



ZONING BOARD OF ADJUSTMENT

Approved Minutes

July 25, 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 Teams: [Click here to join the meeting](#)

Meeting ID: 210 221 889 388 **Password:** 2YGui7

Attendance:

Chairman Michelle Stith- present

Vice Chair Betty Dunn- present

Neelima Gogumalla, regular member- present

Mark Brockmeier, regular member- present

Pam Skinner, Secretary- present

Galen Stearns, alternate- present

Mike Scholz, alternate- excused

Staff:

Julie Suech- Planning Technician

Anitra Lincicum- minute taker

6:30 pm - Discussion with ZBA Alternate candidate

Mr. Mitchell Jacoby addressed the Board to discuss his credentials. Mr. Jacoby has been a WEDC member since 2019 and has been living in Windham since 2018. Mr. Jacoby sees a natural correlation to be a part of this organization. Mr. Jacoby has been part of commercial development and understands how to read these plans and variances. Ms. Gogumalla asked what his take was on Conservation and protecting our lands and waterways. Mr. Jacoby stated that if someone can make a good reason to change them, he is open to listen but he would like to make sure the community is protected and safe. Ms. Gogumalla stated that she likes that the applicant would like to know any application well enough that he could argue both sides, Vice Chair Dunn asked if he was a voter in Windham; he is. Vice Chair Dunn asked what the responsibilities of the ZBA are and he stated that the job is to assist the townspeople with variances and be advocates for those types of things while protecting the ordinances of the town. Vice

38 Chair Dunn asked how Mr. Jacoby saw it that the Board can help our co townspeople and make sure they
39 are not creating risks, Vice Chair Dunn asked about Mr. Jacoby’s knowledge about the lakes and ponds,
40 he has learned through these meetings. Mr. Jacoby has been to 5 meetings for ZBA. Vice Chair Dunn
41 asked about the WEDC, asking how he sees the relationship between the WEDC and the ZBA. Vice
42 Chair Dunn explained that Mr. Jacoby would likely see things presented to the WEDC then he would see
43 the information in front of the ZBA, the question was around how Mr. Jacoby might be objective about
44 the process. The Board and Mr. Jacoby discussed being objective in these situations.

45 Ms. Skinner asked if Mr. Jacoby had any clients in Windham, Mr. Jacoby does not at this time. Mr.
46 Brockmeier asked about commercial development, it is not up the Board to make the project work but it
47 is up to the applicant to prove that the project make sense, Mr. Brockmeier asked about the alternate
48 position available on the Planning Board, Mr. Jacoby stated that he was not aware of it. Mr. Brockmeier
49 discussed the fact that ZBA tends to make decisions around the variances requests and they do not make
50 changes to those rules. After discussion, the Board suggested that Mr. Jacoby reach out to the Planning
51 Board as his skill set in his industry was better suited to the Planning Board. Mr. Jacoby was appreciative
52 of the understanding of the ZBA and the distinction between this Board and the Planning Board.

53 The public meeting began at 7 pm.

54
55 **Case # 26-2023 Parcel 13-K-100**
56 **Applicant – Benchmark, LLC**
57 **Owner – Richard Farina**
58 **Location – 19 Doiron Road**
59 **Zoning District – Rural District**
60

61 The applicant is requesting a variance from **Section(s): 200 and 702/Appendix A-1** to allow the construction of a
62 936 sq ft single family dwelling with an attached 136 sq ft screened in porch. Relief is requested from the
63 definition of a “Building Lot” (Section 200) due to not having frontage on a Town approved road. Relief is also
64 requested from Section 702/Appendix A-1 to allow 10-foot side yard setbacks, where 30 feet is required; a 27-foot
65 front yard setback, where 50 feet is required; and 23% building coverage, where 20% is the maximum allowed.
66

67 Ms. Skinner read the case into the record. Mr. Joseph Maynard of Benchmark LLC addressed the Board. The list
68 of abutters was contained in the public packet and the Board waived the reading of the list of abutters. The
69 Conservation Commission had no comments at this time. The lot has 18.7% building coverage with a 20% limit.
70

