



Stratham Zoning Board of Adjustment Meeting Minutes
September 1, 2026
Stratham Municipal Center
Time: 7:00 pm

Members Present: Drew Pierce, Chair
Brent Eastwood, Vice Chair
Lucy Cushman, Member
Donna Jensen, Member

Staff Present: Vanessa Price, Director of Planning and Building

CALL TO ORDER/ROLL CALL/SEATING OF ALTERNATES

Mr. Pierce called the meeting to order at 7:01 pm and took roll call. Mr. Pierce stated for the record that there are four members present and have no alternates to seat. The Board will continue with a four-member board.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

A. Meeting minutes from August 4, 2026.

Mr. Eastwood stated that there is one correction for a couple of instances of Mr. Eastman instead of Mr. Eastwood. Ms. Price acknowledged the changes that need to be made.

Mr. Eastwood made a motion to approve the August 4, 2026, meeting minutes with corrections. Ms. Cushman seconded the motion. All voted in favor; motion passed 4-0.

PUBLIC HEARING (OLD BUSINESS)

Case #694: Sons on the Beach Trust, Kirk Trachy & Gail Avery, Trustees (Owners) request variances from Section 5.4.3 Regulations and Section 5.4.3(d) of the Stratham Zoning Ordinance to permit more than one (1) accessory dwelling unit (ADU) and to allow the size of the ADU to be less than 400 sq ft. The property is located at 105 Winnicutt Road, Stratham, New Hampshire 03885, Tax Map 14, Lot 88, within the Residential/Agricultural Zoning District.

Mr. Pierce read the case file and asked the applicant to present.

Mr. Trachy stated that he has lived at the property since 1985. He explained that a shed on the property was replaced in approximately 2011 and that the structure has since evolved from use as a shed to a workspace and what is now considered a small dwelling unit. The existing structure measures approximately 12 feet by 20 feet, or 240 square feet. Mr. Trachy explained that he is seeking two related

variances concerning the size of the proposed accessory dwelling unit (ADU) and the number of dwelling units on the property. He emphasized that the request does not involve constructing a new or larger structure, but rather seeks approval for the existing 240-square-foot structure. He stated that enlarging it to meet the 400-square-foot minimum ADU requirement would require additional construction, which he does not believe is necessary or desirable. Mr. Trachy stated that photographs included with the application show the structure, driveway, and surrounding property. In his opinion, the structure fits within the character of the neighborhood, has little to no impact on surrounding properties, and represents an improvement over the deteriorated shed that previously occupied the location. Mr. Trachy further explained that the primary residence has historically contained separate upstairs and downstairs living areas, which he understands are considered two dwelling units. As a result, the 240-square-foot structure would constitute an additional ADU and requires relief from the applicable zoning requirements.

Mr. Trachy stated that the existing 240-square-foot size represents a special condition of the property and structure. Although the property may have sufficient space to enlarge the structure, he has no intention or desire to do so. He described the structure as small and peaceful and stated that it does not contain a dedicated bedroom, although it does contain a couch that can be converted for sleeping. He asked the Board to consider the existing structure and its limited impact when evaluating the variance requests.

Mr. Pierce asked how long it has existed in its current state.

Mr. Trachy explained the shed was put in in 2011, and he made an inquiry to the Town about needing a building permit or anything. He explained the prior building Inspector, Terry, said it wasn't necessary, but it'd be a good thing to do. Mr. Trachy stated he did get a building permit. He described that it wasn't necessarily the intention to build it into a tiny house; it evolved. Mr. Trachy estimated that over three years it was a piecemeal kind of improvement of the shed to what it is today, around 2014.

Mr. Pierce asked if it was rented and if somebody lived there.

Mr. Trachy explained he has a guest come for three months of the year, and the other times it is used as an office. He isn't intending to rent it out, and he closes it in the winter.

Ms. Cushman asked if it was heated.

Mr. Trachy answered that it has a heat pump.

Mr. Pierce asked if it is like a pool house.

Mr. Trachy answered that, in his opinion, it would be like a pool house.

