



ZONING BOARD OF ADJUSTMENT

Approved Minutes

April 11, 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- present

Pam Skinner, Secretary- present

Neelima Gogumalla, regular member- present

Mike Scholz, alternate- present

Mark Brockmeier, regular member- present

Michelle Stith, regular member- present

Galen Stearns, alternate- present

Staff:

Julie Suech, Planning Technician

Alexander Mello, Community Development Director, present via Zoom

Anitra Lincicum- minute taker, present via Zoom until 9 pm

Mr. Galen Stearns was sworn in as an alternate member of the Zoning Board of Adjustment by Ms. Betty Dunn.

A motion was made by Ms. Dunn to nominate Ms. Stith as Chairman. Seconded by Ms. Gogumalla. Roll call vote: Ms. Dunn, Ms. Stith, Ms. Gogumalla, Ms. Skinner and Mr. Brockmeier-yes. Vote 5-0. Motion passes.

35 **A motion was made by Ms. Gogumalla to nominate Ms. Dunn as the Vice Chair. Seconded by Ms.**
36 **Stith. Roll call vote: Ms. Dunn, Ms. Stith, Ms. Gogumalla, Ms. Skinner and Mr. Brockmeier- yes.**
37 **Vote 5-0. Motion passes.**

38

39 **A motion was made by Ms. Gogumalla to nominate Ms. Skinner to the Secretary position of the**
40 **Zoning Board of Adjustment. Seconded by Ms. Stith. Roll call vote: Ms. Dunn, Ms. Stith, Ms.**
41 **Gogumalla, Ms. Skinner and Mr. Brockmeier- yes. Vote 5-0. Motion passes.**

42

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

48

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

51

52 **A motion was made by Ms. Gogumalla to accept the withdrawal of Case #09-2023. Seconded by Ms.**
53 **Skinner. Vote 4-1. Vice Chair Dunn opposed.**

54

55 **Case #11-2023 Parcel 17-L-45**
56 **Applicant – Kiara Mooney**
57 **Owner – Kevin Penta & Kiara Mooney**
58 **Location – 134 Range Rd**
59 **Zoning District – Residential District A**

60

61 Variance relief is requested from **Section 200** from the definitions of “dwelling: single family” and “dwelling unit”
62 to allow the transient occupancy of small families or couples who wish to visit the “carriage house” on the
63 property.

64

65 Ms. Skinner read the case into the record. The list of abutters and the letter from the Conservation Commission
66 were both in the public packet.

67

68 Ms. Kiara Mooney and Mr. Kevin Penta addressed the Board. Ms. Mooney stated that they would like to offer
69 couples and families vacations to the carriage house. The location is pet friendly and the property is 1.4 acres. The
70 carriage house is grandfathered in as an accessory dwelling unit on the property according to the applicants.
71 Guests to the carriage house will have a separate entrance. The carriage house was rented in the past by the
72 previous owner according to Ms. Mooney. Ms. Mooney stated that they live on the property and they would like to
73 rent to couples and small families through Air BnB or VRBO. Mr. Brockmeier asked if there were any time limits
74 for renting. Ms. Mooney stated that they do not wish for people to rent for less than 2 days but they have not set a
75 limit for how long the length of stay can be.

76

77 Ms. Mooney reviewed the 5 criteria contained in the public packet. Ms. Mooney stated that they do not anticipate
78 this will decrease the value of surrounding properties since the carriage house will not increase traffic
79 substantially. Ms. Mooney reviewed the rest of the 5 criteria contained in the public packet. The Board and the
80 applicant discussed the house rules that they would be listed on the property for guests Ms. Dunn asked about the

81 regulations about accessory buildings and if they would be willing to register the carriage house as an accessory
82 dwelling at the Registry of Deeds.

83
84 Mr. Mello addressed the Board and stated that ADUs need to be attached and they are usually affiliated with full
85 time residents. Mr. Mello stated that this type of agreement is slightly different than ADUs because they are often
86 attached and have full time occupants and neither is the case here. Mr. Mello stated that Air BnB and VRBO
87 occupancies are illegal under the current town ordinances without a variance.