71 The Board again made the request that an address be posted so Board members could see the lot prior to hearing
72 the case. The Board and Mr. Maynard discussed the abutters and who owned the adjoining lots. Mr. Maynard and
73 the Board discussed the height and footprint of the building and how the height might affect the value of the
74 surrounding properties. The Board discussed the orientation of the structure on the lot. Mr. Maynard stated that the
75 basement would likely be the garage. Mr. Maynard stated that this would be a paved driveway, 31.6% of the lot
76 would be impervious coverage and 9% of the lot would be the driveway according to Mr. Maynard. Mr. Maynard
77 discussed the screened porch and how that “cuts into” his permitted coverage and a deck would not cut into the
78 impervious coverage on the lot if that were not approved. Mr. Maynard stated that he would apply for the septic
79 should this approval go through. Mr. Maynard stated that he is not sure how many bathrooms will be on the
80 property.
81

82 The Board discussed the cutting of trees on the property. Mr. Maynard stated that it would be necessary to take
83 down most of the trees on the property. The Board discussed the run off on the lot in relation to the retaining wall
84 that is already on the property to accommodate the slope. 17 Dorian Road does have an abandoned foundation
85 according to Mr. Maynard, this lot has been taken for taxes and nothing is on the lot presently. There are no

86 encumbrances on the lot presently. There is not a lot of ground water to be seen on the property. Mr. Brockmeier
87 stated that the other 2 lots are very similar to this lot; he sees this as a problem if the encumbrances are on the other
88 lot and he does not think people should be penalized. Mr. Maynard stated that it is often necessary to survey quite
89 a bit of the block to see where a house might fit on a street. Mr. Brockmeier stated that other lots in the area may
90 have the same requests moving forward; he asked if it might be possible to look at the lot. Ms. Gogumalla stated
91 that she thinks it might be necessary to look at the lot as well. Mr. Maynard stated that he would not be opposed to
92 drip line infiltration or other mitigation techniques. Mr. Maynard stated that an applicant does have a right to build
93 something on a lot of record as an applicant and a homeowner. Mr. Gogumalla does appreciate the mitigation.
94

95 The Board had a discussion about when small is too small. Sometimes, there are lots where a septic system and
96 well are not going to work and that is the trigger for when he feels like lots are getting to be too small, Mr.
97 Maynard discussed why a foundation drain is often put on one of his plans to help potential further development
98 on a lot. Mr. Brockmeier would like to have a site walk on the property. Both of the adjoining lots are 50 by 100.
99 All 3 lots are the exact same size.
100

101 Vice Chair Dunn stated that if they decide on 19 Doiron Road, they are not granting the other variances, they are
102 deciding one lot at a time The Board discussed that the decision of one lot does not make a determination on
103 another lot as presented to the Board.
104

105 Mr. Maynard stated that Doiron Road was taken over by the town in the 1990's and he does not know of any
106 drainage issues in the area. The lot will be disturbed but a lot of it will be grass. Mr. Maynard stated that the
107 proposed screen room could remain a deck to keep the impervious surface under the required percentage coverage
108 on the lot.
109

110 Mr. Maynard reviewed the 5 variance criteria contained in the public packet.
111

112 The Chair invited public comment at this time.
113

114 Ms. Kim Armstrong, 21 Doiron Road, addressed the Board. Ms. Armstrong stated that the drainage stated that she
115 would need to repair the draining on her property as presented. Ms. Armstrong stated that the well and the septic
116 on the abutting property (not hers) will be in the well radius. Ms. Armstrong asked about fire code and if it would
117 meet fire code. Ms. Armstrong's picture was submitted to the Chair and accepted as an exhibit. Ms. Armstrong
118 does not have a building or a septic on her property at this time. The picture given was labeled Exhibit A by the
119 Chair.
120

121 Mr. Paul Armstrong addressed the Board. Mr. Armstrong stated that he is concerned that this could diminish the
122 value of the property.
123

