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**ZONING BOARD OF ADJUSTMENT  
MEETING AGENDA -**

**March 28, 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

**Call to Order**

**Rehearing Request – [Case #40-2022](#): Parcel 17-M-5, 17 Armstrong Road**

**[Case #05-2023](#) Parcel 16-E-12**  
**Applicant – Benchmark, LLC**  
**Owner – Lindsay Sullo**  
**Location – 13 Gaumont Rd**  
**Zoning District – Residential District A/ WPOD**

Variance relief is requested from **Section 602.1.9.3.6** to allow the proposed Accessory Dwelling Unit (ADU) to have a separate driveway, where Windham Zoning Ordinance requires an Accessory Dwelling Unit to share a driveway with the principal building.

**[Case #06-2023](#) Parcel 11-A-1657**  
**Applicant – Benchmark, LLC**  
**Owner – Ryan and Raychelly Bartolotta, Etal**  
**Location – 2 Floral St**  
**Zoning District – Rural District/WWPD**

Variance relief is requested from **Section(s) 601.3, 601.4.6, 601.4.8, 601.4.8.4.1, 702 / Appendix A-1** to allow the existing home and septic system to remain approximately 70 ft. from the edge of the wetlands. To allow a cabana to be constructed 25 ft from the edge of the wetlands. Additionally, to allow a proposed pool and patio area to be 30 ft from the edge of the wetlands, for a total land area use of 14,000 Sq Ft. Application further seeks relief to allow the WWPD markers to be installed around the perimeter of the proposed improvements, and to allow the proposed pool to be constructed 22 Ft from the rear lot line, where 30 Ft is required, and no work is permitted in the WWPD.

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

**Applicant – Benchmark, LLC**

**Owner – Louis and Audrey Pereira**

**Location – 29 Farmer Rd**

**Zoning District – Rural District / WPOD**

***\*READVERTISEMENT\****

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

**Case #08-2023 Parcel 13-C-12**

**Applicant – Benchmark, LLC**

**Owner – Nassar Investment Trust**

**Location – 11 McIntosh Hollow Rd**

**Zoning District – Section(s) 601.3, 601.4.6, 601.4.8, 601.4.8.4.1, 702 / Appendix A-1**

***\*READVERTISEMENT\****

Variance relief is requested from **Section(s) 601.3, 601.4.6, 601.4.8, 601.4.8.4.1, 702 / Appendix A-1** to allow the construction of a new Single-Family Dwelling (SFD) within 160 ft. of a wetland, where 200 ft. is required. The total approximate disturbance of the WWPD would be 10,600 sq. ft. for the SFD and yard area, with an additional 5,300 sq. ft. for grading, and drainage improvements, where the Windham Zoning Ordinance prohibits such work within the 200 ft. WWPD setback. To allow a waste disposal system within the WWPD, where such is prohibited. To allow the proposal to proceed without obtaining the required Special Permit from the Planning Board. To allow WWPD signage to be installed along the limits/perimeter of the proposed work, where such is required along the WWPD boundary. To allow the proposed SFD to be 20 ft. from the side lot line, where 30 ft. is required.

**Case #09-2023 Parcel 7-B-34**

**Applicant – Andrew Marino**

**Owner – Same**

**Location – 6 Orchard Blossom Rd**

**Zoning District – Rural District**

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

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

*This case will not be heard due to not being properly advertised. Staff requests a continuance due to a noticing error and will be readvertised for 04-11-23.*

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

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

Planning Sessions and By-law updates  
Legislative/Staff Updates  
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.**