

BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment Minutes May 27, 2008

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

Seat Alternates

The Chairman appointed Mr. Richardson to replace Mr. Alosso for this meeting.

Lot #1-C-700, Case #33-2008

Applicant – Carl & Mary Heinzl
Owner – Carl & Mary Heinzl
Location – 110 Kendall Pond Road
Zone – Rural

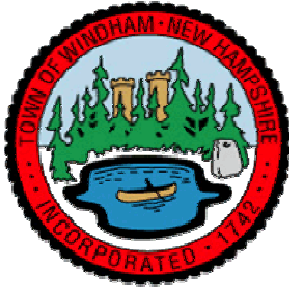
A variance is requested from Section(s) 702 Appendix A-1 of the Zoning Ordinance to permit the construction of a 61' X 20' family room 16' from the left side setback where 30' is required.

Mrs. Fallon read the case into the record. Mr. Ken Jones, representing the owner, submitted photos that were marked as Exhibits A, B & C and presented the case. The existing 10' X 10' family room is too small to meet the owner's needs. The proposed one-story addition will not be seen from the road. The addition cannot be placed in another location because of the position of the pool and septic system. Mr. Jones read the supporting facts into the record. Mary Heinzl, owner, advised the Board that the proposed addition will not go beyond the new garage addition and no trees will be removed during construction.

The following residents spoke in opposition to this request:

- Marc Cobery of 112 Kendall Pond Road
- Richard Bogdanowicz of 107 Kendall Pond Road
- Gordon Campbell of 111 Kendall Pond Road

Mrs. Heinzl responded to statements made regarding her business and advised that she is in the process of finding off site warehouse space. When that is accomplished, it will eliminate the 18-wheel trucks that have caused a concern in the neighborhood.



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Because of a letter from Shaun Logue, Town Planner & Code Enforcement Administrator, to Mr. & Mrs. Heinzl, dated January 30, 2008; the Chairman suggested that Mrs. Heinzl work with the Planning Staff regarding her home occupation.

Deliberative Session, Case #33-2008

Mr. Murray said that he would have liked to have had an "As Built" in order to see the location of the pool and septic system. Mr. Murray motioned and Mr. Richardson seconded the motion to deny Case #33-2008 as requested. Mr. Murray, Mrs. Fallon, Mr. Tierney and Mr. Richardson voted for the motion to deny and Mr. Samsel voted against the motion because he thought the request should have been denied without prejudice. Motion passed 4-1; request denied.

Lot #20-E-252, Case #25-2008 (Originally heard on 4/22/08)

Applicant – Fournier Realty Trust

Owner – Fournier Realty Trust

Location – 48 Lowell Road

Zone – Rural

A rehearing is requested regarding the decision made by the Zoning Board of Adjustment on April 22, 2008.

After the Board reviewed the information submitted in Attorney Mason's letter of May 16, 2008, Mr. Tierney motioned and Mr. Murray seconded the motion to deny the Request for a Rehearing of Case 25-2008 because there was no new information and no technical error was made by the Board. Motion passed 5-0; request denied.

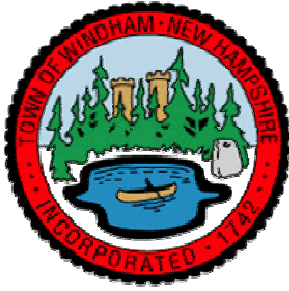
Approval of May 13, 2008 Minutes

Mr. Tierney motioned and Mr. Murray seconded the motion to accept the May 13, 2008 minutes as written. Motion passed 4-0-1. Mr. Richardson abstained because he did not sit on any of the cases.

Other Business

The changes to the by-Laws were reviewed by the Board. The Chairman asked if there were any changes; there were none.

Mrs. Fallon read into the record a letter from Wayne Morris of the Rock Pond Improvement Association regarding Case #9-2008, 25 Abbott Road...*our association as a party of interest, is asking that we be given a written statement as to what legal powers the administrative staff carry that allows a decision to be made without first holding a public hearing... under what time clock are we held to if we appeal the administrative decision or the rehearing that has not and appears will not be reheard?* The Board discussed Mr. Morris' letter and decided to respond by letter that will be composed by the Chairman and reviewed by the Board.



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The Chairman read into the record a memo from Wendi Devlin, Administrative Assistant, regarding the 2008 Volunteer Recognition Awards. The Chairman distributed the Volunteer Pins to the Board Members.

Mail

- 2008 Rockingham Planning Commission Annual Meeting scheduled for June 12, 2008.
- Letter from Wayne Morris of the Rock Pond Improvement Association regarding Case #9-2008.
- May 14, 2008 Letter from Eileen Pannetier of Comprehensive Environmental Inc. regarding the Stormwater Regulation Seminar scheduled for May 28, 2008.
- Copy of May 20, 2008 Letter from NHDES regarding Lot 16-D-6, 14 North Shore Road requesting additional information for the Shoreland Permit application.
- Copy of May 23, 2008 Letter from Attorney Campbell to David Sullivan regarding 2 Woodvue Road.

Mr. Murray motioned and Mr. Tierney seconded the motion to adjourn. Motion passed unanimously.

The next meeting of the Zoning Board of Adjustment is scheduled for June 10, 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.