

TOWN OF STRAFFORD

INCORPORATED 1820

NEW HAMPSHIRE

OFFICE OF THE CODE ENFORCEMENT

12 MOUNTAIN VIEW DRIVE STRAFFORD, NH 03884

## NOTICE OF DECISION – BUILDING PERMIT DENIED

NAME OF APPLICANT: Jason Hebert

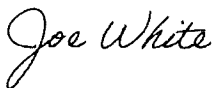
ADDRESS: 36 Barberry Lane Strafford, NH 03884

MAP#:36 LOT#:19

OWNER: Jason Hebert

Hello Jason,

This letter is to notify you that a building permit for your proposed project cannot be issued at this time. It was determined that you will need a Variance or Special Exception from the Zoning Board of Adjustment and/or Planning Board under the following sections of the Town of Strafford Zoning Ordinance: CHAPTER 1.4.1C



DATE: 1/11/2023

Thank you

Joe White

Town of Strafford NH

Building Inspector/Code Enforcement



## DEPARTMENT OF VETERANS AFFAIRS

February 22, 2023

Jason Bub Hebert  
8438 Lajitas Bnd  
San Antonio, TX 78254

In Reply Refer to:  
xxx-xx-5662  
27/eBenefits

Dear Mr. Hebert:

This letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to disabled Veterans to use in applying for benefits such as state or local property or vehicle tax relief, civil service preference, to obtain housing entitlements, free or reduced state park annual memberships, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter is considered an official record of your VA entitlement.

Our records contain the following information:

### Personal Claim Information

Your VA claim number is: xxx-xx-5662

You are the Veteran.

### Military Information

Your most recent, verified periods of service (up to three) include:

Branch of Service	Character of Service	Entered Active Duty	Released/Discharged
Air Force	Honorable	January 24, 2001	January 23, 2007
Air Force	Honorable	May 09, 2007	February 04, 2008

(There may be additional periods of service not listed above.)

### VA Benefit Information

You have one or more service-connected disabilities:

Yes

Your combined service-connected evaluation is:

