

# Minutes

## Zoning Board of Adjustment Meeting

**Location:** Strafford Town Hall Conference Room

**Date & Time:** July 20, 2023 7:00PM

**Voting Board Members Present:**

Ashley Rowe – Chairman  
Aaron Leff  
Scott Hodgdon

**Non-Voting Board Members Present:**

Jean Chartrand-Ewen  
Charlie Burnham

**Others Present:**

Autumn Scott, Strafford Regional Planning Commission, Regional Planner  
Blair Haney, Strafford Regional Planning Commission, Regional Planner  
Robert Fletcher, Minutes Recorder

The Chairman called the meeting to order at 7:02PM, and recognized Board members Aaron Leff, Scott Hodgdon, Jean Chartrand-Ewen, and Charlie Burnham as present. He indicated the closing date for new applications to be filed for the agenda for the regular August 17, 2023 meeting is July 27, 2023, and the closing date for informal discussion items to be added to the agenda is August 15, 2023. He also reminded Board members that all votes will be roll-call votes.

### **New Business**

**Case #23-005:** The Chairman asked Autumn Scott to introduce the case. Applicant, Ryan Pitkin of 555 Strafford Road, is requesting a Special Exception under Article 1.4.1 K of the Zoning and Land Use Ordinances in order to construct a 504 square foot one-bedroom Accessory Dwelling Unit (ADU) on the second floor of an existing detached garage to be served by a proposed new septic disposal system. The existing lot (Tax Map 16, Lot 30-1) conforms to current minimum lot size requirements and qualifies for a detached ADU under Article 1.4.1 K III (3).

Chris Berry of Berry Surveying and Engineering, representing the applicant, addressed the Special Exception. The Pitkin's occupy the existing three-bedroom home on the lot and recently constructed a 36-foot by 36-foot detached garage. They propose construction of a one-bedroom ADU in the second story of the garage using kneewalls to reduce ADU square footage below the 750 square foot maximum. A new septic system with a 300 gallon per day capacity is adequate to handle increased loads, and the well radius of 75 feet is achieved without change. The ADU access is from an exterior stairs, and the statutory criteria to be met in order to grant a Special Exception is as follows:

- There is only one ADU proposed, and it is in a detached accessory structure.

- The lot is an existing conforming lot of record, and the structure being used for the ADU is a conforming accessory structure.
- The ADU will be equipped with a new effluent disposal system, and will be tied to the existing well.
- The ADU is proposed in a permitted garage structure that is congruent with residential use and aesthetics.
- Mr. Pitkin is the owner of the lot and single family home. The ADU is proposed for use by an aging family member.
- The ADU is proposed to be 504 square feet.
- The ADU is proposed to have only one bedroom.

The Chairman opened the meeting for public comments at 7:09PM, and there being none, closed the meeting for public comments at 7:09PM. The Board had no questions for the applicant. The Chairman asked for a motion to grant the Special Exception, which was so moved by Aaron Leff and seconded by Jean Ewen. All members of the Board voted verbally in the affirmative, and the motion passed.

**Case #23-006:** The Chairman asked Autumn Scott to introduce the case. The Bertha L. Huckins Revocable Trust and Donna Huckins are requesting a Variance to Article 1.4.1, Section B, Front Yard of the Zoning and Land Use Ordinances in order to allow an existing structure located on Map 11, Lot 4-3 to remain in place closer to the front boundary than current ordinances allow. A lot line adjustment and subdivision of Map 11, Lot 4 are being proposed at the southerly end of an existing private right-of-way accessing Lot 4-3. In order to meet subdivision requirements, the right-of-way for the proposed new lot would be extended across Lot 4-3, and would then come within 19 feet of the existing structure. The existing structure would then come up to 21 feet closer to the newly extended right-of-way than current ordinances allow.

Corey Colwell of TF Moran Land Surveyors, representing the applicant, addressed the Variance request. Currently, a ten-foot wide driveway off Hillside Drive, through an existing right-of-way, serves Lots 4-2 and 4-3, both with existing homes. The applicant proposes the creation of an additional lot (4-4) by extending the right-of-way and driveway approximately 347 feet to provided Lot 4-4 frontage and access. This requires widening of both the right-of-way and the driveway, which adjusts the front boundary of Lot 4-3 to less than the setback distance from a right-of-way to a structure as required by ordinance.

Mr. Colwell addressed the five criteria to be met for a proposal to qualify for the granting of a Variance as follows:

- Granting the Variance would not be contrary to the public interest because no public or private rights are affected, there is an existing driveway that when improved will enhance emergency vehicle access and turn-around, and the existing house within the 40-foot right-of-way setback does not adversely affect the beauty and rural appearance of the town.
- The spirit of the Ordinance would still be observed as indicated in the criteria above.

