



---

**ZONING BOARD OF ADJUSTMENT**  
**Approved Minutes**

**February 14, 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

**Attendance:**

**Betty Dunn, Chairman- present**

**Nick Shea, Vice Chair- excused**

**Pam Skinner, Secretary- excused**

**Michelle Stith, regular member- present**

**Neelima Gogumalla, regular member- present**

**Mike Scholz, alternate- excused**

**Galen Stearns, alternate- present**

**Staff:**

**Julie Suech, Planning Technician**

**Anitra Lincicum, minute taker (present via Zoom)**

The Chair advised each applicant that there was a 4-member Board this evening, not a full 5-member Board, and asked each applicant if they wished to proceed with his respective case this evening. All applicants stated that they each wanted to go forward with their applications.

**Case #01-2023 Parcel 12-A-530**

**Applicant – Timothy Johnston**

**Owner – Timothy & Kristina Johnston**

**Location – 50 Range Rd**

---

## **Zoning District – Rural District**

Variance relief is requested from **Sections 702 / Appendix A-1 and 703** to construct a 14x18 shed for storage of lawn and gardening tools, in the front yard of the property. The proposed building will have a front setback of twenty-three (23') ft, where fifty (50') ft, is required. Section 703 also prohibits detached accessory buildings from being erected in the front yard.

Ms. Stith read the case into the record and the Board agreed to waive the list of abutters.

Mr. Tim Johnston, the applicant and owner, 50 Range Rd., addressed the Board. Mr. Johnston explained that there are water issues on the lot and there is no other location other than the proposed location according to Mr. Johnston. Mr. Johnston stated that there is a shared driveway to 3 houses in the area. Mr. Johnston explained the flow of water on the property.

In reference to the 5 criteria, Mr. Johnston explained that there was nowhere else to put the shed other than the proposed location on the lot. The property is behind the stone wall and the shed would not be visible from the road except for the peak of the roof.

Chairman Dunn asked if there was any public input; there was none.

The Board entered deliberative session without opposition.

Ms. Gogumalla sees the hardship in this situation due to the water on the other areas of the lot. Mr. Stearns also sees the hardship on the property.

**A motion was made by Ms. Gogumalla to grant variance relief as requested from Sections 702 / Appendix A-1 and 703 to construct a 14x18 shed for storage of lawn and gardening tools, in the front yard of the property. The proposed building will have a front setback of twenty-three (23') ft, where fifty (50') ft, is required. per the plan as submitted and signed and dated by the Chair on February 14, 2023. Seconded by Mr. Stearns.**

**Vote 4-0.**

**Motion passes.**

**The Chair advised of the 30-day appeal period.**

**[Case #02-2023](#) Parcel 14-B-516  
Applicant – The Motta Family Revocable Trust  
Owner – Same  
Location – 10 Ridgemont Road  
Zoning District – Rural District**

Variance relief is requested from **Sections 702/Appendix A-1 and 703** to construct a 14x18 shed, ten (10') ft, from the Easterly side yard property line, where thirty (30') ft is required.

Ms. Stith read the case into the record. The Board agreed to waive the reading of the list of abutters.

Mr. John Motta, 10 Ridgemont Road addressed the Board. Mr. Motta stated that they bought the property in 2019. Mr. Motta stated that last year, the grade on the property was altered in the yard when they removed an existing pool. Mr. Motta explained why this was the best location for the proposed shed. Mr. Motta stated that the

dimensions of the shed are 14 by 18 feet and it would be 11 feet from the property line and 27 feet from the existing garage and 87 feet from the front lot line.

When asked by the Board, Mr. Motta stated that there would be no plumbing or heating in the shed and he has no issue with that being a condition of the granted variance.

Ms. Stith stated that there were letters of support from the residents at 8 (Ms. Ana Vasconcelos), 9 (Mr. Stephen Reny and Ms. Carrie Reny) and 12 (Mr. Robert Gustafson) Ridgemont Road and those were read into the record.

Mr. Rob Gustafson 12 Ridgemont Road, also addressed the Board in person and stated that has no issues with the shed being in that location near the lot line. Mr. Gustafson stated that there is a leach field on the other side of the property so locating the shed on the other side of the lot would not work either for that reason.

The Board entered deliberative session without opposition.

Mr. Stearns and Ms. Stith have no issue with the request as presented and that the plan meets the five criteria.

