

**Town of Seabrook
Board of Adjustment
August 22nd 2018**

Members Present: Jeffrey Brown, Dr. Robert Lebold, David Davidson,
Teresa Rowe-Thurlow, Interim CEO Paul Himmer, Secretary Lacey L Fowler

Not Present: Michael Lowry, Brandon Adams, Robin Fales, Philip Howshan

Jeff Brown opens meeting @ 7:00PM and explains procedure and where
meeting has been posted.

Roll Call

Old Business

Minutes

Minutes from Meeting June 27th 2018.

Motion: Dr. Lebold

To accept minutes as written.

Second: D. Davidson

Yes: Rowe-Thurlow & Brown

Abstain: Lowry

CASE # 2018-010: KEVIN & PAULA FRITZ, 41 WASHINGTON STREET, MAP 15 LOT 74, FOR A VARIANCE TO THE TERMS OF SECTION 7 AND ASKS THAT SAID TERMS BE WAIVED TO PERMIT: 2 DETACHED DWELLING BUILDINGS EACH CONTAINING ONE DWELLING UNIT ON A LOT CONTAINING 26,000 SQUARE FEET IN RESIDENTIAL ZONE 2R.

Henry Boyd is here to represent Kevin fritz. Henry speaks about the previous proposal that was presented by Mary Ganz a few months ago. Henry speaks about his effort to talk directly to the abutters about the change from the original petition. He also goes on to speak about the property and the possibilities of change to this property. He suggests that changing the current industrial use on the property to a residential use would be a more appropriate fit to the neighborhood.

Paul Himmer also speaks on how the residential use would benefit the neighborhood.

Lacey Fowler asks what size will the second unit be? Is it going to be an apartment or a single family home? She reiterates that 45,000 sq ft is required for two separate single family homes and they only have 26,000 sq ft. Henry responds that is why they are applying for a variance, due to lack of square footage. Lacey responds that she understands that but it wasn't made clear when Henry initially proposed this case.

Teresa Rowe-Thurlow states that they are asking for a variance relief for 19,000 sq ft.

Henry agrees.

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Jeff asks if anyone was there to speak in support of the case.

Mr. Kevin Fritz introduces himself and says that he just wants to do right by the property.

Jeff asks if anyone was there to speak against the case.

Earlin Hart, 12 Fowler's Court speaks in opposition of the case. When asked his reason he states that he doesn't want any more neighbors in his back yard. He claims that Fritz doesn't have the property to do it. States that Fritz doesn't have the land that he claims. Earl offers the board to review a deed that he says. He says he owns a right of way that is not be accounted for. He also states that Henry never reached out to him to discuss that case in advanced.

Rowe-Thurlow speaks to Henry about the right of way brought up by Earl. Henry states that he's not familiar with that. He hasn't looked at deeds and will not know more about the property until it is surveyed.

	J. BROWN	DR. LEBOLD	D. DAVIDSON	M. LOWRY	T. ROWE-THURLOW
1.	YES	YES	YES	YES	NO
2.	YES	YES	YES	YES	NO
3.	YES	YES	YES	YES	YES
4.	YES	YES	YES	YES	NO
5.	YES	YES	NO	YES	NO

Motion: Dr. Lebold
Second: M. Lowry
Yes: J. Brown & D. Davidson
No: T. Rowe-Thurlow

To grant the variance request to allow two residential units on a small (26,000 sq ft) sized lot.

Administrative Items

New zoning books

Board of Selectmen appointing new member
Introduce Mr. Himmer as new Code Enforcement Officer.

New Business

CASE # 2018-011: PS RENEWABLES, 27 STARD ROAD, MAP 4 LOT 9, FOR A VARIANCE TO THE TERMS OF SECTION 6 TABLE 1 AND ASKS THAT SAID TERMS BE WAIVED TO PERMIT: A GROUND MOUNTED SOLAR ARRAY IN RURAL ZONE 1.

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Richard Barthelmes, P.E., is speaking on behalf of PS Renewables. In May, PS Renewables received a denial letter for the Code Enforcement Officer claiming that solar array was not an allowed use.

Mr. Barthelmes brings a map of the property at 27 Stard Road to show where exactly the solar array would be. He goes on to explain what currently exists on this parcel. Overall, the property consists of 22 Acres. The solar array will maintain zoning setbacks and a vegetation buffer. Solar array would be contained with a chain linked fence. Maintenance vehicle are the only vehicles that would be used to contact the site. They will also establish a vegetation cover across the site and it would be maintained on an as needed basis.

