



ZONING BOARD OF ADJUSTMENT
MEETING AGENDA - REVISED
October 25, 2022 – 7:00 @ 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

10 Cross Street will not be heard on 10/25. The case was decided on 10/11 and was accidentally left on this agenda.

~~[Case #26-2022](#) Parcel 17-C-105A
Applicant – Benchmark Engineering, Inc
Owner – Fox Family Rev Living Trust
Location – 10 Cross Street
Zoning District – Residential District A / WPOD~~

Variance relief is requested from ~~Section(s) 406.2, 702/Appendix A-1, 703, and 703.1~~ to allow the construction of a detached 24'x24' garage on a pre-existing non-conforming lot. To allow the expansion in the area and/or volume from 960 SF to 1,536 SF, and from 15,360 cu/ft to 19,968 cu/ft. To allow the lot size to be 9,496 SF, where a minimum 50,000 SF land area is required. To allow 0' of frontage on a private road, where 175' of frontage is required on a public road. To allow the detached garage in the front yard of Cross St setback 1' from the property line, where a 50' front yard setback is required. To allow the easterly side yard setback to be 5', where 30' is required for side and rear yard setbacks.

~~[Case #30-2022](#) Parcel 21-Z-266
Applicant – Benchmark Engineering, LLC
Owner – William and Marion DeLuca
Location – 4 Horne Road
Zoning District – Residential District A/WPOD~~

Variance relief is requested from ~~Sections 405.2, 616.8.1, and 702/Appendix A-1~~ to allow the construction of year-round single-family dwelling (SFD), which would replace a pre-existing, non-conforming SFD, on a pre-existing, non-conforming lot. To allow the expansion in the area and volume of the house from approximately 2,205 SF, increasing it to approximately 3,379 SF in area, and from 52,000 cubic feet to approximately 74,400 cubic feet, where Windham Zoning Ordinance does not permit such increase in area and/or volume when replacing a pre-existing non-conforming structure. To allow the lot size to have an approximate land area of 16,986 SF where 50,000 SF is required, to allow 152.5 ft of frontage where 175 ft is required, to allow a 19 ft lake setback where 50 ft is required, a 12 ft side yard setback where 30 ft is required, and a 15 ft front yard setback where 50 ft is required.

Case #31-2022 **Parcel 17-J-137**
Applicant – Benchmark Engineering, LLC
Owner – Medeiros Family Trust
Location – 15 Gardner Road
Zoning District – Residential District A/WPOD

Variance relief is requested from **Sections 406.2, 616.8.1, and 702/Appendix A-1** to allow the increase in volume of the existing year-round, single-family dwelling (SFD) on pre-existing non-conforming lot, by adding living space to the second story. The addition would increase the volume of the existing dwelling from approximately 18,000 cubic feet, to approximately 27,000 cubic feet. To allow the lot size of 27,470 SF, where a minimum lot of 50,000 SF is required. To allow 0 ft of road frontage on a private road, where 175 ft of frontage is required on a public road. To allow the addition of a deck/porch to be added to the SFD, with a 10 ft setback from the High-Water Mark of Cobbetts Pond, while expanding the volume of the existing structure to be approximately 22 ft from the High-Water Mark of Cobbetts Pond, where a 50 ft setback is required.

Case #32-2022 **Parcel 16-R-174D**
Applicant – Benchmark Engineering, LLC
Owner – Timothy and Lynn Sullivan
Location – 43 First Street
Zoning District – Residential District A/WPOD

Variance relief is requested from **Sections 405.2, 616.8.1, 616.8.1.3, 616.8.4.1, 616.9.1, and 702/ Appendix A-1** to allow the construction of year-round single-family dwelling (SFD), which would replace a pre-existing, non-conforming seasonal SFD, on a pre-existing, non-conforming lot. To allow the expansion in the area, and, or volume of the house from approximately 818 SF, to 1,560 SF in area, and 7,328 cubic feet to 24,960 cubic feet in volume. To allow a lot size of approximately 8,000 SF where a minimum land area of 50,000 SF is required, while allowing 80 ft of road frontage on a private road, where 175 ft is required on a public road. To allow 14 ft and 18 ft from the side yard setbacks, and 24 ft from there rear yard setback, where 30 ft is required for the side and rear yard setbacks.

To allow re-development of the lot which includes a new building, site improvements, and leaching field area, within a 100 ft buffer that is required from any tributary that discharges towards Cobbetts Pond. To allow the construction of the replacement septic system to be 23-24 ft from wetlands, and the building to be 20 ft from said wetlands.

Case #33-2022 **Parcel 21-G-33A**
Applicant – Preeti Mishra
Owner – Rohit Mehta and Preeti Mishra
Location – 187 Range Rd
Zoning District – Residential District A / WPOD

Variance relief is requested from **Sections: 702, Appendix A-1, 703** to install a two-vehicle car port approximately 11.5 ft from Range Rd, where a 50 ft front yard setback is required, and approximately 2 ft, from the side yard, where 30 ft side and rear yard setbacks are required in the Residential District A.

Case #34-2022 Parcel 13-A-9

Applicant – Cronin, Bisson, & Zalinsky. P.C.

Owner – The Rockingham Road Trust

Location – 13 Rockingham Rd “Play All Day Doggy Daycare”

Zoning District – Business Commercial District A

Variance relief is requested from **Sections 720.6.1.1, 720.6.1.2, 720.7.4** to allow the extension of the current Animal Exercise Area to remain 81.5 ft from the front property line, 30ft from the side property line, and 64ft from the rear property line where 100 ft is required for the front, side and rear property lines. To allow setback relief from pre-existing occupied structures, which would permit the animal exercise area to remain 150 ft from the building across the street, where a 300 ft distance is required. To allow animal waste to be stored 30 ft from the side lot line, and 64 ft from the rear lot line, where 100 ft is required.

Case #35-2022 Parcel 17-J-137

Applicant – Jason Wing

Owner – Jason Wing

Location – 3 Winter Street

Zoning District – Rural District

Variance relief is requested from **Sections 602.1.2** to allow approximately 2,415 sq ft in a preexisting detached accessory building to be converted to a detached dwelling unit, where only one (1) single-family detached dwelling is allowed per lot.

Meeting Minutes-Review and Approve: 08-09-22, 08-23-22, 09-20-22, 09-27-22 and 10-11-22

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.