



ZONING BOARD OF ADJUSTMENT

MEETING AGENDA *Revised - *hyperlink for Case #41-2023 has been corrected**

October 10, 2023 – 7:00 pm

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 Teams: [Click here to join the meeting](#) **Meeting ID:** 210 221 889 388 **Password:** 2YGui7

1. Call to Order
2. Continued Cases

A. Case # 29-2023 Parcels 13-B-40 & 13-B-50

Applicant – Benchmark, LLC

(Continued from 9/12/23)

Owner – Helix Enterprise LLC

Location – 16-20 Rockingham Road

Zoning District – Commercial District A

The applicant is requesting a variance from **Section(s): 605.1, 615.6.5, and 701.1** to allow the construction of 94 two-bedroom apartments within a mixed-use development in Commercial District A, where residential uses are not permitted under Section 605.1. Also, from Section 615.6.5 to allow two driveways on the property, where only one is permitted in the Rt. 28 Access Management Overlay District. Also, from Section 701.1 to allow the building height to be approximately 60 feet tall, where the maximum allowed is 35 feet.

3. New Public Hearings

A. Case # 38-2023 Parcel 22-R-10010

Applicant – Andrew Pelletier

Owner – Same

Location – 6 Poplar Rd

Zoning District – Rural District/ WWPD

The applicant is requesting a variance from **Sections 601.4.6, and 601.4.8** to allow construction of an 18 ft x 36 ft in-ground pool within the WWPD limits where such is prohibited. Also, from the requirement of obtaining a special permit from the Planning Board for such activity.

B. Case # 39-2023 Parcel 5-A-531

Applicant – Jenna Whelan

Owner – Same

Location – 20 Park St

Zoning District – Rural District

The applicant is requesting a variance from Section 703, to allow construction of a 20 ft x 20 ft, two-car car port in the front yard of the residence, where no accessory building shall be in the front yard. The proposed car port meets the front, side, and rear yard setbacks.

C. Case # 40-2023 Parcel 21-K-37

Applicant – R & D Realty Trust

Owner – Same

Location – 48 Turtle Rock Rd

Zoning District – Residential District A/ WPOD

The applicant is requesting a variance from **Sections 406.2, 616.6.4.2, 616.8, 702/Appendix A-1** to allow the construction of an addition and garage that will be 14 ft from the easterly side lot line and 4 ft from the westerly side lot line, where 30 ft is required. To also allow the construction of an open porch 14 ft from the “Reference Line” of Cobbetts Pond, where 50 ft is required; 14 ft off the easterly sideline, and 10 ft off the westerly sideline where 30 ft is required. To move an existing shed to the opposite side of the Turtle Rock Rd easement to be 7 ft from the westerly side lot line.

To allow the expansion in area of the building footprint from 1,074 sq ft to 2,560 sq ft, and to increase the volume of the home from approximately 21,000 cu ft to 44,000 cu ft on a 18,544 sq ft lot with approximately 58 ft of frontage on Turtle Rock Rd (a private road), where 50,000 sq ft of land area and 175 ft of frontage on a town approved road is required. Lastly, to allow the existing improvements to remain and proposed construction within the 100 ft wide buffer zone of a tributary stream.

D. Case # 41-2023 Parcel 22-L-7

Applicant - Benchmark LLC

Owner – Christian & Jacqueline Theriault

Location – 89 W. Shore Road

Zoning District - Residential District A/ WPOD

The applicant is requesting a variance from **Sections 405.2 and 702/ Appendix A-1** to allow the construction of a replacement year-round pre-existing, non-conforming single-family dwelling. The proposed reconstruction will decrease the footprint area from approximately 2,400 sq ft to 2,100 sq ft and increase the building volume from 38,400 cu ft to 44,000 cu ft. Section 405.2 of Windham Zoning Ordinance (WZO) prohibits an increase in the volume of the replacement of a pre-existing non-conforming structure.

Also, to allow approximately 59 ft of frontage on a public road where 175 ft of frontage is required on a Class V Road. To allow the easterly side yard setback of 7 ft and a westerly side yard setback of 8.5 ft, where 30 feet is required. To allow a 26 ft lake setback, where 50 ft is required. To allow a front setback of 25 ft, where 50 ft is required. The proposed plan would also decrease the building coverage from 36.5% to 30.3%, where a maximum allowable building coverage is 20% under the WZO.

E. Correspondence

F. Meeting Minutes to Review and Approve: 09-26-23

G. Planning Sessions and By-law updates

H. Legislative/Staff Updates

I. 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.