

Zoning Board of Adjustment Meeting Minutes

Location: Strafford Town Hall Conference Room

Date & Time: October 15, 2026, 6:30PM

Board Members Present:

Ashley Rowe, Chair

Aaron Leff

Alan Williams

Jean Ewen

Katrina Labrecque

Others Present:

Lisa Wise, Strafford Regional Planning Commission, Regional Planner

Todd Crabtree, Recorder

The Chair, Ashley Rowe, 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 19, 2026**, meeting will be **October 29, 2026**.

Continuing Business

Variance Hearing: MPE Holdings, LLC is requesting a Variance to the requirements of Section 1.4.1 Land requirements, Paragraph A Frontage, of the Strafford Zoning and Land Use Ordinance, in order to subdivide a 12-acre lot with 263.12 feet of frontage, resulting in approximately 131 feet of frontage for each lot where 200 feet is required. (Second Crown Point Road, Tax Map 19, Lot 48-2).

FX Bruton an attorney from Bruton & Berube out of Dover, NH, is representing the applicant MPE Holdings, LLC. Mr. Bruton took the floor to discuss the requested variance for the parcel on (Second Crown Point Road, Tax Map 19, Lot 48-2). He stated that the parcel currently has approximately 12 acres and wanted to make sure the board to understand they have an intention of reducing the size of that lot down to 4 acres (through a lot line adjustment) and would like to subdivide the resulting 4-acre lot into two separate parcels. He stated that he wanted to share that intention upfront and not after the fact. He stated that they would split the lot down the middle which would result in give or take 131 feet of frontage for each lot, where 200 feet is required. Mr. Bruton pointed out in the materials that the board would consider whether there a special characteristic of a lot that creates a hardship or makes it unnecessary to impose the restriction on this lot. One of the things about this lot is that is a tapered shape. It starts at just over 400 feet but tapers down to 263 feet. He went on to say

that other lots in this area are not tapered and basically rectangular or square and do not have that special characteristic of tapering down to a smaller frontage. Mr. Bruton then discussed what is frontage for? He identified that the law basically considers frontage as necessary for safe vehicle access for emergency responders and things of that nature. He pointed out that this parcel has over 600 feet of sight distance to the nearest intersection. He stated that this is unique and has a special characteristic to this section of the road as the rest of Second Crown Point Rd. is not straight and has many curves. The town regulation for sight distance is 250 feet, and if it was a state road (which it is not) the sight requirement would be 400 feet. He believes that with the amount of sight distance, the safety concerns with respect to having less frontage is addressed. One of the other main reasons they feel they should be granted the relief is because unlike other lots that come to you and ask for this relief they are going to maintain a shared driveway in the middle with one point of access. He said that one could say that and he would say that the lot as it is today these are the what is frontage for is going to be the same after the subdivision because there will only have one point of access it will be a shared driveway. He mentioned other cases where the board approved less frontage, those lots did not have shared access. He believes that the proposed situation is better than the ones previously approved as there will only be a shared driveway with one point of access with 263 feet of frontage, taking in the concern of safety for that access. He believes that most other applicants would not think to do this because they would want to separate those driveways, and that is not what this applicant's plans are. It is to have a shared driveway. He reiterated that frontage relates to safety. He believes that they meet the spirit and intent of the ordinance.

Mr. Bruton went on to discuss each of the variance criteria:

1. Provide proof that demonstrates the variance will not be contrary to the public interest.

Mr. Bruton stated the proposed use will not be contrary to the public interest, as the use will not "alter the essential character of the locality," as the shared driveway is the only driveway that would be utilized, and visible to any of the abutters, or the general public.

2. Provide proof that demonstrates how a variance observes the spirit of the ordinance.

Mr. Bruton believes that the spirit and intent of the ordinance is to provide orderly development and to protect the welfare, health, and safety of the inhabitants. Mr. Bruton believes that the one point of access satisfies this requirement.

3. Provide proof that demonstrates how a variance will result in substantial justice.

Mr. Bruton described that this criteria relates to balancing the detriment to the applicant with any harm to the public. He stated that all other zoning requirements will be observed, including setbacks and minimum lot sizes. He submits there will be no harm to the public and the proposed subdivision allows for additional housing stock.

4. Provide proof that demonstrates the variances will not diminish the values of the surrounding properties.

Mr. Bruton states that there will be no diminishment of property value. He mentioned some of the surrounding properties have less frontage.

5A. Provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

Mr. Bruton asked, in order to obtain the goals of the ordinance, is it necessary to impose the frontage requirement? The use of the shared driveway compensates for the lack of frontage in this instance. It would be a hardship to the applicant if these restrictions are imposed. Mr. Bruton asks, is it necessary to impose the frontage requirements when they can provide safe access by having one shared driveway?

Mr. Bruton mentioned that the applicant had had time to talk with the abutters to understand their concerns. As a result, the applicant has proposed implementing a voluntary 15-foot no cut zone on both sides of the lot, with exception of any trees being diseased or an emergency situation. Mr. Bruton concluded that the variance requirements have been satisfied.

The Chair asked the board if there were any questions. None were presented.

At this point the Chair opened the public hearing.

Nicholas Peterson of 844 Second Crown Point Rd. stated they have an existing nonconforming shed that is right up to the property line. He had an agreement with the previous owner that it was not an issue. He asked if it would be an issue, and the Chair stated that it had no bearing on this application.