- Granting the Variance would provide substantial justice because the proposed driveway location is the least impactful option to access the proposed lot addition. Denial of the Variance would require additional curb cut, land clearing and disturbance to access the lot via a new and extremely long driveway.
- The values of surrounding properties will not be diminished as a result of granting the Variance because only one additional home is proposed, and the additional right-of-way and driveway to access Lot 4-3 will provide additional separation and buffer between the abutting property.
- The proposed use of the property is reasonable because it provides a permitted use of land for a residential building lot. A Variance denial would result in an unnecessary hardship because it would require the owner of the lot to create an alternate and expensive access route to the lot with substantial environmental impact.
- Variance denial would limit reasonable use of the property because it would not allow creation of one additional buildable lot on one of very few large parcels of land in the town, this one being approximately 300 acres.

The Chairman opened the meeting for public comments at 7:27PM, and there being none, closed the meeting for public comments at 7:27PM. He reminded the Board that although the application is before the Planning Board, the Zoning Board is only considering the granting of a Variance based on the merits of the five criteria. The Board discussed possible limitations to be imposed with the granting of the Variance, and if the applicant would be agreeable to limitations. As a result, the Chairman asked for a motion to grant the Variance with the limitation of no further extension of the right-of-way and no further encroachment of the right-of-way setback through a Variance to be allowed for existing house on Lot 4-3, which was so moved by Jean Ewen and seconded by Scott Hodgdon. All members of the Board voted verbally in the affirmative, and the motion passed.

**Case #23-007:** The Chairman asked Autumn Scott to introduce the case. Brian and Kelly Mackey are requesting a Special Exception under Article 1.4.1 K of the Zoning and Land Use Ordinances to construct a 570 square foot one-bedroom Accessory Dwelling Unit in the existing unfinished second story space above the attached garage area of their existing home. The existing home and garage meet all structure setback requirements and the ADU would meet all other requirements under Article 1.4.1 K.

Brian Mackey, owner of the property, addressed the Special Exception. He indicated that the current septic system is approved for a four-bedroom home. He and his family currently occupy the three-bedroom home, and the ADU will be a one-bedroom residence. Therefore, he believed the current septic system would be adequate to handle the additional load.

The Chairman advised Mr. Mackey that the State of New Hampshire counts an ADU as a bedroom and a half, which renders the current septic system as insufficient. In order to meet the criteria for a Special Exemption, an applicant must demonstrate that sewage requirements are met with a state approved septic design that satisfies proposed sewage loading. All other criteria for a Special Exception appeared to be met, and the Chairman suggested Mr. Mackey request a continuance to allow time to obtain an approved septic design. Mr. Mackey requested a continuance, and the

Chairman asked for a motion for continuance to the August 17, 2023, 7:00PM Zoning Board meeting, which was so moved by Aaron Leff and seconded by Jean Ewen. All members of the Board voted verbally in the affirmative, and the motion passed.

**Other Business:**

The Board members reviewed the minutes of the February 16, 2023, May 18, 2023, and June 15, 2023 meetings.

Aaron Leff made a motion to accept the February 16, 2023 meeting minutes as written, which was seconded by Jean Ewen, and voted verbally in the affirmative by all members of the Board. The motion passed.

Scott Hodgdon made a motion to accept the May 18, 2023 meeting minutes as written, which was seconded by Aaron Leff, and voted verbally in the affirmative by all members of the Board. The motion passed.

Aaron Leff made a motion to accept the June 15, 2023 meeting minutes as written, which was seconded by Scott Hodgdon, and voted verbally in the affirmative by all members of the Board. The motion passed.

The Chairman indicated the need for the Board to discuss Board member attendance. Recent meetings have not been attended by more than three Board members, and requires acceptance by applicants to proceed with a limited number of Board members present. Board members not interested in attending or missing multiple meetings need to be removed in order to allow appointment of replacement Board members. The Board will need to draft a policy regarding removal requirements and vote to accept the policy. Autumn Scott agreed to provide policy examples from other towns to help the Board draft a policy. Charlie Burnham offered the opinion that the requirement to elect members to the Board maybe limiting the placement of interested residents on the Board.

The Board also discussed the placement of conditions or limitations associated with the granting of a Variance. The Board agreed that conditions or limitations pertinent to a specific Variance request and within the spirit of ordinances would be appropriate, but should not be over stated nor unrelated. The Board also recognized the need to address changes to some ordinances to eliminate ambiguous guidance or requirements. The Chairman requested Board members think about possible changes to be addressed and discuss at future meetings.

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 Scott Hodgdon, and voted on in the affirmative by all Board members. The meeting was adjourned at 8:22PM.