60%



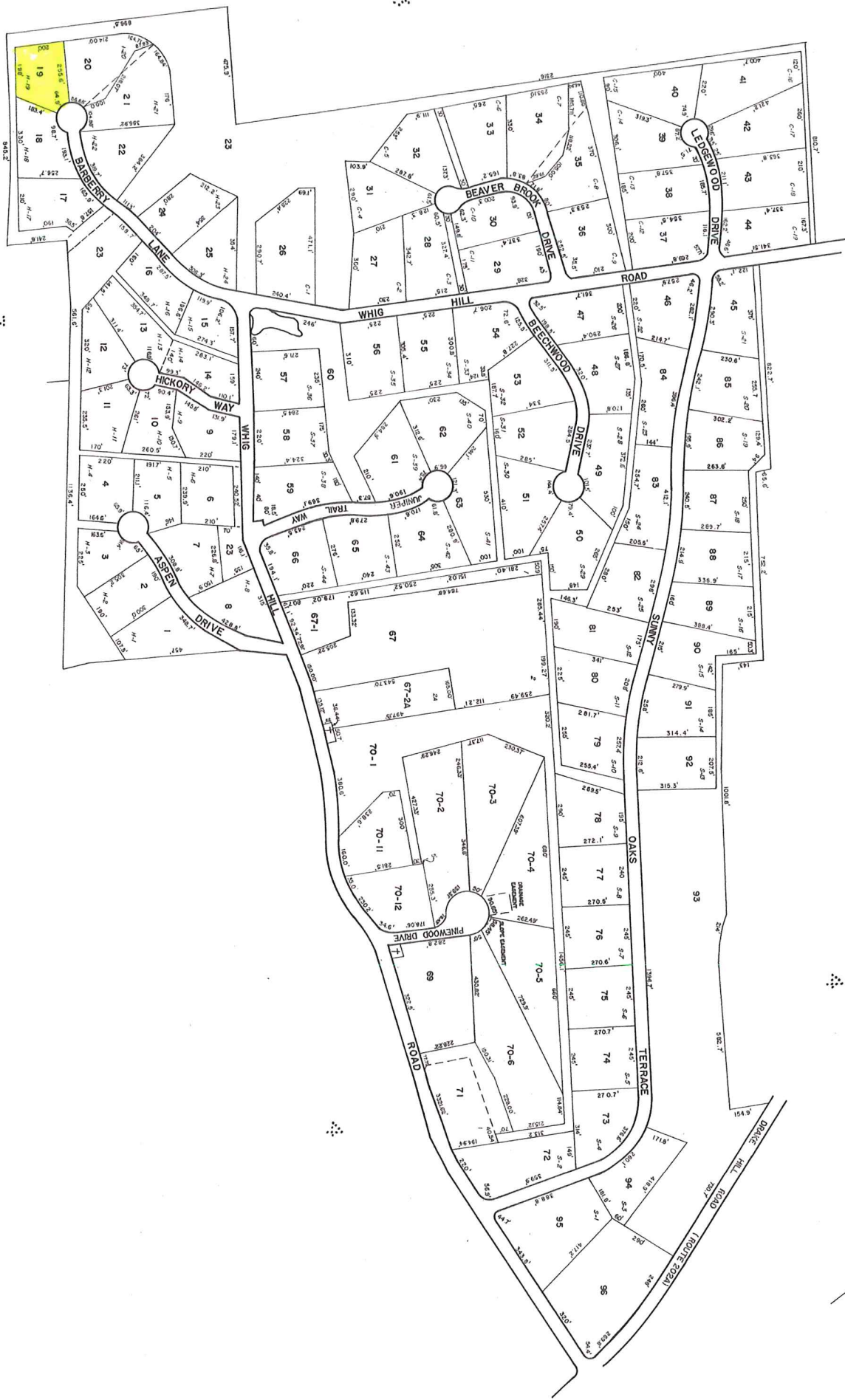




PARCEL NUMBERS ..... 2  
 ADJACENT MAPS .....  
 MATCH LINE .....  
 For Assessment Purposes  
 Not to be used for Conveyances

REVISED & REPRINTED BY  
 CA TECHNOLOGIES  
 LITTLETON, NEW HAMPSHIRE 03561

PROPERTY MAP  
 TOWN OF STRAFFORD  
 STRAFFORD COUNTY, NEW HAMPSHIRE  
 PREPARED BY  
 JAMES W. SEWALL COMPANY, OLD TOWN, MAINE  
 SCALE: 1 INCH = 200 ± FEET



ABUTTERS LIST:

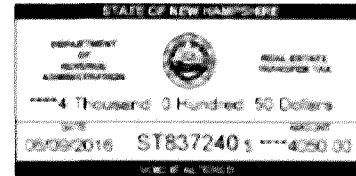
Justin Limberger  
Jamie Clavet  
45 Barberry Lane  
Strafford, NH 03884

Daniel A. Behl  
46 Barberry Lane  
Strafford, NH 03884

John Wentworth  
43 Barberry Lane  
Strafford, NH 03884

Wendy Prindle Grillo  
32 Barberry Lane  
Strafford, NH 03884

Return to:  
Jason Hebert  
44 Barberry Lane  
Strafford, NH 03884



## WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That **Adam Anthony** and **Rosemary Anthony**, husband and wife, of 44 Barberry Lane, Strafford, Strafford County, State of New Hampshire 03884, for consideration paid grant(s) to **Jason Hebert**, married, of PSC 103 Box 4904 APO AE 09603, APO 09603, with **WARRANTY COVENANTS**, the following:

A certain tract or parcel of land together with the buildings thereon, known as LOT H-19, situate at Whig Hill Estates, so called, in the Town of Strafford, County of Strafford and State of New Hampshire, as shown on a plan entitled, "Final Plan, Phase I, Whig Hill Estates, owner, David R. and Barbara L. Whitcher, Strafford Bow Lake, NH. Scale 1" = 50', July 1973, Frederick E. Drew Associates, Civil Engineers and Surveyors, Cherry Lane, Madbury, NH, sheet 2 of 2" recorded as Plan 42, Pocket 12, Folder 2 in the Strafford County Registry of Deeds, bounded and described as follows:

Beginning at a point on the northwesterly side of a cul-de-sac named Barberry Lane, Stafford, New Hampshire, as shown on said plan, thence along the southwesterly sideline of Lot H-20 N 39° 27' W a distance of 255.60 feet to a point on Greenbelt Reservation; thence S 49° 29' W along said Greenbelt Reservation a distance of 200 feet, more or less, to another point on the Greenbelt Reservation; thence S 35° 10' E along said Greenbelt Reservation a distance of 198 feet, more or less, to another point on the Greenbelt Reservation; thence N 78° 30' E along the northerly sideline of Lot H-18 to a point in the westerly side of said cul-de-sac; thence along the sideline of said cul-de-sac as it describes a curve to the right having a radius of 60 feet a distance of 64.98 feet to the point of beginning. Containing 51,200 square feet, more or less.