88
89 The applicant discussed their future plans and improvements on the property. The Board and the applicant
90 discussed the character and nature of the neighborhood and the character of the property.

91
92 Ms. Mooney mentioned the septic system on the property. Mr. Penta, the applicant, stated that they would also be
93 working with staff on the fire regulations on the property.

94
95 Chairman Stith invited public comment at this time.

96
97 Mr. William Deluca addressed the Board. Mr. Deluca stated that his father's property is about 5 acres on Turtle
98 Rock Road. Mr. Deluca stated that the driveway was pre-existing. Mr. Deluca does not think there was a permit for
99 the driveway that was installed. Mr. Deluca stated that a driveway could be installed on the Range Road side of the
100 property to prevent run off from going into the pond. Mr. Deluca stated that towns like Franklin, NH insists that
101 the VRBO and Air B and B need to be renewed each year to assess if that relationship with property owners is
102 working.

103
104 Mr. Derek Monson, Turtle Rock Road, addressed the Board. Mr. Monson stated that he has concerns around
105 parking and the use of the property. Mr. Monson is concerned about the neighborhood's character.

106
107 Ms. Mooney stated she is sorry that the previous owner handled the property the way he did. Ms. Mooney stated
108 that they would like to re-route the run off in order to use the rainwater in their garden instead of have the water
109 run-off into the pond so she is sympathetic to all these concerns.

110
111 Mr. Scholz is concerned that transient housing would alter the essential character of the neighborhood. Mr. Penta
112 stated that they would like to keep the rental to a couple or a very small family even though they understand the
113 history of the property. The intent of their use of the property is different than the previous use. The Board
114 discussed the potential for restricting the amount of people who could stay on the property at any given time if the
115 variance were granted.

116
117 Mr. Charles Marsden addressed the Board. Mr. Marsden is part of the Cobbetts Pond Improvement Association.
118 Mr. Marsden stated that the septic system has a 1,000-gallon tank and the house is a 3-bedroom house according to
119 the applicant. Mr. Marsden stated they he would like to see the septic system inspected.

120
121 Mr. Joe Bradley, 26 Turtle Rock Road, addressed the Board. Mr. Bradley stated that he wonders if it would be
122 possible to grandfather in properties if the Planning Board were to change the regulations for properties like this
123 with transitional occupancies.

124
125 Vice Chair Dunn stated that they can ask the applicant if they would like to continue the case to gather more
126 information about drainage and septic. Ms. Mooney stated that the septic is approved for 4 bedroom and she would
127 also like to know where the water is starting because she is not convinced it is starting on their property.

128

129 Vice Chair Dunn stated that the Board would be looking for more information about the current septic system and
130 an alternate plan for a septic system should the current system fail. The Board would also be looking for more
131 information about a drainage plan as well as the potential restrictions on the number of guests.
132

133 **A motion was made by Vice Chair Dunn to continue Case #11-2023 to May 9 at 7pm. Seconded by Ms.**
134 **Skinner. Vote 5-0. Motion passes.**
135

136 Mr. Scholz recused himself for Case #13-2023.
137

138 **Case #13-2023 Parcel 14-B-2612**
139 **Applicant – Megan and Brian Stanton**
140 **Owner – Same**
141 **Location – 16 Ashton Park Road**
142 **Zoning District – Rural District**
143

144 Variance relief is requested from **Section 200** to allow a sports court and a raised garden to remain on the property
145 without a principal building, or main use.
146

147 Ms. Skinner read the case into the record. The public packet had the list of abutters and a letter from the
148 Conservation Commission.
149

