

DRAFT – NO LEGAL VALUE

Zoning Board of Adjustment Special Meeting Minutes

Location: Strafford Town Hall Conference Room

Date & Time: June 9, 2026 6:30PM

Board Members Present:

Katrina Labrecque – Vice-Chair
Aaron Leff
Jean Chartrand-Ewen
Alan Williams

Alternate Board Members Present:

Steve Smith

Others Present:

Jen Czysz, Strafford Regional Planning Commission, Executive Director
Lisa Wise, Strafford Regional Planning Commission, Regional Planner
Robert Fletcher, Minutes Recorder

In the absence of the Chair, Ashley Rowe, the Vice-Chair, Katrina Labrecque, 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 July 16, 2026 meeting will be June 25, 2026.

New Business

Variance Hearing, Case #26-003, Strafford Road (Tax Map 16, Lot 19). New Style Homes, Inc. is requesting a Variance to the requirements of Article 1.4.1 Land Requirements, Paragraphs D Minimum Land Area, E, and G of the Zoning and Land Use Ordinances of the Town of Strafford in order to subdivide an 8.01 acre property into two lots, one of which will be 5.0 acres in area with 2.0 acres of land suitable for development and one of which will be 3.01 acres in area with 1.66 acres of land suitable for development, where current ordinances require a minimum of 2.0 acres of land suitable for development, excluding wetlands and steep slopes.

The Vice-Chair asked for a motion to accept the application as complete which was so moved by Alan Williams, seconded by Aaron Leff, and voted upon verbally in the affirmative by all Board members. The motion passed.

The Vice-Chair asked for a motion that the application presents no regional impact which was so moved by Aaron Leff, seconded by Alan Williams, and voted upon verbally in the affirmative by all Board members. The motion passed.

The Vice-Chair asked the applicant to present the case. James Shannon, representing the applicant, New Styles Homes, thanked the Board for convening a special meeting to hear the case and introduced Dennis Allfrey, owner of the property, and Robert Stowell of TriTech Engineering Corporation. Attorney Shannon, with reference to a TriTech plot depiction, noted the property location and the

character of the nearby homes on Strafford Road. He indicated that the property is an irregular shape with two contiguous upland areas that are separated by wetlands and steep slopes which prevents reasonable use of the property. Development of the eastern buildable upland area would allow reasonable use of the property without any impact on the wetland areas. A home could be located more than 40 feet from the 50-foot wetland buffer setback. He noted a correction to his initial letter indicating no effect on steep slopes in that, upon development of a final plan, they determined that approximately 50-foot of slope would be effected at the entrance to the proposed lot from Strafford Road.

Attorney Shannon addressed the criteria for granting a variance as follows:

1. Contrary to the public interest. Variances serve the public in allowing reasonable use of property while protecting wetlands and public safety. The proposed lot does not impact any wetlands and allows safe access and proper property development by avoiding steep slopes and land erosion. Granting the variance would not be contrary to the public interest.
2. Contrary to the spirit of the ordinance. As indicated above, the proposed lot does not impact any wetlands, allows safe access and property development, and is reasonable use of the property. Granting the variance would not be contrary to the spirit of the ordinance.
3. Substantial justice. Two houses on a property of over 8-acres with substantial frontage on Strafford Road is not an unreasonable use of the property that has two separated upland areas and is consistent with placement of other homes in the area. Granting the variance would do substantial justice to allow reasonable use of the land.
4. Property values. The current home being built on the property is consistent with the construction of other homes in the area. An additional home on the proposed lot would be similar in construction with limited visibility from Strafford Road. Granting the variance would not diminish surrounding property values.
- 5A & B. Unnecessary hardship and reasonable use. The property is unique and no fair and substantial relationship exists between the general public purpose of the ordinance and the rights of the property owner. It is an odd-shaped piece of land with a newly constructed home at one end of the lot. The proposed additional lot is over 3-acres and only 15,000 square feet short of the 2-acre buildable area requirement. The proposal presents no impact to the wetlands, has a minimal effect on slopes, and provides adequate sight lines for exiting a driveway to the lot. This is a large parcel with usable land divided by protected features (wetlands and slopes) that will be protected with this proposed subdivision and placement of the house so far from the wetlands. The conditions of the property are conducive to grant relief because the rights of the owner for reasonable use of property does not take away from the public interest of protecting wetlands, land erosion, and the safety of the traveling public and potential homeowner.