Mr. Pierce asked Mr. Trachy if he was to receive approval to consider this an ADU, would the intent be to keep the use the same, where you're just using it with someone for three months out of the year.

Mr. Trachy answered that yes, it would be used for guests, such as his sister from Florida, who used it when visiting.

Mr. Pierce asked if there were any permits pulled for any of the interior finishes, or the mechanical, or the plumbing

Mr. Trachy answered no, but now he is coming in compliance for permits. He also stated that he will be having a test pit for the septic.

93 Mr. Pierce asked if they were going to inspect the existing septic and do a report.
94
95 Mr. Trachy answered that they built a new septic system for a four-bedroom house, and when they did the
96 test pit, the water disappeared. It didn't linger a second; it just disappeared. He stated that it will be to
97 accommodate a five-bedroom, to accommodate what they would consider the structure or the sizing that
98 the impact could be.
99
100 Mr. Pierce asked Ms. Price Stratham's position on a detached portion of a main structure, a main residence
101 on a property. If there's a pool house, for example, is there any type of provision for that? Because it
102 sounds like the uses it's not rented out long term. It's a seasonal use.
103
104 Ms. Price clarified that, according to the Town's current assessing records, the existing single-family
105 residence may already contain an accessory dwelling unit (ADU). Therefore, the proposed unit would be
106 considered a second ADU on the property. Staff noted that the Zoning Ordinance establishes an allowable
107 ADU size of between 400 and 1,000 square feet and referenced recent changes to State law affecting
108 municipal regulation of ADU size. She further noted that the structure would be required to comply with
109 applicable setback requirements. Ms. Price read the Building Inspector's July 8, 2026, letter, which said
110 uncertain if the shed meets the 20-foot setback from the property line
111
112 Mr. Pierce asked if there was a survey showing the building.
113
114 Mr. Trachy answered he doesn't.
115
116 Mr. Pierce stated there might be an issue is the setbacks for a shed are different than the setbacks for living
117 space.
118
119 Ms. Price stated an accessory structure [shed] doesn't need a building permit to meet setbacks if it is less
120 than 120 square feet.
121
122 Ms. Cushman asked if we know what the setback is.
123
124 Mr. Trachy answered that he thought it was about 12 feet, replacing what had existed prior.
125
126 Ms. Price stated that a building permit was issued in 2011 for the structure as a shed, and the permit was
127 closed in 2012. At that time, the structure was permitted and inspected as a shed, and there were no notes
128 for the setback. She explained that converting the size of the structure would require compliance with the
129 applicable setbacks. Based on the information currently available, staff could not confirm whether the
130 existing structure meets those setback requirements.
131
132 Ms. Cushman stated he didn't ask for a variance from the setback with the request.
133
134 Mr. Eastwood stated that he is assuming it was in the same spot.
135
136 Ms. Price explained that their determination [building inspector], would have to meet setbacks because
137 it's considered a structure, or seek relief for it.
138
139 Ms. Cushman noted that the property contains an older home and that many older homes in Stratham have
140 historically accommodated two-family living arrangements without being characterized as duplexes or
141 accessory dwelling units (ADUs). She stated that homes built prior to 1900 have, in some cases,

142 transitioned between single-family and two-family occupancy over time. She stated that as Mr. Trachy
143 indicated, the residence was being used as a two-family dwelling when he purchased the property in 1985,
144 before the term ADU was commonly used in local zoning regulations. Ms. Cushman questioned whether
145 the existing apartment should be considered an ADU, noting that the assessing record identifies the
146 property as a single-family dwelling with an apartment.

147
148 Ms. Price stated that the Town Assessor was consulted regarding how the property is classified for
149 assessing purposes. The Assessor indicated that the assessing records do not distinguish between a
150 traditional two-family arrangement and an accessory dwelling unit (ADU). She stated that in this
151 circumstance, the residence contains an additional kitchen and associated improvements; the assessing
152 record identifies the additional living area as a possible ADU while classifying the overall property as a
153 single-family or one-family residential property.

