

**Town Of Seabrook
Board of Adjustment
March 27, 2019**

Members Present: Jeffrey Brown, David Davidson, Teresa Rowe-Thurlow, Phillip Howshan, CEO Paul Himmer, and 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 January 23, 2019.

Motion: P. Howshan
Second: D. Davidson
Unanimous

To accept the minutes as written.

Minutes from February 27th 2019.

Motion: P. Howshan
Second: D. Davidson
Unanimous

To accept the minutes as written.

Old Business

Administrative Items

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

Mary Ganz has sent a letter in requesting the case be moved to April's meeting. The board approves the request.

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.

Teresa Rowe- Thurlow steps down from hearing this case.

**Town Of Seabrook
Board of Adjustment
March 27, 2019**

Henry Boyd is representing this case. He explains that since the original paperwork was submitted another survey has been done showing the wetlands on the lot. He passes out the new survey to the board members. The property owner is asking for two separate lots on two acres.

Henry speaks about an additional variance for a driveway into the 25ft wetland buffer but they have moved the proposed driveway to the other side of the current home to avoid disrupting the wetlands.

Henry talks about the positioning of the driveway leading to the back lot. The reduced frontage lot would be the lot in the back. It has plenty of square footage. It would share a driveway with the existing house. Based on size of the lot, it will not cause any diminished values to neighbors.

Henry explains that they have 75 ft of frontage and 125 ft is needed in rural zone 1.

Brown asks if anyone has any questions.

Himmer asks about wetlands and if the proposed home would impact the wetlands.

Boyd explains that there is more than adequate area for the proposed home without impacting wetlands.

Howshan asks about the location of driveway. Boyd explains the driveway.

Brown asks if anyone would like to speak in favor of the variance or against it.

Steven Bergeron of 50A Ledge Road, an abutter, is concerned about the wells. He explains that this lot is close to the town's test wells. His concern is that this back lot could be used for a construction company or paving company and that it would affect those wells. He suggests a restriction on this lot because of the wetlands and proximity to wells.

Brown asks if he is concerned about storing construction equipment.

Bergeron uses other examples in the neighborhood of properties that are used as paving companies and other businesses.

Howshan and Brown speak on the zone of the property and the aquifer protection zone. They speak briefly about the regulations of that zone and what is allowed and what isn't.

Boyd says that this lot is intended for residential use. The board can put a stipulation to make this lot residential only. Boyd also speaks on the strict regulations of the aquifer protection zone.

Brown asks Mr. Bergeron if he objects to the variance. Bergeron says that he does not but is still concerned about construction and paving companies and how some rules and regulations aren't being followed in his neighborhood.

**Town Of Seabrook
Board of Adjustment
March 27, 2019**

	J. Brown	D. Davidson	P. Howshan
1.	Yes	Yes	Yes
2.	Yes	Yes	Yes
3.	Yes	Yes	Yes
4.	Yes	Yes	Yes
5.	Yes	Yes	Yes

Motion: P. Howshan
Second: D. Davidson
Unanimous

To accept the variance as requested.

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.

Charles Mabardy asks to move case to next month's meeting. The board approves his request.

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, representing OSJ of Seabrook LLC., has requested to move this case to April's meeting. The board approves the request.

New Business

Case #: 2019-004: Wright Family Trust, 84 & 86 Centennial St, Map 13 Lot 17, for a variance to the terms of Section 7 and asks that said terms be waived to permit: Two lots each with reduced frontage, one of the lots reduced width and building setback relief for existing garage in Residential Zone 2R.

Henry Boyd is here to represent the Wright Family Trust. Boyd explains that if the variance is granted there will be no change to structures on the lot.

Mr. Wright's daughter and husband live in the home 1n the back, 86 Centennial Street.

Their driveway runs through the front lot.

Boyd speaks briefly on the property and the possibilities they considered. The units are individually owned but the property is owned by the trust. They would like to subdivide it so that each homeowner will own their respective piece of land.

There is 25 ft of frontage for back lot. The lot line would be clear to divide where people are living now. There would be an easement for the driveway for the back lot.

**Town Of Seabrook
Board of Adjustment
March 27, 2019**

Boyd says he has spoken to some abutters, the Brown's, and how they did not want a duplex on the back lot. Abutters would like to restrict it to a single family unit only.

Himmer says that they are still allowed by state law to have an accessory dwelling unit (A.D.U.)

Brown asks if this case is being brought before the Planning Board.

Boyd says yes, they need Planning Board approval for a subdivision.

Brown asks if the board or code enforcement have any questions.

Davidson speaks about the proposed restriction. The homeowners can add onto the house for an ADU.

Brown asks if there is anyone who would like to speak in favor or against. No one responds.

	J. Brown	D. Davidson	T. Rowe-Thurlow	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: T. Rowe-Thurlow
Second: D. Davidson
Unanimous

To accept the variance with the limitation of a single family home with an A.D.U at 86 Centennial Street.

Motion: T. Rowe-Thurlow
Second: P. Howshan
Unanimous

To adjourn meeting @ 7:33 PM

Signed: _____
Jeffrey Brown, Chair

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

You are hereby notified that the request of Maria Ludes Cesar, 52 Ledge Road, Map 3 Lot 6-12, 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 # 2018-022: Maria Ludes Cesar, 52 Ledge Road, 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.

Motion: P Howshan To grant the variance as requested.
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: 3 27 2019

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


You are hereby notified that the request of Wright Family Trust, 84 & 86 Centennial Street, Map 13 Lot 17, 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 # 2019-004: Wright Family Trust, 84 & 86 Centennial Street, Map 13 Lot 17, for a variance to the terms of Section 7 and asks that said terms be waived to permit: Two lots each with reduced frontage, one of the lots reduced width and building setback relief for existing garage in Residential Zone 2R.

Motion: T Rowe-Thurlow To accept the variance with the
Second D Davidson limitation of a single family home
Yes: Unanimous with an A.D.U at 86 Centennial St.

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

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 3 27 2019

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