124 Mr. Maynard stated that the septic and the well of the neighbor was not detected by the field person he sent out. He
125 is happy to revisit this issue. Mr. Maynard can rework the grading on the lot. Mr. Maynard stated that that are
126 regulatory rules that deal with wells. There is a well release form, NFPA, 20 feet between structures; there are
127 zones in town that have less buffer between the lot lines but this is not one of them. The applicant is willing to
128 rebuild the stonewall and he is willing to install a fence, 4 feet in the front yard and 6 feet on the sides. That is not
129 an issue according to Mr. Maynard.
130

131 The Board and Mr. Maynard discussed the well release form from 1989. The property had a new well in 1989
132 filed at the Registry of Deeds which stated the non-conforming original well placement which waives the abutters
133 rights past the property line if the radius goes over the neighbor's property.
134

135 The Release Form for Protective Well Radii, listed as Exhibit B by the Chair and submitted by Ms. Armstrong was
136 put into the record as well.

137

138 **A motion was made by Vice Chair Dunn to continue Case #26-2023 to a site walk on August 15th, 2023 at 6**
139 **pm then the case to be continued to the scheduled ZBA meeting on August 29th, 2023 at 7 pm. Seconded by**
140 **Mr. Brockmeier. Vote 5-0. Motion passes.**

141

142 **Case # 27-2023 Parcel 17-L-84**

143 **Applicant – Benchmark, LLC**

144 **Owner – Andrew Corman & Colleen Hartnett**

145 **Location – 7 Grove Street**

146 **Zoning District – Residential District A/ WPOD**

147

148 The applicant is requesting a variance from **Section(s): 406.2 and 702/Appendix A-1** to allow the construction of
149 an attached garage with space above and a screen porch to an existing year-round single-family dwelling on a pre-
150 existing non-conforming lot. Relief is requested from Section 406.2 to increase the volume and footprint of the
151 pre-existing non-conforming structure from 1,155 sf in area and 17,680 cf in volume to 2,400 sf in area and 36,210
152 cf in volume, which will result in further non-conformance with the ordinance. Relief is also requested from
153 Section 702/Appendix A-1 to allow 20-foot side yard setbacks, where 30 feet is required and a 16-foot lake-side
154 setback, where 50 feet is required. The lot is currently 15,750 square feet, where 50,000 is required and has 100
155 feet of frontage on a private road, where 175 feet along a public road is required.

156

157 Ms. Skinner read the case into the record. There was a letter from an abutter and a list of abutters contained in the
158 public packet. The Conservation Commission states they have no issue with this plan.

159

160 Mr. Joseph Maynard of Benchmark LLC addressed the Board. Mr. Maynard stated they are looking to install a
161 screened in porch on the lake side of the structure. DES allows this 12 feet from the house. Mr. Maynard stated
162 that there is a “jog” in the house. The applicant is also looking to add a garage and a room over that. This would be
163 a 330-foot reduction in impervious surface and the applicant is leaving the option open to make the driveway of
164 impervious material. The applicant is looking to do drip line infiltration as well. When looking at the setbacks,
165 since an overhang is associated with it too along with the bump outs on the side, they agreed to move things away
166 from the neighbor. The redevelopment of the property all accommodates the neighbor to the north and works with
167 the neighbor’s driveway. The picture submitted by the applicant was labeled as Exhibit A by the Chair. The
168 applicant might choose to use porous product on the driveway.

169

170 The Board reviewed the letter from Ms. Gina Ferrante, an abutter who asked several questions about the proposal.

171

172 The Board discussed the term EDA, Effluent Disposal Area.

173

174 Mr. Maynard explained why it was a side garage at the request of the abutter through a letter sent by the abutter.
175 The driveway area is porous in case they chose to keep it. The encumbrances will remain on the lot but the
176 horseshoe is going away so that more porous area might be gained by the applicant.

177

178 The addition is 38.5 feet from the back wall. The jog comes out of the equation of the total area which leaves the
179 depth of the house at 26.5 feet. The house does not have a lot of storage area and the house is 2 stories.

