



# BOARD OF ADJUSTMENT

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

## Zoning Board of Adjustment Minutes August 12, 2008

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

### Seat Alternates

The Chairman appointed Mr. Richardson to replace Mrs. Fallon for this meeting.

### Lot #16-F-5 & 6, Case #43-2008 (Continued from July 8, 2008)

Applicant – John Spatharos Trustee, Spatharos Family Trust  
Owner – John Spatharos, Trustee, Spatharos Family Trust  
Location – 28 Ash Street  
Zone – Residential A

A variance is requested from Section(s) 401, 402, 405.2, 405.5 & 702 Appendix A-1 of the Zoning Ordinance to permit the amendment of the conditions of a variance granted to a prior owner in April of 1980 to rescind the requirement that lots 16-F-5 & 16-F-6 be merged and to allow a lot line adjustment between lots 16-F-5 and 16-F-6 subject to Planning Board approval.

Attorney William Mason explained why the motion that was made at the July 22, 2008 meeting was incorrect. A motion was made to have Lot #16-F-6 reduced to meet the 20% lot coverage. Lot #16-F-5 is the larger lot; therefore, it should be reduced. Because of the lot line reconfiguration lot 16-F-6 was 374 square feet over the 20% lot coverage.

Mr. Murray motioned and Mr. Alosso seconded the motion to correct the motion made at the July 22, 2008 meeting to reflect Lot 16-F-5 give 374 square feet to Lot #16-F-6. Motion passed 4-0.

### Lot #25-C-3, Case #47-2008

Applicant – Linda Trust  
Owner – Linda Trust  
Location – 8 Jordan Road  
Zone – Residential A

A variance is requested from Section(s) 710 of the Zoning Ordinance to permit the installation of a 6 foot stockade fence from the road to the shore line.



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Mr. Murray read the case into the record. Ms. Linda Trust submitted seven photos that were marked as Exhibit A and presented her case. This is a seasonal property used only during the summer months. The fence is already installed and does not block the view of the lake. The home at 6 Jordan Road is only 16-feet from Ms. Trust's property line. The fence provides privacy for both owners. The entrance to 8 Jordan Road is only a few feet away from the neighbor which makes it awkward every time someone enters or exits the home. A letter of support from Robert Brickey of 6 Jordan Road was submitted by Ms. Trust and read into the record by Mr. Murray.

Mr. Alosso motioned and Mr. Murray seconded the motion to go into Deliberative Session. Motion passed 4-0.

### **Deliberative Session, Case #47-2008**

Mr. Murray motioned and Mr. Richardson seconded the motion to grant a variance for Case #47-2008 as requested. Motion passed 4-0.

### **Lot #16-R-183B, Case #46-2008 (Continued from July 22, 2008)**

Applicant – Donna & Martin Delaney, Jr.

Owner – Donna & Martin Delaney, Jr.

Location – 27 First Street

Zone – Residential A

A variance is requested from Section(s) 702 of the Zoning Ordinance to permit the construction of a ground level deck encroaching 8 feet and 6 feet into the side setbacks where 30 feet is required.

### **Lot #16-R-183B, Case #39-2008 (Continued from June 24, 2008 & July 22, 2008)**

Applicant – Donna & Martin Delaney, Jr.

Owner – Donna & Martin Delaney, Jr.

Location – 27 First Street

Zone – Residential A

A variance is requested from Section(s) 1200.1, 401 & 702 Appendix A-1 of the Zoning Ordinance to permit the conversion of a seasonal dwelling to year round use on a lot with 6,171 square feet of area where 50,000 square feet is required, 41-feet of frontage where 175-feet is required, side setbacks of 3-feet and 1-foot where 30-feet is required and a rear setback of 5-feet where 30-feet is required.

A letter was received from Attorney Brian Germaine requesting Cases 46-2008 and 39-2008 be continued to the next available hearing date because a full five Member Board would not be present at the August 12, 2008 meeting.



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Mr. Murray motioned and Mr. Alosso seconded the motion to continue Cases 46-2008 and 39-2008 to the September 9, 2008 meeting. Motion passed 4-0.

### **Lot #25-E-400, Case #40-2008**

Applicant – Rock Pond Improvement Association

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 July 8, 2008.

After Mr. Murray read into the record the request for a rehearing, he motioned and Mr. Alosso seconded the motion to reschedule the rehearing request of Case #40-2008 to the August 26, 2008 meeting. Motion passed 4-0.

### **Approval of July 22, 2008 Minutes**

Mr. Alosso motioned and Mr. Murray seconded the motion to accept the July 22, 2008 minutes as written. Motion passed 4-0.

### **Other Business**

None

### **Mail**

- July 24, 2008 Letter from Attorney Campbell to Mark Samsel regarding 25 Abbott Road.
- NH Fall Planning & Zoning Conference scheduled for 10/25/08.
- RPC 2008 Regional Transportation & Land Use Survey.
- August 4, 2008 Letter from Attorney Campbell to Mark Samsel regarding 2 Woodvue Road.

Mr. Murray motioned and Mr. Alosso seconded the motion to go into Non-Public Session per RSA 91-A:3 Section C to discuss reputations. Motion passed 4-0 on a roll call vote.

The next meeting of the Zoning Board of Adjustment is scheduled for August 26, 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.