Together with a right of way to and from the above-described property over the roadway shown on said plan and the right or use in common with others entitled to use the same those areas designated on said plan as "Greenbelt Reservation." This conveyance is subject to Declaration of Property Rights, Restrictions and Conditions of Whig Hill Estates dated October 30, 1973, recorded in the Strafford County Registry of Deeds at Book 936, Page 487, which are incorporated herein by specific reference thereto.

Meaning and intending to describe and convey the same premises conveyed to Adam Anthony and Rosemary Anthony by virtue of a deed from Adam Anthony a/k/a Adam T. Anthony and Rosemary A. Anthony a/k/a Rosemary Anthony acknowledged September 18, 2007, recorded in the Strafford County Registry of Deeds at Book 3582, Page 582. Said deed was not dated. We confirm that we signed the above referenced deed on September 18, 2007, the same date as the acknowledgment.

Executed this 6 day of June, 2016.

  
Adam Anthony

  
Rosemary Anthony

State of New Hampshire  
County of Strafford

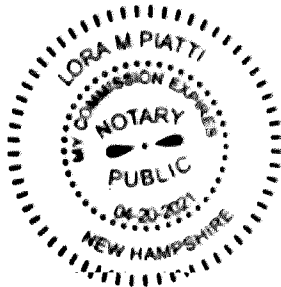
June 6, 2016

Then personally appeared before me the said Adam Anthony and Rosemary Anthony and acknowledged the foregoing to be their voluntary act and deed.



Notary Public/Justice of the Peace

Commission expiration: 4/20/21



**Town of Strafford**  
**APPLICATION TO THE BOARD OF ADJUSTMENT**  
**Variance**

Name of Applicant Jason B. Hebert  
Address 44 Barberry Lane, Strafford, NH, 03884  
Name of owner of property concerned Same  
(if same as above, write "same")  
Address of owner of property concerned Same  
(if same as above, write "same")

Location of property Whig Hill Estates  
Tax Map 36 Lot 19

Description of property Single Family Home, 3-bedroom, 2.5 bath, 2208 sq ft, 2-car garage underneath.  
Property is located on a cul-de-sac with a 25 foot greenbelt between 44 Barberry & 43 Barberry Lane.  
1.17 Acres. Rear boundary is 200 feet. Left side, north-east side boundary is 198 feet. Front, north-west  
boundary is 183.41 feet. Right side, south-west, boundary is 255.60 feet.  
(include use, acreage, length of front, side, and rear boundaries)

The following information must be filed with your application:

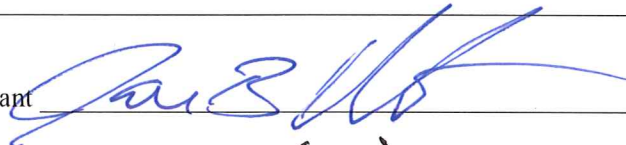
- ☒ List of abutters (including names and complete mailing addresses)
- ☒ Three sets of mailing labels for the owner, applicant, easement holders, all abutters, and any professional who has stamped the plans being submitted
- ☒ Accurate to-scale plan of property, including:
  - ☒ site location
  - ☒ area of site
  - ☒ parcel boundaries
  - ☒ abutting owners
  - ☒ significant natural features, i.e. ledge, etc.
  - ☒ stone walls, cemeteries, etc.
  - ☒ watercourses and/or wetlands
  - ☒ all buildings on site
  - ☒ proposed changes/additions to structures on site, or site of new construction
  - ☒ floor plans and building elevations
  - ☒ setbacks to front, side and rear boundaries, and to wetlands
- ☒ Copy of deed to the property
- ☒ Completed worksheet detailing how this variance request meets the criteria for variance

The undersigned hereby requests a variance to the terms of Article 1.4.1 Land Requirements  
Section C Side and Back Yards of the Zoning and Land Use Ordinances of the Town of  
Strafford, and asks that said terms be waived to permit Construction of a 24 foot by 24 foot, first floor,  
addition with a 4-foot crawl space underneath on the left, north end, of the home. The new addition would  
come within 15 feet of the notheasterly side boundary, which is up to 10-feet closer than the ordinance  
allows.