180

181 Mr. Maynard stated that he does not have a completed architectural plan, the roof on the garage will likely mimic
182 the look of the house. Mr. Maynard estimates the height will be about 21 feet and lower than the present house
183 according to Mr. Maynard, the grade would be flattened up against the garage, A second picture was submitted

184 from the lake side and labelled Exhibit B by the Chair. Vice Chair Dunn stated that the ordinance is more
185 restrictive than the state law. This was in reference to the screened porch.
186
187 Mr. Maynard reviewed the 5 criteria contained in the public packet.
188
189 Mr. Brockmeier asked about the porous product. Mr. Maynard stated that the applicant is leaving the option open
190 to do that at the end of the project. The purpose of that would be overflow parking.
191
192 The Chair invited public comment at this time. There was none.
193
194 The Board entered deliberative session without opposition. Mr. Brockmeier stated that he believes it is a well
195 reasoned plan considering the desire of the homeowners. Ms. Gogumalla asked what the room over the garage will
196 be used for; she is concerned about that. The use of the room may change with the owner but the current owner has
197 said they will use the room as an office. The Board discussed that the number of bedrooms will be based on the
198 septic. Ms. Gogumalla stated that in the neighbor's letter, she indicated it would be a bedroom.
199
200 Ms. Suech stated that the building inspector will review the plans and the number of bedrooms will need to match
201 the appropriate septic system.
202
203 The Board does agree that the abutters questions were answered by Mr. Maynard.
204
205 Mr. Brockmeier would like to see the porous driveway as part of the project to alleviate traffic in the area. The
206 Board discussed the driveway on the property. Mr. Brockmeier is willing to grant the variance request as presented
207 without the driveway request. Chairperson Stith stated that it should be left as an option for the homeowner Vice
208 Chair Dunn stated that although the driveway was on this property, it is not accurate to say it was used by many
209 people in the community, it was used and can be used by the homeowner as needed. Chairperson Stith does not see
210 a need for the porous area if the driveway easement and road are available to the homeowner as presented. The
211 Board discussed the parking on the property.
212
213 Vice Chair Dunn asked if anyone on the Board had any analysis of the garage or the screened porch.
214
215 Vice Chair Dunn stated there are 2 basic variances before them. Mr. Brockmeier believes it meets criteria 1 and 2.
216 With #3, the variance would grant substantial justice conditioned on the porous driveway extension being
217 completed as a condition of the variance application; he agrees that there is hardship and surrounding
218 properties will not be diminished.
219
220 Vice Chair Dunn stated that she does not like to see building on Cobbetts Pond but she looks to the criteria that has
221 been set before the Board by case . The application does meet criteria 1 and 2. Vice Chair Dunn spoke to variance
222 criteria 3 in regards to protection of the watershed which can protect the water shed with conditions. Regarding
223 criteria #4 and the value of surrounding properties will not be diminished, and #5, unnecessary hardship, this is a
224 unique lot and there are restrictions based on zoning ordinance and development.
225
226 **A motion was made by Vice Chair Dunn for Case #27-2023 to grant variance relief as requested from**
227 **Section(s): 406.2 and 702/Appendix A-1 to allow the construction of an attached garage with space above**
228 **and a screen porch to an existing year-round single-family dwelling on a pre-existing non-conforming lot.**
229 **Relief is requested from Section 406.2 to increase the volume and footprint of the pre-existing non-**
230 **conforming structure from 1,155 sf in area and 17,680 cf in volume to 2,400 sf in area and 36,210 cf in**
231 **volume, which will result in further non-conformance with the ordinance. Relief is also requested from**
232 **Section 702/Appendix A-1 to allow 20-foot side yard setbacks, where 30 feet is required and a 16-foot lake-**
233 **side setback, where 50 feet is required. The lot is currently 15,750 square feet, where 50,000 is required and**

234 has 100 feet of frontage on a private road, where 175 feet along a public road is required with the following
235 conditions: impervious driveway as an option, drip line infiltration on the addition and removal of the shed
236 on the property. Seconded by Ms. Skinner.

