

Town of Seabrook
Board of Adjustment
October 26, 2022

Members Present: Jeff Brown Chair, Robert Lebold, Theresa Thurlow, Dave Davidson, Phil Howshan, Jim Sanborn, 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

September Minutes

Motion: Dr. Lebold

Second: Phil Howshan

Unanimous

Madeleine Dilonno, Regional Planner for the Rockingham Planning Commission (RPC) she is in partnership with the Seabrook-Hamptons Estuary Alliance (SHEA) and with the support of the Seabrook Board of Selectmen and the Planning Board, the Rockingham Planning Commission is coordinating the establishment of a Seabrook Coastal Resilience Team. The purpose of the team is to bring together town officials, staff and residents to advocate for advance projects that further the town's climate adaptation and resiliency goals. The intent is to improve collaboration among town departments, boards and committees as well as increase awareness of coastal hazards through outreach and engagement from elected officials, staff and residents.

SHEA and RPC will provide organizational and technical support to the team. This effort is funded by SHEA and RPC through the NH Department of Environmental Services Coastal Program. The cost to Seabrook would be a willingness to have staff and board members participate in the effort.

Madeline informs if you have any questions please don't hesitate to contact her at the Rockingham Planning Commission 603-658-0522

New Business

CASE# 2022-020 Paul Lepere 7 Cross Beach Road, Map 25-16, the undersigned hereby requests for a variance to the terms of Section 7 and asks that said terms be waived to permit: replace existing dilapidated dwelling with new dwelling within front, rear, side and 50' wetland setbacks in Zone Rural 1.

Henry Boyd of Millennium Engineering is representing Paul Lepere. The property is in danger of floating away with the next king tide. The property is currently within all the property setbacks. This property is 28 feet deep and 50 feet wide, because this is zone rural you are

supposed to have 20,000 square feet with uptown zoning. The creation of the zone itself, created the hardship on the lot. Paul would like to raise this dwelling and get it out of there. Also, there is a camper behind it that will be moved. It's obviously within the 50 foot shore setbacks so the plan is get rid of this and reconfigure the structure to be a more conforming structure within the same foot print in the square. It will have to go to DES and the Conservation Commission. The structure right now is in the town's right of way. The new house will be improving the area. Sewer is already set up on the land. If they built the home on piles they could have a garage under it. The garage has to be flood vented. You must have your utilities above flood level.

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 grant relief of side lines and setbacks existing sewerage, utilities same footprint feet sq.

Motion: Robert Lebold

Second: Phil Howshan

Unanimous

CASE# 2022-021 Maruti, LLC, 9 Stard Road, Map 4 Lot 10, 12 & 12-1

The undersigned hereby requests for a variance to the terms of Section 6 sub section table 1 and asks that said terms be waived to permit: 100 unit assisted living facility in Zone 2 Commercial.

Brian Grossman Attorney, Bowditch & Dewey, LLP 4 components to the project, two need relief from the zoning. They want to build a 100 unit assisted living facility. The use is permitted but the size isn't 20 units won't work they are asking to 100 units. Seabrook doesn't have an assisted living facility.

Wayne Morrill, Jones and Beach Engineers explains that the applicant wishes to develop a 100-unit assisted living facility. The assisted living facility is a nursing home that is a permitted use within the zone. However the maximum of 20 units or patients won't work for them. The ordinance was developed prior to the aging of the baby-boomer population. As baby-boomers have aged, there is a substantially increased need throughout the country for assisted living facilities. There is no such facility in the Town of Seabrook. As a consequence, its citizens must travel to other towns for this needed service. There is no rational basis for the ordinance to limit the maximum number of units to 20 with an aging population and an absence of any facility to fulfill this important need. The facility will be built as a state-of-art-building, meeting, and exceeding all applicable codes.

If the Zoning Board approves the variance, they will need to go to the Planning Board for approval.

Jeff is inclined to vote on this case assisted living center ask if the board would like to vote on it tonight or wait. Continue the other cases so they can notify the residents. They agreed to vote tonight.

Anyone here to speak in favor of 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	NO
2.	YES	YES	NO	YES	NO
3.	YES	YES	NO	YES	NO
4.	YES	YES	NO	YES	NO
5.	YES	YES	NO	YES	NO

Move to grant the variance for assisted living capacity of 100.

Motion: Robert Lebold

Second: D. Davidson

Opposed Theresa Thurlow & Phil Howshan

CASE# 2022-022 Maruti, LLC, 9 Stard Road, Map 4 Lot 10, 12 & 12-1

The undersigned hereby requests for a variance to the terms of Section 6 sub section table 1 and asks that said terms be waived to permit: Storage of petroleum products in Zone 2 Commercial.

