

**Town Of Seabrook
Board of Adjustment
January 23rd, 2019**

Members Present: Jeffrey Brown, David Davidson, Phillip Howshan, Teresa Rowe-Thurlow, CEO Paul Himmer, Secretary Lacey Fowler.

Not present: Dr. Robert Lebold, Michael Lowry, Robin Fales.

Jeff Brown opens meeting at 7:00 PM and explain procedures and where the notice of meetings have been posted.

Roll Call

Minutes

Minutes from November 27th, 2018.

Motion: P. Howshan

To accept the minutes as written.

Second: D. Davidson

Yes: J. Brown

Abstain: T. Rowe

Minutes from December 19th 2018.

Motion: D. Davidson

To accept the minutes as written.

Second: J. Brown

Abstain: P. Howshan, T. Rowe-Thurlow

Old Business

Administrative Items

Jeff Brown explains that the board contacted the Town attorney with specific questions. The first being if a second member on the Planning Board could join the Zoning Board. More specifically, could the second member vote if the original member was not present at the meeting. The answer to that was no. Only one member on the Planning Board could sit on the Zoning Board. Mr. Brown will inform that member of the decision.

The second question was asked if the Zoning Board had to post their meetings in the newspaper. Right now, the Zoning Board posts their ad in the newspaper, the Post Office, the Town Hall, and on the Town's website. The attorney stated that yes they do have to continue to post the notice of meeting in the newspaper.

Mr. Brown stated that tonight the board is not a full board. Applicants can choose to move their case to another night when there is a full board. Case needs a majority rule to pass. There is no guarantee of a full board next month. The applicant needs 3 out of 4 votes in order to pass.

Case #: 2018-013: Patricia Degan, Off Cross Beach Road, Map 25 Lot 17, 18, 19, for a variance to the terms of Section 6 Table 1 and asks that said terms be waived to permit: The construction of one

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residential structure on a lot without sufficient road frontage on Town Road in Conservation Zone 4 & Beach Conservation Zone 3.

Mary Ganz has submitted a letter to the board requesting this case be moved to February.

Motion: D. Davidson
Second: P. Howshan
Unanimous

To move case # 2018-013 to February's meeting.

Case #: 2018-021: GRA Real Estate Holdings, LLC., 32 Jean Drive, Map 7 Lot 50-15, for a variance to the terms of Section 15 Sub-section 400 and asks that said terms be waived to permit: A wetland setback less than 25 feet minimum requirement in Residential Zone 2R.

Mary Ganz is representing the applicant. Introduces Doug Richardson, Wayne Morrill from Jones & Beach and Arleigh Greene.

Ganz presents new plan to the board. She explains the survey. They will like to relocate a residential building from Perkins Avenue to this lot. The lot complies with all setbacks except the wetlands setback. It meets the 25ft wetlands buffer except in the bottom corner (on the plan presented). They are short 115 sq ft. She explains that the wetlands is forest wetlands, it is not a pond and has been cleared in the past. They are not clearing any wetlands.

Ganz goes over the criteria and explains that the wetlands are very minimal.

The hope is to move this existing home in an effort to provide affordable housing. If the home cannot be moved to this lot it will have to be demolished. It is going to be a residential structure, relocated on Jean Drive.

Mr. Brown asks if the board has any questions. They do not.

He asks if anyone would like to speak in favor of or against this variance. No one comes forward.

	J. Brown	D.Davidson	P. Howshan	T.Rowe-Thurlow
1.	Yes	Yes	Yes	Yes
2.	Yes	Yes	Yes	No
3.	Yes	Yes	Yes	No
4.	Yes	Yes	Yes	No
5.	Yes	Yes	Yes	No

Motion: D. Davidson
Second: P. Howshan
Yes: J. Brown
No: T. Rowe-Thurlow

To grant the variance as requested.

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Case #: 2018-022: Maria Ludes Cesar, 52 Ledge Rd, Map 3 Lot 6-12, for a variance to the terms of Section 7 and asks that said terms be waived to permit: A lot with reduced frontage in Rural Zone 1.

Mr. Henry Boyd has submitted a letter to the board requesting the case be moved to February.

Motion: D. Davidson
Second: P. Howshan
Unanimous

To move Case #2018-022 to February's meeting.

Request for Rehearing brought forth by John G. Cronin ESQ., to reconsider the Zoning Board of Adjustment's decision to deny an administrative appeal in regards to Seabrook Planning Board case 2018-009.

Motion: D. Davidson
Second: P. Howshan
Unanimous

To postpone rehearing request until February and also to clarify with a list of findings the reason for not overturning the Planning Board decision.

New Business

Case #: 2019-001: OSJ of Seabrook LLC, 272 Lafayette RD, Map 9 Lot 49-10, for a variance to the terms of Section 13 Sub-section 200 and asks that said terms be waived to permit: Additional height and area of a free standing sign in Commercial Zone 2.

John Arnold introduces himself and is representing this case. He also introduces John Kucich from Bohler Engineering, and Greg Anderson from Ocean State Job Lot.

Mr. Arnold shows sub division plan for 272 Lafayette Road and 270 Lafayette Road.

He explains that the building that holds Ocean State Job Lots is a stand-alone site away from the rest of the shopping center. He explains the building and how it was separated into three units that hold Card'i's, Ocean State Job Lots, and Ashley's.

Mr. Arnold describes the plan showing Route 1 and the shopping center. He describes where they plan to put sign. He explains the sign will be behind the green belt along Route 1.

