

**TOWN OF SEABROOK
BOARD OF ADJUSTMENT
MINUTES OF MAY 25, 2011 MEETING**

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

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

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

OLD BUSINESS:

Minutes April 27, 2011

Motion: M. Lowry Accept minutes as presented
 Second: R. Fales
 Yes: Unanimous

Minutes of April 27, 2011 accepted as presented.

Case #2011-002 Viva La Video, Inc., 255 Lafayette Road, Map 9, Lot 67, Sequence 5 & 6, for Variance to Article XXI, Paragraph A to Permit Sale of Adult Novelties in Zone 2 (CONTINUED FROM JANUARY 26, 2011 AND MARCH 23, 2011 AND APRIL 27, 2011)

Attorney Mary Ganz appeared on behalf of this application. She stated that it is an expansion of non-conforming use and that the proposal is for the exact area that is non-conforming in unit #6. She said that this will make the property more in conformance with current zoning.

H. Therriault asked if the sign outside would be changed.

Ashley Gallagher said that the inside would change and the only outside change would be the name on the current sign.

H. Therriault said that whole project was bringing the site more into conformance.

P. Garand stated that it was and pointed out the time line and mission statement from the applicant.

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

	T. Rowe	R. Fales	H. Therriault	M. Lowry	L. Moulton
1	No	Yes	Yes	Yes	Yes
2	Yes	Yes	Yes	Yes	Yes
3	Yes	Yes	Yes	Yes	Yes
4	No	Yes	Yes	Yes	Yes

Motion: H. Therriault Grant request for Expansion of Non-Conforming Use at 255 Lafayette
 Second: R. Fales Road, Unit 6 as this brings the property more into conformance as per
 the applicant's mission statement which was submitted by the applicant
 and reads as follows:

“MISSION STATEMENT

To serve the women with cute, sexy, fashionable intimates. To make the customer comfortable who is a first time buyer or a bride entering with her mother. A husband who wants to buy his wife a gift for a weekend away. To provide a high class adult store for local and visiting customers.

TARGET CUSTOMER

Women going on holiday/wedding Mother of the Brides for gifts
First time buyers
Women looking for high end lingerie

MAIN PRODUCTS

- Bras- perfect fit Underwear- lacy, frilly, sexy
- Oi Is/lotions/lubes
- Dainty vibrators (Jenna's jewels)
- Lingerie- outfits/cute sayings

BOUTIQUE TIME LINE

- 18 months to two years time frame
- Apply for small business loan
- Start by selling off movies/magazines and not replacing
- Begin remodel - either back or front of store first
- Pergo floors
- Fix/Paint walls
- Add furniture - tables for clothing, seats etc.
- Redo bathroom
- Add dressing room/cashier desk
- Bring in lingerie, clothing, lotions, lubes, candles, novelties
- Last step of remodel is to close off the stores from each other

ESTIMATED PERCENT

40% lingerie/clothing
25% lotions/lubes
20% novelties
15% other

Other could be but is not limited to candles, perfumes, etc.”

Yes: H. Therriault, R. Fales, M. Lowry and L. Moulton
No: T. Rowe

Request for Expansion of Non-Conforming Use at 255 Lafayette Road is granted.

NEW BUSINESS:

Case #2011-005 Sandra & Ernest Welch, 78A South Main Street, Map 15, Lot 16, Sequence 1 for Special Exception to Article VII, Paragraph 7.2 to Allow Family Apartment in Zone 2R

Sandra Welch appeared on behalf of this application.

P. Garand spoke on her behalf as she was nervous about speaking. He stated that this request was to help family out and convert the upstairs of the garage into a family apartment. He said it would comply with all regulations for a family apartment.

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

	T. Rowe	R. Fales	H. Therriault	M. Lowry	L. Moulton
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: H. Therriault Grant request for Special Exception for Family Apartment above the
Second: R. Fales garage. Said apartment to comply with all Family Apartment
Yes: Unanimous Regulations as outlined in the Seabrook Zoning as of this date.

Request for Special Exception for Family at 78A South Main Street is granted.

Case #2011-006 Demoulas Supermarkets, Inc./Delta & Delta Realty Trust/RMD Inc., 380 Lafayette Road, Map 9, Lot 1 for Variance to Article VI & VIII (Retail Parking/Width Of Greenbelt) to Permit Parking Ratio of 4.65 space/1,000 square feet and no greenbelt along a portion of Lafayette Road in Zone 2 Commercial

Jim Lamp appeared on behalf of this application. He stated that with the current project on this property they do not meet the greenbelt requirement and the new parking area request is for 4.65 spaces per 1,000 square feet of retail. He said the greenbelt will remain in the same area and be redistributed a little. He then covered the criteria that met the requirements for the granting of the variance.

