

ZONING BOARD OF ADJUSTMENT
Approved Minutes
February 10th, 2026 at 7:00 PM

Attendance:

Chairperson Michelle Stith- present
Vice Chair Mike Scholz- present
Mark Brockmeier, Secretary- present
Pam Skinner, regular member- present
Jeff Faust, regular member- present
Galen Stearns, alternate- present
AJ Suliveras, alternate- excused

Staff:

George Frangomihalos, ZBA Administrator/Code Enforcement

The meeting began at 7:07 pm.

1. **New Cases**

- A. **Case 02-2026** **Parcel 16-Q-211B**
Applicant- SFC Engineering Partnership Inc- Tara Aquilina
Owner- Barriss 2016 Revocable Trust
Location- 16 Viau Rd
Zoning- Residential District A/ WPOD

The application requests a variance from **Sections 406.2, and 702/ Appendix A-1**, to allow a 12' x 24' single story addition on the front of the existing dwelling. The proposed addition will have an approximate front southern property line setback of 28 ft, where 50 ft is required and an increase in the volume or footprint of a structure may only occur on the portion of the lot that is currently in conformance and will not result in further non-conformance.

Mr. Brockmeier read the case into the record. There were no comments from the Conservation Commission.

Ms. Tara Aquilina addressed the Board; she is a civil engineer representing the applicant. There is an on site shared septic system. This a pre-existing non-conforming lot of record. There is an on-site well. The addition would add living space and no additional bedrooms. The impervious surface would still be below the allowed 20% threshold, about 16.5%.

Ms. Aquilina reviewed the 5 criteria contained in the public packet. The dwelling was built in 1945 and a more typical addition would not work with the current structure. The property is .59 acres.

Vice Chair Scholz asked why the addition could not be added to the area where there was more room for setbacks. Ms. Aquilina stated that the layout of the house does not lend to adding on and it is not in the way of items like the septic, the leech field or the propane tank. The addition would not have a foundation and it would not have a second story. The current structure is one story. The addition will not have any bathrooms added.

Mr. Stearns asked about the “in conformance” wording as the current structure is not in conformance. Mr. Brockmeier asked a clarifying question about the location of the addition.

The Chair invited public comment. There was none.

The Board entered deliberative session without opposition.

Chairperson Stith appreciates that this is a modest one-story addition. Vice Chair Scholz thinks the utilities are the special conditions, hence, the reason he asked the question about the location of the addition. The lot is a bit larger than others in the neighborhood. Mr. Brockmeier stated that with criteria 4, when an applicant does not present information to support that the proposal will not decrease property values, they are relying on the knowledge and experience of the Board.

Vice Chair Scholz made a motion to grant the variance request for Case 02-2026 as requested per plan submitted and signed and dated by the Chair. Seconded by Mr. Faust. Vote 5-0. Motion passes.

Findings of fact:

Criteria 1&2- There are no issues with health, safety, and welfare, and the proposed plan does not alter the essential character of the neighborhood.

Criteria 3- There is no public interest that has been articulated which would defeat the applicant's interest in this instance.

Criteria 4- No evidence presented which would, in the experience, knowledge, and understanding of the ZBA, decrease the value of the surrounding properties.

Criteria 5 -Location of the shared septic line, existing utilities, and garage placement all meet the hardship

Vice Chair Scholz made a motion to approve the Findings of Fact for Case 02-2026 as presented. Seconded by Ms. Skinner. Vote 5-0. Motion passes. The Chair advised of the 30-day appeal period.

B. [Case 03-2026](#) Parcel 17-C-105
Applicant- Edward N. Herbert Associates, Inc.
Owners- Wrap Development III, LLC
Location- 6 Cross St
Zoning- Residential District A/ WPOD

The application requests a variance from **Sections 405.2, 405.3 and 702/ Appendix A-1**, to allow an existing structure with an approximate pad of 1,067 sq ft with its accessory 120 sq ft shed, to be razed and replaced with a new single-family dwelling that will have an approximate 1,908 sq ft pad, on a 10,098 sq ft, pre-existing, non-conforming lot of record. The proposed home will have 0 ft of frontage on a Class V Rd, with a 23' front property line setback and 6' rear property line setback. Lastly, the application requests relief to allow an increase in volume from approximately 13, 726 cu ft to 49, 704 cu ft and to allow for an increase in the non-conformity with the front and rear setbacks. Under the Windham Zoning Ordinance (WZO), the minimum lot requirement, frontage, and setbacks are as follows. 50,000 sq ft minimum lot size in the Residential District A, 175 ft of road frontage, a 50 ft front setback and 30 ft setbacks from the side and rear property lines. Additionally, replacement of pre-existing, non-conforming structures may not increase the area and/or volume, nor increase in the non-conformity of the structure that is being replaced.

