

DRAFT – NO LEGAL VALUE

Zoning Board of Adjustment Meeting Minutes

Location: Strafford Town Hall Conference Room

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

Board Members Present:

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

Alternate Board Members Present:

Alan Williams
Steve Smith

Others Present:

Owen Corcoran, 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 December 19, 2024 meeting is Wednesday, November 27, 2024. He stated that the Board has staffing issues and indicated that a Town resident expressed an interest in becoming an alternate Board member. Steve Smith was present at the meeting, and the Chairman asked him to introduce himself. Mr. Smith has been a resident of Strafford for about five years, worked as a mechanical contractor for 28 years, and for the past 10 years, been a division sales manager for a world-wide HVAC manufacturer. Katrina Labrecque made a motion to appoint Mr. Smith as an alternate Zoning Board of Adjustment member, which was seconded by Aaron Leff and voted upon verbally in the affirmative by all voting Board members. The motion passed. Mr. Smith left the meeting to be sworn in by the Town Clerk. Mr. Smith returned, and the Chairman recognized Board members Aaron Leff, Katrina Labrecque, Jean Ewen, Alan Williams, and Steve Smith as present.

New Business

Case #468, Guillaume Joffres, Appeal of an Administrative Decision of the Building Inspector, Map 6, Lot 5, pursuant to RSA 674:41.

Ashley Rowe recused himself, and appointed both Alan Williams and Steve Smith as voting Board members and Katrina Labrecque as Chairman to hear the case. The Chairman asked the appellant to address the case. Mr. Joffres stated that his family relatives have been part of the Strafford community for over 100 years, and over the years, has regularly visited them. He now wants to build a home on Lot 5, and move his family to Strafford. The Chairman asked Mr. Joffres to address the criteria to be satisfied for granting a Petition for Exception under RSA 674:41 II for property located at a private Right of Way. Mr. Joffres provided the following with respect to the criteria:

Criteria 1. Explain why the denial of a building permit in accordance with the statute entails practical difficulty or unnecessary hardship.

I would like to build my home on this property. There is currently an established Right of Way road leading to my parent's property at 914 Province Rd, Lot 8 which passes through my property and would also have access to my house. Without an exemption I am unable to obtain a building permit due to lack of frontage on Province Rd.

Criteria 2. Explain why your building would not be required to be related to existing or proposed streets.

There is currently a private Right of Way which was put in to access 914 Province Rd. and a Variance granted to the previous owners of this property in order for them to build.

Criteria 3. The building would not distort the official map or increase the difficulty in carrying out the master plan because:

The private Right of Way is already in place to access the property behind mine and passes through my property.

Criteria 4. The building will not cause hardship to future purchasers or undue financial impact on the municipality because:

The private Right of Way is already in place and passes through my property. In addition, a Private Road Release is being submitted with this application. As such, there will be no impact on the municipality as we intend to maintain the road ourselves.

The Chairman asked for comments or concerns from the Board. Jean Ewen asked Mr. Joffres if the Private Road Release had been approved, and he indicated that the Selectmen had approved it.

The Chairman opened the meeting for public comments at 6:39PM.

Corey Colwell, 1010 Province Road, as a direct abutter to the property, stated that he supports Mr. Joffres application, the road Right of Way is in good shape, there will be little environmental impact, the lot is a beautiful spot for a home, and he wishes the best for Mr. Joffres. He did express concern for the large amount of trash the previous property owner dumped on the border with his property, with a large portion of the trash actually on his property. He acknowledged that he does not hold Mr. Joffres responsible for the trash, and that Mr. Joffres has removed part of the trash to date. He noted that the trash "dump" might contain hazardous material and violates two Town zoning regulations and RSA 163:B.3. He raised the issue of the trash with the Building Inspector before the sale and property transfer to Mr. Joffres took place in an attempt to get the previous owner to remove the trash. At that time, he was advised that the matter would be presented the Selectmen, and he is unclear as to the status with the Select Board. He would like the trash removal and cleanup to be addressed by the Town in some fashion, although he is not sure what measures might be taken.

Guillaume Joffres acknowledged the presence of the trash, but stated that it is located on the boundary of Lot 8 and Mr. Colwell's property and does not believe it pertains to the granting of the Right of Way Exception. Mr. Colwell confirmed with Mr. Joffres that the Right of Way serves both Lots 5 and 8.

Ashley Rowe, 910 Province Road, stated that the majority of the Right of Way road crosses his property, and he supports Mr. Joffres' efforts to obtain a building permit for Lot 5. He believes Mr. Joffres will be a good steward of the property. He also believes that a building permit could have been issued without exception, because RSA 674:41 allows issue of building permits on a Right of Way access that has previously been issued a building permit. He suggested that the property owners using the Right of Way now and in the future agree to a Road Maintenance Agreement, and that it be a condition of approval for this exception when other lots served by this Right of Way are developed. He would be willing to sign such an agreement.

There being no further public comments, the Chairman closed the meeting to public comments at 6:47PM and reviewed the applicant's responses to the Criteria for granting Right of Way Exception. Jean Ewen questioned how a Road Maintenance Agreement would be addressed with future property development. Ashley Rowe stated that it would need to be connected to the issuing of a building permit and is Code Enforcement's responsibility.

The Chairman asked for a motion to grant the Right of Way Exception with conditions, which was so moved by Aaron Leff as follows:

To grant the Appeal from a Decision of the Building Inspector denying a building permit pursuant to RAS 674:41 and granting the applicant permission to allow the construction of a new home on an interior lot without street frontage to be accessed by a private drive over a surveyed and deeded Right of Way, the property being located off Province Road, Tax Map 6, Lot 5, with the following condition of approval.

1. The issue of a building permit by the Building Inspector. The applicant must comply with all local regulations and building codes.
2. The requirement to sign and record a Release of Municipal Liability at the Registry of Deeds as described in RSA 674:41 before a building permit is issued, and the release shall be in the form prescribed by the Board's attorney and shall contain, at a minimum, the following requirement:
 - The Town neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from said use thereof.
3. The applicant agrees to enter into a Road Maintenance Agreement with property owners who, in the future, build homes on lots accessed by the Right of Way.

The Chairman noted that the motion did not address the trash concerns raised by Corey Colwell, and called for a vote on the motion, which was seconded by Alan Willams. All voting members of the Board voted verbally in the affirmative, and the motion passed.

Ashley Rowe resumed duties as Chairman and asked the Board to review the minutes for the September 19, 2024 and October 17, 2024 meetings. Aaron Leff made a motion to accept the September 2024 minutes as written, which was seconded by Katrina Labrecque and voted upon verbally in the affirmative by all Board members in attendance at the meeting. Aaron Leff made a motion to accept the October 2024 minutes as written, which was seconded by Katrina Labrecque and voted upon verbally in the affirmative by all Board members in attendance at the meeting.

The Chairman indicated that Scott Hodgdon had resigned his position as a voting member on the Board and needed to be replaced until the March 2025 Town Meeting. He noted that Charlie Burnham did not express an interest in becoming a full member, and asked for a motion to elevate one of the other alternate members. Katrina Labrecque made a motion to appoint Alan Williams as a full member of the Board, which was seconded by Aaron Leff and voted upon verbally in the affirmative by all Board members.

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 Katrina Labrecque and voted on in the affirmative by all Board members. The meeting adjourned at 6:56PM.