



BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment Minutes February 24, 2009

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

Lot #21-X-1, Case #7-2009

Applicant – Pynn/Webber Rev. Trust of 2001

Owner – Pynn/Webber Rev. Trust of 2001

Location – 19 Cobbetts Pond Road

Zone – Residential A

A variance is requested from Section(s) 702 Appendix A-1 of the Zoning Ordinance to permit the construction of a portico that is 13-feet from the front setback where 50-feet is required.

Mrs. Fallon read the case into the record. Ms. Carolyn Webber submitted two letters of support and seven photos that were marked as Exhibit A. Ms. Webber explained that the portico was original to the house that was built in 1741. The portico was removed and she would like it replaced; it is both an architectural and a safety feature.

Mr. Alosso motioned and Mrs. Fallon seconded the motion to waive the reading of the supporting facts. Motion passed 5-0.

There was discussion regarding whether this request should have been in front of the Zoning Board. Mr. Michael McGuire, Building Inspector, said that the structure was removed, once removed it needs a variance to be replaced because it is non-conforming. Mr. Peter Zohdi said that the regulation does not mention overhangs; it is not part of the setback. Mr. Tierney said that Mr. McGuire is required to interpret the ordinance as written. Mr. Bruce Breton, Selectman, also said that the ordinance should be interpreted as written. Mr. Samsel mentioned that Section 702.4 of the Zoning Ordinance should have been considered in this case and asked that notes be taken in order to address this zoning issue next year.



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Mrs. Fallon read letters of support from:

- Jonathan Sycamore of 15 Cobbetts Pond Road.
- Michael Specian of 22 Cobbetts Pond Road.
- Robert & Kelly Benjamin of 1 Farrwood Road.

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

Deliberative Session, Case #7-2009

Mr. Alosso motioned and Mr. Tierney seconded the motion to grant a variance for Case #7-2009 from Section 702 Appendix A-1 to permit the construction of a portico that is 13-feet from the front setback where 50-feet is required and a letter from the Heritage Commission must be submitted before a permit is issued. Motion passed 5-0.

Lot #18-L-302, Case #8-2009

Applicant – Edward N. Herbert Associates

Owner – V&L Realty Trust

Location – 59 Range Road

Zone – Professional Business & Technology

A variance is requested from Section(s) 702 Appendix A-1 of the Zoning Ordinance to permit an existing open front deck to be enclosed on a lot with frontage of 151.9 feet where 175 feet is required, lot area of 44,914 square feet where 50,000 square feet is required and a front setback of 20 feet where 50 feet is required.

Mrs. Fallon read the case into the record. Mr. Peter Zohdi of Herbert Associates submitted a booklet containing a copy of the Zoning Board application, a letter of authorization, permit denial, a copy of Section 700 of the Zoning Ordinance, list of abutters, deck post and lighting design, exterior details, four photos, site plan and a March 22, 2004 memo from the Windham Historic District/Heritage Commission. Mr. Zohdi explained that this plan must also go before the Historic District Commission and the Planning Board. The 312 square foot enclosure would be used year round. There will be a 312 square foot second floor deck. The owner would like to provide some additional interior space on the first floor.

Mr. Samsel marked a letter from Carol Pynn, Chair of the Historic District/Heritage Commission, as Exhibit A stating their concern that notification was not received concerning this request because the building is on the Historic Resource List.

Mr. Alosso motioned and Mrs. Fallon seconded the motion to waive the reading of the supporting facts. Motion passed 5-0.



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

Deliberative Session, Case #8-2009

Mr. Tierney motioned and Mr. Alosso seconded the motion to grant a variance for Case #8-2009 from Section 702 Appendix A-1 to permit a structure front yard setback of 20-feet where 50-feet is required. Motion passed 5-0.

Lot #17-J-110, Case #9-2009

Applicant – R & C Contracting

Owner – Thomas Debyle

Location – 17 Rocky Ridge Road

Zone – Residential A

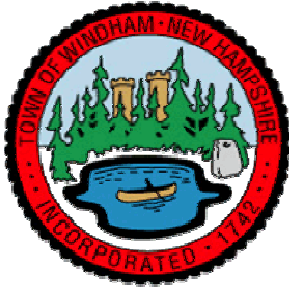
A variance is requested from Section(s) 401, 406.2 & 702 Appendix A-1 of the Zoning Ordinance to permit the addition of 360 square foot dormer.

Mrs. Fallon read the case into the record. Mr. Ron Coish, representing the owner, displayed maps and presented the case. Mr. Coish explained that the dwelling would be raised in order to install a new foundation. The proposed elevation would be 3-feet higher than the existing. A new holding tank will be installed for the seasonal property. Mr. Coish stated that he wanted to move the existing dwelling 2-feet to the west side of the lot. The Board advised Mr. Coish that moving the dwelling in that direction would cause more encroachment to the pond. Mr. Coish advised the Board that the setbacks on the east side would be 9/10 and 5/10 of a foot. The 22' X 16' dormer would be used as a loft.

Mr. Alosso motioned and Mr. Murray seconded the motion to waive the reading of the supporting facts. Motion passed 5-0.

Mrs. Lois Kresien of 15 Rocky Ridge Road spoke against the request. Mrs. Kresien explained that the new pitch of the roof will cause water to go onto her land and she has already experienced water problems. Mr. Kresien also spoke against the request. Roof direction, water run off and trespassing onto the neighbor's property while building was discussed. Mitigation was discussed, gutters, dry wells etc. Mr. Coish agreed to have the roof go from side to side (left to right).

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



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Deliberative Session, Case #9-2009

Mr. Murray motioned and Mr. Tierney seconded the motion to grant a variance as requested from Sections 401, 406.2, and 702 Appendix A-1 of the Zoning Ordinance to permit the addition of a 360 square foot dormer with the stipulation that mitigation be designed by Benchmark Engineering and approved by the abutter at Lot 17-J-104. Motion passed 5-0.

Approval of February 10, 2009 Minutes

Mr. Tierney motioned and Mr. Alosso seconded the motion to accept the February 10, 2009 minutes as written. Motion passed 5-0.

Other Business

None

Mail

- February 10, 2009 letter from Attorney Campbell regarding Cases 15 & 16-2008.

Mr. Alosso motioned and Mrs. Fallon seconded the motion to adjourn. Motion passed unanimously.

The next meeting of the Zoning Board of Adjustment is scheduled for March 10, 2009 at 7:30 PM in the Planning & Development Office.

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