



**ZONING BOARD OF ADJUSTMENT  
Draft Minutes**

**January 11, 2022 - 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/>

**Attendance:**

**Chairman Mike Scholz- present**  
**Michelle Stith, regular member- present**  
**Pam Skinner, Secretary- present**  
**Betty Dunn, alternate- present (seated for Vice Chair Shea)**  
**Payal Bayalla, alternate- present (seated for Ms. Gogumalla)**  
**Neelima Gogumalla, regular member- excused**  
**Vice Chair Nick Shea- excused**

**Staff:**

**Chris Sullivan: Assistant Community Development Director**  
**Anitra Lincicum: minute taker (present via Zoom)**

**Public Hearing**

**Case #57-2021: Parcel(s) 18-L-300 (continued from November 23, 2021)**

**Applicant – The Dubay Group, Karl Dubay**

**Owner – Angle Wood Pond Realty Trust, Inc.**

**Location – 1-3 Sharma Way (aka 55 Range Road)**

**Zoning District – Professional, Business and Technology, Residential A & WPOD**

The applicant has requested to continue this hearing, **to February 22, 2022** which the Board shall consider.

Variance relief is requested from Section(s) 603.1.1 & 614.2 to permit 100 two-bedroom townhomes, arranged in fourplexes, where this particular type and configuration of residential use is not allowed in the PBT, RDA & WPOD zones.

38 Ms. Skinner read a letter from the applicant into the record. The applicant has recently met with  
39 interested parties and is working to make sure all questions are answered regarding traffic in the area. Mr.  
40 Karl Dubay stated that he is also working hard to be sure the data gathered related to the impact on the  
41 schools. Ms. Dunn stated that she would like to listen to the case with all the information at one time.  
42 Chairman Scholz agrees and stated that the applicant is trying to obtain information for the Board.  
43

44 **A motion was made by Ms. Dunn to continue Case #57-2021 to February 22, 2022. Seconded by**  
45 **Ms. Skinner. Vote 5-0. Motion passes.**  
46

47 **Case #59-2021: Parcel 13-A-198 (continued from December 14, 2021)**

48 **Applicant – The Dubai Group, Karl Dubay**

49 **Owner – AFS Realty, LLC**

50 **Location – 1 Industrial Drive**

51 **Zoning District – Limited Industrial & WPOD**  
52

53 The applicant has requested to continue this hearing, **to February 22, 2022** which the Board shall  
54 consider.  
55

56 Variance relief is requested from Section 401 and Section 606.1 to expand the existing school by adding  
57 an approximately 12,000 SF single story building where such use is not allowed in the Limited Industrial  
58 District.  
59

60 Ms. Skinner read a letter from the applicant into the record. In the letter, the applicant explained that the  
61 Windham Academy had recently met and coordinated with local businesses and the Fire Department.  
62 The applicant would like to continue the case in order to gather the information the Board has asked of  
63 them.  
64

65 Ms. Dunn stated that she would rather hear the case with all of the requested information at one time. The  
66 Board discussed that the applicant is working to gather the necessary information.  
67

68 **A motion was made by Ms. Dunn to continue Case #59-2021 to February 22, 2022. Seconded by**  
69 **Ms. Skinner. Vote 5-0. Motion passes.**  
70

71 **Case #02-2022: Parcel 18-L-300**

72 **Applicant – Optima Dermatology**

73 **Owner – Angel Wood Pond Realty Trust, Inc.**

74 **Location – 1 Sharma Way (aka 55 Range Road)**

75 **Zoning District – Professional, Business, and Technology District & WPOD**

76 Variance relief is requested from Section(s) 706.4.2.2 and 706.8 to allow four new wall signs to be  
77 installed on a proposed medical office building, one on each side of the proposed building, totaling  
78 497.166 square feet where 50 square feet is the maximum permitted for the PBT district. Also, a  
79 maximum of two wall signs are allowed for complexes where occupants have more than one façade  
80 facing a public or private right-of-way.  
81

82 Ms. Skinner read the case into the record. The letter of authorization and the abutters list were in the  
83 public packet.

84 Mr. Max Puyanik addressed the Board and is representing the applicant. Mr. Puyanik stated that the  
85 facility will be utilizing the building to have client's skin cancer diagnosed and potentially treated. Mr.  
86 Puyanik stated that the wrong diagnosis is often common with a primary care doctor and much less  
87 common with a specialist. Mr. Puyanik stated that they wanted Windham to be their first location. Mr.  
88 Puyanik stated that he is very happy with the look of the building after going before the Design Review  
89 Board. Mr. Puyanik stated that they have traffic from all directions that need to be considered for  
90 signage. Mr. Puyanik will go back to the Design Review Board one more time to consider the lighting on  
91 the building as well. Mr. Puyanik stated that their goal is to be open by December of this year.

92

93 The property will be purchased from Dr. Sharma. Mr. Puyanik discussed the site plan that includes the  
94 entrance for patients and the exits. Mr. Puyanik then reviewed the front of the building as well as the  
95 landscaping. Mr. Puyanik also showed the view of the building from all directions along with the signage  
96 for the building. Mr. Puyanik would like to see directional signage on the property as well. Mr. Puyanik  
97 stated that the site is one parcel off from the intersection, not right next to the intersection. The signs  
98 should be proportional to the building and these were proportional. The Board reviewed the rather  
99 circuitous route an individual would need to take in order to get to the proposed office. DOT indicates  
100 that the traffic light may be removed at some point. Mr. Puyanik stated that the plan also shows the  
101 entrances to the multi-family units in the area.

