

Town of Seabrook
Board of Adjustment
July 27, 2022

Members Present: Jeff Brown Chair, Robert Lebold, Dave Davidson, Phil Howshan, Theresa Rowe- Thurlow, 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

June Minutes

Motion: Dr. Lebold

Second: Phil Howshan

Unanimous

New Business

CASE# 2022-013 Norman and Cheryl Hurley 19 Batchelder Road, Map 5-14-300, the undersigned hereby requests for a variance to the terms of Section 6 and asks that said terms be waived to permit: Existing machine shop to use space above business for mixed use in Zone 3 industrial.

The Hurley's are asking for relief they had a tenant move out back in May they have advertised this office space with a realtor with no luck, but they get a lot of calls asking if this is an apartment. They want to use the space for an apartment and not to have it as office space. Back in September of 2018 the Hurley's came to the Zoning Board and they were granted mixed use in industrial zone so they could have two apartments in the second floor. Now they want to use the front office space as mixed use for two apartments. The space has a kitchen, microwave, dish washer, shower, etc they have the building sprinkled. They have over 10 parking spots available. Mixed use you would need the space to be 50/50. Mr. Hurley has agreed to have the space 50/50.

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	T. Thurlow	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 mixed use variance condition 50/50

Motion: Robert Lebold

Second: Phil Howshan

Unanimous

CASE# 2022-015 Knowles Family Trust, 121 Farm Lane, Map 12 Lot 40
the undersigned hereby requests for a variance to the terms of Section 7 and asks that said terms be waived to permit: 3 dwellings all detached in Zone 2R.

Henry is speaking on their behalf. They all have places on this very odd parcel. There is no road frontage, but for 20 plus years it has had 3 dwelling. It pre-existing non-conforming. Currently there are two mobile homes and a modular home and a mobile connected. By granting the variance they will eliminate one of the non conforming homes. They hope to take Lisa's home and detached and make a nice new home on the property. Walter's home is dilapidated and needs to be replaced. They are not adding any additional units, they eliminated a non-conforming situation which is an unsafe situation and allowing them to get financing for the new home. They will have the same addresses.

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	T. Thurlow	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 to allow 3 detached dwelling on 2.32 acres.

Motion: Robert Lebold

Second: D. Davidson

Unanimous

CASE# 2022-016 RMH NH, LLC, 319 Route 107 Map 2-41, the undersigned hereby requests for a variance to the terms of Section 7 and asks that said terms be waived to permit: 3 buildings with a total of 304 traditional apartment units and 28 townhouses with appropriate amenities in Zone 1 Rural and 3 industrial

John Cronin, of Cronin, Bisson & Zalinsky will be representing the applicant. He introduces people that would like to speak on behalf of the project. Steve Pernaw a traffic engineer that provide a traffic report. The property is 76 acres in size. The property is a split zone industrial and rural. Rural in the front and industrial in the back. There is a need for housing. This is not a low income housing this is a market rate housing. We believe that the tax analysis will be approximately \$940,505,000 per year in annual tax revenue. It is projected vehicle registration income will be in the range of \$50,000 per year.

The industrial area is bordered quite a distance by a buffer tree area. South West areas are the former greyhound kennels. They propose in central core of the property the kennel area to build town houses. They will provide a 2 step buffer you have the residential houses a very thick tree buffer and then you will have a ring of town houses. The unit break down is 28 Town Houses, 144 one bedroom apartments and 160 two bedroom apartments. People are having a hardtime finding housing, some of the brook employees had to travel to Maine and Massachusetts to find housing.

Andre Carrier, is the President and Chief Operating Officer of Eureka Casino. He gives an overview of the company which is employee owned. Eureka is also a real estate development company. He explains that they had a meeting with the neighbors to explain the project.

Stephen Pernaw, Stephen Pernaw & Company, Inc. Gives a traffic report for Route 107 study.

Mark Fougere, AICP, Fougere Planning and Development, Inc doesn't believe there is will an impact in the school system which he says has been declining at all three grade levels since 2015. He states that the garden style apartment complexes will generate 7 school age children and the town houses will generate 1 school age child.

Jeff Brown, Chair explains the criteria's they have to be fully satisfied, the variance is not contrary to the public interest. Theresa is worried about the natural resources of this town. Our water and sewer can only handle so much. Lacey asks they are asking for relief for the height what is the height you are looking for, John explains he will take that up with the planning board. In rural the height is 30 and in industrial it is 50 feet. Phil asked how the residents are going to get in the homes. It will be the same curb cut, once you get into the engineering they will have to make a design that will work. The DES will have them get an Alteration of Terrian permit for the wetlands.

