

**Town Of Seabrook
Board of Adjustment
November 28th 2018**

Members Present: Jeffrey Brown, Dr. Robert Lebold, David Davidson, Philip Howshan, CEO Paul Himmer, Secretary Lacey Fowler

Not Present: Michael Lowry, Teresa Rowe-Thurlow, Robin Fales.

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

Roll Call

Minutes

Minutes from Meeting October 24th 2018.

Motion: Dr. Lebold To accept the minutes as written.

Second: P. Howshan

Unanimous

Old Business

Administrative Items

Jeff address the December meeting that is scheduled for December 26th. The board decides they will move the meeting to December 19th.

Brown addresses the request to continue case 2018-013 until January. The board agrees as long as the applicant pays the fees to notify abutters.

New Business

CASE # 2018-020: CHRIS RAGUSA, VACANT LOT ON BATCHELDER RD, MAP 5 LOT 13-1, FOR A VARIANCE TO THE TERMS OF SECTION 6 TABLE 1 PERMITTED USES AND SECTION 15.400 WETLAND SETBACKS AND ASKS THAT SAID TERMS BE WAIVED TO PERMIT: PARKING, DRIVEWAY AND BUILDING WITHIN 10 FT OF THE WETLAND AREA. RELIEF IS SOUGHT TO ALLOW SELF STORAGE BUSINESS IN INDUSTRIAL ZONE 3.

MR. HENRY BOYD IS HERE TO REPRESENT MR. RAGUSA AND MR. BROWN. THEY CONTACTED WETLAND SCIENTISTS AND SURVEYED AND FLAGGED WETLANDS FOR THIS PARCEL. HE HAS COPIES TO PASS OUT TO BOARD MEMBERS.

MR. BOYD EXPLAINS THAT SELF STORAGE IS NOT REFERENCED IN THE ZONING ORDINANCE. HE IS ASKING FOR RELIEF BECAUSE THIS USE IS NOT ADDRESSED IN THE ZONING ORDINANCE. THIS FACILITY WOULD BE SIMILAR TO THE STORAGE FACILITY AT 72 NEW ZEALAND RD. WHICH THE ABUTTERS SEEMED PLEASED WITH. THE SELF STORAGE USE DOES NOT GENERATE A LOT OF TRAFFIC. THERE WOULD BE NO INDUSTRIAL STORAGE OF CHEMICALS. MR. BROWN HAS OWNED PARCEL FOR DECADES. MR. BRUCE BROWN HAS HAD DIFFICULTY SELLING THIS LOT BECAUSE OF THE SMALL SIZE IN THE INDUSTRIAL ZONE.

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MR. BOYD ALSO EXPLAINS WHY THEY ARE REQUESTING RELIEF FOR THE WETLAND SETBACK. THE 50 FT BUILDING SETBACK MAKES IT DIFFICULT FOR LARGE BUILDINGS OR SUBSTANTIAL PARKING. THIS LOT PRE DATES WETLANDS ORDINANCE. IT WAS 10FT WHEN IT WAS FIRST ADOPTED AND MOVED TO 25FT. RELIEF IS NEEDED FOR A PORTION OF THE DRIVEWAY. THE BUILDINGS WOULD NOT NEED RELIEF. IT WOULD ONLY BE THE DRIVEWAY ACCESS.

DR. LEBOLD SPEAKS ON BUILDING A. HE SUGGESTS CUTTING AN INCH OFF EACH END OF THE BUILDING. THEN IT WOULD MAKE SETBACKS.

MR. BOYD SPEAKS ON THE WETLAND DELINEATION THAT WAS DONE COUPLE OF WEEKS AGO. HE HANDS OUT THE NEW UPDATED PLAN.

MR. BOYD EXPLAINS THAT THE PAVED DRIVEWAYS HAVE TO COMPLY WITH SETBACKS. HE REMINDS THE BOARD MEMBERS THAT THIS WILL STILL HAVE TO GO TO PLANNING BOARD TO DISCUSS STORM WATER MANAGEMENT, TRAFFIC ISSUES, ETC. DEPARTMENT HEADS WILL GO TO TRC. THERE WILL BE A FULL SITE PLAN REVIEW.

MR. HOWSHAN ASKS IF IT IS A 24 HOUR ESTABLISHMENT.

HENRY BOYD DOES NOT KNOW YET EXACTLY WHAT THE HOURS WILL BE. THAT WILL BE DISCUSSED WITH THE PLANNING BOARD.

MR. HOWSHAN ASKS IF IT WILL BE TWO LEVELS. MR. BOYD STATES IT WILL BE ONE LEVEL.

HE REMINDS THE BOARD HE IS HERE FOR SETBACKS AND USE. HE SPEAKS ON DIFFERENT USES IN TOWN. THIS USE IS NOT ADDRESSED. HE NEEDS RELIEF.

