

BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment Minutes **June 13, 2006**

Robert Gustafson – Chairman
Mark Samsel – Vice-Chairman
Tony Pellegrini – Secretary
Dianna Fallon – Member
Gail Webster – Member (Excused)
Jim Tierney – Alternate
Al Souma – Alternate
Tom Murray – Alternate

Seat Alternates

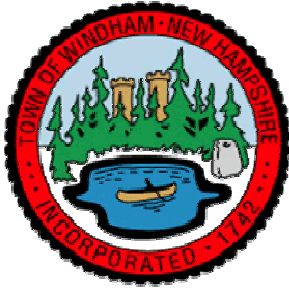
The Chairman appointed Mr. Tierney to replace Mrs. Webster for this meeting.

Lot #9-A-400, Case #15-2006 (Continued from March 28, 2006)

Applicant - Brian Bauchman, Jr.
Owner - Brian Bauchman, Jr.
Location - 120 Haverhill Road
Zone - Rural

A variance is requested from Sections 400, 404, 405.2 & 503 of the Zoning Ordinance to permit the installation of a 50' X 60' three bay addition to an existing garage at the rear of the property. This addition would replace the four bay garage that was at the front of the property until it collapsed during a snowstorm. By moving it to the rear the closest point to the lot line would be 61-1/2'.

Mr. Pellegrini read into the record a letter from Mr. Brian Bauchman, Jr. giving permission to Herbert Associates to represent him at all meetings regarding development of his property and a letter from Mr. Peter Zohdi of Herbert Associates requesting Case #15-2006 be withdrawn from the June 13, 2006 Zoning Board agenda. Mr. Zohdi's letter went on to say that they will reapply once they have completed plans.



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The Chairman appointed Mr. Murray to replace Mrs. Webster for Case #27-2006 and Case #29-2006.

Lot # 21-Z-10A, Case #27-2006 (Continued from May 23, 2006)

Applicant – Donna Charbonneau Trustee of the Donna Charbonneau Revocable Trust

Owner – Donna Charbonneau Trustee of the Donna Charbonneau Revocable Trust

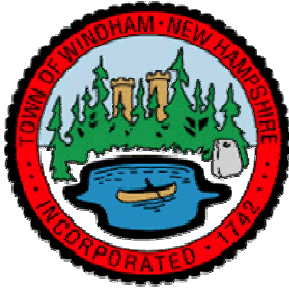
Location – 14 Horne Road

Zone – Residential A

A variance is requested from Section(s) 700 Appendix A-1 of the Zoning Ordinance to permit the construction of a 30' X 32' detached garage 10-feet from the front setback where 50-feet is required and 15-feet from the side setback where 30-feet is required.

Mr. Pellegrini read the case into the record. Attorney Morgan Hollis, representing the applicant, presented the case. Mr. Hollis read the supporting facts into the record. The proposed 32' X 30' two-story garage will be designed in keeping with the existing home. The location of the garage is approximately the same as the existing parking area and the garage next door. The proposed garage will have no living area. The garage will allow vehicles and equipment to be placed under cover. The lot is an unusual shape precluding reasonable use for a reasonable size garage. There is no ability to acquire abutting property. There will be a direct entrance to the second floor from a raised septic area. The encroachments are on the side and front of the property. The side encroachment is on the side farthest away from Mrs. Colvin's property. The second floor will be used to store boats, jet skis etc. Mr. Mark Charbonneau explained that the entrance from the mound is a grassy area and will remain a grassy area. Mr. Jim Tierney advised the Board that the posting is incorrect because the lot number was advertised as 21-Z-10A and the correct lot number is 21-X-10A. Mr. Tierney also pointed out that an accessory building cannot be built on an individual lot; the lots must be merged. Under Section 200 you must have a primary residence on the lot and that same building would be in violation of Section #703. Mr. Tierney said whether this request is granted or denied this evening the applicant will be denied again once they reapply. Attorney Hollis pointed out that the applicant can only apply based upon what is in the denial. Mr. Gustafson asked Attorney Hollis if he wanted to proceed or withdraw the request. Attorney Hollis decided to proceed with the case. Raymond and Peggy Ennis of 10 Horne Road spoke in favor of this request. Jennifer Colvin of 7 Horne Road spoke against this request. The Chairman marked the following as exhibits.

- Exhibit F - Tax Map.
- Exhibit G – Appraisal of 7 Horne Road (3 pages).
- Exhibit H – Letter from Linda Roberts Realty including an 8 page and a 3 page attachment.
- Exhibit I – Century 21 Listing Sheet.



