



**Stratham Zoning Board of Adjustment
Meeting Minutes
August 9, 2011
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM**

Members Present: Arol Charbonneau, Chairman
Mike Smith
John Dold, Alternate
Bruce Barker, Full Time Member

Members Absent: Kirk Scamman, Full Time Member
David Short, Full Time Member
Jeff Karam, Full Time Member
Chris Brett, Alternate

Staff Present: Lincoln Daley, Town Planner
Terry Barnes, Building Inspector
Tracey Cutler, Land Use Assistant

1. Call to Order/Roll Call:

Mr. Charbonneau, Chairman called the meeting to order at 7:00 pm and explained the procedure for the meeting to all those present.

2. Review of Minutes:

There were no minutes to review

3. Public Hearings:

- a. **Case #548** Ernestine Bayer of 24 Doe Run Lane, Tax Map 12, Lot 43 is requesting a Special Exception from Article II, Definitions, Section 2.1.36 Kennel, of the Stratham Zoning Ordinance. The Applicant was granted a temporary approval until August 9, 2011.

The Chairman explained that the Applicant's attorney has asked for a continuance of this case until the next ZBA meeting to be held on September 13, 2011. One of the several abutters present at the meeting explained that he had filed a complaint with the Police Department about this case. Mr. Daley agreed to contact the Police Department to get a copy of the abutter's complaint in time for the next meeting.

Mr. Smith made a motion to continue the hearing for case # 548 until the September 13, 2011 ZBA meeting. Mr. Dold seconded the motion. The motion was carried unanimously.

1 **b. Case #563:** Ken Litvack, 30 Doe Run Lane, Tax Map 12, Lot 41 is requesting Variance relief as
2 provided in Article XI Wetlands Conservation District (overlay) 11.5.3.b of the Stratham Zoning
3 Ordinance to allow an existing shed to remain on the property.

4 The Chairman explained that the Applicant's attorney has asked for a continuance of this case
5 #563 with the Applicant's approval until the next ZBA meeting to be held on September 13, 2011.

6 Mr. Smith made a motion to postpone case # 563 until September 13, 2011. This was seconded
7 by Mr. Dold. The motion was carried unanimously.
8

9 **c. Case #562:** Charles Wagner, 11 Fifield Lane, Tax Map 6, Lot 122 is requesting a Special
10 Exception from Article V. Supplementary Regulations, Section 5.4. Accessory Apartments of the
11 Stratham Zoning Ordinance, to construct an accessory apartment to the existing single family
12 dwelling
13

14 The Applicant, Mr. Charles Wagner, introduced himself to the Board and presented his case for
15 constructing an in-law accessory apartment above his garage. The Board examined the site plan
16 and noted it was lacking parking details as well as not showing the existing structure with the
17 proposed structure. Mr. Wagner referred to the plan to explain the work being done in more detail
18 and mentioned that Mr. Barnes, Building Inspector had visited the site several times. During Mr.
19 Barnes last visit, he had explained to the applicant that there was a need to have a fire wall and a
20 fire protective barrier.
21

22 The Board asked Mr. Wagner if he had been made aware of the regulations governing an
23 accessory apartment. Mr. Wagner replied that he had not. The Building Department apologized
24 for the oversight.
25

26 Mr. Wagner was asked about parking at his property. He responded that there was ample room
27 for parking which Mr. Barnes confirmed. Mr. Barker checked with Mr. Barnes that setback
28 regulations were being met to which Mr. Barnes replied that they were.
29

30 The septic system was then discussed. The current septic system is for a 4 bedroom house and
31 was approved for operation on 26 October, 2009. Mr. Wagner also added that the original tank
32 had been left in along side the new one. The Board noted that the tax card has 11 Fifield listed as
33 a 4 bedroom house meaning that if another bedroom was added, the septic system will have to be
34 changed to accommodate that change even though Mr. Wagner explained that only 3 rooms are
35 used as bedrooms. Mr. Wagner was asked what size tank the current septic system has. He
36 replied 3000 gallons and explained that they are pumped tanks. Mr. Dold read the current
37 regulations pertaining to septic systems which say the septic system has to be adequate for both
38 units and if deemed necessary such evidence shall be in the form of certification by the State of
39 New Hampshire License Septic System Designer. The owner shall provide also, evidence that
40 there is adequate potable water according to the standards of the state of New Hampshire. Once
41 the Building Inspector is satisfied that these requirements have been met, he will inform the ZBA
42 in writing, that he has approved them.
43

44 The Chairman, Mr. Charbonneau then went through the list of requirements as per Stratham
45 Zoning Ordinance 5.4. for an accessory apartment with the applicant. Mr. Dold asked the
46 Building Inspector if he was aware that at the time the garage was built that the applicant might
47 build an accessory apartment on top of it. The Building Inspector replied that he did not. The
48 applicant was asked how many people would be using the accessory apartment to which he
49 replied that the accessory apartment would be used by one person only.
50

1 Once the Board finished discussing all of the requirements with Mr. Wagner, Mr. Dold made a
2 motion that the Board approve the requirements for a special exception as shown in Section 5.4 of
3 the Town of Stratham Zoning Ordinance for case # 562 with the following conditions:
4

- 5 • An updated plan showing both the existing and proposed structures and parking drawn to
6 scale be provided
- 7 • An approved septic design for a 5 bedroom house is provided.
- 8 • Evidence of potable water including quantity as well as quality is provided.
9

10 Mr. Dold reminded Mr. Wagner that he would need to provide evidence of the above conditions
11 to the Building Inspector who would provide the ZBA with his approval in writing for the file.
12

13 The motion was seconded by Mr. Smith. The motion was carried unanimously.
14

15 The Board then looked at Section 17.8.2 and read through the standards that need to be met for a
16 special exception. The Board agreed that Mr. Wagner met the standards.
17

18 A motion was made by Mr. Dold to approve the request for a special exception based on the
19 conditions already stated for case # 562 stating that Mr. Wagner has 4 weeks in which to meet
20 the conditions. The motion was seconded by Mr. Smith. The motion was carried unanimously.
21

22 The Chairman made the applicant aware that there is a 30 day appeal period so any work he
23 chooses to do during this time will be done at his own risk.
24

25 **3. Adjournment**

26 The meeting was adjourned by Mr. Smith at 8.05 pm and seconded by Mr. Barker.
27