150 Mr. Brian Stanton addressed the Board; he is the applicant. Mr. Stanton stated that there were electrical permits on
151 file because they at first went the route of hiring a contractor. Yet, they did not end up utilizing that contractor.
152 This work would be done on 16 Ashton Park Road and they also own 18 Ashton Park Road. There is town owned
153 property in between so they cannot join the lots together. There is a conservation pond in the area as well
154 according to the applicant. The Board discussed if this was a man-made detention pond or if it is natural. Mr.
155 Stanton said they are looking to use the property for recreational use. Mr. Stanton reviewed the 5 criteria contained
156 in the public packet. Mr. Stanton stated that the sports court and garden are further back from the street in a safer
157 position than if they were right on the street. Mr. Stanton stated that considerable time and energy has been used in
158 the planning of sports court and the garden. The applicant did think they went through the proper channels before
159 it was constructed but they did not know this additional set was necessary. Hence, they are here trying to do the
160 right thing. Mr. Stanton stated that kids use this regularly. Mr. Stanton stated that using this property for a dwelling
161 would not be advantageous to other property owners.
162

163 Vice Chair Dunn stated that this request for the variance says that the use would be a subordinate use to the main
164 building when the main building is on the property. Vice Chair Dunn stated that the accessory building uses are
165 when the building is on the same property as the uses. Vice Chair Dunn asked if the court was a structure and if it
166 is necessary to get a variance for the use of the garden.
167

168 Mr. Mello stated that these are accessory uses that do not have a primary use. Mr. Mello stated that this has been
169 vetted by town counsel. The applicant could build a house then it would be an accessory use or they could ask for
170 this variance. Mr. Brockmeier stated that it is possible to merge the lots but the Conservation Commission has a
171 piece of property in between the two lots. Mr. Mello stated that he thought this would be the best option since they
172 are not interested in building a house. Mr. Mello stated that they would be allowing the accessory use of the
173 property without a primary use. Vice Chair Dunn asked if they had anything in writing. Mr. Mello stated that they
174 do have something in writing from town counsel that the basketball court is an accessory use.
175

176 The Board discussed the best way to proceed to help the applicant in order to be granted a variance.
177

178 Mr. Warren Shane addressed the Board, Mr. Shane lives at 14 Ashton Park Road. Mr. Shane stated that they have
179 benefitted from using the sports court since it has been in the neighborhood and they are in favor of the request as
180 presented. Mr. Shane stated that the sports court has benefitted all of the neighborhood kids, including his own.
181

182 Mr. Mike Seraphinus, 22 Ashton Park Road addressed the Board. Mr. Seraphinus stated they have to look at the
183 spirit of the agreement and the spirit of the agreement was not followed in the right way by the applicant but not
184 necessarily by the contractor. Technically, Mr. Seraphinus thinks there is a gray area that the Board should
185 consider. Mr. Seraphinus thinks a house would diminish the value of surrounding properties if they were to put a
186 house on the property.
187

188 Mr. Joe Bradley addressed the Board. Mr. Bradley stated that the Board may want the property to be contingent on
189 another property owning the lot.
190

191 Mr. Mike Scholz addressed the Board. Mr. Scholz stated that the applicant did a nice job going through the criteria
192 and they did comply with those 2 criteria. There was also an electrical permit for the property and substantial
193 justice was done. Mr. Scholz recused himself because he works with Mr. Stanton.
194

195 Mr. Stearns stated that he would like them to consider overturning the administrative decision as he thinks it may
196 cause more problems down the road.
197

198 Vice Chair Dunn stated that somebody is going to own the lot and the worst that can happen is that somebody is
199 going to own a basketball court that could be a liability.
200

201 The Board entered deliberative session without opposition.
202

203 **A motion was made by Ms. Gogumalla that the Board finds that no variance was necessary for the existing**
204 **court and garden as per the plan submitted. Staff can document what is presently on the lot. Seconded by**
205 **Vice Chair Dunn. Vote 5-0. Motion passes.**
206

207 **The Chair advised of the 30-day appeal period.**
208

209 **[Case #10-2023](#) Parcel 17-G-6 & 17-G-20**
210 **Applicant – Middlesex Glass Co., Nick Arena**
211 **Owner – 106 Indian Rock Rd LLC & GW Trust, Diana Wolthers, Trustee**
212 **Location – 102 Indian Rock Road and 82 Range Road**
213 **Zoning District – Gateway Commercial District/ WPOD**
214