For the reasons stated above the applicant believes the criteria for granting a variance had been met.

Robert Stowell asked to provide additional information. He stated that the Conservation Commission did not have any environmental concerns with respect to a wetland impact. He indicated that the proposed 3-acre lot provides the required 60 percent contiguous buildable area, does not encroach upon any wetlands or wetland buffers, slightly effects steep slopes for driveway access, provides lot-loading for sewage to support 15 bedrooms, and as a result, provides necessary environmental protection.

The Vice-Chair asked the Board for questions or comments. Alan Williams questioned the reference to the lot supporting 15 bedrooms. Dennis Allfrey indicated that the capacity is calculated using a State of New Hampshire formula based on soil types and slopes present on the property. Mr. Williams noted that this was a literal calculation, the lot size in reality would not support 15 bedrooms, and it is misleading for the Board. Mr. Allfrey stated that development constraints would limit the size of the structure and he is not proposing a 15 bedroom home. Mr. Shannon noted how good the soils were on the property, how far the house would be from the wetlands, and no wetland impact. Jean Ewen asked what size home was proposed. Mr. Allfrey indicated it would be similar to the other home being constructed; a less than 2,000 square-foot 3-bedroom two-story colonial home with attached garage and two and one-half baths. Mr. Shannon stated that there is no application for a building permit and the type of home is flexible based on market conditions. Jean Ewen asked if the applicant was aware of the lot limitations when the property was purchased. Mr. Allfrey indicated that he was aware of the wetlands and steep slopes but later discovered the constraints were greater than expected and the deed incorrectly recorded the property at over 9-acres when it was actually an 8-acre parcel.

The Vice-Chair opened the meeting for public comments at 6:50PM, and there being none, closed the meeting for public comments at 6:50PM. The Board entered into deliberations to discuss the case.

Alan Williams stated that he does not see any hardship associated with the variance request. The applicant bought the property with knowledge of the steep slopes and wetland areas and was only able to get one house on the parcel, let alone two. Granting a variance for this case would set a terrible precedent for future variance requests. The Vice-Chair, with reference to the plot depiction, clarified with the Mr. Allfrey the location of the current home and proposed home on the parcel and the fact that the proposed lot contained 1.66-acres of buildable area. Jean Ewen indicated that she agreed with Alan Williams regarding hardship and setting a precedent. Steve Smith noted that financial gain by property subdivision does not present a hardship. Aaron Leff expressed concern about future applications with respect to the hardship criteria. Alan Williams asked the Mr. Allfrey how far the creek on the adjoining Lot 17 is from the Lot 19 property line. The applicant stated that it was approximately 90 to 100 feet. Mr. Williams expressed concern about the increased flow of water into this creek from the proposed lot during and following any new construction.

Mr. Allfrey noted that the Conservation Commission did not have any concerns. Attorney Shannon stated that the variance is for the calculation of buildable area not on the actual effect on steep slopes or wetlands which are effected by this proposal. He reiterated his comments on the hardship to the town versus the right of the property owner if the variance is granted. He stated that the applicant is a developer but what he bought was a piece of property with 1,400 feet of frontage and the survey was conducted after the purchase. Mr. Williams noted the actual acreage difference from the deed and without conducting a survey before purchase the applicant was not doing due-diligence. Attorney Shannon stated that due-diligence would be to knowing the zoning requirements not to survey the property. Mr. Williams noted that any developer who had the intention to subdivide a piece of property would have it surveyed to determine its acreage prior to purchase.