MR. BROWN SPEAKS ABOUT GRANTING VARIANCES IN THE PAST BECAUSE OF THEIR USE BEING EXCLUDED IN THE ZONING ORDINANCE.

MR. BROWN ASKS IF THE BOARD HAS ANY FURTHER QUESTIONS.

DR. LEBOLD STATES THAT HE HAS CONDITIONS IF APPROVED, PROVIDED TENANT. NO STORAGE OF MORE THAN 5 GALLONS OF TOXIC OR FLAMMABLE MATERIALS. NO AUTO MOBILE WORK.

MR. BOYD HAS NO PROBLEM WITH THAT.

MR. BROWN SAYS THAT THE PLANNING BOARD WILL BE ASKING ABOUT THOSE THINGS/CONDITIONS.

MR. BOYD AND THE BOARD SPEAK ABOUT THE AQUIFER PROTECTION ZONE AND USES AND CONDITIONS. INDUSTRIAL ZONE IS LOCATED WITHIN THE AQUIFER PROTECTION ZONE.

MR. BROWN ASKED IF ANYONE WOULD LIKE TO SPEAK IN FAVOR OR AGAINST THIS CASE.

MR. BRUCE BROWN, THE PROPERTY OWNER, SPEAKS IN FAVOR. HE STATES THAT HE HAS OWNED THE PARCEL FOR MANY YEARS. HE EXPLAINS THAT HE HAS WORKED WITH THE CONSERVATION COMMISSION IN THE PAST ON THIS PIECE OF PROPERTY. HE STATES THAT THERE WAS NO STANDING WATER WHEN HE PURCHASED IT BUT THERE IS NOW. HE THINKS THE POND LOCATED ON THE SAM'S LAND HAS SOMETHING WRONG WITH IT AND IS CREATING WATER ON ABUTTING PROPERTIES.

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MR. JEFF BROWN ASKS IF THERE ARE ANYTHING FURTHER COMMENTS. THEY ARE NONE.

	J. BROWN	DR. LEBOLD	D. DAVIDSON	P. HOWSHAN
1.	YES	YES	YES	YES
2.	YES	YES	YES	YES
3.	YES	YES	YES	YES
4.	YES	YES	YES	YES
5.	YES	YES	YES	YES

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

To grant the variance for use of land on Batchelder Road for storage units and a variance for setback relief for the driveway on the North & East side of property. Conditions are as follows: 1. No storage of more than 5 Gallons of flammable or toxic materials. 2. No vehicle repair on site.

HENRY BOYD APPROACHES THE BOARD REGARDING CASE 2018-019. MR. JEFF BROWN REMOVES HIMSELF FROM THE VOTE. MR. BOYD GOES ON TO EXPLAIN THAT THE LAND OWNERS OF 300 AND 302 SOUTH MAIN STREET, ASKED FOR A VARIANCE FOR A RELIEF ON FRONTAGE AND SIZE OF LOT. CONDITIONS WERE ADDED TO APPROVE THE LOT TO BE 50 FEET BY APPROXIMATELY 125 FEET LOT. MR. BOYD GIVES THE BOARD THE SURVEY OF THE PROPERTY. HE EXPLAINS THAT THE LOT IS ACTUALLY 50' X 106'. HE EXPLAINS THE OWNERS WANTED TO PLACE THE PROPERTY LINE THROUGH AN EXISTING UTILITY POLE WHICH IS WHERE THE 106 FT CAME IN. HE CALLS THIS LOT, LOT 2. LOT 1 IS THE REMAINING LOT.

MR. BOYD WANTED TO APPROACH THE BOARD BECAUSE THIS LOT WILL BE GOING IN FRONT OF THE PLANNING BOARD FOR A SUBDIVISION. WHEN THE BOARD GRANTED THE VARIANCES FOR LOT SIZE AND FRONTAGE ON 302A SOUTH MAIN STREET (LOT 2) IT KNEW THAT THE LOT IT WOULD BE SUBDIVIDED FROM (LOT 1) WOULD BE NON-CONFORMING. THE REMAINING LOT IS LEFT WITH 69.67 FEET OF FRONTAGE AND LESS THAN ENOUGH SQUARE FOOTAGE (35,000 SQ FT) FOR THE TWO EXISTING MOBILE HOMES THAT SIT ON IT.

MR. BOYD EXPLAINS WHAT SQUARE FOOTAGE IS NEEDED FOR TWO SEPARATE SINGLE FAMILY HOMES AND THE FRONTAGE REQUIRED FOR THAT REMAINING LAND. HE IS CONCERNED THAT BECAUSE THE REMAINING LOT IS LEFT WITH NON-CONFORMING SQUARE FOOTAGE AND FRONTAGE AND WOULD NEED A VARIANCE UNLESS IT WAS INTENDED THAT THE REMAINING LOT ALSO HAVE LESS FRONTAGE AND SQUARE FOOTAGE. HE DOES NOT WANT IT TO BE CONCEIVED AS AN ILLEGAL SUBDIVISION. HE IS ALSO CONCERNED THE PLANNING BOARD WILL SAY THE ZONING BOARD'S DECISION IS PARTICULAR TO LOT 2.

