

Town of Seabrook
Board of Adjustment
July 24, 2024

Members Present: Jeff Brown, Chair, Dave Davidson, Teresa Thurlow, Jim Sanborn, Fidea Azouri, Phil Howshan, Lacey Fowler and Secretary Judie Walker.

Jeff Brown, Chair opens the meeting at 7:03 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.

Administrative Business:

June 26, 2024, minutes

Motion: Dave Davidson

Second: Jim Sanborn

Unanimous

New Business

CASE 2024-010 Caitlin Realty, LLC, 34 Centennial Street, Map 13-22-2, the undersigned hereby request an Equitable Waiver to the terms of Section 7 and asks that said terms be waived to permit: to allow a newly construction building to existing 20' from wetland boundary in Zone 2R.

Henry Boyd from Millenium is representing Brad Kutcher, about a year ago we were in front of the Zoning Board and asked for variance for reduced frontage. Unfortunately, the house in the back is 20 ft from the wetlands where should be 25 ft. The trees that were flagged for the wetlands were mistakenly moved.

Move to grant the equitable waiver to allow a newly construction building to existing 20 from the wetland boundary.

Motion: Dave Davidson

Second: Phil Howshan

Unanimous

CASE 2024-011 David and Deborah Dwyer, 6 Austins Way, Map 9-7-10, the undersigned hereby request a variance to the terms of Section 7 and asks that said terms be waived to permit: Construction of addition to house family ADU to be 7.5' feet from lot line where 10' is required in Zone 2R.

Henry Boyd of Millenium engineering is representing the Dwyer's. The family is coming back home to live with them. The way the current house is located it is difficult to have an adu.

After reviewing the petition and after hearing all the evidence this board

1. The variance is not contrary to the public interest.

Fidea Azouri	Phil Howshan	Dave Davidson	Teresa Thurlow	Jim Sanborn
yes	Yes	Yes	Yes	Yes

2. The spirit of ordinance is observed:

Fidea Azouri	Phil Howshan	Dave Davidson	Teresa Thurlow	Jim Sanborn
yes	Yes	Yes	Yes	Yes

3. By granting this variance substantial justice is done:

Fidea Azouri	Phil Howshan	Dave Davidson	Teresa Thurlow	Jim Sanborn
yes	Yes	Yes	Yes	Yes

4. By granting this variance the value of surrounding properties are not diminished.

Fidea Azouri	Phil Howshan	Dave Davidson	Teresa Thurlow	Jim Sanborn
yes	Yes	Yes	Yes	Yes

5. Literal enforcement of the ordinance would result in unnecessary hardship.

Fidea Azouri	Phil Howshan	Dave Davidson	Teresa Thurlow	Jim Sanborn
yes	Yes	Yes	Yes	Yes

Motion to grant variance as presented in the application.

Dave Davidson

Phil Howshan

CASE 2024-012 Robert Baker, 237South Main Street, Map 16-6 the undersigned hereby request a variance to the terms of Section 7 and asks that said terms be waived to permit: a lot with less than required frontage in Zone 2R.

Robert Baker called and withdrew his application.

Request for a rehearing Robert LaRochelle of 18 Old Salt Drive Case 2026-004

Teresa moves to make a motion to deny application for a rehearing and finds that the application of proof was substantially different from the first application, less lots less road.

Second: David Davidson

Unanimous.

Case 2024-006 The abutters of 137 Folly Mill Road hired Attorney Duncan MacCallum to represent them in requesting a rehearing. Respectfully move this Board to reconsider its decision of May 22, 2024, in which this Board granted the applicant a variance from sections 6 and 7 of the Seabrook Zoning ordinance and purported to authorize the applicant to erect an industrial building in a zoning district which is zoned only for residential use.

Dave Davidson denies the motion for rehearing. We have heard this case at least 3 times.
Second Phil Howshan
Unanimous

Meeting adjourned 7:23
Motion: Phil Howshan
Second: David Davidson
Unanimous


Jeffery Brown, Chair

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

You are hereby notified that the request of Caitlin Realty, LLC, 34 Centennial Street, Map 13 Lot 22-2, 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 July 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 # 2024-010, Caitlin Realty, LLC, 34 Centennial Street Map 13-22-2, The undersigned hereby request an Equitable Waiver of Dimensional Requirements to the terms of: Section 7 asks that said terms be waived to permit: to allow a newly construction building to existing 20' from wetland boundary in Zone 2R.

Move to grant the equitable waiver to allow a newly construction building to existing 20' from the wetland boundary.

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: 8 28 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

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

You are hereby notified that the request of David and Deborah Dwyer, 6 Austins Way, Map 9 Lot 7-10, 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 July 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 # 2024-011, David and Deborah Dwyer, 6 Austins Way Map 9-7-10, The undersigned hereby request an variance to the terms of: Section 7 asks that said terms be waived to permit: Construction of addition to house family ADU to be 7.5 feet from the lot line where 10' is required in Zone 2R.

Move to grant variance as presented in the application.

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
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