

**TOWN OF SEABROOK
BOARD OF ADJUSTMENT
MINUTES OF JULY 28, 2010 MEETING**

Members Present: Henry Therriault, Dr. Robert Lebold, Robin Fales, Teresa Rowe, Mike Lowry and Lucille Moulton

Others Present: Paul Garand, Code Enforcement Officer and Jo-Anne Page, Secretary

H. Therriault opened the meeting at 7PM and explained the procedure to all in attendance.

OLD BUSINESS:

Minutes of June 23, 2010 Meeting

Motion: Dr. Lebold Accept minutes of June 23, 2010 meeting as presented
Second: M. Lowry
Yes: Unanimous
Abstain: M. Lowry

Minutes of June 23, 2010 meeting accepted as presented.

Case #2010-012 John Abbiuso and Edward J Geskus, 67 Stard Road, Map 4, Lot 14, Sequence 118 for Equitable Waiver of Dimensional Requirements to Article XIV, Table E (Buffers & Setbacks) to Permit Construction Within 25 Feet of Wetlands Greater Than 5,000 Square Feet in Zone 1

Attorney Mary Ganz, on behalf of the applicants, had submitted a letter requesting that this case be continued to the August meeting

Motion: Dr. Lebold Continue case to the August meeting at the request of the
Second: L. Moulton applicant.
Yes: Unanimous

Request for Equitable Waiver of Dimensional Requirements at 67 Stard Road is continued at the request of the applicant to August 25, 2010 at 7PM.

NEW BUSINESS:

Case #2010-014 Wayne D & Coreen A Perkins, 73 Railroad Avenue, Map 8, Lot 74, Sequence 2 for Variance to Article II to Permit 1456 Square Foot Accessory Building in Zone 2R

Wayne Perkins spoke on behalf of his application. He stated that this was a garage they wanted to build to house the classic cars that he and his family restore together. He said that in the past the family had used a portable structure to cover the vehicles, but the wind storms tore them up and damaged the vehicles.

P. Garand stated that he had received a phone call from Jeff Baillargeon, an abutter, stating that the was in favor of this application and felt it would be a great addition to the neighborhood.

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H. Therriault asked if there was a horse barn on the property.

W. Perkins stated there was.

Dr. Lebold asked if there was a two car garage on the property now.

W. Perkins said they worked on cars in that garage and this would be storage only when they were finished. He said that the new garage would be able to hold nine cars.

Dr. Lebold asked if the vehicles were there now.

W. Perkins stated the vehicles were there now and they would like to get them inside. He said that the family collects, restores and enjoys the classic vehicles.

Carol Perkins, 48 Railroad Avenue, stated that the cars have helped to keep the grand children's time occupied and she very much supports the project.

P. Garand stated that the request is for a 28' X 52' A-Frame single story structure.

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

	R. Fales	H. Therriault	Dr. Lebold	M. Lowry	L. Moulton
1	Yes	Yes	Yes	Yes	Yes
2	Yes	Yes	Yes	Yes	Yes
3	Yes	Yes	Yes	Yes	Yes
4	Yes	Yes	Yes	Yes	Yes

Motion: Dr. Lebold Grant request for stick built garage of 1,456 square feet at 73 Railroad
 Second: M. Lowry Avenue – Sufficient size property to have another accessory building
 Yes: Unanimous

Request for Variance at 73 Railroad Avenue is granted.

Case #2010-015 Alfred C Janvrin, Jr. 30/32 Parkersville Lane, Map 16, Lot 31, Sequence 3 for Variance to Article V, Table 1, Article VI and Article X to Permit 4 Dwelling Units in Zone 2R

Attorney Craig Salomon appeared on behalf of this application along with the property owner, Alfred Janvrin.

H. Therriault addressed the letter that Attorney Salomon had submitted with the application suggesting alternate relief for this property if the application did not fit the request. He stated that the request in the letter is substantially different from the application. He said that he felt that any change to the request that was posted on the agenda would be unfair to consider because abutters would not be aware of this.

Attorney Salomon stated that the letter was to offer the Board of Adjustment an alternate solution to this property. He stated the letter was suggested because P. Garand suggested this alternate way to go. He said that the board could disregard the letter and go with the application if they wanted to.

L. Moulton said this request was for only 50 feet of road frontage and four houses on ¾ acre of property.

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P. Garand said that applicant has a little more than 100 feet of frontage on about 1 ½ acres for four dwellings in the original application. He stated that the letter from Attorney Salomon offered an alternate solution for this property.

A. Janvrin stated that each side of the property had road frontage.

Attorney Salomon stated that he understood that the board was uncomfortable with this letter and that he would withdraw it.

Dr. Lebold stated that the letter would be removed and the board would go forward with the application submitted.

Attorney Salomon covered the criteria that he felt the applicant met for the variance for this property. He said that is a little more than 1 ½ acres of land with 100 feet of road frontage. He said that currently there is a mobile home and a cabin and that one mobile had been removed but the water and sewer connections were still there. He said that historically there had been three units on the property. He said that the proposal was to have family living in three of the new units and rent one unit. He said that only one unit would not be occupied by Mr. Janvrin's family. He said that the density in this area is two dwelling units per lot. He stated that this request was closer to a family apartment rather than a mobile home park. He said that two units would have some sort of connecting deck. He said this would be a family compound. He said that these could not be sold separately. He stated that this project would increase the tax base, still keep within the residential spirit, justice would be served, values of surrounding properties would rise and the hardship is that this is a long odd shaped lot.

H. Therriault stated that this property was 1 ½ acres and that zoning allows a single residence on 15,000 square feet, duplex on 30,000 square feet and two separate units on 45,000 square feet. He said that there is room to do something. He said that the property could be subdivided by current regulations. He said that the Board of Adjustment is charged with trying to bring properties into compliance with current regulations. He said that he is uncomfortable with multiple buildings on one lot.

R. Fales stated she was concerned with the wetlands on this lot or in the area.

T. Rowe stated that small subdivisions are not allowed.

P. Garand stated that they could with a 50 foot road.

H. Therriault stated that multiple buildings on one lot owned by an LLC was troubling.

A. Janvrin stated that this would never be sold and would stay in the family. He said that it will be owned by his son and daughter.

Dr. Lebold stated that four units on one lot is not allowed by regulations in Seabrook.

Attorney Salomon said that the roadway would be more for the town to maintain and wetlands would be covered during site plan with the Planning Board.

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

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	R. Fales	H. Therriault	Dr. Lebold	M. Lowry	L. Moulton
1	No	No	No	No	No
2	No	No	No	No	No
3	No	No	No	No	No
4	No	No	No	No	No
5	No	No	No	No	No

Motion: Dr. Lebold Deny request for Variance due to the fact that the Board of
 Second: L. Moulton Adjustment would be legislating a decision against current
 Zoning laws (Article VI – Four single family units on one piece
 of property, Article X – Cannot establish a mobile home park
 and/or existing cannot be enlarged), the third dwelling unit is not
 grandfathered. The applicant has alternate methods of
 accomplishing his request.

Yes: Unanimous

Request for Variance at 30/32 Parkersville Lane is denied.

Motion: Dr. Lebold Adjourn
 Second: M. Lowry
 Yes: Unanimous

Meeting adjourned at 7:45 PM

 Henry Therriault, Chairman

 Date