

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

Members Present: Teresa Thurlow, Robin Fales, Henry Therriault, Dr. Robert Lebold and John Kelley

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

H. Therriault opened the meeting at 7PM. He explained the procedure for the meeting. He stated the meeting had been posted at the Seabrook Town Hall and Seabrook Post Office and in the Newburyport Daily News. He further explained that this meeting is being recorded and available on DVD at the Town Hall.

OLD BUSINESS:

Minutes of October 23, 2013 Meeting

Motion: H. Therriault Accept with the following changes:
Second: Dr. Lebold Page 1: "Others Present:Paul Garand, **Coed** Enforcement Officer and Jo-Anne Page, Secretary" change to "Others Present: Paul Garand, **Code** Enforcement Officer and Jo-Anne Page, Secretary" and Page 3:
"Motion: Dr. Lebold Grant the request for Variance with the property being 7% shy of legal size for duplex. The condition acceptable to applicant is to clean up the property by removing all unregistered vehicles, boats and partial vehicles – a general clean-up of the area **and maintain unregistered not to be kept**".
Second: J. Kelley Grant the request for Variance with the property being 7% shy of legal size for duplex. The condition acceptable to applicant is to clean up the property by removing all unregistered vehicles, boats and partial vehicles – a general clean-up of the area"
Yes: Unanimous
"Motion: Dr. Lebold
Second: J. Kelley
Yes: Unanimous
Yes: Unanimous

Minutes of October 23, 2013 accepted with changes.

Case #2013-15 William Walsh, 33 Gove Road, Map 7, Lot 50 for Variance to Section 2 to permit Accessory Building Larger Than 1,080 Square Feet in Zone 2R (CONTINUED FROM OCTOBER 23, 2013)

Robin Fales recused herself from this case.

H. Therriault stated that the ZBA had received the documentation they requested for this application. He also pointed out that there were only four board members to hear this case and that applicant could continue this to the next scheduled meeting. George Fales appeared on behalf of this application at the request of the owner. He stated that he wanted to go forward with this request.

Paul Garand stated this request was for a detached, three car garage with storage above. He said that zoning allows a structure of 1,080 square feet to be built and this request was for just under 1,400 square feet.

G. Fales said the garage will look exactly like what is on the property now and will meet all the setbacks.

J. Kelley asked if this was residential use. He said he didn't think this would detract from anything in the neighborhood.

G. Fales stated that it was for storage only.

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

	T. Rowe	H. Therriault	Dr. Lebold	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: Dr. Lebold Grant variance request for additional residential accessory three car
 Second: H. Therriault garage therefore oversized by approximately 300 feet on property at
 Yes: Unanimous 33 Gove Road. Lot can accommodate this being 27,405 square feet in
 size, structure looks similar to existing residence and meets setbacks.

Request for Variance for 33 Gove Road is granted.

NEW BUSINESS:

Case #2013-18 Steve Carbone, 287 Lafayette Road, Map 9, Lot 64 for Variance to Section 7 (Dimensional Requirements), Sub-section: Table – to Permit Loading Dock Within 15 feet of side setback in Zone 2

P. Garand stated that this property had come before the ZBA in 2010 for a variance to allow storage. He said it had planning board approval but the loading dock setbacks were an issue. He said that he could not write a building permit for the structure without the variance.

Steve Buckley, Attorney appeared on behalf of this application. He stated that with him were Wayne Morrill, Jones & Beach, Mike Todd, Excel Construction and Steve Carbone, applicant.

Attorney Buckley stated the following:

- The plans show the loading dock
- He produced photos showing the parking lot in relation to Starbucks property
- Does not believe loading dock is a structure
- Setbacks are for buildings
- Dock is an intrusion on the back of the property
- Loading dock and parking at Starbucks is similar
- Variance will allow project to be completed
- This will allow the applicant to continue his project
- Property values will not be diminished

H. Therriault asked if it was a concrete open loading dock.

Attorney Buckley stated it was. He said there will be a railing for safety purposes but no overhead structure.

