

**Town of Windham, Vermont**  
**Board of Civil Authority (BCA)**  
**Site Inspection Report**

The BCA inspection of Erik Mialkowski's property occurred on July 15<sup>th</sup>, 2024. The property is located at the intersection of Windham Hill Road and Harrington Road. The BCA inspectors were John Hoover, Kord Scott, and Phil McDuffie. Al Coonradt, the appraiser who prepared the contested appraisal was also present, as was Erik. The inspectors viewed the property to determine the number of permanent structures on it, walked around the perimeter of the home, inspected the first and second floors of the residence, and inspected the cellar crawl space (partial basement) as observed from an outside access panel located on the north side of the home.

There was no communication between the BCA inspectors and Al concerning the property. Erik answered three questions for the inspectors: He indicated:

- 1) The masonry fireplace was nonfunctional, owing to the damage from the tornado that he testified to at the first hearing,
- 2) What appeared to be a broken section of a cement foundation in the cellar dirt floor is indeed part of the foundation that the house slipped off of during the tornado.
- 3) That the wood stove in the cellar was also nonfunctional, due to the movement of the house during the tornado.

The property surrounding the residence is overgrown with vegetation that doesn't appear to have been mowed thus far this year. There is no landscaping or orchards. There are six (6) permanent structures on the property. The residence, a timber frame barn (large shed) on the other side of Harrington Road from the residence, three smaller storage sheds on the west side behind the residence, and what appears to be a damaged aluminum trailer, also across Harrington Road. The larger barn (shed) appeared old, but intact, and had material stored in it. The three storage sheds behind the house appeared dilapidated. The trailer appeared significantly damaged and likely not functional. None of the structures outside of the residence were inspected.

The outside of the residence appeared to be in relatively good condition with respect to the siding and windows. No defects to the foundation were observed with the exception of the northeast corner of the residence where the external part of a foundation that was built with brick and mortar showed some cracks on the surface. The exact nature of the foundation is unknown, and it could be a hybrid of the original foundation, as well as poured concrete that may have been added to address settling issues over time. There was some masonry finishing work on a small area of the foundation on the back of the house that hadn't been completed. There is an attached wooden deck on the north side of the residence with stairs leading down to the ground and a door leading to the house. Access to the deck via the outside stairs was impeded by debris. The structural integrity of the deck is unknown, but questionable from its appearance.

The first floor of the residence is an open plan with a dining area, a kitchen including a relatively large pantry, a large living room and a bathroom. The kitchen appears to be functional, but the woodwork, finishing and trim work appear worn and in need of refurbishing. The kitchen floor is

constructed of painted lumber and the wide-plank pine floor in the living room appears to be the original flooring from the time the house was built and looks to be in relatively good condition. The hearth in front of the masonry fireplace that is in the living room is noticeably tilted with respect to the floor and may have shifted during the tornado event. In general, the walls and trim work downstairs are finished and painted, but also appear to be dated, faded and worn. The downstairs bathroom has an old wall-mounted porcelain sink, a flushing toilet, and a nonfunctional pre-built shower stall that appears to be used for storage. There is a standing wood stove in the living room that apparently replaces the fireplace. Wooden stairs from the living room lead up to the second floor.

The second floor has two bedrooms (one of which has a large walk-in closet), a small alcove with steep stairs that lead up to an insulated cover that seals the attic access opening, in addition to what appears to be a combined utility/bathroom. The attic was not inspected. The bath/utility room contains a washer and dryer, a double vanity with sinks, a small shower stall, and a flushing toilet. There is an old-fashioned bathtub in the room, but it appears to be nonfunctional and is currently used as a storage bin. The floors upstairs are painted plywood. The walls upstairs are largely unfinished sheetrock, and it appears that much of the upstairs is still undergoing wall and sheetrock repairs to address the shifting and the still observable misalignments of surfaces that likely resulted when the house was pushed off from at least part of its foundation during the tornado.


The partial basement was observed from the outside of the house. It had a very low ceiling, a dirt floor with a lot of residual foundation debris, as well as an electrical service panel. No furnace or boiler was observed, which leads to the opinion that the house is likely heated by wood stoves and possibly electric space heaters.

In conclusion, the exterior of the house appears to be intact, relatively new and in good shape compared to the rest of the house. The interior of the residence appears to be significantly dilapidated and in need of many repairs to the walls and built-in fixtures. The upstairs is largely unfinished, and the downstairs is in need of substantial refurbishment to the trim and finish of the walls, doors, etc. Observation of the misalignments of walls, floors, as well as the fireplace, leads to some level of speculation as to the structural soundness of the house.

Submitted to the BCA clerk on 01August2024



John Hoover, Justice of the Peace



Kord Scott, Select Board Chair



Philip McDuffie, Justice of the Peace