**A motion was made by Ms. Gogumalla to grant the variance request as requested from Sections 702/Appendix A-1 and 703 to construct a 14x18 shed, ten (10') ft, from the Easterly side yard property line, where thirty (30') ft is required per plan submitted with the condition that there be no plumbing or living space and per Exhibits A and D submitted by the applicant. Seconded by Ms. Stith.**

**Vote 4-0.**

**Motion passes.**

**The Chair advised of the 30-day appeal period.**

**Case #03-2023**

**Parcel 21-D-150**

**Applicant – Timothy A Peloquin, LLS; Promised Land Survey, LLC**

**Owner – Northridge Church**

**Location – 14 Cobbetts Pond Road**

**Zoning District – Residential District A & WWPD**

Variance relief is requested from **Sections 702/Appendix A-1 and 703** to subdivide an approximately 7.5-acre parcel, for two (2) new single-family lots. An existing single-family dwelling is already standing, with part of the existing lot to remain under its current use, which is a church. The proposed subdivision will reduce the required minimum contiguous area of the existing single-family dwelling to 24,295 Sq Ft, where 30,000 Sq Ft is required to be free of wetlands, WWPD, and drainage easements. Furthermore, the subdivided lot would result in a side yard setback of 10', where 30' is required, for a future garage that would be constructed.

Ms. Stith read the case into the record. The Board agreed to waive the list of abutters.

Mr. Tim Peloquin addressed the Board and is representing the applicant. Mr. Peloquin stated that the church has been at that location for several years. Mr. Peloquin stated that the church has sought to be good neighbors to the surrounding area.

Mr. Peloquin stated that the church does not need a parsonage presently but there is a residence on the property. Chairman Dunn stated that the board recently received updated plans to take the Conservation Commission comments into account for the plan. Mr. Peloquin stated that they are scheduled to go before the Planning Board tomorrow night. Mr. Peloquin stated that the existing parcel has access on the existing parking lot. Mr. Peloquin

stated that the Technical Review Committee would like to see the church have its own driveway and its own well and septic. This is shown on the presented plan.

Chairman Dunn mentioned the large size and mass of the proposed garage abutting the church's parking lot. Mr. Peloquin and the Board discussed the applicant's willingness to withdraw the request for a variance for the garage in order to move the area variance request forward.

Mr. Peloquin stated that the approval about the parking for the church is something to be worked out with the Planning Board. The applicant believes that he has addressed the 5 criteria.

Chairman Dunn invited public comment.

The Board entered deliberative session without opposition.

Ms. Stith thinks the applicant has made their need for the variance request known and they have sought to comply wherever possible.

Chairman Dunn stated that the variance is in keeping with the current ordinance, it is aligned with the spirit and intent of the ordinance, Chairman Dunn stated that she thinks the variance does substantial justice.

**A motion was made by Ms. Stith to grant variance relief as requested from Sections 702/Appendix A-1 to subdivide an approximately 7.5-acre parcel, for two (2) new single-family lots, in which, an existing single-family dwelling is already standing, with part of the existing lot to remain under its current use, which is a church. The proposed subdivision will reduce the required minimum contiguous area of the existing single-family dwelling to 24,295 Sq. Ft, where 30,000 Sq. Ft is required to be free of wetlands, WWPD, and drainage easements with a plan date of January 30<sup>th</sup> and signed and dated by the Chair. Seconded by Ms. Gogumalla.**

**The Board noted that the applicant has withdrawn the request for variance relief for the garage setback.**

**Vote 4-0.**

**Motion passes.**

**The Chair advised of the 30-day appeal period.**

**[Case #04-2023](#)**

**Parcel 13-A-197 & 13-A-198**

**Applicant – Karl Dubay, PE, The Dubay Group, Inc.**

**Owner – AFS Realty, LLC & Three Industrial Drive Condominium**

**Location – 1 & 3 Industrial Drive**

**Zoning District – Limited Industrial & Watershed Protection Overlay District (WPOD)**

Variance relief is requested from **Section 616.6.4.2** for a lot line adjustment that would transfer 52,701 Sq Ft of land from lot 13-A-197 to lot 13-A-198. A variance is required for lot 13-A-197 due to the impervious coverage percentage resulting in 55 %, after the land transfer to lot 13-A-198, where a maximum impervious coverage of 30% is permitted in the WPOD.

Ms. Stith read the case into the record. The Board agreed to waive the reading of the list of abutters.