P. Garand stated that there will be a site fence there. He said that the owner has had the foundation put in and the locate dock was not noticed with that permit. He said the building permit cannot be written without this variance. He said that Tom Morgan, Town Planner, said that code dictates a dock is a structure and that this needed to be decided by the ZBA. Attorney Buckley said the fence will go along the length of the driveway.

H. Therriault commented that this was a tight area for tractor trailer traffic. Attorney Buckley stated it was a bit but it worked. Wayne Morrill stated that the driveway and truck issues had been worked out with the Planning Board and the loading docks were on the original building plans. P. Garand also stated that driveways had been a Planning Board issue.

Dr. Lebold questioned the visibility with two tractor trailers there. He questioned having one truck instead. He asked if the ramp could be tampered in size. Attorney Buckley said that it was the same height as Starbucks. He said they are handling dangerous materials and need a full dock for safety. S. Carbone said that the truck distance from the building is set by fire codes and the loading dock has to be a specific size. He said the size could not be changed because of work area needed. He said any change could make the work area dangerous as they do tend to walk backwards with unloading.

M. Todd stated that this space was needed for maneuverability. W. Morrill said the area of the dock is needed for the forklift.

M. Todd stated that the dock shown is at the same level as the building and it is needed for Mr. Carbone's business.

P. Garand stated that this was missed at the beginning and needed to be taken care of. M. Todd said that the building is there and there has not been time to revamp the project because of the oversight.

Dr. Lebold asked how close to the abutter this would be. He also asked if the trucks would be attached to the trailers. P. Garand said it would be five feet from the abutter at the closest point. S. Carbone said the trucks would be attached and they would not be used for storage.

Al Swirka, 42 Lakeshore Drive asked about the loading dock and mentioned all the trees that had been removed. H Therriault stated that the dock was in front. W. Morrill said working with the Planning Board they had kept all the activity to the front of the building and nothing towards the residential.

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

	T. Rowe	R. Fales	H. Therriault	Dr. Lebold	J. Kelley
1	Yes	Yes	Yes	Yes	Yes
2	Yes	Yes	Yes	Yes	Yes
3	Yes	Yes	Yes	No	Yes
4	Yes	Yes	Yes	Yes	Yes
5	Yes	Yes	Yes	Yes	Yes

Motion: Dr. Lebold Grant request for Variance to have a loading dock invading the side line
Second: J. Kelley setback to five (5) feet from property line, these trailers will be attached
Yes: Unanimous to tractors with the condition that a six (6) foot fence to mask loading
dock on south side of the building

Request for Variance at 287 Lafayette Road is granted.

REQUEST FOR REHEARING - Case #2013-17 US Foods, Inc., c/o Jeffrey Barnes, Sr Director of Real Estate, 100 Ledge Road, Map 6, Lot 1 for Variance to Section 16, Sub-section 16.307 to permit Truck Maintenance w/Wash and Diesel Fueling in Aquifer Protection Overlay District

H. Therriault stated that Attorney Mary Ganz had submitted a request for a rehearing on behalf of Sandra Thurlow, 241 Folly Mill Road, one of the abutters. He said that the request was a recap of the hearing and did not feel there was any new evidence presented.

Motion: H. Therriault Having read the request for a rehearing of US Foods Case #2013-17
Second: Dr. Lebold the ZBA feels that all items discussed were gone over in detail during
Yes: Unanimous during the hearing. This included the distances from the fueling and to
Thurlow's well, safety for Town Wells and initial construction and
containment procedures in the fueling area, financial benefits were
briefly discussed but were not part of the decision making process.
Move to deny request for rehearing.

Request for Rehearing for 100 Ledge Road is denied.

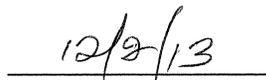
Motion: Dr. Lebold Move to cancel the December 2013 as it falls on Christmas day. The
Second: H. Therriault next scheduled ZBA meeting will be January 2014
Yes: Unanimous

There will be no ZBA Meeting in December 2013.

Motion: H. Therriault Adjourn Meeting
Second: Dr. Lebold
Yes: Unanimous

Meeting adjourned at 7:50 PM.


Henry Therriault, Chairman


Date