

Town of Seabrook
Board of Adjustment
April 24, 2024

Members Present: Jeff Brown, Fidae Azouri, Dave Davidson, Phil Howshan, Teresa Thurlow, Jim Sanborn, Lacey Fowler 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 have a full board tonight. When speaking please say your name and address for the record.

February minutes

Motion: Phil Howshan

Second: David Davidson

Unanimous

New Business

CASE 2024-004 Joe Patterson, 29 Collins Street, Map 10-67 the undersigned hereby requests a variance to the terms of Section 2 and ask that said terms be waived to permit: An accessory structure larger than 1,080 square feet in Zone 2R.

Clark Patterson of 29 Collins Street is trying to build a larger garage. The house is on higher ground and where they want to build the garage, but they would have to build something like a 100 ft connector between the house and the garage that is why he is here for a variance. In the zoning an accessory structure can only be 1080'. This is a standalone garage 40 x 50. There is huge elevation change they would have to remove their deck. If it was attached it can be as big as he wants it to be. Accessory building 2000 square feet. The garage will only be used to store cars.

Anyone here to speak for the project anyone here to speak against the project:

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

| | J. Brown | J. Sanborn | D. Davidson | P. Howshan | T Thurlow |
|----|-----------------|-------------------|--------------------|-------------------|------------------|
| 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 variance to allow 40 'x 50' detached garage which is larger than 1080' in Section 2.

Motion: Dave Davidson

Second: Phil Howshan

Unanimous

CASE 2024-005 Scott & Matthew Tobey, 124 Lafayette Road Map 10-7 the undersigned hereby requests a variance to the terms of Section 6 subsection 1 and asks that said terms be waived to permit: to allow owners to work on their own motor vehicles only in Zone 6M. Matthew Tobey wants to be able to work on their own cars. It is not an allowed use in Smithtown.

Any here to speak in favor of the project, anyone here to speak against?

Jim Morton, 15 Walton Road I'm an abutter is not in favor of the case. There's a lot cars parked in the back yard. At least 30 cars. Matthew says his father will be getting rid of the cars for parts. He's against the storage of cars for parts. You can't store more than 20 cars. There are no junk cars allowed in town. Matthew Toby explains it will not be a junk yard and there will be no cars there for parts.

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

| | J. Sanborn | F. Azouri | D. Davidson | P. Howshan | T Thurlow |
|----|------------|-----------|-------------|------------|-----------|
| 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 section 6 sub Section 1 to allow repair of cars no storage of cars or salvage cars.

Motion: Dave Davidson

Second: Phil Howshan

Unanimous.

Duncan MacCallum representing the abutters of 137 Folly Mill Road Map 9-226-1, motion for rehearing, relating to the February 28, 2024 decision of the Zoning Board of Adjustment to grant a variance.

Chair Jeff Brown will make a motion to more to grant the rehearing to our May Meeting

Duncan MacCallum moves to grant the rehearing May Meeting.

Motion: Jeff Brown

Second: Teresa Thurlow

Unanimous

The reason to grant the rehearing has received new information than we had before. We heard from council for both sides. It would be responsible for the Town to rehear the case. Jeff would like to send all the information to the Towns Attorney for their advice.

CASE 2024-007 Sharfa, LLC 663 Lafayette Road, Map 7-87 Appeal from an Administrative Decision the undersigned alleges that an error has been made in the decision, determination, or

requirement by the Planning Board on March 4, 2024, to applicant in relation to Section 14.100 of the Zoning Ordinance and hereby appeal said decision, which I believe was made in error.

John Arnold, Attorney Ore and Reno represents Sharfa LLC 663 Lafayette Road Scott Mitchell. A few months ago, Scott when to the Planning Board for site plan approval because he wanted to build an addition to his convenient store. The plan shows a proposed addition bumping out the wall of 5 feet. That would add 140 sq ft to the building, which would meet all setbacks. The purpose of the addition is they want to add grab and go food items like sandwiches and pizza. The planning Board granted the site plan approval, but with conditions which included obtaining a variance from the Zoning Board

The town rezoning in 2015 zone 2 to 6m. The property used to be Getty Station. Shortly after he purchased the property there was a rezoning in 2015 it was in zone 2 and they changed it to 6M. So when he built the gas station and the convenient store they were both allowed uses. When the property was rezoned the gasoline station became a non-conforming use. The Convenient store is allowed in 6m. They think because you are adding onto the building, they think that they are non-conforming use. He explains what a non-conforming use is. Then explains the table of uses. Gasoline and convenience store are separate. Complies with all the setbacks and the zoning.