Mike Lowry asks if there are wetlands on the property. Mr. Barthelmes confirms that there are not.

Teresa Rowe-Thurlow asks where Pine Farms is in relation to this property.

Mr. Arleigh Greene, the property owner, explains that Pineo Farms is on the other side of the Fogg Property.

Dr. Lebold asks if the solar array will start at the boulders. Mr. Greene states that it will be 200 to 300 yards passed the boulders.

Mike Lowry asks about the height of the panels. Mr. Barthelmes explains that they are 5ft to 6ft tall.

Jeff Brown states that this specific use is not listed in the table. That is why they are here for the variance. He asks if anyone would like to speak in favor or against this case. No one responds. He asks if there are any comments from Code Enforcement. Paul Himmer, Interim Code Enforcement Officer, state that it sounds like the best use for that piece of property.

	J. BROWN	DR.LEBOLD	D.DAVIDSON	M. LOWRY	T. ROWE-THURLOW
1.	YES	YES	YES	YES	YES
2.	YES	YES	YES	YES	YES
3.	YES	YES	YES	YES	YES
4.	YES	YES	YES	YES	YES
5.	YES	YES	YES	YES	YES

Motion: Dr. Lebold
Second: D. Davidson
Yes: Unanimous

To grant the variance for
solar array in Rural Zone 1.

CASE # 2018-012: WILLIAM & KAREN SILVER, 14 RIVER STREET, MAP 23 LOT 14, FOR A VARIANCE TO THE TERMS OF SECTION 7 AND ASKS THAT SAID TERMS BE WAIVED TO PERMIT: EXPANSION OF EXISTING BUILDING INTO SETBACK IN RURAL ZONE 1.

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Henry Boyd is present to represent the Silvers. Henry speaks on River Street and its history of existing non-conforming undersized lots. He also speaks on regulations on high tides and setbacks. He explains that the Silvers want to add the garage due to lack of storage. The left side of the proposed garage is almost 4 feet from the property line and the current setback is 10 feet. The front of the structure is almost 18ft from the front property line and the current front setback in rural zone 1 is 20 feet.

Henry shows the design to the board of the proposed two story garage. Jeff Brown states that this case was familiar to the one that came before the Board recently. Henry says it is similar to that case but that case was for a vacant lot.

Henry also explains that the Silvers will need to get Shoreland permits after this.

Dr. Lebold asks about the pitch of the roof.

William Silver, the property owner, states that they plan on raising it to a second level. That it will have a conventional pitched roof.

Henry goes over the dimensions of the proposed structure again and explains why the variance of the front and side setbacks are needed.

Jeff Brown asks if anyone would like to speak for or against this case. No one responds. He asks if there are any comments from Code Enforcement. Mr. Himme4r has none.

	J. BROWN	DR.LEBOLD	D.DAVIDSON	M. LOWRY	T. ROWE-THURLOW
1.	YES	YES	YES	YES	YES
2.	YES	YES	YES	YES	YES
3.	YES	YES	YES	YES	YES
4.	YES	YES	YES	YES	YES
5.	YES	YES	YES	YES	YES

Motion: Dr. Lebold
Second: M. Lowry
Yes: Unanimous

To grant the variance for side setback relief of 6.8ft on the left side of the proposed structure and relief of 2FT on front setback.

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RECONSIDERATION OF A PREVIOUSLY APPROVED VARIANCE REQUESTED BY PROPERTY OWNERS OF CASE # 2017-013. TERRI PROVENCHER, 302A SOUTH MAIN STREET, MAP 17 LOT 35-1 REQUESTS A VARIANCE TO SECTION 7 TABLE 1 AND ASKS THAT SAID TERMS BE WAIVED TO PERMIT THE REPLACEMENT OF MOBILE HOME ON A NON-CONFORMING LOT IN ZONE 2R.

Jeff recuses himself from this case. He asks Dr. Lebold to take over. Lebold speaks about the letter requesting the reconsideration of the Case. He states that this request is looking for a simple yes or no.

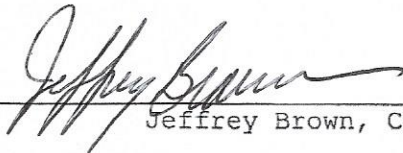
Motion: Dr. Lebold
Second: D. Davidson
Yes: Unanimous

To deny request for rehearing to
reconsider the case.

Brown rejoins the meeting.

