

Zoning Board of Adjustment Meeting Minutes

Location: Strafford Town Hall Conference Room

Date & Time: March 21, 2024 6:30PM

Voting Board Members Present:

Ashley Rowe – Chairman
Aaron Leff
Katrina Labrecque
Jean Chartrand-Ewen

Non-Voting Board Members Present:

Others Present:

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

The Chairman called the meeting to order at 6:30PM and recognized Board members Aaron Leff, Katrina Labrecque, and Jean Ewen as present. He also recognized the presence of Blair Haney, Strafford Regional Planning Commission Regional Planner. He indicated the closing date for new applications to be filed for the agenda for the regular April 18, 2024 meeting is Thursday, March 28, 2024.

Continuing Business

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)

Jeff Thornton indicated that he had obtained an approval for a septic system design to handle the additional load from the ADU, and confirmed that the Board had received a copy. He believed this was the only outstanding item needed for the Special Exception. Jean Ewen asked about the status of the current septic system, and Mr. Thornton stated that it was in good condition when they had the holding tank pumped out about five months ago.

The Chairman confirmed that all requirements had been met, and the Board did not have any further questions or concerns. He asked for a motion to approve the Special Exception, which was so moved by Aaron Leff, seconded by Jean Ewen, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

New Business

Case #24-002: Hartmann Family Revocable Trust is requesting Variances to Article 1.4.1, Section C Side and Back Yards in order to construct a ten-foot by twelve-foot wooden deck and stairs on the northwesterly side of the existing home and a second four-foot by ten-foot entryway deck and stairs

on the southerly side of the existing home. The 10 by 12 foot deck will come within 16.7 feet of the westerly side boundary, which is up to 8.3 feet closer to the boundary than current ordinances require. The entryway deck will come within 20.8 feet of the westerly side boundary, which is 4.2 feet closer than current ordinances require. Both decks are farther from the side boundary than the closest point of the existing home. The decks are part of a larger plan including the construction of a garage with a deck and covered entrance and a new septic disposal system. A NHDES Shoreland Impact Permit has been issued for this project. (64 Lake Shore Drive, Tax Map 35, Lot 8)

Chris Berry of Berry Surveying and Engineering addressed the request on behalf of the applicant. He summarized the work to be done with respect to the deck and entryway additions. He stated the five criteria to be met for a proposal to qualify for the granting of a Variance as follows:

1. Granting of the Variance would not be contrary to the public interest.
The public interest, with respect to these sections, are to ensure there is no overcrowding of each lot within the area and protection of the surface water to the extent possible. As can be seen on the Variance Plan, the two proposed encroachments are no closer to the side boundary line than the existing home or roof line is situated. The general public interest test is generally measured and compared to the idea of if the project markedly changes the essential character of the neighborhood. In this case, it is likely that many of the abutting land owners have similar decks and entrance structures and therefore this is consistent for the locality and thus does not create a marked change.
2. Granting the Variance would be consistent with the spirit of the Ordinance.
The spirit of the Ordinance is to ensure uniformity with the abutting lots as they pertain to space and bulk standards. In this case, the existing foot print is not being modified beyond the existing limits of the encroachment on the property and therefore the space and bulk standard remains the same. The spirit is to allow non-conforming structures to be updated as time goes on while ensuring they are done modestly without great impact on the locality.
3. Granting of the Variance would do substantial justice.
The benefit to the applicant far outweighs any potential detriment to the Ordinance by allowing the applicant to build within the same foot print constraints therefore substantial justice is accomplished. The site's stormwater quality is improved with the implementation of Low Impact Development (LID) devices, which is in line with the stormwater Ordinance and with the NHDES Shoreland program.
4. Granting the Variance will not result in diminution of surrounding property values.
The surrounding properties will not be diminished in value by the construction of small decks and porches. These are permitted uses in a residential zone. An affected abutter supports the application.
5. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law.
In this case the special condition of this parcel is the existing infrastructure that is to remain in conjunction with the existing non-conforming lot and general home placement against existing lot lines. There is no reasonable alternative to this request and therefore denial will cause unnecessary hardship to the applicant.

Katrina Labrecque asked if the entire driveway was gravel, and Mr. Berry confirmed that it was. The Chairman noted that the lot meets lot-loading requirements for a year-round residence, and the septic system is designed for a three-bedroom home, while the structure is on record as a two-bedroom home.

The Board had no further questions or concerns, and the Chairman asked for a motion to grant the Variances, which was so moved by Aaron Leff, seconded by Jean Ewen, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Case #24-002: Barry and Julie Schraufnagel are requesting Variances and a Special Exception in order to construct an addition on their existing non-conforming home and to create an Accessory Dwelling Unit in the new space. The Schraufnagels are requesting a Variance to Article 1.4.4, Section 3 Wetland Buffer Areas of the Zoning and Land Use Ordinances in order to construct an addition to the northeasterly end of their existing non-conforming home. The proposed 21 foot by 22 foot two-story addition and rear stairs will come within 38.6 feet of the drainage ditch behind their home at its closest point, which is closer to the drainage area than current wetlands buffer ordinances require. The area of the proposed addition meets all other setback requirements. The applicants are also requesting a Variance to Article 1.7.1 of the Zoning and Land Use Ordinances in order to expand their existing non-conforming structure. The existing home encroaches into the required wetland buffer to the rear drainage area and the proposed addition will also encroach into the required wetland buffer to the drainage area, so the proposed addition will be an expansion of an existing non-conforming use making the structure more non-conforming. (15 Lake Shore Drive, Tax Map 35, Lot 16)

The Chairman indicated that he would need to recuse himself as a voting Board member for this case, which would leave only three voting members to hear the case. With this limited number of voting members, the applicant has the option to have the case heard or be granted a continuance. In advance of this meeting, the applicant requested a continuance to the April 18, 2024 Zoning Board meeting. The Chairman asked for a motion to approve the request for a continuance, which was so moved by Jean Ewen, seconded by Aaron Leff, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Other Business

The Chairman confirmed that the Board members had reviewed the minutes from the February 15, 2024 meeting. Katrina Labrecque 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.

Jean Ewen and Katrina Labrecque, by invitation, attended the March Planning Board meeting where the Board discussed the population growth around Bow Lake and its impact on lake water quality. The Board expressed concern about current septic system capability to adequately handle increased loads on shoreline properties as a result of approved residential expansion, such as the addition of an Accessory Dwelling Unit. The Planning Board felt that the Zoning Board needs to take the lead on enforcing installation of required septic system upgrades to handle increased loads, not just confirm that the state has approved a septic system design for the increased loads.

The Chairman indicated that the state requires an approved septic system to be installed, but does not enforce the requirement. Each jurisdiction (ie., city/town) is responsible for installation enforcement, and in Strafford, this would be the responsibility of the Building Inspector/Code Enforcement Officer. The Zoning Board only ensures that the applicant has obtained a state approved septic system design that will handle the increased septic loads. The Town of Strafford does not currently enforce state required septic system upgrade installation. The Selectmen would need to implement an enforcement policy for the Code Enforcement Officer to address installation 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 Jean Ewen and voted on in the affirmative by all Board members. The meeting adjourned at 7:17PM.