237

238 **Vote 4-1.**

239 **Motion passes.**

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

241

242 **Mr. Brockmeier opposed and cited the substantial justice prong as the reason (#3).**

243

244 **Case # 28-2023 Parcel 16-R-183**

245 **Applicant – Benchmark, LLC**

246 **Owner – Phyllis & Larry Johansen**

247 **Location – 25 First Street**

248 **Zoning District – Residential District A/ WPOD**

249

250 The applicant is requesting a variance from **Section(s): 406.2 and 702/Appendix A-1** to allow the construction of
251 an addition and roof top deck to a pre-existing, non-conforming single-family dwelling, on a pre-existing non-
252 conforming lot. Relief is requested from Section 406.2 to increase the volume and footprint of the pre-existing
253 non-conforming structure from 690 sf in area and 5,520 cf in volume to 1,115 sf in area and 8,920 cf in volume,
254 which will result in further non-conformance with the ordinance. Relief is also requested from Section
255 702/Appendix A-1 to allow a 47-foot front yard setback, where 50 feet is required; a 1-foot side yard setback,
256 where 30 feet is required; and a 12-foot side yard setback, where 30 feet is required. The lot is currently 6,690
257 square feet, where 50,000 is required and has 40 feet of frontage on a private road, where 175 feet along a public
258 road is required.

259

260 Ms. Skinner read the case into the record. There was a letter from the Conservation Commission; they have no
261 issues with the plan as presented. The list of abutters is contained in the public packet.

262

263 Mr. Joseph Maynard from Benchmark LLC addressed the Board. The entire lot is in the WPOD and a portion is in
264 the shoreland protection zone. Mr. Maynard stated that part of the plan includes an improved septic. There are 2
265 means of access to the property, one of those access points is on First St. and the other is on the Second Street side
266 from someone else's lot. Mr. Maynard stated that the applicant would like to enclose areas of the decks to make it
267 living space; the rooftop deck was defined for clarity for the Board. The steps and walls on the lake side of the lot
268 add up to a lot of impervious coverage according to Mr. Maynard. The building coverage would be about 16% of
269 the lot.

270

271 Mr. Maynard discussed the slope of the lot as well as the impervious coverage on the lot. The applicant owns the
272 lot adjacent to this lot. Vice Chair Dunn stated that she has a continued concern that First Street is congested and
273 that this lot is already burdened. Vice Chair Dunn further stated that Second Street is also congested and she does
274 not see how construction in the area would be possible. Vice Chair Dunn also wants to discuss water run-off and
275 she understands that the flow of water in the area will be discussed by the Planning Board.

276

277 Mr. Maynard stated that there is a binder coat on First Street and a second coat will go on the road. Mr. Maynard
278 stated that he does agree that Second Street does need some assistance as well. Mr. Maynard stated that drip line
279 trenching is part of his plan and it is a drainage measure that does not exist today. Mr. Maynard stated that he does
280 think the applicant is trying to make betterments to the property.

281

282 Mr. Maynard discussed the reduction in impervious coverage on the property. Mr. Maynard discussed the current
283 deck and new proposed living space over that existing deck. The Board and Mr. Maynard discussed how this

