



**ZONING BOARD OF ADJUSTMENT
MEETING AGENDA**

November 28, 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. Rehearing Request, for which the Board shall Consider

Case 29-2023 Rehearing Request Parcel 13-B-40

Applicant- Helix Enterprise, LLC, Alain Sfeir, Duly Authorized

Owner- Same as above

Location- 16 Rockingham Rd

Zoning District- CDA

The applicant is requesting a rehearing after being denied on October 10, 2023. The application requested 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. Continued Public Hearings

A. Case 26-2023 Parcel 13-K-100

Applicant-Benchmark, LLC

Owner- Richard Farina

Location- 19 Doiron Rd

Zoning District- Rural District

Granted a Re-Hearing at the 10/24/23 ZBA meeting

(Continued from 11/14/23)

The applicant is requesting a variance from **Section(s): 200 and 702/Appendix A-1** to allow the construction of a 936 sq ft single family dwelling with an attached 136 sq ft screened in porch. Relief is requested from the definition of a “Building Lot” (Section 200) due to not having frontage on a Town approved road. Relief is also requested from Section 702/Appendix A-1 to allow 10-foot side yard setbacks, where 30 feet is required; a 27 foot front yard setback, where 50 feet is required; and 23% building coverage, where 20% is the maximum allowed.

4. New Cases

A. Case 47-2023 Parcel 17-C-16

Applicant – Ryan Sawyer

Owner – Same

Location – 13 Spring St

Zoning District – RDA/ WPOD/WWPD

The applicant is requesting relief from **Sections 601.4.3, 616.8.1, 616.8.3** to allow the construction of a 1,591 SF footprint addition (with overhangs) and a 1,202 SF footprint sunroom/greenhouse, deck, and stairs. The proposed addition will be approximately 22 ft from a tributary stream, from its closest point, which also abuts a wetland approximately .5 acres in size, and discharges into a protected waterbody. The proposed addition requires a 100 ft buffer to be maintained along the edge of any tributary stream discharging into a protected water body. Furthermore, Under Windham Zoning Ordinance, a buffer of 50 ft is required for wetlands of less than 1 acre in size but larger than 0.5 acres in size.

B. Case 46-2023 Parcel 17-C-16

Applicant- Ryan Sawyer

Owner- Same as above

Location- 13 Spring St

Zoning District- RDA/WPOD/WWPD

The applicant is filing an Administrative Appeal under RSA 676:5II(a) after a revocation of a building permit and Cease and Desist was issued from the Code Enforcement Administrator (CEA) on October 6, 2023. The CEA revoked building permit number 299-2023 after having been issued on September 5, 2023. The CEA cited Windham Zoning Ordinance Sections: 616.8.1 and 616.8.3.

C. Case 48-2023 Parcel 3-B-999

Applicant- Bradley James Simmons

Owner- Same

Location-10 Depot Rd

Zoning District- Rural District

The applicant is requesting relief from **Sections 401 and 702/Appendix A-1** to permit the increase in the extent of a pre-existing, non-conforming single-family dwelling by constructing an 81 SF second floor addition, within the required front yard setback. The proposed addition will remain on the existing footprint.

D. Case 49-2023 Parcel 17-J-122

Applicant- Kayla Esce Gianfrancesco

Owner- Kayla Esce Gianfrancesco/ Anne Rabbitt

Location- 2 Fox St

Zoning District- RDA/WPOD

The applicant is requesting a variance from **Sections 405.2, 406.2, and 702/Appendix A-1** to allow the replacement of a pre-existing non-conforming two-story deck, and to increase the volume of a pre-existing non-conforming single-family dwelling by constructing a sunroom, on a pre-existing, non-conforming lot. The proposed deck would be approximately 10 ft from the rear property line at its closest point, and approximately 10 ft from the side lot line, where 30 ft is required.

E. Case 50-2023 Parcel 9-A-904

Applicant- Michael L DeBruyckere

Owner- Michael Smith

Location- 4 Balmorra Road

Zoning District- RDA/WPOD

The applicant is requesting a variance from **Sections 702/Appendix A-1** to allow an existing foundation for a barn to remain within the WWPD buffer, where no permanent structure shall be erected within the WWPD. The existing foundation is 58.8 feet from the edge of a wetland, where 100 feet is required.

5. Correspondence

6. Meeting Minutes to Review and Approve: 10/10/23, 10/24/23, and 11/14/23

7. Planning Sessions and By-law updates

8. Legislative/Staff Updates

9. 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.