

**TOWN OF SEABROOK  
BOARD OF ADJUSTMENT  
JUNE 23, 2010 MINUTES**

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

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

R. Fales opened the meeting at 7PM and explained the procedure to all in attendance.

**Old Business:**

Minutes of May 26, 2010 Meeting

Motion: Dr. Lebold Accept minutes of May 26, 2010 meeting as presented  
Second: L. Moulton  
Yes: Dr. Lebold, L. Moulton, R. Fales and T. Rowe  
Abstain: M. Lowry

Minutes of May 26, 2010 meeting accepted as presented.

**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, APRIL 28, 2010 MEETING AND MAY 26, 2010 MEETING)**

The applicant sent a letter requesting that this application was withdrawn without prejudice.

Motion: Dr. Lebold Grant applicant's request to withdraw the application without  
Second: M. Lowry prejudice  
Yes: Unanimous

Request for Special Exception at 31 Folly Mill Road has been withdrawn without prejudice at the request of the applicant.

**NEW BUSINESS:**

**Case #2010-010 Claire E. Knowles, 180 South Main Street, Map 15, Lot 8, Sequence 97 for Equitable Waiver of Dimensional Requirements to Article VI, Table 2 to Permit Garage To Be Less Than 10 Feet Required for Sideline Setback in Zone 2R**

Attorney Mary Ganz appeared on behalf of this application. She stated that this issue came to light when the property was purchased and surveyed in the fall of 2009. She said that this has been here for quite some time and this request was to clean up property issues.

P. Garand stated that this property had been this way long before 1987.

R. Fales stated that if there were no more questions or concerns it was time to vote on the application.

	R. Fales	Dr. Lebold	M. Lowry	L. Moulton
A	Yes	Yes	Yes	Yes
B	Yes	Yes	Yes	Yes
C	Yes	Yes	Yes	Yes
D	Yes	Yes	Yes	Yes

Motion: Dr. Lebold Grant request for Equitable Waiver of Dimensional  
 Second: M. Lowry Requirements as the garage has been in existence more  
 Yes: Unanimous than ten (10) years.

Request for Equitable Waiver of Dimensional Requirements at 180 South Main Street is granted.

**Case #2010-011 Demoulas Supermarkets, Inc, 836/838/843 Lafayette Road, Map 7, Lot 94, Sequence 0/2/4 for Variance to Article VIII to Permit 9-Foot Wide Parking Spaces in Zone 2 & 3**

Jim Lamp appeared on behalf of this application. He stated that this request would help to reduce the impervious space on the lot. He said that the property is going to be raised five or six feet and the State of NH Alteration Permit does not consider redevelopment in the whole process. He feels that parking spaces that are 9 (nine) feet wide are more than adequate. He pointed out that the parking spaces at Market Basket South are 9 (nine feet wide) and that shrinking the spaces at this location would allow the building to go forward and have more green space.

M. Lowry asked what the sizes of the spaces were now. He also pointed out that the building could be shrunk in size.

J. Lamp stated that they were 9 (nine) feet wide. He said that industry standards are 9 (nine) feet wide and this will help to increase green space on this property.

L. Moulton stated that 9 (nine) foot wide spaces are too narrow.

Dr. Lebold asked if this was because they needed extra spaces for the building size.

J. Lamp stated that the number of spaces will stay the same and that this request would just increase green space.

P. Garand stated that this lot is non-conforming now and needs to come more into compliance with Seabrook Zoning Regulations.

Dr. Lebold stated that the Planning Board Minutes from November stated that parking spaces would be 10 (feet) wide by 18 (eighteen) feet long.

P. Garand stated that was correct. He questioned a parking area for subcompact cars.

J. Lamp stated that he was not sure about that idea, that this was an existing non-conforming property now and there would be the same number of parking spaces there.

L. Moulton stated that she liked the 10 (ten) foot wide spaces. She pointed out that people are buying larger vehicles right now.

J. Lamp stated that they thought it would be a good idea to decrease the size of the spaces to decrease the amount of impervious space.

R. Fales stated that if there were no more questions or comments on this application it was time to vote on the application.

	T. Rowe	R. Fales	Dr. Lebold	M. Lowry	L. Moulton
1	No	No	No	No	No
2	Yes	Yes	No	No	No
3	No	No	No	No	No
4	Yes	No	Yes	Yes	No
5	No	No	No	No	No

Motion: Dr. Lebold Deny request for Variance as Planning Board has noted that 10  
Second: M. Lowry (ten) feet wide are appropriate size for parking spaces  
Yes: Unanimous

Request for Variance at 836/838/843 Lafayette Road is denied.

**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**

Wayne Morrill, Jones & Beach Engineering, and Attorney Mary Ganz appeared on behalf of this application.

P. Garand stated that he had contacted W. Morrill about this application. He said that there are deed restrictions on the original subdivision that there only be one single family house on this lot.

Attorney Ganz stated that this application needed to be for a Variance rather than an Equitable Waiver of Dimensional Requirements. She asked if this could be amended.

W. Morrill stated that the original subdivision showed 23 lots with 5 single family lots and 18 two family lots. He said that this request still meets the criteria of the plan because one of the two family lots is a single family home.

P. Garand stated that the lot is limited by the deed and there could be no further subdivision.  
W. Morrill stated that they were not requesting to subdivide.

W. Morrill stated that there was over 24,000 square feet of uplands on this lot.  
P. Garand stated that there were wetlands all over this subdivision.

W. Morrill stated this request still meets the criteria for the subdivision  
M. Ganz stated that there would still be the exact number of lots.  
P. Garand stated that this would mean that the single family home that is on an approved duplex lot would lose the option to have a duplex.

M. Ganz stated that they could try to get the owner of that lot to sign off on having a duplex lot.

W. Morrill stated that they would like to ask for a continuance to clear this issue up.

Motion: Dr. Lebold Continue this case to July 28, 2010 at the request of the  
Second: M. Lowry applicant  
Yes: Unanimous

Request for Equitable Waiver of Dimensional Requirements is continued to July 28, 2010 at 7PM.

**Case #2010-013 Alfred Janvrin, Jr. 30 Parkersville Lane, Map 16, Lot 31, Sequence 3 for Variance to Article VI, Table 1 to Permit Three Units with In Law in Zone 2R**

Attorney Craig Soloman and Alfred Janvrin appeared on behalf of this application. They presented a letter requesting that this application be withdrawn without prejudice and that the fee for a new application be waived as the applicant had asked for the wrong relief.

Motion: Dr. Lebold Accept applicant's request to withdraw without prejudice and  
Second: R. Fales deny request to have fees for future applications waived  
Yes: Unanimous

Request to withdraw application without prejudice is granted but further application fees will not be waived.

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

Meeting adjourned at 7:45 PM

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Robin Fales, Co-Vice-Chairman

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Date