154
155 Mr. Trachy said it has always been two-family.

156
157 Ms. Cushman noted that it has been that way before accessory dwelling units came into existence. She
158 expressed concern about characterizing the existing apartment as an ADU, stating that, in her view, the
159 existing residence is a two-family dwelling and the proposed structure would constitute an ADU rather
160 than a second ADU. Ms. Cushman stated that their primary concern was not with the proposed ADU itself,
161 but whether the structure complies with the applicable setback requirements. She noted that the structure
162 was originally permitted as a shed and that different setback requirements may apply when it is used as a
163 dwelling unit. Ms. Cushman further expressed concern that, if a setback variance is required, such relief
164 was not included as part of the current application.

165
166 Mr. Pierce asked how this issue came to the Town's interim building inspector.

167
168 Ms. Price stated that the former Building Inspector, Jason Durannce, had previously addressed the matter
169 that it was operating as an ADU. During the tenure of the Interim Building Inspector, Carrie, the Town
170 received a complaint from an abutter regarding the use of a shed as an ADU and whether that use had been
171 properly permitted. Following an inspection, the Interim Building Inspector determined that the structure
172 was being used as an ADU based, in part, on the presence of cooking facilities. The Building Inspector
173 noted that removing the kitchen facilities was discussed as a means of eliminating its use as a dwelling
174 unit; however, the property owner indicated that he wished to maintain the structure in its existing
175 configuration.

176
177 Mr. Pierce asked who was the one complaining.

178
179 Ms. Price stated it is an abutter to the property.

180
181 Ms. Cushman noted the owner lived there in 1985 and ADUs have not been around that long.

182
183 Ms. Price stated that, as she understood it, the assessor stated it has an extra kitchen and may be considered
184 an ADU, as ADUs are not separated out in the property record cards.

185
186 Ms. Cushman noted the tax card doesn't say ADU; it says apartment.

187
188 Mr. Eastwood said it's called an apartment

189
190 Ms. Cushman stated that the Board should determine whether the second structure constitutes an additional

191 ADU. Concern was expressed regarding the long-term use of the property. She explained that while the
192 owners have occupied the property for more than 40 years, a future sale could result in the property being
193 marketed or used as a two-family dwelling with an ADU. She expressed that the structure should either
194 meet the applicable requirements for the setback or obtain a variance for the existing 12-foot setback. She
195 also wanted to put a restriction on it being seasonal.

196
197 Ms. Price answered that the town doesn't allow short-term rentals.

198
199 Ms. Cushman stated that the rules require an appropriate setback for a dwelling.
200

201 Mr. Pierce questioned whether grandfathering applies to something that was converted into livable space
202 in 2014.

203
204 Ms. Price answered that we don't have a record of that other than we concluded the building permit that
205 was filed in 2011 was closed out in 2012; and since then it has evolved into a potential ADU, but that has
206 not been permitted.

207
208 Ms. Cushman asked if ADUs were not allowed in 2012.

209
210 Ms. Price stated that in 2011 and ADU would have to be granted by a Special Exception as an accessory
211 apartment, and that was not filed. The permit in 2011 was for a shed.

212
213 Mr. Eastwood asked how many sheds greater than 120 square feet are allowed per property.

214
215 Ms. Price stated that, as she understands it there is no limit.

216
217 Mr. Pierce asked about grandfathering again, if there was a time period.

218
219 Ms. Price answered that she would have to do more research before giving a definitive answer. However,
220 looking back in 2011, Mr. Trachy should have come in around that time to file a special exception. It was
221 required back then. Not as stringent as the regulations are today, but it says that you would have had to
222 come in for a special exception, and there wasn't one pulled for. It was just pulled for a shed.

223
224 Mr. Pierce asked about the foundation of the shed and the utilities connected to the shed.

225
226 Mr. Trachy explained the foundation is three-quarter crushed stone, concrete pads on top of the crushed
227 stone, and foam insulation. The utilities come from the main house by four poly pipes that extend to the
228 structure: one provides hot water, one provides cold water, one contains the electrical service, and the
229 fourth provides cable and internet connectivity.

