

# Minutes

## Zoning Board of Adjustment Meeting

**Location:** Strafford Town Hall Conference Room

**Date & Time:** August 19, 2021 7:00PM

**Board Members Present:**

Ashley Rowe – Chairman

Alison Brisson – Vice Chairman

Aaron Leff

Terry Hyland

Herman Groth

Ashley Leighton - Alternate

Jean Chartrand-Ewen - Alternate

Charlie Burnham - Alternate

Lynn Sweet - Alternate

The Chairman called the meeting to order at 7:00PM, indicated the closing date for new applications for the September 16<sup>th</sup> meeting would be August 26<sup>th</sup>, and recognized the board members present. He asked if anyone had a chance to look over the minutes from the last meeting and if anyone had any changes. There being none, he asked for a motion to accept them as written. Aaron moved to accept and Alison seconded the motion. All members voted in the affirmative.

Continuing business:

The Chairman read for the record Case #427: Equitable Waiver of Dimensional Requirements – Nathan Gagne - 115 Back Canaan Road, Tax Map 4, Lot 95-2. Applicant is requesting an Equitable Waiver of Dimensional Requirements under NH RSA 674:33-a for a garage and a barn under construction on his property. Foundations for both structures come closer to the northwesterly side boundary than the 25 foot setback required by current ordinances. Applicant has requested a continuance to September meeting. He called for a motion to accept the request. Alison made the motion and it was seconded by Aaron. When put to a vote, all members voted in the affirmative.

The Chairman read for the record Case #428: Request for 4 Variances and 1 Special Exception - 7 Fire Road 15, Tax Map 31, Lot 2. Tobin Farwell is requesting multiple Variances and a Special Exception in order to construct a 20 foot by 40 foot 2-story addition to an existing non-conforming structure and to construct a new septic disposal system on a non-conforming .24 acre lot on the shore of Bow Lake. (1) The applicant is requesting a Variance to Article 1.4.4, Section 3 of the Zoning and Land Use Ordinances in order to construct an addition extending to within approximately 40 feet of the Bow Lake at its closest point, which is up to 10 feet closer than current ordinances allow. The existing structure and deck come within approximately 14.5 feet of Bow Lake at the closest point. (2) The applicant is requesting a Variance to Article 1.4.1 C of the Zoning and Land Use Ordinances: the proposed addition would come within approximately 5.8 feet of the northwesterly side boundary at its closest point, which is up to 19.2 feet closer to the side boundary than current ordinances allow. (3) The applicant is requesting a Variance to Article 1.4.1 B: the proposed addition would come within 11.1 feet of the front boundary with Fire Lane 15, which is up to 28.9 feet closer to the front boundary

than current ordinances require, but no closer to the front boundary than the existing structure. Applicant has requested to continue to September meeting. He called for a motion to accept the request. Alison made the motion and it was seconded by Terry. When put to a vote, all members voted in the affirmative.

Having addressed the above, the chairman indicated he had spoken with the town counsel regarding the proper procedure to deny requests for continuance. Counsel indicated this to be sort of a grey area. The board cannot limit the amount of continuances, but can send a letter to the applicant indicating if they do not show up at the next meeting, the board will dismiss their application. If this is what the board decides to do regarding case 427, the Chairman will have Natalie draft a letter to the applicant. The Chairman indicated the case had been in continuance for four months. Herman expressed concern regarding applicants capability to provide evidence of progress on short notice. The Chairman indicated the applicant only needs to appear at the next meeting and provide an update to avoid case dismissal. The possibility of an appeal to a dismissal was questioned, and the Chairman noted the impression he got from the town counsel indicated an appeal would not be an appropriate or acceptable response to an application dismissal. Jean asked what the drop-dead date for case updates to be considered at the next board meeting. The Chairman indicated this to be somewhat of a grey area. The RSA indicates 21 days prior to a meeting for new applications, but not for updates for continuing cases. Update submittal timing is up to each board to determine. The 21 day requirement following a board meeting to provide an update does not give an applicant time to complete required actions (eg. site survey, etc.) before the next meeting. The Chairman indicated it has been the board's policy to require updates to be submitted no less than one week prior to a ZBA meeting. Jean also questioned whether or not a plot plan obtained as an abutter would be helpful to the applicant's case with respect to water concerns. The Chairman having asked about the date on the plan indicated anything generally over five or six years old would not be accepted. Charlie suggested a walk-through of the property would be helpful to provide the board with additional information about wet areas. The Chairman noted that setbacks from property lines was also important and any further action by the board would be preceded by the applicant showing up at a meeting. The Chairman asked for any further comments regarding this case and, there being none, concluded by indicating he would have the attorney work with Natalie to draft a letter to the applicant.

The Chairman inquired whether anyone had any further business. Lynn Sweet mentioned that Jean had attended a class on Zoning Amendments and shared her documents. Lynn indicated she had forwarded them onto the other ZBA board members and to Charlie Moreno and Phil Auger to share.

There being no further business, Aaron made a motion to adjourn the meeting which was seconded by Alison, and voted upon. The meeting adjourned at 7:14PM.