Greg Anderson, director of development, purchased the property, trying to bring some life to the area. They added a new facade with stacked stone, updating the condition in order to bring people in. He explains that they are in need of a pylon sign. The existing sign doesn't face the street, it faces sideways.

John Arnold continues to speak on the requested variance. Height proposed is 30 ft total. The sign area proposed is 180 ft. If triangle portion is included it would be 220 ft. He spoke with Mr. Himmer and he said the triangle part doesn't count as part of the sign.

Arnold spoke on a conversation with CEO Himmer. Still asking for 180 sq ft feels it's a minor deviation.

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He explains the issues they have. The building has visibility issues. Lot has limited frontage on Lafayette Road. The building is set back 200ft from Route 1. The front of the building doesn't face Lafayette Road. Facade faces south towards the parking lot. Building is not visible particularly to those heading south. The sight line is limited. The sign ordinance allows 15ft from pavement. Setback is closer to 35 ft to respect the existing green belt. Over sized sign won't seem as big because of the further set back.

Mr. Howshan asks if other tenants can advertise on the sign. Mr. Arnold explains there will only be three tenants. They are not replacing sign out front, they are asking for a new sign for their three businesses in their unit.

Greg Anderson explains that the existing sign is not their property. It is a separate lot, a separate sign.

Mr. Davidson asks about existing sign versus proposed sign.

Anderson says the existing sign is same direction and is closer to road.

Jeff Brown talks about subdivision and about the properties sharing common access with 270 Lafayette. Why not replace sign that is there now.

Anderson further explains that the sign is not on property and is not their sign. OSJL currently has a panel on existing sign. Applicant cannot control the existing sign.

Mr. Himmer says that second property, 272, has frontage there would not be any problem to have a sign on their property.

Mrs. Rowe-Thurlow and Mr. Brown discuss the Wal-Mart/ DDR sign. Wal-Mart owns its own building but shares one sign with the rest of the stores.

Mr. Howshan asks who maintains the existing sign. The response is the owners of that sign.

Mr. Brown talks about the spirit of the ordinance. He thought the intent was to replace existing sign with this new proposed sign. He asks if they have to go to the Planning Board for this sign as part of site plan.

Himmer also speaks on DDR site at 700 Lafayette Road.

Mrs. Rowe-Thurlow says they were only allowed one sign.

Mr. Anderson speaks on TD Bank having its own sign as well.

Mr. Brown explains that he doesn't want to make a decision against Planning Board site plan. Stating the proposed variance is for size of sign not if they can have second sign.

Mr. Anderson explains the property was sub divided before purchasing property.

Mr. Brown asks if there was site plan from the Planning Board about second sign.

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Mr. Brown explains that if their request was approved it would be an approval for the extra area and height but not the sign.

Mr. Arnold speaks on process. Applicants go to the Zoning Board first for variances and then Planning Board.

Mr. Brown speaks about the lack of knowledge they have on the sub division of these properties. Doesn't think a second sign could be added.

Mr. Howshan asks how much smaller the existing sign is compared to the proposed one. Why can't the new sign be implemented where existing sign is. He speaks about possibility of collaboration between the two properties in one sign.

Mr. Anderson presented idea to landlord of current property. They were not interested.

Mr. Brown brings up the site plan again.

Mrs. Rowe-Thurlow states that it is still considered one entrance. Her concern is keeping the integrity of the town.

There is further discussion on DDR and Wal-Mart sign. All of those shops share a sign. Other places all share one sign.

Mr. Arnold summarizes the Board's hesitance of new sign. He suggests going to the Planning Board and looking at the original site plan to see if there was any mention of secondary sign.

Mr. Brown asks if they are putting lights on the sign. Mr. Anderson explains it will be lit. It will be internally illuminated and not digital.

Mr. Himmer explains that lit signs are allowed in Zone 2.

Mr. Anderson states that he didn't know that this was an issue. He wants to do everything right. He thought they were there to present the size.

Mr. Arnold apologizes for the confusion. He will look into Planning Board. He requests a continuance to get the answers and go over site plan reviews including street address, lighting, and site plan.

Motion: P. Howshan

to continue this case until February.

Second: D. Davidson

Unanimous

Case #: 2019-002: Imperial Strength, 920 Lafayette Rd Unit 102, Map 7 Lot 91-102, for a variance to the terms of Section 6 Table 1 and asks that said terms be waived to permit: Gym use in Zone 6M.

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Alexis Garrant, property owner, is here to speak on behalf of this case. She owns 920 Lafayette Rd Unit 101-104 and speaks on the collapse of several of those buildings in the past.

Abby and Steve are owners of Imperial Strength and want to put a cross fit gym in unit 102. She is here to ask permission for gym use in unit 102. She will pave parking lot and traffic generated should not affect other units.

Ms. Garrant hands out traffic schedules to the Board.

Mr. Brown states that the reason for variance is because gym is not in allowable uses in the table.

Ms. Garrant agrees. She states that it's pretty straight forward. She mentions there is a gym on the other side of parking lot. She is seeking permission to change use to gym use.

	J. Brown	D. Davidson	P. Howshan	T. Rowe-Thurlow
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: P. Howshan

To grant variance for gym use.

Second: T. Rowe-Thurlow

Unanimous

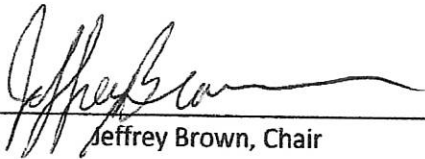
Motion: T. Rowe-Thurlow

To adjourn meeting at 8 PM.

Second: D. Davidson

Unanimous

Signed: _____



Jeffrey Brown, Chair