Mr. Brockmeier read the case into the record.

There was a letter from an abutter. This has not been before Conservation due to the schedule. There is a letter of authorization that allows for a representative for an applicant.

Mr. Shayne Gendron of Edward N. Herbert and Associates addressed the Board and is representing the applicant. Mr. Gendron stated that the lots will not be combined. There is a specific flood elevation of 178 feet on Cobbetts Pond and the elevation of the building would be 181 feet. Mr. Gendron stated that this is pre-existing non-conforming lot of record. Cross Street is a Class V Road. They are requesting setback variances from Cross Street; Mr. Frangomihalos decided on where the frontage would be measured from. Mr. Gendron stated that they did meet with Mr. Craig Day from Shoreland to discuss the best way to handle the vegetation with the proposed structures. There is also a letter in the file from the fire department. Mr. Gendron stated there will be a Norweco septic system installed on the property. There will be storm water gutters and porous pavement on the proposed plan as well. The proposed building coverage is 17% and the building height is 29 feet.

Mr. Gendron reviewed the 5 criteria contained in the public packet. The existing home needs improvements and without a variance, there is no place that a dwelling can be located on the lot. Currently, the house is a seasonal structure. The proposed structure has 3 floors, 3 story and 3 car garage. There will not be a basement due to the flood plan discussed earlier. The dimensions of the current structure 27 by 40 feet. 36 by 52 would be the dimensions of the proposed structure. Vice Chair Scholz asked why this might not be slid over to the left. Mr. Gendron explained this structure, the septic system and the other proposed structure on the adjoining lot and he did his best to give space to all these structures. Mr. Gendron explained the Norweco system.

The Chair invited public comment.

Mr. Brockmeier read the email from Assistant Chief Brady from the Fire Department; his suggestion was that the shared driveway be clearly labeled so that it was well known ns 4 and 6 Cross Street were down that driveway.

There was a brief recess while they tried to resolve some technical difficulties.

Mr. Gary Michello, Sawtelle Road, addressed the Board. Mr. Michello asked about the road. The homeowners in the area pay to maintain the road. They recently paid \$40,000 to repave the road. With the removal of trees and the construction vehicles, he wonders what will happen to the repaved road. Mr. Michello also asked about the boat ramp. Mr. Michello also asked about drainage in the area. Mr. Stearns asked about the drainage easement that was mentioned which the Board discussed. There is a strip of land near that boat ramp that belongs to the association according to Mr. Michello; that was also noted by the Board.

Ms. Kelly Fox, 10 Cross Street, addressed the Board. Ms. Fox stated that there is an easement that allows them to access Cross Street. Ms. Fox spoke to drainage in the area. There are pipes that go in the ground that come out to the lake according to Ms. Fox. There is no other house on Cross Street that has a 3-car garage. Ms. Fox stated that when they came before the Board several years ago for a variance, the Board had very clear opinions about building height and garages and this proposal seems to be in opposition to that.

Ms. Irene Landzakas' letter, 45 Sawtelle Road, was read by Ms. Fox. In the letter, Ms. Landzakas stated she is opposed to the proposed variance request as both structures will obstruct her view of the pond. Ms. Landzakas spoke to the history of the Breezy Gale Village and what the area can,

in her mind, reasonably support. Ms. Landzakas asked if there were other reasonable alternatives to what has been presented.

Mr. Gendron addressed the Board for rebuttal. Mr. Gendron stated that they share the concerns regarding Cross Street. Mr. Gendron stated that the applicant is willing to bond funding for the repair of Cross Street should anything happen during construction. Mr. Gendron stated that the applicant cannot build a one-story home on the property and make a profit on the investment in the property. Mr. Gendron then reviewed the variance requests for: 10 Cross St. 45 Sawtelle Road, 13 Spring St., 43 Sawtelle Road, 31 Sawtelle Road, and 11 Cross St. These were all setback variance requests that were granted. Mr. Gendron stated that there is no garage requirement and he does not think they are over-burdening the lot. There is no variance request for building height or building coverage on the lot. Mr. Gendron stated that there is a shared leech filed between the two houses in an effort to have the houses be centered on the lots.

Chairperson Stith stated she would like to understand more about the drainage that is going through the lots. Mr. Gendron stated that they will not have any impact on the parcel near the boat launch.

Items to address:

- drainage
- easement (area that belongs to the Village district?)
- applicant would be filling to post a bond for the road

Mr. Gendron stated that the applicant wants to be good neighbors and they are interested in doing what is best for the pond including porous paver driveways.

