

Town of Seabrook  
Board of Adjustment  
June 28, 2023

Members Present: Jeff Brown, Robert Lebold, Dave Davidson, Phil Howshan, and Secretary Judie Walker

Roll Call

Jeff Brown, Chair opens the meeting at 7:00 pm and explains the procedures and where the notices of the meeting have been posted. We do not have a full board tonight; full board is five members and tonight we only have four. Because we don't have a full board the option is to reschedule or not. Henry Boyd wants to go forward. When speaking please say your name and address for the record.

**Old Business**

May Minutes

Motion: Robert Lebold

Second Phil Howshan

Unanimous

**New Business:**

**Case 2023-007** Sicard Family Revocable Trust of 2021, 37 & 38 Cross Beach Road Map 25 Lot 21 and Map 25 Lot 21-1 the undersigned hereby requests for a variance to the terms of Section 7 and ask that said terms be waived to permit: A lot with less than 20,000 sq in Zone #1

Henry Boyd, Millennium Engineering is representing the Sicard's. There are two existing lots of record at Cross Beach Road one is very small and the other one is larger. The proposal is to take a piece from the larger lot and give to the smaller lot to make it more equitable. The reason for that is this is a lot of record and there is a structure there with a shed which is basically right on the salt marsh. Henry met with Eben Lewis and he gave his approval. The hope would be to move the structure away from the salt marsh. They want to put a newer structure away from their abutters land. When the sewer project came in the town and the state only offer Sewer hookups to the existing dwellings that were there. Anything that was not a dwelling at that time don't receive sewer service. A lot of gravel there right now they will remove the gravel and put impervious pavers. They have to go to the planning board and DES to get permits for the future building and removal of the structure.

Dr Lebold asks if they were purchased in 2018 and he is assuming on speculation because one of the houses hasn't been lived in for at least 5 years. The bigger lot people have been living in it. They are recognized as dwelling units. Dr. Lebold suggests getting rid of the smaller lot and just making the other home with a bigger lot. Henry reminds Dr. Lebold that this is a lot of record.

They can't improve with a 40ft lot it doesn't offer them much room. This is considered the rural zone we need 20,000 s ft. Jeff asks could you remove the structures and put double wide each Henry reply's you would need a variance. They want to clean up the non-conforming lot.

Dr. Lebold what gives you the right move the new structure 10 feet away. They are trying to make the property better. If they go higher they need a variance you are building within the building setback in an area which is not occupied currently. It is within the flood plains. They must be FEMA compliant. They must be on piles. AE zone has a base evaluation of 9. The whole lot is below 8 the minimum floor height must be elevation 9. We recommend they go higher, and flood vent the structure. Jeff asks does the footprint include decks Henry says yes if you meet the setback. The new house will be 12 x 32. The shoreline protection act you must be at

least 50 feet from the highest observable tide. There is no relief there is no variance procedure you would have to change the law. The primary structure must be a minimum of 50 feet from the highest observable tide. Is the highest tide of the month.

Anyone here to speak in favor of the application? Anyone here to speak against the application?  
Kathy Mills I have lived on Cross Beach Road since 1980. No one has been there for years. She doesn't feel they should have two homes on the property. One of the houses someone lives there. She doesn't want a house right beside hers having parties. They don't have the correct square feet on both properties. Kathy is against. She has no problem improving what they have. Kathy doesn't reason for two homes. Jeff says the town says they can have two houses because they are preexisting. They can replace the houses on top of them.

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

	<b>J. Brown</b>	<b>Dr. Lebold</b>	<b>D. Davidson</b>	<b>P. Howshan</b>
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

Move to grant the variance to adjust the lots lines to east 15' front and 12' in the back.

Motion: Dr. Lebold

Second: D. Davidson

Unanimous:

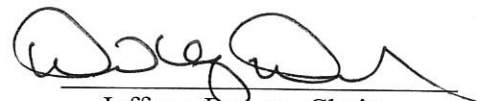
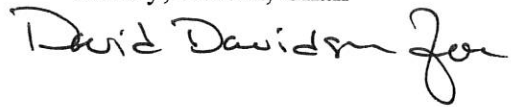
Next meeting will meet July 26, 2023.

Motion to adjourn at 7:40 p.m.

Motion: P. Howshan

Second D. Lebold

Unanimous

  
 Jeffery, Brown, Chair  


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

You are hereby notified that the request of Sicard Family Revocable Trust of 2021, 37 & 38 Cross Beach Road Seabrook, NH Map 25-21-1 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 May 24, 2023

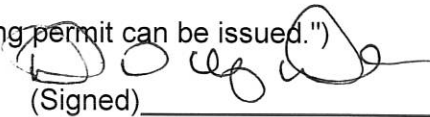
ON CONDITION OF GRANTING ANY VARIANCE, APPEAL, SPECIAL EXCEPTION, EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS OR NON-CONFORMING USE IS THAT IT EXPIRES AT THE END OF TWO YEARS IF NOT COMPLETED WITHIN THAT TIME. RESOLVED, THAT THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO SUCH USE:

**Case # 2023-007**, Sicard Family Revocable Trust of 2021, 37 \* 38 Cross Beach Road, Map 25 lot 21 the undersigned hereby requests for a variance to the terms of Section 7 and asked that said terms be waived to permit: A lot less than 20,000 in Zone# 1.

Move to grant the variance to adjust the lot lines to east 15' front and 12' in the back.

**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

David Davidson for  
Date: 7/26/2023