

DRAFT – NO LEGAL VALUE

Zoning Board of Adjustment Meeting Minutes

Location: Strafford Town Hall Conference Room

Date & Time: May 15, 2025 6:30PM

Board Members Present:

Ashley Rowe – Chairman
Katrina Labrecque
Jean Chartrand-Ewen
Alan Williams

Alternate Board Members Present:

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 June 19, 2025 meeting is Thursday, May 29, 2025.

New Business

Case #471, 8 Fire Road 268 (Tax Map 26, Lot 4). The applicant is requesting a variance from Article 1.4.1, Section C (Side and Back Yards) to allow for the demolition of an existing non-conforming garage and the construction of a new 36' by 24' garage. The existing structure currently comes within 16' of the easterly side boundary. The new garage would come within 16.5' of the easterly side boundary at its closest point, which is 8.5' closer to the side boundary than the current zoning ordinance allows.

Tobin Farwell of Farwell Engineering Services and representing the applicant, Jim Anderson, presented the case. He indicated that the applicant had requested a Variance at an earlier Zoning Board meeting and was told to obtain a survey plan to present to the Board. Mr. Anderson wants to demolish an existing 22-foot by 34-foot non-conforming garage and square up a 24-foot by 36-foot replacement garage which will less non-conforming. Two abutters to the property have indicated support for the project in writing. The project will allow the retention of existing trees on the property and not impede any sight line view of the lake. Mr. Farwell stated that Mr. Anderson has obtain a Shoreland Permit.

The Chairman acknowledged that the case previously came before the Board. At that time, the Board determined that the proposal as presented did not meet the hardship criteria for granting a Variance. The Board advised the applicant that the garage could be rebuilt on the same footprint without relief or squared up when rebuilt at its current location and eliminate the “notch” under a Special Exception. The Board believed filling in the notch would not increase the non-conformity by area, but would need to confirm this with legal counsel. Subsequently, Town counsel determined that the modification would not increase its non-conformity as long as the structure was not closer to the side boundary. He

stated that as Mr. Farwell prepared the case and reached out to the Town, due to miscommunication, applied for a Variance rather than a Special Exception.

The Chairman stated that he was unsure how to proceed, because the current proposal may also not meet the hardship criteria for granting a Variance. He suggested that Mr. Farwell present the responses to the criteria and that the Board listen carefully, because they will need to determine if a hardship exists or not. Mr. Farwell addressed the criteria as follows:

1. Explain why the granting of the Variance would not be contrary to the public interest.

Granting this variance would allow for a garage that is slightly larger in a more nearly conforming location.

2. Explain why the use of the property contemplated by the applicant as a result of obtaining this variance would not be contrary to the spirit of the ordinance. Why would the spirit of the ordinance still be observed?

The ordinance allows for construction of a garage. Utilizing the existing location limits site disturbance. These are small, non-conforming lots, a garage already exists, and the new garage will be less non-conforming.

3. Explain how, by granting this variance, substantial justice would be done.

Granting this variance would allow for a reasonable residential garage in a residential zone. The height of the new garage would conform to current zoning regulations. Again, the garage already there and the applicant is just trying to rebuild the structure and utilize the property to a greater extent.

4. Explain why the values of surrounding properties will not diminish as a result of the granting of this variance.

This variance would allow for a new garage, increasing the value of the property, and will be in congruence with surrounding properties with existing garages.

5. Explain the "special conditions" of the land that distinguish it from other properties in the area, such that denial of the variance would result in unnecessary hardship. How is the proposed use a reasonable one? How is your property unique such that no fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to your property?

There is an existing garage on the lot in a similar location. The applicant proposes to make the structure more nearly conforming, limit site disturbance and removal of trees, use existing driveway. The lot predates current zoning requirements and there is not enough area on the property to put the garage in another reasonable spot.

The Chairman asked if the Board had any questions or comments. Jean Ewen asked if there were structural considerations for demolishing the garage. Mr. Farwell indicated that the garage was a slab on grade and wood was rotting in some sections. There will only be electrical service to the structure with no sewer or water service. Alan Williams confirmed that the previous determination of no hardship was based on the possibility of locating the structure where no Variance would be required. Mr. Farwell responded that the State prefers limiting site disturbance and removal of trees and natural buffers near the lake. He considers anything that impacts this to be a hardship. Mr. Anderson stated that he believed the major reason the for former Variance denial was based on his use of financial hardship as justification to grant the Variance.

The Chairman stated that technically, for the previous and current Variance requests, the garage could be built in compliance with setback requirements at another location on the property, and the current project as presented should be considered under a Special Exception. He felt the applicant was a victim of circumstances and miscommunication; however, the Board has the responsibility to determine if the proposal meets the criteria for granting a Variance. Mr. Farwell again expressed the opinion that locating the garage elsewhere would impact preservation of the natural woodland buffer and present a hardship. When questioned, Mr. Farwell agreed that the alternate location would be further than 150-feet from the lake, which is outside the woodland buffer, but within shoreland protection. The Chairman did not believe the proposal when considered under a Variance constituted a hardship, but indicated that he was in favor of the proposal under a Special Exception. He indicated that the Board must be able to defend, under appeal, a finding of hardship when granting a Variance.

