



BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment Minutes December 11, 2007

Mark Samsel – Chairman
Jim Tierney – Vice-Chairman
Dianna Fallon – Secretary
Gail Webster – Member (Absent)
John Alosso – Member
Tom Murray – Member
Bruce Richardson – Alternate

Lot #9-A-400, Case #80-2007

Applicant – Edward N. Herbert Associates, Inc.

Owner – Brian Bauchman

Location – 120 Haverhill Road

Zone – Rural

A variance is requested from Section(s) 602.1 & 602.2, of the Zoning Ordinance to permit a 50' X 100' building and associated parking and storage areas to be built and used for the existing towing company and a new auto repair company.

Mrs. Fallon read into the record a letter from Mr. Peter Zohdi requesting Case #80-2007 be withdrawn. Mr. Tierney motioned and Mr. Alosso seconded the motion to accept the withdrawal. Motion passed 5-0.

Lot #24-F-5100, Case #78-2007 (Continued from November 27, 2007)

Applicant – Paul Chicklis

Owner – Paul Chicklis

Location – 2 Wilson Road

Zone – Rural

A variance is requested from Section(s) 601.3, 601.4.1, 601.4.8 & 702 Appendix A-1, of the Zoning Ordinance to permit the finishing of a pool, shed and patio with a front setback of 40.4-feet where 50-feet is required (foundation) and a 28.5-foot front setback for the proposed shed where 50-feet is required, a side setback of 60-feet (foundation) where 100-feet is required and a side setback of 50-feet for the proposed shed where 100-feet is required.



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Deliberative Session, Case #78-2007

The members discussed the following findings from their site visits.

- Concrete footings looks like more than patio being constructed around the pool.
- Plowed snow path in area that was to be restored.
- Construction vehicles.
- Debris in wetland area.
- Dates of inspections, violations and stop work order.

Mr. Murray said that the original plot plan submitted did not show a WWPD.

Dr. James Finn said that the stream bed has been cleaned out by Mr. Dennis Senibaldi and town personnel and paid for by the Town. Although it has been cleaned it has not been cleaned all the way thru to the WWPD.

Mr. Murray motioned and Mrs. Fallon seconded the motion to go back into Public Session. Motion passed 5-0.

Public Session, Case #78-2007

Dr. James Finn said that the pool should be removed because it is well within the WWPD.

Mr. Tom Case of 70 Mountain Village Road said that this sounds like the Board of Code Enforcement. The Zoning Board should either grant this request for a dimensional variance or not. Once the decision is made Code Enforcement takes over.

Mr. Paul Chicklis said that the footings are there because he planned different levels for the patio. Chemicals are not used in the pool; he uses a hose to drain the pool away from the WWPD onto his front yard. Mr. Chicklis planted grasses per the suggestion of a wetland scientist and he cleaned the WWPD area himself.

Mr. Paul Chicklis, Sr. said that there was no intent to do anything illegal.

Mr. Alosso motioned and Mr. Tierney seconded the motion to go into Deliberative Session, Motion passed 5-0.

Back into Deliberative Session Case #78-2007

Mr. Alosso motioned and Mr. Tierney seconded the motion to deny Case #78-2007, Lot #24-F-5100 regarding Sections 601.3, 601.4.1, 61.4.8 & 702 Appendix A-1 to permit the finishing of a pool, shed and patio with a front setback of 40.4-feet where 50-feet is required (foundation) and



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a 28.5-foot front setback for the proposed shed where 50-feet is required, a side setback of 60-foot (foundation) where 100-feet is required and a side setback of 50-feet for the proposed shed where 100-feet is required. Motion passed 5-0. Request denied because there is no hardship and it is contrary to the spirit of the ordinance.

The Chairman granted a five-minute recess.

The Chairman called the meeting back to order.

Lot #25-F-102, Case #81-2007

Applicant – Benchmark Engineering

Owner – Michael Kennedy

Location – 29 Abbott 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 12' X 24' deck with ramp to grade and reconstruct roof of existing structure with dormers. Deck to be 45' from Abbott Road, 39' from the side line and 20' +/- from Rock Pond.

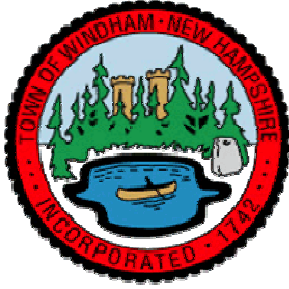
Mrs. Fallon read the case into the record. Mr. Joseph Maynard of Benchmark Engineering presented the case and submitted two sheets of photos that were marked as Exhibits A & B. This property that has been in the Kennedy family since the 1930's is a year round property with 122 feet of frontage on Abbott Road. An application will be submitted for a waiver from the Shoreland Protection Act. The existing house is 780 square feet, the request would add 288 square feet and the garage is approximately 200 square feet resulting in 10% lot coverage.

Mr. Gary Ciccone of 45 Abbott Road and Mr. Bob Bell of 31 Abbott Road spoke in favor of this request.

Mr. Murray motioned and Mr. Tierney seconded the motion to go into Deliberative Session. Motion passed 5-0.

Deliberative Session, Case #81-2007

Mr. Murray motioned and Mr. Alosso seconded the motion to grant a variance for Lot #25-F-102, Case #81-2007 as requested from Sections 401, 406.2 & 702 Appendix A-1 of the Zoning Ordinance per the plan submitted. Motion passed 3-2. Mr. Tierney and Mrs. Fallon voted against the motion because the request is contrary to the public interest and a second story is unreasonable.



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Lot #25-E-400, Case ##57-2007 Request for Rehearing (Originally heard on 10/9/07 and moved from the November 13, 2007 and the November 27, 2007 meetings)

Applicant – Attorney Peter H. Bronstein

Owner – Randy & Deborah Casey

Location – 25 Abbott Road

Zone – Residential A

A rehearing is requested regarding the decision made by the Zoning Board of Adjustment on October 9, 2007.

After reviewing the six points listed in Attorney Peter Bronstein's November 2, 2007 letter Mr. Murray motioned and Mr. Tierney seconded the motion to grant a rehearing of Case #57-2007. Motion passed 5-0.

Approval of November 27, 2007 Minutes

The November 27, 2007 minutes will be reviewed and approved at the January 8, 2008 meeting.

Other Business

Mrs. Fallon asked about certified plot plans and was told that Mr. McGuire is working on it. Mrs. Fallon asked if the Chairman could check with Attorney Campbell regarding Special Exceptions in regard to home occupations.

Mail

- Newsletter from Greater Nashua Habitat for Humanity.
- November 30, 2007 letter from Treneo Software to Mr. Samsel regarding document management.

Mr. Murray motioned and Mr. Alosso seconded the motion to go into non-public session per RSA 91-A:3, IIC to discuss reputations. Motion passed 5-0 on a roll-call vote.

The next meeting of the Zoning Board of Adjustment is scheduled for January 8, 2008 at 7:30 PM in the Planning & Development Office.

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