

# Minutes

## Zoning Board of Adjustment Meeting

**Location:** Strafford Town Hall Conference Room

**Date & Time:** September 16, 2021 7:00PM

**Board Members Present:**

Ashley Rowe – Chairman	Voting
Alison Brisson – Vice Chairman	Voting
Charlie Burnham – Alternate	Voting
Jeffrey Sanita – Alternate	Voting
Lynn Sweet – Alternate	Voting

The Chairman called the meeting to order at 7:09PM, indicated the closing date for new applications to be filed for the October 21, 2021 meeting would be September 30, 2021, and recognized the board members present. Due to the absence of regular voting Board members, he appointed as voting members Lynn Sweet, Jeffrey Sanita and Charlie Burnham.

**Continuing business:**

***Case #428: Request for 4 Variances and 1 Special Exception - 7 Fire Road 15, Tax Map 31, Lot 2.***

The Chairman read for the record: 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. He indicated that a request for continuance had been received and asked for a motion. Lynn Sweet moved to grant the continuance which was seconded by Charlie Burnham. The Board voted unanimously in the affirmative and the motion passed.

***Case #427: Equitable Waiver of Dimensional Requirements – Nathan Gagne - 115 Back Canaan Road, Tax Map 4, Lot 95-2.***

The Chairman read for the record: Nathan Gagne 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. The garage foundation comes within 6.53 feet of the westerly boundary and the barn foundation comes within 12.31 feet of the northwesterly boundary. Foundations for both structures come closer to the westerly/northwesterly side boundaries than the 25-foot setback required by current ordinances. The property is located at 115 Back Canaan Road, Tax Map 4, Lot 95-2.

Nathan Gagne addressed this Equitable Waiver request. He indicated he made a mistake in placing the barn foundation too close to property boundary, but was not trying to break any laws. He misunderstood definitions and thought mortgage plot plans and certified plot plans would be the

same. He used the mortgage plot plan, which turned out to be incorrect. He discovered this after completing the foundation work. This was a new property for him, and he also relied on the timber cut line to indicate the property boundary. He indicated financial reasons for requesting an Equitable Waiver.

The Chairman ask the Board for comments. Lynn Sweet expressed concern that approving this wavier would set a precedent for next person to use "I didn't know the requirements" as justification for a waiver. The Chairman referenced RSA guidelines that clearly indicate in order to grant an Equitable Waiver one must take the necessary steps to do due diligence to make sure this kind of problem would not be created. He concluded that Mr. Gagne did not take proper steps, such as, hiring a surveyor or have a concrete plan done prior to beginning construction. Charlie Burnham agreed that conditions presented did not meet requirements for an Equitable Waiver.

The Chairman opened the meeting up for public comment:

Joe McGann, 131 Back Canaan Road, abuter, indicated that it is the property owners responsibility to know their property boundaries and understand buiding requirements. He expressed sympathy for his neighbors situation, but felt it was his own fault. He believed granting a waiver would set a precedent and that he was not in favor of the Board granting one.

Jean Chartrand, 103 Back Canaan Road, expressed concern about the building placement with respect to wetlands and appropaiate set backs from them. There is a lot of water on the property which hasn't been properly surveyed as to its location.

The Chairman asked Dave Copeland, Strafford Building Inspector, to provide the sequence of events leading up to this point. Dave stated the property had been for sale for quite a while. After Mr. Gagne bought the property, he met with him and issued a building permit contingent upon the need to get a certified plot plan showing building setbacks.

There being no further discussion, the Chairman called for a motion. Charlie Burnham moved that the Equitable Waiver should be denied since the criteria for the waiver had not been met. Lynn Sweet seconded the motion and all Board members voted in the affirmative. The Equitable Waiver was denied.

The Chairman explained the difference between an Equitable Waiver and a Variance to Mr. Gagne. Lynn Sweet pointed out that Mr. Gagne only had a variance request on file for wetland consideration. He had not submitted application for a setback variance. The Chairman suggested addressing any variances at the next meeting, and with the assistance of Board members, outlined the following site plan requirements:

- Abuter names, acreage and structure locations.
- Deliniate acreage for building site.
- Deliniation and certification of all wetlands/streams at the front of the property and distances from building site.
- Building elevations.
- Correct setback lines depicted.

- Any other requirements for site plans as specified in town zoning ordinance.

A question was raised by Dave Copeland as to whether or not Natalie Moles had been involved in the process. Mr. Gagne indicated she was involved, but more requirements were mentioned at this meeting than what Natalie had indicated. Lynn Sweet took exception to this and stated that Natalie's working notes specifically indicated what was missing on the site plan.

The Chairman advised Mr. Gagne to hire a surveyor or legal counsel to represent him before the Board. He indicated if a Variance is denied, another application for a Variance for the same reason cannot be accepted for consideration unless substantial changes have occurred. He asked Mr. Gagne if he wanted to request a continuance. Having answered yes, Lynn Sweet made a motion to grant the request to continue Case #429 during the October meeting. Jeffrey Sanita seconded the motion, all voted in favor, and the motion carried.

There being no further business, Lynn Sweet made a motion to adjourn the meeting which was seconded by Alison Brisson and voted upon with all members responding in the affirmative. The meeting adjourned at 7:43PM.