

Zoning Board of Adjustment Meeting Minutes

Location: Strafford Town Hall Conference Room

Date & Time: September 21, 2023 7:00PM

Voting Board Members Present:

Ashley Rowe – Chairman
Aaron Leff
Katrina Labrecque
Scott Hodgdon

Non-Voting Board Members Present:

Jean Chartrand-Ewen
Charlie Burnham

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 October 19, 2023 meeting is Thursday, September 28, 2023.

The Chairman asked the Board members if they had reviewed the minutes for the August 17, 2023 meeting, and all indicated they had. Aaron Leff made a motion to accept the minutes as written, which was seconded by Jean Ewen and voted upon verbally in the affirmative by all Board members.

Continuing Business

Mackey Case 23-007: Brian and Kelly Mackey are requesting a Special Exception under Article 1.4.1K of the Zoning and Land Use Ordinances in order to construct a 570 square foot one-bedroom Accessory Dwelling Unit (ADU) 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 1.4.1K. (Location: 24 Pinewood Drive, Tax Map 36 Lot 70-3)

The Chairman asked Autumn Scott to introduce the case. Brian Mackey indicated that he obtained a NH DES approved four and one half bedroom septic design, the only outstanding issue identified at the July 2023 Zoning Board meeting. The Board determined that the request met all requirements for a Special Exception. The Chairman asked for a motion to approve the Special Exception, which was so moved by Aaron Leff, seconded by Scott Hodgdon, and verbally voted upon in the affirmative by all voting Board members. The motion passed.

New Business

Elliot Case 23-008: Zachary and Kristina Elliot are requesting a Variance to Article 1.4.4, Section 3 of the Zoning and Land Use Ordinances in order to allow a partially constructed building to remain in

place. The structure is located within approximately 10 horizontal feet of a designated wetlands area as shown on the 2016 subdivision plan, which is up to 40 feet closer to wetlands than ordinances require. (Location: 1050 Second Crown Point Road, Tax Map 19, Lot 1-1)

Autumn Scott introduced the case. The applicant requested a continuance to the October 19, 2023, 7:00PM meeting. The Chairman asked for a motion to accept the request for continuance, which was so moved by Jean Ewen, seconded by Aaron Leff, and verbally voted upon in the affirmative by all voting Board members. The motion passed.

Jackson Case 23-009: Julie Jackson, Trustee, is requesting a Special Exception under Article 1.4.1K of the Zoning and Land Use Ordinances in order to construct a 728 square foot 33 foot by 22 foot detached two-bedroom Accessory Dwelling Unit, to be served by a proposed new septic disposal system, to be located to the north of the driveway to the existing home. The new ADU would meet all structure setback requirements, and the new structure would meet all other requirements for a detached ADU under Article 1.4.1K. (Location: 1676 Province Road, Tax Map 1, Lot 18-2)

Autumn Scott introduced the case. Eric Mason indicated that the ADU would serve as a residence for an elderly family member. The Chairman confirmed the receipt of the application and a septic design which met all requirements for a Special Exception.

The Chairman opened the meeting for public comment at 7:12PM. David Perkins of 1719 Province Road asked a general question about the need for a Special Exception for an ADU. The Chairman indicated that statutes permitting ADUs allow the town to address through either a Special Exception by the Zoning Board of Adjustment or a Conditional Use Permit by the Planning Board.

The Chairman closed the meeting for public comment at 7:14PM, and asked for a motion to approve the Special Exception, which was so moved by Aaron Leff, seconded by Jean Ewen, and verbally voted upon in the affirmative by all voting Board members. The motion passed.