215 Variance relief is requested from **Section(s): 618.2, 618.3.10** to construct a 77, 900 Sq. Ft. mixed-use commercial
216 building, that would include the assembly of prefabricated parts. The proposed use is prohibited in the Gateway
217 Commercial District. Furthermore, Windham Zoning Ordinance prohibits any single structure within the district to
218 have a building footprint of greater than 40,000 Sq. Ft.
219

220 Attorney John Sokul addressed the Board and he is representing the applicant. Attorney Sokul reviewed the plan as
221 had been previously presented. The case was continued at a meeting in February.
222

223 Attorney Sokul stated that they are only here to talk about Phase 1 which is the Middlesex Glass building and there
224 will only be one way to access the site. Attorney Sokul stated that they meet all of the criteria of the Lake Overlay
225 District. Attorney Sokul stated that there will be blasting necessary on site. All blasted materials will be left on
226 site. Attorney Sokul stated that the applicant hired an appraiser to analyze the property in its current location. The
227 appraiser's opinion is that that value of surrounding properties would not be diminished as a result of the project.

228 The applicant has agreed to use non-reflective glass on the site. Attorney Sokul stated that the site is designed to
229 minimize backing trucks up but the applicant will use white noise devices on the trucks to help minimize this
230 noise.

231
232 Mr. Karl Dubay addressed the Board. Mr. Dubay stated that the building sits about 200 feet behind Range Road.
233 Mr. Karl reviewed the surrounding properties and their current and allowed uses. The site is in the Gateway
234 Commercial District. Mr. Dubay stated that they met with DOT and the site qualifies for a curb cut for Phase 1 of
235 the project. Phase 2 could have its own curb cut according to Mr. Dubay. Mr. Dubay reviewed the flow of traffic
236 on the site and the fact that traffic would not go through residential areas to gain access to the site. Mr. Dubay
237 stated that they are here for 2 variances: one for the footprint and the other for the assembly in the building.

238
239 Mr. Dubay stated that this would be a lower use on traffic. Mr. Dubay stated that most of the projects for the
240 company would not increase residential traffic significantly. Trucks from the business would be going on and off
241 the highway. Mr. Dubay stated that a few more parking spaces were added to the plan and these could be shared
242 with the business next door if needed.

243
244 Mr. Dubay stated that the trucks and trailers would be backing up towards the highway, not oriented towards the
245 residential areas. Mr. Dubay stated that the project would be required to have an AOT permit and none of the
246 water flows towards Cobbetts Pond; all of the existing water flows towards Canobie Lake and will be fully treated
247 on site. There will be several treatment methods on site for water and the site will have all porous pavement. Mr.
248 Dubay stated that they met with the Conservation Commission and EDC. Mr. Dubay stated that there is a ledge
249 face on the site and a tree buffer would also stay in place. Mr. Dubay stated that the additional 8,000 square feet on
250 the first level that is essentially the variance is needed on the first floor. Mr. Dubay stated that some of the
251 operations need to happen on the first floor so one work space on the same floor makes the most sense for the
252 business.

253
254 Vice Chair Dunn asked if the two lots have been merged. Mr. Dubay stated that they are currently two lots with a
255 lot line present. Mr. Dubay stated that they would likely keep this as two lots. Vice Chair Dunn clarified that the
256 building would be on Lot 17-G-20; Mr. Dubay stated that that is true. Mr. Dubay stated that they included both lots
257 and both projects so the Boards understood the master plan of the project.

258
259 Attorney Sokul stated that the applicant will consider the lot line at a later time but the applicant would like to
260 purchase the entire 30 acres. Mr. Dubay stated that it does not matter where the lot line is because of where the
261 building is situated. Vice Chair Dunn stated that they are being asked to review the plan based on both lots.

