

**TOWN OF SEABROOK
BOARD OF ADJUSTMENT
MINUTES OF SEPTEMBER 28, 2011 MEETING**

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

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 August 24, 2011

Motion: Dr. Lebold Accept minutes as presented
Second: R. Fales
Yes: Dr. Lebold, R. Fales, H. Therriault and T. Rowe
Abstain: M. Lowry

Minutes of August 24, 2011 meeting accepted as presented.

NEW BUSINESS:

Case #2011-09 Charles E. McLaughlin, Trustee of Ledge Two Acres Realty Trust, 11 Ledge Road, Map 2, Lot 54 for Appeal From An Administrative Decision dated July 19, 2011 to Comply with International Residential Code: Section R.105.1, R.110.0, R.303.1 and R.313.1

Attorney Steve Ells appeared on behalf of this application. He stated that the applicant, Charles McLaughlin and Henry Boyd, Millennium Engineering were also in attendance on behalf of this application.

Attorney Ells stated the following:

Issue is that the property has the right to have three units
Building Inspector says it should be a single family residential property
1967 title to the property was obtained
1980 transferred to current trust
1968 the existing structure was moved and basement apartment added
1971 applicant added second story
1968 basement apartment added/1971 second story added – No zoning in place at this time
Building permits have been obtained over the years
2001 there was a fire – Building Inspector looked at property – Reconstruction done to current codes for plumbing, wires and 3 electrical meters
Applicant developed 3 units during 1968 to 1971 when no zoning in place
This property is pre-existing non-conforming

At this point Attorney Ells handed the board members a packet in support of the granting of this request. (See attached Exhibit A). He covered the information in the handout.

Asa Knowles, Bigs Lane, stated that he knows that there has always been someone living in the basement. He knows that there has always been three units at this location.

Charles McLaughlin said that basement apartment was put there when he first moved into the property. He said he was unsure what was on the assessment card for the property. He stated that in the 1970's Ray Latttime told him he needed fire extinguishers and change out the widows for safety reasons.

H. Therriault asked C. McLaughlin if he lived on the property.

C. McLaughlin said that he had always lived on the main floor on this property. He said there was no zoning in place when these units were created and believed they were lawful. He asked the board members to overrule the building inspector.

P. Garand stated the following:

The packet from Attorney Ells showed his signature in 1996 for three units – His job at that time was to verify greywater for sewer connections only and there were three connections at that time
Fire 2001 remodel permit obtained – rough inspection found basement and advised that there could not be a living unit in the basement – remove kitchen
He did sign paperwork for the Water Department to get all units billed for water usage
Unsure of the letters submitted in support of application
1986 the septic application showed to repair system for existing single family home
1986 tax card showed finished basement and that the assessor had been there to check
This is a 100' by 100' lot on 1968 taxes
Building permit records never show extra living units – always listed as single family unit
Basement egress would have to be met
This is an unsafe setting at this location
Applicant has been to ZBA and Planning Board before and never advised them that this was a multi-family unit

T. Rowe asked how many living units were there.

P. Garand said three in original house and three in back parcel on Alison Drive.

Dr. Lebold asked if there was a business there.

P. Garand said that it was non-conforming.

Attorney Ells said this was a 100' by 100' lot with a home with three units in it. He agreed to the building inspector's statements. In 1968 to 1971 there was no zoning therefore no need for permits. He said that the applicant's rights were vested when no zoning was in place. He further pointed out that tax records are hard to locate and all that he found said multiple use two family.

P. Garand stated that the 1976 tax card showed single family residence with barn, shed and pool. He said the 1982 card showed single family residence with basement rec room.

Attorney Ells stated that tax records are notoriously inaccurate. He said that the water bill shows three units and the applicants rights are vested.

T. Rowe questioned the fire and remodel in 2001.

C. McLaughlin said this was for the first floor and basement due to a fire. He said he brought it up to the current codes at that time. He pointed out that his business is on one of the three lots he owns on Alison Drive.

Dr. Lebold asked if there was business done there on Ledge Road.

C. McLaughlin said that it was office only.

Dr. Lebold pointed out that there were three living units and a business on the Ledge Road property.

C. McLaughlin said that was right.

T. Rowe stated that in the 2001 remodel there was zoning in place. She pointed out that three units were not allowed.

Attorney Ells said that he was allowed to reconstruct a non-conforming use after the fire. He said that life safety was brought up to code but three units were vested use.

