

Zoning Board of Adjustment Meeting Minutes

Location: Strafford Town Hall Conference Room

Date & Time: January 18, 2024 7:00PM

Voting Board Members Present:

Ashley Rowe – Chairman
Aaron Leff
Katrina Labrecque
Scott Hodgdon

Non-Voting Board Members Present:

Jean Chartrand-Ewen

Others Present:

Blair Haney, 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 15, 2024 meeting is Thursday, January 25, 2024. He recognized Board members Aaron Leff, Katrina Labrecque, Scott Hodgdon, and Jean Ewen as present.

Continuing Business

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)

Zachary Elliot indicated that he is working with Mark Jacobs and the State of New Hampshire to develop a plan to rectify the filling of 245 square feet of wetland area.

The Chairman stated for the record that a few days after the November 2023 Zoning Board meeting he and Mr. Elliot ran into each other at a gas station, and that there was no conversation about Mr. Elliot's case. He indicated that as Chairman he cannot make or second motions, and he only votes in the case of a tie vote by the Board.

The Chairman confirmed with Mr. Elliot that the location of the structure had not changed. Jean Ewen asked the applicant what he planned to do with the property after the wetland restoration. Mr. Elliot indicated he is in the process of cutting and sawing timber to construction a residence, but has not applied for a building permit.

The Chairman expressed two concerns regarding the proximity of the current structure to the wetlands:

1. The potential of the structure becoming a residence with a septic system, and;
2. The letter from an engineer stating that ten feet of grass and five feet of wetland plants are sufficient for overland filtration to protect the wetland area.

The Chairman disagrees with the engineer's assessment. Best management practices for soils and slopes for a meadow environment as present on this property requires about 100 feet of overland filtration. He suggested two conditions for wetland protection with the structure at its current location:

1. No Certificate of Occupancy issued for the current structure to ensure it remains a shed or a barn with no septic system.
2. Presentation of a stormwater management plan that offers adequate overland filtration, such as a larger area of wetland plants and a retention basin to allow additional filtration for contaminants from the structure.

The applicant requested a continuance to obtain a stormwater management plan. Jean Ewen made a motion for a continuance to the February 15, 2024 meeting, which was seconded by Katrina Labrecque and voted upon verbally in the affirmative by all Board members. The motion passed.

Candy Rand Snyder is requesting a Variance to Article 1.4.1, Sections B and C, of the Zoning and Land Use Ordinances in order to construct a new 25-foot by 24-foot garage which will be located closer to the front boundary and to the side boundary than ordinances require. On a corner lot, front yard setbacks are required to both Bow Lake Estates Road and Kooouakee Court. The proposed garage would come within approximately 8 feet of the applicant's property boundary, which would be up to 32 feet closer to the front boundary with Kooouakee Court than current ordinances require and may be up to 17 feet closer to the adjoining lot to the northwest than current ordinances require. (52 Bow Lake Estates Road, Tax Map 23, Lot 115)

The Chairman noted an issue with the application as presented. It references the property as a corner lot; however, the road bordering its boundary has been abandoned, and it is, therefore, no longer a corner lot. The Chairman recused himself and appointed Aaron Leff as chair to address the application.

Candy Rand Snyder presented plans prepared by Norway Plains Associates depicting the garage location and setback distances. The garage does not contain any livable area. Mr. Leff opened the meeting for public comments at 7:31PM, and there being none, closed the meeting to public comment. Jean Ewen made a motion to grant the Variance, which was seconded by Aaron Leff and voted upon verbally in the affirmative by all Board members. The motion passed.

Ashley Rowe resumed duties as Chairman.

Jeff and Emily Thornton are requesting a Special Exception under Article 1.4.1, Section K, of the Zoning and Land Use Ordinances in order to convert the upper level of their existing attached garage into a new one-bedroom Accessory Dwelling Unit. (849 Second Crown Point Road, Tax Map 19, Lot 72-2)

The Thorntons requested a continuance via email. They are working with a firm on a septic design. Aaron Leff made a motion for a continuance to the February 15, 2024 meeting, which was seconded by Scott Hodgdon and voted upon verbally in the affirmative by all Board members. The motion passed.

New Business

Case #23-016: Alan Williams is requesting a Special Exception under Article 1.7.1, Non-Conforming Use, in order to replace an existing deck between his existing house and garage with a new enclosed breezeway, and to expand the existing rear deck. Both the existing home and garage are non-conforming; the house and garage come closer to the front boundary than current ordinances require, and the existing back deck comes closer to the shoreline of Bow Lake than current ordinances require. The additional area of the proposed construction projects will meet all setback requirements and will not increase the non-conformity of the existing house and garage. (67 Bow View Drive, Tax Map 27, Lot 24)

Alan Williams referenced the plan previously submitted to the Board and confirmed receipt of a Shoreland Permit. The Board reviewed and briefly discussed the plan. Aaron Leff made a motion to approve the Special Exception, which was seconded by Jean Ewen and voted upon verbally in the affirmative by all Board members. The motion passed.

Other Business

The Chairman asked the Board to review the minutes from the October 2023 and November 2023 meetings. The October minutes required clarification on a statement made at the meeting regarding prior wetland variance approvals. Katrina Labrecque made a motion to accept the October 19, 2023 minutes as amended, which was seconded by Jean Ewen and voted upon verbally in the affirmative by all Board members. The motion passed. Katrina Labrecque made a motion to accept the November 16, 2023 minutes as written, which was seconded by Aaron Leff and voted upon verbally in the affirmative by all Board members.

Blair Haney indicated that the Planning Board is working on amendments to Zoning and Land Use Ordinances regarding recreation vehicles and definitions for frontage, accessory building, structure, and building. The Board briefly discussed the recreation vehicle and frontage amendments and expressed concern as follows:

Recreation Vehicles.

- Occupied vehicle limit of one on a second lot of record. This wording appears to prohibit placement of vehicle on additional lots of record, which restricts the land owner's right to use of the lot. "Limit of one occupied recreation vehicle per additional lot of record" was a suggested change.
- Recreation vehicle use allowed from June 1 through October 31 each year. This restricts use of a recreation vehicle the during fall/winter hunting season.

Frontage. As stated in the amendment, the continuous length of the lot bordering on and granting access from a single Class V or equivalent road does not allow combining frontage on intersecting Class V roads for a corner lot to meet frontage requirements.

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 adjourned at 8:12PM.