

Zoning Board of Adjustment Meeting Minutes

Location: Strafford Town Hall Conference Room

Date & Time: July 18, 2024 6:30PM

Board Members Present:

Ashley Rowe – Chairman
Katrina Labrecque
Scott Hodgdon
Jean Chartrand-Ewen

Alternate 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 indicated the closing date for new applications to be filed for the agenda for the regular August 15, 2024 meeting is Thursday, July 25, 2024. He recognized Board members Katrina Labrecque, Scott Hodgdon, and Jean Chartrand-Ewen as present.

Continuing Business

Case #24-006 VAR. KRJ Finance, LLC is requesting a Variance under Article 1.9.1 to the requirements of Article 1.4.1, Section A, Frontage, of the Zoning and Land Use Ordinances in order to allow the merger of Tax Map 37, Lots 54 through 62 to create one building lot with less than the 200 feet of frontage required by current ordinances. (Leavitt Lane, Tax Map 37, Lots 54 through 62).

Prior to the meeting, the applicant requested a continuance. The Chairman asked for a motion, and Jean Ewen made a motion to grant a continuance to the August 15, 2024 meeting which was seconded by Scott Hodgdon, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Case #24-005 SE. Peter and Heather Heigis are requesting a Special Exception under Article 1.7.1, Nonconforming Use of the Zoning and Land Use Ordinances in order to construct a replacement home, which is closer to the shore of Bow Lake than current ordinances require, but farther from Bow Lake than the currently existing structure. The new structure will have fewer square feet of living area within the required setback from Bow Lake than does the existing structure, and the new structure will be more nearly conforming to current ordinances. (187 Brown's Pasture Road, Tax Map 33, Lot 17).

The Chairman stated that it was necessary to enter into a Non-Public Session under Article 91A:3, 2(L) for the consideration of legal advice and discussion with the Zoning Board counsel. Jean Ewen made a

motion to enter a Non-Public Session, which was seconded by Katrina Labrecque and voted upon verbally in the affirmative by all voting Board members at 6:32PM.

During the Non-Public Session, the Board discussed applicable laws and Zoning Ordinance provisions with the Zoning Board attorney regarding the Heigis application. The Chairman asked for a motion to leave the Non-Public Session, which was made by Jean Ewen, seconded by Scott Hodgdon, and voted upon verbally in the affirmative by all voting Board members at 7:29PM.

The Public Session resumed with the Chairman stating that under the advice of legal counsel the application would be heard as a Special Exception. He asked Tobin Farwell of Farwell Engineering Services to provide a brief overview of the application for the benefit of Board members not present at the June 2024 meeting. Mr. Farwell described the existing property with a non-conforming structure that does not meet current setback requirements. A new, smaller, more nearly conforming 938 square foot structure is proposed with a shore line setback of 27.1 feet. The existing structure is 954 square feet and 18.9 feet from the shore. The large impervious driveway will be removed and replaced with a smaller driveway using maintenance-free pervious materials, reducing the impervious coverage from 26.2 percent to 20.9 percent. A shore land permit will be obtained prior to beginning construction. A new septic system was installed in 2018 which incorporates pre-treatment technology, and a pea-stone area by the lake will be eliminated and allow vegetation to grow. He indicated that the improvements to the property are closely aligned with the recommendations for water quality enhancement sited in the University of New Hampshire Bow Lake study, which he provided for the record.

The Chairman opened the meeting for public comments at 7:37PM. Robert Watson, 191 Brown Pasture Road, stated that he spoke with the Heigis' and the proposal was one of the best solutions for the area and was not opposed to it. The Chairman confirmed with the Watson's that their concern regarding water run-off and drainage effecting their property expressed by letter at the June 2024 meeting was no longer a factor to consider. There being no further comments, the Chairman closed the meeting to public comments at 7:38PM.

The Chairman suggested a review of the Special Exception criteria prior to addressing any further questions or concerns. The applicant's response to the Special Exception Criteria presented at the June 2024 meeting were as follows:

1. The use, lot, or structure has not been made more non-conforming because:
There is less building area inside the building setback area. Currently there is 954 square feet of building in the building setback area. The proposed plan will have 936 square feet of building area in the building setback area. The existing building is all within the water body setback.
2. The change or expansion of the use is not detrimental or offensive to the owners of adjoining property or to the Town, does not adversely affect nearby property values, does not cause any hazard to health or safety, and does not adversely affect the character of the area in which the use will be located because:
The proposed layout provides a larger buffer to Bow Lake. The new residence will be of greater value thereby improving surrounding property values.

3. The use conforms to all other applicable regulations governing the district:
The use conforms to the agricultural – residential district.
4. The use has an adequate water supply and sewerage system and meets all other applicable requirements of the State of New Hampshire because:

There is a new septic system utilizing the Fujiclean system designed in 2018.

The Board separately reviewed each response and determined each to meet the criteria to grant a Special Exception.

Jean Ewen asked Mr. Farwell if there was a plan to address the screened porch roof water run-off, and the Chairman stated that the portion of the new structure within the 50-foot setback is a broader span than the previous structure, which could increase the run-off. Mr. Farwell indicated that the plan includes drip edges to redirect the water flow, and would consider gutters to contain the flow to a dry well at the corner of the building. The Chairman indicated that he would entertain a motion to approve a Special Exception with the following conditions:

- The new driveway utilize maintenance-free pervious technology as proposed by the applicant.
- Obtain a shore land permit based on the plans presented at this meeting.
- The application for the shore land permit incorporates a storm water management plan prepared by Mr. Farwell to address water run-off from the faces of the structure closest to the water.

Katrina Labrecque made a motion as stated above to approve the Special Exception, which was seconded by Jean Ewen and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Other Business

The Chairman asked the Board to review the minutes from the June 20, 2024 meeting. Jean Ewen made a motion to accept the meeting minutes as written, which was seconded by Scott Hodgdon and voted upon verbally in the affirmative by all Board members present at the June 20th meeting. The motion passed.

The Board briefly discussed the need for specific procedures and Town department/individual to determine when a Variance or Special Exception is warranted.

There being no further business before the Board, the Chairman called for a motion to adjourn. Jean Ewen moved to adjourn, which was seconded by Scott Hodgdon and voted on in the affirmative by all Board members. The meeting adjourned at 8:01PM.