Vice Chair Scholz made a motion to continue Case 03-2026 to March 24th, 2026 at 7 pm. Seconded by Mr. Faust. Vote 5-0. Motion passes.

Vice Chair Scholz made a motion to continue Case 03-2026 to a site walk at 5 pm on March 18th, 2026. Seconded by Ms. Skinner. Vote 5-0. Motion passes.

Case 04-2026

Parcel 17-C-20

Applicant- Edward N. Herbert Associates, Inc.

Owners- Wrap Development III, LLC

Location- Cross St

Zoning- Residential District A/ WPOD

The application requests a variance from **Section 702/ Appendix A-1**, to allow the construction of a new Single-Family Dwelling (SFD) with an approximate 2,058 sq ft pad, on a pre-existing, non-conforming, 8,688 sq ft lot of record, where 50,000 sq ft is required. The proposed home will have 0 ft of frontage on a Class V Road, where 175 ft is required with a 10' front setback, where 50' is required, as well as a 13' setback on the Easterly side, and a 14' setback on the westerly side, both of which require a 30' setback.

Mr. Brockmeier read the case into the record. This case was discussed in conjunction with Case 03-2026.

Mr. Shayne Gendron addressed the Board and is representing the applicant. The lot is currently vacant and they are looking to construct a 3-story home with 20% coverage of the lot. They are looking for relief from the setbacks as this is a pre-existing non-conforming lot of record. They are going

to grant an easement to the neighbor; they plan on keeping the easement open for 10 Cross Street. The height of the building is 29 feet. There is not a basement on this dwelling either due to the flood plain near the pond as discussed in the previous case. There will be a new Norweco septic system installed on this lot.

Mr. Gendron reviewed the 5 variance criteria contained in the public packet. This, along with the other proposed dwelling, is a two-bedroom home. Both septic systems are sized for a four-bedroom home. Mr. Gendron described the Norweco system as related to the shared leech field.

The Chair invited public comment.

Ms. Kelly Fox, 10 Cross Street, addressed the Board. Ms. Fox stated that they are opposed to the request for the following reasons:

- access for emergency vehicles related to the setbacks
- infrastructure and private rights of existing residents, wetland and watershed buffers
- neighborhood character and self-imposed hardship
- decrease of property value due to less open space (30-foot setback)

Ms. Fox stated that she brought pictures of her home; there would be 13 feet between their home and the proposed structure. The pictures were labeled as Exhibit 1, 2 and 3 by the Chair.

Mr. Brockmeier asked about the Breezy Gale District. The Board discussed that this was more related to the character of the neighborhood, more so than a district ~~district~~ with specific criteria. The Board discussed that this would also be part of the site walk on March 18th. Vice Chair Scholz asked if Ms. Fox had 30 feet of setback for her home; she does not. Vice Chair Scholz asked why Ms. Fox thinks this is a wetland. Ms. Fox stated that there is a substantial amount of drainage that runs across 4, 6, and 8 Cross Street. There are 2 large pipes in the area. Mr. Faust stated that there is drainage from neighboring Johnson's Farm as well.

Mr. Brian Fox, 10 Cross Street, addressed the Board and stated that the drainage does not drain into the pond and he can submit pictures.

Mr. Gendron addressed the Board for rebuttal. Mr. Gendron stated that he did have a wetland scientist look at the property and there was no wetland on the property. It does not meet the requirement of a hydric soil in one area, but, there is no wetland and he can submit the report. Mr. Gendron stated that the lot is 60 feet wide and he would not be able to stay out of a 30-foot setback. Mr. Gendron stated that the neighbors do not have an easement for a view and he understands that it is more enjoyable for the neighbors as a vacant lot currently. Yet, the applicant is interested in developing the property and they are willing to work with the Board and the abutters.

Vice Chair Scholz made a motion to continue Case 04-2026 to March 24th at 7 pm. and a site walk on March 18th at 5 pm. Seconded by Mr. Faust. Vote 5-0. Motion passes.

Case 05-2026

Parcel 21-C-12

Applicants- Robert and Melanie Reinhart

Owners- Same as above

Location- 23 Golden Brook Rd

Zoning- Residential District A

The application requests a variance from **Sections 406.2 and 702/ Appendix A-1**, to permit an addition to an existing Single-Family Dwelling (SFD). The proposed addition will be

approximately 10 ft from the southeasterly lot line and 37 ft from the front property line. Under the Windham Zoning Ordinance (WZO), the setback requirements in the Residential District A are as follows: front lot line, 50 ft, side and rear property lines: 30 ft.

