

Town of Seabrook
Board of Adjustment
April 28, 2010

Members Present: Henry Therriault, Mike Lowry, Dr. Robert Lebold, Robin Fales and Teresa Rowe
Others Present: Building Inspector Paul Garand and Secretary Jo-Anne Page

H. Therriault opened the meeting at 7PM. He stated that this meeting had been noticed at the Town Hall, Post Office and the Newburyport Daily News. He explained the procedure for the meeting.

OLD BUSINESS:

Minutes of February 24, 2010 Meeting

Motion:	M. Lowry	Accept minutes as presented
Second:	Dr. Lebold	
Yes:	Unanimous	

Minutes of February 24, 2010 minutes accepted as presented.

Minutes of March 24, 2010 Meeting

Motion:	M. Lowry	Accept minutes as presented
Second:	H. Therriault	
Yes:	Unanimous	

Minutes of March 24, 2010 meeting accepted as presented.

Case #2009-26 Hanna Realty Trust, 93 Railroad Avenue, Map 8, Lot 66 for Variance to Article VI, Table 2, Paragraph 3 to Permit Two Lots With Reduced Road Frontage And One Of Them Having Reduced Width in Zone 2R (CONTINUED FROM NOVEMBER 24, 2009, JANUARY 27, 2010, FEBRUARY 24, 2010 AND MARCH 24, 2010)

Henry Boyd, Millennium Engineering, appeared on behalf of this application. He stated that the applicant had just applied to the Planning Board and requested that this matter be continued to the May meeting. He said that he did not believe this matter needed to go before the Planning Board.

Dr. Lebold stated that the applicant was advised to go to the Planning Board in November 2009 by the Board of Adjustment and the Building Inspector.

Motion:	Dr. Lebold	Terminate the Board of Adjustment application without prejudice due to multiple continuances. The applicant has now applied to the Planning Board and after their decision can initiate a new application with the Board of Adjustment
Second:	H. Therriault	
Yes:	Dr. Lebold, H. Therriault and M. Lowry	
No:	R. Fales and T. Rowe	

Request for Variance at 93 Railroad Avenue is terminated without prejudice.

Case #2010-002 Christopher Baker/Smithtown Property Management, LLC, 3 Walton Road, Map 10, Lot 25 for Variance to Article XIV to permit addition to building in Zone 2 (CONTINUED FROM FEBRUARY 24, 2010 AND MARCH 24, 2010)

H. Therriault stated that a letter had been received on March 24, 2010 requesting that this application be withdrawn without prejudice.

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Motion: Dr. Lebold Grant request to withdraw without prejudice at the request of the applicant
 Second: M. Lowry
 Yes: Unanimous

Request for Variance at 3 Walton Road is withdrawn without prejudice at the request of the applicant.

Case #2010-003 Ronald & Mary Elizabeth Nicholson, 290 South Main Street, Map 17, Lot 30 for Special Exception to Article VII, Paragraph B to Allow Family Apartment in Zone 2R (CONTINUED FROM MARCH 24, 2010)

Mary Nicholson appeared on behalf of this application. She wanted to know why this had to be done because the property was like this when they bought it.

P. Garand stated that a letter had been sent to the applicant was sent a letter because of an accessory building being used for living. He said that this property meets all the requirements for a family apartment.

M. Nicholson said she did not have to want to connect the buildings because it would look awkward. She said that she was worried about the size of the wall needed to connect the structures.

P. Garand stated that there was no building for the living space and that it was originally a pool house. He also pointed out that the only way to make this a legal family apartment was to connect the two structures. He said that he would work with the applicant on the codes for the connection of the two buildings.

T. Rowe asked how many houses were on the property.

P. Garand said that the roof lines made it look like multiple houses.

H. Therriault stated that if there were no more questions or comments, it was time to vote on the application.

	T. Rowe	R. Fales	H. Therriault	Dr. Lebold	M. Lowry
A	Yes	Yes	Yes	Yes	Yes
B	Yes	Yes	Yes	Yes	Yes
C	Yes	Yes	Yes	Yes	Yes
D	Yes	Yes	Yes	Yes	Yes

Motion: Dr. Lebold Grant request for Special Exception for Family Apartment and the applicant is instructed to work with the building inspector on the connecting structure in order to bring the property in compliance with current zoning requirements for a Family Apartment.
 Second: M. Lowry
 Yes: Unanimous

Request for Special Exception at 290 South Main Street is granted.

Case #2010-004 Eric Tatarinowicz, 31 Folly Mill Road, Map 10, Lot 10 for Special Exception to Article VII, Paragraph B to Allow Family Apartment in Zone 2R (CONTINUED FROM MARCH 24, 2010)

Eric Tatarinowicz appeared on behalf of this application. He said that the Building Inspector had told him that he needed to go to the Board of Adjustment because of a Family Apartment at this property.

P. Garand stated that the apartment was already there when the applicant purchased the property.

H. Therriault asked if this was occupied at this time.

E. Tatarinowicz stated it was occupied by a former girlfriend.

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J. Lamp stated that the request tonight was for the number of parking spaces.

Dr. Lebold asked if the was for the number of parking spaces per building.

J. Lamp said it was the number of spaces per square foot of all retail.

Attorney Gartrell said that it was 4.6 parking spaces per 1000 square feet of retail space.

