

## **Zoning Board of Adjustment Meeting Minutes**

**Location:** Strafford Town Hall Conference Room

**Date & Time:** September 18, 2025 6:30PM

**Board Members Present:**

Ashley Rowe – Chairman

Aaron Leff

Jean Chartrand-Ewen

Alan Williams

**Others Present:**

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 October 16, 2025 meeting is Thursday, September 25, 2025. He recognized Board members Aaron Leff, Jean Ewen, and Alan Williams as present.

**New Business**

**Case #477, 25 Fire Road 32 (Tax Map 26, Lot 1A).** Jessica and Michael Baker are requesting Variances to Article 1.4.4, Section 3 Wetland Buffer Areas of the Zoning and Land Use Ordinances in order to construct a replacement home on a waterfront lot. The new home would come within 29.6 feet of a wetland area to the east, which is up to 20.4 feet closer to the wetland area than current ordinances require, and a proposed deck along the waterfront side of the new home would come within 42 feet of Bow Lake, which is up to 8 feet closer to Bow Lake than current ordinances require. The new home would meet front and side setback requirements.

Chris Berry of Berry Surveying and Engineering, representing the applicants, indicated that the current structure on a .92-acre parcel is 21-feet from Bow Lake, within a side line boundary setback, and constructed before current zoning requirements became effective. Access to the site is via a driveway off a private easement. The parcel contains a wetland area with stormwater flow down the east side of the property to Bow Lake. The applicant's plan to demolish the existing structure and redevelop the site with a permanent, year-round residence. Several on-site and off-site constraints make it difficult to redevelop the property within current ordinance requirements. It is possible to develop a plan to meet these requirements but may not be permissible under shoreline protection. The proposed structure will be outside side line boundary setbacks and further from Bow Lake, which makes the structure more conforming than the current structure. However, the deck of the proposed structure will be 42-feet from Bow Lake and 29.6-feet from a wetland area. Variance approval is needed due to the ordinance requirement for a 50-foot buffer for each condition. Mr. Berry stated that shoreland approval for the project has been received. He indicated that stormwater runoff created by new impervious surfaces of the structure will be captured by a gutter system and directed to two dry wells on site which prevents direct entry into Bow Lake. A new septic system will be installed with effluent

pumped to a leach field at the rear of the property. Also, to meet woodland buffer requirements, the plan calls for replanting certain areas of the site, and the Planning Board has requested a planting plan along the 50-foot shoreland buffer as part of a Conditional Use Permit request.

The Chairman confirmed with Mr. Berry that the Planning Board request was to revegetate the shoreland buffer area. Alan Williams asked about the square footage of each structure. Mr. Berry indicate that including decks, overhangs, stairs, porches and garage areas the current structure is 1536 square feet and the proposed structure will be 3600 square feet. However, the effective impervious surface is reduced due to the capture and control of stormwater runoff into a dry well system which prevents direct runoff into Bow Lake as is the case with the current structure. The Chairman asked if the post-construction flow conditions exceeded 30%, and Mr. Berry indicated that it was 20.11% and does not require a stormwater plan.

The formal application contained the responses to the criteria for granting a Variance as follows:

1. Granting of the variance would not be contrary to the public interest.

The public interest is in allowing for project sites to become more conforming with the zoning ordinance while also allowing for sites to be redeveloped over time. This project as designed does both. The building is constructed further from Bow Lake than existing and further from wetlands, and removes the building from the interior 25-foot wetland buffer. The proposal provides for stormwater improvements by disconnecting flow from impervious surfaces. For all these reasons and the like kind use of all abutting lots, the essential character of the neighborhood is maintained with approval of the proposal.

2. Granting the variance would be consistent with the spirit of the Ordinance.

The spirit of the ordinance is maintained given all of the positive benefits of the project design. With the improved locations the health, wealth and welfare of the general public is preserved.

3. Granting the variance would do substantial justice.

The substantial justice is allowing the applicant to improve an existing situation while re-building with some encroachments into the two buffer areas mandated by the ordinance. The gain to the applicant far outweighs any detriment to the ordinance or general public given the clear improvements made to the site.

4. Granting the variance will not result in diminution of surrounding property values.

The proposal is a residential use, in a residential zone where all abutting parcels have similar uses of similar scale and massing. There are no obnoxious attributes of a single-family home that are not already present in the area due to existing development on site and abutting lots.

5. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law.

The special condition of the lot is the shape of the existing wetland system that flows through the site. If the wetlands were differently shaped or more perpendicular to the site boundary lines the home could be removed from the 50-foot setback to the lake and the area within the wetland setback reduced. The project design attempts to balance all of the critical natural features, while keeping the impact area relatively unchanged. The site, no matter how it is altered or redeveloped will need relief from the zoning board, and therefore denial of the variances creates an unnecessary hardship to the applicant.

The Chairman opened the meeting for public comments at 6:41PM.

Robert Kennedy, 29 Fire Road 32, owner of the adjacent property with the right-of-way used to access the applicant's driveway, asked about the plan to control and direct the water from a spring on his property that flows through a culvert on Fire Road 32 onto the applicant's property. He is concerned about the water flow being directed back on his property due to the installation of septic system pump line near his property border. Mr. Berry indicate that an application with a Corrosion Control Plan was submitted to NHDES who has issued a permit for the pump line to cross the wetland area. The area will be restored with no resulting change to its original condition. Mr. Kennedy was also concerned about possible disturbance of the hemlock trees that define his property line when the septic system pump line is installed. He asked how far the pump line would be from his property line. Mr. Berry indicated that the trees would not be removed for pump line installation and the line would be at least ten feet from the property border except in one spot where it would be five feet to stay outside the wetland buffer.