T. Rowe questioned three units in one building.

P. Garand said a legal unit would be allowed. The applicant was told earlier this year to take out the additional kitchen. He said that the unit was all roughed out when he saw it. He said that the unit is a death trap waiting to happen. Attorney Ells said they agreed to bring the unit into compliance with life safety.

T. Rowe said that the applicant was told this could not be a living unit and he put it in anyway. She felt this was a slap in the face when he put the unit in anyway. She felt that they just wanted the ZBA to sign off on this. She understands rights but when rebuilt the unit should not have been allowed.

C. McLaughlin said that he said he would put in egress.

P. Garand said that in 2001 he told C. McLaughlin's contractor that no separate unit was allowed but the kitchen was put in anyway.

Attorney Ells stated that he had the right.

T. Rowe stated that C. McLaughlin had no right for the extra units. She said he was told in 2001 not to have it and if he had wanted it he should have come to the board at that time.

C. McLaughlin said that if there is a fire he has the right to rebuild what he had.

Dr. Lebold asked if the unit had been rented since 2001.

C. McLaughlin said that it was being rented and he had made the basement windows twice the size.

H. Therriault, to P. Garand, asked if it met with life safety.

P. Garand stated it did not. He said that the stairs are near the boiler and doors do not have the required landing.

C. McLaughlin said that could all be changed.

Dr. Lebold asked about the second floor.

P. Garand said that the permit was to add a second floor and then a kitchen and deck were there. He pointed out that he was never called for inspections on the second floor work. He said there was never permission for extra living units. He said that the Town of Seabrook limits the number of kitchens which are used to determine living units.

H. Boyd stated that he believes the building inspector made an error. He said that in 1968 all knew that there was an apartment there. He said that maybe it needs to be brought up to code but everyone knew there was an apartment there.

A. Knowles said that this should be grandfathered.

T. Rowe stated that there were zoning laws that needed to be followed.

A. Knowles asked about a remodel to the house.

T. Rowe said a remodel can be done but in 2001 C. McLaughlin was told not to put in another living unit.

H. Boyd stated that in 2001 the town had no ability to do away with the grandfathered units that were built prior to zoning.

T. Rowe said this should have been straightened out in 2001.

P. Garand said that in 2001 the contractor took out the apartment and C. McLaughlin could have applied to the ZBA 10 years ago.

Attorney Ells said that C. McLaughlin had the right to reestablish what was legal there and cannot be changed. He said that if a letter had been sent in 2001 it would have been addressed.

T. Rowe said that there was no letter sent in 2001 because the builder had been spoken to.

P. Garand asked how many people were there in 1981.

C. McLaughlin said he did not know.

P. Garand stated that he had paperwork for an exemption from 1981 that showed seven people on the property. He said that when the extra living units were discovered in 2001 it had been taken out and he had never heard from C. McLaughlin about it.

C. McLaughlin said that his apartment is there.

P. Garand said that it was changed in 2001 after he made his inspections. He also pointed out that codes were in place at that time.

Attorney Ells asked about the 2001 tax records.

P. Garand said they showed two units, possibly three but assessing was not allowed entry to the building.

Attorney Ells said some records show three units and that is what he was taxed on. He said C. McLaughlin has vested right and just needs to comply with life safety codes.

M. Lowry suggested that this case be run by town counsel.

H. Therriault said that was a good idea.

Motion: M. Lowry Forward Case 2011-09 to Town Counsel and hold application to the October
Second: T. Rowe 26, 2011 meeting.
Yes: Unanimous

Case #2011-09 will be forward to Town Counsel for review and application will be on the October 26, 2011 agenda.

Case #2011-010 Moore Family Trust, Robert S. Moore, 10 Moore's Lane, Map 9, Lot 41, Sequence 2 for Variance to Section 6 to Permit Reduced Frontage in Zone 2R

R. Moore appeared on behalf of this application. He stated that he wanted to split his 52,000 square foot lot up for two of his grandchildren. He said that frontage is the issue for this split.

Dr. Lebold asked about splitting it up into equal sizes.

R. Moore said he could not do this because of the utility run and the fact that he wanted to keep some of the back area wooded. He said this would make two taxable lots for living units.