230
231 Mr. Pierce asked about the septic system.

232
233 Mr. Trachy stated that the main house septic system was installed around 2009 for four bedrooms, and
234 now the system would be for five bedrooms.

235
236 Mr. Eastwood asked about the fence on the property, and Mr. Trachy stated it was a replacement of a 1998
237 fence.

238 Mr. Eastwood asked if it was visible [the shed] to the abutter. Mr. Trachy answered no.

239

Mr. Pierce stated that, without objection, to open public session, Ms. Cushman seconded. All voted in favor; motion passed 4-0.

Catherine Carlisle, 4 Chestnut Way, stated that she has lived on her property since 2001 and wanted to attest to what kind of impact it has on the property, and in her opinion, it's nothing at all; you don't see it, and it's not intrusive in any way. She stated that she thinks it's a delight. In her opinion, she thinks more people should have that opportunity to live that way. And this doesn't impact me as an abutter.

Gerry Gelinas, 107 Winnicutt Road, stated he has lived on his property for about 49 years. He explained the prior original shed was 12 by 12. In his opinion, that size of the shed would be grandfathered, because you don't have to pull a permit and it's on the tax map. Mr. Gelinas stated that he originally filed a complaint with the Town's former Code Enforcement Officer in August of the previous year regarding alleged code violations associated with the shed. He stated that he expected follow-up after the Code Enforcement Officer reviewed the permitting history but did not receive a response. After several months, he followed up with the Town and subsequently filed another complaint with the interim Building Inspector/Code Enforcement Officer. He expressed frustration with the length of time the matter remained unresolved and stated that he was not aware of further action until he received certified notice of the variance application. Mr. Gelinas stated that, in his opinion, the structure should have been properly permitted before being converted to living space. He compared the situation with his own experience obtaining permits and inspections for improvements to his property, including a shop, barn, and finished basement. He emphasized that he had obtained the required building permits and electrical inspections for his projects and believed the same permitting requirements should have been followed for the subject structure. Mr. Gelinas raised several specific concerns regarding the structure. He stated that he believes the shed is approximately eight feet from the property line rather than the 12 feet represented and questioned whether the structure complies with applicable setback requirements. He also alleged that boundary markers on his property had been disturbed during installation of a fence and had not been properly reset by a surveyor. He further expressed concern that the structure had been converted to living space without the appropriate building, electrical, and plumbing permits or inspections. He questioned whether the electrical and plumbing work had been inspected and raised concerns regarding life-safety issues associated with occupancy of an uninspected structure. Mr. Gelinas also questioned whether the structure could qualify as an Accessory Dwelling Unit (ADU) under applicable Town and State requirements. He stated his understanding that an ADU must comply with applicable local and State codes and asserted that additional setback requirements may apply. He also questioned whether the connection of the structure to the existing septic system required approval or permitting from the State of New Hampshire. Mr. Gelinas expressed concern that granting a variance after the structure had already been converted could effectively allow work undertaken without the required approvals to remain. He stated that, in his opinion, the property contains sufficient land to locate an ADU elsewhere in compliance with applicable setback requirements and therefore questioned whether a hardship exists to justify the requested variance. Mr. Gelinas concluded by reiterating his frustration with the permitting and enforcement history of the property. He emphasized the importance of consistent application of the Town's zoning, building, and permitting requirements and requested that the Board consider the prior permitting history, alleged setback violations, inspection concerns, septic connection, and applicable ADU requirements when evaluating the variance request.

Mr. Pierce stated that he speaks for the whole Board that they appreciated the abutters coming out for public comment. He asked Mr. Gelinas about his concern about the proximity to the shed.

Mr. Gelinas commented that Mr. Trachy has cameras pointed at his property, and they were renting the structure without the town's approval. He commented that they have been doing it for the past four years.