262
263 Mr. Nick Arena addressed the Board. Mr. Arena stated that the original plan had a 70,000 square foot building.
264 Mr. Arena stated that the building will contain 2 lines and an overhead crane. The need for the 8,000 square foot
265 variance would be for storage. Mr. Arena stated that the second-floor space is used for support. Mr. Arena stated
266 that they mainly use pick up trucks and they do not generate any more noise than a standard pick up truck. There
267 will be a back up alarm with a white noise feature on it. Mr. Arena stated that they do receive deliveries, 4 or 5 a
268 day, with tractor trailers. Mr. Arena stated that they use fork trucks with back up alarms to unload the tractor
269 trailers; there will be no loading docks.

270
271 Vice Chair Dunn stated that she looked up Mr. Arena's business to see how his current operations were
272 functioning which led to a discussion about the use of cranes in the building and the loading of unloading of the
273 finished product. Mr. Arena stated that there is a retail bay for auto glass as well.

274
275 Chairman Stith invited public comment.

276
277 Mr. Derek Monson addressed the Board and asked which lot the variance was being granted for.

278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327

Mr. Mello addressed the Board via Zoom. Mr. Mello stated that if the variance were to be granted, he would expect the Board to grant the variance per a specific plan as presented. Mr. Mello stated that the other buildings in Phase 2 are conceptual and do not currently require a variance. The only thing before this board is for the variance for this particular building. Mr. Mello stated that the second lot did not need to be mentioned in the variance relief.

Mr. Kristi St. Laurent addressed the Board. Ms. St. Laurent stated that, as a resident, the zoning in the district is to design a building that will represent the businesses they would like to attract. Ms. St. Laurent sees this as a good fit for the intent for the district. Ms. St. Laurent stated that this district was intended as a commercial district and she sees this building as a good fit for this site and for commercial development; that is the whole reason this road was designed in this way. Ms. St. Laurent stated that design does make sense for the company and she does see this design and business as a good fit for the district.

Mr. Charles Marsden addressed the Board. Mr. Marsden asked about the manufacturing process.

Ms. Kathleen DiFruscia addressed the Board. Ms. DiFruscia stated that she does not believe that this business belongs here since it is manufacturing. Ms. DiFruscia stated that there is no guarantee on what Phase 2 will house at a later time. Ms. DiFruscia stated that she would welcome this business in an industrial area but not in the Gateway District since it is not an allowed use in this area.

Mr. Tony DeLuca addressed the Board. Mr. Deluca stated that he does not think this building fits with this location; there are all sorts of other places for this building to be located in town.

Mr. Dubai addressed the Board to answer the questions from the public. Mr. Dubai stated that the septic loading on the building is very low and there are no chemicals going into the system. Mr. Dubai stated that the look of the building has a high-end look. Mr. Dubai stated that they are here for the variance on this building, not on the potential for the building in Phase 2 of the project. Mr. Dubai stated that Mr. Arena is in a position to buy the land and create two phases of a project. Mr. Dubai stated that this piece of property has sat vacant for a long time. Mr. Dubai stated that a different use on the property would potentially add more tractor trailers traffic.

Vice Chair Dunn asked about the traffic, including both the tractor trailers and the delivery trucks. Mr. Dubai stated that, on average, the applicant would likely have 2 deliveries a day. Vice Chair Dunn asked about other chemicals on the site. Attorney Sokul stated that the usage for the business has both chalking and glass cleaner.

Mr. Arena stated that they are not a manufacturing system. Mr. Arena stated that they assemble materials, they do not manufacture. Mr. Arena stated that they assemble aluminum and glass; it is not often that these items are glazed on site but it does happen sometimes. Mr. Arena stated that they assemble someone else's product and to say this is manufacturing is a real stretch.

Attorney Sokul stated that the applicant stated when the case was first presented that the business would not expand beyond this building.

Mr. Arena addressed the Board and stated that he has done this type of development with building on Route 114 in Peabody.

Mr. Galen Stearns stated that this is a nice facility and he does like the rest of the development of the property.

Mr. Joe Bradley addressed the Board. Mr. Bradley stated that this is a very sensitive area and that needs to be considered by the Board.

