

Town of Seabrook
Board of Adjustment
March 24, 2021

Members Present: Jeff Brown Chair, David Davidson, Robert Lebold, Phil Howshan, Teresa Thurlow, Jim Sanborn, CEO Lacey Fowler and Secretary Judie Walker

Roll Call

Jeff Brown opens the meeting at 7:00 pm and explains procedures and where the notices of the meeting have been posted. There is a full board this evening. When speaking please say your name and address.

Old Business

February Minutes

Motion: Dr Lebold

Second: Dave Davidson

Unanimous

Election of officers:

Chairman: Jeff Brown

Vice Chair: Teresa Thurlow

Motion: Dr. Lebold present officers for another term

Second: David Davidson

Unanimous

Moved to close nominations Dr. Lebold

Second: David Davidson

New Business

Case# 2021-005 Peter Bernard and David Deltorto, 103 Ledge Road Unit 8, Map 5 lot 80-8, the undersigned hereby requests for a variance to the terms of Section 6 and asks said terms be waived to permit: Auto Repair in Zone # 3.

Special Exception: The undersigned hereby requests a Special Exception as provided for in Section 16 to allow: Auto Repair in Zone # 3.

Peter Bernard wants to move into unit 8 and disassemble vehicles. It was asked if any hazardous material being used in Unit #8 they said oil, but not over 5 gallons and there are minimal solvents nothing over a gallon. Dr. Lebold asked how many vehicles you will be working on at one time. They might have four at one time. The vehicles are stored inside. They only time the vehicles are outside is when they are being dropped off.

Jim Mitchell was the realtor for the sale of unit # 7. They met with the fire department and fire chief and they will need to provide MSDS sheets for all the materials. These cars are collector cars. They leave the facility clean. Jim Mitchell is in favor of Victory Auto.

Lacey Fowler, CEO would like to see them go to the planning board for a Spill Prevention Plan.

Anyone here to speak in favor the application. Jim Mitchell is for Victory Auto. Anyone here to speak against the application. Hearing none seeing none. After reviewing the petition and hearing the evidence they determine the following:

	J. Brown	Dr. Lebold	D Davidson	P. Howshan	T. 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 Move to grant applicant the variance for high end car restoration in Unit 8.
Second: Phil Howshan
Unanimous

Conditions: Cars stored inside only. Maximum 4 cars and containers max 5 gallons

Special Exception:

	J. Brown	Dr. Lebold	D Davidson	P. Howshan	T. 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 Move to grant special exception for high end car restoration in Unit 8.
Second: Dave Davidson at 103 Ledge Road, Max 4 cars inside only.
Unanimous

Condition: Lacey Fowlers wants them to go to the Planning Board get the Spill Prevention Plan.
Motion: Dr. Lebold
Second: Dave Davidson

Case # 2021-006 Tolly Holdings, LLC, 441 Lafayette Road, Map 8 Lot 43-1 the undersigned hereby requests for a variance for to the terms of Section 6 and asks that said terms be waived to permit: Six 45 x 8 storage containers to be located on this property for no more than 3 years in Zone # 2.

Mary Ganz is representing the Tolly Holdings, LLC potential buyer VIP. Mary Ganz read through the arguments that support the variance. They want to purchase Midas.

John Quirk owner of VIP tires introduced himself; they have been in business for 90 years. It is his grandfathers business. Their goal is to take care of our neighbors and give back to the community. They want their neighbors to be their customers.

Jeff Brown asks has this been vetted by the fire department. Jeff says it looks like one of storage container it is right up against the building. They said the fire department has not been

notified about the containers. They will design the layout of the containers for the fire departments access. The containers are just for tires. There was a complaint that the Midas sign was on all the time. The VIP sign for their store will be shut off at 11 pm. They will put up a fence screening around the containers. Mr. Quirk believes if you are going to be successful business you need to have the tires on hand.