The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the Zoning and Land Use Ordinances, and thus constitutes an unnecessary hardship: The proposed use of the property is reasonable and Variance denial would result in an unnecessary hardship since planned land usage complies with current structure egress, the proposed addition does not infringe on abutter's property, and current pricing favors construction at this time. (See attached Five-Criteria Worksheet for additional information).

Signature of Applicant



Signature of Owner, if other than applicant (same)

Date February 28, 2023

ALL FEES DUE AT THE TIME THAT THE APPLICATION IS SUBMITTED. NO APPLICATION WILL BE PROCESSED UNLESS FEES HAVE BEEN PAID.

Application fee of \$250.00, plus \$175.00 fee for newspaper publication of notification of public hearing, plus fee of \$15.00 per letter for notification by certified mail as required under NH RSA 676:7.

For office use only:

Application and Fee received by \_\_\_\_\_

Date received \_\_\_\_\_

Fees paid & check number \_\_\_\_\_

## **Variance Worksheet**

### **Summary:**

I, Jason Hebert, am the owner of 44 Barberry Lane and I am requesting a Variance to Article 1.4.1, Section C of the Zoning and Land Use Ordinance, Town of Strafford, New Hampshire, in order to construct a 24-foot by 24-foot, first floor addition with a 4-foot crawl space underneath on the left, north end, of my existing conforming home. (Attachment 1 – Plot Plan). The new addition would come within 15 feet of the northeasterly side boundary, which is up to 10-feet closer to the side boundary than the ordinance allows. Front and rear setbacks would be met. The stated addition would not infringe on the adjoining property, and a professional contractor would construct the addition. While the current septic design contemplates a three-bedroom home, I would support a conditional variance approval contingent upon an approved four-bedroom septic design on file. (44 Barberry Ln, Tax Map 36, Lot 19).

### **Background:**

In 2000 I graduated Coe-Brown Academy and I enlisted in the U.S. Air Force, effective January 2001. I served 7-years on Active Duty, which included two deployments to the Middle East in support of Operations Enduring and Iraqi Freedom working as Security Forces and performing over 250 Protective Service Detail missions throughout the Middle East. My military service caused me to suffer from various injuries, most notable were the injuries to my knees resulting in a 60% disability rating from the Department of Veterans Affairs. (Attachment 2 –VA Disability).

In 2012 I graduated law school, then in 2014 I was sworn-in by the New Hampshire Supreme Court as a licensed NH attorney (Bar License #265834). In 2015 I returned to active-duty military service as an Air Force Judge Advocate General (Military Attorney). I am currently stationed at Randolph Air Force Base, San Antonio, Texas. I am married and we have three young children.

I am requesting the variance in anticipation of my impending return home from military service. I would like to add a first-floor addition containing a master bedroom, bathroom, and closet. The addition will be similar in size and structure to the existing conforming living room structure on the right, south side, of the home. (Attachment 3 – Photo of 44 Barberry Ln). The first-floor master bedroom will allow the avoidance of repetitive climbing between the first and second story, between the main floor and the bedrooms. Additionally, it would allow for sufficient space for my family by providing enough bedrooms for all occupants.

Lastly, if an in-person hearing before the ZBA is required, I respectfully request that it be scheduled for April, or later, to allow sufficient time to book a flight, and to schedule time off, to travel to Strafford for the hearing. Thank you.

### **Attachments:**

1. 24X24 Addition Plot Plan, prepared S.E.C. & Associates, Inc., 1-page
2. Department of Veterans Affairs 60% Disability Rating, 1-page
3. Photos of 44 Barberry Ln, Tax Map 36, Lot 19, **2**-pages
4. Deed, 1-page

**Five criteria must be met in order for a proposal to qualify for the granting of a variance. Please explain how your proposal addresses each of the following questions regarding these five criteria.**

**1) Explain why the granting of this variance would not be contrary to the public interest.**

Granting the Variance would not be contrary to the public interest since the proposed addition does not infringe on the abutter's property and the new construction is in line with the current house architecture, specifically, the addition will closely match the original structure. The proposed use (master bedroom, bath, and closet) does not conflict with the explicit or implicit purpose of the ordinance, and will not change the character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights" since it will continue to be used strictly as a single-family residential property.

