



Town of Windham, Maine

Code Enforcement Department
8 School Road

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Zoning - Building Inspect ions

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Code Enforcement

**Draft Minutes
Town of Windham
Board of Appeals
Town Hall- Council Chambers
August 6, 2025**

Roll Call and Declaration of Quorum:

Call to Order- Jon Rioux -Official Quorum 5 Members- Chris McDonald-Jim Cobb-Raymond Batchelder and Mike McGuigan – **(alternate Jeff Sparrow)**

Chris McDonald called the meeting to order.

Approval of Minutes October 17, 2024 – Motion made by Jim Cobb to approve and seconded by Mike McGuigan . **(Voted 5-0).**

Public Hearing for:

24-001 “Continuation from the September 5, 2024, **Public Hearing #24-001**. Anthony Requia’s- Administrative Appeal for the Notice of Violation and Stop Work Order issued to 119 Trails End Rd, Unit #2, Map 73 Lot 4/2 (Zone FR/LD). This appeal is with regards to the Board of Appeals Findings on remand from Superior Court.”.

Chris McDonald, Chair- opened meeting: - revisit on meeting on September 5, 2024. A remand order was issued by the Superior Court to revisit and correct some of the verbiage on our decision we had submitted to Superior Court. Chris refers to the lawyer, Durwood Parkison on the discussion of what we are looking for.

Durwood Parkinson, Attorney for Board Members, spoke and indicated we are here to deal with the remand order issued by the Superior Court. July 2, 2025. The court is asking that the Board put more detail in support of their decision. Will help with discussion on how the Board might redraft the decision. Recommendations to give the attorneys the opportunity to speak for 5 or 10 minutes on what the court has said and done. Strong points that they want to emphasize. No new evidence can be presented. It’s not necessary for the Public to weigh in on as it is a procedural matter.

Chris McDonald, Chair- speaks and asks the Board if they were clear on that more clarification on our original decision made. No new decisions or new discussions. Attorneys will be allowed to speak for a few minutes.

Cameron Ferrante, Attorney for Preti Flaherty- represents former permit holder Anthony Requia. Presented into the record a copy of the Shoreland and Land Use Ordinance.

Rediscuss that the Code Enforcement Office issued a permit to client and then revoked it indicated that the property in question did not meet the minimum. There are two issues in front of the Board.

1. Lot size requirements did not meet, the square footage (22, 493 square feet in Farm Residential Zone)
2. Does not meet the frontage of the Farm Residential Zone of 150 feet.

There is nonconformity in the lot and does not have the required frontage of 150 feet on the access way and this was presented to the Board prior to. Frontage is a dimensional requirement. The lot was created in 1954 and 1955. It predates the Town's Shoreland Zoning Ordinance.

Refers to Farm Residential District lot size for multiple dwellings 40,000 square feet and Shoreland 40, 000 per dwelling. Prior discussion the lot is large enough to build two structures on.

The lot preexisted prior to both ordinances were adopted after the lot was created.

Jim Cobb asking for clarification on restricted and less restricted

Jim Katsiaficas Attorney for Perkins Thompson, representing the Code Enforcement Officers.

Lot line in Shoreland is 250 feet from the water, has been creating a lot line since 1974. Remainder of the lot would be considered a back lot as it does not have the proper frontage needed for the lot. To have proper frontage you would need to have a 50 foot right of way to give the lot proper frontage.

Durward Parkinson makes suggestions to the Board for more clarification on the decision.

Jim Katsiaficas indicated if there were any more questions, he would be available.

Robert Batchelder asked questions for more clarification.

Chris McDonald indicates on the original decision that the access point was a driveway not a road.

Discusses the road frontage requirements had discussed that the right of way could not meet the requirement for the frontage.

Board members indicated prior discussion on widening of the road, was not going to be allowed by the abutting property owner.

Durwood explains about the land in other zones plus invested rights.

Chris McDonald further discussed frontage for unit 2, not sufficient. A driveway is not considered to not be frontage for the lot.

Durwood Parkinson discusses the driveway does not have the 18-foot width for a road.

Chris McDonald prior discussion lot size for unit 2 is insufficient, ordinance requires 50,000 square feet of land with 150 feet of frontage. The land does not meet the standards.

Geoffrey Sparrow asked questions.

Durwood suggestions for more detailed on the prior decision.

Chris McDonald discusses

1. Lot Size – does not meet requirements
2. No borrowing of land to meet requirements for lot size

The Chair asked for a motion to continue the Remand Order from Superior Court to August 14, and or August 28th at 5:30 motion made by Mike McGuigan - Seconded by. Raymond Batchelder **All in favor 5-0**

4. New Business- none

6. Adjournment: 7:17 P M Chair asked for a motion to adjourn – Motion made by Ray Batchelder – seconded by Mike McGuigan - **All in favor 5-0**