



ZONING BOARD OF ADJUSTMENT

Approved Minutes

February 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

Attendance:

Betty Dunn, Chairman- present

Nick Shea, Vice Chair- excused

Pam Skinner, Secretary- present

Michelle Stith, regular member- excused

Neelima Gogumalla, regular member- present

Mike Scholz, alternate- excused

Galen Stearns, alternate- present

Staff:

Julie Suech: Planning Technician

Anitra Lincicum, minute taker (present via Zoom)

[Case #05-2023](#) Parcel 16-E-12

Applicant – Benchmark, LLC

Owner – Lindsay Sullo

Location – 13 Gaumont Rd

Zoning District – Residential District A/ WPOD

The applicant has requested to reschedule this hearing, to March 28, 2023, which the Board shall consider.

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.

Ms. Skinner read the case into the record.

A motion was made by Ms. Gogumalla to continue Case #05-2023 to March 28th, 2023. Seconded by Ms. Skinner. Vote 4-0. Motion passes.

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

The applicant has requested to reschedule this hearing, to March 28, 2023, which the Board shall consider.

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.

Ms. Skinner read the case into the record.

A motion was made by Ms. Gogumalla to continue Case #06-2023 to March 28th, 2023. Seconded by Ms. Skinner. Vote 4-0. Motion passes.

Case #07-2023 Parcel 17-L-67
Applicant – Benchmark, LLC
Owner – Louis and Audrey Pereira
Location – 29 Farmer Rd
Zoning District – Rural District / WPOD

The applicant has requested to reschedule this hearing, to March 28, 2023, which the Board shall consider.

Variance relief is requested from **Section(s) 702 / Appendix A-1** to allow the property to be subdivided into two lots. The existing home would remain on the Westerly lot line, along the pond. The setbacks for the existing home would be approximately 14 ft, to the side yard line of Farmer Rd, approximately 28 ft, to the Southerly lot line, and approximately 26f ft from the pond, with approximately 100 ft of frontage on a private road. To allow the new lot to be on the Northeast side of the road, with approximately 140 ft of frontage on a private road. Both lots would be required to meet the minimum lot size and setback requirements under the Windham Zoning Ordinance.

Ms. Skinner read the case into the record.

A motion was made by Mr. Stearns to continue Case #07-2023 to March 28th, 2023. Seconded by Ms. Skinner. Vote 4-0. Motion passes.

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

The applicant has requested to reschedule this hearing, to March 28, 2023, which the Board shall consider.

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 200 ft of the WWPD. 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' WWPD setback. To allow WWPD signage to be installed along the limits/perimeter of the proposed work, and to allow the proposed SFD to be 20 ft from the Northwesterly lot line, where 30 ft is required.

Ms. Skinner read the case into the record.

A motion was made by Ms. Gogumalla to continue Case #08-2023 to March 28th, 2023. Seconded by Ms. Skinner. Vote 4-0. Motion passes.

Case #09-2023 Parcel 7-B-34

Applicant – Andrew Marino

Owner – Same

Location – 6 Orchard Blossom Rd

Zoning District – Rural District

The applicant has requested to reschedule this hearing, to March 28, 2023, which the Board shall consider.

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.

Ms. Skinner read the case into the record.

A motion was made by Mr. Stearns to continue Case #09-2023 to March 28th, 2023. Seconded by Ms. Gogumalla. Vote 4-0. Motion passes.

Case #10-2023 Parcel 17-G-6 & 17-G-20

Applicant – Middlesex Glass Co., Nick Arena

Owner – 106 Indian Rock Rd LLC & GW Trust, Diana Wolthers, Trustee

Location – 102 Indian Rock Rd and 82 Range Rd

Zoning District – Gateway Commercial District/ WPOD

The applicant has requested to reschedule this hearing, to March 07, 2023, which the Board shall consider.

Variance relief is requested from **Section(s): 618.2, 618.3.10** to construct a 77, 900 Sq. Ft. mixed-use commercial building, which would include the assembly of prefabricated parts. The proposed use is prohibited in the Gateway Commercial District. Furthermore, Windham Zoning Ordinance prohibits any single structure within the district to have a building footprint of greater than 40,000 Sq. Ft.

Ms. Skinner read the case into the record.

A motion was made by Ms. Gogumalla to continue Case #10-2023 to March 7th, 2023. Seconded by Mr. Stearns. Vote 4-0. Motion passes.

Meeting Minutes to Review and Approve: 08-09-22 site walk, 10-25-22 site walk, 01-10-23, 01-24-23 & 2-14-23.

A motion was made by Mr. Stearns to approve the August 9th, 2022 site walk draft minutes as presented. Seconded by Ms. Skinner. Vote 4-0. Motion passes.

A motion was made by Mr. Stearns to approve November 22, 2022 site walk draft minutes as amended. Seconded by Ms. Skinner. Vote 4-0. Motion passes.

The Board spent some time editing the draft minutes.

A motion was made by Ms. Gogumalla to adjourn at 7:50pm. Seconded by Ms. Skinner. Vote 4-0. Motion passes.

Respectfully submitted by Anitra Lincicum