

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

**Location:** Strafford Town Hall Conference Room

**Date & Time:** October 16, 2025 6:30PM

**Board Members Present:**

Ashley Rowe – Chairman

Aaron Leff

Katrina Labrecque

Alan Williams

The Chairman called the meeting to order at 6:32PM and indicated the closing date for new applications to be filed for the agenda for the regular November 20, 2025 meeting is Thursday, October 30, 2025. He recognized Board members Aaron Leff, Katrina Labrecque, and Alan Williams as present.

**New Business**

**Case #479, 7 Fire Road 15 (Tax Map 31, Lot 2).** Susan and Michael Higgins, Trustees of the Higgins Family Trust, are requesting Variances to Article 1.4.4, Section 3 Wetland Buffer Areas, Article 1.4.1, Paragraph B Land Requirements-Front Yard, and Article 1.4.1, Paragraph C Land Requirements-Side and Back Yards of the Zoning and Land Use Ordinances in order to construct a 12 foot by 16 foot storage shed to be located 25.9 feet from the shoreline of Bow Lake, approximately 13 feet from the front boundary, and 10 feet from the easterly side boundary. The shed would be 24.1 feet closer to Bow Lake than ordinances require, up to 27 feet closer to the front boundary, and 15 feet closer to the side boundary than ordinances require.

Susan Higgins provided a map of the lot to the Board and indicated that the lot was a weird shape and previously had a shed on it. She stated that they had a Shoreline Impact Permit and wanted to replace a storage container with a shed designed the same as the current home. She indicated that to the right of Lot 2 there is a 25-foot right-of-way and behind Lot 2 is a camp lot and an empty lot. The shed does not present any impact to the adjoining properties.

The Chairman asked her to address the criteria for granting a Variance which she provided as follows:

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

The applicant is looking to place a gambrel shed of the same color as the home and aesthetics in place of a storage box. A shed is an acceptable structure on a residential lot. It would have a better aesthetic look. Applicant has filed and obtained a shoreland permit (NHDES file Number 2025-02299) to allow the proposed shed and landscaping inside the 50' Wetlands Buffer.

**2. Granting the Variance would be consistent with the spirit of the Ordinance.**

We submit that the use of our property as contemplated by this variance request is not contrary to the spirit of the ordinance. Due to constraints on the property the setbacks would not meet the required distances. Applicant has obtained an approved Shoreland Protection Permit for the set back to the

lake. The purpose of zoning ordinances is to promote orderly development, protect property values, and preserve the character of the community. The proposed use of our property aligns with these goals. The structure and layout remain consistent with the scale and aesthetic of the neighborhood without restricting the view of our abutter. Our Abutters property consists of three vacant lots and one seasonal home.

**3. Granting of the Variance would do substantial justice.**

The proposed relief of lot setbacks and wetland restrictions allows us to make reasonable use of our property in a way that aligns with its intended purpose and character, without causing harm to the lake or neighboring properties. Denying the variance would impose a significant hardship on us providing storage out of the sight of our neighbors. The dimensional requirements in question are not violated out of disregard for the ordinance, but due to unique lot constraints. In this case, the equitable outcome is one that recognizes the intent of the ordinance while also acknowledging the practical realities of the situation. Granting a variance would uphold the spirit of the law and allow us to continue contributing positively to the community and safeguarding of the lake with NH lakes landscaping requirements in the area between the shed and the water's edge.

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

The property setbacks are minor and does not alter the character, use, or appearance of the property in a way that would negatively impact neighboring parcels. The structure remains consistent with the scale and aesthetic of the neighborhood, and its presence does not interfere with sight lines, access, or privacy. There is no evidence of nuisance, overcrowding, or adverse environmental impact. In fact, the property continues to be well-maintained and contributes positively to the overall appeal of the area.

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

Strict enforcement of the ordinance would prevent reasonable use of the property in a way that aligns with its intended function and community value. The hardship is not self-created but rather stems from the property's physical constraints and the nature of its use. The requested variance allows the property to fulfill its role without compromising public interest or the integrity of the surrounding area. Unlike neighboring parcels, our property is an irregular shape and abuts the water which is protected under the Shoreland Protection Act. The state has approved our proposed plan and issued a permit. These characteristics limit the ability to comply with dimensional requirements while still making practical and beneficial use of the land.

The Chairman opened the meeting for public comments at 6:40PM, and hearing none, closed the meeting for public comments at 6:40PM. He stated that the proposed shed is closer to lake than the old shed and asked the applicant why it could not be placed in the same spot as the old shed. Mrs. Higgins indicated that their driveway crosses over the previous location of the old shed and using the old shed location would present a fire hazard due to the close proximity to the gas tanks on the corner of the home. The Chairman noted that a driveway was not indicated on the site plan provided with the application, and after a brief discussion of its location, determined that there is not enough room on the property to park vehicles without using the space occupied by the old shed. Mrs. Higgins provided a photograph of the storage container that the new shed would replace.

The Chairman asked for comments from the Board. Alan Williams asked why the shed couldn't be moved further from lake by moving it closer to the road. Mrs. Higgins indicated that this would reduce available parking area, and the Chairman confirmed with her that they are trying to preserve multiple

parking spaces. She noted that their boat trailers are stored on a neighbor's property and would like to store them on their property.

The Chairman stated that he wasn't as concerned about the location of the shed as he was about the status of the septic system installed when the variance for an addition to the home was granted. At that time, the septic system failed state inspection with specific problems identified and a do not backfill order issued. The state has no record of a follow-up inspection that is required before backfill by the installer. The applicant indicated they had no knowledge of this, and in fact, just had the system inspected. The Chairman indicated that the system installation was in question not the operation of the system, and he was hesitant to address an additional variance when a previous conditional variance was in question. He identified the septic installation issues as 1) the vent pipe connection was missing a trap that would allow water to run back into the system, 2) the system was installed too close to the building and foundation drains and waivers had not been requested. It is possible that these problems were corrected but the state paperwork does not reflect this and the installer may have additional information.

The Chairman indicated that he was not in favor of granting the current variance requests without addressing the previous variance compliance but in order to proceed he could call for a vote on the current variance requests or the applicant could request a continuation to address the septic system compliance. Aaron Leff suggested consideration of the current variance requests with conditional approval. The Chairman agreed that could be considered but he was concerned that resolving the septic system problem could be significant and timely to remedy. However, he asked for a motion to approve granting of the current variances (Case #479) contingent on receipt of an Operation Approval for the septic system, which was so moved by Aaron Leff, seconded by Katrina Labrecque, and voted upon verbally in the affirmative by all voting Board members except Alan Williams who abstained. The motion passed.

### **Other Business**

The Chairman asked the Board to review the minutes from the September 18, 2025 meeting. Aaron Leff made a motion to accept the minutes as written, which was seconded by Alan Williams and voted upon verbally in the affirmative by all Board members in attendance at the September 18<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 Alan Williams and voted on in the affirmative by all Board members. The motion passed and the meeting adjourned at 6:55PM.

Minutes Prepared by Robert Fletcher