328 Mr. Mello addressed the Board to state that a change in use may require site plan review with the planning board.
329 A future use would need to be permitted by the Ordinance or seek a Variance.
330
331 Mr. Derek Monson addressed the Board once again to ask about a change of use permit and asked if that change of
332 use would go with the property.
333
334 Mr. Mello stated that the tenant would need to apply for the change of use and would be specific to the building. It
335 would not apply to other buildings on the property.
336
337 Mr. Brockmeier stated that he sees this as a building that houses the assembly of products and that the applicant is
338 a manufacturer.
339
340 The Board entered deliberative session without opposition.
341
342 Vice Chair Dunn read from the allowed uses in the Gateway District and asked the Board to ponder if this was
343 within the scope of the allowed uses. Vice Chair Dunn stated that it is not a clear-cut answer. Mr. Brockmeier
344 stated that neither manufacturing nor assembly are included in the allowed uses of the Gateway District. Mr.
345 Brockmeier stated that this fails on criteria 1, 2 and 5. Ms. Skinner stated that this is a nice-looking building, yet, it
346 is located next to historic homes and both bodies of water. Ms. Skinner stated that she is having a hard time with
347 the idea that this meets criteria 1, 2 and 5. Ms. Gogumalla stated that she is struggling with the use on the property
348 and she is also concerned about Phase 2 of the project. Ms. Gogumalla stated that this does not fit with what the
349 ordinance was written for. Ms. Gogumalla does not think this meets the criteria for 1, 2 and 5. Ms. Stith stated that
350 she does not have an issue with the larger footprint. Ms. Stith stated that the district was created for a reason; this
351 is the Gateway District and she does not think it meets the uses of the district and she does not think it meets
352 criteria 1 and 2. Vice Chair Dunn stated that there is a list of allowed uses and that list is fairly small. Vice Chair
353 Dunn stated that the fact that wildlife might be displaced does not necessarily mean it will diminish the value of
354 surrounding properties. Vice Chair Dunn stated that any business that generates economic development is going to
355 increase traffic. Mr. Brockmeier s said there were many allowed uses for the Gateway District when the ordinance
356 was established and there were reasons why certain facility and building types were included and excluded.
357
358 Vice Chair Dunn stated that she thinks the Board needs to be more specific about why it does meet the variance
359 criteria. Ms. Gogumalla stated that her concern is around the health of the bodies of water. Mr. Brockmeier stated
360 that this is manufacturing and this is not an allowed use in this district. There are businesses like this in town but
361 they are in a different district where this is an allowed use. Chairman Stith stated that distribution centers were not
362 an allowed use in this district.
363
364 **A motion was made by Mr. Brockmeier for Case #10-2023 to deny variance relief as requested as this is not**
365 **an allowed use in the Gateway District. Seconded by Ms. Skinner. Vote 4-1. Vice Chair Dunn opposed to the**
366 **denial.**
367
368 **Reasons for denial:**
369
370 **Mr. Brockmeier- 1 (public interest), 2 (spirit of the ordinance) and 5 (hardship)**
371 **Ms. Skinner- 1 (public interest), 2 (spirit of the ordinance) and 5 (hardship)**
372 **Chairman Stith- 1 (public interest) and 2 (spirit of the ordinance)**
373 **Ms. Gogumalla 1 (public interest) and 2 (spirit of ordinance)**
374
375 Vice Chair Dunn stated that they need to dispose of the request for the size of the building.
376

377 **A motion was made by Mr. Brockmeier for Case #10-2023 to grant the variance to allow a building for a**
378 **maximum of 48,000 square foot building. Seconded by Ms. Gogumalla. ote 0-5.**
379 **The Chair advised of the 30-day appeal period.**
380

381 Mr. Mello stated that the Board needs to state their reasons for denial. Mr. Mello stated that there needed to be
382 very clear statements of fact for denial.
383

384 Mr. Brockmeier stated that neither manufacturing nor assembly are allowed uses so neither of these are considered
385 an allowed use in the Gateway District. Ms. Skinner stated that this does not meet the Gateway requirements. Mr.
386 Mello stated that he did not hear anyone on the Board discuss the denial in relation to the five criteria.
387