Craig Schreck, owner of Midas informs that Midas was supposed to maintain the building, but haven't. When their terms came up they dropped the lease because they weren't keeping up with the building. Midas ran the business down.

There is a history of storage containers it goes back 20 years with the town, the firework stores used to have containers on their property but the town decided there were not allowed any more. Because they weren't allowed storage containers they built bigger stores.

Jeff asked the question why would you need to store the containers for 5 years, it doesn't take 3 years to build a building. They are putting a lot of energy and money to rehab. They want to build their clientele up. The Zoning Board members have a problem with storing containers for 3 years. The Planning Board only allowed two containers for 90 days every year.

Lacey has several notices of violations out on properties because of containers. It will be setting a presentence if they get approved.

Anyone here to speak in favor the application.

No one has spoken. Anyone here to speak against the application.

Barbara Lang of 5 Autumn Way, wanted to know why he didn't introduce himself to the neighborhood. Muriel Whenal of 1 Autumn Way is upset about the storage containers that she will have to look at for the next 3 years, even though they said they will be putting up a fence she will still see them from her second floor.

Mary Ganz wants to postpone until next meeting April 28th.

Motion: Lebold move to continue it

Second: Dave Davidson

Unanimous

Case # 2021-001: Frank Lanzillo 15 Pine Street Map 8 lot 27. The undersigned hereby request for a variance to the terms of Section 7 and ask that said terms be waived to permit: a 12 x 36 addition to rear of existing building within the 30 ft side setback in Zone 2.

Henry Boyd is representing Frank Lanzillo Henry did the original application with the planning board approval. There were a lot of mistakes, it started with Millennial the guy drafted the plan used the residential setbacks instead of commercial and Henry missed it, the Planning Board missed it, the town planner missed it, but Lacey caught it and had Judie emailed Henry about the set back. You need a 30 ft setback for commercial property. The impact is tiny. The hardship is the imposition of the commercial setbacks in a zone that is commercial. The 30 ft setback created the hardship. Henry is asking for the addition to be allowed to exist within the 30 ft setback.

Teresa asking what kind of business. Full fledge restaurant with adequate parking.

Anyone here to speak in favor the application. No one has spoken. Anyone here to speak against the application. Hearing none seeing none. After reviewing the petition and hearing the evidence they determine the following:

	J. Brown	Dr. Lebold	D Davidson	P. Howshan	T. 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 Move to grant the variance for unintentional encroachment into the 30' setback.
Second: Dave Davidson
Unanimous

Meeting adjourned time: 8:08
Motion: Phil Howshan
Second Dr. Lebold
Unanimous



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

You are hereby notified that the request of for Victory Auto 103 Ledge Road Unit 8, Map 5 Lot 80 seq 8 **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:

Case # 2021-005 Peter Bernard and David Deltorto of Victory Auto Design 103 Ledge Road Unit 8 Map5 lot 80-8, the undersigned hereby requests special exception as provided for in Section 16 to allow: Auto repair in Zone # 3.

Motion: Dr. Lebold Move to grant special exception for high end car restoration in Unit 8 at 103 Ledge Road, Max 4 cars inside only.

Second: Dave Davidson
Unanimous

CONDITIONS: Lacey Fowler wants them to go to the Planning Board and get a Spill Prevention Plan.

Motion: Dr. Lebold
Second: David Davidson

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

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 4 28 21

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

You are hereby notified that the request of for Frank Lanzillo, 15 Pine Street Map 8 lot 27 **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:

Case # 2021-001 Frank Lanzillo 15 Pine Street, Map 8 Lot 27, the undersigned hereby requests special exception as provided for in Section 7 and ask that said terms be waived to permit: A 12 x 36 addition to rear of existing building within the 30 ft side setback in Zone 2.

Motion: Dr. Lebold Move to grant the variance for unintentional encroachment into the 30' side setback.

Second: Dave Davidson

Unanimous

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

(Signed)



Jeffrey Brown
Chairman
Board of Adjustment

Date: 4 28 21