Move to grant the approval of the administrative decision.

MOTION: Dave Davidson

SECOND: Phil Howshan

Unanimous.

CASE 2024-008 Sharfa, LLC 663 Lafayette Road, Map 7-87, the undersigned hereby requests a variance to the terms of Section 14 sub-section 14.100 and asks that said terms be waived to permit: Expansion of Non-conforming use in Zone 6M.

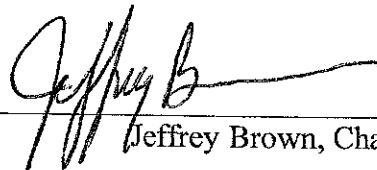
John Arnold, Attorney Ore and Reno are withdrawing their variance application.

Lacey Fowler, Code Enforcer would like the Planning Board and the Zoning Board to have a joint meeting to go over the cleaning up the zoning and the book ends. Jeff Brown, Chair will schedule a workshop for Planning Board and Zoning Board at the Library.

Motion to adjourn 8:00 pm

Motion: Dave Davidson

Second: Jeff Brown



Jeffrey Brown, Chairman

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

You are hereby notified that the request of Joe Patterson, 29 Collin Street, Map 10 Lot 67 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 April 24, 2024:

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 # 2024-004 Joe Patterson, 29 Collins Street, 10-67. The undersigned hereby requests an variance to the terms of Section 2 and asks that said terms be waived to permit: An accessory structure larger than 1,080 square feet in Zone 2R.


Move to grant variance to allow 40' x 50' detached garage which is larger than 1080' in section 2.

Motion: Dave Davidson

Second: Phil Howshan

Unanimous

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

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 5 22 24

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

You are hereby notified that the request of Scott & Matthew Tobey, 124 Lafayette Road, Map 10 Lot 7 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 April 24, 2024:

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RESOLVED, THAT THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO SUCH USE:

Case # 2024-005 Scott and Matthew Tobey, 124 Lafayette Road, 10-67. The undersigned hereby requests a variance to the terms of Section 6 and sub section 1 and asks that said terms be waived to permit: to allow owners to work on their own motor vehicles only in Zone 6M.


Move to grant the variance to section 6 sub section 1 to allow repair of own cars, no storage of cars or salvage cars.

Motion: Dave Davidson

Second: Phil Howshan

Unanimous

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

(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 5 22 24

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

You are hereby notified that the request of Sharfa, LLC 663 Lafayette Road, Map 7 Lot 87, appeal from an administrative decision the undersigned alleges that an error has been made in the decision, determination, or requirement by the Planning Board on March 4, 2024, to applicant in relation to Section 14.100 of the Zoning Ordinance and hereby appeal said decision, which I believe was made in error.


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 # 2024-007 Sharfa, LLC, 663 Lafayette Road, 7-87. Appeal from an Administrative Decision the undersigned alleges that an error has been made in the decision, determination, or requirements by the Planning Board on March 4, 2024, to the applicant in relation to Section 14.100 of the zoning ordinance and hereby appeal said decision, which I believe was made in error.

The Zoning Board of Adjustment motion was to grant the administrative appeal.

Motion: Dave Davidson
Second: Phil Howshan
Unanimous

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(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

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The Zoning Board of Adjustment motion was to grant the administrative appeal.

Motion: Dave Davidson
Second: Phil Howshan
Unanimous

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(Signed) 
Jeffrey Brown
Chairman
Board of Adjustment

Date: 5 22 24

NOTE: Application for rehearing on any question of the above determination may be taken within thirty (30) days of said determination by any party to the action or person affected thereby according to the New Hampshire Revised Statutes Annotated, 1955, Chapter 31:74-76. Form Revised 2001