Motion by: M. Lowry to adjourn @ 7:47PM.
Second: Dr. Lebold
Yes: Unanimous

Signed: _____



Jeffrey Brown, Chairman

NOTICE OF DECISION
BOARD OF ADJUSTMENT
TOWN OF SEABROOK, NEW HAMPSHIRE

You are hereby notified that the request of PS Renewables, 27 Stard Rd, Map 4 Lot 9, for REHEARING, VARIANCE, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS) OR EXPANSION OF THE NON-CONFORMING USE to: The Zoning Ordinance has been APPROVED for the reasons given in the following resolution passed by a majority of the BOARD OF ADJUSTMENTS:

ON CONDITION OF GRANTING ANY VARIANCE, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS OR NON-CONFORMING USE IS THAT IT EXPIRES AT THE END OF TWO YEARS IF NOT COMPLETED WITHIN THAT TIME.

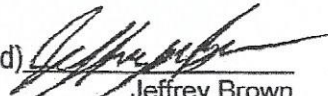
RESOLVED,

RESOLVED, THAT THE Following CONDITIONS Shall BE ATTACHED TO SUCH USE:

CASE # 2018-011: PS RENEWABLES, 27 STARD ROAD, MAP 4 LOT 9, FOR A VARIANCE TO THE TERMS OF SECTION 6 TABLE 1 AND ASKS THAT SAID TERMS BE WAIVED TO PERMIT: A GROUND MOUNTED SOLAR ARRAY IN RURAL ZONE 1.

Motion:	R Lebold	To grant a variance for solar panel
Second	D. Davidson	array in Zone 1.
Yes:	Unanimous	

("Compliance with these conditions must be met before a building permit can be issued.")

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 8-22-2018

NOTE: Application for rehearing on any question of the above determination may be taken within thirty (30) days of said determination by any party to the action or person affected thereby according to the New Hampshire Revised Statutes Annotated, 1955, Chapter 31:74-76. Form Revised 2001

NOTICE OF DECISION
BOARD OF ADJUSTMENT
TOWN OF SEABROOK, NEW HAMPSHIRE

You are hereby notified that the request of William & Karen Silver, 14 River Street, Map 23 Lot 14, for REHEARING, VARIANCE, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS) OR EXPANSION OF THE NON-CONFORMING USE to: The Zoning Ordinance has been APPROVED for the reasons given in the following resolution passed by a majority of the BOARD OF ADJUSTMENTS:

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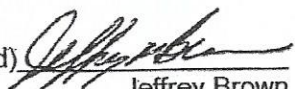
RESOLVED,

RESOLVED, THAT THE Following CONDITIONS Shall BE ATTACHED TO SUCH USE:

CASE # 2018-012: WILLIAM & KAREN SILVER, 14 RIVER STREET, MAP 23 LOT 14, FOR A VARIANCE TO THE TERMS OF SECTION 7 AND ASKS THAT SAID TERMS BE WAIVED TO PERMIT: EXPANSION OF EXISTING BUILDING INTO SETBACK IN RURAL ZONE 1.

Motion:	R Lebold	To grant a variance for side
Second	M. Lowry	setback relief of 6.8 feet on the
Yes:	Unanimous	left side of proposed structure
		and relief of 2 ft on front
		setback.

("Compliance with these conditions must be met before a building permit can be issued.")

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 8 22 2018

NOTE: Application for rehearing on any question of the above determination may be taken within thirty (30) days of said determination by any party to the action or person affected thereby according to the New Hampshire Revised Statutes Annotated, 1955, Chapter 31:74-76. Form Revised 2001

NOTICE OF DECISION
BOARD OF ADJUSTMENT
TOWN OF SEABROOK, NEW HAMPSHIRE

You are hereby notified that the request of Kevin & Paula Fritz, 41 Washington St, Map 15 Lot 74 for REHEARING, **VARIANCE**, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS) OR EXPANSION OF THE NON-CONFORMING USE to: The Zoning Ordinance has been APPROVED for the reasons given in the following resolution passed by a majority of the BOARD OF ADJUSTMENTS:

ON CONDITION OF GRANTING ANY VARIANCE, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS OR NON-CONFORMING USE IS THAT IT EXPIRES AT THE END OF TWO YEARS IF NOT COMPLETED WITHIN THAT TIME.

