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**ZONING BOARD OF ADJUSTMENT**  
**MEETING AGENDA** – Revised on 10/23/23  
**October 24, 2023 – 7:00 pm**

**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. **Rehearing Request on the following for which the Board shall consider:**

A. **Case 26-2023** Parcel 13-K-100

**Applicant – Christopher Drescher, Esq**  
**Owner – Richard Farina**  
**Location – 19 Doiron Rd**  
**Zoning District – Rural District**

The applicant is requesting a rehearing after being denied on the August 30<sup>th</sup>, 2023, ZBA meeting. The application requested a variance from Section(s): 200 and 702/Appendix A-1 to allow the construction of a 936 sq ft single family dwelling with an attached 136 sq ft screened in porch. Relief was requested from the definition of a “Building Lot” (Section 200) due to not having frontage on a Town approved road. Relief was also requested from Section 702/Appendix A-1 to allow 10-foot side yard setbacks, where 30 feet is required; a 27-foot front yard setback, where 50 feet is required; and 23% building coverage, where 20% is the maximum allowed.

3. **Continued Cases:**

A. **Case 32-2023** Parcel 13-K-100 (Continued from 08-29-23, 09-12-23, and 09-26-23)

**Applicant- Rockingham Road Realty Trust**  
**Owner- Same**  
**Location – 10 Libbey Road**

**Zoning District – Commercial District A (CDA), Rural District, and WWPD**

The applicant is requesting a Variance from **Sections 605.1, Footnote 5b of 301 Notes for Table of Requirements (Maximum Multi-Family Residential Density), and 601.3.8** to construct residential units in the CDA, where such use is prohibited in the CDA under the Windham Zoning Ordinance (WZO). The Applicant proposes 72 two-bedroom units, where the maximum permitted density per the WZO would be 10 two-bedrooms units. The Applicant also proposes access ways within the WWPD beyond the minimum length and width necessary to provide access to the proposed use.

**The Applicant submitted a written request to withdraw the application, for which the Board shall consider.**

B. **Case # 38-2023** Parcel 22-R-10010 (Continued from 10/10/23)

**Applicant – Andrew Pelletier**  
**Owner – Same**  
**Location – 6 Poplar Rd**  
**Zoning District – Rural District/ WWPD**

The applicant is requesting a variance from Sections 601.4.6, and 601.4.8 to allow construction of an 18 ft x 36 ft in-ground pool within the WWPD limits where such is prohibited. Also, from the requirement of obtaining a special permit from the Planning Board for such activity.

**The Applicant submitted a written request to withdraw the application, for which the Board shall consider.**

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C. [Case # 40-2023](#) Parcel 21-K-37 (Continued from 10/10/23)

**Applicant – R & D Realty Trust**

**Owner – Same**

**Location – 48 Turtle Rock Rd**

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

The applicant is requesting a variance from Sections 406.2, 616.6.4.2, 616.8, 702/Appendix A-1 to allow the construction of an addition and garage that will be 14 ft from the easterly side lot line and 4 ft from the westerly side lot line, where 30 ft is required. To also allow the construction of an open porch 14 ft from the “Reference Line” of Cobbetts Pond, where 50 ft is required; 14 ft off the easterly sideline, and 10 ft off the westerly sideline where 30 ft is required. To move an existing shed to the opposite side of the Turtle Rock Rd easement to be 7 ft from the westerly side lot line.

To allow the expansion in area of the building footprint from 1,074 sq ft to 2,560 sq ft, and to increase the volume of the home from approximately 21,000 cu ft to 44,000 cu ft on a 18,544 sq ft lot with approximately 58 ft of frontage on Turtle Rock Rd (a private road), where 50,000 sq ft of land area and 175 ft of frontage on a town approved road is required. Lastly, to allow the existing improvements to remain and proposed construction within the 100 ft wide buffer zone of a tributary stream.

D. [Case # 41-2023](#) Parcel 22-L-7 (Continued from 10/10/23)

**Applicant - Benchmark LLC**

**Owner – Christian & Jacqueline Theriault**

**Location – 89 W. Shore Road**

**Zoning District - Residential District A/ WPOD**

The applicant is requesting a variance from **Sections 405.2 and 702/ Appendix A-1** to allow the construction of a replacement year-round pre-existing, non-conforming single-family dwelling. The proposed reconstruction will decrease the footprint area from approximately 2,400 sq ft to 2,100 sq ft and increase the building volume from 38,400 cu ft to 44,000 cu ft. Section 405.2 of Windham Zoning Ordinance (WZO) prohibits an increase in the volume of the replacement of a pre-existing non-conforming structure.

Also, to allow approximately 59 ft of frontage on a public road where 175 ft of frontage is required on a Class V Road. To allow the easterly side yard setback of 7 ft and a westerly side yard setback of 8.5 ft, where 30 feet is required. To allow a 26 ft lake setback, where 50 ft is required. To allow a front setback of 25 ft, where 50 ft is required. The proposed plan would also decrease the building coverage from 36.5% to 30.3%, where a maximum allowable building coverage is 20% under the WZO.

4. [Correspondence](#)
5. [Meeting Minutes to Review and Approve: 09-26-23 and 10-10-23](#)
6. [Planning Sessions and By-law updates](#)
7. [Legislative/Staff Updates](#)
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.*