Max Abramson, Charles Henry Way, asked if the zoning code had minimum requirements.

J. Lamp said this was for the maximum requirements.

Henry Boyd stated that he agrees with this proposal and applauds the applicant for doing the right thing.

T. Rowe stated that the board is thrilled with this area being cleaned up and pointed out that no traffic light was shown on the plan.

J. Lamp stated that the light was being proposed to line up with Dearborn Avenue.

E. Tatarinowicz, Folly Mill Road, stated that the traffic problem is already there and the traffic light would not help.

J. Lamp stated that they were working with DOT for traffic counts.

M. Lowry asked if there were any users for the other two retail spots or with using the power plant roadway for access.

J. Lamp said that there were not tenants in line at this time and DOT had advised they speak with the power plant.

M. Abramson, Charles Henry Way, stated that Route 1 is dangerous and visibility is a problem.

H. Therriault stated that those were Planning Board issues. He said that if there were not more questions or comments it was time to vote on the application.

	T. Rowe	R. Fales	H. Therriault	Dr. Lebold	M. Lowry
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

Motion: Dr. Lebold Grant request for one parking space per 218 square feet of retail or 4.6 spaces per 1000 square feet of retail contingent on Planning Board, State of New Hampshire and any other approvals needed.

Second: T. Rowe
Yes: Unanimous

Request for Variance 838 Lafayette Road is granted.

NEW BUSINESS:

Case #2010-007 Bernice Souriolle, 114 Lower Collins Street, Map 15, Lot 18 for Special Exception to Article VII to Allow Family Apartment in Zone 2R

Bernice Souriolle appeared of behalf of this application.

P. Garand stated that he has met with the applicant on this request. He said that they were tearing down the old house and putting a new one on the lot that would have a family apartment on the lower level. He said that this will look like a single family home.

R. Fales asked if a family member would be living there.

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B. Souriolle stated that her mother would be living there.

H. Therriault asked if she was familiar with the codes for a family apartment.

B. Souriolle stated that she had met with Paul and he had explained the requirements.

H. Therriault stated that if there were no more questions or comments it was time to vote on the application.

	T. Rowe	R. Fales	H. Therriault	Dr. Lebold	M. Lowry
A	Yes	Yes	Yes	Yes	Yes
B	Yes	Yes	Yes	Yes	Yes
C	Yes	Yes	Yes	Yes	Yes
D	Yes	Yes	Yes	Yes	Yes

Motion: Dr. Lebold Grant request for Special Exception for family apartment at 114 Lower Collins Street to be located within the single family home working with the Building Inspector

Second: M. Lowry
Yes: Unanimous

Request for Special Exception at 114 Lower Collins Street is granted.

Case #2010-008 Michael Crisham, 19 Dows Lane, Map 12, Lot 14 Sequence 100 for Variance to Article VI, Table 2, Paragraph 3 to Permit a Lot With Reduced Frontage and a Lot With Reduced Width in Zone 2R

Henry Boyd, Millennium Engineering, appeared on behalf of this application. He stated that this property had road frontage on Railroad Avenue and Dow's Lane. He said that the houses are already there and one house uses Railroad Avenue for access. He advised that the applicant can't get a loan on condo property and that this is an odd shaped large lot. He said the request was for lot width on Unit A.

H. Therriault asked if the property was a condo now.

H. Boyd said that it had been since around 2004. He advised that this looks like two separate lots now.

P. Garand stated that there was a condo conversion in 2008.

H. Boyd said that a lot of this issue is financial. He stated that it is a practical ownership matter and they each want title in their name. He pointed out that each owner bought the individual units.

H. Therriault stated that qualified people are able to get mortgages right now on property. He said that financial hardship is not one of the aspects for the variance laws.

H. Boyd stated that the applicant should get this request or they would always be hooked by land. He said that both units have road frontage and this request would allow them to use the limited common area for the lot line.

Dr. Lebold asked if the front lot was a buildable lot.

H. Boyd that there is drainage, wetlands, railroad culvert there but it is buildable.

H. Therriault stated that the request is for 14 feet of frontage on a public way and that there was a lot of property like this in Seabrook. He said that Board of Adjustment is to try and bring properties into compliance.

H. Boyd stated that the driveway has been there for approximately 80 years. He said that the ownership would help them make the most use of their property.

H. Therriault stated that if there were no more questions or comments it was time to vote on the application.

	T. Rowe	R. Fales	H. Therriault	Dr. Lebold	M. Lowry
1	Yes	No	No	No	No
2	No	No	No	No	No

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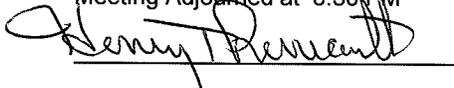
3	No	No	No	No	No
4	Yes	No	No	Yes	Yes
5	No	No	No	No	No

Motion: Dr. Lebold Deny request to divide property not based on personal circumstances of owner
primary reason of financial hardship
Second: M. Lowry
Yes: Unanimous

Request for Variance at 19 Dow's Lane is denied.

Motion: Dr. Lebold Adjourn
Second: R. Fales
Yes: Unanimous

Meeting Adjourned at 8:30 PM



Henry Therriault, Chairman

Date: 5/11/10