There being no further comments, the Chairman closed the meeting for public comments at 6:47PM and asked for motion regarding the request for two variances. Alan Williams asked if the current structure was considered a camp. Mr. Berry indicated that it was recorded as a year-round residence which is currently a two-story structure being replaced by a single-story structure as a retirement home for the applicants. The Chairman noted the improvements to the property; structure further from the lake and less non-conforming, effective impervious surface reduction, and vastly improved septic system. Aaron Leff made the motion to grant both variances which was seconded by Alan Williams and voted upon verbally in the affirmative by all voting Board members. The motion passed.

**Case #478, 25 Fire Road 32 (Tax Map 26, Lot 1A).** Jessica and Michael Baker are requesting Variances to Article 1.4.4, Section 3 Wetland Buffer Areas of the Zoning and Land Use Ordinances in order to construct a new septic disposal system to serve the Baker home. The septic tank will be located approximately 76.7 feet from Bow Lake at its closest point and 56.1 feet from a poorly drained wetlands area to the northeast, and the septic system leach field will be located 55.1 feet from a poorly drained wetlands area. The septic tanks would be located up to 23.3 feet closer to Bow Lake and 18.9 feet closer to a wetland than ordinances require. The septic system leach field would be located up to 19.9 feet closer to a wetland than ordinances require. The proposed septic system leach field will be located on both the Baker and Freeman properties (Bruce & Katharine Freeman, 31 Fire Road 30, Tax Map 26, Lot 1). The Freemans would be granting a septic system easement to the Bakers.

Chris Berry of Berry Surveying and Engineering, representing the applicants, indicated that the new septic tank will be located adjacent to the home and the septic system effluent will be pumped via a fused, underground pipeline to a leach field at the back of the site. The leach field is located on both the Baker's property and an adjoining property owned by the Freemans who have agreed to grant a septic system easement to the Bakers. The proposed leach field will be further from the wetlands than if it was located solely on the Baker's property.

Jean Ewen asked if the easement was in place. Mr. Berry indicated that an easement document has been drafted, approved by both parties, and upon plan approval by the Planning Board will be signed and recorded. The Chairman noted that the septic system design will not be approved by NHDES until the easement is recorded. He also noted that the new system is a vast improvement over the current waste disposal system on the property and the applicant would be allowed to replace it without any

variances if its location met all ordinance requirements. He confirmed with Mr. Berry that the leach field would be three feet above the water table which is above the two-foot requirement.

The formal application contained the responses to the criteria for granting a Variance as follows:

1. Granting of the variance would not be contrary to the public interest.

The granting of the variance allows for the reasonable re-development of an existing site that contains an in-kind use. The design is superior to the existing condition in every way being as it employs current water quality protections, an innovative technology to reduce the effluent load on the EDA, and meets the requirements of NHDES. The water quality in Bow Lake will be improved by the relocation of the EDA away from the lake and is therefore within the public interest. The installation of a new EDA is common place along lakes in the state and therefore does not change the neighborhood in a marked way.

2. Granting the variance would be consistent with the spirit of the Ordinance.

The spirit of the ordinance is observed in this case due to the reasons stated above. The ordinance is intended to allow modifications to sites so long as there is a demonstrative betterment to the lake. With the separations and innovative technology proposed, at minimum the health, wealth and welfare of the general public stays the same, and will likely improve.

3. Granting the variance would do substantial justice.

The substantial justice here is to allow a land owner the ability to improve their site while improving the water quality to the lake. The gain to the applicant is also a gain to the general public.

4. Granting the variance will not result in diminution of surrounding property values.

The applicants are proposing a residential use on a residential property with residential effluent load, which is not a greater or more demanding use than any direct abutter. There are no obnoxious or harmful attributes to the proposed use, and we would point out that the closest abutters to the new EDA are a party to this application. There is no diminution in values created by installing new septic tanks and a new EDA.

5. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law.

The special condition of this parcel is that it is an existing, developed, non-conforming lot of record that contains both shore frontage and an intermediate wetland system. These all create constraints that require a variance. No alternatives exist onsite that would remove the need for the variance and the applicants have negotiated with their neighbors to ensure the new system is as far as practical from the surface water and jurisdictional wetlands. Denial would result in an unnecessary hardship in that the applicant would have no remedy to even replace the existing system which would also remove their ability to improve the parcel's influence on the lake.

The Chairman opened the meeting for public comment at 6:58PM.

Robert Kennedy, 29 Fire Road 32, asked if there was a property line setback requirement for a leach field. He was concerned about being restricted from locating a replacement leach field on his property near the Baker's leach field. The Chairman stated that the property line setback is ten feet but there is no NHDES requirement for separation of leach fields on separate properties.

There being no further comments, the Chairman closed the meeting for public comments at 6:47PM. He asked if the Board had any further questions or comments, and there being none, asked for a

motion. Aaron Leff made a to grant the variances which was 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 June 19, 2025 meeting. Jean Ewen made a motion to accept the minutes as written, which was seconded by Aaron Leff and voted upon verbally in the affirmative by all Board members in attendance at the June 19<sup>th</sup> meeting.

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 motion passed and the meeting adjourned at 7:03PM.

Minutes Prepared by Robert Fletcher