DR. LEBOLD STATES THAT THEY KNEW LOT 1 WOULD BE REDUCED.

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MR. BOYD ASKS FOR CLARIFICATION AND IF THE BOARD WOULD PUT SOMETHING IN WRITING
STATING THAT SO THEY COULD HAVE SOMETHING TO GIVE TO THE PLANNING BOARD.

MOTION: DR. LEBOLD
SECOND: P. HOWSHAN
YES: UNANIMOUS

TO ACCEPT THE MAP THAT HENRY BOYD SURVEYED
AND PRESENTED IN REGARDS TO CASE 2018-019.

Motion by: Dr. Lebold to adjourn meeting.
Second: P. Howshan
Unanimous

Signed: _____



Jeffrey Brown, Chairman

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

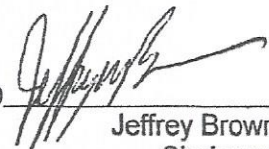
You are hereby notified that the request of Chris Ragusa, Vacant Lot on Batchelder Road, Map 5 Lot 13-1, for REHEARING, VARIANCE, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS) OR EXPANSION OF THE NON-CONFORMING USE to: The Zoning Ordinance has been : APPROVED for the reasons 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 # 2018-020: CHRIS RAGUSA, VACANT LOT ON BATCHELDER RD, MAP 5 LOT 13-1, FOR A VARIANCE TO THE TERMS OF SECTION 6 TABLE 1 PERMITTED USES AND SECTION 15.400 WETLAND SETBACKS AND ASKS THAT SAID TERMS BE WAIVED TO PERMIT: PARKING, DRIVEWAY AND BUILDING WITHIN 10 FT OF THE WETLAND AREA. RELIEF IS SOUGHT TO ALLOW SELF STORAGE BUSINESS IN INDUSTRIAL ZONE 3.

Motion:	R Lebold	To grant the variance for use of land on Batchelder Road for storage units and a variance for setback relief for the driveway on the North & East side of property. Conditions are as follows: 1. No storage of more than 5 Gallons of flammable or toxic materials. 2. No vehicle repair on site.
Second	D Davidson	
Yes:	Unanimous	

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

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 11 28 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, Yvette Bradley, Yvonne Colin, Roger Kelley III, 302 South Main Street, Map 17 Lot 35, 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 # 2018-019: TERRI PROVENCHER, YVETTE BRADLEY, YVONNE COLIN AND ROGER KELLEY III, 302 SOUTH MAIN STREET, MAP 17 LOT 35, FOR A VARIANCE TO THE TERMS OF SECTION 7 AND ASKS THAT SAID TERMS BE WAIVED TO PERMIT: REDUCED LOT SIZE AND FRONTAGE OF LOT IN RESIDENTIAL ZONE 2R.

Motion:	R Lebold	To accept the map that Henry Boyd surveyed and presented in regards to case 2018-019.
Second	P. Howshan	
Yes:	Unanimous	

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

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 11 28 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 SEABROOK ONE STOP, INC, SHARFA, LLC, PROVIDENT HOLDINGS, LLC, SEABROOK COUNTRY STORES, LLC, Map 8 Lot 90, 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, THAT THE Following CONDITIONS Shall BE ATTACHED TO SUCH USE:

APPEAL FROM AN ADMINISTRATIVE PLANNING BOARD DECISION. APPLICANTS SEABROOK ONE STOP, INC., 720 LAFAYETTE ROAD, SEABROOK, NH 03874, SHARFA, LLC, 321D LAFAYETTE ROAD, SEABROOK, NH 03874, PROVIDENT HOLDINGS, LLC, 285 DOCKHAM SHORE ROAD, GILFORD, NH 03249, ISTAR LLC, 321D LAFAYETTE ROAD, SEABROOK, NH 03874, SEABROOK COUNTRY STORES, LLC, 8 BATCHELDER ROAD, SEABROOK, NH 03874 REQUEST TO APPEAL A DECISION MADE BY THE SEABROOK PLANNING BOARD REGARDING 570 LAFAYETTE ROAD, SEABROOK, NH 03874

Motion:	R Lebold	To support Planning Board decision
Second	P. Howshan	in approving case 2018-009
Yes:	T. Rowe-Thurlow, D. Davidson	regarding 570 Lafayette Road.
No:	J. Brown	

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

(Signed)



Jeffrey Brown
Chairman
Board of Adjustment

Date:

10 24 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