

**TOWN OF SEABROOK
BOARD OF ADJUSTMENT
OCTOBER 27, 2009**

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

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

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

OLD BUSINESS:

Minutes of September 23, 2009 Meeting

Motion: Dr. Lebold Accept minutes as presented
 Second: M. Lowry
 Yes: Unanimous

Minutes September 23, 2009 meeting.

NEW BUSINESS:

Case #2009-23 Leo C & Lisa Fowler/Fowler Family Trust, 90 Centennial Street, Map 13, Lot 16, Sequence 1 for Variance to Article II to Permit Garage Structure Larger Than 1,080 Square Feet in Zone 2R

Leo Fowler appeared on behalf of this application. He stated that he and his daughter, Lisa owned the property. He said that the request was to put in a garage.

Dr. Lebold asked if the garage would be beside the home.

L. Fowler said yes and that it would be facing Centennial Street.

H. Therriault asked where the hardship was.

L. Fowler stated that they had three vehicles that they wanted to keep out of the elements.

P. Garand stated that this request is 144 square feet over the allowed 1,080 square feet. He said that it will have a residential look and that it will also be used to store snowmobiles and other equipment.

H. Therriault said that the design fits with the neighborhood.

L. Fowler agreed.

L. Moulton asked if it would meet setback requirements.

P. Garand said that it is a very large lot and he has not seen the setbacks yet.

Dr. Lebold asked if it was already staked out.

L. Fowler said that it was.

M. Lowry asked if this was going to be a two story garage.

L. Fowler said that there was a loft area.

P. Garand said that the second level was a 10 pitch for storage.

H. Therriault said that there was 1.656 acres on this property and he felt that the setbacks should be able to be met.

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

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

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Motion: Dr. Lebold Grant variance for oversized garage.
 Second: M. Lowry
 Yes: Unanimous

Request for Variance at 90 Centennial Street is granted.

Case #2009-24 Jeffrey Druckman, 89 Railroad Avenue, Map 8, Lot 67 for Variance to Article VI, Table 2, Paragraph 4 to Permit 2 feet off setback in Zone 2R

Jeffrey Druckman appeared on behalf of this request. He said that he was requesting a variance on the right side of his property. He said that there is a sliding door in his kitchen and he wants to put wrap around deck along the side to connect the front to back. He said this would be just wide enough to put a grill outside the kitchen door and still be able to walk around. He said he is requesting that this be 4 ½ feet into the setback. He said that the stairs will be towards the back of the property.

Dr. Lebold asked about the size of the deck now.

J. Druckman said it is a bit over 4 feet now and he wants to replace it with a 4 ½ foot deck now that would run along side of the house.

P. Garand said that the existing set of stairs was just place there years ago. He said that the request for this property is actually 8 feet four inches.

Dr. Lebold asked if a new house could be built in the new setbacks if this were to be granted.

P. Garand said that would depend on how the decision is worded.

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

	T. Rowe	H. Therriault	Dr. Lebold	L. Moulton	M. Lowry
1	Yes	Yes	Yes	Yes	Yes
2 A/B	Yes	Yes	Yes	Yes	Yes
3	Yes	Yes	Yes	Yes	Yes
4	Yes	Yes	Yes	Yes	Yes
5	Yes	Yes	Yes	Yes	Yes

Motion: Dr. Lebold Grant request for variance for reduced side setback to be 8 feet to allow a 4 ½ foot
 Second: H. Therriault deck
 Yes: Unanimous

Request for Variance at 89 Railroad Avenue is granted.

Case #2009-25 Paul Carey/Jacqueline Bagley, 17/19/19A South Main Street, Map 15, Lots 35, 36 & 37 for Variance to Permit Proposed Use in Zone C/2R

Attorney Peter Riley appeared on behalf of this application for Paul Carey and Attorney Peter Saari appeared on behalf of Jacqueline Bagley.

Attorney Riley stated that this request had been approved by the Board of Adjustment about two years ago but had never been submitted to the Planning Board.

Dr. Lebold stated that the zoning laws that were in place when this was granted had not changed since that time.

L. Moulton said she was unsure where the property was due to the way the application was written.

Attorney Riley explained that P. Carey's property used to go across Route 286 to Collins Street and was taken when Route 286 was established.

P. Garand said that this would make both lots conforming as was voted in 2007.

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Motion: Dr. Lebold Grant request as the zoning laws have not changed since the first application and
 Second: M. Lowry it was a unanimous vote in 2007 (**See decision for Case 2007-21 below)
 Yes: Dr. Lebold, M. Lowry, T. Rowe, H. Therriault and R. Fales
 Abstain: L. Moulton

Request for Variance granted in Case #2007-21 as per vote and decision of the July 25, 2007 meeting.

****Case #2007-21 Paul Carey & Jacqueline Bagley, 17 & 19 South Main Street & 18 Route 286, Map 15, Lots 35, 36 & 37 to Article VI to Develop Carey Lot With One Dwelling and One in-Law Apartment (Land Swap With Bagley to Make Bagley Lot Conform to Setback Requirements) in Zone 2/2R**

	T. Rowe	M. Lowry	Dr. Fowler	Dr. Lebold	H. Therriault
1	Yes	Yes	Yes	Yes	Yes
2 A/B/C	Yes	Yes	Yes	Yes	Yes
3	Yes	Yes	Yes	Yes	Yes
4	Yes	Yes	Yes	Yes	Yes
5	Yes	Yes	Yes	Yes	Yes

Motion: Dr. Lebold Grant request for Variance with condition that a certified copy of the Superior
 Second: H. Therriault Court Documentation of the settlement and map be filed with the Town of
 Yes: Unanimous Seabrook and the request for family apartment be removed from this request as
 it requires an application of Special Exception

Request for Variance at 17 & 19 South Main Street & 18 Route 286, is granted.**

Other Business

November Meeting

Motion: R. Fales November 2009 Meeting will be on Tuesday, November 24th rather than
 Second: H. Therriault Wednesday, November 25th due to the Thanksgiving Holiday.
 Yes: Unanimous

November 2009 meeting will be on Tuesday, November 24, 2009 at 7PM.

H. Therriault passed information on the new law regarding the criteria for a variance. He stated that this will make voting easier and that money issues are to be taken under consideration. (See attached SB 147).

H. Therriault also advised that DDR has filed a case in Rockingham Superior Court on the decision made for Cases #2009- 12, 13 & 14. He said that Attorney Walter Mitchell's office is handling this matter and it is currently scheduled to be heard on December 9th.

Motion: Dr. Lebold Adjourn
 Second: L. Moulton
 Yes: Unanimous

Meeting adjourned at 7:40PM.

Henry Therriault, Chairman
 Board of Adjustment

DATED: _____