Mr. Allfrey questioned Mr. Williams earlier comment regarding the proposed lot supporting 15 bedrooms being misleading. Mr. Williams stated that he was only trying to clarify that it was not necessary for the applicant to make this claim because a 15-bedroom home could not to constructed on the proposed lot. Attorney Shannon indicated that the applicant was attempting to demonstrate

the capability of the soil on the property to support an adequate septic system which was determined using state standards.

Mr. Allfrey stated that their presentation shows that there is no impact to steep slopes or wetlands and the proposed lot meets minimum lot size, soil and septic requirements. The only thing lacking for a compliant lot is 15,000 square feet of qualified buildable area and no hardship would be created in the granting of a variance. Attorney Shannon indicated that this variance would allow the reasonable use of an 8-acre piece of property with 1,400 feet of frontage, with no impact to any wetlands, minimal impact to steep slopes, adequate home setback from wetlands with only less than one-half acre short of the required buildable area.

Mr. Williams asked what the percentage of wetland was on the entire parcel. Mr. Allfrey indicated that it was not calculated but believed the goal was to address the usable land rather than the unusable land. Mr. Williams believed it was an important factor to consider.

Mr. Smith noted that it was the Board's job to protect the environment and land use through enforcement of zoning ordinances. An applicant seeking a zoning variance must demonstrate an unnecessary hardship exists if the variance is not granted. He is concerned about setting a precedent by granting a variance without a clear hardship which he doesn't see for this application. He understands that a developer may not survey a property before purchase but is taking a calculated risk in development of the property. Attorney Shannon agreed that ordinances are necessary for protection as a general legal principle but each application must be individually evaluated based on conditions of a specific property being considered. The particular features of this property preclude its reasonable use without relief of zoning ordinances and prior or future Board decisions should not be relevant in this case. The criteria to be met to grant a variance provides protection in the interest of the public while allowing an owner reasonable use of property. No wetland impact and minimal steep slope disturbance meets the criteria for granting a variance and an additional house on this parcel will not effect the stream that runs onto Lot 17. Both Mr. Williams and Mr. Smith believed that it would.

The Vice-Chair indicated that the Board needed to individually consider each of the three variances requested in the application. However, Terry Hyland, Jr. arrived at meeting a few minutes before and asked if it had open open for public comment yet. The Vice-Chair stated that the meeting was closed for public comments earlier but could be reopened by a motion which was so moved by Mr. Williams, seconded by Aaron Leff, and voted upon verbally in the affirmative by all Board members. The motion passed and the meeting s opened for public comments at 7:09PM. Mr. Hyland asked if the applicant had presented the subdivision request to the Planning Board. Jen Czysz Indicated that the applicant to seeking relief from the minimal building area zoning requirement and, if granted, the applicant will appear before the Planning Board for subdivision approval. The Planning Board does not have the authority to approve a subdivision that does not meet or have a granted variance to zoning requirements. Mr. Hyland was concerned about the Planning Board not having the opportunity to address a subdivision with steep slopes. There being no further public comments, the Vice-Chair closed the meeting for public comments at 7:11PM.

The Board addressed the requested variances with respect to Findings of Fact regarding the five criteria to be met for granting a variance.

Zoning Ordinance 1.4.1.D – Minimum Land Area. A lot shall contain not less than 2 acres of land which is suitable for development (87,120 square feet).

A lengthy discussion by the Board and subsequent input by the applicant resulted in the following Findings of Fact by a majority of the Board:

1. The granting of this variance would not be contrary to the public interest because the proposed uses are in line with existing development and character of the area.
2. The granting of this variance would not be contrary to the spirit of the ordinance because they are proposing to build on an area of the land that would otherwise be considered suitable for development.
3. By granting the variance, substantial justice would not be done because there already is reasonable use of the property for a single-family home. The board found that the benefit to the applicant would outweigh impact to the public by allowing for a second house lot.
4. The values of surrounding properties will not diminish as a result of granting the variance because the proposed use would be similar to the surrounding area.
5. Denial of the variance would not result in unnecessary hardship, because there is already reasonable use of the lot as a single-family home in conformance with the Zoning Ordinance. Allowing for a second house lot without adequate buildable area did not meet the standard of hardship. The conditions of the lot (presence of wetlands and steep slopes) were reasonably known to the applicant when the property was purchased; proposed development profitability, or lack thereof, does not constitute hardship.