388 Ms. Skinner stated that manufacturing in terms of the use does not align with the spirit and intent of the ordinance.
389 Ms. Skinner stated that this does not meet the hardship requirement. Ms. Gogumalla stated that whether or not it
390 will impact the health, safety and welfare should be addressed; these were addressed by the applicant but she does
391 believe the noise will impact the residents. Ms. Skinner stated that there is a historical aspect to the area and there
392 are older buildings in the area. Ms. Gogumalla does think it will have environmental impacts. Ms. Gogumalla does
393 not think it complies with the spirit and intent of the neighborhood. Mr. Brockmeier stated that this is not
394 pedestrian friendly offices which is an allowed use. Mr. Brockmeier stated that he does not see the hardship on the
395 land. Ms. Gogumalla stated that she does not see the hardship for the applicant. Vice Chair Dunn stated there could
396 be a way to tailor a variance to deal with the concerns of the public. Vice Chair Dunn stated that it would be silly
397 to vote for a larger than allowed building if the use is not understood.
398

399 **Case #07-2023 Parcel 17-L-67**

400 **Applicant – Benchmark, LLC**

401 **Owner – Louis and Audrey Pereira**

402 **Location – 29 Farmer Rd**

403 **Zoning District – Rural District / WPOD**

404 ***READVERTISEMENT***

405 Variance relief is requested from **Section(s) 200 and 702 / Appendix A-1** to allow the property to be subdivided
406 into two lots. The lot is currently bifurcated by Farmer Road, a private road. The existing home would remain on
407 the Westerly portion of the lot, along the pond, with its preexisting setbacks and 102 ft of frontage along the
408 private road, which were previously approved by Variance (Case 35-2009). The lot the existing house will be on is
409 proposed to be approximately 14,000 square feet, where at least 50,000 square feet is required; therefore, will
410 require a Variance. The lot opposite Farmer Road will be 2 acres, where at least 50,000 square feet are required.
411 However, the lot opposite Farmer Road will require a Variance to have approximately 140 ft of frontage on a
412 private road, where 175 feet along a public road is required.
413

414 **A motion was made by Ms. Gogumalla to continue Case #07-2023 to the first case on April 25, 2023.**
415 **Seconded by Ms. Skinner. Vote 5-0. Motion passes.**
416

417 **Case # 12-2023 Parcel 22-l-81 & 22-L-83**

418 **Applicant – Benchmark, LLC**

419 **Owner – Thomas J Jr & Lynn Murray**

420 **Location – 27-29 West Shore Road**

421 **Zoning District – Residential District A / WPOD**
422

423 Variance relief is requested from **Section(s) 406.2, 702/ Appendix A-1, and 703** to construct an addition to the
424 existing single-family dwelling (22-L-81), on a pre-existing, non-conforming lot. The addition to the SFD would
425 expand the area from 2,462 sf to 3,052 sf and the area from 44,316 cu/ft to 50,300 cu/ft in volume and be 30 feet
426 from the front lot line and 33 feet from the pond, where such addition increases the non-conforming nature of the

427 property. To construct an inground pool 22 ft from the side lot line, where 30 ft is required; 33 ft from the pond
428 where 50 ft is required; and 28 ft from the front lot line, where such are prohibited within the front yard. To
429 construct a greenhouse 10 ft from the front lot line, where such are prohibited within the front yard. To construct a
430 shed 18 ft from the front lot line, where such are prohibited within the front yard; and 15 ft from the side property
431 line, where 30 ft is required.

432

433 **A motion was made by Vice Chair Dunn to continue Case #12-2023 to April 25, 2023. Seconded by Ms.**
434 **Skinner. Vote 5-0. Motion passes.**

435

436 **Meeting Minutes to Review and Approve: 02-21-23, 03-07-23 & 03-28-23**

437

438 **A motion was made by Mr. Brockmeier to adjourn at 11:05 pm. Seconded by Ms. Skinner. Vote 5-0. Motion**
439 **passes.**

440

441 Respectfully submitted by Anitra Lincicum