

# Minutes

## Zoning Board of Adjustment Meeting

**Location:** Strafford Town Hall Conference Room

**Date & Time:** February 17, 2022 7:00PM

**Board Members Present:**

Ashley Rowe – Chairman  
Alison Brisson – Vice Chairman  
Aaron Leff

**Others Present:**

Natalie Moles, Strafford Regional Planning Commission, Economic Recovery Coordinator  
Dave Copeland, Strafford Building Inspector  
Robert Fletcher, Minutes Recorder

The Chairman called the meeting to order at 7:05PM. He asked the Board members present if they had reviewed the minutes of the January 20, 2022 meeting, and all indicated they had. The Chairman called for a motion to accept the minutes as written, which was so moved by Aaron Leff and seconded by Alison Brisson. With all Board members voting in the affirmative, the motion carried.

Dave Copeland, Strafford Building Inspector, requested the opportunity to address the Board about his concerns with the upcoming Town Warrant Article regarding changes to the Town Ordinance for Structures and Buildings. The proposed changes to Definition of Structures included generators and storage tanks (ie., propane tanks) which, in certain circumstances, might require residents to appear before the Zoning Board for a Variance. He felt this would place an extra financial burden on residents, especially those wanting to covert from oil heat to propane heat. To date, he had not been allowed to address his concerns with the Planning Board. The Chairman indicated that the Zoning Board had also addressed these concerns with the Planning Board last year. At this point, it was out of the hands of the Zoning Board which is tasked to enforce the rules implemented by the Planning Board.

**Continuing Business**

The Chairman stated that Case #432: Robert and Priscilla Wilcox Request for Variances (Lakeshore Drive, Tax Map 35, Lot 4) had been withdrawn.

**New Business**

The Chairman stated the Case #433: Steven Laro, Trustee of the Steven R. Laro Revocable Trust of 1997 and John Copher, Trustee of the John W. Copher and Jeanette B. Copher Revocable Living Trust Appeal to an Administrative Decision (Lake Shore Drive, Tax Map 35, Lot 4; property owned by Robert and Priscilla Wilcox) was considered moot due to the withdrawal of Case #432.

**Case #434: Request for Variance - Kenneth and Stacy Whelan, 457 Roller Coaster Road, Tax Map 7, Lot 31.**

The Chairman read for the record: Kenneth and Stacy Whelan are requesting a Variance to Article 1.4.1, Section C of the Zoning and Land Use Ordinances in order to demolish an existing structure and construct a new 28 foot by 26 foot, 3-bedroom home with a 6 foot by 22 foot porch on an existing non-conforming lot. The new structure would come within 23.2 feet of the northeasterly side boundary and within 14.3 feet of the rear boundary, which is up to 1.8 feet closer to the side boundary and up to 10.7 feet closer to the rear boundary than current ordinances require. The property is located at 457 Roller Coaster Road, Tax Map 7, Lot 31. The Chairman asked the applicant's representative to present the case.

Christopher Berry, of Berry Surveying and Engineering, began by indicating the proposed Plan had been changed from a three bedroom home to a two bedroom home with no bearing on the request for a Variance. He described the location of the property which contains a mobile home structure, various out-buildings, and two driveway cuts to the property. The property contains no wetlands; however, an off-site cemetery requires disturbance to the ground to remain outside of the 25 foot buffer per the applicable RSA. The Plan proposes the removal of the mobile home and out-buildings, a new well location, and new septic system. The proposed placement of the structure removes all the Lot non-conformance except the Lot Line setbacks.

Mr. Berry asked the Board if there were any questions, and there being none, addressed the criteria to be met in order for a proposal to qualify for the granting of a Variance.

- Granting the Variance would not be contrary to the public interest since the proposed Plan would improve non-conformance of an aged lot while maintaining its a rural nature. Additionally, removal of existing structures would provide visual enhancement of the property.
- The spirit of the Ordinance would still be observed due to the revitalization and enhancement of the site and improved Lot non-conformance.
- Granting the Variance would provide substantial justice since the proposed Plan enhances an aged lot and allows the Applicant to "build anew" with a structure that meets all current building codes and improves Lot non-conformance. As a result, the gains to the Applicant outweigh the detriment to the Ordinance.
- The values of surrounding properties will not be diminished as a result of granting the Variance. An increase in property values would most likely be the result of the proposed Lot enhancements and construction of a new permanent structure.
- The proposed use of the property is reasonable in that it allows the Applicant to use and reside on a previously non-conforming Lot of Record. Variance denial would result in an unnecessary hardship by limiting use and redevelopment of the property by the Applicant.

The Chairman questioned the architectural plans before the Board that reflect a three bedroom structure while Mr. Berry indicated the proposal of a two bedroom structure. Mr. Berry confirmed the plans had been updated to reflect a two bedroom structure with the third bedroom designated as office space with no closet.

The Chairman opened the meeting for Public comment at 7:22PM.

Jo Ann Brown, 498 Province Road, expressed her opinion that a two bedroom home would be more appropriate for the property than a three bedroom home, and it was the only objection she had to the proposed Plan.

The Chairman indicated that the site would not be able to support three bedroom loading, and he believed the Board did not have the authority to dictate the use of a third room designated as office space. He would, however, ensure approval of the Variance would reflect the requirement for the structure to be limited to two bedrooms.

There being no further Public comment, the Chairman closed the meeting to Public comment at 7:23PM.

The Chairman questioned the two driveway access points on the Plan and whether any consideration had been given to eliminating one of them. Mr. Berry indicated that it had been discussed with the Applicant who he expected would only want one access point, but preferred to allow the site developer to determine which access would be better. The Board had no further questions.

The Chairman asked for a motion to approve the granting of the Variance with the conditions to limit the structure to two bedrooms and NH DOT approval of the driveway configuration which was so moved by Aaron Leff and seconded by Alison Brisson. All members of the Board present voted verbally in the affirmative, and the motion passed.

There being no further business before the Board, the Chairman called for a motion to adjourn. Aaron Leff moved to adjourn, which was seconded by Alison Brisson, and all the Board members voted in the affirmative. The meeting was adjourned at 7:26PM.