

Town of Seabrook
Board of Adjustment
June 22, 2022

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

Roll Call

Jeff Brown opens the meeting at 7:00 pm and explains the procedures and where the notices of the meeting have been posted. We have a full board tonight. We give the applicants a choice whether or not to proceed tonight or put off until next month. When speaking please say your name and address for the record.

Old Business

April Minutes

Motion: Dr. Lebold

Second: Jim Sanborn

Unanimous

New Business

CASE# 2022-010 George Penniman 81 Stard Road, Map 4-14-101, the undersigned hereby requests for a variance to the terms of Section 7 and asks that said terms be waived to permit: reduced lot size in Zone Rural 1.

George Penniman looking to subdivide 81 Stard Road, he wants to remove the existing two story barn and put a single family cape, Jeff asks what the lot size is George states one is conforming and the other one he believes is short 3,000 sq ft. George states that they have enough frontage. Lacey doesn't believe he has enough frontage for lot one it says 112 feet and you need 125. You have a 151 for lot two. He will need a variance for the first lot frontage variance of 13 feet.

Anyone here to speak in favor the application? 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	J. Sanborn	D. Davidson	P. Howshan
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

Move to grant the variance frontage variance of 13 feet on lot 1. Lot 2 reduce lot size which is short 3,000 sq ft.

Motion: Robert Lebold

Second: Phil Howshan

Unanimous

CASE# 2022-011 Carleton Peters, 30 Forest Court, Map 9 Lot 83

the undersigned hereby requests for a variance to the terms of Section 7 and asks that said terms be waived to permit: A shed 10 x 20 3 ft from property line in Zone 2R.

Carleton Peters wants a variance for his shed he needs a relief from setback. Just setback of 7 ft variance. What type of shed it will be a she shed for the wife. There is fence up where they are putting the shed. Dr. Lebold asks why it can't be further away from his fence Carleton says it will be in the middle of his yard. The yard is not big, shed 10 x 10 is only 2 feet from the property line you are asking for a 10 x 20 shed 3 feet from the property line where is supposed to be 10 feet way. It would be 3 feet from the neighbor's fence. Jim Sanborn asks if Lacey thinks this will open up a can of worms if they approve this shed, he states he has had 6 people call him. Lacey says then they will have to get a variance. Dr. Lebold asks if he's willing to compromise and go 5 feet against the fence or have a smaller shed 10 x 15 shed. Carleton will do 10 x 20 at 5 feet.

Anyone here to speak in favor the application? 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	J. Sanborn	D. Davidson	P. Howshan
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

Move to grant the variance for 10 x 20 shed 5 feet from lot line.

Motion: Robert Lebold

Second: D. Davidson

Unanimous

CASE# 2022-012 Michael and Amy McLaughlin, 243 Lower Collins Street Map 14-43-1, the undersigned hereby requests for a variance to the terms of the Zoning Map and asks that said terms be waived to permit: Residential use in Conservation Zone in Zone 4 Conservation

Henry Boyd from Millennium Engineering is representing the McLaughlin's this property was rezoned around 2015 the rest of this Adam's piece they put it in conservation. June's Adams never received a notice regarding their property. They publish notices in the newspaper there are public hearing, but if you don't go to the post office you wouldn't be aware this is happening. Henry believes a policy should be if the town is going to take or rezone your land you should be notified.

Currently they have two lots out there one of them is where Mike and Amys house is they have 100 f of frontage and the lot is on 1 1/2 acres. The remainder of 30 acres. They want to do something on 30 acres lane. There is however a very good surveyor is shows the entire parcel, there is a lot of wetlands on this property, but there is also a big chunk of uplands which should have been developable property. Most of the conservation land is marsh land. In the conversation district you can't really don't have any ability use your land for anything. They can't place any building by the shoreline protection by 50 ft high tide line. They would need to put a roadway to access the land. They don't want to take it out of conservation zone because most of it is wetlands, they just want to have the ability to have residential use on the

land that is developable. How many acres of upland Henry guess 13 ½ of wetland 17 acres of upland. Buildable lots 48 single family homes Lacey calculated. Dr. Lebold ask why the Jeff thinks this happens around 2012 the town took all marsh land and made it conservation zoned. Is it cleaner to have the planning board change the zone than rather get a variance? The planning board would have this go to vote by the residence.

Anyone here to speak in favor the application? Anyone here to speak against the application?