Joe Pomerleau of 441 First Crown Point Road said the arguments sound fair. He has grown up in Strafford and has watched Second Crown Point Road be developed and over developed in his opinion. He and his wife bought 3 subdivisions to stop development. He has enough property to place nine houses but it changes the road. He is concerned that if you can start having smaller properties, what is going to stop anyone from doing it.

Laura Pomerleau 441 Second Crown Point Rd. then spoke and said, when talking about the test of hardship, it is being looked at from one perspective. However, zoning requirements have been set. She asked what is the hardship if it is not approved. Referring to the requirements this is what we have, this is what we set as requirements. They knew this was the shape of the lot prior to purchasing it. She does not see that as a hardship. Mrs. Pomerleau also said in regards to other lots in the area specifically lot 18, that was a 1-acre lot from the 1800s, before these restrictions were in place. Also true with other subdivisions where parents granted land to their children. These lots are from the 50's and the 60's and we are referencing other lots that are smaller and believes they do not comply to what is trying to be accomplished. She referenced what her husband said when we start letting these things go where does it end?

Steven Gambardella, of 391 First Crown Point Rd., is an abutter to the Pomerleaus and abutter to part of the former French property. He allowed Mrs. French to access to his lot to do selective cutting. He believes this is a welcoming community. His parents came here in 1980 and this has been his primary residence since 2021. He regards the community for its aesthetic beauty and its inclusion. He said what he is hearing from the applicant is that they think hardship can be demonstrated because they cannot realize economic and commercial benefit from a property that they knew they could not subdivide under the existing ordinance. There is no hardship shown because they want to make a profit on this. He went on to say that these are not the original owners, and it is offensive to him as a community member and property owner that people can come in and ask for and potentially receive a variance based on a commercial necessity. Mr. Gambardella stated that This is not hardship. They knew what they were buying into, they knew that they were going to have to appeal for a variance, and they have not demonstrated a hardship for this subdivision. He went on to say that Mrs. Pomerleau stated this very adequately, what precedent does this set in our community for others that wish to subdivide and seek a variance.

Mr. Gambardella stated that if the boards approves this then we will have subsequent subdividers state they have an economic benefit and have a precedent to buy a piece of property and make money on it. This is not what this community is about. His concern is that if the board approves this request there is no showing of hardship. He agrees with Mr. and Mrs. Pomerleau that reasonable development under the existing rules should be allowed. He said this is not reasonable development under the existing rules. It's unreasonable, it's a commercial grab. Again there is no hardship shown. He asks the board to consider carefully that a precedent shown here will be applied later. He said if one does it another will come in and say if they can do it over there, it can be done over here. He said he has 40 acres and has a large amount of frontage and will abide by what the board decides. He asks that this request be denied.

The Chair then asked if there were any others that would like to speak. Lisa Wise from Strafford Regional Planning Commission said she received an email from Erica Helm, an abutter at 837 Second Crown Point Road, and read it to the board for the record:

I'm unexpectedly unable to attend tonight's hearing for a variance of frontage on Second Crown Point Road. As an abutter I am strongly opposed to granting the variance. A 70 foot difference is substantial. The town has voted in and approved plot sizes and their votes should be respected. Strafford prides itself on a pastoral, uncrowded atmosphere. Allowing unnecessary variances as requested undermines the efforts to keep the rural feel of Strafford.

The Chair asked if there were any others that would like to speak.

Jacob Erricolo of 828 Second Crown Point Rd. stated that New Hampshire suffers from a housing shortage and thinks that it is nice to give an opportunity to people to decide where they want to live. Strafford is amazing and giving an opportunity to give new home buyers to move into the town is an amazing thing. He assumes that this would help the town in some degree.

The public hearing was closed at 7:01 pm as there were no other public speakers.

Mr. Bruton had the opportunity to respond to the public comments. He said that he has been an attorney for 32 years and practices in about 73 NH communities. He said sometimes he hears the argument that we have a set of rules, let's just follow them, and it remains this board's job to look at certain circumstances and exceptions. Decisions should be based on circumstances. Regarding the argument that 'you knew it before you bought it,' that is not consistent with New Hampshire law. He believes that they have met the criteria. There are unique characteristics and this is different than other lots. When we get a subdivision, it will be within every other rule established. Approving this does not mean you have to approve applications that follow. You consider the unique aspects of each application. Due to the efforts put forth he believes that this variance should be approved as this is unique and extremely reasonable.

The Board then entered into deliberations. Katrina Labrecque said her concern is that there is already reasonable residential use of the lot that meets the road frontage requirement and the lot size requirement. The Chair said it is important to remember that every case is evaluated on a case-by-case basis. This would be the third subdivision of this parcel within thirteen years. This lot was created by a subdivision not that long ago, which met the frontage requirement. This is basically creating something to the minimum standard. The Chair stated that he agrees with all the applicant's responses to the criteria, with the exception of the hardship. All the arguments that were made were valid, but it does not meet the hardship criteria. This lot was created as a residential lot and exists as a residential lot and bought as a residential lot. He does not see a hardship that would necessitate subdividing below the minimum stands. Jean Ewen stated that she agreed with what was said by Mr. Rowe. Alan Williams stated he agreed with everything and states there is no hardship here. Alan Williams made a motion to deny the variance application; Aaron Leff seconded; all voted in favor. The variance application is denied.

New Business

None.

Meeting Minutes and Board Discussion

Aaron Leff made a motion to accept the minutes from the September 17, 2026, meeting as written. Jean Ewen seconded the motion. All voted in favor.

Alan Williams made a motion to adjourn; Jean Ewen seconded; all voted in favor. The meeting was adjourned at 7:31 pm.