284 might impact the flow and rate of water in the area. Mr. Maynard discussed run off coefficients and how these
285 might impact surrounding properties. Ms. Gogumalla mentioned the concentration of homes in the area and how
286 the flow of water impacts the area. Mr. Maynard stated that the water flows into the marina, not the beach.
287
288 Vice Chair Dunn asked about a garage. The Board discussed that there will be no garage pre or post development.
289
290 Mr. Larry Johansen, the applicant, stated that if anything was damaged during construction, they would be happy
291 to repair anything on Second Street. The living room is only 7 by 20 feet wide, it is a very small house, they would
292 like to go downstairs and a little room below on the deck and allow them to save money and overlook the pond.
293 They are not adding a whole lot; they are just enclosing that small room and they never considered going up any
294 higher because they were considering the view of their neighbors as well. Mr. Johansen stated that they are trying
295 to make the property usable for them. Mr. Johansen stated they will be redoing the roof once the project is
296 complete.
297
298 Ms. Phyllis Johansen, the applicant, addressed the Board. Ms. Johansen stated that they own the adjoining lot as
299 well and they moved here because they enjoy the community in the area.
300
301 The Chair invited public comment at this time.
302
303 Mr. Daniel Gravelle 21 First Street addressed the Board and asked if they were going closer to the line on the
304 property, what kind of drainage is going in. Mr. Gravelle stated that the applicant is a great neighbor and very
305 helpful and he just wants to make sure the flow of water will not impact his lot significantly.
306
307 Mr. David McKay, 6 Second Street, addressed the Board. Mr. McKay stated that the applicant has been very
308 motivated to fix up the first house that they bought. There are 57 steps to get down to the beach. Mr. McKay has
309 never had water going down the driveway but recently, there are 1-foot gulleys going down the driveway and it is
310 already washed out. Mr. McKay stated that retaining walls have been installed by neighbors to help change the
311 flow of water. Mr. McKay's only view of the pond is above their roof and they have said they are not increasing
312 the roofline and he would like to see that happen; he would like the roofline to not change.
313
314 Mr. Gravelle addressed the question of where the water is coming from. All the water that is coming over his
315 septic tanks and that makes him nervous.
316
317 Ms. Johansen stated that they are laying the pipes down and trying to get a French drain system being installed in
318 the area.
319
320 Mr. Maynard addressed the Board again. A lot of the water is not coming from the Johansen's. A lot of the issues
321 are when they paved Third Street; that seems to be the issue. There is a concentrated effort to do some paving. Mr.
322 Maynard has no issues offering some advice but this is a community project in the area. Mr. Maynard stated that
323 he feels as if this is an off-site issue but the drain is a quick and easy solution to the drainage issue. Mr. Maynard
324 said that retaining walls should perhaps require some permitting on the town side but it does not impact the plan
325 being presented.
326
327 The Board spent time talking about the improvements on the lot and if these improvements had to go before the
328 Planning Board.
329
330 Ms. Johansen stated that the community group gets together and makes a plan around how best to repair the road
331 and how to divert water as to not impact the pond or property in the area. Mr. Maynard said that he has had
332 numerous discussions with other property owners in the area about improvements but it is not part of this project.

333 Mr. Maynard stated that parts of the road improvements might have to go before the Planning Board but that will
334 be on a case-by-case basis.

335
336 The Board discussed that a site walk will help them understand the plan better. Ms. Gogumalla asked if the
337 Conservation Commission really had no comments or concerns. Mr. Maynard stated that when he presents to that
338 Board, he discusses the project in relation to setbacks and wetlands and they had no issues.

339
340 **A motion was made by Vice Chair Dunn to continue Case #28-2023 to a site walk on August 15th at 6 pm**
341 **following the first site walk on Doiron Road and to continue the case to August 29th at 7 pm. Seconded by**
342 **Ms. Skinner. Vote 5-0. Motion passes.**

343
344 **Case # 29-2023 Parcels 13-B-40 & 13-B-50**

345 **Applicant – Benchmark, LLC**

346 **Owner – Helix Enterprise LLC**

347 **Location – 16-20 Rockingham Road**

348 **Zoning District – Commercial District A**

349

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

355

356 **A motion was made by Vice Chair Dunn to allow business to be conducted after 10 pm. Seconded by Ms.**
357 **Skinner. Vote 5-0. Motion passes.**

358

359 Ms. Skinner read the case into the record.

360

361 Mr. Joseph Maynard of Benchmark LLC addressed the Board. Mr. Maynard stated that the project is across 2
362 properties, both owned by the same individual, Mr. Al Sfeir who is present this evening. Mr. Maynard stated that
363 the lots sit just south of the Route 111 intersection. Mr. Maynard stated that the variances were around, building
364 height, access, setback from Route 28 and the parking area.

