

Town of Seabrook  
Board of Adjustment  
February 24, 2016

Members Present: Henry Therriault Teresa Rowe-Thurlow Michael Lowry  
Secretary Jamie McDonald

Not Present: Jo-Anne Page, Dr. Robert Lebold, Mark Preston, Brandon Adams, Robin Fales

Meeting opens at 7:00 PM

Roll Call

H Therriault opens the meeting explaining procedure of the meeting and where the meeting has been posted. He further explains that the meeting is being recorded and a copy is available at the Town Hall.

**Old Business:**

Minutes of December 30, 2015 meeting

Held until next meeting due to lack of members present

**New Business:**

**CASE# 2015-015 RE-HEARING** MacKenzie Properties, LLC, 28 London Lane, Map 5, Lot 8, for Variance to Section 16, Sub-Section 401-410, and asks that said terms be waived to permit fuel delivery vehicles in Zone 3 Industrial.

H Therriault reads MacKenzie withdrawal letter and email from Attorney Walter Mitchell with recommendations to the board.

T Rowe-Thurlow asks if this letter came in before the email from Atty. Mitchell. HT says that it did.

HT says that counsel suggests continuing this case until next month when he can be present and does not support accepting the withdrawal "without prejudice"

Jeff Brown represents this case. He explains that Atty. Mitchell's understanding of "without prejudice" is not what it means, and is not intended as Atty. Mitchell has interpreted it. He is upset that council was present at the last meeting as it was not needed; He does not want to drag it out any longer and does not feel that council needs to attend. He would much rather the board accepts this withdrawal as they are planning to go through the PB with the spill plan.

HT does not feel comfortable voting on the issue with only 3 members present.

JB says that he will make it simple and take out the "without prejudice" line. He explains why he is uncomfortable with this but is willing to do so to save the town the money and trouble, feels that it is a waste of time and money to continue this to next month.

Discussion on what "without prejudice" means and how it will affect this case in the future.

M Lowry thinks that this case is unique as it has fallen into changes in zoning and doesn't see any harm in accepting the withdrawal.

Teresa hopes that the current zoning/planning situation will be rectified; she doesn't like tossing people back & forth between boards.

JB says that if the withdrawal is not accepted and the case is continued that he would like to continue with the rehearing and if they lose it will be going to superior court.

He says that he is prepared to hand write a new letter

HT is still not comfortable when council has advised against and with only 3 members present.

JB says that Atty. Mitchell is wrong in his interpretation of "without prejudice"

HT makes a motion to continue this case until next month- No second.

TRT suggests a 10 minute break to contact council.

TRT Motion for 10 minute break. ML 2<sup>nd</sup>- Unanimous.

Meeting reopens 7:40PM

JB submits new, handwritten withdrawal letter to the board.

HT calls Atty. Mitchell and explains situation.

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Motion: Mike Lowry To accept withdrawal request with  
Second H Therriault the understanding that the original  
decision stands  
Yes: Unanimous Case # 2015-015 re-hearing is  
No: withdrawn  
Abstain:

**CASE # 2015-011 RE-HEARING** Northvision, LLC, 139 Folly Mill Road, Maps 6 & 9, Lot 228, for Variance to Section 3, Sub-Section 200, Section 13 Table 3 (height of sign and surface area), Section 13, Sub-Section 20 and asks that said terms be waived to permit a billboard in Zone 2R  
Letter was presented to the board for withdrawal of re-hearing request.  
JB asks if town council was called for this case. J McDonald says that this was only received a few hours ago. JB says that he would like it noted that the only time that he knows in the last 2 years that counsel was called was for the MacKenzie case.

Motion: Henry Therriault To accept withdrawal for rehearing  
Second Michael Lowry request  
Yes: Unanimous Re-hearing requested withdrawn for  
No: case 2015-011  
Abstain:

Motion: Michael Lowry To adjourn  
Second T Rowe-Thurlow  
Yes: Unanimous Meeting Adjourned 7:50PM  
No:  
Abstain:

Signed: \_\_\_\_\_  
Henry Therriault  
Chairman