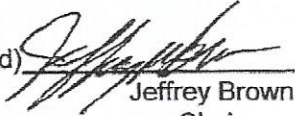
RESOLVED,

RESOLVED, THAT THE Following CONDITIONS Shall BE ATTACHED TO SUCH USE:

CASE # 2018-010: KEVIN & PAULA FRITZ, 41 WASHINGTON STREET, MAP 15 LOT 74, FOR A VARIANCE TO THE TERMS OF SECTION 7 AND ASKS THAT SAID TERMS BE WAIVED TO PERMIT: 2 DETACHED DWELLING BUILDINGS EACH CONTAINING ONE DWELLING UNIT ON A LOT CONTAINING 26,000 SQUARE FEET IN RESIDENTIAL ZONE 2R.

Motion:	R Lebold	To grant a variance to allow two
Second	M. Lowry	residential units on a small (26,000 Sq
Yes:	J. Brown & D. Davidson	Ft) sized lot.
No:	T. Rowe-Thurlow	

("Compliance with these conditions must be met before a building permit can be issued.")

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 8 22 2018

NOTE: Application for rehearing on any question of the above determination may be taken within thirty (30) days of said determination by any party to the action or person affected thereby according to the New Hampshire Revised Statutes Annotated, 1955, Chapter 31:74-76. Form Revised 2001

NOTICE OF DECISION
BOARD OF ADJUSTMENT
TOWN OF SEABROOK, NEW HAMPSHIRE

You are hereby notified that the request of Yvette Bradley, Yvonne Colin, & Roger Kelley III, 302 South Main St, Map 17 Lot 35-1, for REHEARING, VARIANCE, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS) OR EXPANSION OF THE NON-CONFORMING USE to: The Zoning Ordinance has been DENIED for the reasons given in the following resolution passed by a majority of the BOARD OF ADJUSTMENTS:

ON CONDITION OF GRANTING ANY VARIANCE, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS OR NON-CONFORMING USE IS THAT IT EXPIRES AT THE END OF TWO YEARS IF NOT COMPLETED WITHIN THAT TIME.

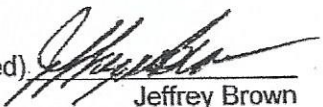
RESOLVED,

RESOLVED, THAT THE Following CONDITIONS Shall BE ATTACHED TO SUCH USE:

CASE # 2017-013: TERRI PROVENCHER, 302A SOUTH MAIN STREET, MAP 17 LOT 35-1 REQUESTS A VARIANCE TO SECTION 7 TABLE 1 AND ASKS THAT SAID TERMS BE WAIVED TO PERMIT THE REPLACEMENT OF MOBILE HOME ON A NON-CONFORMING LOT IN ZONE 2R.

Motion:	R Lebold	To deny request for rehearing to
Second	D. Davidson	reconsider the case.
Yes:	Unanimous	

("Compliance with these conditions must be met before a building permit can be issued.")

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 8 22 2018

NOTE: Application for rehearing on any question of the above determination may be taken within thirty (30) days of said determination by any party to the action or person affected thereby according to the New Hampshire Revised Statutes Annotated, 1955, Chapter 31:74-76. Form Revised 2001

NOTICE OF DECISION
BOARD OF ADJUSTMENT
TOWN OF SEABROOK, NEW HAMPSHIRE


You are hereby notified that the request of Terri Provencher, 302A South Main St, Map 17 Lot 35-1 for REHEARING, VARIANCE, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS) OR EXPANSION OF THE NON-CONFORMING USE to: The Zoning Ordinance has been APPROVED for the reasons given in the following resolution passed by a majority of the BOARD OF ADJUSTMENTS:

ON CONDITION OF GRANTING ANY VARIANCE, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS OR NON-CONFORMING USE IS THAT IT EXPIRES AT THE END OF TWO YEARS IF NOT COMPLETED WITHIN THAT TIME.
RESOLVED, THAT THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO SUCH USE:

CASE # 2017-013: TERRI PROVENCHER, 302A SOUTH MAIN ST, MAP 17 LOT 35-1, FOR A VARIANCE TO THE TERMS IN SECTION 7 TABLE 1 AND ASKS THAT SAID TERMS BE WAIVED TO PERMIT: THE REPLACEMENT OF A MOBILE HOME ON A NON-CONFORMING LOT IN ZONE 2R.

Motion: R Lebold To grant request for variance to
Second D. Davidson replace trailer home with new one,
Votes: Unanimous smaller in dimension than existing one.

("Compliance with these conditions must be met before a building permit can be issued.")

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 7 27 2018