

BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment Minutes July 25, 2006

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

Lot # 17-M-17, Case #34-2006

Applicant – Richard Armstrong
Owner – Richard & Megan Armstrong
Location – 35 Armstrong Road
Zone – Residential A

A variance is requested from Section(s) 401, 406.2 & 702 Appendix A-1 of the Zoning Ordinance to permit the construction of a 6' X 11' and a 12' X 17' screened porch on the rear corner of the existing dwelling. The side setback will be 21-feet where 30-feet is required and the shoreline setback will be 32-feet where 50-feet is required.

Mr. Pellegrini read the case into the record. Mr. Richard Armstrong displayed a sketch of the proposed porch, presented his case and read the supporting facts into the record. Mr. Armstrong said he spoke to the Shoreland Compliance Coordinator and was told that since his structure is non-conforming and will not extend 12-feet toward the reference line he does not need a waiver from the state. Mr. Pellegrini read into the record a memo from the Conservation Commission advising the ZBA of their concern regarding further incremental encroachments on this site and that a variance was granted in 2001 to build a garage and at that time additional land was needed to meet the maximum 20% lot coverage. The Conservation Commission felt that the current request for a variance for a screened porch would appear to go beyond the 20% maximum. Mr. Armstrong said that if this variance is granted he will be 44 square feet over the 20% lot coverage requirement. Mr. Armstrong has a 230 square foot boat house that he would be willing to get rid of in order to meet the 20% lot coverage. Mr. Jim Tierney said that under RSA 483-B:11 it states *between the primary building line and reference line, no alteration shall extend the structure closer to the public water, except that the addition of a deck or open porch is permitted up to a maximum of 12-feet toward the reference line.* The proposed plan shows siding before



BOARD OF ADJUSTMENT

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

screening so technically this would not be an open porch. Mr. Mike McGuire said that he can get clarification from the NHDES when he contacts them regarding the extent of the lake encroachment. The Chairman closed the public portion of this case. Mr. Samsel motioned and Mrs. Webster seconded the motion to go into Deliberative Session. Passed unanimously 5-0.

Deliberative Session, Case #34-2006

Mr. Samsel motioned and Mrs. Fallon seconded the motion to deny Case #34-2006 reason being now that we have that exceeding 20% in play the request was not adequately posted. Mr. Samsel withdrew his motion. Mr. Pellegrini motioned and Mrs. Webster seconded the motion to grant Case #34-2006 based on what was posted Sections 401, 406.2 and 702 Appendix A-1. Mr. Samsel, Mrs. Webster, Mr. Pellegrini and Mr. Gustafson voted to grant this request. Mrs. Fallon voted to deny the request. Motion passed 4-1.

Lot # 1-C-2020, Case #35-2006

Applicant – Crossroads Contracting

Owner – Robert & Jean Coakley

Location – 3 Juniper Road

Zone – Rural

A variance is requested from Section(s) 401, 406.2 & 702 Appendix A-1 of the Zoning Ordinance to permit the construction of a three-season room to an existing non-conforming structure within 26-feet from a side setback where 30-feet is required.

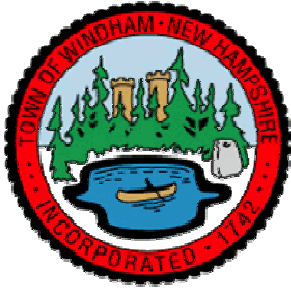
Mr. Pellegrini read the case into the record. Mr. Todd Wallace of Crossroads Contracting, representing the owner, presented the case. Mr. Wallace submitted photos that the Chairman marked as Exhibits A-1 thru A-3. The proposed changes are to the rear of the existing structure so there will be no visual impact from the street. The home was constructed on the lot in compliance with the 1974 zoning regulations. Mr. Wallace read the supporting facts into the record. Mr. Richard Shanley of 5 Juniper Road spoke in favor of this request. 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 #35-2006

Mr. Samsel motioned and Mr. Pellegrini seconded the motion to grant Case #35-2006 for a variance that is requested from Sections 401, 406.2 & 702 Appendix A-1. Motion passed 5-0.

Approval of June 27, 2006 Minutes

Mrs. Webster motioned and Mr. Samsel seconded the motion to continue the approval of the June 27, 2006 minutes to the August 8, 2006 meeting.



BOARD OF ADJUSTMENT

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

Other Business

Mr. Gustafson asked if any Members had issues they would like discussed at a workshop with Attorney Campbell. The following topics were mentioned:

- Non-Conforming Lots
- Lot Mergers
- Buildable Lots – Can they be abandoned
- Update Area & Use Variances.

Mr. Gustafson said that he will draft a memo to Attorney Campbell and bring it to the next meeting for review.

Mail

- Schedule for the 31st Municipal Law Lecture Series.
- NH Office of Energy & Planning – Fall Zoning Conference scheduled for Oct. 28, 2006.
- July 21, 2006 letter from Attorney Christopher Boldt regarding a request for a rehearing of Case #33-2006.

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 August 8, 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.