365

366 Mr. Maynard stated that the only place in town that had apartments is further down Route 28 from this proposal
367 but in other districts in town, multi-units are and planned but apartments are not often part of those plans. Mr.
368 Maynard stated that there is a lack of affordable housing in the area and many industries suffer as a result of that
369 fact. Mr. Maynard stated that communal water allows for the potential for apartments. Also, Salem has room in
370 their municipal septic system for reserve capacity so there is the potential for septic loading on site to not be an
371 issue. It would cost approximately \$1 million to get septic services to this area.

372

373 Mr. Maynard stated that there is not this as an allowed use in town so the Zoning Board of Adjustment is often his
374 first stop to see if this is an option. Mr. Maynard stated that he has been to TRC to get feedback about the proposal.
375 Mr. Maynard stated that the fire department told him that 60 feet would be the limit for the height of the building,
376 not 35 feet.

377

378 Mr. Maynard he estimated there would be approximately 19 school aged children in a project of this size. These
379 numbers are based on information Mr. Maynard acquired from Salem. These would be 2-bedroom units, 1200
380 square feet would be the approximate size. This would be a 3-story structure. The buildings themselves would
381 have some kind of amenity for the people that lived there. Mr. Maynard stated that they are hoping to keep the
382 restaurant in the bowling alley as the current use and hoping to keep part of the space as retail.

383
384 Mr. Maynard stated that Route 28 has always been a unique feature of Windham.

385
386 Mr. Maynard reviewed the 5 criteria contained in the public packet.

387
388 Mr. Dennis Rogers addressed the Board. Mr. Rogers asked if the apartments were going in the same building as
389 the bowling alley or a separate building. Mr. Maynard stated it was a separate building. Mr. Rogers asked about
390 the septic going down Route 28.

391
392 Mr. Wayne Morris addressed the Board, the presentation was being made to these 5 people, the Board members, to
393 potentially make this choice but Mr. Morris thinks this should be made to the whole town. Cluff Crossing in Salem
394 was a property Mr. Morris brought up. Perhaps the town would like this rezoned according to Mr. Morris, He
395 mentioned the Quint and the use of this on tall buildings and perhaps this is part of the reason the building height
396 restriction might be in question. The Board and Mr. Morris discussed this truck and 3 more years on a bond for the
397 vehicle. Mr. Morris would like this to go before the whole town, not just a 5-member board. Mr. Morris mentioned
398 other development in the area if water and sewer were incorporated into the area.

399
400 Mr. Brendan Drevitt, 36 Harris Road addressed the Board. Mr. Drevitt is not opposed to development; he is
401 opposed to 94 units. Mr. Drevitt discussed the number of abutters that were informed and the large area that was
402 being requested for development. Mr. Drevitt stated he was the only abutter that was noticed but other people on
403 Harris Road are part of the Rt 28 Overlay District and will be impacted by potential development in the district.
404 Mr. Drevitt also mentioned the amenities that might impact himself and his neighbors.

405
406 Vice Chair Dunn stated that the town is only required to notice actual abutters, not also those in the Overlay
407 District. Vice Chair Dunn said she would like to hear from the fire department and the schools, she would like to
408 know more of what the fire department said in regards to the building height.

409
410 **A motion was made by Vice Chair Dunn to continue Case #29-2023 to September 12th, 2023. Seconded by**
411 **Ms. Skinner. Vote 5-0. Motion passes.**

412
413 **Case # 30-2023 Parcel 1-B-2000**
414 **Applicant – Caroline and Christopher Estrella**
415 **Owner – Caroline and Christopher Estrella**
416 **Location – 98 Castle Hill Road**
417 **Zoning District – Rural District**

418
419 The applicant is requesting a variance to allow the construction of an attached three-car garage to be 30 ft from the
420 front property line, where 50 feet is required. The applicant will be removing a pre-existing, non-conforming
421 garage. The proposed garage would be more in conformance with the Windham Zoning Ordinance.

422
423 This case will not be heard this evening; it is continued to August 8th due to a notice issue.

424
425 **A motion was made by Vice Chair Dunn to adjourn at 11:00 pm. Seconded by Ms. Gogumalla. Vote 5-0.**
426 **Motion passes.**

427
428 Respectfully submitted by Ms. Anitra Lincicum