**2) Explain why the use of the property contemplated by the applicant as a result of obtaining this variance would not be contrary to the spirit of the ordinance. Why would the spirit of the ordinance still be observed?**

The spirit of the Ordinance would still be observed since the proposed addition would only affect the side property line setback. All other setbacks are met. Moreover, the affected side property line abuts a 25-foot greenbelt that runs parallel between my home and 43 Barberry Ln, which is owned by Mr. John Wentworth. The addition would only be visible to Mr. Wentworth's property and he has indicated his support for the addition. The 25-foot greenbelt will ensure the appearance of the 25-foot setback, required within Article 1.4.1, thus upholding the spirit and intent of the ordinance. Lastly, the proposed addition will neither affect the health, safety, or general welfare of the community nor will it add congestion or other dangers.

**3) Explain how, by granting this variance, substantial justice would be done.**

Granting the Variance would provide substantial justice since the proposed addition allows establishment of first-floor master bedroom which will allow the avoidance of repetitive climbing between the first and second story. Additionally, it would allow for sufficient space for my family by providing enough bedrooms for everyone while increasing living space and storage. There will be no harm to the general public.

**4) Explain why the values of surrounding properties will not diminish as a result of the granting of this ordinance.**

The values of surrounding properties will not be diminished as a result of granting the Variance since new construction is in line with current house architecture and construction will be completed by a licensed contractor. Additionally, I take pride in my property and curb appeal and would not risk disturbing the beauty of our community. Whig Hill has been my home since I was young and I would never want to disrupt the quiet country living character of the neighborhood.

**5A) Explain the “special conditions” of the land that distinguish it from other properties in the area, such that denial of the variance would result in unnecessary hardship. How is the proposed use a reasonable one? How is your property unique such that no fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to your property?**

i. The proposed use of the property is reasonable and Variance denial would result in an unnecessary hardship since planned land usage complies with current structure egress, the proposed addition does not infringe on abutter's property, and current pricing favors construction at this time.

ii. In the alternative, if the ZBA does not find sufficient unnecessary hardship, I offer that the board need not find hardship at all. In accordance with NH Rev Stat § 674:33,V, the ZBA is authorized to grant variances to zoning ordinances for a person or persons having a recognized physical disability without finding hardship, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises. Since the proposed addition is in harmony with the general purpose and intent of the zoning ordinance and I will maintain the home as my fulltime/permanent residence, the ZBA is authorized to grant the variance. Meanwhile, denial of the variance would limit reasonable use of the property since I have a recognized disability which was incurred as a result of my active military service.

