

DRAFT—NO LEGAL VALUE

Minutes

Board of Adjustment Meeting

December 17, 2020

As Chair of the Board of Adjustment of the Town of Strafford, Ashley Rowe opened the meeting by stating that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

The Chair then summarized the following announcements: There is no physical location to observe and listen contemporaneously to this hearing, which was authorized pursuant to the Governor's Emergency Order. The Board is utilizing Google Meet for this electronic hearing. In accordance with the Emergency Order, I (the Chair) am confirming that we (the Board of Adjustment) are:

a) providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means. We are using the Google Meet platform for this public meeting. All members of the Planning Board are able to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing +1 650-489-2862 using the assigned meeting code or by clicking on the website address: meet.google.com/enr-qffm-mzd.

b) providing public notice of the necessary information for accessing this meeting. We previously gave notice to the public of the necessary information for accessing this meeting, including how to access the meeting via Google Meet or telephonically. Instructions were posted on the website of the Town of Strafford at www.trafford.nh.gov. The application documents discussed tonight were made available to the public at the Town of Strafford Land Use Office.

c) providing a mechanism for the public to alert the public body during the meeting if there are problems with public access: If anybody has a problem they were directed to call or email eevans.trafford.nh@gmail.com.

d) adjourning the meeting if the public is unable to access the meeting: In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

After waiting for attendees to sign on, the Chair opened the meeting at 7:06 PM by taking roll call attendance. Members present were Ashley Rowe, Chairman, Lynn Sweet, Herman Groth, Terry Hyland, and Tim Reed, Ashley Leighton, and Jeffrey Sanita, Alternate members. All votes will be roll call votes. Dan Dupee was in attendance. Rich Hilow and Ray Bisson, interested parties for Case Number 424 were in attendance. Mr. Rowe noted that the next regular meeting of the Board will be Thursday, January 21, 2020. The Chairman noted that one regular member is missing this evening and designated Tim Reed as a voting member for this meeting. The Chairman noted that the application of Tobin Farwell has been postponed and then read the summary notice for the application before the Board this evening.

Case Number #424

Richard and Ginger Hilow are requesting a Special Exception under Article 1.4.1 K and a Variance to Article 1.4.1 Section K III (3) of the Zoning and Land Use Ordinances in order to construct a 24 foot by 24 foot one-story one-bedroom Accessory Dwelling Unit attached to a proposed new 24 foot by 42 foot detached barn and greenhouse to be located on the westerly end of their property located on Province Road,

to be served by a proposed new septic disposal system. The existing lot is non-conforming to current minimum lot size requirements and does not qualify for a detached ADU under Article 1.4.1 K III (3). The new barn and ADU would meet all structure setback requirements and the ADU would meet all other requirements under Article 1.4.1 K. (Location: 195 Province Road, Tax Map 8, Lot 53-1)

Ray Bisson of Stonewall Surveying presented the application. Richard Hilow, petitioner, was present.

Mr. Bisson shared the plans and explained the proposal. The Hilows purchased their property in 1994. They are proposing to construct an Accessory Dwelling Unit for Ginger Hilow's sister, who has been living with them. Stairs are an issue, and as the current home is a split level, there could be no avoiding stairs if an ADU was attached to the existing home. Rich Hilow would also like to relocate his shop out of the existing garage into a new barn and reclaim the garage for vehicles; Ginger Hilow is interested in creating some greenhouse space. Thus the current proposal is to construct a new barn/greenhouse and attach a ground-floor ADU to the new barn. They also propose to update the existing septic for the house and to expand the septic to accommodate the ADU. Mr. Bisson also noted that attaching an ADU to the existing home would cause problems because the ordinance requires an internal door, and an attached ADU would either need to be added to the garage end of the home, which would require going through the garage, as well as stairs, or the garage entry and driveway would need to be relocated around the existing well, and a new separate septic system for the ADU or added pump chamber would be required to be built on the easterly end of the lot. Attaching an ADU to the westerly side of the home would also require stairs and would only be accessible through existing bedrooms or by descending a flight of stairs and going through the furnace room in the basement.