R. Fales questioned the greenbelt area.

J. Lamp stated that was a green area that is required by the town.

T. Rowe asked if the area was the right in/out only exit across from the Irving gas station.

J. Lamp said that it was.

M. Lowry stated that he thought the proposed location for the snow storage was in a bad area.

J. Lamp stated that they could look at other areas.

Attorney Ari Pollack, for the applicant, stated that they were talking about preserving some of the non-conforming area. He said this project will better the existing situation.

H. Therriault suggested only using the two access points with the traffic lights.

J. Lamp stated that NH DOT allows three entrances and this project will improve all access points. He also said that this proposal brings the property more into conformity.

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

	T. Rowe	R. Fales	H. Therriault	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
5	Yes	Yes	Yes	Yes	Yes

Motion: H. Therriault Grant request for Variance to Retail Parking/Width of Greenbelt. There is to
 Second: L. Moulton be no snow storage near the entrance/exits for safety reasons and per any other
 Yes: Unanimous Planning Board approvals for site and safety.

Request for Variance at 380 Lafayette Road is granted.

Case #2011-007 12-16 New Zealand Road, LLC, 14 New Zealand Road, Map 7, Lot 71 for Variance to Article VI to Permit Five Residential Units in Zone 2

Francis Chase, property owner, appeared on behalf of this application. He stated this request was for residential units over the buildings he had just built at 14 New Zealand Road.

H. Therriault asked if this was to combine commercial and residential.

F. Chase said it was commercial on the first floor and he wanted to have residential on the second floor.

P. Garand stated that Planning Board is working on the issues of residential units in this area.

H. Therriault asked if there was currently residential there.

F. Chase stated that he could have two residential units there now but sees the need for more affordable housing and wants to have five residential units.

P. Garand said that this proposal would have less impact on the property. He said that mixed use is what is being requested and that all the safety issues have been addressed.

H. Therriault asked if there were any commercial units there now.

F. Chase said that there was one that he and his wife used for their businesses.

T. Rowe asked about having five apartments there.

F. Chase said he could have two now but wanted to make it five apartments.

T. Rowe asked about the size of the apartments. She said that there were already apartments in town now.

F. Chase said he is trying to make a legal change for this request. He said that there have been some changes in zoning for mixed use. He said that the apartments would be 1,100 square feet and are 24' X 40'.

M. Lowry asked about where the entrance for the apartment could be located.

F. Chase said if this request was granted it would be deck on the back. He said the area meets all code requirements.

H. Therriault said that if two units were allowed then he should be all set.

F. Chase said that the Planning Board had sent him to the Zoning Board due to the mixed use and three additional apartments.

Max Abramson, 14 Charles Henry Way, said that this area needs affordable housing and this may be the way to go.

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

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

Motion: H. Therriault Grant request for Variance to allow five residential units above the five units
 Second: L. Moulton commercial property.
 Yes: H. Therriault, L. Moulton and M. Lowry
 No: T. Rowe and R. Fales

Request for Variance at 14 New Zealand Road is granted.

Case #2010-006 Demoulas Supermarkets Inc., 838 Lafayette Road request for extension of Variance

H. Therriault stated that the applicant had sent a letter requesting an extension on the Variance that was granted in 2010.

L. Moulton asked why there was a request as the project was moving forward and this was already in place. Attorney Ari Pollack stated they just wanted to make sure everything was in place and that they would be re-filing with the Planning Board.

J. Lamp stated that they would have to come before the Zoning Board again for the cases from last year that had lapsed.

Motion: H. Therriault Grant request for extension of Variance.
 Second: M. Lowry
 Yes: Unanimous

Request for extension on Variance decision of Case #2010-006 is granted for one year.

Election of Officers

Motion: R. Fales Move to keep the same slate of officers as currently in office
 Second: T. Rowe
 Yes: Unanimous

Officer for 2011 Zoning Board of Adjustment are as follows: Henry Therriault, Chairman, Mike Lowry, Co-Vice Chairman and Robin Fales, Co-Vice Chairman

Other Business

Motion: M. Lowry Cancel July 2011 Meeting – all applications filed for the July 2011 meeting will
 Second: R. Fales be heard and the August 2011 meeting
 Yes: Unanimous

Motion: H. Therriault Adjourn
 Second: T. Rowe
 Yes: Unanimous

Meeting adjourned at 8PM.

 Henry Therriault, Chairman

 Date