

Town of Seabrook
Zoning Board of Adjustment
May 23, 2018

Members Present: Jeffrey Brown, Dr. Robert Lebold, David Davidson, Philip Howshan, Teresa Rowe-Thurlow, CEO Steve Zalewski, Secretary Lacey L Fowler

Not Present: Michael Lowry, Robin Fales, and Brandon Adams.

Jeff Brown opened the meeting at 7:00 PM and explains procedures and where the meeting has been posted.

Old Business

Minutes from April 25th 2018 Meeting.

Motion: Dr. Robert Lebold To accept minutes as written.
Second: David Davidson
Yes: Brown & Howshan
Abstain: Rowe-Thurlow

Mr. Brown explains that previous meetings minutes will be made available shortly.

New Business

CASE # 2018-005: FURMER SOUTHER III, 71 FOGGS LANE, MAP 7 LOT 3 SEQUENCE 60, FOR A VARIANCE TO THE TERMS OF SECTION 7 AND ASKS THAT SAID TERMS BE WAIVED TO PERMIT: A LOT WITH REDUCED FRONTAGE AND WIDTH OF 159 FEET IN RESIDENTIAL ZONE 2R.

Henry Boyd is here to represent Furmer Souther III. He explains that the lot is 45,000 sq ft. They would like to split the lot and put a duplex and a single family on this lot. Henry explains the lack of affordable housing in town. He explains that he is asking for the variance for frontage. The single family lot would have 100ft of frontage, leaving the duplex lot with 35ft of frontage.

Teresa explains that a driveway is 20ft wide and is concerned about the size of frontage on the duplex lot.

Henry explains that the driveway would be 16ft wide and would provide at least 8ft of frontage on each side.

Steve Zalewski asks where the 159 foot width came from? Henry responds that he will look into that.

Steve Zalewski mentions that the single family can also have an accessory dwelling unit (ADU). The board speaks briefly on ADUs.

There are no abutters present that would like to speak for or against this case.

Town of Seabrook
Zoning Board of Adjustment
May 23, 2018

J. Brown	Dr. Lebold	D. Davidson	P. Howshan	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: Phil Howshan
Second: Dr. Lebold
Yes: Unanimous

To grant variance
for frontage.

Zalewski brings up the 159 ft of frontage that was mentioned in the original variance.

Motion to reconsider: Phil Howshan
Second: Dr. Lebold
Yes: Unanimous

Motion: Dr. Lebold
Second: Phil Howshan
Yes: Unanimous

To grant variance for
reduced frontage of 35ft
for back lot at 71 Foggs
Lane.

CASE #2018-006: KEVIN & PAULA FRITZ, 41 WASHINGTON STREET, MAP 15 LOT 74, FOR A VARIANCE TO THE TERMS OF SECTION 6 TABLE 1 AND ASKS THAT SAID TERMS BE WAIVED TO PERMIT: A COMMERCIAL BUILDING WITH ONE APARTMENT TO BE CONVERTED TO FOUR APARTMENTS IN RESIDENTIAL ZONE 2R.

Mary Ganz is present to represent the Fritz's. Mary explains that this property is a mixed use. It has both a single family home and a commercial building that was used in the past as a machine shop. This building already has an apartment inside of it and that the Fritz's are looking to expand the first apartment and add 3 others inside the commercial building. The property owners believe that it would be a better utilization of the property and better for the neighborhood.

Zalewski asks about the current apartment in the building. Kevin Fritz states that it is just a kitchenette and a lounge. Steve does not consider that to be a family apartment.

Dr. Lebold asks if family apartments like this are allowed in Seabrook. If not, the board could be setting precedence if they granted this variance. Zalewski says no they do not. This particular lot is 27,000 sq ft and doesn't qualify for a two family.

Brown asks about parking. They discuss that each apartment could warrant two vehicles. Where is the space for an additional eight vehicles?

Town of Seabrook
Zoning Board of Adjustment
May 23, 2018

Fritz said they could park in the driveway of the machine shop and use off street parking.

Brown also refers to the drawing showing the proposed layouts of the apartments.

Fritz explains that he the current studio is to be used as one of the apartments. The 3rd floor has cathedral ceiling which would make apartment four have a loft bedroom. There is a total of 3,000 sq ft of living space allowing for about 750 sq ft per apartment.

Teresa Rowe-Thurlow points out that only one driveway is allowed on the property. She is concerned about the parking. She reiterates that at least eight cars would have to have parking.

Fritz explains that the cars could park in his driveway and off the street. He says he is willing to downsize to two or three apartments.

Mary Ganz asks the board if they would be inclined to reconsider. That if he cannot do this it will continue as a commercial use.

Jeff Brown suggests that they need more information. If it is more than an ADU it is going to be an issue. He asks Zalewski what is a mixed use and what are their limits.

Zalewski explains that it is not a mixed use because there are no apartments in it. He explains the stipulations of an Accessory Dwelling Units (ADU).

Brown says that one 750 sq ft apartment would require a variance. The old variance does not exist anymore because it was dissolved.