Jost Case 23-010: Charles and Mary-Lynn Jost are requesting a Special Exception under Article 1.4.1K and a Variance to Article 1.4.1K, Paragraph V(h) of the Zoning and Land Use Ordinances in order to construct an 806 square foot one-bedroom detached Accessory Dwelling Unit, to be served by a proposed new septic disposal system. The proposed ADU exceeds the maximum 750 square foot requirement of the ordinance in order for the construction to accommodate age-in-place disabilities of the applicants. The new ADU would meet all structure setback requirements, and the new structure would meet all other requirements for a detached ADU under Article 1.4.1K. (Owners: Todd & Margaret Jones, Location: 155 Perry Road, Tax Map 9, Lot 72-2)

The Chairman recused himself as a voting Board member and asked Aaron Leff to chair the hearing for the case, which was introduced by Autumn Scott. Margaret Jones indicated that the ADU would serve as a residence for her parents. Her father, Charles Jost, addressed the need for additional space to accommodate a mobility disability.

Aaron Leff opened the meeting for public comment at 7:18PM, and there being none, closed the meeting for public comments at 7:18PM. The application contains responses to the five criteria to be met for a proposal to qualify for granting of a Variance. Mr. Leff asked for a motion to approve the Variance, which was so moved by Jean Ewen, seconded by Scott Hodgdon, and verbally voted upon in the affirmative by all voting Board members. The motion passed.

The application met all the requirements for a Special Exception and included an approved septic design. Mr. Leff asked for a motion to approve the Special Exception, which was so moved by Jean Ewen, seconded by Scott Hodgdon, and verbally voted upon in the affirmative by all voting Board members. The motion passed.

Ashley Rowe resumed duties as Board Chairman.

Berry Case 23-011: Nicholas and Brittany Berry are requesting a Special Exception under Article 1.4.1K of the Zoning and Land Use Ordinances in order to construct a 28 foot by 24.5 foot one-bedroom Accessory Dwelling Unit at the northerly end an existing detached garage, to be served by a proposed new septic disposal system. The new ADU would meet all structure setback requirements, and the new structure would meet all other requirements for a detached ADU under Article 1.4.1K. (Location: 23 Lauriston Lane, Tax Map 3, Lot 24-3-2)

Autumn Scott introduced the case. Nicholas Berry indicated that the ADU would serve as a residence for his mother. The Chairman confirmed the receipt of the application and a septic design which met all requirements for a Special Exception. He opened the meeting for public comment at 7:23PM, and there none, closed the meeting for public comment at 7:23PM. The Chairman asked for a motion to approve the Special Exception, which was so moved by Scott Hodgdon, seconded by Jean Ewen, and verbally voted upon in the affirmative by all voting Board members. The motion passed.

Casey Case 23-012: Richard Casey, Michael Whitcher, Agent, is requesting a Variance to Article 1.4.1, Sections B and C, of the Zoning and Land Use Ordinances in order to reconstruct an existing non-conforming seasonal structure located on a non-conforming lot near the shore of Bow Lake as a new two-story home in the same location, which is an expansion of use of a non-conforming property. Both the existing seasonal camp and the proposed two-story year-round structure come closer to the front boundary and closer to both the northerly and southerly side boundaries than current ordinances require. The reconstructed home would come within 29+/- feet of the front boundary with Bow View Drive where a 40 foot setback would be required and within 12 +/- feet of the northerly side boundary and within 21 +/- feet of the southerly side boundary where a 25 foot setback would be required. (Owners: Richard & Karen Casey, 46 Bow View Drive, Tax Map 27, Lot 31)

Autumn Scott introduced the case. Michael Whitcher indicated that the existing foundation would be used to construct a two-story residence. The previously approved non-conformity would not be increased by the new construction; however, the use of the new structure would expanded to a year-round residence. At the request of the Chairman, Mr. Whitcher read the applicant's responses to the five criteria to be met for a proposal to qualify for granting of a Variance, which were submitted with

the application. He also confirmed that the new structure two bedroom capacity and roof overhangs would be the same as those of the current structure.

The Chairman opened the meeting for public comment at 7:30PM, and there being none, closed the meeting for public comment at 7:30PM. He asked for a motion to approve the Variance, which was so moved by Jean Ewen, seconded by Aaron Leff, and verbally voted upon in the 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 Scott Hodgdon , and voted on in the affirmative by all Board members. The meeting was adjourned at 7:32PM.