice was sent to the correct address. Mr. Al Turner, Director of Planning & Development, advised the Board that the courts have ruled that even if your notice was not sent to you at all and you found out about the meeting and you show up you have been duly notified.

Mr. Joseph Maynard of Benchmark Engineering presented the case on behalf of Mr. David DeVries. As Mr. DeVries' building plans were finalized he noticed that he would like to do grading in front of the building and add a deck and an area for a patio in lieu of the area originally asked for on March 22, 2005, Case #12-2005. There is some overlap of the two areas shown on the plan. The proposed patio will be outside the WWPD. The applicant requested an additional 900 square feet. Mr. Maynard read the supporting facts into the record. Marilyn Bailey voiced her concerns regarding the shoreline and questioned the location of the septic. Mr. Turner advised that septic plans are under the jurisdiction of the Board of Health. The Chairman closed the public portion of this case. Mr. Pellegrini motioned and Mr. Gustafson seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

### **Deliberative Session, Case #49-2005**

Mr. Gustafson motioned and Mr. Samsel seconded the motion to grant Case #49-2005 per the plan dated October 2, 2005, see note #7, for the area requested for a variance and abandoning the area granted for Case #12-2005. Passed unanimously 5-0.



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### Approval of October 11, 2005 Minutes

Mr. Gustafson motioned and Mr. Samsel seconded the motion to approve the October 11, 2005 minutes as written. Passed unanimously 5-0.

### Other Business

Mr. Murray motioned and Mr. Pellegrini seconded the motion to cancel the second meeting in November and schedule cases for the first meeting in December. Passed unanimously 5-0.

### Mail

- October 2005 Issue of *Town & City*

Mr. Gustafson motioned and Mr. Murray seconded the motion to adjourn at 8:20 PM. Passed unanimously 5-0.

The next meeting of the Zoning Board of Adjustment is scheduled for November 8, 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.