Fritz reiterates his desire for the four apartments so people can have affordable living space and he would like to retire the machine shop.

Ganz asks for a continuance to the June meeting. They will restructure their proposal.

Motion: Dr. Lebold

Second:

Yes: Unanimous

To continue case to next
month's meeting.

Case 2018-007: TINA JANVRIN & RAYMOND FOWLER, RTE 286, MAP 15 LOT 115, FOR A VARIANCE TO THE TERMS OF SECTION 7 AND ASKS THAT SAID TERMS BE WAVIED TO PERMIT: A SINGLE FAMILY HOME TO BE CONSTRCTED ON THIS LOT WITHOUT ROAD FRONTAGE WITH ACCESS VIA AN EASEMTN IN RESDIENTIAL ZONE 2R.

Town of Seabrook
Zoning Board of Adjustment

May 23, 2018

Henry Boyd is there to represent Janvrin & Fowler. Henry did not have written permission from Mr. Bruce Brown, the property owner. The board moved on to the next case in order to allow them to get written permission from Mr. Bruce Brown.

The board returned from recess and was presented with a note from Mr. Bruce Brown giving Boyd permission.

Henry describes the land as a landlocked parcel. He explains that the neighbor to this parcel owned by Paula Fowler is also landlocked but has access through an easement off of Washington St. Raymond, Paula's son, would use this easement and an easement on Paula's property to access his piece of property. Both Paula and Gary Fowler, who own the land the easements are on, would give easements to Raymond Fowler. The parcel has wetlands but plenty of buildable space for a single family home. It would meet all setbacks. The property hasn't been surveyed yet because the sale of land is waiting on this variance.

Dr. Lebold states that these easements would have to be written into deeds. Henry assures him they will. He shows where the easements would run on both properties.

Rowe-Thurlow asks what would happen if properties sell. Henry explains the easement would go with the land.

Steve Zalewski speaks about the right of way. He notices that in encroaches on the Demers' property. He would like to see the gravel driveway get straightened out as a condition. He supports this variance but would like to see the easement solely on Fowler's property and not Demers.

Henry mentions getting an easement from Joe & Ginger Demers as well.

Zalewski suggests that Janvrin & Fowler get deeded rights of way from all properties off of Washington Street so there is no question in the future. He would like to limit the lot to a single family home with an ADU. He points out that more than half of the lot is in a commercial zone and that a stipulation should be put in that there should be no commercial use on this property.

Brown asks if anyone would like to speak in favor or against this variance.

Abutter Julien Dumont of 27 Katelyn way asks about additional fire hydrant. Wants to know what other abutters can do with their property. He is concerned about people being able to build all around him.

Rowe-Thurlow says that the fire hydrant is a question for the fire department.

Town of Seabrook
Zoning Board of Adjustment

May 23, 2018

Dr. Lebold reiterates that there is going to be an easement on three properties.

	J.Brown	Dr. Lebold	D.Davidson	P.Howshan	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 with the following conditions;
1. Property is limited to a single family home with an ADU option.
2. Secure easement from the properties of Paula Fowler, Gary & June Fowler, & Joseph & Ginger Demers.
3. Rights of way need to be described by dimensions & location in the deed.
4. No Commercial Use.

CASE 2018-008: RYAN BRADBURY, OWNER OF SMOKE RING, 180 LAFAYETTE ROAD, MAP 10 LOT 3, FOR A VARIANCE TO THE TERMS OF SECTION 13 SUB-SECTION 2 AND ASKS THAT SAOID TERMS BE WAIVED TO PERMIT: A SECOND FREE STANDING SIGN ON LOT FOR SMOKE RING IN COMMERCIAL ZONE 2.

Mr. Bradbury does not have written permission from the property owner.

Brown explains to him that the property owner must be present at the meeting or have something in writing from said property owner authorizing Mr. Bradbury to speak on his behalf.

Motion: Dr. Lebold
Second: P. Howshan
Yes: Unanimous

To continue case to next month's meeting.

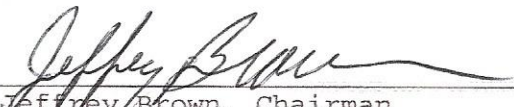
Motion: J. Brown
Second: P. Howshan
Yes: Unanimous

To take a 10 minute recess.

Motion: Dr. Lebold
Second: P. Howshan
Yes: Unanimous

To adjourn meeting @ 8:15PM.

Signed: _____


Jeffrey Brown, Chairman

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

You are hereby notified that the request of Furmer Souther III, 71 Foggs Lane, Map 7 Lot 3 Seq 60 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 ONE YEAR IF NOT COMPLETED WITHIN THAT TIME.

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

Case #: 2018-005: Furmer Souther III, 71 Foggs Lane, Map 7 Lot 3 Seq 60 for a variance to the terms in Section 7 and asks that said terms be waived to permit: A lot with reduced frontage and width of 159 feet in Residential Zone 2R.

Motion:	R. Lebold	To grant variance for reduced
Second	P. Howshan	frontage of 35ft for back lot of 71
Yes:	Unanimous	Foggs Lane.

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

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 5 23 2018

E: 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