

**TOWN OF SEABROOK
BOARD OF ADJUSTMENT
FEBRUARY 25, 2009**

Members Present: Robin Fales, Teresa Rowe, Mike Lowry and Lucille Moulton

Others Present: Building Inspector Paul Garand and Secretary Jo-Anne Page

OLD BUSINESS:

Minutes of November 26, 2008 Meeting

Motion: M. Lowry Accept minutes of November 26, 2008 with the change on page 1,
Second: R. Fales Case #2008-11 to read "Motion: H. Therriault" rather than "H. Boyd"
Yes: Unanimous

Minutes of November 26, 2008 Meeting accepted with change on page 1.

T. Rowe explained the procedure for the meeting.

R. Fales read the legal notice for the cases.

NEW BUSINESS:

Case #2009-01 Mark E Moore, 1 Moores Lane, Map 9, Lot 41, Sequence 6 for Variance to Article VI, Table 2, Paragraph 3 to Permit A Lot With Reduced Frontage in Zone 2R (Rescheduled from January 28, 2009 Meeting)

Henry Boyd, Millenium Engineering, appeared on behalf of this application. He stated that this was a variance to split the property into two parcels. He said that one lot would be in compliance with all zoning regulations and the other only needed a variance to allow 65 feet of road frontage. He stated that there would only be one dwelling on each lot and they would be single family only.

P. Garand pointed out that a shared driveway could be an issue in the future.

H. Boyd stated that this is what the property owner wants at this time.

P. Garand stated that this application only needed relief for frontage of 65 feet and the rest of the property was all in compliance.

H. Boyd agreed and stated that there would only be one house on each lot.

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

	M. Lowry	T. Rowe	R. Fales	L. Moulton
1	Yes	Yes	Yes	Yes
2 A/B	Yes	Yes	Yes	Yes
3	Yes	Yes	Yes	Yes
4	Yes	Yes	Yes	Yes
5	Yes	Yes	Yes	Yes

Motion: M. Lowry Grant request for variance to allow 65 feet of road frontage as
Second: R. Fales requested
Yes: Unanimous

Request for Variance at 1 Moores Lane is granted.

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Case #2009-02 Michael Wilson, Jr, 432A New Zealand Road, Map 1, Lot 17, Sequence 100, for Special Exception to Article VII, Paragraph B to Allow Family Apartment in Zone 1 (Rescheduled from January 28, 2009 Meeting)

Michael Wilson, Sr. appeared on behalf of this application. He stated that this was to build a family apartment in an existing garage.

P. Garand stated that this request meets all criteria.

T. Rowe stated that the new regulations stated that if the property was sold the family apartment would have to go away, that it did not go with the property but the owner.

L. Moulton questioned this being on the ballot.

P. Garand stated that once the change had a public notice and hearing it became a change at least until the town vote.

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

	M. Lowry	T. Rowe	R. Fales	L. Moulton
A	Yes	Yes	Yes	Yes
B	Yes	Yes	Yes	Yes
C	Yes	Yes	Yes	Yes
D	Yes	Yes	Yes	Yes

Motion:	M. Lowry	Grant Special Exception for family apartment with the following conditions: a) All persons to be related by blood or marriage; b) The apartment is situated in a detached, single-family home or accessory building; c) The building is owner occupied; d) The building continues to be served by a common utility system; e) The family apartment is designed so that the appearance of the building remains essentially that of a single-family residence; f) Family Apartment Special Exception is to go away when the property is sold; and g) Family apartments shall not be allowed in manufactured housing, be converted to condominiums, exceed 750 square feet of living area, and exceed 50% of the accessory building's floor area in accordance with zoning regulations as of today's date:
Second:	R. Fales	
Yes:	Unanimous	

Request for Family Apartment at 432A New Zealand Road is granted.

Case #2009-03 NH Academy of Performing Arts, 875 Lafayette Road, Map 7, Lot 20 for Variance to Article XII to Permit Non-Conforming Outdoor Sign in Zone 2 (Rescheduled from January 28, 2009 Meeting)

T. Rowe advised that the applicant had requested this case be continued to the next scheduled meeting. She stated that this case will be heard on March 25, 2009 at 7PM.