The Vice-Chair asked for a motion to either grant or deny the request for a variance to Article 1.4.1.D. Alan Williams made a motion to deny granting the variance which was seconded by Steve Smith and voted upon verbally in the affirmative by all Board members. The motion passed.

Zoning Ordinance 1.4.1.E – No portion of wetlands shall be used in calculating minimum lot size.

A discussion by the Board and subsequent input by the applicant resulted in the following Findings of Fact by a majority of the Board:

1. The granting of this variance would be contrary to the public interest because protecting wetlands is in the public interest.
2. The granting of this variance would be contrary to the spirit of the ordinance because the intent is to have two acres of buildable land without wetland area, in order to protect wetlands.
3. By granting the variance, substantial justice would not be done because there already is reasonable use of the property without the proposed subdivision, and the harm to the general public outweighs the benefit to the applicant.
4. The values of surrounding properties will not diminish as a result of granting the variance because the proposed use would be similar to the surrounding area.
5. Denial of the variance would not result in unnecessary hardship, because there is already reasonable use of the lot as a single-family home in conformance with the Zoning Ordinance. Allowing for a second house lot without adequate buildable area that does not include wetlands did not meet the standard of hardship. The conditions of the lot (presence of wetlands and steep slopes) were reasonably known to the applicant when the property was purchased; proposed development profitability, or lack thereof, does not constitute hardship.

The Vice-Chair asked for a motion to either grant or deny the request for a variance to Article 1.4.1.E. Aaron Leff made a motion to deny granting the variance which was seconded by Alan Williams and voted upon verbally in the affirmative by all Board members. The motion passed.

Zoning Ordinance 1.4.1.G – No portion of an area with a natural slope of greater the 25% shall be used in calculating minimum lot size.

A discussion by the Board and subsequent input by the applicant resulted in the following Findings of Fact by a majority of the Board:

1. The granting of this variance would not be contrary to the public interest because the proposed impact to the public related to steep slopes would be minimal.
2. The granting of this variance would be contrary to the spirit of the ordinance because the intent is to have two acres of buildable land without steep slopes, in order to protect safety and prevent erosion.
3. By granting the variance, substantial justice would be done because the benefit to the property owner would outweigh the negative impact to the public.
4. The values of surrounding properties will not diminish as a result of granting the variance because the proposed use would be similar to the surrounding area.
5. Denial of the variance would not result in unnecessary hardship, because there is already reasonable use of the lot as a single-family home in conformance with the Zoning Ordinance. Allowing for a second house lot without adequate buildable area that does not include steep slopes did not meet the standard of hardship. The conditions of the lot (presence of wetlands and steep slopes) were reasonably known to the applicant when the property was purchased; proposed development profitability, or lack thereof, does not constitute hardship.

The Vice-Chair asked for a motion to either grant or deny the request for a variance to Article 1.4.1.G. Alan Williams made a motion to deny granting the variance which was seconded by Aaron Leff and voted upon verbally in the affirmative by all Board members except Steve Smith who voted No. The motion passed.

Attorney Shannon thanked the Board for their time in addressing the variance requests and requested the recording of the meeting be saved in case the applicant seeks to appeal the Board's decision.

Other Business

The Vice-Chair asked the Board to review the minutes from the May 21, 2026 meeting. Jean Ewen made a motion to accept the minutes as written, which was seconded by Steve Smith and voted upon verbally in the affirmative by all Board members.

There being no further business before the Board, the Vice-Chair called for a motion to adjourn. Alan Williams moved to adjourn, which was seconded by Aaron Leff and voted on in the affirmative by all Board members. The motion passed and the meeting adjourned at 8:26PM.

Minutes Prepared by Robert Fletcher