ABUTTERS COMMENTS:

- Loris Burbine of 86 Marshview she is an abutter her personal feeling is the way the land is wet and marshland. She nervous about more water in her yard. When they bought their property there a was moat in the back yard.
- Sharon Tomaselli 78 Marshview Circle totally against it. That parcel has been undeveloped. North side of the property is the schools and the SMS has nature walks with the class room and fitness trails. What will happen to the habitat?
- Cheryl Watson of 90 Marshview Circle two questions did you do a environmental study? Henry replies that the EPA doesn't get involved. Also wetlands permits would have to go in front of the Conservation Commission and NH DES.
- Wendy Falzarano 70 Marshview Circle we built our house 25 years ago. In favor of the project. They are super cautious of the wetlands. She believes that the McLaughlins should be able to build on their land.
- Michael Robertson 82 Marshview Circle wants to know what is going on. The meeting is for variance from conservation to residential.
- Laraine Kulik 74 Marshview Circle she is worried about water going onto her property.
- Chuck Ballentine 211 Lower Collins Street he owns the campground. He believe the water issues are from the abutters having their subpumps draining their cellar water onto to the road.
- Cheryl Watson of 90 Marshview Circle is very concern about the traffic impact the traffic is horrendous now with the school bus cuts thru even though there are no young kids on Marshview Circle. It will impact Marshview Circle. If this variance is approved and if this building go on there has to be something done to protect Marshview Circle residents. Jeff Brown explains if there is a problem with traffic go to the BOS to try to alleviate some of those things. The trailer park Stoneybrook they have signs up that no thru traffic because it is a private road.

After reviewing the petition and hearing the evidence they determine the following:

	J. Brown	Dr. Lebold	J. Sanborn	P. Howshan	D. Davidson
1.	YES	YES	NO	NO	YES
2.	YES	YES	NO	NO	YES
3.	YES	YES	NO	NO	YES
4.	YES	YES	NO	NO	YES
5.	YES	YES	NO	NO	YES

Move to grant the variance lower for development and surveying the upland lots with frontage on Lower Collins Street.

Motion: Dr. Lebold

Second: P. Howshan

Opposed: Jim Sanborn & Phil Howshan

Motion to adjourn 8:30

Motion: Phil Howshan

Second: Dave Davidson



Jeffery, Brown, Chair

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

You are hereby notified that the request of George and Daniel Penniman, 81 Stard Road, Map 4 Lot 14 Seq 101 for 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 # 2022-010 George Penniman, 81 Stard Road Seabrook, NH 03874 The undersigned hereby request a variance to the terms of: Section 7 and asks that said terms be waived to permit: Reduced lot size in Zone rural 1.

Move to grant the variance for a frontage variance 13' lot 1, lot 2 reduced lot size which is short 3,000.

Motion: Dr. Lebold
Second: Phil Howshan

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

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: July 27 22

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

You are hereby notified that the request of Carleton & Linda Peters, 30 Forest Court, Map 9 Lot 83 for **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 # 2022-011 Carleton Peters, 30 Forest Court Seabrook, NH 03874 The undersigned hereby request a variance to the terms of: Section 7 and asks that said terms be waived to permit: A shed 10 x 20 3 ft from the property line in Zone Rural 2R.

Move to grant the variance for 10 x 20 shed 5 feet from line.

Motion: Dr. Lebold

Second: Dave Davidson

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

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: July 27 2022

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

You are hereby notified that the request of Michael and Amy McLaughlin, 243 Lower Collins Street, Map 14 Lot 43-1 for **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:

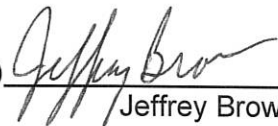
ON CONDITION OF GRANTING ANY VARIANCE, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS OR NON-CONFORMING USE IS THAT IT EXPIRES AT THE END OF TWO YEARS IF NOT COMPLETED WITHIN THAT TIME. RESOLVED, THAT THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO SUCH USE:

Case # 2022-012 Michael and Amy McLaughlin, 243 Lower Collins Street, The undersigned hereby request a variance to the terms of: Section and asks that said terms be waived to permit: A Residential use in Conservation Zone in Zone 4 Conservation.

Move to grant the variance lower for development and surveying the upland lots with frontage Lower Collins Street.

Motion: Dr. Lebold
Second: P. Howshan

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

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: July 27 2022