289 Mr. Pierce asked if he meant short-term rental.

290

291 Mr. Gelinas explained yes that Mr. Trachy was renting out for two weeks at a time.

292

293 Mr. Pierce asked if Mr. Trachy wanted to respond.

294

295 Mr. Trachy responded that the two property owners had maintained a good relationship for approximately
296 40 years and that there had previously been no issue with the location of the structure. He explained that
297 the relationship deteriorated following a disagreement regarding the discharge of pool water onto his
298 property. According to Mr. Trachy, his son asked Mr. Gelinas to redirect the pool water because of
299 concerns that it was damaging trees and causing erosion along the driveway. Following that disagreement,
300 the applicant discontinued providing plowing and landscaping services for their property. Mr. Trachy
301 further alleged that the discharge of pool water onto his property continued and that yard debris has also
302 been blown or pushed beneath the fence and onto his property. He characterized these issues as part of an
303 ongoing dispute between the neighboring property owners.

304

305 Mr. Pierce stated that they are getting off topic and wanted to address the variances before the Board.

306

307 **Ms. Cushman made a motion to close public comment. Ms. Jensen seconded. All voted in favor;**
308 **motion passed 4-0.**

309

310 Ms. Cushman stated that the application should include a variance from the applicable setback
311 requirement. She viewed the application as an effort to address an existing condition that may not have
312 been properly resolved previously and noted that the former Town official involved in the matter was not
313 present to clarify prior discussions or representations. Ms. Cushman stated that the actual setback of the
314 structure must be established before the Board can act on the request. It was noted that it remained unclear
315 whether the structure was eight, 10, 12, or some other number of feet from the property line. She stated
316 that the application should identify the existing setback and specifically request the necessary relief from
317 the applicable setback requirement so that the Board clearly understands the extent of the variance being
318 considered. Ms. Cushman acknowledged that a permit had previously been issued for the structure as a
319 shed and that the structure had apparently been used periodically for occupancy over a number of years.
320 She distinguished occasional use by family or guests from operation as a short-term rental and noted that
321 the nature and intended future use of the structure should also be clarified.

322 She concluded that the application, as presently submitted, was incomplete and should be supplemented
323 to address the required setback relief and clarify the proposed use of the structure.

324

325 Mr. Pierce stated that the application should be re-noticed for the setback. He explained that the original
326 notice informed abutters of the specific relief to be considered and that other abutters may have chosen to
327 attend had they known that additional relief would be discussed. He expressed concern that discussing the
328 additional relief without re-noticing would not provide adequate notice or opportunity for interested
329 abutters to participate. Mr. Pierce stated the Board should hold off on addressing the criteria for a variance
330 until it has been re-noticed.

331

332 The Board had a lengthy discussion regarding whether to act on the application as presented or defer
333 consideration until an application for the additional variance relief is filed. The Board reached a consensus
334 to take no action on the current application until all necessary variance requests can be considered together.
335 The Board requested that Mr. Trachy provide a survey of the property identifying the location of the shed
336 and its setbacks from the property lines. The Board also discussed conducting a site walk to better
337 understand the existing conditions on the property, including the use of the shed and whether it constitutes

a second ADU, as well as the location of the property fencing. The Board scheduled a site walk for September 22, 2026, at 5:00 p.m. at 105 Winnicutt Road.

Mr. Eastwood made a motion to continue the application until the October 6, 2026, meeting date due to the September 22, 2026, 5 p.m. site walk, and for the applicant to provide an existing condition survey as well as apply for a variance with a proper variance application, with notification, to meet the setbacks. Ms. Cushman seconded the motion. All voted in favor; motion passed 4-0.

OTHER BOARD BUSINESS

Ms. Price stated that a new ZBA full member, Matthew Malone, should be going through the Select Board process at their next meeting. Ms. Anita Giulietti had submitted an application and is interested in becoming an alternate Board member. She spoke with the Board, and the Board asked that her application be considered at the next Select Board Meeting.

ADJOURNMENT

Ms. Cushman made a motion to adjourn the meeting at 8:31 pm. Ms. Jensen seconded the motion. All voted in favor; the motion passed 4-0.

Respectfully submitted by Vanessa Price