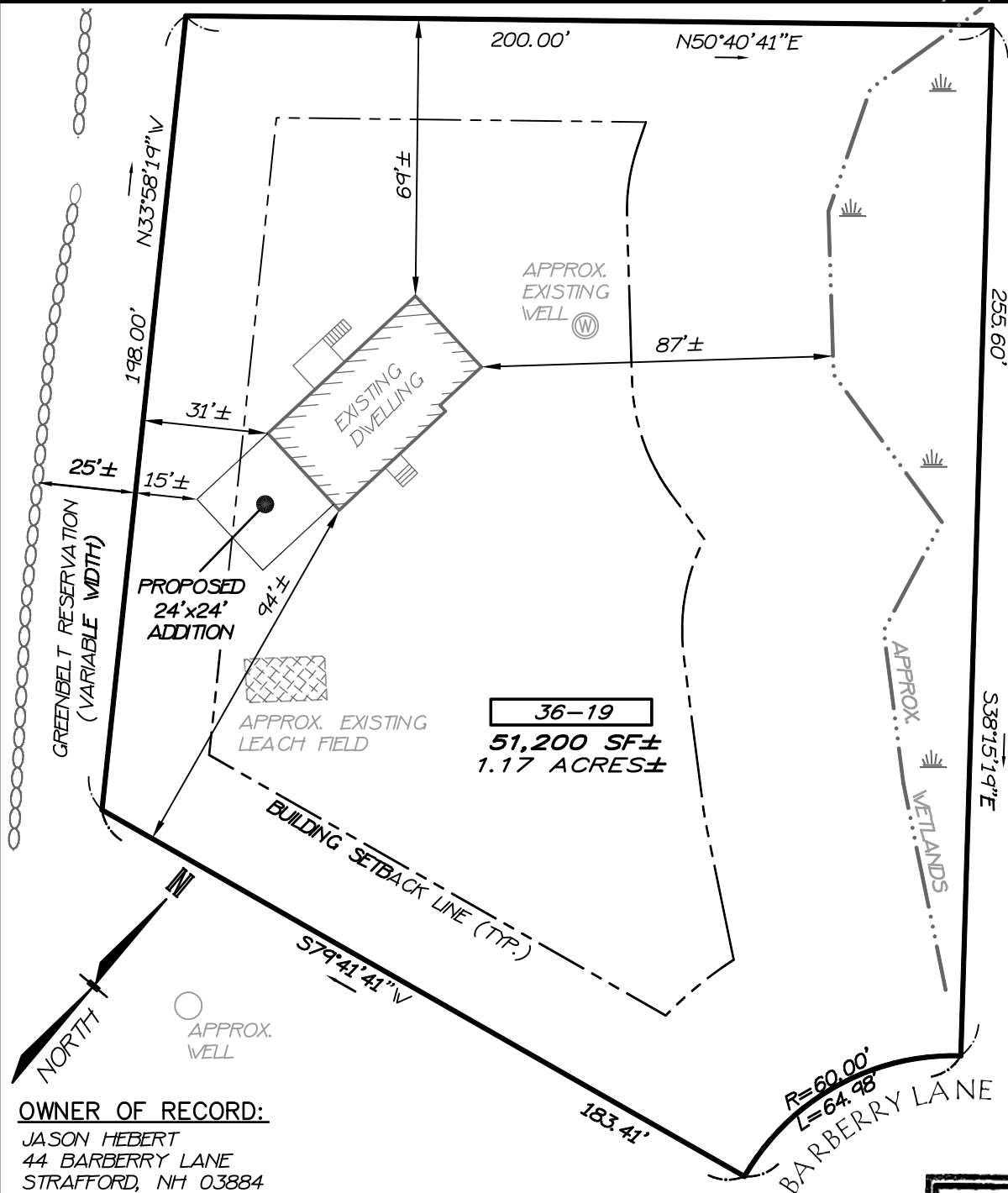
**5B) Explain how the “special conditions” of your property distinguish it from other properties in the area such that there is not a reasonable use of your property without the granting of a variance.**

Special conditions exist wherein the property does not have enough space in the rear, east side, to construct an addition which would comply with the required setback within Article 1.4.1, Section C of the Zoning and Land Use Ordinance. Additionally, there exists no reasonable alternative means to construct a first-floor master bedroom addition. As such, an alternative means for an addition is not available.



**PLOT PLAN**  
**S.E.C. & ASSOCIATES, INC.**

— **SURVEYING & ENGINEERING CONSULTANTS** —  
P.O. BOX 1337 — PLAISTOW, NH 03865 ☎ PHONE: (603)–382–5065  
~ SERVING N.H. & MA. ~ EMAIL: SEC@SECSURVEYING.COM



**OWNER OF RECORD:**

JASON HEBERT  
44 BARBERRY LANE  
STRAFFORD, NH 03884

S.C.R.D. DEED BK: 4388 PG: 0854  
S.C.R.D. PLAN 42 PKT12 FLDR 2

**TAX MAP 36 LOT 19**

#44 BARBERRY LANE  
STRAFFORD, NEW HAMPSHIRE

DATE: MAY 17, 2023 — SCALE: 1"= 40'

ZONED: AGRICULTURAL / RESIDENTIAL

FRONT SETBACK: 40'

SIDE / REAR SETBACK: 25'

WETLAND SETBACK: 50'

THE INTENT OF THIS PLAN IS TO SHOW  
AN ADDITION TO THE EXISTING DWELLING.  
EXISTING LOCATIONS ARE AS SHOWN ON  
"AS-BUILT PLAN FOR COBBLESTONE  
DEVELOPMENT CORP. TAX MAP 36 LOT 19  
BARBERRY LANE STRAFFORD, NH" DATED  
AUGUST 31, 2004 SCALE 1"=40'  
PREPARED BY JOSEPH M. WICHERT, L.L.S.,  
INC. THIS IS NOT A BOUNDARY SURVEY.

