

**TOWN OF SEABROOK  
BOARD OF ADJUSTMENT  
MINUTES OF April 22, 2015**

Board Members: Teresa Rowe Thurlow, Robin Fales, Henry Therriault, Dr. Lebold, Mike Lowry

Other Members: Steve Zalewski Building Inspector, Morgan O'Connor Secretary

Meeting started at 7:00 PM

H. Therriault opened the meeting at 7:15PM. He explained the procedure of the meeting. He explained that 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 at the Town hall.

Minutes of March 25<sup>th</sup> meeting

Motion: Henry Accept Minutes of March 25, 2015  
2<sup>nd</sup>: Robin  
2 abstain Dr. Lebold, Mike  
3 Yes Teresa, Robin, Henry

Minutes of April 1<sup>st</sup> Meeting

Motion: Mike Accept Minutes of April 1, 2015  
2<sup>nd</sup>: Robin  
3 Yes Henry, Mike, Robin  
2 No Dr. Lebold, Teresa

**New Business:**

Case #2015-008 The Kane Company, 319 Route 107, Map 2, Lot 41, for Variance to Section 16, Sub-section 401, 402, 403 to permit Storage Use & Handling of Regulated Substances in Zone 3 - Industrial

**Gordon Leabe:** Applicant Kane Company wants to purchase the Yankee Greyhound for re development. We have been working with the planning board. On this property now there is

only allowed 5 gallons of a substance. The planning board voted on changing the language and they approved it but it was not changed in the warrant article. We are talking about common everyday use chemicals; once they chemicals are used they may become hazardous waste such as salt. The site we are talking about is further to the west near the old kennels where the dogs were kept on previous development. All the drainage goes out the east of the property and that is important because it's away from the aquifer.

**Tim Kidder:** I will walk you through the 5 legal issues to a variance. To me this is a request to bring new jobs to Seabrook and to want to protect the aquifer. The sites drainage is away from the aquifer and it's a large 85 acre track. This is an alternative with less restricted area with the same result. No one is going to buy this piece of property if this is not granted, we won't take that risk and no one else will either.

1. The Variance is not contrary to the public's interest, without this variance nothing will be possible on this lot. This is a contribute to employment and opportunities. We are protecting the aquifer.
2. Spirit of ordinance observes spirit. This doesn't make sense for a industrial lot without a industrial business using it.
3. Granting Variance does substantial justice, this allows an industrial property be used for industrial business.
4. Granting Variance doesn't affect other properties. This won't change anything for the surrounding properties.
5. Industrial business has to use more than 5 gallons if this doesn't pass then no industrial business can use it.

**Tim Kidder:** The business that would be using this would have to get the planning boards acceptance on everything used in the building. This property is unique and an industrial business should be able to use this industrial property. This was recognized by the planning board but the language never made it to the warrant. It is not fair to not allow an industrial business into industrial property.

**Henry:** You represent the Kane Company

**Tim:** Interest in LLC.

**Henry:** They aren't operating or building?

**Mike Kane:** We are buying the lot and developing we are not taking over were just developing.

**Mike Kane:** We are creating an industrial park.

**Henry:** ZBA can't make a decision until I see a plan I can't give you a blank check for this.

**Mike Kane:** The lot could change a little. When the Planning board made the ordinates some how they got left out when it goes to the election. We want to bring businesses into this town

but we can't without having more than 5 gallons. All we are asking is to give the power to the planning board to make the decision on what can go on to the lot, they have to bring everything to the planning board and if they approve then it can go on and if they object then they will not be able to bring that substance on.

**Dr. Lebold:** The way your application regulated makes it seem like a hazardous waste dump.

**Mike Kane:** The literal request is if someone wants to bring hazardous waste on they have to go to the planning board to have it reviewed and they will have to say yes or no. We are requesting for a process. We want the town to control everything that goes on the site.

**Henry:** Take it to the planning board when you have a plan with a company that wants to come into that lot.

**Mike Kane:** We have to start at this board first. The planning board is set up to help regulate usages. They are experts on usage so give them the ability to what goes on this lot. No one will come for zoning, so what we are saying is give the planning board control to regulate what goes on and off this property.

**Henry:** If it wasn't in the planning board's warrant then the voters didn't vote on it.

**Mike Kane:** They wanted it in.

**Teresa:** We can't give you a blank check for it.

**Mike Kane:** You're not letting anyone on the property.

**Dr. Lebold:** They voted on a different language, if they want to change the language they will have to wait till the next election.

**Gordon:** Say the language was on the warrant and if the town didn't pass it then there would be no restriction. We are talking about usage inside of a building we know any normal industrial user uses 1 of thousand substances.

**Steve Grill:** This is a distress property unless this property can be developed. The planning board will have to approve everything all you have to do is give them the approval. Nothing is going on this property with your variance, as an owner we are suffering a hardship. We hope the board considers this.

**Bobby Hantz:** The application is here for the first step, he can't just go to the planning board he needs to come here first to get your approval. No industrial business can get away with using 5 gallons of a substance. The applicant has to follow a process and it starts with you first then goes to the planning board and this is a process that has to be followed.

**Henry:** Is there anyone else to support the application?

**Steve:** Are you going to allow people who are against the application talk?

**Henry:** No I'm ready to make a motion.

Motion: Henry                      Move to deny this application due to various reason that we talked about earlier.

2<sup>nd</sup>: Dr. Lebold

4 Yes Teresa, Robin, Henry, Dr. Lebold

1 Abstain Mike

Motion: Dr. Lebold                      To correct out Bi-Laws to match the RSA from 7 to 10 days.

2<sup>nd</sup>: Mike

Unanimous

Henry: This is an email concerning the bill 146 that every residential lot in town will be a duplex.

Teresa: So an 800 Square foot can be a duplex?

Henry: Does anyone else have any business to bring forward?

Motion: Robin                              To go off air to discuss secretary position.

2<sup>nd</sup>: Dr. Lebold

Unanimous

Motion: Robin                              To adjourn.

2<sup>nd</sup>: Dr. Lebold

Unanimous

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Henry Therriault Chairman