102

103 Attorney Morgan Hollis addressed the Board. Attorney Hollis is representing the applicant this evening.  
104 Mr. Hollis stated that he often tells the client that he or she needs a good reason for a variance. Attorney  
105 Hollis stated that he understands that many people use GPS but GPS does not give great directions to the  
106 site. Attorney Hollis understands he is asking for the maximum number of signs but he also understands  
107 the site is unique. Attorney Hollis stated that the entrance is convoluted so the 4 signs are necessary  
108 including a fairly large sign in the front. Attorney Hollis does not think this will be contrary to the public  
109 interest. Attorney Hollis does not believe there is any harm to the public based on design review.  
110 Attorney Hollis stated that many of the buildings in the area have fairly large signs so he does not believe  
111 they are out of character. These were marked as Exhibit B by the Chair. Attorney Hollis stated that this is  
112 a unique property and this is located off a unique intersection.

113

114 Ms. Dunn asked if all of the signs were the same height. 3 are 115 square feet and one is 150 square feet.  
115 Mr. Puyanik stated that the sign facing Route 111 was the largest sign. The other signs are facing the  
116 other directions. Ms. Dunn asked why there was a need for a sign on the back. Mr. Puyanik stated that the  
117 sign on the back can be smaller but design review felt as if these should be proportional so they were  
118 kept all the same size. Mr. Puyanik stated that they, as the tenant, do not feel strongly about the sign on  
119 the back but the other 3 are important for directionality. Ms. Dunn asked if they had anything is writing  
120 from Design Review. Mr. Puyanik stated that there would be the minutes from that meeting.

121

122 Chairman Scholz asked if there were any free-standing signs planned. Mr. Puyanik stated that they will  
123 be purchasing the property and they do not have any other plans for free standing signs for the property.

124

125 Chairman Scholz invited public comment at this time.

126

127 Mr. Bob Coole addressed the Board. Mr. Coole stated that when you take a left hand turn eastbound,  
128 there is nothing that says you cannot make a U turn. Mr. Puyanik stated that this is a tough intersection  
129 and DOT would like to remove the intersection completely. Chairman Scholz stated that he understands

130 that the intersection is very busy. Mr. Peyanic stated that they were planning a restaurant in this spot  
131 prior to this office going onto the site.

132

133 **A motion was made by Ms. Dunn to go into deliberative session. Seconded by Ms. Stith. Vote 5-0.**  
134 **Motion passes.**

135

136 Chairman Scholz stated that before he was not really sure about the hardship criteria based on the packet  
137 but he sees the hardship now based on the testimony from the applicant. In looking at the plan that is  
138 presented. Chairman Scholz does think it makes sense to have all 4 signs on the site. The application is  
139 for a single tenant on the structure. Ms. Bayalla does see the signage as appropriate for the building and  
140 to indicate that this is the use for the building. Ms. Bayalla asked if this might be a precedent for other  
141 businesses in the area as they may have some limited exposure on this site. This is an undeveloped lot as  
142 they are unsure of what is to come regarding the site.

143

144 Ms. Dunn stated that they do not have to worry about precedent because each plan is treated separately as  
145 it comes before this Board.

146

147 **A motion was made by Ms. Stith to grant variance relief as requested from Section(s) 706.4.2.2 and**  
148 **706.8 to allow four new wall signs to be installed on a proposed medical office building, one on each**  
149 **side of the proposed building, totaling 497.166 square feet where 50 square feet is the maximum**  
150 **permitted for the PBT district. Also, a maximum of two wall signs are allowed for complexes where**  
151 **occupants have more than one façade facing a public or private right-of-way per plan submitted**  
152 **and signed and dated by the Chair. Seconded by Ms. Bayalla.**

153

154 **Vote 5-0.**

155 **Motion passes.**

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

157

158 **Meeting Minutes-Review and Approve: [11/9/21, 11/23/21, 12/14/21 & 12/28/21](#)**

159

160 **A motion was made by Ms. Stith to approve the November 9<sup>th</sup>, 2021 draft minutes as amended.**  
161 **Seconded by Ms. Bayalla. Vote 5-0. Motion passes.**

162

163 **A motion was made by Ms. Stith to approve the November 23<sup>rd</sup>, 2021 draft minutes as amended.**  
164 **Seconded by Ms. Bayalla. Vote 5-0. Motion passes.**

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166 **A motion was made by Ms. Bayalla to approve the December 14<sup>th</sup>, 2021 draft minutes as amended.**  
167 **Seconded by Ms. Stith. Vote 4-0-1. Chairman Scholz abstained. Motion passes.**

168

169 **A motion was made by Ms. Stith to approve the December 28<sup>th</sup>, 2021 draft minutes as amended.**  
170 **Seconded by Ms. Dunn. Vote 5-0. Motion passes.**

171

172 **A motion was made by Ms. Stith to adjourn at 9:11pm. Seconded by Ms. Bayalla. Vote 5-0. Motion**  
173 **passes.**  
174  
175 Respectfully submitted by Anitra Lincicum

Approved