



**ZONING BOARD OF ADJUSTMENT
MEETING AGENDA**

February 28, 2023 – 7:00 pm @ Community Development Department

Physical Location: 3 North Lowell Road (Community Development Department) Live
Broadcast: WCTV Channel 20 – Local Cable TV
Live Stream: <http://www.wctv21.com/>

To access via Zoom: [ZBA Meeting](#)

Meeting number/access code: 865 4393 1593 Password: 250013 To join by phone: 1 646 876 9923

Call to Order

Case #05-2023 Parcel 16-E-12
Applicant – Benchmark, LLC
Owner – Lindsay Sullo
Location – 13 Gaumont Rd
Zoning District – Residential District A/ WPOD

The applicant has requested to reschedule this hearing, to March 28, 2023, which the Board shall consider.

Variance relief is requested from **Section 602.1.9.3.6** to allow the proposed Accessory Dwelling Unit (ADU) to have a separate driveway, where Windham Zoning Ordinance requires an Accessory Dwelling Unit to share a driveway with the principal building.

Case #06-2023 Parcel 11-A-1657
Applicant – Benchmark, LLC
Owner – Ryan and Raychelly Bartolotta, Etal
Location – 2 Floral St
Zoning District – Rural District/WWPD

The applicant has requested to reschedule this hearing, to March 28, 2023, which the Board shall consider.

Variance relief is requested from **Section(s) 601.3, 601.4.6, 601.4.8, 601.4.8.4.1, 702 / Appendix A-1** to allow the existing home and septic system to remain approximately 70 ft. from the edge of the wetlands. To allow a cabana to be constructed 25 ft from the edge of the wetlands. Additionally, to allow a proposed pool and patio area to be 30 ft from the edge of the wetlands, for a total land area use of 14,000 Sq Ft. Application further seeks relief to allow the WWPD markers to be installed around the perimeter of the proposed improvements, and to allow the proposed pool to be constructed 22 Ft from the rear lot line, where 30 Ft is required, and no work is permitted in the WWPD.

Case #07-2023 **Parcel 17-L-67**
Applicant – Benchmark, LLC
Owner – Louis and Audrey Pereira
Location – 29 Farmer Rd
Zoning District – Rural District / WPOD

The applicant has requested to reschedule this hearing, to March 28, 2023, which the Board shall consider.

Variance relief is requested from **Section(s) 702 / Appendix A-1** to allow the property to be subdivided into two lots. The existing home would remain on the Westerly lot line, along the pond. The setbacks for the existing home would be approximately 14 ft, to the side yard line of Farmer Rd, approximately 28 ft, to the Southerly lot line, and approximately 26 ft from the pond, with approximately 100 ft of frontage on a private road. To allow the new lot to be on the Northeast side of the road, with approximately 140 ft of frontage on a private road. Both lots would be required to meet the minimum lot size and setback requirements under the Windham Zoning Ordinance.

Case #08-2023 **Parcel 13-C-12**
Applicant – Benchmark, LLC
Owner – Nassar Investment Trust
Location – 11 McIntosh Hollow Rd
Zoning District – Section(s) 601.3, 601.4.6, 601.4.8, 601.4.8.4.1, 702 / Appendix A-1

The applicant has requested to reschedule this hearing, to March 28, 2023, which the Board shall consider.

Variance relief is requested from **Section(s) 601.3, 601.4.6, 601.4.8, 601.4.8.4.1, 702 / Appendix A-1** to allow the construction of a new Single-Family Dwelling (SFD) within 200 ft of the WWP. The total approximate disturbance of the WWP would be 10,600 sq. ft for the SFD and yard area, with an additional 5,300 sq. ft for grading, and drainage improvements, where the Windham Zoning Ordinance prohibits such work within the 200' WWP setback. To allow WWP signage to be installed along the limits/perimeter of the proposed work, and to allow the proposed SFD to be 20 ft from the Northwesterly lot line, where 30 ft is required.

Case #09-2023 **Parcel 7-B-34**
Applicant – Andrew Marino
Owner – Same
Location – 6 Orchard Blossom Rd
Zoning District – Rural District

The applicant has requested to reschedule this hearing, to March 28, 2023, which the Board shall consider.

Variance relief is requested from **Section(s) 710.1, 710.3.1** to allow a 6 ft fence in the front yard to remain standing, which is prohibited under the Windham Zoning Ordinance.

Case #10-2023

Parcel 17-G-6 & 17-G-20

Applicant – Middlesex Glass Co., Nick Arena

Owner – 106 Indian Rock Rd LLC & GW Trust, Diana Wolthers, Trustee

Location – 102 Indian Rock Rd and 82 Range Rd

Zoning District – Gateway Commercial District/ WPOD

The applicant has requested to reschedule this hearing, to March 07, 2023, which the Board shall consider.

Variance relief is requested from **Section(s): 618.2, 618.3.10** to construct a 77, 900 Sq.Ft. mixed-use commercial building, which would include the assembly of prefabricated parts. The proposed use is prohibited in the Gateway Commercial District. Furthermore, Windham Zoning Ordinance prohibits any single structure within the district to have a building footprint of greater than 40,000 Sq. Ft.

Meeting Minutes to Review and Approve: 10-25-22 site walk, 01-27-23 & 2-14-23.

Planning Sessions and By-law updates

Legislative/Staff Updates

Adjournment

**Copies of all Zoning Board of Adjustment applications and materials are available for review at the
Community Development Department; 3 North Lowell Road, Monday – Friday 8am – 4pm.**