Dr. Lebold asked if he would be agreeable to single family homes only.

R. Moore said that he would agree to this.

H. Therriault said this could be a request for two variances for non-conforming frontage.

P. Garand said that there was just one variance needed for the lots and that the size was okay.

H. Therriault asked if property from an adjacent lot could be given to this lot to help with road frontage.

B. Moore said there is a well there and this request will help separate ownership.

H. Boyd stated that this request will help with loans. He said he is in full support of the request on the plan submitted.

B. Moore said that there would be one house on each lot.

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

	T. Rowe	R. Fales	H. Therriault	Dr. Lebold	M. Lowry
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: Dr. Lebold Grant variance for frontage relief at 10 Moore's Lane to 79.97' and 20.03' with the
Second: M. Lowry condition of one single family home per lot due to a problem with existing well on
Yes: Unanimous adjacent property close to property line too close to take 20 feet from adjacent
property.

Case #2011-10 request for Variance to frontage at 10 Moore's Lane is granted.

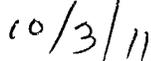
Other Business

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

Meeting adjourned at 8:15 PM.



Henry Therriault, Chairman



Date

PRE-SEWER CONNECTION CHECKLIST

Received
12/28/01
7:05 PM Stage
COPY
Exhibit A

Just
8 AM

COPY

CONTRACT #
CONTRACTOR:

NAME: Two Acre Realty Trust
Claremont Rena ml Loughlin
ADDRESS: 11 Ledge Dr.
P.O. Box 116 Seabrook

TEL # 394-7816
MAP/LOT 2-54-0

TRAPS FOR EACH FIXTURE

COMMENTS: KIT. OK LAV OK WASHES OK

VENT SYSTEM

COMMENTS: 4" vent OK

CLEAN OUTS

COMMENTS: OK

NUMBER OF PIPES LEAVING BUILDING

COMMENTS: (3) Basement. not ok / 23 / AT BACK OF HOUSE

(2) main sewer (1) Grey water

GREY WATER CONNECTIONS TO BUILDING DRAIN

COMMENTS: OK

GREY WATER CONNECTIONS TO BUILDING SEWER

COMMENTS: WASHER must be connected to main

Sewer.

FOLLOW-UP REQUIRED: yes Greywater (TALK TO MIKE ABOUT

Basement DEVIATION also expect wire leaves rear of house

DATE CORRECTION(S) TO BE DONE BY: ASAP.

BACKWATER VALVE REQUIRED? YES/NO

SIGNED/DATE: Paul Sarand

letter sent
6-23-98

TOWN OF SEABROOK, NEW HAMPSHIRE HOUSE SERVICE CONNECTION TIES CONTRACT #11

COPY

HOUSE: 11

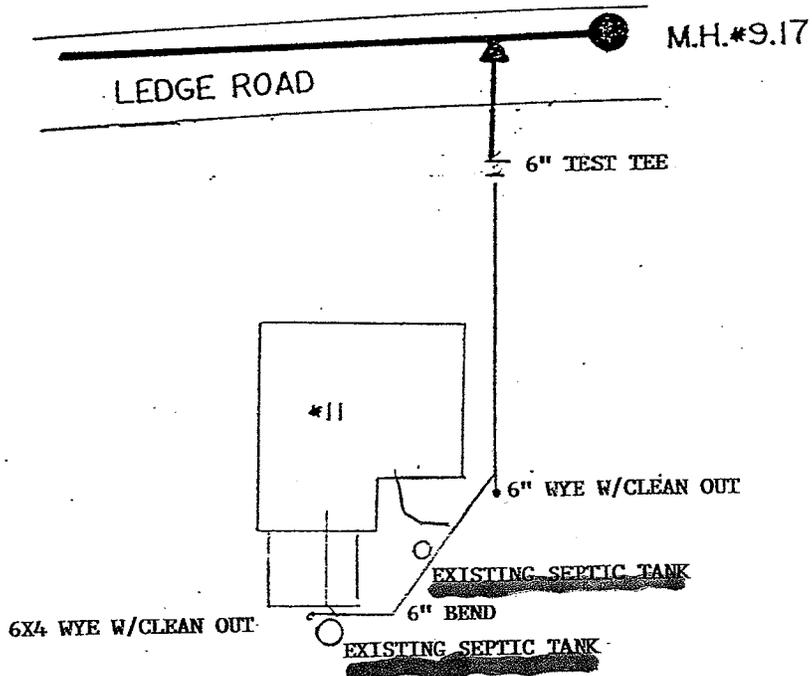
MAP: 2 LOT: 54 SEQUENCE: 0

LINEAR FT. FROM SEWER MAIN TO TEST TEE 25

DEPTH: 6

Measured by M. Fowler 12-16-97
@ 115'

