

**TOWN OF SEABROOK
BOARD OF ADJUSTMENT
MINUTES OF MARCH 27, 2013**

Members Present: Teresa Thurlow, Henry Therriault, Mike Lowry and John Kelley

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

H. Therriault explained the procedure for the meeting. He stated that there were only four members present and that the applicant would need to get all votes in the affirmative if they were to proceed forward. He said that the applicant could continue their cases to the April meeting if they wanted to.

OLD BUSINESS:

Minutes of January 23, 2013 Meeting

Motion: T. Thurlow Accept minutes as presented
Second: M. Lowry
Yes: T. Thurlow, M. Lowry and H. Therriault
Abstain: J. Kelley

Minutes of January 23, 2013 accepted as presented.

Minutes of February 27, 2013 Meeting

Motion: T. Thurlow Accept minutes as presented
Second: H. Therriault
Yes: T. Thurlow and H. Therriault
Abstain: J. Kelley and M. Lowry

Minutes of February 27, 2013 accepted as presented.

Case #2013-001 11 New Zealand Road, LLC by Attorney Chris Aslin, 663 Lafayette Road, Map 7, Lot 87 for Appeal From Administrative Decision by Planning Board on October 16, 2012 to Waive Zoning for Section 6 &14, Sub-section 14.200 (CONTINUED FROM JANUARY 23, 2013 & FEBRUARY 27, 2013)

M. Lowry stepped down from this case.

Attorney Chris Aslin presented a letter asking that this case be withdrawn without prejudice due to Case 2013-03.

Motion: H. Therriault Grant request to withdraw without prejudice
Second: J. Kelley
Yes: Unanimous

Case #2013-001 is withdrawn without prejudice at the request of the applicant.

Case #2013-002 Arc Source/Nichols Realty, LLC, 36 London Lane, Map 5, Lot 8, Sequence 30 for Variance to Section 6, Table 1 to Permit Mixed Use To Allow Small Amount of Retail Sales To Take Place in Zone 3 (CONTINUED FROM JANUARY 23, 2013 & FEBRUARY 27, 2013)

Attorney Mary Ganz had submitted a letter regarding this case requesting that it be continued to the April meeting.

Motion: H. Therriault Continue this case at the request of the applicant
Second: T. Thurlow
Yes: Unanimous

Case #2013-002 is continued to April 24, 2013 at the request of the applicant.

Case #2013-003 11 New Zealand Road, LLC by Attorney Chris Aslin, 663 Lafayette Road, Map 7, Lot 87 for Appeal From Administrative Decision by Planning Board on October 16, 2012 in Relation to Section 6 +14, Sub-section 14.200 – See request to Amend & re-notice submitted 1/23/13 (CONTINUED FROM FEBRUARY 27, 2013)

M. Lowry stepped down from this case.

Attorney Chris Aslin requested that this application be continued to the April meeting.

Motion: H. Therriault Continue application to April 24, 2013 at the request of the
Second: T. Thurlow
Yes: Unanimous

Case #2013-003 is continued to April 24, 2013 at the request of the applicant.

NEW BUSINESS:

Case #2013-004 Jillian Real Estate Development, LLC, 89 Ledge Road, Map 5, Lot 8, Sequence 0 for Variance to Section 15, Sub-Section 400 to Permit Construction of Site as Originally Approved by Planning Board; 16' to Proposed Building & 1' to Access Way/Parking Lot & Drainage Areas From Wetland in Zone 3 Industrial

Henry Boyd, Millennium Engineering, appeared on behalf of this application. He stated that this lot was owned by Paul LePere. He pointed out that the Planning Board had granted an extension on their case. He said that since the Planning Board case was granted a number of

years ago and the wetlands requirements had been changed since the case was before the Planning Board.

Chris Ragusa, 278 High Street, Newburyport, MA, stated that he was purchasing the property. He wanted to build on this lot. He intends on using one unit for his business and renting out two units. He does millwork for high end construction projects.

T. Thurlow stated that there were restrictions on what types of business could be done in this area due to the fact that this is the area where the town's water supply is.

C. Ragusa stated that he had done some research on these issues.

P. LePere asked how many employees he would have there.

C. Ragusa stated that he would have two in his unit.

H. Therriault asked about the shortage from the wetlands being nine feet.

H. Boyd stated that was correct. He said that the fire department requires access to the building on three sides and due to access ways for this they needed relief from wetland requirements.

H. Therriault asked that the requested footage relief because he didn't like it to be such a general request.

H. Boyd stated that it was from wetland flag A5 to A15 on the plan. He said that it was two feet and higher. He said that at the highest point it was nine feet of relief needed.

P. Garand said that it was all woodland right now. He has when the extension on the site plan was granted.

P. LePere stated the extension was granted in November 2012 to December 2013.

P. LePere stated that wetland relief was not needed for the original site plan.

H. Boyd stated that wetland relief was needed now because of zoning changes.

P. Garand stated that the site already has a fifty foot no-cut buffer zone from the Planning Board and with the new regulations of twenty five feet from the wetlands it makes the lot almost unbuildable. He suggested that the Planning Board site plan be referenced if the request is granted.

H. Therriault asked who would occupy the units.

C. Ragusa stated that he would occupy one unit which he wanted to be 3,000 square feet and he would rent out the other two units that would be 1,500 square feet each.

H. Therriault asked if this would have to go back before the Planning Board for the tenants.

P. Garand said that he was unsure if they would have to.

P. LePere stated that there had been Planning Board extensions on this property due to money issues. He said that industrial property is not his area and that he usually does only residential. He said that this property would be owner occupied.

H. Therriault pointed out that zoning prohibits retail in this area.

H. Boyd said that they just wanted to be able to use the property.

C. Ragusa stated that his unit would have himself, a bookkeeper and the foremen in there. He said that he would probably rent the other units to subcontractors that he knew.

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

	T. Thurlow	H. Therriault	M. Lowry	J. Kelley
1	Yes	Yes	Yes	Yes
2	Yes	Yes	Yes	Yes
3	Yes	Yes	Yes	Yes
4	Yes	Yes	Yes	Yes
5	Yes	Yes	Yes	Yes

Motion: T. Thurlow Grant Variance allowing reduced setbacks from wetlands as
Second: H. Therriault depicted on approved Planning Board site plan
Yes: Unanimous

Case #2013-004 is granted.

Motion: M. Lowry Adjourn meeting.
Second: J. Kelley
Yes: Unanimous

Meeting adjourned at 7:40 PM



Henry Therriault, Chairman



Date