Mr. Bisson turned to the criteria for variance and noted that current ordinances allow the construction of an ADU; the only issue is attachment. Under the ordinance, a detached ADU is only allowed if the lot area meets the minimum requirement of two acres. The Hilow's lot is 1.56 acres in area and conformed with zoning at the time of subdivision. The proposed new structure would meet all setback requirements. Mr. Bisson noted that the location of the existing septic system, well, and issues with where and how an ADU could be attached to the house, as well as the expense of relocating major parts of the existing home, driveway, and septic are all elements of hardship. As a result, they are proposing the detached ADU and updated septic disposal system in the same location as the existing system.

The Chairman asked if Board members had any questions. Tim Reed asked about water supply—Mr. Bisson indicated that the ADU would share the well. Mr. Rowe asked if they had spoken with the Road Agent regarding a driveway permit for the proposed second driveway access for the barn. Mr. Bisson indicated that they were waiting for the meeting with this Board, although he noted that when he completed the survey, the proposed driveway opening did seem to meet requirements. Mr. Rowe noted that he was concerned about drainage and that he would want any decision to be conditional upon receipt of a permit for the driveway to be sure that there was no need to reroute the drive to another location. Lynn Sweet noted that she agreed regarding the driveway permit, and then asked if the proposed septic system upgrade design had been approved by the state. Mr. Bisson indicated that the design had been completed by a licensed designer but has not yet been sent to the state for approval. He said that the ADU would have its own tank which would then connect to the updated leach field. Mr. Rowe said that it looks as if things have been worked out, but noted that he would want any decision to also be conditional upon the system getting approved by the state. Herman Groth said that he had no questions. He said that he knows the site and thinks that there will be enough visibility for the proposed driveway, although it may need a driveway culvert. He said that he likes the detached ADU proposal and thinks that it may be aesthetically better located in the barn. Mr. Rowe noted that the new structure meets all setbacks and that the proposed septic system meets lot loading requirements. He said that he feels that the intent of the regulation regarding detached ADUs is to prevent overcrowding on small lots. Here everything will be sited nicely and the proposal meets other setback requirements. Herman Groth noted that he thinks that detached ADUs are also safer. Mr. Rowe asked if they intend to construct the new septic, and Mr. Bisson indicated that if they construct the ADU, the septic will need updating.

The Chairman then opened the public hearing. There were no comments. The Chairman then closed the public hearing. Lynn Sweet asked Mr. Hilow if the neighbors had commented. He replied that they had

talked to the neighbors and believed that both were okay with the proposal. They just had not spoken to the landowner across the road (Steve Leighton). There were no additional comments or questions.

The Chairman indicated that he would accept a motion on the Special Exception to allow the construction of an ADU. Lynn Sweet so moved; Tim Reed seconded the motion:

To grant the request for Special Exception to allow the construction of an Accessory Dwelling Unit at their property to be served by a proposed new septic disposal system.

There were no additional comments and the Chairman called the vote. The vote went as follows: Lynn Sweet—aye, Herman Groth—aye, Terry Hyland—aye, Tim Reed—aye, and Ashley Rowe—aye. The Special Exception was approved by unanimous vote.

The Chairman then said that he would look for a motion on the request for Variance. Terry Hyland made a motion as follows:

To approve the Variance with the condition that the applicants receive a Town of Strafford driveway permit for the proposed second driveway at the location indicated on the plans.

Lynn Sweet seconded the motion, adding the further condition that the proposed septic system upgrade design receive State of New Hampshire DES approval. Herman Groth then seconded the proposed amendment to the motion. There was no further discussion and the Chairman called the vote. The vote on the proposal went as follows: Lynn Sweet—aye, Herman Groth—aye, Terry Hyland—aye, Tim Reed—aye, and Ashley Rowe—aye. The Variance was approved by unanimous vote. The Chairman indicated the automatic 30-day appeal period for Board decisions.

The Chairman asked Board members if there was any other business. Terry Hyland asked if all ADU applications go through the Board, and Mr. Rowe indicated that they do; Mr. Hyland then asked if the 750 square foot maximum square footage refers to the footprint of the building or living space, and asked if an associated garage would count toward the footprint. Mr. Rowe replied that the Board has always considered the square footage requirement to refer to living space and noted that the Board has requested that people provide dimensions in some cases. There being no further business, Lynn Sweet made a motion to adjourn the meeting. Tim Reed seconded the motion. There was no further discussion and the vote went as follows: Lynn Sweet—aye, Herman Groth—aye, Terry Hyland—aye, Tim Reed—aye, and Ashley Rowe—aye. The vote was unanimous in the affirmative. The meeting adjourned at 7:27 PM.