

Town of Seabrook  
Board of Adjustment  
October 25, 2023

Members Present: Jeff Brown, Teresa Thurlow, Dr. Lebold, Phil Howshan, Jim Sanborn, and Lacey Fowler CEO.

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 have a full board tonight. When speaking please say your name and address for the record.

**Old Business**

September Minutes

Motion: Dr. Lebold

Second: Phil Howshan

Unanimous

The next Planning Board Meeting is November 6, 2023, at 6:30 pm. They are going to discuss zoning changes. If you have any zoning changes bring them to the meeting. Everyone is invited to attend.

**New Business**

Case 2023-0013 Michael and Amy McLaughlin, 227 Lower Collins Street, Map 14-43 for a variance to the terms of section zoning map and ask that said terms be waived to permit: Residential use in a conservation zone in Zone #4 Conservation.

Attorney Steven Ciandella and along with Henry Boyd represent The McLaughlin's of 227 Lower Collins Street. Attorney Ciandella explains the improvements made with the first construction project the road has been paved and drainage has been improved. The current application before you are for a total of 14 lots, 13 of the lots will be used for single family residence. The last lot, lot 9 will be deeded to the town in fee simple the lot is approximately 18 acres. Attorney Ciandella informs that he asks his client to speak with their abutters which they did, and the abutters are in favor of the variance. The following abutters notified:

Co Administrator of Estate of Edwin F. Adams, Michael McLaughlin 243 & 227 Lower Collins St, Chris Franciosa 219 Lower Collins St, Joe Franciosa 223 Lower Collins St, Chris Franciosa 235 Lower Collins St., Philip Franciosa 225 Lower Collins St, DEM, LLC 247 Lower Collins St, and Stephen Franciosa 251 Lower Collins St.

Henry Boyd, Millenium Engineering will explain the survey expansion of the development. What the McLaughlin's are asking for is to create 13 lots and the 14 lot they would deed to the town. Jeff Brown chair asks how much of the 18 acres in buildable Henry says there is a great deal buildable he believes 9 acres about ½ would be developable. Jeff asks back in June we limited to the 7 lots that have frontage of Lower Collins, did any member of the board asks it not be further development and was it answered? Henry doesn't remember if there was a prohibition for coming back, if there was Henry doesn't remember. It was my understanding that is didn't

disallow. Attorney Ciandella reviewed the minutes, and he informs there was nothing in the minutes that would suggest that.

Lacey asks what wetlands permits you need; Henry believes just the standard dredge and fill. Jeff asks the main access route for residents, visitors and deliveries is going to through Marshview and Lower Collins St Henry replies yes. Dr. Lebold is concerned about flooding. Henry explains the grades are higher elevation 15. These new lots will need Sewer. If we approve the variance it must go the Planning Board review and Tech Review. The sewer is only at 40% capacity. Jeff asks about the people who own campers in Twin Brooks Campground if they need to be notified. Attorney Ciandella doesn't think so.

The campground is concerned about water issues, Henry informs that will not happen.

Speaking Against or in favor:

Christopher LeClair 37 Marshview Circle The town put the land in conservation so it wouldn't be developed. No hardship.

Jean Rimas 118 Marshview Circle don't understand the term conservation land. Conservation land is owned by property owners. It was explained conservation easements is a restriction or conserved for birds or bike trail. The town put on the ballot to deem all this property conservation land.

This land has been in current use and they get a lower tax rate.

If you deed it to the town, the town will be owners.

Jeff Brown explains how the town considers the zones and the criteria.

John Watson 90 Marshview Circle is concerned about the drainage at least 1' 1/2 of water that was backfilling it is constantly getting worse.

Bob Larochelle 18 Old Salt Drive, this was put under conservation status. Why are you going to reverse and why doesn't it go back to town meeting?

Steven Burdeau 66 Marshview Circle, the five questions to answer you need to have 3 members have to pass. Yes

Amy McLaughlin was surprised that her land was in conservation.

Jim Stevens 30 Marshview Circle he likes the conservation land. He thinks it should remain that way.

Buzz Couillard 10 Merrimac Street. Amy McLaughlin father owned Marshview Circle which was a campground. Says its ironic that Dick Adams owned the Marshview Circle.

Laurine Kulik 74 Marshview Circle I have been there since 1998. Totally against it.

Blake Smith 14 Old Salt Drive concerned about the water most of the homes have sump pumps.

Tim Rooney 9 Marshview Circle goes over the criteria answered as an individual board member. We could approve the variance with conditions.

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

	<b>J. Brown</b>	<b>Dr. Lebold</b>	<b>J. Sanborn</b>	<b>P. Howshan</b>	<b>T Thurlow</b>
1	NO	NO	YES	YES	NO
2.	No	NO	NO	YES	NO
3.	YES	NO	NO	YES	NO
4.	NO	NO	NO	YES	YES
5.	YES	NO	NO	YES	NO

Move to deny the variance request as there is no development in a conservation district, planning board needs to present to town meeting to change zones.

Motion: Dr. Lebold

Second: Jim Sanborn

Unanimous

The Chair Jeff Brown explains why he voted the way he did.

1. The variance is not contrary to the public interest. Public Interest would be to preserve the land especially in conservation.
2. The spirit of the ordinance is observed. The ordinance was passed to preserve buffer of marsh and conservation.
3. By granting this variance substantial justice is Zone was changed without input from owner and question of notice.
4. By granting this variance the value of surrounding properties is not diminished. Building in this area would create density.
5. Literal enforcement of the ordinance would result in unnecessary hardship. Use of the land is limited conservation.

Move to deny the variance request as there is no development in a conservation district, planning board needs to present to town meeting to change zones.

Motion: Dr. Lebold


Second: Jim Sanborn

Unanimous

Motion to adjourn 8:45 pm

Motion: Phil Howshan

Second: Dave Davidson



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Jeffrey Brown, Chairman

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

You are hereby notified that the request of Michael and Amy McLaughlin, 227 Lower Collins St, Map 14 Lot 43 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 October 25, 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 # 2023-013** Michael and Amy McLaughlin, 227 Lower Collins Street, Map 14 lot 43. The undersigned hereby request a variance to the terms of: Section zoning map and asks that said terms be waived to permit: Residential use in a conservation zone in Zone 4 Conservation

Move to deny the request for a variance as there is no development in a conservation district, planning board needs to present to town meeting to change zones.

**Motion:** Dr. Lebold  
**Second:** J. Sanborn  
Unanimouse

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

(Signed) \_\_\_\_\_  
Jeffrey Brown  
Chairman  
Board of Adjustment

Date: \_\_\_\_\_