



**ZONING BOARD OF ADJUSTMENT
MEETING AGENDA**

September 12, 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

1. Call to Order

2. Continued Public Hearings

a. [Case # 28-2023](#) Parcel 16-R-183 (Continued from 7/25/23 & 8/29/23)

Applicant – Benchmark, LLC

Owner – Phyllis & Larry Johansen

Location – 25 First Street

Zoning District – Residential District A/ WPOD

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

b. [Case # 29-2023](#) Parcels 13-B-40 & 13-B-50

Applicant – Benchmark, LLC

(Continued from 7/25/23)

Owner – Helix Enterprise LLC

Location – 16-20 Rockingham Road

Zoning District – Commercial District A

The applicant is requesting 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. New Public Hearings

The applicant has requested to withdraw this application.

a. Case # 33-2023 Parcel 9-A-904

Applicant – Michael L DeBruyckere

Owner – DeBruyckere 2009 Family Trust

Location – 4 Balmorra Road

Zoning District – Rural District and WWPD

The applicant is requesting a variance from **Section 601.3** to allow construction of a 28' x 40' detached one story garage which would be used for storage of automobiles, yard equipment and lawn furniture within the WWPD setback. According to the Windham Zoning Ordinance, no permanent structure shall be erected within the WWPD limits.

b. Case # 35-2023 Parcel 22-L-27

Applicant – Meisner Brem Corporation

Owner – Wen Lei

Location – 75 W Shore Road

Zoning District – Residential District A/WPOD

The applicant is requesting a variance from **Section: 702/Appendix A-1** to allow the expansion of 404 sq ft of the footprint of a pre-existing non-conforming single-family dwelling, on a pre-existing, non-conforming lot, and to add a second story, where no such expansion resulting in further non-conformance is permitted. Furthermore, the application is requesting that the addition be 20.6 ft from the front lot line, where 50 ft is required and to be 34.5 ft away from the waterfront setback, where 50 ft is required.

4. Correspondence

5. Meeting Minutes to Review and Approve: 08-08-23 Reapprove: 04-25-23 & 06-06-23

6. Planning Sessions and By-law updates

7. Legislative/Staff Updates

a. Memo from Code Enforcement Administrator re: 5 Viau Building Permit

8. 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.