CASE# 2022-022 Maruti, LLC, 9 Stard Road, Map 4 Lot 10, 12 & 12-1the undersigned hereby requests for a variance to the terms of Section 6 sub section table 1 and asks that said terms be waived to permit: A Travel Plaza in Zone 2 Commercial.

Wayne Morrill of Jones and Beach will speak on the Maruti's behalf. The applicant wishes to remove and raise three aging hotel buildings to develop a much-needed travel plaza consisting of a refueling station for the motoring public and the commercial trucking industry with a drive through restaurant. The commercial trucking industry and the professional driver are vital components of the economy. The majority of goods and products consumed by the public are delivered by the commercial trucking industry on Class A vehicles. It is essential for the professional drivers of these commercial vehicles to be able to refuel their vehicles, rest and refresh during long haul journeys. There is a scarcity of travel plazas along the Route 95 corridor. The only other truck plaza is in Greenland which has exceeded its capacity.

The applicant's proposed development would not burden the tax base because it would not add residents with or without children. All appropriate infrastructures are in place and all necessary utilities are already on the site. The travel plaza would generate significant tax for the town with little if any financial burden on the town for the provision of infrastructure or utilities.

The fuel system design associated with the refueling stations will include all state-of-the-art state approved components. Tanks and piping are all double walled. Containment sump pumps are installed under all dispensers at all appropriate tank openings and in piping transition areas. These sump pumps are monitored as described below. Fuel dispensing areas are required to be designed to contain spills.

Attorney Grossman goes over the criteria. The properties are in a commercial area. There will be a number of jobs created he believes 189 future jobs. Increase in tax revenue is \$6,000. This project won't affect the school systems. Jeff Brown Chair thinks that they should have a continuance, he would like public input. Attorney Grossman agrees he would like to hear from the public so he can hear their questions and get answers for them.

Anyone to speak against the proposal:

- * Michael Moody owner Master McGrath against too much traffic with 18 wheelers.

- * Josh Lanzetta, Attorney Bruton & Berube representing Obrien's

He states this application could be denied tonight. Its crystal-clear limiting hazardous products such as petroleum it is part of you Aquifer protection. No gasoline stations within 1,000 feet. He speaks about 2012 when the Zoning Board has denied cases for gas stations in the aquifer protection area. This project is not in the public interest of putting tanks in the ground. They must meet all criteria and if one fails the variance doesn't pass.

Attorney Grossman would like to come back for a continuance he talks about how this isn't the 1970's the economy has changed, and the community has changed. He talks about now there are better technologies in place to keep the ground water safe.

Jeff would like to notify the abutters on New Zealand Road and Rockingham Village Apartments. Residents on Stard Road, Pineo Farms and residents on Andy's Park. Wayne will post the notice at Rockingham Village.

Case 2020-022 Motion to continue the case

Motion: Phil Howshan

Second: Dr. Lebold

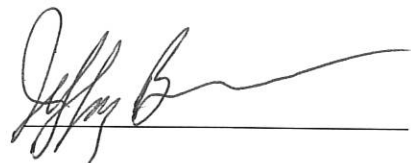
Opposed: Jim Sanborn & Phil Howshan

Next meeting will meet November 30th.

Motion to adjourn

Motion: Dr. Lebold

Second: P. Howshan

A handwritten signature in black ink, appearing to read 'Jeffery B', followed by a horizontal line.

Jeffery, Brown, Chair

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

You are hereby notified that the request of Paul Lepere, 7 Cross Beach Road, Map 25 Lot 16 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 October 26, 2022

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 # 2022-020 Paul Lepere, 7 Cross Beach Road Map 25-16, The undersigned hereby request a variance to the terms of: Section 7 and asks that said terms be waived to permit: Replace existing dilapidated dwelling with new dwelling within front, rear, side and 50' wetland setbacks in Zone 1 Rural

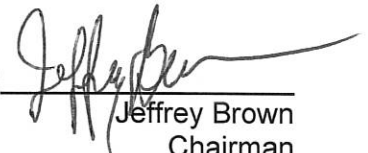
Move to grant the variance to grant relief from sidelines & setbacks existing sewerage, utilities same footprint feet sq

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: 11 30 22

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

You are hereby notified that the request of Maruti, LLC, 9 Stard Road, Map 4 Lots 10, 12 & 12-1 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 October 26, 2022

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 # 2022-021 Maruti, LLC 9 Stard Road, Map 4 Lots 10, 12 & 12-1 The undersigned hereby request a variance to the terms of: Section 6 sub section table 1 and asks that said terms be waived to permit: 100- unit assisted living facility in Zone 2 Commercial

Move to grant the variance for assisted living capacity of 100.

Motion: Dr. Lebold

Second: D. Davidson

Opposed: T. Thurlow & P. Howshan

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

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 11 30 22