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

Abutters for the variance:

- Hampton Area Chamber of Commerce
- Reilly Electrical Contractors
- APH Arakelian Plumbing and Heating
- Portsmouth Quality Flooring
- North point outdoors
- Employees of the Brook

Against:

- Debbie Van Dyke 19 Mapleridge Road. This project effects the whole area. There will be construction noise for 3 to 5 years. They start work at 5:30. They are not concerned about their neighbors we are just in the way. Its worrisome water issues, in consecutive years we have droughts just want to protect our homes.
- Brian Halloran 13 Maple Ridge Road one of my biggest concern is Water.
- Rob Johnson 29 Maple Ridge Road. Couple of concerns my view will now be a 4 story building. Obviously the strains on the town.
- Chris Crowell 5 Deer Crossing – not in the town best interest.
- Bill Walsh 31 Irene Way the trees that abuts to the kennels his back yard. He has over 3 acres of land. Once the trees are bare then I will be looking at buildings.
- Sean McClellan 17 Randall Drive he spoke about his concerns. Start early 5:30 - 8:30pm.
- Samuel Rodriguez 15 Randall drive I am a disable vet, he spoke about his concerns.
- John Hurd 16 Irene Way concerns about the traffic issue.
- Stephanie Moore 10 Francis Drive spoke about her concerns.
- Charles Getchell 95 True Road he concern with the infrastructure.
- Peter Talas 48 Weare Road spoke about his concerns.
- Sharon Brady 16 Mill Lane spoke about his concerns.
- Ted Panopoulos 21 Irene Way spoke about his concerns.
- Kimberly Bradford 460 New Zealand Road spoke about her concerns.

- Michele Smith 14 Dixon Way spoke about her concerns.
- Bill Smith 14 Dixon Way spoke about his concerns.
- Kathy Mackey 27 Maple Ridge Road spoke about her concerns.
- Kristine Leahy 21 Maple Ridge Road spoke about her concerns.

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

	J. Brown	Dr. Lebold	T. Thurlow	P. Howshan	D. Davidson
1.	NO	NO	NO	NO	NO
2.	NO	NO	NO	NO	NO
3.	NO	NO	NO	NO	NO
4.	NO	NO	NO	NO	NO
5.	NO	NO	NO	NO	NO

Move to deny not permitted in industrial zone 3. No hardship exists. Area is zoned industrial not residential for over 300 units using Town water and Town services would need to increase.

Motion: Dr. Lebold
Second: P. Howshan

CASE# 2022-017 Charles Finch, 21 Railroad Avenue Map 8-104, the undersigned hereby requests for a variance to the terms of Section 2 sub section ADU and asks that said terms be waived to permit: a larger ADU 1008 in Zone 2 Commercial and 2 Residential

Jared Patton is the builder representing Charles Finch and speak on his behalf. He is asking for a large ADU, the home is within the setbacks. The ADU will not be rented out, the son will live there. Square footage is 1008 for the adu. The lot is a ½ acre. Jarrod will be building a garage with an ADU above it.

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

Grant variance for an ADU of 1008' at 21 Railroad Avenue.

Motion: Dr. Lebold
Second: P. Howshan
Opposed: T. Thurlow

Motion to adjourn 9:25
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 Norman and Cheryl Hurley, 19 Batchelder Road, Map 5 Lot 14 300 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 # 2022-013 Norman and Cheryl Hurley, 19 Batchelder Road, Map 5-14-300. The undersigned hereby request a variance to the terms of: Section 6 and asks that said terms be waived to permit: Existing machine shop to use space above business for mixed use in Zone 3 Industrial

Move to grant the mixed-use variance condition 50/50.

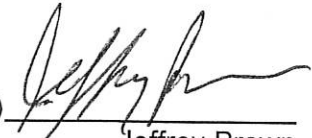
Motion: Dr. Lebold

Second: P. Howshan

Unanimous

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

(Signed)



Jeffrey Brown
Chairman
Board of Adjustment

Date:

6 24 22

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

You are hereby notified that the request of Knowles Family Trust, 121 Farm Lane, Map 12 Lot 40 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 # 2022-015 Knowles Family Trust, 121 Farm Lane, Map 12-lot 40. The undersigned hereby request a variance to the terms of: Section 7 and asks that said terms be waived to permit: 3 Dwelling all detached in Zone 2R

Move to grant the variance to allow 3 detached dwellings on 2.32 acres.

Motion: Dr. Lebold
Second: D. Davidson
Unanimous

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

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 8 24 22

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

You are hereby notified that the request of RMH NH, LLC Route 107, Map 2 Lot 41 for VARIANCE, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS) OR EXPANSION OF THE NON-CONFORMING USE to: The Zoning Ordinance has been DENIED 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 # 2022-016 RMH NH, LLC ,319 Route 107, Map 2-lot 41. The undersigned hereby request a variance to the terms of: Section 7 and asks that said terms be waived to permit: 3 buildings with a total of 304 traditional apartment units and 28 town houses with appropriate amenities in Zone 1 Rural and 3 Industrial

Move to deny not permitted in industrial zone 3. No hardship exists. Area is zoned industrial not residential for over 300 units using town water and town services would need to increase.

Motion: Dr. Lebold
Second: D. Davidson
Unanimous

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

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 8 24 22

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

You are hereby notified that the request of Charles Finch, 21 Railroad Avenue, Map 8 Lot 104 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 # 2022-017 Charles Finch, 21 Railroad Avenue, Map 8-lot 104. The undersigned hereby request a variance to the terms of: Section 7 and asks that said terms be waived to permit: a larger ADU in Zone 2 Commercial and 2 Residential.

Move to grant variance for an ADU for 1008' at 21 Railroad Avenue.

Motion: Dr. Lebold

Second: P. Howshan

Opposed: T. Thurlow

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

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 8 24 22