

## **DRAFT – NO LEGAL VALUE**

### **Zoning Board of Adjustment Meeting Minutes**

**Location:** Strafford Town Hall Conference Room

**Date & Time:** January 19, 2023 7:00PM

**Voting Board Members Present:**

Ashley Rowe – Chairman

Aaron Leff

Katrina Labrecque

Scott Hodgdon

**Others Present:**

Autumn Scott, Strafford Regional Planning Commission, Regional Planner

Robert Fletcher, Minutes Recorder

The Chairman called the meeting to order at 7:05PM and indicated the closing date for new applications to be filed for the agenda for the regular February 16, 2023 meeting will be January 26, 2023.

The Chairman informed the Board that the minutes of the April 21, 2022 meeting had not been formally adopted by the Board. He asked for a motion to accept the minutes as written, which was so moved by Aaron Leff, seconded by Katrina Labrecque, and voted upon verbally in the affirmative by all Board members.

The Chairman recognized Board members Aaron Leff, Katrina Labrecque and Scott Hodgdon as present. He also recognized as present Autumn Scott.

#### **New Business**

Request for Variance-Christopher & Jeanne Mieszczanski, 233 Browns Pasture Rd, Tax Map 30, Lot 19. The Chairman indicated that a full Board was not present and asked the applicants if they wished to proceed or delay until a full Board would be present. The applicants chose to proceed.

The Chairman asked Autumn Scott to introduce the Case. She indicated that the application before the Board was a Request for two Variances; one to Article 1.4.1, Section C, Side and Back Yards, and a second to Article 1.4.4, Wetland Buffer Areas in order to allow removal of an existing structure and construction of a new structure. The current structure is non-conforming; however, the new structure will be more nearly conforming by increasing the wetland buffer and the distance to the lot side boundary.

The Chairman asked Tobin Farwell of Farwell Engineering Services to present details of the application. With reference to a Site Plan, Mr. Farwell described the property as a small lake lot with a well and a

two-bedroom septic system installed in 2014. The current two-bedroom house will be replaced by a two-story, two-bedroom house and will be constructed on nearly the same foot print as the current structure. In addition to the Variances, a Shoreland Permit would be required. He indicated the Site Plan needed to be updated with Shoreland notes regarding the post-development percentage of impervious area.

The Chairman asked if the Board had any questions. Katrina Labrecque asked if the new structure was two stories, and it was determined to be a one and one-half story structure. The Chairman asked if the intended use of the new structure was seasonal or year-round. Mr. Farwell responded that the applicants anticipated seasonal use but may transition to year-round use in the future. The Chairman informed the applicants that the septic system was only approved for seasonal use, and that any Variance approval would be contingent upon seasonal use. Year-round use would require a State approved septic system design for year-round occupancy. The Board addressed whether a two-story structure would encumber the view from a future structure on the lot across the street, and it was determined that a structure could not be located on that lot due to its use as a leach field for a neighboring lake lot.

The Chairman, noting that the two Variance Requests were similar, and with approval of the Board, allowed Mr. Farwell to choose to address together the criteria to be met in order for a proposal to qualify for the granting of a Variance. Mr. Farwell presented the following:

1. ***Granting the Variance will not be contrary to the public interest.***

This would allow a residential building of similar size to be placed in a more nearly conforming location.

2. ***The use contemplated by the applicant as a result of obtaining the Variance would or would not be consistent with the spirit of the Ordinance.***

The Ordinance allows for construction of a residential building. We need relief to construct any replacement building. The footprint is similar and we are adding a second story.

3. ***By granting the Variance, substantial justice would or would not be done.***

This would allow for a reasonable residential building in a residential zone. The height would conform to zoning. The location of the new house would be more nearly conforming.

4. ***There would or would not be a diminution in the value of the surrounding properties.***

This Variance would allow for a new residence increasing the value of the property and also the surrounding property.

5. ***Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship in that 1) there are or are not "special conditions" of the property that distinguish it from other properties in the area such that denial of the Variance would result in unnecessary hardship, 2) the relationship between the general public purpose of the ordinance and the specific application to this property is fair or no fair and substantial relationship exists, 3) the proposed use is reasonable, OR there are or are not special conditions of the property that distinguish it from other properties in the area such that there is not a reasonable use of the property without granting a Variance.***

The lot is very small with no reasonable area on the lot conforming to the setback requirements. The proposed orientation is similar and reasonable and more nearly conforming. Setback from an existing leach field must also be met.

The Chairman asked the Board if they had any questions or concerns. There being none, he opened the meeting for public hearing at 7:22PM, and there being no comments offered, closed the meeting to public hearing at 7:22PM.

The Chairman asked for a motion to grant both Variances as submitted contingent upon; 1) the Board receiving a Shoreland Permit that matches the plans submitted with the application, 2) receipt of a copy of the plans with the surveyor's signature, and 3) the plans being changed to reflect seasonal use only. Aaron Leff made a motion to grant both Variances with the above contingencies, which was seconded by Katrina Labrecque, and voted upon verbally in affirmative by all voting Board members. 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 Katrina Labrecque, and voted on in the affirmative by all Board members. The meeting was adjourned at 7:22PM.