Mr. Brockmeier read the case into the record. There were no concerns from police and fire or the building inspector.

Mr. Rob Reinhart, the applicant, addressed the Board. They are looking for more space in their dwelling to accommodate another family member and give that person more space. The closest the structure would get to the property line is 10 feet. The closest to the next structure would be 70 feet. The addition would be one story and no basement. Mr. Reinhart showed the existing conditions of the property including: the chicken coop, the pool, and the leech field.

Mr. Reinhart reviewed the 5 criteria contained in the public packet. Mr. Reinhart stated that there is no way to accommodate the proposed addition without a variance due to setback requirements on the property. Mr. Reinhart stated that the proposed use is a reasonable one. The heated square footage is 850 square feet; this is below the threshold of the 950 square feet for an ADU. Mr. Frangomihalos stated that they will address the ADU requirements when they come in for the building permit. Mr. Reinhart stated that they would like to preserve as many trees as possible.

The Chair invited public comment.

Mr. Jonathan Coish, the abutter, addressed the Board. Mr. Coish has no issue with the proposed variance request.

The Board entered deliberative session without opposition.

The Board discussed that the hardship is the shape of the lot. The Board appreciates that the applicant tried to encroach as little as possible on the lot line. Additionally, ADUs are allowed and this is a one-story addition.

Vice Chair Scholz made a motion to grant variance relief as requested for Case 05-2026 per plan submitted and signed and dated by the Chair. Seconded by Mr. Faust. Vote 5-0. Motion passes.

Findings of Fact:

Criteria 1&2- There are no issues with health, safety, and welfare, and the proposed plan does not alter the essential character of the neighborhood.

Criteria 3- There is no public interest that has been articulated which would defeat the applicant's interest in this instance.

Criteria 4- No evidence presented which would, in the experience, knowledge, and understanding of the ZBA, decrease the value of the surrounding properties.

Criteria 5- Lot shape and location of home make the existing plan a reasonable one.

Mr. Brockmeier made a motion to approve the findings of fact for Case 05-2026 as presented. Seconded by Mr. Faust. Vote 5-0. Motion passes. The Chair advised of the 30-day appeal period.

Amendments to Rules and Procedures

Code of Conduct, should this be separate or should it be in the Rules and Procedure, 17 2 B

The town's attorney has stated that other Boards have these types of things. The Board would like feedback from the town's attorney. Mr. Brockmeier spoke to 17.1 regarding codes of conduct.

Officers- language around "members and officers"

2.4- Board Secretary, duties- Findings of fact added to the description was discussed but it was decided it is already covered in the language.

Members must be sworn in before they can serve but this is currently part of the RSA.

2.3 and 2.4- "The Chair shall be elected by the Board annually" is language that was discussed.

3.1- spoke to keeping minutes

I; 3.3 or 3.4- the public is advised that the ZBA is a quasi-judicial board and all testimony is part of the record is language that was discussed. This will go somewhere in 3.4.

Applications- all material to be submitted 2 weeks prior to the meeting (for the applicant). For the abutters, responses can be made leading up to the meeting. Mr. Frangomihalos stated that there are times when an applicant is bringing further information after hearing from abutters leading up to the application. Vice Chair Scholz stated that that is different than making amendments to the plan leading up to the initial variance request. If the plan has materially changed, then adjustments will likely need to be made anyway. The Board discussed that abutters have the right to see a completed application as well.

Section 5- General rules, the Board discussed the preservation of minutes and if and when the video no longer needs to be preserved. Language around when videos need to be preserved "until all appeal periods have been exhausted".

Notices of Decision- "all testimony is part of a certified record". This language can be added right away.

"Applications or plans will extend the 45-day clock by 2 weeks/10 days" was language that was discussed. The Board discussed that they cannot guarantee the 2-week timeline based on how many applications are before the Board. This would be in Section 12. Mr. Frangomihalos will formulate language for this. "Reasonably accommodated" was language that was discussed.

Teams/Zoom- the Board discussed keeping Teams for public input. Zoom was established during Covid and the Board does agree it should be kept for public input but not for applicants. "Teams is for convenience and may not be available sometimes due to technical difficulties" was language that was discussed.

The Chair asked if it might be time for another advertisement for alternates. The Board is allowed to have up to 5 alternates. The Board was appreciative of Mr. Stearns' efforts as an alternate this past year in particular as he has sat on many cases. An alternate must be: a US citizen and a Windham resident.

A motion was made by Mr. Faust to adjourn at 9:56 pm. Seconded by Ms. Skinner. Vote 5-0. Motion passes.

Respectfully submitted by Ms. Anitra Lincicum