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The Chairman closed the public portion of this case. Mr. Samsel motioned and Mr. Murray seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

Deliberative Session, Case #27-2006 (Continued from May 23, 2006)

Mr. Pellegrini motioned and Mr. Samsel seconded the motion to grant or deny Case #27-2006. Mr. Pellegrini and Mrs. Fallon voted to deny Case #27-2006. Mr. Murray, Mr. Samsel and Mr. Gustafson voted to grant Case #27-2006. Motion passed 3-2.

Lot # 16-P-1011, Case #29-2006

Applicant – Jeanie Dean

Owner – Dean Revocable Trust

Location – 16 Fourth Street

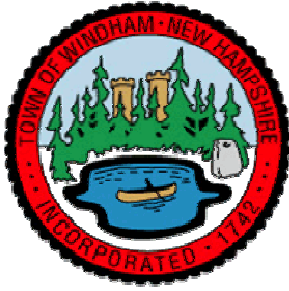
Zone – Residential A

A variance is requested from Section(s) 401, 406, 702 & Appendix A-1 of the Zoning Ordinance to permit the construction of a single family dwelling on a Class VI road with a front yard setback of 35' and 33' where 50' is required.

Mr. Pellegrini read the case into the record. Mr. Joseph Maynard of Benchmark Engineering, representing the applicant, presented the case. This .28 acre lot is made up of three separate parcels that were part of a subdivision established in the 1920's. The proposed two-bedroom dwelling would be 24' X 34'. Mr. Maynard explained that the applicant is asking for 33-feet from 4th Street and 35-feet from C Street for setbacks to this proposed dwelling. Mr. Maynard read the supporting facts into the record. Mr. Clifford Reeves owner of 11 Third Street did not have any objection to the structure but stated his concerns about the septic system. Mr. Pellegrini read into the record a letter of opposition from Mr. Francis Leonard of 7 Third Street. The Chairman closed the public portion of this case. Mr. Samsel motioned and Mr. Pellegrini seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

Deliberative Session, Case #29-2006

Mr. Samsel motioned and Mr. Pellegrini seconded the motion to grant Case #29-2006 specifically stating granting relief from Sections 401, 406.2 and 702 Appendix A-1. Mr. Samsel withdrew his motion. Mrs. Fallon motioned and Mr. Murray seconded the motion to grant Case #29-2006 specifically stating granting relief from Sections 401, 406.2 and 702 Appendix A-1 and the roof surface runoff be directed through downspouts into a dry well to minimize runoff. Passed unanimously 5-0.



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The Chairman appointed Mr. Tierney to replace Mrs. Webster for Case #18-2006.

Lot #18-L-35, Case #18-2006 Request for Rehearing (Continued from May 23, 2006)

Applicant – Andrew Lane

Owner – Patricia E. Letizio Family Trust

Location – 5 Woodvue Road

Zone – Residential A

A rehearing is requested on the decision made by the Zoning Board on April 11, 2006.

Mr. Pellegrini read the rehearing request into the record. After reviewing the request for a rehearing Mr. Samsel motioned and Mrs. Fallon seconded the motion to deny the request for a rehearing of Case #18-2006. Passed unanimously 5-0.

Approval of May 23, 2006 Minutes

Mrs. Fallon motioned and Mr. Samsel seconded the motion to approve the May 23, 2006 minutes as amended. Motion passed 4-0-1. Mr. Pellegrini abstained because he was not at the My 23, 2006 meeting.

Other Business

Mr. Pellegrini motioned and Mr. Samsel seconded the motion to cancel the July 11, 2006 Zoning Board meeting. Motion passed 5-0.

Mail

- June 2006 Issue of *Town and City*.
- 2006 Edition of *Knowing the Territory*
- 2005 *Court Update*
- 2005 *Local Government Center Annual Report*
- Publications Catalog from NH Local Government Center
- May 31, 2006 Letter from Attorney Campbell regarding Rehearing Procedure
- NH Local Government Center Workshop scheduled for June 20, 2006 in Concord – Defining Your Building Program
- June 13, 2006 Letter from Attorney Bronstein regarding Case #26-2006.

At 10:10 PM Mr.Samsel motioned and Mr. Pellegrini seconded the motion to adjourn. Passed unanimously 5-0.

The next meeting of the Zoning Board of Adjustment is scheduled for June 27, 2006 at 7:30 PM in the Planning & Development Office.

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