ER Bailey



SCALE 1" = 40'

ACCT # 119050 LOCATION 0011 LEDGE RD
 OWNER:
 TWO ACRE REALTY TRUST
 % CHARLES & RENA MCLAUGHLIN
 P O BOX 116
 SEABROOK NH 03874 0000
 TENANT:

SEABROOK
 PHONE# 0000000000
 M OR S M PENALTY-
 CLASS UNITS - 0001
 CODE-W/S/B B PRECNCT- U
 METER TYPE TYPE - D
 METER #
 METER SIZE 00 EXEMPT -
 FREQ 0 PR TYPE- 01
 CYCLE# 0 G/C -
 MET INSTALL DATE 000000
 LAST READING DATE 052301
 LAST READING 000000000
 LAST CMPD RD 000000000
 LAST BILLING DATE 052301
 PAST DUE DATE 123101
 LAST PAYMENT DATE 060800
 LAST PAYMENT AMOUNT 0012000
 MAPLOT# ----- 02054000
 NEW METER#
 OLD READING 000000000
 NEW READING 000000000
 OLD CMPD RD 000000000
 NEW CMPD RD 000000000
 DATE CHANGED 000000

000000
 ACCOUNT BALANCE 0012000
 REMARK HOUSE
 ADDED CHARGES 000000 000000
 MISC CHRG #1 \$ 00000 TRANSFERED 000000
 MISC CODE 1 CHRG OVRD 00000000
 MISC CHRG #2 \$ 00000
 MISC CODE 2
 MISC CHRG #3 \$ 00000
 MISC CODE 3
 MISC CHRG #4 \$ 00000
 MISC CODE 4

Site MSP. 6-4-01

Three units in house

Paul Garand

pick up 2 units for 2001
 Sewer & water

Warren B. Knowles 6/5/01

September 21, 2011

To whom it may concern,

I, Alex McKenzie, delivered heating oil to Mr. Charles McLaughlin's home at 11 Ledge Road, Seabrook, NH. from 1971 thru 1985, and observed the 3 family units at that home.

Mr. Alex McKenzie

Alex McKenzie

63 Ann Lane
Hampton

BAGLEY'S ELECTRIC, INC.
179 Lower Collins Street
Seabrook, NH 03874
603-394-7973

September 24, 2011

To Whom It May Concern:

I, Charles Bagley, owner of Bagley's Electric, Inc., 179 Lower Collins Street, Seabrook, N.H., in 1968 did the electrical wiring of the basement apartment at 11 Ledge Road, Seabrook.

In 1971, when Mr. John Crandall added the second story apartment, I did the electrical wiring there also.

In 2001, after the fire damage to the home, I did the electrical wiring to comply with the current building codes.


Charlie Bagley
Bagley's Electric, Inc.
179 Lower Collins Street
Seabrook, N.H. 03874

Town of Seabrook

Zoning Board of Adjustment

In 1968 I installed two separate septic systems at 11 Ledge Road, Seabrook. One was for the basement apartment and one for the second floor/main home.

A handwritten signature in cursive script that reads "Corydon Perkins".

Mr. Corydon Perkins

Walton Road

Seabrook, New Hampshire

Town of Seabrook

Wastewater Treatment Plant
Wright's Island
P.O, Box 456
Seabrook, New Hampshire 03874
Telephone (603) 474-8012 Fax (603) 474-8014
Administrative Office (603) 474-8030

MEMO

To: Whom it may concern

From: Warner Knowles, Sewer Superintendent

Date: September 20, 2011

Subject: Apartment

I Warner B. Knowles have worked for the Town of Seabrook since January 5th 1972, as far back as I can remember Charlie Mc Laughlin has always had three units.

Respectfully Submitted,



Warner B Knowles
Wastewater Superintendent

WBK/slm