Steve Smith confirmed with Mr. Farwell that an undetermined number of trees would have to be removed to site the garage at an alternate location. Alan Williams suggested, as previously considered, shifting the garage toward the current driveway to meet setback requirements and eliminate the need for a Variance. Mr. Farwell indicated that this was not an option due to the resulting limited turning radius for vehicles to enter the garage and emergency vehicles to maneuver, which he considers a hardship. Jean Ewen asked if the applicant would consider reapplying under a Special Exception. Mr. Anderson indicated that he had relied on information from the town, paid over \$1,000 in permits to date, and is now almost five months behind on the project. He is extremely frustrated with this process and would pursue a Special Exception, but cannot pay for another permit. He asked if additional fees could be waived. The Chairman indicated he could not authorize a fee waiver, but would advocate on behalf of the applicant.

Mr. Farwell reiterated the conditions he believed would present a hardship and asked if the Board would consider a straw vote to determine if there was support for the project under a Variance request. The Chairman stated that he would support a determination by the Board to grant or deny the Variance, but did not want to influence the Board in either case. Jean Ewen asked if the Board could enter a non-public session. Mr. Farwell conformed that a denial of the Variance would not bar the applicant from going forward with a Special Exception request. The Chairman asked for a vote by the Board to enter a non-public session, which was voted on unanimously in the affirmative at 6:56PM.

At 7:06PM the Board voted unanimously to end the non-public session. The Chairman opened the meeting for public comments at 7:07PM, and there being none, closed the meeting for public comments at 7:07PM. The Chairman indicated that during the non-public session the Board reviewed the minutes from the January 2025 Zoning Board meeting when the initial Variance request was addressed. The minutes clearly indicated that the Board could not find a hardship and that a request for a Special Exception would be appropriate. He confirmed via contact with a Town Selectman that the Town would cover the cost of a new application. When asked for further comments, Mr. Farwell stated that the Shoreland Permit limits the amount of site disturbance to 1500 square feet, and relocating the garage would result in exceeding this limit, and would be a hardship along with the driveway modification and additional permit requirements.

The Chairman asked the Board for a motion to address the granting of the Variance. Jean Ewen made a motion to deny granting the Variance for not meeting the hardship criteria, which was seconded by

Katrina Labrecque and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Case #472, 84 Range Road (Tax Map 8, Lot 25). The applicants are requesting a Special Exception under Article 1.4.1, Section K (Accessory Dwelling Units) of the Zoning and Land Use Ordinances to create a detached one-bedroom Accessory Dwelling Unit (ADU) in converted space in an existing outbuilding. The proposed 576 square foot ADU meets all requirements for a detached ADU. The existing home and ADU will be served by a proposed new septic disposal system.

Joe Berry of Berry Surveying and Engineering representing the applicant, John and Daniels Michaud, briefly described the proposal to convert one of the existing outbuildings to a one-bedroom ADU. The applicant has obtained a septic design to accommodate the increase waste flow with the existing single-family home on the site. A change to the application of an additional of 150 square feet on the second story of the ADU will not exceed the 750 square foot threshold. Mr. Berry addressed the criteria for granting a Special Exception as follows:

- 1. A maximum of one (1) accessory dwelling unit may be permitted and must be located within or attached to the principal single family dwelling unit or located in a detached structure on the property.**
There is only one ADU proposed and is in a detached accessory structure to the west of the single-family home.
- 2. An interior door shall be provided between the principal dwelling unit and an attached accessory dwelling unit.**
This criteria is not applicable.
- 3. All municipal regulations applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to, lot and building dimensional requirements. Adequate off-street parking shall be provided for the accessory dwelling unit.**
The lot is an existing conforming lot of record. The structure being used for the ADU is a conforming accessory structure with adequate area for parking.
- 4. The applicant for a special exception under this article shall demonstrate adequate provisions for water supply and sewage disposal for the accessory and primary dwelling units in accordance with RSA 485A:38. Water and wastewater systems for the principal and accessory dwelling units may be combined or separate.**
As noted above the ADU now has an approved septic system to tie into, and the ADU will tie into the existing well.
- 5. Applicants shall upgrade and install the existing septic system if it is not adequate to serve the combined bedrooms in the principal unit and the accessory unit.**
As noted above the ADU now has an approved septic system to tie into.
- 6. Accessory dwelling units shall maintain an aesthetic continuity with the principal dwelling unit as a single-family dwelling.**
The structure is existing onsite and fits the character quite well.
- 7. Either the principal dwelling unit or the accessory dwelling unit must be owner occupied. The owner must demonstrate that one of the units is their principal place of residence. Both the primary dwelling unit and the accessory dwelling unit must remain in common ownership. Neither dwelling unit shall be transferred into condominium ownership or a cooperative.**

The Michaud's are the owners of the lot and single-family home and will maintain that as their residence.

8. Accessory dwelling units may not be greater than 750 square feet in area.

The original ADU is proposed to be 576 square feet and 150 square feet will be added to the second story resulting in a total of 726 square feet.

9. The accessory dwelling unit shall have no more than 2 bedrooms.

The ADU is only proposed to have one bedroom.

The Chairman opened the meeting for public comments at 7:15PM, and there being none, closed the meeting for public comments at 7:15PM. He asked for a motion to grant the Special Exception which was so moved by Jean Ewen, seconded by Alan Williams, 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 March 20, 2025 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 in attendance at the March 20th meeting.

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 Katrina Labrecque and voted on in the affirmative by all Board members. The motion passed and the meeting adjourned at 7:16PM.