Mr. Karl Dubay of the Dubay Group addressed the Board and is representing the applicant.

Ms. Stith read a letter from the Conservation Commission stating that they would like the applicant to consider for recharge for the roof on the project.

Mr. Dubay stated that they are looking to fulfill the charter by adding space for an 8<sup>th</sup> grade on the property. Chairman Dunn stated that the previously approved expansion plan was physically different than this plan. Mr. Dubay agreed and stated that the original expansion had a larger footprint than this proposed variance request.

Mr. Dubay stated that the Windham Academy has been rescheduling class end and start times and they are looking at a new traffic management plan. This plan is using less square footage from the original proposed plan. Mr. Dubay stated that this is a much less invasive plan. Mr. Dubay stated that they will still be using porous pavement and recharge for the roof.

Ms. Suech had the previous notice of decision from November 23, 2021. Mr. Dubay stated that the previously approved plan is a more invasive plan than what is currently being proposed.

Mr. Dubay stated that there is a multipurpose room on the proposed plan; there is not a gymnasium presently but the multipurpose room can be used for everything. Mr. Dubay stated that they will be doing a traffic management plan.

Mr. Dubay stated that they are still meeting the criteria of the Lake Overlay District. Mr. Dubay stated that the proposed request is making the abutting property non-compliant, yet, they are striving to complete the charter and make the school lot as conforming as possible.

Mr. Dubay stated that the proposal would improve the quality of that area. Mr. Dubay stated that there would be a new proposed well on the property eventually. Mr. Dubay stated that the Conservation Commission would like to make sure there is recharge on the roof which the applicant is able to do. Mr. Dubay stated that they are reassigning a few parking spaces in the area and adding a fire lane in the area. The parking spaces meet all the criteria and allow emergency access.

Mr. Dubay stated he understands the 5 criteria are contained in the public packet. Mr. Dubay stated that there are unique characteristics to the lot and the area. The previous variance was for the expansion of the non-conforming use of the school.

The Board and Mr. Dubay discussed the future plans of the lot, the access to the lot based on other existing surrounding properties and the potential for another road access in the area. Mr. Dubay explained the existing pavement conditions and why the pavement needed to be replaced in the first place and why porous pavement would be used. There will also be improvements to the landscaping according to Mr. Dubay.

Mr. Dubay stated that he believes his presentation covered the 5 criteria

Ms. Gogumalla asked about the previous variance. Mr. Dubay stated that it was a use variance and it had been granted. This variance is an expansion according to Mr. Dubay. Ms. Gogumalla asked if future expansions might be proposed; Mr. Dubay stated that they may in the future.

Mr. Al Sfere addressed the Board; Mr. Sfere is the owner of 1 Industrial Drive. Mr. Sfere understands the prior use variance on the property. In the future, Mr. Sfere would like to apply to purchase for the adjoining lots owned by the state.

The Board entered deliberative session without opposition.

Ms. Gogumalla stated that the discussion that the Board had with the applicant previously was contained in portions of this proposal.

Chairman Dunn stated that they are discussing an existing parcel that would not meet the requirements of the WPOD. However, granting this variance, which does not involve expansion of the present building on the undersized lot, is within the spirit of the ordinance. It is a unique parcel. The school lot has a pre-existing non-conforming use on the lot and it is now meeting the requirements. The Chair believes it meets all 5 criteria. Mr. Stearns stated that they have made efficient use of the lot.

Ms. Gogumalla has no issues with the plan as presented.

**A motion was made by Ms. Gogumalla to grant the variance request as requested from Section 616.6.4.2 for a lot line adjustment that would transfer 52,701 Sq. Ft of land from lot 13-A-197 to lot 13-A-198. A variance is required for lot 13-A-197 due to the impervious coverage percentage resulting in 55 %, after the land transfer to lot 13-A-198, where a maximum impervious coverage of 30% is permitted in the WPOD per plan submitted and signed and dated by the Chair. Seconded by Mr. Stearns.**

**Vote 4-0.**

**Motion passes.**

**The Chair advised of the 30-day appeal period.**

**Meeting Minutes to Review and Approve: 10-25-22 site walk & 01-24-23.**

**A motion was made by Mr. Stearns to adjourn at 8:56 pm. Seconded by Ms. Stith. Vote 4-0. Motion passes.**

Respectfully submitted by Anitra Lincicum