Case #2009-04 2 Dow's Lane, LLC, 23 Dows Lane, Map 12, Lot 14, Sequence 200 for Equitable Waiver of Dimensional Requirements to Article XIV, Table E to Permit Dwelling to Remain 48.3 Feet From Existing Stream in Zone 2R (Rescheduled from January 28, 2009 Meeting)

Attorney Mary Ganz appeared on behalf of this application. She stated that this request for equitable waver of dimensional requirements because it was discovered that Unit B was under 2 feet into the

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setback requirements. She said that this was not found until the unit sold and surveyed. She covered all the criteria that this application met to have this application granted.

P. Garand stated that when this house was built the surveyors staked it out, however the contractor moved it from the original location.

Mike Chisholm, abutter, stated that he had stream/home/builder issues also. He believed the builder had moved the house from the original location for setback issues. He said that he has a lot of issues with what was done on this project. He pointed out that Peter & Kim, who purchased is this neighborhood also had issues.

P. Garand stated that the only issue was 23 Dows Lane and the equitable waiver.

M. Chisholm stated that this house should have been laid out again.

P. Garand stated that it was done and the owner cannot be responsible for the builder.

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

	M. Lowry	T. Rowe	R. Fales	L. Moulton
A	Yes	Yes	Yes	Yes
B	Yes	Yes	Yes	Yes
C	Yes	Yes	Yes	Yes
D	Yes	Yes	Yes	Yes

Motion: T. Rowe Grant request for Equitable Waiver of Dimensional Requirements
 Second: R. Fales
 Yes: Unanimous

Request for Equitable Waiver of Dimensional Requirements at 23 Dows Lane is granted.

Case #2009-05 Holiday Inn Express/JD Hospitality LLC, 11 Rocks Road, Map 7, Lot 99 for Variance to Article XII, Table 3 to Permit Second Freestanding Sign in Zone 2

Heather Dudko, Hazel Wood Hopkins, appeared on behalf of this application. She pointed out that Mr. Patel from Holiday Inn Express was in attendance.

P. Garand stated that when this lot and the lot that now houses the store were subdivided there was one sign allowed for both sites.

H. Dudko stated that a second sign to show how to get into the hotel.

Mr. Patel stated that patrons stated that they are having troubles finding them because the hotel is set back so far and the sign is out on Route 1.

T. Rowe suggested shoveling the sign on Rocks Road out.

H. Dudko stated that it is a long drive to the hotel from Route 1.

P. Garand stated that the site was poorly designed. He also pointed out that the original plan had a restaurant on the front parcel but was changed to retail. He said that the applicant should have raised these concerns at the planning board meeting.

H. Dudko stated that that needed to help the customers.

M. Lowry stated that the pictures show that snow removal around the sign would help.

T. Rowe suggested placing the Holiday Inn Express Logo over the sign that is currently there. She stated that there is already a large sign on Route 1.

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Mr. Patel said that most customers are not from Seabrook and take the driveway into the Dollar Store parking lot. He said this is not working out well.

T. Rowe suggested an arrow on an entrance sign.

H. Dudko stated that the front lot was redesigned after the Holiday Inn Express was built.

R. Fales pointed out that this issue could have been brought up at the planning board meeting on the property for the store.

P. Garand asked if they would agree to a sign with only one side facing Route 1.

T. Rowe asked about the size of the current sign. She also asked if they could just add another the same size with the logo on it.

H. Dudko stated it is 1' X 3'. She questioned a single-sided sign.

P. Garand stated that any request would still need a variance from the Board of Adjustment.

H. Dudko asked about the maximum size allowed for a sign.

Mr. Patel said an eight-foot tall sign.

P. Garand suggested this be continued to the March 25, 2009 meeting so that the applicant could bring smaller sign drawings that might work.

H. Dudko and Mr. Patel agreed to continue to March.

Motion:	T. Rowe	Continue this case the March 25, 2009 at the request of the
Second:	M. Lowry	applicant
Yes:	Unanimous	

Case #2009-05 is continued to March 25, 2009 at 7PM.

Motion:	M. Lowry	Adjourn
Second:	R. Fales	
Yes:	Unanimous	

Meeting adjourned at 7:55 PM.

Teresa Rowe, Vice-Chairman
Board of Adjustment

DATED: _____